

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, September 28, 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, 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

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on September 28, 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. Thomas Stolz, Assistant County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Bureau of Public Works; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Mr. Justin Waggoner, Assistant County Counselor; Ms. Karen Powell, Deputy County Counselor; Ms. Keturah Austin, Corporate Communications Officer; Ms. Angela Caudillo, Deputy County Clerk.

INVOCATION: Pastor Bryan Dunham, Pathway Church

FLAG SALUTE

CALL MEETING TO ORDER

ROLL CALL

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

PUBLIC INFORMATION ANNOUNCEMENTS

PUBLIC AGENDA

CONSIDERATION OF MINUTES

- A [16-600](#) SPECIAL MEETING MINUTES OF AUGUST 4, 2016.
All Commissioners were present.

MOTION

Commissioner Norton moved to adopt the meeting minutes of August 4, 2016, August 10, 2016 and August 24, 2016.

Commissioner Peterjohn seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Chairman Howell said, "Alright. Next item, please."

Approved

- B** [16-601](#) REGULAR MEETING MINUTES OF AUGUST 10, 2016.
All Commissioners were present.
Action for Item B was taken with Item A.
- C** [16-628](#) REGULAR MEETING MINUTES OF AUGUST 24, 2016.
All Commissioners were present.
Action for Item C was taken with Item A.

PLANNING DEPARTMENT

- D** [16-626](#) ZON2008-00025 - ZONE CHANGE FROM SF-20 SINGLE-FAMILY
RESIDENTIAL TO LC LIMITED COMMERCIAL; ON PROPERTY
LOCATED ON THE SOUTH SIDE OF EAST 21ST STREET NORTH
AND WEST OF NORTH 159TH STREET EAST (DISTRICT 1).
Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Rescind the one-year platting requirement imposed on the zone change request, authorize the Chairman to sign the resolution and authorize the resolution to be published.

PUBLIC COMMENT

VISUAL PRESENTATION

Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This is a case type that you've not seen before. Primarily because for the last, well since the '70s anyway, the Metropolitan Area Planning Commission (MAPC) has had a policy that whenever there was a request for a zone change on property that was unplatted and they approved the zone change request that part of the, one of the conditions of approval was that the property be platted within one year. The policy had provisions to allow for time extensions, so that if something happened and the applicant couldn't complete it, they could then get extensions and ultimately perfect their zoning.

"Well, in the last few months the Planning Commission at the request of the Wichita Area Builders' Association (WABA) and some of the other individual builders asked that that policy be reviewed in light of eliminating it. Because with the changing economic climate it was taking longer and longer for them to market properties and to bring them online to actually file for a building permit. So, they were having to deal with requesting for extensions. The other problem they had was that the zoning map, since it's not being changed until its platted, they would be marketing the property to someone, tell them for example that it's zoned LC, but the zone change was from single family to LC.

"That person would then look at the map and it would still be SF 5, single family. So then the builder would have to explain, well, I've got it approved. I just haven't perfected it. So it complicated their ability to make deals. Planning Commission listened to these arguments and voted to rescind that requirement.

"So the last few months whenever there have been county plats coming before you or zone changes for you to review, we have not included the requirement to have the platting done within one year. What we have today is someone who had a zone change that was approved back in 2008, where that requirement for platting still stands, they have not platted and they would like to eliminate the requirement for their property to be platted.

The specific activity, the specific site is here located approximately a quarter mile west of 159th on the south side of 21st. It's the area where the arrow is pointing. It is zoned SF 20 but approved for LC limited commercial zoning. As you can see here from the map the property to the north is SF 5, single family. The property to the east and south is also SF 5. But then here to the west that property is still in the county and zoned SF 20.

"There's the aerial as it looks today. It's got a single family home on it with a large workshop. So staff is asking for you to approve this request to eliminate the requirement for platting and allow the zoning resolution to be published and let them move on down the road with their zoning. With that, I'll try and answer questions."

Chairman Howell said, "Alright, Director Miller, Thank you for the explanation. I don't have any questions at this time. Commissioners, do you have any comments or questions you'd like to raise this morning? Let me go to the audience. Is there anybody in the audience that would like to come and ask a question or make a comment regarding this agenda item? Alright, seeing none, bringing it back to the board. Commissioners, what's the will of the board?"

MOTION

Commissioner Unruh made a motion to rescind the one-year platting requirement imposed on the zone change request, and authorize the Chairman to sign the resolution and authorize the resolution to be published.

Commissioner Ranzau seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Chairman Howell said, "Thank you. Next item, please."

Adopted

NEW BUSINESS

E [16-632](#)

A RESOLUTION TO AMEND CHAPTER 22, ARTICLE II OF THE SEDGWICK COUNTY CODE REGARDING UTILITY PERMITS TO COMPLY WITH NEW STATE LEGISLATION REGARDING WIRELESS TELECOMMUNICATIONS.

Presented by: Justin M. Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Approve and sign the resolution.

PUBLIC COMMENT

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "To explain a little bit on this, earlier this year the Kansas legislature approved a bill codified now as KSA (Kansas Statutes Annotated) 66-2019 which becomes effective October first of this year. It requires municipalities to allow wireless telecommunications structures to be located within the public right-of-way. When I say the public right-of-way what I really mean by that, that's the property that would be alongside a road that's typically like ditch, grass, vegetation, utility lines, perhaps underground utility as well might be located.

"The stated intent of the legislation is to increase the amount of broadband that's available to people in the public. The resolution that's in front of you today is intended to do two different things. First, is to make changes to the county code provisions to meet up to the requirements of that new state statute. Secondly, to put in place reasonable provisions regarding public health safety and welfare as the legislation does authorize municipalities to do that.

"Historically, the county has not allowed wireless structures to be located in the public right-of-way. Wireless telecommunications structures have instead been located on private property, where they've rented the property or purchased property and located their structures there. So, this would be a pretty substantial change in terms of how the county has handled these items. The zoning code that's in place within Wichita and Sedgwick County does not actually address the use of public right-of-way. So it is important to note that zoning does not apply to what's in front of you today on this. This is something that's within the purview of the County Engineer.

"Since 1982, Sedgwick County Public Works has had a standard approach that's been used for any public utilities that locate in the public right-of-way. Really this involves a utility permit agreement that's entered into. The new state legislation essentially requires municipalities to treat wireless telecommunications in a similar manner and certainly not in a less favorable manner than other public utilities.

"There's a wide variety of structures that you might see in this. Just to kind of explain, you could have anything from 120-foot monopole towers, where there is just a one single tower with a cell facility on the top of it. To in some cases, a small and somewhat innocuous devices that would be put on the top of telephone or electrical poles. So a pretty broad range of what this legislation covers and what this requires to be allowed in the public right-of-way.

"I'll give you a brief description of what the resolution includes. Just to explain, engineers within Public Works, on a daily basis they deal with considerations about what makes sense in terms of public health, safety and welfare. So, they truly are subject matter experts in this area. The intent of this resolution is to bring wireless telecommunication structures under the umbrella of what Public Works already does in dealing with utility, public utilities located in a right-of-way and considering their placement in those matters.

"The resolution would require that the wireless telecommunications company, just like any other public utilities, submit that agreement and meet up to certain minimum standards that would be put in place. I'll give a brief description of those. You know these are, this is not a comprehensive / exclusive listing, but they can't be located

within 15 feet of the paved surface of the roadway. They cannot be located within the clear zone of the roadside design guide.

"Then also, they would need to follow the manual on uniform traffic control devices that's published by the United States Department of Transportation (USDOT). These are all policies that are, I think used routinely in locating public utilities within the right-of-way. When a wireless telecommunications company would come in to locate one of these, just like anyone else locating in the public right-of-way, they would need to submit detailed plans. The Public Works staff goes through a review of those plans and so the idea would be to treat these in a similar manner to how we've treated public utilities for a long time.

"In the case of any denial, if the Public Works did deny one of these due to public health, safety or welfare, they are required to actually indicate in writing why they're denying that. That's included in the resolution as well.

"There are also time frames established within the statute in which an approval or denial must be made. Those are included in the resolution as well. There's also a listing of, in one place there are 18 essentially things that we can't ask for in the permitting process, according to the legislation. I call them the don'ts. We've avoided all of those don'ts that the legislation provides in the resolution that's in front of you.

"Also another thing that's being proposed to be changed is there's a fee for utility and highway permits that's currently set, and it was set in 1982, at \$65. Now, the resolution that's in front of you would propose increasing that fee to \$150. The rationale is to cover the county's cost of reviewing and processing these. As I understand it, Public Works staff spends a certain amount of time reviewing these, including significant review by engineers within Public Works. I know that Jim Weber is here from Public Works and he'd be happy to address any questions you might have on that.

"Also, there is an Exhibit C that proposes increased bond amounts on this. Again, that was something the bond amounts that you'll see on the current resolution were put in place in 1982 and have not been modified. Those bonds are in place for when public utilities are being constructed. If for example, they were to leave the property with damage in the public right-of-way that was not repaired to where public works may have to go in and do it to make the property back to how it was before, the bond could essentially be called. It also gives the option of contractors having a standing bond in place, which I understand a lot of contractors already have that.

"The recommended action on this item is to approve the resolution, since the statute becomes effective on October 1st because it's advisable to have provisions in place on this before the statute becomes effective, I would advise that you approve this or a modified version of what's in front of you today. I would be happy to stand for any questions on it."

Chairman Howell said, "Alright. Well, thank you for the explanation. Commissioners, any questions or comments at this time? Alright, I'll bring it to the audience. Anybody in the audience would that to comment or ask a question regarding the agenda item this morning? Seeing none, I'm bringing it back to the board.

"I would just say that will some fees addressed in the resolution. Is that the same, have we charged this before for other types of, is this the first time we've ever done this?"

Mr. Waggoner said, "This is not the first time we've done this. We've had a fee in

place for any utility or highway permit. It's been \$65 since 1982."

Chairman Howell said, "Okay."

Mr. Waggoner said, "What's new is we've never allowed wireless telecommunications facilities to be built in the right-of-way before. But, it had the same fee as all other utility permits."

Chairman Howell said, "Very good. I have a Commissioner comment. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Justin, if you could kind of walk through a little bit when you say wireless communications, which seems kind of a paradox that they need public right-of-way to be able to have wireless communications. How would this be different from say a traditional, whether it's a electrical or phone company telephone pole?"

Mr. Waggoner said, "I guess the first thing is in some cases, like I mentioned the 120-foot tower, it's going to be a lot taller. I mean it's just a lot taller than the standard utility pole is. You were talking about the, when you asked how it's different, I guess I'd ask for some clarification. What do you mean how it would be different?"

Commissioner Peterjohn said, "Well, I mean that was my point in terms of where we'd be allowing larger poles than we've had in the past. I think that's important for the public. We've had some interesting and sometimes somewhat contentious zoning cases when we have large structures being proposed for placing in the community, and that's a point I'd like to try and get out."

Mr. Waggoner said, "Sure."

Commissioner Peterjohn said, "Even though we don't have a lot of people attending our meeting this morning, I think it is an important point for the public going forward."

Mr. Waggoner said, "Yes, and it is a point worth noting that the legislation really doesn't give as I noted, our zoning code does not apply to the public right-of-way. So when a permit is pulled under this, it's not going to go to the planning commission for approval or review. It will go to Public Works directly. The legislation does not really provide and I think really eliminates the ability for municipalities to review these in a similar context to zoning for aesthetics and things along those lines.

"There's a very limited process where a municipality could put in place provisions regarding the appearance or materials of these, but they have to be reasonable. The reality is we don't really have much. It's not like an accepted standard way of aesthetics for these items, and all it allows is that you can receive input from an adjoining property owner as to the aesthetics. It doesn't require a public hearing. We have not included that in the resolution, because the reality is in talking with public works staff, I don't know that there is an accepted aesthetics item on this. They're going to review these for public health, safety and welfare, and that's really what the statute focuses on in terms of what as a municipality you can regulate on this."

Commissioner Peterjohn said, "Okay. Well, let me shift just a little bit. If we were to take a road, it's a two-lane road, we decided to widen it to three or four lanes. Talk a little bit about how that impacts the easements and how these rules might, what would happen if we did do a road widening?"

Mr. Waggoner said, "Sure, and that's a good question. We actually have that

addressed some in our utility permit agreements. We've had that situation come up before. If there were a road widening to where, let's say you already had one of these towers in place, and where it was initially located it was safe. But if we widened a road from two lanes to four lanes it would no longer be safe. Part of the utility permit agreement and something that's allowed by statute on this is that we can require and we have that in the resolution that the utility would be responsibility for any relocation of that if it became a public health, safety and welfare concern for us."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "I have a questions regarding, has Wichita taken up this issue? Do you know?"

Mr. Waggoner said, "Well, there's a couple different things to it. One is as I understand it, their, in talking with their counsel they already have procedures and provisions in place on this that they think address this. I can't say that I'm very familiar with what those are. They have franchising authority, the cities do that counties don't have by statute. So the City of Wichita may have a very fleshed out franchise agreement. I can't say I'm aware as to what all of that includes.

"The second piece of that is the planning commission actually on tomorrow is going to be taking up some proposed amendments to the zoning code, which I think are more minor in scope than what's in front of you today, because some of the provisions of that statute also apply to private property and zoning considerations. So, there is going to be a change coming through and the change is intended at this point to be uniform in county and city to make the zoning code comply with the new statute."

Chairman Howell said, "Alright. The only reason I bring that up, I just visited a large city this last week, and there were cell towers everywhere. So, it's just one of those things where I think that more people are familiar not seeing these towers right now around the community. They're going to start seeing them pop up pretty quickly I would expect. So, it'll be a change in this community, and it's driven by state law, which is fine. We need, I think we need to comply. So obviously I'm in support of the resolution this morning. Any other comments or questions before we move on here? Alright. Commissioners, what's the will of the board?"

MOTION

Commissioner Unruh made a motion to approve and sign the resolution.

Commissioner Peterjohn seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Mr. Waggoner said, "Thank you, Commissioners."

Adopted

OFF AGENDA ITEM

Chairman Howell said, "Thank you, very much. At this time, I need to go ahead and I'd like to insert an off-agenda item into the agenda."

MOTION

Chairman Howell made a motion to take an off-agenda regarding a resolution temporarily suspending a Cereal Malt Beverage license, for Sedgwick County Zoological Society.

Commissioner Unruh seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Chairman Howell said, "I'd like to recognize Counselor Karen Powell to explain."

Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, "First of all, I'd like to apologize on behalf of the zoo for the late notice on this. I was contacted late last week in regard to an event that they're having. It's actually this Friday, and they want to have something other than cereal malt beverage (CMB) on the premises.

"So, this item is similar to what we have done for the Zoobilee event in that it suspends the cereal malt beverage license that the zoo holds for serving that CMB for one day so that they can have something other than cereal malt beverage on the premises. You know, the liquor laws in Kansas are a bit complex. If you're licensed for cereal malt beverage, you can only have that particular strength of alcohol on the premises. You cannot have anything else.

"So it came to the attention of the zoo organizers and they did not want to get the zoo in, you know a problem, into a problem with the Alcohol Beverage Control (ABC) arm of the state, as well as the vendors that are going to be there. There are going to be various vendors. I believe they said six to seven vendors for the Beastly Beers Craft Edition event. So, my recommendation would be to adopt this resolution which will suspend their cereal malt beverage license for only one day, this Friday, for that Beastly Beers Event."

Chairman Howell said, "Alright, very good. I will go ahead and ask, is there anybody in the audience that would like to speak to the agenda item? Alright, seeing none, Commissioners, any questions or comments? Alright. What's the will of the board?"

MOTION

Commissioner Ranzau made a motion to approve the resolution and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Chairman Howell said, "Thank you, we're back on published agenda. Madam Clerk, next item, please."

Approved

CONSENT

Mr. Thomas Stoltz, Assistant County Manager of Public Safety, Code Enforcement, and Emergency Management greeted the Commissioners and said, "You have before you today items F through L. If there are no questions or concerns, we would request that you accept and approve the consent."

MOTION

Commissioner Peterjohn made a motion to approve the consent agenda.

Commissioner Ranzau seconded the motion.

There was no further discussion and a vote was called.

VOTE

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

Chairman Howell said, "Alright. Thank you, very much. At this time I'm going to go ahead and recess the regular meeting of the Board of County Commissioners and call to order the Governing Body of the Fire District No. 1, for the date of September the 28, 2016."

The Board of County Commissioners recessed from 9:34 a.m. and returned at 9:35 a.m.

Chairman Howell said, "Next item, please, Madam Clerk."

Adopt the Consent Agenda

F [16-621](#)

Resolution designating and classifying certain roads under K.S.A. 68-506. District 3.

Approved on the Consent Agenda

- G** [16-646](#) Nominations to the Local Emergency Planning Committee for Sedgwick County, Kansas.
Approved on the Consent Agenda
- H** [16-611](#) Annual Affiliation Agreements with 47 Qualified Providers of Intellectual and Developmental Disability Services.
Approved on the Consent Agenda
- I** **16-618** Order dated 09/07/16 to correct tax roll for change of assessment.
Approved on the Consent Agenda
- J** [16-635](#) General Bill Check Register for September 14, 2016 to September 20, 2016.
Approved on the Consent Agenda
- K** [16-636](#) General Bill Check Register for September 21, 2016 to September 27, 2016.
Approved on the Consent Agenda
- L** [16-637](#) Payroll Check Register for the September 17, 2016 payroll certification.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

OTHER

Chairman Howell said, "Commissioners, any comments for other this morning? Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I would like to point out that, and kind of something that I used to do regularly during the, my first term as a County Commissioner, but giving a report in terms of the number of folks in the Sheriff's custody in the Sedgwick County Jail, 1,534 folks today. I mention it because it's a bit of a challenge going forward with the fact that a large number, I'd say somewhere between 100 and 150 are convicted felons who are serving their sentences in the Sedgwick County Jail and not the Kansas Department of Corrections. But, it is a number that I know people continue to work on and the Criminal Justice Coordinating Council is doing good work in that area."

"Mr. Chairman, I'd also like to point out the fact that another challenge this community faces. I'll be participating later today, the number of refugees coming into the community. There's a meeting this afternoon on that, and I do plan to participate. That's a continuing challenge, I think going forward. I thought it was interesting in light of some of the reports in terms of some of the enrollment figures from, on the school, for the public schools out there."

"I'd also be remiss Mr. Chairman, if I didn't point out that September 28th is an

important day in American history on some points that often don't get the attention they deserve. But on September 28th, 1924, and this is important for anyone concerned about aviation, two U.S. Army aircraft planes landed in Seattle after completing the first aerial circumnavigation of the world. This is several years before lucky Lindbergh flew across the Atlantic. That's an event that got an awful lot of attention at that time. But this circumnavigation, first by aircraft took 175 days and had 57 stops but was certainly an important event as aviation came forward.

"I'd also be remiss if I didn't point out on this date in 1942, the only medal of honor that was awarded to a member of the United States Coast Guard occurred. This was a Signalman First Class, [Douglas] Albert Munro who sacrificed himself and saving the lives of over 500 U.S. Marines at the Battle of Guadalcanal.

"So it was awarded posthumously. But for folks who, and I have a family member who is currently serving in the Coast Guard. This is a significant, but one that I don't think it gets very much attention concerning a Medal of Honor winner for the United States, former member posthumously awarded to a member of the United States Coast Guard. Mr. Chairman, thank you for letting me put that, provide that this morning."

Chairman Howell said, "Thank you for your comments, Commissioner Peterjohn. Commissioner Norton."

Commissioner Norton said, "I won't take a long time on this issue, but I wanted to address it a little bit. Just recently we've had some very, very heavy rains, particularly south of Kellogg that affected us from county line to county line on the south side. I think we're going to have to have some kind of a conversation soon about drainage projects and drainage infrastructure as we move forward. I think we saw with the rains that we had where we had issues with some of the infrastructure that needs to be taken care of, and I don't know how we do that.

"Maybe at Tuesday staff meeting we really dig into the stormwater management program that we have, look at some of the recommendations, but start that conversation. I understand that it will, we'll have to make some tough decisions and it may cost some money, but I don't think we can any longer sit on our hands and not consider drainage and storm water management as anything but infrastructure and deal with it no differently than we do roads and bridges.

"In fact many cases if you don't have the drainage right, you're tearing up roads, particularly township and arterial roads that need help and move a lot of people in the rural areas. So we don't have to have that conversation today. But at some point I'd like to challenge the Manager and staff to start helping us think through that whole process of how we put some money into drainage projects that need to be done and start checking off some of the recommendations that our Stormwater Advisory Board has done. Really tough work for a number of years, but it's another report that kind of sits on a shelf and hadn't had any attention. That's all I have Mr. Chair."

Chairman Howell said, "Thank you, Commissioner Norton. Those are very good comments. In fact, I'd like to echo your comments. I've been digging into this more in the last several months because of the events. It's caused me to understand I think more deeply what's really going on. There are a lot of things that can be done, but obviously our challenge is going to be how to get those things accomplished in light of the large price tag attached to most of the things that need to be done. So, it's certainly a challenge.

"I'd like to recognize the townships on the south. They've done as good a job as they

possibly can do. These are nearly volunteer positions or volunteer positions. Some of these folks have spent untold hours managing hundreds of phone calls, trying to figure out how to solve some of the problems within the townships, and they're at the end of the money.

"They've got roughly a third to a fourth of the year to go still before they have any additional revenues available. So they're really in a, they're in dire straits right now and I'm trying to find ways to help them manage some of the challenges they've got, infrastructure is doing as good as it can. Our storm, our street maintenance folks have done a good job, but I think that's an area we might need to reconsider restoring some positions that have been gone for quite a while.

"It's a situation I wasn't fully aware of until I attended the Stormwater Advisory Board meeting and found that out, that we've actually reduced staff, and there's things we probably could do if we had more staff that would maybe help this somewhat. So I'm very concerned about that. I would say that the emergency declarations we've made, I believe they've turned into opportunities for FEMA (Federal Emergency Management Agency) loans, SBA (Small Business Agency) loans that people need to be aware of if they did have damage and they live in Sedgwick County.

"Damage as a result of the heavy rains, we've had at least two events that qualified for potential assistance from FEMA. So I'd like to encourage them to contact 211 and ask them questions, contact the county and we can help get them in touch with people who have the information they need. Plus there's a law that passed in 2014 that allows them to abate some of the property taxes if they're qualified and so they need to make that application for that assistance if that's what they want to do.

"So there are some things we're trying to do to help out and we're certainly sensitive and trying to find ways to help people that are certainly suffering. I talked to someone just yesterday. They lived in this house for decades and never had a problem. Now they've got water seeping into their basement through the concrete because the water table is just so high. They've got 24/7 people in their home trying to manage the water coming into their basement.

"So this is still going on. It hasn't gotten any better for, even though we haven't had much rain in the last few days, in the last week the problem is still continuing. So I'm very sensitive and empathetic. I have empathy towards those that are going through this very challenging time. So I agree with Commissioner Norton in that we just need to have this conversation. So I appreciate you bringing that up. Commissioner Norton, I think you have other comments."

Commissioner Norton said, "Just a couple. One, we've instigated pumping the Derby water wells that are on the west side of the river. That's brought a lot of the groundwater down and has mitigated part of that. That's very unusual that you'd have to do that. We did it, I think in 2008 and it gave us, some people some relief. But we're going to have to think about that as part of the infrastructure too, of how we maybe look forward and have that in our toolbox constantly with the Division of Water Resources instead of having to go through permitting and asking and how many gallons of flow we can do. We need to figure out how that can be something that we can automatically use when the groundwater comes up in some of those areas that are so prone to that.

"The second thing is when we talk about the townships. Yes, it's end of the year. They're about out of money. There are some roads that are in terrible shape. I drove yesterday and there's some roads where the aggregate and the sand is more in the ditch than it is on the road bed. It's just water coming across the road has just pushed

it in there. It's going to take a while for them to dig the ditches out. I think they're going to need some help with some products, aggregate repairs, some of those roads.

"In some cases, the channeling that's run down the middle of the road or across the road has just eaten out the whole base. It's going to be very tough for some of the townships to get that repaired. So we need to think about how we help that, mitigate that, partner with the townships at the end of the year. I don't know what kind of arrangements can be made but we have the access to product that they don't. Maybe we help them out in some manner. I don't know what that looks like. It can be in a conversation on Tuesday. But, I think we certainly need to have that.

"If the township roads aren't repaired, it's a safety issue for all of our citizens. It pushes traffic to other roads and starts hurting them, if people start naturally detouring away from a road. It may tear up another road that has not taken much traffic in some cases over the years, and it just exacerbates the whole infrastructure problem that we have.

"So, I think we need to just be sure that we're talking about it. Maybe have a staff meeting or special meeting of some sort to be sure that we really understand the issues. I know a lot of it is housed in my district and Commissioner Howell's district, but I think you know, I think [Commissioner] Karl [Peterjohn] has had some issues with some township roads. He certainly has a lot of them. The water was, a lot of the water was south of Kellogg. But if you get up into the Calfskin and the Cowskin basin, there were some major problems up in there too, more drainage and flooding and storm water than roads but still problems in our community. So I just think we just need to be having a very rich robust conversation about this issue and how it affects the safety and the health and well fair of our community. Thank you."

Chairman Howell said, "I think one of the challenges of course, is to keep interest on this when we're not in the middle of a flood event. The issues of water, whether its drought or plenty of water, we seem to, the conversation seems to follow whatever the event happens to be going on at the moment, and it's hard to keep the conversation going when we're not in those moments. So anyway, good comments Commissioner Norton. I appreciate those. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I'd like to kind of segue way on your comments and Commissioner Norton's comments because obviously I've got more township mileage in my district in terms of township roads than any other Commissioner. In fact, I think probably I could add up several Commissioner districts. But I was told a number of years ago by a very smart fellow that each of these weather events are unique in and of themselves.

"I think back to the worst event that I can recall. Back to the Halloween flood in 1998, which occurred far enough back that there were a lot of folks that that's not on their radar screen. But I think it affected a much larger area and in some ways was just as devastating to the folks who were impacted back then as the folks who've been impacted this month and last month in the south part of the county. When we talk about the impact of these events, it gets into a variety of questions in terms of where the responsibility needs to lie in terms of taking care of these township roads and where the ultimate, where ultimately we're going to be, the ultimate responsibility will lie.

"I know that Public Works street maintenance group does a tremendous job with limited resources. We're going to have to revisit I think on a regular basis, like any other county function, all that we have out there to do. I would add that the Cowskin

and its tributaries, the Calfskin and Dry Creek, not to be confused with the Dry Creek that's both in Commissioner Norton and in my district and south of K-42 [Kansas Highway].

"Actually, there's three Dry Creeks in Sedgwick County. So if somebody says we've got a drainage problem with Dry Creek I automatically have to get more information. Because that's, it's often a challenge especially if we have a widespread rain event knowing which one of the Dry Creeks is causing a problem this time. But having said that, the challenge we have before us, it's multifaceted. If pumping out wells in Derby helps with some groundwater or flooding problems and that area in the county, we've got wells all over the county.

"This looks at a broader issue in terms of what we can do to mitigate. We need some, frankly professional engineering and I'm going to be looking to Mr. Spears and the folks in Public Works to provide us with the expertise because if we get in a situation where pumping out water wells is a possible tool to improve the drainage flood, flooding problems that we're seeing, this is going to get into some fairly technical areas.

"It's something we need to approach cautiously, carefully and having the input from people with a lot more expertise than I feel like I have. Although, my time up here is going to be relatively brief going forward, this issue is going to be a continuing challenge for I think all five Commissioners. So I appreciate the opportunity to kind of add to the remarks that have already been made. Thank you, Mr. Chairman."

Chairman Howell said, "Thank you, Commissioner Peterjohn. Any final comments before we adjourn this meeting? Commissioners? How about staff? Mr. Manager, anything else for today's meeting that you'd like to bring up? Mr. Counselor? Alright. Well, Commissioners, we're at the end of the agenda and I think we're at the end of our comments. So I appreciate everyone's attention and time this morning. We're adjourned."

EXECUTIVE SESSION

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 9:51 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:
