

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, March 4, 2015

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:08 a.m. on March 4th, 2015 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Richard Ranzau, with the following present: Chair Pro Tem Commissioner Karl Peterjohn; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner James M. Howell; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Kelly Arnold, County Clerk; Mr. Robert Parnacott, Assistant County Counselor; Mr. John Schlegel, Director of Planning, Metropolitan Area of Planning Department; Mr. Joe Thomas, Purchasing Director; Ms. Sandy Angela, Facilities Department; Ms. Kim-Anh Do, Deputy County Clerk.

GUESTS

*Mr. Charles Peaster, Appointee, Animal Advisory Board
Ms. Debbie Parks, Appointee, Animal Advisory Board
Ms. Mary Dean, 3327 East Bel Aire Court, Wichita
Ms. Kim Stroupe, 25501 West 63rd Street., Viola
Mr. Chad Abbot, Abbott Surveying
Mr. Everett Dillon, 25229 West 63rd Street, Viola
Ms. Donna Grigg, 1471 South Wheatridge, Wichita
Mr. Gene Schellenberg, 1471 South Wheatridge, Wichita
Mr. Guy Hagan, 622 North Sedgwick, Garden Plain
Mr. Bob Stroupe, 25501 West 63rd, Viola
Ms. Ingrid Yeager, 2642 West 58th, Wichita
Ms. Keren Rosario, 2421 South Yellowstone #1702, Wichita
Mr. Brad Hiner, 6635 South 254th Street North, Viola
Ms. Rena Lindley, 904 North Oakridge Court, Goddard
Mr. Brad Lindley, 904 Oakridge, Goddard
Mr. Aaron Pauly, 25717 West 63rd Street, Viola 67149
Mr. Kurt Skinner, 211 North Grant, Clearwater
Ms. Caila Coop, 1700 West Maple Lot, Goddard
Ms. Janis Pauly, 22601 West 71st, Viola
Mr. Neil Youngers, 26921 West 71st, Viola
Ms. Susan Dillon, 25229 West 63rd Street, Viola
Mr. Joe Norton, Gilmore and Bell*

INVOCATION: Moment of Silence.

FLAG SALUTE

ROLL CALL

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

Roll Call

CITIZEN INQUIRIES

- A [15-0131](#) REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING TRANSPARENCY, OPEN TO THE COMMUNITY COMMENTS.
Presented by: Mary Dean, Wichita.

RECOMMENDED ACTION: Receive and file.

Chairman Ranzau said, "Mary, if you'll come forward and give us your name and address to the record, please, we'll give you five minutes."

Ms. Mary Dean, 3327 East Bel Aire Court, Wichita, greeted the Commissioners and said, "First off, I'd like to say that for all these community organizations and individuals that are getting recognized for their community engagement and community involvement, where are they at? I look around here, and I don't see them. I didn't see them last week and don't see them today. So I'm telling them they need to step up to the plate. Be about it, not talk about it. That's my concern. That's my number one concern. Last month when I was here, there was a portion of the agenda that was open to public comment, and I'd just like to know why the whole agenda isn't open to the public for comment? I haven't come lately, but I'm here now. I'd like to understand what can be done as far as the citizens and working with the county to make sure that the whole agenda is open to the public. That's one concern. Also Steve Clausen, he gave a presentation to you, Commissioners, about the facilities, the recreational facilities, and there was one that he mentioned, the northeast facility, that I would have liked to asked what, you know, was one of the concerns was money, and I really would have liked to have asked, what is it that the people in the community can do to make sure that this facility is where it should, you know where it should be when it comes to using it? And where is it at? You know, that was one of the things that I had wanted to ask. Where is this facility at, because I had tried to pull it up and I couldn't see anything on the web.

"Another thing, you know, everybody is not connected to the internet in this county. Everybody does not look at their television like they should. I mean, that's evident based on the dismal election that we had yesterday for the Mayor and last year. You know, people are not doing what they need to do when it comes to stepping up to the plate to vote. I'd like to know, what is it that you Commissioners are doing when it comes to, because I know you all represent a lot of people in your district, what is it that you're doing to make sure that the citizens in your district get the kind of information that's needed on the facts and the issues that are impacting them on an everyday basis? How are you getting the information out? Are you having meetings, monthly meetings, sending out newsletters? What are you doing? And then finally, what are your thoughts on adding two additional seats to the County in order to have more diversity? That's all I have to say. Any questions? I'm here. I'm here to answer whatever you've got to ask me."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you for coming down and speaking with us this morning, Mary Ann. You and I had something in common about, I hate to say how long ago it was, more than a few years. Do you happen to know if our turnout yesterday was better than it was 8 years ago when your name and my name was both on the election ballot?"

Ms. Dean said, "No. It's sad. It's really sad how our elections are going, and my concern is that money is dictating how people are elected based on name recognition and who they have that are supporting them, not on facts, not on issues, not what's impacting them. So money for me is taking a hold of our elections and not people getting out and doing what they need to do and exercising their right to vote."

Commissioner Peterjohn said, "Well, I was going to mention the fact and give, we had a little round of applause for folks who are working on the election side, but what wasn't mentioned was we had, I believe it was nine, if I'm wrong, someone in the election office can correct me, nine polling places that were open Saturday in very difficult conditions, and we had a very low number of voters who turned out. I think that's one of the mistakes when you hold an election in wintertime when the weather is such a large factor. Weather can be a problem in Kansas any one of 365 days a year unless we happen to be in a leap year. But having said that, this Commission has supported trying to get the elections held at a time when normally the weather is a little bit better and would certainly make it easier on our election commission staff if we held our local elections in the fall like we do in even numbered years, because trying to put, I feel sorry for the candidates and their supporters trying to put out yard signs when the ground is frozen. That's not the way things should precede."

"In terms of some of your other points, in terms of the Northeast Park, that continues to be a subject that we've had some discussions on, and most of the discussions that we've had recently have been in our staff meetings, which are Tuesday morning at 9:00 am. They're not televised like these meetings are, but they are open to the public. They're held right here in this room. So I mention that as part of the effort to get the word out, and think it's important that we do have that available. I appreciate you coming down, because if anyone else is out there and wants to do like you're doing this morning, contact the Manager's office at 316-660-9393 and say you'd like to be on the public agenda and talk about whatever county topic is on your mind, and we can get you on a future public agenda. I want to thank you for coming down this morning and did want to at least provide some response to some of the points you made. Thank you, Mr. Chairman."

Chairman Ranzau said, "Any other comments?"

Ms. Dean said, "And I plan to attend more. You'll see my face more than you probably want to. But you will see it, because I think that as a community leader and I have an organization, we should be about it and not talk about it. I'm tired of seeing people getting these recognitions and stakeholders going to groups and organizations that's supposed to be about the voice of the people, but they don't show up. I don't see them in this room. And I think it's a disgrace, and I might be ruffling some feathers here today, but I really don't care, because I'm really kind of tired of people not getting out and getting information that they need to do what they need to do. Too many people died for the rights for people to get out and exercise their right to vote. Too many people sacrificed too much stuff in order for people to come before you and the city council to speak their issues that are impacting the community on a daily basis. And so I say right now that I'm going to be about it. I'm going to be here probably more than, like I said, than you really want me to be, because I'm going to raise the issues that are impacting people that I see on an everyday basis."

MOTION

Commissioner Peterjohn moved to receive and file.

Chairman Ranzau seconded the motion.

Chairman Ranzau said, "I'll just say, Mary, thanks for coming out today. With respect to the citizen comments on items, I think you brought up at the very first, in the past it hasn't been our practice to do that, but I have tried since I've become Chairman to do that, but I haven't remembered it on every single item. And you probably don't know this from the TV, but today is an exception. The vast majority of time there is no one out there except staff here to talk. A few more people show up at Wichita, but you're right, they don't here. We'll try and do a better job to at least make the offer even if no one is here, because I do think that's important. There are some other things that have been tossed around that we may do in the future. I appreciate you coming."
Ms. Dean said, "Thank you very much."

Chairman Ranzau said, "Madam Clerk, call the vote."

VOTE

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

Chairman Ranzau said, "Next item, please."

Received and Filed

APPOINTMENTS

- B** [15-0155](#) RESOLUTIONS TO APPOINT DR. PRESTON HICKMAN AND CHARLES H. PEASTER, SR. (COMMISSIONER KARL PETERJOHN'S APPOINTMENTS) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolutions.

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "These are Commissioner Peterjohn's appointments from this board, and together with Item C, if I may announce that, also, that is a resolution appointing Debbie Parks to the same board. That is Chairman Ranzau's appointment. These are four year appointments, and I recommend you adopt the resolutions for Items B and C."

MOTION

Commissioner Peterjohn moved to adopt the appointments of Dr. Preston Hickman, Mr. Charles H. Peaster, and Ms. Debbie Parks to the Sedgwick County Animal Advisory Board.

Chairman Ranzau seconded the motion.

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

VOTE

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

Chairman Ranzau said, "Mr. Peaser, Ms. Parks."

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

Mr. Charles Peaster, Appointee, Animal Advisory Board, greeted the Commissioners and said, "Commissioner Peterjohn, I want to thank you for reappointing me to a board that you reestablished this year. A 10 member board instead of a 7 member board that we couldn't find members for. I believe hopefully this year all the County Commissioners will be able to appoint two people to this board. We had set up bylaws last year that were going to be sent to you to be approved and hopefully it will take care of the problem if we have less than a 10-member board of people attending. Then again, I'd like to thank you for reestablishing the Animal Care Advisory Board, being 10 members instead of the 7 previously done. Thank you."

Commissioner Peterjohn said, "Thank you for being one to volunteer and I appreciate all the folks who, whether they're my appointee or not, helping serve not only on this board but a number of other volunteer boards that Sedgwick County has established. Thank you."

Ms. Debbie Parks, Appointee, Animal Advisory Board, greeted the Commissioners

and said, "I'd like to thank all the Commissioners for reinstating the Advisory Board to be the 10 members, and I look forward to being Commissioner Ranzau's appointee to this board. I believe it's important for volunteers to come forward and keep the Commissioners involved and also informed of things that go on that they don't have any time to put on their schedule and attend every meeting. The last meeting that we had when we had our board before was on April 8th, 2014, and I don't believe since then that there's been a meeting pulled together when they went through all that change, it just didn't happen. So there have been several months without an Advisory Board available to the Commissioners, so I'm hoping that as each Commissioner does take advantage of appointing people to the board, that we can get on with a good agenda.

"I look forward to working with Mr. Taylor and any of his staff that attend the Advisory Board meetings. I'd like to put in a plug for one event hopefully coming up that we might discuss, which is Woof Stock, October 3rd, 2015. And I realize that the County budget is already set, but if there is some way in a contingent fund or some other way that we could raise funds to get a booth at that event, as the flyer says, as they put things out for publication, where else can you find 10,000 people? People who live, work, shop in the Wichita area in one place on one day? And numbers are that that's how many people attend Wolf Stock. So not only do I love animals myself, but I feel, as an animal owner, that residents need to be responsible pet owners, and that kind of attitude is what I hope to bring to the Advisory Board. Thank you."

Chairman Ranzau said, "Thank you very much. Seeing no other comments, at this time, Commissioners, I think we need to take an Off-Agenda item relating to the matter of setting a hearing date for de-annexation petition filed February 27, 2015, with respect to Valley Center annexation order number 1145-07."

MOTION

Chairman Ranzau moved to take an Off Agenda item.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

OFF AGENDA ITEM

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "Back in June of 2012, you held a post annexation hearing to determine if the City had provided services for the area annexed under that ordinance that you mentioned. At the end of the hearing you made a finding that they had not provided those services. That gave the city two and a half years to provide the services set out in their service plan. At the end of the two and a half years, if any landowners felt they were still not getting services, they could petition you for another hearing. In February 17th, I believe, you received a petition signed by owners of three parcels asserting that the City had not provided services and they asked for a hearing to be set. You set that hearing date for April 8th last week at your special meeting.

"Since then, we received a second petition related to the same subject matter. It has an initial 11 properties being included in the petition with the first three, as well. The statute requires that you set your hearing date within ten days of receiving a petition. We believe you should officially set this petition as well for the April 8th hearing date. I have a map up on the screen that can show you the additional parcels. The parcels outlined in red across the map are the ones that were annexed, but you can see over on the west side of the map toward the end, and I don't know if you can follow the cursor very well, but there are some dark blue hatched properties. Those were the three properties subject for the first petition, and the lighter blue parcels are the ones being added by the second petition. So again, my recommendation is that you accept this petition and set the hearing date for April 8th on this as well."

Chairman Ranzau said, "Bob, now, we received that additional petition, I think, on Friday?"

Mr. Parnacott said, "Yes."

Chairman Ranzau said, "So our agenda had already been set, but we either have a choice of doing an off agenda or setting a special hearing date like we did last week."

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

Chairman Ranzau said, "That's why this is an Off Agenda item. We have to meet that statutory requirement of ten days."

MOTION

Chairman Ranzau moved set the hearing date of this petition to be April 8th, 2015.

Commissioner Peterjohn seconded the motion.

Commissioner Peterjohn said, "I'd like to add a comment or two, if I could, Mr. Chairman."

Chairman Ranzau said, "Go ahead."

Commissioner Peterjohn said, "Because I strongly want to emphasize to anyone hearing the sound of my voice that we try to avoid having these types of add-ons, but when this petition came in, with state law, our hands were tied, and we wanted to do these at the same time if we could. So that's why I think it's important to have this combination occur, and despite the fact we had to take this up as an off agenda item, I think it's the best way to proceed, and I will support this motion."

Chairman Ranzau said, "Thank you. Seeing no other comments, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Next item, please."

Adopted

- C** [15-0156](#) RESOLUTION APPOINTING DEBBIE PARKS (COMMISSIONER RICHARD RANZAU'S APPOINTMENTS TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Item C was voted on with Item B.

Adopted

PLANNING DEPARTMENT

- D** [15-0133](#) PUD2014-00003 - COUNTY PLANNED USE DEVELOPMENT (PUD #44) ZONING REQUEST ON RURAL RESIDENTIAL ZONED PROPERTY GENERALLY LOCATED MID-MILE BETWEEN 247TH AND 263RD STREETS WEST ON THE SOUTH SIDE OF 61ST STREET SOUTH. (DISTRICT 3)
Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Adopt the recommendation of the Metropolitan Area Planning Commission (MAPC) and deny the requested PUD zoning.

VISUAL PRESENTATION

Mr. John Schlegel, Director of Planning, Metropolitan Area of Planning Department greeted the Commissioners and said, "The owners of the 21-acre parcel that you see on the screen before you now have applied to change the zoning of the parcel from its current zoning of rural residential to planned unit development zoning. The proposed PUD includes the applicants' home on the site currently and would allow the site to be

used for a number of events, such as weddings, receptions, graduation parties, birthdays, photo sessions or similar activities. These events would be scheduled events. The facility would not be open to the general public, and they are proposing up to 30 per year. Currently the site is developed with their residence, an accessory building to that residence, a wood shed and a recently-constructed events building. They are proposing a maximum of 150 people attending any one event at any one time. They're also proposing that no music associated with those events would be heard by the neighbors. All music provided by either a D.J. or by live musicians would be within the events building.

"The PUD also proposes to provide wooded walking paths through the treed area with soft lighting and music that would not be heard off of the property. The PUD proposes that the event center only be open on certain hours, for certain hours Monday through Thursday, 8 a.m. to 8 p.m. with music off by 7:30 p.m. on Fridays and Saturdays, 8 a.m. to 11 p.m. with music off by 10:30 p.m. and on Sundays, 8 a.m. To 7 p.m with music off by 6:30. As you can see from the aerial photo in front of you, this part of Sedgwick County is rural in character, agricultural farm fields are the area's dominant feature with a number of farmsteads and large tracts single family residents throughout the area.

"The Clearwater Creek runs from north to south through this area, through the property and also adjacent to the property. The exception to the areas' rural residential zoning and rural character would be Camp Hyde, which is located about a mile to the south. That's 120-acre PUD that had been approved a number of years ago by this Commission and allows for a broad range of different activities associated with Camp Hyde."

"This item was heard by the Metropolitan Area Planning Commission (MAPC) at a public hearing on January 22nd, and there were a number of neighbors that were present to protest the request. Some of their concerns, although this is not meant to be an all inclusive list, some of their concerns include traffic that would be generated on 63rd Street by events held on this property and the impacts that would have on that gravel sand and gravel street. The number of people that would be allowed at each event, there are also concerns about drainage, including the potential for flooding from the Clearwater Creek, music and noise from events on the site, the potential for unruly behavior, including trespassing on neighboring properties, the disruption to the rural character of the area and the potential for negative impact on property values. All of those things were mentioned by various people at the public hearing.

"After the public hearing and some discussion by Planning Commission, the Planning Commission did vote to recommend denial of this request by an 8 to 1 vote. We have received a number of protest petitions, 98 in total, and you can see it was 100 percent of the notification area. And that has the potential for affecting the vote today, depending on the nature of the motion made. So you have before you today a recommendation from the Metropolitan Area Planning Commission, to deny this

request. If that is the desire of the Commission, that would take a simple majority vote to do that. You also have the option of approving the request. That would require a super majority vote of 4 votes in favor of that due to the protest petitions, and then you have the option, of course, of returning the request to the MAPC for reconsideration. With that, I'll be glad to take any questions."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Thank you for the presentation, Mr. Schlegel. Let me ask, we recently received new maps talking about how there were changes to the floodplain. Is this new facility located in the flood plain since some of the objections I've heard relate to flooding and flooding related issues?"

Mr. Schlegel said, "Well, that's my understanding, whereas under the old FEMA (Federal Emergency Management Agency) classifications, most of the property was in the floodplain, but under the new maps, the property would not be."

Commissioner Peterjohn said, "Okay. Let me ask you, is this property, all 21 acres approximately, is it all fenced around all sides or just certain areas?"

Mr. Schlegel said, "I don't know the answer to that. That would probably be a question for the applicant. "

Commissioner Peterjohn said, "I'll postpone that one then. Do you have a map that shows where the creek runs relative to this property and the neighboring properties?"

Mr. Schlegel said, "I think this would probably be the aerial photo, would probably be the best indicator of where the creek is. You can see it's a dark area running toward the northern end of the property on the west side of the property and then it enters their property a little further to the south."

Commissioner Peterjohn said, "Can you tell me if the area, well, this may be a question for the applicant. I'll defer if it is. How much, based on that map, how much of the creek is in and outside their property? That would certainly be something I'd like to know. The map you showed in terms of the number of parcels that were 100 percent opposition to this, can you tell me how many actual individuals reside in those parcels that are within affected area?"

Mr. Schlegel said, "Well, the two parcels on the north side of 63rd Street are farm fields, I believe. Let's go back. Okay. There are no homes in that portion of a notification area, but you can see off to the east where there are homes to the east and to the south and to the west."

Commissioner Peterjohn said, "Do you know how many homes are inside the protest area, John?"

Mr. Schlegel said, "Well, let's go back to the protest, one, two, three, four, five."

Commissioner Peterjohn said, "Okay. That's all the questions I have at this time. I'll have more comments later, and I want to hear the public testimony. Thank you."

Chairman Ranzau said, "John, Bob, do we have to have a formal hearing for this?"

Mr. Parnacott said, "No, you're not required to have a public hearing, but that has been the practice of the Commission in the past, that when items like this come before you, that it's really the Chair's discretion about hearing testimony. I'm pretty certain there are people here that need to be heard."

Chairman Ranzau said, "Do we have to announce a formal public hearing or just allow testimony?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "You can just allow testimony."

Chairman Ranzau said, "Okay well, if we don't have any other comments for John, we will allow testimony. We have 13 people signed up, two of which are the applicants, I believe. I'd like to start with the applicants and give them 10 minutes and then we'll have questions, and then we'll allow the others, there's about 11 of them, probably give them three minutes each, plus questions, and then we'll go from there. So if Mr. And Mrs. Stroupe would like to speak."

Ms. Kim Stroupe, 25501 West 63rd Street, Viola, greeted the Commissioners and said, "I'd like to start with talking about agritourism, which is why we feel we fall under this as a small business. While farming is admirable as a way of life, it's also a business. Many colleges, such as Kansas State University are promoting alternative agricultural businesses. Times are changing, and in today's economy, our rural economic development understanding has to change, too. I believe Kansas and other states are addressing this through the agritourism promotion act. This act in 2007 was passed and it was to encourage Kansas farms to get involved in agritourism. Family reunions, weddings, barn dances, all fall under this Agritourism Act. We are growing additional trees, flowers to create a botanical garden for our ceremony state. Our ceremony site was created with nature in mind, filled with lightning bugs, butterflies, owls and many different birds as well as a lot of vegetation. Consumers who are looking for this farm experience for ceremonies like weddings, funerals and other cultural ceremonies are our clientele. Everything is set up to bring people back to nature and to educate them with the land. This is the selling point of our farm activities such as weddings.

"The barn is not the selling point. In fact, you cannot rent the barn without having a ceremony scheduled on our farm. In this respect, we believe we are keeping with the current uses and character of the neighborhood. We may not be growing acres of crop like our neighbors, but we are trying to profit off what our property offers and is based on what has been grown naturally as well as the additional plantation that we have available. Our land is very educational. Things we are building typically is repurposing old wood or trees that have fallen into arches, gazebos, tables, chairs, gates, et cetera. Plants and herbs are used to deter mosquitoes, ticks and other bugs, not chemicals. The barn is triple insulated in order to help reduce noise. I realize we cannot say that our neighbors would never hear any noise. That's just not practical. The trees, however, that surround our properties in the spring, fall and summer enhance the natural barrier between our neighbors. The electric transformer was upgraded and the barn runs on its own meter. A new rural water meter was installed and the barn runs on a separate meter on that as well. In order to obtain these two meters, we had to be approved by a committee from the electrical and the rural. We were approved for each of these. Therefore we consider these two entities in support of our small business as well. There are 88 bathroom stalls, parking spaces, panic bars installed on all the exit doors. Emergency escape routes are in the bathrooms. Exit

signs are near the bathrooms. The septic system was sized by the county inspectors to accommodate more than 150 people and more than 30 events per year. We are not trying to be a fly-by-night agritourism business. We want to show that we are here to be a positive example to other small agritourism businesses. We would like for the experience for the public that comes on our property to be outdoor games, as well, that are provided to be made out of repurposed items, as well to enhance the farm wedding experience.

"Through this forum, our neighbors have brought up several issues. Noise was brought up by the neighbors. Mrs. Pauly states in a letter to planning and zoning that our neighbors were never a consideration. We took extra costs to incur specifically because of our consideration of our neighbors. As stated before, the barn is triple insulated to keep the noise contained inside as much as possible. Natural barriers of trees in the spring, summer and fall hide the neighbors from our barn and guests. No outside bands are allowed. We have it stipulated that the music by off be certain hours. Based on decibels calculations, sound decreases based on distance, We could claim the same noise issues from running equipment from our neighbor's businesses. We aren't running a combine or tractor to cultivate our crops, but the level of noise we will generate is no more intrusive than the combine and tractors generate within the current neighborhood. In fact, if you take into consideration each neighbor that is opposing having one party per year, which is completely realistic, you would have triple the count we have proposed. I would say we conform to the natural surroundings of our current neighborhood.

"The flood zone, we have received a letter from FEMA which states we are no longer considered in the flood zone. I understand this is a high concern of our neighbors. Bob and I respect their concern. We have not altered the water drainage, and the fact that flooding has a potential to occur on our property doesn't affect our neighbors. At the end of the day, our business will not cause flooding on their property. Smoking was an issue, as well, and we do understand their concern with that, and we would be willing to change to a nonsmoking facility. The roads were addressed by Mr. Jim Weber, the County Engineer. He indicates our plan would not cause an issue with the 63rd Street road. Increase in traffic is a condition that will increase as rural living expands out to these parts of the County. It is merely the result of normal rural growth and development. When the 263rd Street Bridge was being worked on from June to December, there was an increase in traffic and the road was not an issue.

"Alcohol, we are currently requiring a beverage caterer due to hard liquor being allowed. If necessary, we are willing to reduce this to beer and wine only. We recognize that hard liquor may introduce a higher level of intoxication. A security guard and/or beverage caterer was always a requirement by any of our clientele. Security, a neighbor mentioned that his children and he was concerned with security and guests from our wedding walking on his property. The same neighbor mentioned the wildlife might get scared away from the area. We often hear gunfire coming from this property

several times a month. A wedding is a family event. This includes children and babies. In fact, we have four grandchildren under the age of 6 that often stay with us on the weekends, and one actually lives on the property full time. He's 22 months old. They will be around these events, as well. We would never do anything or allow any kind of nonsense that would compromise their safety. We plan to install security cameras as well.

"Generalized claims of crime, noise and other such nuisances increasing are nothing more than that, generalized claims. Our neighbors do not have any facts relating to this, as there have been no complaints to date. Our neighbors claim the planning department was unaware of our intention. We have established the planning department was well aware of our plans to find property to be able to hold farm weddings. The only deception we are aware of is our neighbors, Mr. And Mrs. Aaron Pauly and Mr. Brad Hiner whom we explained all about our plans to host farm weddings. We expressed our intent to cause minimal intrusiveness, and if they had any concerns at all, if they would please come talk to us and let us know so that we could work on a plan together and come up with something that we could agree on. From then, we received comments like, what you do on your property is your business. Mr. Pauly cut hay in preparation for the barn to be built and paid us for the hay. We sent Mr. And Mrs. Pauly a gift once for their newborn son and they reciprocated with cookies, yet Mrs. Pauly stressed that she was afraid of retribution and reprisal for us. We don't understand where that retribution and reprisal would come from. We thought we had a good neighbor relationship.

"Mr. Hiner asked to be able to bid on the insulation we put in our barn, as he runs a spray insulation business. He asked if he could give us a bid to install recycled rubber for our driveway as it would cause less dust and last longer. We have never been more courteous to our neighbors. There have not been any complaints against us. The barn building permit was for residential, however, the mechanical, plumbing and electrical all have commercial permits as well. Steel drawings from the barn were also submitted. Bud Lett can confirm this information. I have just pieces of paper signed. It's not an official petition or anything like that. But these are from brides all around Sedgwick County. While they don't live in our general area, they are looking for these types of businesses. And I think my time is up. May I have another minute?"

Chairman Ranzau said, "Yes."

Ms. Stroupe said, "I'll just skip right to the end. Bob and I are not trying to make a million dollars. We are trying to be involved in the communities around us and support them. We would like to partner with towns and organizations around us to help give back to the community. Mr. Lampe, the Mayor of Garden Plain, spoke with Bob and I about how they are trying to increase the business growth in and around Garden Plain. We would be interested in sponsoring communities, and as moved to the Viola area,

we have been visiting restaurants and other small businesses in many of the towns around us to help support them. Bob and I appreciate your time in reviewing our proposal. We are not lawyers. We are just two people trying to live the American Dream. Bob has served his country with honor for over 30 years. He has fought for our neighbors to have the right to oppose what we are planning. We only ask that our rights be considered, too, the right to run a small farm-based business from our property, the right to continue to serve the great country, to help smaller communities with a small agritourism business in Sedgwick County. In our hearts we feel we were honest with the two closest neighbors and the planning staff. It appears the two closest neighbors character is to sit back and watch us pour our hard earned retirement money into this business and never once give us the same consideration to work it out. They shook our hands, looked us in the eye and said no problem. Respectfully, Me and Bob."

Chairman Ranzau said, "Thank you. Before we go forward, I think we need to disclose any ex- parte communications that we've had on this issue. I'll say I did have a meeting with Mr. And Mrs. Stroupe, and also did receive a phone call from Mr. And Mrs. Pauly and various emails a few weeks ago, but I will make my decision based up the information presented today that's in the record. As we move forward, John or Bob, I'm having problems finding the actual PUD with all the restrictions. Is that in this material?"

Mr. Schlegel said, "It should be in the agenda backup report. It's a sheet. It should be 8.5 by 14. It has a site plan on it, and then also on the right-hand side of the site plan there is a series of standards that were developed by the applicant that would apply to this PUD."

Chairman Ranzau said, "Okay. Here it is. It is 8 x 11. Which makes it virtually unreadable."

Mr. Schlegel said, "You found it?"

Chairman Ranzau said, "Okay. Any questions? Commissioner Peterjohn."

Commissioner Peterjohn said, "If we're going to be communications, like yourself, I've heard from both proponents and opponents by various means. I will also add that I've also driven around on 63rd Street South Viola Road or 263rd Street West, also down by Camp Hyde, 71st Street South and the section line road to the east. You can see that little dead end road, West 254th Street. I've been on all those roads and talked with people on both sides of the issue. My comments are going to be the same as the Chairman's, in terms of making a decision based on the testimony we received here today and following state statute. Thank you."

Chairman Ranzau said, "Commissioner Howell"

Commissioner Howell said, "Thank you, Mr. Chairman. I agree with my coming colleagues on my ability to stand on the evidence here today, but I did have a meeting with Kim and Bob Stroupe, basically presenting what they presented here today. I also

received a couple of e-mails from Aaron Pauly with pictures and some attached testimony in from gentleman in California who has some interest in this issue. That's my extent of my connection to people on this issue. Anyway, I'll be looking testified today. Thank you."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would disclose that I had ex parte communication with the applicants and that has been my only contact, and I will make my judgment based on the information provided today."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "I'll declare the same thing. I've had ex parte communication with the applicants. No other communication with anyone else and my decision will be made on the evidence presented today. That's all I have."

Chairman Ranzau said, "Any further questions? Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. For the applicant, I'd like to know, because just for my comfort level, you've got that Clearwater, the creek that runs from north to south, from Lake Afton south through your property. There is kind of a good map there. Where is it on your property and where is it near your property?"

Ms. Stroupe said, "Clearwater Creek, I'm not sure if you can see the pointer, but it..."

Commissioner Peterjohn said, "I can see the pointer. I'm not sure the public can."

Ms. Stroupe said, "It comes, the dark piece right here. So at this point is where it comes on to our property."

Commissioner Peterjohn said, "Okay."

Ms. Stroupe said, "And it comes through way over here."

Commissioner Peterjohn said, "Just so I have an understanding, how long have you lived there?"

Ms. Stroupe said, "We purchased the property May 1st- May 2nd."

Commissioner Peterjohn said, "The backup information indicates that there are whole hosts of planned unit development provisions that were put in there concerning noise and time restrictions. I want to understand that you're in full compliance with that report as it was presented to the planning Commission?"

Ms. Stroupe said, "Yes. I actually came up with those hours myself."

Commissioner Peterjohn said, "And you're limited to 30 events per year?"

Ms. Stroupe said, "Yes. That was just an agreement kind of as working with Bill Longnecker that we felt like, again, to try and not over stimulate the area, we felt like 30 events per year would be a good neighbor."

Commissioner Peterjohn said, "That's all the questions I have at the moment."

Commissioner Howell said, "Any other questions from Commissioners? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Just thinking about the flooding issue just a little bit. Can you describe, has the property flooded in the past? Can you just talk about that a little bit and explain maybe your side of the story and what the opponents to this might say?"

Ms. Stroupe said, "We talked to the person that we purchased the home from and asked her about the flooding, and it's kind of hard to see, but where it actually is on our property, this meadow right here is actually way lower than the rest, and at the edge of the trees is some sandy soil, and she explained to us that the edge of the trees right here is as high as she's ever seen it in the 17 years she had lived there prior to that."

Commissioner Howell said, "So the flooding that might happen, if it did flood, has it ever trapped anybody on the property or covered the driveway that would allow people to come in and off the property?"

Ms. Stroupe said, "Not that she expressed to us. The area that's out of the flood zone would include all of the driveway and up where the barn is, which is up in this field area right in here."

Commissioner Howell said, "And if the bridge flooded, would people be able to go to the west to leave the property?"

Ms. Stroupe said, "Yes. Chad Abbott was a surveyor and helped us with getting the property out of the flood zone, so he might be a better person to ask those questions."

Chairman Ranzau said, "You can go up and speak now if you want."

Mr. Chad Abbot, Abbot Surveying, greeted the Commissioner and said, "I am the agent for the applicant, and we, previous to, when the applicant was purchasing the property, one of the things we did is a full topographic survey of the entire property. We were interested to see how much of the property we could get out of the floodplain via a letter of map amendment through FEMA. There are some revised maps coming out. So aware of that, I had contacted Division Water Resources (DWR) and they have the same data that the new maps are being based off of since the new maps weren't current. But obviously we want our letter map amendment to reflect what the new maps were going to be reflecting once they were current. So we went to the DWR. They created the base flood elevation, or the BFE, for this particular property. That's the elevation that during a 100 year storm event the surface of the water theoretically would rise to. In order to get a portion of the land out, the existing grade on the land has to be at or above that BFE. So in doing the topographic survey, we were able to ascertain which parts of the property were actually at or above that base flood elevation based off of that new data, and then file a letter map amendment with FEMA, with also the backup data from the Division of Water Resources.

"It turned out actually quite a large portion of this property was able to be taken out of the floodplain, including where the home is, where the barn is, and the driveway. Kim is correct in stating that on the south side of this property it drops rather quickly, and

that's the portion that is still in the floodplain, the southern portion along the creek area there, but west of it actually was high enough we could get it out. All the way up to the ditch at the north end of the property. So to kind of answer the question about access on that driveway, the driveway is actually high enough to be taken out of, the entire driveway is high enough to be taken out and has been taken out of the flood zone area. So at this point in time, we have a letter map amendment from FEMA, and I just wanted to kind of be clear on how all of that happened and then, yes, there's approximately about half of the creek is on their property."

Commissioner Howell said, "So just following up and just to summarize the areas not at risk of anybody being physically harmed as a result of flooding on this property or near the property?"

Mr. Abbot said, "Correct. It's been taken out of the special flood hazard designator by FEMA."

Commissioner Howell said, "Thank you very much, Mr. Chairman."

Chairman Ranzau said, "Any other questions of the applicant? I just have one question, and I don't know if you want to publicly disclose this, but you can give me a general ballpark if you want. I would kind of like to know how much you have invested in this overall project if that's something you want to publicly disclose."

Ms. Stroupe said, "We have \$150,000 invested in this overall project, to bring it all up to code. We do not have our commercial right now. It's just residential, but as we were building and understanding that eventually this would possibly become commercial, that we did everything at commercial code, which is why we've done all the ADA, because we definitely want to stay in compliance and not just be, like I said, fly-by-night. We want this to be safe for the public. That's important to us, as well. Thank you."

Chairman Ranzau said, "Well, seeing no other questions at this time, so we'll go to the next. Do you have something, John?"

Mr. Schlegel said, "I was just going to ask the applicant if she would answer Commissioner Peterjohn's question about the fencing the property."

Commissioner Peterjohn said, "Thank you for catching that, Mr. Schlegel."

Ms. Stroupe said, "There was existing fencing when we moved in, and so from the road along this red line to about right here in this corner, there is some barbed wired fencing that was preexisting. There is also along the east side, there is barbed wire that I would imagine Mr. Dillon had put up that goes into these trees. And then along the south side, Mr. Hiner has an electric fence that he put up right after we purchased the property, and that's all the fencing that I know of that resides there."

Commissioner Peterjohn said, "Let me ask then, on the west side of the property where the Creek is on your property, is there any fence along there, or is basically the creek serving as kind of a de facto barrier?"

Ms. Stroupe said, "Actually the woods are thick enough there that they are a barrier for walking through there. There is no fence. I'll just answer your question. There is no fence. Thank you. "

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Can you just describe, what's the distance from the barn or the building, I guess, to the nearest residence that's off your property? What is the distance to the nearest residence there?"

Ms. Stroupe said, "Chad, do you want to take this? You made this."

Mr. Abbot said, "The distance from the actual structure, the barn structure to the structure of the home to the northwest, that's the closest home, is somewhere around, I believe, 400 feet. That's a little bit of a plus or minus distance in that we didn't physically locate the neighbor's home. Obviously we have the event building physically located. We didn't physically locate the neighbor's home, so that distance is based off of an aerial overlay, but it should be pretty close."

Commissioner Howell said, "That's good. And finally, Mr. Chairman, I'd asked Mr. Schlegel or one of our staff if they could get us the portion of the PUD that has the details of the PUD, the limits and things like that. Can we get a readable copy of that so we can review?"

Mr. Schlegel said, "It should all be listed out on that page."

Commissioner Howell said, "It's just so small I cannot read it, too tiny."

Chairman Ranzau said, "Can you have somebody make copies of just that slide of it."

Mr. Schlegel said, "We'll see about getting that done."

Commissioner Howell said, "That would be very helpful. Thank you very much. I don't need the whole thing, just the side that's got the notes along the side there."

Mr. Schlegel said, "I didn't realize that you only had the 8.5 by 11 version of it. I thought you had the 8.5 by 13."

Chairman Ranzau said, "Alright, we'll go to the next person, Everett Dillon."

Mr. Everett Dillon, 25299 West 63rd Street, Viola, greeted the Commissioners and said, "My wife and myself own the property adjacent to this proposed area on the east side. I have several concerns regarding the establishment of this. First of all, as far as we're concerned, why it's not compatible with the rest of the neighborhood, it's always been, you know, rural, residential with a little bit of agriculture on my property. At one time, there was a little agriculture done on the property that the Stroupes now own. And the Pauly's have some agriculture stuff on the other side, along with their homestead. Mr. Henner lives to the south and he does some agricultural haying on his property. I also do haying off my property. And so it's just been residential and just minimal, that type of farming. It hasn't been deep agriculture, like you come in with a tractor and bale hay or something of that nature. You're going to have noise for one or two days, and it's over with until the next year. It's not something that comes up every weekend or 30 weekends a year, whatever it may be. So that somewhat addresses that as far as compatibility to the neighborhood."

"All of you seem very interested in the flooding. It's my understanding that we had a presentation over with the zoning commission, and I had taken some pictures years ago of the land on this area. I was told it was going to be on here someplace. Is there any way to get that? That's not it. That's Mr. Pauly's land. That's a mile south of us. That's after one of our high waters. You can see the damage done to the bridge the mile south. Actually, I can't tell you for sure what year that occurred. The bridge that is on 63rd Street right to the, here. You see the mailbox pictured in there? That is the mailbox of that property. I lived there for 38 years. I've seen that mailbox covered with water. I don't care what FEMA has done with the maps or anything else. You live there for that period of time, and you see a lot of stuff, and it has done this many times over the years.

"As a matter of fact, where the bridge is there, let me see if I can get a pointer here. Right in there is the bridge area. In 1989, Mr. Henson was on the County Commission then, and he was instrumental in helping get a new bridge put in there, because the old one was a wooden bridge, and it was dangerous, and they did come out and did a concrete bridge. In the process of all of that, however, we had one of our major storms, and all of the forms that had been placed for construction of that bridge were washed downstream. I see my time is up. There's a lot more information regarding this flooding if you want to hear it."

Chairman Ranzau said, "Finish your comment."

Mr. Dillon said, "Anyway, there's one more picture I'd like to show you folks. Mr. Howell had a question about whether, right here. The cattle there in that picture are mine. The property to the, this is to the west from where the cattle are. This is up from the water head going down. All of this property here, at the time that this was taken, I couldn't even get down to take a picture until the water receded. This is over here on the property where they're proposing to do all of this. Yes, Mr. Howell, indeed, we have been stranded on the property, 63rd has been so covered with water you couldn't go either direction on it. You can't go east or west on either until the water recedes. And so there is the potential given the right conditions that people can be stranded there, because we have been stranded there for as long as two days before the water receded enough that we could get out. So that does, indeed happen. So I think that maybe gives you a little more insight to what the water conditions can be. The other thing, too, is they say a county engineer has come out and looked at the road. That's all fine and dandy, but it's been dry for several years now. That's not the normal conditions. And we have the normal conditions with rain, and our road turns into a swamp mess with ruts and stays that way until everything dries up, and that can be an extended period of time. And so that's one of my concerns, too, is damage to the road, the wildlife, danger for our grandchildren. Anyway, I know I'm out of time."

Chairman Ranzau said. "Commissioner Peterjohn has some questions."

Commissioner Peterjohn said, "Yes, if I could. Let's begin with the pictures. Were those you said south, one of the flooded pictures you said was south of your home. I thought you, but then you said it was the mailbox, the applicant's mailbox. So that was 63rd Street?"

Mr. Dillon said, "Correct. That was after water had receded."

Commissioner Peterjohn said, "That's west. Help me out. Help me understand, because I drove around that square mile, the full section in getting prepared for this meeting and this event, and driving to the east, it looked like there wasn't any problems to the south or driving further east. Just for the record, I mean, I live out in West Wichita, out by 119th and Maple, and I remember back in the late 1990s when Maple was covered with water between Maize Road and Tyler Road. Maize Road was covered two places when the Cowskin Creek came out and Calfskin Creek between Central and Kellogg. Basically there have been plenty of places where we've had these isolated events, but I wanted to make sure when you said there were two areas with flood concerns. The backup documentation I've got only talks about the area on the creek that runs through the applicant's property. I want to understand where that second area, because I don't understand why you couldn't just leave your property, drive to the east and then get south to 71st Street on the section line road or drive to the north or continue driving to the east."

Mr. Dillon said, "Sure, I understand your concern there. The problem is it doesn't all come off Clearwater Creek. Across the road north from our property, there is a huge wheat field, and the further you go to the north, the ground area slowly goes up to hilly, and you get so much runoff coming off from there, and there is a watershed pond on it within a mile of all of this, and it has overflow pipes and one thing or another, and if we get enough rain, and we get the brunt of all the overflow from all of that. What you're referring to going to the east, that road has been under water even to the east. As a matter of fact, I've got a building down there right along the road, a metal building, and we had to elevate the ground to make sure it was out of the water. It wasn't required. That part was out of the floodplain, but if we had not raised that ground by about 2 feet where that building sits, it will flood."

Commissioner Peterjohn said, "Well, Mr. Dillon, let me ask you, how far is your residence from the map to the closest part of the barn in feet roughly?"

Mr. Dillon said, "Could you get me the view over there. My house is right here. Okay? Another house here where my son lives. I cannot tell you the exact amount of footage, you know. I've never tried to measure it off."

Commissioner Peterjohn said, "So you're a little further away than the Pauly household is"

Mr. Dillon said, "Yeah."

Commissioner Peterjohn said, "Maybe 500 or 600 feet."

Mr. Dillon said, "As far as it was stated that they use trees as a natural barrier on all sides. Well, the only trees are a few little scab volunteer seed cedars that have come up along the fence line. All of this is my property."

Commissioner Peterjohn said, "Let me ask you this, how many of the parcels, there is another map up there that shows the protesting parcels. How many of those are parcels you or other of your family members own?"

Mr. Dillon said, "Right there, that's good. Do you want to go back to the aerial? Go

ahead. There you go. Okay. Everything from here up to here, over to here and back straight south there, I own all of that area. So you've got three of the parcels that are in the protest area? Three of the parcels, I own."

Commissioner Peterjohn said, "Thank you."

Mr. Dillon said, "My wife and I do."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Mr. Dillon, can you describe the dates of those pictures that we're looking at? I mean, are these, some of these pictures look like they're really old. The one that has the mailbox in that picture. What's the approximate date of that picture?"

Mr. Dillon said, "That was, I didn't date the pictures. I can only give you from my memory. I'm going to say that that was, can I confer with my wife here a minute? Wasn't that the one that was in the late 1990s, dear? That was in the late 1990s. I can't tell you the exact year. Then we had another one that I didn't take any pictures of that happened roughly around 2004, somewhere in that area, and then since then, why, we've had these rather dry conditions, you know. We haven't had any of these torrential rains."

Commissioner Howell said, "So in your memory, can you tell me about how many times, say, in the last decade or even two decades, how many times has this road flash flooded like that? Is this something that happens every year?"

Mr. Dillon said, "Not every year. I've lived there for 38 years. I can safely say in that time frame 8 to 10 times all of that area has been totally flooded in that time period."

Commissioner Howell said, "Now, the proponents provided evidence to us today, hiring an expert on topography, and I was curious, do you have any rebuttal to their evidence that they are not in a floodplain and this is not a, the issue of flooding, are you concerned about the people being trapped? Is that your concern?"

Mr. Dillon said, "I've got a lot of concerns about this. To begin with, the ground should never have been allowed to be developed, improved. The only area that was out of the floodplain is where the house is. I knew the man that build the house originally. We built out houses around the same time. I actually remember he had to sandbag around his house during one of these high water situations. It sits higher than this area where they built this building."

Commissioner Howell said, "There are a lot of Ag(riculture)buildings built out in the country frequently. It's a very common thing that happens out there. Had this been just an outbuilding, so to speak, would you be here today, if this were just an outbuilding? Would you oppose them building an out building?"

Mr. Dillon said, "If it was just an outbuilding like something somebody was going to park machinery in, this really wouldn't be a concern."

Commissioner Howell said, "But would it not have the same net affect if this was a

barn versus a commercial wedding reception building, regarding to the aspect of flooding, it would be exact the same to you."

Mr. Dillon said, "Oh, yeah. It's just, you're not going to endanger anyone."

Commissioner Howell said, "So your concern is for their safety?"

Mr. Dillon said, "Well yes, anyone's safety there. And what about the owners of the land later on? They're going to be out of the false assumption this is out of the flash flood plain, and it is going to flood."

Commissioner Howell said, "So you're not arguing today that this is making the flooding to your property any worse or any different than it has in the past?"

Mr. Dillon said, "No. The only thing that saves our house is the ground rises to the south on our property and we're probably 20 feet higher than that bottom area."

Commissioner Howell said, "Going back to my previous question, do you have any evidence that the topography, what they presented today, the evidence from an expert that surveyed the land, do you have any evidence that would counteract what he said today?"

Mr. Dillon said, "No, sir. The only thing, they can put anything they want to on a map, but if you've lived there long enough, the water doesn't care what the map says. It is that simple."

Commissioner Howell said, "Thank you very much."

Chairman Ranzau said, "Any other questions? Next person is Donna Grigg. Please state your name and address for the record, and you'll have three minutes."

Ms. Donna Grigg, 1471 South Wheat Ridge, Wichita, greeted the Commissioners and said, "Okay. My name is Donna Grigg. My address is 1471 South Wheat Ridge, which is near 119th and Maple. And what else did you want?"

Chairman Ranzau said, "You'll have three minutes. Go ahead."

Ms. Grigg said, "Okay. Good morning, Commissioners. Thank you for letting me speak. I'm speaking on behalf of Rustic Timbers. It would be a great benefit, I believe, to the community, to have a venue in the country for weddings, and anniversaries, reunions, to have a feel for people to have the peacefulness and the country feel. I do know Bob and Kim are very dedicated, stable individuals. Kim is a graduate from WU and has always had a professional job position all her life. Bob has served our country here and overseas for over 30 years. With the guidance of a representative of the county, they diligently set forth to build the dream of Rustic Timbers to provide a peaceful setting with the outdoor charm. That would inspire memories that people would cherish for a lifetime. I believe that this would benefit the County and the community, bring in revenue, possibly jobs within Sedgwick County. I know that the time that they have spent in their man hours, physically cleaning up, preparing and the money that they have spent, I have watched them over the years that they have prepared for this. So I am very respectful of everything that they've done, and I want to thank you for your time."

Chairman Ranzau said, "Thank you very much. Seeing no questions from the Commissioners, the next one we have is Gene Schellenberg."

Mr. Gene Schellenberg, 1471 South Wheat Ridge, Wichita, greeted the Commissioners and said, "I've known the Stroupes for probably 10 years. I'm friends with them. I went out to their new place when they purchased it about a year ago, and it had been neglected quite a bit, needed a lot of work. Heard about their plans, seemed to be a great idea. I volunteered work there and equipment. It's been fun helping them put this thing together. It's a very quiet beautiful place that they made out of it. The fact that it was neglected a lot over the years, they've done a tremendous amount of work all summer long. I've personally done a lot.

"One thing I did notice, I was down there one day, there is a lot of noise. I asked Bob what it was. There's four-wheelers operating out there. I don't know who they were. He said neighbors. It was very, very loud. I was kind of surprised. He said that's just the way it is. I never thought about it until today. There is other noise out there. He said it was the neighbors. I don't know who it was. It was pretty loud. They were just having fun, which is no big deal. It's a beautiful setting. They've just done a wonderful job out there. It's quiet. It would be a neat place to have a wedding. They're very responsible people. They would never let things get out the hand at all, I can guarantee you that. Anyway, it would be nice to see this thing go forward. They put so much time in the thing and energy and money. Good folks. They're not out there to cause any trouble at all. It would be a good thing for the neighbors. I'd love to be their neighbor. That's about all I've got to say. Thank you very much."

Chairman Ranzau said, "Thank you. Seeing no questions with, we'll go to the next first."

Mr. Guy Hagan, 622 North. Sedgwick, Garden Plain, greeted the Commissioners and said, "I have several different items to bring to your attention. One of them, of course, you've talked a lot about this flood plain. If you want to ask me any questions, I can tell you what I've seen myself, regarding to the layout of the land and maybe a suggestion to the County regarding fixing the problem of the road each and every time this happens. One thing I'd like to address is the economic problems that you can create by not allowing more business. I think that something that should be brought to is the common sense issue. When you have somebody that wants to improve, bring forth more money into the County, more business, more people from out of county into this operation, why would you want to stifle that? This is something that to me makes absolutely no sense. And as for the noise, there's going to be noise with farming. There's going to be noise with four-wheelers. There's going to be noise from their business, a little bit, just like from the neighbors. Their concern with this noise issue, farming can run noise several days throughout the week or weekend for several times throughout the year, not just one or maybe two. All of these things are a fact that should be looked at, looked at hard, and a little common sense used on. Any questions?"

Chairman Ranzau said, "Commissioner Peterjohn has a question."

Commissioner Peterjohn said, "Yes, please. Help me out. I'm not familiar with where the Viola mail and Garden Plain mail divisions are. How far from the applicant's property do you live, sir?"

Mr. Hagan said, "Probably no more than about eight miles."

Commissioner Peterjohn said, "About eight miles. Okay. Thank you very much."

Mr. Hagan said, "I live in Garden Plain."

Commissioner Peterjohn said, "You're actually in the City of Garden Plain?"

Mr. Hagan said, "Yes."

Commissioner Peterjohn said, "Okay. Thank you"

Chairman Ranzau said, "Next we'll go to Ingrid Yeager."

Ms. Ingrid Yeager, 2642 West 58th Street, Wichita, greeted the Commissioners and said, "Today I would like to share a letter sent to Bob and Kim on behalf Robin Jennison of the Kansas Wildlife and Tourism Secretary. To our local partners, thank you for the opportunity to offer my support for a local agritourism business. Tourism is an important, but often overlooked industry in our state. The total economic impact of tourism in Kansas is \$9.5 billion dollars, and tourism activity brings in \$556 million in state and local revenues annually. There are more than 350 registered agritourism businesses across the state. And they are an important draw that boosts our state's tourism success. Agritourism benefits not only the business, it also helps sustain the rural way of life and keep producers on our Kansas lands. And, just as important are the economic benefits of an agritourism business that accrue through job opportunities at the businesses, overnight stays and purchases of food and gasoline in nearby communities.

"Agritourists are typically families or groups who visit a farm, ranch, rural setting, a winery/vineyard, event facility or active agricultural heritage site to enjoy authentic, memorable, get-away kinds of experiences in a rural setting. They seek opportunities for relaxing outdoor fun, educational activities, shopping, dining, or lodging. Believe it or not, people want to pay to play in the country. Perhaps to relive childhood memories, show their kids where their food comes from, sip some wine, get married, or just spend time with their family and friends. Farm wineries and country wedding venues are among the growing number of agritourism businesses in Kansas. Some may market their 'value added' product by hosting events in order to sell their Kansas products. We encourage city and county officials to work with agritourism businesses to help grow both the local and the Kansas economy. The Kansas Department of Wildlife, Parks, and Tourism fully supports businesses and job growth in Kansas, both in the rural and urban areas. We realize the importance of building business in your community and, while businesses such as wedding venues, pumpkin patches, bed and breakfasts or vineyards/wineries, may not be typical of new businesses in your area, I encourage you to work with this and other agritourism businesses in your community so they can be successful and benefit the local economy. Sincerely, Robin Jennison, Secretary, Kansas Department of Wildlife Parks and Tourism."

Chairman Ranzau said, "Commissioner Peterjohn has a question."

Commissioner Peterjohn said, "Thank you. If I could, I want to understand. This was a letter from Secretary Jennison to you or to who?"

Ms. Yeager said, "To Mr. And Mrs. Stroupe."

Commissioner Peterjohn said, "How did you find out about it?"

Ms. Yeager said, "I inquired. I had inquired. I've been involved asking the Stroupes where the status of their petition has been and Kim had mentioned the letter, and I thought it would be a very good addition to this setting."

Commissioner Peterjohn said, "Well, let me just add, and I probably should have stated it earlier, if you want to submit that letter, and I know there was, I believe, a petition also earlier, or if there are any other documents that they think we should have for the record, please feel free to do so. Although, we'd like a copy, not the original."

Ms. Yeager said, "Okay. I'd be happy to provide it to you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Can you just tell us the date of that letter?"

Ms. Yeager said, "I don't have the date. I will have to go look."

Ms. Stroupe said, "I received it last night at 6:00 (p.m.)."

Commissioner Howell said, "So MAPD do not have a copy of this letter?"

Ms. Stroupe said, "I forwarded it to Mr. Parnacott last night."

Commissioner Howell said, "But when MAPD made their decision, they did not have this information from the Secretary of Wildlife and Parks and Tourism. They didn't have his position on this proposal so this is new information so to speak. They didn't have a chance to consider that position? That's all I need. Thank you, Mr. Chairman."

Chairman Ranzau said, "Next speaker is Keren Rosasio."

Ms. Keren Rosario, 2421 South Yellowstone #1702, Wichita, greeted the Commissioners and said, "I am a bride that was booked with Rustic Timbers. I am 22 years of age. I've been engaged for over a year. We recently booked with them in January and we have had several problems with finding a venue for us. We want to do a very simple wedding. We do not want to do an extravagant wedding. We don't have the money to afford that. With that, our wedding is in for July. The venue is only 25 minutes away, very convenient for us. They have the ceremony and reception in the same location, which is very hard to find for an outdoor venue. Let alone they have air conditioning which you would think would be very simple for any venue to have. The closest venue besides them to have air conditioning for an indoor reception was an hour away in Towanda, Kansas. Due to that as well, I am from Puerto Rico. We have family flying in from Puerto Rico, California, New Mexico, Philadelphia, Florida, all across the nation wanting to come to my wedding, and they are ranging from 6 months to 98 years of age, so we need something that will work for everyone to travel to, that

doesn't affect our age range.

"It is very safe there; I have been there on the property. We had the tour. We saw the building. We saw everything that they have already done and I wanted to mention how they didn't have any hidden fees for us. We still haven't booked a venue. The other venues have a lot of hidden fees, for example, the closest venue that was in Towanda, they offered that we could walk to the outdoor ceremony from the reception, but it is a mile away. So they offered we can pull you with a tractor, but that costs. So there's so many hidden fees with other venues that we found that the Stroupes just had one fee. It is very straightforward, black and white, tells you everything that you have available. So I really appreciate that with them. I want to say with the neighbors, I understand that everyone has the right to their opinion, and their concerns. I completely understand, but I feel like if they made all the requirements needed, I don't understand why they can't have the opportunity to have this beautiful venue that they do have. Lastly, being a bride, I can easily be very upset, I can be very angry but because of the type of people they are, I am here today. I do have a child, I could have other things I could attend to, but I came here to attest to that. Thank you."

Chairman Ranzau said, "Thank you very much for coming. Seeing no questions, we'll have the next speaker, Brad Hiner. State your name and address, please."

Mr. Brad Hiner, 6635 South 254th Street West, Viola, greeted the Commissioners and said, "My property is to the south of theirs. My biggest concern is where they want to do the outdoor venues. And I thank Mr. Peterjohn for coming out. I showed him on the map where it was. I think we have some pictures also from the property line. I believe they were sent in by Aaron. Maybe they didn't get sent in. I guess we can go back to the map. That will be fine."

Mr. Parnacott said, "Commissioners, Bob Parnacott. We received those photos very late. I don't know if I got them late yesterday or early this morning, but we didn't have them available in time. We do have them available, we have some hard copies. I believe that I handed them to Mr. Pauly. If you would like to see them on the bench. We could get them loaded real quickly. But we did receive these too late to get them part of the official record."

Chairman Ranzau said, "We did not receive the set he's talking about. Do any of these photos help?"

Mr. Hiner said, "Let's see, guess not. I guess we can show on the map. I showed Mr. Peterjohn, he came out here. This is where their proposed outdoor area is, right here. This is my house. They are saying this is 800 feet. I propose it's probably 200 feet to the outdoor venue. And probably 30 to 40 feet off my property line. This is where, I guess the outdoor venue, that's where the arbor and everything is. And if we are going to have 100 or 200 people down there within 200 feet of my backyard, or my back door, let alone 30 or 40 feet off my property line, all this property line along here, and if you put 200 people downtown here or 100 in this, down here or 100, there is an open meadow and trees, but there's openings through there you can see through, the noise is going to be unbelievable. Plus, I don't know if we are going to have a silent wedding, but I bet there will be music at this wedding that will be present, and the barn is way far away, the event center. All these people are going to be wandering around in here. The noise level, yes, is a concern. As close as this is to my property is a major concern."

"And as far as in contact with the Stroupe's, only one time did I ever speak to them. I was mowing along my property. I stopped and walked to their house and introduced myself to be neighborly. You guys moved in, you need anything. That's the way we do it in the rural community. Erin, myself, Frank, all the other neighbors around here, the six people that live on 254th Street, yeah, we may not speak every day, but if we need something, we all work together. And I spoke with them one time, they told me their plan. I was like, okay, I don't know you. I took it with a grain of salt. We are going to do this, we may have some weddings. I never was in contact with them after that. I never heard anything about 30 events a year. Where the barn is compared to the outdoor, that's what they are advertising, outdoor venues, that's where all their ceremonies will be. I believe it is awful close to me.

"The reason we live out there is because we don't want traffic, we don't want a lot more people, and we would like the peace and quiet. I think our serenity and our life will impact the whole community. I don't know how it will benefit just our community around there. The extra traffic, dust, extra hundred cars and I know they haven't been in contact with the other neighbors. They have never spoke to Frank Dillon. And I am sure he could verify that. I spoke with him once. My wife, I invited them over, my wife has no idea who they are and what they look like, other than their names. Other than that, I don't have, like I said, I appreciate Mr. Peterjohn coming out, I did show him from the ground view there where they proposed it and what's going on there. Thank you for your time."

Chairman Ranzau said, "Commissioner Peterjohn has questions."

Commissioner Peterjohn said, "Thank you. Since you mentioned it, clarify for the record, I was down at the Viola Sausage Feed, which is a wonderful annual event. I figured I would drive around in the evening before it got dark and kind of check out, because I knew this zoning case was coming up and I drove up 254th Street. That is a dead-end street. It dead ends on your property. Part of the reason I stopped is because you and some of your family members were outside, and it is not a heavily traveled street, I could tell. And my car was kind of out of place. I figured as opposed to creating concerns why I was there, I thought it was neighborly on my part to stick my hand in. Let me ask you the questions, some of the questions that I have asked some of the earlier people who testified, and this may not be the best one to show it. Since your property or properties, I believe, are part of the protest petition, we had a map that showed a number of parcels that were protesting this that are within the area. Can you tell me how many of these, I know you have got the parcel south of the applicant's property. It is kind of, I think you have got the parcel immediately to the south. You also have the parcel on the east side of 254th Street, too."

Mr. Hiner said, "Yes, here and this odd-shaped piece that I purchased from the previous owner of the applicant's property. I have that parcel, this one, this one here, this one also back here, and over here. And I don't believe, I think, maybe three or four, I can't remember if they rolled two of them together. I would have to look at my tax records."

Commissioner Peterjohn said, "You talked about the distance from your house to the

property line, but I am also interested in the distance from your house to the barn itself. I mean, I tell you, it is hard to see, even through the trees without leaves, the day I was out there, was early February. Can you give me a ballpark idea? I am guessing that your house, I shouldn't guess, I would like your rough estimate, how far you think your home is from the applicant's barn."

Mr. Hiner said, "They are saying 816 feet. I have no idea. There is no way. I guess they did this off their GPS."

Commissioner Peterjohn said, "But all the property that you have got is fenced off from the applicant's property, is that correct?"

Mr. Hiner said, "We have a temporary fence around there. No permanent fence. There is an old existing barb wire fence on some of the property that runs along here and down through here, but as far as along here and..."

Commissioner Peterjohn said, "I wasn't sure, we didn't go west of the creek, down to the creek bottom. I was curious if that was all fenced off or if some of it was open."

Mr. Hiner said, "No, not all that is fenced off. It was just fenced temporarily during the summer on the east side of the creek along here."

Commissioner Peterjohn said, "I think you have got cattle sometimes in the field. Do you have it fenced off on your property?"

Mr. Hiner said, "We graze, that's what we do in the summertime. We use that for pasture for horses and sometimes cattle."

Commissioner Peterjohn said, "Okay. So immediately to the south is primarily livestock pasture."

Mr. Hiner said, "Yeah. The reason we have a temporary fence, if the creek when it does flood, it will take anything out, and you can't keep a permanent fence in there. It is a waste of time."

Commissioner Peterjohn said, "Thank you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Just a couple of questions. Mr. Hiner, is that right?"

Mr. Hiner said, "Yeah."

Commissioner Howell said, "What kind of things do you do on your property. Do you hunt, shoot guns, or have four wheelers?"

Mr. Hiner said, "I have a ranger, a UTV. I don't hunt on my property."

Commissioner Howell said, "What is that? A side by side?"

Mr. Hiner said, "Side by side. Yes."

Commissioner Howell said, "You run that on the property?"

Mr. Hiner said, "Yes."

Commissioner Howell said, "You have people out to do that?"

Mr. Hiner said, "No we use it for work around the property. It has a bed on it."

Commissioner Peterjohn said, "Also for touring County Commissioners."

Mr. Hiner said, "Mr. Peterjohn got a tour, yeah."

Commissioner Howell said, "And you know, one of the things that I think is extraordinary about this petition is there's 98 people that signed on the petition, if I understand correctly. That seems to be a large number. I also understand there is 100 percent within the zone that circle around the barn, 100 percent inside that zone. That seems to me extraordinary. Are you the one that got a lot of people to sign onto this?"

Mr. Hiner said, "I got a big portion of them."

Commissioner Howell said, "Okay."

Mr. Hiner said, "If I can say."

Commissioner Howell said, "Please."

Mr. Hiner said, "All of us have known each other. My parents owned this original property, so I grew up here. I lived here over 30-some years, I don't know how long. All of us know each other. We are a community that's spread out, it's rural. We know everyone and we all stick together. Frank and I sometimes may not speak for six months, but if we do meet at the fence, we may be there for an hour catching up on old times and current events. We know everybody around there, of course, the other petitioners, they are family. We grew up in this area. This has been our livelihood for a long time."

Commissioner Howell said, "So going back to the land use, you don't ever have people out and have parties, or shoot guns?"

Mr. Hiner said, "I have family over all the time."

Commissioner Howell said, "Sure. Okay. And I have noticed that some of the property that are shown on the map of people who signed the petition, their land is over, it is about three miles away from the barn. Is that correct?"

Mr. Hiner said, "Yeah."

Commissioner Howell said, "So some of these are pretty far away. Your main concern, you mentioned today, noise and people nearby close to your home."

Mr. Hiner said, "Yeah, out on my back patio where the outdoor venue was proposed. I take is that is where the arbor is, and all the benches and stuff, their ceremony site for outside. it is fairly close to my back door. Like I said, it's right here. Right in here in this area I bet that is within 200 feet of my back door."

Commissioner Howell said, "The Stroupe's mentioned there were, swap cookies and things like that with one of their neighbors. That wasn't you, I guess."

Mr. Hiner said, "I met them one time."

Commissioner Howell said, "That was Mr. Dillon. So you guys were friendly with Mr. Dillon, at least had a good relationship early on. Then never talked with you early in the process."

Mr. Hiner said, "I walked over there and introduced myself to them. I don't believe that I had ever met them. Like I said, my wife has never met them. And I don't know that Frank ever spoke with them. That's what he told me."

Commissioner Howell said, "That's my questions, thank you."

Mr. Hiner said, "Thank you very much No further questions."

Chairman Ranzau said, "Next we have Rena Lindley and Brad Lindley to speak. Can you both come up and speak? Do you want to speak as well? Or just add your name on the list?"

Ms. Rena Lindley, 904 North Oakridge Court, Goddard, greeted the Commissioner and said, "I was a resident of Garden Plain for seven years. Just recently within the last few months we moved to Goddard, due to the fact that they are talking about closing the schools for lack of attendance. It was lack of attendance because there's lack of kids. There's lack of families that are in the Garden Plain area. Due to the economy, there's nothing out there in Garden Plain. My aspect of it is for the venue, is because when my kids go to the school, they went to Camp Hyde. They enjoyed Camp Hyde. That's how we learned about Garden Plain was Camp Hyde and how much fun. And I thought, you know, we need to check into this town. We checked into the town, we drove around, we fell in love and we moved. The high school, for proms and stuff, they take them out of the district to other venues. They take them out of the economy of

Garden Plain, where they could be at Rustic Timbers having their prom, their homecoming, and other sorts of school activities. We bus kids out to the nature trail on Woodlawn Street for kids to have a nature trail. They could go to Rustic Timbers. They could keep it within the community. Like they are saying that there is a tight-knit community, which there is, and if one person says this is the way it's going to be, and then 98 percent of the people in that area is going to say, okay. I don't want that person upset with me, so I have to agree with what they say.

"I know that because I lived there for seven years. I love the town, but I didn't like the politics of how they go around undermining new businesses. There are many businesses that tried to come into Garden Plain, and if the community doesn't like it, then they are going to ban it. So they move out. That's why there's one gas station and two beer joints, and the gas station that is the beer joint in the back of it. That's all there is in Garden Plain. When my kids had to be bussed to the Airport Hilton for their prom, they could have gone to Rustic Timbers and had a very nice, quiet time. There's shotgun noise everywhere. There's shotgun noise, there are cows mooing when they are mating. There's mooing, there's gunshots. There's ATVs. There's noise everywhere. But the main thing that I noticed was the gunshots. And I lived in town and the only open area would be out towards that area, the farm area. Bob and Kim I have known for 20-plus years. I respect them very much, and they would never put anything out there that was not going to be safe. The seven years that I lived there, flooding was not an issue. I have friends that live in the country, and they never flooded. The flooding is not an issue. The issue is they just don't want to see the economy grow. And Garden Plain is going to struggle because the schools are going to end up closing. Thank you."

Chairman Ranzau said, "Brad Lindley, you can go ahead and speak."

Mr. Brad Lindley, 904 North. Oakridge Court, Goddard, greeted the Commissioner and said, "Like my wife said, we lived there for six or seven years. We moved out there originally for the town because we loved it. The town was great. There is very minimal amount of businesses and stuff like that in the town, and as well as Viola. I don't know if you saw Viola or not, but there is a gas station in the town and maybe something else.

"We worked in the catering business for approximately two years, and some of the events that maybe headed out there for Rustic Timbers, some of the ones I went to, some of the happiest brides and children and everything else was on these outdoor venues, which went as far as Winfield, Kansas and as far out north into El Dorado when I was helping cater. These outdoor venues are popular, but there's so few that, you know, the businesses, the smaller ones like for instance that they are proposing is better for some of the smaller or the people can't afford quite the larger expensive venues, but I think it is a great idea. I have yet to go out there, but just by listening to what they have told me they have done, knowing the Stroupe's 20-30 years, the people that they are, I know that if they say this is what they are going to do, they are going to

do it. They are the type of people that if there are issues that get brought up, if there's, you know, issues with the noise, if there's issues with people on the property, they will bend over backwards to fix that rather than just say, you know, that's your problem. But there are people that, they are people that would stay nice with the community and actually fix the issue as opposed to ignore it. So as far as them as people, great people, and the place I have seen them move to, the only thing they have done is improve the area, as opposed to running it down and bringing it down. As far as the houses they have owned, they have owned rural property before, and have done improvements on the properties to beautify it, as opposed to just letting it run and rot away.

"Some of the local communities like Viola and Garden Plain would bring some of the people in from out of the state, out of the country and stuff like that. I think it would be good for visibility is a big thing for some of these smaller communities, because many times when I tell people I live in Garden Plain, they say where is Garden Plain? I have to explain look for a water tower off Kellogg. I think it would bring a lot of visibility to the area as well. Thank you"

Chairman Ranzau said, "Thank you. Any questions? Next is Aaron Pauly."

Mr. Aaron Pauly, 25717 West, 63rd Street, Viola 67149, greeted the Commissioners and said, "Before I get started with my prepared statement, just to address a couple issues. My wife and I own the property directly west of the proposed PUD. We are right here. Before I begin my prepared statement, Commissioner Peterjohn had asked about why if the property was flooded to the west they cannot exit to the east. If you will notice on the new flood map that FEMA has come out with, the property was taken out, they moved the flood plain further to the east, just to the east of Frank Dillon's property, so the road to the east, FEMA potentially saying could be underwater. There's been talk of agritourism. USDA defines a farming operation as any person or property that produces \$1,000 in food, fuel or fiber, and if you have seen some of the documentation, I myself put up the hay off the Stroupe's property and it was \$350. By USDA definition of a farming operation, they would not qualify. With that, I will begin my statement.

"Again, I am Aaron Pauly. My wife and I have lived on the property directly west for the past four years. However, I have lived within three miles of this property my entire life. When my wife and I decided to purchase our property almost four years ago, the seclusion of the house, abundant wildlife in the creek area and low traffic volume on 63rd Street were several factors in our decision to purchase our property. While 30 events over the course of a year does not sound like many, it equates to an event every single weekend from roughly April to October. Gone be would the weekends when our family and other residents in the area could enjoy their property when they are not working. It has been pointed out on the map that it is approximately 350 feet from our house to where the building sits right now. That's probably correct, but it should be noted that from our property line to the building it is maybe 50 to 75 feet. They asked how the restrictions would affect nearby property. If reserved, the quality of life we have come to know in the county would, cease to exist.

"Additional noise not just from people, but the flow of traffic in and out of the property is going to create noise and dust. And where the parking lot is situated near the building, when cars are entering and exiting at night, lights would be shining potentially right in the back side of our house. The back sides of our houses are all windows viewing the creek. It should also be noted that if this zoning case is being held in the City of Wichita, the zoning would be discussed whether to allow a night club, because by definition, live music, including a DJ and alcohol are present on a property, according to zoning code that would constitute a night club. Me and the rest of our neighbors do not live in the county to have a night club this close to our property.

"Rule seven asks about the impact on community facilities. Rustic Timbers had a water meter placed to provide water to the facility. I completely can understand why that would be, because the water in our area is basically undrinkable. I was approached by several neighbors living in the area a half mile to the west along Violet Road, with concerns about this, because they, too, are on the water line, and they are already having fluctuations in their water pressure, and a commercial user has yet to come online. And my question would be, did the rural water district when they approved this know that it was going to be for a commercial property, with 150 to 200 people out there, or if that's the case, why did they put a residential water meter in? I just question whether a residential water meter is going to be able to keep enough water flowing to adequately flush the septic system and all that stuff.

"Going with golden rule number seven, we have had to call for police assistance, once for a burglary, and also one night coming home from work, I spotted a suspicious vehicle at the property where the Stroupe's lived prior to the purchase. The call time for the police was around 30 minutes. That's a fact, living in the county, we assume we'll have longer response times. With that being said, on the PUD it states that there won't be a security guard present unless there is over 150 people, or hard liquor is served. I am not for sure why 150 is the triggering point for the situation to escalate, and why beer and wine couldn't potentially cause problems as well. The Stroupe's state in their documentation they provided they will be booking people by their character value. And myself, this is not about the Stroupe's character. I am sure they are outstanding people. You know, at the end of the day, we still have to be neighbors with them. But, you know, when they say they are only going to be selecting people that fit their qualities, when they are interviewing people, they are only interview the bride and groom, maybe some groomsmen, not the other 140 other people that are out there.

"Golden rule 8 asks about support or opposition from the neighborhood. As you can see on the protest petition map, there was not a single neighbor in the immediate area that was in favor of this. I know my time is approaching. I would like to thank the Commissioners. Thank you. We alerted many of the neighbors because the only people that were notified of this potential zoning change were us that lived within 1,000 feet. Well, we felt as neighbors, to be good neighbors to the rest of us in the area that would be affect, we would go around and alert them, which we did. At that time, many of the neighbors asked why the Stroupe's had not purchase the Red Barn at Lake Afton. It's been for sale because of a lack of business, I would assume. Golden rule

four talks about the length of time the property has been zoned in the current state. As Mr. Dillon addressed, you know, this has been a rural residential homestead for approximately 40 years. All the adjacent properties, again, flooding potential is huge. Mother nature doesn't read maps. You know, one of the documents they suggested to help shield our property from the event center and people, because there is no fence, would be to erect a wooden barrier or plant trees. All that is going to do, when the creek does come up, potentially push that farther onto our property and neighbor's property. And the trees, there is a significant amount of driftwood in the creek bed, so the trees would catch that drift wood, basically creating a dam, and the water has got to go somewhere. My thought is, it would go to the west. By the time the water from the creek is at the Stroupe property, it is draining 105 square mile basin. That's from basically northwest of Garden Plain at 29th Street North, and 327th, back to the east to Goddard, and south.

"In closing, who is going to enforce the self-imposed regulations? When talking to, you know, it says that, you know, the Stroupe's said, they told us about this on August 10th, when we brought cookies over in appreciation for them getting a gift for our son. True statement. The reason why we didn't respond, totally shell-shocked, because our lives were about to be turned upside-down if this went in. Next day I called Code Enforcement, and at that time they said, you know, the county had a specific manner in which they deal with this, such as the PUD and the meeting with the planning commission was, we thought was in our best interest, if they are going to be our neighbors, at the end of the day, instead of getting in a dispute about things that neither one of us might not know, let the county handle the situation, and we can share our comments and feedback at that time.

"I am sorry to say they spent that much money in the facility. We have had to invest money in hiring a surveyor, and legal fees, just to protect our own property from this. We are out, I would say, at least \$5,000 so far, and we are not going to see \$1 benefit if this were to go through. Also, I'm off track. Again, back to the enforcement. Code Enforcement is only open Monday through Friday 8:00 to 5:00. They said, well, you could call the Sheriff's patrol. Well, I don't feel that the Sheriff's patrol's duties is to monitor to make sure the self-imposed guidelines, number of people, whether there's alcohol being distributed properly you know, all of this 20 bullet points you are looking at. I would feel terrible if I called the Sheriff's patrol to come out because there was someone out there at 11:15 and there would be an accident down the road and the Sheriff patrol is over here dealing with this, as opposed to tending someone that really needs it. So there's no one we can call. And that's why there's no complaints, because there's no one to call, because Code Enforcement is not open when the majority of these events go on. In closing, the neighborhood is against rezoning. The planning commission voted 8-1 to deny the rezoning. So I stand before you and I ask you to support the decision of the planning commission and deny this application. Thank you."

Chairman Ranzau said, "We have questions from Commissioners. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. Let me begin just so I can clarify a couple things. You mentioned the Sheriff's patrol and the police being out there. What police?"

Mr. Pauly said, "Sedgwick County."

Commissioner Peterjohn said, "You mean the Sheriff's office."

Mr. Pauly said, "Yes."

Commissioner Peterjohn said, "I wanted to clarify, because I am not that close to Viola."

Mr. Pauly said, "No. Sedgwick County is the only one. Sheriff's patrol is the only law enforcement in the area."

Commissioner Peterjohn said, "You own the parcel, how many parcels in the protest area do you own?"

Mr. Pauly said, "One."

Commissioner Peterjohn said, "Just the one immediately to the west."

Mr. Pauly said, "Yes. The one document is showing 9.1 acres. On our deed it is showing 10.2. That was part of the reason why we had to hire a survey from, because the lines shown on this are not the lines shown on our deed. I have pictures of where the company flagged the property line, it is not on the fence. It is further to the east. That is pushing our property closer to the east. On the north end, that's our property. There is no natural barrier. That's our property."

Commissioner Peterjohn said, "Is it on the east side or west side of the creek?"

Mr. Pauly said, "This is all the east boundary of ours. We have the entire trees up on this portion of it."

Commissioner Peterjohn said, "So you have got both the west side and the east side?"

Mr. Pauly said, "On that portion of the creek, that's correct."

Commissioner Peterjohn said, "Okay. Let me understand, there's a farm field immediately to the west of your home."

Mr. Pauly said, "Yes."

Commissioner Peterjohn said, "Do you own that field?"

Mr. Pauly said, "I do not."

Commissioner Peterjohn said, "Okay. So your protest was strictly that the ten acres that you, roughly 10 acres."

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

Commissioner Peterjohn said, "You said you have incurred about \$5,000 of costs."

Mr. Pauly said, "Yes."

Commissioner Peterjohn said, "Can you be more specific?"

Mr. Pauly said, "You know, \$3,000 to \$4,000 was the estimate from Bachmann to survey the property, then also work out with Security Title exactly where the property lines are, because the language on the deeds, there's some errors. So they are having to go back to 1976 when all these properties were originally split off from the 220 acre section, when the parcels were created."

Commissioner Peterjohn said, "So you are saying that there's some question as to where the property line is?"

Mr. Pauly said, "That's correct, sir."

Commissioner Peterjohn said, "Did this come up when you spoke at the Metropolitan Area Planning Commission?"

Mr. Pauly said, "Yes, it did, sir."

Commissioner Peterjohn said, "And did anyone from staff respond in terms of you said that property lines, you think there is a problem or question?"

Mr. Pauly said, "They did not. At that time they hadn't been out to survey it, but they have been out to survey it now. And there's pictures here showing where the line is supposed to be. Basically they found the pins in the ground."

Commissioner Peterjohn said, "They found the pins where had been surveyed previously."

Mr. Pauly said, "Yes, back in 1976 when our track was created."

Commissioner Peterjohn said, "A question for Mr. Schlegal if I could. I want to get a clarification in terms of reviewing this. I didn't see much discussion about any questions about where the property line was. Could you give me kind of an overview in terms of, is it along, just along the road side, or is it the area where it jogs to the west, or the area where it is on the west side of the..."

Mr. Schlegal said, "We had no information other than what is shown on the GIS maps, and the aerials where the property lines would be. The only information we would have would be whatever this gentleman has been able to supply."

Commissioner Peterjohn said, "Let me ask a question. The Stroupes, when you purchased this property, did you have it staked, surveyed? Please come to the podium." Mr. Abbot said, "We did not do a boundary survey when they bought the property. We did the letter and map amendment survey. In the process of creating the letter and map amendment legal description, I discovered that their property, the actual legal description doesn't completely close. There's some ambiguity built into it. It didn't affect the letter map amendment at all, because we are not closing on the property line that's being affected. I have had two discussions, lengthy discussions with Bachmann Company. Mike Connery is the surveyor there that is doing the work on this. I have had two phone meetings with him, probably each one lasted around 30 minutes. And essentially what happened here, whoever created these legal descriptions back in the day when the parcels were created, there is either one or more errors built into it. What

Bachmann Company has done, they did a deed search going all the way back to find out where the error happened, and how it pushed any problems to other properties, including the Pauly's property and the Stroupe's property. So the closure problem is actually up here at the northwestern corner. It could be from my discussions with Mike Connery, it could be around ten feet, and as of this meeting, I have not had another conversation with Mike. He's going to be getting back in touch with me, let me know how it goes."

Commissioner Peterjohn said, "Let me have an understanding. We have a parcel here that is just a shade over 21 acres."

Mr. Abbot said, "Correct."

Commissioner Peterjohn said, "You said 10 feet. Are you talking 10 square feet?"

Mr. Abbot said, "The closure, in other words, if you are created a close figure, it doesn't match the beginning point by 10 feet. So this northwestern corner could be east or west, and even maybe a little north and south by as much as 10 feet."

Commissioner Peterjohn said, "What's the total largest square footage are we talking about? Maybe a couple hundred square feet?"

Mr. Abbot said, "Yeah, probably something along those lines. It is an angular issue because at this point of intersection right here where the property line starts to go to the west, at that point right there, as you go north, depending on the area of the angle, it will affect the total amount of square footage. It is quite honestly, a bit of a complicated boundary line issue and that's the reason why Bachmann has been working on this some time, and it is not something that's going to move the property line a drastic amount, but it is from a survey standpoint as far as a boundary survey, ten feet is a lot. When put in context of the project that the Stroupe's are proposing here, and as far as the events center and all that, it is not, it is not something that is going to affect the square footage enough to make a huge acreage difference or anything like that."

Commissioner Peterjohn said, "I appreciate the additional information and clarification that ties into that. If I can ask a question to Mr. Pauly again. Looking at the areas where your property line is adjacent to the Stroupes, would you describe the fencing that's along that boundary, or what the status is."

Mr. Pauly said, "Well, I mean, now that the disputed property line, you can see and I can bring the photos up, this photo is looking to the south. Well, there's no fencing there. There is in the trees at some point an old barbed wire fence. It's grown up in trees, that are about it. This is looking back to the north towards 63rd and again you can see no fence there. But you know, where the property line turns and heads back to the west, and then the rest of that property, no fence. Can't really be one because center of the creek runs through it. The first time the water comes up, it will be gone."

Commissioner Peterjohn said, "The creek serves as a de facto barrier line."

Mr. Pauly said, "Not necessarily. Because I mean, that's not where the property line is at."

Commissioner Peterjohn said, "Okay."

Mr. Pauly said, "I mean, like I said, you know, it might be ten foot up here, you know, on the east boundary line, that's where the ten foot is now. Down here where the angle issue is, I don't know, one time they are saying it could be 60 or 70 feet. In the grand scheme, in terms of the big acreage change one way or another, it is not. But what the ten feet is going to do, that just pushes, you know, 25 foot setback, 50 foot barrier back, that just pushes all that farther to the east, building is already there. Fire lane is already there. You are running out of room. You are not going to move the building and I don't think they want the added expense to put a different fire lane in. It will cost a lot of money."

Commissioner Peterjohn said, "let me ask a different question. You mentioned water. You are on a rural water district water line."

Mr. Pauly said, "Yes. Rural water."

Commissioner Peterjohn said, "So you are relying on the water district."

Mr. Pauly said, "We are relying strictly on the rural water district."

Commissioner Peterjohn said, "You mentioned city rules. Obviously rules we have here on the County side seem to be very confusing, since you are over at city hall where MAPC meets, but the issue is on the county end."

Mr. Pauly said, "That was just for ..."

Commissioner Peterjohn said, "I wanted to clarify."

Mr. Pauly said, "I understand that rule is not for the county, but it was just to provide context, you know, basically why myself and my neighbors are upset about it."

Commissioner Peterjohn said, "Thank you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Couple of questions. Looking at the general provisions that listed in the PUD, and you mentioned, Mr. Pauly, something about security was required at the threshold of 150. Can you point to the PUD where that is?"

Mr. Pauly said, "What is the date of the PUD that you have dated?"

Commissioner Howell said, "I don't have a date on my PUD."

Mr. Pauly said, "Because there are two separate ones."

Commissioner Howell said, "Okay. The one we are considering today is the one in front of us, I believe."

Mr. Pauly said, "What date is that? Because there was one at the planning commission that was dated 11:22 and then the information you had, that's been

changed now there was an updated version, 1-15 so I don't know what is in your file."

Commissioner Howell said, "So this is not the PUD that the planning commission rejected. This is not what they looked at; is that correct?"

Mr. Pauly said, "It is. All the concessions, the Stroupe's made at the planning commission, they changed on this other document. To kind of try to address some of the concerns the neighbors had with music and stuff like that."

Commissioner Howell said, "Let me just,"

Mr. Pauly said, "This is 1-14, so that would be, let me look here. That's not stated on, that's not even stated on here. That makes it even more disturbing. It was in some of the correspondence, attachment 11 or 21 that the Stroupe's provided."

Commissioner Howell said, "Okay. I just wanted to make it a clear clarification that there's not some trigger for security requirement necessarily."

Mr. Pauly said, "According to this document, security doesn't need to be present."

Commissioner Howell said, "They do say that security is allowed through the contracted security service, and I would assume, guess maybe I shouldn't assume, but if there is an incident or accident or some issue that relates to liquor or the people being out there, who is liable? Do they have insurance? There's no exemption. I mean, someone has liability."

Mr. Pauly said, "I would hope."

Commissioner Howell said, "Certainly that wouldn't have to be."

Mr. Pauly said, "I don't know if that would cover someone coming onto our property. Because like we pointed out, there is no fence. They are selling the holistic, nature aspect of this property. They want people out enjoying it. So if someone wanders onto my property or the Hiner property, is their insurance policy going to cover if we get sued?"

Commissioner Howell said, "State law will speak to that very clearly. So if someone trespassing on your property, your property is posted, then there are state laws that come into play. Back to state law. You made the comment about this is somewhat to a club because it has live music and alcohol. Again, I don't know if that's the standard for what constitutes a club. It is the percent of sales that are alcohol sales."

Mr. Pauly said, "That was just information that the gentleman we were working with, he gave me, you know, again, City of Wichita, obviously there's no guidelines for the county, because there's usually not these types of events."

Commissioner Howell said, "There are state laws with regards to liquor licenses and types of licenses that are required to serve alcohol."

Mr. Pauly said, "To the state, they haven't applied to the liquor license. They are trying to use the catering company. There is only three available in all of Wichita."

Commissioner Howell said, "Just to be clear, the PUD in front of me says that alcohol may be served on the site through a licensed caterer. So the caterer is going to have to provide the paperwork or whatever to serve that alcohol; is that correct?"

Mr. Pauly said, "I would hope. What stops someone from walking out to their car to get liquor."

Commissioner Howell said, "Beer, wine, liquor, it is all the same. No differentiation between beer and wine. That's one of the points you made."

Mr. Pauly said, "I was just going off the document, strictly on one of their documents. I was just reading verbatim from one of their handouts that they provided. I can only deal with what they submitted."

Commissioner Howell said, "I have written down many of your arguments, trying to work through this. Trying to understand your point. Regarding the noise, let me see if you are aware of this. All live music or music provided by a DJ is an option. It shall be inside the venue building. Music to accompany weddings outside will be outside. Or other outdoor events shall be at a low volume so as not to be a nuisance to the neighbors, except for low level music that can not be heard on neighboring properties, no outdoor music or speakers will be allowed. Going on down, it says lighting and music on the walking paths will be allowed but shall not be seen or heard from the neighboring properties. So they have mitigated those concerns."

Mr. Pauly said, "Nothing addresses the cars. The noise of traffic coming to and from, the lights from the cars."

Commissioner Howell said, "True. That is true. But people coming on every property out there, I mean, sure, everybody who has a driveway has people come out to visit them."

Mr. Pauly said, "We don't have 150 people coming every night of the week."

Commissioner Howell said, "I understand your concern. I just wanted to make sure I understood your point, see if you were aware of that. Anyway, the issue of noise is mitigated in the PUD. I wanted to ask are you aware of that?"

Mr. Pauly said, "One aspect of issue of the noise."

Commissioner Howell said, "Okay. And do you use your property for things like four wheelers?"

Mr. Pauly said, "We have a four wheeler, but we use it for agriculture interests."

Commissioner Howell said, "You harvest wheat, is that what you do there?"

Mr. Pauly said, "Not on my property. The adjacent property, which my parents own, they do. And it happens once a year. I mean, if you come to the county, there will be cows mooing, there will be noise from farm machinery, that's why."

Commissioner Howell said, "You guys may operate that machinery in the middle of the night for that matter. You do it whenever you get the combine out there, weather is conducive, you harvest whenever that window opens up."

Mr. Pauly said, "You are done harvesting by 10:30, 11:00. Straw gets tough and the machinery can't operate."

Commissioner Howell said, "Okay. All right. That's all my questions for now."

Chairman Ranzau said, "I don't see any other questions from Commissioners. Thank you. Next is Kurt Skinner."

Mr. Kurt Skinner, 211 North Grant, Clearwater, greeted the Commissioners and said, "For Bobby Stroupe, one of the few people in this room that I would work for without a written contract. The man's word is more important than a piece of paper. And if he says he is going to do it, he is going to do it. He volunteers his time; he's trained both my sons, as well as me in martial arts for several years. Short of having elite commando squads come on property, I don't think there will be anybody that would cause trouble that he can't handle. I have been proud to know him. He's served his country for a lifetime, and he wants to give back to the community. He trains people for free and now, he isn't doing that anymore because he's pursuing this dream and providing a venue for people to celebrate the best day of their life. If he was trying to make money, he would not have agreed to 30 days, which is less than 10 percent of the year for an operating business. And as far as, you know, agriculture and how late they are, I had a near front end collision on K-42 because they were plowing at 3:00 in the morning. Dust getting across the road, couldn't see. So there are always exceptions to those rules.

"As far as the flood plain issues, just from my knowledge and background, to create the types of floods we have seen in pictures, takes not one event, but multiple days of downfall to get the ground saturated to create those types of flood environments. I have been out to Bobby's land, I have seen the cleanup he's done along the creek. The adjoining properties I haven't seen any cleanup. To say they are concerned about downfall and that kind of stuff constricting water flow, at least until I was out there, why weren't they taking care of theirs? If Bobby says they are not going to go off his property, he is going to make sure that happens. I have never met a more upstanding person that follows his word. I have many thoughts, but I can't think of them at the moment. As far as, I guess, one other one would be as far as the impact of the road, he is been doing due diligence to make sure the road can handle the traffic he's talking about. The gross vehicle weight on any one of those large pieces of machinery is far more than any car that he might have come to his venue. So with that, I will go ahead and close, and see if there are any questions?"

Chairman Ranzau said, "Commissioners, any questions? Okay, none, thank you for coming. With that, I have everyone who signed up to speak, is there anyone else from the public who didn't sign up that would like to speak? Come forward, give us your name and address, please."

Ms. Caila Coop, 1700 West Maple Lot, 67052, greeted the Commissioners and said, "I,

too, am actually one of the brides. I have known Bobby and Kim for several years. When I started my venue hunt or nightmare about a year and a half ago, it was that. It was a nightmare, trying to find somewhere that was outside that was directed towards nature that wasn't farms and tractors. I love nature, but I am not a country girl. I don't wear cowboy boots, I don't do that. I walked out onto Kim and Bobby's property, and she can attend test, I cried, I can attest, it was so beautiful and so perfect. It is directed towards families. There are games out there for kids that Bobby has made with the debris on property that he cleaned up.

"My fiancé has worked with Bobby on base for years. He adores Bobby, says that he has done a lot of martial arts with Bobby, they are wonderful people. I don't need three minutes to talk about how great they are. My biggest concern is as a bride, as a member of the community, not having somewhere that is in Sedgwick County that you can easily get to, was so frustrating. It was frustrating trying to find somewhere that my family could easily access. They are 20 minutes away from my house, and when I am looking at places for my family to stay, I am not looking at downtown because that's 45 minutes away. I am looking at closer to Viola and in that area. I am looking at restaurants in the area and telling my family let's stay around this area, as far as growing that agriculture and growing that economy. And like I said, I don't need three minutes so if you have any questions, I am open."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "I am curious, I hate to put you on the spot this way, I am curious, where does a wedding reception evening out there cost typically. Do you mind sharing or did you contract with them to do your wedding?"

Ms. Coop said, "At Rustic Timbers? Yes. About \$1,800, which is exponentially cheaper than anything else I found."

Commissioner Howell said, "Okay. I just wanted to know about how much money we were talking about. Thank you very much."

Ms. Coop said, "Thank you."

Chairman Ranzau said, "Anyone else who didn't sign up that would like to speak?"

Ms. Janis Pauly, 22601 West 71st, Viola, greeted the Commissioner and said, "I didn't think this meeting was about a character assessment, so I hadn't planned on talking. I thought we were talking about rezoning on a certain property. I spoke to the metropolitan, so you probably have a copy of what I said in your information in your packet. I would like to address a few things here. The immediate area is made up of 13 residential homes, including two farmsteads, agricultural fields and the waterway, 10 of those 13 residents have been in existence for over 30 years.

"One of the biggest things that we are concerned about are the golden rules 3 and 5

factors. Trespassing, security and fire safety are always major considerations in rural living, with the increased traffic flow and people entering the area to attend social events within such close proximity to residential homes, concerns will grow with the availability of alcohol as these events concerns merit higher. The paths in the wooded areas are perfect for photo ops, but these can be fire hazards. They said the potential wood they would use make it so it would be smoke-free. You get into an outside setting that can be hard to enforce. When the applicants initially purchased this property, it was with the intent, on paper, of utilizing the property as a commercial venue, but when it is the permit that stated that it was to an accessory agricultural building is how the permit came through. We have concerns that, you know, did you jump through the right hoops at the right time. Heavy traffic on the rural roads during adverse weather conditions sometimes cannot be sustained.

"In the event of a fire, or the back areas of the property where they want to have these venues at the south end, are they fire truck accessible. Can the EMT's reach remote areas of the property and the roads back there? What about the response time? What about the second responder time? The plans said security may be provided. Dangerous security issues can arise at a moment's notice. With special events venue in close proximity to residential homes, concern is warranted. Law enforcement response time in the rural areas varies greatly. Are the homeowners and operators willing to take on the liability risks involved with security problems. You have to remember this: it is not only on the property, it is when they disperse and go. If alcohol is being served, and even without alcohol, your GPS aren't going to help you sometimes at night, are they going to go to the east, are they going to go to the west, are they going to get to the right. I mean, there's different things and homeowners will be suspicious of someone coming to their door late at night. You know, once people come to a venue sometimes, it is like, that really was nice, let's drive through and see where we were at, and, you know, this sometimes presents problems at a later date maybe. We have a nice party there, and here are some other areas that are really nice like that. Let's see if we can find more like that. We don't necessarily want that in our area.

"And also concerning the noise and the hunting, we can hear. We are on 71st Street and the hunting ranges, not the hunting, excuse me, the police range at Lake Afton, we can hear it all the time. We are four and five miles from there. So you can't, just because you hear hunting or gunshots, in fact, lately we have been hearing explosions where they have been setting off explosions to get rid of the old explosives. So just because you hear something doesn't mean it is adjacent property."
Chairman Ranzau said, "Thank you. Commissioner Peterjohn has a question."

Commissioner Peterjohn said, "Can you clarify for me, do you own any of the parcels that are in the protest area?"

Ms. Pauly said, "Yes, we do."

Commissioner Peterjohn said, "Which are the ones? The two to the west of the applicant's property?"

Ms. Pauly said, "Yes."

Commissioner Peterjohn said, "Okay. The address you gave, I didn't quite catch it."

Ms. Pauly said, "I believe it was Mr. Howell said, he saw some other, or one of you said that you saw some other places on the map of protests further out. That's some of our property. We live two and a half miles on 71st Street from Viola Road. We are two and half to the east."

Commissioner Peterjohn said, "You are two and a half miles east of Viola Road on 71st Street?"

Ms. Pauly said, "Yes. But we own that property there."

Commissioner Peterjohn said, "You own one or both parcels?"

Ms. Pauly said, "We own the parcel adjacent to the 50-some acres, and we also, in that section, we own the farmstead at the southeast area of that section."

Commissioner Peterjohn said, "Southeast section of the intersection of 63rd Street South and Viola Road."

Ms. Pauly said, "No."

Commissioner Peterjohn said, "Okay."

Ms. Pauly said, "There is another parcel on 263rd and we do not own that."

Commissioner Peterjohn said, "You just own that one parcel that's immediately adjacent to the applicants' property and to your relatives' property."

Ms. Pauly said, "Yes and then we also own property."

Commissioner Peterjohn said, "Is it also adjacent to, I believe, Mr. Hiner's property?"

Ms. Pauly said, "Yes."

Commissioner Peterjohn said, "Okay, thank you."

Chairman Ranzau said, "Commissioner Howell?"

Commissioner Howell said, "Thank you, Mr. Chairman. Just to clarify, you live two and a half miles from the barn."

Ms. Pauly said, "Yes."

Commissioner Howell said, "The parcel that you own that are closer to the barn, are there any structures on those properties."

Ms. Pauly said, "No."

Commissioner Howell said, "Nobody is living in those other parcels."

Ms. Pauly said, "No not directly adjacent. In that section, we own a house and a farm site. It is not on this map."

Commissioner Howell said, "Is there people living in that house?"

Ms. Pauly said, "They are realtors, yes."

Commissioner Howell said, "Are they part of our protest today."

Ms. Pauly said, "No, because we own the property. They don't protest, because, you know, you have to put who owns the property, is who protests."

Commissioner Howell said, "My thought would be the renters might have an opinion on this. They have not spoken as far as I know. All right. Thank you very much."

Chairman Ranzau said, "All right. Anyone else from public like to speak?"

Mr. Neil Youngers, 26921 West 71st, Viola, greeted the Commissioners and said, "I live to the intersection west of there, I am west of Camp Hyde. In that same section of the proposed site, I own just under 100 acres, 40-some acres on the east side of the creek, and 50 some acres on the west side of the creek, of which there is a residential on the west side that I own there. Currently my son is living there, renting from me. One of my concerns about this thing is my brother actually tried to run the Red Barn at one point in time. So I have a little insight there. And I struggle with bringing another venue in the area, when what is going to happen, if this thing fails, are we then going to have a piece of property that is going to be zoned differently that will have different tax rates, is it going to turn into an eye or south there. I don't know the answer to that. That's the only time can tell that answer. That's one of my concerns. But, again, just a local person and I don't need to take up your three minutes; I just had concern about what is going to happen on the road. As far as flooding, it happens. I have lived there. I couldn't get anywhere on Halloween. You couldn't drive anywhere. It happens. Whether that's a safety issue or not, you guys decide that. That's not my forte. It floods and it will happen."

Chairman Ranzau said, "Commissioner Peterjohn has some questions."

Commissioner Peterjohn said, "Just to clarify, you said you live on 71st Street. I wanted to understand, within the map that we have that shows the protest area that's adjacent to the property, do you have a parcel actually within that protest area?"

Mr. Younger said, "I do not have a parcel within the protest area. My property from that boundary, the south boundary of the proposed area would be quarter mile south of that on the..."

Commissioner Peterjohn said, "So one of the parcels in blue there."

Mr. Younger said, "I live over here and the parcels I own is one on the east side of the creek and one on the west wide of the creek. The one on the west side of the creek is where there is a house there and a farmstead."

Chairman Ranzau said, "Any other questions? We have one other person who would like to speak?"

Ms. Susan Dillon, 25229 West 63rd Street, greeted the Commissioners and said, "I

live directly east of the Stroupes. At the city meeting they said that they bought the property to make it a commercial, for their retirement funding, but the building they said was put up under a residential permit and I don't understand if you knew you were going to make it commercial, I am not up on the laws, but it comes across to me, as if we build it then eventually somebody will let us have to open the business because we spent all this money. The other thing on my property when I go down my driveway, looking to their property, the building opens up to all of my land down there. There's maybe a half a dozen shrub trees and a barbed wire fence. So when those doors are open for those events, all that noise is going to come right across. So, yes, if I am in my house with the door shut, I won't hear it. But if I want to walk down my driveway, it will be an annoying noise. I am going to see everything that's going on. I don't think it's fair. Thank you"

Chairman Ranzau said, "Anybody else from the public like to speak? Okay."

Mr. Bob Stroupe, 25501 West 63rd, Viola, greeted the Commissioners and said, "Kim's husband, lesser half. When we started this project, we talked to the planning people. And everybody knew what we were doing. There was no deception. We couldn't pull a commercial because we were not zoned a commercial, but everybody knew what our end game was, what our end goal was to be. So we worked towards that process. As far as meeting Mr. Dillon, he has a gate. Only way to meet Mr. Dillon is to trespass on his property.

"We stood cross across Mr. Hiner's property one day and looked at his wife and a young lady for ten minutes trying to get their attention. I did not want to cross their property line. They would not acknowledge that we were there. Therefore we did not interject our self to them. I am the get the stuff done guy. My wife has a vision. She says build this, I build it. I make rustic things out of natural things. I make log beds and log furniture. This is a vision of ours. This is a dream of ours. You know, I am sorry that the neighbors have so much opposition against this. We don't really understand it. It is a wedding venue. There is not a security issue. My wife or I will be on every event. We have security for every event. We have tried to take into account every one of their concerns, and it doesn't seem to matter. They do not want to talk to us. They do now want to address us, we have sent letters to the gentleman in California. We have sent letters to Mr. Dillon to see if he would call and talk to us before this got to this point. They will not respond to us. This is where we are at. I thank you for your time.

"I am an honest guy. I served my country for 32 years. Whether that has anything to do with anything, I don't know. I am an honest, honorable man, and I stand before you stating that, we have no deception, we want to do this business and we believe we can accomplish this business. My wife is a brilliant woman, she does a lot of research. So in stating that, I am sorry, that our neighbors have so much opposition against us. We intend to be good neighbors, if you pass, we will honor everything that is in the PUD, we will submit a calendar to the committee to guarantee we'll have 30 events or less a year. We are willing to do that. We are willing to negotiate all these things with them, if they would just talk to us. Thank you."

Chairman Ranzau said, "Thank you. Well, I am not sure what the rest of the Commissioners feel like, we have been going at this for a while. I would like to stand in recess for five minutes so I can think straight. Let's stand in recess for five minutes,

and come back and finish up the work on this."

The Board of County Commissioners recessed at 11:43 a.m. and returned at 11:48 a.m.

Chairman Ranzau said, "At this point we will call the meeting back to order. I think at this point what we are going to do, we are going to reserve comments to the bench now. We will let the Commissioners speak. So just to set the ground rules, this isn't a time to debate back and forth with the public and the Commissioners. The Commissioners will speak and the public time for comment is over, unless the Commissioners have specific questions of staff or the public members if they want to be addressed. So with that being said, if you have any questions or comments, John I will address those."

Mr. Schlegel said, "Nope, the ball is in your court"

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. First of all, let me say that I appreciate the participation and comments by everyone who made comments this morning. They were very respectful and very articulate, and I appreciate the civility of our meeting today. Mr. Schlegel, the process this went through, it had originally received approval from the Metropolitan Area Planning Department staff, is that correct?"

Mr. Schlegel said, "Yeah. The staff recommendation was for approval."

Commissioner Unruh said, "And then the, when the Planning Commission met, it was at their initiative, they denied the request."

Mr. Schlegel said, "Yes, that was their recommendation."

Commissioner Unruh said, "At this time, Mr. Chairman, I just needed that clarification."

Chairman Ranzau said, "Okay. Any other comments or questions from Commissioners? Commissioner Howell?"

Commissioner Howell said, "Mr. Chairman, is it your intention we are going to make a decision quickly, or are we going to have some time, I guess, is this my chance to make all the comments I want to make regarding what I heard up to this point?"

Chairman Ranzau said, "Yes."

Commissioner Howell said, "With that I would like to talk a little bit, if that's okay."

Chairman Ranzau said, "All right."

Commissioner Howell said, "This is of course new to me. This is my first PUD review potentially overturning the previous board's decision. This is something I am trying to come up to speed. There are a lot of things to consider. I was briefed on what we call the golden rules, and trying to analyze the data that was presented to us with respect to the golden rules. There are nine points on that list of rules. In addition to that, there was some other evidence I think very compelling to me, at least, and that was the

issue of topography. The topography evidence I think was a key basically making the claim that whatever the flooding is, if it does come up it will not block the driveway and the people will not be trapped and the flooding would be essentially not an issue of causing harm to people. That's a pretty major consideration to me. I think they have mitigated that by providing the topography evidence they presented earlier. The letter from Secretary Jennison I think is key as well. If the is state moving towards agritourism and they see this as a good fit to that, that to me is a very compelling point. Knowing that the initial staff's recommendation to the MAPD was that they would approve the PUD, to me, that is also very interesting.

"One of the points I noticed as I read through the minutes from the previous board's decision, an 8-1 decision, they didn't provide any evidence as to why they rejected it. I find that very troubling. We don't know what the thoughts were as to why they were a negative on their decision, so I am still having trouble with that. If I understand correctly, this PUD before us is not exactly what they looked at. Some of the evidence we've seen today, in other words the PUD, some of the elements of the 20 points we see are not exactly what the MAPD looked at. Some of the things have changed; is that correct?"

Mr. Schlegel said, "Not to my knowledge. What you are seeing today is what the planning commission looked at."

Commissioner Howell said, "Okay. Based on some of the questions and answers that some people that testified, I got the impression some of these things had evolved."

Mr. Schlegel said, "It is correct that the PUD has evolved over time, but you are seeing what the Planning Commission was reviewing."

Commissioner Howell said, "All right. So we don't have any more evidence that was presented to me, other than testimony, all the drawings and the PUD are identical. Only thing we have right now that's different than what they have is this letter from

Secretary Jennison. If I wanted to consider that, it would be new."

Mr. Schlegel said, "The other thing that you have that was not presented at the Planning Commission is a lot of testimony that, a lot of e-mails that have been received from people supporting the request."

Commissioner Howell said, "Okay. Well, looking at the golden rules, one of the questions is does it fit the character of the neighborhood. My opinion is that it does. It looks like an attractive barn. I drove down the street, I expected to see something like that, seems like it fits the character of the neighborhood, if you want to call it that. It is a rural environment. You have got dirt roads, you have got building that looks much like an outdoorsy looking type building. It is very fitting and very attractive, for that matter from the pictures I have seen. I have not driven out to look at it. From the

pictures it looks like it's a very attractive building that seems to fit the neighborhood as far as this rural, agricultural, primary use. To me that looks like it is a pretty good fit. I think they have put items in the PUD to mitigate a lot of the concerns that we have heard today, especially the issues of noise, security, with respect to trespassing, if there are trespassing signs up on the property lines. If someone violates the law, there are other laws that deal with that issue. That to me is not a compelling issue. I would have to agree with one of the people that testified regarding weddings, I don't think there is a huge security issue with weddings. If there is something that develops as a result of the type of event that happens, there will be liability to someone. You have to have insurance or a crime committed, there are consequences. So I guess the issue of security to me is not, was not a compelling argument. Public health and welfare, again, the issue of knowing that they have invested \$150,000 at this point with the vision of a retirement business, to me, at this point, if this was not approved, to me that would be certainly a hardship to them.

"Number five of the golden rules. Again we talked about mitigation, public safety, regards to the flooding. I don't see that those that are opposing this made very compelling evidence that anybody would be harmed as a result of a flood. Going through these lists, I think that's enough. I guess right now I am in favor of overturning the Planning Commission's vote. I don't know why they denied it. With all the evidence I have seen today, testimony by the proponents and opponents, I guess I would disagree with them. I would be inclined to overturn that or send that back. Thank you."

Chairman Ranzau said, "Any other comments from Commissioners? Commissioner Norton."

Commissioner Norton said, "I didn't ask a lot of questions. I like to try to listen first, and understand and give some thoughts. One thing we have to take into consideration is zoning and the golden rules. It is not the golden rules like J.C. Penney came up with, it is the rules according to Golden. It was a lawsuit years ago over zoning issues, it described nine different things that quasi judicial entities need to look at with rezoning. Commissioner Howell has talked about those and articulated some of them, but those will be the foundation of how we will make our decision today. This is obviously a property rights case. It is about who has property rights. Folks that lived there for generations have property rights. Folks who just bought their property there have property rights and there will be a balance on that according to the zoning and the golden rules as we make the decision. I wrote down just some thoughts about what I heard today. One thing is that a wedding venue is a legitimate business. I have been to several outdoor wedding venues, most recently in Cowley County. There is a nature area, very well appointed. It is a legitimate business. It would be a reason for a zoning reapplication, because it is a commercial entity. It is reasonable it would go into an outdoor setting, maybe a rural setting, even.

"Safety issues, I think there are safety issues when you climb onto a combine or when you ride an ATV. Anything out in an area like that, there would be a safety issue. Talking about noise, one man's noise is another man's music. You know, I am not so concerned about all of now, if it becomes pervasive on the neighbors that have been there for a while, then, yes, I would worry about that. Farm implements, cows mooing, the rural area, which could be noise to some people. Music coming out of a wedding, I guess, could be framed as noise to some people, too if they are used to quiet. So one man's noise is another man's music and neighbors would have to work that out over

the course of years.

"Talking about the road, that's a township road. As I have struggled with township roads in my 14 years, I have got more complaints on township roads than I have gotten on anything else as a County Commissioner. I mean, budget, expenditures, almost anything else that I have dealt with, I have had more complaints on what township roads look like, how they maneuver, how they are kept on and on and on. So that will be something that will be ongoing and will be dealt with over the course of many areas in our community gaining more traffic. In fact, I dealt with that, in my Commission colleague's note, once the casino went into Sumner County, many of my township roads started picking up a lot more traffic to get so Sumner County in the south side. It is just the way things are, and you have to deal with that sometimes.

"As far as drainage is concerned, it seems to me that the property owner will certainly try to mitigate any drainage problems created. You will not do much business and you are going to cancel a lot of weddings if you don't take care of the drainage and the road. I am sure they will be trying to understand how often that road 63rd Street has been closed down. I would venture to say if there's water on the road, the event will probably be cancelled. They will be very interested in what happens there, how it's maintained, and whether it keeps the ability to get to their property. When we talk about fencing, there is an old expression, fences make for good neighbors. I would bet you if people start wandering into other properties, fences will go up. It is one of those things that keep people from impinging on somebody else's property. I would almost guess if we do approve this today and it goes forward, eventually if there's problems, fences will go up. Because fences make for good neighbors. It's been that way for generations.

"And finally, if you talk about ag if it is an ag area, ag is commerce. Commerce disguises itself in a lot of different manners. To say that a wedding venue that is a commerce is any different than ag commerce is wrong. I mean, any kind of a business that creates value creates jobs, creates wealth is commerce, whether it's ag or whether it is in the inner city of downtown. So I am not so concerned about that. It is commerce. I continue to see every day in the newspaper about jobs and wealth creation, and building our community, and that it is about that, and the economy, and the entrepreneurial spirit that Sedgwick County and the Wichita area has always embraced, and then when somebody tries to be entrepreneurial in an area that maybe is not as conducive to that, as others would think, then now it's not important to be entrepreneurial and try to create business and value. So those are some of the thoughts I had.

"The final thing, I would be remiss without telling the applicants that you might want to make sure that you have a disclaimer for those who are coming out there, that during harvest, you may have a wedding, but somebody will be harvesting a crop close and it may distract from your wedding. And you better be ready for that. A cow may moo. A piece of equipment may drive down the road and kick up dust. That's what happens. One of the things I have always laughed about is people that move to a rural area, I grew up in a rural area of Arkansas, and then complain about the water not being as good as it should be. They complain about having to be on the septic system,

complain about cows mooing and manure smell complain about farm equipment going down the road. So anybody that come from an urban area and doesn't realize they are going to have their wedding in a serene setting, but that other neighbors have the ability to crank up their ATV, drive their equipment for harvest, have horses and cows mooing and running through a pasture, better be ready for that, too. The door swings both ways. I don't think you are going to get on the phone and call and say we are having a wedding today, will you shut up your horses? Would you turn off the equipment. That's not going to be the case. Hopefully that will be the common ground for good neighbors, whichever way this goes. I will turn it back over to the Chairman, but those are just some of my thoughts as we go through the process."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. We have had a lot of testimony today about character qualities, and different aspects of quality of life, and use of the property and so forth. Some of that is very relevant to our decision here and some of it is good information, but not relevant to the decision we have to make about land use. The applicants has indicated that he is going to have 30 events a year out there, no more than that, I believe is what has been recorded. These events are probably five hours at a time, maybe six hours if they are going to shut down at 10:30 at night. That's 150, 180 hours of usage during the year's time, and I have a hard time, difficult time understanding how that is going to drastically impact or diminish the quality of life or property values for the neighbors or the surrounding area. So that's a big hurdle to me, as I try to understand how this is going to impact the neighbors' property, but respect to the rules golden, I would find that this issue is not incompatible with the surrounding neighborhood, but in fact it is compatible, and it is a suitable use for this piece of property and I think that it would not be detrimental impacts on the surrounding properties. I am going to be supportive granting this request for this planned use development, and I don't think I have any more comments until I hear a motion. Go ahead, Mr. Chairman."

Commissioner Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. This parcel and the area immediately around it are all in my third district so I want to thank everyone who came out to testify, regardless of where you are on it. I have more information, and more information is better than less. And go through some of my thoughts on it, because I look at things as an economist. Without getting into externalities and internalizing them, I was looking at basically the rules that we have to operate under that my colleagues have mentioned. I am trying to decide whether it's suitable and compatible with the surrounding neighborhood as an event. Looking at the restrictions in the PUD, 30 out of 365 days, we are looking at a location on 21 acres, roughly, I want to compare it with the other properties that were around it and trying to decide, is this really going to have a negative impact on those surrounding properties, and looking at some of the issues in terms of some of the roads, the flood plain issues, the longer I live in Sedgwick County, my experience, especially after the 1998 Halloween flood, I think that there is just about any place in Sedgwick County can have flood and water issues. But the fact that you have got the evidence, I don't think that that was a factor that would be a problem here."

"I tried to contact my appointee to the Planning Commission to see what he thought. He is a small business guy trying to make a payroll. He does his service on the MAPC as a civic virtue, doesn't get paid a nickel. I said where did you come down on this? He said I had to miss the meeting, I was out of town. So I was trying to get more information. That's why I very much appreciate staff bringing this here, and I notice that the staff had recommended it. I thought to myself, okay, if 350 feet, 330 feet, 380 feet, whatever the distances are to the nearest property from the barn, and the fact that we are talking 30 out of 365 days, we have got restrictions in terms of how late they can operate at night, the fact that we have got a facility that there would, in my view, if we deny this, there would definitely be a loss of value to the applicant that I think would be significantly greater than any other cost I can see. I do not see where this will have an impact on community facilities. I think if we were going to find the location, people mentioned the Red Barn out there. I was down in Viola at their community facility, and trying to visualize, but trying to create an environment where people can live their dreams and hopefully in the process, they expand the tax base helps us keep the property tax mill levy down.

"So I am sitting here, Mr. Chairman, willing to make a recommendation based on the points that I made and some of the others here, that we approve the requested PUD zoning, and as provided with the provisions that the PUD provisions that were contained in the background information, Mr. Chairman."

MOTION

Commissioner Peterjohn said, "I make the motion to approve the requested PUD zoning."

Commissioner Howell said, "Second."

Mr. Schlegel said, "May I seek clarification on that motion? Is your motion to approve as stated in the portion of the agenda backup, via recommendation number two."

Commissioner Peterjohn said, "I don't have a number. They are bullet pointed."

Mr. Schlegel said, "The last page of three possible recommendations."

Commissioner Peterjohn said, "You have got to help me. Do you have a page number?"

Mr. Schlegel said, "My pages aren't numbered like yours. It would be the last page of the staff report."

Commissioner Peterjohn said, "Okay."

Mr. Schlegel said, "Do you see where there are three possible recommendations."

Commissioner Peterjohn said, "Well, I have been handed a different sheet that had bullet points and not numbers. I was working from that as opposed to the items on page 21. So please bear with me a second."

Commissioner Peterjohn said, "I move to approve the requested zone change to PUD #44, subject to a revised PUD drawing and platting within a year and direct staff to prepare an appropriate resolution after the plat has been approved and authorized."

Commissioner Howell said, "Second."

Mr. Schlegel said, "Before you vote on that, there is an issue that I need to bring up that was brought up at the Planning Commission meeting. The applicant at the Planning Commission meeting was concerned about if you look at the PUD provision number 10 regarding signage. If that's the motion, then what they are also requesting, then, is that provision number 10 be changed so that it no longer reads it would be a monument sign, advertising the location of the event center, but they are looking for the archway gate sign over the driveway. We can come up with a wording for that as when we revise the PUD."

Chairman Ranzau said, "Does he need to add that to his motion?"

Commissioner Peterjohn said, "Should I make that addition or modification? I will try to identify my motion to have appropriate signage that has been approved as part of the PUD. Am I safe in saying that?"

Mr. Schlegel said, "More specifically, you would be modifying your motion to modify provision number 10 of the PUD to allow for an archway sign. Yes and in lieu of the monument sign."

Chairman Ranzau said, "So your motion to clarify is to improve the PUD, the zone change, the PUD #44, subject to the drawing and platting within a year, staff prepare the appropriate resolution as the plat has been approved, authorize the Chairman to sign with the exception that you would be able to modify number 10 to allow for an archway sign. That's the motion. Is that correct?"

Commissioner Peterjohn said, "Sounds good to me."

MOTION

Commissioner Peterjohn moved to improve the PUD , the zone change, the PUD #44, subject to the drawing and platting within a year, staff prepare the appropriate resolution as the plat has been approved, authorize the Chairman to sign with the exception that you would be able to modify number 10 to allow for an archway sign.

Commissioner Howell seconded the motion.

Commissioner Howell said, "I would like to add to that, that this is not in lieu of, it would be either/or. They may put in the monument or they may put in the archway, it doesn't matter to me."

Mr. Schlegel said, "That would be acceptable to the applicant."

Commissioner Howell said, "I don't think we need to specify which type of sign. We can give them the chance to go either way. If that's acceptable, I would still second that."

Chairman Ranzau said, "You will bring something back to us again, right?"

Mr. Schlegel said, "There will be a resolution that will come back to you that will incorporate all of that."

Chairman Ranzau said, "If it is not how we intended, we can change it again then. Is that correct? Madam Clerk, are you clear on the motion?"

Ms. Kim-Anh Do, Deputy County Clerk II, greeted the Commissioners and said, "I believe so."

Chairman Ranzau said, "Are we okay, Rich?"

Mr. Euson said, "Yes."

Chairman Ranzau said, "I am the only one that has not spoken on this yet. I will say I agree with the comments made with respect to this item. There are really three issues. There are issues on both sides of this that are valid. Opponents have brought up flooding, fire, noise. And when it comes to flooding, there's been testimony that it has flooded 8 to 10 times in the last 38 years. I think that's a risk that the applicant needs to take into consideration when they do their business.

"When it comes to fire and noise, I have to compare it to what potential fire and noise is there now. Right now it's rural residential. They could put this in a farm and have farming, cows, they can have shooting, fireworks, you can have ATVs, so while this PUD use of land may be different from a noise perspective, is it significantly different than what potentially is out already? And I am not sure it is.

"I grew up in a rural area in Valley Center. As far as fire, well, someone could drop a cigarette, but you can burn trash out there, you can have fireworks, you can have brush piles, you can have all sort of things that cause potential fire hazards out there and they exist and they are real, but is this so different that what is going out that there that we would turn this down when they have made a significant investment and curtail their property rights. I am not sure it would stand up in court, to be honest. Because even though they are different, they aren't significantly different in my mind to cause me to oppose this particular motion. So for those reasons, and the reasons that have been stated I will be supportive as well. Seeing no other comments, Madam Clerk, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Motion passes. Thank you to everyone that came out and voiced their opinion. We will give a few moments for people to clear, and then we will go on to the next item in a moment. Thank you. Madam Clerk, next item, please."

NEW BUSINESS

- E** [15-0149](#) RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 165-2014 RELATING TO ROAD IMPROVEMENTS SERVING CESSNA ADDITION. DISTRICT 2.
Presented by: Joe L. Norton, Gilmore and Bell, P.C., Bond Counsel.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Joe Norton, Gilmore and Bell, Bound Counsel, greeted the Commissioners and said, "This item proposes to modify a resolution adopted in December of 2014 by the Commission authorizing the creation of a road improvement district and improvements thereon, where Cessna Addition, that was initiated by 100 percent petition signed by the owners of the property, which is Cessna Aircraft Corporation, to improve Ridge Road south of K-42. The area in blue is proposed benefit district, that's zoned 100 percent by Cessna. They want that road improved. The Commission approved that resolution, and subsequent to that, the project was bid and the costs came in excess of the amount that was authorized in that resolution. As you can see on the screen, the original estimate was \$146,273, based on the recent bid, and other additions, which we won't detail right now. Estimated cost \$196,000.

"Mr. Weber is here, he can clarify details on cost. Subsequent to that Cessna repetitioned the project and wants the project to go forward, and willing to pay the increased cost 100 percent against the property benefited. The resolution is in a form approved by the County Counselor's office as well. We would stand for questions. The recommended action to adopt the resolution."

Chairman Ranzau said, "Thank you. Commissioners, do you have any questions? Seeing none, any motions?"

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Next item, please
Adopted

F [15-0144](#)

**SETTING OF HEARING DATE FOR POST-ANNEXATION HEARING
CITY OF MAIZE ORDINANCE NO. 813.**

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

RECOMMENDED ACTION: Approve notice of hearing.

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is just to set a hearing date on one of your post-annexation hearings regarding an annexation by the City of Maize from five years ago. I brought you up a map, I have to get it reoriented I think. It is turned sideways. The parcels in red, this is the map prepared in 2010 that showed what the city was annexing so they were just

filling in come pieces and adding some fringe parcels around the area of the city. Again, you are required to hold this hearing five years after the annexation. We are recommending you set the hearing date for April 8th. The service plan is in your backup, it is substantially compliant with the statutory requirements.

"There are a few deficiencies, but nothing that would cause you any problem whether or not the services have been provided. We did send pre-hearing questionnaires to 25 landowners. We only got one response back. They did not have a complaint, they indicated they had received services. Unless you have questions for me, I would recommend you set the hearing for April 8th."

Chairman Ranzau said, "So Bob, this is just to set the hearing date."

Mr. Parnacott said, "That's all we are doing."

Chairman Ranzau said, "They can speak for or against."

Mr. Parnacott said, "Yes."

Chairman Ranzau said, "Do we have any questions or comments?"

MOTION

Chairman Ranzau moved to approve the notice of hearing.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Ranzau said, "Next item, please."

Approved

G [15-0160](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON FEBRUARY 26, 2015.

Presented by: Joe Thomas, Director, Purchasing Department.

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

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of Board and Bids of Contracts results in four items for your consideration:

- 1. Bridge Improvements—Public Works*
FUNDING: B-459 87th Street South

"The recommendation is to accept the bid from Klaver Construction Company incorporated in the amount of \$188,813.55.

2. CM-B Gravel – Public Works
FUNDING: R175 Preventative MX-15

"The recommendation is to accept the low bid from Associated Material and Supply Company Incorporated for \$66,000 and establish contract pricing for one year with two-one year options to renew.

3. Juvenile Detention Facility Vents and Grilles—Facilities Department
FUNDING: Replace Air Vents JDF

"This recommendation to accept the low bid from professional mechanical contractors incorporated, in the amount of \$98,300.

4. Medical bill review services for Risk Management
FUNDING: RISK MANAGEMENT

"This recommendation to accept the quote in the amount of \$83,065.68.

"I'll be happy to answer any questions that you have. And I recommend approval of the four items."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Ranzau said, "Would anyone in the public like to speak on these issues? Seeing none, Commissioner Howell."

Commissioner Howell said, "I just have a couple questions, thank you, Mr. Chairman. Can you tell me what dents and grills mean? Can you explain that?"

Mr. Thomas said, "We'll have Sandy Angela from the Facilities Department give you a detailed explanation."

Ms. Sandy Angela, Project Services, Facilities Department, greeted the Commissioner and said, "What this is is currently the facility, the correctional facility has vents and grills over the top, they are levers, and they have the air flow that goes into each pod. They had an incident where a resident tried to commit suicide by putting a bed sheet through the holes, threading it through and trying to hang himself in the pod. So what we are doing is we are changing out all those vents and putting in smaller holes. They are currently at 5/16ths, and we are putting in 3/16ths. Apparently it is a national study, showing that this is preventive in suicide attempts."

Commissioner Howell said, "Okay. And just for clarification, the first bid you discussed and the last bid you discussed, we only had one bid on each one of those?"

Mr. Thomas said, "Yes, sir. The first one was one, and the last one is a hardware and

software maintenance, so it is the existing provider."

Commissioner Howell said, "All right. That's all my questions, thank you."

Chairman Ranzau said, "Any other question from Commissioners? Madam Clerk, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Next item, please."

Approved

CONSENT

- H** [15-0124](#) One (1) Temporary Construction Easement for Sedgwick County Project 803-Z; Project on 135th West between 71st to 95th Streets South. CIP# 259A. District 2.
- I** [15-0125](#) One (1) Temporary Construction Easement for Sedgwick County Project 797-O-520; Project on 183rd St West north of Central. CIP# B-470. District 3.
- J** [15-0126](#) One (1) Right of Way Easement for Sedgwick County Project 803:BB; road project on 135th Street West between 95th Street South & 103rd Street South. CIP# 299. District 3.
- K** [15-0148](#) Amendment to the 2014 Capital Improvement Program to Increase Funding for Road Reconstruction on 135th St. West between 71st St. South and 95th St. South (R-259A). District 2.
- L** [15-0101](#) Approval of an agreement with Tanker Top 3 for the Sedgwick County Adopt a Highway Program on 31st St. South from Rock Road to Greenwich Road. District 5.
- M** [15-0152](#) One (1) Revised Easement for Emergency Management for the purpose of constructing and maintaining an outdoor warning siren.
- N** [15-0134](#) Resolution stating Findings made after Post-Annexation Hearing City of Derby Ord. No. 2006.
- O** [15-0135](#) Resolution attaching Woodlawn Heights Addition, Eastborough, KS to Minneha Township.

- P [15-0121](#) A Resolution amending the Exhibit to Resolution 189-2013 providing for the applicability of the Kansas Personal and Family Protection Act to County-owned and County-leased property.
- Q [15-0159](#) Provide Notice of Intent to Terminate Lease at 2625 S. Tyler.
- R [15-0096](#) Approve permanent staffing table adjustment for the Sedgwick County Health Department Epidemiology Program.
- S [15-0110](#) Acceptance of a donation from Duck's Flying Discs.
- T [15-0093](#) Signature authority to sign applications, reports, plans and other documents for submission to the U.S. Department of Housing and Urban Development (HUD), Region 7, Kansas City, Kansas.
- U 15-0064 Section 8 Housing Annual Recertifications.
- V 15-0065 Interim Section 8 Housing Recertifications.
- W 15-0067 New Section 8 Housing Rental Assistance Leases.
- X 15-0127 Order dated 1/15/2015 (1 of 3) to correct tax roll for change of assessment.
- Y [15-0128](#) Order dated 1/15/2015 (2 of 3) to correct tax roll for change of assessment.
- Z 15-0130 Order dated 1/15/2015 (3 of 3) to correct tax roll for change of assessment.
- AA 15-0122 Order dated 2/12/2015 to correct tax roll for change of assessment.
- AB [15-0138](#) General Bill Check Register for Feb. 18, 2015 - Feb. 24, 2015.
- AC [15-0139](#) General Bill Check Register for Feb. 25, 2015 - Mar. 3, 2015.
- AD [15-0140](#) Payroll Check Register for the Feb. 21, 2015 payroll certification.

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

MOTION

Chairman Ranzau moved to adopt the Consent Agenda with the exception of Item R.

Item R will be delayed for one or two weeks.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. So Item R will come back to us at what time?"

Chairman Ranzau said, "In a week or two."

Commissioner Unruh said, "Thank you."

Chairman Ranzau said, "At this point, we do have a Fire Agenda Meeting so we will Recess."

The Board of County Commissioners recessed at 12:27 p.m. and returned at 1:01 p.m.

OTHER

Chairman Ranzau said, "Next item is 'Other.' Commissioners, do you have any questions or comments? Commissioner Peterjohn."

Commissioner Peterjohn said, "Earlier in our meeting we thanked the folks who worked on the election side and I particularly want to thank those who were working on the election commission office and other. I know there were other county employees from other departments who were involved, especially for those who worked on Saturday. The weather was not accommodating it was an excellent example of why we should move primaries, unless we want to be the next New Hampshire, I don't think we should be holding elections in the winter time. I would remise if I didn't point out that March 4th is an important day in American history. 1789 on March 4th, the United States Constitution goes into effect and the first Congress begins meeting. In New York City, on this date in 1865, President Lincoln, a few weeks away from destiny, gave his second Inaugural Speech. It is noteworthy in the sense he talked about 'Let us strive on to finish the work we are in and bind up the nation's wounds, to care for him who shall have borne the battle and his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.' March 4th is an important day in American History and I just wanted to point that out Mr. Chairman."

The Board of County Commissioners recessed into Executive Session at 1:04 p.m. and returned at 1:21 p.m.

EXECUTIVE SESSION

Chairman Ranzau said, "Okay. We are back from Executive Session. So at this time I'll call back to order the Regular Meeting of the Board of County Commissioners and no formal action was taken. Is there any other business to come before the Commission?"

Mr. Buchanan said, "No Sir."

Chairman Ranzau said, "Seeing none, we are adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 1:21 p.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*RICHARD RANZAU, Chairman
Fourth District*

*KARL PETERJOHN, Chair Pro Tem
Third District*

*DAVID M. UNRUH, Commissioner
First District*

*TIM R. NORTON, Commissioner
Second District*

*JAMES M. HOWELL, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
