

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, December 7, 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*

*DECEMBER 7, 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 December 7, 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; Mr. Thomas Golden, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Bureau of Public Works; Mr. Joe Thomas, Director, Purchasing Department; Ms. Tabitha Lehman, Elections Commissioner; Mr. Jon Von Achen, Assistant County Counselor; Mr. Chris Chronis, Chief Financial Officer; Ms. Diana Shunn, Executive Director, Child Advocacy Center; Mr. Schott Knebel, Planning Manager, Metropolitan Area Planning Construction; Mr. Justin Waggoner, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Laura Billups, Deputy County Clerk.*

### *GUESTS*

*Ms. Diana Shunn, Executive Director,  
Mr. Jim Carlson, Executive Director, Kansas Natural Resource Coalition  
Mr. Lonnie Wright, 1721 South Lulu, Wichita  
Mr. Myron Ackerman, 1050 North Ridgewood, Wichita*

## **INVOCATION: Pastor Ron Pracht, Olivet Baptist 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 do have actually a couple people signed up to speak this morning. But, one of them actually has a place on the agenda. So, I'll hold up on Jim Carlson. I'm going to go ahead and ask Diana Shunn, I said that wrong, sorry. Please, come on up and share with us this morning."*

*Ms. Diana Shunn, Executive Director, Child Advocacy Center, greeted the*

*Commissioners and said, "Nice to be here with you and on the public agenda just to have an opportunity to tell you thank you, for all of your support to the Child Advocacy Center. Certainly in this season of giving and thanks as well as hope, we want to thank you Sedgwick County for all you have done to support the Child Advocacy Center and the nearly 1,800 children that we serve annually, who are victims of abuse.*

*"Thank you, specifically for all of your support in relation to our capital campaign. Please, accept this small gift as a token of our gratefulness and appreciation in helping make our dream of renovating the former Lincoln Elementary School building to now be the Child Advocacy Center a reality. We hope that you will display this glass block. It does have a lighted light to it on the stand as well. We would like you to consider doing that proudly to recognize your part in making a difference with the Child Advocacy Center and the success that we had in changing the lives of so many children.*

*"So, thank you for the imprint that you've made throughout the county. But, certainly at the Child Advocacy Center as well."*

*Chairman Howell said, "Let me just say real quickly, thank you, for coming this morning for presenting that. If anybody in the public has not seen the Child Advocacy Center, it is a tremendous facility. Again, as we talk about things like this we wish there wasn't a need for this type of facility. But, we do have a need for some, for someone to be aware of the issues going on with these children.*

*"There is a number of agencies that are housed out of there. It's a tremendous facility. It's brand new. It's adequate, in fact it's more than adequate. It's a wonderful facility. It's beautiful, offices are nice and the staff I think finally has a place to work that they can do their job and do it with everything they need there.*

*"So, I'm not sure what other needs you have out there. But, I guess you take the time to come out and show appreciation to the county. I want to say thank you for that. There may be some questions or comments from Commissioners on this, but thank you for the gift this morning. I'm sure we'll find a place to proudly display this. Thank you, so much."*

*Ms. Shunn said, "Excellent, thank you."*

*Chairman Howell said, "Commissioners, any questions or comments for Dianna before she goes? Alright, well thank you so much, once again."*

*Ms. Shunn said, "Thanks, have a great day."*

*Chairman Howell said, "Alright, I think that's the only one I have signed up this morning, but I'll ask the audience is there anybody else that's here, that hasn't signed up that would still like to speak to the County Commission, Commissioners, on any item? Alright, seeing none going on to the next item. Madam Clerk, next item, please."*

## **NEW BUSINESS**

### **A     [16-818](#)**

UPDATE ON KANSAS NATURAL RESOURCE COALITION.  
Presented by: Jim Carlson, Executive Director of Kansas Natural Resource Coalition (KNRC).

RECOMMENDED ACTION: Receive and file.

Public Comment.

VISUAL PRESENTATION

*Chairman Howell said, "I'd like to recognize Jim Carlson. He's here visiting from I think western Kansas. But, tell us all about yourself and KNRC (Kansas Natural Resource Coalition) and give us a quick update if you don't mind. Thank you, so much for being here this morning."*

*Mr. Jim Carlson, Executive Director, Kansas Natural Resource Coalition, greeted the Commission and said, "We're here, the steering committee extends their greetings, but one of the things we do as an unwritten policy is to visit all our members, all our mid our 25 members, once every three year period and do an update, so this is Sedgwick Counties opportunity for that. Next slide, please."*

*"In 10 minutes, I'd like to tell you, to go over who we are, what we do, our approach and why it's effective. So, who we are is Kansas Natural Resource Coalition. It's a uni-coalition of local governments, county governments. We have a unique message and we have a unique place in federal administrative policy."*

*"Our structure is we're structured, each county has a seat on a policy committee and then we have a steering committee that makes day-to-day decisions and provides day-to-day leadership. One thing unique about the steering committee is we're losing two members, Commissioner Rice out of Seward County and Commissioner Harder out of Morton County."*

*"But, we have actually three competitors now at a minimum for those spots. So the unique message there is that we have competition for our steering committee leadership spots. Which says a lot in this day and age of having difficulties finding leadership. Staff, we have three part time staff. I'm the Executive Director like I shared. We have a Communications Analyst and a Research Analyst. In the Communications Analyst we just hired Norman Cloud, out of Washington. They work remotely and they do in-depth research on the issues."*

*"What we do, is we engage federal agencies on administrative decisions before those decisions are made. This is a very unique approach to effecting decisions making and we've found that it's effective. We can see it and demonstrate that in a number of ways. But, we emphasize, we have an emphasis on federal initiatives that impact natural resources so, land and water. Land use, in terms of land use split estate and I won't go into split estate."*

*"But, for example they're on split estate the Bureau of Land Management (BLM), their planning 2.0 rule address' split estate very significant ruling that came down December 1st. We're doing statutory research on that and then we'll take a position on that."*

*"Also, we emphasize potential valuation taxation reductions, productivities impacts and even human culture and property rights. Why this is unique, is nobody in America's doing this, particularly not a coalition of counties. So, we do have counties for example, a National Association of Counties (NACo) et cetera, that do take positions on the legislative side of the house, but not necessarily on the administrative side of the house. That is where significant activities are being*

*undertaken. So, we think it's a good message for this point in time.*

*"Our approach is very simple. What we do is we study out what the statutory, we do a statutory analysis. What do the statutes say? Then we combine that research with technical research. Historic, look at the historical, maybe the congressional record et cetera, of those statutes and the technical record and then we look at, we also fold in a political component, and fold all of that into an organizational understand to effect decision making on a preemptive basis. It seems to be working.*

*"Why it's effective? It's effective because we provide quality and detailed information from the bottom up. You don't see that in the, for example in the comment period that federal agencies, you know comments on The Waters of the U.S. Rule of Bureau of Land Management. If you go out and whenever one of those rules is promulgated, you'll only see a handful of comments. Now, more lately because these rules are so controversial. But, we put really, really good quality comments into the record from a organized coalition.*

*"The other thing is, local government standing is difficult to ignore. So, it's difficult to dismiss. So, we think that's powerful. Then finally, it's constitutionally appropriate and statutory mandated. So, a couple of initiatives that we're undertaking right now is we're doing an analysis of the Bureau of Land Management planning 2.0 rule that came out on December 1st and that rule will significantly in fact, land use planning. Both in the urban and rural setting. So, it's not just for public lands, people typically think Bureau of Land Management is only for public lands. But, many of the policies that BLM puts out are adopted by the state either directly or indirectly. Then those work their way down into land use planning at the local level.*

*"We're also monitoring the 18 state Fish and Wildlife Service critical habitat litigation that came out last spring. Kansas is a party to that. That is very, very significant as well, because now Fish and Wildlife Services is attempting to adjust how they rule on critical habitat and take into account some other things. So, we're doing an analysis of that.*

*"We're doing a predictive analysis of the 12 months lesser prairie-chicken status review. You might have heard about that we're doing data collection on a number of things like conservation easements. This is where the state and buffer zones.*

*"Then we research out tax and property impact implications of rails to trails. Now, that's a, in your packet you'll have a correspondence here or actually it's a decision from the Surface Transportation Board, we were Kansas Natural Resource Coalition, which Sedgwick County is a member, was a party to effecting that and commenting on that from a tax perspective, so you can see that ruling just came down about, or decision about two weeks ago.*

*"So, we're doing a number of things, there's other things here on initiatives. This is just scratching the surface. We're very active, our work is, we'd like to think our work is excellent. It's well thought out, it's appropriate and it can be received well by the administrative agencies.*

*"One of the things, I'll close with this and take questions. One of my, I guess one of my mantras as the Executive Director is I always maintain that we will treat even those we disagree with, with dignity and respect. We think that's a winner whenever we come out in public policy in this environment where folks, there's a lot of polarization. We think that's a powerful message and we think that's a respectful message that can be received. Even if we, however we come out we think that creates the atmosphere for with relationships can be built. So, with that I'll take*

questions.”

Chairman Howell said, “Thank you, Mr. Carlson for all the information you presented so far, for giving us this slide presentation as well. It brings up a lot of topics, actually. Maybe some discussion here. Commissioner Peterjohn.”

Commissioner Peterjohn thanked the Chairman and said, “Well, Jim I pretty much appreciate the work that KNRC does. I’ve got a lot of your reports in trying to deal with the regulatory, you called it administrative, I’d call it bureaucratic, in terms of initiatives and challenges we face. I’ve talked about so many of the, maybe I should call them opportunities as opposed to challenges. But, dealing with other levels of government and trying to get around some of the rules and mandates that are coming at us.

“I know you all have been mainly focused on the lesser prairie-chicken, but there’s a lot of other animals in the wild animal kingdom and there’s also some regulatory side of it that has nothing to do but you’re involved in. I’d like you to talk for a minute, how many counties are participating in KNRC at this point in time?”

Mr. Carlson said, “Right now we have 22 and then we hope to add two more. I met with two counties last week. Our target for 2017 is to add 10. So this is, our message is well received. So, we’re going to be, I think at present we’re perceived as a Western Kansas initiative.

“But, the administrative things that we’re working on actually involve both urban and rural and eastern and western Kansas counties. Now, Commissioner, on we’re not, the prairie-chicken is one of several things. I think we got involved in Waters of the U.S. rule, Bureau of Land Management planning, there’s a number of other things too that are found on our website and that’s in your packet but it’s [www.KNRC.org](http://www.KNRC.org) we want to make sure it’s .org as opposed to not Kansas Natural Resource Conference. So, it’s a lot of good information out there too on the website.”

Commissioner Peterjohn said, “Would you talk for a minute about the lesser prairie-chicken and within the endangered species, we’ve had projects of public works realm, that had either impacted or had the potential to be impacted for whether it’s fish or whether it’s birds. I remember going to a KDOT meeting where we spent a lot of time talking about swallows. There’s like seven different varieties of swallows in the U.S. and there’s two that are regular and residents here in Kansas. But, there not at any real risk.

“But, new rules and mandates so we have to deal with it. Could you talk for a minute in terms of what we at the local level potentially have the ability to do and you said that we have some standing. I’d like to get a little bit better understanding because if we’re in a position to try and influence what the bureaucratic rules come in that the average citizen who often gets thrown out of court for not having standing even though they are directly affected by these mandates.

“I’d like to have an understanding because I, we had a potential major bridge project in my district where some minnows could have impacted our ability to get that project done and completed on a timely basis. We had to work around those rules. So, if you give a little bit of more information in terms of the local government’s role, I’d appreciate it.”

Mr. Carlson said, “I would say two things, I respond to that Commissioner Peterjohn. Endangered Species Act and actually administrative agencies have parity with local government and we’ve really forgotten that across America. Local government has

*parity with federal agencies when it comes to administrative rules and rule making. Typically through the National Environmental Policy Act (NEPA), which I'm sure this group is familiar and the environmental impact statement process.*

*"I'm getting to a point here. I'm setting a stage, but I think that with regard to endangered species issues how to address these issues needs to be incorporated in a county land use plan or the planning process of some sort. How we address these situations and that goes back to the BLM 2.0 planning rule. Is if you, if Sedgwick County for example, had in its land use plan a way to address a species at a reasonable level then you can through a doctrine of coordination, meet with agencies and say that this is how we're going to address this when we have a bridge project. Especially if a species is not endangered or it's just merely threatened. So, now this takes time.*

*"Now in western Kansas we're moving into land use planning and land use plans and we want to bring the federal agencies in, in the doctrine of coordination. But, I think what the take home message there is that Sedgwick County has parity with its federal counterparts. So, if it's in, if you are taking the lead in endangered species issues then at that point you can start dealing with some of these issues.*

*"But, until that time they're going to come out with policies that may or may not be part of an endangered species act. They're extrapolations of regulations and policies and policy manuals. So, we have to get back to statutory foundations. I think that is one of KNRC's messages. What does the law say? What are the statutes saying?*

*"Now, there's probably some attorney's in the room that if I say we look at case law, but case law is a guiding factor. But, we look at the statutes and we say, what does the law say itself? I think that's one of our messages. It's very simple. I'm an engineer, I'm not an attorney. But, when someone says well, are you an attorney, I ask the question, well do I need to be? That usually quiets the room.*

*"On the administrative side of the house we do research that, we also have it reviewed by law firms and we're well respected for our research."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Howell said, "Very good. I have a couple of quick questions. Since this is a Kansas affiliated organization are there organizations that are from other states, let's say Nebraska Natural Resource Coalition or other states that are partnered up with KNRC on a federal level?"*

*Mr. Carlson said, "We have, we did, the answer is yes. On the planning 2.0 rule, we did a statutory analysis of that last March, and we needed money and so we paired up with some counties, a county coalition in New Mexico. NACo (National Association of Counties) is very familiar with us. Doug Breidenthal, the president of the WIR (Western Interstate Region) Committee and NACo.*

*"But, NACo is not as agile. So, I want to make a point to distinguish us if I may. To distinguish Kansas National Resource Coalition. Our mission for example, Kansas Association of Counties, KAC affects policy on the legislative side of the house. We affect policy on the administrative side of the house. So, that's the distinction.*

*"But, to answer your question directly, we have been approaching other States. For example, eastern counties in Colorado and then northern counties in Oklahoma. But, our message is getting out and folks are more and more interested.*

*"By the way, we have a conference coming up in, got to get a plug in for this, in March 28th, 29 and 30. That'll be in 2017. I would like to issue an invitation or I'm going to issue an invitation to the commission to come to that. A lot of good information. It's not just your average conference. There's a lot of things that are discussed that you can't find anywhere in, I don't believe, in the nation being discussed openly."*

*Chairman Howell said, "Very good, alright. Well, thank you for the information this morning. I appreciate the report. Are there other, any other comments or questions? Seeing none, a Commissioner Ranzau."*

*Commissioner Ranzau said, "I just want to thank Jim for coming down and talking today. Sharing this information and all the work that you do. It's invaluable to us. It's really, being a part of this coalition is very important to us and we greatly appreciate it."*

**MOTION**

*Commissioner Ranzau moved to receive and file the comments.*

*Commissioner Peterjohn seconded the motion.*

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

**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, once again Mr. Carlson, for taking the time to come down and visit with us today."*

*Mr. Carlson said, "Thank you, Mr. Chairman."*

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

**Received and Filed**

**B      [16-805](#)**

**REVIEW OF THE 2016 GENERAL ELECTION.**

Presented by: Tabitha Lehman, Sedgwick County Election Commissioner.

**RECOMMENDED ACTION:** Receive and file.

**Public Comment.**

**VISUAL PRESENTATION**

*Commissioner Tabitha Lehman, Sedgwick County Election Commissioner, greeted the Commissioners and said, "I was asked to just kind of come and give a review of our, of the election. So, I've compiled some statistics and then of course we'll answer any questions that you have. Going to keep it short, sweet and to the point."*

*"Our first slide here is just a summary. We had 294,138 registered voters for this election. We had 64 polling locations and 16 early voting locations. We deployed 980 election workers and had 193,554 ballots cast. Almost 58 percent of those ballots were cast early, either in person or by mail. We had 7,286 provisional ballots cast, 5,092 provisional ballots were counted for almost 66 percent voter turnout.*

*"One of our significant items that happened this election was we had 42,544 write-in votes, which was very significant. We did see some changes in voter behavior from past presidential elections and I'm going to go over some of that in the next slide. This is kind of a comparison from '08, '12 and '16 just giving you those numbers for each category so you can kind of see all of those and those changes.*

*"As you can see, the ballot by mail was pretty much the same from '08 to 2012. But, then we saw almost 10,000 drop off in '16 for ballot by mail. Early voting we had between 41 to 42,000 people vote early in 2008. That dropped significantly in '12 to 22,000 and then went way over, this year with over 51,000.*

*"Election Day, on Election Day in '08 we had just shy of 80,000 people vote. In '12 we had over 87,000 people vote which contributed to long lines on Election Day. This year then it went back down to 76 – 77,000. Provisionals cast, you can see those numbers by year. We had fewer provisionals cast this year than we did in '12. It was up a little bit from '08. But, then you can see our numbers on categories or on the counted numbers.*

*"So, one of the things I did want to point out is in '08 you'll see we had 74 percent voter turnout with 57 percent of people voting early. In '12 we had 67 percent voter turnout with about 50 percent of those people voting early. Then in '16 we had 66 percent turnout with 58 percent voting early.*

*"So, you can see some of those numbers fluctuating from year to year. One of the things that's a challenge for us is determining what we think voter behavior is going to do. Of course we have to do this when we are budgeting, which is about two years out when we start that process. So, it's very difficult because voter behavior is very much determined by who is on that ballot. When we were looking at this year, it was a, we were comparing and kind of doing things to '08 and then we saw, beginning part of the year we saw just incredible turnouts in the presidential primaries and caucus'.*

*"You know with one caucus here locally having a five hour long line that makes us then just ramp up and provide more board workers and supplies at the polling sites and then we had lower turnout. So, it's kind of a, it's a give and take. We have to plan for the sky to fall and then when the sky does not fall, great. But, we still have to plan for the sky to fall. That's kind of how we look at that.*

*"But, some of the numbers that I thought you would think of most interest is that in our early voting we obviously exceeded those numbers. Our highest early voting numbers that we've ever seen. About, well over 9,400 more people took advantage of early in person voting than we've ever had before. The Monday morning before the election our office had over 1,300 voters come through in the 4.5 hour time frame. I'm pretty confident we broke every fire code that building has.*

*"We had lines going out both doors, wrapping around the building and then it started raining so then we brought everybody inside as much as we could. So we had four lines going through those very narrow hallways. Then the people we couldn't fit in the building, we brought tarps out and they were standing under the tarps in the rain. So, but the last person was checked in 25 minutes after the polls closed at noon, so we*

*moved them through very quickly.*

*"We had 12 touch screen voting machines and 40 paper balloting stations. We had paper balloting everywhere we could find. We displaced some of our employees and put it on people's desk. We had people voting all over the office. So, it was exciting and overwhelming at the same time. But, we got through it and we of course at that point on Monday morning we're looking at it thinking does this mean we're going to see the huge turnout tomorrow on Election Day. But, then we just didn't have that massive turn out on Election Day.*

*"On our provisional ballots one of the things I did want to talk about on that was that just shy of 2,000 of those had to be hand counted. Which required a great amount of time and it's very tedious work that has to be meticulously done and checked and double checked, which created delays in our canvassing being completed as timely as we would have liked.*

*"We went ahead and we were able to have it completed, mostly completed by Friday night. But, then on Saturday we still audited and went back and double checked work to make sure it was accurate so that on Monday morning when we came back we have a very, very competent in our results.*

*"We had 42,000, I mentioned this briefly but, 42,544 write-in votes were cast. That was something that we were seeing a significant number in the ballots by mail and we start tabulating those write-ins as soon as we're tabulating those ballots, which started on October 24th. But we were seeing a significant number of those, but when we really had our first idea that it was going to be as overwhelming as it was, was when we were closing down the advance voting machines the Saturday when those polls closed we saw at the zoo that some of those machines that normally take five to six minutes to close down each machine was taking 12 to 15 minutes, just to consolidate the write-in's.*

*"In our office that Monday morning after we finished voting it took us 3.5 hours just to close down 12 machines that again should have taken five to six minutes a machine because it was taking 20 to 25 minutes per machine just to consolidate those write-in's. All those write-in's are manually counted. So, it was over, close to 1,300 pages of write-in's so it was a significant number. To put that in perspective, in 2012 we had about 33,000 write-in's. So, this was a significant number for us.*

*"As I kind of talked about a little bit we are seeing some changes in voter behavior. We're seeing it, we saw a significant drop off in our ballot by mail. So, those are all things that we're going to have to be looking at as we come into 2018, to plan, to decide, do we offer more early in person voting? How do we proceed with our ballot by mail program as we currently have it? Those are all things we're going to be looking at. Because, if we're continuing to see a downward trend in our ballot by mail program, while we will always offer balloting by mail because that is allowed in Kansas law. how hard will we push it? You know, when are we going to be, we're going to be looking at all of those options and making decisions accordingly.*

*"But, all of those obviously cannot just be made quickly. Every aspect has to be thought through before we make those decisions. One of the issues that we did see this election was and we did anticipate it but there's not a whole lot that can be done about it given our deadlines is that the, at the national level the post office has changed delivery methods and time frames. They're not, you know, they've closed down some facilities and they have changed the expected time it takes to deliver mail. Our deadlines have not changed.*

*"So, when we have ballots going out 20 days prior to that election people, you know we had, I had one voter that it took two weeks to get to them in Lawrence. We had another person that contacted me that we worked with we ended up sending them three total ballots before one finally reached them.*

*"One of them we overnighted and it took three days for the overnighted ballot to get to them in [Washington] D.C. and it's just, we had the post office looking into that, that particular case to figure out was it something with the address, what went wrong so we can try and address these issues that, those are challenges we're continuing to see grow.*

*"It's, I don't believe it's like a massive failure on the part of the post office as much as it is there's such a change in, and they've told us, they've been telling us you know I went to conferences last year at the national level, the post office was telling us your delivery time is going to be different. So, you know, but our deadlines are the same. The ballot has to get there and back to us in 20 days to be counted.*

*"So, I think that's one of the things that could be affecting our ballot by mail numbers is people are obviously seeing that, it's not just going to affect us, it's going to affect any mail that is going in and out. If people are seeing it, that it takes longer, they may be concerned that ballot may not reach us in time. So, they change to voting in person instead of by mail. So, and that's fine, but we just have to plan accordingly. We have to change our processes to grow with that and with those changes.*

*"One of the things we are looking at is the possibility and surprise, Jon [Von Achen] legality of doing, I haven't talked to legal about this yet. But, one of the things that we're considering is the legality of doing an on-line advanced application. Where people can cut down some of that time and they can actually complete it and sign it in a more digital format instead of just having to come through the mail. So, those are some of the things that we'll be looking at a possibility of doing.*

*"Let's see if anything else. Oh, I did want to just briefly touch on that 2017, you know, one of the main questions I get is what do you guys do between elections? I kind of laugh and say, when are we between elections? We were supposed to be between elections right now, we no longer are. Looks like we will very likely be having a county-wide special election to replace a congressman. We do not know when that's going to occur. That time line is very challenging. It, once a vacancy occurs the governor has five days to call the election. The election cannot be called, it has to be called within 45 to 60 day window.*

*"The political parties have to then have conventions. They cannot have that convention before 25 days from when the governor calls the election. That then, if the governor is able to give us the full 60 days, which depends upon the calendar, that then doesn't give us candidate names until 35 days before the election is to be held. We are required by federal and state law to mail military and overseas ballots 45 days before the election.*

*"Throw in that if anyone is an independent candidate and wishes to file they have a 25 day window in which to get signatures. The signatures then have to come to us for verification. There not an official candidate to be placed on the ballot until we have verified signatures.*

*"So, there are some definite concerns we have about the timing of this election. Of course it is not a done deal where it's going to occur yet, but as it works through the process I believe that there are some options that may be taken obviously above my head on possibilities of maybe, I think some possible fixes for that but it's not*

*something that I have control over.*

*"So, at this point we are anticipating a county wide special election. We don't know when it will occur. We will have to move very, very quickly when it does and this coincides with rolling out new voting equipment. So, what we have done is we actually are keeping 150 of the touch screen machines and all paper ballot readers so that if the timing of the election is such that we cannot roll out the new voting equipment for the special then we would use the old equipment for it and be ADA (Americans with Disabilities Act) compliant with having at least one touch screen machine at every polling location.*

*"But, we are moving forward, we anticipate having no issues being able to use the new voting equipment at just, obviously we anticipate having to more like June to get all this done and now we're going to do it in the next couple of months. So, we are hitting the ground running and are excited to roll out the new equipment.*

*"Oh, one thing I did forget that I wanted to mention is that we did a pilot program during early voting of electronic check-in for, because we are going to electronic poll books this next year. So, we did a pilot program of those, they worked incredibly well. We are excited to get that process rolling with getting that implemented as well as the new voting equipment."*

*Chairman Howell said, "Wow. Okay, well Commissioner Lehman, thank you for all the information I have a number of questions I think and comments. The one that you mentioned to me that sounds like it's very concerning issue, is this issue with military ballots. I'm going to say a name and I'm not sure if this makes sense to you. I remember the term UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act)."*

*Commissioner Lehman said, "Right."*

*Chairman Howell said, "Am I right? What does that stand for?"*

*Commissioner Lehman said, "Uniformed, oh you would ask me that. Uniformed overseas, I'm sorry something, something, something."*

*Chairman Howell said, "It's fine, because..."*

*Commissioner Lehman said, "UNOCAVA is the federal law that dictates, yes."*

*Chairman Howell said, "And that's the law that says its 45 days."*

*Commissioner Lehman said, "Correct, that's the federal law and then we also have state law."*

*Chairman Howell said, "And the state law is something that sounds like we might be needing to adjust the state law to make it possible."*

*Commissioner Lehman said, "I think its part of the solution that may be as soon as the legislative session starts addressing the timing of the state statutes on how this, a congressman will be replaced."*

*Chairman Howell said, "So, you think we'll have this thing addressed first thing in this 2017 session?"*

*Commissioner Lehman said, "I hope. I'm not the person to ask that."*

Chairman Howell said, *"(Inaudible) Commissioner Lehman, let's let Jon come and speak to that."*

Mr. Jon Von Achen, Assistant County Counselor, greeted the Commission and said, *"I've been, I know that there is a solution in the works. The statue regarding the special election has not changed for many, many, many years because we haven't had one in so long that no ones thought that, hey maybe we should go back and review and change it."*

*"So, as federal law has changed and added additional requirements into election law, special election law did not change. So, I have talked with Kelly Arnold, our County Clerk, who's obviously in party leadership on one side of the aisle. I've talked to a legislator on the other side of the aisle. Right now, that's being worked on."*

*"I'm going to help them get language so that we can accommodate everything that we need to accommodate within a reasonable time frame. I know for certain people reasonable is different than others. But, one that we can make sure we can get those military and overseas ballots out under federal law. There's some, right now, the parties actually can't convene to choose their candidates. The ones that did get a five percent in the last gubernatorial election, that's the threshold. They can't convene for 25 days and nobody seems to understand why you have to wait 25 days. It might have been a function of how things were when the law when into place. But, obviously things can move a lot faster now."*

*"So, one of the things we're looking at is not only addressing the circumstance we have now where there's an anticipated election. But, what if we have an unanticipated special election? For example, unexpected resignation or an unfortunate death. So, that when we go to fix it, that it's fixed and we don't have to go back and fix it again later on for a different circumstance."*

*"So, what I'm hopeful is, is that there's something in hand of now that party leadership has been elected that we can get it in hand that they can start to work through the process a little early. Obviously, you can't pre-file anything because we're in a brand new legislative cycle. But, something they can get worked on in the first couple of weeks so that they can get it to the governor, get it signed, get it in the Kansas Register in time for when the election actually has to actually be called."*

*"So, we're working on a solution for that as much as I can help them make that happen. Because, obviously my concern is that our Election Commissioner has enough time to conduct an election. Obviously, for any of the other Election Officers that would be affected by a special election that is something we would like to help them do as well."*

Chairman Howell said, *"So, in summary, the thing that needs to be changed sounds like be that 60 day window needs to be extended out a little to the right, so it would be more like 90 days or something like that."*

Mr. Von Achen said, *"I think that's kind of what we're looking at is to do 90. I know that's going to make our Election Commissioner a little nervous to say 90."*

Commissioner Lehman said, *"I'm good with 90."*

Mr. Von Achen said, *"Okay. But, actually instead of looking at the parties not being able to convene for 25 days, letting them hold whatever within that first 25 day window and then you know, set that date which they have to have their candidate in."*

*That would allow anybody who wants to take on the arduous task of getting enough signatures to get on the ballot. Then time to get all of that processed for the Secretary of State to get put out a ballot form for the election and then to actually get the ballots out.*

*"So, we're trying, we're looking at about a 90 day window. It will extend it out a little bit, but like everybody would have to have everything in as far as their candidates for the parties or anybody that signed a petition on the ballot would have to have it within those 25 days rather than wait for 25 days."*

*Chairman Howell said, "Thank you, for the explanation."*

*Mr. Von Achen said, "Okay."*

*Chairman Howell said, "Back to my other questions I guess. Keeping those 150 machines, is that going to be enough for this?"*

*Commissioner Lehman said, "Yes, what that will allow us to do is in the worst case scenario, if we have to use that equipment, we will be able to be ADA compliant at every polling place and then we would be more of a paper solution for normal voters. For regular voters."*

*Chairman Howell said, "Is assumption since there is probably only one thing on the ballot that people will be very quick, in and out."*

*Commissioner Lehman said, "Yes, but again you know this is, the backup plan, we don't anticipate needing this. We have gone through with our vendor and we are, we have already begun the process that we had anticipated beginning late January, we've already started now. So, we've just moved that all forward and we don't anticipate needing to use this. This is just a failsafe. So, we did not want, we have space issues with keeping the entire fleet. So."*

*Chairman Howell said, "Thank you, for that. I want to say the two slides that have a lot of numbers on them, I'd like to get a copy of those if that's okay. But, I'm actually a little surprised at how, I know there are some trends there that have changed but I'm also a little surprised at how much things are the same. I mean, the total votes counted are almost the same number on three different elections."*

*Commissioner Lehman said, "But, when you look at the number of registered voters though, you're looking at significantly more registered voters right now in '16 than we had in '08. So, when we're planning you know, you are projecting out a percentage of how many you think you're going to have registered and how many you anticipate voting. So, these numbers to me are interesting."*

*"You know, some of these voters were people that were court injunctions, court orders made them eligible to vote this election that they would not have been under Kansas law without those federal court injunctions and some state injunctions, a state injunction as well."*

*"So, some of those are things that we just cannot anticipate, you know, two years out, but we are working to. I think the thing for me that is the most telling is that change in the trend in ballot by mail. We did see a decrease in '14 as well, people voting by mail. If that continues to go down then we're going to have to change. Again, you know, going back to with the new equipment. Part of our model with the new equipment is increasing our Election Day polling locations."*

*"So, if people choose to, fewer people choose to vote by mail we will be able to accommodate that with the new equipment we are buying more equipment. We are going to have more polling locations. So, we have already anticipated some of these changes with the expansion of our fleet.*

*"But, these are all things we just have to look at our, when we're budgeting and resource allocation for how many election workers we hire. Just changing all of these things, because you know balloting by mail is done through our office. We hire in a board and it's done very efficiently and quickly and polling places are a lot more fluid.*

*"We're kind of on that topic, going back to the special election with the polling places. One of the things that's a big challenge for us is to find locations very quickly for a county wide election when you have to have all the polling locations open. Then a lot of these locations we give, right now we give over a year's notice about a year's notice on election. So, when we have a county wide special it becomes very difficult to find locations. To keep the locations the same if their calendar is not open.*

*"So, but yes, there are some things that are close to being the same but you're seeing a, it's interesting that we 66 percent turn-out this time, 74 in '08. But, it's about 1,000 votes difference in how many votes were counted in those two elections."*

*Chairman Howell said, "Obviously, your turn-out number is registered voters versus how many votes were cast, ballots were cast. Is there any analysis on how many people in Sedgwick County are, would be eligible to register to vote, but have made a choice not to do so? In other words."*

*Commissioner Lehman said, "I have not."*

*Chairman Howell said, "Five hundred thousand people in our county at this time and obviously people who are less than 18 years old aren't going to be able to register and there may be some other classifications. People who can't vote for various reasons and so I'm curious, roughly number of registered voters is about what 60 percent of the county? Population, can you go back? I think its one slide back."*

*Commissioner Lehman said, "Number of registered voters is in, is on this slide, 294,000. Right here."*

*Chairman Howell said, "Okay, oh, I see. Thank you, so much. So roughly, I'm just going to say round numbers about 60 percent of the population is registered, I'm not sure how many of them would be able to register but have chosen not to do so for whatever reason. So, if you were to calculate the turn-out based on people who would be eligible to vote or register to vote and have either registered or not registered to vote.*

*"I guess my question is those numbers would be a lot smaller in a turn-out and my actual point is this our leaders various positions are really being chosen by roughly about 40 percent, maybe a little bit less than 40 percent of our population. To me, that's an interesting point. So, I guess I'd just like to encourage people to register first of all and then of course to vote.*

*"But, I think we have, maybe this is very typical for different communities. I suppose we're probably no different than other communities it's just that it's interesting to me that roughly 40 percent of the people are actually engaged in the election process and the rest of the folks either aren't able to or make a choice not to participate.*

*"So, anyway, it's an interesting point for me. Anyway, other comments or questions.*

*Commissioner Peterjohn.*

*Commissioner Peterjohn thanked the Chairman and said, "Commissioner Lehman, I would appreciate it if you could go into more detail. Are you anticipating perhaps having difficulties finding places to, where we can have elections if we, when the special election occurs next year, that everybody at this point is anticipating. Because, I've made the comment from the bench in the past that there's, you know without the support of the church's that are I think are one of the major contributors for polling places we'd have an incredibly difficult time finding locations for people to go in and vote. That had the best combination of enough room and parking for citizens and I'd appreciate your comments on that."*

*Commissioner Lehman said, "You know every election we have challenges. Honestly we do, every election. But, this is more just concerning because it's going to be a countywide scale. In a special election that's called with maybe 90 days' notice that's a smaller jurisdiction if we need to move a polling place it's normally one and it's not that big of a deal."*

*"We're talking county wide when we're rolling out new voting equipment. So, that's more my concern. I don't know. In my tenure as Election Commissioner we've never had a county-wide special election where we could not give them even an anticipated date."*

*"Most of the time, if we have a jurisdiction asking questions about having a special election they can go ahead and give us an anticipated date of when they want to call that and before they've officially called it we can start calling our polling locations and feeling them out and doing some of this prep work. Because of how this scenario works and we're waiting on confirmation from the U.S. Senate. You know, things like this someone has to resign before we have an opening before it can be called. We can't start anything."*

*"We're just kind of in a holding pattern we know it's going to come, but we really can't even call election workers and say hey, can you come promise to be available every Tuesday from April 1st until July. You know we don't even know. So, it's very difficult to even start that process so we don't know what to anticipate."*

*"So, you know of course I've got my board in my office where I start putting up my projects and some of those projects, we just don't know. We don't know what to anticipate on voter turn-out, we just really don't know. It's just something that's certainly on our minds as far as anticipating a possible issue."*

*"Honestly, the governor doesn't even have to call the election on a Tuesday. He can call it whatever day he wants. There is nothing in the statutes on this election that says it has to be on a Tuesday, to my knowledge. So, it may be on a Saturday. We don't know, so."*

*Commissioner Peterjohn said, "Interestingly point, because the process can get and you're kind of in a holding pattern because of the political amber. Also, it appears there's some statutory challenges. This is the area where government struggles apparently. Because, this is, holding an election should be one of those basic functions that we handle."*

*"I'd like you to talk for a minute because if I remember correctly, on my ballot when I voted in November, there were somewhere between I'd say 35 to 40 positions for various offices, the most common one was District Court Judge."*

*Commissioner Lehman said, "Right."*

*Commissioner Peterjohn said, "There were over 20 of them on my ballot. But, in terms of federal, state and county offices that were there, you mentioned there were 42,000 write-in votes. That translates to me as roughly about 1,000 write-in votes for each position that was there. How does that impact your ability to compile votes and report numbers on election night..."*

*Commissioner Lehman said, "Well, on election night we don't report those write-ins. If we were trying to tabulate those write-ins on election night, election night would be three days later. So, we don't, when we're reporting on election night the machines will tell us that there is a write-in and that race. So you can see, even on our website now you can go and you can see that it says like for President there were over, I believe 4,500 write-in's for President."*

*"You can see those numbers, but you won't know who those names were until we manually go through those ballots and those machines and pull those off. Those have to be reported by precinct. So, then we have to do it one precinct by precinct, so."*

*Commissioner Peterjohn said, "No, I just meant in terms of not trying to report the write-in's on election night."*

*Commissioner Lehman said, "Okay, I'm sorry."*

*Commissioner Peterjohn said, "The process of, try counting the ballots, I mean if you have a write-in vote that becomes a vote that has to be handled by hand and that slows you down."*

*Commissioner Lehman said, "Correct. It does. So, you know I kind of eluded to this earlier but during early voting our ballots by mail that come in we begin tabulating those write-ins as we process those ballots. So, we start that two weeks before the election at least. We're tabulating those as their coming back in. So, those we do ahead of Election Day."*

*"Then we have everything that's Election Day, anything we didn't get done prior to election night from those ballots by mail. Then anything that comes through provisionally that we still have to do. But, all of this, you know where we have boards of people or bipartisan boards, sitting there looking at a ballot and writing it down and that all has to be typed into excel. That all has to be consolidated down and the number of write-ins counted up per person."*

*"A lot of times we're also dealing with, when it's write-ins, various spellings of names. We're looking at it and determining, you know sometimes its easy if they Bob instead of Robert, that's very easy determination. But, sometimes we have to take that to you and say, hey, we don't, when you're canvassing and say we don't know if this is the same person or not. You know, it's weird, but we do have to do that sometimes."*

*"So, it definitely, those write-in votes definitely slow us down significantly and add a lot more work. But, the other thing is, you know you talk about how many District Court Judges. We had 20 District Court Judges on the ballot this election."*

*"What we will see on those particularly, we anticipated some uptick in our write-ins because there was only one party represented. All 20 judges were from one party. So, then we always know in a race where there is only one party represented on the ballot that we're going to see an uptick in write-ins. Because, the other party will write-in instead of voting for the opposite party. I mean, that just makes sense."*

*"But, so we kind of anticipate some of that when we don't have races that actually have two parties represented on the ballot. But, the other thing we have is we have a lot of township officials who don't come in and file. Then just run write-in campaigns. Well, those are incredibly important because as you know as we had this canvassing we had to select a township treasurer by pulling a name out of a hat and they were tied. It was a two way tie with four votes each.*

*"So, you know before we came to canvassing with that we recounted those write-ins before presenting them to you to make sure, you know missing one write-in in a race that's tied four to four is very significant.*

*"So, we recounted those again before presenting them to you at canvassing to make sure our count was accurate. But, those are things that if likely if a candidate had come in and filed, that candidate would have probably just won and the write-ins would not be such a big deal. We still count them, but it's not as high pressure, so to speak."*

*Commissioner Peterjohn said, "I'd make the comment that as the Commissioner, in Sedgwick County, that has the most number of townships in the Third County Commission District, I've, whenever I've talked with local folks who had a concern about their township and where it was going, I'd urge them to get on the ballot and run a real campaign as opposed to these write-in campaigns that are a challenge.*

*"I had heard that, talking about write-ins, that there were like officially I think 20, or over 20 candidates officially registered as write-in Presidential candidates in Kansas, is that correct?"*

*Commissioner Lehman said, "Yes, that is correct. So, when we have presidential candidates who actually file to be write-ins then we have to report those to the state. Most of the time with the write-ins we count them locally but they don't get reported to the state unless a candidate has officially filed with them to be a write-in candidate. So, those were ones that we then had to report up to the state as well."*

*Commissioner Peterjohn said, "Well I'm, it's, makes the election process more challenging and might go into the question in terms of ease of getting on the ballot you'd mentioned petition drives. How many signatures would a person need to collect signatures on and if we have a special congressional election next year if they wanted to try and get on the ballot."*

*Commissioner Lehman said, "You know I don't..."*

*Commissioner Peterjohn said, "Or are we talking about a large number or are we talking about a few hundred?"*

*Commissioner Lehman said, "It would be thousands. But I don't have the exact number, because I don't have the, I know how many people are registered in Sedgwick County, but I don't know all of the fourth district. So, that would be a question that we would need to get that number from the state of Kansas."*

*Commissioner Peterjohn said, "So, it's a percentage of the total registered voters. Okay, thank you, Mr. Chairman."*

*Chairman Howell said, "Alright, any other questions or comments from commissioners?"*

*Motion*

*Chairman Howell moved to receive and file.*

*Commissioner Peterjohn seconded the motion.*

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

**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, Commissioner Lehman for taking the time to come over here and explain all that to us. I appreciate you doing that. I'd like to at this time recognize a former County Commissioner, Don Gragg is in our audience with us. Thank you, for being with us this morning. I think, are you still serving on the Minneha Township? Well, thank you for your services there as well. Thank you, so much. Madam Clerk, next item, please."*

**Received and Filed**

**C      [16-804](#)**

**OPEN FINANCE APPLICATIONS ON COUNTY WEBSITE.**

**Presented by: Chris Chronis, Chief Financial Officer.**

**RECOMMENDED ACTION: Receive and file.**

**Public Comment.**

**VISUAL PRESENTATION**

*Mr. Chris Chronis, Chief Financial Officer, greeted the Commission and said, "About a week ago, we released a new application on the County's website that we refer to as open finance. We did this in an effort to be more transparent with citizens about county financial activity.*

*"Let me begin by showing you what we currently have, what we have had available to citizens on the website. If people wanted to view the county budget they would go to the Finance department and then within Finance there is a link to the budget document.*

*"This is the 2017 budget we are pulling up now and what they would see are a series of headers and if they click on anyone of those headers. For example the Election Commissioner's budget, they would pull up the, a pdf of the printed pages that describe the budget for that office. This is the budget as you adopted it in August of the year prior to the budget year.*

*"It is a static document. As you know the budget changes frequently throughout the year, as conditions change and appropriations are transferred from one account to another. None of those transfers are reflected in this document. So, it is a point in time examination of the county's budget. Now, there's a lot of information there and it's good information but it's static.*

*"What we have with the new application is something that is much more dynamic. So, I'm going to go back to the county's homepage. Now, if we go to view county budget, we come to this page and if we scroll, sorry wrong thing, if we go to view open budget, this is not going well. Open budget, down at the bottom here, we come to this page.*

*"On this homepage for the county Open Budget you can see at a glance that the county has adopted an expenditure budget. That is we are authorized to spend, \$414.86 million on county operations. We have planned on funding that budget with \$378.57 million of current revenues. That is revenues we expect to collect during the year.*

*"There are bars below each of these that allow you to explore either the expenditures or the revenues and I'll go back to those in just a second. Down below there is a series of charts that show that the capital budget for the county is \$65.58 million. Again, there is a bar that allows you to explore the budget.*

*"There also is a map that has a series of dots on it and each dot represents an authorized capital project. If you hover the curser over any one of those dots you will get a pop up box that will provide a description of that, the project that is planned at that location along with the budget for that project. If you click on it, as I have just done you will go to a page specifically for that project that will provide more information about it, including where we are in the completion of that project.*

*"So what you have here is a dynamic application that shows you at a point in time as you're looking at it where the county stands. It is not static, it is not showing information as of August a year ago. Now, if I go back to the home page for open budget, I said that you could drill down to either revenues or expenditures or capital budget. I'm going to go into expenditures. What you will see is a depiction that is similar on any of those three; revenues, expenditures or capital budget.*

*"Here we are seeing the county's authorized expenditures, authorized expenditure budget by function of government and you see that up here. It shows each of the functions, Public Safety, General Government, Human Services and so forth. For each one it shows a pink bar that represents the revised budget. Not the original adopted budget. But, the budget that is in place authorized right now. Within that bar you see a red line that shows the amount of spending that has actually happened against that budget as of right now.*

*"By the way, right now in this case means as of Monday when we upload the information. Every Monday the information is refreshed and so what you're seeing here is accurate information as of the Monday morning of the week in which you're looking at the data. So, if you hover over anyone of these bars you get a pop-up box that says in the case of Public Safety, that the total authorized budget for the Public Safety function is \$151.39 million that represents right under 36.5 percent of the total county budget. To date, we have spent \$125.44 million of that \$151 million budget. So we have spent 82.86 percent of the budget for the Public Safety.*

*"You can hover over any one of those bars and get similar information. If you scroll down, you will get a table that shows all of that data. You have the ability, we're looking at snapshot mode here, you have the ability to convert that information into a pie chart or to look at that information over time. History that we have loaded into the system is five years.*

*"So you can see that the total county budget was \$415.6 million in 2012. You can, by*

*moving forward you can see how that budget has changed over the years. If you are interested only in Public Safety, you can click on this box and load that line for Public Safety. If you want to know about Human Services, you can click on that box. So you, by manipulating the chart which you have the ability to do in this application you can produce the kind of information that you want.*

*"Now, I'm going to go back and show what happens when you drill into the information. But, instead of Public Safety, I'm going to look at General Government. So, what we see here are all of the departments that are funded as a part of the General Government of Sedgwick County. Human Resources, Contingency Reserves, Information Technology and so forth.*

*"If you drill into, if you hover over any one of these bars you see the same kind of budget and actual spending information. If you click on it and I'm going to go into finance here, you are going further down into the system into the Finance Division or Department budget and you can see that finance consists of four divisions, Risk Management, Accounting, Purchasing, Chief Financial Officer and Budget.*

*"For each one of those you can the corresponding budget and actual spending. You can continue to drill down by clicking on anyone of those bars. So, I'm going into the Chief Financial Officer, into my own budget. We can see that my budget is \$639,944.00 in 2016. If I want, I can go back to any of the prior four years. Just with the click of a button. It will take a moment to go back four years into that history and we see that in 2013, the budget was \$648,671.00.*

*"So, if I want to find out more about contractual services for example, I can click on that and it will tell by account how we have spent \$225,885.00 for contractual services. Again, we're looking at 2013 information here, just because that's where I happen to be.*

*"So, you have again, the pink bar that shows the total budget for contractual services and the red lines that show the actual spending against that budget by account.*

*"So, most of the money was spent for financial professional services. By hovering over that bar I see that in 2013 we spent \$181,069.00 on financial professional services. What does that mean? Well, if I click on, I'm sorry if I scroll down I will see a table that shows all of that information. Now, if I want to know exactly how I spent financial professional services then I go to the second application which is called open spending. There's a link to it here or you can get to it directly from that home page at the same place where I clicked on open budget.*

*"So, if I click on open spending I get a table, or a page that says that for 2016 again as of Monday morning Sedgwick County has spent \$408.23 million and we have incurred 291,111 transactions to spend that money. There's a chart that shows how much money we have spent each month through the year. The blue line shows the monthly spending.*

*"We have two ways of comparing that to our history. Within that same chart and its a little bit light so you may not be able to see it on screen there is a dotted line that shows what the average spending by month has been for the past five years. There is also a grey bar for each month that shows what the range of spending has been for the past five years.*

*"So, you can see for example in January by hovering over the bar that in January 2016 we spent \$45.69 million, \$43 million is the average January spending. The max, the most we have spent over the past five years was in 2016. The least that we've*

*spent in any January in the past five years was in 2015 when we spent \$40.46 million.*

*"Down below you can see that the spending is sorted by function of government, the largest function the one we spent the most money on is Public Safety. You can see by vendor, personnel is the largest vendor, think category of vendor, we spent \$164.69 million on county employees, or by expense category. Salaries and wages is the largest expense category at \$111.42 million.*

*"We can click on anyone of these bars to go down further in to information about that set of activities. Now, we got here because I was interested in knowing about that county financial professional services spending. I wanted to know what the county has spent that money on in the CFO's (Chief Financial Officer) budget.*

*"Instead of drilling through all of those successive pages since I know what I'm looking for I can go to the search field and I can type in Chief and I get a series of options that are embedded within this site that have the word Chief in them. So, if I go to Chief Financial Officer, I get the Chief Financial Officer spending broken down by function. All of it is General Government.*

*"If I go to vendor, I can see that we have spent \$149,000 for Allen, Gibbs and Houlik. Which is the county's auditor as you know. If I click on that I can see some information about Allen, Gibbs and Houlik, where's it's located. I can see how much we have spent with that firm by month. I can see how much we've spent with that firm by month going back five years. I have the ability to convert all of that information into a table if I want to.*

*"I have it by function, by expense category and we see here that its all financial professional services. So, that's where we spent the money for financial professional services. But how exactly have we spent it and what have we gotten for our money?*

*"For that, I click on the check book tab. Here, I see that that \$149,925.00 that the county has spent through the CFO's budget with Allen, Gibbs and Houlik has been occurred in 25 transactions this year. Below, there's a table that list's each one of those 25 transactions. I'm going to move this, close that so I can get more information on here.*

*"So, I have a document number, the name of the vendor, the description of the payment in this case it's all for audit, the fund for which the money was paid, the date the payment was made and the amount of money that was paid. I have the ability to filter or sort this data in any way that I might choose. I have the ability to download this information to an excel file so that I can manipulate it however I might choose.*

*"If I'm a real data geek, I can go back to the beginning spending summary and I can go to the bottom and say and click on get this data on Socrata and it will identify all of the data bases that make up Sedgwick County finance.*

*"We have the ability to view or download any of those data bases. So, if I really want to get into county finance I can download the County database to my own excel file and from there I can spend as much time manipulating that data to make whatever kind of investigation I want to make.*

*"This information is, as I said, updated Monday of every week. So it always is no older than seven days. It is very useful information, I believe. What I've done in the past 15 minutes or so is just scratched the surface of what data is available. But, I wanted you and the viewers to know what we are making available for citizens who*

are interested in Sedgwick County finance.

*"This information, this applications were built using a vendor's package by Sedgwick County staff. The people within finance who worked on the project, who had responsibility for making sure that the data was accurate and that it was categorized within the website correctly, were Lindsay Poe-Rousseau and Sara Jantz.*

*"The people within information technology services who did the customization, the configuration if you will of the packaged websites were Mike Elpers, Justin Boss and Bret Hutchinson. The person who is responsible for the general look of the site was Kate Flavin from the County Managers Office. I want to thank all of those people for doing the heavy lifting to make this information available to our residents.*

*"I think its something that's going to be extremely useful to citizens who have an interest in Sedgwick County finance. It should reduce a lot of the need for citizens to pick up the phone and call us to ask what we're up to. I should point out also that when we had this site developed to the point we thought we were ready to release it we wanted to make sure that it would work for citizens and so we asked a group of four citizens who have shown interest in county finance in the past to test the site for us. So, they spent about three weeks playing with these applications seeing if they could get their questions answered. Seeing if the sites worked as simply as we hoped they worked.*

*"I want to applaud the efforts and thank those four citizens. It was Lonnie Wright, who is better known as Lonnie the Plumber, Susan Estes, John Todd and John Stevens. All four of those people provided very valuable input into the development of this, these applications. I believe Lonnie is the only one of the four who is in the room. I don't know if he wants to say anything about this, but certainly I'm sure you would welcome hearing any comments that he might have.*

*"But, that in a nutshell is the information that I wanted to present today and I want to encourage citizens to play with these sites and learn more about county finance. If you have any questions, I'd be happy to try and answer them. If you have no questions then I would recommend you would receive and file."*

*Chairman Howell said, "Well, Mr. Chronis, thank you for the presentation it's the only word I can think of that really describes this is impressive. I'm just blown away at how much utility is available on this web, in this tool. How much we can drill into things and you mentioned the word data guru or data geek and I used to consider myself to be that but, I'll tell you, you've gone so deep into this already my eyes are actually glazing over a little bit so, it's a tremendous tool. I'm really impressed and I think this is a great thing for the public. I think it's a big step towards transparency which I love.*

*"I think government needs to be as transparent as possible. To have a dynamic, updated webpage with really useful information that any citizen can actually drill into as deep as they want to I think is the right thing for us to do. So, I applaud those that were involved in making a decision and for those that reviewed this and for those who helped design this and they make it all happen. I want to say thank you for, to all of those folks that had a role in this bringing this to a reality.*

*"So, this is a huge step away from a static display to something that's really dynamic and useful. So, I appreciate that from everyone. My lights aren't lit up yet, but I'd like to ask if there's anybody in the audience that would like to speak to the agenda item this morning?"*

*Mr. Lonnie Wright, 1721 South Lulu, Wichita, greeted the Commission and said, "I am*

*proud of my county for reaching out so far to help make information available. You know, it represents, you know a strong hand to the citizens. This, a decade ago, it was a struggle to get information from government groups.*

*"But, IT (Information Technology) has started adding more and more data to where we're swamped with data. This reaches out to make it more information. I learned something from Commissioner Ranzau about five years ago, there was a request for spending and he observed, now how does this fit into the budget? Why didn't we deal with this in the budget? That impressed me and I looked at that. So, I go before, farther than just the agenda sheets to see how are the movements that go on. Its also a help that your budget department hearings are open to the public. Where we can hear department heads talk about their challenges.*

*"I attended a group as an open data group of nerds. I hope that's an acceptable term. But, I was real impressed with them. What they're trying to do is their trying to take the Wichita site to try to make it more usable. As I sit and listen to them, I thought well, that's exactly what the county's doing. You know, being involved at.*

*"So, I appreciate us being out front and it helps give you an education once you get into here. Looking how the government looks through the eyes of finance because those numbers are really what is going on. Kind of gives us a different look of the county and all our different operations and the services.*

*"You see the importance of the budget but then how spending effects it. Yes, this is a great, you can get involved in that site. You can get into detail. I appreciate the left column where you can kind of see well, where have you gone. So this is really useful. I appreciate the information. But, more than that I represent, I appreciate what it represents the county reaching out to the citizens. So, thank you."*

*Chairman Howell said, "Lonnie Wright, I want to say thank you for your comments and thank you for your, the role you played in reviewing this over that, about a month long that you had time to look at it and play with it and provide some comments. I know you take that role very seriously, you always do, as Sedgwick County's most informed citizen. So, thank you for your role that you provided to the county. Commissioner Peterjohn."*

*Commissioner Peterjohn thanked the Chairman and said, "I'd like to, I agree with your assessment in terms of this is very impressive, builds upon the open checkbook that the county had put together roughly about six years ago.*

*"I think it's a step in the right direction and I want to make some comments basically to call it out for other levels of government and other counties as a tool that they ought to look at. We can hopefully compete in a sense in terms of trying to get information out there and available to the public so they're interested.*

*"I'd like to commend the four citizens who were willing to serve as kind of a beta test site if you don't mind me bringing back some old computer experience, in terms of making a look at trying to make this useful and helpful for the public. While Chris was up here, I was trying to follow along with his presentation actually using my own portable computer here and was able to do so. Since sometimes some of the newer technology is not real friendly to folks who are chronologically gifted like myself.*

*"The fact that and I did this without any help from IT I'll point out I think is a good indicator and I hopefully will be a sign that this is something that the public can access. We, we're going to continue to try and work to make information available regardless of those members of the public who may not be gifted enough to be*

*carrying around their own portable computer. But, for folks who have an interest this tools very helpful and useful."*

**MOTION**

*Commissioner Peterjohn made a motion to receive and file.*

*Commissioner Ranzau seconded the motion.*

*Commissioner Peterjohn said, "Once again, I express my thanks to both IT and finance for their work in this area and communications side too with Kate's folks, thank you."*

*Chairman Howell said, "Thank you, Commissioner. We have a motion and a second. Any final discussion? Let me just say, I think that this is such an impressive tool I hope other governments especially large governments take a look at Sedgwick County and follow our lead on this. I think that this is something that state of Kansas could use as well as other governments like Wichita for example would be a great move if they were to do the same thing we're doing here today.*

*"I'm looking forward to spending some time with this tool. If I have some more time in my schedule, my calendar I plan on spending some time taking a look at this. So, even though we may be Commissioners, we're going to be using the same tools that the public will be using. So, I look forward to having that opportunity to do so.*

*"Any other comments? Seeing none, Madam Clerk, we have a motion and a second. 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>

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

*Chairman Howell said, "Thank you, once again. Madam Clerk, next item, please."*

**Received and Filed**

**D**      [16-789](#)

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.

VISUAL PRESENTATION

*Mr. Scott Knebel, Planning Manager, Metropolitan Planning Department, greeted the Commissioners and said, "This item is an item that you have twice deferred. I do want to kind of cover the main points of why we're discussing this for those in the audience who may not have seen the previous episodes.*

*"The state senate adopted or the state house, state legislature adopted, sent a substitute for house bill 2131 in the most recent legislative session. That bill went into effect October 1st. As it relates to county regulation of wireless communication facilities there's a number of things that are in the current Unified Zoning Code that the statute prohibits units of local government from doing any longer.*

*"One of those is require documentation of the ability to locate communication equipment on existing structures or towers, that's called co-location. We cannot prohibit the construction of a facility like we do presently or have done prior to October 1, when there was no actual telecommunication user identified and signed-on, if you will, to the application indicating they would use that tower.*

*"We also cannot evaluate, even if we don't require documentation, even if we have our own documentation of the ability to co-locate on existing facilities, like previous facilities that the governing body may have approved that requires them to allow other vendors to locate on that. We can't base our decisions in the future on whether or not to allow a new facility on that information.*

*"Also, cannot require what is called a small cell facility that you many have seen many of these. There's been several hundred of them constructed in the county in the last several years. Usually, about 30' tall with just a small antenna on top of them. Often they're combined with light poles or with other types of utility poles. We cannot require that type of installation in an area where, in our code we've identified visually and environmentally sensitive locations required to, have no ability in other words to require that type of install.*

*"Then finally, as we approve going forward new wireless communication facilities we cannot require that the builders or the applicants allow other service providers to locate on there. So, that's just a way, a background for people who may not have been involved up to this point.*

*"As you're aware you have deferred this item twice, primarily, because of the City of Wichita who's your partner and the Unified Zoning Code and the comprehensive plan has some reservations about taking the action that was recommended to both governing bodies by the Metropolitan Area Planning Commission. Which is to amend the Wireless Communication Master Plan and the Unified Zoning Code.*

*"To implement the changes in state statute. The city is in ongoing discussions with the state is convinced that there may be potential modifications to the statue and has chosen at their meeting yesterday, to table action on both the wireless Communication Master Plan and the associated zoning code amendments until, unless and until that type of issue has resolved.*

*"As it relates to the City of Wichita, the Planning staff will follow the statutory requirements where they differ from the Unified Zoning Code with the advice of the city's legal staff. The recommended action that I have before you today is to, that the two bodies take the same action from an administrative standpoint it makes it much*

simpler.

*"From the Planning staff and the planning commission standpoint if we're implementing the same regulation for our entirety of our jurisdiction. There has been some discussion and I know you have before you a manner in which you can take a partial action. You can adopt the Unified Zoning Code amendments but not the Wireless Communication Master Plan amendments that would then allow at least in the unincorporated area there'd be a local regulation that is consistent with the statutory regulation.*

*"So, with that, I'm a little at a loss to suggest exactly what you should do. We did discuss this with you all yesterday so hopefully this commission will reach a decision of course."*

*Chairman Howell said, "Well, Mr. Knebel, thank you for the presentation. I will at this time ask is there anybody in the audience that would like to speak to the agenda item. Seeing none, Commissioners, any comments or questions? Commissioner Ranzau."*

*Commissioner Ranzau said, "I'd like to ask our Counselor's office to speak with this issue. I did talk to them yesterday about the possibility of approving this for the county only and they've created some documents that would allow us to do that. I'll give them to the, I just got these this morning."*

*Mr. Knebel said, "Correct."*

*Commissioner Ranzau said, "One of them is a redline version, shows the changes. The other one is, would be a amended version. With those changes in it if we so to do that, but I just want to hear any comments that you many have on this."*

*Mr. Justin Waggoner, Assistant County Counselor greeted the Commission and said, "Scott Knebel alluded to some of this there's been a little bit of a history of deferrals on this on the city side of the street where it's been deferred. I think first at the Planning Commission level, once at the city's request and twice at the City Council level.*

*"The, there was a bit of a conflict we would prefer to, well, there's a requirement that we be consistent with the state law. That's something that we need to do. There's also a preference that our code be uniform between the city and county to the extent that is practical. I think that's the reason and large part my understanding is to why you guys have deferred this before.*

*"My recommendation would actually be that it makes the need to stay consistent with state law probably outweighs the need to be consistent with the city on this. I say that in part because the deferral the city's made at this point as I understand is tabling it indefinitely. I don't know that it was based on, I haven't heard any reason legally as to why they've deferred it. I think it's a practical, they don't like the law which is a legal matter. I understand the considerations that the Planning Department's put forth practically speaking.*

*"Administratively speaking as with a legal matter I think it makes sense for us to comply with what the state of the state statute is at this time. The draft resolution that Commissioner Ranzau passed out, Which included some redline changes would make this applicable, when I talk about this, the zoning code changes applicable on the wireless telecommunications only within the unincorporated area of Sedgwick County.*

*"So, you'll notice that on each of those changes in brackets there would be an indication that those changes are only applicable within the unincorporated area of Sedgwick County.*

*"I think those could be included in the zoning code and they would not of course be applicable within the city limits of Wichita.*

*"I would also build on, since Commissioner Ranzau that made the question, there's two other things in front of you on this agenda item, the first of which is the Delano District, which is entirely within the City of Wichita. The City Council did actually approve an ordinance yesterday at their meeting on that. That is taken out of this draft resolution, but, there's a separate resolution in the back up materials for that item, solely, that I think could move forward because the City Council's approved it.*

*"Then there's a third item which is a Wireless Telecommunication Master Plan. The City Council did not take any action on that. I'm not making the same recommendation that you go forward with that, because the City Council deferred or tabled that and there is no legal requirement that you actually have to adopt that document. It's a document that's intended to be, I think, the recommended action would be to incorporate it into part of the comprehensive plan.*

*"There is again no legal requirement for that so I think it could make sense to just defer that item because there is really not a legal need to move forward with that. I'd be happy to stand for any questions you have on that."*

*Chairman Howell said, "Thank you, for the explanation on the amended resolution. Commissioner Ranzau."*

*Commissioner Ranzau said, "Yeah, let me clarify. We have got three, no we've got six attachments here. We have a Delano resolution. Obviously, we could move to approve the Delano resolution."*

*Mr. Waggoner said, "That's correct."*

*Commissioner Ranzau said, "Then we have the adopting resolution and an amending resolution."*

*Mr. Waggoner said, "Correct."*

*Commissioner Ranzau said, "Okay, so the adopting is for the comp plan but the amending is the Uniform Zoning Code. I think I got it."*

*Mr. Waggoner said, "That's correct. The adopting is for the item I had suggested that it might make sense to defer because it's a comprehensive plan. The one that says amending and is limited solely to Delano is one that I recommended to move forward on. Then the one that says amending and creating is the one that you've introduced a redline version of the resolution to, which I would recommend for approval for the reasons I stated earlier to be consistent with state law.*

*"So essentially, what's being recommended to move on the two and still to defer or table the comprehensive plan amendment that's proposed."*

*Commissioner Ranzau said, "Well, I'm certainly willing to approve the Delano resolution. This amending resolution, I think I said last time I didn't want to keep kicking the can down the road. I'm kind of inclined to want to pass something, but at*

*the same time I'm willing to listen. I don't know what other Commissioners think. So, I'm willing to listen to that as well. That's all."*

*Chairman Howell said, "Well, thank you, Commissioner Ranzau. I guess I'm going to make a couple of comments. Number one I think Commissioner Unruh and myself attended a KAC (Kansas Association of Counties) conference this year. One of things presented at the KAC conference was a presentation by, I don't know who the person actually was. but, he had a video that they created as well as a document that they handed out and I think it's available on the KAC website. It's about a 40 page document.*

*"I don't know when that was generated, but I guess you know if we had some time, I would appreciate someone taking the time to reflect upon that document and that video and perhaps and see if there's any changes to what we end up with eventually.*

*"I think it's reasonable to go ahead and adopt something, potentially, today. But, if the legislature makes changes in the law or if MAPC decides they want to change something in the zoning code, I don't necessarily mind revisiting this again in the future with amendments to what we potentially might do here today.*

*"I'm certainly supportive of the Delano piece. I think we need to move forward with that because, this is in the pipeline right now and they need to get that resolved. So, I think that needs to happen today. I would be supportive of the Delano resolution, giving that project a chance to move forward.*

*"I don't necessarily mind holding off on the, what was it called, already I forgot the name of it. But, anyway the Communication Master Plan because again, I think we've got some time on that. Since Wichita did not adopt that at this time I think it's reasonable for us to go ahead and hold off on that as well.*

*"So, I'm supportive of the Delano, I'm supportive of the amended resolution to get us in compliance with state law and I would like to, I'd be supportive of deferring any action on the Communication Master Plan at this time. So, that's my opinion. Other Commissioners, any other comments? Commissioner Unruh."*

*Commissioner Unruh said, "Well, Mr. Chairman, I kind of agree with your position but I think if we defer it we need to have a time certain, given. We've deferred this a couple times so we don't need to having it coming back too soon let's give them enough time to do something and then address it again, so something like 90 days down the road or something like that."*

*Chairman Howell said, "Just for clarity can you, Justin, would you be willing to speak to that. The only thing we've deferred so far I believe was the resolution that would get us in compliance with state law. In terms of the Communication Master Plan, or the Delano thing, those are separate items."*

*Mr. Waggoner said, "They're all a part of the same agenda item, but if you wanted to defer for example, I think if I understood Commissioner Unruh right you were talking about the wireless communication's master plan. You maybe defer that to a date certain to potentially come back in front of you all.*

*"I would comment that I don't know, I mean my understanding, I didn't see the City Council Meeting yesterday, but my understanding is they don't, they didn't table and defer it to us at a date certain they just tabled it indefinitely with the hopes that they'll get the law changed. But, I understand the thought behind having a date certain where this could come back in front of you all. I just don't know how likely it is they'll*

*take action in the meantime.”*

*Chairman Howell said, “Is there any legal reason as to why we need to adopt that Master Plan at this time?”*

*Mr. Waggoner said, “I don’t think a legal reason, Planning Department staff could probably speak as to how that document, it’s a policy document. How it could be useful and either their work or also people may be pulling applications to locate these facilities. I think it could be useful for them. So there could be a use for it. I know that they had some concerns about how confusing it can be if it’s a adopted in one jurisdiction but not in the other.”*

*Chairman Howell said, “I see. So, that might be a reason for us to at least delay for now. But, if we want to put a date on there I might be.”*

*Mr. Waggoner said, “I don’t think there’s any problem with doing that.”*

*Chairman Howell said, “Right away, I would support the idea of having a date to that. But, I’m okay with not having a date and letting Wichita bring it back when their ready. I think either option is okay with myself, with me.”*

*Commissioner Unruh said, “Well, for my, well, Mr. Chairman, I don’t like having just a tabling if we’re going on forever. I mean, ultimately we have to be in, somehow, some sort of coordination with state law. So, if we give them an opportunity to do their lobbying to make whatever change they want to make to it. I believe we need to have a date certain to say we’re going to decide on this.”*

*Chairman Howell said, “Well, just a comment on that. I know that someone, as I talked to staff yesterday, they said that they were thinking about a date let’s say in March. But I, let me just say just that from my legislative experience, just because a bill is not been drafted and then is moving forward let’s say by turnaround or whatever, doesn’t mean that provision can’t be attached to any other bill.*

*“So until they get to sine die, I would say the only day, the date I would recommend would be around June 1st is the date that we would have to, we give them the entire legislature session if you will to potentially resolve any of this to Wichita’s satisfaction. I would say even if there’s not a bill or provision in draft, you know in some type of bill form moving around the legislature doesn’t mean that that won’t be attached to some other germane bill.*

*“So I would say if I was going to pick a date. I would say no later than June 1st, but we could bring it up any time before then. But that would be a date I would, I think would be reasonable. Giving the session time to.”*

*Commissioner Unruh said, “Oh, I would have to be agreeable to that.”*

*Chairman Howell said, “Okay. Commissioner Ranzau.”*

*Commissioner Ranzau said, “I’m a little confused. You had talked about tabling, I thought, the Communication Master Plan, which doesn’t have anything to do with the state legislation. Is that correct?”*

*Chairman Howell said, “Well, I guess the, my explanation I think it does only because if the state law was to change that master plan might be changed as well. I think their hoping that they’ll see some state law changes. They may potentially recommend changes for the master plan. So, when Wichita does adopt that it would be reflective*

*of a potentially amended state law."*

*Commissioner Ranzau said, "Right. But, adoption of that plan is not required by the state law. This is not. This is a different thing."*

*Chairman Howell said, "It's totally separate, that's right."*

*Commissioner Ranzau said, "It's just an amendment to the map to the comp plan, which we don't even have to do."*

*Chairman Howell said, "I understand. Alright, any other discussion? Commissioner Norton."*

*Commissioner Norton said, "How many towers do we think, in the next six months, might be sighted, only in the unincorporated areas? Based on history, applications applied for."*

*Mr. Knebel said, "It could be as little as zero and perhaps two or three."*

*Commissioner Norton said, "Well, it appears to me that our actions should be comply and complain. There's the law on the books and we should comply with it and then complain astringently as we need to in this next legislative session."*

*"It's going to affect very few people. I think we may want to put a caveat with anybody that applies out in the unincorporated areas that there is a movement to change the legislation and buyer beware. Then move on. It's very, very few instances out in the unincorporated area's, I would believe, regardless of what the city does, there are two different issues, you can define the two areas very easily."*

*"One of them is a municipality in an incorporated area. The rest of them are out in the county. Very few of them in fact. So, I would say we adopt the resolution as amended. Comply with the state law and then, if we want to vigorously line up with the city and fight it with our legislators, let's do that."*

*Chairman Howell said, "Alright, well thank you for your comments Commissioner Norton. Any other comments from commissioners? Or if there's any I'll entertain motions at this time if you have no other comments. Commissioners, anybody want to make a motion?"*

*Commissioner Unruh said, "That was not a motion by Commissioner Norton?"*

*Chairman Howell said, "No, I think he was making some comments."*

*Commissioner Norton said, "It was just a thought."*

*Chairman Howell said, "Alright."*

*Commissioner Unruh said, "Well, Mr. Chairman, I would move if I have this thought out in my mind that we would defer, that we would approve the Delano portion of this, and defer the other two items until June 1st. I don't have a say (inaudible) for these three pieces."*

*Chairman Howell said, "So, just to clarify your motion, the two pieces it would be deferred. One of those would be changing our county law so we're not in compliance with state law until June 1st potentially. We would take it up at a later date. Could I interject the words no later than June 1st?"*

*"So if there's resolution to any of this before then that we would want to bring it back, we could bring it back any time. So if we don't have any other changes to this we bring it back by June 1st and potentially..."*

*Commissioner Unruh said, "I think that's a good addition if our friends across the street don't have anything going, if we have a reason to bring it back then we can."*

*Chairman Howell said, "Okay, I.."*

*Commissioner Ranzau said, "So this is for both of these, right? I thought the original intent was to approve one and defer the other. Approve the Delano, adopt the revised version of the amending resolution and then defer."*

*Chairman Howell said, "Okay, let me, once again let's go ahead and clarify there's three items to discuss here. One of those is the issue in Delano. One issue is the Communication Master Plan and a third one is a resolution that brings us in compliance with state law. So those are the three items we're discussing this morning."*

*"I think the motion Commissioner Unruh just made only approves the Delano portion of that and defers the other two of the three items."*

*Commissioner Unruh said, "That is correct. I think that's what the City of Wichita has done, is that right?"*

*Mr. Waggoner said, "I mean, that is correct, with the exception of they didn't put a date certain like you did to set it towards. Thanks."*

*Chairman Howell said, "Alright, further comments Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Well, I support doing the Delano. I think we ought to be in compliance with state law. If it needs to be addressed further down the line I take a position for the 2017 legislature, we can take it at that point. But, I'd hate to delay this putting it out as far away as June 1st. I think we ought to be explicitly in compliance with state law so that we don't create an inadvertent gap. I think it will create, hopefully it won't affect a lot of people. From what staff's told us that's not likely. But, I'd hate to have the uncertainty in place that could occur if we don't address this and be in compliance with state law."*

*Chairman Howell said, "Commissioner Unruh, I don't mind seconding the motion just for purposes of discussion and getting to a vote on this. I would be willing to entertain a substitute motion if someone wanted to make that it would also approve the resolution amending, creating the sections pertaining to the regulations of wireless communications facilities."*

*"Basically the part that deals with the state law. So, if somebody wanted to make a substitute motion for that as well. I'll, for right now I'll go ahead and second the motion of Commissioner Unruh and we may get to a vote. Commissioner Ranzau."*

*Commissioner Ranzau said, "Okay, I think I can help move this along. I want to make a substitute motion that we approve the Delano resolution, that we table the comp plan resolution until June 1st, 2017 and that we approve the amending resolution to the Unified Zoning Code that makes these changes apply to the unincorporated area of the county only that has been supplied to us by staff this morning."*

*Mr. Eric Yost, County Counselor, greeted the Commission and said, "It might be just, I mean is there any reason why we can't just adopt the Delano resolution. Then move on to what we want to do in regards to the other things where there's some..."*

*Commissioner Ranzau said, "Or take them all three separately?"*

*Mr. Yost said, "I think it's unanimous to pass Delano. Let's just vote on that clean. Then you all can do what you want to do on the other resolutions. I mean, that'd be my recommendation."*

*Mr. Waggoner said, "Commissioners, I would chime in. I think that there's individual who wanted to have a comment on this. I just wanted to bring that up before you vote on things."*

*Chairman Howell said, "Just a second, let's go ahead and Commissioner Ranzau."*

*Commissioner Ranzau said, "Shall I withdraw my..."*

*Commissioner Unruh said, "I will withdraw my motion so that he can get some traction here."*

*Chairman Howell said, "Okay, if, very good."*

#### **MOTION**

*Commissioner Ranzau moved to adopt the Delano resolution.*

*Commissioner Unruh second the motion.*

*Chairman Howell said, "We've rescinded both of the previous motions. We have a new motion by Commissioner Ranzau and it's been seconded to adopt the Delano resolution. Any other discussion on this by commissioners? I see there was a person in the audience who wanted to speak. Do you still want to speak to this agenda item at this time? You're welcome to come on up and speak, please."*

*Mr. Myron Ackerman, 1050 North Ridgewood, Wichita, greeted the Commissioners and said, "I apologize for just being out of order. My comment to you would be I think as you're planning to do is, Delano, go ahead and approve it because that's entirely the cities'.*

*"However, as far as the counties compliance to the state law, if you postpone this you're telling me as a developer I can't pull a permit that, in accordance with state law, because you are not in accordance with state law.*

*"That six month timeframe I might want to pull a permit to put up a cell tower. To do that I would have to abide by the cities' current regulation. So, you're putting a six month uncertainty in there. A person making a plan to move forward in a development, you're saying well, we may change the law but if I pull a permit when it's in compliance with the law and the legislature changes the law, I still have my permit.*

*"It's a game that the city has played where they approved something back in 2012, then they let that lapse in 2014, but now in 2016, they were doing something that they allowed to lapse for two years. But, they're saying well we did, we approved this in theory before 2014.*

*"That leaves so much uncertainty if I don't know when somebody's going to change the rules. I want to pull a permit. I want you to be in compliance with state law so that I'm not bound by the city, in my view, pouting and saying I don't like the law, I'm not going to change it. If they want to be in violation of state code that's their business. I would ask you not to be."*

*Chairman Howell said, "I understand. Mr. Ackerman thank you for those comments. I think that's probably in support of Commissioner Ranzau's amended resolution."*

*Mr. Ackerman said, "Probably so."*

*Chairman Howell said, "We are not dealing with that right at the moment, we're dealing with the Delano, but we'll get to the other resolution in just a moment. I do appreciate your comments Mr. Ackerman. Commissioner Ranzau."*

*Commissioner Ranzau said, "I just want to clarify. Regardless of whether we approve this or not, staff is going to follow state law in both the city and the county, which is one of the arguments of why we should go ahead and do it. Even in the city if you pull a permit they will follow the state law. The Unified Zoning Code may not be updated to reflect that but they will follow that because they have to, so that kind of was kind of confusing there."*

*Chairman Howell said, "Very good. I agree with what you just said, alright. We have a motion and a second. Any other discussion? This is a motion to adopt the Delano resolution only. Seeing no other discussion, Madam Clerk, please, call the vote."*

#### VOTE

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

*Chairman Howell said, "Alright, thank you commissioners. We're back onto other items. Commissioner Ranzau."*

#### MOTION

*Commissioner Ranzau moved to table the resolution to adopt the wireless communication facilities into the comp plan, until no later than June 1st, 2017.*

*Chairman Howell seconded the motion.*

*Chairman Howell said, "That's a very good motion."*

*Commissioner Ranzau said, "Is that okay, Mr. Counselor? Okay?"*

*Chairman Howell said, "Alright, we're clear on that motion. That's by itself, so we'll deal with that one now. Any discussion on that motion? Alright, Madam Clerk, please, call the vote."*

#### VOTE

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

Chairman Howell said, "Alright, thank you, Commissioners. I think there is probably one more motion coming up. Go ahead, sir, Commissioner Ranzau."

#### MOTION

Commissioner Ranzau moved to approve the resolution amending and creating this section pertaining to the regulation of wireless communication facilities listed in the Wichita Sedgwick County Unified Zoning Code as provided by our counsel today, which makes it applicable to the unincorporated area of the county only.

Commissioner Unruh second the motion.

Commissioner Ranzau said, "Does that suffice?"

Chairman Howell said, "Alright, we've got agreement by counselors and we have a motion and a second. Commissioner Norton."

Commissioner Norton said, "As I read through this resolution in the statute. I think there's some pitfalls in it. I understand why the city has some consternation about it, but the truth it is the law of the state and I'll be supportive of this today, but I think there is some legislative action that's going to need to be taken in the future to either correct parts of this when it refers to right of way and the land rights that people may have as we go forward, but right now we need to follow the law as its stated and then move on."

Chairman Howell said, "Thank you for your comments Commissioner Norton. I completely agree and just want to say I think that as I talked to staff yesterday about this, they said that should there be changes coming it is relatively easy to let this evolve a little bit in the future if we need to do that.

"So yes, if we see reasons to change this, we certainly can do that. It would not be too difficult to do that should that situation come up. So, we have a motion and a second, any final 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

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

**E**      [16-803](#)

#### REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON DECEMBER 1, 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, "We have one item that we came as a result of December 1st of the Board of Bids and Contracts.*

*1. WEED CHEMICALS, NOXIOUS WEEDS DEPARTMENT.*

*"This recommendation is to accept the low responsive bid for item number 1, from Van Diest Supply Company and the low bid for item number 2 from Sims Fertilizer and Chemical Company. That would be an initial purchase of \$20,619.20. Then they will establish contract pricing for one year with two one year options to renew.*

*"I'd be happy to answer any questions you may have and I recommend approval of this item."*

*Chairman Howell said, "Very good. Commissioners, any comments or questions? Is there anybody from the audience that would like to speak to the agenda item? Seeing none, Commissioners, is there a motion this morning?"*

**MOTION**

*Commissioner Ranzau made a motion to approve the Board of Bids and Contracts.*

*Commissioner Peterjohn second the motion.*

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

**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>

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

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

**Approved**

**CONSENT**

*Mr. Michael Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve consent agenda items foxtrot through lima."*

**MOTION**

*Commissioner Ranzau made a motion to approve the consent agenda.*

*Commissioner Peterjohn second the motion.*

*Chairman Howell said, "We have a motion and a second, seeing no discussion, 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, thank you, next item, please."*

**Approved**

- F**     [16-785](#)     Resolution authorizing the establishment of a speed zone on Tyler Road (87th Street West) between the North City Limits of Maize and the South City Limits of Maize between 37th Street North and 45th Street North (809-K mid 0.6 mile) in Sedgwick County, Kansas and providing for the enforcement thereof.
- G**     [16-786](#)     Two (2) Right of Way Easements for Sedgwick County Project 640-32; 87th Street South between Rock Road and Webb Road. CIP# R342B. District 5.
- H**     [16-787](#)     One (1) Right of Way Easement for Sedgwick County Project 640-15-1167; Drainage project on 87th Street South between 167th Street West & 183rd Street West. CIP# R264-43. District 2.
- I**     [16-788](#)     One (1) Temporary Construction Easement for Stream Maintenance Project #3 Spring Creek. District 5.
- J**     [16-780](#)     Amendment to the Annual Affiliation Agreement with In Sync Home Health, Inc.
- K**     [16-759](#)     General Bill Check Register for November 30, 2016 to December 6, 2016.
- L**     **16-760**     Payroll Check Register for the November 26, 2016 payroll certification.

**LEGISLATIVE ISSUES**

*Chairman Howell said, "Alright, Commissioners, is there any comments for legislative issues this morning, or staff. Any comments for legislative issues this morning? Alright, seeing none, 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, "I believe we are going to*

*be holding, a week from tomorrow, County Commissioners will be holding their holiday reception and that's open to the public and available from 2 [p.m.] to 4 [p.m.]. I think it's important that the public know about the activities that we're involved in here in the county.*

*"I'd also be remiss if I didn't point out that December 7th is an important day in American history. Not only for, obviously, the 75th anniversary I'll get into in just a minute. But, December 7th 1787, Delaware became the first state to approve the Constitution.*

*"It's a very noteworthy and important point and in 1963, for people who watch TV, December 7th an Army, Navy football game, the first use of video tape occurred for replay. It's had a huge impact.*

*"But, I'd be remiss if I didn't point out obviously 75th anniversary of the attack by the Japanese navy at Pearl Harbor and the American forces in the Army and Navy there. Just a couple comments. The Japanese admiral who ordered the attack, Isoroku Yamamoto, who interestingly enough didn't survive for more than two years after that attack. He was shot down by an American P-38 aircraft in the South Pacific.*

*"But, he made the comment, he said I fear we have awakened a sleeping giant and instilled in him a terrible resolve. It's obviously for the thousands of folks we're down to just a handful of people who were in the military and serving at Pearl Harbor on that date. So, this is an important anniversary, December 7th, 1941. So, just wanted to get that on the record. Thank you, Mr. Chairman."*

*Chairman Howell said, "Thank you, Commissioner Peterjohn. Any other comments for other this morning? Commissioner Unruh."*

*Commissioner Unruh thanked the Chairman and said, "I just wanted to give a shout out to Spirit AeroSystems. Last night, my wife and I attended the free family holiday concert at Century II that Spirit AeroSystems graciously funds and presents to us. It was really a good evening. The concert hall was or the convention. I don't know the names of spaces over there, big space was full of people last night for this free concert.*

*"I tell you, the Wichita Symphony Orchestra, and chorus is just a magnificent, great asset in our community. So it was a good evening. Had a young lady named Christina Cristaldi, who sang O Holy Night. It's a very stimulating piece of music. But, it's a great kick-off to the holiday season in South Central Kansas. All those who attended I know enjoyed it. But, thanks to Spirit AeroSystems for sponsoring this."*

*Chairman Howell said, "Alright, well thank you, Commissioner Unruh. Very good information regarding an opportunity that we had yesterday. So, I only had one comment for 'other' and that is I'm going to be sending out an email to the Derby Informer, the City Council, the City of Derby as well as City Manager and the Senior Center there in Derby, regarding contracts, funding agreements with the Senior Centers.*

*"There was some discussions, it came out in the media regarding a clause that's found in our contracts. We stated, I guess very clearly as we communicated about that this is a very standard clause. It's actually been in previous agreements and so I'll be sending that out.*

*"Thank you, to our counselor Misha [Jacobs-Warren] for providing some contracts to*

*me for me to look at and review regarding that clause. So, I'll be developing that email and sending that out.*

*"I just want to assure those who may be tuned into that particular story that number one that clause is not something that came from County Commissioners. It was simply a standard language that was developed by our counsel as they recreate and redraft those agreements with different organizations that we grant money to.*

*"So the Senior Centers again, all 17 of them I believe, have had updates to their agreements perhaps but this was the only center that seemed to have questions or concerns regarding that particular clause. So, I wanted to assure them that again this is not, does not show intent by the commissioners or the county regarding our intent to change their funding. It's simply standard language.*

*"So, it doesn't mean anything. It's the same language that's been in place for a long time. With that, I'll be working on that email today and be sending that out this afternoon. So, I wanted to just assure them and if any commissioners disagree with what I just said, I'd sure love to hear from you. But, I don't believe there's anybody that would say that we have intent to pass, or approve and adopt a funding agreement with the Senior Centers. Then right behind that have some ulterior plan to change that.*

*"So, I don't think that's, that's not our intent. With that I think I don't have any other comments or questions today, or anything for the, to go to the board. Mr. Manger, anything today? Mr. Counselor?"*

*Mr. Yost said, "No."*

*Chairman Howell said, "Commissioners is there anything else before we adjourn? Alright, seeing none, thank you everyone, we're adjourned."*

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 11:11 a.m.*

*BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS*

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*JAMES M. HOWELL, Chairman  
Fifth District*

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*RICHARD RANZAU, Chair Pro Tem  
Fourth District*

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*DAVID M. UNRUH, Commissioner*

*First District*

\_\_\_\_\_  
*TIM R. NORTON, Commissioner*  
*Second District*

\_\_\_\_\_  
*KARL PETERJOHN, Commissioner*  
*Third District*

ATTEST:

\_\_\_\_\_  
*Kelly B. Arnold, County Clerk*

APPROVED: \_\_\_\_\_