

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, November 2, 2016

9:00 AM

BOCC Meeting Room

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

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

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

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

## **ORDER OF BUSINESS**

### *MEETING OF THE BOARD OF COUNTY COMMISSIONERS*

#### *REGULAR MEETING*

*November 2, 2016*

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on November 2, 2016 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James M. Howell, with the following present: Chair Pro-Tem Commissioner Richard Ranzau; Commissioner David Unruh; Commissioner Tim Norton; Commissioner Karl Peterjohn; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Thomas Golden, Deputy County Manager; Mr. Scott Knebel, Manager, Metropolitan Area Planning Department; Ms. Angela Jones, Director, County Extension Center; Ms. Misha Jacob-Warren, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Mr. Brian Richey, Captain, Fire District #1; Ms. Kate Flavin, Public Information Officer; Ms. Laura Billups, Deputy County Clerk.*

#### *GUESTS*

*Mr. Lon Smith, Chief Development Officer, Museum of World Treasures  
Mr. Manuel Garcia, Corp Commander, Cadet Colonel, Jr. ROTC, West High School  
Mr. Ryan Loesing, Cadet Lieutenant, Jr. ROTC, South High School  
Mr. Jeremy Tull, Cadet Command Sargent, Jr. ROTC, South High School  
Lieutenant Colonel Retired Bob Kennedy, Supervisor, Wichita Public Schools, Jr. ROTC and Leadership Instruction Program*

### **INVOCATION: Sister Joan Burger, Sisters of St. Joseph**

### **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**

### **PROCLAMATIONS**

- A**     [16-706](#)     PROCLAMATION DECLARING WORLD FREEDOM DAY.  
Read by: Chairman Jim Howell or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

*Chairman Howell said, "Commissioners, I do have a proclamation regarding World Freedom Day and I'd like to ask Commissioner Peterjohn if he'd be willing to read this for the Commission this morning."*

*Commissioner Peterjohn thanked the Chairman and said, "I appreciate the opportunity to do so. Normally, if we had our scheduled meeting on November 9th, that's an important anniversary. Especially for folks who remember the Berlin Wall. It was the day that the Berlin Wall came down."*

*"So, I have the honor of reading a proclamation, begins:*

*WHEREAS, in August 1961, East German soldiers began building a wall, dividing East and West Berlin, to close off access for East Germans fleeing to the democratic areas of West Berlin and West Germany. For 28 years, this 12-foot concrete wall, fortified with barbed wire, electrified fences and watchtowers that circled West Berlin, stood as the "iron curtain" dividing Europe, one side Soviet communist control, the other freedom and democracy of the West; and*

*WHEREAS, on June 12, 1987, President Ronald Reagan delivered a passionate speech in West Berlin, talking about freedom, prosperity and the possibility for fundamental change in the Soviet Union, to be part of a safe and free world. And, as he stood in front of the Brandenburg Gate at the Berlin Wall, President Reagan said those famous six words that helped move the world to change, and therefore changed the lives of people worldwide for years to come: "Mr. Gorbachev, tear down this wall!"; and*

*WHEREAS, on November 9, 1989, with the continuing decline of the Soviet empire in Eastern Europe, and the increasing perseverance of East Germans striving for democracy, in a powerful act of freedom, Germans from both sides of the wall joined to tear down the icon of division. The Berlin Wall came down, marking the reunification of Berlin, Germany and the people who wanted to live a better life; and*

*WHEREAS, because of the leadership of the Berlin American High School Alumni Association (also known as the "Berlin Brats" Alumni Association) who recognized its historical significance, acquired a 4-foot wide section of the Berlin Wall after it fell, and donated it to the American Overseas Schools Historical Society. And, with the Society's generosity, the people of Wichita, Sedgwick County and Kansas can see a section of the wall on loan to the Museum of World Treasures.*

*NOW, THEREFORE BE IT RESOLVED that I, Jim Howell, chairman of the Board of Sedgwick*

*County Commissioners, do hereby acknowledge November 9, 2016 as "WORLD FREEDOM DAY" As proclaimed by U.S. presidents for many years, and ask citizens to reflect on the rich world events of our past and reaffirm our hearts to freedom and democracy. November 2, 2016*

*"Thank you, Mr. Chairman."*

MOTION

*Commissioner Peterjohn made a motion to adopt the proclamation.*

*Commissioner Ranzau seconded the motion.*

*Chairman Howell said, "We have a motion and a second. Thank you, Commissioner Peterjohn for reading that. It's tremendous history for us to reflect upon this morning."*

**VOTE**

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

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

*Chairman Howell said, "I'd like to recognize, Chief Development Officer, Museum of World Treasures, Lon Smith, this morning to receive the proclamation. I'd like to ask him if he'd like to come forward and say something about receiving this this morning."*

*Mr. Lon Smith, Chief Development Officer, Museum of World Treasures greeted the Commission and said, "I appreciate the opportunity to speak. In 1982, I traveled through a check point in Bratislava, then Czechoslovakia and traveled extensively around several Eastern Bloc countries.*

*"They lived a very different lifestyle, without going into detail. One that was not in my assessment very pleasant. I think this is a great opportunity, again for us to reflect as you said on the history. To really appreciate the blessing that we have in this country, as citizens of the United States. It's a great country, a great place to live and work.*

*"We are proud, at the Museum of World Treasures to have the opportunity to display this section of the wall and have people come here and understand the history and learn more about what it meant to our world and how we could maybe live a different and better way moving into the future."*

*Chairman Howell said, "Mr. Smith, it would be great to come by there and take a look at that someday. I appreciate you receiving that this morning and for your comments."*

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

*Chairman Howell said, "Commissioners, anything for Mr. Smith before he goes? Seeing none, thank you again, once again. Madam Clerk, next item, please."*

**Adopted**

**B**      [16-705](#)

**PROCLAMATION DECLARING WICHITA JUNIOR ROTC LEADERSHIP WEEK.**

**Read by: Chairman Jim Howell or his designee.**

**RECOMMENDED ACTION: Adopt the proclamation.**

*Chairman Howell said, "Very good. Commissioners, I do have one more proclamation I'd like to read this morning. It says:*

*WHEREAS, Junior ROTC was officially implemented in American high schools in 1916, began in Kansas in 1917 and in Wichita in 1994; and*

*WHEREAS, cadet Leadership Programs were started in selected middle schools in*

*1997 making Wichita a leader in the nation in this initiative; and*

*WHEREAS, the Junior ROTC and Leadership Programs are recognized in Wichita for building citizenship and good character in our youth; and*

*WHEREAS, there are now more than 2,300 Wichita youth participating as cadets in 18 of our public schools.*

*NOW, THEREFORE BE IT RESOLVED that I, Jim Howell, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 5 – 11, 2016 as*

**WICHITA JUNIOR ROTC LEADERSHIP WEEK**

*In recognition of these fine young men and women who are becoming better leaders and citizens for the future through their involvement in the Junior ROTC and Leadership programs.*

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

**MOTION**

*Commissioner Peterjohn moved to adopt the proclamation.*

*Commissioner Ranzau seconded the motion.*

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

**VOTE**

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

*Chairman Howell said, "I'd like to recognize, Corp. Commander, Cadet Colonel Manuel Garcia this morning, to receive this proclamation. I'd like to ask him to come to the podium and say something about receiving the proclamation this morning."*

*Corp Commander Cadet Colonel Manuel Garcia, Jr. ROTC, West High School greeted the Commissioners and said, "As you guys know my name is Cadet Colonel Manuel Garcia. I am the USD259 2016, 2017 Corp Commander. I'd like to thank you and inform you of how honored our Corp is to receive this proclamation. As you know, our cadets work very hard to serve the community and our schools. They've done this to the effect of 19,000 community service hours over this past school year.*

*"Another way that our cadets show their values of patriotism, service and loyalty is our Veterans Day ceremony that we will be performing on the tenth of November at 10 A.M., at Century II Expo Hall. I'd like to invite all of our County Commissioners and everybody attending to attend our ceremony as we honor our veterans and their service and sacrifice for our nation. There will be a past review parade of our cadets, a presentation of the colors and former U.S. Senator Nancy [Landon] Kassebaum Baker will provide words of wisdom for our cadets. Again, I'd like to thank everybody on the Board of County Commissioners to receive this noteworthy proclamation."*

*Chairman Howell said, "Can I call you commander or do you want me to call you Colonel? What would you prefer?"*

*Corp Commander Cadet Colonel Garcia said, "You can call me Garcia."*

*Chairman Howell said, "Well, I'm not going to do that. I'll call you Colonel Garcia. Colonel Garcia, you do have in folks with you this morning. Would you like to introduce them or have them come over? Would you mind? There are only four, three more folks here. So, would you mind coming over next to Commander Garcia. I'd like to hear your names and what high school you attend and then I guess we have one that's maybe not in high school. I'd like to know a little more about you. Alright."*

*Cadet Lieutenant Colonel Ryan Loesing, Jr. ROTC, South High School, greeted the Commissioners and said, "I'm Cadet Lieutenant Colonel Ryan Loesing and I attend Wichita South High School."*

*Chairman Howell said, "Very good."*

*Cadet Command Sargent Jeremy Tull, Jr. ROTC, South High School greeted the Commissioners and said, "I am Cadet Command Sargent Tull and I go to Wichita South High School as well."*

*Chairman Howell said, "Very good."*

*Lieutenant Colonel Retired Bob Kennedy, Supervisor, Wichita Public Schools, Jr. ROTC and Leadership Instruction Program, greeted the Commissioners and said, "I am Lieutenant Colonel Retired Bob Kennedy, Supervisor for Wichita Public Schools, Jr. ROTC (Reserve Officers' Training Corps) and Leadership Instruction Program."*

*Chairman Howell said, "I want to say thank you to all of you who are serving and especially Mr. Kennedy. I think that this is a tremendous program that has changed many youth in this community and it's a tremendous positive program and I hope everyone gets involved in it to the greatest extent possible. Commander Garcia, what high school did you attend or do you attend?"*

*Corp Commander Cadet Colonel Garcia said, "I'm currently attending Wichita West High."*

*Chairman Howell said, "West High, so, two from South High and one from West High. Very good. Again, thank you for being here. Any Commissioner comments before you guys are dismissed? Commissioner Unruh."*

*Commissioner Unruh thanked the Chairman and said, "I just wanted to make a comment of how you make us proud. Just looking at you, you guys look so sharp and official and we appreciate the way that you present yourselves in the way you speak. It clearly is a demonstration of leadership and the effectiveness of the JROTC (Junior Reserve Officers' Training Corps) program. So, you all are representing your corps very well. As I said, I think I can speak for our citizens today that we're proud of you."*

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

*Commissioner Norton said, "Well, it's good to have you here today. You know, for years and years and years, it's been Colonel Hester and today Colonel Kennedy. We're glad to have you here. You have big shoes to fill, but you've got a great start with these young men, I can tell you. If you've ever been to that ceremony, it is amazing to see that many teenagers corralled and doing what they're supposed to all at one time.*

*"If you've raised teenagers, it's hard to get two or three of them to line up and do what they're supposed to do, but there's hundreds that line up and honor America by being*

*good at what they do. So thanks for coming today. The public should stop by and see that. If you want to see the best in our youth today, stop by on the tenth and see this program, because it is pretty amazing. Thanks."*

*Cadet Col. Garcia said, "Thank you, sir."*

*Col. (Retired) Kennedy said, "Thank you, sir."*

*Cadet Col. Loesing said, "Thank you, sir."*

*Cadet Commend Sat. Tull said, "Thank you, sir."*

*Chairman Howell said, "Thank you, Commissioner Norton. Any other comments? Seeing none, I just want to say one more thing. I was in the Air Force, trying to make my uniform as good as that would be impossible. You guys look fantastic. That's a lot of what we call fruit salad on your ribbons there. It's a tremendous amount of accomplishment. You guys have obviously done a tremendous amount of things to receive that type of recognition."*

*"Again, you all look fantastic. The leadership you guys provide for the community is tremendous. So, thank you, once again. With that we'll let you go. You're dismissed."*

*Cadet Col. Garcia said, "Thank you, sir."*

*Col. (Retired) Kennedy said, "Thank you, sir."*

*Cadet Col. Loesing said, "Thank you, sir."*

*Cadet Commend Sat. Tull said, "Thank you, sir."*

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

**Adopted**

## **PLANNING DEPARTMENT**

### **C     [16-702](#)**

DER2016-00002: UPDATES TO THE WIRELESS COMMUNICATION MASTER PLAN AND THE UNIFIED ZONING CODE REGULATIONS OF WIRELESS COMMUNICATION FACILITIES (ALL DISTRICTS).

Presented by: Scott Knebel, Planning Manager.

RECOMMENDED ACTION: Adopt the findings of the MAPC; approve the Wireless Communication Master Plan, September 2016, and adopt the associated amendments to the Wichita-Sedgwick County Unified Zoning Code, authorize the Chairman to sign the resolutions and authorize the resolutions to be published.

#### **PUBLIC COMMENT.**

*Mr. Scott Knebel, Manager, Metropolitan Area Planning Department greeted the Commissioners and said, "The item before you today is a proposed amendment to the Wireless Communication Master Plan as well as the implementing provisions in the Unified*

*Zoning Code. This is a result of an action that was adopted by the Kansas legislature in the latest session, it was senate substitute for house bill 2131. It provided statewide rules, if you will or law as it relates to regulation of wireless communication facilities, both on private property as well as within right-of-way.*

*"As it relates to the changes, as the Sedgwick County and City of Wichita, which have a joint plan and joint code to regulate these types of facilities, the state law no longer allows the municipalities to require documentation when an application is submitted that there is the possibility to locate the wireless infrastructure or equipment on an existing wireless facility.*

*"We also cannot prohibit, which our current code does, building of wireless communication facilities or as most commonly called, towers, if there is no demonstrated communication need and so we may see some applications for what so-called speculative facilities, areas where a company that's in the business of building a tower comes to submit an application to build a tower with the hope that they will then be able to lease space to wireless communication providers like cell companies or others.*

*"We also can no longer evaluate the merits of a co-location opportunity even if we know, if we have our own information, we can't, first of all, it says we can't require the applicant to document the ability to co-locate the facility. But, even if we have our own information, we cannot base a decision of denial for a new facility on information that we know of available opportunities for co-location.*

*"We cannot require small cell or shorter facilities, which I'll show you in a minute, in areas that are designated as visually and environmentally sensitive. There is a map that was adopted as part of our code that shows those areas where we had the opportunity to acquire different types of facilities. We can no longer do that and we cannot require as a condition of approval of a new facility that the builder of that facility allow other communication providers to co-locate on that facility.*

*"So, given those changes in state statute, the draft plan and amendments to the Unified Zoning Code that you have before you today removes all of the requirements that were in both the plan and the code regarding co-location, both the documentation of the ability to co-locate as well as requiring co-location on approval, as well as removes any restrictions on construction of speculative facilities.*

*"There's been a number of changes to definitions in the plan that are reflective of defined terms that the state has defined for the first time. Our plan has always had it said as defined terms as it relates to wireless communication facilities, and we've now put in our plan definitions that are consistent with the state law. As we were going through this process, we had an actual facility request in the Delano neighborhood, which has a zoning overlay, which prohibits outright wireless communications facilities.*

*"As part of the discussion of that request with the Delano Advisory Committee, they decided that given these changes to state law it made sense to change our local ordinances and resolution to allow wireless facilities in the Delano neighborhood with approval of a conditional use and so that is also a part of this action.*

*"We are changing the way we treat wireless facilities as they relate to what we call the capability height standard. That capability height standard defines how far away from a property line of a single family or two family zoned property a structure has to be based on its height. We're changing that piece to match other structures. It was different for wireless facilities. We felt like reading the statute we were no longer able*



*to treat wireless facilities different from other types of structures.*

*"We're changing the code to allow the Planning Commission and the Governing Body to grant zoning adjustments. One of the ways, in fact, the only way a compatibility height standard can be changed or waived as part of an application is through what's called a zoning adjustment, which is granted by the Planning Director in the sense of efficiency, we felt like if there was an application that was before the Planning Commission or the Governing Body, those bodies ought to be able to go ahead and grant that adjustment at that time as opposed to having a follow-on application to the Planning Director.*

*"Then we also allow in this Governing Body to modify supplementary use regulations, which relate to the types of facilities and so forth that are required. So, we're giving the Governing Body as much flexibility as well as the Planning Commission as much flexibility as we can to consider these facilities going forward.*

*"The design guidelines really don't change in the wireless plan. The code says the facility should be approved with conditions that make the facility consistent with these design guidelines and these design guidelines really aren't changing but I thought I would cover them for you.*

*"What we're looking for is matching the character of the area. In other words, when you're putting a very industrial-type structure like a tower in a location, the character of that area should be more commercial or industrial as opposed to residential if you're going to do a facility in a residential area, then the facility should be shorter, should match the types of vertical structures that you see in residential areas such as power poles or light poles as opposed to very tall commercial-type towers.*

*"We looked at minimize the height so that as the design of the structure is put in place that the height is what is needed to accomplish the task. We look to use colors that blend with the environment. Typically that means we're looking for galvanized metal finish that blends with the sky. A lot of people think the sky is blue, but when you put something blue with the sky in the background, you see that the sky is really usually pretty gray and gray tends to blend in with that environment. Sometimes we will use in areas where there are black light poles, we'll use a black pole because it blends in with that environment.*

*"We look to place these in locations where trees or buildings obscure the view, particularly from low density residential development. If there is a building or tree that is in the sight line as you look up to a facility, you actually can block the view of something very tall, like a 150-foot tower, with say a 30 or 40-foot tree if it's placed in the right location.*

*"We looked at screen of ground level equipment and then restrict the use of aircraft warning lights to circumstances when they're required only as opposed to putting them in place when perhaps not required by the FAA (Federal Aviation Administration).*

*"This shows on the left two slides the types of towers that the plan encourages. The mono pole tower, which is in the center, is the primary type of facility that we're looking. It minimizes the silhouette of the facility. It blends better with the background typically. The plan also suggests that if you are to do a lattice type tower that it be the type that has the antennas mounted directly to the tower as opposed to the one on the right here, shows what is called an antenna array which expands beyond the tower.*

*"Also the guideline is cabling on a lattice tower should be mounted directly to the vertical support poles as opposed to the cross support members. Which, you can see the cabling on the tower on the right. There's two sets of cables that then add to the ability for that structure to stick out in the skyline.*

*"Right-of-way is the biggest change in the state statute and the County Commissions' actually already addressed this at their meeting in September, last meeting in September. The state statute requires municipal governments to allow wireless communication facilities in the right-of-way. Up until you made the recent change, Sedgwick County did not make provisions for that. So going forward, there will be applications to your Public Works Department for communication facilities to be located in the right-of-way.*

*"The design guidelines that are in the wireless plan match some of the information that is in the state statute as well as some of the considerations that we use for private property facilities. The statute specifically states that the municipal governments can consult with adjoining property owners when locating a wireless communication facility in the right-of-way adjacent to their property and so the plan suggests that that consultation should be required of the applicant. They should be required to notify that property owner and take into account any feedback they get from that property owner about the design of the facility to address concerns they may have about the impact on their property and the property values.*

*"It indicates that the wiring that's used similar to what I discussed previously should be mounted inside the pole or in conduit attached to the exterior of the pole as opposed to being exposed. There are provisions in there for public safety and not locating these in sight triangles and other locations that might obstruct visibility of traffic and those sorts of things.*

*"It also suggests that when these facilities are placed in the right-of-way that future plans for the right-of-way, such as street widenings or utilities that perhaps don't exist in the right-of-way today but are planned, like a waterline or sewer line or other types of utilities be considered and that these facilities be placed such that they don't conflict with those future plans.*

*"There's recommendations on facility height. It recommends a 40-foot height in the right-of-way unless the City or County Engineer suggests that a different height is appropriate for that location and matches the character of the area.*

*"Then the final piece suggests that when placing these facilities in the right-of-way, the preferred approach is to take an existing pole that's already in the right-of-way and replace it or modify it to add the wireless communication equipment. As you can see on the left, there's an existing light pole that's been replaced. The antenna is on the top. The height of it has been extended about 10 feet in comparison to the other poles that you can see, other light poles you can see in that right-of-way.*

*"What's discouraged is to, and it's not that it can't be done, it's just that's not the preferred approach, is to install a single purpose pole, a new pole, additional pole in the right-of-way that is only for the wireless communication facility and that's the example that you see on the right.*

*"So that's all the information I have. Hopefully that was all clear. If you have any questions, I'm certainly able to answer them and the recommended action is to adopt the findings of the Planning Commission, which has recommended this to you, approve the Wireless Communication Master Plan and adopt the amendments to the zoning code."*

Chairman Howell said, "Alright. Well, Mr. Knebel, thank you, for the presentation and explanation on what we're doing this morning. I would like to ask the audience if there is anyone here who would like to speak or ask questions or speak on the agenda item this morning. Seeing none, bringing it back to the Board here. Commissioners, any questions or comments? Commissioner Peterjohn."

Commissioner Peterjohn said, "Just a clarification. This law that was passed by the state, is it uniform for purposes of home rule, both for cities and counties and if it is non-uniform, how would it vary for cities of the second or third class?"

Mr. Knebel said, "The statute is uniform. It does have a reference to the use of home rule and it relates to the regulation of wireless communication facilities in the right-of-way and provision of franchise agreements and other mechanisms that cities are authorized to use by statute to regulate those, but in terms of the applicability, it is uniform across the state."

Commissioner Peterjohn said, "Okay, so the cities and counties cannot exercise home rule powers to opt out of the statute any way, shape, or form."

Mr. Knebel said, "That's the opinion that I've been given by our legal staff, that's correct."

Commissioner Peterjohn said, "Thank you."

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

Commissioner Unruh thanked the Chairman and said, "Well, if this is a state law, do we have much of an option here?"

Mr. Knebel said, "In terms of the regulation of facilities, I mean we still do have the ability to exercise zoning authority on private property and that is what the wireless plan provides. It provides us an approach to address the impacts of these facilities on surrounding properties and the ability to place conditions and design criteria on facilities so that they, the impact of the facility on surrounding properties is mitigated and that's what is presented to you here today. It's not that we don't have the ability to regulate. We just can no longer require co-location on existing facilities. We cannot either before the fact or after the fact and we have to allow the facilities in the right-of-way."

Commissioner Unruh said, "Okay. Did the City of Wichita act on this yesterday?"

Mr. Knebel said, "They did not. They're going to consider it next Tuesday."

Commissioner Unruh said, "Okay. Well, I was talking with a City Council person and their request of me is that we defer this until after they took action on it partly on the reason that has there have been some applications in, to put these towers up in some of our more, some of our developed areas that have obvious aesthetic qualities to it and they don't want these poles going up and these towers going up? I guess..."

Mr. Knebel said, "There have been, yeah, there's literally been, not since the statute was adopted, but since the advent of wireless communications there's literally hundreds of facilities that have been constructed in the community. There have been a few recent requests and even I think a couple of facilities constructed in right-of-way where the adjoining property owners were not satisfied with the design and location of the facility."

*"I think one of the facilities is in the process of being relocated based on the adjoining property owners' feedback. That's a big part of what's in this plan. It's in the statute as well. That issue arose as the state was debating and they included the ability to confer, if you will, with adjoining property owners and design the facility in a way that lessened the impact. But yes, that, those circumstances are occurring in limited instances."*

*Commissioner Unruh said, "Well, it's just an antidotal comment, I don't know the fact but, in my district at both the Waterfront development and at Bradley Fair, I was told that there were requests to put up towers there and of course, those are pretty aesthetically pleasing areas and they didn't want these towers going up and they under this law, they really couldn't unless people agree to work together, they can't really stop it."*

*Mr. Knebel said, "I agree that you can't outright prohibit it from being located in the right-of-way. I think the, there is the ability to require the design to match the character of the area, to address aesthetic concerns that you're talking about, using the preferred approach of taking an existing light pole in one of those developments and adding an antenna to the top of it as opposed to adding an entirely new pole. Those are the things that the plan recommends going forward to try to address those circumstances."*

*Commissioner Unruh said, "Well, I think we'd all like to have great wireless communication capability and not have any dead spots and that sort of thing and I think in general we're in favor of deregulation, but we just, if there's a way that the property owners can negotiate with the people putting it up and come to an agreeable solution, I mean, I think that's important. But, is that the reason the City of Wichita deferred theirs?"*

*Mr. Knebel said, "You know the, in terms of deferring it from the first to the eighth, I didn't get a real clear answer as to why. I think there is some hesitancy to do this and I think they probably just wanted to have additional discussions with constituents and so forth before they considered it. It'd be, I don't know exactly what to expect on Tuesday."*

*Commissioner Unruh said, "Okay. Well, I appreciate that. I understand what you're saying. But, I, I'd just like to, I guess, work in harmony with our colleagues across the street in respecting their concerns. In general, I think in the briefing, I've told you that, well, state law, if we've got to do it and our Metropolitan Area Planning Commission (MAPC) has approved it, it probably would be something that we should support. But because of their hesitancy and reluctance, I would not be opposed to holding this off to hear what they come up with."*

*Mr. Knebel said, "And to get at your point, this is proposed as a joint code amendment if you will, Unified Zoning Code and Plan Amendment, to where both governing bodies are proposed to adopt the same thing. So to the extent that there is some issue with perhaps the city not taking the same action as the county, then it probably is a wise move to defer to see what they do."*

*Commissioner Unruh said, "Okay, thank you, that's all I have."*

*Chairman Howell said, "Thank you, Commissioner Unruh. Mr. Knebel, is there anything in the law that requires us to change this by a certain date? Is there an implementation date we have to be ready for?"*

*Mr. Knebel said, "The actual effective date of the statute is October 1st. So we're actually already beyond it. We're already in conflict with the statute and actually did have a case before the Planning Commission at their first meeting in October where we based on legal advice did not require the facility to require co-location in the future. Didn't factor in the ability of co-location as a decision factor on that case because the law was already in effect."*

*Chairman Howell said, "In your opinion, has this changed the minimum amount needed to be in compliance with state law? Is there, have we gone beyond and allowed more than. In other words, did we have, have we retained as much authority and control as possible, in light of the state law or have we gone beyond minimum changes?"*

*Mr. Knebel said, "In terms of the changes that we're making, I think we're making the minimum changes that the state is requiring us to make. I think the process that is most affected well, two things, our approach to co-location and really relying on an analysis of whether or not a new facility is needed or not based on the ability to locate on existing facilities and then if we decide to build a new facility, building it in a way that maximizes the ability for that facility to be used by others in the future in lieu of building yet another additional facility."*

*"That's the biggest change, and then provisions for locating these in the right-of-way is a big change to the county in that the county was not allowing that. The city has been. The city has been doing franchise agreements and has been allowing wireless facilities in the right-of-way for five or six years now and there's well over 100 of those facilities in the right-of-way now."*

*Chairman Howell said, "I guess what I'm getting at, if we were to delay this, is there some way that we could be sensitive to the areas that Commissioner Unruh was referring to that would somehow protect them in some way that is not already in this document as it sits right now? Is there something we can do that you can imagine, that would?"*

*Mr. Knebel said, "I don't think that there's any significant impact to deferring. There's not any applications on real property in the pipeline. The facilities, I'm not aware there are any county facilities proposed in the right-of-way at this point, so I don't think there's any impact to deferring."*

*Chairman Howell said, "Because there's no applicants right now, the deferring wouldn't cause any problems with any."*

*Mr. Knebel said, "Right, even if people were to make application now, the process with the due process with legal notification and so forth, those cases wouldn't be considered until middle of December."*

*Chairman Howell said, "Okay. Commissioners, any other comments or questions? Commissioner Norton."*

*Commissioner Norton said, "When the city issues a franchise agreement is there a permitting fee that goes with that?"*

*Mr. Knebel said, "There is a franchise fee, which is different than the permitting fee. There is also a per facility permit fee, which is essentially a cost recovery fee of inspection and those sorts of things. Because as they, when they cut poles in the right-of-way the city then has to go out and inspect to make sure that that was done properly and safely. So there is both of those things associated with it, yes."*

Commissioner Norton said, "With the change out into the county, with no franchising agreements that we would sign, how would we handle inspections and the ability to say that they are installed properly and they're not going to cause harm to anyone?"

Mr. Knebel said, "I can let Mr. Spears address that if he wants. As I understand it there is a permit application, right-of-way application that you make that involves and I don't recall whether there's a fee associated with it. I'm seeing that there is."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "It would be treated as like any other utility wanting to be in our right-of-way. It would be a permit process they go through."

Commissioner Norton said, "But, there is no franchise fee?"

Mr. Knebel said, "As I understand it, the statutes don't authorize counties to franchise utilities."

Commissioner Norton said, "So, we're not exactly playing on the same equal field as the cities and municipalities?"

Mr. Knebel said, "Correct."

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

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

Commissioner Unruh thanked the Chairman and said, "Since there's no crises or pressing reason why we have to take care of this today, I would move that we defer this to our next meeting and we can take the opportunity to find out what some of city's concerns are, since this is a joint, jointly approved policy. So my motion is that we defer this agenda item to the next meeting."

#### MOTION

Commissioner Unruh moved to defer until next meeting.

Commissioner Ranzau seconded the motion.

Chairman Howell said, "For clarity, that would be the November 14th meeting, which is a Monday morning. Okay. We have a motion and a second. Does that seem agreeable, Mr. Knebel, does that seem to work okay? Alright, 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, "Thank you, everyone. Next item, please."

**Deferred**

## **NEW BUSINESS**

**D**     [16-206](#)

**COUNTY EXTENSION QUARTERLY REPORT.**

Presented by: Angela Jones, Director, Sedgwick County Extension Education Center.

RECOMMENDED ACTION: Receive and File.

**PUBLIC COMMENT**

**VISUAL PRESENTATION**

*Ms. Angela Jones, Director, Sedgwick County Extension Office, greeted the Commissioners and said, "Happy to be here this morning, talk to you a little bit about our achievements and highlights for the year and then I have a special announcement to make and to share with you. Before I start, I want to show you some photos of our new parking lot. Very, very grateful to the Commissioners and especially to Commissioner Peterjohn for pushing this project through.*

*"If you can tell by these not so great photos, it's hard to take pictures that really show how great the parking lot now looks. But we've had a lot of compliments on our new parking lot. The county also has come out and resurfaced some other areas, potholes and such that were causing some safety issues within the front of our building and also all of the lines have been redrawn.*

*"So when you have 2 to 3 to sometimes 5,000 people out at the office for the farmers market, it's really important that safety be an issue, so we're really proud of this and have heard a lot of really positive comments. So thank you.*

*"As you may know, I have been now the Director for just a little bit over two years. I wanted to highlight a few of the things that I have tried to do during my tenure as Director. If you also will recall, Bev Gunning, who served as the Director, was in charge for 20 years. There were a lot of things that really needed some attention and just a different approach.*

*"One of those was realigning our staff and hiring what I believed were more, individuals who had a better knowledge and skill set for some of the things that we needed to do. I've also established a consistent social media presence. So you can find us on Facebook. We have an E-newsletter that goes out.*

*"I've also completely overhauled our website for citizens. You can find information about all of our programs as well as register and pay for classes online at [www.sedgwick.kstate.edu](http://www.sedgwick.kstate.edu). I've attempted to improve our customer service by adding online registration and payment options. Those weren't available before. You had to come into the office or call over the phone. I've worked to improve key relationships with producers and growers, our farmers market vendors, our community partners and our extension volunteers. This has taken quite a bit of time, something certainly that I enjoy doing.*

*"We've implemented new background checks and a screening process. That is required all volunteers who work with youth to help ensure safety. I've also increased engagement with surrounding county extension offices as a way to better serve our public. So, we've been doing somethings with Reno County and Harvey County to*

*better serve individuals in our Sedgwick County and as well those counties.*

*"We've also improved our technology and upgraded our equipment. That was something that staff really needed help with and we were able to make some adjustments due to some staff layoffs that freed up some dollars to do that.*

*"Wanted to just highlight a few of our achievements over this past year and in this quarter. The number of individuals that we served through our Medicare counseling was 6,361. Medicare counseling is going on right now in terms of our open enrollment period. It closes December 7th. It began October 15th. By October 14th, we had every single slot scheduled to come in and visit with a counselor, so we have now a waiting list. Individuals can still call our office at (316)660-0100 to schedule a Medicare open enrollment appointment.*

*"The number of hours that our Sedgwick County Master Gardeners contributed to our community was more than 15,000. I'm a data person. I think you all like data, so I'm attempting to share some of that with you this morning. Number of phone calls received by our office is approximately 30,000 phone calls. That's to our agents, to our receptionist, fielding questions and so forth.*

*"We also donated more than 80,000 pounds of food through our plant a row programs that's offered through our Sedgwick County Master Gardeners. Number of viewers that we reached through our noon segments, we do have noon segments that show on Thursday and Friday on channel 12, answering questions about healthy eating and gardening as well.*

*"Then the number of Sedgwick County youth that are served through our 4-H program through our clubs and enrichment is more than 10,000. If you remember as well, at our last report, Kent Winter came and visited with you all as well as my agriculture agent Zach Simon. He was instrumental in discovering the sugar cane aphid. I believe they visited with you about that. In doing that last year and again this year, we saved what we believe is about 40,000 acres of farmland and \$9 million that could have been lost had that aphid not be discovered. So, we're really proud of that achievement.*

*"We've given 2,200 presentations over the past year to the community, partnered with more than 80 organizations, answered more than 4,500 gardening questions through our hotline, Master Gardner calls or through our walk-in clinic, which is our response room. I know Commissioner Peterjohn visited that not too long ago, and hopefully we were able to help him in diagnosing a tree issue he was having.*

*"It takes about 850 individuals to run our volunteer programs and the amount saved through our SHICK volunteer, I'm sorry our SHICK counseling program, which is our Senior Health Insurance Counseling of Kansas program was \$1.5 million last year. So these are really great highlights and achievements that we're super proud of.*

*"As a result of that last week at Kansas State, wanted you to know that we were named outstanding extension office of the year for the state. We have 61 extension offices throughout Kansas and we were named as the outstanding office. I've been working with Kate Flavin on coming up with a communication plan on how we'll advertise that and promote that award but also wanted to extend an invitation to Commissioners as well as the County Manager's office on Thursday, December 8th from 4 [p.m.] to 6 [p.m.] to celebrate that achievement. That's my report today."*

*Chairman Howell said, "Alright, well, Director Jones, thank you, for the report. Excellent job. The one thing that stood out to me was the number of individuals*



*served through Medicare counseling, 6,361. I think the majority of them, about 6,000 have contacted me to say how great that program is."*

*Ms. Jones said, "Oh, thank you."*

*Chairman Howell said, "A lot of feedback. People really like that help"*

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

*Chairman Howell said, "So, I'll say thank you for that. Tremendous report. A lot of good things going on. Congratulations on being the best of 61."*

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

*Chairman Howell said, "That is quite an accomplishment. Has the Sedgwick County Extension Office ever received this recognition before?"*

*Ms. Jones said, "We have not."*

*Chairman Howell said, "So, first time. How long have they been awarding this type of?"*

*Ms. Jones said, "I believe this particular award is fairly new, maybe within the last 10 years."*

*Chairman Howell said, "Last 10, that's fantastic. I am glad to see the new parking lot out there. It looks fantastic. I want to recognize Commissioner Peterjohn for him selecting that in his district as a item that needed some help and he helped get that done. So kudos to him. I think Commissioner Peterjohn has some questions or comments."*

*Commissioner Peterjohn thanked the Chairman and said, "I appreciate you coming in and especially appreciate the pictures and congratulations on receiving that award for the Sedgwick County Extension Office."*

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

*Commissioner Peterjohn said, "I'd hasten to add that we still have some areas out there that could still be paved in terms of parking. So, it wasn't, unfortunately we weren't able to do the entire lot. I want to commend the Public Works Department and Mr. Spears as our Assistant County Manager for that area, because it was, it's a really good looking job that was done, Dave. All the feedback I've been getting also has been quite positive and I'm glad at least to have that accomplishment as part of the, I don't know if you're going to include it Dave, in your roadshow come next month, but it certainly deserves some attention."*

*"Let me ask some questions in terms of, on several things and I've like the Chairman, I've also received a number of communications from folks who appreciate your help with SHICK and Medicare sign-up."*

*Ms. Jones said, "Uh-huh."*

*Commissioner Peterjohn said, "I think it's kind of a sad commentary on the times for folks who are trying to access Medicare that they've paid into for years that they've got to come to a third party to be able to do so. But I think for folks who can hear my voice at the moment, that resource is out there and before you get out of here,*

*please, Ms. Jones, provide us with that phone number if people are interested in terms of getting, calling for that.*

*"I do have some questions, because I, it just seems like we have a whole bunch of challenges coming on the, in terms of mainly insects, whether small oak mites and you mentioned sugar cane aphids, emerald ash bores. I don't know if this is the right time, if this isn't the right time. If you've got the right person who could come back with the right person who could give us kind of an update on all three of those and anything else in the realm of entomology or animal kingdom that we need to get an update on in terms of challenges."*

*Ms. Jones said, "Absolutely."*

*Commissioner Peterjohn said, "Because whether folks have ash trees or oak trees and they're struggling with oak mites, I think that that's really a, seems to be a lot of new challenges out there."*

*Ms. Jones said, "Absolutely and really that's our horticulture agents who could come in and visit with you more about that. We do have a lot of calls that we're taking on those issues, trying to work through the Wichita Eagle to get information out to the public on how to deal with those certainly through our Facebook page as well. We're posting about certain things that we have. You can always find information as well through our website, which is [sedgwick.kstate.edu](http://sedgwick.kstate.edu) if you'd like that information. The phone number to call for our Medicare appointment is (316)660-0100."*

*Commissioner Peterjohn said, "Is that just for Medicare or would that be for any?"*

*Ms. Jones said, "The whole office."*

*Commissioner Peterjohn said, "I appreciate you getting that onto the record. Thank you, Mr. Chairman."*

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

*Commissioner Unruh thanked the Chairman and said, "Well, Ms. Jones, thank you for being here today. It's a very glowing report that you presented to us and the statistical data that you presented is really impressive. A couple of items that I picked out that indicate how involved in the community our extension center is 30,000 phone calls is a lot of contact with citizens."*

*"I was also impressed by the fact that you partnered with more than 80 different organizations in the community, which is the type of interaction and working together that we like to see in or organization. So, congratulations on your award and congratulations on your success this year."*

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

*Commissioner Unruh said, "But, one question I had, did you say that all of your slots for counseling are full?"*

*Ms. Jones said, "All of our slots for counseling are full right now. We are offering a walk-in day. That's going to be in early December. I'll make sure and get that to Kate [Flavin] so she can have that in your public announcements. We offered that two weeks ago. We had over 200 people come in at our walk-in day and wait."*

*Commissioner Unruh said, "Did you handle 200?"*

*Ms. Jones said, "We did. We have about 27 volunteers who are trained in Medicare counseling as well as two full-time staff members. So it was a little bit of a wait and some questions took a little bit longer than others, but yes, we accommodated."*

*Commissioner Unruh said, "Alright, well, I like the others have received much thanks and congratulations for us supporting you in that effort."*

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

*Commissioner Unruh said, "And I know it's a complicated process. So, I know the citizens appreciate it. But for those who don't get an appointment, it's a real challenge."*

*Ms. Jones said, "It is. Medicare counseling is available by appointment any time through the year, but only this open enrollment period."*

*Commissioner Unruh said, "Okay."*

*Ms. Jones said, "That runs mid-October through December 7th, if you're wanting to make any changes to your plan do you need to come in and see us."*

*Commissioner Unruh said, "Okay. Well, once again, good report, and thank you for being here."*

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

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

*Commissioner Peterjohn said, "I forgot to ask one last question. I know you all had an election for the Extension Board."*

*Ms. Jones said, "We did."*

*Commissioner Peterjohn said, "All the folks, everyone here in Sedgwick County was eligible to vote. I was curious, do you have any idea roughly how many folks cast ballots in that election?"*

*Ms. Jones said, "Yes, we do. We actually offered some satellite voting this year in Andale, Clearwater, Derby and Mount Hope. We had a good turnout at those election sites and unfortunately we only increased our voter turnout by about 25. So last year it was about 215 and this year it was about 238. Our experience this year in our office was that people were really turned off by anything that had anything to do with an election at all.*

*"So, we just couldn't get as many people interested in voting this year and we just kept hearing that over and over again. But certainly the attempt was there. We did a much broader advertisement of the opportunity to vote and where, offering the satellite options, staffing those with volunteers, and again, I was happy with the turnout of those outside election sites but just not in our office."*

*Commissioner Peterjohn said, "Well, I was going to say when I was over at the extension office, 21st and Ridge, there were quite a few other folks casting ballots like myself. So, I do appreciate the number and do appreciate the report."*

MOTION

*Commissioner Peterjohn moved to receive and file the County Extension Quarterly Report.*

*Commissioner Ranzau seconded the motion.*

*Chairman Howell said, "We have a motion and a second. But I think there's a little bit more discussion perhaps. I would just like to ask, for someone to vote in the election, do they have to be a registered voter of Sedgwick County, or just a citizen?"*

*Ms. Jones said, "You have to be a resident of Sedgwick County and 18 years old."*

*Chairman Howell said, "And 18 years old. So, you do verify their address and make sure it's inside Sedgwick County."*

*Ms. Jones said, "We do."*

*Chairman Howell said, "Now, an unregistered voter, it can be an unregistered voter for the purpose of other elections but can still vote in this election?"*

*Ms. Jones said, "Yes."*

*Chairman Howell said, "I do need to ask, is there anybody in the audience that would like to add to this discussion before we go on? Seeing none, we have a motion and a second. Any final discussion? Alright. Seeing none, Madam Clerk, please call the vote."*

VOTE

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

*Chairman Howell said, "Thank you, again."*

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

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

**Received and Filed**

**E**      [16-703](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY OF WICHITA, KANSAS AND SEDGWICK COUNTY, KANSAS FOR THE MANAGEMENT AND OPERATIONS OF THE LAW ENFORCEMENT TRAINING CENTER.

Presented by: Misha Jacob-Warren, Assistant County Counselor.

RECOMMENDED ACTION: Approve the joint ordinance and resolution, authorize the Chairman to sign the agreement, and publish the joint ordinance and resolution.

PUBLIC COMMENT

*Ms. Misha Jacob-Warren greeted the Commissioners and said, "Before you today is an Interlocal agreement by between and Sedgwick County and the City of Wichita, for the management of the Law Enforcement Training Center. As you are well aware, the city and county have long conducted law enforcement training together. The current facility as you are also very well aware, is no longer conducive to our needs.*

*"So earlier this year, we chose to purchase a new turnkey facility that will be housed at the Wichita State University Innovation Campus for the purpose of conducting law enforcement training. As that goes along, we are trying to get, before we purchase that building, we need to get a little bit ahead of things and describe how operations of the facility are going to run.*

*"We like to keep it as simple as possible, but the Attorney General, the Interlocal Cooperation Act (ICA) does require us to set forth some things in writing. So in this agreement I will call your attention to just a few things.*

*"First, the purpose of course is to continue to enhance the quality and quantity of law enforcement training provided by both the Wichita Police Department and Sedgwick County Sheriff's Office by maintaining a shared training academy, sharing certain agreed upon costs thereby reducing the costs for everyone.*

*"We of course, both entities will have joint use, joint full use of the facility. We will have equal access to the facility, just as we do now and we are leaving it up to Sheriff Easter and Chief Ramsey to establish specific training schedules so that we know when they need to be conducted together, when each party might need more of the facility or less of the facility.*

*"The biggest thing I want to call your attention to is the administration. The Interlocal Cooperation Act requires us to set forth how this agreement is going to be administered and so, because this is between both parties, we opted to develop what we are referring to as a joint board. On this board will be the Wichita Chief of Police, Sedgwick County Sheriff, one representative appointed by yourself, one representative appointed by the City of Wichita and one representative from Wichita State University since the facility is housed on their campus.*

*"As things stand, the budget is currently the exact same as we enjoy now with the City of Wichita. Everything is split 50/50. As you also well know, the city, the Wichita State University has graciously offered to provide all operations and maintenance costs for the first five years of this agreement. That includes all types of utilities, things you generally associate with operations and maintenance.*

*"The one thing I will tell you that it does not cover and that all parties have agreed to provide separately is all technology costs, so anything having to do with internet, wireless communications of any kind, all of that kind of thing.*

*"So, a couple other things I will draw your attention to we have to describe in detail for purposes of the statute, the acquisition holding and disposition of real property. It has been discussed between the two parties that we will follow the county's purchasing policies if we are purchasing any kind of joint property. We will also follow the county's policies for disposal of any kind of property.*

*"The thing is that once we purchase this building, the building will be ours, half owned by the City of Wichita and half owned by Sedgwick County and although we don't like to talk about it, especially now, as a lawyer I have to plan for every single eventuality and so we have to put something in there as to what happens in the event that one or both parties wants to vacate this facility and I'm just drawing your attention to this*

*because it's an important part of this agreement.*

*"Our agreement currently is that if both parties choose to vacate this facility, it must first be offered for sale to Wichita State University. That's the right of first refusal that they're requiring of all properties that are housed on their Innovation Campus. In the event it does not go to Wichita State then we have agreed to hire an appraiser, get a fair market value, split the costs thereof equally. In the event only one of us wants to vacate the facility, we will still hire the appraiser and the non-vacating party will just be paid half of that share. Everything else contained in the agreement is kind of boilerplate language, insurance, budget, assignment, amendments, waiver, all of those kinds of things.*

*"So, those are kind of the highlights of the agreement. What I want to say that an Interlocal Agreement is no small feat. As I tell you often and I tell the manager and his staff often, my job is simply to put words on paper. So, I would be remiss if I didn't thank not only everyone else in our office, but the sheriff's office, finance department, risk management and of course, our counterparts at the city, including Chief Ramsey, their legal department, finance departments. They work very hard to put this together and to come to an agreement.*

*"So the recommendation, of course, is to authorize the Chairman to sign, also the corresponding resolution that goes with this. Upon your approval, it will go across the street for the City of Wichita's approval and then on to the Attorney General for his approval. If you have any questions, I'm happy to answer them."*

*Chairman Howell said, "Thank you for the explanation this morning. Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "I appreciate the presentation. Could you walk through just a second because you mentioned at the end obviously we've got to get the agreements and we're working with that with the City of Wichita. What's the time frame for getting the Attorney General on board with this?"*

*Ms. Jacob-Warren said, "Once we submit the agreement to the Attorney General, he has 90 days. If we don't hear back from him within 90 days, that means we're all good to go. We of course would always like to get the letter that specifically states that we're good to go and which we fully expect that to happen, but he does have 90 days."*

*Commissioner Peterjohn said, "So, we're probably anticipating this being completed, all the I's being dotted and T's being crossed on both ends sometimes in the first quarter of 2017?"*

*Ms. Jacob-Warren said, "That is our hope, yes."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Howell said, "Thank you, Commissioner. Do we know whether this Interlocal Agreement is holding up the construction in any way, are they moving forward regardless of this agreement?"*

*Ms. Jacob-Warren said, "At this time, I'm not entirely certain if they're moving forward. There are a lot of moving pieces not only to this Interlocal Agreement which kind of governs everything inside the facility. But, myself along with my counterpart at the city are working very diligently with the developers as well to finalize the real*

*estate purchase agreement and so I'm not entirely certain if they have started construction yet or if they've started at least moving some dirt around. But I can tell you that efforts on our end are working almost daily to make sure that that happens as soon as possible."*

*Chairman Howell said, "Very good. Alright. Well, thank you. I don't see any comments at the moment. I'd like to ask the audience, is there anybody here that would like to comment on this agenda item? Seeing none, Commissioners, what's the will of the Board? Commissioner Ranzau."*

**MOTION**

*Commissioner Ranzau moved to approve the joint ordinance and resolution, authorize the Chairman to sign the agreement and publish the joint ordinance and resolution.*

*Commissioner Unruh seconded the motion.*

*Chairman Howell said, "We have a motion and a second. Any final discussion? Alright, seeing none, Commissioner Peterjohn."*

*Commissioner Peterjohn said, "I'll just say I appreciate the hard work of everyone in your office, Misha and the other county employees and their counterparts across the street with the City of Wichita. I'd be remiss if I didn't point out getting this agreement in place is something that's been, depending upon who you talk to and when you talk to them, it's been an effort that's been underway going back at least into the last century, maybe back even a couple decades.*

*"Even though this doesn't get us close to the finish line or to a ribbon cutting in terms of when it's going to be open sometime I think next year, I think this is a significant milestone, a significant achievement for both everyone involved with the City of Wichita as well as folks here in Sedgwick County and that deserves some attention, because there's been a lot of, in my view inaccurate comments about how there's a lack of cooperation and I think this is an example of cooperation and I think it ought to be pointed out and I've just done so. Thank you."*

*Ms. Jacob-Warren said, "Thank you, Commissioner."*

*Chairman Howell said, "Thank you, Commissioner. I wanted to follow up and say I think you do fantastic work. This appears to be very thorough and well written and this is a good job. Good work by the counselor's office and you specifically. Thank you for all you've done there."*

*Ms. Jacob-Warren said, "Thank you, Mr. Chairman."*

*Chairman Howell said, "I am honored to have a chance to sign this document. I mean, after 17 years of this community wanting to have this done and finally getting to the point of actually signing the document that moves this thing forward, having my name on the back side of the document, I just think it's fantastic, so I'm honored to do so. Seeing no or comments, Madam Clerk, please call the vote."*

**VOTE**

*Commissioner Unruh                      Aye*  
*Commissioner Norton                Aye*

Commissioner Peterjohn      Aye  
Commissioner Ranzau              Aye  
Chairman Howell              Aye

*Ms. Jacob-Warren said, "Thank you, Commissioners."*

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

**Approved**

**F**      [16-708](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 27, 2016.**

Presented by: Joe Thomas, Director, Purchasing.

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

**PUBLIC COMMENT**

*Mr. Joe Thomas, Director, Purchasing, greeted the Commissioners and said, "Two items resulted from the meeting of the Board of Bids and Contracts of October 27th.*

1.    *FOUR WHEEL DRIVE CREW CAB TRUCKS – SEDGWICK COUNTY  
FIRE DISTRICT #1  
FUNDING – FIRE DISTRICT ADMINISTRATION*

*"This recommendation is to accept the low responsive bid from Davis Moore Chevrolet in the amount of \$98,600 and establish contract rates as listed for a period of three years.*

2.    *FOUR WHEEL DRIVE DOUBLE CAB TRUCKS – SEDGWICK COUNTY  
FIRE DISTRICT #1  
FUNDING – FIRE DISTRICT ADMINISTRATION*

*"The recommendation is to accept the low responsive bid from Don Hatton Chevrolet Incorporated in the amount of \$108,800 and establish contract rates as listed for a period of three years."*

*"I will be happy to answer any questions you may have. But, I do recommend approval of both items."*

*Chairman Howell said, "Very good. Commissioner Unruh."*

*Commissioner Unruh thanked the Chairman and said, "Joe, these are both Chevrolet vehicles. They are two separate bids. I guess I'm just wondering why we didn't package them. Could we have got a better price or are they dissimilar enough we needed two bids?"*

*Mr. Thomas said, "It was determined that would be best to have the two separate bids, especially the differences between the two and I think that was the primary reason we had talked about. What's that? Hold on a second, we'll have Brian Richie come forward."*

*Captain Brian Richey, Fire District #1, greeted the Commissioners and said,*



*"Basically there is, the Chevrolet trucks that we bid or the specification we bid, there's one that's basically a turnkey on what you would see on a normal Chevrolet truck and the other has quite a bit of modifications done to it with the utility bed, some other modifications done to it.*

*"Having said that, both vendors bid on both trucks, but one happened to be lower on the other than what the other one was. That's why we didn't package them together. I'm not totally sure. But they are, you know, double cabs and the crew cab trucks are somewhat outfitted different so."*

*Commissioner Unruh said, "Well, thank you, as long as you considered it and we made our best decision, I'm good with that. But one other question just out of curiosity. We've got two trucks. We ordered three service manuals."*

*Mr. Thomas said, "Yeah, we did order an extra manual for one to go to the station and the other two remain with the trucks. So one for each truck and one for the station."*

*Commissioner Unruh said, "Well, I know that service manuals aren't a lot of fun to read, so I knew there had to be a reason."*

*Mr. Thomas said, "That's right."*

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

*Chairman Howell said, "Alright, thank you, Commissioner Unruh. Any other discussions? Let me ask the audience, is there anybody in the audience that would like to speak on the agenda item? Seeing none, Commissioners, what's the will of the Board?"*

#### **MOTION**

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

*Commissioner Peterjohn seconded the motion.*

*Chairman Howell said, "We have a motion and a second. Any 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

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

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

**Approved**

#### **CONSENT**

*Mr. Mike Scholes, Manager, greeted the Commissioners and said, "I recommend you*

*approve Consent Agenda items Golf through X-ray.*

*MOTION*

*Commissioner Ranzau moved to approve the Consent Agenda.*

*Commissioner Peterjohn seconded the motion.*

*Chairman Howell said, "We have a motion and a second. Any discussion? Seeing none, Madam Clerk, please, call the vote."*

*VOTE*

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

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

**Adopt the Consent Agenda**

- |          |                               |  |
|----------|-------------------------------|--|
| <b>G</b> | <a href="#"><u>16-704</u></a> | One (1) Temporary Construction Easement for Sedgwick County Project 628-33-2370; Drainage project on 39th Street South between Webb Road and Greenwich. CIP# R264-29. District 5.  |
| <b>H</b> | <a href="#"><u>16-695</u></a> | Two (2) Easements for Right of Way for Sedgwick County Project 795-H-552; Drainage project on 199th Street West north of 61st Street North. CIP# R264-39. District 3.  |
| <b>I</b> | <a href="#"><u>16-698</u></a> | Two (2) Right of Way Easements for Sedgwick County Project 821-A-2234; Bridge replacement on Broadway between 117th and 125th Streets North. CIP# B473. District 4.  |
| <b>J</b> | <a href="#"><u>16-699</u></a> | Three (3) Right of Way Easements for Sedgwick County Project 604-14-1668; Drainage Project on 61st Street North between 183rd and 199th Streets West. CIP# R264-38. District 3.  |
| <b>K</b> | <a href="#"><u>16-683</u></a> | Three (3) Easements for Right of Way and Two (2) Drainage Easements for Sedgwick County Project 783-D-1237; Bridge Replacement Project on 295th Street West between 93rd Street North & 101st Street North. CIP# B475. District 3. |
| <b>L</b> | <a href="#"><u>16-688</u></a> | Resolution reclassifying certain roads from the Grant Township Road System to the Sedgwick County Highway System.  |
| <b>M</b> | <a href="#"><u>16-701</u></a> | Amendment to the Capital Improvement Program (CIP) for Mulvane Emergency Communications Radio Tower repair and ice shield.   |
| <b>N</b> | <a href="#"><u>16-685</u></a> | Government Services Agreement for Fire Code Inspection and Enforcement Services with the City of Garden Plain.   |

- O    [16-682](#)            Amendment to the Annual Affiliation Agreement with Apple Services.
- P    [16-674](#)            Professional Service Amendments (2) to Provide Inpatient Psychiatric Care for COMCARE Consumers.
- Q    [16-675](#)            Second Addendum to the 2016 COMCARE participating Community Mental Health Center agreement with the Kansas Department of Aging and Disability Services.
- R    [16-676](#)            Lease Agreement with William and Sheree Kennedy for County owned land in Mulvane, Kansas.
- S    [16-692](#)            A Resolution to Authorize the Destruction of Register of Deeds Records (DISP 2016-266 RoD 1997-2008).
- T    [16-693](#)            Resolution to authorize the destruction of County Counselor Records 2004-2010 (DISP 2016-270 County Counselor).
- U    [16-694](#)            Resolution to authorize the destruction of Department of Corrections records 2003-2013 (DISP 2016-267 Corrections).
- V    [16-709](#)            Payroll Check Register for the October 15, 2016 payroll certification.
- W    [16-710](#)            General Bill Check Register for October 19, 2016 to October 25, 2016.
- X    [16-711](#)            General Bill Check Register for October 26, 2016 to November 1, 2016.

### **LEGISLATIVE ISSUES**

*Chairman Howell said, "Commissioners, any legislative issues this morning? We may come back to that in a little bit here. Let me take a break from the regular meeting here."*

*The Board of County Commissioners recessed in Fire District #1 Meeting at 10:20 a.m. and returned at 10:22 a.m.*

*Chairman Howell said, "We're back on legislative issues. Are there any legislative issues for us to discuss? Okay, Madam Clerk, next item, please."*

### **OTHER**

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

*Commissioner Peterjohn thanked the Chairman and said, "Although obviously at the proclamation portion, I think we covered the most significant date that's coming up in the first part of November. I would be remiss if I did not point out that November 2nd was an important day in American history and not surprisingly, it relates to a couple*

of the elections that were held and some technology.

*"On November 2nd, 1920, one of the first radio stations in the United States, KDKA, one of the few radio broadcast stations that begins with letter K east of the Mississippi broadcast election returns where the ticket of Warren Harding and Calvin Coolidge defeated James Cox, went on to found a little media empire that we have here, a portion of, the Cox Cable Company and his running mate went on to have some subsequent electoral success nationally. Cox's running mate for Vice President in 1920 was a gentleman by the name of the Franklin Delano Roosevelt.*

*"On November 2nd, 1948, one of the big election upsets in American history occurred when Harry Truman surprised all the pundits and the pollsters and defeated Thomas Dewey. So, for folks out there who don't believe their vote matters, elections do matter and votes do matter and I think we have a couple of electoral cases from November 2nd that show that and November 2nd is an important date in American history. 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? Well, for myself I'll just say my mom is in the hospital and I think she's watching the meeting. I'd like to just say hi mom, get better. Hopefully she'll enjoy that for just a moment. That's my only comment for today. I think that's all we have for other today, so Madam Clerk, next item, please."*

## **EXECUTIVE SESSION**

*Chairman Howell said, "Alright, Commissioner Ranzau."*

### **MOTION**

*Commissioner Ranzau moved to recess into executive session for 45 minutes to consider consultation with an attorney for this commission which would be deemed privileged in the attorney-client relationship and that the Board of County Commissioners return to this room from executive session no sooner than 11:12. The executive session is required to protect attorney-client privilege and the public interest and protect the County's financial interest and right to the confidentiality of its negotiating position.*

*Chairman Howell seconded the motion.*

*Mr. Eric Yost, County Counselor, greeted the Commission and said, "Mr. Chairman, can I recommend we meet in the Manager's conference room?"*

*Chairman Howell said, "That'll be fine."*

*Mr. Yost said, "Considering the number of people we're going to have in the room?"*

*Chairman Howell said, "Okay, so, we'll meet in the Manager's Conference room today for the executive session. Any other discussion? Seeing none, we have a motion and a second. Madam Clerk, please, call the vote."*

### **VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye

Chairman Howell                      Aye

Chairman Howell said, "Okay, we're going to move to executive session and will be back about 11:12 a.m."

The Board of County Commissioners recessed into Executive Session at 10:33 a.m. and returned at 12:26 p.m.

Chairman Howell said, "There was no binding action taken. With that, Mr. Manager, Mr. Counselor, anything else?"

Mr. Yost said, "Nothing else for me."

Chairman Howell said, "Commissioners, anything else before we adjourn? Okay, seeing none, we're adjourned, thank you."

**Approved**

## **ADJOURNMENT**

*There being no other business to come before the Board, the meeting was adjourned at 12:26 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: \_\_\_\_\_