

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, July 27, 2011

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was convened at 9:05 a.m. on Wednesday, July 27, 2011, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Commissioner James Skelton; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Shawne Boyd, Director, Human Resources; Ms. Mariann Bardezbain, Manager, Human Resources; Mr. Robert W. Parnacott, Assistant County Counselor; Ms. Marilyn Cook, Director, COMCARE; Mr. Chris Chronis, Chief Financial Officer; Mr. Kelly B. Arnold, County Clerk; Mr. Kevin Hartley, Senior Social Worker, COMCARE; Ms. Linda Baker, Fiscal Associate, Treasurer; Mr. Joe Thomas, Senior Purchase Agent, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUEST

*Mr. Vaughn Fox, Appointee, Board of Zoning Appeals
Ms. Marta Rohrbach, 2020 East 101st Street North, Valley Center
Mr. Tim Lipke, 9515 North Hillside, Valley Center
Mr. Ed Sichley, 2900 East 101st Street North, Valley Center
Mr. Dan Rogers, 9969 North Hillside, Valley Center
Ms. Shirley Rogers, 9969 North Hillside, Valley Center
Ms. Susan Estes, 151 S. Whitier Street, Wichita
Mr. Mark Tallman, City Administrator, City of Kechi
Ms. Laura Hill, City Clerk, City of Kechi*

Chairman Unruh said, "Well, Kristi, thank you for that introduction. Appreciate the encouragement on how to take care of ourselves in this extreme heat. I would like to make a little bit of an announcement, well first of all, welcome to everyone here. I want to welcome those watching by way of television or streaming video, I do have a couple announcements to make this morning. First of all, Commissioner Norton is out of town, is away for this week. Secondly, Commissioner Skelton has got car trouble. He is not here yet this morning. And since it takes four Commissioners to have a quorum to do any official business, we are going to modify our agenda here slightly, and take care of the issues that are more report-type agenda items before we get into action items, and hopefully Commissioner Skelton will be here within 30 minutes. So I will ask the Clerk to bear with me a little bit, and I'll try to work the way through the agenda, and then we'll get back to our regular form of business. I still think to begin our meeting it is appropriate to ask Reverend Sherdeill Breathett to lead us in the invocation. Please remain standing for the flag salute."

INVOCATION

Led by Reverend Sherdeill Breathett Sr. - St. Mark United Methodist Church

FLAG SALUTE

Chairman Unruh said, "Sherdeill, thank you. I think for our first item at that we will take care of on our agenda, we'll have presentation of the retirement clocks to Kevin Hartley and Linda Baker, and we'll ask Shawne Boyd to introduce them."

RETIREMENTS

Item C: 11-0781 PRESENTATION OF RETIREMENT CLOCK TO KEVIN E. HARTLEY AND LINDA BAKER.

Ms. Shawne Boyd, Director, Human Resources, greeted the Commissioners and said, "We are excited to be here today as you mentioned to recognize the long-term public service commitment of two employees that will be retiring on August 1st, so what a great way to end the summer. We appreciate their hard work and dedication that they have provided to this organization, and to this community, and we will wish them well in their future endeavors. We'll go ahead and get underway. First employee that we will recognize and honor is Kevin Hartley, I would ask him to come up. Kevin Hartley is retiring from COMCARE from the position of Senior Social Worker. Again, he will retire on August 1st after 32 years of service."

Chairman Unruh said, "Okay. Kevin, stand right here. I just want to say a few words before we give you a chance to speak. We have a certificate here, on occasion of your retirement, and we want to express our gratitude for all the years that you've given Sedgwick County, and as a social worker, oftentimes you're the face of Sedgwick County to many of our citizens and their families. We appreciate the work that you've done and the help and encouragement you've given to our citizens with special needs. 32 years is a long time, and dedicated service, these sorts of employees like yourself are the ones that we are particularly proud of. They've given their life to the county government. So we want to offer you this, and offer also this very nice clock, and hope that as you enter into retirement or whatever the next phase is, that you have an enjoyable and successful time. If you would like to say a couple things."

Commissioner Skelton entered at 9:13 a.m.

Mr. Kevin Hartley, Senior Social Worker, COMCARE, greeted the Commissioners and said, "In the time I've worked for Sedgwick County and COMCARE, I have to say it's been both an honor and privilege to do so, and thank you."

Ms. Boyd said, "The next employee that we will honor today is Linda Baker. Linda, if I could go ahead and have you come up as well. She is retiring as a Fiscal Associate from the Treasurer's Office on August 1st. She has four years of service in the treasurer's office, but in addition to that, she also had six years of service in the Register of Deeds office. So we are certainly excited for her, and are thankful for the ten years of service that she has provided to this organization."

Chairman Unruh said, "Linda, lets step a little closer to the microphone here. For you also, we want to offer you this certificate on the occasion of your retirement, and express our gratitude for the years that you've served citizens of Sedgwick County. You've kind of been in that area of county government where it is just grinding out day-to-day, just do all that hard paperwork and keep everything orderly, and keeping the wheels of government greased. So we really appreciate your dedicated service, and I know that as you enter the next phase of your life, that you're going to be still in the servant position as you take care of a couple youngsters, and I don't know if that's, what do you call it, an advancement or promotion, I think it probably is."

Chairman Unruh continued, "But we want to wish you well in that. So here's this certificate, and here's a clock that we hope you'll treasure and remind you of your time here at Sedgwick County."

Ms. Linda Baker, Fiscal Associate, Treasurer, greeted the Commissioners and said, "Thank you."

Chairman Unruh said, "We would like you to say a few things."

Ms. Baker said, "Thank you. Thank you for honoring my time with the county. I've had time to make a lot of friends here. I think I've helped serve the public, and I just want to wish my friends and co-workers well, and you also as Commissioners, as you continue to serve the citizens of Sedgwick County. Thank you very much."

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

Commissioner Peterjohn said, "Thank you. Lets stand at ease for a moment until Commissioner Unruh gets back."

Chairman Unruh said, "Well we thank...Commissioner Skelton, I'm glad you're here."

Commissioner Skelton said, "Good morning, sir!"

Chairman Unruh said, "Good morning. We have a quorum now. I think we can return to our regular agenda and Madam Clerk, we'll ask you to...pardon me? Okay. I will call the meeting to order. Thank you, Commissioner. We will call to order the Regular Meeting of [the Board of Sedgwick] County Commissioners on July 27, 2011. And as we get back to our regular agenda, I'll ask the clerk to call, I think, the roll call, I guess."

Chairman Unruh called the Regular Meeting of the Board of Sedgwick County Commissioners to order at 9:16 a.m.

ROLL CALL

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

CONSIDERATION OF MINUTES

- A** **11-0773** REGULAR MEETING OF JULY 6, 2011.
Commissioner Skelton was Absent.

Chairman Unruh said, "Commissioners, you've had an opportunity to review the minutes of July 6th, are there any additions or corrections?"

MOTION

Commissioner Peterjohn moved to approve the Minutes of the Regular Meeting July 6, 2011.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

Approved

B [11-0789](#)

REGULAR MEETING OF JUNE 29, 2011.

All Commissioners were present.

Chairman Unruh said, "Commissioners, you've had an opportunity to review those minutes of June 29th, what is the will of the Board?"

MOTION

Commissioner Ranzau moved to approve the Minutes of the Regular Meeting of June 29, 2011.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

Approved

RETIREMENTS

C [11-0781](#)

PRESENTATION OF RETIREMENT CLOCK TO KEVIN E. HARTLEY AND LINDA BAKER.

Presented by: Shawne Boyd, Human Resources Director.

Kevin Hartley, Sr. Social Worker, COMCARE, will retire August 1, 2011 after 32 years of service.

Linda Baker, Fiscal Associate, Treasurer, will retire August 1, 2011 after 4 years of service.

RECOMMENDED ACTION: Present the clock.

Item C was taken after the Flag Salute.

APPOINTMENTS

- D** [11-0793](#) ACCEPT THE RESIGNATION OF RICHARD STANDRICH (COMMISSIONER SKELTON'S APPOINTMENT) FROM THE ZONING APPEALS BOARD.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "This resignation has been tendered to me, and I ask that you accept it."

MOTION

Commissioner Skelton moved to accept the resignation.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

Adopted

- E** [11-0794](#) RESOLUTION APPOINTING VAUGHN FOX (COMMISSIONER SKELTON'S APPOINTMENT) TO THE BOARD OF ZONING APPEALS TO FILL THE UNEXPIRED TERM OF RICHARD STANDRICH.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Attachments: [Fox, Vaughn.js.072711.pdf](#)

Mr. Euson said, "Commissioners, we prepared this resolution of appointment which will fill the vacancy you just created, and I recommend you adopt the resolution."

MOTION

Commissioner Skelton moved to adopt the resolution.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Unruh said, "Is Mr. Fox present? Sir, if you want to step over to the podium, the County Clerk, Kelly Arnold, will administer the oath of the office."

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, "I do solemnly swear I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Board of Zoning Appeals, so help me God."

Mr. Vaughn Fox, Appointee, Board of Zoning Appeals, greeted the Commissioners and said, "I do. Thank you, Commissioner Skelton, appreciate it."

Commissioner Skelton said, "Mr. Fox, I appreciate your willingness to volunteer. I served on a Board of Zoning Appeals for many years and I'm sure you're going to enjoy yourself and learn quite a bit. So thank you, sir."

Mr. Fox said, "Look forward to it, thank you, sir. Thank you, Commissioners."

Chairman Unruh said, "Thank you, Mr. Fox. Next item, please."

Adopted

F **11-0795**

RESOLUTION APPOINTING DAN OBLINGER (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE MENTAL HEALTH ADVISORY BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Attachments: [Oblinger, Dan.kpj.082411.pdf](#)

Mr. Euson said, "This is a four-year appointment to this board. I recommend you adopt the resolution."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I would like to request at this time that we postpone this item for four weeks. There is a paperwork issue that popped up concerning this appointment. I want to make sure we get the paperwork squared away. The paperwork may be completed before that time, but I would like to postpone this item for four weeks, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Mr. Counselor does that require a motion for us to do that?"

Mr. Euson said, "Yes, please."

MOTION

Commissioner Peterjohn moved to defer Item F until August 24, 2011.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item, please."

Deferred

PRESENTATION

- G** [11-0782](#) PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.
Presented by: Mariann Bardezban, HR Manager, Division of Human Resources.

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

Supervisory/Management Development Certificate
Kristin Gill Emergency Communications
Nadine Long COMCARE
Lillian Ngong Forensic Science Center
Robin Runyan Corrections

Professional Development Certificate
Michael Beyer Fire
Bradley Crowe EMS
Catherine Curtis District Attorney's Office
Kristin Gill Emergency Communications
Venetia Miller Appraiser's Office
Kelly Shively Health Department
Elaine Stull Corrections

Transitioning to Supervisor Certificate
Latrisha Fowler-Kearney Register of Deeds
Laura Schmitz Emergency Communications

Diversity Certificate
Scott Bowen Environmental Services
Kristin Gill Emergency Communications
Eric Laney DIO-IT

RECOMMENDED ACTION: Recognize the Certificate Recipients

Ms. Mariann Bardezbain, Manager, Human Resources, greeted the Commissioner and said, "It is our pleasure to be here today to recognize Sedgwick County employees for their hard work and dedication to their career development by completing one or more of these four certificates. The Supervisory Management Certificate, the Professional Development Certificate, the Diversity Certificate and our new certificate, called Transitioning to Supervisor. Each of these certificates has a number of required and elective classes which can be obtained either in a live classroom or through online training. Obtaining certificates is quite an accomplishment as it can be a lengthy process. We would also like to thank those who support career development in Sedgwick County, including the employees' supervisors and managers, many of who are here today with us. So I believe I have everybody lined up, and I'll go ahead and start with the Supervisory Management Certificate, Kristin Gill is receiving three certificates today, Supervisory Management, Professional Development and Diversity Certificate, congratulations; Nadine Long, Supervisory Management, good for you; Lillian Ngong, Supervisory (Management); Veneita Miller getting Professional Development Certificates; Kelly Shively, Professional Development; Latrisha Fowler-Kearney, Transition to Supervisor Certificate, first one we've given out, congratulations; Laura Schmitz, Transitioning to Supervisor certificate, congratulations, and Eric Laney is getting the Diversity Certificate. So that concludes our recipients today. We would like to thank you for the time today to be able to present our certificates."

Chairman Unruh said, "Thank you, Mariann. We need to applaud...just a couple of comments before you all get away, it's extremely important for the health and professionalism of our organization that we have employees who are willing to expend extra time and extra effort to improve themselves, and their skills as managers and leaders in county government. So we are truly appreciative of the time and energy that you all have invested in this, and we're very pleased to offer these certificates that indicate your completion of the course, but on a very genuine note, we want to say thank you for your willingness to be better and do better for our government and for the citizens of Sedgwick County. So thank you all."

Ms. Bardezbain said, "Thank you."

Chairman Unruh said, "Madam Clerk, next item, please."

PUBLIC HEARING

H [11-0786](#) PUBLIC HEARING REQUIRED BY K.S.A. 12-531 TO BE HELD FIVE YEARS FOLLOWING UNILATERAL ANNEXATION BY CITY OF KECHI ORD. NO. 1569-06. Presented by: Robert W. Parnacott, Assistant County Counselor.

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

Attachments: [Map ord1569-06](#)
[Notice of Post Annexation Hearing Kechi Ord No 1569 06](#)
[Kechi Ordinance #1569-06](#)
[Kechi Service Plan](#)
[Prehearing Questionnaire - Landowners 6-13-11](#)
[City Answers to Questionnaire 6 6 11](#)
[City Supplemental Report Kechi Service to Annexation Ord 1569-06](#)

VISUAL PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is one of our five-year post annexation hearings that we have five years after annexation where cities had to prepare a service plan. I've got your map up on the screen. This is the City of Kechi, showing parcels in red that were annexed in 2006 under this ordinance. Most are located north of 93rd. However, there is one farther down south, south of 85th on Hillside, and there's another parcel on Hydraulic a little south of 93rd. Most of them are up there in what we call the Sunnydale area. We do have a service plan that's been provided to us by the City [of Kechi]. The City was required to do a service plan at the time of annexation, the services plan was supposed to provide some detail to the land owners what services would be provided by the City after annexation. Including some sketches, the sketches aren't included in the service plan we have available as your backup, but I think they were part of the service plan we just didn't get them and we received the service plan.

"The service plan is supposed to show a statement setting forth a plan in sufficient detail to show the reasonable person what the intentions of the City are in terms of providing services, state the estimated cost impacts, how they would finance those costs, what the time table of the services would be in terms of which would be provided upon annexation, what would be provided upon request or petition, so the service plan, and, again, you are not here to review the service plan for its sufficiency with the statute, but this is one of those service plans that's a little bit, I don't want to say thin, but it is not as detailed as some of the others that we've seen. It does seem to meet more or less the intent of the statute. It does provide that there are certain services the City was going to provide upon annexation, which would include police services, taking over from the sheriff's department, fire service would stay the same, the City would provide code zoning and subdivision enforcement, and they would also apply to storm warning system service. There is intent to provide natural gas if on petition and streetlights upon request, there was no proposal to serve the area with any water from the City. Finally the streets, the main streets in the area, Hillside, Hydraulic, 101st at the time would still be maintained as they were prior to annexation. Some of that has changed, however, and I'll go over it that in just a second. We sent out our pre-hearing questionnaires as we normally do in this kind of annexation hearing.

"Out of 20 parcels we got five responses back. There was one specific complaint that road conditions around 95th and Hillside apparently have deteriorated. There was also a complaint that there was no obvious indication that Zoning Code Subdivision Enforcement had been provided by the City. The City's response prior to hearing was they had never received any petitions for sewer or natural gas or for streetlights. They have provided some Code Enforcement activities. They did purchase the storm siren for the area. They are providing currently street maintenance in the area.

"Originally they had a contract with the [Grant] Township where they paid the township to do some street maintenance. I think since starting in 2010, the City may have taken over some of that road maintenance responsibility. In particular, some of the area, streets in the area, 101st and Hydraulic, those are paved and county maintained, it is my understanding, Hillside is a sand road, but is maintained by the City, I believe, at this point, we do have representatives from the City that can confirm that. And then the other street that's probably, that could be at issue here, is 98th Street, that turns into Grove off of Hydraulic. That also is a sand road. I believe the City may have plans to pave that by petition, but, again, the City can respond to that in more detail.

"So at this point, unless you have any questions for me, I would recommend you open the public hearing, receive any testimony from the land owners or the City, then you can close the hearing and make the appropriate finding."

Chairman Unruh said, "All right. Thank you, Bob. I think we do have a question before they open the public hearing. Commissioner Skelton."

Commissioner Skelton said, "Thank you, Mr. Chairman. Bob, I just want to make a brief comment then we'll move on with this. This is the second hearing like this in a row where a service plan has been identified as weak or marginal at best. So I am wondering if it would be good business, maybe, I know it's not required, but maybe just good business to have some type of meeting or something with smaller cities to try to improve the process. That's my suggestion and comment on that. That's all I have, Mr. Chairman."

Mr. Parnacott said, "I would note under the bill that was adopted this year that amended the annexation laws, the County Commission will start receiving the service plans at the time of the annexation, so we will be seeing those at the front end rather than the back end, and we perhaps may be able to work with the cities and suggest some, or provide some comments if we have concerns about this."

Commissioner Skelton said, "At this point your new process will be amendable and able to be approved still at this point?"

Mr. Parnacott said, "Yes."

Commissioner Skelton said, "Good, Thank you."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman, question for you, Bob, on this new law. Will this apply only in the cases where there is a protest at the time of the annexation, or will this occur for all annexations, and requirement for service plans, or is it, my understanding is the old law, if there was no protest at the time of the annexation, there was no requirement for the city to provide a service plan."

Mr. Parnacott said, "No, that wasn't the trigger. The city has to provide a service plan whenever they are annexing without the landowner's consent. If they have the consent of the land owner, they are not required to produce a service plan. So in any unilateral annexation, or any what we call county approved annexation where they don't have the consent of the landowners, that's when they provide a service plan and under all those circumstances now they will have to provide the County Commission a copy of that service plan prior to the public hearing on the annexation."

Commissioner Peterjohn said, "Okay. Because my understanding had been that we were in a different situation, that people at the time of the annexation, did not protest, there wasn't as much of a...the cities didn't have to do as much in terms of providing documentation on the service plans. So the situation now is regardless of what, if the people, there's three categories of people. Allow the annexation without comment, actively protest it, or if they request the annexation. We've got three different categories, then, don't you?"

Mr. Parnacott said, "More or less, yes."

Commissioner Peterjohn said, "Okay. Well, I'm just trying to understand what the current law would be, so if the public is out there watching and viewing this, I know this is kind of getting into the really tall weeds of annexation exactly what the current law would require or provide for citizens who are either unhappy or unwilling in terms of being forced into a community that they didn't want to join because of a forced annexation."

Mr. Parnacott said, "At the time, the way the process works for that kind of annexation where the landowners have not consented or requested the annexation, the City has to start the process by adopting a resolution that sets a hearing date 60 to 70 days in the future. Then they have to provide notice to all the landowners in the area proposed for annexation to let them know when the hearing is going to be, and to let them know that a service plan has been prepared and is available at City Hall for inspection. The City is not required to send the service plan to every landowner, but at least lets the land owner know there is a service plan they can check out. And then of course there is the public hearing the City has where the land owners can come and speak for or against the annexation, and then the City has to take action, and then of course, there is an appeal right if the land owners feel they've done something inappropriate or unlawful under the annexation act."

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

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I want to take a few moments to talk about the service plan and a few other things. I made it very clear in the past that in general I oppose unilateral annexation. I've had a problem with some of these service plans, to include this one, I don't believe it meets the full statute requirements, and I did speak briefly with Mr. Tallman before the meeting and told him I would be critical of the service plan, but outside of that, I have not had any communication with anyone from the City or any land owners, any ex parte communications prior to this meeting. So the main thing is, despite my concerns with unilateral annexation and the service plan, we are not here to decide unilateral annexation, not here to decide specifically on the service plan, although where the service plan is lacking, we do need to look to the law that says they need to provide equal or better service to the citizens. So it is that part that is important, but nevertheless, my views on unilateral annexation, my concerns for the service plan, I will keep an open mind with regard to the public meeting we're going to have here and listen to both sides. That's what I will use to base my judgment on. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I don't see any questions, Bob, so at this time we will open the public hearing. We will invite citizens in the affected areas, if there is comment any citizens want to make. Yes sir, if it you would please step to the podium and say your name and address."

Mr. Ed Sichley, 2900 E 101st North, Valley Center, greeted the Commissioners and said, "Well, one, I'm not very good at this kind of thing. But I don't like your annexation. Excuse me, allergies. I moved from the last place because I was annexed in Wichita. So I moved out there, thinking, well, I'm far enough nobody is going to bother me, I will do my own thing and live my life out. Unbeknownst to me, Kechi comes along, I didn't even know we were going to be annexed until a friend of mine, which happens to be the Mayor of Park City said you're annexed. I said what?"

"Well I wasn't, it was everybody around me and I was this little hole there. So then a year later, they come out and annexed me. It is just not right. I don't have a bunch of facts and figures to back up.

"I've heard a lot about service right here, of how this government is supposed to serve the people. Well here's your opportunity. You can serve us by getting rid of this annexation. Just let us be, let us pay our normal taxes. We don't need more taxes. I didn't ask Kechi. I go that survey that said did you request to have sewer or anything else. I didn't know that, I didn't know it needed to be requested. I sure didn't request to be annexed, so why would I need to request anything else? So I ain't got much to say. I know it won't go in my favor, I've seen government work before. I'm sorry, guys, but I don't have any faith."

Chairman Unruh said, "Thank you. Sir, could you say your name one more time? I missed it."

Mr. Sichley said, "Ed Sichley."

Chairman Unruh said, "Thank you, sir."

Mr. Tim Lipke, 9515 North Hillside, Valley Center, greeted the Commissioners and said, "That was my comment about the road deteriorating. Which I found out afterwards the deteriorating, apparently two years ago...the first three years the Township had graded the roads and everything was fine. There was more to grading roads than running a sand grader through there and pushing dirt in the potholes. I found out that our road is narrowed by four feet now because of the road grader that Kechi bought. Four feet, down a dirt road, with implements and school buses and things like that, to me is a safety issue. The only other thing I have, for police protection, I read in the paper, there seems to be a high turnover in the Kechi police force. Appreciate your time."

Chairman Unruh said, "I'm sorry, can you say your name, too."

Mr. Lipke said, "I'm sorry, I speak fast. Tim Lipke, L-i-p-k-e."

Chairman Unruh said, "Okay, thank you, sir. We have a...do you want to make a comment now?"

Commissioner Ranzau said, "I have a question. What road were you talking about?"

Mr. Lipke said, "Hillside."

Commissioner Ranzau said, "Now could, Mr. Spears or somebody talk to who maintained..."

Chairman Unruh said, "Sir, why don't we have the people who want to talk first. Then we'll have questions. Okay. Is there another citizen who would like to speak? Excuse me, okay we'll wait. Please step to the podium and say your name, please."

Ms. Marta Rohrback, 2020 East 101st Street North, Valley Center, greeted the Commissioners and said, "We feel it is unfair to be annexed by Kechi. We live so far north, we do not need any of their services, and we were fine with just the Sheriff. We have rural water, we don't need their sewer services."

Ms. Rohrback continued, "As far as the sirens for tornado, I thought that was done by the county, not the City of Kechi. And our road is maintained. We are on a snow emergency route, and it was my understanding that that was Grant Township, so we feel that we're paying taxes for services that we do not require and don't feel we need to pay for those."

Chairman Unruh said, "Okay, thank you very much. Is there another person that would like to speak? Yes, sir."

Mr. Dan Rogers, 9969 North Hillside, Valley Center, greeted the Commissioners and said, "Before I begin, do all of you have a copy of the service extension plan for north Kechi?"

Chairman Unruh said, "We have that in our backup."

Mr. Rogers said, "I have copies, if you would like, but I do urge you to follow along. On July 9th, 2006, my wife Shirley and I lived in the country, 5.9 miles from Kechi City Hall. Our county property tax was \$857. The Township graded our road, the Sheriff provided protection, the Rural Water District provided water, the county provided animal control, we used propane for heat, and had our own sewage system. On July 10, 2006, the City of Kechi annexed us, and 18 of our neighbors against our will through unilateral annexation. We now live in the city. We're still 5.9 miles from Kechi City Hall. Our county property tax still \$857. The Sheriff still provides protection. We still get our water from the Rural Water District, the county still provides animal control and we still have our own sewer system. Only difference, in 2006 we had to pay the City of Kechi \$657 in taxes.

"Nothing changed except for the additional tax. No additional services have been received. Our only connection to the City of Kechi is that narrow one-mile-long strip of land crossing 85th Street north. But this hearing is about the service extension plan for north Kechi. The introduction of the plan '...sets out the plans for the municipality for providing major municipal services'. I would like to highlight each element of the service plan with particular response to the major municipal services offered. Once again, I would urge you to read along. Existing land use, 'Annexed area will be given equivalent City zoning to the existing County zoning'. There is no change. We're still Rural Residential (RR). Fire protection, 'At the present time, the area is served by the Sedgwick County Fire Department. After the proposed annexation, the area will be served by the Sedgwick County Fire Department', no change. Police Protection 'The area is currently served by the Sedgwick County Sheriff. The City of Kechi, after annexation, will provide equivalent police protection'.

The fact is, when 911 is called, the Sheriff is the first to respond. Or has been each time I have called. Other Municipal Services which will be available to the area, 'Street lighting' provided by is the City. None requested, none provided. 'Storm Water System' provided by the City. For years, our warning device has been located at the Sunnydale Community House on 101st Street north. Code Enforcement and Zoning (& Subdivision Regulation) Enforcement, On July 15th, I called the Sedgwick County Inspection and Zoning Department at (316)-660-1840 and was told that the county does all inspections. When a permit is required, it is applied for in Kechi, then it's faxed to the county for the inspection and approval. The only change is where the permit is pulled. 'Summary of Plan for Services, Sewer Service, no; Natural Gas Service, no; Water Service, no; Arterial street, yes, Existing', we live on a dirt road; 'Police Protection, yes'. But the Sheriff is proven quicker.

"Fire Protection, Sedgwick County; Streetlights, when requested; Code Enforcement, although Code Enforcement, Zoning Enforcement and Subdivision Regulation Enforcement work well in town, the exceptions written into the codes allow for suburban activities to continue.

"Some folks still burn trash. Many have livestock, and most use guns to control pests. You can't do that in town. Street Conditions, 'The subject [area] is served by paved street (Hillside, Hydraulic and/or 101st)...maintenance will remain with the county'. At the time the City did not annex or accept responsibility for maintenance of the roads. But whoever is mowing and grading now has let the condition of the road and ditch deteriorate to a dangerous state. Here I would like to make a correction, I don't live on a paved road. Water, Sewer and Natural Gas Services, 'The subject area is currently served by a Rural Water District. Water service will not change after annexation...The City of Kechi has no intentions to serve this area with sewer or gas'. I began by describing what life was like in the county before annexation. As I pointed out, nothing has changed except in 2010, our Kechi taxes are up to \$967, that's in addition to what I pay the county. The service plan..."

Chairman Unruh said, "Sir, excuse me. Up here."

Mr. Rogers said, "Oh."

Chairman Unruh said, "We usually allow five minutes. You are at that time."

Ms. Shirley Rogers, 9969 North Hillside, Valley Center, greeted the Commissioners and said, "He can have my five minutes."

Chairman Unruh said, "Okay."

Ms. Rogers said, "I'm Shirley Rogers, 9969 North Hillside."

Mr. Rogers said, "I'll wrap it up."

Chairman Unruh said, "Thank you."

Mr. Rogers said, "I'm just closing."

Chairman Unruh said, "Thank you."

Mr. Rogers said, "As I pointed out, nothing has changed except in 2010, our Kechi taxes are up to \$967 per year. And I did point out that that was in addition to my county taxes. Which have not been reduced. The service plan we are here to discuss was not written to serve a rural populous, it was written to comply with the condition to annex. We simply don't receive services from Kechi, although since annexation, we have paid them \$3,597. In closing, I attest that all though service plan was presented as required by law, no tangible services have been offered or received. In fact, if the Kechi city limit signs were taken down, no one would notice. Thank you."

Chairman Unruh said, "Thank you. You have questions of the speaker?"

Commissioner Ranzau said, "Yes. What road were you talking about that you think has deteriorated?"

Mr. Rogers said, "Hillside, between 85th and 101st. It is not like it used to be. When Connie used to do it with the Township, and by the way we did pay the township \$48,000 in the years 2006 to 2009 to do it, but when Connie was doing it, the road was in pretty good condition. This year I had my grass mowed in the ditch once, and that was right before the hearing, by the way. Thank you. And secondly, the road itself is still rather rough. When we had the snow last year, I couldn't get out of my driveway for days."

Commissioner Ranzau said, "Over what period of time do you think it's deteriorated?"

Mr. Rogers said, "18 months. As a matter of fact, there was an accident there recently where a young lady who was going north on Hillside lost control in the ruts, and bounced into a tree."

Commissioner Ranzau said, "Are you talking about the washboarding effect?"

Mr. Rogers said, "Yes."

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

Mr. Rogers said, "Thank you. Any other questions?"

Chairman Unruh said, "We have no other questions. Is there anybody else who would like, anyone else who has not spoken who would like to speak?"

Ms. Susan Estes, 151 South Whitier Street, Wichita, greeted the Commissioners and said, "I obviously don't live in the district, but I'm with Americans for Prosperity and we have members of our chapter who do live in that area, and a little shy coming forward, but they would like to express concerns about their property rights and their right to choose who they are governed by, and they take this matter very...at heart very much. When you go house shopping, you choose where you are going to live and what rules and what taxes you subject yourself to. When you are annexed, that is completely stripped from you under the old system and no power to oppose it under the old system."

"You can come to a hearing and speak your piece, but very rarely are the wishes of the citizens honored. So people feel like involuntarily they are forced to give their taxes to a city government, and you're hearing from people today who feel they get nothing in return for that, and it was done to them without their approval. You also have people who moved to the county because they don't embrace, and some people embrace being in the city, and the greater control that the city has to their ordinances. For so many people they want that. Many people who go to the county expressly choose to get away from that. So they do their homework, they buy where they live, they buy under the rules they want to live under, and, again, against their will, they are forced to have a set of rules govern them that they didn't choose. And they strongly urge you to respect their property rights, and their right to use their land how they want to, and allow themselves to be governed by who they want to. Thank you."

Chairman Unruh said, "All right, thank you. Is there anyone else who wants to speak? I would ask perhaps a representatives from Kechi, if you want to make a comment in response."

Mr. Mark Tallman, City Administrator, City of Kechi, greeted the Commissioners and said, "Sure. Thank you. Good morning. I respect every comment our residents had to say. We take our annexations, voluntarily and unilaterally very serious. And myself, a little bit of history, also brought two very capable long-term employees and residents, Larry Kallenberger, our Utilities Superintendent and Laura Hill, our City Clerk...Court Clerk, all of us wear many hats in Kechi. Just a brief history lesson, A few months prior to this unilateral, there was a mass voluntary annexation into Kechi, a mass annexation into Kechi. It was at 10:00 (p.m.) in the evening type issue, mayor signed documents, the annexation happened, these folks came to the City of Kechi. The maps, very good, by the way, these maps do dictate where we had some holes in that voluntary annexation. For safety reasons by way of our police officers, at that time we had a full-time, nearly 24/7 police department, which has been reduced through attrition, so that is an item I will speak on in the future, but for safety sake, whose property this, we thought it wise in conjunction with the county, not of your urging, to fill some of those holes so we know whose property belongs in the City, whose property doesn't belong in the City. So that follows closely, the unilateral you are looking at today follows very closely, as the mass voluntary that happened just prior, a few months.

"And I don't want anybody telling me what to do with my property, either, but I don't like designating south and north Kechi, we are all one City. As far as land use goes, it continued basically the way it did as if they were in the county. Yes, City, Larry is available as the Building Inspector to go and reside over any sort of issue. We have those issues often. Larry is often, it's free from the City, before you build a home or conduct some business on the property, give us a call, we will be happy to help you. Occasionally we save the household and resident a great deal of money. Fire protection is as it is. Police protection, I think we have a very, very good and very healthy relationship with not only the County Sheriff, Park City, Wichita City, Bel Aire, and we are also there to help them when they call for assistance.

"Who gets there first isn't really a concern of mine other than our resident is getting specific services when they call that 911 number. Street lighting, we have had Sunnydale areas request street lighting. That has gone in, and we've covered the cost of continuing to turn the lights on. Storm Warning System, yes, we did put in. Code Enforcement, it is a rural area. It is difficult at times to notice when codes go violated. We have other priorities in the City, we are not here to dictate who does what on their properties, but we have been asked to help out with some extreme cases that needed to be settled with neighbors, we were happy to do that. And we've done that, we resolved it and moved on. We have, we moved a home of blight that was requested by the neighbors, we inspected and determined to raise that home, and we did. We did cleanup on the site.

"Going back to police protection, often we are called in to the Sunnydale area on north Kechi in response to aggressive driving, speeders. I've been in a ride-along in an officer's car going onto these requests by citizens to post ourselves somewhere, and look for a specific violator. We do that often. We do that upon their request. And we do a great deal of patrolling. We're self initiated police department, a community police department, we will instigate most of our actions, act as quickly as we can in response to requests. Sewer, gas and water, should north Kechi residents ask for that, in mass, it can be gotten up there, but 5.6 miles is a long run and very expensive.

Mr. Tallman continued, "But someday that will happen, and should that [be] asked, I think there's alternatives to running five miles of sewer line underground, and as much as we've got neighbors in the cooperative arrangements we have, and cooperative attitude we have with our municipal neighbors, there might be some good options available. We'll see what happens in the future regarding that.

"Zoning Enforcement, Subdivision Regulation Enforcement, we do a great deal of enforcement, not only in the south, but equally in north. You may not know we are assisting a neighbor, but we are. They asked for our help, we've provided that. Street conditions, Commissioner Ranzau mentioned earlier, we bought a used street grader from Sedgwick [County]. It was a great deal. It saved our residents probably 2 mills a year in maintenance, where we would have had somebody else do that. That's a continuing cost savings into the future. In conjunction with the Township, we realize, you know what? We both need one-half of one-half. So Larry and I and the Township sat down and discussed, each of you take a mile, do you a mile, there's no stops, starts, who has got what, what have you, cooperative agreement. We got it in writing, it works well for us. So we've been maintaining the road in question for not even quite a year yet. We realize there's issues there. We look forward to taking care of them. Also encourage the residents when they have an issue or concern with city services, let us know when the issue arises so we can start addressing it. Instead of a couple months prior to the actual annexation hearing. This goes for all residents, please, bring us all your concerns when they are a concern, so we don't have to be reactive, we'll work with you to get it completed. Be happy to answer any questions."

Chairman Unruh said, "Thank you. We do have a couple questions. I think first is Commissioner Skelton."

Commissioner Skelton said, "Thank you, Mr. Chairman. Sir, you mentioned you had a voluntary annexation?"

Mr. Tallman said, "Yes."

Commissioner Skelton said, "Okay. How big was that, how many households? I must apologize, I really appreciate seeing what boundaries the city proper would be now on this map. So that's some information I would like to hear, please."

Mr. Parnacott said, "I may have another map that might show that."

Commissioner Skelton said, "Thank you."

Mr. Parnacott said, "I think this gives a little better idea of the city boundaries, let me reduce it down a little bit. He has a large map."

Commissioner Skelton said, "Okay."

Mr. Parnacott said, "So on the screen, the lighter green is showing, the voluntary annexation done prior to these unilateral annexations in the darker green."

Mr. Tallman said, "...this portion of Kechi is the portion that came to Kechi and asked to be voluntary annexed."

Commissioner Skelton said, "How big is that area, how many households, what is the population, so forth?"

Chairman Unruh said, "Mr. Tallman, probably prefer you behind the mic."

Mr. Tallman said, "Oh. I'm sorry. We were prepared for today's hearing. I don't know the specific numbers on households, but the amount of green from South Kechi north nine miles to 109th, there's quite a deal of voluntary annexation. In order to connect some of those properties, there were some agreements made to where those taxes would go back to those residents at which time a developer sold it to another household."

Chairman Unruh said, "Okay. Can you turn the maps so the audience can see?"

Commissioner Skelton said, "Also can you back up, please? I want to see the subject properties in question on the computer, please."

Mr. Parnacott said, "Again, the subject properties are the ones in the dark green. Do you want to see the other map?"

Commissioner Skelton said, "No, no, no. I appreciate that. Thank you. Okay. Well, Mr. Chairman, I have another question. I will defer it at this time."

Chairman Unruh said, "We have a question from Commissioner Norton...I'm sorry, Commissioner Ranzau."

Commissioner Skelton said, "He does have a beard, doesn't he?"

Commissioner Ranzau said, "Couple things. This map is very telling. I'll talk a little bit on unilateral annexation. This is why I oppose unilateral annexation. I understand this was in response that certain citizens wanted this because they were afraid they didn't want to be annexed by Park City."

Chairman Unruh said, "Excuse me. Really would prefer you didn't do that. I know there is a couple of you at that want to speak again, and I will allow you to correct, if there's some factual thing that you need to correct, but we don't want to get into a debate in this public hearing. Commissioner, I'm sorry for interrupting you."

Commissioner Ranzau said, "No, that's okay."

Mr. Sichley said, "Can you turn your mic closer so we can hear you?"

Commissioner Ranzau said, "Sorry, in order to do this, you had to do that little strip of annexation and all at that sort of stuff, I am not going to say they should have been annexed to begin with, because and this is what I would like to hear from you and maybe your attorney, if you are going to annex someone, you need to be prepared to provide those services: water, sewer, et cetera. In fact, unilateral annexation, you are supposed to have a plan how you are going to do that, and I haven't seen the sketch, maybe you did have that, but it is not just a matter of you will do it when they request it, but you need to have, you know, it talks about a sketch of the current water main, sewer and utilities and then the proposed extension thereof. Is it your...and in your service plan you said you have no intention to provide these services, is it in your mind that the statute allows you to not even plan on extending those services?"

Mr. Tallman said, "Well, the extension plan you're looking at today is the same extension plan of the voluntary folks came in under."

Mr. Tallman continued, "So we thought it wise at that time, going back in history prior to myself, that this same extension plan would work, and was put out for public hearing, and we annexed those folks. When it comes to the extension of the sewer, by the way, we are all own gas, sewer and water company, so we do have natural gas service. We have the capabilities to run lines that far north, we do. It would be an expense, it would have to be requested by the residents that really want it. Is there a desire to have it? Of course we would have to bond that out, run those lines or start saving up now for, you know, 30 years, and may have the capability to do it at that time."

Commissioner Ranzau said, "Sure, well the difference between the one by volunteer and unilateral, you didn't, you are not required by statute to have a plan for those who did it by request, but for the ones that were unilaterally annexed, you did have to provide a service plan, but in my reading of it, it is supposed to include a plan of how you do it, where you are going to put the lines and the estimated costs, and I think that's where this falls short. Even though it would be costly, you've got to be able to show them that if they were requested it, this is how they are going to do it."

Mr. Tallman said, "We look forward to utilizing the new state statutes and the county help in this work through this. We very much, internally as staff, we like the three year review, the five years is a bit long. Things are forgotten. It goes back to the issue, if there is an issue or problem, please tell the City about it now, we'll start working on it together."

Commissioner Ranzau said, "All right, fair enough. I do have a couple..clarify for me your police protection. How many police officers do you have now, and there's been attrition. Clarify that for me."

Mr. Tallman said, "Sure. Currently at this time we have three full-time officers, two part-time officers, and three reserve officers. We've got pretty good coverage. Obviously the reserve officers are just that, reserve officers, and they can't be scheduled much like part-time and fulltime employees can. So we do our best with what we have, and the economy, we had at one time I believe five full-time employees and a couple part-time. We've gone through attrition, employee changes, but we are very confident in our new Chief of Police, Chief Simons, who wasn't able to be here with us. He is alive, but he wasn't able to be here with us, and other officers, we are very comfortable, we are getting accolades on the personnel we have now, and we're very happy with that. And again it goes back to the partnership we have all together regardless of what city you are in, chances are Kechi is going to be there. May not be first in another city, but we'll be there, and we'll try our best to be first in our own City, but we've got 11 miles to cover, north and south, and four east and west."

Commissioner Ranzau said, "Now, with respect to the road deteriorating on Hillside, I did actually did drive out there late last week, and I've been in that area quite a bit the last several years, because I'm always looking for a place to live out in the country. But we recently had an annexation in Valley Center. I thought there was clear and convincing evidence about road deterioration, and I actually rode down Hillside and I don't have any photos or anything like that to present the before and after, so with respect to these citizens' allegations, what do you have to say about that? Give me the time frame. Clarify for me, the Township has been maintaining that road until when. They are saying it's deteriorated the last 18 months."

Mr. Tallman said, "Spring, early summer 2010, we assumed that duty in agreement with Township, after we bought our grader, it worked, we started maintaining our own, we realized we were starting and stopping on one road too much. We got into an agreement summer of 2010. And up until the public input, I personally had no idea that there was such a problem on Hillside, I don't believe there is, if it had been such a problem, surely would have liked to have heard about it. Not that we can get to every problem immediately, but we would like to save up money, study it, look at it and do it right. That's one thing I am proud of, when we do have maintenance problems, we just don't go for the quick fix we go for the long-term solution. Sometimes those cost money. But we look forward to doing some fixes on Hillside, obviously."

Commissioner Ranzau said, "So for the first four years, or so, the road was actually maintained by the Township, and you paid them to do that, is that what you're saying? For the last year or so, you've been maintaining it with your own road grader, your own personnel..."

Mr. Tallman said, "Yes. And attempts are to maintain or do better than the Township has. That's our goal. Although we took over some of the roads, we maintained what they had had going already, because not to invest so much money and time in road and maintenance, that residents hadn't asked for it. Now that we know they are asking for that, we will be more than happy to study that and make a permanent long-term fix or at least make it better."

Commissioner Ranzau said, "Do you have any response to that, to the allegation that the street is widened by four feet?"

Mr. Lipke said, "Narrowed...because of their road grader...."

Commissioner Ranzau said, "Oh, it's narrowed by four feet..."

Chairman Unruh said, "Excuse me, folks..."

Commissioner Ranzau said, "It's narrowed by four feet?"

Mr. Lipke said, "Right."

Chairman Unruh said, "Okay. We really need to address the Chair first before you speak."

Mr. Lipke said, "I'm sorry."

Chairman Unruh said, "Is that all Commissioner?"

Commissioner Ranzau said, "Yes, I guess. So the allegation is that it's narrowed by four feet?"

Mr. Tallman said, "Chances are, we won't go directly to [Kechi] City Hall first, on our way back we'll go back by Hillside and see visually what it is and put a plan in place to widen it, if it can be done reasonably at low cost right now, and long-term, as an expense we need to save up for."

Commissioner Ranzau said, "But you can't say...well, I will be honest, I'm very sensitive to these, you know, it needs to be equal or better service."

Commissioner Ranzau continued, "I've driven down Hillside, you know, pictures would have been nice, with respect to citizens' claims. I looked at 101st...I wasn't...it was a dirt road. I don't know, it didn't strike me as being in terrible disrepair. Now there is some washboarding, but any road will do that if it's dry long enough. Everything has been dry for a while. Nevertheless, you've been maintaining it for a year, they say it's been deteriorating for 18 months so at least some of that was when the Township had been doing that as well."

Mr. Tallman said, "In these economic times, I'm not point fingers at anybody."

Commissioner Ranzau said, "I understand. Okay. That's all I have."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm going to reserve my comments about unilateral annexation when it comes back to the bench, but I had some questions. I could begin with Mr. Lipke, if he could come back to the podium. I wanted to clarify, you expressed some road concerns. I wasn't sure about your address and were you talking about the two-mile stretch of Hillside between it 101st and 85th Street, or another stretch of roadway, sir."

Mr. Lipke said, "Actually, I am the green... the little green guy there. I own the 40 acres around there and have the other five divided through an inheritance deal."

Commissioner Peterjohn said, "Can you kind of help me out, I am a little shaky. You are right there? That's 40 acres?"

Mr. Lipke said, "The 40 around it. I own all that land..."

Commissioner Peterjohn said, "Okay. I was going to say that seemed awfully small for 40 acres."

Mr. Lipke said, "Okay, and I live at 9515 North Hillside. And when I spoke to the Township, they said they had an agreement from 77th to 101st for them to take over, and they are the ones who informed me they use a 14-foot road grader and the one that Kechi purchased is 12 foot. If you want to keep the roads 28 feet wide, you would have to make three trips with the other road grader to keep those. And part of that, when you grade a road, that's where you get your crown is from the sides. And I mow my own ditch and I know that there is at least a foot or two that I didn't mow last year that's sandy, bermuda and crab grass now."

Commissioner Peterjohn said, "Thank you. Other questions I've got are for Mr. Tallman. You had alluded in your testimony that there was some of the acreage that was annexed...and I noticed a number of parcels here are over 20 acres in size. I thought you made a comment about returned property taxes for a period of time is part of the annexation. Can you give us more information?"

Mr. Tallman said, "As we looked at on the larger map, there's' very thin lines."

Commissioner Peterjohn said, "Yeah, road connection."

Mr. Tallman said, "At that time in order to connect the, the desire to be part of Kechi was intense, so to make it work, there had to be an actual physical connection of geographic boundaries to Kechi, old Kechi. And that was done by way of partnerships with some of the land owners, a strip of their property was dedicated to be City of Kechi and until they either sell their homes, or it's developed further, those taxes are rebated back to them, a small fee for administrative purposes. And this is what is referred to as the Kechi initiative and most Topeka legislation which was brought up during the Mulvane issue and others. But the gerrymandering is difficult on the City to maintain that, not that we maintain, physically maintain, but in our heads, where is the City? So that was part of the unilateral, after the voluntary that took place. Some of the larger, we believe Commissioner, that there may be some plat lines missing on larger pieces of green, but some of those folks did desire to come in afterwards also, so..."

Commissioner Peterjohn said, "I was curious to find out how many parcels, especially the larger parcels, you had the commitment with them to return property taxes. How long of a period of time it was for that."

Mr. Tallman said, "Until the property changed hands or if it was developed or a building permit was pulled."

Commissioner Peterjohn said, "So based on if some action was taken in the future."

Mr. Tallman said, "Correct."

Commissioner Peterjohn said, "How long could that be? Could it be 20 years, 30 years?"

Mr. Tallman said, "I don't think there's a set time limit..."

Commissioner Peterjohn said, "Would you want to step up to the podium please."

Ms. Laura Hill, City Clerk, City of Kechi, greeted the Commissioners and said, "It was actually to put a speed limit sign on the property, it was equal to the taxes that they were being charged from the City in exchange for the city limit sign. Until such time as that property changed, it would be in effect. If it ever changes ownership or if it's ever split or developed into something different from what it was when we took it in."

Commissioner Peterjohn said, "Let me ask you, how many different parcels fall under that category, and are they all north of 85th Street?"

Ms. Hill said, "Um... As far as this annexation concerns, yes, I believe so. Off the top of my head, I can't count, but I'm thinking there's four or five."

Commissioner Peterjohn said, "Any idea..."

Ms. Hill said, "Everywhere there's a city limit sign, there was probably an agreement to put the sign there."

Commissioner Peterjohn said, "I was looking, there seems to be on this map, anyway, quite a few of these parcels are greater than 20 acres in size, so people can say we don't want to participate in the annexation if they didn't want to. Several large parcels aren't included."

Commissioner Peterjohn continued, "I wanted to get a handle from an annexation point of view, how many of these parcels that Kechi made agreements with so that they wouldn't be covered by the property taxes. But this is another side where I think the unfairness of state law shows up, because smaller people don't have the ability to stay out, and they are paying the property taxes, we've got larger parcels that say, well, you can come in, you won't have to until we get to a development point of view, and I think from the public hearing side, to understand exactly what we have here, because I am afraid under the old state law, you had kind of an apples and oranges situation, depending on the size of the parcel involved. And that's why Madam City Clerk, and I'm sorry..."

Ms. Hill said, "Laura Hill."

Commissioner Peterjohn said, "Thank you. Ms. Hill, that he why I wanted to try and get, that's why I wanted to try to get as much of this information on the record. Kechi is far from unique in this regard in terms of doing this. When these hearings come up, I think more information from the public is better than less."

Ms. Hill said, "You are correct. Anything that is over 20 acres couldn't come in unless it was voluntary. So there were some of those instances where a portion of that property was split, but it was voluntary annexation."

Commissioner Peterjohn said, "Okay. Because I'm curious procedurally, it looks to me, and this may be my uncalibrated eyeball, there is a parcel that is, I guess, 97th Street between, just east of Hydraulic, a half mile wide, a little bit further west looks to me like that would be over 20 acres, and..."

Ms. Hill said, "On here it shows that, actually there is a line in the center there."

Commissioner Peterjohn said, "Oh."

Ms. Hill said, "That made it less than 20."

Commissioner Peterjohn said, "So it's less than 20."

Ms. Hill said, "There's actually two different, it might have been changed since then into one. I know there was a death in the family, and some inheritance there. But it might have changed that. But originally there was a line right above the 'u' in coliseum."

Commissioner Peterjohn said, "I just wondered procedurally, if they were over 20 acres, they couldn't have been pulled in."

Ms. Hill said, "You are correct, they were under."

Commissioner Peterjohn said, "They are protesting here. I'm trying to understand what we have in front of us."

Mr. Tallman said, "And also, too, maybe Laura already said this, those over 20 were usually, they were the ones that came to the city as a group and asked to be annexed."

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

Chairman Unruh said, "Thank you, Commissioner. I don't see any other Commissioners asking to speak. At this time, is there anyone else who wants to speak who has not spoken?"

Ms. Rogers said, "Two questions, or two statements. First, they mentioned the streetlights that they built for an area. That was a voluntary area that was a subdivision, they wanted streetlights. The rest of us don't. We have the lights we need. What was the other point I was going to make? Oh, secondly, if Kechi wants to give me back my taxes and put a sign out in my front yard, they can do that. For eight hundred and some dollars a year I would gladly let them put a sign in my front yard. That's all."

Chairman Unruh said, "Thank you. I don't see anyone else asking to speak. At this time I will close the public hearing, and we will restrict comments to the bench. Commissioners, are there any more questions of Mr. Parnacott? Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Parnacott, are there any changes in the state rules concerning, with the new state law, concerning the ability of a municipality to basically defer property tax like the way it was described that had been done with a number of the larger parcel in Kechi, is that portion of the law pretty much unchanged?"

Mr. Parnacott said, "I don't think there's been any change there. I don't think that's necessarily part of the annexation act itself. I am not as familiar with that particular method of obtaining consent by agreeing to waive taxes that may be part of some other statute. There were no changes this year that touched on that kind of an issue."

Commissioner Peterjohn said, "Thank you. Mr. Chairman, I'm going to make a couple general comments here. I don't have a question for Mr. Parnacott. If he wants to take a breather, I'll let him do so, because I find myself once again in the position of being very uncomfortable with the municipal unilateral annexation process that exists, and that's been a state law, the state law has changed, it's put counties in the position of having to examine this and look at this, it's created I think it is unnecessary litigation, put us in the position where other folks, other states, let me be clear on this, people in other states have more ability to avoid annexation. I understand the problem that was presented, but this is the second order effect. A number of people wanted to be annexed into Kechi because they didn't want to be annexed into another municipality. That's a reflection of the fact that people have been largely disenfranchised here in Kansas because of the state law giving very broad powers to municipalities, and sometimes even allowing island annexations which, in this case, Kechi did make an effort and did succeed in connecting this little strip that's on the south side of this map and connects to the, what's more commonly viewed the rest of Kechi in the larger map.

"We've got some rather extraordinary municipal boundaries that have been created because of the state law. And so Mr. Chairman, when I go into these issues, I am concerned about the unintended consequences, and I see some of that in this hearing today, second order effect, because it was created initially by a number of folks who wanted to be annexed by a city that isn't even part of this hearing today, and so my position on this is very much concerned about how unilateral annexation is working and the fact that we do need improvement in terms of service plans, and this is not only this comment made about smaller communities, I think this is true for larger communities.

Commissioner Peterjohn continued, "And I have run into people who are trying to follow what these laws have been, and because they have changed, it is a moving target, and it's complex, and I think it's very challenging all the way around, and I think there are models from other states where citizens' rights are better protected, that at the state level legislatively they need to work at. Having said that, unfortunately, that's not an issue before us today, the issue is, City of Kechi meet their service plan, I'm going to...my vote this morning is going to try and fit into that fact, and I very much appreciate getting into the details in terms of the width, providing road service, police service and all the other services that were mentioned, because my vote will reflect that fact, thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Mr. Parnacott, the strip annexation there, clear far from me, has the law changed to point where if that would happen, that wouldn't be allowed?"

Mr. Parnacott said, "Couple years ago they changed that eliminating the ability to do what we call strip annexations, yes."

Commissioner Ranzau said, "Okay. That certainly doesn't help these constituents, but I think that's a move in the right direction. I am prepared to make a motion and give my final comments on this. Unless the other Commissioners have anything..."

Chairman Unruh said, "Commissioner, you can make a motion anytime you like. So if now is the time..."

Commissioner Ranzau said, "First let me say, if we're here to decide on unilateral annexation my vote would be no, clearly. If we were here to decide if the service plan was adequate, and we're in accordance with the state statute, my vote would be no as well. I'm very sympathetic to the concerns of the citizens that live out in the country, country/city. But we're here to decide whether the city met the service plan. Couple things the service plan doesn't offer a whole lot as far as extending services unless it is by request, for example, streetlights which somebody said you have to request them. It is not automatic. With respect to police protection, due to the variety of things to include the economic circumstances with what is going on not just Kechi, but within the county, they do have fewer staff, but it is my understanding from our counsel that if the courts, if we ruled against the city and they then took us to court, the judge would look into extenuating circumstances, because you have to put that in context. When they the first annexed this, they couldn't anticipate there would be an economic downturn which may affect services, so you have to take that into effect as well, just like this has happened to our own county services, and trying to cut expenditures.

"There are some concerns about the roads with respect to the roads. I've driven those roads, just as I did drive the roads on the Valley Center hearing. I believe there is a lot more problems with the roads in the Valley Center area as far as drainage. They admitted they created some of those problems. I think the standards with valley center, but here I reluctantly have to say that even though I'm sympathetic to what the city is saying, I think the city probably has met the service plan."

MOTION

Commissioner Ranzau moved to find that the City of Kechi has meet the requirements of the service plan.

Commissioner Skelton seconded the motion.

Commissioner Ranzau said, "Is that adequate?"

Mr. Parnacott said, "Yes."

Chairman Unruh said, "Okay. We have a motion and a second to find that the city has met the requirements of the service plan. We are open for discussion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I realize this is slightly tangential to the subject at hand, but since Commissioner Skelton raised it, I will strongly second his comments that providing municipalities with an opportunity to in terms of service plans, because I think it is a good idea, and I think it is something we need to proceed with, and I have a lot of misgivings where we are with this whole area when it involves unilateral annexations, but I did want to add for the record my support for Commissioner Skelton's idea. Thank you."

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

Commissioner Skelton said, "Thank you, sir. I appreciate that, Karl. It is not a clear cut thing. There are valid arguments on both sides, and hopefully we can eliminate some of this, you know, lack of clarity, or ambiguity here. So I just want to say that this is not a clear cut case for me. I do agree in large part with Commissioner Ranzau's comments. But, you know, you have to consider also one thing, and I want to, you know, say this as lightly as possible that, you know, in many cases, I'm not going to be germane to this issue here, many types of annexations, there are areas adjacent to municipal city limits, the city's taxpayers are setting police officers, firefighters, animal control personnel, road maintenance, they are sending them in that area, they should be annexed.

"I don't think it would be fair to citizens of a municipality to be subsidizing people in adjacent areas, especially contiguous areas, with services without them being annexed. I think that's the flip side of the coin. You know, the snake style or umbilical or whatever, I'm glad to hear that's going away, so that is just contributing to the controversy here. Okay, that style of annexation. Mr. Chairman, thank you."

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

Commissioner Ranzau said, "Just one final comment. I mentioned this before, also, that I think these sorts of issues are why I would like to see our Commissioner review our position on unilateral annexation to begin with. I think there's still some things to be done at the state level, just as landowners, and to clarify the situation, so I think we should continue to consider that and perhaps on many, some of our positions on a legislative agenda. Thank you."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I agree and second Commissioner Ranzau's comments in terms of our legislative agenda.

Commissioner Ranzau continued, "And I would make a request to Mr. Tallman or whoever the appropriate person at City Hall of Kechi, you know, I'm interested very much in the question I had, and I'm not really in a position to force this, but I think it would be good to have a documentation after this meeting of the number of parcels that basically have that contingent annexation, whereby they are able to defer their property tax, how many acres and how many parcels. I would like to get my hands on that information, because I think that's a significant challenge as part of the ongoing problem. And I anticipate not focusing this on Kechi in particular, I think it is a challenge, this is not the first time I've heard this being done. But I would request that they provide to this Commission a detailed breakdown on that information and also have that information available for all the property owners, in Kechi.

"And I would also like to thank the folks who came out and spoke this morning. I very much appreciate anytime we get citizen input, and I think I know where this Commission is going to go on this issue, and I urge you strongly to continue the effort you made today by not only communicating with us, but communicating with your state officials, your state representatives, your state senators, the governor's office, and if you are not sure who those folks are just cross the street on your way out of here and visit with the Election Commissioner's office. I think you're all in the same district, because you are close enough together, but I don't have the legislative district lines memorized so that there is a slight chance that you might be in more than one house district, but I urge you to continue your public activism that you had today, and I thank you for it."

Chairman Unruh said, "Commissioner Ranzau."

Commissioner Ranzau said, "One last comment. I, too, would like to thank the citizens for coming out and speaking. Although sometimes we have the impression that it doesn't matter, it's not worth coming out, I would encourage you to continue doing so. I understand why you may have those concerns, however, I am convinced that Mr. Tallman is sincere when he says he is willing to, and wants to hear from you, and try to address your concerns, so I think communication is the key here. I would encourage you to get together and talk and share your issues, and try to solve those together. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Before we call the vote, I would echo the comments that we appreciate the testimony by the citizens, and your willingness to come down and be involved in the process. It is, I think, reasonably accurate to say that the citizens that are being proposed for annexation today are the victims of an acrimonious and aggressive annexation competition that occurred a few years ago during the time in which the current City Manager of Kechi was not even here. And there's been a change in some of the leadership in Kechi. But that was, and it was a competition amongst cities in which Kechi was not even a participant in that competition. So the bulk of the area was annexed upon request, and the current mayor at that time, I asked him why would you do such a thing.

"He said because these folks ask us to. And so our current citizens are here today now, a part of what is essentially infill of what was a voluntary annexation, and as a couple Commissioners have stated, city services to the level they are being provided, and it seems logical and appropriate that those folks who are completely surrounded by a city be part of that city.

"So I am going to be supportive of the motion, and in agreement that Kechi has provided services or has provided in the plan, however recognizing that those services are very limited, and in my preference would be that we have a more definite and comprehensive plan, that we have to do that on the front side, hopefully this process will resolve so we can have more input. But under the current situation, I think that the facts we have before us compel us to be supportive of the motion. So sympathetic to the citizens, I'm sympathetic to the City of Kechi. If they were doing this, I think they probably would not have this portion of ground, because it is not normal growth for their City, and it stretches them to provide services and plan for the future. But the situation as it is, I think we're required from the facts I see them to find that the City has provided services. Those are my comments, and I see no one else asking to speak, Madam Clerk, we do have a vote, or a motion and a second. So please call the vote."

VOTE

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

Chairman Unruh said, "Thank you, Bob. Commissioners we have been at this for some time. So if it will please the Commissioners we will take a five minute recess and will convene at 10:35 a.m."

The Board of County Commissioners recessed at 10:30 a.m. and returned at 10:38 a.m.

Chairman Unruh said, "Okay, we will call our meeting back to order and ask the Clerk to, before we call the next item we have an item that we want to dispose of, Commissioners at this time we have an item dealing with a resolution for the exempting of the African-American Museum, can I have a motion to take up?"

MOTION

Commissioner Ranzau moved to take an Off Agenda Item

Commissioner Skelton seconded the motion.

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

VOTE

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

OFF AGENDA ITEM

Chairman Unruh said, "Mr. Counselor, would you want to give us an explanation?"

Mr. Euson said, "I would be glad to. Commissioners, yesterday I received a communication from the City of Wichita's Department of Law, one of the Assistant City Attorney, Beth Harlenske, asking me about the status of the Kansas African-American Museum which the county owns and leases back to that organization. Mr. Barfield, James Barfield, who is Marketing Coordinator for that organization has asked the state for a permit to allow him to serve alcoholic beverages at a function Friday night. The process is that the state goes to the City of Wichita because it's located within their environs, and obtains necessary information regarding zoning and so forth. And as part of the process the determination needs to be made whether or not since this is public property the county has authorized that and it turns out the county has not, and, so, although we lease it to the Kansas African-American Museum, they are free to use it, it's county owned property and we must consent in order to comply with the laws for the State of Kansas, so the request is to have the county exempt that as we do in other county-owned property from state law that prohibits that consumption so that it can be allowed."

Chairman Unruh said, "All right, thank you. We have a question from Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. We have already done this for the Exploration Place and the [Sedgwick County] Zoo, is that correct?"

Mr. Euson said, "The Zoo, and the parks and Exploration Place, yes."

Commissioner Ranzau said, "Okay, so let's put them in line with them."

Mr. Euson said, "Yes."

MOTION

Commissioner Ranzau moved to adopt the Resolution.

Commissioner Skelton seconded the motion.

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

VOTE

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

Mr. Euson said, "Thank you."

Chairman Unruh said, "Thank y

NEW BUSINESS

- I [11-0742](#) CONTRACT WITH PROJECT INDEPENDENCE, INC. FOR CONSUMER-RUN SOCIAL ACTIVITIES, OPPORTUNITIES FOR LEADERSHIP, EDUCATION, TRAINING AND RESEARCH IN A DROP IN SETTING.

Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

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

Attachments: [PIFY2012](#)

Ms. Marilyn Cook, Director, COMCARE, greeted the Commissioners and said, "This is a renewal of an agreement with a consumer-run organization called Project Independence. Project Independence provides opportunities for adults with a mental illness to socialize rather than being isolated and provides educational and leadership opportunities. It is however, not a drop in center, that was misspoken. It is open in the evenings when other services are closed. Transportation to and from the building, that they have on south Ida, is also available for members who need the transportation. And the contract spells out the prevalent goals and requirements. And Project Independence submits monthly financial reports to COMCARE and we monitor those, as well as quarterly reports on their achievement on their goals. The contract is for \$59,000, it's the same amount as the contract was last year. Project Independence served an average of 109 unduplicated members each quarter in the past year. So we are recommending you approve the contract and authorize the Chairman to sign. I am going to point out that Project Independence Director, Rene Strunk, if you would raise your hand, is here with us and the Board Chair, Kathy Cash, if you have any questions for them."

Chairman Unruh said, "Commissioner, do you have any questions for Marilyn? I think this has been a valuable asset in our community for consumer run organization that provides services and encouragement to their clients and I'm going to be very supportive of it."

MOTION

Chairman Unruh moved to approve the contract and authorize the Chairman to sign.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

Approved

J [11-0758](#)

AGREEMENT TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES WITH THE SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER.
Presented by: Marilyn Cook, Executive Director, COMCARE.

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

Attachments: [SCMHCC for BOCC 7-11](#)

Ms. Cook said, "Commissioners, this is also a renewal of a contract we have with the Community Mental Health Center that is run by Butler County. They actually have buildings in three different areas. The purpose of the contract is to provide this Community Mental Health Center after hours crisis services to their clients by phone or in person. We are paid a monthly fee to provide this service and a permanent fee for phone contacts and face to face contacts. Last year our crisis program took an average of 48 calls on the phone for this, Community Mental Health Center and we had three face to face appointments throughout last year. Last year the contract produced a little over \$6,000 in revenue for COMCARE. One call involved a man, just to give you an example of how these unfold, he called our crisis line during the holiday period, he called in a couple times on the phone, was still very agitated, was feeling suicidal and he agreed to come in for a face to face assessment. When he came in he was extremely agitated and reported that he had never really connected well with another provider so he was pretty hesitant to come in. Our clinician spent some time with him, calmed him, developed a safety plan and he was very calm by the time he left. She called him a couple days afterwards to make sure that he was still okay and that he was connected to the provider in Butler County, so, it not always just a quick phone call, sometimes it involves more. We are recommending you approve the agreement and authorize the Chairman to sign."

Chairman Unruh said, "All right, thank you. Commissioners, are there any questions? As I say, I think it's a great opportunity for us to partner with our neighboring counties to provide services for a population that needs that support and doesn't strain our resources at all to provide this, it's a great way to be cooperative and share resources."

MOTION

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

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

Approved

K [11-0769](#)

CONTRACT WITH ARROWHEAD WEST INC. FOR RESIDENTIAL SERVICES.
Presented by: Marilyn Cook, Executive Director, COMCARE.

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

Attachments: [Arrowhead West FY 2012 to BOCC](#)

Ms. Cook said, "Commissioners, this is also a renewal of a long standing agreement with Arrowhead West [Inc.] from the mid 1990s to provide residential support to six consumers living at this facility for some time who were previously served through the developmental disability system. The contract pays for support and assistance in activities of daily living for the six residents. Those activities can include assistance with shopping, food preparation, and household chores and sometimes transportation. And these support, assist and enable these six individuals to remain in non institutional setting. The contract is for \$67,212 and it represents \$22,400 reduction from last year's contract which was for eight rather than the six remaining individuals who are covered. The contract will slowly diminish over time until the residents covered under the agreement no longer reside there and without this agreement these same consumers would not see the same level of care which could impact their ability to live outside an institutional setting. We recommend you approve the contract and authorize the Chairman to sign."

Chairman Unruh said, "All right, thank you. Commissioner, any questions about this contract?"

MOTION

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

Chairman Unruh seconded the motion.

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Just a quick question, Marilyn. How long have we had this contract?"

Ms. Cook said, "I asked yesterday, since 1995."

Commissioner Peterjohn said, "Thank you."

Chairman Unruh said, "Thank you, Commissioner. Any further questions or discussions? Madam Clerk, call the roll."

VOTE

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

Chairman Unruh said, "Next item, please."

Approved

L [11-0744](#)

CONSIDERATION OF GRANT IN THE AMOUNT OF \$55,701 COMCARE TO PROVIDE CORRECTIONS LIAISON SERVICES.
Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the grant and authorize acceptance of the grant.

Attachments: [KDOC Corrections Liaison
Grant Budget Form](#)

Ms. Cook said, "Commissioners this last item is also a renewal of an agreement which has been in place for the last five years with the Department of Corrections. In the agreement the Department of Corrections pays the salary and benefits of a staff member of COMCARE, which is a liaison, to help transition those with mental illness who are being released from prison and correctional facilities back to the community, especially those needing services. Our liaison meets at those various prisons and correctional facilities with the individuals, she ensures the medical records makes it to COMCARE's intake program, she makes sure the appointment is scheduled for the individuals when they are released and some cases she even transports them to the first appointment to make sure they get there. Without that staff position in place, in the past only about half of the people being released did show up for those scheduled appointments. And as of last year over 74 percent of the folks made it to the intake appointment and continued to treatment so it's been very valuable to us both. In 2010 the liaison received 162 referrals from prisons for people meeting mental health needs. This year we have already received 89 referrals, so if that trend continues it will be a higher volume than last year.

"The agreement also calls for an in-kind match of \$1,353 and that match is met by COMCARE supplying a cell phone, training and some supplies. I also want to share a quick story, because economically it's very feasible but if you could understand the impact this can have on the life of someone involved that is being released, sometimes a very long stay in a prison or correctional facility. One such person, this last year, was a man in his mid 40's with a diagnosis of schizophrenia, I don't know why he was in prison, but during his intake, he reported to the intake worker at COMCARE that he was hearing voices telling him to kill people at the mission where he was staying. When they heard that they placed him in our Crisis Stabilization Unit at SCOAP (Sedgwick County Offender Assessment Program) for several nights and a liaison worked to find a crisis bed in the community for this gentlemen that had a little less stimulation than the night at the mission with other people. While he was waiting for the bed, that sometimes takes a couple days to do, he admitted to the liaison that he was staying awake at night walking the streets rather than being in the position of being in the mission and harming someone. He eventually did transition to a crisis bed, went on from there to a group home bed and then went on from there into an apartment with a friend. So these stories can be very successful in the lives of people that have a very difficult time transitioning. We are recommending you approve the grant and authorize the acceptance."

Chairman Unruh said, "Thank you, Marilyn. We have a question. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. This information says it is a state grant."

Ms. Cook said, "Yes, it is."

Commissioner Ranzau said, "Not federal grant or federal pass through."

Ms. Cook said, "Right, Department of Corrections."

Commissioner Ranzau said, "To the best of your knowledge the state did not borrow this money from the Chinese..."

Ms. Cook said, "I can't assure that, but..."

Commissioner Ranzau said, "Okay."

MOTION

Commissioner Ranzau moved to approve the grant and authorize the acceptance of the grant.

Commissioner Peterjohn seconded the motion.

Chairman Unruh said, "We have a motion and second on this item. I'm glad to hear your story of success. I mean reentry programs are important to controlling population and helping people and so I'm glad, appreciate the story. Is there any other comment, Commissioner? Madam Clerk, call the roll."

VOTE

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

Ms. Cook said, "Thank you."

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

Approved

M **11-0703**

PROGRAMS IN THE CRIMINAL JUSTICE SYSTEM.

Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Receive and file.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "This is our monthly review of the Criminal Justice System talking about existing programs. You see the average daily population comparing June of this year to June of last year that the numbers are significantly different. The average booking is down, average detention facilities are down slightly, the Work Release is down, Out of County is down and the total [number] of people in the system is down. Bookings and releases, what we would expect the releases corresponding to the number of bookings and reflect the downward trend of that. This is the length of stay and we are still working on defining what that length of stay means and trying to refine these numbers so it is more relevant, so this becomes less relevant as we explore these statistics. The good news is these trend lines, you will see this trend line continues in 2011, on a downward trend and we continue to be hopeful that that will be the result at the end of the year. This month to month chart shows that we did have a little uptick in July, but it went up from 1,447 to 1,462 but you notice the 1,462 is one person less than January, or one person more than January of 2008. And, so, that is a good number and as we continue to monitor this, we want to make sure the trough is as wide as it can be. We notice the trend in the last couple days of July we have had in excess of 1,500 folks, today it is 1,482, and as long as we continue to remain under 1,500 that's always a good sign."

Mr. Buchanan continued, "You will see the Adult Supervision snap shot, county funded programs, the [Corrections] Day Reporting again is reflective of new judges in place and using the system appropriately.

"Corrections Pretrial Services remain the same. [Adult Intensive] Supervision [Program] (AISP) remains very close to what it was in 2011. We went down a little bit from Correction Adult Residential, that is reflected in the cuts we introduced a month or two ago, you will note there is no longer any waiting list in jail for this program. We've reduced that with help from the judges, so we're going to size it appropriately. District Attorney Diversion is down, we don't have a reason. SCOAP remains active and down slightly. And [Sedgwick County] Drug Court is up a little bit. Other funded programs you can see Wichita Mental Health Court continues to be used in a way that is appropriate for them to help keep people out of the jail and we are using it a little more than they did in every category over last year. Long term the snapshots, we do this on a quarterly basis, same number, close to the same number we showed you last quarter. There are 68 folks in the jail had been there longer than a year, all are held on felony charges, 54 are in detention facilities, 11 are out of county, three are on Work Release and they are all DUI's (Driving Under the Influence), and the status is 17 have been committed to our county jail, that's where the judges assign them, 50 are pretrial. The proponents of these folks are pretrial, these are complicated, difficult, criminal cases, these are the ugly cases we have, folks that have murdered, indecency with children, these are the ones that are complicated, difficult and that's why they haven't gone to trial yet.

"We have a number of initiatives we want to talk about, the journal entry's we remain under our goal of 18 a month, target of 18 days, I mean. CJCC (Criminal Justice Coordinating Council) Data Work Group is continuing to work on length of stay calculations and we're trying to get our hands really around that. Interface Management Team will be ready with the new GIS [Geographic Information] System minus the city data base end this month which is this week, and still on target for the deadline and they will do the beta testing occurring in this week, we're pretty optimistic about those results. The Master Plan, the [CJCC Jail Population] Expeditors, that group working on trying to define the roll and what the work will look like and then we'll prepare to start a pilot program before we make it permanent. Again we think that this is an idea that will assist helping people through the system at a faster pace. One-Stop-Shop remains on the list, although progress is slow, we need to keep our eye on the ball on that one. That seems to be a very helpful program that can keep people out of our jails, so, we are excited about that. And the Mental Health Court, there are no new updates about that at this time. If there are no other questions I would request you receive and file."

Chairman Unruh said, "Any questions or comments? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Slide nine, Bill. Showed an increase for June 2011 over June 2010 of over 450, in our percentage basis it's a pretty significant increase in terms of Wichita probation. Any thoughts, Mr. Manager, in terms of that number, percentage increase, whether that's temporary, permanent or any insight you can provide?"

Mr. Buchanan said, "I have no insights, I only have wild speculation."

Commissioner Peterjohn said, "That's welcome too sometimes. I've heard from time to time behind that podium there is also wild speculation from time to time."

Mr. Buchanan said, "From time to time. I was not going to say, but you've been behind this podium lots."

Commissioner Peterjohn said, "There was a time I was behind the podium, too."

Mr. Buchanan said, "I think an easy answer might be that because of the hourly jail fees that the folks in the City of Wichita are looking up alternatives to incarceration in the county jail and I would suggest that if we were, before we instituted the jail fees we would have guessed that program would have increased."

Commissioner Peterjohn said, "Mr. Chairman, that's some wild speculation from the Manager I happen to agree with. Maybe if there are two of us, Bill, maybe it's not so wild, if we find ourselves in agreement. Slide seven I think is probably the most significant slide in the presentation here that jumped out at me in terms of how far back this pushes the numbers. And depending on whatever reason it was to get that low point of 1,447 and now 1,462, I think we are in the midst of our usual summer run-up, the question will be over the period of time whether the run-up is more like say what we saw in 2007 or hopefully even less than 2007 or 2008 or more like we saw in 2006. But regardless of what we have I think we are getting a pretty good handle on the numbers and frankly, Mr. Chairman, I'm delighted that in terms of the number of felons, convicted felons serving their sentences in the Sedgwick County Jail, the snap shot here is better than what we have had in the past and that continues to be an issue, any number one or more is a concern of this Commissioner but I'm glad the number is down from, I believe, the last report we have received and obviously if we have felons serving sentences of less than a year, that still could be a problem and that not specifically part of the detailed information we have here today. But obviously it's something I think that we need to work on in the next legislative agenda. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I would make just one comment and that is I'm pleased with the success for alternative programs. I'm grateful to the judges in the 18th Judicial District who are cooperative with some of our initiatives and doing the best they can under their discretion to be supportive of and make some of our programs work. And I'm really also grateful to some of our communities in Sedgwick County who have seen that just arresting folks and putting them in the jail is not the only solution, that all contributes to the success of these numbers."

MOTION

Chairman Unruh moved to receive and file.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

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

Chairman Unruh said, "Thank you, Bill."

Received and Filed

N [11-0797](#)

SECOND QUARTER FINANCIAL PRESENTATION.

Presented by: Chris Chronis, CFO.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "Yesterday you received a copy of this Quarterly Financial Report, after the meeting today when we make this presentation we will post this report on the county's website for any citizens that might want to read it and as always if anybody would like a hard copy they can obtain one by calling our office in the Finance division and we'll be happy to send one out to them. What I'd like to do today is spend just a few minutes giving you a summary, a synopsis, of the information that is contained in that Quarterly Financial Report and I need to start as always by reminding you that I don't do any real work around here. That work is done by other people and, in fact, this report and the analysis behind it was done by Sara Jantz, our Accounting Director, David Miller, our Budget Director and by support staff...by accountants and budget analyst: Brandi Baily, Daniela Rivas in Accounting; Chris Duncan, Lindsay Rousseau in Budget and others, I'm sure I'm leaving others out but those are the principal people involved in this report. The presentation itself is largely the work of Troy Bruun our Deputy CFO (Chief Financial Officer) and I just get to stand up here and be the pretty face."

Commissioner Skelton said, "Is that an opinion?"

Commissioner Peterjohn said, "Wild speculation."

Mr. Chronis said, "Wild speculation I think is the appropriate term. I want to begin by reminding you of this slide and informing people who might be watching on TV that there are three critical areas, three critical functional areas that affect the county's financial results and financial plan. The first is, of course, is the economy, state of the economy affects the sides of our tax base, rate of change in our tax base, the level of taxable sales that are happening in the community, the level of development happening in the community and all of those things in turn have a direct affect on county revenues. Similarly the state of the economy affects the demand for county services. When times are hard, some people need public services who don't need them when times are good. When times are hard some people commit crimes that wouldn't be committed when times are good.

"And, so, we face kind of an odd situation. In difficult times, our revenues very often are going down but the need for our services and the need for public expenditures is going up. We don't have any effect on that, any direct ability to influence that consideration, but it's a key one in determining the county's financial results. The two other areas that affect county financial results are the state budget. We rely to a significant extent on state funding to provide services, many which have been mandated by the state.

"And in difficult times as we are going through right now, the state very often reduces the amount of funding it provides us but doesn't necessarily reduce the mandates for those services and so it shifts the cost burden for services and in some cases it shifts the discretion over whether or not to provide those services to you, the County Commissioner. We do have some influence over those services and over our spending to support those services when the state reduces its funding. The third area that affects the county's financial condition are the Commission priorities. You ultimately determine the direction of the county, the activities that the county is going to take, the programs that we are going to deliver to our constituents and, conversely in hard times, the programs we are going to stop delivering to our constituents because we can no longer afford them.

"Now with that background, let me begin by talking about the general fund fund balance, because that is a key driver of county financial condition. What I'm showing on this slide is the county's unrestricted general fund balance at the end of each calendar quarter, going back to the start of last year, 2010. And you'll remember that just a few weeks ago you adopted a revised fund balance policy which changed some of the terminology and some of the measurement of components of fund balance. This slide conforms to that new policy. And it shows much the same thing as previous slides before the policy change happened...showed. Our fund balance, our unrestricted fund balance fluctuates seasonally based on the timing of tax receipts. At the end of the fourth quarter each year we are typically at a low point in our cycle, and so our fund balances are at the lowest point as they typically are at the end of the year. At the end of the second quarter we are typically the highest point, that's where we are right now. At the end of the second quarter, June 30, we had unrestricted general fund balance of a little over \$104 million. That is slightly less than the point that we were at a year ago. At the end of the second quarter of 2010 we were at \$105.5 million. The red dots on this slide identify the minimum fund balance targets established by the policy and those targets, as you'll recall, are set at 20 percent of budgeted expenditures. So our target for 2011, for the general fund, is \$37.5 million, 20 percent of budgeted general fund expenditures. At the end of the second quarter we exceeded that target by \$66.6 million dollars, but because of the business cycle I just described that will change. At the end of the year we expect to be somewhere on the order of \$20 million above the minimum threshold. Unrestricted fund balance is not total fund balance. This slide shows the total general fund fund balance, whereas the unrestricted component was \$104.1 million, at the end of the second quarter our total general fund fund balance was \$109 million, and that is indicated by, at the same point each year, going back to 2007 is indicated by the red numbers on the slide.

"So for the end of the second quarter of 2011, \$109 million compares to a year earlier, \$113 million, we have decreased the amount of total general fund fund balance by about \$4 million over the past year. Very often lay people confuse fund balance and cash, and they are two different things. Cash is a component of fund balance but all fund balance is not cash, all cash is not fund balance. What we are showing on this slight is the total investment portfolio, total cash and investments of the county at the end of each quarter going back to mid-2007. The green bars indicate the size of the portfolio at the end of June of this year, our total portfolio was \$280.2 million. A year ago, same point in time, our total portfolio was \$293 million. Just as we have reduced the total fund balance, so have we reduced total cash in that period of time. The lines on the chart, the blue line indicates the return on the county's investment program, the red line indicates the bench line we are targeting in our investment policy. And as you know, investments of the sort we are permitted to engage in are, and have for some time, provided essentially no return.

Mr. Chronis continued, "At the end of the second quarter our investment portfolio was returning 0.75 percent, three quarters of one percent on \$280 million but that is better than the benchmark which was 0.19 percent, 19 basis points, essentially zero. Turning to revenues and expenditures, what we are showing on this slide are only the operating revenues of the county, we are excluding capital funding here, but looking at our operating revenues by category, what you can see is that most categories of revenue have declined from one year to the next over the past several years and I'll go into property taxes a little more in a slide or two from now, but in summary property taxes in 2010 at the end of the second quarter are down one percent from where they were a year ago. We collected a total of \$159.2 million through the end of the second quarter. Yes, sir?"

Commissioner Skelton said, "I apologize, but I do have a question about this slide, now where do jail fees come in here?"

Mr. Chronis said, "Jail fees are part of charge for services."

Commissioner Skelton said, "Okay, and so...I'm seeing an increase there for the..."

Mr. Chornis said, "Charges for services have increased 13.5 percent and that is the one shining light on this slide, that is the one revenue category where we are seeing substantial increase. Taxes and charges for services in combination amount to 85 percent of all of the operating revenue that we receive. So, as they go, so goes the county's financial condition at least on the revenue side of the ledger. And I'll speak a little bit more about charges for services also in a slide or two. But first let's talk about taxes, I think I mistakenly referred to them on the earlier slide as property taxes. What we are showing is all tax revenues of the county, not just property taxes. Ad valorem taxes, property taxes, make up \$130.2 million of that total \$154.1 million. So they are the largest share but by no means all of our tax revenue. Property taxes have declined, as you can see on this slide, over the last two years, sales and use taxes also have declined in 2010 from 2009, in 2011 they have recovered a little bit. They are up 1.3 percent, which is about \$160,000. The motor vehicle taxes and all other taxes are respectively down and up, but by fairly small amounts of money, they are relatively minor considerations in our total tax revenue. Property taxes are the big factor in our tax collections, property taxes are down one percent from prior years.

"Now, what are the reasons property taxes are down? Well, taxes are a function of the tax base that is the value that is applied to taxable property in Sedgwick County, they are a function of the tax rate, the mill levy which is established by the County Clerk based on the amount of property tax revenue contained into budget you adopt and it's a function of the collection rate, the extent to which people are paying the bills we have sent them. What we know is the tax rate, the mill levy has decreased in each of the last two...three years and in the last two years it's decreased by roughly a half a mill each year. The tax base, the valuation, has increased each year, but the amount of increase has been less than the reduction in the tax rate. In 2010 the tax base, the valuation increased by about .5 percent over the prior year. In 2011 the tax base increased about 6/10 of one percent. Increases are good things but that wasn't much of an increase and it was less than the decrease in the tax rate we applied through our own discretion. The tax collection, the collection rate has been essentially the same over these years. In 2009 at the end of the second quarter, we had collected 92.4 percent of the total amount of property taxes that we had built for that year. In 2010 we had collected 92.1 percent of the total levy.

"In 2011, that is as of last June 30, we had collected 92.2 percent. So the collection rate is about the same, valuation is up slightly, tax rate, mill levy, is down by more than the tax rate is up...by more than valuation is up, the net effect is our tax levy, total amount of taxes that we have imposed on our population has decreased. Turning now to charges for services, you asked, Commissioner Skelton, about housing fees and that's the very first one on this slide. There is a substantial increase in those revenues over the past several years. In 2009 we had levied these fees on all cities, all 20 cities in Sedgwick County but in that point of time we were still in litigation with a number of those cities, and so some of the cities, I believe eight were not paying the bills we were sending them, we had only collected about \$0.5 million as of June 30. Last year by June 30 all of the cities, except for Wichita, had settled with us and had paid up. So our revenues increased from \$562,000 to \$981,000. This year Wichita has settled with us and they are paying their revenues, their bills as we send them, they have not paid some of the interest they owe us but are paying current charges that we bill them. Our revenue this year for prisoner housing fees are up about \$920,000 over prior year."

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

Commissioner Skelton said, "Thank you, and I do apologize for asking this in the middle of your presentation. But you have a huge difference obviously, you know, it's well in excess of \$1 million bucks. What did you do before? I'm asking a silly question, where is the money going now and what did you do before? Could you speak to that?"

Mr. Chronis said, "Before we budgeted the money and didn't receive it, and so we were using other revenues or we were drawing down fund balances to paying for services that we had planned to pay for with prisoner housing fees. Now that we are receiving revenue, which we had budgeted for all along, we are living within our plan."

Commissioner Skelton said, "I will talk to you more about that, I appreciate that. Thank you, Mr. Chairman."

Mr. Chronis said, "Okay. Other key charges for services are received for medical services from a variety of sources, insurance fees and all of the sources are up over the past year. Insurance fees are up nearly six percent which amounts to a little over \$300,000. Medicare is up 20 percent which amounts to a little under \$500,000. And Medicaid is up 14 percent which amounts to almost \$1.5 million. Last year at the first half of the year the state had rolled back Medicaid reimbursement rates, and so for the first half of last year we received substantial less revenues than we had expected to receive because the state's reimbursement rate. As of July 1st of last year the state reinstated reimbursement and we started getting money in again, at the rates that were anticipated, and that's what we are doing today and that's what accounts for those substantial increase in those revenues. There are some other charges for services that have grown significantly that aren't on this slide. As I said previously, total charges for services are up 13.5 percent year to date, they provide a total of \$56.2 million.

"Other significant increases are in building rentals, we are now receiving significant amounts of rent from WSU (Wichita State University) for the space we are leasing to NIAR (National Institute for Aviation Research) at NCAT, the National Center for Aviation Training, and so for this year, in the first half of the year for the first time we received some rent revenue, a total of about \$800,000 for that purpose.

Mr. Chronis continued, "Health insurance premiums that we receive from our employees and from county operating departments through payroll deduction are up about 5.6 percent. Fleet charges, again that we receive from operating budgets, are up about 27 percent. And that amounts to about \$470,000. That is largely a function of timing because some of those monthly charges were transferred late last year, and so the amount of increase really is kind of skewed by timing issues. Turning now to expenditures. Just as taxes and charges for services drive the revenue side of our financial plan, so do personnel and contractual services drive the expenditure side of our financial plan. Our personnel costs, I'll go into a little more detail on the next slide, but you can see here they are up slightly over the past year, our contractual services...and that's indicated on the green bar, the blue bar is last year, the contractual services, the second segment on this chart, are down about 8/10 of one percent from last year, that's about \$0.5 million.

"The biggest single source of decrease in contractual services is the Neighborhood Stabilization Program which is principally a federal program that was provided to us a year ago but was a one shot proposition. So our spending for that program has dropped about \$2.6 million from 2010 to 2011. In total personnel and contractual services amount to something like 88 percent of total county spending. Personnel costs alone amount to 51 percent of total county operating spending and what you see on this chart are the sources of personnel costs. Salaries and wages are the largest component of personnel costs, but despite the fact that in the budget we provided a two percent pay adjustment pool for all county workers, our total salary and wage payments, our actual payments have decreased 4/10 of one percent from 2010 to 2011, that amounts to about a quarter of a million dollars. Our overtime expenses have decreased also about two percent from 2010 to 2011. Social Security charges are tied to salaries and so you would expect to see about the same rate of change in that as you see in salaries. Health insurance and retirement costs are the drivers of increased personnel costs. Our health insurance costs have increased \$586,000, that's five percent year over year, 2010 to 2011. Our retirement costs, the payments that we make to KPERs (Kansas Public Employees Retirement System) and KP&F (Kansas Police and Firemen's Retirement System) have increased 10.5 percent year over year, that's \$555,000. So total county personnel costs are up slightly, about one percent, but that is entirely driven by health insurance benefit and by retirement costs, not by pay of county employees.

"So, when you combine operating revenues and operating expenditures, looking just at the totals you get this slide from 2010 second quarter to 2011 second quarter, our revenues have increased 2/10 of one percent, that's about \$0.5 million to a total of \$246.5 million. Our operating expenditures have decreased 2.9 percent, that's about \$5.3 million to a total of \$178 million. So, what you see from this slide suggests that the work that we have, the efforts we have described to you in the retreat, the goals you have established for us, based on the structural imbalance that we showed you and based on the effect of the economy on Sedgwick County, are being realized in the actions that the county has taken, that the administration has taken. Our revenues are up slightly, expenditures are down by more than five percent. Even so, there are some operating departments or some programs that we currently are projecting to overspend their budgets by the end of this year. Now, the reason we do this projection, of course, is to make sure we can take corrective actions so that by the end of the year we don't see a slide like this. As it stands right now, we have five programs or departments that are projected to overspend their budgets by the amounts that you see here for the reasons that you see here.

"There is only one of those, the Kansas Pavilions, where there is a significant issue for us to address and we have a meeting scheduled for Friday of this week to figure out what we're going to do about that. But bottom line is by December 31st, by the end of this year, we will have taken action to address each of these issues and make sure no department is overspending its budget."

Chairman Unruh said, "Mr. Chronis, one question from Commissioner Skelton."

Commissioner Skelton said, "Thank you, Mr. Chairman. Okay, so this is to the end of the year."

Mr. Chronis said, "This is the projection to the end of the year, yes."

Commissioner Skelton said, "Okay, here is what my comment/question is, \$133, that is such a tiny amount, how do you say, oh we are going to...\$133 in the next few months, to end of the year, when somebody is sick, et cetera."

Mr. Chronis said, "What we are doing with expenditure projections is taking the costs for the first half of the year, adding to those, any known changes in practice that will happen in the last half of the year. We know they have purchased the equipment that was budgeted for the year, we know they haven't engaged in some seasonal activity that is scheduled for the last half of the year. So we factor in those considerations and simply do the calculation and this is what the calculation showed us."

Commissioner Skelton said, "All right, well I certainly don't want to make more entries than are needed but you can say take half a day off and it wouldn't be an issue."

Mr. Chronis said, "Absolutely. And that's why I said by the end of the year you will not see any departments over budget. We will take correction action as those are required."

Commissioner Skelton said, "I appreciate that. Thank you, sir."

Chairman Unruh said, "Thank you."

Mr. Chronis said, "So putting everything together I want to bring you back to this slide which you have seen a number of times. What it illustrates is the results of the efforts the county has taken and results of our financial operations for the first half of the year. You saw at your retreat in February a projection that said the county was going to incur an operating loss this year of \$16.3 million. We took actions in the first half of the year to reduce some expenditures and that caused a reduction in that projected deficit. We have taken further actions in the recommended budget for 2012 and in the last half of this year that have caused us now to project our operating deficit will be \$3.4 million. That compares favorably to the target you established for us at the retreat of \$7.3 million operating deficit for this year. We expect to exceed your target for 2012. That doesn't mean the problem is behind us, that we have solved everything. If we continue on the same path that we are on, with the budget as it is recommended, and with no changes in the future, we will continue to incur deficits in 2012, 2013 and beyond.

"But we expect to take actions in the 2013 budget and during 2012 that will do as you have asked us to do and that is to eliminate those deficits.

Mr. Chronis continued, "Bottom line is that we are on the path to accomplish the goals you have outlined for us, in terms of operating deficit for the county. We are on path to have a fully balanced budget by 2013 and that's the goal you established for us. There are some immediate steps that will be taken. On August the 2nd, next Tuesday evening, we will conduct the second public hearing on the recommended budget. On August 3rd you will adopt a budget. We hope you will adopt the budget as it has been recommended, so we can achieve the goals that we have set out for us. And on September the 6th, the Monday, the day after Labor Day, the Tuesday after Labor Day, we will start work on 2013's budget. That concludes this presentation, I will answer any questions that you might have, if have none I would recommend you receive and file."

Chairman Unruh said, "Thank you, Chris that was very informative and comprehensive. Commissioners, we have one Commissioner that has to leave in 15 minutes, so don't want to quash any questions but just wanted to give you that information. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman, have a number of questions, I will try to go through quickly here and let me begin to expedite this process."

MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Ranzau seconded the motion.

Chairman Unruh said, "Thank you, we have a motion and a second."

Commissioner Peterjohn said, "Let me go backwards, Chris. Your slide 17 that you had, we had gotten information last week there had been a bit of a glitch and that roughly a little over \$900,000 that had been excluded from one township. And in terms of Fire District [No. 1] and general revenue, does this chart reflect the before or after that \$900,000? So if we included the 900,000, would those figures be even closer towards being zero?"

Mr. Chronis said, "That red numbers reflects that \$900,000, it's difficult to see on that slide, but there is a gray line that is represented by the dot saying \$3.4 million and immediately under that, adjacent to it is a dotted line, the difference between those two lines is the \$900,000."

Commissioner Peterjohn said, "Okay. I thought the \$900,000 would show up a little bit more, would be a little bit larger in the graphic. Let me ask in terms of the...slide 16, if we can jump back to 16 for a minute, with the Kansas Pavilions, does that include the capital spending for the parking lots south of the [Kansas] Pavilions and new shower facility...?"

Mr. Chronis said, "No, this is operating expenditure."

Commissioner Peterjohn said, "Strictly operating, okay, thank you. One of the things you mentioned in the presentation was that we are receiving about \$800,000 a year rent from NCAT for the facility, how does that compare with our costs for debt service, principal and interest for that facility per year?"

Mr. Chronis said, "It's roughly 25 percent, I believe, of the total debt service on the facility."

Commissioner Peterjohn said, "So that's a little over 3 million a year, okay. Slide 11 that you had, Medicare, Medicaid, I was surprised to see we were in a position to be actually receiving more in 2011, there's been a lot of discussion about cuts from Medicare and Medicaid, there was also a discussion, we had EMS (Emergency Medical Services) come up here, about capitation or a ceiling on how much can be charged, any explanation why we are getting that additional Medicaid, Medicare fund?"

Mr. Chronis said, "We are serving more people. The rates have been unchanged, there continues to be discussion at the federal level about the possibility of changing Medicare reimbursement rates but there has been no action to implement reduced rates."

Commissioner Peterjohn said, "Do you have any estimate, Chris, in terms of slides 8 and 9 in terms of how our total property tax revenues were affected, I was interested in terms of impact on business personal property, and the decision in the legislature back up, I believe in 2006, to take business personal property tax off the tax base and that would have an impact on the valuation number. And obviously the fact there was an increase was swimming against that tide in terms of decreased amount. Do you have any estimate on how that would have an impact on that valuation number?"

Mr. Chronis said, "I don't have one I that I can cite here, we've got one in the Budget Office I can provide you."

Commissioner Peterjohn said, "Well, I'd appreciate it, but I'd cite it as an impact in terms of how we got to where we are. Mr. Chairman, I would point out the jail fees, Commissioner Skelton had mention the increase revenue on the jail fees, but that still does not cover the full cost, and capital cost of the jail fees for convicted misdemeanors. If we were charging the full cost, I believe, my back of the envelope estimate would be instead of \$2.09 an hour we would be closer to \$2.75-\$3.00 an hour is my estimate. And if we have a discussion in terms of what the full cost is for people being incarcerated in the jail, that would be my estimate. Chris, I don't know if you have a different number."

Mr. Chronis said, "It wouldn't argue with that."

Commissioner Peterjohn said, "You wouldn't? Okay, that's all I have. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment or question? Well, Mr. Chronis, I say thank you for the information and thanks to your staff for their hard work in getting us ready but also thank all our staff for their hard work in trying to meet our budget goals. It's...I think we're well on the way and it's appreciated by the Commission. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I made a mistake earlier in my questions and comments to Chris. I'd like to thank the staff, this is an excellent report. There's some very helpful information in here. One quick point, I'm glad to see depreciation included in the enterprise fund in the back concerning both the Pavilions and Downtown [Intrust Bank] Arena. I'll be happy to show it to Mr. Holt the next time he comes up here."

Commissioner Peterjohn continued, "I'm not going to get into the tall county weeds at this point since times a factor but I do very much appreciate that, I do believe it's on page 83, for anyone out there who wants to follow it or see this online it does provides, I think, a better picture in terms of the, our total operations for both those facilities. Thank you Chairman and thank you staff."

Chairman Unruh said, "Any other comment or question? Call the vote, please."

VOTE

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

Chairman Unruh said, "Next item, please."

Received and Filed

O [11-0812](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 21, 2011.

Presented by Iris Baker, Director, Purchasing Department.

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

Attachments: [BMIN 0721 2011](#)

Mr. Joe Thomas, Senior Purchase Agent, Purchasing, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of July 21st results in three items for your consideration this morning. Item 1;

1. MRC (MEDICAL RESERVE CORPS) BACKPACK KITS --HEALTH DEPARTMENT FUNDING --KDHE BIOTERRORISM GRANT

"Recommended action is to accept the low bid from Propac, Inc. in the amount of \$4,200.00 and establish contract pricing for one year with two one year options to renew. Item 2;

2. CUSTODIAL SERVICES --PUBLIC WORKS FUNDING --PUBLIC WORKS

"Recommended action is to accept the proposal from K & B Cleaning, LLC for a daily rate of \$75.00 and an emergency rate of \$20.00 per hour, and establish contract pricing for one year with two one year options to renew. Item 3;

3. MICHELIN TIRES --FLEET MANAGEMENT FUNDING --FLEET MANAGEMENT

"Recommended action is to accept the bid meeting specifications from Becker Tire and establish contract pricing with Becker Tire until June 1, 2012. Contract pricing will also be established with Kansasland Tire and Cross Midwest Tire Option #2 until June 1, 2012.

"I'm happy to answer any questions and would recommend approval of these items."

Chairman Unruh said, "We have a question, Joe. Commissioner Peterjohn."

Commissioner Peterjohn said, "Joe, would you take a minute, we have a recommendation on Item 2 where it's not the lowest bidder, I'd appreciate kind of your insight why we are picking the vendor that is recommended by the bid board."

Mr. Thomas said, "There were several methodology and other considerations that was taken in order to come to the conclusion for K & B Cleaning [LLC]. They short listed the committee, three vendors and three of the vendors they then reviewed the number of employees and the amount of time it would take to clean the facility, which is a Public Works building located on 1144 South Seneca, and after doing that evaluation they came to the conclusion the best proposal came from K & B Cleaning."

Commissioner Peterjohn said, "Thank you."

Chairman Unruh said, "Thank you. Seeing no one else asking to speak, what is the will of the Board?"

MOTION

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

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item, please."

Approved

CONSENT

P **11-0766** Notification to terminate the Lease Agreement between Air Captial Investments, LLC and Sedgwick County for space located at 154 N. Topeka for the COMCARE Center City homeless program.

Q **11-0778** Renewal lease agreement between Keith Bomholt and Sedgwick County for apartments located at 725-755 Hunter and 6511-6517 Cottonwood for COMCARE's Transitional Housing Program.

Attachments: [Bomholt Apartments - FINAL for BOCC Signature.pdf](#)

R 11-0788 Order dated 07/14/2011 to correct tax roll for change of assessment.

S [11-0078](#) General Bill Check Register.

T [10-0657](#) Payroll Check Register.

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

Chairman Unruh said, "Commissioners, what is the will of the Board?"

MOTION

Commissioner Skelton moved to approve the Consent Agenda.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item, please."

Approved on the Consent Agenda

OTHER

Chairman Unruh said, "Commissioner, do you have any other comments you want to bring to the bench this morning? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to briefly give the snap shot numbers even though the Manager stole my thunder in terms of the number of people, 1,482. I was saying last week we have 1,500, numbers have gone up, the numbers of arrests per day have fluctuated a fair amount, and that may be a factor in some of these numbers. We had 1,060 this morning in the main detention facility, 143 Work Release, and that's up from what it has been in the past, and 279 listed as out of county. Of those 485 maximum security, 562 in medium [security], 393 in minimum [security], the rest were unclassified.

"I'd also like to take a minute to discuss one of the bigger challenges we face as a community and as a Commission, because we not only interact with the state and federal folks but actions that are taken at those levels may impact us, whether it's on credit rating or on regulations that impact our community. I noticed unemployment for this community, the latest numbers from the federal government were significantly higher. That is a concern to this Commissioner.

"Especially in light of last week, Wichita Eagle had a headline about a \$1.5 billion charge for our electric utility company that could come through to the consumers in terms of higher electric rates. Last thing this community needs, and I think this state at this point in time, is higher electric charges. And that's due strictly, I think, some arbitrary decisions by the federal regulatory agent and the Environmental Protection Agency (EPA).

"Just yesterday former governor of Michigan and head of the Business Roundtable pointed out the EPA is also looking at ozone rules that would impact this community and that could drive businesses out of not only this area but out of the country. And if that would occur, former Governor [John M.] Engler was talking a \$20-\$90 billion charge to businesses. That does not include significant charges that would impact us as citizens, whether it's having our cars inspected in other parts of the county, they already do this as a mandate from Washington and administered by the state. So I'm going to be sharing this with my colleagues to make sure they see it because I continue to be concerned about our competitiveness at this point in time with rising unemployment, with a weak underlying economy and the fact that we are facing, I think, a very difficult growing season for our friends in the agricultural community. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, I don't see anyone asking to speak. If there is nothing else before us, we are adjourned."

EXECUTIVE SESSION

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:41 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

RICHARD RANZAU, Commissioner
Fourth District

JAMES B. SKELTON, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
