

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, June 5, 2013

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on Wednesday, June 5, 2013, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James B. Skelton, with the following present: Chair Pro Tem Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Mr. Richard Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Chris Chronis, Chief Financial Officer; Mr. Jim Jefferies, Firefighter, Station 36A; Deputy John Scaglione, Road Patrol, Sheriff; Mr. Robert Parnacott, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Mr. Mark Masterson, Director, Department of Corrections; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Jeanette Livingston, Grants Manager; Ms. Kristi Zukovich, Director, Communications; Ms. Amanda Lee, Deputy County Clerk; and Ms. Jill Bailey, Deputy County Clerk.

GUESTS

*Mr. Joe Norton, Bond Counsel, Gilmore & Bell
Mr. Arthur Wood, 3300 West 77th Street North, Valley Center
Mr. Sam Herr, 8147 Buena Vista, Valley Center
Ms. Pam Herr, 8147 Buena Vista, Valley Center
Mr. Dillard Duerksen, 3800 Rio Grande Circle, Valley Center
Mr. Tom Randel, 3801 Rio Grande Circle, Valley Center
Mr. Jacques Fluker, 3819 Rio Grande Circle, Valley Center
Mr. Mark Koehn, 3700 West 77th Street North, Valley Center
Ms. Mona Stein, 3901 Palos Verdes Circle, Valley Center
Mr. Kevin Cade, 3901 West Rio Grande Circle, Valley Center
Mr. Daryl Dunn, 3900 Palos Verdes Circle, Valley Center
Mr. Kevin Plank, 3601 Palos Verdes Circle, Valley Center
Mr. Bob Hamblin, 8125 Buena Vista, Valley Center
Mr. Melvin Kincheloe, 7953 North West Street, Valley Center
Mr. Stacy Lacy, 4010 Rio Grande, Valley Center
Ms. Denise Lacy, 4010 Rio Grande, Valley Center
Mr. Don Wille, 4215 Rio Grande, Valley Center
Mr. John Oliver, 8146 Buena Vista, Valley Center
Mr. Timothy Henson, 3900 West 77th Street North, Valley Center
Mr. Joe Pile, City Administrator, Valley Center*

INVOCATION: Pastor Kurtis Haynes; Westview Baptist Church.

FLAG SALUTE

ROLL CALL

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

Chairman Skelton said, "I just would note Commissioner Peterjohn will be joining us very shortly. Next item."

NEW BUSINESS

A [13-0412](#)

PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR INTERNAL IMPROVEMENTS IN THE COUNTY.

Presented by: Joe L Norton, Gilmore & Bell, PC, Bond Counsel.

RECOMMENDED ACTION: Conduct public hearing, receive comments and close public hearing. Adopt the resolution.

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, greeted the Commissioners and said, "For consideration this morning is a public hearing resolution authorizing special assessments to be levied against certain property for the construction of public improvements. Those projects were instituted by petition 100 percent of the property owners liable for assessment. On May 22nd, you approved the final statements of costs, the assessment role, and set today at 9:00 a.m., or soon thereafter, as the date and time for the public hearing.

"Published notice of that hearing was put in the [Wichita] Eagle on the 24th and mailed to each individual property owner. The proposed benefit district is located at the intersection of Greenwich Road and 31st Street South. There are three parcels within the benefit district, and the method of assessment is basically on a square foot basis to spread the cost based on the size of the property involved. Public Works and Finance have put together the final cost statement, which is \$58,869.09, which is less than the original estimated amount of \$60,500.

"At the conclusion of the public hearing today, there will be a resolution for you to consider which will levy these assessments. If that is adopted, that resolution will be published and notice of assessment will be mailed to each individual property owner providing they have the opportunity until July 8th to pay those assessments in full or in part. If the assessments are not paid, then they will be included as part of the county's general obligation bond issue later this summer and financed. It would be appropriate now for the Chairman to open the public hearing. Public Works, or myself, or Finance would be happy to address any questions you may have prior to that hearing or afterwards."

Chairman Skelton said, "Thank you. Are there any questions by Commissioners at this point? Is there anybody that wishes to speak on this item present? Okay, I'll ask again. Is there anybody here that wants to make comments at this public hearing? I will see no one and recognize no one, and the public hearing will be closed. Additional comments and/or motion by Commissioners?"

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Absent</i>

Commissioner Ranzau *Aye*
Commissioner Unruh *Aye*
Chairman Skelton *Aye*

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

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

B [13-0377](#)

PUBLIC HEARING AND RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS FOR THE BENEFIT OF CATHOLIC CARE CENTER AND VIA CHRISTI HOSPITAL ON ST. TERESA BY THE WISCONSIN HEALTH AND EDUCATIONAL FACILITIES AUTHORITY. Presented By: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Open hearing and receive public comment, close the public hearing, and adopt the resolution.

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "Over the years, both the City of Wichita and Sedgwick County have issued industrial revenue bonds (IRB) that have been used by Via Christi to finance various facilities in the community. Under federal law, the beneficiary of industrial revenue bonds is not required to use the proceeds of those bonds in the jurisdiction of the issuer, but can use them in other jurisdictions. If they do that, however, they have to have the consent of that other jurisdiction, and that other jurisdiction has to conduct a public hearing called a TEFRA (Tax Equity and Fiscal Responsibility) hearing before giving that consent. The action that's before you today is a TEFRA hearing to give consent to Ascension [Health], the new owners of the Via Christi hospital system, to use the proceeds of bonds that they propose to sell in the State of Wisconsin to redeem the industrial revenue bonds that previously had been issued here in Sedgwick County by the City of Wichita and by the county government.

"The public hearing notice has been published, as is required by law, and you have a copy of that notice in your backup documents. It would be appropriate for you at this time to open the public hearing and ask if there is any public comment and then at the conclusion to have whatever discussion you choose to have and get questions answered, if you have any questions, and then we would ask you to approve the resolution that's before you, consenting to the issuance of those Wisconsin bonds and their use here in Sedgwick County."

Chairman Skelton said, "Okay. Before the public hearing, is there any Commissioners that have any questions? Seeing no Commissioners that have questions, is there anybody present that wishes to speak on the matter of these revenue bonds? Is anyone present to speak on this item? I don't see anybody, so the public hearing will be closed and return comments to the bench, and the Chairman will entertain a further discussion and/or motion. Commissioner Norton."

Commissioner Norton said, "Chris, this is a procedure that is not an anomaly. There are procedures and laws that govern this. Although we don't do it very often, it is authorized by state law and national law."

Mr. Chronis said, "That is correct, yes. And I should point out that I'm not a lawyer, but we have lots of lawyers in the room here who can answer your legal questions. The representatives of Ascension and Via Christi are from Triplett, Woolf [& Garretson, LLC] and they are in the room here and can answer your questions. And we also have our bond council, Joe Norton, who can answer legal questions that you might have."

Commissioner Norton said, "Well, this is just a very unusual procedure that has come

before us, I just wanted to be sure that..."

Mr. Chronis said, "It is. We have been on the other end of this transaction, as well. We have issued industrial revenue bonds in the past for Raytheon, when it was Raytheon, and they used the proceeds of those bonds in Saline County."

Commissioner Norton said, "That's all I have, Mr. Chair."

Chairman Skelton said, "Questions by other Commissioners, please. Yes, sir."

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

C [13-0376](#)

RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN CATHOLIC CARE CENTER FACILITIES FINANCED WITH THE PROCEEDS OF INDUSTRIAL REVENUE BONDS OF THE COUNTY BACK TO THE TENANT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A SPECIAL WARRANTY DEED, (2) A BILL OF SALE, (3) A TERMINATION AND RELEASE OF LEASE, AND (4) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE. Presented by: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Chronis said, "This is a follow on to the prior item. The county industrial revenue bonds that were used by Via Christi were used to finance the Catholic Care Center. The bond conveyance associated with that issue obligate the county once those bonds have been redeemed to transfer title to the property to Via Christi. The action that's before you now is a resolution authorizing the conveyance of title to the Catholic Care Center to Ascension Via Christi once the Sedgwick County industrial revenue bonds have been redeemed with the proceeds of those bonds that are proposed to be sold in Wisconsin. If you have any questions, again, we have lots of lawyers in the room who would be happy to answer them. If you have no questions, then I would recommend that you approve the resolutions before you."

Chairman Skelton said, "Okay, Commissioner Norton, please."

Commissioner Norton said, "Once again, Chris, this is a pretty normal procedure. It's followed by the rules that we established when we did the IRB's for Via Christi, is that correct?"

Mr. Chronis said, "Yes."

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

Chairman Skelton said, "Okay, thank you. Is there additional questions by Commissioners? The Chairman will entertain a motion."

MOTION

Commissioner Unruh moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

- D [13-0395](#) RESOLUTION REQUESTING THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION TO PROCEED WITH THE SALE OF REVENUE BONDS FOR THE PURPOSE OF ACQUIRING A PUBLIC BUILDING FROM THE BOARD OF TRUSTEES OF WICHITA STATE UNIVERSITY; DECLARING AN INTENT TO ENTER INTO A LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION AND A SUBLEASE WITH THE WICHITA STATE UNIVERSITY BOARD OF TRUSTEES RELATING TO SAID REVENUE BONDS; AND MAKING CERTAIN FINDINGS REGARDING OFFERING DOCUMENTS RELATED THERETO.
Presented by: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Chronis said, "Commissioners, we have been asked by the board of trustees at Wichita State University (WSU) to assist them in obtaining lower financing costs for transactions that were sold in years past by the City of Wichita Public Building Commission. The action that's before you is a resolution requesting that the Sedgwick County Public Building Commission take actions to issue not more than \$6.1 million of bonds, of industrial revenue bonds, that would be repaid with the proceeds of the Wichita State University mill levy that you impose each year. The bond proceeds would be used by the Public Building Commission to lease the Woodman Alumni Center from the board of trustees, and then to sublease that building to Sedgwick County. Sedgwick County in turn would sublease that building back to the board of trustees, and in all of those transactions, the board of trustees would authorize Sedgwick County to withhold from the mill levy proceeds sufficient revenues to make the lease payments to the Public Building Commission, and the Public Building Commission in turn will use those lease payments to pay off the debt.

"The outstanding bonds that have been issued by the City of Wichita have a final maturity date of 2017, and it is not expected that these new bonds would extend beyond that end date. The resolution that's before you requests the action of the Public Building Commission subject to certain conditions. One of those conditions is that the amount of money not exceed \$6.1 million. Another condition is that the debt service be substantially equal each year during the life of the bonds, and the final condition is that the true interest cost on those bonds not exceed two percent.

"The resolution goes on to provide a pledge, a designation of the mill levy revenues towards payment of the lease that you would exercise with, that Wichita State University would exercise with you and that you would exercise with the Public Building Commission. It goes on to give all of the appropriate authorizations for actions that are required leading up to the bond issue.

"In this resolution, you are giving consent to release of a preliminary offering statement by the Public Building Commission. You're authorizing the execution of various legal documents associated with the bond resolution and bond issuance. If you have any questions, I'd be happy to try and answer them. This resolution was drafted by Garth Herrmann of the firm of Gilmore and Bell, who is or bond council, and the Public

Building Commissions bond council. Both he and Joe Norton are in the room and would be happy to answer any legal questions you have about this transaction. If you have no questions, then I would recommend that you approve the resolution that is before you."

Chairman Skelton said, "Thank you very much, sir. Commissioner Norton."

Commissioner Norton said, "Chris, once again, this is a pretty unusual procedure, but it's gone through the scrutiny of legal, and we feel that this is an okay procedure to go through?"

Mr. Chronis said, "Yes, sir."

Commissioner Norton said, "It was precipitated because the city does no longer have a Public Building Commission, and the county does, is that correct?"

Mr. Chronis said, "The city has a Public Building Commission only because they have outstanding Public Building Commission bonds for Wichita State [University]. They no longer need a Public Building Commission, and they would like to eliminate it, and they have told me that they plan to do that upon redemption of these bonds."

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

Chairman Skelton said, "Additional questions? Commissioner Ranzau, please."

Commissioner Ranzau said, "Chris, just to clarify, this will not extend the time we have to pay off this debt beyond 2017. It will be just like it was before."

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

Commissioner Ranzau said, "It will not commit us to do, you're levying the 1.5 mill levy beyond 2017."

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

Commissioner Ranzau said, "2017. Okay, thank you."

Chairman Skelton said, "Additional questions by Commissioners? Seeing none, the Chairman will entertain a motion."

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Norton Aye

Commissioner Peterjohn	Absent
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Mr. Chronis said, "Thank you."

Chairman Skelton said, "Okay. At this time, we have an off-agenda item regarding, we're just going to confirm some appointments here. "

Mr. Buchanan said, "Mr. Chairman, this has to do with the recognition of some of our employees. This is an item that Commissioner Peterjohn requested. I would recommend we proceed with it now so that these good folks can be recognized and go about their business of providing public safety."

Chairman Skelton said, "Okay. This is correct. There is another off agenda idea I was confusing this with. But, absolutely, let's take this right now."

MOTION

Commissioner Unruh moved to take the Off Agenda Item.

Commissioner Norton seconded the motion.

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

VOTE

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

OFF AGENDA ITEM

Chairman Skelton said, "Thank you."

Mr. Buchanan said, "Mr. Chairman and Commissioners, a week or so ago, there had been an insurance group that got together and awarded some, recognized some of our employees. Janessa Dickson is the Sedgwick County Emergency Medical Service (EMS) employee of the, [Emergency] Medical Service winner for the year. We have Jim Jefferies, and I think Mr. Jefferies is here. Good morning. And we'll ask him to come up here in a second as the Firefighter of the Year. We have Stephanie Ricker, who is an Emergency Communications Person of the Year, and John Scagkione, is the Sheriff's office, and I believe he's here.

"We thought it would be appropriate for us to take this opportunity, the Wichita Area Insurance Professionals Public Relations Breakfast was on May 23rd, and that's where

they were awarded these prize awards. It just is another opportunity for us to say thank you for the good service that our county employees do, and these people do it every day, 24 hours a day, to make sure that you and I have a safe place to live and work and play. So Mr. Chairman, if you would receive and file, and we could ask the two recipients to come up here. If they would like to have a 20, 30 minute speech, they're more than welcome."

Chairman Skelton said, "Twenty, thirty minutes? Okay. Just as long as we keep it under an hour."

MOTION

Commissioner Norton moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Buchanan said, "And I do want to make sure for the record that it was Commissioner Peterjohn is the one who brought this to our attention yesterday. I'm sure he's going to be disappointed that he missed this. Jim, come on up. Tell us why you won the award."

Mr. Jim Jefferies, Firefighter, Station 36A, greeted the Commissioners and said, "I was nominated and received the award for my actions on the April 14th tornado that hit the Oaklawn area. I would like to say I'm just a member of, one person of a crew. The rest of my crew, there's four members of that crew, was there that night, and I don't feel like I did anything out of the ordinary that they would've done as well. I just happened to be in that spot. That's where I was assigned to take care of several patients at the entrance to that mobile home park.

"In light of the recent events down in Oklahoma City, I'm sure you all can realize that not one individual can mitigate anything like that. A tornado is a big event. So I will humbly accept any recognition, but it's, I'm just one member of a team. So also I'd also like to say that April 26th of 1991, I was working, that was the Andover tornado. I was stationed on the east side of the county that day. In early May of [19]99, I was stationed at Station 34 in Haysville when that tornado came through. My current assignment is Station 36[A] down in the Derby area, and I was there the day of the tornado last year. So just a word to the wise, if the forecasters are saying tornadoes, you might want to call the administrative offices and ask if Jim is working that day."

Mr. Buchanan said, "John, could you come forward, please? Tell us why you were

nominated.”

Deputy John Scaglione, Road Patrol, Sheriff, greeted the Commissioners and said, “On the 25th of January, I received a call to an injury accident located at K-15 [Highway] and 47th [Street]. When I arrived on scene, there was a cement truck that had been overturned, and it was on the railroad tracks. After further investigation, I found out that the driver was trapped underneath the door inside the vehicle. I assisted in getting him out of there before the train that we tried to stop showed up. Trains look a lot bigger coming at you than they do when you're just watching them go by. Again, just like Jim said, I mean, we're out there to serve the public, and that's what we do. We would give our lives for anybody, and we're proud to be a part of this organization. I am, I did nothing that another officer wouldn't do. So thank you, guys. Thank you for the recognition.”

Mr. Buchanan said, “Congratulations. Thank you.”

Chairman Skelton said, “Thank you, we have a comment by Commissioner Norton.”

Commissioner Norton said, “Jim, John, and Stephanie and Janessa are not here today, you find out real quick as an elected official what first responders do for you. One of those tornadoes you described, Jim, I was intimately involved in, too. We're so blessed in our community to have the group of first responders, folks that every day wake up and think about the safety of the public and are willing to do whatever it takes both for individuals and the community at large to keep them safe and out of harm's way and to help mitigate their lives when it's at the worst part of their lives. When they're threatened, when they're sad, when they have loss, when they're angry about all of that. You're on the spot helping take care of the public.

“So we very much honor that, and thanks to the women's insurance society [sic] for bringing that to the forefront and for honoring public service officials every year, but we're very proud of you and proud of the teams that you represent for doing the work that you do every day. Many times, very thankless work. I often rail against the general public that gets a little edgy about government employees, and you have to remember that Firefighters and Sheriffs and 911 operators and emergency vehicle operators are government employees, and they keep us safe, and they work hard for what they do for the public every day. So we owe them a debt of gratitude for what they do. It's more than just a government job to them. It is more than just a government job. It is their life's work, and they think of it that way every day. If you've ever talked to anybody that's a first responder. That's all I have.”

Chairman Skelton said, “Thank you. My comments, I want to recognize each of you for your proactive courage and dedication to public safety, putting yourselves in harm's way, none of those are small things to me. I want to say God bless you all. So, let's give them a hand. Very well done. Okay, next item.”

Mr. Buchanan said, “Thank you.”

E [13-0397](#) PUBLIC HEARING PETITION FOR DE-ANNEXATION OF LAND FROM THE CITY OF VALLEY CENTER BY CERTAIN LANDOWNERS IN THE RANCHOS DEL RIO AND RANCHOS DEL RIO SECOND ADDITIONS. Presented by: Robert W. Parnacott, Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing, receive testimony from the landowners and representatives of the city, close the public hearing and make a finding whether or not the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein.

VISUAL PRESENTATION

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I've got a map up on the screen. In May 2005, Valley Center annexed the Ranchos Del Rio and Ranchos Del Rio Second Additions, those are shown in shading on both sides of West Street between 77th [Street] and 81st Street. Ranchos Del Rio, first, is on the east side, and then the second addition is on the west. The service plan was prepared by the city to show which services they would extend to that area upon annexation. You were required in August of 2010 to hold a five year post annexation review hearing. You did that. At that time, after hearing testimony from the city and the landowners you made a finding that the city had not provided certain services, and those were essentially animal control services, they had failed to adopt a street light policy within that five year period, and then there were some concerns about the street maintenance being provided to the area.

"Under the annexation laws then, the city had two and a half years to provide those services. At the end of 2.5 years, any landowner could petition for de-annexation if they felt the services were still not being provided. We received that petition on April 23rd. It was signed by all but about 4 or 5 of the 54 landowners in the area. The four or five parcels that are shaded in a different color are the ones that did not sign the petition. One of those, however, the Nellie Peters parcel, which is at 7810 Buena Vista, and I'll use my cursor to kind of show you. It's this one down here. It's the one farthest to the west down here on 77th. It turns out that I think we have adequate signatures for that parcel. So you should consider that as part of the petition area. Following receiving the petition, you set a hearing date for today. Notice was provided to the city, the landowners, the township, and we had to send notices to other taxing subdivisions in the area, which included the Fire District, the Hillside Cemetery District and USD (Unified School District) 262. So we provided all the notices we were required to.

"The purpose of your hearing today is to determine whether the city did fail to provide those services during that 2.5 year period in accordance with the service plan. You're allowed to only receive testimony from the city or the landowners. We did receive a faxed letter yesterday from former commissioner Kelly Parks, who obviously lives in that area, was on the Board at the time of the original finding in 2010, also served as a former Valley Center Police Commissioner, and as valuable as his comments might have been, since he's not a landowner in the area or a representative of the city, you really can't consider those comments as part of your evidence. We did provide, as a courtesy, a copy of the letter to each of you and to both sides involved in the petition.

"So, after the hearing is done, after you've heard all the evidence, and if you have

determined the city has failed to provide the services, you have to go one step further before you can order de-annexation. You have to make a determination that there would not be an adverse impact on the health, safety, and welfare of the residents of the city or the subdivisions asking to be de-annexed. You have been provided a notebook that includes all the materials from your 2010 proceeding. There was a report prepared by the city that was sent to you before the hearing date, as well. It's in there. That was provided to the landowners as well. There have been some other materials that have been submitted. You have a complete set of those, at this point, they can be considered as part of the record.

"At this point, I think you're about ready to open the public hearing. We've had some discussions on the process. Landowners are the petitioners, so they will speak first. Because of the number of speakers, you want to limit their comments, I think, to three minutes each. We do have two landowners that have specifically requested five minutes, Art Wood and Samuel Herr. So they would like five minutes. I think some of the other landowners that did sign up to speak may not need to speak after everything is said and done, so I think you will have time to consider those five minute remarks, as well.

"Following all of the landowners' testimony, the city has asked for 15 minutes to make their presentation. I believe Joel Pile, the City Administrator, will make their comments. And then the landowners have requested five minutes of rebuttal time following that, they have also suggested that they would like a little bit of a recess or a break in between the conclusion of the city's remarks and their rebuttal so they have an opportunity to huddle a little bit and talk about what they want to say, in terms of the rebuttal. I can take that time to do some housekeeping discussion, if you'd like."

Chairman Skelton said, "Mr. Parnacott."

Mr. Parnacott said, "Yes, sir."

Chairman Skelton said, "The landowners would like a rebuttal, so which of these 19 people that wants to speak am I supposed to recognize for that rebuttal?"

Mr. Parnacott said, "I believe Jacques Fluker may be the one, or maybe it will be Jacques...okay, Sam Herr will be the one doing the rebuttal."

Chairman Skelton said, "He will be the only one recognized for the rebuttal."

Mr. Parnacott said, "Yes, sir."

Chairman Skelton said, "Yes sir. Okay, thank you."

Mr. Parnacott said, "Very good. So at this point, I think there's some materials that have been distributed to you that were brought to the meeting today. Has the city received a copy of that yet, Mr. Pile? Did you get a copy of the materials that were received today? Is there an extra copy, Kristi?"

Ms. Amanda Lee, Deputy County Clerk, greeted the Commissioners and said, "We'll get that."

Mr. Parnacott said, "Okay, apparently we didn't get that distributed. One of the landowners brought some copies, and so you've received those and those can be

considered part of the record, too, but the city should receive a copy of that. I think that's all we need to talk about, so at this point, I would recommend the board open the public hearing, receive testimony. After closing the public hearing, you should make the appropriate finding or take any other appropriate action necessary, and we can talk about those options at that time. So unless you have any other questions for me, I guess I will say one more thing.

"We do have a report prepared by our county Public Works department. They went out and looked at some of the roads. I don't think you need to look at that yet. I think you should wait and hear the testimony from the city and the landowners, and if necessary, we can bring that report up on the screen and show you some pictures, and we can talk more about that report, the person that prepared the report is here. To the extent we have animal control service issues that come up, we have county animal control here to talk about if you have any questions about how the county handles animal control responses. So, now I think you're ready on to open the public hearing and receive comments from the landowners."

Chairman Skelton said, "Before I open the public hearing, are there any other questions by Commissioners? Yes, sir."

Commissioner Ranzau said, "Yes, Bob, can you tell me the total number of parcels?"

Mr. Parnacott said, "I believe there are 54 separate parcels. So of those 54, I think we have 4 that should not be considered as part of the de-annexation petition."

Commissioner Ranzau said, "So 50 out of the 54 are?"

Mr. Parnacott said, "Yes, sir."

Chairman Skelton said, "Additional questions by Commissioners? Okay, at this time, I will open the public hearing. Arthur Wood and Sam Herr will be allowed to speak for five minutes. Madam Clerk, please keep track of our time and let the speaker know about 30 seconds before, very well, very fine. And then anybody else following that will receive three minutes of time. So at this time, I will recognize Arthur Wood."

Mr. Arthur Wood, 3300 West 77th Street North, Valley Center, greeted the Commissioners and said, "Referring to the map, we're right down on 77th Street and the Little Arkansas River. Our property is the last one on 77th Street before the west bank of the river. My wife is also present. We have resided at this house as residents for, well I'd have to do the math, but since 1980. Recent rains, thankfully, have provided some needed moisture, but they also demonstrate graphically how the city has failed in maintaining our road, and I have submitted these photographs that were taken on the morning of May the 9th, 2013. I just started out from my house down by the river walking towards the intersection to the west, to the intersection of 77th Street and West Street. And as you go, these pictures are in order as I was walking, and until you get to the picture of the intersection, which is on page three, and then I turned around and walked back and took the pictures on page four.

"This road slopes slightly to the west as you cross about midway to the intersection with West Street. And so it's just a slight slope down. The technique that they used to grade that road, if you look carefully, you can see that material that's graded from the road is mounded up on the shoulders of the road, preventing the water from running off into the ditch, and I believe that is a major part of the problem, insufficient crowning on

the road and then the presence of those, effectively a dike there.

"But the crux of the matter is that we are paying the City of Valley Center over \$1,000 a year in taxes. On average, in fact, \$1,042 per year. We're getting services that we formerly paid the Valley Center Township. We paid Valley Center Township on average about \$129 a year to maintain our road, and we paid the, we were taxed by Sedgwick County for fire protection, and we paid Sedgwick County \$323 per year. So we've got about \$470 worth of services that were being done for us before annexation that we're now paying over \$1,000 for. I don't put the value on the other services provided by Valley Center. Those are police cruisers touring the area once in a while and some minuscule street lights that are not welcomed by the property owners, as I understand it, near the lights. So I submit that Valley Center has not effectively met the conditions of their plan. I appreciate very much the opportunity to address the Commission, and thank you very much."

Chairman Skelton said, "Thank you, sir. Next speaker will be Sam Herr."

Commissioner Ranzau said, "Mr. Chairman."

Chairman Skelton said, "I'm sorry. I do apologize. Commissioner Ranzau."

Commissioner Ranzau said, "I going to have a question for Mr. Wood. But first, Bob, could you answer a couple questions that I think we need to clarify here?"

Mr. Parnacott said, "Yes, sir."

Commissioner Ranzau said, "We're here to determine whether or not Valley Center has met the service plan requirements?"

Mr. Parnacott said, "Well, it's actually even more narrower than that. You're pretty much limited to the jurisdictional issues raised in the petition, which are to the extent they provided the animal control services, the road maintenance and the street light question."

Commissioner Ranzau said, "Is that per statute? Because I read the statute and I'm not..."

Mr. Parnacott said, "The statute says the landowners can petition, and so, in terms of jurisdictional considerations, you start with, the service plan covered a whole series of services, and you made a review of that in 2010 and concluded there were only three services the city was not providing. So those are the three services really that the landowners could then challenge over that two and a half year period were still not being provided. So we have narrowed the list, in my opinion, even though it doesn't come right out and say that specifically in the statute, that's how this works. That's how the process works. You made a finding in 2010 that these three specific services were not being provided. The landowners have petitioned now and have said those three services have still not been provided, and so that is the narrow focus of your inquiry today is have those services been provided?"

Commissioner Ranzau said, "Okay, the service plan itself, does it meet the requirements in the state statute, or is it lacking?"

Mr. Parnacott said, "We had that conversation back in 2010, and obviously is does not

meet the requirements of the state service plan, but again your role is not to determine the sufficiency of the plan. You have to kind of deal with the plan you were given and determine whether the services that were provided in the service plan, or necessarily implied in the service plan, have been provided. So again, you've been narrowing down your list of services. You've got 40 to review, in my opinion."

Commissioner Ranzau said, "I understand, but in light of the service plan it doesn't meet the requirements of the state statute, the state statute does specifically state that the services provided after annexation must be equal to or greater than the services they were provided before."

Mr. Parnacott said, "That is in the statute, yes."

Commissioner Ranzau said, "Okay, thank you. Then I have a question for Mr. Wood who just spoke. And this goes for anyone who speaks, the citizens. So when you speak, the two questions, answers that I want to hear, is in your estimation, have they met the requirements of the service plan, as Mr. Parnacott has said, and in your estimation, are the services you were provided after annexation equal to or greater than what you received prior to annexation?"

Mr. Wood said, "My view is no they are not equal to or better than the services provided prior to annexation."

Commissioner Ranzau said, "Specifically these services that we're talking about? You said the streets..."

Mr. Wood said, "Well, I'm not really in a position to speak to the street light, because I live a half a mile from the closest one. But the road..."

Commissioner Ranzau said, "But the streets, but I'm talking about streets, police protection and, I'm sorry, animal control and the lighting. Streets, animal control and lighting, in general, you would say are not equal to or greater than what you received before?"

Mr. Wood said, "I'm not able to speak to animal control or lights because I'm far enough away from the light I'm not affected, and I've only had one opportunity to work with animal control."

Commissioner Ranzau said, "Roads."

Mr. Woods said, "The roads I've addressed in the photographs and in my comments."

Commissioner Ranzau said, "Okay. Thank you."

Chairman Skelton said, "Okay. Thank you. Okay. At this time, I'll recognize Sam Herr, please."

Mr. Sam Herr, 8147 Buena Vista, Valley Center, greeted the Commissioners and said, "I'm on the homeowners' association board. I would like to thank the County Commission for allowing us to speak in hearing this issue. I think it's kind of interesting, we talked about this annexation process maybe to go back to the beginning to kind of understand what's going on, why the people are upset. It sheds a lot of light on a whole city annexation issue. Prior to ours being annexed, the city

decided to sell their water to Wichita and buy back treated water from Wichita that was already treated because of the cost of the water treatment plant. Mr. Creet, the city commissioner at that time, presented to the city council a proposal to put a southeast waterline extension down to 61st [Street] and Seneca [Street] to tie in with the Wichita water and bring that water up to Valley Center. When he proposed this, it was going to be covered underneath a federal grant. The city commission approved it, and they started building this pipeline. Lo and behold, the federal grant was denied. The city had to go get a low interest rate loan from KDHE (Kansas Department of Health and Environment) with no money to pay for it.

"How do they get the money? They look at the property across the river. We already have our own water, sewer, low maintenance, a lot of tax money. Hence, all the annexation. At the same time, the administrative costs for the sewer and water department of Valley Center paid out of the general budget, so the residents of these associations west of the river have been paying so that Valley Center can have their water, they can have their sewer and water administration. It comes out of our tax money, but we don't have it. We can't get it because of the cost of coming across the river, but yet we were annexed and pay this extra \$1,000 a year so that the city could have this because of their mismanagement of money.

"At the time we were annexed, 100 percent of us said we don't want to be annexed. We don't want to be part of Valley Center. We want to keep our country life. They didn't listen to us then. At the five year hearing, they were found in noncompliance. During that time, the County Commission asked us to take a one month break, and they asked the city and the homeowners' association to get together and have a meeting, see if we couldn't work out our differences. We did that. I prepared about an eight point letter to the city requesting information, services, and we met.

"One of the first points of the service agreement was city sewer and water. We could have it if we paid to get it across the river. It was brought up at the County Commission meeting here, five years, but the city didn't have any estimates of the cost. We had no way to know what it was going to cost us to have this brought into our house because it was never provided for us. The city couldn't tell us at five years. At that meeting in my letter I asked Mr. Pile to provide us with the cost of bringing out sewer and water. He said within two weeks he would give us that information. That is confirmed from the letter from our attorney to the County Commission that he stated in two weeks he would have that information. Two and a half years later, still no information. The city has failed to perform on our requests.

"We asked about the plan of bringing our roads back up to the condition they were at the time of annexation. How do they plan on recrowning our road, bringing more gravel in? How were they going to improve our roads to get that can get them back up to where they were before? We were told the city was going to oil and chip our roads. It was cheaper to oil and chip the roads than it was to continue grading them, that they would do this within a two year time period. That we would have all of our roads oiled and chipped. Two and a half years later, part of them are oiled and chipped, part of them aren't. In fact, on 81st Street, the city had to, the responsibility for the road from West Street to Buena Vista [Road], they oiled and chipped 200 yards west of Buena Vista, so I went and asked the township why. He said they voluntarily took over that road and oiled and chipped it. They got money to oil and chip the road voluntarily, but they can't continue and complete their promise to us. Once again, they failed to perform on their promise.

"I asked about the maintenance of the right-of-ways, the ditches. What could be done there? I was told the city couldn't afford to maintain them. The city could not afford to mow them. It was the responsibility of the landowners that were adjacent to them. Now, when we went to the county, the township would mow them. My right-of-way on the north side of my property is over 40 foot wide and 300 foot long. That's larger than most city lots. That's quite an expense to have to mow. Also, the danger involved in mowing by being right next to a road, which is heavily trafficked, and speeds of up to 45-50 miles an hour, and I can reach out and touch the cars on my mower.

"Also talked about where street signs, that we were part of Valley Center, shouldn't we be recognized as part of Valley Center. We were told to get street signs up. Never happened. They put up one on a gravel road, are still [inaudible], no city limits signs, all part of the road maintenance."

Chairman Skelton said, "Sir, thank you for your comments. Could you please conclude them."

Mr. Herr said, "I would just like to say that, also with the street lights, we never asked for them, but we got them. The city didn't keep up their word. We've asked and asked the city off of our service plan, they have continued to fail to do so. I appreciate you hearing this."

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

Commissioner Ranzau said, "Sir, specifically, the service in question, do you believe they are equal to or greater than what you received prior to annexation?"

Mr. Herr said, "I don't think they're even close to what we had before."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "Okay. At this time, I'll recognize Pam Herr."

Ms. Pam Herr, 8147 Buena Vista, Valley Center, greeted the Commissioners and said, "He wants me to talk about the danger, the ditches do create a hazard for my husband, and it also creates, there's rock in the ditches. I believe that's included in the..."

Mr. Herr said, "She's standing on her tip toes."

Ms. Herr said, "Okay. Rock has been spread onto the grass, and you have pictures of that. There's also, in spite of the county's finding that the chip and seal is in good condition, there is already a pothole next to 81st (Street) and West Street. You have a picture of that. It's over a yard long and nearly a yard wide. And this is fairly new chip and seal. So that has not been properly maintained. What else? Oh, my husband has had to actually use a shop vac[uum] to go out and remove gravel from the ditches before he could mow because of the poor maintenance of those roads. That comes partly from the snow removal in the wintertime. They dug too deep and thrown rocks out into the ditches. So that's another thing.

"Beyond that, I personally feel like a comment from our invocation should be remembered here, and that is that you don't start building a bridge until you know that you have the money to finish it, and that's what did not happen when Valley Center

annexed us, when they started building the water pipe. They did not have the funds or means to finish that project, and that's why they came for us, and I do think it's wrong to annex us just for our property base. We don't have water available to us. There is an implicit level of expectation of city services beyond the service plan, even though you've narrowed it down. Okay, and that's pretty much what I have to say. They do not."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Ms. Herr, in your estimation, has the city met the requirements of the service plan and provided services that are equal to or greater than what you had prior to annexation?"

Ms. Herr said, "No,"

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "Thank you. At this time, I recognize Dillard Duerksen."

Mr. Dillard Duerksen, 3800 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "I want to basically defer to the rest of the speakers to save some time. I just wanted to mention that when the township was taking care of our roads, we could always good out when it snowed, the day that it snowed. This year, we were stuck in our house for three days without even seeing a road maintenance individual."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "I'm going to ask you the same question. All of you who come up, if you'll just answer the same question. Do you believe the services you were provided are equal to or greater to than what you received prior?"

Mr. Duerksen said, "No, sir."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "At this time, I'm recognizing Tom Randel."

Mr. Tom Randel, 3801 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "I really just want to confirm and support what the detailed presenters have given before me. And no, you're right about the roads. I agree that nothing has changed."

Commissioner Ranzau said, "Well, I'm talking about the services in question in general, not just the roads, but in general, have they met the service plan?"

Mr. Randel said, "No."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "All right. Thank you, sir. At this time, I'm going to recognize Jacques Fluker. Fluker? I do apologize."

Commissioner Ranzau said, "Jack."

Chairman Skelton said, "Jack Fluker."

Mr. Jacques Fluker, 3819 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "Richard thought I was a woman. [Inaudible] is female, so that's better than what [inaudible]."

Chairman Skelton said, "Well, I recognize it as a male name, sir."

Mr. Fluker said, "Thank you."

Chairman Skelton said, "Is it French?"

Mr. Fluker said, "Yes."

Chairman Skelton said, "Wee-wee. Okay, all right. Thank you, sir."

Mr. Fluker said, "Kind of nice to lighten up the moment a little, I'm Jacques Fluker, I live at 3819 Rio Grande Circle. I did want to go over one thing. I think, Mr. Ranzau, when I prepared the petition, I was advised by Mr. Parnacott that in the petition I could only include parts of the service plan, nothing else, because it wasn't appropriate. So again, probably the only pithy comment I'll try to make all day, this is the service plan. That's pretty much it for I think for over 100 homes, it's really not much."

"One of the things we have run up against is the head butting between the city and the homeowners. It's gotten prevalent over the last five years. One of our biggest issues is the services and equipment and skill sets required in the county versus in the city. I think Commissioner Norton had made a comment back in the five-year post annexation meeting. It was very simple and it was correct. There is a difference between grading a street in the city as opposed to out in the county."

"I think it's coming over, like we're saying, the police force in Valley Center is bad, the people that do the roads are bad people. We're not saying that. All we're saying is [Sedgwick] County was better. To answer your question, we're not even close to being the way we used to be, not even close, and we live there. We know it. We moved to Valley Center in 1983, had a child. In 1990, we moved out into the country for the lifestyle we wanted. And we knew the additional costs and everything we would have on it. One of the things I want, I agree with everything that was said, but I did want to bring out one thing that was in the binder. There was a vote taken by the Valley Center council to say they had met the service plan. In that, a comment was made, and I think one of the people are here. I don't know if it was, if the actual verbiage was, why are they whining about the street lights, which didn't particularly appreciate the whiney part. Maybe we are. That's neither here nor there. That's not unusual."

"In the documents you'll have, you'll see that Mr. Parnacott made reference that we never asked for the street lights, and that's why it's part of our petition. And so there are a lot instances, but I have 30 seconds, and so I want to thank you. If you'll notice my neighbors, this has been fairly hard on people who are living out there, trying to relax and not have additional pressures, and so I would appreciate if you could really

consider why we moved out there in your vote. Thank you very much."

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

Commissioner Peterjohn said, "Mr. Fluker, before you get away, I've got a question for you. Right over here."

Mr. Fluker said, "Oh, I'm sorry."

Commissioner Peterjohn said, "I've got a question. Could you clarify for me. I thought you said that you moved to Valley Center in 1990."

Mr. Fluker said, "1983. I'm sorry. And we lived in town, and then moved out to our house in 1990."

Commissioner Peterjohn said, "So in 1990, you moved out of Valley [Center] to where you currently live and then were annexed into the city subsequently?"

Mr. Fluker said, "Yes."

Commissioner Peterjohn said, "Okay, thank you for that clarification."

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

Chairman Skelton said, "Thank you. Okay, next would be Mark Koehn, please."

Mr. Mark Koehn, 3700 West 77th Street North, Valley Center, greeted the Commissioners and said, "It's on the south side where that straight line is, and when I look out my front window, I'm looking at a wheat field. It feels pretty good. I moved out there January 28, 1986, and we don't have a lot of houses buy and sell. People live out there a long time. The reason I remember that date so well is that's the date the [Space Shuttle] Colombia blew up. I was moving in and the Colombia blew up. Just to keep what I'm saying short, I agree with Art's assessment of how the 77th Street Road is being taken care of. I think it had more of a crown on it when the county took care of it. It's flatter now, and it's dusty, washboardy and has potholes. You're going to ask me a question whether I think it's as good, I don't think the service is as good as when the county had it."

Chairman Skelton said, "Okay. Thank you."

Mr. Koehn said, "Am I supposed to leave this up here?"

Chairman Skelton said, "You can. Okay, thank you, sir. Okay, next speaker is Mona Stein."

Ms. Mona Stein, 3901 Palos Verdes Circle, Valley Center, greeted the Commissioners and said, "I've actually only lived in our area a couple years. So I don't have a lot of history or statistics to share with you. What I would like to share with you today is my frustration level over two things. One, my road. You know, I've lived there for two years. I've watched the road deteriorate. I've watched them dig the edges out too deep, and I've watched them encroach on my yard with their poor grading, and then my frustration

level bordered on anger here a couple weeks ago when, as a result of our petition, they showed up and dumped rock on my road. That is so unacceptable to me, that we have to come to you and file a petition to get them to pay attention to us, and the fact that as a result of this petition, I finally get some rock on my road. It's not the chip and seal that I was promised, but I shouldn't have to wait all these years and shouldn't have to come to you to get the city to begin to provide me the services that are in that service agreement.

"The other thing that has my frustration level very high, and this is not a part of the three things that we're addressing today, but I think it's relevant because it addresses, and it's indicative of the city's attitude towards us, is that they have recently imposed an assessment on livestock. And I have two horses, and I'm going to be paying \$150 per year for those horses, and it's a new tax, and I don't see the reason for that tax. Their reason was that it was something to help pay for the compliance officer, but it's reflective of the inequality of their attitude, because they only assessed it on livestock, and I think it's a safe assumption that the bulk of the compliance officer's time is spent on dogs and cats in the city. And they didn't do any additional assessment to those people. So we out in the country in the annexed areas are bearing the brunt of this new tax, and that has my frustration level very high, as well. I just think it's indicative of their poor attitude towards their annexed areas.

"So you know, at this point, we're what, seven and a half years into this? They've had a lot of chances. I think it's time that they should not have any more, it's not time for a third chance. I would ask that you would act on this petition. And to address your question, I was not there prior to annexation, but I can certainly tell you that the services I'm receiving are not up to what I feel they should be based on that service plan."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "Okay. Thank you. Next person is Kevin, is it Cade? Thank you, sir."

Mr. Kevin Cade, 3901 West Rio Grande Circle, Valley Center, greeted the Commissioners and said, "I won't address too many things before the annexation. Obviously I wasn't there, so I can't tell, I'll defer to other people to talk about that. The road was chip and sealed where I live, but it was done last summer. I can't make too much of a comment positively about it, but it hasn't fallen apart totally yet. What I would say is it's extremely difficult to come in here and limit discussion to items that are almost non-quantifiable in the plan. The plans that I've dealt with before in business and in school required concrete steps to take to achieve a goal, measurable, something you could say was this done, yes, no, because here's the proof. These are hard to come by when the plan is so vague as to be undefinable. It's like nailing jello to the wall, in my opinion. So, that's about all I have to comment about. Thank you."

Chairman Skelton said, "Okay, thank you, sir. Questions? Okay. Please would recognize Daryl Dunn please. Thank you, sir."

Mr. Daryl Dunn, 3900 Palos Verdes Circle, Valley Center, greeted the Commissioners and said, "I'd like to comment on the drainage on the roads, the ditches. I do have some pictures. I'm sorry. I didn't get them distributed to you. But you can see by the pictures that the water stands in the road in the ditches, and on my west side of my property, I do not have any grass that will grow in that ditch, because the water just

drains it up, you know, kills it out. When they did put the rock down on the roads, you can see in the picture that it does hold water on the edges. It's just poor maintenance of the grading. And I do not feel that we have had as good as maintenance as we had when we was in the township doing the work."

Commissioner Ranzau said, "Mr. Dunn, the drainage issues that you're talking about, is that, was that not an issue before the annexation?"

Mr. Dunn said, "That's correct. It was not."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "Okay, thank you, sir. Next speaker is Kevin Plank, please."

Mr. Kevin Plank, 3601 Palos Verdes Circle, Valley Center, greeted the Commissioners and said, "I'm just down the street from Mona. I won't bore you with going over and over some of the same things that have been mentioned. But I will mention that in my experience directly in front of my home, it's common to have large extensive ruts in the street. There has been in the past an industrious homeowner who has gone out and filled those in themselves with rock in an attempt to level out some of the ruts. And since Valley Center has put some rock down, it's been a little bit better, but that's been since, I believe, May 1st. In the eight years prior to that, this is one of the worst maintained streets I have ever seen. I've lived in five different towns in my adult life. I've rented homes in two. I've owned homes in three. I've never had a reason to request de-annexation before now. I've only been in Valley Center since 2007, and I came into it not knowing any of this was going on, and it's been very plain to me that they have not met the service plan that they put out. And I'm sorry, but I can't speak to what it was prior to that. Thank you."

Chairman Skelton said, "Thank you very much, sir. Bob, number 12, I do apologize. Is it...Harden?"

Mr. Bob Hamblin, 8125 Buena Vista, Valley Center, greeted the Commissioners and said, "Bob Hamblin."

Chairman Skelton said, "Hamblin, okay, thank you, sir."

Mr. Hamblin said, "I've been there a little over 30 years. I agree with everything that's been said so far. And I do not think that the maintenance and the services provided for us even comes close to what it was when the county had it. Thank you."

Chairman Skelton said, "Thank you, sir. Next speaker is Carol Kincheloe. No comments. Okay. Well, thank you very much. Melvin Kincheloe. You can tell me how you really say it."

Mr. Melvin Kincheloe, 7953 North West Street, Valley Center greeted the Commissioners and said, "Kincheloe."

Chairman Skelton said, "Kincheloe."

Mr. Kincheloe said, "Yes."

Chairman Skelton said, "Wow, I got it right. Do you have any comments, sir?"

Mr. Kincheloe said, "No, sir."

Chairman Skelton said, "Okay, well, thank you very much. This time, Stacy Lacy. Good morning, sir."

Mr. Stacy Lacy, 4010 Rio Grande, Valley Center, greeted the Commissioners and said, "A couple of things I would take issue with. One is that what we're really being treated as, in Valley Center, is not residents but revenue. And they have consistently tried to find a way to squeeze more money out of us while providing little to no services. I think one comment I would say, I really think you ought to challenge your attorney to look at on this concept of they, we can only talk to three parts of the service plan. I don't think the statute was designed to allow them to only meet three parts of the service plan and disregard the rest of it once you've been found in default.

"That would be a travesty. And so I would encourage you to challenge your attorney on that, because they're not meeting the service plan. They're not meeting anything. They're not doing hardly anything for us. They came in and annexed us in a total plan just to grab tax dollars, and you look at the, they did chip and seal my road, but they didn't fix it first. So they didn't put on a solid base. In a year or two, it's going to fall clear apart. You can already see on the edges where the edges are starting to work. It's not going to last. They did it just to try and come up with something to meet this thing, but then they didn't even follow through on that. So I think you've got to look at that.

"The other thing I'll tell you, so they had the gall to start charging us a stormwater fee, right? We're already paying general taxes. We're already paying everything else. They come in and levy a stormwater fee. They haven't done a single thing to our drainage ditches since they took over, not a single thing. That's why there is water now standing. They didn't grade the roads properly. So the gravel was flooding out into the ditches. And now the ditches are settling in. They don't clean out the culverts. They don't do anything to that, and they have the gall to come in and charge us a monthly stormwater fee.

"It's just, again, it's just revenue, not residents. They don't consider us residents. They don't try to address our needs. The street light plan, they come in, and instead of actually asking us what we would like to do on the street lights, they just jam in some street lights where we don't even want them. So, I called when they were putting it up and said, hey, we don't want this on our corner.

"I've talked to some of my neighbors; we don't want this on our corner. We like the stars. We like to be out in the country, but they didn't even put one at the one place where it makes sense, at the corner of the main intersection, which if they had asked the residents, that might be the one place we would say, hey, let's put a street light there because there are some safety concerns. So they don't care what we think, they don't ask what we think. I've never even been contacted by a city person unless I've called to complain about something. They just treat us as revenue and not residents. Thanks."

Chairman Skelton said, "Yes, sir. Okay. Denise Lacy, please."

Ms. Denise Lacy, 4010 Rio Grande, Valley Center, greeted the Commissioners and said, "I would just basically agree with everything that's been said, that the services have not been met, and I would just also speak just slightly to the street light, that it is diagonal from our house, and again, it does interfere and it was something that was not requested or wanted. And to answer your question, no. That's all I have."

Chairman Skelton said, "Okay, thank you. Don Wille, please."

Mr. Don Wille, 4215 Rio Grande, Valley Center, greeted the Commissioners and said, "And we've been there since 1977. When we moved out there it was just a wheat field, and we've had animals ever since, and we have a farm, and occasionally we have a baby calf that we have to bottle feed, we bring home to bottle feed. My grandchildren help do that, and now they're going to charge us \$75 every time we bring one home. This fee that they're charging for these animals, the only reason they put it on livestock and chickens is because that doesn't affect anybody in the core downtown area. That just affects us in the annexed areas. And that's just extra burden on us. If they had raised it on the dogs and cats, you know, they could have had a lot more than what they get from us, but they want to penalize us.

"And you know, as far as that \$3 a month water, you know, they charge us for our water that runs down to the river. The last couple of years, there haven't been no water that runs down the ditches to the river, but they still charge us \$3 a month for our surface water. And I don't have too much else to say. I just, our roads aren't good. Our road in front of our house, the water stands on both sides when it rains. When they graded the snow, when we had the snowstorm, when they finally did get out there, they graded one lane down the road and they graded the gravel off in our grass, so we had to go out and get the gravel off before we could mow again.

"I would just ask that you consider our considerations, what we want. We need to be out from under Valley Center. Thank you."

Chairman Skelton said, "Thank you, sir."

Commissioner Ranzau said, "Sir, sir. Have you lived there long enough to make a comment as to whether or not the services...?"

Mr. Wille said, "Yes, we've lived there, we was the third house out there. We moved in our house in 1977. We had better service before than we have now."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "John Oliver, please."

Mr. John Oliver, 8146 Buena Vista, Valley Center, greeted the Commissioners and said, "I've been a property owner at 8146 Buena Vista since 1975. We built the house in [19]77, and we moved out there so we could live in the country, look at the stars and be next to the wheat fields. And I believe Valley Center failed to provide the services that they said they would and services that we didn't want in the beginning, or now. Thank you."

Chairman Skelton said, "Yes, sir. Thank you. Final speaker is Timothy Henson, please."

Mr. Timothy Henson, 3900 West 77th Street North, Valley Center, greeted the Commissioners and said, "I'm on the corner of West [Street] and 77th [Street]. I'd like to echo the feelings of all of our homeowners here and even go as far as to say that this morning where the road has been graded improperly, there is such a water puddle there that people actually go around it, and that has caused some dangerous situations. You don't know how deep the water puddle is, and that's just another symptom of our services from Valley Center. And I've been there since [19]99, and we do not have the same services that we had then."

Chairman Skelton said, "Okay, sir. Thank you. Okay. At this time, all speakers have spoken, and I would like to recognize the Valley Center staff. You have 15 minutes for a response, and then I will recognize Sam Herr for a five minute rebuttal. Sam Herr. Excuse me."

Mr. Joe Pile, City Administrator, Valley Center, greeted the Commissioners and said, "I believe you've been provided a copy of Valley Center Resolution 613-13, which was approved by the city council on May 21st, 2013, declaring the official position of the city on the matter. As you are aware, nearly 7.5 years ago, the City of Valley Center was in the middle of a multiphase annexation plan. The primary purpose for the annexations was to make the city boundary line straight and harmonious and to prevent urban sprawl within the spheres of influence. Local governments have the primary responsibility for planning and regulation of land use. State law requires each city to prepare and adopt a comprehensive long-term general plan for the physical development of the community."

"The general plan must cover all incorporated territory and should go beyond the city limits to include any land outside its boundaries, which bears relation to its planning. The subject phase of the annexation has allowed the city to provide uniform services and the avoidance of a patchwork quilt pattern of urban services. The annexation has also permitted the city the ability to grow by avoiding the distinct possibility of becoming landlocked by surrounding development. Development which owes its existence to the presence of the city in the first place.

"Furthermore, the annexation has assured future development meets the sound principals of land use and construction standards in a manner which is consistent with adjacent areas as detailed in the comprehensive long-term growth plan previously mentioned. Urban development is no less urban merely because it sits on the other side of the cities border. The areas surrounding the city, including the subject annexed area was already part of the functional city prior to annexation. Residents of the annexed area were consumers of many city services, service which were funded by city residents to provide the capital to initiate the service.

"The questions sometimes asked by annexed property owners, what do I get for being annexed? I answer that question with another question. What municipal service were you receiving or utilizing prior to annexation? Did you use the pool, drive on city streets, walk on the sidewalks during the annual fall festival, receive homeowners insurance discounts due to the proximity of the fire station and the department's exceptional ISO (International Organization for Standardization) rating, use the parks to hold neighborhood meetings, visit the library, visit the splash park, participate in the city-wide cleanup, or feel a sense of security sending your children to schools where the Valley Center school resource officers monitoring their safety?

"While many comments have focused on the vagueness of the service plan provided by the city in 2005 during the initial annexation, the fact remains the documents satisfy the requirements of K.S.A. 12-520b and was not challenged in court. Today the question before the Commission is whether or not the city has provided municipal services as set forth in the service plan prepared in accordance with K.S.A. 12-520b. The city is certain all municipal services have been provided in accordance with the service plan, and the residents in the subject area are receiving equal, or in most cases a greater level of services as a result of the annexation.

"The city has submitted a report which outlines the extension of major municipal services. The report provides tangible evidence the city has complied with the service plan adopted in 2005. The city at large has made a considerable financial investment to insure service levels are equal or greater. Street surfacing has been improved. Additional public safety personnel have been added. Water and sewer cost estimates have been provided at least three times, street lights have been installed, and many other services have been extended. During the required five year public hearing, five year review public hearing held in 2010, many annexed landowners testified the city had failed to install street lights within the review period as specified in the service plan. To date, street lights have been installed in the annexed area according to the street light policy of the city, the final requirement of the service plan. Ironically now the installed street lights are specifically listed in the petition as a nuisance.

"In a further twist of irony, there are concerns expressed in the petition regarding a lack of afterhours animal control, but yet the petition states the street lights are causing wildlife to avoid the area. To me, it would appear that the city has adequately addressed nighttime animal control with the installation of street lights.

"I do not mean to make light of the situation, rather I am merely demonstrating the desperate attempt and grasping at anything approach of the petition. To date, little factual evidence has been brought forward to suggest the city is negligent at providing equal or greater services. It is clear that many if not all the residents annexed by Valley Center Ordinance 1090-05 did not want to be annexed and will do or say most anything to be de-annexed. However, the annexation has occurred, and today the Commission is not making a finding that the annexation was necessarily or appropriate, but rather if the obligations contained within the service plan have been met.

"The question remains, who is better suited to serve the dynamic needs of this population base, the city or the county? I am not sure how many Commissioners have had the opportunity to personally tour the Ranchos Del Rio editions, but if you have not, you may be under the impression based upon testimony heard here today these are rural neighborhoods tucked away in the country and completely distant from the core of the city. One only needs to look at the map to understand the close proximity of the additions to the core of the city. The neighborhoods contain nice homes on large lots which offer a country-like atmosphere, but in no way compare to a true rural setting which can be found in other areas of the county. The humble Valley Center skyline, which was constructed in the early 1900s is located in the center of the city. And each morning, with a sunrise, casts a shadow upon the Ranchos Del Rio editions.

"So again, I ask who is better suited to be urban service delivery mechanism to confront the diverse citizenry, in terms of service demands. In conclusion, the city respectfully requests the Board make a finding the city has provided services in accordance with the service extension plan. Thank you for allowing to represent the City of Valley Center. If you have any questions, I'd be happy to entertain them at this time."

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

Commissioner Peterjohn said, "Thank you. Mr. Pile, my recollection is, and please correct me if I'm wrong, this original service plan was generated prior to, you were not the author of the service plan or anyone that's currently involved with the city of Valley Center at the moment? That was done by a prior city manager or staff?"

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

Commissioner Peterjohn said, "Okay. I appreciate getting that on the record. Let me ask you, there were some specific statements made, and you added one to the mix I hadn't included. Do you all charge for using your swimming pool?"

Mr. Pile said, "There is a user fee, which is segregated by residents which are residents of the city and then those who are not residents of the city."

Commissioner Peterjohn said, "But there is a charge for both?"

Mr. Pile said, "Yes."

Commissioner Peterjohn said, "And the city general fund supports about, well this year it was about \$30,000 of the operation of the pool. The year previous was \$76,000."

Commissioner Peterjohn said, "Well, you've raised that as a point, may be kind of tangential as I understand the legal issues, but since there is a fee charge for use, I wanted to get that included on the record. Speaking of fees and charges, there were some comments made, in terms of providing water and sewer services, and the fact that the statement was made that they were, some residents were supposed to get back with them and they alleged that they did not. Do you have any information or have a point that you can clarify on that statement?"

Mr. Pile said, "Yes, during the initial annexation period, as required by the service plan, cost estimates were prepared and provided to the residents by our engineer, which is PEC, Professional Engineering Consultants, providing them a cost estimate to extend water and sewer to service their properties. To date, the city has not received any petition from the residents to extend those services."

Commissioner Peterjohn said, "I thought there was a statement from one of them. And I'm sorry, I didn't jot down in my notes exactly who made the comment that there was supposed to be, after the initial annexation, post annexation hearing, that they were going to get back with them in, I guess, two or three weeks, and they said they did not."

Mr. Pile said, "I'm not sure. I know that on three separate occasions, the residents have been provided with cost estimates for the sewer and water. I don't know the exact dates of when they were provided to the residents."

Chairman Skelton said, "Okay, listen, the person at the podium is the only one allowed to make comments right now. So please remain in order. Thank you."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Let me ask a question. Some of the folks have also mentioned charges for if they've got animals, whether they're pets or livestock. I'm not sure from their testimony whether it's a horse, cattle, chickens, whatever. Can you talk about those charges that Valley Center has? Because part of the allegation, in terms of the general discussion here is, is this an urban tract land like West Wichita where I live, or is this very close to being out in the country. It looks like from the map here that you've got interesting geography, and the times I've driven out there, and I haven't driven out there in the last couple weeks, but it didn't, it struck me a good deal different than, say, suburban West Wichita, where I live, and having some good sized livestock, people have cattle or horses out there, and being charged for it. I would appreciate your comments on that concern that was expressed, in terms of being part of the city of Valley Center."

Mr. Pile said, "Certainly. A couple of months ago, the city did do a complete overhaul of the animal section of the city code. One of the challenges that's been placed on staff by the governing body is to make sure that any service that we are providing in the city is adequately funded by the fees for the service. So there was, the overhaul of the animal ordinance, which comments today have been made that the only fees increased were for licensing of livestock. All fees were adjusted, including dogs, cats, impoundment fees, and in that provision, as is the case prior to, there is licensing for livestock. That was not new and has not been new to the city."

Commissioner Peterjohn said, "Okay. Listening to the testimony, most of the comments I've heard seem to focus on the road and street and the fact that part of the streets have been, have had this chip process. Some have been chip and seal, and some have been rocked.

"Can you clarify or discuss that at all and particularly address the point, in terms of why some have been worked on and some haven't and kind of what the city's plans are."

Mr. Pile said, "Yeah. Annually, we have a street improvement program in which we allocate monies to do street improvements. We have embarked upon a chip seal program where we have been chip sealing a number of the gravel streets in town. Most recently was the Ranchos Del Rio addition. Prior to that we did some other annexed areas. And on an annual basis we fund the chip sealing. So, last year, I believe in the neighborhood of 60 or 70 percent of the streets were chip sealed with plans this fall to chip seal the remaining cul-de-sacs. Chip seal, as is brought up in the report done by the county, is not a permanent road surfacing; however, the cost to do this was completely done by the city at large. There was no assessment. If the residents were to desire a surfacing material greater than the chip seal, they would pay for it in the same manners that anybody would pay for a street improvement through a special assessment tax on that by petitioning for that."

Commissioner Peterjohn said, "Thank you."

Chairman Skelton said, "Okay. Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Pile, so, we have 50 of the 54 parcels participating in this protest or petition. That's 93 percent. And we've had several, everyone who has testified today, 19 different people. Well, some of them didn't end up speaking, but they made it clear they feel the service plan is not being met and that the services are not as good as what they had prior. Tell me, I mean, those people live out there every single day. Tell me, how am I to reconcile the differences there. I mean what's, it's hard to get 93 percent of any population to agree on anything. I mean, with the wide variety of backgrounds and different ages, demographics, political ideally, etc., I guess it's...you said they would do or say anything to not be annexed. Does that include getting together and deciding to lie about all of this and having some great conspiracy, or how is it that this high a number, you know, we've had other annexations, not a de-annexation hearing, but we've had other annexations where a very small number, some people didn't show up at all, or maybe a small number of people showed up. This is a petition in which 93 percent of the parcels participated, and you've heard all the testimony today. I mean, how do I, tell me how I can as a Commissioner disregard that, and there's such a difference, you know, you say this, they say that, and it is completely opposite. How do you reconcile that despite all the stuff that you say the city has done, that 93 percent of the people disagree with that?"

Mr. Pile said, "Most certainly. I do know that you've had an opportunity to tour the area. And one can only look and see when we talk about the streets, you don't know, there's no considerable difference between the streets. In fact, I would contend that the streets that the city are maintaining are in better than the one's the township are maintaining. And even by the own admission of the township maintainer, we grade with a greater frequency, we apply a greater amount of rock and gravel to build the base. But when you are driving there, it is not like you leave an area of what is the city and now they are on a better roads. They are nearly identical. So to me, in my mind, says that it is at least an equal, or if not in most cases a greater service. As even specified in the report provided by the engineer of the county.

"And Commissioner Ranzau, I know that you and I have been working on a portion of 81st Street, which the city has chip sealed its portion, but the county has remaining from the city limits extending west of Hoover, that, to me, is a street that is in very poor condition. We have received a number of complaints from city residents about that street. But it's not one that the city maintains, but it's in what I would say poor condition from the streets that the city maintains."

Commissioner Ranzau said, "Well, I understand that. I don't want to mistake, so we have to be careful with the number of times you grade versus the quality. They are asserting, now, I have driven out there recently. But the fact of the matter is, I don't live out there every day, neither do you, or most of the council members. This is the problem that I have. I drove out there recently, but does that really tell me much of anything? Because, first of all, this whole thing started long before I was even on the Commission, and so I don't know how it was prior to annexation, okay? And I don't know how it was through those first five years, and then we had this board, before I was even on here, voted 4, 0, and 1 that you hadn't met the services. And over the last 2.5 years, I don't go out there every day, so I guess what I'm saying is, as a frame of reference, I didn't, many of these people I've heard have lived there for decades and have a better frame of reference, in my mind, than I do, to be able to say what the services are now compared to now to before then."

"Do you understand what I am saying? It may look good right now, but is that still, or certain parts of it may, certain parts may not. But is that equal to or greater than what they had before. I can't base that on just one visit here right now for me personally, and so that's what I'm trying to put together. This is a long history, and that's the difficulty I have. You know, I have no doubt that you're trying to make some effort, but is that effort been enough to give them what they had before. Okay? They live there day in and day out, and they say no. At a very high percentage. That is very compelling and I'm trying to find a way, or see in my mind how I can, you know, I don't know, balance that out and I don't know if you have."

Mr. Pile said, "Some food for thought is during this process, during the 7.5 year time frame, we hear very little, very little complaints. Many of the complaints today that we're hearing are for the first time, because these are being bottled up in an effort to make a case for de-annexation. When complaints or issues have been brought forward, as documented by the city, for such instances as moving the city limit sign, it was immediately moved. Mr. Herr did approach the city council sometime ago concerned about the speed on 81st Street. Immediately the council set forth a plan and we did a traffic study, reduced the speed limit. Potholes have been reported. They have been filled. But when things go unreported, we can't be everywhere all the time to know that a pothole has appeared, or to know that gravel has been pushed off the road into a ditch. If those things are brought to our attention, we do a diligent job in trying to be responsive in providing a high level of service to residents."

Commissioner Ranzau said, "Well, I hear what you are saying. But I will just say that in the time that I've been on the Commission and faced these sort of hearings, I've asked similar question, well, you have to bring it up with the city, and the response I get repeatedly is, it doesn't really, why waste my time, it is not going to matter. They didn't listen to us at annexation time, they don't listen to us now, and the only time they

do anything, this is their assertion, okay, the only time they do anything is around the time we end up having a hearing.

"And so perhaps that's the reason why you don't hear from them, because they don't think, rightly or wrongly, in their mind, they perceive that's it's not going to matter, and council members and staff don't really want to hear what they have to say."

Mr. Pile said, "Well, one thing, too, to add, I mean, there are people in this room who have come to members of the staff or myself saying I think the city is doing a fine job; however, I won't say that in public. I mean, those who are here know who they are, as well as some who have not even been here to provide testimony, who don't want to face the notion of being an outcast in their own neighborhood for fear of showing up and saying that the city is doing a fine job. So of course, what you have today is a collection of homeowners who did not want to be annexed in 2005, and who are going to say that they do not believe the services are adequate. And yet the city is relying upon providing as much factual and tangible evidence, i.e., grading logs, the costs spent invested in the area for street maintenance and streets resurfacing, car logs of the police department, animal control responses. That's all we can provide to say that we are doing and providing services for this area."

Commissioner Ranzau said, "Well, I'll say, if there are people that have that sentiment, I want to hear from them."

Chairman Skelton said, "Okay, is there additional comments, sir?"

Commissioner Ranzau said, "Not at this time."

Chairman Skelton said, "Okay. We have one person that's going to, that has been selected to respond to the city's comments. And Commissioner Ranzau, I think it is a reasonable request to take a five-minute recess here and allow the citizens to collect their thoughts through their designated individual. So is there any objection by Commissioners? All right. This meeting stands in recess for five minutes."

The Board of County Commissioners recessed at 10:39 a.m. and returned at 10:46 a.m.

Chairman Skelton said, "Okay, welcome back. This meeting will be called back to order. I will recognize Sam Herr for a five minute response to Valley Center's staff."

Mr. Herr said, "Thank you for hearing our response. First I would like to say is I find it very appalling, I think you can see the attitude of the city towards us. Mr. Pile stood up here and did everything but call us liars. We are citizens of this county, we live out there. We live there daily. We're giving testimony to you folks for record and to sit here and say we'll do anything, and in fact basically call us liars, shows the attitude the city has towards the residents that they've annexed.

"He also mentioned that we drive on their streets, we go to their library, we go to their pools. If you go to the pool and you're a non-resident, you pay a much higher fee than city residents. We have to drive on their streets because the schools, a totally different fund, is in Valley Center, but we pay to the school taxes. Most small towns welcome people to come into their town and shop their businesses. And I ask you, we drive on their streets. How many residents of Valley Center leave Valley Center and drive on

county streets? The streets of Valley Center are maintained from funds from the general tax fund, plus they receive money from the county and the state to help with their maintenance, taxes which we pay.

"The lighting plan. The County Commission was the one that brought up the lack of lighting plan at the five year hearing. We never asked for lighting, lights, we asked for a plan at our meeting between the city and homeowners' association representatives, and our attorney, we told them we did not want lights. Their own city streetlight policy says that those lights must be requested. There was never a request made, but they installed lights themselves against our will.

"You made the comment, we live out there daily. That's true. We have to live with those roads daily. Mr. Pile lives in Rosehill. How often does he come out there? Road maintenance. Supposed to be so good. We can give testimony whether the road grader comes down the street with his blade six inches off the pavement. Doesn't even grade, just drives up and down. When they bring out to repair our roads they don't bring it out in the dump truck, they use high loader and drive the mile from the county through the city yards out and dump a scoop of gravel and go back in and get another scoop. Spend all day bringing out five or six scoops that are from [inaudible] expense. Never in the time I've lived there could I not get out of my driveway a day after snowstorm. Had to wait three days to get my road graded, and then to have my ditches full of gravel, that's never happened before. The residents do not feel like the city has performed.

"I just recall, there would be a lot more residents here obvious by the number of residents that signed that petition that do not feel like the county has done their job, but most of them could not come here because of employment issues. Otherwise this would be a large number of people, but they did sign the petition saying that the city did not do what they should be. But I think Mr. Pile's comments just shows the total attitude of the city for the people out there. We're whiners, criers, liars. Before the five year hearing the only time we got gravel was the two, three weeks before the Commission meeting, and all of a sudden they started doing work. After we file a petition we started seeing gravel put out again. It's only after we complain to them. He said, well we haven't heard of these complaints. I told you several instances of where we to the city and asked for things, and got nothing back.

"The water estimates, and the sewer estimates, it was brought up by the County Commission that those were not available at the time of the fire year hearing. Bob Caplan, our attorney, in a letter to the County Commission at that meeting stated that Mr. Pile would get the estimates back to us in two weeks. Neither myself or Jacques Fluker, both heads of the homeowners' association, have never received those figures. We ask for things, it doesn't get done. You only go to the well so many times when it's dry before you quit going. I asked for city speed limit. I had to ask three times, took over a year to get it. Never been enforced so it doesn't do any good. Thank you."

Chairman Skelton said, "Thank you, sir. Okay. Mr. Parnacott, is there any other remarks by legal staff?"

Mr. Parnacott said, "No, sir. I think you are ready to close the public hearing if you would like."

Chairman Skelton said, "Okay, at this time the public hearing will be closed. I would recognize Commissioner Ranzau."

Commissioner Ranzau said, "Thank you. First of all, I would recognize Mayor McNown and Councilman Jackson and Councilwoman Maschino who are here at this meeting today. And I appreciate you guys coming today.

"Also want to thank all the citizens who took the time to come here to testify. Actually 19 people showing up is a large number for a meeting like this. We don't generally have anybody show up, so this is probably one of the biggest, I can only think of one other issue in which there more people that showed up to this, so I appreciate the time and effort you've put into this. Bob, can you tell us what are options are at this time?"

Mr. Parnacott said, "Well, certainly your options are at this point if you believe you've heard enough evidence and are, and want to discuss the evidence that you've heard, you can make your finding. The finding you need to make, the initial finding is whether or not the city has provided the services in accordance with the service plan, if you find they have provided services that pretty much ends the inquiry there and finishes the proceeding. If you were to determine, for example, that perhaps the city has not provided those services, you would then have to look at whether or not the de-annexation would impose an adverse impact on the health, safety and welfare of the residents of the city or of the landowners.

"If you then, if you make the finding there was no adverse impact, you would be authorized to enter a de-annexation order that would be recorded with the Register of Deeds. You also if you believe necessary, you can hold the record open for written submissions, for example, where you don't make your finding today, but you set a timeline 30 days, 60 days, whatever seems appropriate to allow each side to file any written responses, either on the merits issue, which is whether or not services have been provided or the adverse impact issue, if you want to hear comments on that. But you certainly could do that as well. Those are the main options. There may be others if you want to discuss other kinds of options."

Commissioner Ranzau said, "Okay, so to make it clear, and I am not sure necessarily, maybe everyone understands that if we make a finding that they didn't meet the service plan, in order for them to be de-annexed we also have to make a finding that there's no adverse effect."

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "We could in theory make a finding that they didn't meet the service plan, but there is an adverse effect and they still wouldn't be de-annexed."

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

Commissioner Ranzau said, "Okay. One of the options is to defer action and leave the record open for 30 days. As the Commissioner that represents that area, that is the action that I would like to take at this time. I will make a motion here in a minute. Now the reason being is, and I know you all, city and citizens may want a decision today, but after every one of these annexation hearings, I've received e-mails from people, sometimes council members, more often citizens, in rebuttal to something that was said, and they would say, you need to know this, this wasn't true, this is the fact, et cetera. And this is a very important issue. This is the first time the county has ever had to go down this road, is that correct?"

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

Commissioner Ranzau said, "It is important to me that we have, even though there was a rebuttal, I want to have, provide absolutely adequate time for citizens and the city to rebut anything that's said. Those people who signed the petition but didn't show up, would certainly be welcome to enter in testimony. Also, if there are people, as Mr. Pile says, who believe differently and live in that neighborhood, I would encourage them to take the opportunity to submit testimony in that regard. I absolutely want to hear from both sides of the issue and I will give everyone the opportunity to provide their testimony. If there are people out there who for whatever reason feel like they can't speak, I think it is important to tell them they can, and should speak out, whatever side it's on.

"Additionally, the possibility exists that we can make a finding that the city didn't meet the service plan, so I would also welcome comments by both citizens and that city that if we make that plan, should we find whether or not, in their opinion, whether or not there would be adverse effects on the health and safety of individuals, which would include de-annexation. I think that's important to hear input from that as well. Certainly have no idea which way this decision will go. But if we get to that point, I think it's to have already had some input and be able to make a decision."

MOTION

Commissioner Ranzau moved to defer the action and leave the record open for 30 days, to allow both sides to file any additional written materials regarding whether the city has provided services in accordance with the service plan, and whether or not there would be adverse impact upon the city or the citizens as a result of de-annexation.

Commissioner Unruh seconded the motion.

Chairman Skelton said, "It's been moved and seconded to defer this action and leave the record open for 30 days. Is there a discussion of the motion? Commissioner Norton."

Commissioner Norton said, "We can go ahead and vote on it, then I have a question or two after that."

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

Commissioner Peterjohn said, "Mr. Chairman, I do want to comment and I want to thank everyone who came out for the public hearing this morning, and speaking of, I am impressed when the percentage, and I think it was 15 of the parcel owners, when you adjust for common addresses here, came and testified this morning, and as a percentage of the total that signed the petition, Bob, that 50, you said 50..."

Mr. Parnacott said, "There were 50 of 54 parcels. So, I think it was about 95, 93 percent, somewhere in there. Then you have a third or so of..."

Commissioner Peterjohn said, "Roughly a third here this morning, and over 90 percent signed the petition. So that is certainly impressive for me, and I am certainly going to be supportive of this motion this morning, Mr. Chairman. But I did want to thank

everyone, because the information presented today is always helpful and regardless of which side provided that information, the more information I've got when I've got these decisions in front of me, it's better, and I want to thank you all for coming out this morning and providing that."

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

Commissioner Ranzau said, "Just a couple things, Bob. So would my motion adequately legally get us to where I think I want to go?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "If I can make..."

Chairman Skelton said, "Mr. Manager, please."

Mr. Buchanan said, "If you want, could we have a specific, 30 days would be July 5th. So that we know, so that everybody knows that would be the last day to submit testimony."

Commissioner Ranzau said, "For testimony, and then that's fine, and then I want to clarify, then we would have a BOCC (Board of County Commissioners) meeting after that preferably within a week or so."

Mr. Parnacott said, "We will assimilate materials, yes."

Commissioner Ranzau said, "We would not take any more testimony at all, we would just make our decision probably. Is that..."

Mr. Parnacott said, "You know, you certainly would have the option, if you felt for some reason there was a need to take some limited additional testimony to reopen the public hearing. But at this point you would not need to, no."

Commissioner Ranzau said, "Okay. So would you say June...?"

Mr. Buchanan said, "July 5th is 30 days, and then either July 10th or 17th would be our meeting date."

Commissioner Ranzau said, "Okay, well I'll just say July 5th is part of the motion as the last day to submit testimony, and then we'll leave the exact date up to staff then."

Chairman Skelton said, "That motion is still valid as 30 days, so no need to amend the motion. Is there any other comments before I ask the Clerk to call the vote? Madam Clerk, call the vote, please."

VOTE

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

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

Commissioner Norton said, "I did. I would like to address Jim Weber. Jim, would you step up there?"

Mr. Parnacott said, "After he speaks, I have one more housekeeping comment, we should tell people where they should send the written statements to."

Chairman Skelton said, "Yes, sir."

Commissioner Norton said, "Just to get on the record, we've talked a lot about roads and streets, and how they are maintained. Is the chip seal considered an upgrade to a gravel or sand road?"

Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "A chip seal is an upgrade, as long as you maintain it properly, and keep it up."

Commissioner Norton said, "Okay, and after you've applied that, what is the lifespan of a chip seal, is it..."

Mr. Weber said, "Well, we tell you that our cold mix roads that we expect them to last five to seven years, that's a cold mix asphalt that we try to put on at least five inches thick. It is not on a stabilized sub grade typically for us. This double chip seal may be an inch thick on top of limestone rock that they appear to put down on top of the existing sand subgrade, so we think the lifespan is less than our cold mix, so maybe its four to seven. It probably depends how you take care of it, how the traffic hits it. And, you know, in some places a sand road can have a very solid base and it may last a long time.

"We will find, I think, over time that where the trash trucks pull off might begin to get a problem. You get edge cracking and it will start kind of peeling off the edge. But there are counties where their idea of an improved road is to do chip seals, but in talking to our maintenance people where they've seen this, that's a situation where you literally go out every year, every other year, and you add a chip seal on top of a chip seal on top of a chip seal to keep it going. And so this is improved, the test is, you know, in five years, is it still holding together, are you doing the maintenance that you need to do to keep it in good shape."

Commissioner Norton said, "Okay. Talk about gravel sand roads and how you maintain those, it appears to me one of the biggest complaints I get, as a County Commissioner, is on township roads. I get as many complaints on that, and we don't control those. It seems to me in the driest of years, is when they have the toughest time, because you need moisture on a gravel or sand road to maintain it to its optimum usage. Is that correct?"

Mr. Weber said, "In fact, the term would be optimum moisture. That's a big term in soil engineering. Too much is not good, too little is not good, so the strongest soils come from having the optimum moisture. The problem on sand roads everywhere, but certainly in Sedgwick County, is that we go from the really dry, dry summer, moisture comes out, the dust starts to come off the road, that's when you start see the washboards developing, and they sort of compound themselves as they go, that's very typical out there. And then what you'll find is that anybody that's maintaining gravel roads, when you get that rain, you get that one inch of rain, that inch and a half of rain, you'll see them scramble to get out in the next two, three days, because that's the time

to go, they've got that moisture back in the road, that's the time to go out and try to rehabilitate them for the next stretch.

"And then certainly, if you have too much moisture, a lot of rain, or just maybe not so much how much rain comes in a particular day, but if it's repeated, repeated, repeated, or if you have a slow melting snow where moisture just sits on there, then we start driving on it, we start kind of mixing it in, then you get the muddier, sloppier condition. Over in Butler County, where they have lots of cheap rock, and everything is rock, dust is their problem. But they don't have the mud problem, so."

Commissioner Norton said, "Would you concur that the last 2, 2.5, maybe even 3 years the moisture content over a larger period of time has been problematic for township roads?"

Mr. Weber said, "Yes."

Commissioner Norton said, "That's all I have, thank you."

Chairman Skelton said, "Okay, thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Well thank you, Mr. Chairman. Just a procedural question. Should we conclude Mr. Weber's comments weren't part of the public hearing, and maybe this is a question for Mr. Parnacott. Do we need to do anything to include his comments into the public hearing, or do we just treat this as a, I mean, since this is the type of hearing we've got, Bob, how do I, should we include it in some way, or..."

Mr. Parnacott said, "No, I think you can treat this, I mean, he is staff for you, and you are currently discussing some elements of the matter. Deliberating on it. So I think his comments can be considered as part of that deliberative process."

Commissioner Peterjohn said, "Okay, thank you."

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

Commissioner Ranzau said, "Jim, I have a question for you. I just want to clarify, back on the chip and seal that Commissioner Norton was talking about as far as maintenance. And how long they last, how long do they last on our roads? How often do we have to maintain chip and seal and how long do they last, and..."

Mr. Weber said, "Okay. We do use the chip and seal, used to be chat seal, but chat is bad now. We use a chip and seal process, but we only use it on top of, on top of an existing, you know, a thick built up pavement, either our cold mix or on a hot mix road as a maintenance seal. So we don't have, I can't think of anything we have that I can say to you I could compare to what they have put down as far as how long it will last."

Commissioner Ranzau said, "Oh, okay, I gotcha. I gotcha. That answered the question, thank you."

Chairman Skelton said, "Any other comments? The county has deferred this action and we'll leave the record open for 30 days. Thank you. This concludes this hearing."

Commissioner Peterjohn said, "Mr. Chairman?"

Chairman Skelton said, "Yes, sir."

Commissioner Peterjohn said, "Do we need to clarify, in terms of how people can contact..."

Chairman Skelton said, "Yes. Absolutely, thank you."

Commissioner Peterjohn said, "...the Commission during this certain phase and when and how."

Chairman Skelton said, "Okay, sure, Bob, would you make that clarification?"

Mr. Parnacott said, "You bet. First thing is, I think you can receive written comments from, again, anybody that would have been authorized to testify here at the hearing. Even if maybe they weren't here. So anybody who has signed the petition, and is a landowner in either of the additions or representatives of the city may file comments. I think they should be best directed to the County Clerk here at the courthouse, 525 North Main, second floor, preferably in writing and mailed, or dropped off by hand. The city and Mr. Fluker both have my email address, if something needs to be sent by email, I will certainly bring it down to the [County] Clerk, and then we will keep that as part of the public record in the Clerk's office, and when we have the record closed, we will set this for further consideration by this Board."

Chairman Skelton said, "Okay, thank you, all right. Madam Clerk, next item."

F [13-0409](#)

CONSIDERATION OF A FEDERAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$109,234 FOR TWO INTENSIVE SUPERVISION OFFICER I (ISO I) POSITIONS TO SPECIALIZE IN THE DELIVERY OF COGNITIVE SKILLS PROGRAMMING AND COMPLETING LSI-R S/V ASSESSMENTS .
Presented by: Mark Masterson, Director, Department of Corrections.

RECOMMENDED ACTION: Approve the application for the grant, and if awarded, authorize acceptance of the grant, the establishment of budget authority as provided in the financial considerations section of this request and implementation of the staffing table changes identified in the personnel considerations section of this request.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "As you know, Community Corrections is state mandated intensive probation program for the supervision of felony offenders living in our community. The program is funded through an annual grant from the Kansas Department of Corrections. Before you today is an application to enhance that program. The grant before you is an application to the federal Edward Byrne Memorial Justice Assistance Grant (JAG) fund in the amount of \$109,234. Funding is being requested for personnel costs to add two Intensive Supervision (Office) I positions to the department.

"These positions will be focused to work with high-risk offenders, to increase their success on probation. The staff will perform individualized risk assessments that will be used in earlier in the court process and provide programming to increase employment and reduce criminal behavior. The funding period begins July 1st for one year. Commissioners, this year there was a very short turn around because of the late release of this grant application. The deadline for submission to compete for these funds was actually Monday, June 3rd. We submitted an application electronically to comply to be able to compete for these funds. However, should you not approve this, we will rescind that application. So I request that you take the recommended actions to approve the grant and I would be happy to answer any questions."

Commissioner Unruh said, "Commissioners, any questions? Commissioner Ranzau."

Commissioner Ranzau said, "Mark, what are we going to do if we don't get this grant?"

Mr. Masterson said, "Live within the resources that we receive in our grant allocation from the state that is still pending. We'll receive that when they figure out exactly what the legislative conference committee did approve. So that's pending. But we will not add these positions."

Commissioner Ranzau said, "Well, you know in the past I've opposed these grants for a variety of reasons, and I'll oppose this one as well. But you also know that I consider corrections, I believe community corrections, I believe this should be the number one priority of government. And I think we have a priority issue. I stand ready and willing to use our own county dollars to pay for these positions. I believe I can find those funds if we need to, and that's the route that I would prefer. I don't want my children to have to pay for this. If it's important enough that we should do it, then I think I am willing to pay for it. So I want you to understand my opposition to this is not an opposition to funding

these positions, but it's just the funding source. Thank you."

Commissioner Unruh said, "All right, thank you, Commissioner. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Question, Mark, in terms of the amount. It says this is a renewal of a grant. I know with the sequester and other issues coming out of Washington, is this the same amount as it's been in past years, or is it different?"

Mr. Masterson said, "This is different. This is a different amount. Each year this is a new request. Every year we try to put together a combination of available resources to provide the public safety service here as effective as we can. But this is a new request."

Commissioner Peterjohn said, "Okay, so in that sense new, was it more or less than last year? Since it is not the same."

Mr. Masterson said, "It is more."

Commissioner Peterjohn said, "Oh, it is actually more."

Mr. Masterson said, "Actually, last year we did not receive an allocation. The year before we received about \$250,000, technically in the last year we did not receive any from this fund."

Commissioner Peterjohn said, "I mean, was it just a timing issue, in terms of the..."

Mr. Masterson said, "We were denied."

Commissioner Peterjohn said, "We got more because the timing side, that's why it was significant. Because this is for \$109,000 and change, excuse me, so this is actually less than half what it was two years ago. But last year we didn't have any."

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

Commissioner Peterjohn said, "Okay. Let me just understand, how did we fund these positions last year without the grant? We had no one, if those positions were unfunded."

Mr. Masterson said, "That's correct. This is an enhancement that we are asking for going forward to try to focus to increase the success of the high risk population I talked to you about that are presumptive prison when I presented the state grant award, these are the resources to try to beef up and increase the success of that group."

Commissioner Peterjohn said, "Okay, well I've, in the past when these positions, when these grants have come up, if they have positions tied to them, I've always made the comment that if the grant goes away, the positions aren't automatically going to be continued, and may disappear with the grants. So, I will be supportive of this motion this morning, but with that caveat in mind. So, thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Yes, Mark, so in future years, what is the plan? For these positions. Are you going to try to get more from the state?"

Mr. Masterson said, "Should this be approved we would seek to, we would evaluate where we are next year, and if we needed these positions to continue we would request these funds again, and then it would be a renewal for this specific purpose. But that's an annual process."

Commissioner Ranzau said, "Right, now we've used this particular grant program for equipment, for example, the Regional Forensic Science Center before. I guess what I'm getting at is that some years we've gotten this money and some we haven't. Somewhat inconsistent, particularly here recently, is that true or not? And the amount varies from year to year, et cetera. How reliable of a funding source is this likely to be in the future, is what I'm getting at."

Mr. Masterson said, "Yes, it's been inconsistent, because it's been a declining amount of resources over a period of years, but this grant fund has been provided for a substantial period of time to help criminal justice agencies and police agencies, local communities."

Commissioner Ranzau said, "Got it, thank you."

Chairman Skelton said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Let me just make sure I understand. Because we have had quite a few [Edward] Byrne [Memorial Justice Assistance] Grants in the time since I've been on the Commission. Is there a possibility, generally I think most of them have involved equipment as opposed to personnel. Is there any possibility that we may get additional requests for approving other Byrne Grants within the next year?"

Mr. Masterson said, "I would say that that's entirely possible."

Commissioner Peterjohn said, "Mr. Manager, you look like, do you have a comment on that, please?"

Mr. Buchanan said, "Yes, Commissioner Skelton appointed you to the committee that is going to evaluate Byrne Grants in the next couple weeks."

Commissioner Peterjohn said, "Well, and that was my point in particular, so I wanted to understand, was the \$250,000 from a couple years ago for equipment or personnel, or do you recall, Mark?"

Mr. Masterson said, "Personnel."

Commissioner Peterjohn said, "That portion was personnel."

Mr. Masterson said, "From the state pass through grand funds the committee that you've been appointed to is about the local JAG fund which is a Byrne Grant fund, that is not what this application is to."

Commissioner Peterjohn said, "Okay, well I appreciate that clarification. Because I

wanted to, the Byrne Grants have come up since I became a Commissioner in 2009. My recollection is more equipment-related, and that had been the focus. So I wanted to clarify what this was for, and what else we may have come at us in the near future. Thank you.”

Chairman Skelton said, “Yes sir, thank you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Mark, is this what would this be called a competitive grant? Is this something we have to, other people are also competing for these funds?”

Mr. Masterson said, “Yes.”

Commissioner Unruh said, “So if, for instance, if we did not apply, or we told them we didn't want to, someone else is going to advantage of this funding.”

Mr. Masterson said, “Yes.”

Commissioner Unruh said, “All right. Well I just wanted to make a comment that I appreciate your management of our Community Corrections effort, and that because we have accessed available resources that are already gone through an appropriation, we have one of the model programs, and we use evidence-based practices, things that we can measure and have accountability, and so compliment you for taking these resources and making Sedgwick County safe with high level programs.”

MOTION

Commissioner Unruh moved to approve the application for the grant, and if awarded, authorize acceptance of the grant, the establishment of budget authority as provided in the financial considerations section of this request and implementation of the staffing table changes identified in the personnel considerations section of this request.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Skelton said, “Thank you.”

Mr. Masterson said, “Thank you.”

Chairman Skelton said, “Next item, please.”

Commissioner Norton exited the meeting at 11:17 a.m.

G [13-0385](#)

AMENDMENT TO THE 2013 CAPITAL IMPROVEMENT PROGRAM:
ADD DESIGN OF A BRIDGE ON 93RD STREET NORTH BETWEEN
MERIDIAN AND SENECA (CIP# B-469, County Bridge 596-25-3979).
DISTRICT 4.

Presented by: David C. Spears, P.E., Director of Public Works/County
Engineer.

RECOMMENDED ACTION: Approve the amendment to the 2013
Capital Improvement Program.

Mr. David Spears, Director, Bureau of Public Works, greeted the Commissioners and said, "In 2009, the Valley Center school district constructed a new high school on the northeast corner of the intersection of 93rd Street North and Meridian. The district petitioned for certain traffic improvements needed to serve the site. A project was created by the Board of County Commissioners with funding shared by the county and the district. The project resulted in the addition of turn lanes into the school site on Meridian and 750 foot extension of pavement along 93rd from Meridian to serve as a school entrance.

"From the time of its inception until now, there have been school officials and members of the community who have felt strongly that the entire section of 93rd should be paved and that a narrow bridge in the east half mile should be replaced. The Valley Center school district has a significant student population in Park City. Students from Park City attending the high school tend to use 93rd, rather than the paved route through Valley Center, which is 85th and also Meridian. The first priority in this section of township maintained road is to replace the narrow bridge. In order to accelerate the process and allow replacement of the bridge in 2015, Public Works is requesting a CIP (Capital Improvement Plan) amendment to provide funding for bridge design in 2013. The design can be funded by transferring \$40,000 of unencumbered budget from three bridge design projects in the 2013 budget. We would transfer \$5,000 from B-458, \$20,000 from B-459, and \$15,000 from B-460. I recommend that you approve the amendment to the 2013 CIP."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Dave, just to clarify, I think there was a typo here. I thought replacement of the bridge was in 2014."

Mr. Spears said, "That's not a typo."

Commissioner Ranzau said, "Okay."

Mr. Spears said, "It would take probably a year to get it designed, we might have a little right of way to obtain, and there might be some utilities to move."

Commissioner Ranzau said, "Okay."

Mr. Spears said, "So, just wanted to be safe there."

Commissioner Ranzau said, "Oh, okay. Thank you. I get it. We'll talk more about that later. I appreciate you doing this and getting this going. We've talked about it a lot."

MOTION

Commissioner Ranzau moved to approve the amendment to the Capital Improvement Program.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Skelton said, "Next item."

Mr. Spears said, "Thank you."

H [13-0408](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 30, 2013.

Presented by: Joe Thomas, Director, Purchasing Department.

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

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of May 30th results in two items for consideration this morning. Item number 1;

1. 2013 CLASSIFICATION AND COMPENSATION STUDY-- HUMAN RESOURCES FUNDING -- DIVISION OF HUMAN RESOURCES

"The recommendation is to accept the proposal from Evergreen Solutions, LLC 1, 3, and 4 for a total amount of \$116,000.00. Item 2;

2. PREVENTION/EARLY INTERVENTION SERVICES - DIVISION OF HUMAN SERVICES
FUNDING - SEDGWICK COUNTY COMMUNITY CRIME PREVENTION FUND

" The recommendation is to accept the proposals and execute service provider agreements with United Methodist Youthville for \$187,952.00; Tiyospaye, Inc. dba Higher Ground for \$91,500.00; Episcopal Social Services: Youth Programs for \$86,742.00; Kansas School for Effective Learning, Inc. dba KANSEL for \$84,500.00; Central States Region Youth for Christ USA, Inc. dba Youth for Christ Wichita for \$80,000.00; Communities in Schools of Wichita/Sedgwick County, Inc. for \$40,246.00; Boys & Girls Club of South Central Kansas for \$120,000.00; Kansas Big Brothers Big Sisters, Inc. dba KSBBBS for \$14,760.00; and Mental Health Association of South Central Kansas for \$54,300.00.

"I will be happy to answer questions and recommend approval of both items."

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

Commissioner Ranzau said, "I have a question for the Manager about the compensation study. It is going to cover 350 positions. What positions are those?"

Mr. Buchanan said, "That's all the positions we have in the county."

Commissioner Ranzau said, "All of the positions."

Mr. Buchanan said, "Yes, sir."

Commissioner Ranzau said, "Okay. I guess I'm confused."

Mr. Buchanan said, "Commissioners, it is an examination of all the positions that we have, and then a study, a, to see where those positions..."

Commissioner Ranzau said, "I got you, positions."

Commissioner Unruh said, "Not employees."

Commissioner Ranzau said, "Got it."

Mr. Buchanan said, "Thank you."

Commissioner Ranzau said, "Never mind. And then what are we going to do. We're going to..."

Mr. Buchanan said, "That's where I was talking."

Commissioner Ranzau said, "Okay. Go ahead."

Mr. Buchanan said, "They are going to examine those positions and compare those, what the employees are required to fill out what they do, what the top jobs are, whether they think their supervisors will sign off on that, the company will then analyze those in comparison to what happens internally, is there internal equity, there are some people who have harder jobs, more demanding jobs, getting paid less or more than people that don't. And then there will be a comparison of those positions with the market place, who are our competitors, and it will be to compare what other people are paying engineers, what other people are paying attorneys, what other people are paying purchasing directors, truck drivers. Then we'll have an idea of where we are and how we need to manage from that point forward. Last time it was done was, I think, was 12, 13 years ago."

Commissioner Ranzau said, "Our attrition rate is still lower than national average or what? Or what's..."

Mr. Buchanan said, "We have people leaving the organization for various reasons, in some cases, some, and that's the other thing we need to be aware of, we believe that some categories of employees are leaving in high, we know there's some categories of employees are leaving at higher rates than others. We know that Corrections folks have a higher rate than others, and we know that some of the IT (Information Technology) folks. So part of the determination is what is the market place, or is it job conditions. So we need to understand that."

Commissioner Ranzau said, "So we will find out why they are leaving."

Mr. Buchanan said, "Yes, sir."

Commissioner Ranzau said, "As part of this."

Mr. Buchanan said, "Yes, sir. We do have exit interviews and exit interview process, but that doesn't always, people aren't required to go through the process, so we don't have good data always on why people, this will help us determine that. But more importantly, it will help us determine where they are in the marketplace."

Commissioner Ranzau said, "Okay, so given our, I understand, I am a little reluctant to vote yes on it, okay, just because of our current financial system. Is this really going to give us a lot more information? I mean, you know."

Mr. Buchanan said, "We know, I believe it is important for us as managers of the

organization to know where we are, in terms of the marketplace and in terms of internal equity. And it will allow us at that point to maybe have to manage differently. There is more than money that motivates people, we know that. But let's see where we are, in terms of the marketplace and how we are going to plan for succession planning and filling positions. We know that a couple positions recently have been harder to fill, and we think we know because we don't have the ability to pay."

Commissioner Ranzau said, "So, we can't get the information we need of where we need to be with our own resources, with the information that we have, you think. One of the reasons you hire consultants is, couple reasons is, one, that they provide expertise. They provide us the expertise. Number two, it is a, this is a ton of work to be done, and if we took all responsibilities, the day-to-day responsibilities if they tried to do this, I think they probably could do it in the 8-10 months of the year, but everything else would drop through the cracks. We don't have the capacity to do it."

Commissioner Ranzau said, "This is a fixed price."

Mr. Buchanan said, "Yes, sir."

Commissioner Ranzau said, "Not expecting it to be less, like some of our things, it is pretty much, this is the price, shouldn't be more, either."

Mr. Buchanan said, "Shouldn't be."

Commissioner Ranzau said, "Okay, thank you."

Chairman Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, Joe or Mr. Manager, on item two, the Prevention/Early Intervention Services, the last few years, that's been reduced and this is a process we went through to best allocate these resources, can you just give me a comment on how on how we got where we are here."

Mr. Buchanan said, "Jeannette is the expert."

Ms. Jeanette Livingston, Grants Manager, greeted the Commissioners and said, "Yes. The last few years the amount the amount the county allocates for Prevention [Early Intervention] fund has reduced. The competition has become more fierce, but the programs that we have funded were recommended by our evaluator. So mostly the folks that applied this year were current providers. The one new one would be Big Brothers Big Sisters, which would be a new program for the crime prevention that is based on their p3 program."

Commissioner Unruh said, "So, Big Brothers Big Sisters are coming back as part of our...?"

Ms. Livingston said, "Correct. They were one of the ones that we did lose due to the reduced resources available both on the state and county level for crime prevention."

Commissioner Unruh said, "Okay, well thanks for the explanation. I'm pleased that Big Brothers Big Sisters is back in our, I think they do a great job."

Ms. Livingston said, "Absolutely, yes."

MOTION

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

Commissioner Peterjohn seconded the motion.

Chairman Skelton said, "Thank you. Been moved and seconded to accept staff's recommendation. Commissioner Ranzau."

Commissioner Ranzau said, "I have another question to follow up. Big Brothers Big Sisters is new, did any from last year drop off?"

Ms. Livingston said, "No."

Commissioner Ranzau said, "So it's just kind of a reallocation, then, with one addition."

Ms. Livingston said, "Correct."

Commissioner Ranzau said, "Thank you."

Chairman Skelton said, "Additional questions, please? Madam Clerk, call the vote."

VOTE

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

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

CONSENT

- I [13-0365](#) Contract with the City of Wichita for acquisition of a drainage easement and a temporary construction easement for Sedgwick County Project D-20.

- J [13-0369](#) Approve the amendment to Article 4 of the current Metropolitan Area Building and Construction Department (MABCD) Unified Electrical Code (U.E.C), National Fire Protection Agency (NFPA) 70, the 2011 National Electrical Code (NEC).

- K [13-0383](#) Donation of Sedgwick County Real Property to the Wichita Airport Authority.

- L [13-0386](#) Donation of Sedgwick County Real Property to the City of Wichita.

- M** [13-0387](#) Use Agreement for the Race for Hope: A Final Friday 5K Run Event on the Coleman Parking Lot.
- N** **13-0380** Order dated 5/16/2013 to correct tax roll for change of assessment.
- O** **13-0396** Order dated 5/23/2013 to correct tax roll for change of assessment.
- P** [12-1035](#) General Bill Check Register.
- Q** [12-1036](#) General Bill Check Register.

R [12-1060](#) Payroll Check Register.

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

Chairman Skelton said, "Commissioner Peterjohn, please."

MOTION

Commissioner Peterjohn moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

Chairman Skelton said, "It's been moved and seconded to approve the Consent Agenda. Yes, sir."

Commissioner Peterjohn said, "And if I may comment, just briefly, for informational purposes, Item K, Sedgwick County has owned several parcels down in what is the Skyways Industrial Park area, just southwest of the airport, and that was approximately, I believe, about 100 acres had been set up for an industrial park. At the moment I believe there's still approximately 70 acres set, and there's been a lot of discussion from time to time, in terms of industrial parks and what we do and don't have as a facility. And I think it's important for folks to know about this. I think it's an example when supporting for this item of both county and city cooperation on a number of issues, and I wanted to just include for the record that, about these small parcels that will be transferred as a result of this action this morning."

Chairman Skelton said, "Right. You know, and related to that, I do also want to thank the city for their part in working with the county, and the acquisition of the drainage easement that we need, this is kind of a related issue, basically because we just, more or less, loosely swap these parcels with the city, so we can build that drainage over by Oaklawn. So I do agree with you and your comments. Okay. So I do believe, is there a motion and second? Yes. Okay, Madam Clerk, call the vote, please."

VOTE

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

Chairman Skelton said, "Thank you. We have no Executive Session. We have no Fire [District No. 1] agenda. Is there 'Other' business to come before the Commission at this time? Okay. Commissioner Peterjohn, please."

OTHER

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I have got a couple of comments, because there have been some things happening since we last met. I'm sorry I wasn't here for the off-agenda item that I believe we had come up earlier, but I was able to attend that awards ceremony where the Wichita Area Insurance Professionals recognized the public safety personnel, and I very much appreciate their efforts for providing that recognition.

"I also wanted to add, Mr. Chairman, that I went to the change of command ceremony out at McConnell Air Force Base recently. And I want to welcome Colonel Jackson and his wife Lynette, and his children Ryan and Abigail to Sedgwick County, as they become, the Colonel takes on his new responsibilities in charge of the 22nd Air Refueling Wing that's based out of McConnell, because obviously we've had good news since the last time the Commission met in terms of the basing of the tankers out here.

"I'd also, it wouldn't be me providing 'Other' commentary, if I didn't provide that we had 1,411 people in Sheriff's custody in the jail this morning, and I want to apologize to my colleagues, I had a flat tire coming in this morning. So that's why I was late getting to the bench this morning."

Chairman Skelton said, "Word I got is you were waiting for your coffee to finish brewing."

Commissioner Peterjohn said, "No, I..."

Chairman Skelton said, "That's a joke, okay. It didn't really happen that way."

Commissioner Peterjohn said, "I'll defer to the Commissioner who has the largest coffee pot in front of him at the moment."

Chairman Skelton said, "Okay."

Commissioner Peterjohn said, "That's all I have for 'Other' this morning, Mr. Chairman."

Chairman Skelton said, "Any other 'Other'? Okay. We have no Executive Session. Seeing no other business to come before this Commission, meeting stands adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:33 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

JAMES B. SKELTON, Chairman
Fifth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

RICHARD RANZAU, Commissioner
Fourth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
