

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, April 13, 2016

9:00 AM

BOCC Meeting Room

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

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

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

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

## **ORDER OF BUSINESS**

### **CALL MEETING TO ORDER**

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:02 a.m. on April 13, 2016 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James M. Howell, with the following present: Chair Pro-Tem Commissioner Richard Ranzau; Commissioner David Unruh; Commissioner Tim Norton; Commissioner Karl Peterjohn; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Joe Thomas, Director, Purchasing Dept.; Mr. Jim Webber, Deputy Director; Mr. Larry Tangney, Deputy Fire Chief; Mr. Robert Timmons, Division Chief; Ms. Kate Flavin, Communications; and Ms. Laura Billups, Deputy County Clerk.*

*Guests:*

*Mr. Jason Verbeckmoes, CEO, Kansas Eye Bank  
Ms. Angie Lewis, Ambassador, Midwest Transplant Network  
Ms. Cindy Miles, Ambassador, Prevent Child Abuse  
Ms. Vicky Roper, Prevent Child Abuse Director, Kansas Children's Service League  
Mr. Joe Norton, Gilmore and Bell, P.C.*

### **INVOCATION: Chaplain Loren Phippen, Believers Southern Baptist Church.**

### **FLAG SALUTE**

### **ROLL CALL**

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

### **PROCLAMATIONS**

- A**     [16-0112](#)     PROCLAMATION DECLARING NATIONAL DONATE LIFE MONTH  
Read by: Chairman Jim Howell or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

*Chairman Howell said, "Commissioners I do have a proclamation I would like to read. This is regarding donate life month. It says:*

*PROCLAMATION*

*WHEREAS, Sedgwick County, Kansas supports Donate Life America's vision to be a community that embraces donation as a fundamental human responsibility;  
and*

*WHEREAS, Donate Life Kansas is a collaborative team consisting of professional partner organizations connected to the donation and transplant communities with a goal to make*

*LIFE possible by educating and motivating individuals to register their decision to be organ, eye and tissue donors; and*

*WHEREAS, 60 percent of adults in Kansas have joined the Kansas Donor Registry and Kansas was nationally recognized for the largest annual Donor Designation Rate increase during 2015; and*

*WHEREAS, despite a record number of 30,000 organ transplants, one million tissue transplants and 48,000 gifts of sight helping to save or enhance lives in 2015, the number in need of life-saving transplants has grown to 125,000 Americans. This insurmountable gap can only be narrowed with more people registering to give the gift of life and sight; and*

*WHEREAS, organ, eye and tissue donors are LIFE donors. Donate Life Kansas encourages all residents to make LIFE possible by registering your donation decision at [www.DonateLifeKansas.com](http://www.DonateLifeKansas.com) and reaffirming this decision when obtaining or renewing your driver's license by saying, "Yes, I want to be a donor."*

*NOW, THEREFORE BE IT RESOLVED that I, Jim Howell, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April, 2016 as*

*National Donate Life Month*

*In Sedgwick County and I call this observance to the attention of all our citizens."*

**MOTION**

*Commissioner Unruh moved to adopt the Proclamation.*

*Commissioner Norton seconded the motion.*

*There was no further discussion and a voice vote was called.*

**VOICE VOTE**

*After the voice vote was called, Chairman Howell announced the adoption of the Proclamation.*

*"I'd like to present this to our Clerk to give to James Verbeckmoes. Are you here today? Come up to the podium. Do you have anything to say about this?"*

*Mr. Jason Verbeckmose, Donate Life Kansas, greeted the Commissioners and said, "Thank you for adopting the Proclamation. Just a couple comments here. Donate Life Kansas is a member organization that includes many partner organizations, including Kansas Eye Bank, Midwest Transplant Network and the National Kidney Foundation. Some of the representatives are here in the audience with you today. One organ donor can save the lives of up to eight people, restore sight to two people through corneal donation, and heal countless others through tissue donation. In Kansas there*

*are more than 600 residents waiting for life saving transplant, and many more waiting for tissue and cornea transplants. Currently 61 percent of the adults in Kansas have made the decision to give the gift of life through donation by joining the Kansas donor registry either online or through the local driver's license office. Many more are waiting for transplants. As Americans wait for transplants, the lack of available organs, some will never receive that call.*

*"In fact, 22 people die every day while waiting on the national list. You can make a difference. You can register your life. Your decision to make life possible and be an organ, tissue or eye donor at donate life kansas dot com. I do appreciate you taking the time for this this morning. Thank you."*

*Chairman Howell said, "Thank you for presenting that information, I'd like to just say a couple of things. How does someone know if they've already volunteered to be a donor? Is there a way to check that?"*

*Mr. Verbeckmoes said, "Absolutely. You can go to [www.]donatelifekansas.com. All the information is there. Once you register, you can't reregister. You're just on that list. You can go back and change your wishes, though. [www.]donatelifekansas.com is a great place to do that because there you can make decisions based on what you'd like to donate. For example, if you want to be an organ donor but not an eye donor, you can make those decisions. That's left to the person to make their own individual decisions, but we do strongly advocate that people make that decision so that it's not left to your family to make decisions after a person passes."*

*Chairman Howell said, "It certainly is a tough time to make decisions, so it's nice to have that out of the way. You know, my wife and I have debated over the years about whether I should do this or not, and I was kind of elected to do it, and I popped myself into it. On your driver's license it says organ donor right there on the driver's license."*

*Mr. Verbeckmoes said, "Right."*

*Chairman Howell said, "So if somebody wants my cold republican heart, you can have it when I'm gone. I don't need it anymore, you can have my cold republican heart. But anyway they can do it that way or they can go to the website and do it that way. Either way does just fine, right?"*

*Mr. Verbeckmoes said, "Absolutely, yes, once a person makes that decision on their driver's license, that is then accounted for in the donor registry."*

*Chairman Howell said, "There you go. All right. I'd like to just highlight one more thing. Again, our great County Treasurer, Linda Kizzire brought this to my attention. I've never actually seen this before, but we have a license plate in Kansas that if you really want to support to donate life, here is one thing you can do. When you go get your tag, just request this license plate. Anybody can get it. It does cost \$40, a one-time fee, and that's just because it's a specialized plate. That specialized plate costs \$40 to get the plate made for you. But then there is an annual fee of \$40 and that goes to the organization called, it goes to Midwest Transplant Network. That is where it goes to, and there is a standard fee, \$5.50 for your regular county business that you would be charged anyway on your sales tax or whatever it is you're having to pay there. The extra cost again is \$40 one time and then \$40 per year. If you'd like to donate to Donate To Life, this is an easy way to do that."*

*"I know that Linda Kizzire's mom would be blind right now if it wasn't for organ donation. She received two corneal transplants in her lifetime and is able to get*

*around and have a very wonderful life right now as a result of organ donation, so Linda Kizzire is a big fan of this and she wanted to highlight this with this plate. She is also in the audience today. Thank you for being here, our Treasurer Linda. Congratulations, Jason. We'll give you a hand of applause. Thank you for being here today."*

*Mr. Verbeckmoes said, "Thank you. I appreciate it."*

*Chairman Howell said, "All right. I have someone who has their hand raised. Please come to the microphone and state your name and address real quickly for us."*

*Ms. Angie Lewis, Ambassador, Midwest Transplant Network, greeted the Commissioners and said, "You were talking about the license plate, that \$40 when you get the license plate, yes, it does go to the Midwest Transplant Network, but also you can get a receipt, and it is tax deductible."*

*Chairman Howell said, "That was actually on my list of things to mention. I'm sorry I didn't mention that. It is a tax deductible gift. So every time you pay that \$40 it is tax deductible. That's great."*

*Ms. Lewis said, "Yes it is a tax deductible item."*

*Chairman Howell said, "I'm looking at my notes here. That is all the notes I've got here. That's great. Thank you for that reminder. I appreciate you keeping me straight and everything. That's great. We're going to go onto the next item. Next item, please, Madam Clerk."*

**Adopted**

**B      [16-168](#)**

**PROCLAMATION DECLARING CHILD ABUSE PREVENTION MONTH.**

Read by: Chairman Jim Howell or his designee.

**RECOMMENDED ACTION:** Adopt the proclamation.

*"I do have another proclamation here, and I would like to ask my colleague Commissioner Tim Norton, he's worked on this issue a long time, I know he actually presented this at another event, I'd like for him to mention that as well. I'd like to hand this to my colleague and have him read the Proclamation for us today."*

*Commissioner Norton said, "I'm pleased to do that. I've been involved with the prevention of child abuse since 1983. Back when I was with Target stores and with Judge Burgess and several other folks, folks put together the Child Abuse Prevention Council. It lasted for about seven years and eventually we saw that the issue was much bigger than the small group of people that was working on it in Kansas Children Service League, a state organization with national prominence stepped in and took that issue in our community, and since, it's grown, and we're proud to do this Proclamation. I would like to read this Proclamation into the record."*

**PROCLAMATION**

*WHEREAS, children are key to the state's future success, prosperity and quality of life, and while children are our most valuable resource, they are also our most vulnerable; and*

*WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and  
WHEREAS, child abuse and neglect can be prevented by supporting and strengthening Kansas's families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds; and consequently, building the foundations of communities; and*

*WHEREAS, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and*

*WHEREAS, by providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas's children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation;*

*NOW, THEREFORE BE IT RESOLVED that I, Jim Howell, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April, 2016 as*

*Child Abuse Prevention Month*

*In Sedgwick County and I call this observance to the attention of all our citizens."*

**MOTION**

*Commissioner Norton moved to adopt the Proclamation.*

*Chairman Howell seconded the motion.*

*There was no further discussion and the vote was called.*

**VOICE VOTE**

*After the voice vote was called, Chairman Howell announced the adoption of the Proclamation.*

*Commissioner Norton said, "I believe Vicky Roper is here from Kansas Children Service League to accept, and I see Diana Shun with Child Advocacy Center and Cindy Miles. Are you here with the Junior League, Cindy?"*

*Ms. Cindy Miles, Ambassador, Child Abuse Prevention, greeted the Commissioners and said, "I'm here with [Wichita] Coalition for Child Abuse Prevention."*

*Commissioner Norton said, "I never can guess what you're doing. So you want to pass that on to Vicki."*

*Ms. Vicky Roper, Prevent Child Abuse Director, Kansas Children's Service League, greeted the Commissioners and said, "Thank you."*

*Commissioner Norton said, "I'd also like to recognize Debby Kennedy from the [Wichita] Children's Home is here, and I think there's others you may introduce also."*

*Ms. Roper said, "Yeah, I'll have them stand here at the end. Well, thank you, Commissioner Norton and Chairman Howell and Commissioners for adopting our Proclamation recognizing April as Child Abuse Prevention Month. My name is Vicky Roper, and I am the Prevent Child Abuse Kansas Director at the Kansas Children Service League, and I am also the Chair of the Wichita Coalition for Child Abuse Prevention. On March 17th, 2016 in anticipation of Child Abuse Prevention Month this year the National Commission to End Child Abuse and Neglect Fatalities completed their two-year study and released their final report and Wichita Champions for Children is a three-page insert into the report which tells the story of the Wichita Coalition for Child Abuse Prevention, a 130-member coalition representing 60 different agencies."*

*"You have a copy in front of you in your pocket on the left-hand side, and it is one of only four featured stories in the final 174 page report, and it is the prevention story. Responding to a spike in child abuse fatalities in 2008, this community worked to expand evidence-based home visiting programs and implemented the period of purple crying public education campaign and an evidence-based crisis nursery program to provide drop-in child care."*

*"A video was shown by school resource officers about preventing shaken baby syndrome to every high school sophomore in public and catholic schools. Half the children who died were killed by mother's boyfriends living in the home, and so this coalition created the Greater Wichita Fatherhood Coalition to engage fathers and boyfriends around child development, and they provided technical assistance to help agencies become more father-friendly."*

*"They also educated the medical community, as we know that a lot of our fatalities were seen by medical community previously. They did this with a combination of public and private funding. This community stepped up. There was a significant reduction in maltreatment deaths from 2011 to 2013. There were none, and in all other years, there were either one or two after the original eight that had occurred in 2008. But, as if to remind leaders just how difficult this work really is, four children died from abuse in 2015 in Wichita, two of them allegedly killed by boyfriends in the home. To say that this was disappointing news is an understatement. It creates a new sense of secondary stress on the front lines, and it brings back that trauma of 2008, but it also creates a renewed sense of urgency for all of us."*

*"Pinwheels For Prevention is the Prevent Child Abuse America campaign that is based around the message that all children should be raised in healthy, nurturing homes free from abuse and neglect. The pinwheel represents the need to prioritize child abuse prevention right from the start, and you should each have a pinwheel pin in your packets that you can wear each year in April."*

*"Members of our team are here today, and I would like them to stand and be acknowledged. Debby. They represent the Junior League Wichita Kansas, Children Services League, Child Advocacy Center of Sedgwick County and Wichita Children's Home, all key partners in this initiative. They really all rolled their sleeves up on behalf of kids and families in this community and did it."*

*Chairman Howell said, "Thank you Vicky, for those remarks, and thank you for the others that stood. I know you're engaged in the battle, various methods of trying to battle the issue of child abuse in our community. Thank you for your service."*

*Commissioner Norton has some other comments."*

*Commissioner Norton said, "Just a final comment. We're real proud that real soon we're going to open the Child Advocacy Center, which is the old Lincoln elementary school, \$7 million project that's going to be a one-stop shop for so many of the agencies, and particularly a lot of government entities, like the Sheriff, the Police, the (District Attorney) DA, and Children and Family Services, Internet Crimes Against Children, human trafficking, all of those will have a central location.*

*"Along with that, we're proud our [Wichita] Children's Home is getting ready to have a new location and brand new building. You know there's some wonderful things going on for that population in our community that tells the story of a community that cares about our children, our most vulnerable. We want to make sure they get good education, live in safe families and that the families understand good parenting tenants and can make sure that they're safe and happy and healthy and become the leaders of the future. So you know, it is about services, but it's about investing in the future so that we have that continuum of care for our children.*

*"I have to tell you, I'm very proud that we're a community that will step up not only on the public side, like government, but in the community to raise that kind of money to build those kind of facilities that will carry us 50 years into the future, taking care of our children. Thanks for being here today, all of you, and I have to tell you, as long as I've worked on this issue, thank you for what you do, because you're dealing with children and families many times at the worst times in their life, and somebody needs to do it, and I don't know that, I raised kids, and I don't know that I could do it the way you do it. Thank you very much."*

*Chairman Howell said, "Let's have a final round of applause for you all and go on to the next item. Again, thank you so much for everything you do. We do need to go on to the next item. Madam Clerk, I'm going to go ahead and take the latitude to recess the regular meeting of the Board of County Commissioners and call to order the Governing Body of the Fire District April 13, 2016.*

*The Board of County Commissioners recessed from 9:22 a.m. and returned at 9:30 a.m.*

*Chairman Howell said, "Madam Clerk, next item, please."*

**Adopted**

## **NEW BUSINESS**

### **C      [16-196](#)**

ACCEPTANCE OF A PETITION REQUESTING CREATION OF A ROAD IMPROVEMENT BENEFIT DISTRICT IN REDMOND ESTATES ADDITION AND ACTION TO SET THE DATE AND TIME FOR A PUBLIC HEARING ON CREATION OF THE BENEFIT DISTRICT. DISTRICT 3.

Presented by: Joe L. Norton, Gilmore and Bell, P.C., Bond Counsel.

RECOMMENDED ACTION: Accept the petition. Set May 11, 2016, at 9:00 a.m. for a hearing on the petition. Direct the County Clerk to mail notice of the hearing to all property owners in the proposed benefit district at least 21 days prior to the hearing date.



*Mr. Joe Norton, Gilmore and Bell, P.C., greeted the Commissioners and said, "Public Works has received a petition from property owners in the Redmond Estates Edition in the county, requesting the creation of a road improvement district and authorizing various street improvements therein and living assessments against the property benefited there by it.*

*"Redmond Estates is located on the map before you. It's kind of small, but basically it's north of MacArthur, south of 31st Street South between 119th and 135th Street West. On the map before you is a depiction of the lot layout of this portion of Redmond Estates. As you can see from the right hand portion of the screen, a portion of this subdivision is already paved. The remainder of the proposed street improvements highlighted in black are currently sand streets. The petition requests that those be paved and appropriate drainage be put in. This is a developed area, 23 of the 32 lot owners have signed the petition that is approximately 71 percent.*

*"State statutes as modified by your charter resolution authorizes the County Commission to create this particular road improvement district and levy assessments for the cost thereof against the 32 benefited properties. There is no provision for the county at large to make any payment for the cost of this improvement.*

*"Public Works has prepared an estimated cost for this project. In the bold down at the bottom, the total estimated project cost is \$678,803. When divided by 32, that would be an estimated principle cost per lot at about \$21,213.00, which property owners have an opportunity to pay in cash or spread over assessment period financed by county bonds and repaid on tax statements.*

*"Recommended action is for the county commission to accept the petition and designate May 11th, 2016 as a date in time here in this commission meeting room at 9 o'clock or shortly thereafter to consider public comment from any effected property owner or the public prior to the consideration of the creation of this benefit district. Jim Webber is here also from public works, and he and I will attempt to answer any questions you may have."*

*Chairman Howell said, "Thank you for the presentation. Your name is Mr. Norton, correct?"*

*Mr. Norton said, "Correct."*

*Chairman Howell said, "Are you related to Commissioner Norton in any way?"*

*Mr. Norton said, "No. He calls me cousin. But, there is no relation in any way."*

*Commissioner Norton said, "I claim him. He doesn't claim me."*

*Chairman Howell said, "Thank you for the presentation. So all we're doing today this consideration on this agenda item is just simply setting the hearing date for May the 11th, because this is an agenda item today, I'd ask is there anybody in the audience that would like to speak to this issue. Seeing none, Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "Just one question for clarification. Most of the times, special bonds if they aren't paid in cash initially have a duration of 15 years. Would that be the case in this situation?"*

*Mr. Norton said, "I have not had that discussion yet with Mr. Chronis, but that is typically is the case and I would assume so unless we hear otherwise."*

**MOTION**

*Commissioner Peterjohn moved to make the motion to accept the petition and set May 11th, 2016, at 9 a.m. to have a hearing on this and direct the County Clerk to mail notice of the hearing to all the property owners in the proposed benefit district at least 21 days prior to the May 11th hearing date."*

*Chairman Howell seconded the motion.*

*Chairman Howell said, "One other question. I'm not sure you spoke to this. I'm just curious about the nine property owners that did not support this. Did they respond as not supportive or just didn't respond? Do we know?"*

*Mr. Norton said, "I do not know the answer to that question. Mr. Webber, do you?"*

*Mr. Jim Webber, Deputy Director, Public Works, greeted the Commissioners and said, "I think the way to answer that is that it's a petition. So you sign the petition affirmatively you want to do it or you don't do anything. So we don't know if they support it or are ambivalent to it or are opposed to it, which is why you want to have the hearing."*

*Chairman Howell said, "Right. I'm looking forward to the hearing, and again, if these nine property owners are opposed, I'm sure they'll contact us or come to the hearing and let us know their desires. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "That was just the point I was going to emphasize, that we can hear from them between now and that hearing date in May."*

*Chairman Howell said, "All right. Thank you for that. Any other comments? Seeing none, we have a motion and a second. Madam Clerk, please call the vote."*

**VOTE**

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

*Chairman Howell said, "Madam Clerk, next item please."*

**Approved**

**D**     [16-213](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 7, 2016.**

Presented by: Joe Thomas, Director, Purchasing Department.

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

*Mr. Joe Thomas, Purchasing Director greeted the Commissioners and said, "The meeting of the board of bids and contracts of April 7th results in two items that we're presenting to you this morning:*

1. **ROAD IMPROVEMENTS FOR THE 135TH ST WEST BETWEEN 95TH AND 103RD STREET SOUTH FOR PUBLIC WORKS.**

*"The recommendation is to accept the low bid APAC Kansas Incorporated in the amount of \$583,783.50.*

*2. 2016 ASPHALT SURFACE REJUVENATION - PUBLIC WORKS FUNDING - R175 PREVENTIVE MX-16/*

*"The recommendation is to accept the bid from Cutler Repaving Incorporated in the amount of \$1,759,714.20.*

*"I'll be happy to answer any questions you may have, and I recommend approval of both items."*

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

*MOTION*

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

*Commissioner Norton seconded the motion.*

*Chairman Howell said, "Any further discussion? I'd like to ask our Public Works Engineer if he can talk about the bid from, the second bid for the asphalt resurfacing rejuvenation. Does this seem like a reasonably good bid to you? We've only had one bid. I'd just like to hear your perspective on it."*

*Mr. David Spears, Director of Public Works, greeted the Commissioners and said, "Staff tells me looking at the unit prices this year compared to last, they are almost, very close to last year's bid prices. We've used this company for many years, probably at least 15, and we're very happy with the bid. It is a patented process that they use. They recycle one inch of asphalt and add another inch of asphalt to that. We use them pretty exclusively on roads that are curb and gutter so that they can, and a lot of them are four-lane roads, so that they are able to put this down without coming up over the gutter part of the road. We'll be doing, we're doing Oliver over by Spirit, some work down on South Meridian, some work on 63rd Street South and some work in Colwich up on 53rd Street North."*

*Chairman Howell said, "So four different projects is what this is for?"*

*Mr. Spears said, "It will total to about, 16 two-lane miles although some of them are four, but everybody understands 16 two-lane miles. We feel it's a real good price."*

*Chairman Howell said, "Sounds like a pretty good deal to me as well. Commissioner Peterjohn has further comments."*

*Commissioner Peterjohn said, "Quick question. Can you give us a rough idea in terms of the time frame for these two items? Are they likely to be completed this year?"*

*Mr. Spears said, "It will be completed, in fact in the contract that we have a date that it must be completed by and that is in September, but we think it will be completed well before that, probably before school starts."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Howell said, "Seeing no other discussion, we have a motion and a second."*

---

*Madam Clerk, please call the vote."*

VOTE

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

*Mr. Thomas said, "Thank you, Commissioners."*

*Chairman Howell said, "Thank you, Mr. Thomas. Madam Clerk, next item please."*

**Approved**

**CONSENT**

- E**     [16-0045](#)     Agreement for Forensic Pathology Services.
- F**     [16-203](#)     Set for public hearing on May 18, 2016, one exclusion petition for the alteration of boundaries of the Sedgwick County Fire District Number One and authorize the publication of a Notice of Public Hearing in the official County Newspaper pursuant to K.S.A. 19-3604(b) and K.S.A. 19-270(b).
- G**     [16-214](#)     Set for public hearing on May 18, 2016, two inclusion petitions for the alteration of boundaries of the Sedgwick County Fire District Number One and authorize the publication of a Notice of Public Hearing in the official County Newspaper pursuant to K.S.A. 19-3604(b) and K.S.A. 19-270(b).
- H**     [16-223](#)     VAC2015-00009 - Request to vacate platted street right-of-ways generally located southwest of 47th Street South and Kansas Highway K-15 and west of Cedardale Avenue (County District 5).
- I**     [16-224](#)     VAC2015-00051 - Request to vacate a portion of a floodway reserve agreement on property generally located west of Kansas Highway K-15, midway between 47th and 55th Streets South and west of Clifton Avenue (County District 5).
- J**     [16-184](#)     General Bill Check Register for April 6, 2016 - April 12, 2016.
- K**     **16-185**     Payroll Check Register for the April 2, 2016 payroll certification.

*Mr. Michael Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve Consent Agenda items Echo through Kilo."*

MOTION

*Commissioner Ranzau moved to approve the Consent Agenda.*

*Commissioner Peterjohn seconded the motion.*

*Chairman Howell said, "A motion and a second, any discussion? Seeing no discussion, Madam Clerk, please call the vote."*

**VOTE**

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

*Chairman Howell said, "Madam Clerk, next item please."*

**Approved**

**LEGISLATIVE ISSUES**

*Chairman Howell said, "Commissioners, do we have any 'Legislative Issues' this morning? Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "I would be remiss if I didn't point out that Governor Brownback struck a blow for I think the little guy and for private property rights by vetoing Senate Bill 338. I know we've talked about Legislative Issues at various times in terms of bills that are pending, but this is one that at this point, unless there is a veto override, I think it would be done, but I would be remiss if I didn't point out and provide some public, commend some Legislators, and I'm taking this from some comments that are in the journals of either the Senate or the House.*

*"Senator David Hailey who is one of two African American State Senators had a very lengthy explanation of vote and opposition to this bill, and I would, I'm going to quote briefly from it before bringing it back to kind of on a more local basis. Senator Hailey said in my 23 years as a Kansas Legislator and as but one of only three attorneys in the Senate, this is the first protest I have ever lodged on any measure of the thousands I have considered. This chamber now further denigrates real property rights to which every Kansas should be air.*

*"Senator Hailey goes on to say that Senate Bill 338, which purports to grant authority to cities and nonprofit organizations to petition courts to possess vacant property for rehabilitation purposes as well simply legalize grand theft. Senator Hailey goes on to say, principles of real property ownership should always enure to the rights of the citizens not to a developer's bottom line or the desire to enhance appraised value for tax purposes.*

*"Senator Hailey went on to say that the property rights of legal property owners should not be infringed upon by this legislature. He was one of the few votes in the Senate in opposition to this. In the House, it was a little bit different story. There were 44 votes in opposition to this bill, and a number of them were from legislators in the south central area from both parties. A quick look at the names, I saw ten local area legislators, six republicans, three democrats. I think there's nine here. Representative Anthimides, Representative Finney, Representative Kahrs, Carmichael, Houston, Scapa, Whitmer, DeGraaf and Kelley, and their explanation of vote and opposition.*

*"I'd like to read and provide it to the public quote, Kansas already has sufficient tools*

*in place to address blight. Senate Bill 338 circumvents our current eminent domain statutes by redefining abandoned property and by allowing our local governments to expeditiously confiscate, seize or destroy law abiding citizens' private property without compensation, adequate notice and a legal property title. This is an egregious over reach that deprives some citizens of their private property rights without sufficiently due process and will cause irreparable harm to our most vulnerable citizens that do not have the resources to protect their property.*

*"Explanation of vote was signed by Representatives Houston, Carmichael and Kelley. So I wanted to publicly commend them as well as the Governor for their actions and I think it's interesting, because the news coverage I've seen has not emphasized the fact that we had legislators from all over looking at some of these districts. You've got legislators from some affluent areas and legislators who represent relative poor areas, particularly northeast Wichita that came out in opposition.*

*"I would also add that there were a number of legislators from northeastern Kansas and Wyandotte County that also voted against this bill, too. So I thought it was important, Mr. Chairman, to get this on the record as we have some understanding of what transpired up in Topeka, and of course, it is possible that there could be a veto override on these bills. I would mention also that among the 44 votes, the Speaker of the House, Ray Merrick was also one of the 44, too. Thank you, Mr. Chairman."*

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

*Commissioner Ranzau thanked the Chairman and said, "I hadn't planned on speaking on this issue today, but I do want to echo the sentiments of my Commissioner. I personally have heard from a wide range of people opposing this bill; white, black, democrat, republican. There was bipartisan opposition for the reasons that were so clearly stated in those explanations, and I thank the Commissioner for reading those and putting those on the record so that people can understand in better detail some of the rationale behind the opposition.*

*"One of the things those explanations said is there's already sufficient tools, and I will point out that every year Sedgwick County sells a number of properties throughout this county in the tax sales because people are delinquent on their taxes. They're often sometimes vacant lots, sometimes houses that are old and in need of repair, and I would encourage anyone who is interested in addressing blight to participate in those auctions and buy those properties and homes and fix them up. I have encouraged habitat for humanity and midnight housing to get involved and address blight using the existing tools. To this point, they've elected not to do that. But this is an example of tools that are already out there that people can use that I don't believe are being fully utilized.*

*"Also in some of the coverage, it's been alluded to the most recent development and groundbreaking that happened here recently. I can't remember the name of the addition. But there was some more subsidized housing put in. That was used as an example of why we need this bill. But keep in mind that housing is going to happen without this bill being in effect. So there are tools out there. There are ways to do things without allowing the government to take advantage of the little guy, so to speak. I appreciate the opportunity to speak on this, and I would encourage, once again, everyone who is concerned about blight to get actively involved in the current tools that are available out there to address this important issue. Thank you."*

*Chairman Howell said, "Thank you, Commissioner. I believe the legislature goes back on April the 27th. So until then, there is probably not going to be a lot of legislative issues, but just to this one bill, because this is one that impacts this*

*community so much, and I know that our friends across the street are very disappointed on the veto. I am sympathetic to the, they have some properties they would look to that would show the problem they're trying to solve, and I'm sympathetic to the challenge they're trying to solve. I get that.*

*"On the other hand, I also see the foundational principle, the foundational American principal of property ownership is one of the basic things that makes America different than any other place around the world. Property ownership is one of our most important principles we must defend. So I see that side of it also. So this is a very complex problem, and I think the tools in place hopefully can be used to solve these things. I'm not sure this bill is exactly the way it should be solved. So I appreciate the dialogue this morning. Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "I would be remiss if I didn't point out the underlying cause for this whole issue goes back to a U.S. Supreme Court case called Kilo where a city in Connecticut was trying to confiscate the private property of homeowners, some little people, for a redevelopment project and turn it over to another private party. Unfortunately, an activist five to four majority in our liberal U.S. Supreme Court said, that's okay. We can take from private party A and give it to private party B, and that's permissible unless the local governments are restricted by their legislators. Fortunately, Kansas did pass a bill, it's not as strong as I'd like to see, but this whole legislation [Senate Bill] 338 is basically a follow-up to the whole Kilo issue and the continuing efforts to destroy economic freedom and private property rights in our country. Thank you, Mr. Chairman."*

*Chairman Howell said, "Thank you, Commissioner. It is true, there is a lot of properties on the tax sales. We have several tax sales per year, and there's a lot of property that is moved from existing owners to new owners through that process. So it is one of those things that greatly bothers me that when you own property you have to continue to pay property taxes to continue to own that property. I think that's one reason why people don't like paying property taxes. It just seems to go against the fundamental principle of property ownership that you have to pay to continue to own something. There's a lot of properties, hundreds of properties that go from one owner to the next through the tax sales that we conduct here every year. Anyway, moving on, seeing no other comments on Legislative Issues, we'll move onto the next item, please, Madam Clerk."*

## **OTHER**

*Chairman Howell said, "Commissioners, do you have any comments for 'Other' today, Commissioner Ranzau."*

*Commissioner Ranzau thanked the Chairman and said, "I just wanted to take a few moments and to thank Congressman Pompeo for the position he took a few weeks ago in standing up against that members of a mosque who have been invited to speak at our local mosque. I know he's taken some heat from it. But the coverage on this has been very deficient in many ways. Fortunately, the [Wichita] Eagle did finally write, did allow, did print a letter to the editor, so to speak, about this. It includes some important facts that was left out of the original coverage."*

*"The original coverage made it sound like that according, in fact it said, according to Congressman Pompeo, he's associated with Hamas, as if Congressman Pompeo is saying that. Well, the Sikh Mansour Talek has said that himself. He is from Hamas. The Federal Government has said he is associated with Hamas because he is one of the unindicted co-conspirators in the Holy Land Foundation prosecution. That resulted in, I think, about 108 people being found guilty of raising money for Hamas,*

*and there were a number of unindicted co-conspirators to include this particular man to lead as well as CAIR, which is the Council for American Islamic Relations, which many in the media like to quote and go to as a supposedly credible source. They are an unindicted coconspirator in the Holy Land Foundation. They are associated with Hamas.*

*"So I think it's appropriate for Americans to stand up and say, we don't want fundraisers on behalf of Hamas going on in our community or people who have a history of going around in the country in the past and present raising money for a terrorist organization. Some of the local media want to make the story about the Americans exercising their rights to protest and carry firearms to defend themselves. That's not what this is about. The true story was buried and hidden. This isn't the first time the (Wichita) Eagle has covered up information related to Islamic terrorist activities.*

*"I find that very disappointing that you have to get a letter to the Editor or Sedgwick County Commission to get the facts out about this particular individual. Why is this information being covered up? Is the Wichita Eagle intimidated or afraid of what might happen to them if they cover this story, or are they just intentionally willingly doing this? I'm not sure what the answer is, but I think our community has the right to know. Thank you, Mr. Chairman."*

*Chairman Howell said, "Thank you, Commissioner. Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "I'm going to go off in a slightly different area, but I very much appreciate the comments of my colleague. April 13th is an important day in American history, and I'd like to just get on the record why. In 1743, the third President of the United States, Thomas Jefferson, was born on this day in Albemarle County, Virginia.*

*"On April 13th, 1830, in a time of sectional strife, President Andrew Jackson gave a famous toast, which stated, our 'Federal Union, it must be preserved.' Seems particularly timely in light of what happened on April 13th in 1861 after 33 hours of bombardment, the Union held Fort in Charleston Harbor, Fort Sumter, surrenders to confederate forces and the Civil War is officially, conflict is officially underway on April 13th, 1861.*

*"If you are a fan of movies and one of my favorites, Apollo 13, on April 13th, 1970, the moon bound Apollo 13 spacecraft is crippled when an oxygen tank exploded. So April 13th is an important day in American history, and I wanted to get it on the record. Thank you, Mr. Chairman."*

*Chairman Howell said, "Thank you, Commissioner. Other Commissioners, any other comments? I just want to say I guess this Saturday I'd like to let the community know that we're doing a community cleanup in the Oaklawn Improvement District. This is Saturday at 8 a.m. if anybody from the community would like to participate. Please come on out. We have many folks already volunteering to help. We have people with pickup trucks and trailers going to go around the community and help clean up things that need to be discarded. We've got a number of dumpsters planned just south of 47th Street on Clifton near the Helping Hands Thrift Store. I want to thank Clifford Hems, Andre Cisco, and the churches involved in doing this together. Representative Blake Carpenter and Representative Steven Anthimides also providing food for that day. If anyone from the community would like to come out and participate, I would love to have your help there. That's this coming Saturday at 8 a.m. in the Oaklawn improvement district by the Helping Hands Thrift Store is where we start. Commissioner Peterjohn, any other comments?"*



*Commissioner Peterjohn thanked the Chairman and said, "I had thought about holding off until our meeting next Monday when we're holding our first evening meeting, but April 23rd, there is going to be a Law Enforcement Appreciation Parade in downtown Wichita. It's a Saturday. It's a little bit earlier, in terms of advance notice, but I think it's a significant event that we need to get the word out for folks to express their appreciation for public safety folks who help keep this community safe. I think it's a significant event, and I believe this parade was held last year, but it's not an event that's been out there for a long period of time, so I wanted to just to get that information out, too. Thank you."*

*Chairman Howell said, "Very good, seeing no other comments, Manager, anything else today?"*

*Mr. Scholes said, "That's it."*

*Chairman Howell said, "Counselor, anything else? All right. I think we're at the end of our meeting. So we're adjourned."*

## **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 9:30 a.m.*

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

---

JAMES M. HOWELL, Chairman  
Fifth District

---

RICHARD RANZAU, Chair Pro Tem  
Fourth District

---

DAVID M. UNRUH, Commissioner  
First District

---

TIM R. NORTON, Commissioner  
Second District

---

*KARL PETERJOHN, Commissioner  
Third District*

ATTEST:

---

*Kelly B. Arnold, County Clerk*

APPROVED:

---