

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, October 5, 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

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

OCTOBER 5, 2016

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on October 5, 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. Thomas Golden, Assistant County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Bureau of Public Works; Mr. Thomas Stolz, Assistant County Manager; Mr. Kelly Dixon, Codes and Flood plain Technician, Metropolitan Area Building and Construction Division; Mr. Jason Little, Chief Plumbing Inspector, Metropolitan Area Building and Construction Division; Ms. Karen Powell, Deputy County Counselor; Sheriff Jeff Easter; Ms. Adrienne Byrne-Lutz, Health Director, Sedgwick County Division of Health; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Laura Billups, Deputy County Clerk; Heddie Page, Deputy County Clerk.

Guests:

*Ms. Angie Basden, 409 East Valley Park, Valley Center
Ms. Karen Schmidt, Treasurer, Wichita Sedgwick County Domestic Violence/Sexual Assault Coalition
Mr. Jack Queen, 3230 North Flat Creek, Wichita
Mr. Wess Galyon, President, Wichita Area Builders Association
Mr. Lonny Wright, 1721 South Lulu Street, Wichita
Mr. Tim Schmitz, Regional Manager, ICC
Mr. John Clark, 1503 East 7th Street, Sedgwick
Mr. Brian Rogers, Representative, International Association Plumbing and Mechanical Officials
Mr. Brian Burnett, 1330 East 1st Street, Wichita
Mr. Andrew Tipton 1330 East 1st Street, Wichita
Ms. Michelle Franklin, Executive Director, Plumbing Association South Central Kansas
Mr. Shawn Messmer, 417 North Young Street, Wichita
Mr. Steve Watson, 9505 Sterling Street, Wichita
Mr. Mike Dirck, 9141 York Lane Street, Wichita
Mr. Dan McCulloch, 501 East Rolling View Drive, Park City
Mr. Jerry Short 13919 East Bayley Circle, Wichita
Mr. Darrell Boger, 7382 West Warren Street, Wichita
Mr. Mark Herndon, Owner, Royal Flush Plumbing
Mr. Jim Lanzrath, 619 East Helbert Street, Mulvane
Mr. Kelsey Leidy, 6529 Marion Drive, Wichita
Ms. Marcy Gregory, 11 Hopper Court, Goddard*

INVOCATION: Reverend Randy Quinn, West Heights Methodist Church

FLAG SALUTE

CALL MEETING TO ORDER

ROLL CALL

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

Roll Call

PUBLIC INFORMATION ANNOUNCEMENTS

PUBLIC AGENDA

Chairman Howell said, "I have a number of people signed up to speak on Plumbing Code, obviously. Perhaps, there's others that would like to speak on the, we have a second hearing today on the Zone Change. So, is there anybody here who has signed up to speak for any other topic this morning? I don't see anybody on my sheet. Okay, are you signed up to speak? Please come up to the podium and let me know who you are, thank you. Name and address, please."

Ms. Angie Basden, 409 East Valley Park, Wichita greeted the Commissioners and said, "I'm here to speak on behalf of my friend Kim Uerkvitz. It looks like the FEMA (Federal Emergency Management Agency) flood zone map changed and somehow her house is like, barely dipped into, like on the very corner of it and then just barely up in the back. It is all concrete patio back there and brick. We really want her removed from that. I mean, out of all the other houses I see one that's clearly in it, but hers, it's like they just dipped up and then dipped up, and it doesn't make any sense."

Chairman Howell said, "Angie, I'll give you a chance to speak again. I apologize. I misspoke a moment ago. The other hearing is actually for the flood plain issue. I'll be asking for public comment. We'll actually have an official public hearing and I'd like to ask you to come back and make all your comments at that time, if that's okay."

Ms. Basden said, "I probably won't be able to make it back. I work."

Chairman Howell said, "Well, okay, I'll accept your comments right now. Is there anything else you'd like to say?"

Ms. Basden said, "Can you look at this real quick?"

Chairman Howell said, "Certainly you can turn that in for the record. I wouldn't mind accepting that from you. That would be great."

Ms. Basden said, "Thank you, if you could get this off of the flood insurance that would be great. I just wanted to say, it doesn't make any sense."

Chairman Howell said, "Before you go, let me recognize Mr. Spears."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Ma'am, we will put you in contact with somebody who can assist you. Okay? I will give you a name and number."

Ms. Basden said, "When are you going to give me that? Are you going to send it in an e-mail?"

Mr. Spears said, "Can I talk to you out in the hallway?"

Ms. Basden said, "You can, yes. Thank you all."

Chairman Howell said, "Mr. Spears, I'm going to give this to you and you can take this with you and maybe you can discuss it with her there and everything. Thank you so much, for being here Angie. I appreciate you're coming to share with us this morning. Is there anybody else that would be here to speak on anything other besides the flood plain issue or the plumbing code this morning? Alright, we're going to move on to the next item."

CONSIDERATION OF MINUTES

- A** [16-639](#) SPECIAL MEETING MINUTES OF SEPTEMBER 13, 2016.
All Commissioners were present.

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

MOTION

Commissioner Norton made a motion to approve the Special Meeting Minutes of September 3rd, 2016.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "We have a motion and a second. Any further discussion? Seeing none, 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, "Thank you, next item, please."

Approved

PROCLAMATIONS

- B** [16-658](#) PROCLAMATION DECLARING DOMESTIC VIOLENCE
AWARENESS 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 morning, it says:

"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 2016 marks the 27th 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 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, Jim Howell, 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.

MOTION

Chairman Howell made a motion to adopt the proclamation.

Commissioner Peterjohn seconded the motion.

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

Chairman Howell said, "I'd like to recognize Karen Schmidt, are you here today? Thank you, would you like to come up and say a couple things for a couple minutes please? Thank you."

Ms. Karen Schmidt, Treasurer, Wichita Sedgwick County Domestic Violence/Sexual Assault Coalition, greeted the Commissioners and said, "I want to thank the County and the County Commissioners for this proclamation and for recognizing October as Domestic Violence Awareness Month.

"The coalition is happy that you are joining us in recognizing that this is a important thing to be addressed and that this month in addition to Breast Cancer Awareness month is Domestic Violence Awareness month. If you see people wearing purple ribbons, that's the color that designates domestic violence. So, hopefully you will see purple all over the city and we just thank you.

"I did want to also mention the coalition is having this Saturday at WSU (Wichita State University), a purple mile and that is to bring awareness to domestic violence. It's just a mile walk around WSU. It's free to the public and we hope that we'll have a good turnout. It's our second year to have it."

Chairman Howell said, "Thank you, Karen Schmidt. Thank you, for those comments. I have comments from Commissioner Norton."

Commissioner Norton said, "Karen, thanks for being here today and thanks for the coalition. You know it's amazing to me that October and April are two months that we do proclamations. October is domestic violence and April is child abuse prevention. Those two issues are prevalent in our community. It's very, very sad that here we are in America, where people should honor each other, love each other, take care of each other, share the American dream.

"Yet, we have prevalences of child abuse and domestic violence. It's not a random act. I mean, when you listen to law enforcement and you find out that there's 21 reported calls of domestic violence a day, it's staggering. They don't all pan out to be something that needs to be investigated, but 21 calls a day for domestic violence in our community? How sad.

"So thank you for bringing it to our attention, the attention of our community. We'll never solve these problems if we don't know about them. It's very important that child abuse, domestic violence, any acts of violence, are brought to our attention. So as a community we can start to solve them. Thank you, very much, Karen."

Ms. Schmidt said, "You're welcome, thank you."

Chairman Howell said, "Thank you for your comments Commissioner Norton. Just, thank you once again for Karen Schmidt, for being here today, for sharing that with us. Alright, at this time I'm going to go ahead and take a detour on our agenda. I would like to recess the regular meeting of the Board of County Commissioners and call to order the Governing Body of Fire District 1 for Wednesday, October 5th, 2016."

The Board of County Commissioners recessed into the meeting of Fire District Number 1 at 9:19 a.m. and returned at 9:28 a.m.

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

Adopted

NEW BUSINESS

C [16-547](#)

PUBLIC HEARING RELATED TO THE AMENDMENT TO SEDGWICK COUNTY CODE REGARDING FLOODPLAIN MANAGEMENT AND ADOPTION OF NEW FLOOD INSURANCE RATE MAPS.

Presented by: Kelly Dixon, CFM, Codes and Floodplain Technician, Metropolitan Area Building and Construction Division (MABCD).

RECOMMENDED ACTION: Adopt the resolution.

Mr. Kelly Dixon, Codes and Flood plain Technician, Metropolitan Area Building and Construction Division, greeted the Commissioners and said, "It figures that you would have a scratchy throat in the one time of year I come up. As you know Sedgwick County has always had areas that were subject to periodic flooding and in 1986, Sedgwick County joined the National Flood Insurance Program (NFIP), so that the citizens living in flood prone areas of the county would be able to purchase flood insurance to protect their properties from losses due to flooding.

"This flood insurance was not available from any source other than through the National Flood Insurance Program and for the National Flood Insurance Program

insurance to be available a community must join. Furthermore, as a result of Federal Legislation, any mortgage that was backed by the federal government was mandated to be protected by flood insurance.

"Sedgwick County's membership with the NFIP came with the stipulation that the county regulate development in flood prone areas as their defined on the flood insurance rate maps. These regulations adopted served to protect human life, health and minimize the expenditure of public money for costly flood control projects and to minimize the need for rescue and relief efforts associated with flooding.

"The county's flood insurance rate maps have been in place since 1986 with only minor revisions being included in 2007 when FEMA (Federal Emergency Management Agency) digitized our maps and then again in 2012 when the Calfskin and Dry Creek was restudied. At that time we adopted 11 new maps in western Wichita and Sedgwick County. Since that 2007 revision, FEMA and the state of Kansas partnered to provide Sedgwick County and all of its incorporated cities with a better, more accurate representation of the flood risk. This was aided in a great part by the city of Wichita and Sedgwick County's acquisition of really good quality topography. We did that through our LIDAR (Light Detection and Ranging) efforts. The results of this effort are the maps that will go effective on December 22nd of 2016 and that's we're here today to discuss.

"In many areas the new map will reduce the size of the flood plain but in others the flood plain grew to better represent the flood risk. By having the better topography, one of the biggest problems we had with our previous maps and we discussed this before, was in a lot of areas there were two lines drawn on a map. When the maps were originally produced. The topography were in five and ten foot contours, was not clearly defined where the flood plain would be. As a result of having the better topography, they were able to come in, FEMA was able to come in and do studies and look at the streams and adjust the flood plain so that they actually followed the contours of the ground.

"We found that after the 2007 revisions the maps actually would put streams out of the flood plain and the hill in the flood plain. This corrected that. This is a representation of the entire county. This is a map that was generated when we talked about it a year ago. They just gave three quick color identifications to the flood zones. The yellow flood zones that were food plain today are not going to change. The green areas were some of those inaccurately mapped areas that are being removed from the flood plain by these new maps. Then the red areas were newly defined areas of flooding, either by contour or because of an increase in water flows due to development and also due to the studies.

"We talked about this, again a year ago. Just looking at the maps based on 2014 aerials is where GIS (Geographic Information Services) was able to produce these numbers. In the special flood hazard areas in unincorporated Sedgwick County, there's about 2,785 structures that are in the flood plain today will remain. The new mapping did identify 1,702 structures that are being newly identified into the special flood hazard area.

"When I say structures I'm talking about all structures. In unincorporated Sedgwick County, that could be a barn, a tractor shed or a residence. But we also have 2,409 structures being removed from the special flood hazard area by the more accurate mapping. I did throw in another little piece of information here. The national flood insurance program, these are the policies that are issued in Sedgwick County. We have 212 flood insurance policies in the special flood as arrested areas. We have 79 preferred rate policies. Now, the preferred rate policy, I note that especially, because

a preferred rate policy is for a structure that is not in a flood plain and has never suffered a flood loss.

"It's important to note that we have people that have purchased those policies because it's a proven fact that 25 percent of all flood insurance payouts are for property damage outside the special flood hazard area. So, not only do you need flood insurance if you're in a special flood hazard insurance area, it's recommended when you're out. Especially when we've seen flooding like in the last few weeks where we had flooding's above the one percent annual chance flood where levels were much higher than what we've even mapped.

"Those are areas where that flood insurance would have come in quite handy. I've also noted on there the average premium in the special flood hazard area of Sedgwick County is \$1,169. The average premium for those preferred rate policies is \$364.

"As part of our agreement with the National Flood Insurance Program, the governing body is required to adopt the new maps prior to their effective date. Along with the map adoption, we did have some minor word changes in our regulations that was recommended to us by FEMA and the Kansas Division of Water Resources. One was a definition change. So with that, I would stand for any questions."

Chairman Howell said, "Alright, Mr. Dixon, thank you for the information. Commissioners, any questions at this time? Commissioner Norton."

Commissioner Norton said, "How are you communicating the changes to the public that may either come out or go into the flood zone?"

Mr. Dixon said, "Good question. When we received our preliminary maps back in January of 2015, I was here to tell you about those at that time. After that, we sent out notices to every property owner in unincorporated Sedgwick County who had a structure that showed up in a special flood hazard area. That was the first thing we did.

"We conducted five community open houses throughout the county last spring, spring of 2015. I have given probably 30 or 35 community presentations be it to clubs, organizations, real estate offices. The city did the same thing. They sent out the same notices to their effected."

Commissioner Norton said, "Obviously, we may have a case like we had the lady earlier when she came in and only a part of a piece of property got in. What's the mechanism to protest or to try to invalidate that?"

Mr. Dixon said, "FEMA recognized early on that their maps were never going to be perfect. So they set up a process called the letter of map change, where you have the opportunity to prove to FEMA that your structure is not actually in the flood plain by applying for letter of map amendment or letter of map revision.

"We have been working with people since this first information came out. I've worked with numerous people over the last year in getting their properties surveyed. They've had their properties surveyed to show that they're actually not going to be in the flood plain. So when the maps go effective they'll be able to send in an application to FEMA and get it taken out. If there is a mandatory flood insurance requirement, they'll be able to get that lifted."

Commissioner Norton said, "Flood plain mapping and everything only considers

storm water runoff and flooding on surface and not groundwater?"

Mr. Dixon said, "That is correct. It's strictly surface water intrusion."

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

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

Commissioner Ranzau said, "So are you saying we have, all of Sedgwick County, only has about 300 people who get flood insurance as a result of this, is that right?"

Mr. Dixon said, "That is correct, currently."

Commissioner Ranzau said, "Do you happen to have those on a map?"

Mr. Dixon said, "No, sir. That falls under federal, or identity protection. They can only give us numbers. They can't give us people or locations."

Commissioner Ranzau said, "You don't know locations. You know numbers. Okay."

Mr. Dixon said, "No, sir."

Commissioner Ranzau said, "Alright, thank you."

Mr. Dixon said, "I will add though, because the fact if you don't have a federally backed mortgage, there is no mandatory requirement for flood insurance. So a lot of the structures where we have are older structures that don't have loans on those houses and so they don't have the requirement. That's why we recommend that they still look into it. But, they don't have the requirement for flood insurance."

Commissioner Ranzau said, "Thank you."

Mr. Dixon said, "Sure."

Chairman Howell said, "Alright, any other Commissioner questions or comments at this time? Seeing none, at this time I would like to open up the public hearing for this agenda item, the public hearing related to the amendment of the Sedgwick County Code regarding Flood Plain Management and adoption of new flood insurance rate maps."

"I'd like to recognize Angie Basden who already did speak during the public comment part of our meeting a few minutes ago. Secondly, I have someone signed up to speak right now named Jack Queen. Are you here? If you could please come to the podium and give us your name and address."

Mr. Jack Queen, 3230 North Flat Creek, Wichita, greeted the Commissioners and said, "I just have a couple questions for Kelly [Dixon]."

Chairman Howell said, "You don't need to speak to the Commission today? It's up to you."

Mr. Queen said, "Just the questions that I had were primarily, I guess, just for Kelly on how to get out and he spoke to that already maybe. On some structures that have recently been built in the last four or five years that have gone in and built pads to raise the elevation of those structures and how to kind of get those out and if that was being taken into account and those types of things."

Chairman Howell said, "Alright, Thank you for your comments, Mr. Queen. Thank you for that. I trust you'll get with Mr. Dixon and get that worked out. Do you have any other comments for the Commissioners? I'm certain we would like to hear from anybody on that. Any other questions? Even though no one else is signed up to speak on this agenda item, I would like to ask is there anybody in the audience that would like to speak on the issue of flood plain maps today?"

"Last call, alright, at this time I'm going to go ahead and close the hearing. Commissioners, what's the will of the Board? Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, Mr. Chairman I'm going to just make a comment for the record, because we did have public meetings out at the extension office that were notices were sent out to the public for people. Obviously the folks who were most interested were ones who previously had not been in a flood plain, who after the revised maps were and since the water doesn't recognize property boundaries, there were quite a few parcels that were partially in, partially out and a lot of questions and details relating to that.

"I guess I'll throw out a question here before I make any motion. We've got the information in terms of the number of policies that were in the SFHA (Special Flood Hazard Area) and the ones that were outside. Kelly, do you have any idea if the numbers were significantly different prior to the revisions or is this a relatively small number of policy parcels added?"

Mr. Dixon said, "These are the policies that are in place today. After the maps go into effect, these numbers are going to change."

Commissioner Peterjohn said, "Significantly?"

Mr. Dixon said, "Potentially, because again, any structure that's going into the flood plain that has a federally backed mortgage is going to be mandated to get flood insurance."

Commissioner Peterjohn said, "If someone is partially in, partially out, how does that get handled?"

Mr. Dixon said, "The partially in partially out, the requirement for flood insurance is if the flood plain is actually touching the structure. If just the land or the property has flood plain on it, that doesn't have an effect. It has to actually physically touch the structure. And then, and I believe the speaker earlier was discussing that, where there was a little piece of flood plain just touching the house. That's been fairly common, and in a lot of those cases, a survey will take care of that. It will show that that's kind of an anomaly with the topography, and they will be able to get that house removed."

Commissioner Peterjohn said, "What if you have an out-building, like a loafing shed or barn or whatever?"

Mr. Dixon said, "Currently, federal law says that an accessory structure is exempt if the primary structure is not in the flood plain."

Commissioner Peterjohn said, "Thank you."

Mr. Dixon said, "Now, I will add, the mortgage industry feels a little bit different about that and several lenders have told me that if a building is covered by them, if they

loan the money for it, then typically they're going to want it protected."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Any other questions or comments? Commissioners, what's the will of the Board? Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Chairman Howell seconded the motion.

Chairman Howell said, "Any final discussion? Commissioner Ranzau."

Commissioner Ranzau said, "I would just make the comment, can we include in that motion to receive and file the comments of Angie Basden and Jack Queen?"

Chairman Howell said, "I'm gold."

Commissioner Peterjohn said, "That's fine with me."

Chairman Howell said, "Alright, the motion has been amended."

MOTION

Commissioner Peterjohn made a motion to adopt the resolution and receive and file the comments of Angie Basden and Jack Queen.

Chairman Howell 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."

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

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

Adopted

D [16-630](#)

PUBLIC HEARING ON A RESOLUTION TO ADOPT THE 2015 INTERNATIONAL PLUMBING CODE, 2015 UNIFORM PLUMBING CODE, AND PORTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE AND THE 2015 INTERNATIONAL FUEL GAS CODE PERTAINING TO PLUMBING.

Presented by: Tom Stolz, Assistant County Manager, Public Safety

and Code Enforcement.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Thomas Stolz, Assistant County Manager, Public Safety Department greeted the Commissioners and said, "I'm here this morning to discuss the proposed adoption of the updated plumbing code for the Sedgwick County jurisdiction. Like other government jurisdictions around the country, Sedgwick County has historically adopted local building and professional trade codes from recognized national and international organizations.

"Members of these organizations are industry experts in the fields of building, construction, plumbing, electrical and mechanical code. The code guidelines they produce every three years are generally viewed as best practice for the construction industry nationwide.

"There are three main reasons which we historically covered in the past on why local jurisdictions adopt code in this manner. First and foremost, it represents a way to enhance public safety for our citizens through best practice application regarding designs and construction of homes and commercial buildings.

"Secondly, it helps to insure basic consistency of building practices between jurisdictional lines in consideration to the building and trade professionals who operate in and around Wichita, Sedgwick County.

"Finally, it serves to achieve assistant training protocol for building and trade professionals who are licensing or attaining continuing education in their respected field of expertise. Currently Wichita, Sedgwick County operates under the 2012 Uniform Plumbing Code (UPC) with amendments. I'll refer to the Uniform Plumbing Code occasionally as UPC.

"For the past several months, staff and local plumbing professionals have been reviewing the adoption of the 2015 updated Uniform Plumbing Code. Because a number of local plumbers and the Plumbers Association of Central Kansas has been and continues to be interested in the International Plumbing Code (IPC), the review exercise during this cycle of adoption was to include review of that International Plumbing Code, which I'll also refer to as IPC.

"The code review committee was tasked with one of two alternatives. First, to review the Uniform [Plumbing] Code and build in enough amendments which were consistent with the International [Plumbing] Code to satisfy the group of plumbers who supported the IPC or consider a dual plumbing code alternative, one where the UPC & IPC could be used in the same jurisdiction.

"Additionally, the Plumbing Board voted 4 to 1 to not support the International Plumbing Code or dual code process. During the course of this discussion, it was clear that a number of plumbers supported both a Uniform Code and some supported the International Code. Letters and e-mails and unofficial petitions were received indicating support for each code.

"In response to this split within the profession, the MABCD (Metropolitan Area Building and Construction Department) is suggesting the following option. Adopt the UPC with amendments as proposed by the Plumbing Advisory Board. Additionally, in county jurisdiction only, allow the International Plumbing Code. This dual code system used only in county jurisdiction could be used as a pilot program and reviewed to determine three main things, first of all, safety and viability of the IPC

code. Secondly, to determine if plumbers would even use the International Code if it was given to them as an option, and thirdly, to assess whether MABCD could properly manage a dual code system in this jurisdiction.

“Thirdly, both International and Uniform Plumbing Codes are widely used in the United States. There are some jurisdictions in the country that use a dual code approach regarding Plumbing Code. We would not be the first. Fourthly, we have no data to show the IPC to be a dangerous code. It does appear to be less regulatory in nature and could be more significantly friendly. But, it appears to be a safe code. This is supported by the sheer number of jurisdictions using this code in the state of Kansas and in the United States. For example, the United States Department of Defense references the International Plumbing Code for constructing military facilities, including those that house the United States troops around the world and within the United States.

“Staff recommends adopting the 2015 Uniform Plumbing Code with the amendments listed in the resolution. MABCD also recommends adopting within the county jurisdiction so that staff can collect some local data concerning the performance of the usefulness of the IPC, the International Plumbing Code.

“There’s a technical change in the resolution before you today that I want to make you aware of. Under section 3.1.050, which is the definitions part of the resolution, there’s a change in the old Unified Code. We had listed 240 classroom hours required for certified plumbers. The state of Kansas has changed that to 930 program hours, and it will be reflected in our revised resolution, and that same change appears under section 3.1.380, this hour adjustment between state of Kansas training, which is now required, which historically had not been when they initially formed the Unified Code.

“Then finally, I want to mention within this resolution is an adoption of the International Residence Code pieces, which pertain to plumbing, and also the International Fuel and Gas Code, which pertain to plumbing, because the International Code is a family of codes, and when you adopt the IPC, it involves the other members of that family, which in this case will be [International] Residential Code (IRC) and [International] Fuel and Gas [Code] (IFGC). So that’s also within this resolution. I know there’s a number of people that want to speak today, so at this point, I think I’ll close my comments. I would be available for questions. I also have the Chief Plumbing Inspector of MABCD with me today, Jason Little, to answer technical questions you may have about this resolution or the Plumbing Code in general. Thank you.”

Chairman Howell said, “Alright, thank you, Mr. Stolz. In just a moment we’re going to open the public hearing. Before we do, Commissioners, is there any comments or questions for Mr. Stolz? Alright, so at this time I’m going to go ahead and open up the public hearing for this agenda item. We’ll be considering Charter Resolution exemption, excuse me.

“I want to go ahead and open up the public hearing for this agenda item. So, I’d like to just make a couple quick comments here I do want to hear from all of you that want to speak this morning. Thank you for being here this morning. We want to encourage you to share your thoughts with us. Generally speaking, speakers will be given up to three minutes each to say whatever you want to say. Please do whatever you can to stay within that time frame if possible. If you need to go over, that’s fine. You will see some signs letting you know how you’re doing on your three minutes. You can go up to five minutes, but at that point I may need to cut you off so we can hear from other speakers as well.

"There are a couple of subject matter experts here in the audience that I think are planning to speak today. For those folks, if you need to go over, please just let me know that. I'd be glad to be gracious if I can to allow you to say whatever you need to say. But, we want to be sensitive of the time this morning. By the way, if you've not signed up to speak yet and you still would like to do so the signup sheet is still available in the lobby. Once we get to the end of all of the speakers today, we will close the public hearing. So, at this time we have a speaker at the podium. So I would like to recognize Wess Galyon."

Mr. Wess Galyon, President, Wichita Area Builders Association, greeted the Commissioners and said, "I'm here today on behalf of the Greater Wichita Builders' Association and more specifically our Codes and Standards Committee. I want to tell you right up front that we are supporting the proposal that Tom Stolz has in front of you today. The issue of the use of a Plumbing Code has been an issue that has had some degree of contentiousness attached to it for a number of years. I think it's fair to say there's a union influence and then there's a nonunion influence and that's fine."

"That's what makes the world go-round. But at the end of the day, what we are seeing is a change in attitude by the calls I get from my members and others and not just builders, plumbing contractors that say, you know, the things change over time. We like to have the opportunity to utilize the International Plumbing Code."

"That is also the case for a number of design professionals for obvious reasons. So, I think the thing I want to point out today, regardless of a position a person has here on this issue, the proposal here is to adopt the Uniform Plumbing Code with amendments. So those who want to use that code can use that code. A lot of criticism sometimes gets leveled at builders that they don't care about life safety. Nothing could be further than the truth. But that comment is oftentimes used. What we do as single family home builders and as commercial builders and otherwise, we go to the plumbing companies that we deal with and say, we want your recommendations relative to what we're going to design and build that you think would serve the interest of not only us but the public."

"So we don't make that choice in a vacuum that we make that in conjunction with trade professionals. The other thing with adopting the International Code and I'll tell you I sit on the Codes Committee of the National Association of Home Builders. I've been a liaison to the large multi-family build builders in the country. I have never once heard anybody complain about a problem they have had in a jurisdiction that uses the International Plumbing Code, just haven't heard it and believe me, those guys are pretty vocal. If they had problem they would make sure it came up. But I haven't heard that."

"So I think the time has come for us to be realistic, considerate of each other's position and allow this code to be market tested, if you will, in kind of a real time fashion in the unincorporated areas of Sedgwick County. If nobody wants to use it, nothing changes. If they do want to use it, then Tom will be able to monitor that. He'll be able to see if there's any differences. He'll also be able to evaluate whether or not his staff can enforce that code on a fair and equitable basis, which I believe he would want to do."

"So regardless of what you hear today, I think the time has come to take an objective look at this thing, and the only way to really get an objective look is to market test it and this will allow us to do that without putting anybody at risk of losing the right to use one code or the other."

Chairman Howell said, "I really appreciate your comments this morning Mr. Galyon. Commissioners, any comments or questions for Mr. Galyon? I suspect you have a need to go here. You're time strapped here. So, I just want to say if there are any Commissioners that want to talk to you, this is your chance to do that right now during the hearing. With that, I know you probably need to go, so that's fine. Thank you for being here Mr. Galyon."

Mr. Galyon said, "I want to thank you for bringing this issue up to the point that it is. It takes political will to do that. I know that. But I thank you for doing that and I think the time has come that we can take an objective look at this."

Chairman Howell said, "Thank you so much. I would like to recognize Lonnie Wright. He requested to be the first speaker up this morning and he did sign up on page two, but I'm going to bump him up to the top of the list. So, I'd like to recognize Lonnie Wright."

Mr. Lonnie Wright, 1721 South Lulu Street, Wichita, greeted the Commissioners and said, "I want to address what Wess is sharing. Although half of our plumbers are union members, the union does support the industry maintaining the standards.

"The home builders has always put affordability over health and safety. They made a big deal putting it on their website and exactly that is what we're talking about today also. It's money versus health and safety. Plumbing is a health profession. Sanitary, safe plumbing prevents disease and allows us structure to have both drinking water and toilets in the same building. In many states, plumbing is under the Health Department, not the Construction Department. Our motto is that the plumber protects the health of the nation.

"Some have said that safe indoor plumbing has the most dramatic medical improvement that we've had. It's unfortunate that the Commission majority has selected plumbing as the next health and safety requirement that you can downgrade in the last few months of your majority.

"Last month you rejected the unanimous advice of the Wastewater Board by eliminating the requirement for health inspections on lagoons, septic systems and drinking water wells, very important health considerations that you didn't even allow the Plumbing Board to be made aware of.

"Now you are proposing to again reject strong Citizen Advisory Board advice and lower the level of safety for citizens and users. Chairman Howell, while you were in the legislature you lost that vote 117 to 2 and you have been personally after plumbing since then. Like vaping that you lost in the legislature you were able to force it on the county. You replaced members of the Plumbing Board that you knew favor the UPC with those you felt would vote for IPC. But after review, even they didn't agree with lowering the standards. The Plumbing Board has spent eight months reviewing the Plumbing Codes and recommend remaining with the UPC.

"They oppose your resolution proposing dual codes and you again ignored the citizens. It's unfortunate that we have a trade association that wants to lower the standards of their profession. All over the country professional trades organizations protect their professional conduct, yet we have one whose members oppose a professional board and wants to lower the industry standard. The freedom of choice is to choose getting less. This has been correctly framed as health versus money. It's whether you want to put ups with some sewer odor to save a little money.

"Eliminating a vent to the roof to allow sewer gases to escape into the atmosphere

with a mechanical device that traps sewer odors inside is asking for continuing replacement expense and drain stoppages. All four Commissioner Candidates are expressing their support for the return of listening to citizens and our citizens' boards.

"Some audience members are asking about overturning some of the decisions you have made these past two years. Don't put plumbing on the list of things that will have to be undone in a few months. Vote no. Thank you."

Chairman Howell said, "Alright. Commissioners, any questions or comments for Mr. Wright? We'd like to reserve the right to call up speakers at the end of the hearing if we need to, as well. If you don't mind staying around, I appreciate that very much."

Mr. Wright said, "I enjoy the meetings and I especially enjoy how much you open the meetings up to public comment. Thank you."

Chairman Howell said, "Thank you. I appreciate those good comments as well. With respect to the vote that you mentioned a moment ago, I'd like to clarify one thing. That was House Bill 2035 that was in 2013. I was one of two that did vote against that bill. We changed the training requirements from 240 hours to 930 hours, a 400 percent increase in the requirement of hours to be licensed.

"However, that was reconsidered again in House Bill 2172, Conference Committee Report coupled that with three other issues and I did vote for it at that time in 2014 and it passed 120 to four. Just letting you know I was a yes vote on that vote. Okay?

"That was again, that was 2035 and 2013 and House Bill 2172. Alright, with that I'll call up the next speaker. I'd like to recognize Tim Schmidt if you're here. Again, because of his position, he represents the ICC (International Code Counsel) industry. I'd like to give him a little more time if necessary to get through his material. We're not going to give you a time limit necessarily, because I think that you're one of the folks that represents really a nationwide industry. So, I'd like to give you as much time as you need to get through that, if that's okay."

Mr. Tim Schmitz, International Manager, International Code Council, greeted the Commissioners and said, "Thank you. My prepared remarks are brief for the time slot and then I will be available for questions afterwards."

Chairman Howell said, "Very good."

Mr. Schmitz said, "As you may know the ICC (International Code Council) is a 58,000 member focused association helping the building community provide safe and sustainable construction. Sedgwick County is also familiar with the I (International) Codes as you have adopted the 2012 International Residential Code, International Building Code, International Fire Code, International Mechanical Code and the International Fuel Gas Code.

"As you can see, the I Codes are correlated to work together without conflict so as to eliminate confusion in building design, Code Enforcement or differing interpretations. I'm here today to offer strong support in your efforts to offer a dual plumbing code. In documents sent to you earlier, it's evident that a dual plumbing code is used in jurisdictions all over the United States.

"This allowance gives designers, builders, installers and most importantly owners the ultimate in construction flexibility. It also provides a unique economic development advantage that will benefit your community for years to come. The International Plumbing Code is the most widely adopted plumbing code in the United States. In

Kansas alone, it is the plumbing code approved for all state buildings as well as adopted locally in 55 communities. Those 55 communities in Kansas represent over 1.7 million Kansas residents.

"The International Code Council has a proven governmental consensus process that meets the principles defined by the National Standard Strategy of 2000. It's an open and inclusive process that encourages and receives input from all individuals and groups. This code development process has been in place for more than 80 years and provided the citizens of the U.S. The highest level of safety.

"Any proposals to modify the codes must be accompanied by proper justification, which includes a cost benefit analysis. This process meets the criteria defined by the US office of Management and Budget executive order A-119, the federal participation in the development and use of voluntary consensus standards and in conformity assessment activities and by U.S. Public Law 104-113, the national technology transfer and advancement act of 1995.

"Again, I'm pleased to be here and support your efforts in adopting a dual plumbing code. I'm always available to answer your question. I thank you for allowing me this opportunity to speak today. I didn't see the sign. So that's good."

Chairman Howell said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. You mentioned that this code was already in use in Kansas and places. I've been told and believe if states adopted it, it's already in use in places here in Sedgwick County. Can you address that at all?"

Mr. Schmitz said, "I believe that the, there's local communities in Sedgwick County that have adopted at their level and the state uses it for all state-owned buildings that they build."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "And just to clarify, again, I've got a list of the cities here. On that list, I do see the City of Derby, which is in my district."

Mr. Schmitz said, "Yes, it was not on the original list I sent out. It was my lovely typing error."

Chairman Howell said, "Okay, well Derby I believe is.."

Mr. Schmitz said, "Derby is, Mulvane..."

Chairman Howell said, "And Mulvane, right and Mulvane. So, that's two of the cities that both happen to be in my district. I might also recognize there is Franklin County, Johnson County, Miami County and Seward County are also ICC or IPC."

Mr. Schmitz said, "IPC communities and we have that on our website and I attached the link to it so you folks could take a look at it, too. We try to update it as events like this happen throughout the country. We go back and update as quickly as possible. So..."

Chairman Howell said, "In addition to that, again just adding that up, listing the populations of the cities and counties that are under IPC, according to the data that you provided us, 1.736 million people in Kansas."

Mr. Schmitz said, "That's correct and that was using the 2013 census."

Chairman Howell said, "And that's a majority of our state then, is under the IPC Code?"

Mr. Schmitz said, "Correct."

Chairman Howell said, "Additionally, it's under, it's in 35 states?"

Mr. Schmitz said, "Correct, it's adopted in 35 states or locals within the U.S."

Chairman Howell said, "And in Kansas it's 54 different communities or municipalities that have adopted IPC."

Mr. Schmitz said, "Fifty five, added Derby."

Chairman Howell said, "Okay. Very good. Well that's just some factoids that you provided I think are relevant to the hearing this morning. I wanted to get that on the record, so thank you for that. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, another question that comes to mind. The proposal we have before us here would allow basically either code to be used. The UPC as amended was one of the, is part of this, as well as the IPC. Do you have any comments on that type of dual arrangement and do you know if that's in use in any other part of the country?"

Mr. Schmitz said, "I do and the information I sent out earlier showed the communities in the U.S. that allow it as well as I believe Maryland was on the sheet. I've got my notes behind me. But, what those communities have found is it really gives the designers and the installers the option, so when you go into a project, you can figure out which code works best for that project on what you're trying to accomplish. As I said, it does have an economic benefit and these communities that use it they didn't try it and get rid of it. They still have it today and they're large counties."

"You'll see some of the counties out in Arizona, you know, when you're dealing with Tucson and dealing with Phoenix. Those off the top of my head, those are large counties and they still offer the dual code. The last I talked to my counterpart down there, they have no desire to remove the dual code. I might add that for 20 years, I spent my life on that side of the microphone, making policy decisions and sitting behind hearings such as this."

"You're faced with a choice of usually picking yes and no and not allowing something and accepting something. This is a unique opportunity where you're not telling anybody no. You're just adding to it. So the existing code stays. You're adding another option to the code to let the designers, builders and like I said most importantly, the owners make a choice on which code works best for their particular project. It may be the UPC is used on projects and the IPC on some other projects. But, you're letting the people that are doing the actual business of installing and designing and paying for it to make that decision."

Chairman Howell said, "In terms of places that have IPC in place or are using IPC right now, you mentioned the Department of Defense. Is that what I heard you say?"

Mr. Schmitz said, "That came from Mr. Stolz and that is correct."

Chairman Howell said, "That is correct?"

Mr. Schmitz said, "That is correct. The DOD (Department of Defense) does use the IPC."

Chairman Howell said, "McConnell Air Force Base, which is our local air force base and our VA (Veterans Administration) Hospital would probably be IPC then?"

Mr. Schmitz said, "Correct."

Chairman Howell said, "Just to clarify also, I think, I'm not sure if this is for Mr. Stolz or if this is for you, I think I've also heard that Wichita State University, because it's a state, those are state-owned buildings, the state of Kansas also stipulates that IPC would be used in all of their buildings as well?"

Mr. Schmitz said, "That would be my understanding too, if it's a state-owned property."

Chairman Howell said, "Okay, so again, this idea that IPC is an inferior code I think is being challenged by those factoids. I think it's really important to note that. So thank you, very much. There is a list, you did give us a list of other jurisdictions that have dual codes. I have that here in front of me and I did send that to staff to have them send out to the rest of the Commissioners. So we did at one time get a copy of that. So, I don't have any other questions at this time. But I hope you'll stick around. We may have other questions during the hearing."

Mr. Schmitz said, "Absolutely."

Chairman Howell said, "Okay. Thank you, so much. Okay. I'd like to recognize John Clark. As I call you up, as you come to the podium please state your name and address for the record. I appreciate that."

Mr. John Clark, 1503 East 7th Street, Sedgwick, greeted the Commissioners and said, "I want to clarify one thing. I was the managing Project Manager for a former company and I just did three projects at the VA and we did not do them under the IPC. We did them under the UPC. So, just for clarification. Briefly, I am 30 years in the industry, practicing instructor and installer at this time. I hold multiple certifications in Missouri, Kansas, Nebraska and many jurisdictions throughout the state of Kansas. I believe that makes me a professional in the industry."

"The purpose of the code is an ordinance providing minimum requirements and standards for the protection of public health and safety. It's my professional opinion that the IPC falls short of protecting the public health and safety and welfare with the allowance of the air admittance valves, which you'll find in the IPC Code. Which are not found in the Uniform Plumbing Code. Air admittance valves are mechanical in nature and at some point they will fail."

"Due to their installation locations, this could produce unwanted and unhealthy conditions in the residences and businesses. Hydrogen sulfide gas, carbon dioxide, methane and many other gases are present in sewer gas. Hydrogen sulfide is a highly flammable, heavier than air gas which has a distinct rotten egg odor. In many residences and commercial spaces, the lowest levels are often bedrooms and mechanical rooms. The presence of the gases could cause an explosive atmosphere or an oxygen deficient atmosphere, which would be dangerous to health and environment."

"NIOSH, the U.S. Government National Institute for Occupational Safety and Health,

indicates that the ceiling REL, which is the recommended exposure limit, should never exceed 10 parts per million at any point in time. At 100 to 150 parts per million the person will suffer olfactory fatigue or paralyzation of the nose, in other words you lose the sense of smell. You can't smell the rotten egg smell any longer. That occurs at 150 parts per million.

"At 500 to 700 parts per million, the person will experience staggering, collapse within five minutes and death within 30 to 60 minutes. At 700 parts per million, unconsciousness, immediate collapse within one to two breaths, death within minutes. Just an example of how much 700 parts per million is. That is equivalent to 3.3 ounces in 55 gallons or 700 miles, or 700 inches and 16 miles.

"She just told me I had 30 seconds left. But I'll do the best I can. I have been exchanging e-mails with Mr. Stolz and I quote in his e-mail to me, he is recommending the dual code only in a county jurisdiction in the MABCD jurisdiction, which includes thousands of permits. He recommends or he suggests that there's only 300 permits which will be issued for homes.

"Well, I say are those homes any less important? So what catastrophic event will have to happen before the MABCD pays note to this? Mr. Howell commented in the Wichita Eagle that we ought to allow consumers and businesses not to spend more money than necessary. He also quotes when you turn on the faucet, water comes out. That's what people cares about and I agree, Commissioner Howell, you're correct. That's what people care about.

"It's because we have the proven documented form to follow, the Uniformed Plumbing Code that allows people not to worry. The general public assumes that when they turn on the faucet the water is safe to drink and that the air is clean to breathe and that's my duty and the duty of other professionals in the industry to follow that document.

"Commissioner Howell, you also stated on KWCH news that it's not going to kill anyone, is it? Well, that's false. I have an article here published on, pardon me I've got to put my glasses on, Saturday, July 6th of 2013 in the Wichita Eagle that a woman died from hydrogen sulfide poisoning from a breach in a plumbing system.

"So, anyhow, you further quote that I really don't think it's an economic development issue. You comment that if you're installing an island on the first floor that you have to tear down the walls on the first floor and the second floor and that statement is not true, Mr. Howell. We have options in the Uniform Plumbing Code under the amendments to handle those situations that you discussed.

"So, what I'm saying is, is it really an economic development issue? No, it isn't. County Commissioners, it's about the money. It's not about the money. It's about the safety that we provide for the lives that we protect on a daily basis. So in conclusion, what I want to make sure that I do is make sure I get your names and addresses so when you call me, I want to make sure I put in the minimum standards at your locations and residences. Thank you."

Chairman Howell said, "Mr. Clark, a couple of things, may I have a copy that news articles you referenced. I'd like to submit that for the record?"

Mr. Clark said, "You can. Yes, you can."

Chairman Howell said, "Secondly, you mentioned that kitchen islands with sinks are available under the 2015, actually the 2012 UPC Code."

Mr. Clark said, "Under the amendments, that's correct."

Chairman Howell said, "Under the amendments and how would that happen? How would that happen without venting the sink properly? How would you vent the sink in an island under the 2012 UPC Code?"

Mr. Clark said, "Under the UPC, you would be allowed to have a foot vent that extends to the nearest wall."

Chairman Howell said, "And how do you put that vent in the wall?"

Mr. Clark said, "You put it in underneath the sink just like the drain would go."

Chairman Howell said, "And what is the, so the island is in the middle of the kitchen."

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

Chairman Howell said, "How does the vent get to the wall and where does it go after it gets into the wall?"

Mr. Clark said, "After it gets into the wall you have to connect it to another additional vent under the floor or into the wall. That's correct. You don't have to take, you don't have to tear walls down on the second floor to do that. There's other fixtures in the building."

Chairman Howell said, "all right. But that island does have to have a vent that connects under the floor to an existing wall somewhere?"

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

Chairman Howell said, "Okay. So, if there's not a vent close by, then you have to do something to put that vent in there?"

Mr. Clark said, "You can connect it to other vents within the system."

Chairman Howell said, "Alright, now are you aware under 2015 UPC Code with the amendments being proposed, that the one of the amendments does include the use of auto vents?"

Mr. Clark said, "I agree with that. I disagree with their use. But, I agree that it's in there, yes."

Chairman Howell said, "So, we're being asked in a, recommended with a unanimous vote of all of those involved in bringing this 2015 UPC Code with amendments to us. They're recommending the adoption of auto vents in those cases."

Mr. Clark said, "I believe that's in the code, yes, but again, I oppose them. If you're going to do the job, you might as well do it right the first time. They're mechanical in nature and they fail and my point was after they fail, the plumber's gone. The inspector is gone. They fail 10 years from now. Right? How are you going to track that these fail 10 years from now?"

"The homeowner isn't going to care. He's going to say: oh, I smell something. Oh, here it is. It's coming out of this funny device in my wall or under my sink. So, he's going to go to Home Depot or Lowes or whatever the case may be and he's going to

buy the \$5 one instead of the \$40 one or he's going to say: oh, look here is this .25-cent plug I can screw in there. He won't know, and you guys won't have any ability to track there's a failure until there is a catastrophic event."

Chairman Howell said, "I will address some of those comments you made just a few minutes ago. I'll address that at a later time during the hearing or maybe we get to a discussion on the agenda item."

Mr. Clark said, "Okay, thank you."

Chairman Howell said, "Mr. Clark, thank you, for your time this morning. I'd like to call up. Commissioners, any other comments or questions for Mr. Clark before he goes? Seeing none, I'd like to call up Brian Rogers, please."

Mr. Brian Rogers, Representative, International Association Plumbing and Mechanical Officials, greeted the Commissioners and said, "As a licensed Master Plumber, I have over 20 years' experience in the plumbing industry. IAPMO (International Association Plumbing and Mechanical Officials) was established in 1926 and as it, published the Uniform Plumbing Code since 1945. The Uniform Plumbing Code has served as the minimum Plumbing Code standard for Sedgwick County for over 40 years. Plumbing Codes, as has been said before, are minimum standards to protect the health and safety of the citizens they serve.

"The two plumbing codes in the resolution have different levels of standards. The International Plumbing Code, having less restrictive insulation requirements, falls considerably short of the high standard of protection to citizens of unincorporated Sedgwick County have come to expect and deserve. Unincorporated Sedgwick County citizens are entitled to the same high standard as provided in the City of Wichita.

"As with any codes, inspections and enforcement is the key health and safety component throughout the construction process. Inspectors are tasked with not only knowing code language but being able to apply the knowledge in field applications. Inspections and enforcement is the check and balance between installers, contractors and their customers. The resolution to remove all plumbing inspector qualifications is section 3A040, is not only irresponsible but dangerous.

"The resolution requires the adoption of multiple ICC Code publications to accomplish what the Uniform Plumbing Code does in one document. Furthermore, per resolution language and I quote, 'any contractor or other person completing the work under a permit utilizing the 2015 ICC shall be authorized to complete the work consistent with any of the local amendments to the 2015 Uniform Plumbing Code without the requirement of obtaining an administrative waiver.'

"This language allows all adopted codes, Uniform Plumbing Code, International Plumbing Code, International Residential Code, International Fuel Gas Code, to be thrown in a pile with the contractor or installer choosing any part of the four documents to comply with. Couple this confusion of multiple plumbing code adoption with uneducated, inexperienced inspectors and you have a recipe for disaster.

"Last week I attended a presentation on the effects of deregulating health and safety standards in one community. The local government authorities in an effort to save money for thousands of citizens and virtually changed the lives of many. It was stated in the interview with KWCH that nobody has died and it's about economic development. Should health and safety standards be measured by money and fatalities? If we ask the community of Flint, Michigan, the answer would be a

resounding no.

"In closing, the majority of the plumbing professionals in this community, including those here today that I would ask to please stand and be recognized oppose the adoption of a less restrictive plumbing code and only support the time tested proven Uniform Plumbing Code as recommended by the Plumbing Board. Thank you for your time, Commissioners."

Chairman Howell said, "Just for the record, the audience has a lot of folks in here that are standing up and I appreciate that very much. I'd like to say also, Mr. Rogers, considering your position with the IAPMO office, the national organization for UPC, I'd like to give you as much time as you need to talk about, you can raise any, I'm not going to give you any time limits is what I'm trying to say. You have as much time as you need, sir."

Mr. Rogers said, "There's you know, there's questions, there's statements being made that the IPC is adopted throughout many jurisdictions in the United States and Sedgwick County and in Kansas and that is true. They are adopted. However, adopting a plumbing code and utilizing that plumbing code are two different things. I think there's people that are going to speak that even though jurisdictions have adopted the International Plumbing Code, the contractors/installers are not comfortable using that, some of those insulation standards that are in question and therefore, do not use those practices."

Chairman Howell said, "Very good. I have a couple of other questions here. So, is the issue of the air admittance valve the primary difference that you're concerned about between the two codes? Is that also your opinion the air admittance valve is the issue you'd like to highlight as being the major difference that gives you concern?"

Mr. Rogers said, "I'm not going to stand here and say that is the only issue. There are other less restrictive requirements within the document. For example, allowing 17 toilets to be put on a three inch horizontal line versus three in the Uniform Plumbing Code. That's a big difference. There's a number of less restrictive requirements within that document that have a lot of professionals concerned."

Chairman Howell said, "Well, one thing we can do and I would encourage our board to do this, that would be review the IPC Code and make reasonable amendments to that and one of those amendments should be number of fixture units on different sizes of wastewater systems. So, similar to the UPC Code. They need to restrict the number of toilets for example on a three inch horizontal line. Similar to UPC, I think that's a reasonable amendment that needs to be made. So, I'd ask again, I think that down the road, if we adopt this today, that needs to be something we have to do."

"There's a couple other amendments I would recommend. For example, the use of blue glue versus the separate cleaner, and purple, purple primer and glue would be another one of those amendments. Issue of the nail plates is another example of things where I think to amend the IPC to make it more practical and more reasonable and more usable and there may be a few other things as well. I've got a list of those things I'd would like have reviewed by folks and consider making amendments to the IPC."

"We're making 64 amendments to the UPC. It's not as it is published nationally without amendments, we're making it Sedgwick County specific with 64, I believe amendments to the code. Every one of these codes has amendments to it that we think are reasonable and practical to make it more useable for our community. So, I would anticipate the same thing needs done with the IPC. So with that..."

Adopted

Mr. Rogers said, "So, it is your intention to, if this passes to have the Plumbing Code Board review the IPC that they weren't allowed to before, do a comprehensive review and go through that document?"

Chairman Howell said, "Well, I disagree with your premise. I've been anxious to see a review of IPC Codes for a long time. In fact, they had set out to do that starting in January. They started reviewing codes. They reviewed the UPC Code first and got through all of that. Then they did not have much time left. They just set a date, one day aside for the IPC Code and didn't make any amendments to it. In fact they I don't think they even had a vote. So, if someone is here that can clarify those facts and would like to disagree with what I just said, I would be glad to hear from you as well."

Mr. Rogers said, "I was in attendance at all of those meetings. It was brought to the attention of the Plumbing Board that accusations were that they were stalling and it was the Review Committee made a motion to spend the time to review all of the codes and implement what the review committee felt necessary to go into the 2015 UPC with amendments, and that's what was done. But a comprehensive review of all of the codes, the International Codes, comparisons, as was originally stated, never happened."

Chairman Howell said, "Okay, well, I wasn't at those meetings. I don't think that would have been something that they probably would have wanted. But, I appreciate that you were there and I appreciate the clarification. If there are others in the audience that would like to speak to that, clarifying exactly the timeline and what happened at these meetings, I would sure appreciate to hear from you as well. Commissioner Peterjohn has comments or questions."

Commissioner Peterjohn said, "Yes, Mr. Rogers, UPC before us today has 64 amendments. Would you care to comment on any of those amendments? Are there any concerns that you have about them?"

Mr. Rogers said, "It's common practice for jurisdictions to review a National Model Code and make amendments to those codes that fit their local environment and local practices. So the 64 amendments is not uncommon. I'm working with the county of St. Louis. They had 157 pages of amendments, and they took over, well, they're on their 14th month of going through their amendment package scaling that down. So, you know, it's common practice for jurisdictions to do a comprehensive review, find out what local practices and environments would need to influence a change in the model code language."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Thank you, Commissioner Peterjohn. Any other questions or comments? Seeing none, thank you so much, Mr. Rogers. We like to reserve the right to call you up for clarification later on. If you don't mind sticking around. Thank you so much. I'd like to call up Brian Burnette. Thank you for being here this morning. State your name and address for the record please."

Mr. Brian Burnette, 1330 East 1st Street, Wichita, greeted the Commissioners and said, "This past January I was one of the people that was selected to participate on the Code Review Subcommittee, along with other experts in the plumbing field. I

really felt truly honored to represent the industry in creating a solid and safe code for our community. We were charged with the task of reviewing the 2015 Uniform Plumbing Code, adding appropriate amendments and preparing it for adoption.

"We were then to do a side by side comparison between the International Plumbing Code and the Uniform Plumbing Code. Mr. Stolz assured us at the beginning of this that the subcommittee's recommendation to the Plumbing Board along with the board's approval would have his full support and would then present those recommendations to the County Commissioners.

"The subcommittee met twice a month on a volunteer basis for nearly half a year working diligently on the task at hand. Unfortunately, in the end we were unable to finish the job due to unreasonable time restraints set by the Commissioners. Yet, the subcommittee rallied together. We took Mr. Stolz's recommendation of taking items out of the International Plumbing Code that we liked and inserting them into our amended package.

"We did so in a very timely manner and we voted unanimously as a group to accept it. However, our unanimous opinion has been thrown out the window without any regard, just as the Plumbing Board's recommendations have been and many of us are now left with the feeling that our time has been grossly wasted.

"Mr. Howell on the news Monday night, you spoke as if you're an expert in the plumbing field. I recall a Plumbing Board meeting approximately a year ago in which you stated that you worked for a short while as a helper for a plumber when you were a young man. Does this qualify you as an expert? In my professional opinion, it does not. In the same meeting, you alluded to the fact that many plumbers you know either cannot read or write or have difficulty doing so. Making licensing and continued education unfair.

"Let me assure you your comments about plumbers being illiterates did not go unnoticed and you're uneducated statements on plumbing topics are a slap in the face to anyone who considers themselves a plumbing professional. The proposal of dual codes is irresponsible, irrational and could put our citizens at risk. Any beta test that can bring potential harm to a community is simply a bad idea. I urge the Commissioners to reconsider their stance on this resolution, because at the end of the day, the customer, the end user, is the ultimate loser in this experiment. Thank you for your time."

Chairman Howell said, "Thank you, Mr. Burnett. Any questions or comments for Mr. Burnett? Seeing none, I'd like to call up the next speaker. That's Andrew Tipton."

Mr. Andrew Tipton, 1330 East 1st Street, Wichita, greeted the Commissioners and said, "I earned my Sedgwick County uniform plumbing license in 1998. As reported by Daniel Salazar of the Wichita Eagle, County Commissioner Jim Howell stated, 'we ought to allow consumers and businesses not to spend more money than necessary.'

"Commissioner Howell failed to inform the people the International Plumbing Code allows mechanical devices that will eventually fail only saving contractors on installation and adding an unforeseen burden and as of yet unquantifiable cost to the end user. Commissioner Howell added 'when you turn the faucet, water comes out. That's what people want.'

"I agree with Commissioner Howell, with Mr. Clark who spoke earlier, that is what people want. The people of Flint Michigan turned on their faucets and water came out and they got something they didn't want, ultimately due to government disregard for

the safety of the public, cutting costs resulted in poisoning the residents.

"I would like to address Chairman Howell's feeling of being attacked. Every licensed plumber in Sedgwick County has been attacked by Commissioner Howell. Commissioner Howell has been reportedly allegedly saying that he knows several plumbers that can't even read or write. Well, I assure you I can read and write and I also can vote. I do not know these individuals that he was speaking of or their capabilities, but I can assure you they are not licensed plumbers in this or any other county. You simply cannot pass the Uniform Plumbing Code test not being able to read and write.

"The Wichita Eagle reported dozens of plumbers signed a petition in favor of the Uniform Plumbing Code. The correct number is 246, which is 20 1/2 dozen by my math. I have them here. I would also like to add that along with the amendments in the Uniform Plumbing Code the International Plumbing Code falls short in my professional opinion and I do have a professional opinion. I have carried a license in Sedgwick County for almost 20 years now. There's a room full of people here that are standing in opposition. The Plumbing Board stood in opposition, the subcommittee stood in opposition and as of yet, I have not heard one reason other than economic development for the adoption of dual codes. That's all I have. Thank you."

Chairman Howell said, "Alright, Mr. Tipton, if you don't mind I'd like to address just, all right, I would like to address, just again, you are the second speaker to phrase this issue. Let me speak to that. When I made those comments, it was referencing the legislation that passed in 2014. I did vote for, by the way. In 2013 I did not vote for it. It was a change of classroom hours to, I forget the term uses now, but it is not quite classroom hours, it uses some OJT (on the job training) well, it went from 240 hours to 930 hours. I have had plumbers I talked with that do not want to sit in classrooms.

"That was in no way a comment that plumbers are illiterate or can't read or their not intelligent. Not at all. But there are some plumbers who are tradesmen that have gone into plumbing, very, very good plumbers, excellent plumbers, they own businesses, they have not spent a lot of time in classrooms learning textbook-type environment. They learn OJT, they know the codes like the back of their hand, extremely good plumbers.

"But, to turn this into a classroom requirement that's nearly 400 percent larger than it had been previous to that. There were plumbers that contacted me as a legislator that did not like that change. They said, in fact there were some that said they had not had a high school diploma. They did not graduate high school, but they are very good plumbers. Excellent plumbers that have successful businesses and they don't want to sit in the classroom or consume their weekends in classrooms to be compliant with that state law. That was a reference to the legislation. In no way is it a broad brush stating that plumbers are not intelligent or that they're illiterate. Not in any regard.

"I think most plumbers are doing fantastically. There may be some that struggle with this. That requirement for those few plumbers, it is very difficult for them to comply with 930 hours of classroom instruction. So that was reference to the fact that the state law, nearly 400 percent increase in classroom requirements. That was a tremendous change. Referencing the legislation that was passed and the comments from the plumbers that contacted me at the time. It was in no way a broad brush criticism to plumbers across the board. No way. I respect plumbers. I respect the profession and I think that plumbers are fantastic in what they do.

"It's wonderful job, it's a wonderful career, it's a wonderful profession and it's a

wonderful trade. So, I have the highest respect and regard to plumbers. So that's really, my opinion those comments were taken out of context and I wanted to clarify that. So if you don't mind, I hope you will appreciate what I am trying to say today."

Mr. Tipton said, "I do, sir. If I may make one further comment while I'm here. I'm pretty sure before we give our doctors some on-the-job training we let them read some books and if they say, oh, it's too hard, I can't do that, we don't let them be doctors. But that's all I have. Thank you."

Chairman Howell said, "Very good, thank you, Mr. Tipton. Next up, I would like to recognize Michelle Franklin."

Ms. Michelle Franklin, Executive Director, Plumbing Association of Central Kansas, greeted the Commissioners and said, "I represent over 350 individuals in the community and over 100 companies, locally owned companies in the community as well. I also have signatures representing over 200 workers in the community that are interested in having the International Codes available to them as an option. They are not opposed, for the most part, in having amendments to that if need be. I've had a lot of experience in this as well. I have been part of the [Plumbing] Review Board and gone to the public meetings as well and we teach under both.

"My membership is very excited about being able to have the option between both of those safe codes. I have gentlemen in the industry that have had decades of experience also, who see a value in being able to use the International [Plumbing] Codes also. Those in the industry in our membership that also prefer to use the UPC for the most part are not opposed to others having their preference of using the IPC also.

"We instruct under both codes. We give the customer what they want. So we are very excited about the opportunity to be able to have both available. The community is already educated in both codes. Our inspectors are also already educated in the, under the International Codes and as I mentioned before the community is not opposed to amendments for air admittance valves that include it under certain circumstances as we have already proposed for the UPC.

"So I'm available to answer questions regarding the view of the International [Plumbing Code] supporters through the Code Review Committee and the Plumbing Board and I am available for comment as far as the industry goes for my membership. But we are definitely in support of the dual codes. We educate under both and we see safety and value in using both for the industry and the economy and the community itself."

Chairman Howell said, "Thank you, Ms. Franklin. We have questions or comments, Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Since you are in the position of supporting the idea of a dual code and we've had testimony that we've got certain jurisdictions, Mulvane, Derby, McConnell Air Force Base, the state of Kansas, Wichita State [University] so on, using IPC currently, can you tell us how long that's been in place in those jurisdictions and there are other jurisdictions in the south central area that are also using IPC?"

Ms. Franklin said, "I believe that Hutchinson is also using IPC. I could not tell you exactly the number of years. Probably one of the other gentlemen that are here in support of IPC would be better qualified to tell you that. I have been dealing with the gentlemen who work in those areas for the last couple years and they have been

very pleased working in those areas."

Commissioner Peterjohn said, "Okay, well, if there's anyone out there who can help with that question, I would appreciate it. But I do appreciate you coming and everyone else who is testifying so far and will testify this morning. Thank you."

Chairman Howell said, "Alright, thank you. You did make a couple comments earlier to me. I want to go over those quickly, make sure I understand. You made the comment the community teaches the majority of continuing education for plumbers under the IPC."

Ms. Franklin said, "Yes, sir."

Chairman Howell said, "Okay. To me, that's a very important point. You make the comment that there are a large number of new apprentices taking IPC exam for certification the last eight years. But, especially in the last four years, they are taking continuing ed [education] under IPC."

Ms. Franklin said, "Yes, sir, that's correct."

Chairman Howell said, "So I'm just curious, 930 hours, I think you guys were actually, Michelle, I believe you are proponents of the legislation change in 2013 and '14. I read something where that was true. But are you saying that the 930 hours, any classroom hours that their having, they are primarily focused on IPC or both?"

Ms. Franklin said, "The 930 hours, I apologize for, to be considered for a year's worth of experience in the field to attribute to their certification. Yes, we were in favor of that as that correlated better with local community colleges and what their standards were for other industries. So we were in favor of having an adequate number of hours and included with classroom time that was joined together. So in saying program hours, that allowed both classroom and hands-on training during that time to count for a year's worth of education and I believe that when they changed those hours that was just to match with the industry standard, and yes, we did support that."

Chairman Howell said, "Can someone be licensed in Sedgwick County under the IPC and then do work for either code?"

Ms. Franklin said, "Yes."

Chairman Howell said, "Work under the UPC? They don't have to be licensed, certified plumbers, licensed plumbers under the UPC to do work under the UPC Code. They can do work. Let me say it correctly. They can do work in Wichita the same under the UPC Code, even though they have never been certified under the UPC?"

Ms. Franklin said, "Thank is correct. As long as they follow the UPC Code within that jurisdiction. And that's pretty common. Most of the gentlemen that we see are testing under the International Codes. They specifically request those codes from us and we provide that service to them. Yes, the majority of them are testing under the International Codes. Then complying with the local jurisdictions rules and regulations. Most that apply for certification in Wichita don't just plumb in Wichita or Sedgwick County necessarily. They go to other jurisdictions. Many of them work in Derby also, where then they would work under the ICC."

Chairman Howell said, "Okay, do you have a, obviously you represent a lot of plumbers. You're obviously knowledgeable about a lot of the things going on around

the community related to plumbing. So, do you have any evidence anybody ever had a failure of air admittance valve that you have any, any situation out there that I should be aware of that someone had a health related problem that happen in the area due to an air admittance valve failure?"

Ms. Franklin said, "No major failures that I've heard of. I have heard of them replacing them, but the industry leaders that I have spoken to don't have a problem with air admittance valves. So they're not seeing failures in the field."

Chairman Howell said, "Okay. I will get to that more later in our discussion this morning. But, thank you for your time, Michelle Franklin. I appreciate your time."

Ms. Franklin said, "Thank you."

Chairman Howell said, "I would like to call up, I can't really read the name, looks like Shawn Messmer. Thank you, please, come on up."

Mr. Shawn Messmer, 417 North Young, Wichita greeted the Commissioners and said, "Mr. Howell, we spoke a few weeks ago. I don't know if you recall, we were on the phone for a considerable length of time. It was fun. It was at times pugilistic in nature. I am a professional in the plumbing trade. I am by no means an expert. This is something that I have been doing for about five years now. I can't really speak on the technical aspects, I can't quote senate bills and newspaper articles.

"But, one thing I can speak on in the conversation that I had with you, I am more on the commercial and industrial side of the plumbing industry and really the thing that we differed on was the money costs, when it comes down to installation of plumbing products and plumbing systems under one code versus the other.

"What you continually mentioned was this whole island that you want to put in your kitchen or the average homeowner, which if the average homeowner wants to save money I'm completely fine with that. But when you start talking about a half million dollar job or a 40 apartment complex where you are dealing with hundreds of people, cutting costs at that point in time is not the place.

"When you start looking down the road initially you will see a cost savings from a county issue, from a state issue, Department of Defense, whoever. That's the reason they adopt these codes is because they can save a lot of money. You also mentioned how troubling it was for you, how expensive it is to have a plumber come out to your home and replace the sewer or a water heater.

"Ten, 15 years down the road when they are done with WSU here and the downsizing of venting, the amount of fixture units placed on piping, when that \$300 an hour plumber is coming out and replacing 400 feet of sewer line, is the money the state saved, the city saved, putting up that complex ten years from now, are we going to mention we saved all this money back in the day, but we're spending all this money now to repair these issues? When under the UPC, which is everybody says minimum standards, but from what I noticed, the UPC, it's above and beyond the minimum standards.

"I consider myself, I care a lot about the work that I do. I want to know that when I walk away from a job that the next plumber that walks in there is not going to have to fix anything that I have done, unless it is a failure in material and as long as my product that I put inside of a wall, or under a floor or in a ceiling lasts as long as the material does, then I am completely okay. We talked about representation. You brought forth that you have spoken with many members of the community on both

sides of this. Everybody's known for months that this meeting was here today. If they were professionals and many, many plumbers that you told, that you spoke with that were in favor of this IPC, I have not seen them represented here today.

"On that wall back there behind you, it says fair and impartial. Right now, there is a collective of individuals in this room that are representative of the people that care about this issue. Not people that you have spoken to, but people that care. We all took time away from our jobs today to be here today to voice our opinions on this. If there were the opposition was here, there'd be just as many people. I think it's fairly representative of the plumbers that are in this area who actually care about this community. The rest of them are pretty much business owners that are just looking to save a dime. That's really all I got to say."

Chairman Howell said, "Alright, well, Shawn, thank you for your comments this morning. I did enjoy our discussion. We did have a nice long discussion."

Mr. Messmer said, "It was fun."

Chairman Howell said, "It was really educational for me as well. I appreciate your time and respectful discussion with me. I appreciate that so much. I would like to say with respect to why some of the proponents of this change are not here and that is as I talked with them a lot of them feel intimidated or they have fear of being fired or they have fear of the industry reacting against them personally. They don't want to stand up and put themselves in that situation."

"So this is one of those things where there's a lot of emotion and there is a lot of strong personalities on both sides of the issue. But, some of these folks are not willing to come up here and to say that publicly because of fear and intimidation. That's actually happening. I'm sorry to say that, but that's very unfortunate. But I hope you understand, I hope you recognize that maybe going on. Because it is. I have no other questions or comments for you Shawn, thank you so much, for your time."

Mr. Messmer said, "Thank you."

Chairman Howell said, "I would like to, by the way, we will take a break at 11:00. So, if anybody is wondering when we will take a break, we have a number of speakers still. We will go for a few more minutes. I would like to recognize Steve Watson. W-a-t something a."

Mr. Steve Watson, 9505 Sterling, Wichita, greeted the Commissioners and said, "I just wanted to come up here and speak a little today. Really didn't have anything prepared as far as on paper written down. But, being a resident in Sedgwick County, Wichita, Kansas, I am definitely opposed to IPC and do want to keep the UPC for safety reasons. Everything that we've discussed here from floodplain and to fire safety, it's always been, it's about safety. This should be no different, keeping this UPC Code. That's all I have to say."

Chairman Howell said, "Steve, just to clarify, is it the issue of air admittance valves that you're speaking to when you make the comment about safety?"

Mr. Watson said, "It is that and others."

Chairman Howell said, "Please clarify what the other is. I need to understand. So, if you have other issues besides the air admittance valve, I would like to know what else is your concern."

Mr. Watson said, "No, the item I am speaking on is the health and safety of people of Sedgwick County and anywhere else this code would be adopted."

Chairman Howell said, "But, you don't want to be specific in regards to what about the IPC Code that you have concerns about."

Mr. Watson said, "No, no specifics."

Chairman Howell said, "Thank you very much, Mr. Watson, I appreciate your time this morning."

Mr. Watson said, "Thank you, appreciate it."

Chairman Howell said, "I would like to call up Mike Dirck, Dirck. I'm not sure, D-i-r-c-h. I think. Okay, I'm not sure."

Mr. Mike Dirck, 9141 York Lane, Wichita, greeted the Commissioners and said, "Since around 1977 all the code updates, there has been a committee go through the code book page by page and write amendments to make the Wichita and Sedgwick County Codes the best it could be for the end user. Whether it be businesses or homeowners. A short time ago the city and the county code organizations were consolidated as one entity. The issue of the two code system has split the city and county, as the city will not have a two code system."

"Now, when Wes Galyon said that he agreed with you guys in doing it, you told me in the county. My understanding is it was very little concern with it was only in the county. The city is still not going to okay anybody using International Code according to the way you wrote the resolution."

"I too, was also offended by Mr. Howell's statement at a Plumbing Board meeting when he said that plumbers should not have to take tests to become plumbers, as he knows plumbers that have difficulty reading and writing, but are good plumbers. Now, to clarify part of that, this code repair plumbers, I can understand how you would not have to be, you would have a difficulty reading and writing and still be able to fix things."

"New construction, when you have to take a one page or 100-page blueprint and read it, make the drawings, measure up the sites and everything else to make it work, if you have difficulty reading and writing, there is no way anybody could do that, in my opinion."

"I was on the committee that reviewed the codes. It started out that we were going to try to help the community and everything else and do the best we could do, as we have done, since the 1977. We were told to review and make amendments to the Uniform Plumbing Code and have it adopted. Then we were told to review and make amendments to the International Plumbing Code. Then we were told to review and make amendments to the International Residential Code. We were then told we were dragging our feet and needed to speed up the process."

"Anybody that's been on a Code Review Committee knows that you can, when you go through it page by page and paragraph by paragraph and make amendments so it is the best code we can do, there is no way we could do it any faster than we were doing it."

"We received the Uniform Plumbing Code and made amendments and were told to look at the IPC and see if we could amend parts of the IPC and add these"

amendments to the UPC. We did that. At all the meetings we had, every meeting we would ask people in the audience or, if they had anything out of the International Plumbing Code that they could, could I have some more time, please?"

Chairman Howell said, "Yes, sir, please, go ahead."

Mr. Dirck said, "That they could have, that they could add that we could put an amendment into the Uniform Plumbing Code to make it better. At all those meetings in all those months, we only had two. Two things. One was air admittance valve, which we made an amendment so they could use it and two, was sidewall venting, which we made an amendment so they could use it. Those are the only two things that was ever brought up to change from the International Plumbing Code to the Uniform Plumbing Code.

"The committee voted unanimously, unanimously to recommend the UPC with amendment. That was unanimously recommended. Some people that wanted the International or wanted UPC, it was unanimously recommended to adopt the Uniform Plumbing Code. The county made a resolution to adopt the Uniform Plumbing Code, the International Plumbing Code, and the International Residential Code with amendments.

"The only problem with that was, the International Plumbing Code, International Residential Code had no amendments. There are no amendments in the International Plumbing Code. Then the county found out that there was no [Fuel] Gas Code in the International Plumbing Code. So the resolution was changed again to add the International Fuel Gas Code. My understanding now is that they want to adopt the Uniform Plumbing Code with amendments, the IPC, IRC and IFGC without amendments and this cannot work if there are no amendments in the International Code book, period.

"Now, this is, I wouldn't have brought this up, but I talked to design engineer in Phoenix, Arizona, who had the dual code and he told me that under no circumstances adopt both codes. They are in their fourth year. He works for the city. They are in the fourth year and have, still have problem's that they cannot even straighten out between the two codes. In closing, I think the old system of letting the professionals in the trades decide which code is best for all concerned, and not people who don't understand codes make the decision. Anybody have any questions?"

Chairman Howell said, "Mr. Dirck, thank you for your comments. Again, once again I'd like to, because you raised the issue of my comments a year and a half ago when I visited the Plumbing Advisory Board, I was referencing the legislation issue."

Mr. Dirck said, "You never said anything about the legislation."

Chairman Howell said, "You still have to be a licensed plumber in Sedgwick County, you have to take a licensing test, of course that has to happen in addition to the classroom hours. So now you have to have 930 hours, plus there's also proficiency exams along the way, not to mention, in addition to the licensing exam at the very end. So there's a lot of things you have to do to become a licensed plumber in Sedgwick County. I appreciate that. Again, I don't know if I have to ask for your forgiveness, you said you were offended. I am sorry I offended you."

Mr. Dirck said, "It wasn't only me. A lot of people never heard it. Most of the plumbers in the City of Wichita heard that comment, there would be a lot more offended."

Chairman Howell said, "People talk about things without me there. Because in that room at that time, there was about maybe 15 or 20 people in the room. So that's, for someone to take those comments and repeat them out of context, to me is not, is not accurate."

Mr. Dirck said, "I got those comments off the tape recording. I went to Kim Ladd, the City of Wichita and got the tape recording and took it back in the room and listened to it before I made this statement. It's on the recording City of Wichita."

Chairman Howell said, "Very good. Thank you again for your comments and again, I have the highest respect for what you do and testing is part of the process. It's not going to change and I would never recommend that that does change. So let's be clear. That's my position and it has not changed. My only aversion to that is the quadrupling of the classroom hours, which I did eventually vote for in 2014. All right. Thank you. Any other questions or comments for Mr. Dirck? Seeing none, thank you so much."

Mr. Dirck said, "Thank you."

Chairman Howell said, "At this time I would like to go ahead and give us a bit of a break here, we've been going for two hours. So I would like to give us about a 10-minute break. I'd like to recess until 11:10. Thank you."

The Board of County Commissioners recessed from 11:00 am until 11:10 am.

Chairman Howell said, "Alright folks, we are back from our break. So, I'd like to call us back to order again. Let's think about what's been presented so far today. I would like to ask our Chief Plumbing Inspector, I have some questions regarding the venting of IPC that have been raised. Please, if Jason Little is here in the audience, I would like him to come on up. He's not back from break. There he comes. This is Jason Little, our Chief Plumbing Inspector. I have some questions regarding venting on IPC I would like you to clarify for me, if you don't mind."

Mr. Jason Little, Chief Plumbing Inspector, MABCD, greeted the Commissioners and said, "Very well."

Chairman Howell said, "Is there a vent at the roof on IPC and what's it for? Can you explain that to me?"

Mr. Little said, "If I may, I've been, I was a plumber for 30 years before I became an employee of the Metropolitan Area Building and Construction Department. Yes, sir, air admittance valves are an option in the International Plumbing Code. But, in that option there are a minimum requirement of one vent through the roof in order to maintain a plus or minus of one inch water column in the drainage system. If I may explain and elaborate, one inch of water column is approximately 1/28th of a pound per square inch gage of pressure differential in the system."

Chairman Howell said, "What's the purpose of the vent out the roof. Why is it necessary it is out the roof? Can you use air admittance valves throughout the entire structure is really the question, or is a vent required and if it is required what's the logic behind that?"

Mr. Little said, "Well, air admittance valves may be used on horizontal branches that connect on the same story or floor of a structure and as a minimum there has to be, if it's a single-story structure, one vent through the roof in order to allow a potential

buildup of sewer gas, methane and hydrogen sulfide, to escape safely to the atmosphere without applying an undue back pressure on the air admittance valve."

Chairman Howell said, "Alright. Well, that makes sense. I may ask more questions about that later. But that's a good start to some questions I had. So, thank you, so much. Jason Little. I may call you up later. Thank you for being here today. I would like to call up Dan McCullough."

Mr. Dan McCulloch, 501 East Rolling View Drive, Park City, greeted the Commissioners and said, "I am here as a concerned citizen. I have been in this industry for 40 years. I carry a Master's in plumbing and mechanical. There was an incident that happened that changed my idea about the IPC. It was in March 30, 2009, Lawrence, Kansas. 18-year-old kid, Austin Stone, I don't know if you ever heard about this kid, he had a dental appointment. This dental office was put in under the IPC. This kid went in for a wisdom teeth, to have them removed. Changed his life forever. He now is brain-dead. Because there was no inspection for medical gas in the IPC at that time. This kid going in, came out brain-dead because they got the oxygen and nitrous oxide line crossed.

"I was called by project manager to get the City of Lawrence, in my comment to Chris Champagne was this should have been under the UPC. Now, my question to you guys as Commissioners, who is going to decide what code it's under? A small dental shop, two people own, put in medical gas. There's no qualifications under the IPC back then in 2009. City of Lawrence scampered Scott McCullough, said we need to take a look at the IPC again.

"They tried to go, they called, wanted to know if we could put something together for the NFPA [National Fire Protection Agency] to put in for medical gas. It changed one kid's life, for life. Eighteen years old. I have the article right here from the Lawrence Journal. Scott McCullough said the IPC was pretty vague. So they tried to adopt something for medical gas on their own accord. The code is there for public safety. We cannot forget that. As human beings, we cannot forget what's safe for the people we work for.

"It's like I tell my apprentices. I said one thing in life I can tell you from an old man that's about ready to retire. You get what you pay for. That's something we need to really look at. Those hours of training, those hours of training that we give to these young men, this is the future of our industry. They are learning about science, they are learning inches of water column, they learn how properly things are supposed to work.

"Mechanical side, what if a house has negative pressure and one of those auto vents fails? Where is that going to vent? Is it going to vent outside? It's going to vent inside. These are things we have to look at. We all have bathroom exhaust fans. We all have a kitchen exhaust fan. That can create a negative pressure inside a building. These are things we have to consider. So thank you for your time. Appreciate it as a concerned citizen."

Chairman Howell said, "Comments or questions? Commissioner Ranzau."

Commissioner Ranzau said, "I just have a question to clarify."

Mr. McCulloch said, "Yes."

Commissioner Ranzau said, "On that particular instance, what did you say happened? Somebody switched the.."

Mr. McCulloch said, "Yeah, they got the lines crossed. There was no third-party verification. There was 15 inspections by the inspector out of Lawrence. The doctor, as it states in the article was told that everything was ready to go and then when the young man went in there that's when they had the nitrous oxide and the oxygen reversed and they put him on oxygen, he was given nitrous oxide."

Commissioner Ranzau said, "So, somebody installed the lines incorrectly."

Mr. McCulloch said, "Yes."

Commissioner Ranzau said, "Inspection didn't catch it."

Mr. McCulloch said, "Inspection and they have to have a third-party verification on it and there was nothing in the IPC Code to call for that."

Commissioner Ranzau said, "You said there were 15 inspections?"

Mr. McCulloch said, "Fifteen inspections on the system. On the plumbing systems and mechanical systems on that."

Commissioner Ranzau said, "On that building."

Mr. McCulloch said, "On that building."

Commissioner Ranzau said, "And they missed it?"

Mr. McCulloch said, "They missed it."

Commissioner Ranzau said, "Okay but, so isn't that really a function of the installation error and the inspection process?"

Mr. McCulloch said, "Yes, it is."

Commissioner Ranzau said, "You could have that on any code, right? You could have UPC code and somebody does it incorrectly, it is not inspected."

Mr. McCulloch said, "But you have to have a third-party verification. That's by a separate industry, where they go individually and test individual lines to make sure they are not crossed, and that wasn't done."

Commissioner Ranzau said, "Okay."

Mr. McCulloch said, "Okay?"

Chairman Howell said, "Before we go to the next speaker, I find it interesting the article was referenced earlier by a previous speaker. I wanted to go get some information about that. So, I have it in front of me. I would like to read from the article. It says after Kansas City woman dies under a kitchen sink in March. Authorities suspected sewer gas asphyxiation. The unmistakable stench filled the house. At the time local plumbers and doctors said they never heard of such a thing happening in a residence, even national experts said residential gasses from sewer gas were extremely rare."

"A Jackson County Medical Examiner's office recently confirmed Bernice Weaver, 44, died from inhaling sewer gas. She was homeless, but had been staying at a home, at the home in the 300 block of North Belmont with a friend for several months. Her roommate was not home when Weaver collapsed. The doctor ruled her death an accident from hydrogen sulfide intoxication.

"According to the recently released autopsy results, the results noted that methamphetamine abuse and asthma were contributing factors. Hydrogen sulfide, commonly known as sewer gas is produced from the decay of organic material, according to the chemistry toxicology tests for the county. When inhaled at high levels the gas starves the victim's cells of life-sustaining oxygen. So it is oxygen, lack of oxygen, similar to the way carbon monoxide kills.

"Weaver apparently had poured liquid fire, a powerful drain cleaner, into the pipe under the sink after she and her roommate disassembled the plumbing to deal with a clog. But the drain cleaner should not produce hydrogen sulfide, although it may have enhanced the release of hydrogen sulfide from the water. It goes on and says, I'll skip down to the article, it says building codes require plumbing traps for a reason, he said, to prevent sewer gas from leaking into the enclosed home. But he noted that here are no codes that require the traps to contain water.

"Apparently this home had no water in the trap. So, it was an open pipe. Without water in them, dry traps are useless, he said, just a bend in the pipe. My guys find dry traps all the time, he said. It reminds me of, you know, up until I guess, 2000 or so, I am not sure what year this was, when they changed the trap, the floor drain designs, when they have a device to put water into the trap, to make sure water is in the trap, for many, many decades, floor drains, for example, which are rarely used, especially in the winter months, the water that's in the trap can evaporate over time and creates an open pipe for that sewer gas to come into the living space.

"Summer months when the air conditioning is running, usually there's condensation that fills that trap with water. But, there are arguably floor traps, floor drains across the country, not just here, but everywhere, that are all designed, that those traps can evaporate the water out and allow sewer gas to come in. This is an example of a kitchen sink where that happened. Sewer gas displaced the oxygen. That's why she died. She did have some other factors as well, but the IPC versus UPC would have done nothing to change this outcome. Has nothing to do with air admittance valves failing.

"Okay? Let's be clear. This article is an interesting article, but it has nothing to do with what we're talking about today. I would like to call up our next speaker. That would be Jerry Short."

Mr. Jerry Short 13919 East Bayley Circle, Wichita, greeted the Commissioners and said, "Which is in your area, Mr. Howell. I have been a plumber for 41 years. I've had a Master Certificate for 40 years of that. I've owned my own business. I've done a lot of different things in the last 40 years. Some very good facts have been presented on both sides today. But, I'm going to stress this part about the UPC. The UPC is the most combined code with the fuel gas, the sanitary sewers, the med gas, you get it all in one book. The IPC you cannot do this code in one book and the books are very expensive. You have to have about 5 books to do the IPC Code, which will cost around 5, \$600 for each one of the plumbers, if we are concerned about money.

"But professionalism is the key to the entire industry here and when you deregulate codes like we are talking about today, you really are putting the public safety in

harm's way. The general public relies on professionals like myself to look out for them and their better interests. As far as the auto vent goes, that is a one issue of the code that I don't agree with. But, the med gas you know, you're dealing with more aspects than just residential plumbing here.

"You are dealing with commercial, you are dealing with industrial plumbing and the codes include it all in Sedgwick County, in Wichita, Kansas, we're just not talking about building one dwelling homes. To want to change the UPC to the IPC because of an auto vent I think is ridiculous.

"When I was on the Plumbing Board, which I have been removed in the last year or so, I was on there for 8 years in a row, which I served proudly. I was removed by Mr. Howell. I had a conversation with Mr. Howell, asked for his support on my renomination on the board. He explained to me that I was overqualified. I had too much experience and that it was time someone new took my place, which happened.

"But that person there realizes also that the IPC doesn't offer anything to the community except just a big change and a little bit of work, extra work that the plumbers are going to have to do that's already spelled out in the UPC how to do this island vent. It's just a lack of wanting to do it. We talked about cost savings. The plumbers are going to be having to do less work if it's that situation, but nobody said that the contractor, the plumbing contractor is going to reduce his rate or his price.

"So, you know, the whole thing is save a little bit of money, instead of doing the job right. We could go into plumbing 101, but a vent is installed in a plumbing system to relieve the pressure that is gathered negatively by water going down a pipe and putting a vacuum on it. An auto vent works on a vacuum system. If that fixture causes a vacuum, that's when the diaphragm on the inside of the auto vent opens up and gasps for air.

If it sticks open, it releases the methane gas that is poisonous. In fact, we've all discussed and you made the comment about, yeah, the trap's seal was gone in the trap, that was from not being used and that evaporated. Water evaporates. That's why you have to use a fixture. That's one reason why we used to have in the UPC trap primers on floor drains. But there again, that was a cost problem for the contractors locally. It was too labor-intense and they had to maintain them because they failed.

"So therefore, the subject there was well, let's do away with them, because gosh, we've got to work on them and maintain them. So, when I was on the Board when the appeals and the amendment came to the Plumbing Code for City of Wichita to do away with trap primers. Since about 2010, maybe not quite that long, floor drains are no longer required to have trap primers. Okay? In the City of Wichita, Sedgwick County.

"There again we lessened the code because it cost too much to maintain it safely. That's all I've got, gentlemen. I wish you'd consider this. I do, I oppose the dual code and I hope you consider this as an opportunity to turn this down. Wichita and Sedgwick County does not need a dual code system. Thank you."

Chairman Howell said, "Thank you, Mr. Short, for your comments. Thank you for your service to the county. I'd like to make a couple comments back, if you don't mind. Number one, I did not kick you off that board. Your term expired and you spent at least a couple terms on that board. You were filling the position of an apprentice plumber.

"That's a diverse board for a reason. They have different people that represent different people, there's suppliers on the Board, there's repair plumbing folks on this Board, there's Master Plumbers on this Board and it is a diverse Board for a reason."

"You sir, have 41 years or 40 years as a Master Plumber. I appreciate your service, I think you are obviously a very, very good plumber. But, you're filling the position of an apprentice plumber. I made that case to my fellow Commissioners. We voted, our vote was a unanimous decision to make another appointment to the Plumbing Board. So, it wasn't me kicking you off. Your term had expired and we appointed someone who was in fact an apprentice plumber so we would have diversity of that board. So I wanted to make that, make sure that's very clear, I did not kick you off. It was not a unilateral decision by Commissioner Howell."

"Let me also say, you mentioned the cost of the code book. So, you are aware I am sure, the UPC Code books do cost a fair amount of money and you have to have those books because they are not available online. Whereas the IPC, all the I-Codes are available for free online. Available to anybody who wants to look at them. Including the amendments, that we'll add someday, I hope. So the IPC code actually is very much available and they're trying to make it available. Where the UPC is more exclusive, requires dollars to purchase the books under UPC. You don't get it for free."

"So, again, I will make that very clear. Let me say also, if you want to use UPC, what is being proposed today is you can use UPC. We're considering adopting the 2015 UPC Code with amendments. If you like that code, there's no change required for you, sir. You are allowed to plumb under UPC Code under what's being proposed today, would be a revision of the UPC Code, 2015 with amendments. So, that's available to you as a plumber if you wanted to, if you want to stick with the UPC, you don't have to make any changes whatsoever with regards to IPC. This is just an option for others who don't want to use the UPC Code. It's not forcing anybody to use IPC in this jurisdiction. So, comments, any other comments or questions from Commissioners?"

All right. Would you like to respond to my comments? You're still standing there. So, I wondered if you want to respond."

Mr. Short said, "Well, the cost of the code books is really kind of immaterial. It was just something that is a fact. They are more expensive. I just like to say nothing in life worth having is for free. Nothing's for free. We take things a lot of times for granted and our plumbing codes and our professionals in this community have done a good job representing the health and welfare of the general public. I guess I'm from the old school, you know, if it works, don't fix it. Thank you."

Chairman Howell said, "Alright, thank you, Mr. Short. I'd like to call up Lynn Potter. Is Lynn Potter here? Will someone please get Lynn Potter I'll go ahead and skip him for now. We'll come back to him in a minute. Is Darrell Boger here? I hope I'm saying that correctly. Thank you for being here, Darrell."

Mr. Darrell Boger, 7382 West Warren Street, Wichita, greeted the Commissioners and said, "Thank you, for having me."

Chairman Howell said, "Help me with your last name, I'm not sure I'm saying that correctly."

Mr. Boger said, "You got it, Boger."

Chairman Howell said, "Please state your address as well."

Mr. Boger said, "For those of you that have been around a long time, you will recognize me for working for Code Enforcement here, for 16 years. I am here representing Darrell Boger Code Services. I have been in the construction or the build industry for 45 years. I've done Code Enforcement for 22 years. Out of that, I was a Director of Code Enforcement for 6 years. Also under Darrell Boger Code Services I've taught code classes for 25 years. I teach the ICC Codes and the UPC Codes all across the state of Kansas.

"In fact, I probably teach more code classes for more people than anybody else in the state. I spend somewhere around 100 to 150 hours a year keeping up on the codes and was fortunate to serve on the committee that reviewed that. Unfortunately, we did get shut down earlier than we felt and we did probably the worst job reviewing codes that I've seen in a lot of years. I've chaired four committees in the past, reviewing code books. In fact, I have served on an additional six committees reviewing code books.

"If we were to have the chance, we would have come up with dozens and dozens of amendments for you. But, moving forward and adopting these International Codes without amendments is nuts. I mean, it reminds me of Nancy Pelosi saying we're going to need to adopt this so we can actually read it and see what's in it. I mean, it just makes no sense. If you are thinking about that, they need to be reviewed and amended. Because, I can tell you teaching these, that there are huge differences. I mean, we seem to get hung up on air admittance valves. But, I can tell you there is no med gas, no vac (vacuum), no med (medical) air provisions in the International Code.

"There's no fire penetration provisions in the International Code. The 2015 International Codes you can no longer size storm drainage systems for every commercial building out there. You are now going to have to have design plans. You are not saving anybody any money because of all the items that are not in the code edition.

"Another example, let's take this building right here. It is probably universally heated in the bathrooms with indirect water heaters. There's no provisions in the International Plumbing Code for indirect water heaters. The list goes on and on. I could probably give you a list of about 50 to 60 items that you would really have to address just to even adopt the IPC and make it a usable code.

"There are differences in the way the code was adopted. May I have a few more minutes, please?"

Chairman Howell said, "Please, summarize."

Mr. Boger said, "I will."

Chairman Howell said, "Thank you, so much."

Mr. Boger said, "The reason that there's a difference and we heard a guy say this was a consensus code with ICC. That's not true. The Uniform Plumbing Code allows the entire industry to vote on code changes. So design professionals, architects, engineers, contractors, manufacturers, suppliers, yes, even government entities, gets a say as to what goes in the Uniform Plumbing Code. In the International Plumbing Code on the final code adoption, it's building officials.

"Can you imagine Tom Stolz having to go to a voting meeting where a code change

was made from the floor he had to make a decision on or any plumbing idea. I mean, it just doesn't work. If you truly are going to go through with this, if we truly want to have dual codes, then let's adopt the Uniform Mechanical Code as well. Thank you."

Chairman Howell said, "Alright. Thank you so much for your comments, Mr. Boger. With respect your last comment. No one is advocating for dual codes."

Mr. Boger said, "You just did."

Chairman Howell said, "Alright. I probably will ask Mr. Schmidt at some point to address some of the comments that were just made later on, perhaps on how the ICC code was developed. So we will get to that eventually. But, for right now, Commissioner Peterjohn?"

Commissioner Peterjohn said, "I had some questions for Mr. Boger. If he's kind enough to take them. Interesting testimony, because had a perspective. I'm curious, say last year, how many folks did you actually teach classes to here in Kansas?"

Mr. Boger said, "I would say somewhere around 12 to 1500."

Commissioner Peterjohn said, "From all over the state?"

Mr. Boger said, "All over the state and I teach the International Codes as well as the Uniform Codes."

Commissioner Peterjohn said, "That's good."

Mr. Boger said, "Now, the amazing thing about that when I go teach the International Codes to a jurisdiction that adopted them, about 50 percent of the jurisdictions in the state are International and you train these people on the International Plumbing and International Fuel Gas and International Residential Codes. They say, they don't say no way, Bill, we are not going to do that. In fact in four years, I have actually only found one person that tried to do drain waste and vent out of the IRC. They said it didn't work."

Commissioner Peterjohn said, "Let me ask you, you have had roughly let's say, last year 50 percent of 1500 folks that you trained were with IPC as opposed to UPC."

Mr. Boger, said, "Yes."

Commissioner Peterjohn said, "Of that, how long have you been training for IPC?"

Mr. Boger said, "Well, IPC only been around since 1995? Am I right on that? He doesn't know. He's just an ICC guy. I have been training IPC for about ten years."

Commissioner Peterjohn said, "Okay, for about 10 years yourself."

Mr. Boger said, "Yeah."

Commissioner Peterjohn said, "And about 50 percent of Kansas is using it, according to your side."

Mr. Boger said, "No, no. Let's rephrase that statement. About 50 percent of the jurisdictions are under it. Nobody uses it."

Commissioner Peterjohn said, "Well."

Mr. Boger said, "There's a difference in terminology there, because when you go out and train these plumbers on what the IPC and the IRC says, they just look at you like you're nuts and they say, there's no way. We are not going to do that. The industry is way smarter than jurisdictions, as it turns out. Can you believe that? The industry is smarter than government employees."

Commissioner Peterjohn said, "Let me ask you, because if you are training all these folks and we've had testimony that we're considering here adopting the UPC with 64 amendments and one of the prior conferees said a large number, basically that there are all sorts of amendments to just about every jurisdiction that's using UPC"

Mr. Boger said, "Sure."

Commissioner Peterjohn said, "How do you end up training for them when you've got an amended UPC that could be significantly different in one jurisdiction versus a number of others?"

Mr. Boger said, "Unfortunately, in the small jurisdictions, they do not have the benefit that you guys do. The Code Review Committee process that you do, like you said, I have worked on ten of them, is an awesome thing. It is awesome, because it is so inclusive of the industry. Most of those small jurisdictions that I go train in do not do code review. They do not do amendments. They adopt. Then they try to figure out what they adopted."

Commissioner Peterjohn said, "So the prior conferee we had wasn't accurate?"

Mr. Boger said, "No."

Commissioner Peterjohn said, "Interesting. Thank you, sir."

Mr. Boger said, "Uh-huh."

Chairman Howell said, "One more question before you go. You mentioned that there was one plumber that actually did follow the IPC Code and you said it did not work. Can you please, elaborate on what he did that was per code that did not work?"

Mr. Boger said, "According to him, he tried to do a drain waste and vent system with air admittance valves. He said the venting was just not adequate. It is correct what your Plumbing Inspector said, you can get by with one vent. I would disagree with him, but when he said it had to go out the roof because you can actually get away with one vent through the sidewall, it is allowed. There are three different types of air admittance valves. There is an air admittance valve for stack vents. There is an air admittance valve for fixtures and there is an air admittance valve for branch circuits."

Chairman Howell said, "Alright. That's all my questions, thank you, Mr. Boger. Is Lynn Potter still here? They were in the other room. They are gone? Okay. So, we will skip over Lynn Potter. Mark Herndon, are you here? Thank you."

Mr. Mark Herndon, Owner, Royal Flush Plumbing, greeted the Commissioners and said, "I am going to be brief, okay? I've been a licensed plumber 38 years now, 36 years, and been a business owner for about 36. I am actually here in support of the dual code. You know, I think in your news article, I think you hit it right on the head, in the [Wichita] Eagle, that this has been politicized and this is a political process."

"You know, it just seems like every few years when we have this code review what

we've always been up against local 401, the union. They, you know, at just the key moment their people are appointed with a handshake and a hood wink or whatever to sit on the Plumbing Board and I don't feel like the rest of us independent plumbers have adequately been represented. I think there's been a lot of distortion of the facts and misrepresentation and I'm glad you just pointed that out.

"This is a flyer that you can find in about every supply house. This is typical scare tactic. It is going to cost you \$541 for all these books. When anybody knows if you've got a smartphone or laptop all this stuff is available free online. So, you know this battle has been going on forever. I personally feel like there needs to be some resolve to it and by the way, I do appreciate all the people that have showed up today.

"I mean, these people have showed up because they have got a true passion about their profession. But, I also understand why they do this. You know, if you look at the two codes, they are going to say this is the code of minimums. If I had to look at it, I have used the UPC for all these years and it is a good code, okay? I have no qualms about it. But I have seen advantages in the other code. If they do say it is a code of minimums, so be it. The code works. That's the bottom line.

"You know, there's been a lot of people come up here and bad-mouth the International Plumbing Code. I am a Master in Uniform Plumbing Code. I have sat through the classes because I wanted to be more informed on what the International has available. Thank you. I can give you just a couple brief examples that you guys aren't plumbers up there, but you can relate to. You know, we take all this time and we build a structure and we try to make that structure as tight and as structurally sound as we possibly can. Then here come the plumbers and we drill 42,000 holes in that and we compromise the structure of that. Can I just have a minute more?"

Chairman Howell said, "Please, continue."

Mr. Herndon said, "International Plumbing Code does not require that you make that many intrusions into a structure. You know, I could almost say that like the Uniform Plumbing Code it's a dinosaur at this point in time. I want you to look at how much our technology has changed. Pardon me. You know, the requirements that have been put on our fixture units and stuff, say, for instance our toilets are using less than half the water that they are, okay? Shower heads, maybe 25 percent. Yet I am still required to put pipes in the ground or under your house the same way that I did 36 years ago or whatever. Technology has changed. The code has not kept up with that Uniform Plumbing Code. There have not been any amendments to allow.

"I heard one person say he put 17 toilets on three-inch under International and three on the Uniform Plumbing Code. Common reason would dictate we should be able to put at least six on three inch. We are using less than half the water. So, I just want to say that you know, I have spent this many years in this industry and I have got a great passion for it.

"You know, my customer base that I've got now, they are like my family. If you think that I am going to go out and do something on a job for them that would jeopardize them, the quality of the work that I put in, their health, their safety, you are mistaken, you know. I am going to use my best judgment and I am going to do what I am here to advocate for the consumer. Because ultimately that's who we should stand for on this. What is going to be best for the consumer in the long run. Appreciate your time."

Chairman Howell said, "Mr. Herndon, there may be some questions for you. But, thank you for your comments today. Commissioner Peterjohn?"

Commissioner Peterjohn thanked the Chairman and said, "Couple quick questions. You said you were a Master in UPC."

Mr. Herndon said, "Yes."

Commissioner Peterjohn said, "Have you been, since certain jurisdictions use IPC in Sedgwick County, could you talk about that?"

Mr. Herndon said, "You know."

Commissioner Peterjohn said, "In terms of how you've been doing that. Was there any jurisdictions doing it beyond the ones that have already been mentioned publicly, Mr. Herndon?"

Mr. Herndon said, "You know, I'm not 100 percent familiar on it. I would guess some of these surrounding communities have been under the International six, eight years. I have taken the time to talk to the inspectors to find out if they have had problems with it. They've had zero problems with it. That's the best off knowledge I have got on that. It's worked well."

Chairman Howell said, "Thank you so much, Mr. Herndon. The flyer he was talking about was in the, it's in the supply houses across the entire community that says plumbers, important notice, the Sedgwick County Commissioners are planning to adopt two plumbing codes to enforce on the work you do. That's not accurate. Because, again, we are considering an option, if you will, it's an issue of freedom. You can pick UPC as you always have. You don't have to know anything about IPC if that's what you want to do. So, that's not an accurate statement."

"We're just trying to, what's being considered today is an opportunity for those who want to be on IPC to use IPC in Sedgwick County. It says this will double the plumbing code provisions you will have to know and use. Again, not accurate."

"Except in the City of Wichita. Let me be clear, Wichita has not taken up this issue yet. But, I have no doubt they'll have a chance to adopt the 2015 UPC Code with amendments. I'm sure part of the discussion will be whether or not they want to follow Sedgwick County. So, that will be a discussion for the future. What they do is their business. We have no influence on what they do there. Certainly their choice to make that decision. But, that's a future thing that will happen. We don't know what they'll do."

"It says the inspectors will have to also know both codes in order to enforce them. I would like to clarify, there are four inspectors for Sedgwick County. All four inspectors are proficient on these codes. It's not a problem. I can clarify that with our, Mr. Tom Stolz or our Chief Plumbing Inspector, if that's necessary. But, they are already proficient in both codes. Not a problem."

"So for those that want to, for the users of these codes we are giving you the option. If you don't want to change, you don't have to change. You want to change, it's an option. Okay. We will talk about that more later. Like to call up Jim Lancefield. Thank you."

Mr. Jim Lanzrath, 619 East Helbert Street, Mulvane, greeted the Commissioners and said, "All I want to say is, I been doing this a long time, much like Mark that spoke earlier. I've got, I have been doing this since I was 18 and I'm 55. So, the only thing that I know about the International Code is when I go to jurisdictions that have the

International Code and I ask the inspectors and they tell me if you will do it like the Uniform Plumbing Code, you will meet all that and that's true.

"I don't know of anything that if you did it like the Uniform Plumbing Code said that wouldn't pass the International Plumbing Code. The question I have and I always hear things about economics and end user and when you do something like that, it saves you a little money. I don't care, when the builders have done it for years on their stuff. Somehow it never makes it to the end user. Somebody does save some money, somebody does pocket a little bit more money. But, I very seldom see it go to the end user.

"You know, I think back at when they adopted the [Residential] Building Code and they had smoke detectors in every room and Wes actually went to them and said that was too much money. So, they changed that to where it was in the hallways. You know, outside the bedrooms so they could get, tamp that down. But I really doubt that it lowered the price of the house by a couple smoke detectors. I guess that's my point is I don't know why we would try to do something if it's supposed to save the end user money and if it is not going to save them money I don't know why we would do it.

"But I do know when I have been in jurisdictions, a lot of them and first of all, some of those inspectors in those jurisdictions are not proficient on the International Plumbing Code. But, in all fairness, I am not proficient on the other one. So it causes some problems you know, when they just tell me do it like the Uniform Plumbing Code. I guess I get confused as to why you would have something else.

"So I know that they want to try the dual code. But if you do pass that, then I think it would, the rest of us are going to have to go to figuring out the loopholes or whatever, cost savings, because we're going to have to compete. I think that's going to be a big deal. So that's all I got to say. Thank you."

Chairman Howell said, "Mr. Jim can you please say your last name for me one more time?"

Mr. Lanzrath said, "Lanzrath, L.a.n.z.r.a.t.h."

Chairman Howell said, "Lanzrath. Let me ask you a question. So, you said that you will have to, the very last comment you made, in order to be competitive you will have to do what again?"

Mr. Lanzrath said, "Well obviously, if there is some advantages and you adopt the dual codes and the rest of us are probably going to have to exploit whichever code is going to be better for us financially. That doesn't mean it is a better way to put it in. But you know, we all got to compete in this world. You understand what I am saying? So."

Chairman Howell said, "What I'm, I guess what I am getting to is, if it's going to be more competitive, I think that's the word you used. I assume that means it will be less expensive. So the job you are bidding will be slightly less than what it would have been without this code option. Is what you are saying."

Mr. Lanzrath said, "I'm just saying I am going to want that money. That's what I am saying. I am not talking about giving anybody any money back to the consumer."

Chairman Howell said, "Right."

Mr. Lanzrath said, "Because that never happens. That's what I'm saying."

Chairman Howell said, "This actually might benefit you potentially."

Mr. Lanzrath said, "Right. But it is not a trickle-down theory that gets back to the consumer every time."

Chairman Howell said, "Alright. I just wanted to understand what you were saying there. Thank you so much. Any other questions or comments for Mr. Lanzrath? Alright, seeing none, thank you for your comments, sir. Appreciate it."

Mr. Lanzrath said, "Thank you."

Chairman Howell said, "I'd like to call up Kelsey Leidy."

Mr. Kelsey Leidy, 6529 Marion Drive, Wichita, greeted the Commissioners and said, "I have been plumbing trade all my life, grew up in it. Took over my father's business in 1982. I've been a, I am currently a Master Plumber, Master HVAC (Heating Ventilation and Air Conditioning). I also, along with Darrell Boger, teach classes. I teach the International Code for mechanical, have done some for plumbing."

"Some great things have been brought up here today. One of the things that I had a bunch of notes and Mark knocked me out of some of them and some of the other guys knocked some of my notes out. The one that kind of stuck with me is on the medical gas. Our inspectors don't inspect medical gas now. That's third-party. Yeah, that was a tragedy that happened up in Lawrence. But, I think everybody's learned from it. So, that's the reason third-party inspections have become necessary."

"There's also I understand, a third-party certification. If I test under the Uniform Plumbing Code, I'm still not allowed to do medical gas. I still have to take a medical gas certification. Okay? So, that kind of takes that all out on its own. In its own realm."

"One of the other things, we were talking about fuel gas or sewer gas coming into the house. They said if you have negative pressure on a house, you're going to have sewer gas. If you have a negative pressure on your house, sewer gas is going to be the least of your problems. You're going to have carbon monoxide from your water heater, from your furnace. I mean you are going to have serious issues. One of the benefits that I have being HVAC and plumbing is I get to see the interaction between those things."

"I had a customer a while back call me up water heater not working. I get out there, they have got a whole house fan. Okay? You run a whole house fan, you are going to have a negative pressure if you don't have a whole lot of stuff open. Okay? As far as I know, there is no regulation on whole house fans. Okay. If you have a floor drain that's open, yeah, you are going to have sewer gas, because you are going to have negative pressure on that house from that whole house fan. A lot of those out there."

"Another issue that I have is the things that you just covered as far as the cost of the books. I get so tired of hearing that. That you got to have all these books. You got to you know, pay out all this money. I've got everything I need right there for the IPC. All the I Codes right there. Okay? Get back to the basics. I am in support of both. I don't want to take anything away from anybody, but I also see the advantages to the I Codes. I have had numerous conversations with Dale Wassinger, the inspector in Derby. Dale adopted the International Plumbing Code as written, okay. Has he had any trouble? No. They have been under it for eight years."

"Reason they did it was he got tired of having the architects come into town and him

having to reject those prints and say oh, you got to rewrite that under the Uniform. Okay? When he went to the International he was able to let those people design and if you also notice, per capita, look at the expansion going on in Derby. Gentlemen, thank you, for your time."

Chairman Howell said, "Thank you, Mr. Leidy, for your comments. Before you go, let me say I was going to make that point that Derby is one of the fastest growing communities in the entire state of Kansas. The growth is unprecedented elsewhere. We have got tremendous growth and it is a great, great community, safe community and whatever they're doing out there ought to be duplicated wherever, because it is a great model for us to follow. Thank you, for your comments."

Mr. Leidy said, "Thank you, for your time."

Chairman Howell said, "Last on my list and again if you have not signed up and you would still like to speak, I know we have been at this quite a long time. Hopefully anyone else that speaks will bring new information, if you have that. But finally on my list, I have the Mayor of Goddard, Marcy Gregory. Sorry for not recognizing you earlier. I didn't think I saw you at the beginning of our meeting. But, she is an elected official."

Ms. Marcy Gregory, 11 Hopper Court, Goddard, greeted the Commissioners and said, "I was in the overflow room. So, don't even, don't worry about it at all. I appreciate you and I will try to be brief. Again, you heard from industry experts out here. I'm not going to even begin to touch on that. Although, I am related by marriage to several plumbers. All of whom stand in solidarity with the gentlemen that are opposing going to the dual system simply because of the confusion involved. If we have one uniform policy, then we all know what the go-to is."

"So, as a policy maker, that's what I want to talk to you all about from my perspective with regard to policymaking. Again, you've heard from industry experts that have said that the safest way to go is the Uniform Code and that's kind of been recognized for a number of years. So that's the approach they have used. If you start allowing one group to use the International Code and another to use the Uniform Code, you don't have any cohesiveness, you don't have anything for people to look to for a safety standard, is my point."

"Again with regard to when we looked at the policy that you made, the policy that you changed that you made a few weeks ago getting rid of your septic system inspection. I just am very concerned about the perspective of people wanting to bring businesses or wanting to locate their residences in our community. If we have an image of buyer beware and that's kind of when you do away with regulations that protect and promote health and safety for people purchasing new homes or existing homes that can create an image of buyer beware for the people that could potentially be moving to Sedgwick County to live, work and play."

"So I would just caution you with regard to that and it is my perception, I have told my staff and also my legal counsel to consider drafting some kind of resolution or ordinance that would exempt our community from this, should it go forward, should you adopt the dual code. Thank you, for your time."

Chairman Howell said, "Mayor Gregory, thank you for your comments. Again, like to say I care very much about health and safety. I think that's a good topic. But

sometimes these issues are mischaracterized. Let me read something real quickly. One of the biggest concerns about this continues to be the air admittance valve. Let me talk about that for just a minute. In fact, before I get to that, let me recognize Commissioner Peterjohn. He has a comment or question."

Commissioner Peterjohn thanked the Chairman and said, "Mayor Gregory, are you willing to stand for a question or two?"

Ms. Gregory said, "Yes, sir."

Commissioner Peterjohn said, "You brought up what this Commission did a few weeks ago."

Ms. Gregory said, "Yes."

Commissioner Peterjohn said, "Are you aware that what this Commission did basically put us in the same position with building inspection and with termite inspection, where operating we would be setting up a system very similar to those provisions that are currently in place. Do you find those deficient at this point in time?"

Ms. Gregory said, "I just think it's, for someone buying an existing home it is a level of concern the change that has been made that they are basically on their own to even know that they need to have had an inspection."

Commissioner Peterjohn said, "Well, the private sector has been inspecting and there's plenty of protections in place. It wasn't a question of being having no inspection. It was a question of who might do it. Now, the private sector installs these systems. I realize I am going off the topic here, but since you are an elected official, you've got responsibilities at the municipal level."

Ms. Gregory said, "Yes."

Commissioner Peterjohn said, "You've got your own mill levy in Goddard."

Ms. Gregory said, "Right."

Commissioner Peterjohn said, "Quite a bit different than when you first went into office."

Ms. Gregory said, "Right."

Commissioner Peterjohn said, "I think it would be important for us to know what level of government involvement you think is appropriate. Because, what we are looking at here is a very narrow question in terms of whether we might expand choice. You brought up issues that really don't have much directly involved with this specific topic. But since you are an elected official and you do have a public responsibility in that regard, do you think as an elected official perhaps the municipality should be involved in termite inspection and housing inspection as well as obviously from your comments that you support the idea we should have sewer system inspected, too?"

Ms. Gregory said, "Well, yes. My approach is not only as an elected official making policy, it is as a consumer. When I was a first home buyer we had a bad situation where something got missed in an inspection and we got, we were liable for some termite damage that should have been taken care of by the previous homeowner. It was an oversight and it is one of those things it's been dozens of years ago."

"But for a new home purchaser, somebody that's not done this before, that's why I think they depend on the county and local government to be there for their protection and they want to know that that home has been inspected for plumbing, for electricity, by someone that has knowledge of the systems that they don't have knowledge of. Most people don't know electric, plumbing, HVAC. The average person doesn't have that expertise. That's why we rely on industry experts, such as our Plumbing Code Inspectors, or our Electric Code Inspectors."

Commissioner Peterjohn said, "We've conflated a little bit in terms of what we had done previously with the topic today. I just wanted a better understanding of your perspective, and..."

Ms. Gregory said, "Did that answer your question?"

Commissioner Peterjohn said, "Of expanded government regulation. Whether it's the..."

Ms. Gregory said, "So, did my answer..."

Commissioner Peterjohn said, "Sewers and..."

Ms. Gregory said, "Satisfy your question?"

Commissioner Peterjohn said, "To answer your question, it is an interesting point and I appreciate you standing for the question. Thank you, Mayor."

Ms. Gregory said, "Thank you. Any others? Before I sit down?"

Chairman Howell said, "You may sit down."

Ms. Gregory said, "Thank you, very much."

Chairman Howell said, "I want to make a point in just a minute. Before I make my next point, I'd like to ask is there anybody who has not spoken that wanted to sign up that did not actually do so? Yes, sir. Please come to the podium and state your name and address. You spoke earlier?"

"Tell you what, we need to be expedient with our time here. So, I hope, we've have had a lot of discussion. I would like to go on, if it's okay. Please go to the podium and state your question briefly. We've really got to move on here. Thank you. I will allow it this time. Thank you. State your name again, please."

Mr. Dirck said, "When I was up here before, we talked about amendments. I would like to ask the Plumbing Inspector if you people adopt the International Plumbing Code, International Residential Code and International Fuel Gas Code with no amendments, how will they be able to inspect it? They have to inspect with no amendments whatever that book says is law. You will have to adopt those code books. So, anybody that uses International Code word for word out of those books with no amendments. I would like to have him answer how he will be able to do that."

Chairman Howell said, "Well, he'll have his chance to speak here in just a few minutes so maybe he'll address that. But, thank you for your question."

Mr. Dirck said, "Alright."

Chairman Howell said, "Anybody else that has not spoken that intended to sign up

and has not signed up to speak? Alright. I am speaking to the other room as well. Anybody in the overflow room that would like to speak that has not signed up? Getting to the end of that. So, since we are at the end of our speakers, I'm going to go ahead at this time I am going to close the public hearing for this agenda item. We have some issues I'd like to get through as a way of moving forward here.

"One of the things I would like to bring up is, there is a tremendous amount of discussion about the auto admittance valves. I would like to ask our Chief Plumbing Inspector to take, this is actually an auto air admittance valve. I would like to have him take a look at that for me and describe what's on the end of that for me.

"While he's doing that let me read, yes please. Please, approach the bench. You may take that and go to the podium. I appreciate that. Here is another one by the way, this is what these things look like. Take that over there, that's fine. Here's another one. This is designed to be in a wall. You can take this apart quickly. Inside there is an auto air admittance valve this would be in a wall, so it's accessible.

"These things are not buried inside the wall. One of the requirements is they have to be accessible and maintainable. So, if they do fail you have to be able to get to them without tearing out walls to get to them. They may be in attics. But, they are either on the top of the vent stack or in the attic or in a wall that's accessible like this or perhaps under the kitchen counter top, kitchen island. But places like that. That has some markings on the end. Can you please, describe those markings and tell me what they mean."

COMPONENT DEMONSTRATION

Mr. Jason Little, Chief Plumbing Inspector, MAPCD, greeted the Commissioners and said, "Yes, sir. The codes require that appliances, devices and appurtenances used in a plumbing system must be labeled and listed. Which means that they have been tested and certified by agencies that do that."

"This device is a Studor mini vent. It says it was made by the IPS Corporation, sewer vent. Now, on the top of this is a patent number which helps to identify the device. The name of the device, where it's manufactured and it has a number of certification stamps by different testing agencies. One of those markings is ICC, one of those markings, NSF, which is the National Sanitation Foundation. Another mark upon it is ASSE, I believe that's the American Society of Safety Engineers.

"It has the number of the listing under which this device was tested and it says 1050 and 1051. Which tells us exactly where to look in those documents to ascertain that it was tested and what standard it was tested under. This also bears a marking on it that says IAPMO. Which would indicate, seem to indicate, sir, that it is tested and certified to a standard acceptable to the IAPMO, the publisher of the Uniform Plumbing Code."

Chairman Howell said, "If a certified plumber installs a substandard part that doesn't have those markings and certifications on it, in other words the \$6 part, is that acceptable to the IPC Code?"

Mr. Little said, "No, Chairman, it is not. It would be written up as a correction notice and required to be removed and reinspected at such time as it was brought into compliance with code standards."

Chairman Howell said, "Alright. Okay. Let me read this as well. Again, it's a Studor valve, there may be other companies that do this as well. But, this one is a Studor

brand and I've got the entire Studor book in front of me here. This one says, it complies with all major international standards, including European ones, the American ones, under ASSE 1050, 1051. These are performance requirements for stack AAV's (Air Admittance Valves) for sanitary drainage systems. They are durable because they have been tested at 500,000 cycles, that's 250,000 cycles at minus 20 degrees Celsius and 250,000 cycles at positive or plus 65 degree Celsius, at six-month intervals by third-party testing body.

"A more extensive test also conducted over ten-year period for the valves were subjected to equivalent of 1.5 million cycles. This equates to 80 years of service without failure. In addition, each valve is individually tested to provide, to prove its sealing function to any pressure as opposed to batch testing before it is packaged and shipped. The Studor products are durable because of the type plastic they use.

"They go on down it says, there's no moving part or mechanical device within the Studor AAV's. That means there is no compromise on efficiency, which is why Studor products offer a lifetime warranty. The idea that these things are going to fail in five or ten years, for one that's certified like that particular valve I think is not accurate.

"Derby's had this code someone said for about eight years so far. Do you have any information regarding what's going on in Derby in terms of failures of plumbing code or plumbing systems in Derby, can you talk about that?"

Mr. Little said, "Only anecdotal information, sir. As referenced by code officials down there, who wish to not get into the thick of the political fray of this issue. Been installed per the manufacturer's instructions, which come with the valve and in compliance with the code regulations they have been found to be trouble-free. They have no reports of any failures of this device in their jurisdiction."

Chairman Howell said, "Very good. Now, homeowners might see one of those fail. They might buy the substandard part. That's potentially possible. But homeowners do all kinds of things that aren't per code perhaps. I mean that happens. But what plumbers do, certified plumbers do and what is inspected and what is expected in the code is to have a certified valve like that one."

Mr. Little said, "Yes, sir."

Chairman Howell said, "Can you please, let's see here, I have a couple other documents I was going to ask you about. I have got so many papers in front of me. I am losing track of some stuff here. The venting on IPC is roughly 50 percent the size that's required under UPC, is that correct?"

Mr. Little said, "The standards that are stated in the code are that the minimum sized vent for this system that I believe we are discussing most directly air admittance valves, must be half the size of the building drains served as a minimum. Therefore, if you have a four inch building drain or sewer, a minimum of a two-inch pipe must extend from that building drain to the free atmosphere as it was pointed out.

"I may have misstated it was through the roof. It can extend through a sidewall, which has been found to be acceptable by the engineers and folks that have studied this much more in depth and scientifically than I have, sir."

Chairman Howell said, "Very good, alright. That's all my questions for you at the moment. Is there anything else you want to say? You have been listening to a lot of information. Anything else you would like to bring up or raise as a..."

Mr. Little said, "I would like to just stick to the facts of the code, sir and let others' opinion and the Council's wisdom guide in this matter. I am an employee and I will do as directed to the best of my ability."

Chairman Howell said, "Very good, thank you so much. I would like to ask if there's any other comments by two of the speakers, because of their positions, one of those was Brian Rogers, who's been listening to a lot of stuff. I'd like to ask you because you do represent a nationwide code. If there is anything you would like to clarify or bring up as you've been listening to the hearing today? I'll do the same with Tim Schmidt in just a moment. I'll give you an opportunity to clarify anything that's been said."

Mr. Rogers said, "Thank you, very much, Mr. Chairman. First of all, I do want to let everybody know that IAPMO does publish codes online and they are accessible, 2015 Plumbing Codes, Mechanical Codes, Swimming Pool Codes, all of our codes are available at www.IAPMO.Org. So, everybody can have access to those."

Chairman Howell said, "Is that a new thing this year? When did that begin?"

Mr. Rogers said, "I think it's about a year old. That's when the organization decided to put those out."

Chairman Howell said, "Well, that's a good change. Thank you, for that."

Mr. Rogers said, "I'd like to address the minimum vent pipe sizing that has been discussed. The four-inch building sewer requires a two-inch vent. With that, that two-inch vent has to relieve all the pressure, air pressure that is developed within that four-inch pipe."

"I think everybody is smart enough to know that you cannot move enough air in a two-inch pipe that you do in a four-inch pipe and those vents through the roof are there to vent not only the structure, but the sewers within the street as all the houses or structures on that block are being used it creates variable pressures within all the structures."

"The vent through the roof, only having being two inch there is no way or through a sidewall, there is no way you can move the same amount of air through a two inch pipe as you can a four-inch pipe. Everything else in the structure can be vented using the air admittance valve. So, I just want to clarify and point that out."

"There is a lot of talk about freedom of choice for the installer to choose which code they install by. There is truth to that. However, what I see happening is you're going to have architects, engineers, designers, construction managers, they are going to dictate on their projects what code is going to be used. So, to really say that the industry is going to have a choice, there are going to be many instances that that code is going to be dictated at the beginning of the project. That is going to put a lot of burden on a lot of licensed plumbers in the county to be versed in the other plumbing code, having to go through training and become knowledgeable in that code."

"The other item, I know we're really going long on time. The air admittance valve that bears the standard marking from IAPMO. I want to make it very clear IAPMO has many business units and one of our business units is the inspection and testing to standards. We certify many, many, many plumbing products throughout the industry to specific standards. We do not make these standards. We take the product and we take the standards and we test that product to that standard. If that product meets

that standard within lab conditions, they can be certified or we will certify that project, that product.

"However, that does not mean its code-compliant. If it does not bear the UPC shield then that particular product is not code-compliant to the UPC. So, I just want to make sure, make that very clear that our business unit tests these products to standards and we put our marking on it.

"Talking about you know, plumbing 50 years ago and the innovations between IPC and UPC for your information, there is a organization called the PERC organization, PERC study, it's the Plumbing Efficiency Research Coalition, which is a group of industry experts from all across the United States, including both model code organizations that are studying the drain line transport and the sizing and before IAPMO publishes and makes changes to their drain line sizing, we want legitimate studies done that determine the proper size of these drain lines.

"One of the main factors in drain line transport is not size, but the type of toilet paper that's being used. So there's a lot of different considerations. There's a lot of studies that are going into that. Yes, I think there'll be changes in the future. But just to make changes, pull something out of the air and throw six fixtures or whatever, let's have some studies and documentation. I think that's all the notes I had. Thank you, very much."

Chairman Howell said, "Well, Mr. Rogers, thank you, so much. Any comments from Commissioners to Mr. Rogers? Before he steps down? Alright well, thank you for your follow-up comments. I appreciate those very much. Mr. Schmidt, would you like to say anything before we move on to Commissioners' deliberations here?"

Mr. Schmidt said, "I will be very brief. Because I know everyone's sugar level is about what mine is right now. Interesting discussion today. What I wanted to just wrap up from my point of view, the International Code Council, is how we form the codes and it was brought up earlier, that you know, you shouldn't have the building inspector be the only ones to vote on the codes.

"We have committees. Anybody can be on a committee. You don't have to be a member of ICC. Anyone can propose a code. It goes through a process. I don't know if you can see this right now, my printer wasn't cooperating with the color, but this is a black and white. This is the code process over the ICC, it's nationally recognized and adopted.

"As the idea works its way through the process, at the very end, it's the people that do the inspections of these systems. Whether it's building, plumbing, you name it, those are the people that are responsible for making sure this is something they've seen in the field. This is something that they agree with, this should be changed in the code. That's how a code changes within the organization of the ICC.

"We allow manufacturers on the committee, we allow plumbers. You name it. They can be on the committee. At the end of the day, a manufacturer is not going to vote on a proposal that the manufacturer put in, says the only air admittance valve you can use is the one you just brought up and all the sudden that gets written up. We don't allow that. That's why our process has been approved nationally on how we allow code changes to go through and it takes a long time.

"We adopt Codes and there's some criticism on both of our parts on the codes that get updated every three years. You know, you name the industry that you guys keep changing your codes every three years. Things change quickly. Look at a cell phone

from five years ago, six years ago. The process changes out in the construction field, manufacturing principals' change, new studies come along, as Mr. Rogers mentioned. We all take note of those and we want to incorporate that to the latest and greatest and safest code out there.

"So I'm proud to stand here with the ICC today. I thank you guys for your long, long time today and the public hearing. I think you heard a lot of good information and as I said, we are always available for questions. We've been around a long time.

"There was a question earlier when the first code was published. Three model organizations came together to form the ICC. The first code published by BOCA (Building Officials Code Administrators) in 1950 and in 1995, the first, once everyone merged together in the International Code council, 1995 was the very first International Plumbing Code. So, standing back there flying through the internet trying to get some if that information for you quickly. So, hopefully we answered most of your questions."

Chairman Howell said, "Alright, Thank you, Mr. Schmidt. Thank you for the follow-up information. Commissioners, any questions for Mr. Schmidt before he steps down? Alright. Thank you, so much. I just want to ask Mr. Stolz, is there anything else that you would like to raise before, we probably have some discussion I imagine, as a Board here. But, anything you would like to bring up that you heard that you wanted to address?"

Mr. Stolz thanked the Chairman and said, "Not really. This is, we had a taste of the argument and the discussion that's gone on for many years in this jurisdiction. As a manager, as a scientist, I don't know how to resolve this issue. We could probably continue this for a couple days, other than to study it locally, which is why we have recommended the dual code application in a test phase to look at safety and viability of the code, to determine if the plumbers would use it or not and determine if we can manage it. So I just wanted to repeat that, I thank you for the attention of the Commission today."

Chairman Howell said, "So, let's be clear then. If we decide a year from now, if this isn't working good for Sedgwick County, we always have the chance to just, undoing this decision today, for example."

Mr. Stolz said, "Let me mention also, the City of Wichita. Because, this is a joint metropolitan area department. The way we had historically since the merger adopted codes, is we hear it on the county side first, with the county makes a decision. I go over to the city podium. I have told City Manager, the strategy of what we have laid out here and the potential of the dual code and county jurisdiction.

"The city has the right and privilege to ask me about it and they have the right and privilege to adopt dual code. I'm not recommending it at this time for the three reasons I just laid out. Is it safe? Are the plumbers going to use it? Can we manage it? It makes more sense to do it in a test phase than in a jurisdiction wide phase. So that's what I would prefer. But, at any time if the Commission, if we see something unsafe in this code, we're not going to wait a cycle to come back to you. We're going to come back to you immediately and recommend that it change or be revoked.

"If the plumbers aren't using it, I think we wait for a cycle to see if that happens. If the city wants it, then the cities, the Council has the authority to adopt it. So, that's how we're just going to play this out over the next few weeks, depending on the will of the Commission today."

Chairman Howell said, "Considering amendments potentially to the IPC that might be needed, can you lay out the process that that might..."

Mr. Stolz said, "That goes without saying, I don't think I agree with all the speakers in here. I don't think we want to adopt the code lock, stock and barrel without looking at amendment. If we, depending on how the Commission votes today, if this would pass for example, we would immediately convene a subcommittee to look at IPC and recommend amendments that make sense jurisdictionally, just like we do on the other codes we adopt. I think that goes without saying that we would want to take a look at amendments."

Chairman Howell said, "Very good. Other comments, Commissioner Peterjohn"

Commissioner Peterjohn said, "Yes, we've spent a lot of time talking about the City of Wichita and obviously we're just focused here on unincorporated Sedgwick County directly. We've had the testimony from a Mayor, one of the 19 other incorporated municipalities in the county, some of which follow the county code, some of which obviously we've got some that have already gone ahead with IPC in terms of Mulvane and Derby they have gone in a different direction."

"Can you talk for a minute, Tom, about how this might impact the other jurisdictions, the other municipalities and as I understand it, they have the complete authority to be able to go off in their own direction. Am I correct in that?"

Mr. Stolz said, "Absolutely, let's talk about class two and three cities for a second. The merger back in 2012 was mainly county government and City of Wichita. But even before the merger, we had nine memorandums of understanding with class two and three cities that Sedgwick County would provide their code services to them. That was everything from permitting, to inspection, to plans examination."

"That has since grown to ten. Mayor Gregory, City of Goddard, has an MOU (Memorandum of Understanding) with us. But I always tell the inspectors and I will tell the Mayors of every city, we honor your jurisdiction when we are in your jurisdiction. If Mayor Gregory decides that she does not want dual code in her jurisdiction, then they don't have to have dual. We will continue to still provide service for her community, but that particular in Goddard City limit, they could not use dual code. We would continue to honor what the governing bodies of class two and three cities want within their particular jurisdiction, even though we have merger."

Commissioner Peterjohn said, "I think that's an important point to get on the record. Thank you."

Chairman Howell said, "Any other questions or comments for Commissioners, for a Mr. Stolz? Alright. Seeing none. Commissioners, we've had a long morning and now afternoon discussing this. We need to go ahead and make whatever comments or motions we would like to make at this time. So, Commissioners, I would open this up to the Board for your comments or motions. Commissioner Norton."

Commissioner Norton said, "I'll start it off. To me, its very, very important that if we are going to have advisory boards we make them legitimate. We honor what their work is. We listen to them and try to move forward from there. They embarked on a complete review, they got through the UPC code and had quite a few amendments. I think it flies in the face of what we're trying to accomplish here if we don't put the ICC code to the same scrutiny."

"We're going to adopt it, then let's adopt it with all the amendments that the experts

think should be put in there. I'm talking experts that support the UPC and support the ICC. It makes sense to me if the UPC, which has been around a long time, has been highly respected and used, has some places where it might need amendments, then the ICC code probably has places where it needs amendments and it needs to be reviewed so that there's closer to standardization on those talking points that are in conflict.

"We know that there are talking points on both sides that are in conflict. Yet we haven't allowed that to happen before we're going to move forward on all this. I think there's obviously a real dual code conflict.

"I agree with that. I don't think that we should move forward on this today. The other thing that concerns me is that this merger, this push to have an MABCD was trying to functionally consolidate ideas and codes and the way we run our business, find efficiencies and effectiveness and savings in government.

"Yet now we are going to fragment this so that we've got out in the unincorporated. Some codes in the unincorporated areas is going to be different than a small city that's right next to it. Then a first-class city. Then our major metropolitan area. All are going to be different. I don't see how that becomes efficient and effective government. I think we are rushing to judgment on this.

"You know, I heard even the ICC rep say that it's a long process. We have to go through it and look at it and people get tired of seeing you looked at it for a long time, why haven't we made the changes. Because, it's very complicated.

"As I have listened to this today, I can tell you one thing. I am not qualified to be a plumber. I've got a Master's Degree and I couldn't do what you do. I'm pretty proud of your industry. It does keep us safe. You know, if you talk public health and understand public health, the things that have changed public health more than maybe medical science, maybe technology, are things like what plumbers do.

"Give us safe and efficient water systems and sanitary systems. Go back to the history of public health. That's what it was all about. Pure drinking water, fresh air, sanitary systems. You know, the early days of sanitary systems was you poured it out of your house into a trench in the middle of the road. They found out that wasn't very good for the public health. We don't do that anymore.

"Very smart people that work with their hands and understand this industry help us make those decisions. I honor that. I can tell you I am certainly not qualified as much as I have listened today, to understand all of that. I think we are rushing to judgment. I will not be supportive today. Although, I think we need to have a conversation. It doesn't mean that I hate the IPC and love the UPC. It does mean that I think we have a chance here to functionally consolidate and think about how we move forward, because there's other areas that, you know, I keep hearing we need to talk about.

"Whether it's I.T. (Information Technology), purchasing, fleet maintenance, all of those things in our community. If we continue to say, well, we only can do it one way, that's not good. But if we grind our heels into the ground and don't have the conversation and really look at it with an open mind, we are creating this kind of conflict.

"I think we are rushing to judgment. We didn't let our advisory board do their work and get finished on it before we started considering this. So, I will not be supportive today. But, trust me, that doesn't mean that I'm anti-one code or the other. It means that I think we need to fully vet this before we move to any kind of conclusion.

Thank you, Mr. Chair."

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

Commissioner Ranzau thanked the Chairman and said, "I want to thank everybody for coming here today and speaking on this issue. Very important issue that I know we are all concerned about. I think its important to note, first of all, this issue comes before us because prominent plumbers brought this issue to us. Plumbers in the community brought this issue to us. I am disappointed in some of the rhetoric and fear-mongering that's going on.

"A typical example is the editorial board today which clearly demonstrated the editorial board does not understand the issue and is not interested in making any attempt to understand the issue. It furthers their political and ideological agenda to issue an editorial like this that has false information, misleading facts, things that are simply untrue.

"But as an elected official, I don't have the luxury of making policy decisions on false, misleading and factually inaccurate information. I have to do what's best for this community. We all care about health and safety. We want to protect the health and safety of this community. Unfortunately, a lot of people like to use the health and safety, public health as a way to fear monger and to push for increased regulation and unnecessary cost on our community in a lot of ways.

"So, you have to take the time to research issues and weed through the information that's being told to find out what's reality, what's real, what's not true and make the best decision you can. We're here today, it's been recommended by staff, the idea of having dual codes so people can choose. We're not preventing one code from being used over the other. We are allowing two codes to be used in our community.

"Both of which are time tested and safe. Both have stood the test of time and are safe. That's the fact. Within the state of Kansas, approximately 1.7 million people are covered by the IPC. Our instructors are already trained in IPC. But, 1.7 million people are covered by IPC. Some examples, I not going to go into all of them, we have local. We have big communities like Johnson County, Lawrence, Manhattan, Olathe, Overland Park, Shawnee. We have smaller more local areas like Augusta, Derby, El Dorado, Haysville, a little further away Hutchinson, Mulvane, Newton, Wellington, Winfield.

"All of these communities are covered by IPC. Some of them have dual codes, some only have one. Only have IPC. It's proven safe. It's tested as well, and it has the potential to be more cost-effective in doing so.

"The statements that there has been a rush to judgment and we didn't let the advisory board do the work, are factually incorrect. There is no rush to judgement and we let the advisory board do the work. We asked them to. The problem is, they refused to do it.

"We have been working on this issue for over a year. Enough interest in it, we asked the advisory board to go through both codes. But, they dragged their heels, pushed back, created subcommittees that were stacked in opposition to IPC. I would have loved if they would have actually, I don't believe they put forth some honest effort, a good faith effort in this. That's very disappointing.

"That's difficult, I'm disappointed to have to say that, but I believe that's accurate. We put this off multiple times, trying to get them to go through this code and they refused.

Now somebody is going to go through this code. There's been no rush to judgment here at all. That may play well politically, but it's factually incorrect.

"We have someone you know, someone that was here representing 100 different businesses. That would like to see this done. All of these other communities can't be wrong. If some local communities want to opt out of this and make the communities less competitive, compared to others, then they can do that. But, I think this is something that is long overdue.

"You know, very early on and I think the public needs to be aware of it, because, there was talk about the advisory board. Very early on in my tenure as Commissioner, we got help by members of the plumbing union to appoint people on the board. I thought it was helpful and very nice, because I didn't know anybody, et cetera and I asked them why are you so interested in this? They said they were just trying to be helpful.

"But, now I understand that it appears to me that as time goes by that the real intent is to stack the board for people who will support UPC and are unwilling to even consider IPC. That's very disappointing and that doesn't help our community.

"So, I think hopefully as we move forward here we can continue to have a conversation. I think people will realize that as many other communities within the state of Kansas, many of them even within our county here already know that this is, this code is safe, it's tested, it's time tested. Hopefully we can have a more honest conversation as we go forward and review these codes and make changes as necessary. I think that's important for us.

"But, this is like a lot of other discussion, it gets distorted and blown out of proportion. We talked about what we did here recently. A lot of misinformation about that with respect to this, that and the other. But you can't, it doesn't help the community, the fear-mongering issue and distort the reality. It's important to have an honest conversation. Unfortunately, there are forces within the community that are politically motivated on a lot of issues that don't want that to happen.

"I am not going to be, I'm going to continue to work for the people of this community in my district and take an honest assessment of these important issues and not be bullied around by some people who don't want to have those honest conversations. I think that's important to do as we go forward. We want to continue to protect public safety in a cost-effective manner. I think having this dual code will provide that opportunity. Thank you, Mr. Chairman."

Chairman Howell said, "Thank you, Commissioner Ranzau. I would like to make a couple comments. Then I'll recognize other Commissioners as well. I would agree that this is not rushing to judgment. This is something I started at the very beginning of my 2015 year. I started the discussion, I think IPC Code provides some solutions to some problems UPC does not seem to allow for common sense solutions in a couple of areas.

"So, I believe that the IPC was a discussion I wanted to have and find out whether we could adopt IPC as an alternate, or replacement for UPC or at the very least take the ideas of UPC and put those in, some of the solutions that are embedded in the IPC Code and put those into the UPC Code. In terms of honoring their work, I believe that's exactly what they did. They did look at the IPC Code and some of the things that are good about IPC Code. They created amendments and put those in the UPC. One of those amendments are the use of air admittance valves.

"All this discussion about concerns about health and safety make no sense to me. Considering that the UPC has an amendment that allows the use of auto air admittance valves in the UPC code. It was recommended and adopted by unanimous vote. So, if that's true, then it doesn't make sense to me that that you can have an aversion for the use of those valves in the IPC Code when you accept the use in the UPC Code. Whether this passes today or not, we will see.

"But I will say that the work that they did in reviewing the 2015 UPC Code with amendments was very good work and its going to be useful. It seems to me that everyone seems to be in favor of adopting at least that part of this discussion today, the resolution that adopts the 2015 UPC Code with amendments, I perceive that there's support for that. So, that work will not be wasted as someone said earlier.

"As Commissioner Ranzau said, the majority of our state really is already under IPC Code. In fact, it's sweeping the nation, 35 states use it currently. I think it's a progressive code. Someone who spoke today said that the UPC code was designed by very old technology in regards to, for example, the amount of gallons used by a toilet is half what it was when UPC Code was created years ago. So that needs to be taken into account.

"I'd like to liken this to a couple of other examples. I come from the aircraft world. I have a lot of experience in testing aircraft. I can tell you I love aircraft. I know a lot about them. I study them and I am involved in the testing of aircraft. That's my job when I am not a Commissioner.

"The F4 used to be stationed here at McConnell Air Force base. It is a great airplane. It's not a great airplane in terms of efficiency. It uses way too much gas. It's like a, I liken it to a shoe box with wings. It doesn't, it's not really designed to fly but it does. Because it puts so much power behind it, it actually does its job. But it is not a good airplane in terms of efficiency.

"Today we've got airplanes like the 787, very graceful airplane. Our standards in aircraft today, we define and prove the load limits by breaking the wings of these aircrafts to know when they break. Then by conformity we know every airplane built under the same standards will endure the same loads. They exceed those loads by three percent, 103 percent essentially what they designed to.

"They don't want to make the airplane any heavier than it has to be to do what it needs to do. They want it to be efficient and effective. So engineering has created a better airplane. One of the best airplanes flying today is Boeing 787 aircraft.

"When I was in Topeka one of the debates that happened, among many debates, was this issue of dental technicians doing or filling cavities. Dentists unfortunately, we don't have enough dentists in western Kansas and people out there that need to have their cavities filled have to travel hundreds of miles. Very inconvenient to find a dentist who can actually fill their cavity.

"So, one of the solutions provided by the dental industry was to give the training to dental technicians to have, you know, give them training so they could do, fill cavities. The biggest opponents to that are dentists. I think it's very interesting. Again, I think if the focus is the consumer, dental technicians who can provide the service to fill a cavity, they'll need other training to do root canals or crowns or whatever else the dentist might do. The biggest opponent to dental technicians filling cavities are the

dentists who are established. I liken that to this.

"This is arguably a more exclusive code than the UPC, requires more parts. It requires more stringent standards as many of you have already said. It doesn't allow for as long of trap arms. It requires larger vent lines. It requires vents to go in places the IPC allows for less parts and less labor and it is arguably less expensive and UPC is more complex. It requires more labor and more time to install. So, the bids will be higher. I think this is one of those issues where it's almost like an economic development idea.

"There was a guy who was here earlier who spoke. I see this as an economic development idea. Because why would you want to spend money to put things in your building that don't make the plumbing work any better? If it works well under the IPC Code why would you want to require more parts, more labor and more expense to do something that work with less of those things?

"So I think this is a progressive code. It's sweeping the nation. I think down the road if you'll look back I think the IPC is going to continue to gain more ground. It's technology-driven. It's designed by engineering standards and physics. It's proven. So the idea this is a dangerous code or inferior code, I think it ignores the point that this is a progressive engineering-based code. It's been proven. It is in the majority of the country. It's in the majority of our state.

"So I think that the characteristic or characterization that this is a dangerous code, its going to harm people is unfounded and so, I will recognize other Commissioners in just a minute. I will make the motion we adopt the resolution and authorize the Chairman to sign. So, we'll see if anybody seconds that. Commissioner Unruh."

Mr. Stolz said, "Chairman, if I could interrupt, there were two technical changes to the resolution, if you could perhaps include that."

Chairman Howell said, "Do I need to adopt the resolution, so I'd like to make a motion to adopt the resolution and authorize the Chairman to sign and this includes the red line changes for the two places in the resolution."

Mr. Stolz said, "Thank you."

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

Commissioner Unruh thanked the Chairman and said, "Well, I guess I understand why this has been a long-term battle between the different perspectives on this particular code. Because we've sure beat it to death this morning. But, Tom, if I could ask you a couple questions. The statement was made about affordability versus health and safety. From your perspective, as being the head of this department, is there a risk to health and safety of our citizens from what is the recommended action here?"

Mr. Stolz said, "I wouldn't have thrown the motion out or the resolution out if I thought so, sir. There's been a lot of dialogue back and forth, which we've had this dialogue for years. It's one of the reasons that we recommend, that I recommend, that the MABCD recommends that we use this as a trial period so we can answer that question locally. We don't have to look at national magazines. We don't have to look at and hear national debate. We can look at it scientifically, locally in a small piece of this jurisdiction to answer that question.

"I don't think so going in. I think we can manage this. I can't answer that question

unequivocally until we try it. So that's why we're advocating for just this partial and I understand what Commissioner Norton said it's adverse to everything I believe in, as far as this merger. But I think to learn and grow we have to try something and rather than try it jurisdiction wide, I feel better trying it in a small piece of this.

"So I don't know the 100 percent answer to that question, sir. But after we can get local data I can come back here and give a better answer on that. I don't know if any plumber is going to use this in here. We've heard plumbers say, you can go ahead and adopt it, I'm going to continue to use UPC. Well, if that's true, what is the point?"

"After our experimentation period, why would we want to continue to have dual codes if nobody is using it? So, those are things I think will answer themselves over the course of six months to a year, 18 months, as we look at this."

Commissioner Unruh said, "Well, I'm not willing to approve something if I think there is a risk to health and safety."

Mr. Stolz said, "ICC is the best model code, 35 states have adopt it. Federal government, state of Kansas. I can't believe that the International Code Council, of which every other one of their codes I adopt, IRC, IBC, IMC, we adopt them all. I just can't believe that the International Code with their experts and their engineers and the diversity of that group that sits together and looks at this code would try to sell us something dangerous. I just can't believe it. I won't believe it professionally. But, until I get local data, sir."

Commissioner Unruh said, "The flipside of that was affordability on it. Can you give me a sense on a residence, say a typical residence, how much difference in cost is there? I mean, is there a way to just give a ballpark? Is it \$100? Is it a \$1,000?"

Mr. Stolz said, "I don't know the answer. ICC will provide data to show you on commercial jobs large-scale multi-million commercial jobs that savings between this kind of code versus the Uniform Code can go to hundreds of thousands. On a single-family residence, I don't know and honestly as we had this discussion over the past months and years, I don't care necessarily about cost. I care about safety and if it can be cheaper and you can get two groups up here and they can talk and debate that all day. If it's cheaper, great. If it's not and it's the same and it's safe, I'm satisfied with the Code Director. So I can't answer that, Commissioner Unruh. Again, if we can get in and experiment with this and get our hands on it locally might be able to give you better data within a year or so."

Commissioner Unruh said, "Okay. Is that how long this dual code test period, you think it will be a year?"

Mr. Stolz said, "I think it makes sense to have it for a cycle. We are on a three year cycles here. But I reserve to right as Code Director, as Safety Director now to come in and if we see anything that's dangerous in this code sir, I'm going to be back to this podium asking you to amend or change it or delete it or abolish it."

"Across the spectrum, not just the Plumbing Code. So I'd like to see it go a cycle. I agree with Commissioner Norton, I think it is unhealthy to maintain jurisdictional differences between Goddard or Wichita and Sedgwick County and I would hope that at the end of this cycle we can make a decision a rational, scientific, logical decision to adopt this dual code jurisdiction wide or go back to a singular code that makes sense. I don't want to continue for perpetuity having dual codes in one piece of the jurisdiction and not in others. So, I am hoping I can answer that question in a cycle. So, I hope that answers your question."

Commissioner Unruh said, "Yeah, no, it does. I appreciate that response, because I am just not supportive of going on indefinitely on dual codes. I mean it just doesn't make sense to me. We need to say, this is Sedgwick County, this is our standard and I would hope that if we've got a merged Metropolitan Area Building and Code Department that everybody will be on board with that same code and we don't have exceptions all over the county. It just doesn't make sense to me.

"I've been in the automotive repair business for 40 years and when I told my technicians how much camber to put in the left wheel, that's how much camber went in the left wheel and how much towing went on the car because I know what it took to make it handle right and not have tire wear. I didn't give everybody a bunch of options. So I suppose if it is the wise thing to give this a certain term of trial, then perhaps that makes some sense.

"You know, I've used the words that as a Commissioner I wanted to be reasonable and responsible and rational in the decisions I make. I don't like dual. I don't like the idea of a dual code. But, if we need it in order to settle this a certain trial period, I suppose that does make some sense. Because we've had, you know, arguments on both sides of the issue.

"But I'm concerned about some comments made about our advisory board. I have always had high regard for the people who served on our advisory board, both the time and energy that they give citizens of Sedgwick County, but also their expertise. Have we had a problem there? Have they been pushing back, resisting? Have they been refusing? I mean, this is news to me to hear this."

Mr. Stolz said, "Let me answer generally and I will get specific. Our advisory boards in plumbing and the other two trades, plus building and construction, those are, they do yeoman's work. They do it for free. They volunteer their time and they come in and help us review code. Because what we don't want in this jurisdiction is government dictating code to the people. We want people having input in that. So, our advisory boards across the spectrum provide a very valuable service and your appointments for those boards are extremely critical.

"The Plumbing Board when we did, when we worked with the subcommittee, the subcommittee that worked for eight months on this, worked very hard. They looked at UPC. They went exactly as they said they went word by word, page by page, they looked at the Uniform Plumbing Code and they built in 60-plus amendments that they all agreed upon, and that my staff, my master plumbers also agreed with. We were very comfortable with that.

"The conflict in this process came in the International Code discussion. We were, I hope I was clear at the beginning of this process, which was almost a year ago now, at the end of the 2015, that we have to give due diligence to both these codes. Because, a number of plumbers wanted to see it and the Association of Central Kansas wanted to see it. This is a group of a number of plumbers, local people, that we work for.

"So we were very clear, we wanted both of these codes scrutinized and we, but, we didn't get with the IPC was page by page, paragraph by paragraph review. We got a group sitting in a room saying the IPC people, tell us what you want, we'll write it in. That's not total, that's not bona fide, justified review. You have to go through page by page and that's what didn't seem to get done. Then so we present what we're presenting today. I think that needs, I insist that needs to happen to deal with what the Chairman talked about amendments.

"I think we're going to want, I'm not saying any code that I want to adopt lock, stock and barrel. We need amendments to the plumbing code, International or Uniform and that needs to happen. But, what we couldn't seem to get that to happen in that down in the dirt, dirty work of going page by page."

"Timing was of an issue there, but we flipped the page on UPC in May or June and we were ready to attack the IPC. They spent a whole day at the Seneca office looking at IPC but instead of the page to page dissecting of that code it was more of a, well, tell us what you want, and that's not how we do code review. So, they'll tell you that. It's not how we do code reviews."

Commissioner Unruh said, "Since you're going to do that page by page with IPC, should this..."

Mr. Stolz said, "If this passes."

Commissioner Unruh said, "Further advances."

Mr. Stolz said, "Yes, sir, we have to be, we would be negligent to not go through that code page by page, paragraph by paragraph and make sure that we're satisfied with that industry."

Commissioner Unruh said, "Okay, and just to recap some comments, it's been said that all state buildings follow IPC code, is that...?"

Mr. Stolz said, "The state of Kansas. Yes, sir."

Commissioner Unruh said, "And WSU Innovation Campus is going to follow the IPC?"

Mr. Stolz said, "That's correct, sir, yes and we do not inspect that. The state of Kansas inspects that. Local inspectors, Jason's [Little] crew will not inspect state buildings. That's done at state level."

Commissioner Unruh said, "Okay. Then we have several communities in Sedgwick County already under the IPC."

Mr. Stolz said, "Derby, Mulvane as far as I know. I don't know about several, that's two."

Commissioner Unruh said, "Alright, well, I'm just trying to get to the point where I can feel comfortable with the vote on what's good policy."

Mr. Stolz said, "Understood, sir."

Commissioner Unruh said, "So, like I, I would also like to get to the point where our Metropolitan Area Building and Code Department is a authentically merged organization so you guys don't have two fragmented and different codes and all the following we've got different. But, maybe you need to go through the pane or term in order to come to a decision on which code we'll follow."

"But, if the commitment is from our staff that we're going to end up with one code ultimately and that this application will be limited in its potential just to the unincorporated areas of Sedgwick County that is correct."

Mr. Stolz said, "Unincorporated County in any small town that has MOU with us."

Unless they chose to opt out as Mayor Gregory has indicated they might in Goddard. I don't have a problem with that."

Commissioner Unruh said, "Alright, and no one is compelled to use either one code or the other. They can choose which one they want."

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

Commissioner Unruh said, "It's on that data that you'll make a recommendation back to us for a single code in the future."

Mr. Stolz said, "Yes, sir, and let me, just so we're on the same page. If this dual code works seamlessly and well in county jurisdiction for a cycle I can come back and I may recommend dual code. I want to get to where you want to be and where Commissioner Norton. I want a singular set of rules for this county. Same thing Mayor Gregory talked to. I want, this is good management and good policy in a merger to have singular code."

"But, I could come back in three years and say this worked so well. We can manage this. It's safe, it's usable, the plumbers like it and I can manage it. We may want dual codes jurisdiction wide. That'd be the other option. But I don't want to..."

Commissioner Unruh said, "Okay, you're going to have to convince me."

Mr. Stolz said, "Very good, sir."

Commissioner Unruh said, "Alright, I think that's all I have."

Chairman Howell said, "Well, thank you, Commissioner Unruh and just to feedback one of your questions. Then this is the document I have. I'd be glad to give it to you. But, it shows a typical plumbing configuration for an island sink and the parts are added up and labor's added up."

"Again, I'm not saying this is accurate. I'm just saying this is what they said. This is according to the cost analysis provided by the Association of, Associates Plumbing Incorporated of Columbia, Maryland. This is based from the 2015 International Plumbing Code. Cost effective design and construction and there's, their showing the parts and the labor and their showing that the UPC section 909 traditional vent would be \$1,663.00, whereas the IPC section 918 would be \$824.00, or 50 percent savings."

"Now, I'm not saying it's accurate, but that's a 50 percent savings. You're welcome to have that. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Let me begin by thanking everyone who is in attendance and all the testimony today. My background is a little bit different than each of my colleagues and I agree completely with Commissioner Norton. In terms of plumbing issues that's not where my expertise and knowledge lie."

"I did spend a decade working in the computer industry, albeit in a different century where we had to work with a code. It was interesting because it was not a government code. It was a code to protect people from something I think even more dangerous than if you have a plumbing failure you can have difficulties. But, if you have an electrical failure it can be even worse."

"All the equipment we were building, manufacturing at the company I was working for at the time had to not only have Underwriters Laboratory (UL), which is a private

entity there is no government involvement with UL. They basically serve as a validation point and they tested. But, it's a not for profit entity that basically allows you to provide a marking on it.

"There's other institutions internationally that provide similar things in Canada and internationally. I bring that to the table because the comments I want to try and bring not to duplicate what, too much what my colleagues have already spoken about. Because, I've been a little frustrated how long it's taken us.

"I think that some of the, I first heard about the idea that we might look at different codes. One of the failures I look and worry about is government failure. Because, government has a monopoly in certain areas and Flint, Michigan was brought up. I think it's a bit of a distraction but, the argument at this point is not whether there was a failure. It's a question of whether it was a local government failure, state government failure or federal government failure or a combination of all of the above.

"We want to avoid failure at all costs. That's one of the reasons why competition, having people being free to choose, I'm not as concerned as some of my colleagues about having two codes going forward. I've, I support the idea of the UPC with amendments and I strongly want to thank those of you, particularly who are hearing my voice right now, who were involved in that and put in a lot of hard work on their own time to make that happen.

"But, I'll point out to you that we have a separate county zoning code from the City of Wichita zoning code. Our staff in the planning area they have to basically put on their county hat if it's a county zoning case and then take it off when they get to the city zoning case. All of the 20 incorporated municipalities in Sedgwick County will be free to go in their own direction.

"But, I think what's been important about this hearing is the ability to correct so much disinformation that has been out there. Whether it's in the media or it's been brought out in a smaller sense. I mean, the idea that there's going to be this big cost when code books or code information available for free on-line. I think getting that on to the public record is very important.

"I think it's important for folks to know that if we go down this route, we're not going to be the largest jurisdiction in this country that's doing this. There's other jurisdictions that are much larger than us in terms of population or geographic area that have done this and gone down this road prior to us. They seem to be operating well. Some of them are in relatively fast growing parts of this nation.

"I am impressed with the fact that there's so much knowledge in terms of plumbing here and I wonder in terms of for all the other codes that we don't have this contention out here in terms of what we're doing. I'm looking for area's where we can get a comparative advantage and be in a position to give this community, with all the assets and all the positive things we have a comparative advantage. I think the idea that we have people being able to be free to choose and to exercise their freedom in a way that, no one wants to have risk to public health.

"But, we need to be competitive. Competition works, shoot, look at the sports pages. But, that's a zero sum game. What we're talking about here is in many ways more important. It's a positive sum in that we are creating value. When plumbers do their work and that's true of all the other trades, heating, carpentry, whatever, your creating value and we're in a win, win situation. That's how the economy works in a free society.

"I want to create an environment where people are free to choose and to grow and live the American dream. We can do it in a way that's safe and effective with the fact that more people in Kansas operate or are living in jurisdictions with the IPC and the fact that the state of Kansas, Defense Department, McConnell [Air Force Base], we've had Derby doing it for eight years. That for me is pretty compelling and my vote today is going to reflect these facts. Thank you, Mr. Chairman."

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

MOTION

Chairman Howell made a motion to adopt the resolution and authorize the Chairman to sign and include the red line changes for the two places in the resolution.

Commissioner Ranzau seconded the motion.

Chairman Howell said, "Thank you, we have a motion and a second. Final comments, I just want to say again we are doing this today because again, plumbers brought this issue to us that are asking for us to make this consideration today. We didn't do this on our own and we actually have 100's of plumbers on both sides of issue."

"I did receive a, petitions on both sides. Represented by 100's of plumbers on both sides of the issues. I don't particularly like dual code. I'll talk, I'll tell you I think Wichita about 10 years ago considered elimination of the UPC code and adoption of the IPC code. I imagine they had a similar turnout as we have here. I don't think they actually got to deliberations. They decided not to go that direction. So that, they did not do that at the time."

"It's not my goal to have a single code necessarily. I think if the data proves that, that makes sense, if we're not using UPC in someday, then maybe that something that we should decide to do in the future. But, that's not what we're talking about right now. Right now, we're talking about the freedom to choose. UPC or IPC, you guys like UPC by all means, please, continue no change necessary. Other than just adopting the 2015 code with amendments."

"Again, 98 percent of the work that the committee did is being reflected in this adoption of that code today. If you want IPC, if this passes then you have that option to choose that. It's a point of freedom. In terms of amending that it will make it more usable. But, there's nothing in the IPC code that is unsafe or unhealthy."

"So, we might for example, the issue of nail plates being smaller. I think that's a good amendment. I would hope that they would do that. We would define fixture units. It would allow the use of blue glue versus purple primer and clear glue. Those are amendments I think that ought to be considered to make it more usable. But, they're not going to change the health and safety aspect of IPC."

"So, we can adopt this today and it's going to be a move in the right direction. I think it will give the Plumbing Advisory Board a desire to go through the IPC and make those amendment recommendations to us on IPC code. Then down the road we have a choice to either continue dual code or to make a difference. That's a decision for future. We don't have to decide that today."

"The idea of taking away the UPC code, I can understand that was very, very, it was not desired by many people in the community. I understand that. I'm a little surprised at the turn out considering what we're doing is we're not taking away UPC. We're allowing an option of IPC. It's another option."

"It's freedom. I didn't expect the same type of resistance to allowing those that like IPC the right to choose IPC. To me that just makes sense. We ought to let them do that. It's a good code. It's proven safe. It's progressive, it's based more on engineering standards. But, it works.

"With that I don't see any other comments or questions. Commissioners anything else before we vote today? We have a motion and a second. Madam Clerk, please, call the vote."

VOTE

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

Chairman Howell said, "Thank you, everyone. I think at this time we ought to go ahead and take another break. I'd like to recess for five minutes and we'll be back before 1:20 p.m.

The Board of County Commissioners recessed from 1:15 p.m. to 1:20 p.m.

E [16-629](#)

A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS FROM APPLICATION OF K.S.A. 19-4314 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Presented by: Karen L. Powell, Deputy County Counselor.

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

PUBLIC COMMENT

Ms. Karen Powell, Deputy County Counselor greeted the Commissioners and said, "This is an item to adopt a Charter Resolution but the overall arching project is to transfer a position from the County Counselors office, an attorney position from the County Counselors office to the Sheriff's office. To be a Sheriff's office employee.

"In order to make that happen we need to assure that this person will not be a civil service person. That they will not be covered by the civil service regulations. Because, this is going to be a person who will be essentially a confidant of the Sheriff's and be enable to represent the Sheriff and protect his confidentiality. So this person needs to be immune from civil service regulations.

"In order to do that, well first of all we have a set of statutes in place that regulate the Sheriff's civil service system and that set of regulations is not uniform. When we have a set of regulations that is not uniform and the county is not otherwise prohibited from acting on that particular subject, we can charter out of that resolution and in other words make those provisions not be effective to us. Then offer substitute provisions in place of whatever the statue says.

"So, that is the case with the civil service statutes. They are not uniform. We have no other prohibition against chartering out of those or making our own rules. We do have

to have a resolution to document that.

"There is currently a resolution which exempts the under Sheriff, the Chief Deputy, the Senior Administrative officer of the Sheriff's office. So, this resolution adds an additional position to the list of exemptions from the application of civil service system.

"The brief background from, on the transfer of the position we had a recent departure of an attorney from our office who had represented the Sheriff's office and the County Counselor Eric Yost. The Sheriff and I discussed that position and that position does a, stays very busy. I've actually been in that position for years before our prior attorney left. But, I was in that position for several years and I'm currently doubling up.

"So, I know that that is a full time position and is very deserving of having a dedicated person to the Sheriff's office to help with their legal issues. They have numerous legal issues that require sometimes just drop of the hat legal opinion and help with.

"So, anyway the County Counselor is supportive of this transfer. The Sheriff is very supportive of the transfer and he will speak to you in a minute on the actual transfer of the position on the staffing table and the budgetary authority. The timing of all of this is, we do have the ad out there to seek out applicants. So, we've made it clear that this will not be a civil service position. So, they are going in with eyes wide open on what this is going to be all about.

"So, it does take a 2/3's majority to adopt. I would encourage you to adopt the resolution and I'll stand for any questions you might have."

Chairman Howell said, "Very good. Thank you, for the, explaining the item before us today. I do need to ask, is there anybody from the public who'd like to speak to the agenda item today? Alright, seeing none, thank you, very much. Commissioners any questions for Ms. Powell? Sheriff Easter, would you like to say anything before we vote on this? No, you're good to go, alright. Thank you, so much. Thank you, for being here. Commissioners, what's the will of the Board?"

MOTION

Commissioner Peterjohn made a motion to adopt the resolution and authorize the Chairman to sign.

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, very much. Alright, next item, please."

Adopted

COUNSELOR STAFFING TABLES.

Presented by: Colonel Richard Powell, Chief Deputy, Sheriff's Office.

RECOMMENDED ACTIONS: Authorize the creation of a Sheriff's Office Legal Advisor position, approve the changes to the staffing tables as outlined below, and authorize budget transfers from the County Counselor's budget to the Sheriff's Office budget for 2016 and 2017. Authorize this action to take effect on November 14, 2016.

PUBLIC COMMENT

Chairman Howell said, "I'd like to recognize I guess, Sheriff Easter, or who's going to present this this afternoon? Alright, Sheriff Easter."

Sheriff Easter greeted the Commissioners and said, "The staffing table basically what we're talking about there is taking a attorney position from the County Counselor's office and then transferring over to the Sheriff's office. By making that transfer by civil service policy that is basically an appointed position. Just like the two Colonel's positions are in my administrative assistant."

"So, by doing that we're simply transferring that attorney over to the Sheriff's office with the budget that goes with it. So, that's simply what we're asking for. Okay and its effective November 14th, 2016. That's why I have my lawyer here with me to remind me of those things. But, yeah, it would be effective November 14th as well."

Chairman Howell said, "Thank you, Sheriff."

Sheriff Easter said, "We won't have anybody hired by then I will let you know that. Because, this will probably take a, we've got 18 people that have applied. So, we have to vet that group and through boards and those types of things. So, we probably won't have anybody hired by November 14th however."

Chairman Howell said, "Very good. Well, thank you for the explanation of this agenda item. Commissioner any questions for the Sheriff? Alright, I do need to go to the public. Is there anybody in the audience that would like to speak to the agenda item? Alright, seeing none, bring it back to the Board. Commissioner Peterjohn."

MOTION

Commissioner Peterjohn made a motion to authorize the creation of a Sheriff's Office Legal Advisor position, approve the changes to the staffing tables as outlined below and authorize budget transfers from the County Counselor's budget to the Sheriff's Office budget for 2016 and 2017. With an effect date for this to take place on November 14, 2016.

Commissioner Ranzau seconded the motion.

Chairman Howell said, "We have a motion and a second. I only have one question and that is to Counselor Yost. Counselor Yost I want to make sure, did you have to lay somebody off because of this change today?"

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "No, Mr. Chairman. We do have a vacancy in the, not only in our office but in the actual position that the person who's been helping the Sheriff, Tyler Roush was elected judge. He's actually been sworn in as judge. So, we have a vacancy and we're simply

moving that vacancy from our office over to the Sheriffs."

Chairman Howell said, "Very good, thank you, for the explanation. Any final discussion or questions? Alright, seeing none, 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, "Alright, next item, please."

Sheriff Easter said, "Thank you."

Approved

G [16-622](#)

AGREEMENT WITH THE SEDGWICK COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC) AND THE CITY OF BEL AIRE TO RECEIVE ANIMAL CONTROL SERVICES AND ENFORCEMENT THROUGH THE SEDGWICK COUNTY ANIMAL CONTROL (SCAC) PROGRAM.

Presented by: Adrienne Byrne-Lutz, Health Director, Sedgwick County Division of Health.

RECOMMENDED ACTION: Approve the terms of the agreement and authorize the Chair to sign.

PUBLIC COMMENT

Ms. Adrienne Byrne-Lutz, Health Director, Sedgwick County Division of Health greeted the Commissioners and said, "I'm presenting an agreement with the Sedgwick County Board of County Commission and the City of Bel Aire, to receive animal control services and enforcement through the Sedgwick County Animal Control Program.

"Animal Control transitioned from the City of Wichita Metropolitan Area Building and Construction Department to the Sedgwick County Division of Health on January 1st, 2014. Currently, the county has agreements of varying terms with 13, second and third class cities located within Sedgwick County that were established between 1996 and 2006 to create uniformity and outline services to be provided by the county new contracts have been developed to standardize contract language and formalize mutual aid agreements to the event of an emergency situation involving animals within those cities.

"Three options are now available for those second and third class cities that would like to participate. There's a full service contract and that includes adopting our code, prosecutions, animal pick up and mutual aid. There is the second option is limited service which include animal pick up and mutual aid. Then the third option is for mutual aid only.

"Bel Aire has requested to enter into a limited service agreement with Sedgwick County. I recommend that you approve the term of the agreement and authorize the

Chair to sign."

Chairman Howell said, "Alright, well thank you, for the explanation. We do have public comment on the agenda. So if there's anybody here in the audience that would like to speak on the agenda item today? Alright, seeing none, bringing it back to the Board. Commissioners, what's the will of the Board? Do you have any questions or comments for Adrienne Byrne-Lutz?"

MOTION

Commissioner Unruh made a motion to approve the terms of the agreement and authorize the Chairman to sign.

Commissioner Norton 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, next item, please."

Approved

H [16-623](#)

CONSIDERATION OF A GRANT AWARD IN THE AMOUNT OF \$2,152,005.00 FROM THE KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT (KDHE) TO PROVIDE THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC) WITHIN THE DIVISION OF HEALTH. Presented by: Adrienne Byrne-Lutz, Health Director, Sedgwick County Division of Health.

RECOMMENDED ACTION: Accept the award and authorize the Chair to sign the award agreement.

PUBLIC COMMENT

Ms. Byrne-Lutz said, "I'm here this morning, or afternoon to ask for your consideration of a grant award in the amount of \$2,152,005.00 from the Kansas Department of Health and Environment to provide the WIC (Women, Infants and Children) services. The Division of Health has managed the WIC program in Sedgwick County for 42 years.

"WIC is the largest public health program in the nation and is funded entirely through the United States Department of Agriculture. WIC provides nutrition, education, supplemental food checks for specific nutritious food, referrals to community health agencies when needed and breast feeding support.

"To be eligible for the WIC program, mom's or children must have at least one medical or nutrition risk factor such as overweight, underweight, history of pregnancy

complications or poor pregnancy outcomes or anemia. They need to live within Sedgwick County, be pregnant, breast feeding or have children under the age of five. Meet income guidelines at or below 185 percent of the federal poverty guideline, which equals approximately \$45,000 for a family of four.

"In 2015 we served on average just under 12,000 women, infant and children each month. Totalling over 116,000 encounters during the year. I ask that you accept this award and I'll be happy to answer any questions that you have."

Chairman Howell said, "Alright, thank you for the explanation. I will also on this item go back to the public. If anyone in the audience would like to speak on the agenda item. Alright, seeing none, bringing it back to the Board. Commissioners, any comments or questions or any motions?"

MOTION

Commissioner Unruh made a motion to accept the award and authorize the Chair to sign the award agreement.

Commissioner Norton seconded the motion.

Chairman Howell said, "We have a motion and a second. Any comments or questions? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "Yeah, Adrienne, I have a few questions. We're talking, this money we're talking about, is this benefit money? Is this money for benefits?"

Ms. Byrne-Lutz said, "No. This is money that's passed through the Kansas Department or United States Department of Agriculture to Kansas WIC. This money is for operations and staff salary. So, there's a different pot that we don't operate that state WIC uses to, for those supplemental food checks."

Commissioner Ranzau said, "Okay, so this is administrative costs?"

Ms. Byrne-Lutz said, "That is correct."

Commissioner Ranzau said, "Okay. I have a couple questions, I know last year we made some decisions on the funding. We decided this year to spend \$113,000 more than what we did the previous year. Now someone has mischaracterized that as a cut, but never the less as a result of that funding decision, to spend \$113,000 more, has there been any problems with people receiving their WIC benefits?"

Ms. Byrne-Lutz said, "No."

Commissioner Ranzau said, "Has anyone received less money from WIC?"

Ms. Byrne-Lutz said, "No."

Commissioner Ranzau said, "Have there been any complaints?"

Ms. Byrne-Lutz said, "Not that I am aware of, no."

Commissioner Ranzau said, "So, we've been able to meet all needs as far as administratively."

Ms. Byrne-Lutz said, "Yes."

Commissioner Ranzau said, "All the needs of all the clients with the money that we got last year?"

Ms. Byrne-Lutz said, "Everybody has, everybody has been provided services to."

Commissioner Ranzau said, "With the money that we approved last year for this year."

Ms. Byrne-Lutz said, "Correct."

Commissioner Ranzau said, "Got it, okay. I'll just say that when I was originally briefed on this, the request was \$2,036,051.00 which was a five percent increase over last year. Which, I fully support. Since that time however, there's been an increase in the amount by \$116,000.00 which brings it up to about a 10 percent increase, which I can't support."

"I think when we administer programs like this we want to be both compassionate and fair. That means we need to be compassionate and fair both to the people receiving the benefits as well as those people who are paying for the benefits."

"These two positions, this money is going to be used to fund two positions which we have demonstrated are not necessary overhead costs in order to meet all the needs of our clients. So, I think in order to be fair to the tax payers, the people who are funding I think it is very important that we be fair and responsible and keep the overhead as low as possible since we know we're meeting all the needs we are able to achieve that last year and I think we should maintain that."

"So, I can't be supportive, I believe this extra I think \$116,000.00 will not be fair to everyone involved as far as paying for that is really unnecessary overhead cost. But, I did support the original request of a five percent increase that I was originally briefed on. So, I want to make sure everyone understands where I'm coming from. Thank you, Adrienne."

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

Commissioner Peterjohn said, "Yes, just a quick question in terms of the number of beneficiaries and the benefits they receive. Do we expect, what sort of growth do we expect in those numbers we're projecting for the duration of this grant?"

Ms. Byrne-Lutz said, "WIC throughout the country is still on a little bit of a decline each year. But, as far as the number of moms, infants and children that we serve. But, that decrease is starting to slow significantly from the previous years. But, currently we're on track, I think to provide about six percent less than last year."

Commissioner Peterjohn said, "Okay, because I have as many of the same concerns as Commissioner Ranzau stated. I have no problem with the increase in terms of the five percent, but ten percent I'm struggling with. Thank you."

Chairman Howell said, "Thank you. Further comments Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Adrienne, this additional \$116,000 I don't think I have all the facts in my memory but, wasn't that a result of a mathematical miscalculation from the previous year and this kind of makes up."

Ms. Byrne-Lutz said, "Yes, we found that we underreported our expenditures by about \$130,000 and so in order to be able to make that budget last year there were three positions that we did not fill once they were vacated through attrition.

"So, as Commissioner Ranzau has asked and I've responded we were able to make, meet all the needs of people. But, there is a balance between efficiency and customer service and by filling two of those positions, particularly one that drives the appointments that the dietician, that will allow us to get people in a couple days earlier to start receiving those benefits."

Commissioner Unruh said, "Okay, thank you. Well, that helps me remember and this is kind of back filling a vacancy that's in your opinion we need for an efficient operation."

Ms. Byrne-Lutz said, "That is correct."

Commissioner Unruh said, "Thank you, that's all I have."

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

Commissioner Peterjohn said, "If my memory is correct, that dietician position is somewhere between 60 and \$70,000 a year. Is that in the ballpark?"

Ms. Byrne-Lutz said, "That is correct."

Commissioner Peterjohn said, "Okay, so it could be funded with the five percent? If we had the original figure opposed to the larger number?"

Ms. Byrne-Lutz said, "No, the five percent is for the increase in employee benefits and compensation merits. So, the additional was for two positions, one is a floating. One is the dietician you're correct and the other is for a floating support person. That person fills in any of the three locations when other support staff are out. Which is frequent."

Commissioner Peterjohn said, "Well, to help us out since we're not talking about benefits here. I think it's important for the public to know where we're talking about the staff that's going to be involved in administering it. We've got two positions, plus an increase in benefits in terms of pay and medical and so on. Could you kind of give us a quick run through for the amounts for the other position and the benefit portion and the payroll side of the, of this increase, please?"

Ms. Byrne-Lutz said, "Yes. The Registered Dietician is approximately \$65,000 and then the benefits and salary for the support staff were under \$45,000 approximately that made up that \$113,000 and then there was a small administrative increase by 6, \$7,000.00."

Commissioner Peterjohn said, "Okay, so that's about \$120 but there, if we're looking, it's \$213,000 roughly?"

Ms. Byrne-Lutz said, "Yes."

Commissioner Peterjohn said, "Total."

Ms. Byrne-Lutz said, "Yes, yes, so my math is off a little bit this support person is likely under \$40,000."

Commissioner Peterjohn said, "Okay. I'm struggling with the increase when we've got amount paid in benefits and the number of beneficiaries going down and having this large of percentage increase and so I'm, I'd be interested in hearing from my fellow Commissioners going forward on this. Thank you."

Chairman Howell said, "I have one question. You have approximately, if I remember correctly, what about 60 personal altogether that are administrating this program roughly?"

Ms. Byrne-Lutz said, "I have Sandy Richenberger, the WIC program manager. We have a number of full time and part time staff but it is equivalent of 32 full time staff. We have more on the staffing table that aren't funded."

Chairman Howell said, "I don't know where I got 60. Did you tell me 60?"

Ms. Byrne-Lutz said, "I may, I think I said around 50."

Chairman Howell said, "Okay, that's a pretty significant difference. Though, what Commissioner Ranzau is talking about would be two of the positions relevant to about, we have 32 fte, (full time employees) full time equivalent would that jump up to 34 or something like that?"

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "Okay."

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "So, if we pass this as it's been motioned and seconded right now you would be able to hire about two and that would be, bump you up to about 34 fte, approximately."

Ms. Byrne-Lutz said, "Yes, the equivalent of."

Chairman Howell said, "Your staffing table already reflects those positions being vacant."

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "So, you're not requiring any other work from us to do that, okay. Commissioners any other comments or questions before we vote? Alright, Madam Clerk, we have a motion and a second, so please, call the vote."

VOTE

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

Chairman Howell said, "Next item, please."

Received and Filed

I [16-608](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON SEPTEMBER 29, 2016.

Presented by: Joe Thomas, Director, Purchasing Department.

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

PUBLIC COMMENT

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting we had of the Board of Bids and Contracts on September 29th resulted in two items that we're presenting to you this afternoon."

1. OIL DISTRIBUTOR TRUCK – 3500 GALLONS – FLEET MANAGEMENT FUNDING – OIL DISTRIBUTOR TRUCK 3500 GALLON.

"This recommendation is to accept the best proposal from Berry Tractor & Equipment Co., in the amount of \$235,955.00 and to establish contract pricing for labor, parts and freight for repairs for a period of three years."

2. 2017 CHEVROLET EXPRESS 3500 15 PASSENGER FULL SIZE VANS – FLEET MANAGEMENT FUNDING – 15 PASSENGER FULL SIZE VAN.

"This recommendation is to accept the bid from Don Hattan Chevrolet, Inc., in the amount of \$61,800.00."

"I will be happy to answer any questions you may have and I recommend approval of both items."

Chairman Howell said, "Mr. Thomas, can you tell me, can you confirm, did we only have one bid for the van?"

Mr. Thomas said, "Yes, we were surprised by that as well. When we contacted all the solicited vendors, several of them said they no longer have a fleet department. A couple of the out of town vendors basically said they didn't feel like they would be competitive. Then I think a few may have just not taken the opportunity to provide a bid."

Chairman Howell said, "This will be used by the Sheriff's office?"

Mr. Thomas said, "Yes, I believe so, yes it is."

Chairman Howell said, "Do we believe this is a good price based on history of how we purchased these vans in the past? This is a good price?"

Mr. Thomas said, "Yes, we do."

Chairman Howell said, "Very good. I have no other questions. Commissioner Peterjohn."

MOTION

Commissioner Peterjohn made a motion to approve the recommendations of the

Board of Bids and Contracts

Commissioner Unruh seconded the motion.

Commissioner Peterjohn said, "I do want to make a brief comment on what we have in front of us. Kind of a glass half empty or glass half full. Example if I can wave this on that. My comment is I am delighted we had local bidders in here and my distress on this is the glass half empty is the fact that of these two items, we only had three bids come in total.

"So, I had the same concern the Chairman expressed and I'm glad to hear from background we feel like we've got a good bid on the one where we had a sole bid because there was a line variance between the two prices on the first item and it did have two bids on it. But, I appreciate the efforts and I appreciate the effort to get as many bids as possible. Thank you."

Chairman Howell said, "Thank you, Commissioner Peterjohn. We have a motion and a second any other discussion? Alright, seeing none, 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. Next item, please."

Approved

CONSENT

Approved

- J** [16-627](#) Approval of an Agreement with the City of Derby and Rockford Township for Construction of Super Seal Road on 87th St. South between Rock Road and Webb Road. R-342. District 5.
- K** [16-643](#) Government Services Agreement for Fire Code Inspection and Enforcement Services with the City of Maize.
- L** [16-659](#) General Bill Check Register for September 28, 2016 to October 4, 2016.
- Mr. Michael Scholes, Manager, greeted the Commissioners and said, "Recommend you approve consent agenda items Juliet through Lima."*

MOTION

Chairman Howell made a motion to adopt items J through L on the consent agenda.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "We have a motion and a second. Any discussion? Let me just say, this is exciting for me. I've been working on the 87th Street South mile between, really it's a four way partnership. I think the resolution shows three between Township, the City of Derby and Sedgwick County. Of course we know Westar is also involved in moving some poles and so a fairly expensive project and to get this actually through the Commission moves us forward."

"So, I'm excited to see this finally come before us, and thank you to Mr. Spears for your work on making this come before us today. Any other discussion? Seeing none, 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, "Alright, we'll go ahead and do Legislative Issues next and we do have an Executive Session. We're going to do that at the very end here."

Mr. Scholes said, "Don't forget fire."

Chairman Howell said, "We did that earlier."

Mr. Scholes said, "You did?"

Chairman Howell said, "Yep, we're good on fire."

Mr. Scholes said, "Okay."

LEGISLATIVE ISSUES

Chairman Howell said, "So, we're going to go ahead and go to Legislative Issues. Does anybody have any Legislative Issues today? Alright, I didn't think so with this late time of the day. I think we'll just move on to the next thing."

OTHER

Chairman Howell said, "Commissioners, anything for other today? Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, Mr. Chairman I do want to give a very brief report on a couple of items. Number one last Friday, I'll give a big plug for the Sunrise Rotary Group, because last Friday out at Sedgwick County Park, the Boundless Playground expansion presentation occurred on a beautiful Friday evening. It was a lot of folks present."

"The [Sunrise] Rotary [Group] folks are going forward with their fund raising. I want to wish them well. I think it's a great project. It's very heavily used. Every time I go through the park that's one of the area's where you can find congestion in the parking lots. Just an absolutely fabulous facility for children of all ages."

"EMS (Emergency Medical Services) ground breaking that we had on South Oliver. I'm looking forward to some more, hopefully we can take care of some of our long term challenges with EMS. But, I think it was great to, having that expansion. Not only there, looking forward to ones out on the far West side with folks.

"I'd also be remiss if I didn't point out that October 5th is an important day in American history on several levels. I know that aviation is important to this community and in 1930, the first woman, Laura Ingalls completed the first cross continental flight from New York to Glendale, California, and she did it in 30 hours and 27 minutes.

"But, I want to mention. I digress for just a second on Kansas history because this is an important day particularly for Kansas crime. The Dalton Gang tried to rob a couple banks in Coffeyville in 1892 on October 5th. It didn't work out so well for them. A whole bunch of them ended up getting shot and killed. But, it did occur on October 5th. An important day in both Kansas and U.S. history and just wanted to get that on the record. Thank you, Mr. Chairman."

Chairman Howell said, "Thank you, Commissioner Peterjohn. Any other comments for Other today? Alright, seeing none. Madam Clerk, next item, please."

EXECUTIVE SESSION

Chairman Howell said, "Go ahead, Commissioner Ranzau."

MOTION

Commissioner Ranzau made a motion that the Board of County Commissioners recess into Executive Session for 30 minutes to consider personnel matters of non-elected personnel and that the Board of County Commissioners return to this room from Executive Session no sooner than 2:21 p.m. The Executive Session is required to protect attorney-client privilege in the public interest.

Chairman Howell second 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*

The Board of County Commission recessed from 1:51 p.m. and returned at 2:50p.m.

Chairman Howell said, "Alright, folks. We are back from Executive Session. I'll call us back to order once again. Mr. Manager, I think we're at the end of the agenda. Anything else that we need to talk about today?"

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

Chairman Howell said, "Let me just say as we come back from Executive Session, no binding action was taken. I always forget that detail. No binding action was taken and nothing else from the Manager. Commissioners, anything else before we adjourn today? Alright, seeing none. We're adjourned. Thank you."

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 2:51 p.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: _____