

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, April 8, 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 9:04 a.m. on April 8th, 2015 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Richard Ranzau, with the following present: Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner James M. Howell; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Acting County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Jeannette Livingston, Assistant Director, Developmental Disability Organization; Mr. Kelly Arnold, County Clerk; Ms. Adrienne Byrne-Lutz, Director, Health Department; Mr. Robert Parnacott, Assistant County Counselor; Ms. Krista McGovern, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Kim-Anh Do, Deputy County Clerk.

GUESTS

*Ms. Kathy Hannemann, Senior Companion Program, Mental Health Association
Mr. Jack Brown, Recipient, Doctor Doren Fredrickson Lifetime Commitment to Public Health
Ms. Rachel Bergman, Wichita
Ms. Aldonna Carney, Wichita
Pastor Bruce Freeman, Appointee, Sedgwick County Mental Health Advisory Board
Mr. Richard LaMunyon, City Administrator, City of Maize
Mr. Tim Martin, 5840 North Tyler
Mr. Dan Houston, 5219 West 77th, North, Valley Center
Mr. Marlin Schrag, 5013 West 77th North, Valley Center
Ms. Angie Basden, 5053 West 77th North, Valley Center
Mr. Gary Lee, 5335 West 61st Street, Valley Center
Mr. Anthony Sirignano, 5325 West 81st Street North, Valley Center
Mr. Joel Pile, City Administer, City of Valley Center*

INVOCATION: Reverend David Carter, First Unitarian Universalist Church.

FLAG SALUTE

ROLL CALL

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

Roll Call

CONSIDERATION OF MINUTES

- A** [15-0212](#) REGULAR MEETING OF JANUARY 21, 2015.
All Commissioners were present.

Chairman Ranzau said, "Commissioners, you have the agenda item before you. What is the will of the board?"

MOTION

Commissioner Unruh moved to approve the Regular Meeting Minutes of January 21st, February 4th, and February 11th.

Commissioner Peterjohn 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

- B** [15-0213](#) REGULAR MEETING MINUTES OF FEBRUARY 4, 2015.
All Commissioners were present.

Action on Item B taken with Item A

Approved

- C** [15-0215](#) REGULAR MEETING OF FEBRUARY 11, 2015.
All Commissioners were present.

Action on Item C taken with Item A

Approved

PROCLAMATIONS

- D** [15-0252](#) PROCLAMATION DECLARING NATIONAL SERVICE RECOGNITION DAY.
Read by: Chairman Richard Ranzau.

RECOMMENDED ACTION: Adopt the Proclamation.

Chairman Ranzau said, "Commissioners, I have the following proclamation to read into the record:

PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st

century by supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors.

NOW, THEREFORE BE IT RESOLVED that I, Richard Ranzau, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 7, 2015 as

NATIONAL SERVICE RECOGNITION DAY

And encourage residents to recognize the positive impact of national service in our County; to thank those who serve, and find ways to give back to their communities.

"I think we have Kathy Hannemann from the Mental Health Association here. Actually, before we go, Madam Clerk, call the vote. What is the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the Proclamation.

Commissioner Peterjohn 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>

Ms. Kathy Hannemann Senior Companion Program, Mental Health Association, greeted the Commissioners and said, "Thank you so much for the proclamation. We also are here to represent Americorps and all the other programs that are funded by the corporation for national and community services, and we thank you very much for the assistance that the Sedgwick County department on aging provides us to be able to serve homebound people in these communities, saving the County and taxpayers many dollars, as we provide a free service for those who are homebound. Thank you very much."

Chairman Ranzau said, "Thank you very much. Madam Clerk, next item please."

Adopted

E [15-0244](#) PROCLAMATION DECLARING NATIONAL PUBLIC HEALTH WEEK.
Read by: Chairman Richard Ranzau.

RECOMMENDED ACTION: Adopt the Proclamation.

Chairman Ranzau said, "Commissioners, I have the following proclamation to read into the record:

PROCLAMATION

WHEREAS, the week of April 6 – 12, 2015 is National Public Health Week, and this year's theme promotes a goal of making the U.S. the healthiest nation in one generation – by 2030; and

WHEREAS, one's health is affected by many things, including individual decisions, culture, environment, social influences, and access to healthcare; and

WHEREAS, individuals can improve their health by choosing a healthy diet, maintaining an active lifestyle, receiving annual immunizations and preventive check-ups, and preparing their families and homes for emergency situations; and

WHEREAS, communities can support behavior changes by creating environments that make healthy choices the easy choice through improved access to physical activity programs, fresh fruits and vegetables, healthcare and health education; and

WHEREAS, every day, public health professionals work tirelessly to reinforce these messages and do their part to influence change; and

WHEREAS, one of the Sedgwick County Health Department's public health champions, Dr. Doren Fredrickson, passed away in 2008 after dedicating his life to improving the health of the Sedgwick County community; and

WHEREAS, his legacy and that of many other public health champions, such as Jack Brown are commemorated through the Doren Fredrickson Lifetime Commitment to Public Health Award.

NOW, THEREFORE BE IT RESOLVED that I, Richard Ranzau, Chairman of the Board of Sedgwick County Commissioners, do hereby recognize April 6-12, 2015 as

NATIONAL PUBLIC HEALTH WEEK

In Sedgwick County and invite Adrienne Byrne-Lutz, Director of the Sedgwick County Health Department, to come forward for the presentation of this year's award."

MOTION

Commissioner Howell moved to adopt the Proclamation.

Commissioner Peterjohn 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>

Ms. Adrienne Byrne-Lutz, Interim Health Director, greeted the Commissioners and said, "My pleasure to be here today as we celebrate National Public Health Week, and present the Doren Frederickson Lifetime Commitment to Public Health to Jack Brown. For nearly 20 years, American Public Health Association has brought together communities across the United States to observe National Public Health Week, a time to recognize contributions of public health, and highlight issues that are important to improving our face. This year's theme is making the United States the healthiest nation in one generation by 2030. National Public Health Week is a good time to draw attention to the work of public health professionals and their critical role in creating a healthier America. Locally we utilize this opportunity to embrace the work of dedicated public health professionals in the community, by awarding the Doctor Doren Frederickson Lifetime Commitment to Public Health Award to an individual who has demonstrated a passion of improving community health, similar to the dedication Dr. Frederickson showed to the community during his life. We are delighted to be joined by Dr. Frederickson's parents today, as well as many of Mr. Brown's colleagues, family and friends.

"In over his 30 years of experience, Jack has made and continues to make significant contributions to the health of all Kansans. Jack's extraordinary contributions as a public health professional are far too many to share today so I will just name a few. Jack earned his undergraduate degree from Friends University in Wichita, Kansas. Following graduation he was invited to attend the University of Southern California graduate school for environmental management to receive a special certification. At this time this program was one of the few of its kind in existence. He then returned to Wichita, where he earned a Master's of Urban Affairs from Wichita State University. Jack was also part of one of the first groups of environmental health professionals in Kansas to become a registered sanitarian.

"His career at the Wichita Public Health Department of Community Health began in 1970. During his tenure he managed several environmental programs until his appointment as Environmental Health Director to the Wichita/Sedgwick County Department of Community Health. He also served as interim director for this

organization on two different occasions. As director of the largest department of environmental health in the state of Kansas, he established administered local programs in water quality, pollution prevention, food protection, air quality and emergency response, just to name a few. Most notably, Jack was the project manager of one of the nation's most innovative environmental projects which addressed the risk of ground water contamination, more commonly known as the Gilbert Mosley Project. This resulted in the construction and establishment of the water center in Wichita which served as a ground water remediation and environmental education center for the community.

"This project received national recognition from Harvard University Kennedy School of Government and several others. Jack continues to develop and work on projects in the community that assesses ground water contamination and effects on the public. Jack helped organize and hold the Arkansas River Summit in 2000, which resulted in the Arkansas River study that examined the water quality and bacterial contamination levels of the river. This study resulted in the development and advisory system of other local programs to inform the public about health implications related to water conditions, as well as the plan to address water quality issues related to the Arkansas River. Throughout his career, Jack has established and served on numerous committees, such as the Air Quality Improvement Task Force, community involvement group, Wichita Chamber of Commerce Environmental Committee, and the Wichita initiative to renew the environment, also known as Wire. This project was funded by an EPA care grant which led to several environmental projects in our community. Two of the larger projects included North High School and Keeper of the Plains rain gardens.

"Since he resigned from the City of Wichita, his love for environmental health has been spent sharing his knowledge with students at the University of Kansas Master of Public Health Program. Jack began teaching the very first environmental health class in the history of the program in 1995, and remains a research professor at the University to date. He is still often seen taking a van of students on road trips to local environmental agencies such as the water plants, sewage treatment plant, and the household hazardous water facility. His class is still revered as one of the favorites of the MPH students. Avid bicyclist and member of the Geezers Riding Club, Jack has served most recently as the chairperson of the Bike/Pedestrian Advisory Board as part of the master bicycle plan. Jack was a long-time friend and colleague of Dr. Frederickson, and if Dr. Frederickson were here today, he would agree that Jack was a very deserving recipient of this award.

Mr. Jack Brown greeted the Commissioners and said, "I don't know how to follow that up. I forgot a lot of those things that I have done. Good morning, Commissioners, County Manager, Adrienne, thank you so much. It is an honor to receive this recognition. I was surprised and grateful when Adrienne approached me at a meeting and said I had been selected to receive the award. I would like to offer my gratitude and thanks to all those involved in the nomination process, the selection process, and a special thanks to Ron and Pat, Mr. and Mrs. Frederickson, who are here in the audience, my wife Dana, who is here, and then many other current and former colleagues in the audience. Yes, my career actually spanned over 40 years during that time I worked with many dedicated individuals, and without their help and support, I wouldn't be standing here to receive that award.

"I worked over the years with the Sedgwick County Health Department, Wichita City County Health Department, Department of Natural Resources with the County, and KDHE (Kansas Department of Health and Environment) and the Environmental

Protection Agency (EPA). I also really am proud of the students I have had in the MPH program and over the years, the MPH program, Master of Public Health Program has evolved and now offers a concentration in the field of environmental health. We always need to remember that environmental health is part of the public health infrastructure. In closing, I would like to say that it was a pleasure to work with Doren. We were friends and colleagues. Initially we worked on many public health initiatives. I with the Health Department, he with the KU Medical School. When I went over to med school, we continued our work in visioneering and a number of other projects. I really miss Doren. It is an honor to receive this award bearing his name. And I would like to thank his parents and thank you all."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "Congratulations, Jack. Such an honor to be able to work with folks who have toiled away, you know, behind the scenes many times on issues that are critically important to the health of our community. And you and I have crossed paths in many, many, many kind of health department meetings, environmental meetings, other meetings, and I so honor your years of service and what you have done for the public health of our community. So congratulations. Very well deserved."

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

Commissioner Norton said, "If I did past that, Doren Frederickson was a friend of mine, but he was also a mentor. As I first became a County Commissioner and we started the process of thinking about public health and how we, Sedgwick County expanded that role, maybe moved it away from the City/County split kind of thing and made it full County Health Department. Doren was that type of person that continued to whisper in my ear and gave me guidance on how we did that and was a good mentor for all the County Commissioner at that time. He made such a profound difference in our community and to the thought process about the board of health, what our responsibilities are, and what public health can really do for the strength of the community. I have often said if you don't have your health, not much else matters. And Doren really believed that for the whole population of our community. Ron and Pat, it's so great to see you and have you here to continue the legacy of your son who so profoundly affected our community for so long. Congratulations, Jack."

Mr. Brown said, "Thank you."

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

Chairman Ranzau said, "Thank you very much. Congratulations. Next item, please."

Adopted

F [15-0223](#)

PROCLAMATION DECLARING AUTISM AWARENESS MONTH.

Read by: Chairman Richard Ranzau.

RECOMMENDED ACTION: Adopt the Proclamation.

Chairman Ranzau said, "Commissioners I have the following proclamation to read into the record:

PROCLAMATION

WHEREAS, the Centers for Disease Control and Prevention reports the prevalence of autism has risen to 1 in every 68 children in the United States – roughly 60 percent higher than the estimate for 2006. Autism Spectrum Disorder (ASD) is the fastest-growing developmental disability in the United States affecting over 3.5 million individuals in the United States; and

WHEREAS, the lifelong nature of autism requires a variety of assistance and supports at different points in an individual's life, with early identification and intervention being critical; and

WHEREAS, a number of public and private organizations strive to provide quality care and services to children and adults with autism building on their strengths and helping them to develop the skills they need to live as independently as possible; and

WHEREAS, locally, over 40 Sedgwick County affiliated service providers work to assist individuals with developmental disabilities maximize their potential and achieve greater independence; and

WHEREAS, Autism Awareness Month is an opportunity to recognize the contributions of individuals with autism who have thrived and excelled in Sedgwick County communities.

NOW, THEREFORE BE IT RESOLVED that I, Richard Ranzau, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 2015 as AUTISM AWARENESS MONTH

"Commissioners, what is the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the Proclamation

Commissioner Peterjohn 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, "We have Jeannette Livingston with the CDDO (Community Developmental Disability Organization) to receive the Proclamation."

Ms. Jeannette Livingston, Director, Community Developmental Disability Organization, greeted the Commissioners and said, "It was 20 years ago this month that Governor Bill Graves signed into law the Developmental Disabilities Reform Act. This landmark legislation codified our system's commitment to ensuring that folks with autism and

other developmental disabilities are able to contribute and thrive within our community. And I'm pleased to have here this morning Ms. Rachel Bergman and Aldona Carney to tell their stories. Before I do that, I wanted to ask if I could recognize some of the folks in the audience today to support the Proclamation. If they could, please stand. We have folks from our Developmental Disability Advisory Board, as well as service providers and staff from the CDDO. Thank you."

Ms. Rachel Bergman, greeted the Commissioners, and said, "I have five cute, fun energetic boys. My second son, Matt..."

Ms. Livingston said, "It is much harder than it looks. Rachel's son, Matthew, we have a picture on the monitor. So hello and thank you today for having us here today. Ms. Bergman has five cute, fun and energetic boys. Her second son is Matt, who is 11. He was diagnosed with autism at the age of 3. Matt requires one-on-one attention at school and at home. He is very compulsive. He has no sense of danger, and for his safety I have locks on as many things as possible. He has received the most beneficial services from respite care. Matt is non-verbal and doesn't initiate communication. Having a respite worker with Matt has been such a blessing. I have been able to go to the park with all my boys and not worry about Matt running off, or getting taken by a stranger.

"We are able to play at All Star Sports and quickly learned Matt's favorite thing to do was the two seater go carts. Just being able to cook garlic bread and walk to the pantry without worrying if Matt is going to open the oven because he loves garlic bread, and has no idea he has to wait until it is done to cool off. Ms. Bergman is able to help her other boys with homework while Matt is getting help brushing his teeth and checking his schedule. The respite workers are able to give Matt the one-on-one attention he needs to redirect him from things like tipping furniture, pulling up carpet, dumping trash or clothes on the floor, chewing on Legos or making huge messes with food. Matt has been able to spend some time at Rainbows Kids Cove and will have the opportunity to attend camp. Another helpful thing that was provided was his iPad with the communication app called Polo Go. He wears it daily and enjoys using his voice to tell us if he wants to watch a certain movie, if he wants french toast or chicken, or what restaurant he wants to go to. He is still in the process of learning, but has far exceeded any thoughts I have had about him communicating. I would like to thank everybody involved, and a special thanks to Matt's case manager Melissa, who is here today, from Rainbows United for all the guidance she has given me for Matt. Thank you."

Ms. Aldonna Carney, greeted the Commissioners and said, "My husband, Pat, and I have also been blessed with five children. Our youngest child, Neal, is a 20-year-old young man, with severe autism. In addition to autism, Neal has been diagnosed with MR, OCD, ADHD and Pica. Pica means he eats non-edible items. It is not uncommon for people with autism to be diagnosed with other disorders. Neal requires 24/7 around the clock care to keep him safe and healthy. He needs help with all levels of very intimate care, such as dressing, bathing, shaving and cleaning him up after he uses the bathroom. Neal is also in the subset group of people with autism who self abuse, and are aggressive towards others.

"Autism varies a great deal in severity, and is the fastest growing disability in America. There is still no known cure for autism, and people with autism live an average lifespan. If we proceed at the current levels of awareness, funding, and interest, the economic impact to such a large number of individuals throughout their lifespan will be

devastating. Not to mention the enormous toll raising a child with autism has on our entire family. The divorce rate is approximately 80% when raising a child with autism. Our family, like many families, who have children and adults with autism are well aware of what it is like to live in crisis. We struggle day in and day out to secure appropriate services for our son, and we couldn't do it without the help we receive from service providers and respite workers.

"A few years ago our family was in a crisis situation because Neal was on an antipsychotic drug that was no longer effective. Neal was having intense out of control rage, attacking me and his other caregivers. He was also very self-abusive, and pulled out his own adult tooth, root and all, while in a rage. I felt like we were in a very hopeless and helpless situation. I recall one very dark night when I felt I could no longer take the constant stress. My thoughts went to ending my own life. Thankfully I reached out and I called the suicide prevention hotline, and I talked to a very kind lady who listened, and she was my angel. I also prayed a lot. I have never publicly talked about that night because it is so difficult to think about how desperate I felt then. I feel compelled to talk now, to express how difficult it is to deal with all the pressures of living with a child with disabilities and maintain a normal family life. The next day I reached out to Neal's case manager and the Sedgwick County CDDO for help. I spoke with Heather from the CDDO, who was both compassionate and helpful. We started the ball rolling to get Neal and the family the help needed to not live in the constant state of crisis. I will be forever grateful to the Sedgwick County CDDO and the help they offered.

"Our family is thankful for the respite providers that help us function day-to-day. Without respite for Neal, I wasn't able to make a family dinner or attend any of the other kids' activities. I can't take a shower, use the bathroom unless someone is watching Neal, because he is a extreme flight risk. We have learned to celebrate the little triumphs that Neal achieves, because they are huge for him and us. Some examples are teaching Neal to wave goodbye, and toilet training. It took a couple of years to teach Neal to wave goodbye. To this day he does a one-finger wave, and I am just thankful it's his pointer finger and not the middle finger, because it won't change. We worked for 12 years with Neal's school teachers, Rainbows, and all of his caregivers to potty train Neal. When we finally succeeded, we threw a big finally potty trained party to celebrate. I have no doubt that Neal has shaped our family unit and made us stronger. We are better people and strong advocates, because he is part of our family and the Sedgwick County community.

"There is still a need to educate the community on the characteristics of autism, so we can help people with autism be accepted, and included in our community. My heartfelt gratitude to Neal's teachers and loving special education center for the years of patient and compassionate care. Thanks to teaching Neal to be the best he can be. Also, a huge thank you to the agencies, respite workers, case managers and the CDDOs for helping families navigate the system and provide the best care we can for our loved one with autism. Thank you so much for listening."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "Well, one thing I have heard today from both individuals is there's nothing stronger than a mother's love. Thank you very much for wrapping around your own family, your own kids and taking that responsibility. By the grace of God go all of us. We all have a responsibility to help because we are all in this together. There has to be a special place in heaven for what you have endured and

done for the family and for our community to give us hope but if there are grandchildren, people we are affected by, friends and neighbors have that issue in their family, it can be worked on. There is hope. We have an obligation as a community, and us as elected official, to make sure we understand these issues, how dramatic they are, how they affect families, how they affect our neighborhoods, and our friends, folks that we go to church with, and work with. And make sure that we have services, wrap-around networks, and very professional, caring people that can help you out in this journey that you found yourself in in this community. Thank you for coming today and telling this story, as hard as it was to tell. Thank you very much. Because it really puts a face and a name and a thought process on things that not all of know about, will endure, have to deal with ever, but are very dramatic to people we care about in our community. Thank you very much."

Ms. Carney said, "Thank you. I would like to acknowledge my husband Pat. Who I wouldn't be in this big mess without him, but I'm thankful that I am with him."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you. Number one, I want to make comments both to Aldonna and Rachel. Rachel, you have a very beautiful family, I am glad that your sons have a good mom. I know it is tough, but I think that for someone that has this situation, clearly you are a good mom. I appreciate what you are doing for them. We have five kids in our family. I know it's tough to have five kids, period. To have one that's got special needs, I really appreciate what you do for them. And Aldonna, I want to let the audience and my colleagues know, you have worked for years on this issue. I met you years ago, I spent some time talking with you, and in Topeka. I would give you credit for a significant baby steps that the State made in regards to a piece of legislation that passed with respect to insurance and trying to do early detection of autism and to provide some attempt to help these kids as early as possible. I think you have a critical role to play at the state level and continue to do that. I want to say thank you for what you have done. You have made a difference."

"I know it is tough for you to stand up and tell your story, but I went back to visit your home, have seen the things you put in place for Neal. I know it is incredibly difficult for all you have gone through. I do appreciate the fact that you are standing up and telling your story, and the data that's in the proclamation is alarming. sixty percent higher estimate than what we had in 2006. One out of every 68 children in the United States being diagnosed with autism to me is an alarming situation, so I am glad to have the Proclamation today to bring some awareness to this. I hope our country will make this one of the priorities that we would truly focus on and find some solutions, some causes as to why this is happening. Again, thank you for what you have done today."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would want to second the comments made by my colleagues and express my support and appreciation for the opportunity to make this Proclamation today to bring, hopefully, a little bit of education and enlightenment to our community and make folks aware of some of the challenges

that families are facing as they deal with their children and their loved ones in a situation like this. I especially want to express gratitude for these two mothers that have been very brave today to step forward and tell your story. It's a story that I think we need to hear if we are going to respond appropriately and support of these families. I also want to say thanks to the Disabilities Advisory Board. You have shown up today to show support. I think that's a strong expression of your commitment, and the sense of community and helping one another, and I want you to know that this Commission takes seriously your activities in support of our response to this particular issue in our community. So thank you all for being here. That's all I have."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to second the comments of my colleagues. I also wanted to give particular thanks to the volunteers helping out, whether they are doing it in some of the ways described here, or with other groups. I think of Special Olympics, I know plays an important role for a lot of young people in this community with special needs. Just wanted to add that thank you, and also particularly to the two folks, two families who are willing to come out and share their personal stories with us this morning. Thank you."

Chairman Ranzau said, "I will reiterate everything my colleagues have said. I appreciate you coming out today, and all the people at CDDO for all work you do. Thank you very much. Next item please."

Adopted

APPOINTMENTS

- G** [15-0241](#) RESOLUTION APPOINTING PASTOR BRUCE FREEMAN
(COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE
SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.
Presented by: Jennifer Magaña, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Ms. Jennifer Magana, Acting County Counselor, greeted the Commissioners and said, "This resolution is an appointment of Pastor Bruce Freeman to the Mental Health Advisory Board. These terms are for four years in length. A vacancy exists on the board, and this is Commissioner Howell's appointment. I recommend that you adopt the resolution for this appointment."

MOTION

Commissioner Howell moved to adopt Item G and Item H.

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

Chairman Ranzau said, "Do we have Mr. Freeman or Mr. Lee here? Mr. Freeman is here. Good morning."

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

Pastor Bruce Freeman, Appointee, Sedgwick County Mental Health Advisory Board, greeted the Commissioners and said, "I do. I thank Commissioner Howell for appointing me to this advisory board, and hope that I will serve you well. Our last speaker mentioned mental health is so important and vital to our community, and our government is appointed for and elected for those things we cannot do as individuals, and our health is one of those things that sometimes we cannot do by ourselves and our mental health is one of those things. She was able to call a hotline set up by our County when she was desperate and in need of help. So I appreciate the opportunity of serving you and the County on this advisory board. So thank you very much."

Chairman Ranzau said, "Thank you. Madam Clerk, next item."

Adopted

H [15-0237](#) RESOLUTION REAPPOINTING ROBERT LEE (COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.
Presented by: Jennifer Magaña, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Action on Item H taken with Item G

I [15-0229](#) RESOLUTION APPOINTING JOE YOUNGERS (COMMISSIONER KARL PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY ERIE TOWNSHIP BOARD AS TRUSTEE.
Presented by: Jennifer Magaña, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Ms. Magana said, "State law authorizes County commissioners to fill vacancies in township officer positions when vacancy exists. This resolution would fill a vacancy in the unexpired term of an Erie Township Trustee. I recommend you adopt the resolution which appoints Joe Younger's to fill that vacancy. The term will expire January 8th, 2017. Thank you."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Chairman Ranzau 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 As Amended

J [15-0234](#)

RESOLUTION REAPPOINTING JERRY WINKLEY (COMMISSIONER RICHARD RANZAU'S REAPPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

Presented by: Jennifer Magaña, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Ms. Magaña said, "Good morning, Commissioners. This resolution would reappoint Jerry Winkley who has served a four-year term. This would be an appointment of Commissioner Howell, four-year term that would expire April 7th, 2019. I would recommend you adopt the resolution."

Chairman Ranzau said, "Actually it is my appointment, I believe."

MOTION

Chairman Ranzau moved to adopt the Resolution.

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

Chairman Ranzau said, "We have Jerry Winkley here, thank you very much for your willingness to continue to serve

Mr. Jerry Winkley, greeted the Commissioners and said, "Good morning, Chairman.

Thank you again for asking me. I have been on eight years, and the reason I have been on eight years, my wife and I have five children and our second son is autistic. He is 27. All of the memories that they told you about bring back many memories for us. I would like to say as a business owner, been a business owner for nearly 30 years in Sedgwick County, employed lots of people, lots of yellow vehicles down the street with property taxes on them. As a business owner, I was very pleased and have been very pleased on my years with the CDDO, feeling that the money that's given to them is well managed, very appropriately, the people that serve are very dedicated people, and I believe very fiscally conscious of what they are doing. I am pleased with that as a taxpayer and a business owner, I am pleased with what they do, and pleased with the impact they make in lives, and it's impacted our family as well.

"Last summer I sold my businesses and moved into what they call retirement. Retirement has been very busy. One of the other projects that I am now involved with is a group called Greater Expectations, we are very new. We have hired a couple autism specialists, and our focus is going to be employment for adults with autism. With a focus on a functioning business that trains competitive employment skills. Our business model will not involve government funding. We will be a non-profit, but we intend to make money to grow and invest into the program. Not really looking for funds, but we will be approaching you later, like to explain the concept and talk about what we do, why we do it, and especially the niche of autistic adults. So thank you again for the appointment."

Chairman Ranzau said, "Thank you very much. Next item, please."

Adopted

K [15-0231](#)

ACCEPT THE RESIGNATION OF CLARK SHOLTS (COMMISSIONER JIM HOWELL'S APPOINTMENT) FROM THE SEDGWICK COUNTY STORM WATER MANAGEMENT ADVISORY BOARD.

Presented by: Jennifer Magaña, Acting County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Ms. Magana said, "Mr. Clark Sholts was the 5th district appointee to the Storm Water Management Advisory Board. He has submitted his resignation, recommend you adopt the resolution for the resignation."

MOTION

Commissioner Howell moved to accept the resignation.

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

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

Adopted

PUBLIC HEARING

L [15-0224](#) POST-ANNEXATION HEARING CITY OF MAIZE ORD. NO. 813.
Presented by: Robert W. Parnacott, Assistant County Counselor.

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

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I will get you a map up on the screen in just a second. It shows you the areas that were annexed in red around the City of Maize. Maize annexed those properties in 2010. About 25 different tracts more or less around the fringe area of the city, filling in some holes it looks like. They had to prepare a service plan, because this was done without the consent of the landowners.

"That service plan is substantially compliant with state law and provided for the city to take over maintenance of Tyler, Maize, 119th West, to provide streetlight on request, provide drainage services on petition, drainage improvements, water and sewer improvements were also available on petition. And then they would provide at the time of annexation the standard city services, police, code enforcement, and other governmental services. As we have done in the past with these hearings, that you hold five years afterwards to determine if the services have been provided, we sent out a pre-hearing questionnaire to all the landowners involved. We got one response back, that response basically said they had received police services, and had filed no other petitions for any services other than that. We have had no landowners contact us regarding any service issues. The city also has provided a pre-hearing questionnaire, and they have responded with the report that is in your backup. Essentially they have indicated they have provided all the services, they have also specifically listed improvements they have made to some of the streets and drainage improvements, street lighting that's been added, and they have also confirmed that no petitions have been submitted for any of the other services. So your role here today is to open a public hearing, hear any evidence from the city and landowners as to whether the services have been provided and to make that finding whether or not the services have been provided. Unless you have other questions, I recommend you open the hearing."

Chairman Ranzau said, "Any questions for Bob? Seeing none, we will open the public hearing, of City of Maize Ordinance NO. 813. Do we have anyone who wants to speak on this issue?"

Mr. Richard LaMunyon, City Administrator, City of Maize, greeted the Commissioners

and said, "The service plan for ordinance 813 was filed on March 22nd, 2010. We have reviewed it. We have gone through it with our staff and everything. We have submitted written documentation to you for review and to your counselors. It is our position that the city has accomplished through city policy all we were supposed to accomplish and through the state statutes and we have accomplished what we were supposed to have done with the service plan. We continue to provide services to the newly annexed areas. I can go through the whole list, if you would like, but as indicated, there really weren't any input from the people that were annexed regarding concerns that they had. So with that said, I would just say that we believe we are in compliance, and request favorable finding from the Commission. Unless there are questions, that's all I have to say."

Chairman Ranzau said, "Any questions of Mr. LaMunyon? I don't see any. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I wanted to confirm, thank you for being here, Mr. Lemunyan. I want to confirm with you that the background papers here talks about you have one police chief, one lieutenant, one sergeant, one community police officer, four full-time police officers and five part-time police officers, and three reserve. Does that seem like an accurate description of your current staff for the police?"

Mr. LaMunyon said, "It is fairly close. I think it is right at 12. And we also added a new officer this year, and we are working with the school district as a possibility of adding some others through the school system for next year."

Commissioner Howell said, "As far as these areas that are being discussed today, is there any sense of whether or not your police force actually does go out in those areas and provide services. Do you just patrol those areas once in a while, is that going on?"

Mr. LaMunyon said, "Yes, sir. We have the chief and the staff command for the department. They have beat assignments that are set up. Normally we have one officer on duty except in the evenings, especially when the weather gets nicer, we have at least two that are there for patrol duties, and responding to calls. All areas of the city are patrolled on a regular basis. Of course calls for service are met as needed."

Commissioner Howell said, "Thank you. That's all I have."

Chairman Ranzau said, "I don't see any questions right now. Do we have any residents affected by this annexation that would like to speak on the Maize ordinance? I see one hand."

Mr. Tim Martin, 5840 North Tyler, greeted the Commissioners and said, "I do believe I am in the red zone that was annexed. I'm not seeing what I would interpret as being a cost benefit to being annexed. Yes, occasionally I see a police car go by. Occasionally I see County sheriffs go by. I have even seen highway patrolmen on Tyler Road. We seem to have a lot of duplication of efforts in those areas. In the past, I believe it was 2010, was when I was annexed. Yes, I have a lovely ditch out front of my house that doesn't drain very well to the south, and everybody in that area knows that water tends to drain toward the southeast. It has a limited access across Tyler Road, further south of where I live, basically 5700 block, even to the point where residents in

that area have sandbagged the entrance to their housing area so that the water gets redirected further south. You know, there's international speedway in that general area. I am not going to get into the cans and the trash and the plastic and stuff in the ditches. I don't see that the City of Maize has taken any steps towards alleviating that little eyesore. It is time to where somebody could come out and blade the road. I have my own tractor, I can blade my own driveway and take out the snow piled up at the end of my driveway when the road grader goes by. Park Township was functioning quite well in my area last winter. I lost two mailboxes. I thought whose responsibility, well it is my mailbox, my responsibility, and just to make a point of the issue, I contacted the City of Maize and I don't know who the girl was that was the receptionist. She said there were like a dozen to 14 other mailboxes knocked down, and I said I don't believe that it was the City of Maize grading my road. And no, it was not. It was apparently some sort of City of Maize apparently can't handle the road grading, so they subcontracted, I believe, through the County. County came out and cost several mailboxes. No big deal there, other than the post office raised the question as to how we were going to deliver your mail.

"The digging of the ditch out front of the house, well, yes, there is a lovely ditch out there, and which it is impossible for me to mow the ditch simply because it's like a little miniature cliff. The ditch has not been back-dug on my side of the property. The City of Maize, street title has a nice bank to it, but I have kind of a cliff to drop off, and I don't see that anybody is mowing the area of the ditch. Some people further south had the luxury of having a better ditch dug and finished. I guess I am contending my ditch has not been finished for the last five years, it has not been finished, and I don't see anybody making any effort to smooth it out. I could take my tractor and drive over it, probably tip over, whatever. I have a limited number of complaints. Increased police and fire protection, I seem to have plenty of police protection out there, even to the point where 2:00 in the morning when I get off work, I'm sitting there in my chair watching my own little TV, I get a knock at the back door. It is Maize Police Department, said that they have received numerous 911 phone hang-ups from this address. I said I don't think so, not at this one. I invited the officers into my house. Is there anyone else here? Yes, my wife, you go wake her up. She came forward and she was not happy what was going on at the back door and wanted to know what was going on. I said well, got the 911 hang-ups from this address. She said not likely. I tend to agree with that. It was not me. I don't know what the malfunction was there. I'm not excited about being in the City of Maize, simply because my backyard is not in the City of Maize, to the north of me is not in the City of Maize. This thing has been kind of a, I got absorbed. Exactly when did I get absorbed? I'm estimating 2010. Now, do I get the literature sent to me, yes, I do. I have literature here, you know, my protest is anybody sending anything, no. I think we are the silent majority out there.

"You want people to step forward and voice their dissatisfaction with it, you are going to

have to dig a little harder, you know. It is not likely people are going to come up here to meet with you fellas and voice their opinions. That's basically all I can really say. You know, we are out there, we are not happy about being annexed. We feel we have very little input. You know, we can always call 911 or the City Administrative offices in Maize, and say, you know, you have a coyote down the road, you want to pick it up. You know, what you want to do with it? You know, do I have to get my shovel out and pick it up and bury it, you know. There are many instances where I have tried to maintain my own little small domain, you know. I own three small parcels of property, all adjoining each other, also adjoining the unannexed area of Maize. I'm not overly impressed with Maize. Sorry to say that. But I lived there long before it became Maize, and in all likelihood I will probably continue to live there after the fact. Thank you for your time."

Chairman Ranzau said, "I think we have some questions. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. Could you put the map up there, I want to make sure I understand. You are on the west side of Tyler Road, just north of K-96 in one of those red parcels, is that correct?"

Mr. Martin said, "You sound like you're too far south. I am on the east side of Tyler Road, 5800 block North. That would be North of K-96. K-96 would be south of my residence."

Commissioner Peterjohn said, "Okay. I think I see which one. I just wanted to make sure. I may have misheard the address when you gave it earlier. Thank you."

Mr. Martin said, "Well, the information that I got that was sent to me, it had my name on the letter, and I opened it up shall and it is a three-page letter, and about a page and a half of that is, I guess, is physical geographical descriptions of the properties that were in question, and I, for the life of me, could not figure out which one I was. You know, I don't know if I am 294 foot north of the southeast quadrant of western edge of the universe. I don't know. I am sure I have been paying taxes on the place for 20 years. You would think that information would sink into my little head, but it just does not register with me."

Commissioner Peterjohn said, "I may have misheard, but you said it was 5700 North Tyler, something like that."

Mr. Martin said, "5840 North Tyler. Yes."

Commissioner Peterjohn said, "Thank you very much. That was the information and I wanted to reference it on the map."

Mr. Martin said, "Visibility is pretty poor with my eyes, so I can't really pinpoint to you where I am at on the map. But three little parcels all together, south of me is a residence, south of that is Mystic Lakes. I was there before it was even a sand pit. Now it is a housing development. It's great to have neighbors."

Commissioner Peterjohn said, "Just wanted to make sure I try and reference it. I understood where it was on the map. Thank you."

Chairman Ranzau said, "You are Tim Martin, is that right?"

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

Chairman Ranzau said, "Any other questions from Commissioners at this time?"

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

Chairman Ranzau said, "Anyone else from the public who would like to speak? I don't see any. Mr. LaMunyon, I don't know, Bob or Richard, can you confirm that, I think that small parcel that he is one of the citizens involved here."

Mr. Parnacott said, "Perhaps Mr. LaMunyon can answer that."

Mr. LaMunyon said, "I think Mr. Martin is, yes. I checked with Sue. She would know. In response to him, what we've done on Tyler Road, as a part of the service plan that was to improve Tyler Road, we went in and redid all the ditches along Tyler Road from 61st Street South to 53rd in an effort to make it drain better. He is correct, it's a difficult issue when it comes to drainage up in that area. Everything up in that particular area is pretty flat. But we did improve the drainage by improving the ditches along both sides of the road. We put new culverts for the properties for driveways and things of that nature, and in addition to that, we also put hard surface road, asphalt road from 53rd North to 61st, which was before a dirt road. So that's been improved also."

"Street lighting was also installed at 53rd and Tyler Road. We are currently working with his neighbors, Mystic Lakes, which is a housing development to the south to provide, they haven't really petitioned for it, but we are looking for the option of perhaps running water up to their neighborhood, which would also be a benefit to anyone along that area. Again, they haven't officially petitioned. There are a lot of engineers that live in that housing, and we have been working with them, one of them is going to be a member of our planning commission. So if there are other questions, I would be pleased to answer them."

Chairman Ranzau said, "Any other questions from Commissioners? All right, seeing none, thank you, Richard. I guess at this point we will close the public hearing on this issue. It is closed. Bob, do you have any comments or suggestions of how we proceed now?"

Mr. Parnacott said, "Other than you have heard testimony from the landowner, you have heard testimony from the city. You have your written materials provided to you before the hearing. I think you need to discuss and determine whether you believe the city has provided the services in accordance with the service plan."

Chairman Ranzau said, "Can you talk to us about the service plan and if there are certain requirements under the statute. How does that service plan stand up with respect to the state statute?"

Mr. Parnacott said, "Earlier I mentioned the substantially complies, and that would be the test that would be used by courts, if they were reviewing the service plan. It is not perfect. It is missing a few items, nothing I think that would make it difficult for you to

make your decisions. The ultimate purpose of the service plan is to provide a reasonable person, a reasonable land owner being a reasonable person, an opportunity to understand what services are being promised them upon annexation, and what services they will have to be requesting or petitioning for before they receive. Some of the things that we typically would see in the service plan would be a zoning map showing what the land uses are in the area, you know, a map showing the street, and water and sewer lines that are either planned or in existence to those kind of things. So, again, from a substantial compliance standpoint, I think this is certainly not the best service plan we've seen, but it is a good service plan. I think it is an adequate service plan for your purposes."

Chairman Ranzau said, "How many total parcels are involved in this?"

Mr. Parnacott said, "I think we had a total of 25 tracts that were annexed."

Chairman Ranzau said, "One of the options, we can find in favor of, I mean we only had one person show up here. Can we find in favor of one person than favor the city than in favor of the others, how does that work?"

Mr. Parnacott said, "In the past you have occasionally, when you have had, particularly when you have had an annexation like this, where you have had different areas being annexed, and you have only had testimony that the services were not provided to one particular area or one particular property, you have limited your finding to that particular property. Other times, when the testimony is more widespread, or it is more compact area, you have just made a finding that the city has not provided services period. You have two options here. You certainly could, if you want to make a finding that the city has not provided services, you could limit that finding to the property that was testified to only."

Chairman Ranzau said, "If we make that finding, then what happens?"

Mr. Parnacott said, "That starts a two and a half-year period for the city, more or less a grace period, where they have the opportunity during those two and a half years to provide those services that were not provided. And at the end of the two and a half years, landowner would then have an opportunity if they felt they were still not getting the services to petition for, to be excluded from the city limits at that point. We usually call that deannexation. As a matter of fact, your follow-up hearing today would be a deannexation hearing for another city. That's how the process works. You wait two and a half years. If somebody still feels they are not getting services, a petition has to be filed. You don't automatically have the hearing, you have to wait for the petition. But you can consider again whether the services have been provided."

Chairman Ranzau said, "Just to be clear, the landowners aren't notified, they have to

know that in two and a half years to take the initiative. It falls upon them to take that initiative in two and a half years to file a petition."

Mr. Parnacott said, "The statute requires the County after they make that finding to provide notice at the time of the finding. So we will send notice out to everybody, if that finding gets made now, or shortly after you adopt the resolution stating the finding, we are not required by statute to send up a follow-up notice, the Board could certainly adopt a policy or procedure where that is done. You aren't restricted from doing that by statute, you just aren't required to do it. We have not done that in the past."

Chairman Ranzau said, "Thank you. Are there any other comments or questions from the Board? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Looking at the only response, I guess, the pre-hearing questionnaire, only received the one response, from a company, Kaff Real Estate LLC. Reading this, it is not clear to me if they are actually saying there is a complaint or not. It says have you received any of these services. It says yes, police services. Is there anything that indicates they are dissatisfied?"

Mr. Parnacott said, "I do not read it that way. We have seen a number of responses, and when somebody is unhappy with services or believe they are not getting services, we usually get a fairly clear statement to that effect."

Commissioner Howell said, "There is nothing on this that would indicate necessarily this is a negative complaint."

Mr. Parnacott said, "No. The question was, have you received any of these services? The response is yes, police services. So they are saying we have received those services. It is not saying that they were good services or bad services, or in accordance with the service plan. It is somewhat neutral in that, but certainly not a complaint that they did not get services. "

Commissioner Howell said, "All right. Thank you."

Chairman Ranzau said, "Any other questions?"

MOTION

Chairman Ranzau moved to find the City has provided services in accordance with the service plan for all parcels with the exception of one parcel located at 5840 North Tyler. With respect to that parcel, the City has not provided services in accordance with the service plan."

Commissioner Peterjohn seconded the motion.

Mr. Parnacott said, "Mr. LaMunyon has requested you make a more specific finding as to what services have not been provided."

Chairman Ranzau said, "I have allowed Mr. Martin's testimony to stand on its own. We have a motion and a second. Do we have any questions or comments? Are you okay, Madam Clerk?"

Ms. Kim-Anh Do, Deputy Clerk, greeted the Commissioners and said, "Do you mind saying the motion again?"

Chairman Ranzau moved to find the City has provided services in accordance with the service plan for all parcels with the exception of one parcel located at 5840 North Tyler. With respect to that parcel, the City has not provided services in accordance with the service plan."

Commissioner Peterjohn seconded the motion.

Chairman Ranzau said, "And I will just say these hearings are often difficult. City says one thing, landowners say another. It can be difficult on which side to go forth, but if someone takes the time to show up and state their cause, and registers a complaint, I am going to keep an open mind to the citizen and provide them, I am going to take their comments and concerns seriously. Commissioner Howell."

Commissioner Howell said, "Mr. Chairman, I do appreciate the motion. As I listened to the testimony of Mr. Martin very carefully, I wrote down some of his comments. I was listening to him with respect to the service plan. And I did not hear anything that he said today that would indicate to me that the city has not met their agreement on the service plan. You know, I understand his comments, he said 'I don't like it' he said he is not happy. He has had little input into the process, according to him. He talked about snow in his driveway that he clears off. Mailbox that got damaged. Other things like that. He said essentially said he had good police service. He didn't mention anything else that I could think of. Actually, specifically described in the service plan that would indicate that I would support his exemption to the motion where services were provided rather than make a substitute motion, I will let this one go forward and see what happens. If this motion fails, I would probably make a motion after this that services were provided for all the parcels. So I would be voting against the motion to see what happens. My reasoning for that, I don't believe he's provided any evidence today, and I think to provide clarity to the city, specifically what they could do differently to provide services. I don't know what they would do. So I would be voting no today."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Without repeating a lot of conversation, I would just say that the explanation that Commissioner Howell gave clearly represents my perspective. I also will not be supporting motion."

Chairman Ranzau said, "Any other questions? Comments? Madam Clerk, call the vote."

VOTE

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

Chairman Ranzau said, "Motion fails 2-3."

MOTION

Commissioner Howell moved to find the City has provided services in accordance with the service plan.

Commissioner Unruh seconded the motion.

Chairman Ranzau said, "We have a motion and a second. Commissioner Peterjohn."

Commissioner Peterjohn said, "I am going to struggle with this a little bit, because I think information that's been presented to me City of Maize has been in substantial compliance with this plan, and I think the comments that were made positive in that regard, having said that, I have a lot of problems with the way state law forces us to handle these annexation cases, and so I have always been inclined to be very responsive to the citizens involved. But I want to get on the record clearly that compared to some of the other plans we have had in the past, this is definitely better, and while it may not be perfect, and I don't know if there is a perfect plan out there, I do believe that the city of Maize in this case has some positive aspects. So my vote, I'm struggling with the vote on this issue, and I guess at this point I am playing Hamlet. But I wanted to put that on the record, at least give the reasons, so whichever way I come down. I would be interested in hearing my colleagues' comments, too. Thank you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "I want to be clear. I understand living near cities, tend to a enjoy amenities and services cities provides. I have not met a single landowner near a city that has enjoyed the services, but lower taxes that has petitioned to be brought into the city generally speaking, they have enjoyed their freedom and they enjoy living close to the city. So it is a great situation for them, and I appreciate, you know, if I was in their position, I would certainly feel the same way. I don't think any of them to be annexed, because what that represents is maybe a little less freedom and higher taxes. And I understand that is generally a probably negative thing for most landowners. They don't want to do that. The comments that Mr. Martin made today, I

am not liking it, he's not happy, I understand that. I completely would be with him if I was in his shoes. But it was not evidence presented specifically. I am looking at the Kansas law on annexation, and I am looking at the service plan, specifically as a quasi judicial role, which was to be objective. Again, I am trying to find what is the evidence to support anything other than the city has provided services. I have no evidence at this time to not agree with the city that they provided services.

"Whether I like the idea that we can annex property, you know, unilaterally, the city can essentially make those actions, and landowners have very little ability to argue back. That's an issue of state law. And I understand the concern. And I even sympathize with land owner. I wish they had more ability to perhaps control the destiny, so to speak. I have no evidence today to support anything other than the city has provided services. So Mr. Chairman, I just want to let you know, I am going to be as objective as I can, and looking at specifically at the law, and what I have to judge today, I have no evidence to choose otherwise. So that's it. Thank you."

Chairman Ranzau said, "We have a motion and second?"

Ms. Do said, "We do."

Chairman Ranzau said, "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>No</i>
<i>Chairman Ranzau</i>	<i>No</i>

Chairman Ranzau said, "Motion passes 3-2."

Mr. LaMunyon said, "Mr. Chairman, one minute on an unrelated subject? Earlier you talked about autism and some of the volunteers and neighborhoods. And I just wanted to compliment you, and regardless of your vote I was going to say this anyway, please understand. I want to compliment you, the Commission and the Commissioners before you that had the foresight to put the support system in place. I am an avid supporter of Special Olympics, have been for over 40 years. I work with Special Olympics, not only in Kansas, but literally around the world through the law enforcement Torch Run. And the real heroes, and you hit right on it, are the families, people that have intellectually challenged individual children. And we as a community have the obligation to come together and to support them. And I just thank you as elected officials for doing that. Thank you for allowing me to say that."

Chairman Ranzau said, "Thank you. Commissioners, we have been going an hour and a half, but I think the next hearing might last a little longer. I would like to take a five-minute recess, and then we will come back and take up the next item. Stand in recess for five minutes."

The Board of County Commissioners recessed at 10:22 a.m. and returned at 10:29 a.m.

Chairman Ranzau said, "All right. We're back from recess. Madam Clerk, next item, please."

Approved

M [15-0226](#)

PUBLIC HEARING ON PETITIONS FOR DE-ANNEXATION FROM THE CITY OF VALLEY CENTER.

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

RECOMMENDED ACTION: Open the public hearing, receive testimony, close the public hearing and make the required finding.

Mr. Parnacott said, "The City of Valley Center annexed about 30 parcels in several different areas. I've got a map up on the screen. You can see properties highlighted with a red outline. That is showing the properties that were annexed back in 2007. You had your post annexation hearing in 2012. At the conclusion of that time, you made a finding that the city had not provided services to the area. That gave the city two and a half years to provide those services. At the end of the two and a half years, the landowners were entitled under state law to petition you for another hearing. We have now had two petitions filed within about 10 days of each other, and I'm going to blow up this map and then kind of move it down to show you, because all of the properties right now that we're going to be talking about are over here to the left of the map, south of 81st Street and then just to the east of 55th Street. There are a total of 13 parcels between the two petitions. The petitions shared a couple issues, and then have one additional issue. Let me just briefly address the issues in the petition.

"First, they asserted that police, and particularly animal control services, have not been provided equal to preannexation services provided by the sheriff and the County. In particular, I think they indicated the city right now does not have a weekend or after hours animal control officer. They also raised the issue of a maintenance agreement that was proposed between the City and County over 81st Street from West to Hoover. 81st Street is in the unincorporated area, was not annexed into the City, not part of the service plan. We'll talk about that in a minute. They do raise that as an issue. I think the city chose apparently not to enter into the agreement with the County for the maintenance. The other issues they've raised are similar, but they're a little bit differently worded in this particular situation as you can see, or not very well see, unfortunately, because of the map detail, but on those properties to the west side of the property is actually a private cul-de-sac. So there are properties on the east side of the cul-de-sac, which is a private drive that are in the City of Valley Center, and the properties on the west side of the private drive are not in Valley Center.

"That was somewhat of an anomaly apparently because state law requires cities to sequentially annex properties. So they would have had to annex the east side before they could be said to joining the west side, at which point they could annex the west side. However, they stopped mid street, obviously, and only annexed the east side and not the west side of that private cul-de-sac. Also to the north, you can see they did not annex the properties immediately adjacent to 81st Street. So those properties are outside and 81st Street remains in the unincorporated area. But the petitioners have

brought up an issue because it does create, obviously, some jurisdictional issues in terms of first response, Code Enforcement, who handles what if it occurs in the middle of the street. Who do you call? Sometimes you might dispatch a Sheriff's office when it's really a police matter and vice versa. So that's the nature of those petition issues, I believe. After we received the petitions, you set the hearing for today. We sent out notices and met our statutory requirements there, we believe. Your role here today is to hold a public hearing, receive testimony from the City and from representatives of the City or the petitioner landowners on whether the services were extended or not extended in the course of the service plan, and then after you've closed the public hearing, the statutory finding you're required to make is whether or not the city has provided municipal services in accordance with the service plan and consistent with the timetable in the service plan. Typically when we see a service plan and we see a substantially compliant or very good service plan, it will have an actual timetable. It will list services. It will have a column that says to be provided, and then it will either say upon annexation or upon a date or upon petitioner request, and then perhaps how those services are to be funded, whether it's city at large dollars or individual taxpayer special assessments.

"In this case, we do not have that in this service plan. You can arguably understand the timetable from the reading of the text, because the text indicates which services are to be done on petition and which services are to be done upon annexation. The service plan is also very short, two pages, frankly. Essentially addresses the services to be extended to the landowners. Again, this service plan was prepared back in 2007. Your role here is not to determine whether the service plan is adequate. Obviously an inadequate service plan presents you certain problems in addressing the issue, but that's not your role today to pass on whether or not it's an adequate service plan. We have to live with the service plan we have in front of us. And briefly speaking, those services that are set out to be provided by the city after annexation were fire. It was going to switch from Fire District No. 1, primary provider, to Valley Center's Fire Department. Police services were to switch from the Sheriff to police, city police. Street lights consistent with the city's street light plan. Sewer and water, those kinds of things would be provided upon petitions by the landowner, and emergency siren man was in effect with the City of Valley Center as to where and how they site sirens. And other than that, they did not take in any roads at the time of the annexation, so they did not make any statements in their service plan as to road maintenance issues. As far as the police services go, they did not specify anything about animal control. They just basically left it in the service plan as police services.

"Finally, the last comments I would make is the statute does require the service plan is supposed to provide information to the landowner, how the service is to be provided by the city are equal to or better than the services provided prior to the annexation. The service plan doesn't really address that. It does in some ways certainly by implication, but for the most part, we don't really have that clear of a statement there. So your role again today, in these hearings, is to act in a quasi-judicial role. You have to hear the evidence, draw conclusions for the basis of your official action, which is making that finding. And generally exercise your discretion in the manner of a judge. Because this is quasi-judicial, there are due process protections that need to be adhered to. One of those most important ones is if you've had ex parte contacts with anybody on either side of this issue you should disclose those on the record that you've had those contacts. If you are going to use information that you obtained through those ex parte contacts, you should state what that information is on the record to allow either side to rebut that or respond to that information. If you're not going to use any of that information, then you don't have to mention it. Unless you have any other questions at

this point, I would recommend you open the public hearing and hear testimony and then proceed as you see fit."

Chairman Ranzau said, "Bob, I have a few questions. First off, I had some ex parte communications with Mr. Gary Lee on this issue. There have been e-mails and one conversation really about the process of how the petition works and timing and this, that and the other. It really wasn't about the content of the petition itself, and nothing in our conversation will be used to make my decision here today. Now, on the hearing, we're going to hear from Joe Pile, the City Administrator, and then we can hear from any citizens who's affected by this annexation, right?"

Mr. Parnacott said, "That's correct. Ordinarily, you would hear the petitioners first, but it's your call on how you would conduct the hearing. Typically, petitioners first and then the city responds and if you want to allow and rebuttal, that would be appropriate."

Chairman Ranzau said, "But if a citizen wants to speak who is not one of the petitioners, then we're not supposed to allow that to happen, because I think we have one person signed up who is not, so we'll just restrict that to the petitioners and Joe Pile to represent the City today."

Mr. Parnacott said, "You could certainly let her speak just as long as you don't rely on her information as part of your decision-making. It might be a better practice not to have her speak or have her speak if she wants to make comments after the close of the public hearing. The public hearing is where you hear the actual evidence you're going to make your decision on."

Chairman Ranzau said, "Okay. Thank you. A couple questions about the service plan. So is the service plan adequate?"

Mr. Parnacott said, "Clearly not from a variety. It's nowhere near adequate."

Chairman Ranzau said, "I think you even termed it woefully inadequate. So it doesn't meet the State requirements. And I know we're not here to judge specifically that, but we're supposed to decide whether or not they've met the service plan requirements, and the service plan is faulty to begin with, so that increases our challenge here."

Mr. Parnacott said, "Yes."

Chairman Ranzau said, "And as you stated before, the statute does require that they provide services that are equal or better to what they had previously, is that correct?"

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

Chairman Ranzau said, "Are there any other questions for Bob before we open up the public hearing? Seeing none, at this point we will open the public hearing on petitions for de-annexation for the City of Valley Center, and we'll start with the petitioners. The first person I have on the list is Dan Houston."

Mr. Parnacott said, "Real quickly, I forgot to mention the City of Valley Center did submit something in writing prior to it. You should have a copy of that. If not, we'll get

you a copy. It's a resolution the city council passed last night. We just received it this morning. We distributed it to the Clerk for his records, and members of the audience that are here to speak on the matter. If you don't have copies, I'll get you a copy. Do you have those?"

Chairman Ranzau said, "I believe this it is. 64215?"

Mr. Parnacott said, "Yes so that can be made part of your record, and the City can speak to that in more detail."

Chairman Ranzau said, "Thank you. We'll have you approach the podium and give us your name and address for the record, please. And we'll give you about three minutes. We'll give everyone three minutes or so with the exception of Mr. Lee, who I know has a Power Point presentation, I think."

Mr. Parnacott said, "Correct."

Chairman Ranzau said, "We'll give him a little more time, Mr. Houston."

Mr. Dan Houston, 5219 W. 77th North, Valley Center, greeted the Commissioners and said, "Well, I want to thank you for this privilege to be heard."

Chairman Ranzau said, "Please first state your name and address, please."

Mr. Houston said, "I'm on almost to Hoover on the South side of 77th Street, and my neighbor right across the street from me is in the County, and my neighbor to the south of me is in the County. And I'm very uncomfortable speaking here. I'm just a mechanic by trade, but I'm not match for Valley Center's lawyers, but I would like to say some things here that really affect me and our life here in the County or in Valley Center. I have nothing against the people of Valley Center, first of all. I love the town. I love the people, and all of them that I can think of that I've talked to agree with me and us. My problem is with bureaucratic injustice. City government is required by the Constitution to do no harm and to treat all its citizens alike. There should be mutual benefit. In my case, all the benefit goes to Valley Center. I put in my own water system, septic system, my own propane tank for heat, my own underground cable for electric power. All this was done according to County code at my expense. And we bought five acres out there in 1983. So I've paid more taxes now than it cost me to build the house and buy the land. I cannot afford to pay the upkeep and maintenance on my own services and Valley Center's, too.

"No animal control. Valley Center wouldn't even pick up a wild tom cat after I trapped it, which has happened several times. When Al contacted the City, he was told to tell me to just haul it off. Road kill is another problem. We mow our own ditches. The truth is, we live in the County and should be paying County taxes. We are too far from city services to benefit from them. The County blacktopped 77th before we were annexed, and their services were just great. This is our last chance to correct this injustice. Please rule in our favor. Let's bring back truth and justice as the American way. Valley Center has the money for a new golf course. Surely they won't miss our taxes. And I would like to quote, here, 'For what avail the plow and sail or land or life if freedom fail.' And this last quote I hesitate to read is from Benjamin Franklin, because I'm normally a gentle guy. 'Democracy is two worlds and a land voting on what to have for lunch. Liberty is a well armed lamb contesting the vote.' And that's the way we feel out here, is we were lambs and the wolves had their way with us. That concludes what I wanted

to say.”

Chairman Ranzau said, “Thank you, Mr. Houston. Are there any questions for Mr. Houston? Commissioner Unruh.”

Commissioner Unruh said, “Not a question. I just wanted to say, he said that he was just a mechanic, well I was just a mechanic for 40 years, and I want to tell you that you were very eloquent. Good job.”

Mr. Houston said, “Thank you.”

Chairman Ranzau said, “Next up we have Marlin Schrag. Please give us your name and address please.”

Mr. Marlin Schrag, 5013 W. 77th North, Valley Center. Greeted the Commissioners and said, “In 1984, my wife and I thought we had made an excellent decision. We wanted to move north of Wichita with our two young children to be more out in the rural area, and we found a lovely area about 6 miles north of Wichita that, where they were starting a rural community of houses and lots, and so we thought, that's it, that's good. Valley Center is a good place. We're close to Wichita. We're close to Valley Center. It's a good location and the land was good.

“Then in 2007, we began to doubt how excellent our decision was, because our budget suddenly lost about \$1,000 in taxes. And of course, I'm repeating this even though your paper says that we should not be restating the points that have been previously mentioned. Well, as a teacher now retired, I believe that repetition is important for effective communication. Paying around \$1,000 more in taxes when I was a retired schoolteacher and the KEPTER was becoming less and less effective became less valuable, and then to have a thousand dollars extra coming out of the budget, just I didn't see any reason for it. You talk about new services. In my opinion, new services were not needed. The County had been providing for our services, our needs, very well. And if we had wanted to have, if there was something more that we needed, I believe the County would have helped us out. In fact, the County did help us out by paving our 77th Street. And so I would question whether our family made the right decision in 1984 because of what's been happening with the annexation. Thank you.”

Chairman Ranzau said, “Commissioner Howell.”

Commissioner Howell said, “I have a couple questions for you. I'm just curious, can you tell me, do you have any street lights near your residence?”

Mr. Schrag said, “No.”

Commissioner Howell said, “Where is the nearest street lamp?”

Mr. Schrag said, “I have no need for one.”

Commissioner Howell said, “There's not any street lighting nearby?”

Mr. Schrag said, "Not that I'm aware of. I pay no attention to it. I grew up on a farm and I've driven many roads most of my life, dark roads. I understand that two street lights have been put in someplace, and I understand also that the people aren't too happy about it who live there, because they like to be more out where they can see the stars and so forth, but I think if the County would have given us street lights if we asked for them anyhow."

Commissioner Howell said, "In the service plan, it talks about they have to have a plan to install street lighting consistent with the rest of the city, mostly intersections and other places determined by community standards, whatever that means. Are you able to hear an emergency siren from your home? Can you hear a tornado coming?"

Mr. Schrag said, "Faintly. If it's being practiced and I'm outside and I'm listening, then I hear the practice sirens, but I didn't hear any siren when what I heard the other night was the fierce wind and hail on my house, and I was questioning if should I go down to my basement or not."

Commissioner Howell said, "I don't think sirens were going off during that storm. What about, do you have the internet at your house?"

Mr. Schrag said, "Yes."

Commissioner Howell said, "Who is your service provider?"

Mr. Schrag said, "Service provider is Cox."

Commissioner Howell said, "That's also part of the service plan. I just wanted to make sure that was being provided out there."

Mr. Schrag said, "Yeah. We had it from Cox long before there was any annexation."

Commissioner Howell said, "Is there any objectively you can cite that you look at the service plan -- again, as I'm reading the service plan, I agree, this is woefully inadequate, but nevertheless this is the service plan. Is there anything you can highlight objectively and say this is an item that the city has not met this specific thing in the service plan? Is there anything in here that you would say that this is the thing the city has not provided that they said they could do."

Mr. Schrag said, "I am not able to answer that question. I have not read the service plan. All I know is that my income has gone down around \$1,000, and whatever the service plan says, that wasn't of special interest to me."

Commissioner Howell said, "Thank you very much. That's all I have."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Question. And maybe this may be more for Mr. Parnacott, but it may relate to how we need to proceed and the testimony we've received so far from Mr. Houston and Mr. Schrag. The material that I was given here entitled 'City of Valley Center Post Annexation' report, and along with the ordinance, the ordinance and resolution has some dates on it, and they've dated it as of yesterday. Should I consider the last two pages as being dated yesterday, Mr. Parnacott? I don't see a specific date on it, and I want to get into the timing issue

because we've had talks about how the timing has not been adequate, and they talk about here at annexation, and I was interested in finding out if this occurred at annexation. What would be the relevant date that we need to consider for this document and also when it says that annexation, would that go back to the date, I believe, June 5th, 2007?"

Mr. Schrag said, "Yeah, I don't know anything about what they've written here. I recognize the June 5th, 2007. You said on the second page? What were you referring to?"

Commissioner Peterjohn said, "When I was referring to the second page of the post-annexation report. It's not the resolution."

Mr. Schrag said, "Oh, I don't have that."

Commissioner Peterjohn said, "If you've got this document, it would be page three and four."

Mr. Schrag said, "I didn't study the document. I'm sorry."

Commissioner Peterjohn said, "I was trying to, if I could, get Mr. Parnacott to kind of come up and help me out in terms of what I need to consider as part of your testimony. I may have some more questions for you. I want to understand some, I just got this document this morning, and you all, it sounds like, Bob, you got it just a little bit before we did. So I'm trying to understand what date I should consider this as of June 5th, 2007, April 7th, 2015 in accordance with the resolution or some other date."

Mr. Parnacott said, "Well, I think the period that you should be looking at is the two and a half year period from the point you made the finding at the five-year mark, because there was a five-year hearing in June of 2012. Where you made a review of what had happened between June of 2007 and June 2015 That was the five-year review, and at that time, you made a finding the city had not provided services during that five year period. That started this two and a half year period where the City was required to provide those services or they would be subject to petition for a de-annexation hearing. So your focus today should be on that two and a half year period and whether those services in the service plan were provided in accordance with the service plan during that two and a half year period."

Commissioner Peterjohn said, "So if they're saying that these services were provided at annexation, they would be referring back not at the two and a half period but to the 2007 date? Is that the way I should read that?"

Mr. Schrag said, "I think you should direct that question to Mr. Pile when he gets to speaking. Because I've only received it and had time to just briefly review it."

Commissioner Peterjohn said, "Well, Mr. Houston and Mr. Schrag, if I could have you gentlemen come back to the podium, please. The specific question about animal control and the lack thereof, has that been consistent throughout the time period since 2007, or is this more recent?"

Mr. Schrag said, "This is more recent for me because I have been watching it a little closer."

Commissioner Peterjohn said, "When you say more recent, in the last two and a half years?"

Mr. Schrag said, "Yes. I'm no match for Valley Center's lawyers, but I have a question."

Commissioner Peterjohn said, "Don't underestimate yourself, sir, I agree with Commissioner Unruh's comments about mechanics."

Mr. Houston said, "I just wonder why they have to keep voting on this thing, because they've done this at least twice, and one time it was only by one vote that they agreed that they had completed it. And I just received this this morning, and I got my copy from her, who was in a meeting last night where they did it. This is kind of the way they run things, kind of like Washington."

Commissioner Peterjohn said, "But we're required to operate under State statute and the legal advice that we receive. You've made the point on animal control, and I think I've got the information I need. I appreciate it, Mr. Houston."

Mr. Houston said, "Yeah. Basically, I could tell no difference. I mean, they talk about services, but out there where we are, where I am, I'm on the very western fringe. Nothing changed really. We were getting everything. It's unseen things. The only thing that changed was all the money going out, which Mr. Schrag and myself and a couple others could buy a fire engine for what we're spending, and the County was taking good care of us before."

Commissioner Peterjohn said, "Thank you. Mr. Schrag, there were certain specific services listed in the number here. I was curious if you could be specific, not looking at the tax side of it, or the County's per se, but in terms of the City service being the same or better than what you'd had prior to annexation."

Mr. Schrag said, "I don't have any knowledge of services that are new services that have been provided. I have not observed them. It was a duplication when the police took over from the sheriff, and there's been no change that I'm aware of in services. We didn't really need a change in the services. I'm sorry. I haven't observed anything."

Commissioner Peterjohn said, "Thank you very much."

Chairman Ranzau said, "Next we have Angie Basden."

Ms Angie Basden, 5053 W, 77TH North Valley Center, greeted the Commissioners and said, "I really didn't have anything prepared to speak here for except for my experience being annexed into Valley Center. When we built our house, we were already annexed in there. But the things that we have experienced, like our neighbors to the north of us, when we had issues with calling police, the Valley Center people would get confused if they should come out, if Sedgwick County should come out, and at one time we had both Sedgwick County because the neighbor was in Sedgwick County, and then we had the Valley Center police officer out there to resolve our dispute. That's kind of a waste of money, I think, to have two entities have to resolve our problem. I still feel like they're confused on when they respond. As for living near a city, as Commissioner Howell pointed out, and we get benefits from it, no, we don't. I built a house with a septic tank, with propane. I don't really use propane for my house. I have a ground force heat pump. I'm looking at their street maintenance here. And by the way, I wasn't really happy that I got handed this document today. It would have been nice to read

over there. Street maintenance is really only done to the point to where they want what they agreed to, because I guess Sedgwick County or the township. I don't know who keeps up that other part where our street is, but that doesn't get maintained by the city. I mean, they might maintain up to that point which is by Bella Vista Road, which is the street before my street, 81st Street, and that as proven by when snow clearing was done.

"The snowplow came down, went right through to Bella Vista. They did not maintain past their point that they say that he maintain, and that's too bad, because we are paying extremely high taxes for no benefits. Let's see, the other thing I wanted to address on here is I don't get city water from them. I don't need city water from them. I have a well. I don't need sewer service from them. I have a sewer. But yet, on my trash bill, I'm paying a fee for storm water for Valley Center, so I'm paying a storm water fee attached to the trash bill. If I paid my own trash bill not done through the city, then I wouldn't have to pay that storm water fee.

"Again, I think my biggest thing is that they haven't provided the services, and it's very confusing to live in mass chaos. Sedgwick County doesn't know if they respond. Valley Center doesn't know if they respond, but I did want to say I do love Valley Center, but I don't believe I'm getting any services. I'm paying very high taxes, and my property is very self-sustaining with the sewer, the septic. I don't know about the street lights, because you know, if they don't maintain our street and they don't maintain that street out there, I don't know what street lights they're providing, because they don't go past the Bella Vista Street. Sorry I was so rambling, but I was trying to give you my experience that."

Chairman Ranzau said, "We have some questions from Commissioner Howell."

Commissioner Howell said, "Angie, you were referring to the previous hearing actually when you made the comment about the nearest city. Maybe this was the previous idea. The comment was really, you might enjoy the library or some entertainment things provided by the city, some sports leagues maybe, churches, grocery stores?"

Ms. Basden said, "I do put funds in there, so when I'm there, I do feel like I'm supporting Valley Center."

Commissioner Howell said, "Certainly. There are some people who live on the very edge of the city that essentially enjoy all the same things that anybody else in the city would enjoy."

Ms. Basden said, "I don't normally use them a lot. But I do want to keep Valley Center sustained, yes. I love their little city. I just don't feel like I'm getting a benefit from being included as a citizen in their city."

Commissioner Howell said, "Have you read the service plan?"

Ms. Basden said, "I don't believe I have. I've been listening."

Commissioner Howell said, "Just to let you know, our role today is to be objective and to weigh the evidence presented with respect to the service plan, and that's what I'm trying to do here. So I want to be very objective, And I'm asking specific questions

about sirens and internet provider opportunities if you wanted to have a contract with them, and the street lighting. With respect to the road improvements and with the city water and city sewer services, those are available only if the residents want to, by petition, accept a special assessment tax on those properties. They have to pay for it. The way Kansas does this is people who have water and sewer service and road improvements have special taxes to pay for those things. It's not free, paid by other taxpayers, but you have to pay for that yourself. It's a personal responsibility principle, I think. The citizens actually have the choice of saying we would like to have road improvements and have these services, but you would have to pay for these things."

Ms. Basden said, "That's why I built on the five acres out of the city."

Commissioner Howell said, "And I understand that, and I agree. I say you guys have an opportunity, you're not exercising it, and it's fine. It's your choice. You don't have to have those things. To the extent you that have things that you are content with, that's no reason to petition the city to have water and sewer and street improvements. If I was in your shoes, I am sure I would feel the exact same way. Those are not things that the City had ever promised to provide. I guess I want to be very clear. It's not in the service plan. So what they did say they would provide is lighting, as they did in other parts of the city."

Ms. Basden said, "Where are they going to provide that lighting for me?"

Commissioner Howell said, "Again, I don't know your neighborhood specifically, but if someone has evidence."

Ms. Basden said, "Maybe we can find out here."

Commissioner Howell said, "We have City representation. I'm sure they'll go there and talk about that. The lighting is one thing, service provision is one. There are a couple of other things as well."

Ms. Basden said, "They're not cleaning my ditches, and they don't clean my culverts. I don't know what they're talking about there. The street that goes to our own street, they don't really maintain, because those houses are in Sedgwick County. They don't clean my ditches. They don't come and do culvert cleaning. I don't get the city water. I don't get the city service. The fire protection I haven't had yet. There are neighbors behind us. I think there was some confusion when the house caught on fire, I can find that out. Police protection is a nightmare, and that's kind of important to me, having the right people respond, but it shouldn't take the County and Valley Center police to resolve our issue. That would be nice if we had a one entity that could resolve that. That was very confusing, and it still is. Animal control, I can't really speak on that. There's a lot of dogs loose out in the city. I haven't really called on any animal control, and I don't know what the other city services are that they're doing,"

Commissioner Howell said, "Let me be real clear. The animal control issue, I am surprised they actually addressed that in the Resolution that we just received because

in the actual service plan that was passed to accomplish the annexation in the first place never even mentions animal control. It's not in the requirement service plan at all."

Ms. Basden said, "Well, I'm looking here, and it's on the document that they provided to us this morning."

Commissioner Howell said, "Right. It's on that document, which is why I'm saying I'm surprise it's on that document, because if you go to the service plan passed when they did the annexation, animal control was not a service that they spoke about. What they did talk about was fire protection, police protection, street lighting, emergency alert system, storm water, water and sewer services, roadways and private utilities."

Ms. Basden said, "Can you tell me what I'm paying the storm water fee for?"

Commissioner Howell said, "You know, I can't tell you that. I'm sorry."

Ms. Basden said, "Because I don't know what I'm paying."

Commissioner Howell said, "I think that's a common complaint. A lot of landowners feel the same way. I'm a member of my church that was assessed a storm water fee for our parking lot. We actually had mitigations on our property for retention ponds and other things, and it didn't matter. We're still assessed a very large fee for storm water. I think it's a very common complaint, and I understand that and am sympathetic to that."

Ms. Basden said, "Mr. Howell, can I ask you a question, on the street that goes down, 81st Street, before you turn into our driveway, those homes are not in Valley Center. So the street maintenance doesn't really benefit us all the way, because it's a short portion to the Bella Vista Road. So what benefit am I getting out of the street maintenance then?"

Commissioner Howell said, "I guess that's a question for our council at some point. The annexation has to be incremental, so they did a row of homes, unfortunately, didn't do the other side of the road, which makes this confusing. The issue you did mention I think is relevant, but again, I'm not sure the legal aspect of this. If you call 911, there may be a confusion as to whether this is on the one side of the road or the other and who should respond, and there is some confusion created because of that. Whether they deannex the side you're on or annex the opposite side, there are two ways to solve that problem. Where you're at right now, the configuration is a little confused for emergency services and code enforcement."

Ms. Basden said, "Which are very important."

Commissioner Howell said, "I agree. And there are two ways to solve that. On a legal basis, I don't know if that's necessarily an objective complaint I can consider today, understanding again that the state allows, actually requires increment will annexation, but that confusing thing I wish would be resolved, but that's not really part of something I think I can consider today because it's not really..."

Ms. Basden said, "Right. If your family was dealing with it, I think it would be important."

Commissioner Howell said, "And I understand that. I am sympathetic to your

comments, and I think it should be solved, but that's not something I think can be evidence to make this decision today. That's not something I can consider."

Ms. Basden said, "Can you tell me what exactly I'm getting for my high tax dollars from being in the City of Valley?"

Commissioner Howell said, "I'm not going to speculate on that. I am just trying to weigh your testimony against the service plan. That is all I am doing today."

Ms. Basden said, "I am just trying to figure out what I am paying for. I don't get anything. "

Commissioner Howell said, "I understand. Thank you, ma'am."

Ms. Basden said, "Thank you."

Chairman Ranzau said, "Angie, sorry. I have a question. You said something about the police protection is what?"

Ms. Basden said, "Chaotic?"

Chairman Ranzau said, "Chaotic, is that what you said?"

Ms. Basden said, "Yes."

Chairman Ranzau said, "And how long have you been there?"

Ms. Basden said, "Since 2009."

Chairman Ranzau said, "And that's how you would characterize it?"

Ms. Basden said, "Yes. We had a neighbor we had to call for quite a bit, and both sides were confused as to whose problem and how to resolve it. That neighbor is no longer there, but it was an example of what we dealt with, what issues they are not in."

Chairman Ranzau said, "Thank you. Next we have Gary Lee, and Anthony. I don't know if you guys are separate or together."

Mr. Gary Lee, 5335 W. 61st., Valley Center, greeted the Commissioners and said, "Separate. Two and a half years ago, myself, Anthony, and Mr. Houston, were here, arguing our case. I had sent a power point presentation to the Commissioners at the time, and I've made an amendment to that. I'm going to speak to that in just a moment. But our homes are the ones, there are two petitions. The first petition that myself and Anthony signed were the lighter blue homes up there. Those are on 81st street. If you can go to mine right now, I appreciate that. Do the Commissioners have this? Have you read through this, by chance? I sent that in two days ago."

Chairman Ranzau said, "Bob, do you want to?"

Mr. Parnacott said, "We received that by e-mail Monday, so we distributed it to you by e-mail. It was too late to get into the online backup, so it's not part of your backup

package. But you did get it before the hearing and obviously you'll work through it and speak to it"

Chairman Ranzau said, "Will we have a copy to enter into the record?"

Mr. Parnacott said, "Yes."

Mr. Lee said, "This first page is the same one we submitted two and a half years ago. Going through here, the street boundaries, as you can tell, the annexation was fragmented to the point where it avoided some responsibility from the city on road maintenance. I'll address that on the next slide. The police protection and code enforcement, I believe you've already been, I'll address that on the city's slide. City services, water, sewer, gas, those have been addressed already. Those aren't provided by the city. And we're west of Valley Center. So there is a river that divides us, and there were previous annexations also west of Valley Center. Some of these haven't been addressed, including street lights, but I'll show that in just a minutes. Our home, the two up there in blue and the two behind us are part of this annexation in this probation period. Taxes, mine have gone up 14 percent this year. Fire protection and police protection, in the last two and a half years, the Sedgwick County police force and homeowners have had two meetings in our area west of Valley Center on an increase of crime and what we can do as citizens, but again, that was Sedgwick County taking that initiative and the homeowners, not the city of Valley Center. I'll get to the street lights in just a minute. In the 31 properties, the properties were annexed and some of the properties are going to be addressed by the city service agreement were east of Valley Center and north of Valley Center. This big large annexation and the service plan, please try to focus on our area, because they have provided services in other areas of the annexation, but that's not what we're discussing today. Next slide, please."

Chairman Ranzau said, "Wait, go back. Since you will go through a lot, I want to ask a few questions. How long have you lived there?"

Mr. Lee said, "We've had the land since 1997 and lived there since 2000."

Chairman Ranzau said, "And somewhere on this it talks about, I thought I saw, there we go. The police presence, animal control, code enforcement compared to the County. And you've heard the previous testimony. So you've been there before and after this annexation?"

Mr. Lee said, "Animal control wasn't part of the service plan, but I'm glad that's on here, because it's actually something that has that the services have deteriorated. Prior to annexation, and because we lived in the County, there were a lot of dogs and cats that get dropped off out there. Prior to the annexation, we would trap them, several

dogs, cats, one skunk, and we called the County, mostly on the weekends, because we're home during the daytime on the weekends so we can catch the animals. They would come out and take care of that. And they came out and took care of the skunk. And since then, when we're home on weekends, and this weekend, there was a litter of cats dropped off and a dog that was dropped off running through our neighborhood, and I don't even bother anymore, because we can't catch them, we can't call the County. So we just..."

Chairman Ranzau said, "What about police? Would you respond to that somewhat as the previous person said, chaotic and confused about who responds?"

Mr. Lee said, "It is chaotic. It really is. The areas I want to talk, well, yes, the private cul-de-sacs have been divided, so when your neighbor across the street is covered by the County and we're covered by the city, then, and I think Mr. Serrano is going to bring up a point about fire protection, it is, because both of them come out there. And we've had to call both of them since then and the City and County have come out and responded."

Chairman Ranzau said, "Did you have that chaos prior to annexation."

Mr. Lee said, "Every time we call, we have to convince the 911 operator that we're in the city. They're assuming we're in the County."

Chairman Ranzau said, "But this chaos, you didn't have that before?"

Mr. Lee said, "That's correct. It was all County. And part of our tax dollars as a County resident went to the City of Valley Center to provide fire protection and police protection. I believe it was, I used to be on the planning commission, and I think it was around \$2,000, \$1,500, went to the City of Valley Center at that time to help provide fire protection. So as a County resident, we're still paying for some of that for the city, and it was clearly defined."

Chairman Ranzau said, "I'm talking about police, though. That's on this slide right here. The chaos has started since the annexation?"

Mr. Lee said, "That's very true. Next slide. This is a road situation that we've talked about. This is what brought up a lot of this two and a half years ago. The area to my right, that's Bella Vista. That's already been annexed. They lost their battle here, so this area is now in Valley Center. There is a street light, Commissioner Howell, you mentioned street lights, there is a street light at that corner, but that street light was provided according to that the service plan that was pertinent to that annexation, not our annexation. And you can see the city has a little bit less than half, about 40 percent, of road maintenance there. The County maintains the rest of it. And my cul-de-sac and my neighbor's cul-de-sac, what was your name again? Angie. They dump out to the north on to a County maintained road. So this is the dividing line. Everything outside of that are in the County, including the properties that you see along, these properties right here are in the County, and I, after the two and a half year period, we did have a meeting with the City of Valley Center and Commissioner Ranzau, because he represents our area, and we talked about this. And one of the proposals that I put forth was for the City and the County to work together on trying to resolve this issue, because before that, it was a split maintenance, so the road was never good. And one of the proposals that Mr. Ranzau put together was for the County to pave that road all the way from West Street to

Hoover and for the city to maintain that afterwards. That went to the city of Valley Center twice, and they voted against that.

"So that's, in my opinion, that was an opportunity for the County and City to work together to help the residents in a very confused annexation, try to resolve an issue that was an issue to us and concern to us. The road had deteriorated to the point where the school buses wouldn't go down in the rain. I know that because our house is a safe house for school buses, and they would call during thunderstorms to tell us they weren't coming down because the road conditions were bad enough. Going onto the next slide, similar to the first one, but again, if you have any questions on who owns what part of the road, who owns the City and County dividing line is. Like I said, a, from the Google map, that indicates the property outside of that area is all County-owned. So as residents own the private cul-de-sacs, it's very confusing.

"Here is a close-up of the three areas addressed two and a half years ago and that we're part of the earlier petition. Eight homes there, five were in the County, three in the city. Dog runs across County road onto our road, runs back across. Who do we call? There is a police issue, code enforcements are different in the city and County. You can shoot firearms across the street. You can't shoot them on our side. There is a multitude of issues that are really confusing on these private cul-de-sacs that are now divided.

"In conclusion of my presentation, I'll address the service plan issues, what the city provided today. These cul-de-sacs are unevenly divided now. The city has stated they're not going to annex. This was all part of a larger annexation plan that's not going to go forward now. So to call these the final boundaries, I don't think it's a good idea. Mr. Howell, you said that you couldn't do anything about all these issues today. Well, you can do something, because you can redefine the boundaries of Valley Center. That will clarify a lot of these issues. So by doing that, I think you can address that issue. The roads should be maintained by one party. There are two different surfaces now. They each have issues. It would be just easier to call one entity to figure out what we're going to do.

"Either we go back and address what Commissioner Ranzau presented and the partial annexation of the cul-de-sacs, the code enforcement issues two and a half years ago, I made a presentation about one of our neighbors that had a broken well, water well. That was the issue with the City and County, who was going to fix the water well. That was finally resolved. Like I said, the best possible solution for this is either annex all the properties, which is not going to happen, because the laws have been changed, or to deannex these homes in the private cul-de-sacs, and that will help address some of the issues. If I could have just one more moment to go over what the city has provided today. Again, I'm talking the homes off 81st Street here.

"The street maintenance at the end of our cul-de-sac is County road. Street improvements were done by the County. Storm siren, there is a storm siren at the end of 81st and the big ditch, 85th Street and Hoover intersect, that's the County. That was there before the County had put that in before the annexation. The ditch cleaning is up to neighbors and the County. Culvert cleaning, that's not an issue. We're a private cul-de-sac. The culverts along 81st Street are again split between City and County. City water service is not available. I think as residents if we were going to get city

water, I think it would be easier to get it from rural water to the south of us, because Valley Center would have to cross the river. Actually, when I was on the planning commission, one of the city managers at the time, he told me that he proposed, there's a bridge there that was going over the river to come out towards our house through the woods and all of that. He proposed that the city put a waterline in at the time, not hook it up, but go ahead and put the services there if at any point that water was going to be provided west of the river, and that was voted down. So they would have to tunnel anyway. It would be expensive, and I think it would be easier to get rural water than city water.

"City sewer, we're on septic. Fire protection, again, our neighbors across the street, parts of their County dollars goes to Valley Center. Police protection is very confusing. Code Enforcement, that's confusing, also. Who on the cul-de-sac is covered by the city, who is covered by the County? Who has jurisdiction? Animal control, I think has gone down. Other cities and services, we have cable, we have Cox cable. That's nothing the city does for us. Trash service, there is trash service provided to all the city, recycling and all of that. We have trash service from the same company we do now and the 12-dollar storm fee that we didn't have before. That's the end of my presentation. I hoped that clarification helped clarify the dividing line between the County and city road maintenance."

Chairman Ranzau said, "So Gary, tell me again, you lived there since 2000?"

Mr. Lee said, "Correct."

Chairman Ranzau said, "And today you're making some objective statements about animal control, police response, code enforcement that have not improved over the last two and a half years?"

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

Chairman Ranzau said, "And overall, you have a statement on which the service plan or the services provided by the city have not been equal to or better than services before annexation?"

Mr. Lee said, "Yes."

Chairman Ranzau said, "That's your belief having lived there before and after?"

Mr. Lee said, "Yes, and it's also documented. If we have time, we can go back through 2000 and on when I called the City and County for animal control. That could be easily researched. I don't know what else. Like I said, cable, we have that through Cox, that's not a city-controlled service."

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

Commissioner Howell said, "Thank you, Mr. Chairman. Mr. Lee, I just wanted to go through a couple things with you. Again, I'm trying to be objective. So the issue of animal control I don't think is part of the service plan specifically, so I don't know that that is a strong argument either way. The issue of confusion sounds to me like it's because of the annexation was incremental and basically took one side of the road and not the other. But I guess I'll be asking my council later on when I have the opportunity, did they have the opportunity to annex the road themselves? You said the cul-de-sac is privately owned?"

Mr. Lee said, "Yes."

Commissioner Howell said, "The township doesn't do anything with that? You have to do it yourselves."

Mr. Lee said, "Yes. Once you turn off of 81st Street, which is like a County road, going south, on our property, that's maintained by the homeowner. That has never been addressed."

Commissioner Howell said, "My questions for counsel later on would be whether or not the city had the opportunity to actually annex that driveway access because to me that's a key thing. To me, that's the most objective and most compelling argument that I've heard so far was that basically they're annexing the properties but none of the access to those properties?"

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

Commissioner Howell said, "That to me is a very compelling argument that I will certainly consider. But I'll be asking the counsel whether that's legal or required or customary. I want to make sure you're aware, one of your slides said they have not added any staff for police protection. According to the document we received this morning, which I understand was, is late information coming to us, but they do make the arguments they did add two full-time police officers and one full-time fire person to provide more services to the larger city."

Mr. Lee said, "Remember, this is a large annexation. There were over 30 properties annexed, and we're just talking about, I think, 14 today. So there is the area north and east of Valley Center that was part of this same inadequate service plan."

Commissioner Howell said, "Just for clarity, I want to make sure that the colleagues understand there was information on that slide that is either under dispute or inaccurate, one of the two, because the city document this morning talks about they did add personnel, and the slide said they did not add personnel. So I'm highlighting there is a discrepancy there. According to the city, they did add personnel. I want to make that distinction. And again, the issue of confusion, I think it's unfortunate. Whether the city had the chance to annex the other side of the road to eliminate that confusion, I don't know. I'll be asking that from my counsel as well. But to me the confusion is undesirable but I'm not sure that the city had an opportunity to avoid confusion and there's two ways to resolve that, either by deannexing the homes on the one side or to annex the other side. That would be two ways to resolve that so it's all the same. I do think it is confusing, and it is unfortunate. But anyway, you answered all of my questions. Thank you, Chairman."

Chairman Ranzau said, "Any other questions? Thank you, Gary. Next we have

Anthony."

Mr. Anthony Sirignano, 5325 West 81st Street North, Valley Center, greeted the Commissioners and said, "My house is located in the middle, the light blue square, Gary's neighbor to the north. I don't really want to rehash everything that everyone has spoken to today. Gary and I collaborated on his presentation, so I'm comfortable with what he said this morning. I do want to share a personal experience I had with police service in the area. About two years ago, my house was struck by gunfire from a house in the County. A gentleman was setting his deer rifle and it got away from him, of course. When we called 911, County was the one to show up.

"The City of Valley Center wasn't even aware that this incident happened until the next day. So to me, that's a giant failure in police coverage. When our neighbor's house burned down, Caesar Morales, he would be the top light blue square, I believe it was during the five-year annexation period. So it may or may not pertain here. When we called 911 for his fire, County was the one who showed up for that one as well. I'm not sure when city was made aware of it, but County was the first one on scene for that. I also would like to take a moment to thank all of my neighbors for coming out today, taking off work, and we've also put forth the time have to do this. This isn't something we get notified about, so I think this is important to mention to you, the Commissioners, that we've taken the time out after the five years and again after the two and a half years, to follow the process. As you're aware, as you've seen, everyone that has spoken today is for de-annexation. No one is very happy for being annexed for various reasons. Gary mentioned the road. I don't want to rehash that. We also, and the street lights, we haven't had any street lights in our area of the annexation. The lights that were out there were done for previous stages. Gary mentioned the emergency alert siren. That's at the intersection of 85th and Hoover, and that was done by the County long before the annexation. Private utilities, those have all been provided previously. That's all I really want to touch on. I think we've hit everything. I just want to make myself available for any questions from you guys."

Chairman Ranzau said, "Anthony, how long have you lived there?"

Mr. Sirignano said, "I believe we moved in 2007."

Chairman Ranzau said, "Was that after the annexation?"

Mr. Sirignano said, "It was, I think, the first year after annexation, if I remember right."

Chairman Ranzau said, "So you can speak on the last two and a half years with respect. I know you said you kind of agree with Gary Lee, but I just want to, he's talked about animal control, police response, code enforcement, 81st Street all of these things. Do you agree with those statements, that those services have been lacking or chaotic?"

Mr. Sirignano said, "Absolutely. The fire and police, that's probably number one on the

list and a close second is the road. The way 81st Street was annexed or not annexed. I mean, point of fact is, as you can see on the map, you cannot get to my private drive using a city road, a city-maintained road. If you were trying to get to my property using city-maintained roads, you can't even though I am a resident of the city."

Chairman Ranzau said, "Okay. Thank you. Are there any other questions from Commissioners for Anthony? Thank you."

Mr. Sirignano said, "Thank you."

Chairman Ranzau said, "Next. I don't think there are any other citizens who are affected by this. So we'll have Joel."

Mr. Joel Pile, City Administrator, City of Valley Center, greeted the Commissioners and said, "Good afternoon, Commissioners. It's always a pleasure to be here on these topics. I stand before you today representing the City of Valley Center. Again, I apologize. I know I've heard some comments about the resolution and supporting documents that were provided to the Commissioners just this morning. Those were approved by the City Council last night, so this was about the earliest opportunity we had to provide those. The council began a couple years ago on some annexations to meet as a governing body to discuss the service plan and the services that have been provided to the residents, to also give residents an opportunity to appear before the City Council, and discuss any services that have been provided or have not been provided. And to date, at all of those council meetings, no residents have ever appeared before the City Council to address items that are not being provided. Specifically, we monitor and track any complaints that we have. We did find a number of complaints we've had in individuals in annexed areas over the years regarding issues like animal control, specifically Mr. Lee was speaking to a well issue, and looking at our records, all of those issues have been resolved. And none of them are outstanding and weren't taken care of by the city. I heard a lot today talking about the property boundaries between the City and the County.

"Well, if you look at the map all the way around the city, that exact same circumstance exists. You're going to have property owners on one side of the street that are in the city and other side of the street that are not in the city. So I don't necessarily understand how that's applicable to our situation we're considering today, because it's widespread all the way entirely around the city. I also heard a couple of residents say I can tell no difference since being annexed. Well, to me, that's the very definition of equal or greater services, if you can tell no difference. For example, we've discussed some of the police and fire services of the city. The City uses County dispatch which is paid for by the residents with the County taxes and taxes they paid to 911. So if the service is less because it's confusing on who is to be dispatched out, there would be no difference. We have mutual aid agreements with the County on both fire and police that we respond to every call, whether it's in the city or outside the city, if it's along or borders. And reviewing the police and fire records, nearly every instance, there's only been, I think there were 11 calls to this area over the annexation period. The city was the first on the scene to respond even to those areas that are not in the city but on our border where we were exercising those mutual aid agreements. So that's basically what

I have. The information that was provided as part of the resolution is basically the same information with an update that was provided to the Commission two and a half years ago and also the property owners have had that.

"I find it very interesting, because Mr. Lee spoke about the meeting that we had with Commissioner Ranzau with the city, and the major issue is the paving of 81st Street, which, and I wasn't a part of the city when the city did the annexations. I've been told that the annexation had to occur that way to be in conformance with state statute so that we did not ever annex that portion of 81st Street and we did divide the cul-de-sacs in half. I can't speak to the legalities pertaining to the annexation. But I know that we worked together and got, the City paved its portion of the road and the County paved its portion. Then the proposal was put on the table that if the County were to pave its portion that the city would then have to assume henceforth and forever the maintenance of that road. As we know, with road budgets, they've all been slashed.

"The city is no different than the County, and the last thing that the city would want to do at this time is take on road maintenance of a road that's not even within the city. That can certainly turn the table and ask the County if you would come into Valley Center and maintain a road that's not in the County but is yet in the city. I think I know what the answer would be on that question. So that's how that kind of came to be. It is an unfortunate circumstance, but we do maintain and take care of our section of the road that is within the city, and oftentimes we do assist the County or township on issues that may pertain to that section of the road outside the city. Animal control, some irony in that is that it's not part of the service plan, but I noticed in a number of documents it's been presented as a service that the city doesn't provide. The on-call protocols of Sedgwick County Animal Control specifically dictate that they don't provide very many services after hours or on weekends, services that we do, I contend we provide with our animal control officer and our police department. With that, I'll stand for any questions."

Chairman Ranzau said, "Joel, with respect to the road proposal, clarify, in one of the proposals that the County would also pave a portion of the city's portion of 81st Street, and that's why they would maintain it thereafter, right? So we were going to pave inside the city's proportion?"

Mr. Pile said, "The proposal was to improve the stretch the city had previously improved, had just come off of improvement."

Chairman Ranzau said, "And you made that recommendation to the City Council twice?"

Mr. Pile said, "Yes."

Chairman Ranzau said, "We also said we would take care of it for five years, and then after that they would. Just want to get everything on the record. Okay. Are there any questions for Joel? Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. Let me throw out, so the post-annexation report that I received this morning actually was approved by the City Council in Valley Center last night, which is why we got it this morning."

Mr. Pile said, "Yes. The report is essentially the same as the report that was presented two and a half years ago to both the City Council and the County Commission."

Commissioner Peterjohn said, "Okay. Let me just, in terms of looking through it, so the second page of that supplemental report when it says at annexation, you're referring back to the original annexation in 2007?"

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

Commissioner Peterjohn said, "I wanted to clarify that and get that on the record, because obviously we've had the earlier hearing, and getting this document at such short notice, but I understand if you guys had a City Council meeting and it just acted last night that this is new information. So let me ask you, the folks who would be in this area as part of this hearing, have they seen these documents yet?"

Mr. Pile said, "I believe some of them were distributed just prior to the Commission meeting convening, and I believe they all would have seen them, because they have been substantially the same from the two and a half year period, but I can't speak for sure."

Commissioner Peterjohn said, "Okay. So the folks who are here at this meeting have seen this document, but folks who aren't here have not; is that what you're saying?"

Mr. Pile said, "Yeah. I can't provide beyond assuredly who has seen it and who has not seen it."

Commissioner Peterjohn said, "Sedgwick County, when we have these hearings, we have to get information out to all the people in affected areas who have, whether they have a home or it's developed property or they just have land in the affected area."

Mr. Pile said, "To answer your question, then, no. The only possibility people would have seen that is if they saw it from the previous annexation or if they were here today, so those that are not here today would not have seen that, may not have seen that."

Commissioner Peterjohn said, "So you're saying this is the same document we had two and a half years ago."

Mr. Pile said, "Essentially with updates."

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

Chairman Ranzau said, "What was the vote on this resolution last night?"

Mr. Pile said, "Six in favor and two opposed. And the two opposed provided no explanation as to why they were opposed."

Chairman Ranzau said, "Any other questions of Mr. Pile? I don't see any. Any other constituents that are affected by this annexation that weren't on the list that need to speak? Seeing none, thank you, Mr. Pile."

Mr. Pile said, "Thank you."

Chairman Ranzau said, "At this point, shall we close the hearing?"

Mr. Parnacott said, "That would be appropriate."

Chairman Ranzau said, "We will now close the hearing with respect to petition for de-annexation for Valley Center. Any comments? Mr. Parnacott?"

Mr. Parnacott said, "I'll respond to any questions. I think there may be a few, and then we can talk."

Chairman Ranzau said, "Commissioners. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Bob, the testimony that we heard today, if I heard correctly, are there two individuals who spoke who bought property after the annexation in 2007; is that right?"

Mr. Parnacott said, "I couldn't hear the very last part of your question."

Commissioner Unruh said, "Two people purchased their property after the annexation?"

Mr. Parnacott said, "That's my understanding, yes."

Commissioner Unruh said, "Does that have any influence on this determination?"

Mr. Parnacott said, "No. Any landowner that owns property during this period leading up to that two and a half years and all of these property owners owned property during that two and a half period, if they believe they've not gotten services, they are entitled to petition for and have a hearing. So no."

Commissioner Unruh said, "Okay. Thank you. That's my only question now."

Chairman Ranzau said, "Well, Commissioner Peterjohn had his light on and just stepped out. Commissioner Howell."

Commissioner Howell said, "I do have a couple questions. Can you just tell us, you mentioned earlier I think in your initial presentation that the city was required to incrementally annex, they couldn't do both sides of the road at the same time? Is that what you heard you say?"

Mr. Parnacott said, "I think I used the term sequential, which is somewhat more or less the same thing. What that means is for a city to be able to unilaterally annex property that is, without the landowner's consent, they need to be adjoining that property, so they need to be touching in some way, and it can be a corner touch, but as long as they have at least one point of common boundary and that property is subject to annexation, unilateral annexation, unless it falls under an exemption like over 21 acres in Ag use, that kind of thing. So, for example, in this situation, they probably had properties to the east, immediately to the east, right outside that red boundary that had been annexed by a prior annexation, so that made those properties immediately to the

west now touching or adjoining, but they were not. The city was not then adjoining the properties on the west side of the cul-de-sac, so they had to annex the east side of the cul-de-sac before they could say they were adjoining the west side of the cul-de-sac. Does that make sense?"

Commissioner Howell said, "Yes. Is it safe to say that once this annexation is or was, once it's resolved, then at that time the city would have the opportunity, if they wanted to, to go the next step, for example, to address this confusion issue. That would be something the city would certainly have the right under state law that they could consider that next row of properties at that point?"

Mr. Parnacott said, "They are now adjoining the west side of the cul-de-sac, and those properties are eligible for unilateral annexation."

Commissioner Howell said, "As of right now, have they made that step? And the properties under protest today would have been deannexed, what would that have done? In other words, does it seem likely that maybe the reason the city hasn't gone any further perhaps is because there are properties under protest and have been so for quite a long time now, since 2006?"

Mr. Parnacott said, "You know, I really can't speculate as to why the city chose not to move forward. There could have been several reasons."

Commissioner Howell said, "Okay. Now, with respect to the private roadway, did the city have an opportunity to actually take that roadway themselves and actually provide maintenance to that drive even though the residents are doing that on their own? Did the city have the chance to actually make that part of their annexation?"

Mr. Parnacott said, "There are two concepts here to understand fully. First, there is the annexation issue, which is yes; they could have annexed that roadway. I don't know if they did or didn't. It's possible they annexed up to the midpoint, because a private drive is owned in equal parts by the adjoining parties on each side of the land. So in that private cul-de-sac, the persons on the east probably owned the center point of the private drive and the persons on the west to the center point on the west side. The city could have included that, well I take that back. They would have been able to annex only up to the property, the part of the drive that was included as properties they were adjoining already. That's the annexation. That's why they are not the private drive is in or outside the city limits. In terms of maintenance, cities and counties don't generally maintain private drives. It would have required a dedication or acquisition of the private drive to turn it into a public road, at which point it would be subject to city or County maintenance, depending on whether it was inside or outside the city."

Commissioner Howell said, "So there may be other properties inside cities that are considered private drives that are not the responsibility of the governing agency?"

Mr. Parnacott said, "Yes and I think we have private drives in the County as well that we don't maintain. That is a private matter for those landowners to handle."

Commissioner Howell said, "With respect to the service plan, when this was initially

drafted and I assume that the City had hearings. In the initial part of this, did the Board of County Commissioners see this service plan and have a chance to weigh in this woeful inadequacy as you described earlier?"

Mr. Parnacott said, "No, not at that time. Now when we have a notice of a unilateral annexation the city are required to provide us with a service plan in advance to the annexation, and we have an opportunity to comment on that. We have done several of those over the last couple years now. But at this time, when this annexation was done, the city was required to provide a resolution stating that they were intending to annex the property, but they did not. They were not required to provide us the service plan."

Commissioner Howell said, "I understand that. So then it is safe to assume also that the city did obviously have a public hearing on annexation initially and the only person that had to approve that service plan was the city themselves, no other entity had a chance to actually argue other than actual homeowners that this was an adequate plan?"

Mr. Parnacott said, "The homeowners or landowners would have had an opportunity after the annexation became effective for 30 days to file a lawsuit to challenge whether the service plan was adequate or not. They did have a district court alternative of challenging the service plan. Again, that wasn't done, so we have the service plan we have."

Commissioner Howell said, "With respect to 81st Street, is it reasonable or required in any way that they would have to be able to access their properties by driving on city property only, or is driving through the County, on the County-owned road to access their property that has annexed by the city. Is this unusual or is it required to have continuous city road access to the private drive? Is there any requirement to do that?"

Mr. Parnacott said, "Actually, a city is not allowed to annex right-of-way unless they are joining the right-of-way at the time of the annexation or as part of the annexation. They are not required to annex the road, but they certainly are not allowed to annex a strip of road that they are not currently touching or that is touching property that they are in the process of annexing. So they would not, because they are not adjoining that portion of 81st Street, they are not eligible to. And the other side of that coin is that if a city has annexed property up to the right-of-way line but has not annexed the right-of-way, we have the option, you have the option as a County Commission to direct them to take that right-of-way into the city since they are adjoining it, but here, where they are not adjoining it, the city does not have the authority to annex it until they adjoin the road, and you don't have the authority to tell them to annex it, because it is not adjoining the city limits."

Commissioner Howell said, "Based on the resolution we received this morning from the city's action last night, it mentioned some things in here that are not mentioned specifically in the service plan. Should I consider these items today objectively? A few of the things are culvert cleaning, ditch cleaning, animal control and other city services. Are any of those things for me to consider today as a result of any of the arguments, any of the testimony I've heard today or even this piece of paper I received this morning from the City Council who made this decision last night, or am I supposed to look at the service plans specifically for what they're required to provide? Am I allowed to consider these items that are in this document here?"

Mr. Parnacott said, "I think you need to make your decision based on these matters."

First, you have the service plan. The service plan is what the city said, these are the services we're going to provide to these areas, and when they did this service plan, they wrote it for all of the areas being annexed, not just these portions that are being subject to the hearing today. So that's where you start, with the service plan. You now have a petition from these 13 properties. So you really are focusing on whether the services have been extended to these 13 properties. So if the city provides you a report that says, by the way, up in the northeast area, we also did this, this, and this, that's very nice, but it's not relevant or material to your decision today, because you're focusing on whether services have been provided to these 13 properties. That was a long lawyer's answer to a short question probably."

Commissioner Howell said, "I'm not quite sure I got it though. Let's make sure. Again, the service plan is my base?"

Mr. Parnacott said, "Yes."

Commissioner Howell said, "I'm trying to be objective and look at that specifically, although it's not well written specifically. Is there anything in addition to that I should consider today?"

Mr. Parnacott said, "No. If it's not pertaining directly to these 13 properties, services being provided to these 13 properties, it's really not relevant to your decision and should not be considered. Is that better?"

Commissioner Howell said, "That is better. Could I take a couple minutes to think about this, Thank you?"

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I just want to make a comment to the fact that as part of this ex parte communications, have not received any and only looked at the material that is coming in here or has been presented as part of this hearing this morning. I did receive the presentation, I guess, Monday, but I wanted to get the ex parte comments onto the record. Thank you, Mr. Chairman."

Chairman Ranzau said, "Bob, with respect to the service plan and animal control, the basis is everything starts with the state statute, and they're supposed to get equal to the services they had after annexation as they had before."

Mr. Parnacott said, "Yes, the statute actually specifically talks about generally major municipal services. Obviously police and fire are those type of things that are major municipal services. It does not spell out to a great deal of detail what services have to be mentioned in the service plan particularly, other than that general title, major municipal services."

Chairman Ranzau said, "Well, the fact that the city included things like animal control and the post annexation, would that seem to indicate that they consider it an appropriate function to be considered?"

Mr. Parnacott said, "Yes."

Chairman Ranzau said, "I mean, we already talked about inadequacy of the original

service plan, the fact that it's not in there to begin with is just simply an indication of the inadequacy to begin with, not necessarily whether or not it's reasonable to expect them to provide that service. Clearly I think they've indicated it is reasonable to expect that service. Is that a reasonable? "

Chairman Ranzau said, "That was a service provided prior to annexation.

Mr. Parnacott said, "It is now being provided after annexation, and it is intended to be equal to or better than, and I think you've heard statements really to both sides of that."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Our job today is not really to determine the adequacy of the service plan. Our job today is just to determine whether or not it has been filled to a certain level of performance, is that correct?"

Mr. Parnacott said, "Yes."

Commissioner Unruh said, "And so, there has been general consensus, I think, among Commissioners that it's not a very strong service plan, an inadequate service plan, and I think at our hearing two and a half years ago that representatives from the city admitted that it was a pretty thin service plan. But if our legal responsibility is to say whether or not they fulfilled the requirements of the service plan as recorded and we've heard testimony from the city and the citizens, I guess, both ways on that, I know at the original hearing, I was the only Commissioner who came to the conclusion that they had fulfilled the service plan, and at that time I made comments that I thought it was woefully inadequate along with everyone else, but in order for me to arrive at a conclusion in today's question, the question is have they fulfilled that service plan? I believe I'm still of the opinion that as weak, thin, inadequate as it may be, I think the city has fulfilled that service plan, and because of that, I will not support the de-annexation. I think that's my legal responsibility in this quasi-judicial determination. At the same time, now that I still have the floor, I do want to say that I haven't received any personal ex parte communication. I did receive an e-mail and a written document that had some information about this, but I've listened to the testimony again today to make my determination. That's all I have, Mr. Chair."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "I have received some ex parte communication through e-mail and written form. I have not talked to anyone personally about this issue. When this came before us two and a half years ago, I was Chairman, but I was absent from that meeting, so I didn't vote one way or another on this particular issue to move it forward or backwards. The one thing I've come to know after 15 years of dealing with these kind of annexations is that it's a real mixed bag as to whether the information required is adequate enough in a service plan, and we've seen a mixed bag from very weak ones to ones that are relatively strong and articulate exactly what the city is going to do. Having said that, though, the law is pretty murky from the state level as to what our responsibility is as far as judging whether the service plan is adequate or not. It is only to whether they have met whatever it is, and if there's only one item in the service plan, and it appears that there's been at least a try at providing that, then that's all we can consider. If there's 30 items and some of them haven't been taken care of, then we have to weigh that out. But if it's a pretty weak service plan, we can't invent things

that we think should have been in that plan to judge. We can only judge what's in the service plan. Now, Bob, I understand the legislation has changed since we first dealt with this 7.5 years ago, is that correct?"

Mr. Parnacott said, "There's been some change, yes."

Commissioner Norton said, "And one of those changes is that the service plan should come to the County Commission for us to give them written dialogue, written ideas about whether the service plan is adequate or not. We can't change it. We don't vote on it. But we at least get to see it ahead of time; is that correct?"

Mr. Parnacott said, "That's correct. We reviewed several of them and occasionally have made some informal comments to the cities involved as to suggested changes that would better the service plan. So yeah, we've been working with cities for that."

Commissioner Norton said, "Right. But seven and a half years ago, that was not a requirement. It was not given to the Counties to look at, to peruse, to give feedback. It was only through the municipalities that that was devised, is that correct?"

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

Commissioner Norton said, "I just wanted to be sure that was on the record, because today as I look at this, and I didn't vote on it last time, I agree that it's a pretty weak service plan. I think the citizens believe that. I'm not so sure that the city manager doesn't believe that. But we do have what we have today to deal with. I agree with Commissioner Unruh that it's not likely that I'll vote against the service plan today even though I can see that it is relatively weak. Bob, if we were to move ahead with de-annexation, how soon could the city go back and petition for annexation for those properties with a new service plan, a new thought process and everything? What does the law say about that?"

Mr. Parnacott said, "I may have to double-check that. The law changed, and we're operating under the old version of the statute, which was a five-year review, followed by a two and a half year period of post-annexation finding where the city had an opportunity to present it, and they have now changed those time frames to a three-year post annexation review, and a one and a half year period for fulfilling it. And the time frame, the old time frame where the city had to wait before they could try to re-annex the property I think was, I'm trying to find it here. And unfortunately, I'm not seeing it. I do know I believe that now it's, it may have been one year. The old, the rule we're operating under now is one year. So the city would have to wait a full year before they could try to re-annex these properties if they were ordered to be de-annexed. I think it's a longer period now, I want to say three years, I'm not sure if that is right or if it is longer. But for the purposes of this annexation hearing, the city would have a one year period to wait."

Commissioner Norton said, "So we're still operating under an older set of resolutions or statutes from the state as opposed to the newest?"

Mr. Parnacott said, "I apologize. I am look at the amended statute. It's vice versa. The current time period appears to be one year, because I'm looking at the statute right now, and it mentions the two and a half year period. Sorry. I'm going back and forth."

I'm trying to remember now if I've got the right statute. Let me look at one more figure. I'm sorry. Let's go back to my original statement. Yes, one-year period."

Commissioner Norton said, "One year. Okay. That's all. I need to think about what I've just heard."

Mr. Parnacott said, "I apologize."

Commissioner Norton said, "That's fine."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. This is a very difficult issue that's before us today. I've done my very best to be absolutely neutral, and just listening to the evidence that was presented today, I will disclose I did also receive an e-mail and one hand-written letter that I did look at, but I don't believe they're landowners, and I don't believe they're part of this de-annexation hearing today. I did look at them, but I'm not considering those necessarily for, actually I'm not considering them for this decision today. I'm looking at specifically the evidence presented today. I would say based on what I've heard from the hearing and from our counsel, what I perceive right now is what was done was legal. I don't think it's ideal, and it certainly wasn't well executed, and was not well written, and unfortunately, this is an extremely important document that we're having to use as our basis today, very important document that was poorly written, and I wish that the homeowners at the time would have realized that they had an opportunity to access district court to remedy the woeful inadequacy of this document. But unfortunately, that day has come and gone, and we are left now to judge on whether or not the city has said what they would do has been executed. And so as of right now, looking at the detail within the service plan and then looking at the information provided to us from the homeowners and I asked many questions and made many notes about that and also the document that we received this morning, I don't see there's an objective reason that I could object to I guess my opinion that the city has provided services. I don't see there is a way I could support a de-annexation position at this time. I don't believe there has been evidence presented that is relevant to the service plan to go there. I take emotions out of this and look at specific items that I can argue are reasons why I could support a deannexation, and I haven't heard it yet. As of right now, I am inclined to support the city in this case at this time unless something else is presented by one of my colleagues, I would probably support the side of this that says the city has provided the services they said they would. That's all I have. Thank you."

Chairman Ranzau said, "Commissioner Peterjohn"

Commissioner Peterjohn said, "I want to try and reclarify, because I did receive, I think all of us received an e-mail from a party who isn't a property owner and I don't think even lives in Valley Center any more. I'm not considering any of that as part of this issue today. I struggle with this issue in terms of we talk about major services and minor services and what the details are in terms of which statute we're operating under. But I've in the past voted to, that the city had not provided the services of fulfillment,

and I haven't received information today that gives me much reason to change my opinion from the past, and so I wanted to get that on the record. Also, I think from two and a half years ago, the folks with the City of Valley Center who are with us today were not involved with this original service plan back in 2007 and, I think that's noteworthy to mention, too. Because we're having to live with the consequences of things that occurred in the past for the folks who weren't there. But I am uncomfortable with going forward and changing my position from what I had two and a half years ago, and so my vote today will reflect the fact that my position on this issue has not changed. Thank you, Mr. Chairman."

Chairman Ranzau said, "Thank you, Commissioner. I guess I'm the last one to speak, and I'll share of my thoughts. We talked a lot about the service plan and its woeful inadequacy and the fact that it doesn't meet the statute requirements. I think we, even though we're not here to judge whether or not it's adequate or not, I think we need to take into account what the legislative intent of the service plan is. The city has an obligation when it unilaterally annexes someone to provide services that are equal or better than what they had prior. And that service plan is a vehicle to insure that that happens. When a city creates a service plan that is woefully inadequate, it does not provide or insure that services will be equal to or inadequate, that puts us in a very difficult position. I mean, for example, if they leave something out, does that mean they don't have to provide it? If they leave fire protection out, does that mean they don't have to provide fire protection, police protection? If they give us a service plan that's blank, do they have to do nothing? Is that consistent with the legislative intent of providing equal or greater service to the people annexed? I would say not. So we have to look then and listen to the petitioners today.

"We have heard complaints about a variety of things. We've heard complaints about animal control, police response, roads, code enforcement. We've had testimony that says services are not equal to or better than what they've had prior, and we've had people who lived before and after the annexation. We've had the city say the opposite. So we have two sides to the story. So where do we go? One of the most concerning things is police protection, which has been described by the people who live there every day of the year, 365 days a year that it's chaotic and confused. We have testimony that that did not exist prior to annexation by the city. So clearly this confusion and chaotic situation with respect to law enforcement, which is a critical part of any services being provided, in their estimation has actually deteriorated. It has been caused my unilateral annexation to begin with. The city has had a total of 7.5 years to address this issue, and more specifically the last 2.5 year to address all of the concerns the citizens have, and yet they continue to have chaotic law enforcement, problems with code enforcement, animal control, et cetera. The city will say otherwise. You have to decide which side you go down on. Quite frankly, the service plan provided by the city in the past, and I know Mr. Powell is not responsible for that. He was not here then.

"But nevertheless, the fact that they basically disregarded state statute from the very beginning in fulfilling their statutory requirement to provide a service plan to insure

equal or greater services would be provided hurts their credibility. And with that, I am, I don't believe they have met the requirements of the service plan, nor have they met the statutory requirements to provide equal or greater services to the people who are annexed. I'm not going to, as far as splitting the people down, the confusion is clearly caused by where they've annexed and they've stopped annexing. The only way to resolve is to de-annex, because I don't believe they're, if they were going to, I have no evidence that the reason they didn't annex it was because of this. I don't believe that's true. And I don't believe they will deannex this land in order to solve the issue or make it less chaotic. When I have a constituent tell me prior to annexation they didn't have chaos and confuse with law enforcement and now they do as a direct result and it's very clear that police protection is required in the service plan, you can add in all the other things, but I can't sit here and allow and say that they've met the requirements on the service plan if that continues to happen, and they've had adequate time to do that, to rectify that situation. And regardless of what happens here today, that issue needs to be addressed moving forward."

MOTION

Chairman Ranzau moved that the Board finds the City has not provided services in accordance with the plan nor has it met the statutory requirement to provide equal or greater levels of service to the petitioning landowners.

Commissioner Peterjohn seconded the motion.

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

Commissioner Howell said, "Thank you, Mr. Chairman. I'm sympathetic to the homeowners out there that are struggling with the confusion, and I wish that we had a way to resolve this in a legal fashion. I don't know that that alone is justification for de-annexation. I don't think that, it's not ideal. I wish there were a way to resolve this. Unfortunately, the problem, I think, is that annexation, unfortunately, oftentimes takes one side of the road and not the other. It does create confusion. Again, this probably is a State Legislative issue, and probably not something we can resolve here. With respect to fire protection, if I understand correctly, the agreement that the city has with the County is that if you call 911, the city doesn't get involved in this at all. 911 services sends the closest emergency vehicle to that call regardless whether it be a city or a County. So that should not be any different. In fact, if you are away from the city and you call 911, I think they would only send the County. Maybe I'm wrong. And if you're close to the city, perhaps even whether you're annexed or not annexed, they would still send a city crew. I don't know. I don't know that the city has any ability to affect this is my point. If you call 911, they'll dispatch the nearest emergency service appropriate for that call, and so I don't know that I would argue that this is any less than equal. It's at least equal. Considering they've actually added at least one staff person for fire, it potentially is even better than it would have been in the past. With respect to police protection, the same thing. The city did say they have 11 calls and they were the first on scene.

"Again, I believe that 911 would dispatch the closest there. Even if it's on the County side of the road, the police would still show up. I'm not sure there's any argument that the city would not respond if you're on the County side of the road. They'll dispatch the

nearest. Street lights is one of the items in the service plan, and there was testimony today that that was, in fact, provided, emergency alert sirens were, in fact, provided, storm water, unfortunately. I don't like this policy, but the city has assessed the same fees on all landowners inside the city whether you benefit from this or not. I wish there were a way to exempt certain properties that don't really create the problem, but that's not part of the law. The city has assessed that universally across every property owner in the city whether it makes sense or not. With respect to water, sewer and roads, those landowners have the right to petition to get those improvements and services in place, but they would have to pay for it. So I guess after saying all of that, and the final thing on the service plan as it relates to electrical power, which is being provided currently. It was in the service plan they weren't going to provide natural gas lines and AT&T and Cox would be available. It sounds like they are. Again, going down the service plan specifically and looking for objective reasons why I could support de-annexation, I don't have anything. So I'll be voting no on the motion"

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman, just wanted to check with Mr. Parnacott. Is the motion the Chairman made, is it complete, or do we need to have a second part to it?"

Mr. Parnacott said, "No. I think if the motion passes we have to talk about the second finding you need to make. But depending on whether or not this motion passes or not, we may not need to get to that second motion."

Commissioner Peterjohn said, "I just wanted to get the clarification. Thank you."

Chairman Ranzau said, "Well, I'll say to my colleagues who wish there were something that they could do about it, this police issue, there is something. We can support this motion that we made. In fact, this is the only thing we can do. This is what the legislature has set up for the citizens to be able to petition the government and say, hey, the city has not met the requirements set forth by the legislature. If you can't give police protection right, then there's a problem. Police and fire are probably your two most important things, and if that's not right, we have an obligation to say no, this doesn't meet the standards. We have testimony that people live that who said it's chaotic and confused. The gentleman has lived there before and after and he says that didn't exist beforehand, so the solution is to go the de-annexation route. He says it's different. It's chaotic and confused. That's his supporting evidence. I'm not going to stand here and call him a liar. He lives it 24/7, 365. He knows what happens. We can talk about theoretically what should happen, this, that, and the other. But he knows what really happens on the ground in the real world. I mean, we can say 911 does this, the city does that. But in the minds of the citizens there, it's not working, so we can fix that, and this is our recourse. I'm not sure what else the citizens can say. They've made it very clear, and I appreciate them coming out. I believe what they're saying is honest and truthful. And I take them at their word. They live it every day, and I can't, I don't believe that adequate services have been provided. Clearly, it hasn't in the area of law enforcement. It's actually gotten worse. So I'll be supportive of this motion. Madam Clerk, call the vote."

VOTE

Commissioner Unruh

No

Commissioner Norton	No
Commissioner Howell	No
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Motion fails three to two."

MOTION

Commissioner Unruh moved to find the city has provided services in accordance with the plan consistent with the time table and the plan.

Commissioner Norton seconded the motion.

Chairman Ranzau said, "I won't be supportive of this motion. I must apologize to my constituents. This is another sad day for Sedgwick County. Call the vote."

VOTE

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

Chairman Ranzau said, "Next item please."
Approved

NEW BUSINESS

- N** [15-0248](#) REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 2, 2015.
Presented by: Joe Thomas, Director, Purchasing Department.
- RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.
- Ms. Krista McGovern, Purchasing Department, greeted the Commissioner and said, "The meeting of the Board of Bids and Contracts for April 2nd resulted in two items for your consideration:
1. Bridge Improvements—Public Works.
FUNDING: B458 183rd STREET WEST
- "This recommendation is to accept the low bid from Dondlinger & Songs Construction Co., Inc. in the amount of \$286,974.65.
2. Crack Seal Material—Public Works.
FUNDING: R175 PREVENTIVE MX-15
- "This recommendation is to accept the low bid from McConnell Associates Corp. for an initial purchase of \$21,205.40 and establish contract pricing for one year with two one

year options to renew.

"I'll be happy to answer any questions you may have. And I recommend approval of these two items."

Chairman Ranzau said, "What's the will of the Board?"

MOTION

Commissioner Peterjohn moved to approve the recommendation of the Boards of Bids and Contracts

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."

Approved

CONSENT

- | | | |
|----------|--------------------------------|--|
| O | <u>15-0216</u> | First Quarter 2015 Range Reallocation. |
| P | <u>15-0235</u> | Use Agreement for the Heart of the Matter Walk Event to be held on the southwest corner of Pine and Water Streets. |
| Q | 15-0232 | Order dated 3/26/2015 to correct tax roll for change of assessment. |
| R | <u>15-0245</u> | General Bill Check Register for April 1, 2015 - April 7, 2015. |

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

MOTION

Commissioner Peterjohn moved to accept the Consent Agenda.

Commissioner Unruh 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, "I don't believe we have any legislative issues to discuss, but we are now to the other portion. Commissioner Peterjohn."

Adopt the Consent Agenda

OTHER

Commissioner Peterjohn said, "Thank you Mr. Chairman. I came across some information from the Census Department for 2014. The estimates are out for the populations for all the counties across the country, and in 2010, the County population in Sedgwick County was 498,365 people, and the latest census department estimate has increased that number to 508,803 people as of last year. I also would like to report, Mr. Chairman, April 8th is an important day in American history. In 1913, on April 8th, the 17th Amendment was ratified, and the 17th Amendment provides for the direct election of United States Senators, and a lot of people don't recall but for the first, prior to 1913, the election of U.S. Senators actually occurred by State Legislators, and that was a key change in how this country elects that branch, very important branch of our federal congress. In 1952 on April 8th, President Truman ordered the seizure of the nation's steel mills to avert a strike, and this was later ruled illegal by the United States Supreme Court. On a more positive note on April 8th, a lot of folks out there have seen 42, the movie, and know Jackie Robinson's story. On April 8th, 1974, Hank Aaron hit his record breaking 715th home run that broke Babe Ruth's record. And a year later in 1975, Frank Robinson broke the color barrier, becoming the first major league baseball manager who was African American. So April 8th is a very important day in American History, and I wanted to get that on the record. Thank you, Mr. Chairman."

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

Commissioner Unruh said, "I just wanted to give a quick shout out to Intrust Bank Arena and the manager, SMG, that they were rated 16th in the United States for arenas for the first quarter of 2015. That's all I have. "

Chairman Ranzau said, "I believe we're done with other. Now we'll move to Executive Session. Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to recess into Executive Session.

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

Chairman Ranzau said, "We'll move to executive session."

The Board of County Commissioners went into Executive Session at 12:28 am and returned at 12:56 pm.

EXECUTIVE SESSION

Chairman Ranzau said, "We are back from Executive Session and for the record, no binding action was taken. Commissioners, managers, any further business to come before the Commission?"

Mr. Buchanan said, "No Sir"

Chairman Ranzau said, "Seeing one, we are adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:56 pm.

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:
