

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, October 21, 2015

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:03 a.m. on October 21, 2015 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Richard Ranzau, with the following present: Chair Pro-Tem Commissioner Karl Peterjohn; Commissioner David M. Unruh; Commissioner James M. Howell; Mr. Ron Holt Acting County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Chris Chronis, Chief Financial Officer; Ms. Kristi Zukovich, Director, Communications; and Ms. Erika Rice, Deputy County Clerk.

GUESTS

*Ms. Karen Schmidt, Wichita Women's Initiative Network
Ms. Janice Bradley, 214 West Buckridge, Wichita
Mr. Dale Miller, Planning Department, City of Wichita
Mr. Gary O'Neal, 4967 North Hillcrest, Bel Aire
Ms. Kathy Sexton, City Manager, City of Derby
Mr. Brian Silcott, City Administrator, City of Goddard
Ms. Kim Edgington, Planning Administrator, City of Maize
Mr. Justin Gibbons, City Administrator, City of Clearwater
Mr. John Todd, 1559 North Payne Avenue, Wichita
Mr. Mitch Mitchell, Former Planning Commission Appointee
Mr. Charles Peaster, 9453 West 154th Street West, Sedgwick
Ms. Susan Estes, 151 South Whittier, Wichita
Ms. Marcy Gregory, Mayor, City of Goddard
Mr. Joe Norton, County Bond Counsel, Gilmore & Bell*

INVOCATION: Moment of Silence.

FLAG SALUTE

ROLL CALL

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

PROCLAMATIONS

- A** [15-0683](#) PROCLAMATION DECLARING DOMESTIC VIOLENCE AWARENESS MONTH.

Read by: Chairman Richard Ranzau.

RECOMMENDED ACTION: Adopt the proclamation.

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

PROCLAMATION

WHEREAS, domestic violence and sexual assault result in widespread victimization of adults, children, and families throughout the world; and

WHEREAS, thousands of cases are reported each year in Sedgwick County, and the criminal justice system dedicates tremendous resources to arrest and prosecute perpetrators; and

WHEREAS, October 2015 marks the 26th anniversary of the first Domestic Violence Awareness Month, following the passage of commemorative legislation passed by the U.S. Congress in 1989; and

WHEREAS, the YWCA Wichita – Women's Crisis Center, Catholic Charities, Catholic Charities Harbor House, StepStone, Women's Initiative Network and a diverse group of local social service agencies collaborate to assist those whose lives have been impacted by violence and abuse; and

WHEREAS, it is fitting and proper to accord official recognition to this effort and to show support for an initiative, as the Wichita/ Sedgwick County Domestic Violence/ Sexual Assault Coalition, striving to reduce the incidence and impact of domestic violence in our community.

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

DOMESTIC VIOLENCE AWARENESS MONTH

And encourage fellow Commissioners and the community to join the Coalition in promoting healthy, non-violent relationships for all.

"Commissioners, what's the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the Proclamation.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Ranzau said, "It looks like we have Karen Schmidt with the Wichita Women's Initiative Network."

Ms. Karen Schmidt, Wichita Women's Initiative Network, greeted the Commissioners and said, "I would just like to thank you for this Proclamation and for helping us spread

the word that this is the month for awareness for domestic violence (DV) and just helping us get the word out. We're out here to break the cycle. There are about 40 or more agencies involved in the coalition, and every day we're working to break that cycle with not only the victims but offenders, and the more we can get the awareness out, the better chance we have of breaking that cycle. So thank you."

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

Commissioner Norton said, "Thanks for being here today. You may have the information, but I've heard staggering numbers that the domestic violence calls that go through the Wichita Police Department every day are staggering numbers. It seemed to me like there were 18 calls a day that deal with a domestic violence issue. Does that number sound right at all? Is that close to what I've heard?"

Ms. Karen Schmidt said, "It does. I don't know the exact number, but there are a huge number of domestic violence calls, and those are the only ones actually reported. There are lots of incidences that aren't reported. So it is a huge problem, and that's what we want people to be aware during October; that it is a big issue, and that there are things that everyone can do to help build awareness and break that cycle."

Commissioner Norton said, "I know it affects women and men both. To me, the ancillary affect of what it does to families and what it does to children, you know, we're working hard to build the Child Advocacy Center and we know that many of those children that show up that have been abused and neglected come from homes that have domestic violence pretty prevalent, and all of it mixes together to make something we need to really focus on in our community and work on, not only for families, the men and women, but for the children that are affected by it, because it keeps them out of school, they go into foster care, they need services and it becomes a part of the system that we need to fix. So, thanks for being here today and bringing the Proclamation to us."

Ms. Karen Schmidt said, "You're welcome. Thank you."

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

Adopted

CITIZEN INQUIRIES

B

[15-0704](#)

REQUEST TO ADDRESS THE BOARD OF COUNTY
COMMISSIONERS REGARDING PUBLIC HEALTH.

Presented by: Janice Bradley, Wichita.

RECOMMENDED ACTION: Receive and file.

Chairman Ranzau said, "Please give us your name and address for the record."

Ms. Janice Bradley, 214 West Buckridge, Wichita, greeted the Commissioners and said, "I'm speaking today about Public Health. What is Public Health? Public Health promotes and protects the health of people and the communities where they live, learn, work, and play. While a doctor treats people who are sick, people working in Public Health try to prevent people from getting sick or injured, in the first place. They also promote wellness by encouraging and educating healthy behaviors."

"One of the primary responsibilities of our County government has been to promote and protect Public Health and welfare of our citizens. The mission of the County government is, to assure quality public services that provide for the present and future well-being of the citizens of Sedgwick County. Several votes since the January 2015 of the Board of County Commissioners to cut programs in Public Health, especially by turning back federal grants, have put this body in direct opposition to its mission and its responsibilities to the citizens of Sedgwick County. In January, you rejected a \$5,855,000 federal grant, administered by the state, aimed at controlling obesity and diabetes, which are major health problems in Kansas as a whole, but even worse statistics in Sedgwick County for both of these. The majority said overweight people already know why they're fat. This is an idiotic policy statement by the Chairman. In most recent budget votes, you cut staff and services to the Health Department for immunizations and early detection for breast cancer and cervical cancer screenings; for low income residents and a support staff position in WIC (Women, Infants and Children), \$320,000 to that program.

"[Chairman] Ranzau called WIC a welfare program under the guise of the Public Health program. With the federal WIC cuts, this is Women, Infants and Children. That's what WIC stands for. It serves pregnant women and babies, infants, giving them all kinds of healthy food options that they get through vouchers at the grocery store. So with these federal WIC cuts, instead of continuing to tackle the problems that these grants address, [Chairman] Ranzau wants to collect data on how many pregnant women and babies receiving these vouchers might be living here without immigration status.

"[Chairman] Ranzau also made the statement, that, I'm not sure we need to be in the breastfeeding business. So does it embarrass the Commissioner to talk about breasts? Breastfeeding is considered medicine. It's healthier for moms and infants. It even reduces the chance of cancer for some cancers later in life for women. We have a huge problem in the United States and especially in Sedgwick County with infant mortality.

"The United States has a higher infant mortality rate than any of the other 27 wealthy nations. We have 6.1 infant deaths per 1,000 live births versus 2.3 deaths for Finland and Japan. So, a baby born in the United States is three times as likely to die during her first year of life as one born in Finland or Japan. That same American baby is about twice as likely to die in her first year as a Spanish or Korean one. Spanish, that means Spain, just in case you don't realize it. The overall rate of infant deaths in Kansas is 6.3 infant deaths per 1,000 live births, but Sedgwick County's rate is 7.7. And for African Americans living in Sedgwick County, it's 18.8 for Black infants deaths per 1,000. 18.8. Let that soak in for a moment.

"So the majority of Commissioners say WIC and Healthy Babies are infective at lowering these infant mortality rates. So they come up with a knee-jerk reaction to cut the programs and make statements about pregnant immigrant women who might be receiving the benefits. The majority is rejecting the responsibility to come up with solutions to solve this horrendous Public Health problem. Coming in contact with more pregnant women, especially women of color, early in their pregnancies, through these federally funded programs is a major step towards solving the horrible rates of infant mortality in our County, bringing pregnant mothers immigrant status into this issue is irresponsible, shameful and unconscionable.

"All of these actions reflect the abandonment of the mission and responsibilities for Public Health and welfare of the citizens of Sedgwick County by the Board of

Commissioners. I do have a question I would like to ask, and it's regarding the position that was cut for the nurse with a salary of \$77,562 that was quoted in The [Wichita] Eagle, and I wondered, is that total compensation, salary and benefits? \$77,000. Can anybody answer that question?"

Chairman Ranzau said, "No, but we'll have the Manager get that information and get that to you."

Ms. Bradley said, "Okay. Now, I also saw a quote for your salaries over \$88,000. Does that include salary and benefits, or is it only salary?"

Chairman Ranzau said, "I believe that's only salary."

Ms. Bradley said, "Okay. So could I see the figures on salary and benefits for your positions as well?"

Chairman Ranzau said, "Yes."

Ms. Bradley said, "And do you not understand that this position, whether it's \$77,000 salary or \$48,000 salary plus benefits, do you not realize that this money that the County is giving in addition to the much larger federal part of the grant, this has all kinds of economic activity from this nurse? She pays rent. She buys groceries with this money. The County gets all kinds of returns on this position and the money of the grant in the first place, that wasn't turned back."

"It's like you act like there's no investment here. You don't want any investment in our community to bring back solutions to the problems, to help people navigate our broken healthcare system. You know, this is something people in the County need and want. We want to serve people. We want people to be healthy. We want infants to get food. We want mothers to have nutrition, vitamins. There's all kinds of prenatal issues when you come in contact with these women, early in their pregnancy, that can be solved."

"Didn't you hear the people during the budget forums. They said something like, for every dollar spent on healthcare, \$5 or \$6 comes back to the community. What kind of investment is it in our community when you're taking money away like this? You're hurting our community, and you have abandoned the responsibility of this Board for Public Health. I'll end it here."

Chairman Ranzau said, "Thank you. Commissioners, are there any comments? Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Because of procedure, make a motion that we receive and file. I cannot express how much I disagree with the defense of Obamanomics that I just heard, but I respect and I cherish the opportunity for the public to come in us, whether they agree with us or disagree us."

Ms. Bradley said, "This is not Obamanomics."

Commissioner Peterjohn said, "Madam, I listened to you, and I appreciate your work. I first met you over at the CJCC (Criminal Justice Coordination Council), when we were working on jail overcrowding. I appreciate your input at that time. Sometimes I agreed with you, sometimes I disagreed. This morning, I find myself in profound disagreement

with the idea that government spending is investment. I'm sorry. We tried that. It doesn't work.

"I find myself in strong opposition to the folks who have said, if we have the federal government take over the healthcare system, you can keep your doctor. No, you can't keep your doctor. Oh, you can keep your insurance. Well, no, you can't keep your health insurance under the federal takeover that Obamanomics has put us in place with, and the federal grant programs that you've mentioned, I think we are in a very troubled time, because whether Japan or Finland, I've been to Japan, they don't have the drug problem we have here. They don't have the out of wedlock birth problem we have here. We don't want to talk about the root causes of why we have some significant and severe health problems in this country, but basically the problems go back to individuals, and we've got to address it in that way.

"So, Mr. Chairman, I have a lot more that we could say in the public comment if we had an item here in front of us, but I do want to make sure we follow procedure properly and wanted to make sure that my position was quite clear, because I do support trying to get Public Health focused on its core mission, core functions performing there in the best way possible and doing it in a way where we're not going to be putting an excessive financial burden on the taxpayers of this community. But I do want to make sure that we follow procedure, and so I did want to make the motion to receive and file. Thank you."

MOTION

Commissioner Peterjohn moved to receive and file.

Chairman Ranzau seconded the motion.

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to comment on a couple of things that were said here just to present some facts as I understand them anyway. Number one, the immunizations program was not cut from the Health Department. It was simply an efficiency move. We took three separate programs and rolled them into one."

Ms. Bradley said, "Staff."

Commissioner Howell said, "There are immunizations still being provided by the Health Department to those that need and ask for those. The screenings, also, are still being done. We did eliminate a staff person that was reserved for that position, but that was, on average, only a few screenings per day. The screenings are still paid for by vouchers through the State of Kansas. They can still get those at our own health clinic or other health clinics around the community.

"We did reduce \$320,000 to the WIC program, but that was administrative only, had nothing to do with benefits. In fact, there were five positions that were unfilled and unfunded positions and had been that way for a long time. There was a 38 percent reduction in client caseloads since 2010, and that program is just spending less money than they used to. The caseloads are going down primarily because birthrates are going down. So the \$320,000 reduction still provides more than \$100,000 than what we spent last year. That program is fully funded. In fact, there was a motion to

eliminate the three breastfeeding peer counselors, which did not pass, and we did, in fact, three Commissioners voted to fully fund, functionally, the WIC program, including three breastfeeding peer counselors. That is a funded program and there were no cuts to benefits, to anyone, in any way, to anybody who needs those services.

"With respect to the infant mortality issues; I think that we have another program, you didn't mention this morning, but we've talked about it a little bit, and that's the Healthy Babies Program, and I have made a case at this bench that we're spending a lot of money to address infant mortality in Sedgwick County, and I think that's money well spent. However, the program is not organized in such a way or administered in such a way that it's effective. We're only touching a fraction. In fact, by my calculations, about 1/32 of the population that needs it. So the program, even if it was perfectly effective in the population they're trying to help, it is not going to make a dent in the numbers of 7.7 infant mortality deaths in Sedgwick County per 1,000 births, because the program cannot change the number. It's impossible. Let me touch on 1/32 of the population that could use that service, and I've asked them to restructure the program, and I've yet to hear from them that they're doing anything to respond to my comments on that.

"As far as Economic Development goes, you know, we provide services to people in Sedgwick County through staff that are expert staff that do all kinds of wonderful things, but that salary is not to be looked at as Economic Development. We don't pay them a salary, because they pay rent and spend money in the community. We pay their salary because it provides services that are needed by Sedgwick County citizens."

Ms. Bradley said, "I know that."

Commissioner Howell said, "That's the reason we pay their salary. If we don't have a purpose for a person in one of these positions that's no longer useful or we found a better way to do something or more efficiency or something is no longer needed or it's naturally reduced, like the WIC program has naturally reduced, then those positions or salaries can certainly be looked at and reorganized, I appreciate you coming today. I've seen you around the community. I know you're a person that's involved in many things, and I appreciate the fact that you are an involved citizen. I do appreciate your comments this morning. I just wanted to set the record straight on a number of things you mentioned this morning. Thank you very much."

Ms. Bradley said, "I realize it's not for the reason of Economic Development. That's just a side benefit that I think you're overlooking."

Chairman Ranzau said, "Thank you, Janice, for being here. I appreciate the comments from my colleagues. The fact of the matter is every decision we make here is fact-based and very well thought out. The problem is, not all of those facts and information get out to the public or are reported accurately, and a lot of people don't understand it, and there are some people that no matter how many times you explain it to them don't care about the facts because they have their ideology they want to push. We have lots of health problems. It's a myth to think there is a government solution to every problem that we have. Some people think if we just spend more money on programs that don't work it will solve all of these problems. Well, we've spent billions and billions and billions of dollars on some of these problems for decades, and nothing has changed. Despite these very modest cuts we have done in the Health Department, we still spend, I believe, more than \$11 million on the Health Department, millions of which are on programs that don't actually work, but we keep spending it

because it's politically expedient.

"I don't think it makes good sense to spend taxpayer dollars trying to solve problems for which there is no government solution, nor do I think it's wise to spend money on programs that don't work just because they sound good. We have to stop kidding ourselves to think that the government is the be all and end all of everything and can solve everything. I mean, is there no limit to what we expect the government to do for us? This breastfeeding program has only been around for about four or five years. How did we survive without it before then? Is there no one in the private sector that can teach people to breastfeed? I'm just using this as an example. Think about it.

"How far have we come that we are so dependent on the federal government to do these things? We talk about the grant program that reduced diabetes. The grant program was a program from the federal government for us to create dietary guidelines and tell people what they can and cannot eat or drink."

Ms. Bradley said, "Should."

Chairman Ranzau said, "It's none of the government's business. It's not my business to tell you."

Ms. Bradley said, "Public health education."

Chairman Ranzau said, "You've spoken and I'm speaking. It's not my job to tell you what to eat or drink. I don't need to think for you. I believe you can take care of yourself. Our Public Health responsibilities are limited to contagious disease and disaster type things. It is not our responsibility to tell you, we cannot solve, we spend billions and billions of dollars in government and healthcare costs on obesity, diabetes and hypertension. The idea that a \$500,000 grant is somehow going to solve this problem is ridiculous. We have to come to terms of reality that we have to take responsibility for our own lives and in the end when it comes to illegal immigrants getting WIC benefits or welfare benefits, yes, I oppose that, as do the vast majority of Americans. I'm not saying they can't get food or clothing or healthcare, they can, but their parents will provide it, or they can go to the private sector, food banks, health clinics or whatever.

"We have absolutely no responsibility to subsidize illegal immigration in any way, shape or form. Now, I'll have more comments about this later, because I've gotten a tremendous response on this issue and I'll discuss it in the 'Other' portion of this, but I appreciate your opinion, and if you want more facts and figures, feel free to come by my office, but I stand by the decisions. We make very informed decisions and well thought-out decisions. We have face the reality that we can't solve every problem for everybody, and I have a lot more confidence, I guess, in the American people than some people do. I think people are capable of solving their own problems if we just give them the freedom to do so. And I'm not afraid of freedom and individual responsibility.

"With that, Madam Clerk, please call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

Commissioner Howell Aye
Commissioner Peterjohn Aye
Chairman Ranzau Aye

Chairman Ranzau said, "Thank you. Next item, please."
Received and Filed

PLANNING DEPARTMENT

C [15-0702](#) DER2015-00005 - PROPOSED AMENDMENT TO THE
WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE REGARDING
ZONING AREA OF INFLUENCE JURISDICTION (ALL DISTRICTS).
Presented by: Dale Miller, Current Plans Manager, Metropolitan Area
Planning Department.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area
Planning Commission, amend the unified zoning code as recommended
by the MAPC, and authorize the Chairman to sign the resolution.

VISUAL PRESENTATION

Mr. Dale Miller, Planning Department, greeted the Commissioners and said, "I don't believe I'll go back through the way the current Zoning Area of Influence process works, because I think that ground has been plowed more than once or twice, so I'll just kind of go through a review of the steps that have been taken since your June 10th meeting where you asked staff to initiate an amendment to the Unified Zoning Code to review Zoning Area of Influence review authority. Currently, there are 17 cities in Sedgwick County that have Zoning Area of Influence (ZOAI) review authority. On July 9th, the Advanced Plans Subcommittee of the Metropolitan Area Planning Commission (MAPC) review proposal, and they determined that the request should be moved to the [Metropolitan Area] Planning Commission for their full consideration without a recommendation from the Advanced Plan Subcommittee.

"On July 23rd, the Metropolitan Area Planning Commission held a hearing to consider the proposal. There were representatives from 8 cities present that spoke, and their comments, to be in a general sense, were in opposition to the proposal, requests for more time to discuss the issue, or a willingness to look at modifications to the existing process. The MAPC deferred action at the July 23rd meeting and asked the cities to provide written responses prior to their September 17th meeting.

"On September 17th, the MAPC reviewed the responses from the cities. The majority of the cities that responded indicated they did not want any changes. Others, a minority, said that they were willing to make changes and compromise primarily on the unanimous vote requirement of the existing process and on the size of the boundaries of the Zoning Area of Influence review authority. After much discussion, the Planning Commission recommended the following motion. They wanted to retain the review process, change the boundaries to the Urban Growth boundaries as laid out in the comprehensive plan that was adopted previously by the Planning Commission. Subject to the city's right to request adjusted boundaries, they eliminated the requirement for unanimous vote. They changed that to a super majority vote, and that the cities in the affected area would have 30 days to respond to notice that a case had been filed in their review authority area, and that if the city did not respond within that 30 days, then

it would be assumed that the application is approved by that community. This motion approved 11 to 1, and so today, on your agenda is the recommendation made by the Metropolitan Area Planning Commission.

"It looks like there are several people here to speak. And so I'll kind of cut off my comments at that point and try and answer questions and let you have time for the other folks."

Chairman Ranzau said, "Commissioners, are there any questions for Dale at this time? Seeing none, I want to allow people to speak. I would like to see a show of hands of people that would like to speak on this particular issue. About 7 people or so. So we will allow three minutes for each person to speak.

"I do want to give a little background. This is something that had been on my radar for several years. I heard about this issue from a variety of people. I had a constituent of mine who had to deal with this process. He lived in an unincorporated area but had to go through the Planning Commission of Valley Center and also the MAPC and also had some builders talk to me about this and they have some concerns about it. Basically, we have a situation here in which people who live outside of cities have to go basically to two Planning Commissions to get their things approved.

"No other county in this state does this, and there's a long history to it as to why. It's not even prescribed by state statute. It's kind of an extra deal. Normally when you have a county wide zoning, you have, like we do with the City of Wichita, and all of those cases in the unincorporated area goes through the MAPC. We have a deal where if you're up to three miles within some of these small cities, it goes through a local or a small city Planning Commission as well. The question is why do we have this redundant process? Is it really necessary? Can we streamline and eliminate and allow everybody to have a voice in this system?

"So, that's the issue behind this. I really thought it was a pretty easy fix. I've been surprised by some of the responses and some of the opposition to this. We've talked a lot about reducing the regulatory burden for the little guy, and I thought this would be an easy way, just a small thing to start doing that, because I still think we can accommodate everybody. That's kind of the history and how this came about. And it's an attempt to make it easier for homeowners and small business people to do things in the unincorporated area, simplify the process and still let everybody have a voice.

"With that, I'll let people come up and speak. We'll give you three minutes and just give us your name and address when you come up and speak. What brave soul wants to go first?"

Mr. Gary O'Neal, 4967 North Hillcrest, Bel Aire, greeted the Commissioners and said, "I served as Chairman in Sedgwick County Association of Cities in 2002, 2003, 2004 and part of 2005 and I am a three term former Mayor for the City of Bel Aire. I know there are others to speak today that probably have more current information than I have since I'm retired and I don't stay up-to-date on everything every day. But I feel this Zoning Area of Influence came about in 1985 and it serves the small cities in Sedgwick County quite well for the last 30 years. Each small city has two members in the Zoning Area of Influence, the three mile ring around our cities that serve on our Planning and Zoning Boards, and we feel valuable input to our local city Commissions regarding those areas and are very valuable to us, and we get a lot of good input.

"I think if this adoption is changed, it takes away some of the local input from the citizenry in each local city, and I guess I'll go back to why, after 30 years, did this come up? I know Chairman Ranzau spoke briefly about it. A constituent of his had brought this up along with some developers. My first thoughts were that this smacks of some kind of political payback when Chairman Ranzau was elected from that district for some perceived votes that went against that area by Board of County Commissioners, and I know that there is a process underway to try to recall Chairman Ranzau. If I lived in your district, I would sign that petition, and if I lived in your district, I would file to run for election against you, but I do not live in that district.

"So those are my comments today. I just don't understand why this has come up and has it really streamlined the process? Now, I know Kathy Sexton will be speaking shortly, and she's been involved in this process and has a lot more details than I do. But those are my comments for this morning. Thank you."

Chairman Ranzau said, "Thank you. I will add that this issue has come up multiple times in the past. There have been efforts in the past to modify or eliminate this. The issues was brought up previously, in the past, by others long before I was in the office. The idea that this is some sort of political payback is ridiculous. I'm fighting for the people, the people that may be abused by this system and have to go through a duplicate, redundant and unnecessary process, and I'm sorry that that's difficult for some people to understand and accept, but that's the way it is. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Yes. I first heard about this issue several years ago, so I resent very much the implication the speaker provided. We all stand for election, and he can either run where he lives or he can move into one of our districts and decide to make a decision at that point. That's true for anyone else who is hearing my voice. I think this issue has been around for quite a while, although it may not go back quite 30 years. Thank you."

Chairman Ranzau said, "Next."

Ms. Kathy Sexton, City Manager, City of Derby, greeted the Commissioners and said, "Joining me from Derby is the Chairman of our Planning Commission, Mr. Mitch Adams. And our brand new staff member sitting behind him and Greg Victors. Give them a little wave so they know who I'm talking about. Greg is on Staff and just joined us, so he's here to learn. Larry Gould from our Derby Planning Commission and Jack Hezlep from our Derby City Council. We do bring regrets from Mayor Randy White. He intended to be here, but had something come up at work and it didn't work out. As you all probably remember, we all showed up in June when you first started this issue and we were thinking that there was, as previous speaker said, probably not a big problem, but we understood there's a process set forth to look at the system and whether or not you wanted to change a rule and that you all initiated the process that day by voting to eliminate.

"We understood from some of the comments that the intent was not to eliminate, by some of you anyway, but was to just start the process for review as a process laid forth in your bylaws or whatever. So, we have participated in five now public meetings on this matter, three with the MAPC during the process that you all set forth and said that you wanted to hold. And we have testified orally now four times and on paper once, and I think what I experienced and what all the Derby Planning Commissioners and City Council who have been working this issue for the last five most months with the MAPC

primarily, I think what we've experienced is that there's a lot of people who understand there are people on issue, certainly. And the idea was, through MAPC, to come to some sort of common sense kind of middle ground. I think we said that in June when we testified here, but you know, let's talk, let's dialogue and find a middle ground. So we participated in the Planning Department's process and the MAPC, and we do come here today to support that recommended action. It would be easy for us to come here today and say don't take any action, at all, because the system in place is better for cities, but we're not saying that.

"We understand there have been isolated incidents, as Mr. Ranzau did note. Isolated incidents of some people whose projects were delayed a bit, a few weeks, maybe a month, by this system. So that's why we believe the recommended action by the MAPC to have the input of 11 cities and the professional input of their staff as well, came up with this system that said, you know, let's tweak this process on couple of key points, speed it up for the developers, but still give notice and input. So that is where we stand, and if you all don't have a majority vote for that system, then certainly we would see the next best option at no action, leave the system in place. I guess if we have to say we don't have a majority for that either, then I would think the alternative proposal by Mr. Howell would be better than eliminating it. Certainly the elimination proposal is absolutely a bad idea.

"It's a bad idea not just for cities. It's a bad idea for your constituents who live in the unincorporated County as well. They would not have the opportunities to be heard; not as many opportunities to be heard. They would not even have notice. And they're not here today because they don't know of this process. So I think certainly it's fair to say that the process promotes communication between developers, between builders, and residents, and it's not just about the cities. It is about residents. Thank you for your attention today. Appreciate it."

Chairman Ranzau said, "I think we have a couple questions."

Ms. Sexton said, "Sure thing."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "First of all, I want to say thank you for being here today. I'm very glad that you guys are taking a very active role in this, and I do appreciate the fact that you have, I guess, come to kind of a compromise position, and I think you understand both sides of the issue, and I appreciate that very much.

"I was going to ask you, in terms of when something is controversial, let me just say again the numbers that I remember, we had I think 86 zoning issues, conditional use issues, PUDs (Planned Unit Development), whatever they are, all the various things that have come to the County Commission, that have actually been raised by the County somewhere. There have been 86 cases overall in five years. Of those 86 cases, I think 36 of those were ones that fell inside the Zoning Area of Influence. What's being recommended in the middle position is actually not using the larger boundary but a smaller boundary called the growth area that's in the Comprehensive Plan; is that correct?"

Ms. Sexton said, "The middle, do you mean the MAPC recommendation?"

Commissioner Howell said, "Not the larger ZOI current boundary, but the growth area

as defined by the Comprehensive Plan."

Ms. Sexton said, "The MAPC recommendation?"

Commissioner Howell said, "Right."

Ms. Sexton said, "Yes, sir."

Commissioner Howell said, "Okay. In your experience, when something has come to the city, and by the way, of those 36, I understand about 11 or 12 of them were contentious. Of those, Mulvane has had none, no issues of the ZAOI has ever come to the city. I think that Derby had four in the last five years, and of those four, I think all four were noncontroversial or contentious. They didn't have anybody opposing the thing discussed or considered. In your experience, when the city takes a position and MAPC is opposite of that, so there is a disagreement between the two, is it reasonable to assume that there's probably landowners or folks in the area that are going to weigh in and take a position in most of those cases? In other words, a disagreement between the city and MAPC, they're on opposite sides of the issue for whatever reason, that there's probably a 20 percent protest petition by the landowners? Is that fairly typical? I don't really know how many of those disagreements result in a 20 percent protest petition is really what I'm trying to get to. What's your experience with that?"

Ms. Sexton said, "That is a very detailed question I am not prepared to answer today. I can't quote you facts on that."

Commissioner Howell said, "Well, I guess it seems reasonable to me that when there is disagreement between the city and MAPC, those are the issues that are contentious, and those are the ones that are controversial that generally stir up the landowners to respond in some way. And so under my proposal on the right side there, there's only two differences from what MAPC recommended and what I have provided there as an alternate to that. The two positions there are under, they are numbered there. You'll look at the chart there. It's under 3 b. i. and under 4 a. i., where it goes to a simple majority versus a super majority. In those cases, in either case, if there 20 percent protest petition part of that, it drives us to a fourth vote, regardless. So I'm wondering, if what I'm proposing is reasonable. Does that make sense to you that in those cases where I have suggested a starting position would be simple and under a protest position would be a super majority, is that something you would be reasonably acceptable to? I mean, does that make sense to you?"

Ms. Sexton said, "I think I understand your new proposal, and yes, that's why I said we accept the MAPC recommendation that has spent four or five months with input from 11 cities and professional staff. If you don't have the majority for that, we do support leaving it alone, and if you don't have the majority for that, we would support your alternative proposal."

Commissioner Howell said, "With respect to notifying the city about things you may not care about, the top of the chart there, I have suggested that we notify every city of every issue. You may not care about most of these issues. Derby has only had four cases in the last five years in the Zoning Area of Influence, which is a larger boundary area than the growth area suggested by this plan. So again, you might not care about most of them. In fact, I think it's probably a fact that you will not care about most of them, but you might care about something that's close to Mulvane or Haysville in that case, it seems to me that if I notified you of something you didn't care about, you can

just delete it or ignore it. Would you be opposed to the County notifying you of things you don't really care about?"

Ms. Sexton said, "Opposed. No, I don't get that worked up about such things. I think it's a little hard for you all to claim you're reducing bureaucracy if you're adding a new process for your staff to send out things that happened in Derby out to Garden Plain that clearly don't matter. This is an unexamined thought about something proposed just a couple of days ago in an agenda packet. I don't think it's been through hearings or anything. If you want to pin me down on that one piece of it, I'm not opposed of you notifying me of anything. I'd appreciate it."

Commissioner Howell said, "With all due respect, I have been talking about that since the very beginning; since our first meeting. That's one of the issues that I raised that it seems to me notifying, for example, 95th Street splits Mulvane and Derby. If something happens to be on one side of 95th Street, perhaps Mulvane would have one opinion and Derby may have a different opinion. Why not notify both cities? Maybe they both care. I would say notifying every city, from our perspective, is easier. We don't have to sit there and figure out whose city this is next to and actually be responsible to do that correctly."

"In fact, I think it is simplifying our process, by simply notifying everyone of everything, there's no thought to it. We put the information out there, hit send, and it's out there, and it's up to the cities in that case to determine what things they care about, what things they don't. Under home rule, which I know you guys really appreciate home rule, having a right to weigh in on things you care about. Notifying you is not hard, from our perspective. It does allow the city to weigh in on things that may be of interest to you even though it may be outside your Zoning Area of Influence. Maybe it's something that's happening somewhere else in the County. The city would still have the right to develop an opinion and submit that opinion to MAPC even if it was far away from the city."

Ms. Sexton said, "If that's a question, as I said, I'm not opposed."

Commissioner Howell said, "Well, anyway, to say this is something conjured up in the past couple of days is not accurate. I have been talking about this broader way of informing cities. In other words, I would suggest, just because it happens to fall within one city's boundary, to notify just that one city and not let anybody else know what's going on, to me, is a negative. I will say this, to the extent MAPC is suggesting notifying just the single boundary, I will concede. Personally, I am surprised by that position. I really think that notification is not hard from our perspective, and from the city's perspective, being aware of things going on around the County to me is a positive. I am surprised MAPC took the position they did."

"I'm a little surprised anybody would think that's a better position than notifying every city of everything, because information is easy. We can provide information. You guys can simply say we don't care about it. It's too far away from our city. We don't care. By policy or by whatever method cities want to determine that. To me, it is very interesting, to me, that I would intentionally limit information to a smaller, a single city versus letting more cities know what's going on. Nevertheless, I will be glad to concede on the issue if that's the position MAPC wants and that's the opinion that the cities that are promoting the middle position, then I would be glad to concede on that issue."

"Again, I am surprised. I thought, frankly, that you would actually like to be notified,

and I'm surprised, I guess, for you to say anything other than that."

Ms. Sexton said, "Again, if that's a question, I am not opposed, and I do point out, I only speak for Derby. I don't speak for all the other cities. Thank you."

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

Chairman Ranzau said, "We have more, Kathy. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I am just looking at the map of Derby, it looks like you could be in a situation where you're adjacent to both Mulvane and Haysville's area, and is it possible that you might have an interest in an issue that would be in one of those adjoining Zoning Areas of Influence from looking at that map in the future? Just speaking hypothetically here, if it's just across the street from where Derby's interests are located, I mean, I understand very well when you talk about let's say Garden Plain or Cheney or Mount Hope, but it looks to me like, in looking at this map, it looks like every one of these 17 areas with the exception of Clearwater, they're adjacent to another community that also has a Zoning Area of Influence. So this border situation, I think, if you don't have an interest it's easy to just hit the delete key, but the possibility without having to go in and especially if you get into some sort of detailed address.

"I struggle enough up here as a Commissioner with the fact that we've got three Dry Creeks in the County. So if I get somebody calling me up saying, I've got a problem with Dry Creek, I immediately have to go into a Where's Waldo mode. But, I mention this in terms of your situation. It looked to me like you've got two other communities with ZAOI's that could have some boundary-related issues, and I've heard obviously some efforts, Quad City, I believe, effort to help smooth out relationships in the southeast part of the County. Am I on the right track in terms of saying you all are working to be really good neighbors down in the southeast part of the County and communicating with each other?"

Ms. Sexton said, "That question, I can answer, and yes, we are trying to be good neighbors to each other, and as mentioned before, I am not opposed."

Commissioner Peterjohn said, "Thank you."

Chairman Ranzau said, "Kathy, I have a couple questions. I think you mentioned that you guys like the Zoning Area of Influence because it provides you notification and input. Is that correct? Those are the things that you want, notification and input?"

Ms. Sexton said, "Sure."

Chairman Ranzau said, "I thought I read somewhere in my backup, I can't find it now, that this process was created to allow input from the small cities. And just so you know, I'm coming from the perspective of the average citizen and business owner who has to go through this process. Now, the big guys that do this all the time, it's not a problem. But I've talked to small business owners and homeowners. It could be even simplest thing is intimidating. I've got to go further, I have to ask permission and do all of this stuff. They're thinking why do I have to go to two Planning Commissions?"

"And so in my mind I'm thinking, it doesn't make sense. I don't want to make them have to go through it twice. Now, do I want you to be notified and for you to have input?"

Absolutely. So I'm trying, in my mind, I like the idea of eliminating it because, when you look at these Boards here, it's just a lot simpler. How is it, if we can eliminate this concept of Zoning Area of Influence, which is not even in the state statute, but if we can eliminate that but still notify cities and provide input because you guys can still, right now, you can provide input via the MAPC, and you would still be able to and be encouraged to do so. So if we can eliminate this but still allow the cities to get notification and input, which is what you want, how would the cities be harmed?"

Ms. Sexton said, "Mr. Chairman, I cannot express to you how much I appreciate that question, because it shows that you are really trying to struggle with, I think, one, the difference between the words notification and communication. So for example and the difference between a city going to the MAPC or showing up here, and I really want to address both, because I think they are more complex than some may realize.

"So notification is simply the letter in the mail from the MAPD telling us, hey, this is about to happen. This is going on. Here's the time schedule. Absolutely essential to the process, but only step one in communication. When these issues come before a city Planning Commission in the evening at their regular meeting, a City Planning Commission is made up of volunteers. Every one of them in your County has not only city residents but also County residents on that City Planning Commission, and they routinely look at things, because city boundaries change over time, and so they routinely look at things and provide time for people, residents, local area residents mostly, to come and talk and to come and question and to listen to each other talk. We routinely have people in Derby Planning Commission meetings who came pounding their fist on the table with one view, and then when they hear their neighbor have a different view or a business owner have yet a different view, we then have dialogue. We then have communication, and then people start saying, oh, I guess it's not so easy to sit up there on the bench and make that decision, because there's all these different views.

"So notification is only the first step in communication, and providing the time at the Planning Commission, these people, I couldn't do what they do. Planning Commission volunteers, they get into all kinds of levels of detail and understanding of history, et cetera. So to say, let's not have that meeting. Let's devalue, in fact, say it has no value of a City Planning Commission to analyze an issue, hear from the neighbors, have the dialogue, get the developer to change one little thing that makes three neighbors happy, that type of thing, to take that out of the process will weaken the process. It will mean things will happen that people will then be surprised about because they didn't realize, and it's not a matter of whether I can come to your meeting or to the MAPC on the Thursday afternoon. It's a matter of whether those neighbors have to take off work to come, will do so, and then if they're not too intimidated to stand up here and talk about it and if they'll get true dialogue, or if it's more a formal process.

"Remember, the MAPC is now and historically has been vastly a majority of Wichita residents. There are two, maybe three, current members of the MAPC who do not live in the City of Wichita. This is a big deal. Because if something is happening out in Derby, the people there know what's what. All these Wichita folks sitting on MAPC. They're good people, they mean well, but they don't necessarily all drive out to Derby and assess the situation and talk to the neighbors and even know who to talk to. So I really think you have a very good question there of wondering why this is needed.

"I don't think it's redundant. I think in government these days there's much tension and there's so much distrust of government, anything we can do to have a process to

encourage dialogue, encourage people who live here and pay their taxes, to come and have a say and maybe listen to one else with a different view, and then understand better why things are happening is valuable. I hope that answers your question."

Chairman Ranzau said, "Well, not exactly, because if we eliminate this Zoning Area of Influence from our code that doesn't eliminate the possibility for you to have a planning meeting, just as you described. We're not preventing you from doing that. So I mean, you could still have that meeting, and I would encourage you to do so. So you're not really, I want to be clear. I don't want it to be said that I'm preventing you from doing that. You could still do all of those things and have that input and also have the opportunity to come to the MAPC and say, hey, this is what was said. This is what we want to do. So if you can still do all of that stuff, I'm still, I still have the question, how is the city going to be harmed then? Keep in mind, these people live outside of your city. I think that's important for the listeners. We're talking about people who don't even live in the city. But, you can have all of those meetings, do all of that stuff anyway. So how is the city harmed if you can do all of that stuff and we just streamlined it for the applicant?"

Ms. Sexton said, "And maybe I'm confused, but I think you're saying the process would no longer require a developer to go to a City Planning Commission, explain their situation; your process would no longer have your MAPD paid staff coming to explain the situation or field questions to our meeting. That was part of the reducing bureaucracy and redundancy and saving staff time."

Chairman Ranzau said, "That's right."

Ms. Sexton said, "As I understood it."

Chairman Ranzau said, "That's right, it would no longer be required."

Ms. Sexton said, "So I think, are you now suggesting that the city could just sort of make up a rule and say, well, we're going to have a Planning Commission hearing and even though we're not going to get the MAPD staff who understands the situation or the engineer on record or the owner or developer, to come answer any questions, because if it's not part of the process, why should they? And then the recommendation has actually no weight or value and we should have a meeting anyway? Or am I misunderstanding you?"

Chairman Ranzau said, "No, I didn't say if you didn't want to have a meeting the staff wouldn't go, but there's not going to be an automatic requirement for the applicant to go to justify what they're doing in the cities they don't live in. You can still have that. We will be cooperative and like these notifications things that Jim [Howell] talked about, this is just administrative issues that we can address. The fact is, you know, all of them right now automatically require that. They shouldn't. Keep in mind, we're coming at it from the perspective of the property owner business person and what burden it puts on them. I think that should be paramount, not facilitating ease for government bureaucracies but the citizens. I still think we can accommodate what you want to get out of it and what they want to get out of it and just simplify it."

Ms. Sexton said, "Mr. Chairman, I couldn't agree more, and I think that we heard you in June, and I think that's what we've spent the last four months with the MAPC and the other cities trying to talk about middle ground solutions and trying to talk about, hey, I think we all understand there have been isolated cases where developers have been

held up by a few weeks. We get it. And I think that's why I come to you today supporting the MAPC recommendation, because they thought through that. They talked through that. They worked hard to get both sides to find that common sense in the middle, and I think I understand that."

Chairman Ranzau said, "As you said, that MAPC body is dominated by Wichita citizens who don't often understand the people that I'm talking about that live out in unincorporated areas and face the two redundant systems. That continues to be a problem. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Kathy, I don't have a question for you, but Mr. Chairman, if you'd allow it, may I ask a question of Mr. Miller?"

Chairman Ranzau said, "Certainly."

Commissioner Unruh said, "I need to ask clarifications before I get more confused than I am, and that is, in the what seems to be a recommended action to eliminate the Zoning Area of Influence, that eliminates the jurisdictional authority of cities over their whatever areas we decide on their boundaries, so this other meetings that was just kind of under discussion, would be just informational purposes and express opinions whereas the way it is now and in the MAPC recommendation, it still maintains some jurisdictional authority?"

Mr. Miller said, "Yes. Maybe the way to do that is let me move to the, if I can do this, as I understand it, this slide, the area in red depicts the recommended urban growth boundaries that were adopted by the Planning Commission when they adopted the recent update to the comprehensive plan. So as proposed by the Planning Commission, the larger areas that are outlined in blue would go away. And so only those cases in the red areas would be subject to review by the cities that have, and I'm going to continue to call it Zoning Areas of Review just for purposes of today, would have that zoning review.

"As I understand it by the MAPC recommendation, we would still continue to notify the cities. The difference would be they would be given 30 days to have a Planning Commission meeting and make a recommendation on the case. If they did not hold a meeting, then we would assume that their recommendation would be approval and that's what would be presented to the MAPC and to the Board of County Commissioners when it ultimately came here. The other portion of the MAPC recommendation was to substitute the unanimous vote requirement that if one of the cities with review authority recommended denial, then instead of requiring a unanimous vote here, it would be a super majority vote is the major change that is proposed by the Planning Commission motion."

Commissioner Unruh said, "Thank you. It just like a base question is whether or not cities should have some jurisdictional authority in their growth area or whether they should have no authority and any involvement that they have would be just as advice and consent type action, rather than set in process, a system that includes both the City's Planning Commission and MAPC. To me the difference is whether they have jurisdictional authority or not outside their city limits."

Mr. Miller said, "I believe you've identified the key public policy question that's going around here."

Commissioner Unruh said, "In the recommendation from the MAPC, it does not require to have their Planning Commission meeting prior to the MAPC meeting?"

Mr. Miller said, "Correct."

Commissioner Unruh said, "So therefore, that helps speed the process, and they could not even have a meeting and by that action consent to the case?"

Mr. Miller said, "Correct."

Commissioner Unruh said, "So there is an efficiency obtained, and there is still advice and consent and real authority they have over their boundaries in the MAPC compromise?"

Mr. Miller said, "Yes, correct."

Commissioner Unruh said, "Thank you, sir."

Chairman Ranzau said, "Commissioner Norton, did you want to say anything?"

Commissioner Norton said, "The only thing I had was I wish we would move on and not lecture so much and let's hear from the public if that's what we're doing right now. We've had a lot of exchanges that we need to have from the bench later among ourselves, but lecturing the folks that come to the bench is, we just need to listen right now, and I'd like to move forward, make sure we hear from everybody that raised their hands, and then have that conversation among ourselves and maybe not so much at the bench. There's all I have, Mr. Chair."

Chairman Ranzau said, "I would agree with the Commissioner. I don't think anyone has been lecturing. There have been some questions asked to clarify positions, which I think is important. Anyone else from the cities who want to speak?"

Mr. Brian Silcott, City Administrator, City of Goddard, greeted the Commissioners and said, "I'm here with Mayor Gregory and our Director of Community Development, Kelly Bergeron. I would like to thank Kathy for eloquently stating the bulk of the position of the cities in Sedgwick County, and I would like to also thank Commissioner Howell for putting thought in and offering an alternative solution to simply negating the present Zoning Area of Influence. As Kathy stated, the cities prefer, and Goddard specifically, that we leave the current Zoning Area of Influence alone. If that's not the will of the majority of the Board, then we would obviously support the MAPC's recommendation, and we also appreciate the thought put in for alternative by Commissioner Howell. I think what we're talking about here would be linear versus abstract thought, and what I mean by that is cities are being talked to as if we are a rigid, defined, black and white boundary. What we can all tell you, in this room, that are here today, we're actually an assortment of people that we like to call ourselves a community. And what that does is goes beyond simply the municipal incorporated limits of our respective communities.

"Goddard is unique in that we have a very large school system. We're just under 5,000 folks. The school system population is about 28,000. We had 8,000 people show up to a National Night Out event the first Tuesday in August. Largely from obviously not just the citizens of Goddard, but the members of our community. We also utilize a service delivery mechanism that goes beyond the citizens to include going beyond simply delivering the message to our citizens. When we have projects done by the County, we

utilize a system that the citizens Goddard paid to inform and educate folks within our community, well within both the current Zoning Area of Influence as well as the recommended Zoning Area of Influence by the MAPC from construction projects, to community events, to severe weather outage, to storm response, and we can verify that they're receiving these, and we know who does and when they do.

"I think we're being addressed as if it were a simple black and whitish, where we're looking at a more holistic totality of the events affecting the citizens, and what I mean by that is we talk about serving the small guy, and we totally understand that and we respect that, because at the end of the day, local government is about the people, the people we serve, the people we work with, and the people that we're here to represent, both as appointed personnel, and as you are well aware, elected personnel. I think part of this comes from the fact that there seems to be an apparent lack of municipal experience and understanding the community concept. We want to make sure that citizens impacted by a proposed development have the ability to understand that development that is being proposed, and that they have a say in what's happening. The actions that are undertaken don't have to agree with the citizens that are being heard, but they have to be afforded a realistic and reasonable opportunity to be heard, and oftentimes, as Kathy said, that dialogue between a proposed development and the citizens that are in neighborhood, whether it's a multi-family or it's some sort of light commercial to a cell phone tower. Oftentimes the neighbor concerns that would require some sort of protest position is averted because there is that dialogue, and simple design considerations can be undertaken to minimize the hostility between the residents that are impacted by that development and the developers themselves.

"The argument that 36 cases have been considered in the last five years, I think, is testimony to the fact that this really isn't an issue and that, you know, the little guy, in giving them the opportunity to be heard is, I think, important. I think if you're sincere about this and you do decide to take it away, then I think a reasonable assumption, if it truly is about the little guy, both the business owner and the citizens affected by that development, the neighbors, then look at moving those meetings to the evening when folks don't have to take off from work to travel through security to get here or at 4:55 p.m. across the street to have their say. That's the thing that the current system affords. I think that's a win for the neighbors that are impacted and influenced by this decision, is the fact that they don't have to take off from work. They know where City Hall is at. There's no parking issues. They have the opportunity to actually address the developer face to face. It's in a less formal, non-stressful situation for both the small-time developer, who may not have the professional staff of engineers that goes before these Boards and fields the questions from the citizens to actually put them on the spot, and so this is, I think, one way to alleviate that stress and strain. We've also, since this has come to light, have requested input from developers and folks that have sought to build in and around Goddard, and we have not received one single negative as to the current system. I'm not saying it's not there. I'm simply saying that in our solicitation of folks that are activity building and developing within our current Zoning Area of Influence, we have not heard of any issues with the current system.

"And also, I think it's important to note that the map that you see before you is the MAPC's grove not the city's grove. That map does not exactly match the map that Goddard adopted through our comprehensive plan process, and then also Goddard conducted three special meetings last year for their Planning Commission, in an effort to hasten development.

"Now, extraterritorial was not a situation or impacting us during that time, because it

wasn't necessary for the timeline. But I think, too, part of the issue here is, as you said, Commissioner Ranzau, we are unique. Wichita-Sedgwick County is the only place in the state that has this sort of issue, and it's not the Zoning Area of Influence that's the issue. It's the Unified Zoning Code that's the issue. And the history, as Mr. Miller spoke of, I think is important to rehash in the fact that when this was the early 80s, it was a compromise, because the cities were giving up a three-mile zone of influence for that development. So in the other two communities that I've managed, we had a three-mile radius; in both Osage County and Rice County.

"I think it's important that we not forget our history but that, like you said, we do strive to serve, and if we can come to a workable solution, and that's why I appreciate Commissioner Howell's alternative to try and find a workable solution that has a more community approach. And with that, I'll thank you for the opportunity to speak."

Chairman Ranzau said, "Thank you very much. I don't see any questions. Anyone else here from the cities that would like to speak?"

Ms. Kim Edgington, Planning Administrator, City of Maize, greeted the Commissioners and said, "As a matter of encouraging and welcoming development we are very sensitive to the need for expediency on the part of this process and making sure no additional time is required for this review process. We also feel that the unanimous vote for overturning our vote is our Planning Commission's vote is onerous and should be reduced. Realistically the boundaries used should be something more reflective of a reasonable growth as the area, such as the urban growth areas shown on the map, on the screen.

"In my 10 years of service, we have had just one case in our Zoning Area of Influence. This was a very contentious case. Some of you were on the Board here when that, it was about 8 years ago, and this room was filled to capacity and standing room only. So the property is now within the City of Maize, within the city limits. Therefore, the actions that were taken by the MAPC and the Board of County Commissioners did have a direct effect on what is going on in the City of Maize. In light of this, we would respectfully request that you adopt the recommended action of the MAPC in the absence of the will to do so, we ask that the Commission would support Commissioner Howell's proposal, and I thank you for the chance to address the Board."

Chairman Ranzau said, "Thank you, Kim. I see no questions."

Mr. Justin Gibbons, City Administrator, City of Clearwater, greeted the Commissioners and said, "I kind of have a unique perspective on this, because I actually addressed this Commission several years ago as the Director of Community Development for the City of Goddard in which we were having one of those contentious cases in which the Goddard Planning Commission had made a negative recommendation and the Metropolitan Area Planning Commission made a positive recommendation for adoption, and then it became before the Sedgwick County Board of County Commissioners, and at that point in time, it did require the super majority or the ultra majority vote, and we appreciated at that time the opportunity to be involved in that process, and as the City of Goddard having not our voice heard, but having a direct impact and the ability to have an affect the process.

"I think there were two things that one of these motions is starting to get away from, and it's the actual affect that the cities can have on these processes. We want to maintain some sort of jurisdictional input. I think that's paramount, and I think what the

recommendation from MAPC does is it still continues that. A second thing, and I think it was kind of hit on earlier, but when we look at this Zoning Area of Influence, I think we're looking at just one layer of the map, but what you don't see on the zoning map is you don't see waterline maps. You don't see sewer system maps. You don't see fire production district boundaries.

"Clearwater's Municipal Water services what that red area is for Clearwater. Clearwater's Sewer District stretches well beyond what that area is. Clearwater's Fire Protection District, we have our own fire department and fire protection district, stretches well beyond what that red area is. And to say that we don't have some sort of actual jurisdictional input as to what happens in those areas that we provide services to is very concerning to the city. That's why we began this process in July and worked through these meetings, that was one of the main points that I really wanted to stress, is the ability, as we go forward, under the MAPC recommendation, is to adopt and change the boundaries in which those cities can have some jurisdictional say in, because what may not necessarily seem like that big of a deal to the people on the MAPC may be a very, very large issue to us, as we're the people who will provide water service for that particular development. And I think that was actually the crucial point in the development that we were speaking about when I was in Goddard.

"A developer wanted to increase the density of the proposed development but did not have a way to serve that development with water service or fire protection, and that was something, a critical aspect at the time that the MAPD overlooked and the Board of County Commissioners took into consideration our input on that, and I think that underlines, to me, the reason why we need to keep this place, and I thank you for your time."

Chairman Ranzau said, "I think Commissioner Peterjohn."

Mr. Gibbons said, "Yes."

Commissioner Peterjohn said, "Just a quick question now. I appreciate you coming down and your comments. I struggle sometimes in the sense that we had requests and I think one came from the City of Clearwater and I voted in support of it for an island annexation it was unopposed by the property owners into the City of Clearwater, but if we get into a situation where we approve an island annexation and you come in and say that this also becomes a providing services and everything else with it, I want to make sure I understand where you're coming from, because you've got to provide city services once you annex property into your city, as I understand it as part of the process that you go through particularly in a situation where you're not adjacent to other parts of the existing city."

Mr. Gibbons said, "Correct."

Commissioner Peterjohn said, "I really want to make sure that I understand where you're coming from, in terms of I know Clearwater populations, like some of the other cities here, is less than 5,000, although I know that's not the case for Derby, but when I say urban growth area or growth area, that changes when you do an island annexation. It looks to me like you've got a lot more territory that would be in the Zoning Area of Influence than would be inside the city boundaries of Clearwater, from looking at this map."

Mr. Gibbons said, "You are correct, but that's where I say, and that's one of the issues

with displaying just the zoning map. That zoning map does not show what our current fire district is. That zoning map does not show where our current waterlines are or where our current sewer system is. They stretch beyond that. And so those lines are in place. We're not talking about extending services out to particular areas. We're talking about minds that are already in place that one day will serve development."

Commissioner Peterjohn said, "But your fire districts boundaries aren't changing with annexations, are they?"

Mr. Gibbons said, "No. I'm not sure where annexation comes in on this."

Commissioner Peterjohn said, "Thank you."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "Mr. Gibbons, I just have a couple of quick questions. I have a sheet in front of me that says that Clearwater is opposed to any changes to the current process. Is that correct?"

Mr. Gibbons said, "That was the initial position, yes."

Commissioner Howell said, "What is the current position?"

Mr. Gibbons said, "We worked through with and we agree with the Metropolitan Area Planning Commission's recommendation. We participated in those hearings and worked through that. We were unable to give, I think there were some transitional changes in city leadership, and we didn't get the request for a second letter after the first meeting. The first meeting that we went to for MAPC, we definitely were opposed to any changes, and honestly, we would still be opposed to any changes, but obviously there is going to be a change. With that, we would prefer the Metropolitan Area Planning's recommendation that all of the cities have worked through."

Commissioner Howell said, "Let me just quickly summarize the basic changes here. First of all, there is a default position, so the city doesn't have a concern about something that MAPC can move forward without waiting for the small city to have a hearing and to develop a position around something that is fairly noncontroversial. That's the first change, that there is a default position. I think this allows the cities to weigh in on things they care about, but on things they don't care about, MAPC can move forward. Secondly, moving away from the unanimous vote requirement. I've asked our counselors to pour through the statutes and look for other areas that require a unanimous vote of the Board of County Commissioners and they haven't given me any response to that other than say there is no other requirement for unanimous decision on any other issue. So, this is a very unique voting requirement that it requires unanimous voting of the Board of County Commissioners to simply go against the wishes of the city. A unanimous vote is not required for anything else we do."

"Someone else used the word onerous. I think that's a good word to use here. And then to work within the time frame of MAPC, I think the cities can always call a special meeting and respond on what they care about. I think that's a reasonable expectation, especially since most cities rarely have an issue that they would care about. Out of the 86 cases over the last five years, only 36 were only inside zoning areas of influences. The majority of them were not contentious or controversial. So to think that cities are going to automatically have to have all of these special meetings is really kind of not

true.

"Some cities actually do meet twice a month. Some meet less often. But they always have the right to call a special meeting to deal with something that's important to them. These are reasonable things. Out of those things I just mentioned, is there something in that list that is especially concerning to the City of Clearwater?"

Mr. Gibbons said, "As I stated earlier, we support the Metropolitan Area Planning's recommendation. I don't know if you caught that, but we initially took the stance that we did not want any changes, but obviously, working through these discussions and deliberations over the last four months, we feel like that what the Metropolitan Area Planning Commission and what the recommendation that Board made and the staff and the cities together were to come to is a good plan and it's a workable plan."

Commissioner Howell said, "On the case that you mentioned earlier that said the City of Goddard was opposed to something that MAPC was approving of, in that particular case, was there a protest petition of landowners? Do you remember that?"

Mr. Gibbons said, "It actually didn't have to go that far, because what the process allows is for the Board of County Commissioners to take an action, and at that point in time, the Board of County Commissioners looked at the facts, looked at the fact that fire service and the density didn't fit the area and agreed with ultimately the Goddard Planning Commission and the City's stance that the development shouldn't be allowed to change what it set up originally. So no, there was not a protest petition filed by the residents, because obviously the system worked the way it needed to."

Commissioner Howell said, "I will continue to contend that I think on those contentious issues that if there is a protest petition that would drive it to a super majority vote by the Board of County Commissioners. Knowing that, I don't know if you would agree with me on that or not, but if that's true, would you be supportive of my Column C there?"

Mr. Gibbons said, "I will, and I don't want to be chastised or what you discussed with Kathy, but I will say that to me, myself also, yesterday, when I received the agenda or went online to get the agenda was the first time that I had the opportunity to even peruse your recommendation or your alternative. I mean, you have stated that you have been talking about this alternative throughout this discussion, but in any of the meetings that I have attended and any discussions that I have had with any other personnel, staff, elected officials, yesterday was the first time I saw your alternative."

Commissioner Howell said, "Okay."

Mr. Gibbons said, "So I do want to make that clear, I can't sit here and say that I know what your alternative is and the things involved in it because I haven't had the time to look at it, read it and research it."

Commissioner Howell said, "Okay, that is all of my questions, thank you Mr. Chairman."

Chairman Ranzau said, "Thank you, very much. Anyone else from the cities who would like to speak? Anyone from the general public who would like to speak?"

Mr. John Todd, 1559 North Payne Avenue, Wichita, greeted the Commissioners and said, "Thank you for allowing me to speak. Today I speak as a private citizen, and as

a citizen who is interested in private property rights advocacy. It bothers me that property owners in unincorporated areas of Sedgwick County whose properties fall in the zoning areas of influence near a small city and outside the incorporated limits of those cities can have zoning use changes to their property regulated by City Councils or Zoning Commissions when they have no voice in electing those City Council members or their governing body's representatives.

"In our country, we have a long tradition of rejecting to taxes without representation, and I suspect if we could go back to the founding, the founders would also agree that they would have objection to regulation without representation. That's essentially what we have here. We have enough regulations that exist right now. And to allow a nonelected city or a city government to come out in the County, and regulate my property is really not in keeping with the persons in the founding of this country in my opinion. For this reason, I favor the elimination of the Zoning Areas of Influence in their entirety and have the Sedgwick County Board of County Commissioners end this practice. With the elimination, small cities and owners of property in unincorporated areas, outside these cities can still appear before the MAPC to voice their concerns about zoning issues and they can appear before this Board of five Sedgwick County Commissioners, who were all elected and accountable to the citizens and appear up here and make their cases. Now, they have citizens basically appearing before elected officials that they can hold accountable. Bringing this practice and eliminating this brings Sedgwick County into line with 104 other counties in the State and I believe it is the right thing to do. I stand for questions."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Are you on the MAPC?"

Mr. Todd said, "Yes sir, I am."

Commissioner Unruh said, "Were you on when this was decided?"

Mr. Todd said, "I was."

Commissioner Unruh said, "It was 7-1. Are you the one?"

Mr. Todd said, "No, I wasn't. But there was a substitute motion that I made. The first thing that happened on MAPC, there was a compromise motion made, and I did not support the compromise motion, so I made a substitute motion that asked to eliminate the Zoning Areas of Influence, and by a vote of 7-5, we did not pass, we had two members absent. So the vote to eliminate the Zoning Areas of Influence was not unanimous. So."

Commissioner Unruh said, "On the 11-1 vote, you were not the one."

Mr. Todd said, "No, I was not."

Commissioner Unruh said, "Okay. Thank you."

Mr. Todd said, "Thank you."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Quick clarification. So it was five votes in favor of elimination and seven votes opposed."

Mr. Todd said, "That's correct. Yes. And two people were absent. The two votes we needed for a tie, basically, were not there."

Commissioner Peterjohn said, "Let me ask you for the record, and Mr. Miller may want to jump in. If it had passed, if it had gotten 8 votes, would it have passed or did it need a super majority?"

Mr. Todd said, "I believe it just needed a simple majority of the MAPC to pass."

Commissioner Peterjohn said, "I see Mr. Miller nodding his head. Thank you."

Chairman Ranzau said, "To clarify, your preference is outright elimination. And that's what you first voted for."

Mr. Todd said, "Absolutely, yes."

Chairman Ranzau said, "Thank you very much."

Commissioner Unruh said, "For clarification, you did approve the compromise."

Mr. Todd said, "I did, after I voted against it. Yes, sir. Mr. Unruh, I am not in favor of regulation without representation, so I'm basically opposed to the idea that a small city can come out and regulate my property if I own one in unincorporated area. So that's my position."

Commissioner Unruh said, "Thank you. From the numbers, see a strong approval from the MAPC."

Mr. Todd said, "7-5 is really on eliminating it."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "I have one question. Would you recues yourself because you are a city dweller, if it was a county issue?"

Mr. Todd said, "Again, sir?"

Commissioner Norton said, "The MAPC is mostly City of Wichita dwellers. Would you take the opinion as a city dweller you have no opinion about anything that goes on in the County. That's all I am asking. You don't have to explain yourself, I am just asking."

Mr. Todd said, "I am a citizen of Sedgwick County, sir, so I voted as a citizen of Sedgwick County."

Chairman Ranzau said, "To clarify, Mr. Todd is an appointee, a County appointee on the MAPC, which has jurisdiction. The issue at hand is whether there should be two jurisdictional authorities over people in the unincorporated area."

Mr. Todd said, "There should be one."

Chairman Ranzau said, "Absolutely. I understand that. Thank you. But that's the question, and that's your position. And he acts as the representative of Sedgwick County."

Chairman Ranzau said, "Any other citizens who wish to speak? We will allow the citizens to speak now."

Mr. Mitch Mitchell, Former Planning Commission Appointee, greeted the Commissioners and said, "Through the years I have been involved with planning issues as a staff member, and as a Board member of the public. It's my opinion that the biggest problem with what's being proposed is the super majority vote that is required to take that action. We believe that things went well enough until the major changes were proposed and the Builders Association and those in the construction business want things returned to the way they were. I will answer any questions."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Mitchell, for your service on the Planning Commission, and thank you for your public service in other areas, too. Let me make sure I understand your comments here. Are you more supportive of Plan B that was approved by the Planning Commission, or the Howell alternative laid out here among the four options that are there? I am assuming you are not in favor, please correct me if I am wrong, you are not in favor of Option A, which is basically the status quo and no changes, or Option D up here, which would be basically to go State law and entirely eliminate the process."

Mr. Mitchell said, "I am in favor of the conditions as were used by the Planning Commission up until recent change. Giving them the authority to make those decisions based on the testimony of the neighbors and the citizens of the adjacent small cities. Which were always taken into account in my experience."

Commissioner Peterjohn said, "Thank you."

Chairman Ranzau said, "Does that clarify? You want to use the process prior to what?"

Mr. Mitchell said, "I'm sorry?"

Chairman Ranzau said, "You want to use the process prior to what?"

Mr. Mitchell said, "Prior to a requirement for the super majority vote of the Sedgwick County Commission in order to approve or change an application."

Chairman Ranzau said, "That's been in effect since 1985 or so."

Mr. Mitchell said, "Yes. As it was."

Chairman Ranzau said, "Okay."

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

Chairman Ranzau said, "I think there are questions. Just to clarify, I want to let the citizens who oppose this speak, and then if anyone who wants to represent the city

wants to have a second voice, we can do that. We have had the city speak, let's have opposition speak, and have some continuity there. Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "Just for clarity, you are referring to the unanimous vote requirement that's been in place for 30 years. That's the part you are opposed to. What we had before that was not county wide zoning, but we had Zoning Area of Influence I think before 1985. So what you would prefer, then, is Zoning Area of Influence that was in place before the county wide zoning, which I have no data as to what that was exactly at the time, but I think that's the same thing as, we don't have an example of what that would look like. So Zoning Area of Influence without county wide zoning, I guess would be similar to what we have right now, without MAPC. I don't know how that would look. Somebody could describe that to me, I am not sure what that would look like. You are the Zoning Area of Influence, but do not require unanimous vote of County Commissioners and do not include a county wide zoning that we have in place for 30 years. Am I saying that correctly?"

Mr. Mitchell said, "Well, I am not opposed to the county wide zoning."

Commissioner Howell said, "Okay. But you did say that you are in favor of what we had before our current system, which was in 1985, before that we did not have county wide zoning, so I want to clarify, you are not in favor of that, then."

Mr. Mitchell said, "No. I am not, not in that aspect."

Commissioner Howell said, "So what you are in favor of then, is the compromise position, potentially or maybe the Howell amendment or Howell position, or maybe elimination, one of those three. Do you know which one of those you would prefer?"

Mr. Mitchell said, "No, I don't."

Commissioner Howell said, "Thank you very much."

Chairman Ranzau said, "You were on the Planning Commission."

Mr. Mitchell said, "I was on the Planning Commission when it was heard, but not when this particular vote was taken."

Chairman Ranzau said, "Okay. You said you think that, did you say you think the developers would like to have this eliminated?"

Mr. Mitchell said, "I think it makes it much more difficult for them to negotiate with landowners and the governing bodies of the small cities, and anything that does that in my opinion, stymies growth in Sedgwick County."

Chairman Ranzau said, "Okay, I will ask a question, maybe you'll have insight or not. I spoke with some people, and they told me that the developers and the builders would like to see this be eliminated, but they are hesitant to say anything, for example, to Goddard or the other cities because they have to work with those cities, they don't want to upset them. Is there any truth to that? Do you think there might be some interest in actually repealing this and people are hesitant to speak out about it? Or do you not want to speak to that?"

Mr. Mitchell said, "I am not in a position to speak for them."

Chairman Ranzau said, "Alright, thank you. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Mitch, just for clarification, were you on the Planning Commission when they voted 11-1 on what we are calling Plan B here?"

Mr. Mitchell said, "Yes."

Commissioner Peterjohn said, "And were you part of the 11?"

Mr. Mitchell said, "I think I was 1."

Commissioner Peterjohn said, "You think this you were 1 in okay. You think you were the one no? Okay, thank you."

Chairman Ranzau said, "You voted for the original motion that was outright repeal, you supported that."

Mr. Mitchell said, "Yes."

Chairman Ranzau said, "Okay. That was the first proposed option. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I just wanted to make an editorial comment that in relation to one of your comments, and that is I have never known the builders to be reticent or shy or shrinking violets on any opinion at any time ever. That's all I have."

Chairman Ranzau said, "Next."

Mr. Charles Peaster, 9453 West 154th Street West, Sedgwick, said, "I am actually two miles south of Bentley. I am part of their Zoning Area of Influence. I don't get to vote for their City Council. I don't even get to vote for their people on the Planning Commission. All I get to vote for is my County Commissioner and my township board, because I happen to be in those districts. I am against this Zoning Area of Influence and I think that it ought to be abolished. One of the reasons I believe that is as several of you know, I have sat on a couple of committees, appointed by County Commissioners, to review Wichita/Sedgwick County's Zoning Code Book, and we went through several meetings, made proposals, presented them to the City of Wichita and to you all, and never had them denied. In fact, they were passed unanimously as I recall. Those were amendments to the Code Book which governs all of Sedgwick County, along with the City of Wichita.

"Now, we have small cities coming in, and they want to say, you don't live in the city, but I can control you because you are within a certain radius of my city. The problem I have with that is, the City of Wichita has what is called a Municode. As a citizen for Wichita, you can't let your grass grow over 12 inches high. But if the city has a lot they don't want to mow or they don't have the money to mow, they put a sign out that says No Mow Zone and they don't mow it anymore. It can get three or four feet high.

"That's not the only thing. Bel Aire bought some property and was fixing to go bankrupt, but they got two miles of road put in, by the County, that let a complex go in up there that saved them from going bankrupt. Yet they want to control the people out in the County that has no say about their City Council or their people on their Board. Goddard, same problem. You got a Mayor, if she don't like something, it don't get done. Well, Valley Center and Park City are bordering each other and several years ago they had a fight about who's Zoning Area of Influence it was in, because they bordered each other. One of them said, oh, no, that's mine. The other one said, oh, no, that's mine. After they finally sat down and discussed it amongst themselves, they agreed to what their area was. But prior to that, both of them claimed it.

"In my opinion this needs to go away. We have a Unified Zoning Code. You all approved it, City of Wichita approved it. Let's get away from this other. I don't get to vote for their City Council people. I can go talk, do they listen to me? Some of them do, especially if they have a problem that violates state law and you inform them it violates state law, then it gets corrected. Until that happens, it doesn't. And I appreciate being allowed to talk today, and express my opinion.

"I belong to an organization called KARZ (Kansas Advocating Responsible Zoning). It's spelled k-a-r-z. I joined it back in 2000. I happen to be the President of that committee and that organization right now. We don't need these cities telling the County how to control their business. That's what the Unified Zoning Code Book is for. All of the people that belong to KARZ are all County residents, but some of them live in the city. In fact some of them live in a different County. But it is people that are trying to make sure that what we are governed by is available to all of us and not just one area where if you decide that you want to do something different, then you apply to the MAPC to get a change, a variance, or change however your zoning code is. That's all we need, we don't need all this other. Thank you for your time."

Chairman Ranzau said, "Thank you. Anyone else?"

Ms. Susan Estes, 151 South Whittier, Wichita, greeted the Commissioners and said, "I am speaking as a private citizen, because I have served on the Comprehensive Planning Committee, and I have served on the Board of Zoning Appeals. There is one idea that's been mentioned by some of the cities that I would like to actually advocate for before I move on to my other points, and that is have the BZA (Board of Zoning Appeals) meet in the evening. I think from my experience, it is very difficult for people to get out during the day. Sometimes I've heard Boards say if this person wasn't here to speak in person, they must not feel as strongly. I think it is important that we do everything that we can to schedule meetings that involve the most citizens participating.

"That said, I probably look at the rest of the issues a little differently than the cities. I look at it, frequently it was said, this works for the cities, and the argument was made that cities aren't really cities, they are communities, and I think that's true, but I think we're also overlooking the citizens and the lines matter. If I move into a city I am agreeing to follow the laws, I get a voice in who gets to rule me. If I move out into an unincorporated area, I may move myself out far enough that I stay away from the city, because maybe I am the kind of person that says I like minimal governance, and I am going to pick what works for me. But as the city expands, you get caught up in the Zone of Influence, and you don't even get to vote for who rules you. And I believe Commissioner Unruh asked a very compelling question. What is this really about?

"I think it comes down to how strong of a control do we give cities. I think the smaller cities certainly have a voice in the process, they are trying to deliver services. But we also have to recognize the voice of the citizen. And I think you used the term advise and consent. Maybe that's more of a proper role. The details on the particular plans, and the best way to get there, I am going to be up front say that I am not knowledgeable enough to say what my preferences are. But I do want to raise the role of the citizen, and I find it awful to put a citizen under a vote that a Board takes that could potentially be binding because it is so difficult to overturn and that's made by people they don't even get to participate in electing. Be happy to take any questions."

Chairman Ranzau said, "I don't see any other questions, thank you, Susan. Anybody else like to speak? Any cities would like to speak again?"

Ms. Marcy Gregory, Mayor, Goddard, greeted the Commissioners and said, "I want to address the issue with regard to the comment about regulation without representation where it's basically the decision and discussion is being transferred from one appointed body to another, appointed body, and it will come back to the Board of County Commissioners only if there's an appeal situation. So, that would be the only time that it would be addressed by people that had been elected to office."

"We do appoint the members on our Planning Commission, as you all appoint the members of the Metropolitan Area Planning Commission, and I believe there's some input from the Wichita City Council with regard to the MAPC people. It's been established that with the exception of two people, most of the people on the MAPC Board are Wichita city residents. It is perceived by the small cities in Sedgwick County, a lot of which are rural areas, as a takeover for decision-making by established Boards rather than citizens that live in or around that area. It is much easier for a gentleman from Bentley to come before [inaudible], who opposes the change of the Zoning Area of Influence and talk to him and have him listen to him, because he is his neighbor. It is much easier for people in an a rural area to get to their local city and protest if they've got questions or comments or concerns about projected development that's going in. It is much easier for them to do that than to travel all the way to the City of Wichita and again have that feeling that their rights, their concerns and their questions are being made decisions by people that live in the City of Wichita rather in their rural areas."

"So I would stand for any questions. And with regard to if I serve the Goddard and surrounding area. If I don't want something to happen that I have to be aware that I serve those people. I wouldn't have gotten reelected four times if I wasn't concerned about all the people that live in my area. I would never just push anything through because it is something that I didn't want. May I answer any questions?"

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Mayor Gregory, thank you for coming down and testifying this morning. Information I have been giving is that Goddard is about five square miles, but your Zoning Area of Influence covers about 37 square miles. Is that correct?"

Mayor Gregory said, "I believe that's close to correct, yes."

Commissioner Peterjohn said, "Approximately. Since last five years there have been three zoning cases out of the 86 Countywide that were in the Goddard Zoning Area of

Influence, and the last one being in 2012, I believe. Is that correct, to your knowledge?"

Mayor Gregory said, "I think that's right, yes."

Commissioner Peterjohn said, "Thank you, very much."

Mayor Gregory said, "Thank you for recognizing me, I appreciate that."

Chairman Ranzau said, "Any other speakers? Last call. Either side who would like to speak on this issue? Lonnie, you are the only one who hasn't said anything. Well, with that, then, it wasn't an official public hearing, but we will reserve comments now to the bench from this point going forward. I appreciate everyone who came out and voiced their opinion on both sides of the issue. I appreciate that very much. I do like the idea of having some of those meetings in the evening, that's something that I have advocated for us, as well. Regardless of the outcome of this, I think, in general, that's not a bad idea. Dave, you looked like you wanted to say something."

Commissioner Unruh said, "I can start off our discussion. First of all, say that I have had contact from different City Council members and Mayors throughout Sedgwick County on this issue, and they voiced an opinion, and I have had mail contact and email contact from different folks on this. I can't list them all for you, but I want to declare, for the record, that I have had ex parte communication."

"To cut to the chase, I guess I would say that I am supportive of the compromise that came out of the MAPC. It seems to me that although the cities, the communities in our County have expressed clearly to me they prefer no change, they are willing to compromise to the plan that's been set forth by the MAPC. MAPC supports it. We have had some reference to the area Builders Association, which is a very strong, influential organization in our community, and with all respect to the Chairman's comments, I have been contacted by their leadership and they have indicated that they can certainly carry on their business with the compromise position and that they can support that. So if the builders, MAPC, the communities and the County can arrive at this compromise, it seems to me that's a reasonable place for us to land also. I would be supportive of that."

"I have talked with Commissioner Howell. In our discussion, I have told him that I would be happy or willing to change the one, or agree with him on the one stipulation that under the second column, number 4, a., i., I guess, it talks about super majority for approving that, I would be willing to make that simple majority. Other than that, I am supporting the MAPC recommendation."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to say I thank everybody for being involved in the process. This has been a real interesting several months of talking to folks, in terms of ex parte communication, I couldn't even tell you who I have talked with. I've talked with lots of folks, from cities and I guess in that case, I have not really kept a record of who I have spoken with, I don't even know how to disclose that. I have talked with lots of people that have an interest in this. So I have been studying this to a great degree and thinking about it, and I have heard from the editorials in the newspaper, I have heard from the letters from the cities. I have spoken privately with some of those that have sent me letters."

"This is one of those things as a citizen of Sedgwick County, before I was elected to this position, I wasn't aware this topic even existed. It is an important topic for cities especially. And I understand that they, again, this is not one of those topics that I have brought up for us to delve into, it came to me, so considering that, it is time for us to look at that and review that and realize where we are a county and look at what can we do better, if anything. I think this is a great discussion, and I am glad that we have this to consider today.

"I don't like status quo for a number of reasons. Number one, again, as I mentioned earlier, there is nothing in the law that requires unanimous vote of any governing body. I can't think of any level of government that requires that. If I am wrong, please tell me. I can't think of an example anywhere that requires unanimous vote of a governing board to set a direction of that governing board. To me, that is a very high standard. So that seems to me, someone used the word onerous. That's a great word to describe that standard of approval. The current process, and what was recommended by MAPC, even if we go towards elimination, let's talk about the different options for just a minute. I use the word small city not in a derogatory way, but just to separate it from Wichita, so a smaller city, not Wichita, Planning Commission can set the direction of that city with a simple majority vote, and to the extent of the comments about regulation without representation, that comment, I understand there are a couple of members from the outside of the city that do serve on those Boards, and that is in the sense, some representation, but the appointments are made by people who are elected from people inside the city.

"To the extent that the current process has the highest authority to direct something, or the only way to go against that smaller city, under current law would be to have a unanimous vote of the Board of County Commissioners. That is a very, very high standard. So the highest authority under current law allows the small city to determine what is best for it, barring unanimous vote of the Board of County Commissioners. So, to that extent I would say I do understand the comment regulation without representation. Someone in the unincorporated part of the County who gets to appear before several different hearings in the process, and ultimately is controlled by a city appointed board that was not something they could vote for or against. I think that's a fair term.

So, again, I think the existing system is needed to have some tweaks to it. Also, I think, I use the words currently it's convoluted; bifurcated; it's confusing to many folks. In fact, I spoke to who I consider to be a high expert, one of our legal folks that deals with this a lot, Mr. Parnacott, and I asked questions and sometimes he scratches his head and says let me think about that for a minute. It is not easy. I asked people on the actual MAPC some of the processes and they were not able to answer many of my questions regarding what is the current process. It is confusing. I think we can make it better. Let's go over some other issues here.

"The small city Planning Commission can set the direction with a simple majority. MAPC also can set their direction, either oppose or approve, by a simple majority. When it comes to the Board of County Commissioners, under current law, would require in some cases a simple majority, some cases a super majority, and some casings unanimous to set the direction of the Board of County Commissioners. It's at least a simple majority to approve, agree with, something that's not controversial of both city and MAPC agree with, for us to go against MAPC requires a super majority for us to go against a small cities requires a unanimous vote, under current law. And

let's also recognize that above County Commission, also, is an appeals process that goes to the court system; District Court, Appeals Court, Appellate Court and Supreme Court. There have been some cases that have gone to the Supreme Court. Each of those cases requires a simple majority of each of those levels of judicial review. So the idea that at every level of consideration is in fact a simple majority of whoever it is looking at the issue with the exception of Board of County Commissioners. I find that to be an interesting observation.

"What I do like about what was recommended by MAPC, I use the word MapC, because I had someone think that's a great term, I'll use the word MapC from this point forward. MapC they have recommended a middle position, a compromise. I like most of what they recommended. It gets to the concerns we had initially. First of all, default position says they don't have to care about an issue, they don't have to weigh in at all. They can simply not address it at MAPC. They don't have to have a hearing, or have a hearing and have someone attending that from the County that presents this issue. We have streamlined it already by what they recommended.

"The fact is, if they don't have a concern, something is routine or mundane, they can simply let the issue be handled by MAPC. So, there is streamlining already recommended, by what they've given us. The fact is they have moved from the unanimous vote requirement and gone down to a super majority, which is 4 out of 5 Board of County Commissioners. I think that's a step in the right direction. I think I actually agree with it. In most cases, actually under state law, even under elimination, if you go against MAPC, it always requires super majority vote.

"So I will talk about my plan which is similar to what was recommended, has a couple of tweaks. Let's talk about those tweaks. First of all, I suggest notifying all cities of everything. Again, I don't know that we ought to limit it, limit information to a single city, to me, is not a positive thing, it's actually a negative thing. Again, there are cities that have their boundaries touch, in fact, in just about every case, I think all of these boundaries touch other cities, with the exception of I think one city. To notify of all cities of things that they might care about to me is an improvement. Under home rule, they can respond to the things that they care about and if they don't care about it, they can hit the delete button. It is not a hard thing to ignore something you care about.

"The two areas that have a difference here, one of which is under third column there, Column C, Item B., i., this is where a city denies, or opposes some issue that's been presented to them, MAPC approves it. For us to go against MAPC, would require super majority that's under state law, even if we were going to go towards elimination, it would still require a super majority there. Under what was proposed by MAPC, for us to agree with either the city or MAPC, requires four votes. So, if we want to agree with or oppose, either direction, that requires four votes in agreement on the Board of County Commissioners. To me, that's also a little strange. We don't have any option for three votes, other than send it back to MAPC. I find that interesting. Oh, by the way, if we can't agree, if you have, you don't get four votes to approve or deny, it's possible you potentially would not get three votes to send it back.

"There are sometimes things don't pass with a 3-2 vote. Sometimes it's 2-3. You may not get three votes to send it back. Did you know under what was recommended here is that if you can't get four votes and you can't get three votes, there is a de facto position that says that the issue is denied. In other words, can you kill it with two votes. So, for us to make an affirmative vote to deny takes four votes, but for us to kill it only takes two votes. I think that's confusing.

"There are some peculiar things about what was recommended. Again, I think that my recommendation is actually a little better. I would say for us to, so my suggested change would be for us to change the super majority requirement to a simple majority requirement for us to agree with MAPC, and if that is a protest petition comes with 20 percent of landowners, that drives it to the requirement of a super majority. I think if it's contested and it's controversial, and there's people concerned about this issue, they can drive it to a fourth vote requirement anyway. So as a default position, for us, should say simple majority, but if there is controversy, it goes to a four vote requirement. To me that's reasonable.

"There is another position down under same column, item number 4, i., I would say the same thing is true, we ought to go towards, actually what was recommended by MAPC is that for us to agree with, so if MAPC recommends denial, we could agree with the city with the simple majority. So that's actually for us to go against MAPC in that case is a simple majority. In other words, a second round, a second bite at the apple. If something goes away to MAPC and comes back to us a second time, we can deal with it with a simple majority. That's much like other things we have in the County operations. If we want to change a code, for example, in fact recently, we just did something with ADA parking. If I remember correctly, the first time we looked at that, it required four votes for us to change the code, which we weren't able to do. We sent it back, it came back a second time, and with three votes we were able to change the code with three votes. It did not require a super majority. In other words, a declining requirement. Initially it was four votes; subsequently three votes. So if nothing else, as Commissioner Unruh stated a minute ago, that to me, is a simple tweak. Again, if there is a protest petition, it would drive it to a fourth vote. If they don't like what's been done by the Board of County Commissioners, they can appeal it to the District Court. That's always an option. To me, that's a reasonable tweak. I would actually agree with Column B, with the exception of these three areas, and if this is not agreeable to my colleagues, then I will probably come back with something between Column B and C and I will consider that in just a moment."

MOTION

Commissioner Howell moved to adopt the alternative proposal, which is the third column on the visual presentation.

Commissioner Peterjohn seconded the motion.

Chairman Ranzau said, "Before we go any further, I want to clarify with the Counselor, is the motion he made acceptable and enough explanation to what we want to cover today."

Mr. Eric Yost, County Counselor said, "I think we understand that."

Chairman Ranzau said, "We need to make sure that is included in the record."

Mr. Yost said, "Right, these forms will be made part of the record. This is just a blowup of the sheet that you all have. It will be in the record."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I find myself partially in

agreement and to move this along I will try and limit my remarks in terms of supporting what Commissioner Howell just said. I would want to build on the fact that, and three of the conferees here, I think City Manager Sexton made the comment about the problem with distrust for government that's out there. I think part of the distrust can be if we just look at these charts that are here on the wall, the complexity that's involved in trying to make it understandable to the average person involved in trying to work through this process.

"The challenge that we have here, as I understand it, and please correct me, Mr. Chairman, if I am wrong, I think we are going to need four votes. Most of the other motions we have here, one of the things that surprised me is becoming a Commissioner was the fact that where we could end up in this situation where we could have two votes to deny, but you had to have four votes to approve, and three votes per se left us kind of almost in a governmental no man's land of where we go forward.

"I did want to make some quick comments. I strongly support the Howell amendment provision of sending out information to everyone, particularly the citizenry, if they want input they can get it. In terms of evening meetings, we did that for our 2016 budget. I think that's great. In terms of our citizen panels, I mean, citizens who are volunteering their own time. I would allow the panel members to make their own decision whether they'd rather meet, set their own times, in terms of when the majority of them would find it most comfortable for them to meet. I think for us as elected bodies, I am very comfortable with the idea of evening meetings. I think it's part of our job description, and it certainly worked well when we had our budget hearings.

"My first choice and the reason why I have seconded it, I think the Howell amendment is certainly good. I think we need to move away from the status quo, and I appreciate the hard work on the MAPC. It is a good step in the right direction. I do want a clarification from Mr. Miller, so if I can pull him up to the podium to just make sure I understand. Of the 17 cities that have Zoning Areas of Influence, were there seven that said they would oppose the status quo or six?"

Mr. Miller said, "I believe it was, I assume it was six, because when I started counting up the attachments, there were only 11 attachments, so I think that someone was counted twice when it said 12."

Commissioner Peterjohn said, "I was trying to understand. Four cities took no position, didn't communicate back with us, kind of a default, if we went to, if we eliminated it, they would not raise an objection. Would you say we had seven cities that said they could, similar to some of the conferees we had today, some say they could live with either the Planning Commission Plan B or the Howell alternative, Plan C as opposed to going to elimination. Can you help me out with those numbers? What do you think we tallied up to?"

Mr. Miller said, "Well, when I thought there were 12, we had seven cities that indicated they do not want any changes, and then there were five that said they preferred to not have a change, but were willing to compromise on the super majority and on the size of the Zoning Area of Influence. I am not sure which ones were short, but when I was counting up the attachment, there's only 11 letters. So I am not sure which one has the short."

Commissioner Peterjohn said, "I wanted to get that in the record. I thought it was significant. Appreciate that information, Mr. Miller. I am very uncomfortable with the

requirement, in terms of unanimous votes. We don't have unanimous votes in any other area. Being in a situation where we had, as Commissioner Howell pointed out, so that's why that's the position, and that's why I seconded Commissioner Howell's motion."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton thanked the Chairman and said, "Well, first of all, I did have some communication from various individuals, both in conversation and emails, wanted to make sure that was on the record. Any letters submitted from municipalities or citizens, will make it to the record."

"I know that I have a couple that I don't have here, with me, today. I would like to submit those that came from either a small city or a citizen. I have been a city councilmember for nine years and a Mayor for four years, and in 28 years, I dealt with virtually no major issues from the cities of the second and third class that had problems. We can call them small cities, but Derby is no longer a small city. It is a city moving up in stature every day, and I am proud of that. We probably need to call them cities of the second and third class as opposed to small cities. Although some of them are relatively small, and you would almost call them towns as opposed to cities."

"You know, I think this is more about getting it right for our larger community at the end of the day, and what we want in our communities. Both in unincorporated areas, cities in the second and third class and major Metropolitan area. And I tend to fall on the idea that more input at the lower level of government is better than input from us that may not understand the issue and have the ability, to access that information and neighborly communication that happens at the local level of government. I sat on many, many, many Planning Commission meetings at the lower levels, and I can watch them on television in my hometown, so I understand it pretty well. I like the idea we are getting the input at the lowest level of government. If that final action at the local Planning Commission was the final action, was the binding action, was the only action and never moved through a system where the County Commission that does represent all individuals makes the final decision, then I would have a problem with it. I don't think the system, even though parts of it are cumbersome, is onerous on the process that we need to go through to make sure we get it right. Development and what we have to do in the community is more about getting it right, than getting it done fast."

"Also more about getting it right than pushing to make sure one individual gets more of what they want than another individual. It is more about getting it right in our community and making sure that individual rights are kept, but that we don't hamper the development of cities and the economic engines that come with that, both development and business development which falls in the cities of second and third class, just as often as it does in the metro area. If it had been up to me, we would have had the conversation, but we wouldn't change anything from the way we do business. Just because it has not been a burden on either the community, the individual, or the system that we have in place. It has gone through vetting, the Metropolitan Area Planning Commission. I honored their work, I could go along with their recommendation, but to start playing around with that, after they have spent all this time to come up with what they think is a good recommendation, flies in the face of why we even appoint advisory boards and people like that. People that are smart, that understand the issue probably better than we do, have dealt with it for many, many years some of them, my appointee is Carol Neugent. She was a City Administrator. Before that, she was the Planning Director of the City of Haysville, for many years. She

has a Master's Degree in Public Administration. She has the education, the experience and the knowledge to make good decisions. I am proud of that. I honor that in my appointee, and I will vote for the recommended action of the MAPC, but I will not vote for any other iterations of that. And if it were up to me, we would stick with what we've got, because it's worked pretty well for many years. That's all I have, Mr. Chairman."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I don't think we are under an obligation, unless I hear our County Counselor indicate to the affirmative that I am wrong on this, that we have to disclose under this discussion like we are sitting in a quasi judicial operation and we must talk about our ex parte communications, because I have heard from a number of folks, number of different positions, had the privilege of speaking in front of the City Councils in my district, and including had an excellent dialogue with the City Council out at Goddard, so I am appreciative of the City Manager and the Mayor being here to join us for our discussion today. Just wanted to get on the record that while I don't think that I needed to disclose that, I did want to mention that I have received extensive communication from citizens and people with an interest in the subject. Thank you."

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

Commissioner Unruh thanked the Chairman and said, "I didn't want to get in front of you if you wanted to make a comment. I wanted to say if the motion that's before us would have had, I guess, it's number 3, b., 1 on the MAPC recommendation that says the Board of County Commissioners approves super, and in the motion before us it says Board of County Commissioners approves simple. That is what is going to cause me to hang up and I won't be able to for it. Item B gives a scenario, the city denies and MAPC approves, and the next line shows that the Board of County Commissioners can approve it, with a simple majority, which means you can vote against the city with the simple majority. The next line says Board of County Commissioners deny it with a super. So the vote against the city takes the simple, the vote against the MAPC takes a super. I think it should be super in both instances, super majority."

"So, I don't mind sending notices to everybody, and I have already indicated I would be agreeable to the Board of County Commissioners in 4,a.,1, to approve simple, but if that change on the suggestion for Board of County Commissioners approval was super as it is to deny a super, you know, I could be supportive. The way it is right now, I can't."

Chairman Ranzau said, "I want to clarify a few things for those who don't understand. We have a recommendation before us come from the MAPC. In order to approve that, we simply need the majority, which is 3 out of the 5. Commissioner Howell has made a motion that would amend that to some degree, even though it's very small, and in order to amend MAPC recommendation, it does require super majority, so in order to pass it, it takes 4 votes to pass. Correct, Mr. Counselor?"

Mr. Yost said, "That is correct."

Chairman Ranzau said, "So even if it passes 3-2, it still doesn't really pass."

Mr. Yost said, "It's not adopted."

Chairman Ranzau said, "Adopted. Then, in which case we could have more motions, et cetera."

Mr. Yost said, "Correct."

Chairman Ranzau said, "I want to explain my position. As I see it, and I know it's kind of confusing to the people outside of this room maybe, I see five different options. Four are presented here, and at some point, I don't know if the cameras can show those things, but first of all, we have the status quo, which I believe is very city centric and heavy-handed with respect to the property owners. I think there is a desire to change that, and we want to have a more balanced approach that better represents the property owners and the private citizens in the unincorporated area, while still accommodating some of the city's concerns.

"The first option, to maintain the status quo, which is to me far too city centric. The other option, go in the other direction, the other extreme and say we are going to eliminate the Zoning Area of Influence and not allow cities any input. That would be the other extreme. Of course we are not going to do that. I don't think anyone is interested in that. We want some sort of compromise, the balance between those, and that's what we are looking at.

"We can have the camera show, is there a way to put the camera on those four options basically so the citizens can understand what's going on? Show the whole thing, if you can. Can you zoom out?

"Anyway, on one board, I want them to be able to see the four options. Three of them on one board, and the other, I think you can see three of them, status quo, MAPC recommendation and the current recommendation has a lot more complexity to it compared to the other one, which is elimination. It also continues to be very city centric in my estimation. Keep in mind that the Zoning Areas of Influence give jurisdictional authority to small cities that are not contemplated by state statute. It goes above and beyond state statute and gives more authority than what was contemplated by the legislature. It doesn't give more property rights to the property owners, more jurisdictional authority to cities above and beyond what was contemplated by the legislature. So city centric, and I believe it tilts the scales of justice on the side of the city. I would like to see it more equitable way to balance these things, and I believe the one on the right, which is more simplistic, it's less complex, but we can eliminate the Zoning Areas of Influence out of our code, but accommodate all of the city's issues administratively. They will still get notified. They will still have communications, still have their meetings; but they will not have this extra jurisdictional authority that really tilts it too far to one side. I believe this approach is much more equitable, it's a much better compromise, it meets both requirements, and you know, if there was some counterweight to the extra authority that the cities are given, that you could have extra weight to the citizen's property rights, you know, that would be fine, but there's not. I think to go back to the state statute says, it will address the cities concerns administratively. That's much more equitable.

"I will reiterate again, because we have gone beyond what the state statute says, we have a very city centric approach, and it tilts the scales of justice too far to one side. I won't be supportive of this particular way to address these issues. That being said, I suspect I may be on the losing end of this vote. That's fine, I respect that. I see no other lights coming on."

Mr. Yost said, "Mr. Chairman. I would just like to clarify, if you are getting ready to vote. You look like you are getting ready to vote."

Chairman Ranzau said, "Yes, I was."

Mr. Yost said, "I want to make absolutely certain, are we voting on alternative C, with no changes from the Board and what we have in our documents?"

Chairman Ranzau said, "Yes, that is correct."

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

VOTE

<i>Commissioner Unruh</i>	<i>No</i>
<i>Commissioner Norton</i>	<i>No</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Chairman Ranzau</i>	<i>No</i>

Chairman Ranzau said, "So that super motion fails 2-3. Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I anticipated that probably would turn out the way it did, so I have another motion. And I would like to just say that this is not elimination, so I think the cities would hopefully feel like we heard from them, and we have responded with something very reasonable."

"This is essentially the same thing as Column B, what MAPC recommended and by my account, I know that Mr. Miller did indicate how many cities opposed or approved of some compromise. What I have in front of me shows that we have seven cities that seem to agree with a compromise, six cities did not respond, actually four cities did approve of change, and seven cities opposed. One of those seven cities today has indicated they actually would approve of a compromise. So by my count, at least about 11 of the cities are not opposed to some change. They did not say they were approving, but anyway, taking into consideration the position of these cities, knowing that they don't want to eliminate the current process, and trying to tilt the table back towards the middle, again I know that the Chairman Ranzau's argument this is tilted too far towards the city, city centric, I think compromise is still the answer. I would like to propose let me read a motion here; I will explain it, in just a moment."

MOTION

Commissioner Howell moved to adopt the alternative proposal as revised to provide notice to a city when the zoning case is within the city's urban growth area as shown on the comprehensive plan adopted by the MAPC; and to require a super majority vote when first considered by the Board of County Commissioners if the city has recommended denial; but if the matter is returned to the MAPC for review, on return to the Board of County Commissioners only a simple majority would be required to approve and override the city recommendation.

"My explanation is this; and that is that it simply takes the default position of everything that's in Column B, with one exception. That's under 4, a., i., at the bottom, that is where it changes it from a super majority to simple majority requirement at that

point. Again, I think it would be extraordinary to get to that point and not have a protest petition. So if there is a protest position, 20 percent of the landowners in the area affected, that would drive it to a super majority requirement. Having said that, I think the compromises, I am agreeing to everything in Column B with the one tweak.

"I think I would call it a tweak on purpose. A minor change. Simply says on the second bite at the apple, much like when we change a code, it requires a super majority on our initial effort to change something. After it returns the second time, it goes to a simple majority. It is a declining amount of support for that, in other words, goes from 4 votes down to 3 votes. To me this is very reasonable. It allows all the streamlining things we asked for embed in the system. A default position of neutrality. Cities don't respond, then MAPC can act. They have to work within the timeframe that MAPC needs them to work within, and call a special meeting when necessary. It doesn't require unanimous votes of anything. People who want to, if the small city wants to have a hearing on the issue, they can certainly request staff to come out and make a presentation. They don't have to do so. Again, I think it includes all the streamlining things that even elimination would represent. If you went to total elimination, you could do the same things we just talked about a second ago. I think this is very reasonable. So Mr. Chairman, I can keep talking, I think that's enough. I will move my motion. Thank you."

Commissioner Peterjohn seconded the motion.

Chairman Ranzau said, "Before we go on, I want to make sure the Clerk has the motion."

Ms. Erika Rice, Deputy County Clerk, greeted the Commissioners and said, "I have Column B with the exception."

Chairman Ranzau said, "And you have that exception?"

Ms. Rice said, "Yes. 4, a., i., to simple, not super."

Chairman Ranzau said, "You okay?"

Mr. Yost said, "It's the MAPC recommendation with one exception, down at the bottom, from super to simple."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh said, "My question was just answered."

Chairman Ranzau said, "Great minds think alike?"

Commissioner Unruh said, "They do, absolutely."

Commissioner Peterjohn said, "I seconded this motion because I was uncomfortable with the idea of unanimous, and obviously having a super majority of 80 percent out of five Commissioners is not unanimous, but it is better than we are at the moment, that's why I seconded the motion. I still think a simple majority would be better, but in the hopes we might be able to get to four votes, but if we can't get to four votes, then who knows where we will end up to try and get to three. This is part of the problem that we have with the current process. So that's why I seconded the motion and that's why I

will vote in the affirmative when we get to that point. Thank you, Mr. Chairman."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "Just to dovetail with what Commissioner Peterjohn just said, if this does not pass, then we'll have to do something that requires three votes, either send it back to MAPC, and it comes back to us again. At that point only requires three votes to eliminate. Let's be clear. I don't know where this is going, but I would just suggest, this is a very reasonable proposal. I think the cities have already said, already spoken, most of them in favor, of the compromise position. This is a tweak that at the end of the day they can go to District Court if they don't like it, a protest petition, but it is essentially the same thing as suggested by MAPC. It is a reasonable motion. I suggest we pass this now."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "One more time for my clarity. Voting on Column 2, it's the MAPC proposal with the exception that item 4, a., i., is simple majority."

Chairman Ranzau said, "Yes."

Commissioner Howell said, "Just for clarification, my motion said that we approve the alternative proposal as revised to provide notice to a single city as was recommended by MAPC, and to require a super majority vote when first considered by Board of County Commissioners, in other words that's 3., b., i. And then, finally, to agree with the alternative proposal for the last one, changing that to simple. What I stated there is essentially the same thing you just stated, but that's not exactly, the way you said it is not the way I said it. I used alternative proposal as my starting point and made two changes, conceding back to the MAPC position. So, essentially what he said and what I said are the same thing."

Mr. Yost said, "You wanted to include in the notice sent to all cities as well."

Commissioner Howell said, "No, sir. Only notify the single city. And everything in Column B, with the exception of the last step, which was 4, a., i., but the way I stated that was in my motion, was that I was referencing it from the perspective of the alternative proposal and changing the two things back to what MAPC recommended. So it is the same thing, but my motion was to pass the alternative with the two changes going back to MAPC's recommendation. That's all. Thank you, Mr. Chairman."

Chairman Ranzau said, "Okay, so my understanding of the situation, just so people understand, if someone is in an unincorporated area outside the Zoning Area of Influence, it would take a simple majority, if the cities didn't want it, and they voted against it, even though they are outside the city's Zoning Area of Influence, the County Commission would only need to have a simple majority to approve that particular project. If, however, you happen to live within the Zoning Area of Influence and cities say they don't like it, they vote no, then it would take a super majority the first time it comes through. So that's the city centric part of it. It gives the small cities the extra vote, not the property owner. That's the problem that I have, because in this constitutional republic, personal property rights have got to be at least equal with governmental authority. I mean, our job is to protect property rights."

"This continues to be city centric. I will continue to vote for a more equitable compromise, which is to eliminate Zoning Areas of Influence and to meet the city's issues administratively. In fact, you know, probably support the idea of sending this back to the MAPC and asking them to reconsider and have staff draft administrative language how they would deal with the city's request so we could see that they could take a more equitable approach and address the property owner's issues, but still address the city's issues as well, and have, you know, like I say, more neutral process, and not something that is city centric and makes it harder for the property owner as it does in this particular instance. Hopefully that helps explain the position. It's complicated, but Commissioner Peterjohn."

Commissioner Peterjohn said, "Maybe I have gotten a little off course, and maybe Commissioner Howell or the Counselor can correct me. As I understand it, the version I seconded was basically Column B with the exception of the change to 4, a., i., from super to simple."

Commissioner Howell said, "That's correct."

Commissioner Peterjohn said, "I am definitely more comfortable moving back on the simple majority as opposed to an 80 percent super majority. I wanted to make sure, that's basically that's everything else is the same as Column B."

Commissioner Howell said, "Mr. Chairman, if you don't mind. Let me just be clear. Column B and Column C are the same with three exceptions. Notifications and there are two places on the chart that shows a difference, that's 3., b., i., and 4, a., i. Those are the two changes down in the columns. I prepared my motion referencing the alternative proposal and changing two of the items back, and what you guys are describing right now is referencing the middle column, changing one of them to match the alternative proposal. It is essentially the same thing. I just prepared my motion and stated it the other way. We are all talking about the same thing, Column B, with the exception of 4, a., i., being changed to simple versus super. That's the only difference. Thank you, Mr. Chairman."

Commissioner Peterjohn said, "Thank you for the clarification."

Chairman Ranzau said, "I think we are clear. I think we are clear on the motion. And again, because it still modifies the MAPC recommendation, it requires four votes to be adopted."

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

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

VOTE

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

Chairman Ranzau said, "So, the motion passes 4-1. We are done."

Commissioner Howell said, "With that."

Chairman Ranzau said, "Thank you very much, truly, for coming out and everyone voicing their opinion, and in a respectful way. I appreciate it. Mr. Manager, we have been going at this for a while. We need to have an Executive Session."

Mr. Ron Holt Acting County Manager, said "You do. You have been going at it a while and Item D on the New Business is not quite ready yet."

Chairman Ranzau said, "We are going to skip D."

Mr. Holt said "We're going to skip D, so you could go..."

Chairman Ranzau said, "Can we do consent quick and just move to Executive Session?"

Mr. Holt said "We can do that."

Chairman Ranzau said, "Is that okay with the Commissioners?"

Commissioner Peterjohn said, "Sounds good."

Chairman Ranzau said, "Just so the public knows, we do have Item D that has to do with bonding issues that our staff is working on. We received bids this morning. They have to evaluate them before we can go forward and make a decision. So we have to hold off on that until they ever ready anyway. So, Madam Clerk, let's move the Consent Agenda, please."

CONSENT

- | | | |
|----------|--------------------------------|--|
| E | <u>15-0695</u> | Lease Agreement with Terry Headgepath for County owned land in Viola, Kansas. |
| F | <u>15-0696</u> | Assignment of and Third Lease Amendment to Lease Agreement between Sedgwick County and Betty L. Linder for leased property at 1720 E. Morris (COMCARE SCOAP). |
| G | <u>15-0709</u> | Hire two attorneys above the salary range minimum and promote two attorneys. |
| H | <u>15-0703</u> | Contracts with the City of Mulvane and Park City to provide ride coordination services for the Sedgwick County Department on Aging Transportation Program's, Volunteer Transportation Program. |
| I | 15-0697 | Order dated 10/2/2015 to correct tax roll for change of assessment. |
| J | <u>15-0671</u> | General Bill Check Register for October 14, 2015 - October 20, 2015. |

Mr. Holt said "The Consent Agenda Items E through J, recommend approval."

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

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, "We have no Legislative Issues."

Mr. Holt said "No, sir."

Chairman Ranzau said, "We have 'Other'. I will let Commissioners speak on 'Other'. I ask that they be brief, if at all possible. Seeing none."

Commissioner Howell said, "I actually, well..."

Approved on the Consent Agenda

OTHER

Chairman Ranzau said, "That's okay."

Commissioner Howell said, "I had prepared something I wanted to read. I would like to, if you don't mind. I can do it in about a minute, if that's okay. With respect to our Proclamation earlier I want to make comments on domestic violence and domestic abuse. I have a very unique, I think, background, and I would like to speak to the issue, because I think it is a very important topic. It doesn't get very much attention. And people don't know where to turn for help. It goes to domestic abuse awareness, I wanted to share a few words. Appreciate your understanding if it becomes emotional in anyway, I will try not to do that.

"As a child, my family lived with daily fears, horrors and struggles that domestic abuse brings. I would publicly praise my mother for finding strength to pull us all out of that dangerous situation. I am grateful to my sister for her efforts to protect me, even though she was a child herself. Leaving our abuser was hard. It was scary and my family struggled for years to financially and emotionally recover from the consequences of domestic abuse and violence. Despite the huge struggles with changing our entire world, it was the right choice. It changed our world for the better. Thankfully there are ways to reach out for help and support, and escaping domestic abuse in our community. I would like to encourage any victims of domestic abuse that can hear me or see me today, to grasp that inner strength and reach out for help; for yourself and your family, you truly have the power, although very difficult to change your world, and your child's world.

"To the many friends of domestic abuse victims; do not give up on them. Keep loving them and encouraging by making sure you know they are there to support them when

they are ready to make this difficult choice. Make sure they know that you are proud of them, and the situation isn't their fault. Fear can be paralyzing. The Bible states, love casts out fear. Working together in our community in friendships, we can change fear into love and I pray we will choose to do so.

"That's all. I just have a history there. If anybody would like to talk about that, privately, please give me a call. There is help in the community. We can do things to change this issue. You don't need to live with it. There's help out there. Thank you, Mr. Chairman."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I do want to add to a couple quick points. October 21st an important day in American history and an important day in Kansas history. October 21st, 1867 Medicine Lodge Treaty was signed that impacted the movement by Southern Plains Indians into Oklahoma, and had major impact on the development of Kansas; and on this date, October 21st, 1879, Thomas Edison invented the first practical incandescent lamp and light bulb. So I am going to bring us back to the future today with those important events that I wanted to provide. Thank you."

Chairman Ranzau said, "Mr. Manager, I see Mr. Chronis in here. Are you ready to proceed with Item D?"

Mr. Holt said "Yes."

Chairman Ranzau said, "Would that be okay with the Commissioners? I know, then we will be done, all we have is Executive Session, but all of the staff can be done. Okay. Next item, please."

NEW BUSINESS

- D** [15-0705](#) A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES A, 2015, OF SEDGWICK COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH. Presented by: Chris Chronis, Chief Financial Officer.

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

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "As previously authorized by the Commission, this morning we conducted a sale of General Obligation Bonds (GOB), and I am happy to report to you that it was very successful, and we are here at this time to recommend that you adopt a bond resolution and award the sale of bonds to the underwriter who offered the lowest total interest cost to the

county.

"The bond issue, you will recall, was to provide new money that would finance a portion of what had previously been authorized for the 271 Building project, \$4 million worth of new money to pay for bridge projects, and approximately \$2 million that would refund bonds originally sold by the county in 2006 to finance road projects. We received six bids this morning for those bonds, and the winning bidder was a firm called Jeffries, and they have provided a bid, after revision, based on the premium bid, they have provided a winning bid of 2.505 percent. That's the true interest cost on a total of \$11.145 million worth of bonds. The \$11.145 million consists of \$375,000 that will refund 2006 assessment bonds that paid for road projects, \$1.54 million worth of 2006 General Obligation Bonds that paid for road projects, a total of \$1.915 million for refunding and \$9.23 million worth of bonds that will pay for the two projects to be financed with these bond proceeds, that is bridge projects to the tune of \$4 million and the 271 Building, to the tune of \$5.2 million. The total, again, total amount of bonds to be issued is \$11.145 million.

"The refunding bonds, the total of \$1.915 million, will produce net present value savings for Sedgwick County totaling just under \$153,000 over the remaining ten year life of the bonds to be refunded. The savings amounts to - 7.54 percent of the refunded principle. You will recall that in our debt policy, we have established a minimum target for savings on refundings of 3 percent, and so we are well in excess of that target. This is a very good deal for the County, and for the taxpayers. The total bond issue will result in annual debt service savings of about \$20,000 on the bonds to be refunded as compared to what we had been paying, and it will require an initial annual debt service of \$776,000 on the new money bonds, the bonds that are paying for the bridge projects and the 271 Building. That annual debt service on the new money fluctuates from year to year, based on the structure proposed by Jeffries. It starts out at \$776,000, then it goes up slightly to a little over \$800,000 for a few years, and then in the last half of the 20 year issue it drops down to about \$450,000. The action that is before you is a bond resolution that will, by the time we submit it for execution, have all of the blanks in the draft that is in your agenda packet completed based on these bids that we received this morning.

"Here in the audience today, we have Joe Norton, who is the County's Bond Counsel from the firm of Gilmore & Bell, and he will be happy to walk you through the major provisions of the bond resolution. Once he's completed that, we'll be happy to answer any questions, and if you have none, we would recommend that you take the action of approving that resolution. Thank you."

Mr. Joe Norton, County Bond Counsel, Gilmore & Bell, greeted the Commissioners and said, "We have these bids received this morning. Of course the draft you have before you is without the blanks being filled in, because we are still waiting for final printed copies of those and we will get those put together for you.

"The resolution is one which you should be somewhat familiar with. It's pretty much standardized. We have been with the Legal Department over the past several years. That will reflect a firm maturity amount and firm interest rates over the life of this issue, which goes out to 2035, for the new money component. The County would have the option on August 1, 2023, which is basically a little less than eight years from now to redeem all or a portion of the outstanding bonds with no penalty. That is a very favorable redemption feature we have been able to work through the market over the years. The rest of this basically provides the covenants we need in order to give the

opinion that the bonds are exempt from federal and state income taxation and comply with the SEC (Securities and Exchange Commission) requirements for continuing disclosure. A lot of this next 40 pages is pretty much stuff that you are probably not that much interested in right now. So, I would be happy to go in as much detail, as you have questions, but I do not know that we need to go over the entire resolution. I would stand for any questions that you would have."

Chairman Ranzau said, "Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I don't have a question, Joe, but just wanted to express gratitude for the good work that you and Chris have done in bringing us really great results on this bond issue. I know it is very technical and a lot of hard work. We appreciate your efforts on bringing a good result to citizens of Sedgwick County. Thank you."

Mr. Norton said, "It's our pleasure. One thing I might add. You might recall the time we authorized this bond sale, you also requested that the Public Building Commission (PBC) look at refinancing that outstanding PBC bonds for Exploration Place. Those bids were received this morning, too. The PBC is meeting in about five minutes from now to consider that. Basically they also had very favorable interest rates they were in the 1.5 percent range, because it is a much shorter issue; resulting in approximately \$680,000 present value savings, or about 10.03 percent. So, it's a good news day for the taxpayers."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Just for the record, could you give us an idea, in terms of you said it was a better rate because of the shorter duration. Can you provide to the public the duration of both the Public Building Commission proposal on the refinance they are doing, as well as the proposal that's before the Commission this morning?"

Mr. Norton said, "Sure. The Public Building Commission is pretty much a level debt service for ten years remaining on that outstanding issue. As Chris indicated, on the County GOB there are various components financed over various periods of time, with the maximum being 20 years, most of that debt retired in the first ten years of the GOB issue for the County."

Commissioner Peterjohn said, "So the differences between the 10 and 20 years?"

Mr. Norton said, "Yes. The weighted average, I am guessing, the weighted average life of the County 20 year issue is probably somewhere into the 11 year range and probably on the PBC, it's probably about a six year average range. So quite a, about twice the length."

Chairman Ranzau said, "Commissioner Norton."

Commissioner Norton said, "I think my question might be to Chris, but maybe Joe could answer. In our backup, it has a number of \$13,240,000. Why is there a difference?"

Mr. Norton said, "Right. There are two reasons for that. One, was the County decision to reduce the amount of the borrowing for what Chris called the 271 Building, some of

the improvement portion was reduced out of that. Also in the current marketplace, most bids are received with a sizeable premium, and that premium was also used to reduce the size of the issue. So it is about \$2 million less than what we originally advertised for."

Commissioner Norton said, "So we've eliminated the ability to, at least in bonding, to complete the 271 Building for occupancy."

Mr. Norton said, "I think that's probably a Chris question. Thanks."

Mr. Chronis said, "We have eliminated the possibility to use these bonds to pay for it. You have previously authorized the issuance of up to a certain amount of bonds, and I forget the precise number was, but it was much more than we have sold, and so within at least within a certain period of time we could go back to the market with a second bond issue, within that existing authorization, given the will of the Commission to do so. But it would take a little bit of time to put that together."

Commissioner Norton said, "Well, I have a little consternation about that, because 2.505 percent interest is pretty darn good. That's a good money amount for us to be at. It seems like we are moving forward on the 271 Building, we need to get MAPCD and the Planning Commission into a home, and that's pretty cheap money, to get that project moving along. I have consternation we eliminated that, but it is what it is. I will probably be supportive of the bonding today, just because that interest rate is pretty sharp. I can remember the days of 7 percent or 8 percent, bonding money when I was the Mayor of Haysville and 2.5 percent is pretty good use of money. So that's all I have."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell said, "Just for clarity, can you confirm this does include, what was it we talked about yesterday, about \$100,000 or so for utilities? For the 271 Building?"

Mr. Chronis said, "No, it does not. The Commission asked that we reduce the size of the bond issue. It pays for the cost that we have incurred to date. So to the extent that we have paid for utilities to date, those are included in this, yes."

Commissioner Howell said, "So the \$5.1 million does include roughly \$100,000 for the utilities on the 271 Building?"

Mr. Chronis said, "I believe that is correct, yes."

Commissioner Howell said, "It's been unoccupied. We're essentially paying gas and electric payments with bonds. Second of all, can you tell me, rough ballpark, \$2.3 million we are not bonding out as a result of this decision, what are the savings and interest, the interest savings by not bonding out that \$2.3 million, using cash to fund the improvements it that building?"

Mr. Chronis said, "I believe I estimated for you yesterday, or Monday, that the savings on that was about \$38,000 a year, for four years. That was based on the assumptions that, you are nodding your head no."

Commissioner Howell said, "Yesterday, I think that you talked about total cost would

be, over the term of the bond, would be roughly, I think you said \$600,000 per million times 2.3, that's about \$1.5 million savings by not bonding out the \$2.3 million. Can you, that's what we talked about yesterday."

Mr. Chronis said, "It is, but I am sorry, I have lost track of the thread of the discussion."

Commissioner Howell said, "The interest on \$2.3 million, it should be we have bonded out \$7.4 million, versus \$5.1 million, just for the purpose of that one building, we changed that number by \$2.3 million."

Mr. Chronis said, "Oh, yes."

Commissioner Howell said, "The savings on not bonding out \$2.3 million, the interest that would have incurred over 20 years, is how much?"

Mr. Chronis said, "I believe yesterday I told you that would be about \$1.2 million, \$600,000 per million, for 20 years. That was based on interest assumptions that had been produced by Springstead, a couple weeks ago, and the market conditions that we face today were much more favorable. So the interest would be less than that, but I think the point is that it's a large number."

Commissioner Howell said, "Yes, it is. Yesterday I think we summarized it was getting close to the \$1.5 million in interest on the \$2.3 million we would be borrowing. So I would view this, although it may be a low interest rate, still a good deal for us to use cash. We are saving the taxpayers about, more than a million dollars, maybe \$1.5 million by not borrowing \$2.3 million we don't need. So with all due respect to my colleague who thinks this is a great interest rate, why borrow money you don't need when you've got cash to pay for it. That's my question. That's all of my comments, thank you, Mr. Chairman."

Chairman Ranzau said, "Chris, what is the total amount?"

Mr. Chronis said, "The total amount of this bond issue, \$11,145,000. And the true interest cost on that \$11 million is 2.505 percent."

Chairman Ranzau said, "Okay, but that's not \$2.3 million less, right? You actually have two numbers."

Mr. Chronis said, "\$11.145 is the total amount of the bonds, including the Refunding Bonds and the new money bonds. What you had originally authorized in a notice of bond sale was, I believe, \$13.8 million."

Chairman Ranzau said, "There's actually two numbers listed here. In the text it says \$13.68 million, then it says \$13.24 million. That's maybe where the confusion is."

Commissioner Norton said, "You have to add the other stuff to it."

Chairman Ranzau said, "So the original amount was \$13.6 million, so that would work. Okay, so that answered my question. So can I just make a motion to take the recommended action and get to where we need to be?"

Mr. Chronis said, "Please."

MOTION

Chairman Ranzau moved to adopt the resolution.

Commissioner Unruh seconded the motion.

Commissioner Howell said, "One quick comment."

Chairman Ranzau said, "Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to just point out to the public, again, this was part of the discussion during the budget cycle, regarding the desire not to bond out stuff, we are today bonding out, rebonding Exploration Place, or accepting bonds for the 271 Building, we are bonding out \$4 million for 2015, for roads and bridges. So, we are, in fact, using bonds and the accusation is that we would never do this. I want to point out that we have, in fact, made the choice that people have clamored for, although these were decisions made primarily before I had come on this Board. It is our responsibility, today to make the decision whether or not we would actually accept these bonds or use bonds to finance these projects. We are making that decision right now. So I guess I want to make that point, Mr. Chairman."

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

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, "Now we do have a need for Executive Session, but no Fire District Meeting today."

MOTION

Commissioner Peterjohn moved that the Board of County Commissioners recess into Executive Session for 45 minutes to consider consultation with Legal Counsel on matters privileged in the attorney-client relationship relating to legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:45 p.m.

Chairman Ranzau seconded the motion.

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

VOTE

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

Commissioner Peterjohn Aye
Chairman Ranzau Aye

*The Board of County Commissioners recessed into Executive Session at 12:03 p.m.
and returned at 12:52 p.m.*

Adopted

EXECUTIVE SESSION

*Chairman Ranzau said, "We're now back from Executive Session, and no binding
action was taken. Is there anything else to come before the Commission?"*

Mr. Holt said "No."

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

ADJOURNMENT

*There being no other business to come before the Board, the Meeting was adjourned
at 12:52 p.m.*

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

RICHARD RANZAU, Chairman
Fourth District

KARL PETERJOHN, Chair Pro Tem
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

JAMES M. HOWELL, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED: