

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, September 13, 2017

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 13, 2017

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:07 a.m. on September 13, 2017 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro-Tem Commissioner Michael B. O'Donnell II; Commissioner David Dennis; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Thomas Stolz, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Mr. Justin Waggoner, Assistant County Counselor; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Ms. Dana Milby, 15333 East 87th Circle, Derby, Kansas
Mr. Don Thornbrugu, 10725 South Ellen, Mulvane, Kansas
Ms. Valerie Slaughter, citizen
Ms. Lisa Vayda, recipient of the Limb Girdle Muscular Dystrophy Proclamation
Ms. Susan Newman, Daughters of the American Revolution (DAR) Chapter
Ms. Kathy Sexton, City Manager of City of Derby*

Chairman Unruh said, "Pastor Johnston, thanks for being here today. We appreciate it, Madam Clerk, next item."

INVOCATION: Reverend Brent Johnston, First Presbyterian Church.

FLAG SALUTE

ROLL CALL

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

PUBLIC AGENDA

Chairman Unruh said, "Commissioners, we've had three citizens sign up to speak on public agenda. Two individuals want to speak on one of our agenda items, and so I would ask if you would prefer to speak now during this time or when the agenda item is called? I will leave that up to you. Yes."

Audience member said, "Only because of a conflict, I would like to go ahead and speak now."

Chairman Unruh said, "Alright, please step to the podium. If you would say your name and we will give you five minutes."

Ms. Dana Milby, 15333 East 87th Circle, Derby, Kansas, greeted the Commissioners and said, "The last time I appeared before you, I was here speaking on behalf of an intergovernmental agreement in which the Rockford Township hoped to borrow money from Sedgwick County in order to fix our roads. Unfortunately, we've since discovered that that option is not an actual option under the Kansas statutes.

"Our road conditions in Rockford Township are still bad. They're stable lately because there has been no rain, although my brother-in-law recently visited from San Francisco, and on his way to our house found himself sideways on 143rd Street. So they're not in good condition, but we all know that the rains are coming, and when the rains come it means we don't know whether or not we're going to be able to get out to go to work or get home, whether our kids are going to be able to get home in the evening, mail often can't be delivered, school buses have trouble traveling our roads, and most importantly emergency services have told us that they can't come out to see us if it's rained.

"Our personal experience on our roads in the last five years, my husband and I have both had to replace our vehicles with four-wheel drives just to make sure that we have a better opportunity to be able to get in and out of our neighborhood. This isn't a new problem, it's an ongoing problem, it's been going on for several years. It preexisted the present board that currently exists in Rockford Township, and I think part of the problem with the township that we have is that the members of our board are not experts in roads.

"The township board members are part-time officials. They are elected, they're just citizens like me. I have no experience with roads other than driving on them. I don't know how to maintain them, I don't know how to repair them, I don't know how to fix drainage problems and neither do our board members. They have some information, but they're not experts, and in the last several years our roads have deteriorated. Our board members are able to maintain our roads, but they are not able to fix the drainage problems and the other severe complex issues that now exist because of the lack of maintenance.

"Rockford Township needs your help. The legislature contemplated townships needing help above and beyond their ability to maintain and take care of the issues in their townships, and that option is an intergovernmental agreement with the county in which the township resides. Before you today is an intergovernmental agreement that the township has approved and that we are asking you to enter into with us.

"This intergovernmental agreement is Rockford Township's only solution to fix our roads and make them safe again. Our roads are in dire condition, and we need help. I want you to understand that this intergovernmental agreement does not obligate Sedgwick County in any way to do anything. You can pass the intergovernmental agreement and later on decide we don't want to do anything.

"We don't want to do what Rockford Township needs, but what it does do is it provides a platform for us to begin discussing what issues exist in Rockford Township and how Sedgwick County can help us get our roads in safe condition. It does provide the skill

set and expertise that Rockford Township needs in order to properly repair its roads. Most importantly, it's not going to cost any taxpayers any money if they do not live in Rockford Township. We understand this is our problem. We want to fix it and we want to fix it right, but can't do that without your help.

"I haven't had the opportunity to meet all of you personally. I have, over the last several months, gotten to know Commissioner Howell, and it's been a pleasure working with him and I appreciate his commitment to the citizens of Rockford Township. Chairman Unruh, I know you know my family and you and Mayor Mayans went out of your way to support me when I ran for judge several years ago, and I appreciate that even to this day. Commissioner O'Donnell, I appreciate you responding to my email yesterday, I know you have a busy schedule. So I do look forward to meeting all of you and getting to know you all better as we move forward on this issue with the Rockford Township roads.

"Legally, I know you have no obligation to approve this intergovernmental agreement, but politically and morally you were elected to protect the health and safety of the citizens of Sedgwick County. Every person that lives in Rockford Township is a resident of Sedgwick County and as such they are your constituents. The health and welfare of the residents of Rockford Township is at risk and we need your help. We trust the expertise that Sedgwick County can offer us, and we need this intergovernmental agreement to pass in order to fix the dire and emergent needs of Rockford Township. So I appreciate your consideration."

Chairman Unruh said, "Thank you for your comments, Dana. We have another person from Rockford, do you want to speak now or did you want to wait until the agenda item is called?"

Audience Member said, "I can speak now. (inaudible)"

Chairman Unruh said, "Okay. If you would state your name and be aware that you have five minutes."

Mr. Don Thornbrugu, 10725 South Ellen, Mulvane, Kansas, greeted the Commissioners and said, "I probably won't take that long. I'm also a resident of Rockford on Ellen [Street] just south of a 103rd Street. In the last several months, Mr. Howell and I have gotten to know each other, toured our roads in the township separately and met to discuss where we're at.

"As Dana said, our Board of Trustees is spending money. They're hand over fist it looks like, putting down rock that is so dusty that this morning as I left about 8 o'clock a pickup came down 103rd, I pulled out on 103rd and it was like fog for about three minutes with the sun coming through it. If a car had been coming the other way, they would have ran into me, because from where you are to me, I couldn't have seen you.

"They drive 55, 60 miles an hour as kids going to school. They recently started working on the road on 103rd between Webb and Greenwich, razed it significantly. Dug out, I'm sure what they mean to be (inaudible) on the north side of the road with a big steam shovel kind of thing and just left it as bare ground with about a, in some cases 12 to 15 inch drop-off right at the edge of the road where they developed it. So the road goes from, in some places two and a half lanes down to just over one lane, and at the edge of that one lane it drops straight down about that far.

"My personal experience with the roads in the last six months, my daughter has been off the road twice, one time into some trees. My neighbor's daughter totaled her car on 103rd just west of Greenwich. My son totaled his car on 103rd from a big washout that they didn't fix. As Dana said, my wife and I both drive four-wheel drives now, I'm in a big lifted F150 just to make sure that I can get out in the mud if I need to get out for any reason, and my wife drives a four wheel drive Dodge. It's very serious and it's difficult to explain if you're just not there. Commissioner Howell has been there and seen it, your own Public Safety people have looked at it. I spoke to your engineer last week, and he is probably as upset as I am. I mean, we have an apparent willingness to do some work, but no expertise.

At the last meeting that they had, I asked them where is your technical consultant, how do you know what you're doing? You know, who's telling you that what you're doing is correct? There was no answer. They said well I've talked to a lot of people and I read a book. That doesn't appear to be a good answer to me. I was on a utility district board for four years in Texas, and we dealt with drainage, sewage, roads, water, and I know what they're doing isn't correct. But they don't listen and we need the counties support and help.

"As Dana said, we're not asking you to spend any money, we want to hire you. I mean, the agreement as I understand it says we will develop a project, ask for a bid, your technical staff can give us that bid and then Rockford Township can decide if we can afford to pay it. I think that's a good deal for everybody. That keeps your people employed and keeps them busy. It gives us access to fully trained people that know what they're doing to work on areas that are, emergent is the word that keeps coming to mind because people are wrecking their cars and ending up in the ditch.

"Sometimes they're in the ditch because they come down 103rd, and it's only a lane wide or a lane and a half and they try to pull off the road let the other car go by, just a teenage kid they're really coming at you sometimes, but with a school bus you got nowhere to go, I mean, you just have to find a driveway and pull in and let them go by.

"We're not asking you to go out and fix our roads for us. We understand that's our problem, but on the other hand, if we don't find a way within our township to resolve this and get our roads safe to where when UPS (United Parcel Service) calls me and says I can't get past Webb [Road] you have to come out and pick up your part. I work for IBM (International Business Machines) and I receive a lot of parts at home.

"There are a group of people, of which I am one, that if we can't figure out how to make this work between us, we will try to dissolve the township board and just give it to you. Because at that point, we will have done everything we can do to make this work, but in the end our home values are going down every day because of the roads. If we were to put a house on the market and somebody drive down 103rd and see what those roads look like, it almost looks in some cases like a zero maintenance farm road that you see up in north central Kansas. It's just intolerable, it's unsafe. Am I out of time, oh?"

Chairman Unruh said, "Okay, thank you for your comments, sir."

Mr. Thornbrugu said, "Yeah, okay. Thank you. I'm sorry, I didn't mean to run over. I didn't think I could talk that long, but please consider this."

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

Commissioner Howell thanked the Chairman and said, "Just want to say thank you to Don and Dana for taking time to come out and speak with us this morning. This has been an issue that we've been working on, it's one of my top priorities, I think, for about the last year and the problem really became apparent when we were having flooding issues in 2016.

"Just to make a couple of other points, I'll probably talk about this a little bit more when item H comes up for discussion and consideration this morning. So if you can stick around, that would be great, I may have other questions for you at that time, but I understand that Dana has to go. But I would just like to say that, you know, we had three record level floods in 2016, and one of those was a 500 year flood. I'm not blaming anybody in the township for this issue, but the drainage infrastructure was just not in place to manage the amount of water that came. There was significant damage that ended upon those roads.

"This was, my opinion a result of basically not doing replacement of culverts and doing things that necessary to keep the roads in good shape for when that day came. You know, it's hard for political leaders to plan ahead for these types of events when they, if we're not prepared then when they happen then we're in much, much worse situation.

"The mill levy use to be down around four mills then it went to, couple years ago to eight mills, then it went to 12 mills and then this year it's 16.4 mills. They're trying to increase revenue, but even at 16.4 mills, next year's budget only generates \$328,000 total. With the type of infrastructure problems they have right now, we estimated with county staff that it would take over a million dollars just to make the roads, I would say minimally good.

"So if you use a 100 percent of the revenue, it would take about three years and that is a very, very difficult situation to understand that when as one of the speakers just said.

"That sometimes when it rains the kids can't get to school, people can't get to work, if they don't have four wheel drives, they can't get in and out of their homes. There were some questions whether 911 could send emergency personnel and get to the homes in case of a fire or a medical emergency or if they had some kind of other issue needing a Sheriff's Officer. We had some confirmation from those groups that would be a problem that reaching some of these homes after a rain storm would be problematic. The mail sometimes doesn't get delivered, the school buses won't pick up kids, the number of cars that have been damaged or totaled on these roads, or people that have gone off these roads.

"This is just a dire emergent situation, those are the words I like to use. I'm not blaming anybody, it's no one's fault, but I do think that we are trying to find opportunities within the Kansas laws. How we can partner with the township in a way that it doesn't cost other taxpayers money but be able to use our expertise or our staff to do some things that we are very good at.

"Our Public Works personnel are experts in so many ways and this is really, if this was our problem, we would be able to do this because we have people who know how to fix our roads, that's not a thing for Sedgwick County. We've done that for many, many years and we're very good at that. But this is not maintaining roads, this is reconstructing roads and that's why this is different. So the question is are we going to be able to step in and not, again the resolution today is not intended to allow us to maintain their roads but to allow us to reconstruct the problems.

"All the roads don't have problems, they have 42 miles of roads, a lot of those roads are fine especially when it's dry. Many of the roads have significant problems, and those areas are going to be very expensive and very complicated to fix the drainage to make sure the drainage has a way flow to the tributaries and to the streams and rivers. So this is a very difficult problem. It didn't just develop overnight, it developed over, my opinion, decades, but the situation has now gotten so bad that we need to do something extraordinary.

"So anyway, I will be able to makes some more comments when the item comes up. I just want to say thank you for taking time out of your day to come and speak with us. I know it's extremely important not just to you, but I've talked to many, many people in the township. I want, just one more point I wanted to say is this is a township problem and I think you mentioned that Dana, this is a financial burden, it's a deferred maintenance issue that the township has developed over time. This is not a County Commissioner or a Sedgwick County problem because Rockford Township is its own taxing unit, its own jurisdiction, and they have their own elected officials. Technically speaking they have the responsibility and we don't have to do anything, but I do think it's the right thing to do to the extent that we can do it, it doesn't cost the other taxpayers money.

"We have the expertise and the skill and the knowledge to do this, I think it's the right thing for us to do. So passing this agreement as you said already it just sets up a framework where we can move forward potentially.

"At least four other things would have to happen for any actual trigger to be pulled on any actual project, I can explain that when we get to the item H, but I do appreciate you taking the time to come out and speak with us today. It's a serious situation, and I'm doing everything I can to help you, so thank you for your comments today. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. We have one other person who wants to speak on public agenda and that is Valerie Slaughter. If you would state your name and you have five minutes to speak."

Ms. Valerie Slaughter, citizen, greeted the Commissioners and said, "I'm here on behalf of a defendant Eddie Caddell III. He was charged with an alleged rape case, June 28, 2014. He was put on solitary confinement June the 6th of 2014 for another alleged crime in the Sedgwick County Jail. December the 18th of 2014 John Hansen court-appointed told my mother, the father, me and the defendant's mother that the DNA is back and it's not a match in either case. He said but the District Attorney's Office does not like it when you don't take the plea deal.

"My mother fired John Hansen that day. Charles O'Hara was then hired the end of January for \$25,000 of my mother's retirement, some of her retirement fund. He took the case the end of January, the first preliminary hearing was April 22nd, 2015 in which the minor child, Carolyn Ross took the witness stand and alleged that she was raped. The District Attorney's Office had the burden of proof to prove that, they did not prove it. So Charles O'Hara represented him April 22nd in 2015.

"The next court proceeding was a motion hearing, which would have been September the 4th of 2015. In which Judge Wilbur, District Attorney Shannon, Sheila Lions, Charles O'Hara, one Sheriff and one blonde lady was in the court with me and my mom. We sat there for one hour and 47 minutes waiting on court to start at 9

(O'Clock). They came out after one hour and 47 minutes as Charles O'Hara and one Sheriff is walking back and forth from the Judge's chambers to the holding cell. At which time they were in the back threatening the defendant, Eddie Caddell III, to take their plea deal.

"Now when he came out for court my mother and I was there, it was about two minutes and the District Attorney, Ms. Shannon, she came out of there and about two minutes she said I want to hear you say you is, excuse me this is adult language, and I don't see any kids in here. She said I want to hear you say you was fingering her, meaning the minor innocent child in the alleged rape case. Charles O' Hara leans over to him, Eddie Caddell III, my nephew and said you've got to say it, she want to hear you say it. He said I didn't do that.

"At that point for \$25,000, Charles O'Hara supposed to stop court. Your defendant did not enter a plea of guilty when he said I didn't do that in our presence. They continued to pressure him, a couple of minutes go by, they re-word it. Judge Wilbur said refer to your affidavit. Then they told him you got to say it, I want to hear you say it, all three of them. It's not my fault, I'm just a messenger and a witness. They're accountable for their own actions. At that point that was a scare tactic on a defendant that was not a plea. He said twice I didn't do that.

"They were supposed to proceed on October the 4th of 2015 to the alleged jury trial that was probably not even scheduled. At that point when they pressured him and said it, on page 12 of the transcript from September the 4th of 2015, there was a motion hearing this is it. On page 12, you can turn to five, this is adult material as well. Judge Wilbur's transcript is very well written, but it is a lie. None of this happened and there is my mother, we were out of there in 11 to 13 minutes. He said that Eddie Caddell III stood in his court and read this. Eddie Caddell graduated from Sowers[Alternative High School], he is illiterate, he do not read and write, he didn't read this, none of this happened.

"So let's go to page 12 of September 4th, 2015, Judge Wilbur says starting with five, adult material, did you put your penis in her vagina and penetrate her, meaning the minor child or did you finger her? At that point he said Eddie Caddell said yes to fingering. Go back to April 22nd, 2015 in the preliminary hear in which Judge Jeffrey's court heard evidence that was to lay it down to see, whether or not there was enough evidence to bind you over for trial, but what he heard was lies. Because if you go back to there, September is after April, this child did not take the witness stand out of 1,700 words with a 30-page transcript and the word finger is not located in there.

"I realize this is a court matter, but justice hasn't been served. Two days ago he received a letter in Department of Corrections, he received a letter in Department of Corrections that said his appeal is denied. Obviously was denied because the facts were not told. So although polygraph are not admissible in a court of law, I have submitted to one with first name basis, I am not here to destroy anybody's future or their status in this community or their positions. I will walk away, but that's a innocent man and we're all hear as his family standing here.

"You cannot threaten a defendant to say something and then write this nice brief. There is my mother who gave Charles O'Hara \$25,000 and he was threatening him. He said you got to say it, I want to hear you say it. I have yet to see justice..."

Chairman Unruh said, "Can you wrap it up quickly, because you have used your

allotted time?"

Ms. Slaughter said, "...okay, are you all going to help us free an innocent man, Eddie Caddell? He's sentenced to 22 years of life at 24. There is also another case in Sedgwick County that he alleged attacked another caucasian male, Christopher Alan Michael Jones. Christopher testified on preliminary hearing, April 22nd that he was in a hospital for three days. We have court documents that he's getting a plea deal two days after. The State of Kansas District Attorney's Office dropped 18 year for his rape to three years' probation to testify on Eddie Caddell. He said he was in the hospital. He was getting a plea deal, and I have the documents of public record that says that he was getting a plea deal and a presentence investigation [report] (PSIR). In his transcript from April 22nd, District Attorney does not object, meaning that she allowed this lie to persist. Can you help me?"

Chairman Unruh said, "Ma'am, I am afraid I am going to have to call time on you. This is all the time we allow for public comment. So do you have one concluding sentence?"

Ms. Slaughter said, "Yes, can you help us free an innocent man? We want him back, his brother, Brandon Curts, he just got murdered. He's denied to see his children and he didn't commit this crime. You can't find the word finger. I have been waiting a year and a half and called Judge Jeffries' court for the court reporter, and she can't even find it and she typed it. So isn't that a threat for a District Attorney and a Judge and Charles O'Hara to take our money and threaten him in our presence? When you say I didn't do it..."

Chairman Unruh said, "Well, I thank you for your comments. I'm going to have to call time on you. As you have said in your comments, this is an issue for the court system and the County Commissioners do not have authority..."

Ms. Slaughter said, "I have yet to see the court render any justice or fairness."

Chairman Unruh said, "Miss, I understand your comment. I understand your distress. However, we do not have authority of it. Appreciate your comments, but I am going to have to call the time..."

Ms. Slaughter said, "But isn't the county, the District Attorney saving you all money by the amount of plea deals? Isn't it, you guys are paying to house an innocent person. Don't they save money by not by plea deals and the county is affected financially, if you get all plea deals."

Chairman Unruh said, "I am sure you understand that this is a matter that you have to take up with counsel and work through."

Ms. Slaughter said, "Can I get a statistic of how many plea deals that they have saved this county? Where that money could be otherwise used for something else?"

Chairman Unruh said, "Miss, I get your point and I understand your perspective, but I am going to have to ask you to take your seat. Thank you, appreciate your comments. We are not able to enter into this adjudicated issue. So thank you for your comments."

Ms. Slaughter said, "Thank you."

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

CONSIDERATION OF MINUTES

- A** [17-806](#) REGULAR MEETING MINUTES OF AUGUST 16, 2017.
Commissioner Ranzau was absent.

Chairman Unruh said, "Commissioners, you've had the opportunity to review the minutes of August 16th and the minutes of August 23rd. Are there any additions or corrections? If not, what's the will of the board?"

MOTION

Commissioner O'Donnell moved to approve the meeting minutes of August 16th and August 23rd, 2017.

Commissioner Dennis seconded the motion.

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

VOTE

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

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

- B** [17-817](#) REGULAR MEETING MINUTES OF AUGUST 23, 2017.
All Commissioners were present.

Action for this item was taken with Item A.

PROCLAMATIONS

- C** [17-743](#) PROCLAMATION DECLARING LIMB GIRDLE MUSCULAR
DYSTROPHY AWARENESS DAY.
Read by: Chairman David Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Unruh said, "Commissioners, we have a proclamation, and I have asked Commissioner O'Donnell to read this proclamation."

Commissioner O'Donnell said, "Thank you, Mr. Chair."

WHEREAS, Limb Girdle Muscular Dystrophy (LGMD) is considered a rare disease that causes muscle weakness and wasting, most commonly affecting muscles of the shoulders, upper arms, pelvic area, and thighs; and

WHEREAS, LGMD is a group of hereditary, genetic, neuromuscular disorders with over 25 sub-types currently identified and occurs among all ethnic groups affecting both males and females; and

WHEREAS, LGMD is a progressive, serious and debilitating condition that has a significant impact on the lives of those affected with individuals and families often experiencing problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

WHEREAS, research is ongoing and important advances are being made in understanding the genetic causes for the disease and there is still no known cure or treatment;

NOW, THEREFORE BE IT RESOLVED that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 30, 2017 as

LIMB GIRDLE MUSCULAR DYSTROPHY AWARENESS DAY

In Sedgwick County and encourages its citizens to learn more about this disease.

Chairman Unruh said, "Commissioners, you've heard the proclamation. What's the will of the Board?"

MOTION

Commissioner O'Donnell moved to adopt the proclamation.

Commissioner Dennis seconded the motion.

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

VOTE

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

Chairman Unruh said, "We have accepting today Lisa Vayda. Is she here today to accept the proclamation?"

Ms. Lisa Vayda, greeted the Commissioners and said, "I would just like to say thank you to the Commission, who is also our County Health Board for bringing awareness to this awful disease. I am Lisa Vayda, and I have Limb Girdle Muscular Dystrophy Type 2 I. Awareness is very important to those people who have the disease, but they don't know it yet and they need to find that diagnosis.

"Awareness is also important to people like myself who need help and care with this disease, but more importantly, awareness is most important for finding treatments and cure in the very near future, I hope. Thank you, and this proclamation is very much appreciated."

Chairman Unruh said, "Well, thank you for being here and calling it to our attention. We do have a comment from Commissioner O'Donnell."

Commissioner O'Donnell said, "I just wanted to say hi, Lisa. Glad to read the proclamation, but thank you for your advocacy, not just on this issue, but on so many issues regarding health in the Sedgwick County area. It does not go unnoticed. You and Dr. Vayda do a lot, and we appreciate you very much."

Ms. Vayda said, "Thank you so much."

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

Adopted

D [17-744](#)

PROCLAMATION DECLARING CONSTITUTION WEEK.

Read by: Chairman David M. Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Unruh said, "Commissioners, another proclamation for your consideration, and I have asked Commissioner Ranzau to read this proclamation."

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

WHEREAS, September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate this occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE BE IT RESOLVED that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the week of September 17 through September 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Chairman Unruh said, "Commissioners, you've heard the proclamation, and I would move its adoption."

MOTION

Commissioner Unruh moved to adopt the proclamation.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Accepting the proclamation today is Ms. Susan Newman. She is representing the Daughters of the American Revolution, a local chapter. Glad that you're here today."

Ms. Susan Newman, greeted the Commissioners and said, "In mid-September, 1787, the U.S. was a nation on the brink. It had won the Revolutionary War, but it was losing the peace. The National Treasury was virtually empty and the economy was faltering, while inflation soared and national and state debts were unpaid. Against this backdrop, the constitution was written. Our constitution will be 230 years old on this Sunday, September 17th. The tradition of celebrating the constitution was started by the Daughters of the American Revolution. Our American patriots sacrificed their lives and fortunes and this country and we celebrate their legacy.

"Today, I have other representatives of seven of our Daughters of the American Revolution Chapters in the Wichita area. They are Randolph Loving, Flores Del Sol, Martha Loving Ferrell, Eunice Sterling, Little Arkansas, Mary Draper and the Wichita Chapters. Thank you."

Chairman Unruh said, "Well, thank you all for being here today and want thank you for your efforts to continue to uphold the importance of our constitution and remind us of that, if not daily, you know, at least annually. I know that you all have somewhat of a vested interest in that from your positions, but thank you for just maintaining that, keeping the faith and keeping calling it to our attention. So thank you very much for being here today."

Ms. Newman said, "Thank you."

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

Adopted

NEW BUSINESS

- E [17-809](#) REVIEW SERVICE PLAN CITY OF DERBY ANNEXATION
RESOLUTION NO. 33-2017.
Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Receive and file; and take any other action deemed appropriate.

VISUAL PRESENTATION

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "When a city proposes a unilateral annexation, what I mean by that is when it's proposed to be done by the city without the request or consent of the property owners, where a service plan is required as part of the annexation, pursuant to a county resolution number 109-2012, the service plan is distributed to county staff and also then presented in front of you.

"I would first refer you to the map that's pulled up on the screen here. The property that's in red is what's proposed to be annexed here by the city of Derby. More specifically, there are two parcels, residential parcels, one is approximately two acres in size, the other is approximately three acres in size. Plus, you will notice that a strip of land, or of road right-of-way on 87th Street South is also proposed to be annexed by the city. This is near the intersection of Rock Road and 87th Street South, just to the east of that intersection.

"The parcels comprise Piperland Addition. It's a two parcel subdivision, and it is worth noting there's language in the platter's text of that plat that actually says the owners waive any protest to annexation by the city of Derby. In terms of comments from county staff that have been received at this point, finance staff noted that the annexation would result in roughly \$860 annual reduction to the budget of Sedgwick County Fire District No. 1, as it would come out of the Fire District if it's approved.

"Public Works also noted there is a project, a joint project, for road construction that the city of Derby, Sedgwick County and then also Rockford Township had contributed towards, the city of Derby paid, I think, slightly under half the cost of that road improvement project. But roughly encompasses the portion of roadway that is proposed to be annexed here. That's near completion at this point in time.

"MABCD (Metropolitan Area Building and Construction Department) staff noted that neither of these properties is actually receiving sanitary sewer services from the city at this point in time and Planning Department staff reviewed this proposed annexation. They noted the ground is within the city of Derby's urban growth area for 2035 as incorporated within the Wichita Sedgwick County Comprehensive Plan. They also had noted that they did not believe that the annexation, if it were to go forward, would hinder or prevent the proper growth or development of the area and any other city.

"The city service plan has to substantially comply with the requirements established by KSA12-520b. I have reviewed the plan and as noted, more details in the backup materials, I reviewed essentially item by item under the statute what's required to be in the service plan. It appeared to substantially comply with the requirements noted within that statute. If you have more questions about that one when I'm done presenting, I will be happy to answer any of your questions or discuss that in more detail with you.

"The Planning Commission is going to review this item on September 21st to review compatibility with the comprehensive plan, and then also the city of Derby will actually have their public hearing on October 10th where they will consider this annexation. They are required to give notice to the property owners proposed to be annexed for that hearing and at this point, the recommended action on this item, there is no requirement by statute that you really have to do any of this, this is a local resolution that we have come up with to review and potentially provide feedback on this. So, the recommended action would be to receive and file and then also to make any additional comments or action that you believe may be appropriate.

"The three different items that we note in the backup materials would be to direct the County Counselor's Office to notify the city of any comments made during this meeting. Second option would be to prepare a resolution incorporating any of those comments, and a third option would be to have a county representative appear at the city's hearing on October 10th to provide any comments as well. I would be happy to stand for any questions you might have on this."

Chairman Unruh said, "Alright. Thank you, Justin. Are there any comments at this time from the bench? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Appreciate the presentation this morning. I was just curious, the map and the backup material does show a development there, I think that's all been platted, is that correct?"

Mr. Waggoner said, "That is correct."

Commissioner Howell said, "Do we have, I don't know who can answer this question, maybe there is someone in the audience that can. Is there any idea as to when that might develop? Is any idea as to when that's planned to develop, I'm just curious. If you know that and if you don't that's fine."

Ms. Kathy Sexton, City Manager, City of Derby, greeted the Commissioners and said, "If you are talking about the housing development that is not in question today, but is a neighbor to this."

Commissioner Howell said, "Right."

Ms. Sexton said, "No, we do not have a timeline."

Commissioner Howell said, "No timeline, that's great. Then my final question would be, again, this includes the right of way along 87th Street, my estimates from Rock Road to that point looks like it's about a half mile all together, including the part that's already been annexed by the Walmart there. But if you include everything from Rock Road to that point on the map, it's about a half mile altogether. Does that include the road itself, or is this the right-of-way alongside the road?"

Ms. Sexton said, "It's the road."

Commissioner Howell said, "The road itself, very good. I thought that was the case. I want to make a point, I appreciate Derby very, very much. We've worked together on this. I've declared, Public Works, I think at some point in the past has identified this as a significant road that needed some kind of help. It was deemed by me anecdotally as the worst road in Sedgwick County, and I think Public Works agreed with me at the time."

"We have partnered together with the City of Derby and Rockford Township and then Weststar had a lot of work to do to move some utility poles. You add that all up together, between Rock Road and Greenwich, which is my plan for next spring, as another mile, but the entire project, I think is \$1.8 million. Derby had a significant role in that by providing some money to that project. I just want to say thank you for that. To the extent that two homes have lived on the worst road in Sedgwick County and now probably one of the very best roads in Sedgwick County. By the way, we are not done"

yet, I think we are putting some asphalt down I think, in October and we will celebrate that new road in October.

“But it is clear to me that Derby is committed to these homes and these homeowners and the quality of life and their access to the city of Derby is clear to me. So I appreciate what Derby has done and I am very supportive of the plan today as presented. Thank you, Mr. Chairman.”

Ms. Sexton said, “Thank you, Commissioner.”

Chairman Unruh said, “Thank you, Commissioners. Is there, I see, oh, Commissioner Ranzau.”

Commissioner Ranzau said, “Yeah, I have some questions. So these two parcels that we’re talking about, do they have homes on them?”

Mr. Waggoner said, “That is correct, both have homes.”

Commissioner Ranzau said, “This housing addition that is shown here, it’s not actually there?”

Mr. Waggoner said, “It has been platted. I’m not certain, maybe Commissioner Howell or Kathy Sexton could speak to the, how many homes there are in that subdivision. But there is and it is a part of the city. You’re talking about subdivision directly to the west...”

Commissioner Ranzau said, “Right.”

Mr. Waggoner said, “...correct? Yeah, it’s platted, it’s incorporated within the city limits of Derby. I don’t know how many homes there are though.”

Commissioner Howell said, “I’ll speak to that. I know, basically none of that has been developed yet. There are no homes there at this time. There are two homes in the two lots there just to the north of 87th Street that are in red on the map, there is a home in each one of those lots. But everything to the west and to the north of that area there are no homes at this time. It is platted and my hope is that it will be developed at some point. I think 87th Street being paved hopefully will maybe make that move forward a little bit, but...”

Commissioner Ranzau said, “But it’s basically a field now?”

Commissioner Howell said, “It is agricultural right now.”

Commissioner Ranzau said, “Okay, so the people that are in these homes, are they asking to be annexed?”

Mr. Waggoner said, “They are not asking to be annexed at this point. I can’t tell definitively if they have a position one way or another on this, but they have not asked to be annexed.”

Commissioner Ranzau said, “Has anyone spoken with them and what’s the purpose for annexing them then if, yeah, what’s the purpose of this?”

Mr. Waggoner said, "To the first question, we have not spoken with them. On these types of annexations where via the service plan, we don't reach out to them. However, if this annexation is approved by the city of Derby three years from now when you all would review the service plan we do send out prehearing questionnaires on that, but as to the purpose I think, that's something that maybe Ms. Sexton would be better to address."

Commissioner Ranzau said, "Maybe the city can talk to that."

Ms. Sexton said, "Commissioner, if I understand your question correctly, you're wondering why the city is pursuing annexation at all. Is that fair?"

Commissioner Ranzau said, "Yes, and has the city talked to the people here?"

Ms. Sexton said, "We have reached out to them, sent the certified mail and they have not responded. Other than reminder though, we approved platting of this land in 2008. It was on our city limits then and that was with the requirement and their consent that they would not protest annexation when the day came, pardon me, when the day came that the city of Derby was ready. Anytime someone is going to plat and build their dream home on the edge of a city, obviously these folks understood that annexation was going to happen someday. They consented to that in 2008 when they signed that plat.

"Back to your question though, why do cities annex? Cities annex because..."

Commissioner Ranzau said, "No, I'm asking specifically about these two. Why are they being annexed at this time?"

Ms. Sexton said, "Right. It is part of our program and our plan that we clean up our borders. We don't appreciate Sheriff and other folks don't appreciate when cities grow around county areas and then it creates inefficiencies, donut holes for examples, of growth of service provision by different government agencies. Folks call 911 and well, is the county coming or the city coming, is the [Sedgwick County] Fire District [No. 1] coming or the city fire coming that kind of thing. So just generally speaking we promote as do most other cities orderly growth that is fair in taxation and for services provided and is clear for public service providers as to who serves which areas. Does that help?"

Commissioner Ranzau said, "Yeah, so is anyone going to actually call them or go by and ask them if they want to be annexed?"

Ms. Sexton said, "No sir."

Commissioner Ranzau said, "Okay."

Ms. Sexton said, "We sent them letters, certified mail. They're very well aware of the annexation."

Commissioner Ranzau said, "Okay, I'm just asking."

Ms. Sexton said, "In 2008, they signed documents filed in your Register of Deeds office saying they would not protest annexation whenever the city was ready to annex."

Commissioner Ranzau said, "I understand, cities have a practice of strong arming people whenever they want to get platted, so they can build their home and basically forced to do that. I get that, but I'm just asking some questions about the situation because you have some people who are going to be annexed, possibly against their will and you have your reasons, but if I look at your boundaries have, I mean, your reasons don't really fly. But nevertheless, they're going to increase their taxes and not anything more than what they already have, this happens repeatedly. I'm sorry if you're offended if I'm going to stand up and ask some questions on behalf of these citizens of Sedgwick County. Cities repeatedly strong arm and abuse this power and I'm going to ask some questions about it."

Ms. Sexton said, "Sir, I'm sorry. I certainly did not mean to cause offense. I thought I had answered your question already and certainly when this County Commission approached the city of Derby last year to help pay for this road, we've been very clear for a year. In fact at one point, the county was going to force the city to annex the area and the road once we paved it. We said, we'd rather you not force us to do that, but this is us following up on promises we made a year ago saying if we're paying for this road, this is for the orderly growth and development of the city. It's not because the city's going to pave somebody else's road because they didn't take care of their road. It was so the city would grow, we were very clear about that. This is about the growth of the city of Derby. I hope that helps."

Chairman Unruh said, "That all you had Commissioner, or did you have more?"

Commissioner Ranzau said, "Well, I will just say that if, in my comments on this, I mean you're talking there are two houses out by a field. My comments with respect of this, the service plan that Derby does is generally pretty good, but I would suggest to the city that they speak to these constituents and consider not annexing them if they actually don't want to be. I mean, just be a good neighbor, right now, I mean that's a field there and so it's not necessary at this time. But obviously I can't make them do that, we don't have any say in this matter that's meaningful. I would like to see the state statute change so that we would, but at least consider, make an effort to communicate to your new perspective constituents."

"I'm just saying this because of the experience that I've had in my district, when cities don't act very neighborly and just say you can do, it creates a lot of consternation and resentment or it can. Now I don't know, maybe they are happy with it. I am just saying, there's only two of them there. You know, it's not going to make or break the city just to make an effort to talk to them. To avoid come consternation in the future and any hassles that might happen, I think it is worth the time. That's just my suggestion, thank you."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I appreciate the discussion that just happened, but I would like to just validate one of the comments that was made. We did have discussions when we were trying to identify a road to improve that was important to Sedgwick County, and Manager Sexton, right after my being put into this position, we had discussions about 87th Street and how important it was, and knowing the condition of that, and how difficult it was. Again, as I said before, altogether about \$1.8 million problem. Rockford Township, as we have already discussed, did not have much of a legitimate opportunity to really fix what needed to be done there."

"We have raised the road, I think by four feet, we've had a drainage infrastructure. It is a very complex project which is why it's expensive. It cost the city of Derby hundreds of thousands of dollars to become a partner on this important road. I would say that these two homes are less than a thousand feet from Derby's largest church, they are also less than 1500 feet from a Walmart. We have, we did have discussions, again, I was curious about Derby's interest, or the position on whether they would annex that road. We did have the discussion. They did say at that time they would prefer to do it on their timetable and I was okay with that, I think that's great.

"I think they have demonstrated a perspective that most other cities in Sedgwick County have not annexed the roads along the properties that they've annexed. In other words, they have annexed the property but not the road, leaving the road maintenance to the county or the township. In this case, Derby has been aggressive and they have taken care of that. They have annexed the roads, and I think that we will work with them to determine who does what along this road, because again, half a mile belongs to the county now, or will shortly, and half a mile belongs to the city. We'll have to work with them to find out who does what, when, but that's actually good for us as well.

"This discussion happened, we didn't have to force this, they voluntarily followed through and did exactly what they said they would do. I have waited for someone to contact me that we would be opposing this, I have had no one contact me. I know the neighbors in that area, no one is upset about this annexation. In fact, I will tell you, I have had so many people happy about the road, it makes me really proud that we were able to find a four-way partnership and find a way to move forward on this. I am proud of us as well as city of Derby and Rockford Township and especially Westar. They have invested a million dollars in this project to make this happen.

"So this is a very complex problem, those properties in my opinion, before we got involved a year ago, had an issue that would've made it hard to market them to someone because the road was so bad. Now in my opinion, this is premium property because of the investment by Sedgwick County and the city of Derby. So again, I am supportive of this because the location is basically, in my opinion, as close to the city as you'd want to be. This is the ideal place, I would love to live there if I could inside the city of Derby, I would be fine with that as well, but I think I've said plenty. Thank you for the dialogue, and I hope that makes sense as to why I am supportive of this today. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Any other questions from the Commission? I don't know if the Manager of the City of Derby wants to make any more comments? Alright. Commissioners, I think we need a motion and unless there are specific instructions for Justin, that motion to receive and file."

MOTION

Commissioner Howell moved to receive and file.

Commissioner O'Donnell seconded the motion.

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

VOTE

Commissioner Dennis Aye

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

Chairman Unruh said, "Thank you, Justin."

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

Chairman Unruh said, "Next item, please."

Received and Filed

F [17-760](#)

RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT TO ENACT LEGISLATION TO LIFT RESTRICTIONS REGARDING THE USE AND TRANSFER OF LAKE AFTON PARK PROPERTY.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Approve the resolution.

VISUAL PRESENTATION

Mr. Waggoner said, "Good morning again, Commissioners. As has been discussed before, I think on a few occasions, Lake Afton Park which includes the Judge Riddel's Boys Ranch or the former Judge Riddel's Boys Ranch, is subject to restrictions on the use and transfer of that property that are contained within section 6-F of the Land and Water Conservation Fund (LWCF) Act. More specifically, the relevant portion of that act, I will call it the LWCF Act provides that no property acquired or developed with assistance under the section shall without approval of the Secretary be converted to other than public outdoor recreation uses. The Secretary they are referring to there is the Secretary of the U.S. Department of the Interior.

"What I didn't state above is, why is Lake Afton Park subject to those restrictions. Well, the answer is because in 1966, Sedgwick County accepted approximately \$7,000 in grant funding, which constituted about one-half of the construction cost of a comfort station, if you look on your screen, a picture of that comfort station as it appears now, it's had some updates and modifications over the last 51 years. But that's the comfort station we are referring to here. The resolution that's in front of you today would request that the federal government lift the use and transfer restrictions specific to Lake Afton Park, through any means that are appropriate, which would include but not be limited to any legislative action.

"Commissioner Ranzau has requested this resolution be brought in front of you. Really the two reasons for requesting this legislative change or any other potential action are pretty straightforward. First, it really involves a disproportionality of a \$7,000 grant agreement tying up the use and transfer of the entirety of Lake Afton Park. Secondly, the fact that the restriction is into perpetuity, as opposed to being based on a reasonable period of time. I will get into each of those in a little more detail.

"With regard to disproportionality, it's important to keep in mind the time frame during which some of this activity occurred. The majority of land that comprises Lake Afton Park was purchased during the 1930s and '40s, subsequent to that purchase resources were used to construct the lake and dam, several buildings in Lake Afton Park, including the Judge Riddel Boys Ranch, which was noted as an initial construction cost of more than \$600,000 in I think, 1950 money.

"Also, the establishment of roads and several other park amenities. While additional buildings and amenities have been added since 1966, Lake Afton Park was already a fully functioning, multi-use public park prior to 1966 and the acceptance of that grant. The resolution notes that to impose the LWCF Act restrictions for half the construction cost of a single, again in the picture, comfort station, upon the entirety of Lake Afton Park, which is roughly 800 acres in size, would be disproportionate.

"I mention perpetuity, it's been over 50 years since the county received that grant funding based on the documents available from the state of Kansas and from the Sedgwick County Clerk, it's not abundantly clear, actually I would say it is not clear at all, that the County Commissioners at that time in 1966, understood that the \$7,000 grant would subject all of Lake Afton Park to use and transfer restrictions we have discussed today.

"The resolution notes what I have discussed constitutes unique circumstances that would justify a legislative change. The recommended action is to approve the resolution. I would be happy to stand for questions."

Chairman Unruh said, "Alright, thank you. That was a clear review of the history and how we got here, and a clear review of the absurdity of this restriction. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Thank you, Justin for all your work on this and thank you for bring the picture, so we can see..."

Mr. Waggoner said, "You're welcome, Sir."

Commissioner Ranzau said, "...what's causing all this hassle. It's certainly a nice facility, but I don't think it was worth basically relinquishing control over 800 acres. So if we pass this resolution, I think we have another one coming after this with a respect to a similar situation here in the county. Then this will go up and hopefully Congressman Estes can use that to help get some legislation passed to free us from all these encumbrances that we have. While we don't expect to do anything with Lake Afton, being released from this encumbrance would just guarantee that we can do whatever we want with that park and make changes and whatever and not have to go through this again or any other land that has a similar encumbrance. I think you made a good case, very logical, sound case, I think it should fly through the United States Congress. That means it will probably get hung up for years. But nevertheless, \$7,000 for 50 years, I think they got their money's worth. So I will make a motion that we adopt the resolution, and that's it."

Chairman Unruh said, "Okay."

MOTION

Commissioner Ranzau moved to adopt the resolution to enact legislation to lift restrictions regarding the use and transfer of Lake Afton Park property.

Commissioner O'Donnell seconded the motion.

Chairman Unruh said, "Alright. We have a motion and a second for this item. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I wanted to second that, but that's okay. This is a great resolution, again, I think to give up control forever is not good policy. At the time, I'm sure this made sense to the Commissioners, but today we are making a decision to essentially demolish a multi-million dollar facility that might be used for good. The compelling reason for that is because of this encumbrance. It was created 51 years ago.

"I think that to use a facility like that for taxpayer good and solve problems in the community would be ideal, but that's not really an option for us today, as this encumbrance, so I am very supportive of this.

"Again if I understand correctly, this doesn't actually change anything, but it does advocate for legislation and legislative changes at the national level to give us some relief, this type of a forever encumbrance. So, I am very supportive of this, appreciate the opportunity to vote on it. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Any other comment? Seeing none, Madam Clerk call the vote, please."

VOTE

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

Approved

G [17-814](#)

RESOLUTION TO REQUEST THE REMOVAL OF FEDERAL RESTRICTIONS ON THE USAGE AND TRANSFER OF NORTHEAST SEDGWICK COUNTY PARK.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

VISUAL PRESENTATION

Mr. Waggoner said, "Hello Commissioners. Just like the Lake Afton Park, the Northeast Sedgwick County Park, which is approximately 650 acres in size and is located in the approximate area of 77th Street North and 127th Street East, is subject to restrictions on the use and transfer of the land that are contained with section 6-F of the LWCF Act. Commissioner Dennis asked that we have a resolution in front of you today that would request the federal government to lift the use and transfer restrictions on the Northeast Sedgwick County Park through any means that are appropriate, again, including but not limited to legislative action.

"If you refer to the map that's in front of you here, this is zoomed out a bit, but you will notice towards the top right, there is a red dot there. That's approximately where the Northeast Sedgwick County Park is located. If you refer to the, if you see the lighter blue and brown colored shading, those are the urban growth areas for 2035 for all the cities within Sedgwick County.

"So the two relevant cities that are even, if you look, they're roughly a mile, mile and a

half, there growth area for 20 years from now from where this park area is located, it shows how remotely located it is, perhaps, because the darker shading for each of those cities actually show where current city limits are, which I think are in the neighborhood of three miles at the closest to this location.

“The same portion of the LWCF Act that I recited earlier that contains the restrictions on use and transfer of the park also include indications about how designations that tie up, or essentially restrict the use of the property can be transferred, or they use the word converted from one property to another. Which is relevant here, because that’s ultimately how Northeast Sedgwick County Park became subject to the LWCF Act restrictions. A portion of the LWCF Act that notes that the Secretary shall approve a conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least fair market value and of reasonably equivalent usefulness and location.

“The Northeast Sedgwick County Park was established in 2011. It comprises a portion of land that was received from the city of Wichita as part of the jail fee settlement. So I mentioned conversions and I will go through, and actually let me move here to, I believe there is a second map that may be able to show the park zoomed in a bit, but in 1992, let me just kind of back up. Sedgwick County Park, around 21st street and Ridge in that neighborhood, is again subject to those same LWCF Act restrictions. In 1992, the county decided that a good location to build the Sedgwick County Extension Center would be at 21st and Ridge on that property.

“The building of that building was going to take about 13.5 acres of that land out from under essentially being able to use for public purposes as a park and recreation. As a result, they converted those 13.5 acres at 21st and Ridge to what was then called the Kansas Coliseum Camper Park, which is already existing camper park in the area between 77th Street and 85th Street North, adjacent to the Kansas Coliseum. They essentially took those 13.5 acres and subjected 43.4 acres to those restrictions. Then subsequent to that, as the county wanted to sell the Kansas Coliseum in 2011, they again, in order to sell this property they would have had to remove the same LWCF Act restrictions, so they once again converted their park designation from those, it was altogether the 43 acres I already described, plus there were 50 acres there before, so they took those 93 acres and converted them to the roughly 650 acres that comprise Northeast Sedgwick County Park.

“The, I guess the best way to put it, in speaking with staff, is the usage of the Northeast Sedgwick County Park has been minimal, significantly lags behind all of our other parks. You know, and those parks are the Sedgwick County Zoo, Sedgwick County Park and Lake Afton Park. Even if the county were to invest increased resources into the park, its location makes it unlikely the park would become a significant recreational destination for Sedgwick County residents any time within the next couple decades.

“I pointed out before the map that’s in front of you here shows how remotely located it is. I believe it’s two or three miles north of 254 Highway, and so it contains primarily unimproved agricultural land. Before the county received the property, it was leased out to various farmers, the city of Wichita had leases for it. It was proposed at that point I think to be a dump facility or the word escapes me at this point.”

Chairman Unruh said, “Municipal Solid Waste Landfill.”

Mr. Waggoner said, "Yes, that's correct, Chairman, thank you. The resolution that's in front of you notes the public interest and public welfare. Well, actually before I say that, I think based upon the property's location, some suitable uses for it might be potentially better uses than as a park would be for agricultural purposes. Potentially, you know, residential or commercial purposes. It's not ideally located for a park use.

"The resolution says the public interest and public welfare best be served by having the LWCF Act restrictions lifted, so the land could be sold and the proceeds could be used for other purposes that benefit Sedgwick County residents. Some of those purposes include, again, funding our parks. While the LWCF Act does not require that conversions be based on acre for acre, on a acre for acre basis, it is worth noting that the acreage here has gone from 14 acres to 43 acres, to approximately one-half of the 650 acres. There's been a significant uptick each time the number, the amount of acreage that's been encumbered.

"The recommended action on this matter is to approve the resolution. I would note that there is the map I was referring to in the green shading shows the entirety of the Northeast Sedgwick County Park. I will stand for any questions."

Chairman Unruh said, "Thank you, and we do have a comment from Commissioner Dennis."

Commissioner Dennis thanked the Chairman and said, "As Justin said, I was the one that requested this. When we first started learning about the encumbrances on Lake Afton, I asked our Legal Department what other properties do we own that are also encumbered. Although that process is still ongoing, we haven't got a complete list of everything that's encumbered, we did discover this piece of property that's encumbered. Again, just as egregious as Lake Afton, where we took \$7,000, fifty years ago and encumbered an entire park, what's happened here is we've taken 14 acres, and now we've got about 650 acres that are encumbered.

"So it is just as significant overreach as Lake Afton is, so there may be others. We don't know yet until we see what else that we have that's encumbered, but this is just as significant as Lake Afton. We have no plans to do anything with this piece of property, I want to you make sure everybody is put at ease right now that there are no plans, but we need this encumbrance removed, and if we are going to send a request up to Representative Estes to see if we can get Lake Afton, we don't need keep going up there time and time again and asking for relief. We need to submit the two requests that we know that are very egregious and see if we can get action on both of them at the same time. So therefore, that's why I ask for us to take a look at this. So I'd make a motion that we adopt the resolution."

MOTION

Commissioner Dennis moved to adopt the resolution for removal of Federal restrictions on the usage and transfer of Northeast Sedgwick County Park.

Commissioner Ranzau seconded the motion.

Chairman Unruh said, "Thank you, we have a motion and a second. A comment from Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Thanks again for all the work on this. I appreciate Commissioner Dennis starting this. You know, two of us were here when we had to put this encumbrance on there. We didn't like doing it, but it was one of those things we were just kind of forced to do and regardless, like Commissioner Dennis said, even if we decide to keep it the way it is, it's nice to have that encumbrance off, because if we want to put something on it that's not related to recreation.

"We go back to the [Sedgwick County] Extension Office, just because we put the Extension Office where we did, then that shifted and created this whole a chain of events. So I think this would be worthwhile. We need to make sure we get a history together of all this stuff so we send it up to people in D.C. will understand everything. I do think it is important that we have an accurate and exhaustive list of all the encumbrances so that, we don't want to miss anything or misstate anything. If we are lucky enough to get a bill passed and then have to come back and say oops, there is an error or something.

"I want to make sure we have, you know, our I's dotted and T's crossed. My understanding is, I don't know, we may need to, you know, check with the state because some of this paperwork is very old and the records aren't maybe quite as consistent or as good as what we would like to have. But I appreciate all the work staff has done on this, and I am very supportive."

Mr. Waggoner said, "Thank you, Commissioner."

Chairman Unruh said, "Thank you, Commissioner. Well, I know that we've had quite a bit of effort in trying to bring this to a conclusion. I would want the citizens approximate to that area in northeast Sedgwick County in District 1 to know that we do not have plans for development or of commercial development or development of a park or anything else at this time. This is just a rational exercise we think to go ahead and get these restrictions lifted, so that we have the opportunity to either develop it or sell it back for Ag use or whatever happens. But at this point, we don't even have current plans to develop it as a park. So it just seems reasonable that we lift these restrictions so that we can think about what might be possible. So are there any other comments? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Justin, I think you're still up. Madam Clerk, next item."

Approved

H [17-825](#)

INTERGOVERNMENTAL SERVICES AGREEMENT WITH
ROCKFORD TOWNSHIP TO PROVIDE ROAD MAINTENANCE

SERVICES.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Take the action deemed appropriate by the Board of County Commissioners.

VISUAL PRESENTATION

Mr. Waggoner said, "Hello, Commissioners. I know you've already talked some and heard some about the road problems. This is with regard to unpaved roads within Rockford Township. Just wanted to clarify these are in the unincorporated area, but townships are separate and distinct taxing subdivisions, so they are legally the ones who are responsible for these roads at this point. Commissioner Howell had asked for, it has really been, I think more or less searching for some solutions on this. Then the agreement that's in front of you today, the intergovernmental services agreement, is really, I think more or less a result of some of those efforts. You all see a map in front of you on the screen. The map shows Rockford Township, and you will note at the bottom right corner, there is, I guess, a cutout of Sedgwick County. It shows the very southeastern corner of the county, and, you know, more or less to the southeast, east and southeast of the city of Derby.

"The KSA 68-572 permits counties and townships to reach agreements for construction, reconstruction, and/or maintenance of any township roads or streets. What's in front of you today is an intergovernmental services agreement for road maintenance services.

"The agreement is essentially a framework for how potential future agreements for road maintenance projects between Sedgwick County and Rockford Township could work. It does not commit the county to spend any money at this point in time, but again, as I know it is more or less a framework.

"The township has approved this agreement during their August meeting, but I still am awaiting a copy of that in the mail, their township trustee indicated it is in the mail. If the agreement were to be approved by you today, what it more or less lays out is a procedure, and you know, I think it would almost be a four-part procedure for any potential future road projects. It would set out the township would request a quote from the county where they would identify a road and any services they may want to have provided to improve that road or better maintain it. Then county Public Works staff would complete a quote, showing the cost of that and provide that essentially back to the township 20 days later, the idea being to get it to them before the next monthly meeting as most townships meet once per month.

"The third step would be a township would consider after receiving the cost of the quote, would consider whether or not they would approve the, would wish to enter into an agreement with the county. If so, they would have a draft agreement in front of them to consider that. They would have to have the money on hand, you know, to pay the invoice when it becomes due from the county. So that would be one of the requirements. You probably heard Dana Milby mention that they can't borrow from the county. There's some legal restrictions that would not allow a township to just borrow from the county. They would have to have actually the money on hand there's some cash basis restrictions on that. They have to have the money on hand to where whenever the invoice would become due, they could pay it at that time.

"Then, the fourth step out of those would be a vote for the Board of County

Commissioners to consider that individual project agreement. The agreement would note that the county would complete the work and upon completion of the work they would send an invoice to the township and they'd have 90 days to pay. The recommended action on this item is to take action that you as a board deem appropriate. I would be happy to stand for any questions."

Chairman Unruh said, "Alright. Thank you, Justin. Commissioners, are there comment? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. We have already talked about this quite a lot already. I don't want to repeat myself, but I want to remind us exactly why this is important. So I'd like to just touch on a couple of those items very briefly. Again, the roads are somewhat passable if you've got, you know, four-wheel drive and it hasn't been raining lately. So all the roads are not a problem all the time, but when it does rain and we know it is going to rain, there are significant problems on many of these roads.

"Sometimes the results of that are, there's car damage, there's people who go off the road, there's people who can't get to work, school buses will not run to pick up children, they will not deliver the mail, or they will not pick up trash, not deliver packages. Emergency service personnel cannot necessarily reach some of the homes.

"So this is, in my opinion, a dire situation, an emergent situation that requires some significant, aggressive solution to the extent they cannot borrow money, trying to find a way to make the money go as far as possible and give them the expertise and the skill set needed to solve the infrastructure problems that are causing these roads to be so bad, is what this is all about. As one of the previous speakers said, this does not bind the township or the County Commission to go forward, this simply sets up the framework for we can have a conversation about a project that is defined by the township board. It will be estimated by Public Works, and if it's agreeable to the township and to the BoCC, then we can go forward. So that's at least four triggers that have to happen before any one project would be accomplished or funded through the township revenues.

"I would agree with one of the previous speakers, these are our constituents as well. They are reaching out to us, not because it is our responsibility, but I think because they are asking for us to do whatever we possibly can, and I have looked at many statutes. I am not going to go through those, but there is a number of statutes on the Kansas laws that allow a number of things it to happen. Going through those trying to find the best options, we are down to this one as being the really the final and best option. There really is not any other great option, in my opinion. This, as was mentioned earlier, was anticipated by the legislature as something that might need to happen once in a while. This is not something, I think that is precedent setting necessarily, but if there was another township that was in the same situation, I would hope that we would be willing to step up and help them as well.

"Again, I use the word help. I am not talking about funding their solutions but talking about stepping in with expertise and equipment and experience to solve these problems. One of the estimates we got earlier, which I think is important, if I can find it here. We had the county give an estimate on what it would cost to solve some of these problems. Let me just read that for you real quickly. County Public Works looked at this, for us to bring the entire township up to county standards would cost the county,

or someone, actually should say would cost the township just under \$3 million, \$2.91 million to solve the problems across the entire township. That's an average of \$69,300 per mile.

"If the same work was done by outside contractors, the cost would be \$194,920 per mile. The same work, for a total of just a little over \$8 million, \$8.186 million. You can see this is a significant issue, it's not going to be an easy one to solve. Again, I mentioned a minute ago, they have already increased their mill levy. They're one of the highest townships in the county right now with 16.4 mills for 2018. Even at that, it generates \$328,000 in total revenue. I would estimate about half that would be needed just to maintain existing roads. Again, that includes grading and adding material to those roads as needed.

"The rest of that money would be available for reconstruction, which is not a lot of money, talking probably less than \$200,000, maybe about \$150,000 available for reconstruction even at 16.4 mills. Rockford Township does not have a lot of assessed valuation which is part of the problem. Doesn't have a lot of population, which means the mill levy does not generate a lot of dollars, which is kind of why, I think we are here today. So anyway, I want to explain that.

"Let me talk about their options. If this is not passed and the township electors continue to be frustrated with the situation, they do have a nuclear option available to them. I don't know when it would happen, but at some point the township board would eventually have to go through an election cycle. If they don't, if they choose to stay on through their existing terms at some point, I have no doubt that the township board will be, possibly be, different personalities. There are many people on the township right now who are interested in potentially taking over that but only for a purpose. The purpose would be not to replace these folks trying to accomplish the work but primarily to exercise KSA 80-120, which is a statute that allows for the dissolution of the township board and transfers those powers and duties to the BoCC. That is a real option, I don't personally want that to happen.

"Again, if we were to have this handed to us, we do have bonding authority. I don't know what we would do at that time. We have a lot of decisions to make, but knowing that those roads are becoming our responsibility to some extent, I think we would probably want to fix those things and probably potentially have to put up about \$3 million to fix the problems around that township. We would be able to levy a tax, but I would question how much that tax would be. They've already got their taxes up to 16.4. I don't anticipate us raising their taxes by hundreds of mills to aggressively pay for that. So I think they would actually, my opinion is we would have to expend or spend money on their behalf. We wouldn't get paid back for it for a number of years.

"People say, well, just appoint a new board. Well the reality is, I have already appointed three people since I have been a Commissioner, less than three years I have been here. The reality is, it is hard to find somebody that wants to serve when you've got a significant amount of problems and a lot of angry people, it's hard to find someone to step up and take that role seriously and be willing to take all that criticism. So I appreciate those that have stepped up, but the reality is it's a thankless job for the most part. They get paid very little for what they do.

"Having said that, I think if this board was dissolved, I would have a hard time finding three people that would be willing to step in and take those responsibilities back and return things back to, kind of a normal situation that we have today.

"So I think the County BoCC would potentially end up with this, and we would have a lot of responsibilities and very little ability to get the money out of the township quickly to pay for those things as we go. We would have to be willing to live with dangerous situations and allow these situations to continue, or we would have to aggressively fix those things and try to get the money out of the township down the road and that would be a number of years for that to happen.

"So again, I see that this is the best option for us today is to, with this agreement, estimate projects that are important to the township, and let Public Works estimate those. Doesn't obligate them, doesn't obligate us.

"To the extent that we can do the work, I know Public Works is very busy, but we do have a winter season coming up. To the extent that they might be able to provide some assistance in that time, I think that if we can do it, we ought to do that if it's agreeable to both the township and to the BoCC. Further more you didn't mention this, Mr. Counselor, but I would make the point that this is limited to one year. Either party can terminate this with 30 days notice, so if things don't go well, we don't like how this is going, we can terminate this or it will automatically expire, there is a sunset built into the agreement of one year. I don't know what else to say, other than I think this is important for us to move forward, and I would urge my colleagues to support this. It doesn't bind us, it does potentially provide some help to some group of, to a group of folks who are desperately needing that help. So with that Mr. Chairman, I would make a motion that we would adopt the resolution."

MOTION

Commissioner Howell moved to adopt the resolution.

Chairman Unruh said, "Thank you, is there a second?"

Commissioner Ranzau said, "I have some questions."

Chairman Unruh said, "Alright. Before there is a second, we will leave the motion on the table for the moment without a second. Commissioner Ranzau."

Commissioner Ranzau said, "Couple questions here, we're talking about doing maintenance. Does this include work on ditches?"

Mr. Waggoner said, "I believe maintenance work, and David Spears would probably be better able to address some of that. But I think the idea would be re-rocking these roads, again these are unpaved roads, re-rocking the roads. I believe it could possibly probably include some cleanout of ditches. There may be a question as to culvert work would be considered maintenance, but I would defer more to David Spears on that in terms (inaudible)."

Commissioner Ranzau said, "It specifically states culverts in here. Materials needed for any culverts..."

Mr. Waggoner said, "That would probably be for maintenance."

Commissioner Ranzau said, "...or other infrastructure. I just want to, I would like to have a definitive answer. I've went out there and I've toured this area and putting rock on the road is nice, but there are a few of those roads that actually need some ditch work."

Mr. Waggoner said, "Yeah, I think, and David will correct me if I'm getting this wrong. But if it's an existing culvert and you're replacing or doing some work on that probably would be considered maintenance, but perhaps I'm wrong on that. So I would defer to him."

Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer, greeted the Commissioners and said, "Commissioner Ranzau, yes, it includes everything. I mean to blade the road, you have to have good drainage, so we'd have to redo the ditches, we'd have to replace culverts. Probably most of the culverts are rusted and you would have to replace those. Another thing, I've had a person go through every single road in the township. We then had an engineer come up with a cost estimate for the time and effort, and that's where Commissioner Howell got his numbers."

"The other thing is, if there's narrow right-of-way, there's the possibility that you don't have enough room to put in a proper ditch. That's why you heard the gentleman this morning talking about a straight drop off, so you need room possibly and we have not looked at that. So there could be the possibility of purchasing some right-of-way to do that. But yeah, when we say maintenance, so to answer your question, it includes blading the road, fixing any soft spots with rock, putting gravel on the road, cleaning the ditches, trimming trees. That's another thing, the trees overhang in the road. There is a lot of that down there."

Commissioner Ranzau said, "Right, okay. I just wanted to clarify. This statute that we're talking about here, is this a general statute that allows for counties and townships to enter into agreements, or is it something that specifically contemplates this sort of..."

Mr. Waggoner said, "It is a statute specific to counties and townships reaching intergovernmental service agreements for road construction and maintenance."

Commissioner Ranzau said, "So it specifically contemplates roads and maintenance and things like that and construction, if you want to."

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

Commissioner Ranzau said, "Okay, well, I have toured some of those areas. I'm not sure that we need to repair every single thing in 42 acres of road, but if we can help them on some of the more major ones, you know, I think the statute contemplates that specifically, says this is something you can do. So I think in the end I'll be supportive, so I'll second the motion."

Commissioner Ranzau seconded the motion.

Chairman Unruh said, "Thank you, Commissioner. I would just speak to the current discussion, the way I read this that the request for quote could contain additional requested maintenance and that is pretty nonspecific, and it also says request for other infrastructure, which I see as nonspecific. So I think we, entering into this, we have to go in with our eyes open should we do this, knowing that the township could bring us multiple requests for quote from multiple maintenance and infrastructure requirements that we would be compelled to respond to within 20 days according to this agreement."

“One of my concerns is, is why does this take for an agreement that has been, for an agreement that has been said, neither one of us has to comply and we can quit in 30 days, yet we’re going to sign a contractual, an intergovernmental agreement. It seems like this agreement is elevated to too high of a level if we can both quit, except the county has to respond, according to this.”

“Would a memorandum of understanding be a better vehicle to accomplish this rather than what appears to me to be about a contract we’re obligated to respond to a broad range of requests within 20 days, which I can see eating up a lot of Public Works time just to come up with the estimates for repair, I mean it’s going to require engineering, labor negotiations and all those sort of things or land negotiations. So I guess my question is, is my interpretation correct that we’re broadly exposed, number 1 and number 2, would an MOU (Memorandum of Understanding) be a better vehicle?”

Mr. Waggoner said, “I’d like to answer the second question, first. I think you could on something like this, you probably could have an MOU, because I mean, this isn’t contractually binding us to actually go and do a project. So I think there would be the possibility to have it phrased as an MOU. The first question that you asked, you know, remind me what that was again. Sorry.”

Chairman Unruh said, “It’s just that I think we’re exposed to entire area of maintenance and that we must respond, I mean the township is not restricted on how many they might ask for.”

Mr. Waggoner said, “That is correct.”

Chairman Unruh said, “We have to respond in 20 days, and I think we do have an exposure there that we may not be willing to take under the current language.”

Mr. Waggoner said, “I think some of the thought behind that was a good share of this was going to be the re-rocking of roads and things like that.”

Chairman Unruh said, “Well, I know but…”

Mr. Waggoner said, “To the extent it would be something more complicated or if the board sees fit to amend that timeframe, we certainly could.

“I think the reason it was drafted with a 20-day timeframe was the recognition of the fact that townships generally meet once per month and to give a reasonably prompt response back, but that 20-day timeframe could be amended and we could send, and then if it was to be approved, we could modify that and send that to the township. Or you could again, you asked about the MOU, I don’t think there’s any reason this couldn’t be an MOU necessarily. The actual agreements themselves that you would reach, the project agreements would have to be done pursuant to the same statute that this proposed to.”

Chairman Unruh said, “Yeah, I understand all of that. I was looking, there are not township officials here, are there? I’ll leave it, stand at that. Commissioner O’Donnell.”

Commissioner O’Donnell said, “Thank you, Mr. Chair. I’ve been thinking about this a lot, and I am supportive of the county to do something, but I do worry about precedent that this creates. So I was just wondering and this might be a question for Commissioner Howell or maybe David Spears, but is there any other option on the

table? Otherwise, I'll be supporting this if there is no other option on the table. Mr. Spears or..."

Chairman Unruh said, "Is that a question for Mr. Spears?"

Commissioner O'Donnell said, "...Commissioner Howell?"

Commissioner Howell said, "I'll be glad to speak to that when I have..."

Chairman Unruh said, "Alright. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I need to go through the questions I've heard so far. The township officials all have full-time jobs, and they are aware of this meeting. I have been in contact with them. They did speak at the township meeting, which is an evening meeting, meets on Tuesday nights at 7:30 P.M. We've had some, I've actually attended the last six township meetings, we have great discussion. I was able to hear from them directly. I also talk to them on the phone frequently about township issues, problems, solution, and challenges. So I've been in close contact with them, and I appreciate their service, but to expect them to take time off work to attend this meeting when really this is, I think, adequately presented by myself as well as counsel, knowing that they supported this at their last meeting I think is sufficient.

"In terms of other options, I think we're out of options. The other options are petition-led, there are other options that require binding votes for the people for certain levels of tax. I looked at some of that as being part of the solution. Unfortunately, trying to package that together in a way that made sense, it doesn't seem to help the problem in anyway. They've got the ability to pass the budget every year and they can to set the mill levy to whatever they'd like. There's no limit as far as I know. So those statutes don't seem to help anything, maybe do a pay-as-you-go situation.

"To the extent of precedent, again as I said before, if any other township found themselves in the same situation, to the extent it's not costing other taxpayers money, to the extent we've got staff, equipment and time to address some of these concerns.

"I would hope we would be willing to step up with intergovernmental agreement on a limited basis to resolve some of those emergency dire situations as a highly skilled expert staff that knows what they're doing, has tremendous experience, a very limited basis, being able to step in and help them and make them pay for it, I think is a reasonable thing to do. If that happened somewhere else, I'd hope we'd do the same thing for any township that has that situation. So, yeah, maybe it is precedent setting, however I think that there is, someone mentioned this is a moral issue. I kind of think that it is. I think that this is one of those things, when you can help somebody and it doesn't cost you anything, why would you not do it? If there are other townships that found themselves in that situation and they want to appeal to the BoCC for similar assistance, I would hope we would consider the fact that if we can help them, we have the time and ability to do that, I would hope we do that.

"I would also say that the intention is not to do general maintenance. The intention is to do reconstruction. They can do road grading. Now, they're not arguably, they're going to do road grader school in Rockford Township on the next couple of miles here later this month. I'm grateful to Public Works for helping that school come to Sedgwick County, and we picked Rockford Township because they've got some great roads that need to have some help. So we're going to do a class out there over a period of three days and

hopefully fix a couple miles of road as a training opportunity. That's going to be great.

"So right now, the grader operator is trying to learn how to do this and some townships have operators that have done this for 20, 30 years. They are very, very good. The operator in Rockford Township is young and he's kind of new to it, and he's kind of learning a new skill set. He's not really got it all done yet, but we're asking him to learn how to maintain a road, which is basically grading and making sure there is a small crown in the road, a small crown in the road and putting the right aggregate on the road and spreading that out in a proper way. Then just maintaining the ditches and culverts as needed, and you know, maybe a couple here and a couple there. They have not replaced in culverts, as far as I can tell, for about 30 years. Now, they've replaced a few this last year because the township has choices to do that.

"Some of these culverts have rusted away or they've collapsed, the roads have narrowed in because the ends of the culverts are missing. When you drive down the road, there's actually a missing part of the road that your wheels could go off into and take the front-end of your car off. So there's some really dangerous situations on some of these roads because the culverts have not been maintained.

"I talked to the previous operator, I said how many, he'd been there for a long time. How many culverts did you replace all the time you were there? He said zero. Why is that? He said because they didn't have the money.

"Well, they didn't pass the budget that generated the dollars, it was a choice they made. We're in a situation now where those culverts need to be replaced, they're not safe. The drainage is a problem because they've either collapsed or they've rusted away. They're not sized properly, and so drainage is the number one thing.

I think reconstructing roads is exactly what we're talking about. We have a skill set that they don't have. I don't expect a 19 or 20-year-old young man that's learning how to grade a road to know how to reconstruct a road. We have experts in our Public Works that can do that probably in their sleep, but we're asking an awful lot from someone who is getting paid \$13 an hour part-time to reconstruct a road that's causing these types of problems.

"So you know, they don't have the dollars to substantially do what needs to be done there. Public Works has already looked at all of these roads. They spent a long time, months, looking at these roads and developing a long list of what they felt needed to be done. If they deliver us a project, it can include, they define the scope of project. They'll say we need you to reconstruct the road including the ditches or the width of the road. They may talk about the culverts, they may talk about drainage issues, they don't have to do everything. They can define the scope of work to include trimming trees or not. They're in control, they get to define the scope of the work.

"Our responsibility, they've already looked at all these roads. Simply deliver them, deliver to them within 20 days an estimate of what we think that's going to cost. It does not require us to do 42 miles. It does not require us to do everything on every road. It's going to be defined by the township, potentially. In my opinion, in knowing these folks, I will be surprised if they send us very much work and possibly no work at all. This is creating a framework.

"We could do an MOU, but we're already here. I have spent months to get to this point. It's already been adopted by the township, I think it's time for us to move forward. It doesn't cause us any problems, helps us move forward. If we were to start over with an

MOU, we would have to have another delay of at least another month or two, and I don't see how that's better than what we have in front of us today. This allows that framework for us to move forward. It doesn't bind anybody, it creates a solution where we can step in if we can and if we want to and if they want to. So I think we need to move forward. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. We could move forward on agreement without this agreement. They could ask us to do something and we could consider a contract for specific things; is that correct?"

Mr. Waggoner said, "That is correct, Chairman."

Chairman Unruh said, "Thank you. Mr. Manager."

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Commissioners, one thing I had asked David to do, regardless of really what passes today, you know for us, I think it's important since we have a lot of the township experts in terms of road grading coming down there for the course. I asked David yesterday to look for that night, it's a new two-day course, the night of the first day is to bring the township together, township graders together and trustees to ask them about the potential for doing some collaboration down there in Rockford Township.

"Recently one of the neighboring townships, Salem Township, they did offer Rockford Township some assistance. It's my understanding that the trustee there is thinking about it, but this would give them an opportunity to come together as a body to discuss what their needs are and see if there's some more offer for some support, especially for from Riverside, Salem and probably Gypsum Townships, which are the three neighboring townships around Rockford.

"But if they're offering support, they're even at one point offering an exchange that the rookie operator would come over to their township and the experienced one go into Rockford Township to offer them skill and expertise to get some things done. So there are some options to work at, kind of the local level, local township level, and that may be an option down the road, actually in two weeks, that may bear some fruit. So there are other options that we have discussed here."

Chairman Unruh said, "Thank you, for you those comments. Two weeks?"

Mr. Scholes said, "In two weeks, and David is supposed to put a lot of teeth to this and might be able to explain it a little bit better. But he has a little primer he wrote for the agenda that would be able to describe what we're asking for and what the requirement would be and how to bring them together."

Chairman Unruh said, "Alright. Thank you, Mr. Manager. Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. I do hope we can find a solution. I'm just not sure that the solution that's presented to us today is the best solution. I believe it does set a precedence. Rockford Township is one of 28 townships in Sedgwick County. As a matter of fact, 12 of those 28 are in my district alone. As far as this proposal that's before us, it was just added to the agenda on Monday. Although, I know that Commissioner Howell has been working on this for some time, he really hasn't been bringing along the other Commissioners very well to make sure that we're familiar with what the problem is.

"About a week ago, Commissioner Ranzau and I did go out and tour the area, so we are familiar with what's going on, but as far as this agreement, we hadn't really seen it until it showed up on our agenda on Monday.

"Then yesterday the Manager and our attorney came in and briefed Commissioner O'Donnell and I, and during that time, he did suggest that the townships have the possibility of coming together to help each other, to cooperate and to share their expertise. So this is an option that I think is workable.

"Another thing, just this morning was the first time I ever saw any other financials. So I wasn't even sure where they're at financially on being able to even repay us if there is any kind of requirements coming along. So we are concerned about the citizens down there. I'm not willing to just vote no on this and not say that there's some kind of an option. But I think we need to give the Manager time to see if we can work with the other townships that are around there, so that they can cooperate and provide expertise in order to be able to solve this for the citizens down there.

"So therefore, I'd like to make a substitute motion that we defer this until such time that the Manager can come back and see if there is an alternate solution. I don't make this motion with the intent of kicking the can down the road forever. The Manager has already promised that he would get together with the other townships and see if we can come up with some type of solution that is workable. So that's my motion."

SUBSTITUTE MOTION

Commissioner Dennis moved to defer the Intergovernmental Services Agreement with Rockford Township to provide road maintenance services.

Commissioner Unruh seconded the motion.

Chairman Unruh said, "Is there discussion on that, Commissioner Ranzau would like to speak."

Commissioner Ranzau said, "Yeah, I have some questions. Having the townships work together I think is a good idea, and I think it could help with things like road grading, but when it comes to cleaning out those ditches and getting right-of-way, is that something that the other townships are going to be able to help take care of for them?"

Mr. Spears said, "They can clean ditches out. The right-of-way generally would have to come through the County Commission to get approved, and it would probably more than likely take money to do that. That's one thing that's a little sticky in the whole situation."

Commissioner Ranzau said, "I guess I kind of see, I'm not sure why we need to say either/or, why can't be both approaches simultaneously, to be honest with you. To the extent the, like I say, I don't really want the county to take care of all 42 miles, but if the townships can help them get a large majority of those up together and get going, but I think there's going to be a certain amount of roads, maybe 3, 5, 6, I don't know. There are some areas just from when I drove out there that's going to need some ditch work and some more extensive stuff that I think they may need more.

"So I just don't see it as an either/or situation I think having both at the same time has

possibilities. Certainly having the townships work together is something that would happen a lot sooner and I would encourage trying to make that happen. This other stuff, projects, would be further down the road, but they might be, you know, more intensive type of maintenance as opposed to what some of the townships might do. So that's where I'm at. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Comment from Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. To the extent that if we were to pass this agreement today, Salem Township, if they wanted to step in and help, that could still happen. It doesn't preclude them from helping. The framework, to the extent that we don't have a solution that comes forward from Salem Township, the framework that this creates that would be in place and ready to go. We don't have to come back and meet again and have another long discussion and delay the solution that might need to come forward.

"To the extent that this is a new issue, I've been talking about Rockford Township a long time. I think my colleagues are aware. The fact that you toured Rockford Township tells me that you're aware of the controversy that's been going on. This is, none of us have been in the dark. This is not like an item I just sprung on you at the last minute, and you didn't have time to review it. I would say this agreement is very simple, three pages long, it's very short, easy to understand, it's not complicated, it doesn't bind us. I don't want to stall, I don't want to wait to pass this.

"To the extent that I didn't come and lobby my colleagues on this, we are restricted by Kansas Open Meetings Act (KOMA) not to have interactive discussion of items that come before the Commission. I take that very seriously. I expect my staff to present these issues to my colleagues and that's exactly why I didn't come to your office and tell you all about this. So the fact that this came up Monday was because this is our last meeting. We don't have a meeting next week. We have a meeting, I guess, maybe the week after that, but it's going to be one of those things that the meeting after that, I think, is past Rockford Township's next meeting. I was hoping that we'd be able to, again move forward.

"If we delay this to our next meeting, which is two weeks from now, it's past Rockford Township's next meeting, which I think is, again, an unnecessary delay. So for us to move forward, there's no reason to wait. I just again, Commissioner Dennis, you said you have 12 townships in your district. Again, we're County Commissioners, we represent all 26 townships to some degree. I have five township three of them partially in my district and two of them wholly in my district. I feel very strongly about trying to help them if I possibly can in a way that doesn't hurt other taxpayers.

"If any of the 12 townships in your district were in the same situation, I would, I as a District 5 Commissioner would be glad to help people in other parts of Sedgwick County. You say this is precedent setting. I agree, I've already said that, this is precedent setting.

"If there's any township that's in a dire situation and has emergency issues like this, that's been developing a deferred maintenance stack of work that's going to take years to repair and it's taken decades to get to this point. Okay, and situations happening elsewhere, I would think the same agreement and same type of assistance on a limited basis, to the extent that we can do it. If we have time, expertise, and equipment

and people, to step in in my opinion, I would love to help them. When it doesn't cost other taxpayers any money and we can potentially step in and help.

"So yes, it is precedent setting in that regard, but it's not going to open us up to taking over all the townships for everything all the time that is not what this is about. We have a future vote, if it comes to us, again, three steps have to happen before comes to us again. We have a chance at that time to say yes or no. If we find out we don't have time to do this, whatever reason might come up for us to not want to do it, we have the option of voting no at that time.

"So this is, again, this does not put us in a situation, so I would urge us to adopt the agreement today and to delay that, in my opinion, is not being sensitive to what's going on in Rockford Township. So I would urge a no vote on the substitute motion. Thank you Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Commissioner O'Donnell."

Commissioner O'Donnell said, "If we did delay this in accordance with the motion from Commissioner Dennis, what sort of timeframe? Are you thinking the first meeting we have in October, or when would we circle back around?"

Commissioner Dennis said, "In my motion, I was talking about the Manager was going to get with..."

Commissioner O'Donnell said, "Right."

Commissioner Dennis said, "...the townships as soon as possible and as soon as they get back with a recommendation, that's when I hope we could bring it back before the Commission."

Commissioner O'Donnell said, "Yeah, because I definitely do want to find some resolution in this matter. It has been going on a long time, like Commissioner Howell mentioned, he's brought this up to me for months. I've been aware of this issue, and as a County Commissioner, I do think we need to find solutions for people that don't even live in our respective districts, but I also am a little concerned about the precedence. So I will support delaying this as long as the Manager thinks we can get it for October or for the first week if you think that's achievable."

Mr. Scholes said, "We'll have an answer certainly by then."

Commissioner O'Donnell said, "Okay."

Mr. Scholes said, "Start working it now and then we have the meeting we'll know by first week of October."

Commissioner O'Donnell said, "Okay."

Chairman Unruh said, "We'll have at least some advice and a potential next step. It may not be a direct solution to this, but at least we're going know which way we're going and see what kind of cooperative participation we'll get before we start down this agreement."

Mr. Scholes said, "Certainly."

Chairman Unruh said, "Commissioner, is that all?"

Commissioner O'Donnell said, "Yeah, that's all. I have spoken to people that live in the Salem Township, and they have offered support for Rockford. I think there seems to be some other organic issues down in Rockford outside of the street maintenance. It seems like there might be some other just leadership problems from where I'm sitting. So not from the Commissioner. So thank you."

Chairman Unruh said, "Okay, alright. Thank you, Commissioner. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I have a question to Commissioner O'Donnell, if he's willing to answer. To the extent that or maybe the manager can answer this. To the extent that the Salem Township might be able to provide a little bit of help to Rockford Township. What's their agreement going to be regarding the finances? Is Rockford Township paying for Salem Township to do this or how is that going to work out?"

Commissioner O'Donnell said, "From what I understood, they were offering to do it for free out of the neighborly, you know, context that they wanted to help."

Commissioner Howell said, "For the record, Salem Township is partially in my district as well. I appreciate those township officials. They do a tremendous job and they have their own set of challenges, but their roads are in pretty good shape and they do a good job. Gypsum Township, I think, has the best roads in Sedgwick County, and it's just to the north of Rockford Township. The grader operator there has provided some expertise trying to help them understand what to do and how to do it. But, you know, in terms of taxing jurisdictions, I would be surprised if Salem Township would be willing to take on a financial obligation paid for by Salem Township constituents and extend services for free to Rockford Township.

"The same reason we don't want to take Sedgwick County taxpayer dollars from other citizens for someone else's taxing jurisdiction responsibility. I don't know why we would support the idea that this is going to be the solution. It's a Johnny-come-lately. They have been dealing with this problem for a years. It's gotten really bad over the last year. Here we are 16, 18 months into a significant effort trying to solve this problem, we're going to delay it another month, at least, and now at the very last 11th hour, we're going to think the Salem Township is going to spend their money and come in and solve the problem for Rockford Township.

"It is a significant problem, it is not a small thing. To solve these drainage issues in Rockford Township it is going to require expertise and equipment. I don't even know if Salem Township has the time or the interest or the money to give that away to someone else when they have been literally, this problem has been piling up for decades. This is not a small thing, and to think the Salem Township is going to come over there and solve the problem for free to me is not a reasonable solution. Again, all this agreement does today is sets the framework up. We're going to delay it today, sounds like there's three votes, that's fine, I suppose, but I don't anticipate a real solution. Mr. Thornbrugu, you're going to come back in a couple of months and tell us exactly how it turned out. I hope you will come back."

Audience member said, "(inaudible)"

Commissioner Howell said, "I don't know. That's up to the Chairman, but I'm just saying I've been dealing with this as an emergent situation for more than a year, trying to solve the problem. We're about to be able to move forward with framework that doesn't obligate us, and now there is going to be an unnecessary delay once again. We're going to kick the can over to the next township thinking they're going to solve these problems. I don't think that's going to work. Maybe they'll be willing to help to some degree. It's not necessarily just about training. It's about the skill set required to put the drainage things in place, and it requires a lot of money and a lot of equipment that I don't think that any of the townships have to solve this thing aggressively. So once again, I urge a no vote on the substitute, I think, the original motion needs to be passed. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Commissioner O'Donnell wants to speak here, but I would say that I talked to Clem Dickerson, he's a trustee of Salem Township, and he told me the very thing that the Manager said in his comments, that they would switch a couple of men over, they would give them some instant relief while they come up with a plan for some more permanent and more extensive projects.

"They can send a man with 30 years over there to help grade these roads to help make them drivable, and they would take the new guy over who could drive a truck for them, or whatever they need to do, while they adjust their mill levy and make a plan and present us with a specific request for some kind of assistance, rather than an open-ended, whatever I want, whenever I want type of a request, is the way I see it. Sounds like a majority statement, but that's the way I read the document.

Deferred

"So I'm supportive of the substitute motion, that if we can get some cooperation, we can buy some time and come up with a specific plan. Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you, Mr. Chair. Once again, I think this delay is not a precursor that we're not going to do anything when at least one fellow Commissioner says he wants to look into some more options because he hasn't been giving as much information, hasn't had the edification some of us have, then I think we should do that. We're only talking a month, like you said, you've been working on this for 18 months, so I don't think a month is an outrageous request by one of the Commissioners.

"So I am supportive of that, and if we do not find a better solution for the residents of Salem Township during that time, I've already said I will support this motion and this resolution. But if there is something that we can figure out in the next few weeks, then that might assuage some of the concerns of the fellow Commissioners, then I'd like to explore that option. So that is why I'm supporting Commissioner Dennis' substitute motion. It is not any type of attack or slight on Commissioner Howell or the residents of Rockford Township."

Chairman Unruh said, "Thank you, Commissioner. I don't see any more requests to speak, so we have a substitute motion with a second that asks for at least, well, a delay until we have time to work with all the townships together to see about help. Is that a correct understanding? Okay. Madam Clerk, call the vote."

VOTE

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

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

Chairman Unruh said, "Substitute motion passes. Thank you. Commissioner Howell."

Commissioner Howell said, "Mr. Chairman, I would like to ask a question regarding the memorandum of understanding that you discussed. Would it be possible for us to move forward with that at least, at least allow us the chance to, it was suggested that would be as good as this agreement and maybe the legal aspect of this agreement is not necessary. So would it be possible for us to move forward with the MOU at least and get that in front of the Commissioners and hopefully allow that framework to exist so that we could, again, continue the discussion? Regardless, with Salem Township, if they step forward and solve these problems, that's wonderful.

"I hope that happens and again, I appreciate those those officials. They do a great job in Salem Township as well. But the MOU that was discussed, I think that ought to be a backup plan. If we're not going to do the agreement today, MOU seems like it's more agreeable to the Commissioners. Can we at least move forward with that?"

Chairman Unruh said, "I would suggest, is that all, Commissioner?"

Commissioner Howell said, "That's all. I don't know if you need a motion for that, but I would at least like to have that conversation."

Chairman Unruh said, "Perhaps the legal department could come around and talk to us about an MOU and what it means and give us a briefing that. We can start on that process, perhaps if you'll come talk to us. Okay, it doesn't take a response. Okay, without prolonging it and without trying to be argumentative, I would say I'm thinking about buying a four wheel drive vehicle myself on my next vehicle, I mean, lot of people live rurally, it's not a hardship, four wheel drive vehicles are great cars. So it sounded like people thought that was a hardship to have to buy a four wheel drive. They're great vehicles. So at any rate, I think we're ready for the next item."

I [17-819](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$939,527 FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE SHELTER PLUS CARE HOUSING PROGRAM. Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the application for the grant, if awarded approve the acceptance of the grant, and authorize the Chairman, or his designee, to sign all necessary grant documents.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "Before you today is a grant application for a housing program that's part of a larger community response to the HUD (Housing and Urban Development) Super Notice of Funding Availability (NOFA) process. This is a renewal application for shelter care funds that are funds that are targeted to three specific homeless populations.

One is those experiencing a severe mental illness, the second one would be persons with substance use disorders, the third, persons with HIV/AIDS.

“The Department of Public Services partners with three referring agencies: COMCARE, Miracles Incorporated and the University of Kansas School of Medicine, Wichita Medical Practice Association (MPA). These three organizations are responsible for referrals to the housing vouchers and for providing the care component of the program through case management services for those receiving those vouchers. As in the past, United Way takes the lead in submitting this homeless continuum of care program grant in our community.

“The application consists of a main shelter plus care grant for \$869,606, and that covers rentals on 102 housing units and then it also covers two different bonus grants, both for around \$35,000. The goal of the program is to provide participants with safe and adequate housing, while working on the skills to increase income and self-sufficiency.

“The long-term goal is for participants who successfully address any barriers that they have that contribute to their homelessness and to graduate to some other type of more independent, self-directed housing.

“How the process works is that the eligible clients find an apartment somewhere in the city of Wichita and the landlord in that unit has to agree to participate in the program with the client being the resident. COMCARE pays the rent, and the client is expected to pay up to 30 percent of that rent when that's possible. These clients can stay in this housing as long as they want and as long as they continue to meet the criteria for the program.

“The money for this grant goes into the rent primarily, and the salary of one case manager who checks on the residents to ensure that they are connected to the services they need. So the recommended action would be to approve the application for the grant, and if awarded, approve the acceptance of the grant and authorize the Chairman or his designee to sign all necessary documents. Laura Sanders is here from United Way, Maggie Flanders from COMCARE, if you have any specific questions about the program.”

Chairman Unruh said, “Alright. Thank you, Marilyn. Commissioners any comment or question? Seeing none, what’s the will of the board?”

MOTION

Commissioner Unruh moved to approve the application for the grant in the amount of \$939,527 from the Department of Housing and Urban Development (HUD) for the Shelter Plus Care Housing Program.

Commissioner Howell seconded the motion.

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

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>

Commissioner O'Donnell II Aye
Chairman Unruh Aye

Ms. Cook said, "Thank you."

Chairman Unruh said, "Marilyn, before I say thank you, I want to mention the fact that you're right at retirement."

Ms. Cook said, "I am."

Chairman Unruh said, "You will not be presenting to us again."

Ms. Cook said, "I will not."

Chairman Unruh said, "You've been here how many years?"

Ms. Cook said, "24 years."

Chairman Unruh said, "Well, I would say that during my time as a Commissioner, I've become your friend, we've become friends."

Ms. Cook said, "Yes."

Chairman Unruh said, "I really appreciate that, but I also appreciate your leadership for COMCARE and the excellent work that you've done, excellent work your staff has done as you've organized that. You've been fundamental in several initiatives that have proved really beneficial to our county government, to our citizens, to people with mental health issues who need help. You've been a rock star."

Ms. Cook said, "Thank you."

Chairman Unruh said, "We'll miss you."

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

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

Approved

J [17-829](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON SEPTEMBER 7, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting on September 7th, the Board of Bids and Contracts there was one item that came from that meeting.

1. AMBULANCES – EMERGENCY MEDICAL SERVICES/FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT

"This recommendation is to accept the best proposal from American Response

Vehicles & American Emergency Vehicles and establish contract pricing for one (1) year with two (2) one-year options to renew.”

“I’ll be happy to try and answer any questions you may have regarding this contract, and I recommend approval of this items.”

Chairman Unruh said, “Thank you, Joe. Commissioners, are there any comment or question? Alright. What’s the will of the board?”

MOTION

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

Commissioner Dennis seconded the motion.

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

VOTE

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

Mr. Thomas said, “Thank you, Commissioners.”

Chairman Unruh said, “Thank you, Joe. Thank you to your team that came in for support. You brought a whole group here. Next item, please.”

Approved

CONSENT

Mr. Scholes said, “I recommend you approve consent agenda items Kilo (K) through Victor (V).”

MOTION

Commissioner Ranzau moved to approve consent agenda.

Commissioner Howell seconded the motion.

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

VOTE

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

Chairman Unruh said, “Do we have legislative issues today? Okay, then we will move to

the next item, which I believe is 'other'. Commissioners, do you have any issues that you would or comments or announcements or whatever you would like to say? Commissioner O'Donnell."

- K** [17-831](#) Proclamation declaring American Legion National Commander Denise Rohan Day.
Approved on the Consent Agenda
- L** [17-804](#) Two (2) Temporary Construction Easements for KDOT Project on 5th Street in Valley Center. District 4.
Approved on the Consent Agenda
- M** [17-771](#) ZON2017-00028 AND CON2017-00029- County Zone Change From RR Rural Residential To SF-10 Single-Family Residential And LI Limited Commercial And Conditional Use To Permit Mining Or Quarrying, Specifically The Extraction And Removal Of Sand, And Rock Crushing For The Property Generally Located On The North Side Of West 53RD Street North And Approximately 1,000 Feet East Of K-96 Highway (District 4)
Approved on the Consent Agenda
- N** [17-772](#) ZON2017-00027 - A County Zone Change from LC Limited Commercial to GC General Commercial for property generally located on the east side of West Street, approximately 400 feet south of West MacArthur Road.
Approved on the Consent Agenda
- O** [17-811](#) Set Public Hearing date for the proposed adoption of the NFPA 70: National Electrical Code, 2017 Edition.
Approved on the Consent Agenda
- P** [17-812](#) Resolution to Amend Building Code Provision Regarding Insurance Proceeds.
Approved on the Consent Agenda
- Q** [17-766](#) Government Services Agreement for as requested Code Inspection of Building, Electrical, Mechanical, Plumbing, and Fuel Gas Codes by Sedgwick County for Commercial Buildings in the Unincorporated Area of Sumner County.
Approved on the Consent Agenda
- R** [17-759](#) Resolution to Amend the Sedgwick County Sign Code.
Approved on the Consent Agenda
- S** [17-828](#) Approval of a controlled access agreement between Sedgwick County and O-K Chisholm Trail Cattle Drovers Association for the closure of certain County roadways for the purpose of hosting the "Head 'Em North"

Cattle Drive in honor of the 150th Anniversary of the Chisholm Trail on September 22 & 23, 2017.

Approved on the Consent Agenda

T [17-813](#) Renewal of Service contract between Sedgwick County 911 and Voice Products Service, LLC.
Approved on the Consent Agenda

U [17-777](#) General Bill Check Register for September 6, 2017 - September 12, 2017.
Approved on the Consent Agenda

V [17-778](#) Payroll Check Register for the September 2, 2017 payroll certification.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

OTHER

Commissioner O'Donnell said, "Thank you, Mr. Chair. I have two things. First, we had our meeting in Haysville last week with the Kansas Department of Health and Environment (KDHE) regarding the water contamination issue. It was extremely well attended. KDHE (Kansas Department of Health and Environment) was much more on their game. Of course, it helped that we had State Representative Steve Crum and John Whitmer there and State Senator Dan Kerschen made it out. So KDHE was definitely a little bit more accommodating to the concerns of citizens, which was great. Of course, Susan [Erlenwein] and Cindy [Le] from our Environmental Department were there as well to talk to any residents, so I was very encouraged by that. I know the residents of the area of impact, that they keep calling it, were very happy that KDHE came out and had a second meeting. So we'll be having another one here probably in about six weeks, definitely this fall.

"The other thing I wanted to mention was the Wichita School District member for southwest Wichita, my district, Jeff Davis, announced his resignation this week. I'd like to thank him for his years of support, he's there a decade. He also was on the Wichita Police force for decades. I know Deputy Manager Tom Stoltz knows Captain Davis very well and he was a great man. So residents in southwest Wichita can apply for that appointment on the Wichita School Board and I know the [Wichita] Eagle has written a couple articles about it, but you just have to live in the southwest portion in District 4, you would just need to live there. It's going to be big shoes to fill, but thank you, Captain Davis, for your decade of support to the kids of [USD] 259. I look forward to working with the next school board member. I definitely have my preference in the race, but I don't need to get into that today. So thank you, Mr. Chairman."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. First of all, I want to congratulate the Zoo, the entire staff and the Zoo Board for an outstanding Zoobilee that we just had last Saturday night.

"The place was absolutely packed, everyone seemed to be having a great time. We got to feed giraffes, the elephants were out, they were rocking to the music with all the

rest of the folks that were there. So it was a great evening, a great fundraiser, I know it was an awful lot of work, but I want to congratulate the folks that put that on. They did a tremendous job.

“Just two other brief things. This weekend we’ll be celebrating the 70th birthday of the United States Air Force (USAF), and I know several of us will be going to that event. I believe Commissioner Howell will be attending, I think the Manager will be attending. So it again is a great way to recognize our premier service.”

Chairman Unruh said, “Yeah, well, thank you. The animals had an opportunity to view a bunch of other wild animals that night. So it was a great, great event.”

Commissioner Dennis said, “One final thing is that, I think last meeting I said the wrong date for the Veterans Day parade. It is November 11th, it is Veterans Day, and a number of folks from Sedgwick County will be participating in that. Also, on November 8th, if any of our veterans would like to attend at Century II, it's a formal military parade with 2000 cadets that will be doing Pass [in] Review in honor of our veterans. That's at 10 o'clock in the morning on November the 8th at Century II. That's all I have, sir.”

Chairman Unruh said, “Thank you, Commissioner. I see no one else wanting to speak, so we don't have an executive session. So I will adjourn the regular meeting of the Board of County Commissioners and call to order the Board of County Commissioners Sitting as the Governing Body of Fire District No. 1.”

EXECUTIVE SESSION

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:18 a.m.

*BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS*

*DAVID M. UNRUH, Chairman
First District*

*MICHAEL B. O'DONNELL II, Chair Pro Tem
Second District*

*DAVID T. DENNIS, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

*JAMES M. HOWELL, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED: