

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, June 10, 2015

9:00 AM

BOCC Meeting Room

### **Board of Sedgwick County Commissioners**

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

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

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

## **ORDER OF BUSINESS**

### **CALL MEETING TO ORDER**

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on June 10, 2015 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Richard Ranzau, with the following present: Chair Pro Tem Commissioner Karl Peterjohn; Commissioner Tim R. Norton; Commissioner James M. Howell; Mr. William P. Buchanan, County Manager; Mr. Michael Pepoon, Acting County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Kelly B. Arnold, County Clerk; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Chris Chronis, Chief Financial Officer; Mr. Bill Meek, Register of Deeds; Ms. Lindsay Poe-Rouseau, Director, Budget; Mr. Steven Stonehouse, Deputy Director of Corrections Programs, Department of Corrections; Mr. Tom Stolz, Director, Metropolitan Area Building and Construction Department; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Steve Claassen, Director, Facilities, Fleet & Parks; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications and Ms. Jill Bailey, Deputy County Clerk.*

**GUESTS**

*Mr. Tom Winters, Former County Commissioner  
Mr. Max Weddle, Appointee, Board of Zoning Appeals  
Mr. Douglas Kutilek, Appointee, Board of Zoning Appeals  
Mr. James Gulick, Appointee, Advisory Council on Aging  
Ms. Janet Brumbaugh, Appointee, Mental Health Advisory Board  
Mr. Verne Yoho, Appointee, Animal Care Advisory Board  
Mr. Dale Miller, Plans Manager Metropolitan Area Planning Department  
Mr. Charles Peaster, 9453 North 135th Street, Wichita  
Mr. Wes Galyon, Builder's Association  
Mr. Kent Hixson, City Administrator, Mulvane  
Ms. Kathy Sexton, City Manager, Derby*

### **INVOCATION: Pastor Rick Cline, RiverWalk Church of Christ.**

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES**

- A**     [15-0372](#)     REGULAR MEETING OF MARCH 18, 2015.  
Commissioner Peterjohn was absent.
- Chairman Ranzau said, "Commissioners, you have the item before you. What's the will of the Board?"*

*MOTION*

*Commissioner Howell moved to approve the Regular Meeting Minutes of March 18, 2015.*

*Commissioner Norton seconded the motion.*

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

*VOTE*

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

*Chairman Ranzau said, "Next item."*

**Approved**

**B**     [15-0412](#)

REGULAR MEETING OF APRIL 1, 2015.

All Commissioners were present.

*MOTION*

*Commissioner Norton moved to approve the Regular Meeting Minutes of April 1, 2015, April 8, 2015, and April 22, 2015.*

*Commissioner Peterjohn seconded the motion.*

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

*VOTE*

<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**

**C**     [15-0413](#)

REGULAR MEETING OF APRIL 8, 2015.

All Commissioners were present.

*Action on Item C taken with Item B.*

**D**     [15-0414](#)

REGULAR MEETING OF APRIL 22, 2015.

All Commissioners were present.

*Action on Item D taken with Item B.*

**RETIREMENTS**

E [15-0374](#)

PRESENTATION OF RETIREMENT CLOCK TO WILLIAM P. BUCHANAN.

Presented by: Former County Commissioner Tom Winters and Chairman Richard Ranzau.

RECOMMENDED ACTION: Present the clock.

*Mr. Tom Winters, Former County Commissioner, greeted the Commissioners and said, "And there are other commissioners here I'd like, the former Commissioners, I would like to come forward and stand here with Bill and myself: Mark Schroder, Lucy Burtnett, Bill Hancock and Kelly Parks. Again, it's my privilege to speak on behalf of the former County Commissioners about Bill's 24-year career as our County Manager. Just a little bit of brief timeline. Bill arrived in Sedgwick County April 18th, 1991, a Monday. He jumped right into his first meeting on March 20th of 1991. At that time, he was serving under the Commissioners Bill Hancock, Betsy Gwin, Mark Schroeder, Billy McCray and Bud Hentzen.*

*"In the 24 years of his career, Bill has served under 19 different County Commissioners. When I first came in 1993, I remember having a discussion with Bill about the future of Sedgwick County and changes that we knew were coming. Bill likened it to turning the Queen Mary. It was going to be a long and hard task, not to be done quickly or without a plan. And as I look back now in 2015, it becomes a little more clear of things that were going on. Two of the things that I think most about Bill Buchanan in this process is that Bill did work hard to bring Sedgwick County into the 21st century technology-wise, and the second thing that I believe was critically important is he made sure the right people were in the right place, doing the right job. In the 24 years, Bill has helped the County Commissioners deal with many challenging community problems from things as how do we deal with the growing juvenile offender population, how do we adjust our services in bad economic times, in which there have been more than one, how do we create alternative jail programs for an increasing jail population, how to respond to business needs for workforce development and training, how to assist an Election Commissioner with voter support, how to deal with an aging, noncompliant sports and entertainment venue, and many, many more issues, some with not much fanfare.*

*"Bill has made significant efforts to improve the professionalism and image of the organization. In working with the County Commissioners in a strategic planning process of creating mission, goals and values in the organization, that after 20-some plus years are still in existence. Bill always encouraged customer service, a decision-making process and continued improved communications. Bill has heavily invested in the mentoring program and developed future generation of public leaders through the management intern program. Over 60 individuals have worked with us here at Sedgwick County during his 24 years. Bill's leadership style, to me, could be summed by saying we need to bring all the stakeholders together, we need to find a preferred future, and then we need to develop a plan on how to arrive there, all the way remembering the county's mission of to assure quality public services that provide for the present and future well-being for the citizens of Sedgwick County. So it's been our pleasure to work with Bill as the Commissioner.*

*"And on behalf of the former Commissioners, it's my pleasure to say, Bill, thank you very much, congratulations on your retirement, and we wish you and Lynn the very best. Kristi is here, and does have a letter from ICMA (International City/County Manager Association) that just arrived."*

*Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, "Commissioners, I'll read this for you. It is from ICMA. On behalf of the ICMA Executive Board, the ICMA staff and all of our members, I want to express our appreciation for your commitment to public service and effective local government management upon the occasion of your retirement as County Manager of Sedgwick County. Your nearly 50 years in local government serving communities in New York, Pennsylvania, Michigan, and most recently Sedgwick County, represents unique and significant contributions to public service. Over this lengthy period, you devoted yourself to serving your fellow citizens with commitment, honor and integrity.*

*"ICMA was honored to present you with the Innovations in Local Government Award in 2004 and the Award for Career Development In Memory of L.P. Cookingham in 2012. In addition, I want to highlight the time you have taken over the years to contribute to the profession through service to ICMA. You served with dedication and commitment on ICMA's Committee on Workplace Diversity in the early 1990's and was the committee chair from 1992 to 1993. Through your leadership, the committee worked closely with the ICMA Executive Board on discussions regarding ICMA governance and suggested changes to ensure diversity in the association's leadership. You also worked to affirm strong relationships with the Hispanic network and the National Forum for Black Public Administrators. You demonstrated the same dedication and leadership in serving on the ICMA VantageTrust, including two terms as chair. Your leadership skills were further recognized by your colleagues when they elected you as an ICMA Regional Vice President in 2000 and then as ICMA President Elect, serving as president in 2006 to 2007. Throughout your career, your commitment to making communities great places to live, work and play, has inspired a whole generation of professional managers. You often said that professional managers bring democracy to the doorstep of every resident. This statement is a challenge you met every day as a public servant.*

*"In recognition of your significant service on behalf of the profession, ICMA is pleased to grant you life membership in the organization. This will allow you to stay connected to the profession you have devoted so many years in serving and will also help you stay in contact with your colleagues. We would value continued involvement and helping ICMA in the local government profession.*

*"On behalf of myself, all the members of the ICMA community, all the best for a well deserved healthy and happy retirement. It's from Robert O'Neil, the Executive Director. Commissioners, we have a short video we'd like to share at this point.*

#### VIDEO PRESENTATION

*Chairman Ranzau said, "Well, Bill, I want to congratulate you and thank you again on behalf of the County Commissioners, past and present, as well as the community. You put 24 effortful years of service into the County. I wish I had more to give you, but all I have is this clock. But sincerely, thank you very much for all your service and congratulations and good luck in your retirement."*

*Mr. William P. Buchanan said, "Thank you so much. Thank you. Thank you. Some of you have heard this before, but to paraphrase Lyndon Johnson after a flattering introduction like this, he said, If my father was here, he'd be very proud. If my mother was here, she'd be asking, who are they talking about? I'm humbled by this, and thank you. When we drove up this morning, I said to my wife, can you in your wildest dream imagine that I've been the County Manager here for 24 years? In her loving, kind way, she took my hand in hers and said, 'You've never been in my wildest*

*dreams.' It is because of her that this career has been so easy. So thank you, sweetie. You made it easy. You take care of me. You took care of the family, and you made it possible. You made it easy. And so we're going to move on to the next phase of our life.*

*"Tom Winters talked about all those things that occur, and I would remind you that the old adage is, you know, failure is an orphan and success has a thousand parents, and all of those things he talked about was for the good efforts of our staff, good efforts of our elected officials, good efforts of citizens participating. And that's how Sedgwick County does business, in this team kind of efforts, and I'm thankful for that. I'm thankful for the 77 elected and appointed officials who have been my bosses at some point along the line. I'm particularly thankful for the 19 who were here in Sedgwick County and for the brilliance of Bill Hancock and Mark Schroeder, who hired me. Brilliant.*

*"Thank you. Thank you, four and Commissioner Unruh, for the last several years. We have disagreed, but you have done it with grace and dignity and civility and respect, and for that, I am always thankful, and thank you for that. I couldn't have done this without the senior staff that works for us. Chris Chronis and Ron Holt and Tim Kaufman, Eileen McNichol, David Miller, and especially Kristi Zukovich, have gone out of their way to make this county, out of the way to make me look good and out of the way to keep me out of disaster. The budget teams over the past several years, led by Renfeng Ma, David Miller and now, Lindsay with Chris Chronis' help, has put us in a financial position to be the highest rated bond rating in the country.*

*"They did all the heavy lifting with the budgeteers. I'm thankful for them and I am grateful for my office mates and employees of Sedgwick County who we got to do lots of wonderful things. I will miss them and I will miss this work. If I may finish with a little paraphrase of King Lear that I really like. We are looking forward to the next adventure in our lives, and to paraphrase him, it is my intent to shake, to rib all cares and business from my life, to confer them to someone else while not burdened, move towards the next phase of my life. Thank you."*

*Chairman Ranzau said, "Commissioner Norton."*

*Commissioner Norton said, "If I could just take a moment. I really don't have anything to say to Bill. I've said as much as I possibly could to him and about him in recent weeks, but I'd like to say thanks to Lynn Buchanan. She's been a good friend, a good friend to my wife, and anybody that's been in public service knows that the spouses, the spouses work very hard, bear the burden, have to understand the issues and have to smile a lot when maybe they really don't want to. Lynn, thank you for being a great friend and a great background person for our Manager all these years. We really appreciate it. Thank you."*

*Chairman Ranzau said, "Alright, next item, please."*

## **CITIZEN INQUIRIES**

**F**      [15-0394](#)      REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING NEIGHBORHOOD CONDITIONS.  
Presented by: Randall Freihage, Haysville.

RECOMMENDED ACTION: Receive and file.

*Mr. Michael Pepoon, Acting County Counselor, greeted the Commissioners and said,*

*"Commissioners, he has notified us that he is unable to attend today's meeting, so we need to just defer that item."*

**MOTION**

*Chairman Ranzau moved to defer Item F.*

*Commissioner Peterjohn seconded the motion.*

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

**VOTE**

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

*Chairman Ranzau said, "Next item, please."*

**APPOINTMENTS**

- G**     [15-0363](#)     RESOLUTION APPOINTING MAX WEDDLE (COMMISSIONER KARL PETERJOHN'S APPOINTMENT) TO THE NEWLY RE-ESTABLISHED SEDGWICK COUNTY BOARD OF ZONING APPEALS (BZA).  
Presented by: Michael Pepoon, Acting County Counselor.

**RECOMMENDED ACTION:** Adopt the Resolution.

*Mr. Pepoon said, "You have before you the resolution appointing Mr. Weddel to Commissioner Peterjohn's appointment to the newly established Board of Zoning Appeals. The resolution is in proper form, and I ask that you approve the resolution."*

**MOTION**

*Commissioner Howell moved to approve Item G and Item H and appoint both Max Weddle and Douglas Kutilek to the Board of Zoning Appeals.*

*Commissioner Norton seconded the motion.*

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

**VOTE**

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

*Chairman Ranzau said, "Next item, please. Sorry. Let's swear them in."*

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

*Mr. Max Weddle said, "The Fire Code?"*

*Mr. Arnold said, "Is that not what we've got? Which one?"*

*Mr. Weddle said, "It should be the BZA (Board of Zoning Appeals)."*

*Mr. Arnold said, "The BZA, so help me God. All right. We'll get that corrected."*

*Mr. Max Weddle, Appointee, Board of Zoning Appeals, greeted the Commissioners and said, "Thank you, Mr. Peterjohn for appointing me. I look forward to serving. Since everybody else has given Buchanan a little bit of a cut, I've got a story to tell you. It's real short. In the 1990s, we drove an airplane from Mitsubishi, and the Japanese sleep when we're awake and vice versa, so we communicated by faxes, and we learned pretty early on that when they were pleased with us, they would sign, in best regards. When they aren't pleased, they would just say regards. And to you, sir, I say best regards."*

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

*Mr. Arnold said, "And he we do have the other one. Bear with us. And it is correct. I solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Board of Zoning Appeals, so help me God."*

*Mr. Douglas Kutilek, Appointee, Board of Zoning Appeals, greeted the Commissioners and said, "I will."*

*Mr. Arnold said, "Congratulations."*

*Chairman Ranzau said, "Thank you both for the willingness to serve. Commissioner Peterjohn, did you have anything to say?"*

*Commissioner Peterjohn said, "I was just going to thank Mr. Weddle for being willing to serve in this capacity as a volunteer, and of course, I would also extend those wishes to everyone else who we have here today, and those who aren't present who are willing to volunteer their time in the service of this county. Thank you."*

*Chairman Ranzau said, "Next item, please."*

**Adopted**

**H**      [15-0388](#)

RESOLUTION APPOINTING DOUGLAS KUTILEK (COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE NEWLY RE-ESTABLISHED SEDGWICK COUNTY BOARD OF ZONING APPEALS (BZA).

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Action of Item H taken with Item G.



I [15-0387](#)

RESOLUTION APPOINTING JAMES L. GULICK, SR.  
(COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE  
SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Pepoon said, "Commissioners, both Items I and J are two of Commissioner Howell's appointments to the Sedgwick County Advisory Council on Aging. Mr. James L. Gulick, and Item J would be Mr. Jim Burgess. Ask if both resolutions are in proper form; ask that you approve the resolutions."*

MOTION

*Commissioner Howell moved to adopt and approve Item I and Item J.*

*Commissioner Peterjohn seconded the motion.*

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

VOTE

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

*Mr. Arnold said, "I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Advisory Council on Aging, so help me God."*

*Mr. James Gulick, Appointee, Advisory Council on Aging, greeted the Commissioners and said, "I will. Thank you all for the confidence, and I will promise to serve faithfully."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to make a couple of comments about James Gulick and Jim Burgess."*

*"These are men I've known a long time and in their respective roles, I think they are going to be very good board appointments. Jim Burgess has poured himself into helping the seniors in the Derby area, especially. He is really dedicated to understanding those issues, and I just really am excited about having him on this board, and of course, James Gulick. What can I say he is probably one of the highest IQ person I've ever met. He knows a number of languages, extremely logical and a really dedicated servant. I want to say thank you for both men for stepping up to these positions. Thank you very much."*

*Chairman Ranzau said, "Next item, please."*

**Adopted**

J [15-0391](#)

RESOLUTION APPOINTING JIM BURGESS (COMMISSIONER JIM  
HOWELL'S APPOINTMENT) TO THE SEDGWICK COUNTY

ADVISORY COUNCIL ON AGING.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Action on Item J taken with Item I.*

K      [15-0389](#)

RESOLUTION APPOINTING JANET BRUMBAUGH  
(COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE  
SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Pepoon said, "This is again Commissioner Howell's appointment to the Sedgwick County Health Advisory Board, Ms. Janet Brumbaugh. The resolution is in proper form. I ask you approve the resolution."*

MOTION

*Commissioner Howell moved to adopt the Resolution.*

*Commissioner Peterjohn seconded the motion.*

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

VOTE

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

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

*Ms. Janet Brumbaugh, Appointee, Mental Health Advisory Board, greeted the Commissioners and said, "I will."*

*Mr. Arnold said, "Congratulations."*

*Ms. Brumbaugh, said, "Thank you very much. Thank you for having confidence in me. I am excited to be part of the advisory board. I am a member of NAMI Wichita (National Alliance for the Mentally Ill), I have a son with mental illness so I think I can bring some good experience to the advisory board. Thank you."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "I just wanted to say again thank you to Janet and her husband Allen. Allen and Janet, together, have worked for years, many years, traveling to Topeka and advocating for people with mental illnesses. I just want to say thank you to her. She is, I think right now she's the local chapter president."*

*Ms. Brumbaugh said, "Yes, that's correct."*

*Commissioner Howell said, "I couldn't find a better appointment for this position so I just want to say thank you for stepping up to serve in this role. Thank you very much."*

*Mr. Brumbaugh said, "Thank you."*

*Chairman Ranzau said, "Next item please."*

**Adopted**

**L**      [15-0386](#)

RESOLUTION APPOINTING VERNE YOHO (COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Pepoon said, "This is another Commissioner Howell appointment to the Sedgwick County Animal Care Advisory Board, ask you approve the resolution appointing Verne Yoho on the Board."*

MOTION

*Commissioner Howell moved to adopt the Resolution.*

*Commissioner Peterjohn seconded the motion.*

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

VOTE

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

*Chairman Ranzau said, "Mr. Yoho is here to be sworn in."*

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

*Mr. Verne Yoho, Appointee, Animal Care Advisory Board, greeted the Commissioners and said, "I do."*

*Mr. Arnold said, "Thank you."*

*Mr. Yoho said, "Thank you, Commissioner Howell and the other Commissioners for the confidence you have in me. I'll do my best to fulfill the duties of this office. Thank you."*

**Adopted**

**M**      [15-0395](#)

RESOLUTION APPOINTING CAROLYN WALTERS

(COMMISSIONER JIM HOWELL'S APPOINTMENT) TO THE  
SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL  
DISABILITIES ADVISORY BOARD.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Pepoon said, "This is another Commissioner Howell appointment to the Sedgwick County Animal Care Advisory Board, ask you approve the resolution appointing Verne Yoho on the Board."*

**MOTION**

*Commissioner Howell moved to adopt the Resolution.*

*Commissioner Peterjohn seconded the motion.*

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

**VOTE**

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

*Chairman Ranzau said, "Mr. Yoho is here to be sworn in."*

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

*Mr. Verne Yoho, Appointee, Animal Care Advisory Board, greeted the Commissioners and said, "I do."*

*Mr. Arnold said, "Thank you."*

*Mr. Yoho said, "Thank you, Commissioner Howell and the other Commissioners for the confidence you have in me. I'll do my best to fulfill the duties of this office. Thank you."*

**Adopted**

**N**      [15-0369](#)

RESOLUTION APPOINTING DWAIN SCHNEIDER (BOARD OF  
COUNTY COMMISSION APPOINTMENT) AS A MEMBER TO THE  
FIRE CODE BOARD OF APPEALS IN THE POSITION OF THE  
REGISTERED DESIGN PROFESSIONAL WITH ELECTRICAL  
ENGINEERING EXPERIENCE; OR AN ELECTRICAL CONTRACTOR  
AS DEFINED BELOW.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Pepoon said, "This is a Commission appointment to the Fire Code Board of*

*Appeals. I would ask you approve the resolution, appointing Mr. Schneider to the board. It's in proper form."*

*Chairman Ranzau said, "Commissioners, what's the will of the Board?"*

**MOTION**

*Commissioner Peterjohn moved to adopt the resolution.*

*Commissioner Howell seconded the motion.*

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

**VOTE**

<i>Commissioner Unruh</i>	<i>Absent</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, "Did we get each of those voted on okay, Madam Clerk?"*

*Ms. Jill Bailey, Deputy County Clerk, greeted the Commissioners and said, "Yes, sir."*

*Chairman Ranzau said, "Next item, please."*

**Adopted**

**PLANNING DEPARTMENT**

- O     [15-0390](#)     ZON2015-00016 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO LI LIMITED INDUSTRIAL ON PROPERTY GENERALLY LOCATED ONE-THIRD MILE SOUTH OF 117TH STREET NORTH ON THE EAST SIDE OF BROADWAY AVENUE (11402 NORTH BROADWAY AVE) (DISTRICT 4).  
Presented by: John L. Schlegel, Director, Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change, subject to platting.

*Mr. Dale Miller, Plans Manager, Metropolitan Area Planning Department, greeted the Commissioners and said, "John Schlegel is out of the office this week, so I am pinch hitting for him. This is a request, as she indicated, for a zone change from Rural Residential to Limited Industrial on the area that's outlined in black with the arrow pointing to it on the east side of Broadway there. This is the site where Ditch Witch has been for a long time. They've sold the site to Farmers Oil Company, and it is their attention to operate basically a truck depot at this location for their delivery trucks, and as you can see, all of the area around it is zoned Rural Residential except for the area immediately north. It is zoned Limited Industrial, which is the request that's before you today. There is the aerial of the site. The property to the north is an area where they refurbish pallets. Otherwise all the other property in the area to the east,*

*south, west and further north is agricultural or farmsteads.*

*"This is looking at the site from the southwest corner of the application area, looking to the northwest on one of the buildings that exists on the site. Farther to the north, you can see some of the truck trailers that are parked on the site today. Driveway entrance that's located on the northern end of the application area, and you're looking straight east. Again, another shot showing some of the trucks and the buildings on the site, and again looking south from the driveway and south, that's Broadway on the right-hand side looking back towards Wichita, and Broadway looking to the north, and the pallet refurbishing operation north of the site. As you can see, this is a pretty rural area. Staff is recommending approval. We've had no protests for what the planning commission recommended approval unanimously, and the staff is recommending approval. With that, I'll try to answer any questions."*

*Chairman Ranzau said, "Thank you, Dale. Is there anyone from the public that would like to speak on this issue? Seeing none, Commissioners, were there any questions? I move to take the recommended action."*

*Commissioner Howell said, "I would second that motion, but I just wanted to ask Mr. Miller is there was any opposition presented at the MAPD (Metropolitan Area Planning Commission) meeting?"*

*Mr. Miller said, "No, there was none."*

*Commissioner Howell said, "Thank you very much. I would still second the motion. Thank you, Chairman."*

#### **MOTION**

*Chairman Ranzau moved to adopt the findings of the Metropolitan Area Planning Commission and approve the zone change, subject to platting.*

*Commissioner Howell 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."*

**Adopted**

#### **NEW BUSINESS**

**P**     [15-0322](#)

CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON JUNE 13, 2015 FOR BEECHCRAFT.  
Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Mr. Dale Miller, Plans Manager, Metropolitan Area Planning Department, greeted the Commissioners and said, "John Schlegel is out of the office this week, so I am pinch hitting for him. This is a request, as she indicated, for a zone change from Rural Residential to Limited Industrial on the area that's outlined in black with the arrow pointing to it on the east side of Broadway there. This is the site where Ditch Witch has been for a long time. They've sold the site to Farmers Oil Company, and it is their attention to operate basically a truck depot at this location for their delivery trucks, and as you can see, all of the area around it is zoned Rural Residential except for the area immediately north. It is zoned Limited Industrial, which is the request that's before you today. There is the aerial of the site. The property to the north is an area where they refurbish pallets. Otherwise all the other property in the area to the east, south, west and further north is agricultural or farmsteads.

"This is looking at the site from the southwest corner of the application area, looking to the northwest on one of the buildings that exists on the site. Farther to the north, you can see some of the truck trailers that are parked on the site today. Driveway entrance that's located on the northern end of the application area, and you're looking straight east. Again, another shot showing some of the trucks and the buildings on the site, and again looking south from the driveway and south, that's Broadway on the right-hand side looking back towards Wichita, and Broadway looking to the north, and the pallet refurbishing operation north of the site. As you can see, this is a pretty rural area. Staff is recommending approval. We've had no protests for what the planning commission recommended approval unanimously, and the staff is recommending approval. With that, I'll try to answer any questions."

Chairman Ranzau said, "Thank you, Dale. Is there anyone from the public that would like to speak on this issue? Seeing none, Commissioners, were there any questions? I move to take the recommended action."

Commissioner Howell said, "I would second that motion, but I just wanted to ask Mr. Miller is there was any opposition presented at the MAPD (Metropolitan Area Planning Commission) meeting?"

Mr. Miller said, "No, there was none."

Commissioner Howell said, "Thank you very much. I would still second the motion. Thank you, Chairman."

#### MOTION

Chairman Ranzau moved to adopt the findings of the Metropolitan Area Planning Commission and approve the zone change, subject to platting.

Commissioner Howell 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."

Approved

Q [15-0323](#)

ADOPTION OF THE JUNE 2015 SEDGWICK COUNTY SOLID  
WASTE MANAGEMENT PLAN UPDATE.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the annual update for  
submission to Kansas Department of Health and Environment.

*Ms. Erlenwein said, "The Kansas Department of Health and Environment requires every solid waste plan to be updated annually. This update should include information such as important activities that have occurred since the last update and pertinent data from the previous year. So I'll be sharing that information with you this morning.*

*"Let's start with the collection of municipal solid waste, which are three words we use for trash. It's supposed to be a more polite way. We have 17 businesses that haul trash in our community. Fourteen of those actually go curbside to curbside to collect trash on a weekly basis. Since 2008, the county has had wording in our solid waste plan that says that we expect all cities in the county to have a contract or franchise in place by, and the most recent date is January 1st, 2016. Since that date is coming up soon, this is the appropriate time to review that wording. We also had in there that we recommend that volume-based trash rates and recycling is included in those contracts.*

*"What volume-based means that some people produce more trash than others but pay the same price. Volume-based would apply to different cart sizes and charge less for the smaller cart size for those who produce less trash. The reason this was in the plan was because it's more efficient for one company to go down a road and pick up every house on the block. It takes less time, less fuel. The added services, such as the curbside recycling, volume-based rates, could be put in the contract. Lower costs to residents. Different cities have done surveys before they have had contracts in place and after.*

*"And the prices have been cut in half with more services. There's less traffic and that increase in recycling is important. But this has been going on since 2008, and 14 of the cities in the county have had a franchise or contract and 6 do not. So when looking at revisiting this, it's been recommended that we change the language in the solid waste plan to say that over the past five years the work of local businesses and citizens have resulted in a decrease in solid waste and an increase in recycling. County leaders support this trend and encourage these free markets efforts. Sedgwick County expects cities in the county to adopt a free market approach to solid waste disposal in lieu of having a contract or franchise for solid waste services. This encourages the entrepreneurial spirit and empowers citizens to make their own decisions in regards to solid waste disposal.*

*"So that's a change from previous plans, and we can discuss that at the end of my presentation, if you wish, or at this point. Looking at the amount of solid waste that's been produced in 2014, it's over 387,000 tons received at the two privately-owned transfer stations. This is a 3.1 percent decrease from 2013, which is great. It shows that people are producing less. We can look at it this way as the amount of trash that goes to the transfer stations, and you can see in a graph how that has changed, especially the last three years. The decline of that has been occurring on this graph. But we can also look at it as how many pounds per person per day is being produced so we take into account fluctuation of population.*



*"You can see we're down to 4.24 pounds of trash per person per day in our community. This is actually right under the national numbers. So we're doing very good in our community and reducing our amount of trash.*

*"Recycling is also important. There are five recycling facilities that receive materials to sort and send out to the appropriate facilities for recycling. This is actually a big increase from the previous years.*

*"The 16 percent increase from 2013 to 2014. This graph shows a steady increase in recycling for the last five years in our community. So that's good. We're using less trash and recycling more. We also have composting facilities. Brooks Landfill reported receiving 521 tons of material for composting. Evergreen Recycling, which is up on 53rd Street North, received over 19,000 tons of material for composting or pallet construction. And some small cities in our community have areas where citizens can bring yard waste or land waste for chipping or composting, and then that material is free for those citizens to pick up later. The state also requires us to look at specific ways that we have in our community, and that includes many materials and I'll be going over some of those.*

*"Let's start with Household Hazardous Waste. We received at our facility at 801 Stilwell over a million pounds of materials from over 21,700 participants in 2014. So it's a well-used facility. People are aware of it and bringing in the material. We also receive pharmaceutical waste, so we're getting that message out that we've received prescription drugs and over the counter drugs, as long as they're not controlled, like a morphine or codeine. Material like that, we cannot receive at this facility. But non-controlled drugs, we can. So with 4,000 people aware of this last year and brought material to this facility.*

*"We had also worked with what we call small quantity business generators that don't produce a lot of hazardous waste, but they can work through our facility to receive reduced disposal rates because of our contracts that we have. So we've worked with the 318 businesses in 2014 and received over 79,000 pounds of waste from them. That's a benefit to the businesses, because it lowers their costs. We also have a swap area where we have products that are still in good condition. You can still read the labels. Those are put on the shelves, and people can come in and pick those up for free.*

*"That saves them money, and it also saves the county money from any disposal costs that we might incur. In 2014, we received people coming in over 9,600 customers and over 723,000 pounds of material were reclaimed by those customers. And remote collection events, I just mentioned one coming up this Saturday. I'll be back next week with two more events that I'll talk about in the coming Saturdays. And we also will have a fall event this year out at the [Sedgwick County] extension, [Education Center] which will help people who are cleaning up in the fall have a place to take the material. We have three more events coming up after the one this Saturday.*

*"This shows the trend in the household hazardous waste we've received at this facility over time. The blue line is actually hazardous waste. The green line is material taken from the swap and shop, and the red line is the small quantity generators we're working with. So the trend changes over time, and here is the number of customers that come in, staying pretty constant. So we like working with the public and want to get the word out that this facility is available. Another thing we have of specific waste that the state wants reports on is construction and demolition (C and D) materials. This includes materials, such as dry wall, 2x4s, carpeting, and shingles.*

*Unfortunately, it also includes materials such as caulking, pants, solvents, leftover material from the construction process.*

*"We have two construction demolition landfills in our community. Brooks Landfill and CDR (Construction Demolition Recycling) North.*

*"Brooks Landfill recently announced they have 50 years of life left in their facility, so we have plenty of capacity for this material. In 2014, these two facilities reported over 174,000 tons of construction material coming there, which is a 12.5 percent decrease from 2013. You can see from this graph, it's fluctuated a lot over the years on how much material is buried at the C and D landfills. I think a lot of this reflects the economy of our times and how much construction is going on. We also have, as the county, provided a bulky waste coupon for residents; they can sign up to get a coupon from us, and this giving them free disposal of up to 1,000 pounds at either of the transfer stations.*

*"Last year, we held a bulky waste coupon program. Over 6,000 people were issued these coupons. Over 2,400 redeemed them. And this is to help get rid of materials such as large items, white goods. Refrigerators, no, because of the Freon in it. But it helps get rid of sofas and other large materials. And waste tires, that's a specific waste and we just held a waste tire event at the County West Yard in April of this year. It was very successful.*

*"I would like to thank my staff, Joe Oliver, Joe Renfro, Scott Bowen, and all of their hard work on this and all of the people who work at the West County Yard for their help in making this a good event. Unfortunately, it rained during part of the event but that didn't stop people from coming. You can see here that they came, motorcycles with motorcycle tires. This guy on the left came twice, because he couldn't fit all of his motorcycle tires on one trip. We had over 137,000 passenger tire equivalents come in. So picture your car tire. That's one passenger tire equivalent. The semi tire might be several of those. And a motorcycle tire might be a quarter of it. People brought these in on trucks and trailers behind them and any kind of trailer they could find to put the tires in and to bring those to this event, they did. Of course with all of the rain we had, maybe they thought they might need the boat there anyhow.*

*"We also had a business day and government day to keep the large trucks away from the smaller vehicles with trailers. This is Illinois Township that brought material to our facility. We have many townships take advantage of the first day on the Thursday, which was business and government day. We had Parks and Recreation from the City of Wichita bring tires in. We had Wichita Public Schools bring tires in.*

*"Where are they getting these tires? Illegal dumping on their properties. They collect them and then a lot of them are very thankful that we have this day to help them for disposal. We also received tires from businesses coming in. Again, some of these may have been theirs or illegal dumping, especially a business like Goodwill, people come at night and dump things there that they shouldn't. So Goodwill brought in a bunch of tires that they had collected. And it's tires from farms. You can see the large tires there, or just the general public bringing in the tires.*

*"It's a very good event. It is very successful. We also had an answer to a question we've always wondered. What happens to day-old doughnuts? They were brought to the event. Obviously someone had an old doughnut truck that they used. So very nice of them. Other specific waste, the state wants us to report on storm debris, so limbs, branches, other material from a storm. Recently, in January, we had a couple of resolutions that were repealed, which was based on population and reimbursing cities based on that.*

*"And the county is currently looking at how to address storm debris. This can include possible locations for burning debris and doing it so that it protects the ozone. We're in a situation where we don't need our ozone levels high. We're looking at what equipment to purchase, whether its burners or chippers, and we're going to be going out for bid to see what prices are out there and what we can expect.*

*"And Christmas tree waste, the county has provided 21 sites in the City of Wichita and other cities. Usually it's at a park location where citizens can bring their Christmas trees when they are no longer being used. We chip them and citizens come back and pick up that material. We receive a lot of phone calls from people saying, are they chipped yet? Can we go out and get these chipped? We never have chips left. People always want to get those and take them home. So this is a very successful program.*

*"And we also have to look at any permits or grants related to solid waste for the state, and it goes through the solid waste committee and the County Commission to approve those permits. Last year, Stericycle, which has been in business in our community for a number of years, was moving their location and had to redo their permits. That came before the committee and Commissioners, and it was approved. We also provide public education through our website, through going out and giving talks to groups, through handouts and attending different events. So we're trying to get the message out on how to handle solid waste in our community.*

*"The Solid Waste Committee has approved this plan update. They did want to keep the wording the same on the franchise issue, and I've already shared that with the Commissioners. The wording that was in previous plans. Nicki Soice is here, who is the chairperson of that committee. She's done a wonderful job with the committee, and I'd like to thank them as well for all of their hard work over the past years on solid waste.*

*"And one last thing is the solid waste fee. Every year the Commissioners have to approve that by July 1st and last year it was set at \$6.48 per year, and I know Chris Chronis will be talking to you about that after my presentation on his recommendations on the fee. I'd be happy to answer any questions you might have."*

*Chairman Ranzau said, "Susan, can you go back to the slide about the chipping. You said 21 different sites."*

*Ms. Erlenwein said, "Yes, sir. That one?"*

*Chairman Ranzau said, "Forward one more. Go back."*

*Ms. Erlenwein said, "Before this one or back to the one?"*

*Chairman Ranzau said, "Back. Well, keep going forward. You skipped over it the first time. Forward. Is that what the county does or is that cities?"*

*Ms. Erlenwein said, "County. We have contracts with the cities, such as Wichita, Valley Center, others for providing this service in the parks or other locations and even at our environmental school we have a site there. So we put contracts in front of Commissioners. They're multi-year contracts, so whenever they're up for renewal, we bring them to you to provide this service."*

*Chairman Ranzau said, "Just around Christmas time?"*

*Ms. Erlenwein said, "Right. We usually open it up five days or so before Christmas because some are leaving on vacation and they want to get the tree out of the house before they leave. And up to a week after Christmas."*

*Chairman Ranzau said, "Can you send me those sites? Send all of the Commissioners that."*

*Ms. Erlenwein said, "Yes, sir. Thank you."*

*Chairman Ranzau said, "Is there anyone from the public that would like to speak on this issue? Seeing none, Commissioners. Commissioner Howell."*

*Commissioner Howell said, "Thank you. I just have a couple of questions. Can you tell us how the small cities pay for the operations of those chip sites? Do you have any idea how they do that?"*

*Ms. Erlenwein said, "No, Sir."*

*Commissioner Howell said, "Okay, I know some of the cities do. Do you have any idea how many cities in Sedgwick County have that type of discourse?"*

*Ms. Erlenwein said, "I know Derby does and Haysville does."*

*Commissioner Howell said, "Then my other question was, these businesses that bring tires, are any of those actually in the business of selling tires?"*

*Ms. Erlenwein said, "No, sir. We specifically say we will not accept tires from businesses who are making money from you or I, taking our tires there and then they get free disposal. We've actually turned some businesses away who show up."*

*Commissioner Howell said, "That's all the questions, Chairman. Thank you."*

*Chairman Ranzau said, "Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to basically express my appreciation for the folks who volunteer their time and serve on the committee that is involved. In particular, I'd like to mention two folks, John Stevens, who is my appointment on to that board as well as former County Commissioner, Kelly Parks, who is another appointment. I want to at this time also publicly, because they don't get very much recognition, and it's true of a lot of the volunteer boards that we have here in the county, they quietly work in the background, don't get much attention, and their volunteer activities, and I wanted to thank the folks I know best in particular, but I didn't want to exclude anyone else either. I wanted to get that into the record this morning into this discussion. Very much appreciate the update, Susan. Thank you."*

*Ms. Erlenwein said, "Thank you."*

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

**MOTION**

*Chairman Ranzau moved to take recommended approving the annual update for submission to Kansas Department of Health and Environment.*

*Commissioner Peterjohn seconded the motion.*

*Chairman Ranzau said, "Commissioner Norton."*

*Commissioner Norton said, "I will vote for this solid waste plan, but I did have some issues with some of the change in the franchising, in encouraging franchising. I know we didn't like the word expect, but I thought there was even some softer language that still encouraged it. And then kind of our direction on storm debris, I've had incidences over my long tenure in public service where some help on storm debris, some funding at those critical times for small cities and other entities has been very important. I think the language starts to take us another way. It is the language of the solid waste plan.*

*"It's gone through the committee, so I'll be supportive today, but I encourage us to continue to look at those couple of places to maybe soften our language and maybe revisit what we think about the storm debris, because it is important. It helps at a very critical time in the life of a municipality or a township or unincorporated area when they are looking for funds to get themselves back on their feet and to take care of their citizens. So I will be supportive today, but I did want to get that on the record."*

*Chairman Ranzau said, "Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to throw out just one other comment, and it's more for planning purposes down the line since we're in transition. The five remote Household Hazardous Waste events that we hold each year. When we get done with that towards the end of year, Susan, I would really appreciate it if you would come back before us and give us an update on how those events went and how they compared to how we had been in the previous year in terms of the volume of folks and amount of material turned in, because I think, as you said, the tire events and some of the other events we've had for various forms of waste have been very popular, and well received by folks in the community, but I would like to get an update in terms of how things went this year compared to last year."*

*Ms. Erlenwein said, "I'll be glad to. The last one is the beginning of November, so I'll be here after that to let you know how they all went."*

*Commissioner Peterjohn said, "Okay. Thank you."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to say thank you for the good report. Overall, I think this is a very positive report, and I think you did a great job. I just want to say thank you for developing this and presenting it today. Overall, I think Sedgwick County is doing a really good job in this area. I just want to say I appreciate what you're doing by leading this effort. Thank you."*

*Ms. Erlenwein said, "Thank you. Thank you, Commissioners."*

*Chairman Ranzau said, "Call the vote."*

**VOTE**

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

Chairman Ranzau said, "Next item. Thank you, Susan."

**Approved**

R     [15-0401](#)

**ADOPTION OF A RESOLUTION ESTABLISHING SOLID WASTE FEES FOR 2016.**

Presented by: Chris Chronis, Chief Financial Officer.

**RECOMMENDED ACTION: Adopt the Resolution.**

*Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "Since the year 2000, Sedgwick County has imposed solid waste fees to provide partial funding for the various programs that Susan just described for you. State law provides that if a county chooses to impose a solid waste fee, it must do so before July 1st for a fee that is to be effective the following calendar year, and so the action that's before you today imposes the solid waste fee for 2016. That fee, should you approve it, will be added to property tax bills, because that is the collection method that we use. The fee that we impose varies, according to property classifications; residential property owners pay a fixed amount per dwelling unit. And commercial and industrial properties pay variable rates based on the waste generation characteristics of the particular businesses. For 2016, the fees that are contained in the resolution that's before you are \$4.88 for residential parcels. That's each dwelling unit, and for commercial and industrial parcels, there are five different rates.*

*"Tier 1 is \$3.44 per parcel. Tier 2 is \$4.58 per parcel. Tier 3 is \$5.73 per parcel. Tier 4 is \$6.87 per parcel. And Tier 5, which is the large malls, is \$4.58 times the number of tenant spaces, the number of businesses located on a single parcel. Those fees are expected to produce approximately \$146,000 in 2016, which added to tonnage fees, C and D landfill, licensing fees and available cash from prior years will fund the 2016 proposed budget for the solid waste program. If you have any questions, I'd be happy to try and answer them. If you don't have any questions, then I would recommend that you adopt the resolution that's before you."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I was just curious, can you describe what is our current balance moving forward, say the end of this fiscal year? What is the projected ending balance at the end of 2015 for the solid waste fees?"*

*Mr. Chronis said, "Well, no, for the year we are expecting to use approximately \$250,000 of the fund balance. The fund balance totals, I believe it's about \$1.8 million."*

*Commissioner Howell said, "Okay. So by changing these fees, reducing these fees, which I want to stress that we're reducing the fees. For example, residential \$6.48 now, and down to \$4.88. Do you expect that balance to ever go below zero at that rate? Is it going to dwindle slowly over time?"*

*Mr. Chronis said, "That is the financial plan that we are working against. We believe that the balance is at a level where it doesn't need to be. We don't need that much of a fund balance now that we no longer have a small city storm debris removal policy. And so we want to reduce that balance, but we want to do it in graduating steps over a number of years so as not to cause a lot of volatility in the fees we impose on residents."*

*Commissioner Howell said, "The last thing I'll ask, you said these different tiers are weight characterizations, so the reduction on the residential, is that the same percentage of reduction for the other tiers?"*

*Mr. Chronis said, "No. Each tier, it's approximately the same, but there are slight variations. Each tier, well, let me back up. The solid waste programs provide different levels of benefit to commercial and industrial properties than they do to residential properties. And so to develop a fee, we have allocated costs of the program to residential and commercial industrial based on the presumed benefits that are to be received by each of those sectors. And then we compute a fee so the percentage changes there vary year to year across the various tiers and across the classes, but they will all be fairly similar from year to year."*

*Commissioner Howell said, "Just to clarify, these are all reductions in fees."*

*Mr. Chronis said, "Yes, they are."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Commissioners, what's the will of the Board?"*

#### **MOTION**

*Commissioner Peterjohn moved to adopt the resolution and establish the 2016 Solid Waste Fee levels recommended.*

*Commissioner Howell seconded the motion.*

*Chairman Ranzau said, "We have a motion and a second. Madam Clerk...Commissioner Norton."*

*Commissioner Norton said, "I'm going to be supportive today. I still have a little bit of an issue with, not with reducing it, because it's ebbed and flowed. It's been like a rollercoaster ride over the years. Some years it's up a little bit to fill up the funds. Sometimes it's down if we get too much of a fund. But I still have a few issues with having a contingency for ice storms, tornadoes, other events that require storm debris removal that it can be onerous on citizens, but also townships and small cities.*

*"I don't have a problem with reducing the fee this year, because we do have a significant balance. I would never want to try to get it down to a balance of zero so we don't have the ability to help out our neighbors and the folks that we serve in some of these jurisdictions. So that's all I have, Mr. Chair."*

*Chairman Ranzau said, "Thank you. Madam Clerk, call the vote."*

#### **VOTE**

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

Commissioner Howell           Aye  
Commissioner Peterjohn    Aye  
Chairman Ranzau            Aye

*Mr. Chronis said, "Thank you."*

*Chairman Ranzau said, "Next item, please."*

**Adopted**

**S**     [15-0328](#)

A RESOLUTION AUTHORIZING THE TRANSFER AND USE OF  
MONEYS FROM THE REGISTER OF DEEDS TECHNOLOGY FUND  
PURSUANT TO K.S.A. 28-115a.

Presented by: Bill Meek, Register of Deeds.

RECOMMENDED ACTION: Adopt the Resolution and authorize the  
Chairman to sign.

*Mr. Bill Meek, Register of Deeds, greeted the Commissioners and said, "Mr. Chairman, in accordance with K.S.A. 28-115a, I have determined that the balance of the Register of Deeds Technology Fund at the end of the 2014 calendar year is greater than \$50,000, and that \$300,000 is not needed by the Register of Deeds office for technological purposes. K.S.A. 28-115a hereby provides the board the authority to transfer those funds from the Register of Deeds technology fund to the County fund to be used for County offices or equipment or technological services related to the land or property records filed or maintained by the County. I recommend that you take the resolution and approve it and affix the appropriate signatures. And I'll answer any questions."*

*Chairman Ranzau said, "Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Just a little bit of background, because we've done this a number of times since I've been on the Commission. How long has this fund existed and do you have any idea of the total amount of money that has been transferred as part of this over all of those years? I'll put you on the spot a little bit there."*

*Mr. Meek said, "Yes, as a matter of fact, I do. It started in 2002, and so far, we've collected and given over to the County for your technological services \$4.5 million."*

*Commissioner Peterjohn said, "Well, the price of technology, that's much appreciated and definitely needed. I plan to be supportive today. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "I was just curious if staff or anybody can describe the types of places where this money would be able to be used. In other words, it says very specifically must be used to fund other county offices for equipment or technological services relating to the land or property records filed or maintained by the county. So it's a limited scope in the way this money can be used; is that correct?"*

*Mr. Meek said, "Yes. I think you should ask... hi, Lindsay. Ask her."*

*Ms. Lindsay Poe-Rouseau, Director, Budget, greeted the Commissioners and said, "The last few years, some examples of what we've used this for, the tax system*



*maintenance along with digital oblique imagery study that was done by the Appraisers office, and the County Clerk has used that to do some scanning projects."*

*Chairman Ranzau said, "Thank you, Lindsay."*

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

*Chairman Ranzau said, "Commissioners, what's the will of the Board?"*

**MOTION**

*Commissioner Peterjohn moved to adopt the resolution and authorize the Chairman to sign.*

*Commissioner Howell seconded the motion.*

*Chairman Ranzau said, "We have a motion to second. Madam Clerk call the vote, please."*

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

**VOTE**

<i>Commissioner Unruh</i>	<i>Absent</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, "Thank you, Bill. Next item, please."*

**Adopted**

**T**      [15-0346](#)

**APPROVAL OF A RESOLUTION AMENDING AND AUTHORIZING SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS, COMMUNITY CORRECTIONS ADULT INTENSIVE SUPERVISION PROGRAM, TO INCREASE FEES FOR SERVICES.**

**Presented by: Mark Masterson, Director, Department of Corrections.**

**RECOMMENDED ACTION: Adopt the Resolution and authorize the Chairman to sign.**

*Mr. Steven Stonehouse, Deputy Director of Corrections Programs, Department of Corrections, greeted the Commissioners and said, "Community Corrections is a mandated program in the State Correctional System. Operational funding is provided through an annual operating grant by the Kansas Department of Corrections. Additional funding may be collected by charging clients supervision fees. Sedgwick County has opted to collect supervision fees since the year 2000. The Department of Corrections is proposing a fee increase for clients supervised by the Adult Intensive Supervision Program. The current fee structure requires clients to pay a total of \$200 over the first 24 months and an additional \$100 supervision fee is due each year through the end of the probation period. The resolution before you today proposes an increase of the supervision fee to \$500 for the first year of probation and \$300 for the second year.*

*"The client incentive program will be developed that could potentially reduce the*

*second year supervision fee from \$300 down to \$100 providing that clients meet certain requirements. The Sedgwick County Corrections Advisory Board reviewed the proposed increased fee structure at their meeting on April 9th, 2015.*

*"I recommend BoCC approval, as do I. I'd be happy to answer any questions."*

*Chairman Ranzau said, "Commissioners, what's the will of the Board? Commissioner Peterjohn."*

**MOTION**

*Commissioner Peterjohn moved to adopt the resolution and authorize the Chairman to sign.*

*Chairman Ranzau seconded the motion.*

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

**VOTE**

<i>Commissioner Unruh</i>	<i>Absent</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, "Thank you very much. Next item, please."*

**Adopted**

**U**     [15-0396](#)

**A RESOLUTION TO AMEND THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE BY ADDING A PROVISION TO LIMIT CODE ENFORCEMENT ACTIONS TO ANY LAWS, INCLUDING BUT NOT LIMITED TO STATUTES, REGULATIONS, CODES, RESOLUTIONS, AND ORDINANCES THAT ARE APPLICABLE WITHIN THE JURISDICTION OF THE PROPERTY THAT IS THE SUBJECT OF THE CODE ENFORCEMENT ACTION.**  
**Presented by: Tom Stolz, Director, Metropolitan Area Building and Construction Department.**

**RECOMMENDED ACTION: Adopt the Resolution.**

*Mr. Tom Stolz, Director, Metropolitan Area Building and Construction Department, greeted the Commissioners and said, "As you are aware, we are now in our third year of the merger between the City of Wichita and Sedgwick County code departments. As we have progressed with this consolidation, staff has worked hard to meet with and listen to the building and trade professionals that work inside of this community. From the onset, as we revise the mission statement from the consolidated department, we stress to the builders public safety, fairness and equitable treatment regarding code enforcement and do all of this in an atmosphere of customer service and partnership. During many of our sessions with builders, architects, contractors and other professionals, a common theme asking for consistency kept coming up. We heard historical anecdotal stories of code inspectors and even directors requiring standards that were not specifically mentioned in adopted codes.*

*"After these discussions and with staff input, we immediately adopted procedures to insure that our Plans Examiners and Field Inspectors would provide as consistent of work product as possible for the community. This effort continues today.*

*"Throughout the process, I know many of you have also heard from the building community concerning this effort. To that end, the Chairman has requested that a specific resolution be drafted that would help to insure the code inspectors remain consistent in their approach of enforcing code. With specific language that could be added to our unified building and trade code that governs the actions of inspectors. With the assistance of county legal staff, the resolution today is presented to you for consideration, discussion and potential adoption. After review of the resolution language, I find it consistent with the policies that we have implemented over the last two years in our efforts to provide consistent and reliable code enforcement service to the community. I believe that by and large, our inspectors, that we have on staff today, are professional in their approach to code enforcement and want to do their jobs according to the laws and ordinances adopted by Wichita city and Sedgwick County. Staff recommends adoption of this resolution, and I would be glad to answer any questions at this time."*

*Chairman Ranzau said, "Thank you, Tom. I appreciate your efforts. We're taking this action today, I believe, because we want to send a message that Sedgwick County is open for business and we're going to work with people, and I think it's important to send that message. I think we've already sent that message in other ways, specifically by hiring you and the work that you've done. I think we're sending that message and heading in the right direction. But as you know, there have been some instances in the past where code enforcements in both Sedgwick County and Wichita has enforced things that aren't on the books, and I've had complaints from the community about that and that, of course, is not appropriate and is not acceptable.*

*"Even though you can make an argument we shouldn't have to do this, I think it's important to have it in black and white so that not only the Code Enforcement Officers know what their limitations are, but so that people in the community, homeowners, developers, have something in black and white that says, hey, if it's not in the code, you can't force me to do it, and it's right here, and if anyone tries to circumvent this or do something that's not in the code, I want to hear about it. We're trying to send a message that we're going to work with people in the community, regulations is a big issue that people have. They complain about too many regulations that are on the books, and that's bad enough as it is. But when you run across instances in which you have government workers enforcing regulations that don't even exist, that's even more cumbersome. That's what we're trying to do here in addition to a series of things to what we've done and working on is to send the right message that Sedgwick County is open for business. I appreciate you working on this. We did come up with some language that tweaks the original language here a little bit. So, Mr. Counselor, I would like to make a motion, but could you give me some guidance on what the motion needs to be?"*

*Mr. Pepoon said, "Yes, I can, Mr. Chairman. You should have all received a memo yesterday from our office detailing some changes from the resolution that's in your agenda backup. The language, the substitute language, Section 4.1f, Limitation of Code Enforcement Action, now reads, 'Code Enforcement Officers will only enforce the provisions contained or incorporated within the Unified Building and Trade Code and required by State Law.*

*"When the Unified Building and Trade Code do not address an issue that is presented, the Code Enforcement Officer shall give prerogative to such issues to the*

*contractor or homeowner who is completing the work. We ask that you adopt the resolution with those changes this morning."*

**MOTION**

*Chairman Ranzau moved to adopt the resolution with indicated changes.*

*Commissioner Peterjohn seconded the motion.*

*Chairman Ranzau said, "Any discussion from Commissioners? Commissioner Norton."*

*Commissioner Norton said, "Once again, I'm going to be supportive of this. I think it's good language, but I'll make sure that we understand that when it comes to code enforcement, there are some gray areas sometimes where Code Enforcement officers go out and look at things because there's been a complaint from a neighbor or whatever, and they have to try to make some kind of determination if it fits neatly into a box and a statute and regulation and an ordinance, and sometimes there are some gray areas there. In fact, over my tenure from even when I was in municipal government, people get at odds with each other over things that have to do with upkeep of housing, all kinds of different things, and one man's trash is another man's treasure. There always all kinds of interpretations. My hat is off to our Code Enforcement guys and inspectors who try to figure that out sometimes. But I think this starts to tighten up the language so maybe they're not in that position when it comes to those gray areas. But I would almost suspect that we'll still have gray areas where they try to interpret what the regulation says, because it doesn't cover every complaint, every situation, and every manifestation that happens in our county. My hat is off to you, Tom, for trying to figure this out, but I know we put them in a precarious position of trying to interpret the code sometimes when citizens are particularly embattled in a neighborhood over some issue. So just wanted to make sure we talked about that a little bit, but I'm going to be in favor of it today."*

*Chairman Ranzau said, "Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate the hard work that's been done. I know what the transition that we're going through, having the changes that we're putting in here with the resolution we have in front of us today, but anything we can do to try and reduce the regulatory uncertainty and promote the idea that Sedgwick County is indeed open for business I think is real positive. So, I also plan to be supportive today, and view this as a significant step as sending a message that Sedgwick County is indeed open for business. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Is there anyone from the public who would like to speak on this item? Please give us your name and address for the record."*

*Mr. Charles Peaster, 9453 North 135th Street, Wichita, greeted the Commissioners and said, "I've sat on three different committees that was appointed by Sedgwick County Commissioners to visit the Wichita/Sedgwick County Unified Zoning Code book, and what Mr. Stolz has done with this, I would recommend that you approve it. I know there's another member that sat on the same board that I did, and we went through the unified Zoning Code Book, made changes in it.*

*"I believe that this will help the everyday citizen understand what the book says and force code enforcement to abide by that book. Thank you."*

*Chairman Ranzau said, "Thank you. Anyone else who would like to speak on this*

issue? "

*Mr. Wes Galyon, Builders Association, greeted the Commissioners and said, "Very quickly, I want to tell you we support what has been proposed in front of you today. Tom has done a superb job since he took over the management of MABCD (Metropolitan Area Building and Construction Department) and I want to tell you he is in touch with our group and others on a ongoing basis, who are stakeholders in what is getting done. We appreciate the opportunity to work with him, and the opportunity to work with him in specifically in focusing on greater efficiencies, more predictability, more certainty with regard to what one can expect, whether they're a builder, developer or whatever. That's the area sometimes, not sometimes, it is the area where you get the most complaints. Well, if I had known that rule, I would have done something before I was called on it and whatever. We just want to know what to do, what the interpretation is. We want consistency enforcement, efficiency enforcement, and we're getting that. I think this is the step in the right direction."*

*Chairman Ranzau said, "Thank you, Wes. Anyone else who would like to speak on this issue? Madam Clerk, did I make a motion already?"*

*Ms. Bailey said, "Yes, Chairman."*

*Chairman Ranzau said, "Do we have a second?"*

*Ms. Bailey said, "Yes, Chairman."*

*Chairman Ranzau said, "Call the vote, please."*

VOTE

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

*Chairman Ranzau said, "Next item, please."*

**Adopted**

**V**      [15-0400](#)

INITIATE APPLICATION WITH METROPOLITAN AREA PLANNING DEPARTMENT FOR AMENDMENT OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZC) REGARDING ZONING AREAS OF INFLUENCE.

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

**RECOMMENDED ACTION:** Initiate application to remove Zoning Areas of Influence provisions from the Wichita-Sedgwick County Unified Zoning Code.

*Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I made a presentation at a staff meeting a couple weeks ago. Following the staff meeting, Chairman Ranzau asked that I place this item for consideration on the agenda with the recommended action."*

*"I don't want to go over the entire presentation I made back at the staff meeting, but I*

*will hit the highlights and provide some new information that we developed since that meeting, and I think I might start with first noticing the map that's on the screen, which shows a number of things. It shows the, in the blue boxes, the areas of zoning influence that the small cities have around the county, which are areas outside of their city limits that they do get notification of zoning cases and have some opportunity to weigh in on. The green dots that you see in various locations are actual cases within the last five years that fell within a small city zoning area of influence. The red areas are the small city growth areas that are recognized in the comprehensive plan right now. And that, of course, is not coterminous -- with the zoning area's influence. Some are, almost coterminous or completely coterminous but for the most part they're not. So you will see some cases fell outside of the small city growth areas but within the zoning areas of influence.*

*"It's a little harder to read up in the corner, but we've got a breakdown per city of the square mileage the cities have in terms of the area of influence and also their city limit square mileage, and you can kinds of compare and see the proportionality or sometimes disproportionality of the areas of influence. I might start with some new information that we've developed over the last couple of days. Dan Malone and I have talked about this. I think I'll walk through the process for a zoning case for a standard zoning case, not necessarily including a zoning area of influence matter, but we typically, we have a calendar that's adopted by the planning commission every year, and it sets out the dates. So it sets out an application cutoff date. For example, the next cutoff date is June 15th, Monday at 4:00 [p.m.]. Any applications received before 4:00 [p.m.] on Monday would be processed under the following timeline.*

*"It would start with the notice being sent to the newspaper on June 29th for publication on July 2nd. That is the official publication notice we have to make. That has to be done 20 days prior to the MAPC (Metropolitan Area Planning Commission) hearing. MAPC would hold their hearing on the published date, which would be July 23rd. We have a two-week protest period following that public hearing by MAPC, where people can file appeal or protests of the zoning decision or recommendation made by the planning commission. For some cases, conditional uses that don't have supplemental regulations being waived, that don't have protest, don't have appeals, that is the end point for those cases. Those cases do not come over here to this side of the street.*

*"There is a resolution that is signed by the Chairman of the Planning Commission. It does not have to be published. So for a run-of-the-mill conditional use case, we're talking about a seven week process from the application being filed until the resolution is official. That can always have some little problems in terms of continuances or for whatever reason, and again we're not talking about when this has gone to a small city. However, when it's a zoning change or condition use, it has to come over to this side of the street, following a two-week protest and appeal period, there has to be a Legistar agenda item prepared, and we have the standard process of doing that and it takes a few more weeks.*

*"Using the example of an application filed before 4:00 [p.m.] on this Monday, if it was the kind of case that would come forward to you, you would be considering that case on September 2nd. Ordinarily, because of the timing, it should have been August 26th, but because you don't meet on the last Wednesday of the month, it kicks forward a week. So depending again on the cycle and where you're at in the cycle, you may have anywhere from 11 to 12 weeks for an ordinary zoning case to go from application date to final action by the Board of County Commissioners. It takes us two to three days to get the resolution published, and then it's a done deal. The other exception to this is when we've approved a zoning change subject to platting, in which case you have to wait until the platting process is done for the resolution is*

*signed and published. That in a nutshell is the zoning process. The notification and review by the small city planning commission, of course within that timeframe, ordinarily will not delay that time frame. It proceeds more or less parallel. We have had, on occasion, and Dale Miller is here and can speak to any particular situations he remembers, where a small city planning commission lacked a quorum and asked to have it put off a little longer so they would have time to weigh in on it.*

*"One of the elements of the review by a small city planning commission is that their negative recommendation, which would trigger a unanimous vote by this commission in order to approve, has to occur prior to the date of the planning commission hearing. So there is a timing issue for them on that, and that has led occasionally to a further delay in the process, but it's not normal. Usually it's done within the context of this timeline. Unless you have any other questions about that, I'll start moving through my process, or my presentation that I made and give you some history on the zoning areas of influence. I think we've already talked about what they are, and again, they are just a method to give some small cities some say in zoning cases that are within a certain area outside their city limits but close to their city limits.*

*"And we start back in 1958 when we finally adopted zoning, some zoning regulations here in the county, but we confined our zoning regulations to areas within a three-mile ring of certain cities, Wichita to begin with, and later on we added some zoning areas for Cheney, Derby, Goddard, Haysville, Mulvane and Valley Center. Again, those were county zoning regulations, but they only applied to areas outside those cities.*

*"In 1969, the legislature gave cities extraterritorial zoning jurisdiction, which allowed cities to exercise zoning jurisdiction outside their city limits not in conflict with county codes. So the cities back in 1969 in the county, we had some that did adopt extraterritorial zoning jurisdiction within the three-mile area. In 1985, the county went to county wide zoning regulations. That removed the city's ability to have extraterritorial zoning regulations in place. In exchange for giving that up, as a compromise, the county, as part of their zoning code, created the zoning areas of influence for all the cities, except Wichita, Eastborough and Viola. Eastborough is surrounded by Wichita. Wichita has an impact on county zoning cases through their joint planning commission setup, so they didn't need a zoning area of influence and for some reason Viola never received a zoning area of influence. They may not have requested it.*

*"The other cities do have, since 1985, a set area of influence. They are allowed to provide comment on and recommendations on zoning cases in the unincorporated area. In 1992, we go to a unified zoning code with the City of Wichita. That again is still county-wide zoning, still has the zoning areas of influence. This is the new piece of information that we discovered in going through an old file.*

*"In 1994, actually, the planning commission initiated a case to amend the Zoning Code to remove the unanimous vote requirement. They felt it was too [inaudible] at that time. Planning staff made a recommendation to follow that process and to get rid of the unanimous vote requirement. It was a 12-1 vote, I believe, at the planning commission meeting to recommend that the County Commission remove the zoning areas of influence. When it came over here, the County Commission, after hearing from some small cities, five members of the County Commission voted to override the recommendation of the planning commission and planning staff and instead keep the unanimous vote requirements. So, that was [19]94 when that happened. 2007 the zoning areas of influence were revised because they are static. They are set by a map that you adopt as part of your process and then they have to come back to*

*you to change those zoning areas of influence so they were updated in 2007.*

*"In 2012 some members of the planning commission initiated a request for the MAPC to have a workshop on this topic to see if some action needed to be taken. They did have that workshop. They heard from small cities, they heard from planning staff, and after all that, the planning commission decided to take no further action. So it was left there. That pretty much brings us up to date on that. The other new information I had is we have been able to go through our files, and I can give you some shorthand statistics. In the last five years, we have had actually 86 total zoning cases in the unincorporated area that includes zone changes, conditional uses, planned unit developments and community unit plans. Of those 86 cases, 34 fell within zoning areas of influence, and again those are marked on the map. If you wanted to look closer at those, you could see 19 of those 34 cases were what I would consider to be less intensive type uses.*

*"The bulk of those were accessory apartments, which, generally, are not controversial, except for some minor situations. We did also have some utility conditional uses that I think would typically not be seen as too controversial. One institutional zone change or conditional use for a church. The other 15 cases were; however, of some greater intensity probably generate some interest by the City, and some interest in commenting on whether it was appropriate for the growth area. Those include commercial industrial reclassifications, mining or quarrying uses. Over the last five years we had four cities that ended up not having any zoning cases within their areas of influence, and I can give you those cities if that's important.*

*"I think that pretty much covers the background of the zoning areas of influence. I can answer any questions. But otherwise, the process that we are starting here, and we are just starting the process, this is the change to the zoning code, to the text of the zoning code, and that can only be initiated by two bodies, either the planning commission can initiate the process, or you can initiate the process. So all we are doing today is seeing if there are three Commissioners who want to move forward with starting the process to look at amending the zoning code. What will happen next, if a majority of the Commissioners want to initiate some process to start, is the planning staff will prepare a staff report, and make a staff recommendation as to what they think should be done. There will have to be a notice of the public hearing. It will be a public hearing held by the planning commission.*

*"Planning commission will have to consider testimony from anybody who is interested, and have their discussions about whether or not they believe they should make any recommendation to you regarding an amendment to the zoning code, and then it will come to you. Again, we are talking about a eight-week process probably.*

*"So at this point I can stand for questions. See if anybody has any other information they would like to have."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Can you talk about the growth area if they are different than the zones of influence, whether or not the process is currently the same, and should the zones of influence policy change whether or not we would still follow that same process for the growth areas, or can you please speak to that issue a little bit?"*

*Mr. Parnacott, said, "Sure. Dave Miller might be better able to talk somewhat of that process. But the growth areas are what are projected for the small city as their pattern of growth over the next 20 years based on their infrastructure plans, based on*



*their growth history, based on consultations with various people, I think it's worked out through the planning department. And the growth areas are not the same as the zoning areas of influence, as you can see on the map. I am not sure I am quite answering your question. Maybe Mr. Miller should come up and try to take a crack at it."*

*Commissioner Howell said, "If I understand correctly right now, whether it is in the growth area or zone of influential, right now, one boundary is greater than the other. So the zones of influence are the largest boundary and then we have the red area on the map, which is the growth area which is smaller and inside the zones of influence. So right now I think the process is identical, whether it's anywhere in that zone of influence, you would have the same process currently. Whether it is a growth area or not a growth area, it doesn't really matter."*

*Mr. Parnacott said, "Right. Inside or outside the growth area, if it is inside the zone of influence boundary, it goes through small city planning commission review."*

*Commissioner Howell said, "So what's being proposed right now if we were to eliminate the zones of influence down the road, not this moment, but if that was the end result of what we are discussing today, is it perceivable that the growth areas would continue to follow the same process that's followed today, potentially, or is that something that would be also eliminated?"*

*Mr. Parnacott said, "No, we are not anticipating making any change to the process we use for creating and setting the small city growth areas. All we would be doing under the recommended action is to make a direction to the planning commission to initiate the process of considering whether to completely eliminate zoning areas of influence. That would remove the review by the small city plan commission of any zoning cases in the unincorporated area outside city limits. Cities would still have their small city growth areas, and would be able to have those changed as they see fit."*

*Commissioner Howell said, "As far as the process goes, they wouldn't necessarily have a requirement to meet and develop a position, an official small city planning commission position for those projects or ideas that happens within the growth area. In other words, that would no longer be necessary a requirement for that project to move forward."*

*Mr. Parnacott said, "There would be no requirement. They would still have the opportunity to come to the planning commission public hearing and provide testimony or comments."*

*Commissioner Howell said, "Alright, thank you. That's all my questions, Mr. Chairman."*

*Chairman Ranzau said, "At this point I want to ask if there's anyone from the public who would like to speak on this issue?"*

*Mr. Galyon, said, "Mr. Chairman, I am with the [Wichita Area] Builders Association (WABA). As you can imagine, this issue will get some discussion, and rightfully so. One thing I want to share with you is some concerns that we have as an industry, as all of you know, we have been through a pretty horrendous downturn in our economy; it's affected not only the housing industry, but business in general. It seems to me like as we look at a draft, an update of the comprehensive plan that is now in effect for Wichita and Sedgwick County and we talk about what the desires of the public are, both in the city and county, and what the limitations are on revenues available to*

*accomplish certain things, and we look forward, down the road, and we estimate what the growth is going to be, which is pretty minimal. Frankly, in terms of what we would like to see it be in relation to efforts to create more jobs, job opportunities and what have you, it seems to us like when we talk about the area working together, city, county, the whole county and other counties abutting cities in it, we all talk about working together for economic development. And I think this is an opportunity to say, okay, let's talk about everything that could affect whether a person looks at this area, or what area, or whatever else a small city, unincorporated area of the county, Wichita, whatever, in relation to communicating what you said earlier, that we want to make sure we are open for business and communicating that any way we can. I am not suggesting that the small city should be abandoned in terms of consideration of their interest and what type of influence they think they want to have and so on and so forth.*

*"But I do think if you look at the maps, what you have in some cases, you have zoning areas of influence that are fairly small in relation to the growth plan of the city, and the city limits of the city, and others are quite huge. I think we ought to take a look at it and open it up for discussion. At this point I am not going to suggest any definitive things that should be recommended from our standpoint. We will do that at the appropriate time for the planning commission or whatever else. I think this does deserve discussion, and we would support you moving forward, opening this issue up so it can be more fully discussed."*

*Chairman Ranzau said, "Thank you, Wes. Anyone else like to speak on this issue?"*

*Mr. Peaster said, "I have a problem with this. The city even having control over particularly my, because I live outside of Bentley. And they have an area of influence, and I am within that area of influence. But yet I can't run for the city council. I can go to their meetings and have a voice, but I have no vote. As far as I am concerned, it's the city of Bentley and I am going to do something on my property that's still in their area of influence, they can come to the MAPC and do the same thing I have to do if I present a proposal to the MAPC to change some zoning on my property.*

*"I don't think that I should have to go to the city of Bentley first. So I am in favor of this going to the MAPC. I will also be there to speak on the issue. I would like to see it done away with. Thank you."*

*Chairman Ranzau, said, "Thank you, sir. Next?"*

*Mr. Kent Hixson, City Administrator, Mulvane, greeted the Commissioners and said, "Good morning. Thank you for allowing me to visit. I have some remarks I want to read. The current system of a public hearing at the planning commission and another one at the MAPC is a good way to give local, effective people a chance to hear about and to weigh in on proposed development. The current system protects the public and gives them more say. It also protects the County Commissioners by ensuring that they have both sides of the issue before you vote on it.*

*"The most members of MAPC know very little about the local customs, development patterns and the economies of the many cities in Sedgwick County. They should appreciate hearing from local Planning Commissioners. Most developers should want to communicate directly with local communities to ensure they build strong relationships and their proposals fit into the community. All cities promote growth and development, the wisdom of local planning commissioners who are volunteers and city planning staff should help develop and make better plans that fit their communities. This system has worked for 30 years. Why now? What is the reason for*

change?

Has there been a problem?

*"Finally, eliminating the review by local planning commissions makes it more difficult for people to be involved and risks that the County Commissioner only hears one side of the issue. Why would a County Commissioner want to reduce public input into the decisions? Thank you."*

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Hixson, I would like to throw out a question if I may. I think there is a little over 600 municipalities in the State of Kansas. Is that roughly in the ballpark?"

Mr. Hixson said, "It's good enough for me, yes."

Commissioner Peterjohn said, "Okay. I am curious; do you know of other, any other 104 counties, are there any other counties that have set up a similar system where the cities have the ability, this sort of zones of influence structure in place?"

Mr. Hixson said, "I am not familiar with what other counties do in that regard."

Commissioner Peterjohn said, "Thank you very much."

Chairman Ranzau said, "Anyone else like to speak?"

Ms. Kathy Sexton, City Manager, Derby, greeted the Commissioners and said, "Thank you for the opportunity. I echo what Kent said. I kind of also echo what Wes said, because what I heard Wes say, let's have a conversation. I think this is an issue bothering people, let's have a conversation. I think the item before you today is very confrontational. It doesn't say let's have a conversation. It says let's eliminate something that's worked pretty well for 30 years in most cases. It is rarely used, but when it is used, it is important to the people in those communities. Just the terminology some of us are using today is confrontational, and disrespectful, to be honest with you. You have out of that 600 and some cities in the state, you have some of the largest and fastest growing in this community, and everyone is calling them small cities. Maize and Goddard are the fastest growing communities in the state.

*"Derby, the 18th largest out of the 626 cities. Eighteenth largest. And we are acting like it is some little city that doesn't matter, and it shouldn't matter what planning commissioners. These are volunteers, they meet every month. Ours meets twice a month. They deal with development issues and neighbors and they want to help. I mean, everybody wants development and growth, right? Every city is for economic development. This isn't about slowing down developers, or not working with them. It's about working with them. So if it's important to you all to open this up, I say open it up. But don't put it out there as we want to eliminate this because it's the only county in the state that does it, or what have you. I believe, and I am sure that Bob could correct me; I believe many of the counties have the three miles around the city still, per the state law. So that is different for our county, because our county has Metropolitan Area Planning Commission (MAPC) that serves Wichita.*

*"And it serves the unincorporated county, we all don't have that, as cities. We all still have our own Planning Commissioners and our own planning processes. So it is a hybrid system. I think it's worked pretty well. If there are tweaks to be made, let's talk about them. Just having this today, I appreciate Commissioner Jim Howell for letting*

*me know about this a couple weeks ago, otherwise I had no idea this was discussed, and apparently a public meeting, but one that was not on television, or minutes taken, and no staff, nor other Commissioners notified cities, yet four cities are here today because we are hearing rumors of what's going on down at the County. And the way this is written up is confrontational. So if we can have a discussion where we can plan fully and discuss and do intergovernmental communication and regional planning, that would be great. Thank you very much."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I want to I guess make a point that using the term small cities is not a term I created. I think that's the term that's been generally used to describe the non-Wichita planning commissions across the county. It is not really intended to be a negative term. I understand these cities are high growth areas, and some of the fastest growing cities in the state. So I did meet with Kathy, and one of the City Council members in Derby, and we discussed this. I think I will articulate some of my conclusions from that conversation later in this process this morning, but I just want to make sure we are not intending to be offensive in any way. I hope that's not the message this morning, with the terms of the conclusion of where this might go, the word elimination I think is just the process, the word we have to use I guess to initiate the discussion. I plan on this being a discussion."*

*"I don't think anybody has a pre-determined position at this point where this might lead. I would like to just say that if I support this motion today, or support the resolution today, this is really just, hopefully, getting a discussion moving forward. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Commissioner Norton."*

*Commissioner Norton said, "I have reviewed this for many years and had conversations and I am certainly not anti-development, as Mayor of Haysville, I worked hard to kick the regulations out of the way, tried to figure out how to make inspections quicker, and we grew pretty rapidly right after my tenure, during my tenure and right after. Probably if we hadn't had a tornado, it would have grown even faster."*

*"I do have a problem with the language today. I agree with Kathy Sexton that remove is a pretty tough word. If I had my preference, and I have told staff this, as we went through this, the word revisit really sets the stage, I think, for the conversation. I think we should have that conversation."*

*"As I look at the map, and I really know what some cities of the third class will do, and I won't call them small cities, I will call them cities of the third class, that's how they are ranked, they have a three-mile zone of influence, may not be right, but if you look at some of the faster growing ones, and the larger ones that have some kind of a zone influence, make sure that there's really good eyes on where the development goes, what it is, so it doesn't impede more development in the future. I have to tell you, if you all of a sudden allow a lesser use 50 feet from the city borders, and then somebody wants to come in and put something that's really valuable in that same area, yet that lesser use is right there, because we just allow it, we hurt ourselves for the future."*

*"So we have to really think through this. And the small cities, other elected officials, appointed officials need to be in that conversation. We are very Wichita-centric on the MAPC. Any way you slice it. I have worked hard over the years to try to appoint*

*people from unincorporated areas, and small cities so there's a different voice on the MAPC. But we tend to be very Wichita-centric. Did they have the best interests for Colwich, or Cheney or Valley Center or Derby, or Haysville?*

*"Well, maybe they do, or maybe they don't. And to have that ability for the second and third-class and even first-class cities that are not Wichita to have a voice, look through it, and to see if it really affects their growth plans, their development plans, how they want their city to grow, I think is very important. So as its worded today, I will not support this. And I hope Wes Galyon and the builders don't take offense to that, because I support what they do. But I think the idea that we just say remove and get rid of it almost leads me to the conclusion we have pre-decided what we want to do. And if we have, so be it. But I am not going to vote for that today.*

*"But I would vote for revisit. I would vote that we sit down, collaborate, talk about it, try to understand it, and what is the best future for the county. The state statute grants the cities of the second and third-class that influence, but because we have county-wide zoning, it changes the dynamic. And some County Commissioners years ago decided they would abdicate a little bit and let the state statute stand for the cities of the second and third-class, so that they would have some influence. And I think that's probably good policy.*

*"Now, is three miles the right number? In some cases I don't think it is. I will state that right now. But in some cases it may be important to keep that so that we don't affect, in a negative way, the future growth and good development of all the cities in our influence. We want Wichita to grow. And we want jobs, and we want big commercial projects. We want small business projects out of the county, and we want good residential growth. But we could really mess that up if we make bad decisions on the fringes of the small towns. And I want to be sure that I am not a part of that.*

*"So I would go along with the language of revisit, but the word remove really turns me off, shuts me down, and says even though I am pro-development, I think we are going the wrong direction. That's all I have."*

*Chairman Ranzau said, "Anyone else from the public like to speak on this issue? Seeing none, we will move back to the bench. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to amplify on some of the remarks I heard earlier, because I tried to lay out a lot of people out there don't understand when you start talking about cities of the second-class, third-class, first-class, what you are talking about exactly, and how you move from one category to another. And it can be confusing. You can have a city of less than 5,000 people that can move into the second-class category under the right circumstances, even if they haven't met the statutory requirement of 5,000 people. It can be a little bit confusing. I try to avoid using words like small cities, and in my view, every community and governmental body in our county, whether we are talking about municipalities, operating under their own charter, regardless of which class they are in, or the townships that underlie them before they move into the municipal category. I looked at this issues and I found it very interesting, in terms of getting discussion going.*

*"This is frankly an area where government, I think it at all levels struggles, because I see it looking at city administrators who are out in the audience today, who have an interest in what we are discussing. They are basically in a position where they are saying hey, we would like more information on what's going on. How would this affect us? That's what I hear from citizens. Citizens contact me and say now wait a minute, I'm not in an incorporated area, why would that city be in a position to tell me what to*

*do? We have a very involved, very complicated process, and I would certainly like to get a public discussion going to see if there's ways to make this process more transparent, more clear, more understandable. Hopefully reduce the regulatory times for getting approvals, because at some point in the future I am hopeful that we are going to be able to get out of the economic doldrums that have been in place for many years because of the policies coming down from the national level.*

*"We need to set the groundwork and be prepared, so I am interested in exploring if there is a way we can improve this process and see what options might be available and not lock ourselves into what we have had in the past. I appreciate everybody who came down here and everyone who spoke with an interest on this issue, and I hope you will continue to have your voices heard if the majority of this commission decides to go forward and approve this, whether we call it a revisit or whatever, or removal, and I would like to hear from the folks in the private sector. By having this public discussion today, we are going to kick off that discussion, and I am going to be listening very attentively. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Thank you."*

*Mr. Parnacott said, "Commissioners, if I could interject, I want to apologize for use of the term small cities. Certainly there was no disrespect intended. That's probably just a shorthand way of saying the correct terminology as you recognized, is cities of the second-class and cities of the third-class. I will certainly have the map reflect that appropriate terminology, if we use this map going forward."*

*Chairman Ranzau said, "Bob, I want to just clarify a couple things. Normally by state statute there is no county zoning; cities have the three-mile area that they can zone?"*

*Mr. Parnacott said, "Yes."*

*Chairman Ranzau said, "Once you have county wide-zoning, that goes away?"*

*Mr. Parnacott said, "Yes."*

*Chairman Ranzau said, "By statute."*

*Mr. Parnacott said, "Yes."*

*Chairman Ranzau said, "The area of influence is not specifically created by any state statute?"*

*Mr. Parnacott said, "That is solely a creation of our zoning code created by the county initially when they first had county-wide zoning, so, yes, it is strictly us."*

*Chairman Ranzau said, "I've heard different stories. Where the ideas of zoning of influence come from, was it the cities or a planner?"*

*Mr. Parnacott said, "Before my time. I have to tell you. We are dealing with 1985, and I just don't have the history."*

*Chairman Ranzau said, "Okay. Now, what happens, talk a little bit about, I don't know if Dale is the best guy to talk about, when you do have a zoning area of influence, a developer, let's say a homeowner wants to do something, zoning area of influence requires an open meeting with the smaller city planning commission, right? In addition to MAPC."*

*Mr. Miller said, "If an application for conditional use, Planned Unit Development (PUD), Community Unit Plan (CUP) or Zone Change is filed inside of one of the identified zoning areas of influences, then by code that city's planning commission has to be given the opportunity to hear and make a recommendation on that request prior to the Metropolitan Area Planning Commission hearing it."*

*"Once they have made the request, or made their recommendation, then it would go to the planning commission, and in the case of a zone change, or a conditional use that had protests, then it would come onto the County Commission to be heard. But yes, if it is any one of those kind of cases inside the zoning area of influence of any of the cities in the county that have the zoning area of influence, by code their planning commission has to hear it first."*

*Chairman Ranzau said, "Okay. Does that delay sometimes, then the MAPC?"*

*Mr. Miller said, "It depends. As you know the Metropolitan Area Planning Commission meets twice a month. So we have filing deadlines that basically run every other week. Most of the cities in Sedgwick county, except in Derby and Haysville, they only meet once a month, or as required. Derby and Haysville have two regularly scheduled meetings a month, so if it was one of the cities that only meets once a month, if we happen to have the application deadline that just fell after they met, then they would be held up, but whatever time period it takes to get to their next meeting."*

*Chairman Ranzau said, "Does the applicant generally go to that additional planning commission meeting?"*

*Mr. Miller said, "Yes."*

*Chairman Ranzau said, "Make their case at that one as well."*

*Mr. Miller said, "Yes."*

*Chairman Ranzau said, "In addition. And any representation they have would show up at that as well."*

*Mr. Miller said, "Staff goes to those meetings, the applicant is encouraged to attend the meeting. They function very much like the Metropolitan Area Planning Commission, just the city planning commission, they make their recommendation, then we report that to MAPC, and then ultimately on to you, if you end up hearing the case."*

*Chairman Ranzau said, "Okay. So end up having to do it twice. You do the same thing as the MAPC."*

*Mr. Miller said, "Yes."*

*Chairman Ranzau said, "Are cities welcome to testify at the MAPC hearing?"*

*Mr. Miller said, "Certainly. It is a public meeting, so anybody can attend and make comments, but we specifically report the action of the city with the zoning area of influence recommendation as part of the staff report."*

*Chairman Ranzau said, "If we were to at some point eliminate the zoning area of influence, would that prevent these cities from hearing these cases on their own and issuing an opinion and giving it to you guys, testifying as the MAPC?"*

Mr. Miller said, "It wouldn't prevent them, the main difference would be now, if there is a case within their zoning area of influence, we immediately call them and let them know, find out what their schedule is, work that schedule out so that the applicant and staff and they know when the case would be coming. If there was no zoning area of influence and the notification area didn't fall within anything that the city actually owned, then the city as an entity would not be notified, only the property owners within that thousand feet. Now on occasion in the past, we have done courtesy notices to a number of the cities, but absent a direction, the original city wouldn't know about it directly unless they happen to own property within the thousand foot notice area."

Chairman Ranzau said, "We could continue to give those courtesy notices."

Mr. Miller said, "Certainly."

Chairman Ranzau said, "Certainly. I think that helps clarify a lot of things. I am going to be supportive of this item today. I think it does cause us to revisit and have a discussion, just like people are asking. You can pick away the exact wording, I don't think that's helpful or necessary, but this will go before the MAPC, and everybody will have a voice and get to discuss this, and see what happens. Some people say, we have heard it here today, that this has worked great. I guess it depends on your perspective. For the little guy, it often doesn't work great. That's who I am concerned about, the little guy. And the regulations that they have to deal with. We had a citizen testify this doesn't work for him. He doesn't think the city that he doesn't even live in should be able to have the control it does over him under the zoning area of influence. Isn't it correct that the city opposes that, votes no to oppose a project outside their city, then it takes five votes to move forward?"

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

Chairman Ranzau said, "So that doesn't work for the little guy. And, you know, we talk about businesses, and entrepreneurs talk about the regulatory process being a burden. I don't think it's helpful for the little guy to have to go through the process twice. The reason the statute is set up for those three-mile areas of influence to go away when you have county zoning is because then you have a process that everybody can go to, you have one process, everybody has a voice. Moving forward on this does not take away the ability of small cities to have a voice on this, other planning commissions can have a voice, and say what they want to say.

"That won't change at all. That will still be there. But it helps the applicant not have to do this twice. The time, the cost, all that frustration that goes with it, from their perspective. I know it works for some of the cities, but what about the businesses? What about the little guy that has to put up with this stuff? It can be frustrating just the MAPC process itself can be intimidating for the small guys who have never gone through that. Okay?

"I have experienced that with someone in my district. Going through two planning commissions, one of which doesn't have jurisdiction over them, if they don't understand it, it doesn't make sense, it is really unnecessary. I think this is probably an old and outdated process that really isn't needed. But that being said, that's just my opinion. We will go through the process, have a discussion, and see what the MAPC does. I think this is certainly one aspect of the regulatory process, here locally, that we can take a look at and try and streamline a little bit, but still need everyone's concerns. I believe that's entirely possible.

"That being said, as I said, I will be supportive. We will see what happens as we



*move forward with the discussion. I don't know, Commissioners, if you have any other discussion. Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I have been surprised at the subject matter that comes before this Board, and I probably wouldn't have chosen this to be on our agenda necessarily. But here it is before us today, so I have got to weigh in at some point and make an opinion what we should do. I have been studying this for a few weeks now. I did take the initiative to contact Kathy Sexton, Mulvane, with Kent Hixson and I apologize for not contacting you directly, but I am glad you were aware of this and able to speak to this today. I look forward to working with you on issues going forward. Anyway, I would like to summarize some of the points that I was able to hone in on a little bit during the discussions with different people. One of the points I would make is, we want to make sure the cities with zones of influence have a voice in the process.*

*"I think that's really important to let them have that voice, make sure they have the opportunity to weigh in on things that are important to those cities. I think that zones of influence is a regimented mandate that makes that happen. I think that with the numbers you gave us, Bob, out of the 86 cases that were dealt with, only 15 of those were considered somewhat controversial. That's over the last five-year period, that's about three per year. Someone said to me, well, if it is just a few times a year, why do you need to change the process? I would say if it's three times a year, why would you even need to have the process?*

*"I could see both sides of that argument, so in making sure that the cities zones of influence are recognized in the process, I guess I would encourage the, maybe another process down the road, of course, a lot of discussion will happen between now and the end of the discussion where we finally walk away from this issue.*

*"But I would encourage that the policy, if any issue falls within the three mile radius of any cities, they are given a courtesy notification. That's something I am not sure MAPC will talk about and make those recommendations. I think that would be a reasonable way to show respect to these cities and make sure they are aware of what's going on around them. And then in an effort to streamline the process, it does seem overly bureaucratic, especially if the majority of these are considered non-controversial, it might be reasonable for these cities to say, we don't anticipate there's any opposition to this, we feel this is very routine and we don't have any opinion. I think that ought to be a default position, rather than a regimented process, we ought to have a default position that says if we don't speak up, it is assumed we are okay with it. We have been notified and we didn't respond. So again, I think that streamlines the process overall.*

*"If they want to have a hearing and be heard, it would be up to them I think to initiate the processes to do that. I would encourage the smaller cities, second and third-class, to have the responsibility to start the process of having a local hearing and hearing from their people around the issue, and to develop an official opinion, so it could be presented to the MAPC. And, again, if they don't do that, I hate to see that slow up the process, considering the majority of these and that nature. So I do think there is streamlining, some streamlining that can be done here, that is very positive. It is a way for us to work together on economic development to not make this more difficult than it has to be. So I think that having a regimented process, where you have to do certain things, is not as good as one that allows for the voice as needed, but not necessarily require it in every case.*

*"I notice that the zones of influence around these cities are very inconsistent. Some*

*cities it's almost five miles, some cities it's very small. I am looking at Bel Aire. They basically have no zone of influence outside the growth area. Derby has a small area. Other cities have almost five miles, so very inconsistent. Again, I would like to encourage MAPC to consider a radius around the cities to make sure we do the courtesy notifications.*

*"And couple other notes here I want to talk about. Real quickly, let me review my notes real quickly. Considering we are the only county in the State of Kansas, out of 105 counties, this is the only one that operates the way we do. I think that ought to drive us towards any sort of discussion. Should this be approved today, I think it ought to be a discussion. I don't think this is pre-determined what is going to happen down the road. I think that maybe some modification of what happens in the process is possible, but I don't anticipate this being any more than a discussion, at least moving forward from today, where this ends up, I guess we will see.*

*"I think I have one more point I wanted to make real quickly. Yes. I mentioned there are two issues, one is making sure the cities have a voice in the process, and that they are notified. Those are two very important aspects being maintained. There is actually a third one. The third one actually deals with the word home rule. Ultimately, I think giving the city an opportunity to direct what happens around them, I think we ought to take into consideration their opinion, I don't know that I want to give up the home rule.*

*"So, I think that the issue of a unanimous vote to actually control the issues before the County Commission I think really is the number one issue that is going to be a matter of discussion and probably the most controversial issue going forward. So I think there is a way to make sure the cities are notified and have a voice in the process. That, to me, is very simple and as long as it is a parallel effort, I think it is certainly very doable, regardless of zones of influence. But I think the issue of home rule is really what this is all about. So looking forward to the discussion that will happen in the weeks to come. I think that really is the issue. So right now, I think I am supportive of creating this discussion, so I would probably be willing to support the motion should there be one. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Mr. Peterjohn?"*

*Commissioner Peterjohn said, "I wanted to second a lot of the remarks I heard from Commissioner Howell, in terms of I get nervous whenever there is a requirement of a unanimous vote, historically unanimous votes in legislative bodies have been problematic. We won't go into the historic details, if anybody wants to go into that, I would be happy to visit with them after the meeting. But looking at the map, I was struck by the same thing that Commissioner Howell mentioned.*

*"We have got some areas where you are talking about long distance away from where the current boundaries or even the growth areas happen to be. And then in other areas, there is no zone of influence if you exclude the growth area. I think it is a discussion well worth having. That's why I am going to be supporting the motion this morning. Thank you, Mr. Chairman."*

#### **MOTION**

*Chairman Ranzau moved to initiate application to remove Zoning Areas of Influence provisions from the Wichita-Sedgwick County Unified Zoning Code.*

*Commissioner Peterjohn seconded the motion.*

Chairman Ranzau said, "Commissioner Howell?"

Commissioner Howell said, "Thank you, Mr. Chairman. I just have one more comment I just remembered. I guess in the efforts of streamlining this, you know, it is required right now, that the county and staff makes a presentation to the zone of influence cities, planning commission, and to me, that's a burden of government that, if it's considered not necessary if the city wants to have that presentation as a third recommendation to MAPC, I think they ought to have the opportunity to request that briefing, but not necessarily mandate that it has to happen. Again, trying to reduce the size and scope of government, I think that's a third point I would like to make, by going in this direction and potentially have the benefit of reducing size and scope of government. Thank you, Mr. Chairman."

Chairman Ranzau said, "Call the vote, please."

#### VOTE

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

Chairman Ranzau said, "Motion passes 3-1. Next item, please."

W [15-0416](#)

#### A RESOLUTION PROVIDING FOR THE SALE OF CERTAIN REAL PROPERTY OWNED BY SEDGWICK COUNTY, KANSAS.

Presented by: Steve Claassen, Director, Facilities, Fleet & Parks.

#### RECOMMENDED ACTION: Adopt the Resolution.

Mr. Steve Claassen, Director, Facilities, Fleet & Parks, greeted the Commissioners and said, "In 2010, Sedgwick County acquired 1,035 acres of unimproved property in the northeast part of Sedgwick County for the purposes of establishing a northeast Sedgwick County Park. Later that year the borders of the park were established utilizing 645 of those acres, and the county has no current plans for the remaining 380 acres, except for a need to retain 20 of those acres for purposes of an emergency storm debris burn site. Several weeks ago in a BoCC staff meeting we discussed this topic, what to do with this excess property.

"There appeared to be a majority of Commissioners wishing to sell the unneeded property via public auction, retaining 20 of those acres as an emergency storm debris burn site. The resolution before you today authorizes me to act on behalf of the County to facilitate the sale of this property, including setting in a reserve amount at the auction. It further authorizes me or Ron Holt to execute and deliver all documents needed to close on that sale. You see the screen before you, the map of the properties, those outlined in blue along 85th Street, there, three parcels there. They are defined in this Exhibit A as excess property, and then on the south end, there is another area outlined in blue with the red indicated as the reserve for the emergency burn site. These all adjoin the property outlined in yellow which is the Northeast Sedgwick County Park. So the action that we are requesting is the approval of the

*resolution. I would answer any questions you may have.*

*Chairman Ranzau said, "Commissioners, what is the will of the board? Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. Help me out on the map on that south parcel that's adjacent to the burn area set aside, how large a parcel is that, and I want to make sure there is an access."*

*Mr. Claassen, said, "It is 20 acres. We will tighten that up with precise meets and bounds description, but it's intended to be 20 acres, and that little finger that heads south is that access. We retained that access when we sold the corner to the west of the small strip of property you see, we sold that to Payne Township, you may remember, several years ago.*

*"Retaining that strip of property to be able to access that parcel 280384. That enables us to both access the burn site as well as the intent to provide a joint access agreement to the successful person at auction allowing them access to that property as well."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Tom, can you tell us what is the current zoning in the yellow, well the yellow and red area?"*

*Mr. Claassen, said, "It's all SF, Single-Family zoned, with the exception. That south property is Rural Residential (RR), isn't it. The parcel 280384, the parcel that has the red, the burn site in it, is Rural Residential. Everything else is SF."*

*Commissioner Howell said, "Are there Single-Family homes in the area right now anywhere near that?"*

*Mr. Claassen, said, "There are homes. How would I describe that? You can see them, it's primarily on the west portion of the park, in between Greenwich Road and our park on the southern portions; you can see there is some home sites there."*

*Commissioner Howell said, "Thank you for the answer. I think generally speaking I would articulate a principle that is that the government does not own things that have no purpose. I see this as surplus property at this point; it doesn't seem to serve a public good at this time. We don't have any future plans or any ideas of what we would necessarily use this at this time. To the extent of the taxpayers own it, we ought to be using the value of this property to buy down tax burden on the people."*

#### **MOTION**

*Commissioner Howell moved to adopt the Resolution.*

*Commissioner Peterjohn seconded the motion.*

*Commissioner Peterjohn said, "I do have a question, Mr. Chairman. I am going to go back to that south parcel, that's about 20 acres. It looks to me from looking at the aerial map, the concern I've got is that it appears we are providing an easement from 69th Street for that parcel? Because it looks to me, I thought at first that there was a through street there, but looking at the area, I am concerned that there isn't a way to*

*access that property, and it's not going to have much value if a person cannot access it, except to the folks who own immediately adjacent parcels. Since the county owns the parcel to the north, and the county would have a parcel south of part of the property, except for the people to the east or west, I don't know that there would be any way that property would have any value to anyone. Can you clarify that?"*

*Mr. Claassen, said, "Well that finger you see that heads from the rectangle defining the burn site, the finger that heads to 69th Street, that is the intended access for the parcel that we would sell."*

*Commissioner Peterjohn said, "So there would be an easement for that parcel."*

*Mr. Claassen, said, "We would have to make clear at auction that it would include a joint access easement to access that property. And like you say, that should open up the potential market to other possible buyers. Adjoining property owners we hope are some of the interested parties that may be interested in this, but that should give opportunities to others to bid on it as well."*

*Commissioner Peterjohn said, "If it didn't have the easement I would have some concerns. I wanted to clearly state on the public record that it would be available. Without having the easement, other than the people to the east or west, I don't know where that parcel would have any value. So obviously I want to try to make sure we get the best value for county taxpayers and get this land back on the tax rolls which is my main reason for supporting the motion this morning. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "I apologize for using the wrong name a minute ago. It's a new guy error. Thank you, Steve."*

*Chairman Ranzau said, "Steve, on the parcel we are going to sell, how are they zoned?"*

*Mr. Claassen, said, "The parcel we are going to sell, the parcels on the north, those three parcels on the north are single family also. And the parcel on the south is RR, Rural Residential."*

*Chairman Ranzau said, "I have concerns, even if there is an easement, if that's a burn area, set-aside, I think that's going to hurt the value anyway. Who is going to want to buy, you know. I am going to be supportive of this motion, although I don't support the 20-acre burn area set-aside. I don't think it's necessary. I would like to see us sell that as well. I will try to convince the Commissioners to do that. That being said, in general, I will support this motion today. We do have a motion and a second, correct?"*

*Ms. Bailey said, "Correct."*

*Chairman Ranzau said, "Call the vote, please."*

<i>Commissioner Unruh</i>	<i>Absent</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, "Thank you. Next item, please."*

**Adopted**

X      [15-0422](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 4, 2015.**

Presented by: Joe Thomas, Director, Purchasing Department.

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

*Mr. Steve Claassen, Director, Facilities, Fleet & Parks, greeted the Commissioners and said, "In 2010, Sedgwick County acquired 1,035 acres of unimproved property in the northeast part of Sedgwick County for the purposes of establishing a northeast Sedgwick County Park. Later that year the borders of the park were established utilizing 645 of those acres, and the county has no current plans for the remaining 380 acres, except for a need to retain 20 of those acres for purposes of an emergency storm debris burn site. Several weeks ago in a BoCC staff meeting we discussed this topic, what to do with this excess property.*

*"There appeared to be a majority of Commissioners wishing to sell the unneeded property via public auction, retaining 20 of those acres as an emergency storm debris burn site. The resolution before you today authorizes me to act on behalf of the County to facilitate the sale of this property, including setting in a reserve amount at the auction. It further authorizes me or Ron Holt to execute and deliver all documents needed to close on that sale. You see the screen before you, the map of the properties, those outlined in blue along 85th Street, there, three parcels there. They are defined in this Exhibit A as excess property, and then on the south end, there is another area outlined in blue with the red indicated as the reserve for the emergency burn site. These all adjoin the property outlined in yellow which is the Northeast Sedgwick County Park. So the action that we are requesting is the approval of the resolution. I would answer any questions you may have.*

*Chairman Ranzau said, "Commissioners, what is the will of the board? Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. Help me out on the map on that south parcel that's adjacent to the burn area set aside, how large a parcel is that, and I want to make sure there is an access."*

*Mr. Claassen, said, "It is 20 acres. We will tighten that up with precise meets and bounds description, but it's intended to be 20 acres, and that little finger that heads south is that access. We retained that access when we sold the corner to the west of the small strip of property you see, we sold that to Payne Township, you may remember, several years ago. Retaining that strip of property to be able to access that parcel 280384. That enables us to both access the burn site as well as the intent to provide a joint access agreement to the successful person at auction allowing them access to that property as well."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Tom, can you tell us what is the current zoning in the yellow, well the yellow and red area?"*

*Mr. Claassen, said, "It's all SF, Single-Family zoned, with the exception. That south*

*property is Rural Residential (RR), isn't it. The parcel 280384, the parcel that has the red, the burn site in it, is Rural Residential. Everything else is SF."*

*Commissioner Howell said, "Are there Single-Family homes in the area right now anywhere near that?"*

*Mr. Claassen, said, "There are homes. How would I describe that? You can see them, it's primarily on the west portion of the park, in between Greenwich Road and our park on the southern portions; you can see there is some home sites there."*

*Commissioner Howell said, "Thank you for the answer. I think generally speaking I would articulate a principle that is that the government does not own things that have no purpose. I see this as surplus property at this point; it doesn't seem to serve a public good at this time. We don't have any future plans or any ideas of what we would necessarily use this at this time. To the extent of the taxpayers own it, we ought to be using the value of this property to buy down tax burden on the people."*

#### **MOTION**

*Commissioner Howell moved to adopt the Resolution.*

*Commissioner Peterjohn seconded the motion.*

*Commissioner Peterjohn said, "I do have a question, Mr. Chairman. I am going to go back to that south parcel, that's about 20 acres. It looks to me from looking at the aerial map, the concern I've got is that it appears we are providing an easement from 69th Street for that parcel? Because it looks to me, I thought at first that there was a through street there, but looking at the area, I am concerned that there isn't a way to access that property, and it's not going to have much value if a person cannot access it, except to the folks who own immediately adjacent parcels. Since the county owns the parcel to the north, and the county would have a parcel south of part of the property, except for the people to the east or west, I don't know that there would be any way that property would have any value to anyone. Can you clarify that?"*

*Mr. Claassen, said, "Well that finger you see that heads from the rectangle defining the burn site, the finger that heads to 69th Street, that is the intended access for the parcel that we would sell."*

*Commissioner Peterjohn said, "So there would be an easement for that parcel."*

*Mr. Claassen, said, "We would have to make clear at auction that it would include a joint access easement to access that property. And like you say, that should open up the potential market to other possible buyers. Adjoining property owners we hope are some of the interested parties that may be interested in this, but that should give opportunities to others to bid on it as well."*

*Commissioner Peterjohn said, "If it didn't have the easement I would have some concerns. I wanted to clearly state on the public record that it would be available. Without having the easement, other than the people to the east or west, I don't know where that parcel would have any value. So obviously I want to try to make sure we get the best value for county taxpayers and get this land back on the tax rolls which is my main reason for supporting the motion this morning. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Commissioner Howell."*

*Commissioner Howell said, "I apologize for using the wrong name a minute ago. It's*

*a new guy error. Thank you, Steve."*

*Chairman Ranzau said, "Steve, on the parcel we are going to sell, how are they zoned?"*

*Mr. Claassen, said, "The parcel we are going to sell, the parcels on the north, those three parcels on the north are single family also. And the parcel on the south is RR, Rural Residential."*

*Chairman Ranzau said, "I have concerns, even if there is an easement, if that's a burn area, set-aside, I think that's going to hurt the value anyway. Who is going to want to buy, you know. I am going to be supportive of this motion, although I don't support the 20-acre burn area set-aside. I don't think it's necessary. I would like to see us sell that as well. I will try to convince the Commissioners to do that. That being said, in general, I will support this motion today. We do have a motion and a second, correct?"*

*Ms. Bailey said, "Correct."*

*Chairman Ranzau said, "Call the vote, please."*

<i>Commissioner Unruh</i>	<i>Absent</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, "Thank you. Next item, please."*

### **CONSENT**

- Y**     [15-0384](#)     VAC2014-00048 - Request to vacate platted access control on properties generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street (County District 1).
- Z**     [15-0392](#)     VAC2014-00052 - Request to vacate a portion of platted public street right-of-way generally located south of 109th Street North and west of 111th Street East (County District 1).
- AA**    [15-0405](#)     Agreement with the City of Maize and the City of Wichita for Improvement of 37th St. North between Maize Rd. and 119th St. West (District 4).
- AB**    [15-0361](#)     Resolution designating weight restrictions for all bridges within Sedgwick County, Kansas. All Districts.
- AC**    [15-0398](#)     Second Amendment to Real Estate Purchase Contract 4078-11 - EMS Post 15.
- AD**    [15-0362](#)     Agreement between Sedgwick County and Ignition Holdings, L. L. C. for Controlled Access to Certain Roadways.



- AE**    [15-0356](#)            Agreement with the University of Kansas Medical Center Research Institute.
- AF**    [15-0373](#)            Agreement to provide after hour mental health emergency services for Southwest Guidance Center.
- AG**    [15-0375](#)            Business Associate Agreement to provide after hours services with Southwest Medical Center.
- AH**    [15-0376](#)            Renewal of contracts with the City of Bentley, City of Clearwater, and Mount Hope Community Development to provide ride coordination service for the Sedgwick County Department on Aging Transportation Program's Volunteer Transportation Program.
- AI**    [15-0377](#)            A resolution to authorize destruction of Finance accounting records for the period 1991-2011 (DISP 2015-219 Finance).
- AJ**    [15-0378](#)            A resolution to authorize destruction of Emergency Medical Services Records (DISP 2015-221 PS-EMS 2003-2009).
- AK**    [15-0379](#)            A resolution to authorize destruction of Public Works Records (DISP 2015-220 Public Works 2003-2011).
- AL**    [15-0380](#)            A resolution to authorize destruction of Sheriff Records (DISP 2015-222 Sheriff 2006-2011).
- AM**    [15-0381](#)            A resolution to authorize destruction of COMCARE Records (DISP 2015-217 HS-Comcare 2000-2009).
- AN**    [15-0371](#)            Plat  
Approved by Public Works. The County Treasurer has certified that taxes in 2014 and all prior years have been paid for the following plat:  
  
Capall Baile Addition
- AO**    **15-0360**            Order dated 5/15/15 to correct tax roll for change of assessment.
- AP**    **15-0383**            Order dated 5/21/2015 to correct tax roll for change of assessment.
- AQ**    [15-0364](#)            General Bill Check Register for May 20, 2015 - May 26, 2015.
- AR**    [15-0365](#)            General Bill Check Register for May 27, 2015 - June 2, 2015.
- AS**    [15-0366](#)            General Bill Check Register for June 3, 2015 - June 9, 2015.
- AT**    [15-0367](#)            Payroll Check Register for the May 16, 2015 payroll certification.

AU [15-0368](#)

Payroll Check Register for the May 30, 2015 payroll certification.

*Mr. Buchanan said, "Commissioners, you have the Consent Agenda before you. I recommend your approval."*

MOTION

*Commissioner Norton moved to approve the Consent Agenda.*

*Chairman Ranzau seconded the motion.*

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

VOTE

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

*Chairman Ranzau said, "That brings us to Legislative Issues, which I don't believe we have any updates on."*

*Commissioner Peterjohn said, "Mr. Chairman?"*

*Chairman Ranzau said, "Commissioner Peterjohn?"*

*Commissioner Peterjohn said, "I have heard and the legislative session continues and the uncertainty continues, I have heard that the budget that's been through would continue at least for next budget year, the mailing of car tag renewal notices that I know has been a major concern for the County Treasurer, and not moving to post cards, which was one of the ideas out there. As a County Commissioner, I am appreciative of that fact and hope that doesn't change between now and whatever the legislature finishes their work this year. I wanted to throw that out as part of the legislative update. Thank you, Mr. Chairman."*

*Chairman Ranzau said, "Okay. We do have a need for a Fire District Meeting [No. 1]. Do we not?"*

*Ms. Bailey said, "Yes, Mr. Chairman."*

*Chairman Ranzau said, "Yes, we do. So let's recess the Regular Meeting of the Board of Sedgwick County Commissioners."*

*The Board of County Commissioners recessed at 11:11 a.m. and returned at 11:13 a.m.*

*Chairman Ranzau said, "And call back to order the regular meeting of the board of Sedgwick County Commissioners. Now to the Other section. Commissioners, any for other? Commissioner Peterjohn?"*

## OTHER

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. June 10th is an important day in American history. A number of important events occurred on this date. Even arguably one that isn't quite the date that was originally intended, but the President of the United States subsequently, John Adams, in June of 1775 began the work that resulted in the formation of the United States Army. Now, they consider their birthday June 14th officially, but John Adams actually kicked this off with the effort to get this started on this date on June 10th. Interestingly enough, even a little bit earlier, on this date in 1746, Ben Franklin's experiment with kites and electricity and lightning occurred on this date 261 years ago. In 1854, United States Naval Academy graduated their very first class. In 1935, on this date, important event for many folks who struggled with alcohol, Alcoholics Anonymous was founded in Akron, Ohio on this date.*

*"So, Mr. Chairman, June 10th is an important day in American History and I wanted to get that on the record this morning. Thank You."*

*Chairman Ranzau said, "Thank you, Commissioner. Anything else? Seeing none, we have no need for Executive Session, correct. Mr. Manager, for the last time, is there any other..."*

*Mr. Buchanan said, "No, sir."*

*Chairman Ranzau said, "Anything else to come before the County Commission?"*

*Mr. Buchanan said, "No."*

*Chairman Ranzau said, "Thank you once again for everything you have done. Good luck in your retirement."*

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

*Chairman Ranzau said, "This meeting is adjourned."*

## ADJOURNMENT

*There being no other business to come before the Board, the meeting was adjourned at 11:29 a.m.*

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

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*RICHARD RANZAU, Chairman  
Fourth District*

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*KARL PETERJOHN, Chair Pro Tem  
Third District*

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*DAVID M. UNRUH, Commissioner  
First District*

---

*TIM R. NORTON, Commissioner  
Second District*

---

*JAMES M. HOWELL, Commissioner  
Fifth District*

ATTEST:

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*Kelly B. Arnold, County Clerk*

APPROVED:

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