

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, February 15, 2017

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

ORDER OF BUSINESS

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 15, 2017

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:03 a.m. on February 15, 2017 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro-Tem Commissioner Michael B. O'Donnell; Commissioner David Dennis; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Thomas Golden, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Justin Waggoner, Assistant County Counselor; Mr. Dale Miller, Director of Planning; Mr. Joe Thomas, Director, Purchasing Department; Mr. Jon VonAchen, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Mr. Jeff Fluhr, President, Greater Wichita Partnership
Mr. Charles Peaster, 9453 N 135th Street West, Wichita*

Chairman Unruh said, "Pastor Lytle, thank you for being with us this morning. Next item."

CALL MEETING TO ORDER

INVOCATION: Pastor Tim Lytle, Unity Church of Wichita.

FLAG SALUTE

ROLL CALL

PUBLIC AGENDA

Chairman Unruh said, "I don't believe I've got any notification of folks wanting to speak on items other than agenda items. So we will call the next item."

CONSIDERATION OF MINUTES

- A** [17-204](#) REGULAR MEETING MINUTES OF JANUARY 18, 2017.
All Commissioners were present.

Chairman Unruh said, "Commissioners, you've had an opportunity to review these minutes of January 18, what's the will of the board?"

MOTION

Commissioner Dennis moved to approve the minutes of January 18, 2017.

Commissioner O'Donnell seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item, please."

Approved

APPOINTMENTS

B [17-212](#)

ACCEPT THE RESIGNATION OF DR. JON ROSELL
(COMMISSIONER RICHARD RANZAU'S APPOINTMENT) FROM
THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Item B, is as stated the resignation of Dr. Rosell from the [Sedgwick County] Mental Health Advisory Board. The reason he is needed to do that is he has become the Executive Director of the Kansas Medical Society. We don't have any replacement yet. So this not an appointment of anyone, it's merely to accept the resignation. I would urge adoption of the resolution.

Chairman Unruh said, "Alright, thank you. Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to accept the resolution.

Commissioner Ranzau, thanked the Chairman and said, "I would like to thank Dr. Rosell for service on the board, I know he has moving on to bigger and better thing. I wish him the best of luck."

Commissioner Howell seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye

Chairman Unruh Aye

Chairman Unruh said, "Next Item."
Approved

NEW BUSINESS

C [17-217](#)

RESOLUTION AUTHORIZING PAYMENT OF \$300,000 TO THE GREATER WICHITA PARTNERSHIP.

Presented by: Tom Golden, Deputy County Manager.

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

Mr. Tom Golden, Deputy County Manager, greeted the Commissioners and said, "Before you, you have a resolution to support the Greater Wichita Partnership (GWP) that we are a part of. Just a little background information, as you recall back in April of 2015, the partnership was launched and we are a big part of that, and we support that. I have with us today the President, Jeff Fluhr and Executive Vice President, Andrew Nave. We would strongly recommend that we, you approve the \$300,000 as part of our partnership with the Greater Wichita Partnership as the economic development aspect of what we do. If you have questions, Jeff Fluhr here, is here and so is Andrew Nave."

Chairman Unruh said, "Alright, thank you Tom. Commissioners, are there any questions initially? If not, Mr. Fluhr, would you like to make a statement."

Mr. Jeff Fluhr, President of Greater Wichita Partnership greeted the Commissioners and said, "We just want to thank you on behalf of the board for the continued partnership with you. As we work on economic development not only in our city, but also the region and great things are happening. The request before you today, is to continue that investment into 2017 to help us again, work on thing that are outlined below. Your investment is key to what we are doing, we actually leverage it with the private sector, so that we actually are able to do more with the investment that is made.

"We are seeing job creation, we are seeing capital investment, we are seeing annual payroll increase with the jobs that we are seeing in our community. We are seeing the increase in the communications and marketing opportunities that we are doing through the partnership. A big part of that is how we work with site selectors.

"These are individuals that are located throughout North America and actually globally. They are actually a connector to opportunity, if you will. So a lot of times it may be through working with a local company, as we did with Cargill last year or it may be with a new company and opening that opportunity.

"One of the things that, we did this last year as a result of having resources and investment that you made available to us. Actually, I pulled this from your reception desk, is the view master that we put together and it's creative marketing aspect. As it sits here, you can see that it's three dimensional and the purpose of that is that we get current information to these site selectors in a creative way. The great thing about this particular item is that we designed it all in house and we were able to just have to pay for the production of it. So again leveraging your resources to make sure we are hitting more opportunities.

"The other area that we're seeing progress is BREG (Blueprint for Regional Economic Growth). We're seeing a lot of different activity in the different business sectors that we are working with, whether it be aviation, agriculture, healthcare, IT (Information Technology), oil and gas, transportation, advance manufacturing, advance materials, we're working diligently in each of those areas on how we crosscut from workforce development to even things like broadband development and how that's important as we go forward.

"We also have deliberate strategies, we work with staff to make sure that we have deliberate strategies for intended outcomes. The County Manager and Assistant County Manager are involved with us, with several different avenues to make sure that we are on target, how we are working with industries to move things forward. So we have those deliberate strategies in areas of primary job creation, entrepreneurship, workforce development, perceptions, talent and of course, downtown vitality.

"We appreciate and actually value very much the continued input of the County Manager, the Assistant County Manager and you, I mean, we meet with you on a quarterly basis to talk about how we are seeing things move forward, what are the challenges, what are the opportunities. So we want to continue to make sure that we do that with you on that quarterly basis. So again, we appreciate the opportunity to come before you this morning requesting your continued investment in the partnership in helping us move forward not only in our city, but also in our region."

Chairman Unruh said, "Okay, thank you, Mr. Fluhr. I, at this point will allow for public comment, but first Commissioners, is there anything you want to say before I see if there is someone from the public who wish to as a question? Is there anybody in the public that wants to make a comment? Alright. Seeing none then, Commissioners, we will restrict conversation to the bench and are there any questions or comments? Commissioner Dennis."

Commissioner Dennis, thanked the Chairman and said, "I think that we have been a great partner with greater downtown development corporation in the past, I think we need to continue that partnership, therefore, I move that we approve this resolution and authorize the Chairman to sign."

MOTION

Commissioner Dennis moved to approve the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Unruh said, "Thank you, we have a motion and a second and we will continue discussion. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I want to thank Jeff for coming here today. I appreciate the efforts that they and I fully support many of the things that they're, that they are doing there. I do continue to have concerns with the partnership, I think there is still just some aspects of this economic development initiative that is somewhat smoke and mirrors, similar to GWEDC (Greater Wichita Economic Development Coalition) is, just being honest. With that being said I would be, so I can't support the full \$300,000 funding of it, but I would be willing to support them to some amount. I have supported some other things that have been brought forward to us this year, that they made sense, but this is just a bridge to far for me for a variety of reasons."

SUBSTITUTE MOTION

Commissioner Ranzau moved to approve the contract in the amount of \$150,000.

Chairman Unruh said, "Alright, thank you, is there a second?"

Commissioner Howell seconded the motion for purposes for discussion and a vote.

Chairman Unruh said, "Thank you, Commissioner, just a question. Your motion would it contemplate that we fulfill the remainder of the contract at a later date? Is that what your motion implies or is it just a 150?"

Commissioner Ranzau said, "Well, I am willing to support \$150,000, if a subsequent motion was made to make that another \$150,000, I might not be as inclined to support that, if that is what you are asking."

Chairman Unruh said, "Okay, well I didn't know if you were just thinking of two part, two part support of the partnership, 150 now, 150 later if you were satisfied with their work or whether it was just 150 for the year, is what I'm trying to clarify?"

Commissioner Ranzau said, "Oh, I understand. I think that would be at this point 150,000 a year. Okay. But if, I think in the past we've had a couple different votes and combined some together, but never the less, that's kind of, where I am at."

Chairman Unruh said, "Alright. Thank you, I appreciate the clarification. Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to clarify my motion, my second to the motion. I do appreciate what GWP (Greater Wichita Partnership) is doing and I have been supportive of them. I would be supportive of the 300,000 this morning, but wanted to have a chance to hear the discussion about Commissioner Ranzau's ideas and give him a chance to explain what he would like to see done this morning. So I wanted to second the motion this morning, but I am supportive of the 300,000. So, I will go ahead and vote for the 150 as well. I will vote for money in either case, but I think at the end of the day, I am supportive of the 300,000. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Mr. Fluhr, would you want, perhaps give us a quick..."

Mr. Fluhr said, "Certainly."

Chairman Unruh said, "Break down of what your \$300,000 budget will do."

Mr. Fluhr said, "Certainly that is not a problem, sir. In fact, for the public sector investment that money goes strictly to the initiatives that we do as far as marketing, involved with things we're doing with BREG, it's not in our personnel and actually we, there's full accountability for those funds. So we keep those funds actually in a separate account. So that if there is ever a question of how the money is being invested that we can provide that without a moment notice to you as far as how those dollars are being expended and why, they are being expended that way. We feel that is an important as a public investor, we feel that's an important for you to be able to have that clarity on where your dollars are going.

"But we use it a lot for NBAA, we use it for our international in working with Farm Bureau or [The International] Paris [Air Show] part of what we do is that funding helps

us to be able to do a lot of things. One is to be able to secure the placement in those type of events that are very critical for Wichita to be in, as far as in the Aviation Capital. So a lot of those funds are expended to be able to secure those places. Then there goes into the development of how you even market when you are there. So there is a lot goes into the booth design and development and also the marketing with your partners in both public and private.

“So those dollars again that you’re investing are strictly, are tactical things that we are doing that you can point to and touch. It was a part of the healthcare innovation forum that we did with BREG back in June, the first event. One of the things you have asked us to do is, how is it we diversify our economy. So one of the things we did this last year was the healthcare innovation forum which was last June. In December, we just did the advance manufacturing forum out at NCAT (National Center for Aviation Training). Huge event and that those type of dollars that you are investing helped us make that possible. So it is going to things of that nature, that are tangible, like the things we’re doing with marketing, the production of materials to be able to respond to those who are looking as an interest to Wichita or the region, to be able to respond in a way that both the materials, but also if we need to travel to be there.

“One of the things that we did with the Cargill, which was huge opportunity that we need to make sure stayed in Wichita and our state, was that there were trips we had to make to Chicago, to sit down with those teams that were negotiating that opportunity. So it’s those type of things that these dollars, your investment is helping make possible to make sure that we are there, that we are being heard, and that we are able to put forth what we want to as far as an opportunity, but again these dollars are kept separate, so that you can have full accountability on how they are being spent.”

Chairman Unruh said, “Okay, thank you sir. Mr. Golden, I’d have a question for you, sir.”

Mr. Golden said, “Yes, sir.”

Chairman Unruh said, “We, this is contemplated and budgeted for in our 2017?”

Mr. Golden said, “It is, sir. We have it in the 2017 budget, it is part of the economic development budget that will come out of the general fund. So it’s, we’ve already planned for this, yes sir.”

Chairman Unruh said, “Okay. Thank you. Well, I before we call for the vote, I will not be supporting the substitute motion, I want to vote in favor of our full \$300,000. I think that this, is something we need to do, I don’t think the money is in anyway not spent wisely, I think it does produce results that we are looking for and our efforts in economic development in the region. This is a partnership between the business community, the City of Wichita, Sedgwick County and there is a definite effort to try to bring in regional partners, also. As we try to grow ourselves up into a more regional personality and perspective.

“So I will be supportive of the underlying motion and be voting against the substitute motion for those reasons, but I also just want to express my appreciation. I think that the staff leadership and the board on the partnership is, are being diligent and working hard at trying to make this successful and advance our region. So those are my reasons for my votes.”

Mr. Golden said, “Yes, sir.”

Chairman Unruh said, "We have a comment from Commissioner O'Donnell."

Commissioner O'Donnell, thanked the Chairman and said, "I just wanted to thank you, Tom for bringing this to us and working so closely with the GWP."

Mr. Golden said, "Yes, sir."

Commissioner O'Donnell said, "To Jeff and Andrew and the rest of your staff. I really think you have done stellar work and that GWP is a great asset to our community. So I do support the 300,000 and I will note that this has been a pretty static amount of money the whole time that GWP has been around and even going back to GWEDC was receiving this number, this amount money for a number of years. So despite everything else going up in cost, you guys have been very diligent and protected the taxpayer's investment. So I thank you for that, I do support the 300,000 and I understand where Commissioner Ranzau is coming from, I normally would support that underlying substitute amendment just to get us closer, but I think it is just easier just that one vote of 300,000, then to go to two votes of 150 and 150. So that's why I will oppose the substitute motion."

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

Commissioner Howell said, "Just a follow, I do, I do want to say as I continue think about this, I appreciate GWP they have been very responsive to some of our past criticism, they have created performance measures, they've been very vocal presenting data back to us with reports and giving us plenty of information to let us know what is going on there. The accountability, I think is certainly in place. I think that is a much different situation today then maybe it was five (5) years ago under GWEDC, I think things have developed quite a lot. I appreciate that response and so I do think out of all the things ECO DEVO (Economic Development) this is probably the one that has biggest bang for the buck."

"Listening to Commissioner O'Donnell's comments, I have to say I'm kind of been on the fence. I would, I agree with what he said, I would support the underlying motion, second motion because it does move us closer, but I think his argument is good. So I will go ahead and support the base motion and I will oppose the secondary motion. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Are there any other comments? Seeing none, Madam Clerk, we need to call the vote on the substitute motion."

VOTE

Commissioner Dennis	No
Commissioner Ranzau	Aye
Commissioner Howell	No
Commissioner O'Donnell II	No
Chairman Unruh	No

Chairman Unruh said, "The substitute motion fails and is there any other discussion or comment on the underlying motion? Seeing none, Madam Clerk, call the vote please."

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	No
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you, Tom."

Mr. Golden said, "Mr. Chairman, thank you. Commissioners, thank you."

Chairman Unruh said, "Jeff and Andrew, thank you both for being here."

Mr. Golden said, "Thanks, Jeff."

Mr. Fluhr said, "Thank you, sir."

Chairman Unruh said, "Next item, please."

Approved

D [17-205](#)

RESOLUTION TO ESTABLISH A SINGLE BOARD OF ZONING APPEALS FOR SEDGWICK COUNTY AND THE CITY OF WICHITA.
Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Take the action deemed appropriate by the Board of County Commissioners.

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "I'm here to present a proposed joint ordinance and resolution, which if passed by you today and by the City Council of Wichita would unify the Board of Zoning Appeals (BZA) for Sedgwick County and also for the City of Wichita. So any property within the incorporated area of the city and unincorporated area of Sedgwick County. Commissioner Dennis has asked to have this item in front of you.

"Get a little bit of historical background on this. The Sedgwick County and the City of Wichita had separate boards of zoning appeals until a vote in 2012 by both governing bodies that unified the Board of Zoning Appeals such as the Metropolitan Area Planning Commission (MAPC) became the Board of Zoning Appeals in both jurisdictions beginning on January 1st, 2013. Then in 2015, there was a vote to essentially have separate Board of Zoning Appeals again between the city and the county that became effective on July 1st of 2015. That's the current status of the matter is that each governing body appoints its own Board of Zoning Appeals.

"It is discretionary up to you as to, whether you would have a Board of Zoning Appeals that would be joint or whether you would have a separate county Board of Zoning Appeals. There is a statute that requires that if you have a zoning code you actually do have to have a Board of Zoning Appeals that is K.S.A. 12-759. Pursuant to that statute and also consistent with that our unified zoning code provides that Board of Zoning Appeals are there to hear variances from the strict application of the zoning code. Then also for the purpose of appeals of staff determinations regarding zoning provisions and interpretations of the code. Also, it is worth noting the Sedgwick County sign code, if someone wants to apply for variance from the strict application of the sign code, they would also have that heard in front of the Board of Zoning Appeals.

"It is worth noting that the Board of Zoning Appeals is not hear actual zoning cases where the zoning on a particular property may be changed. Those go to the Metropolitan Area Planning Commission and then if there was any type of action toward approval it would then come to the governing body. There is, in other words, there is a separate and distinct path. If it is a Board of Zoning Appeals matter versus a planning commission matter.

"K.S.A. 12-759G does give governing bodies the ability to make the planning commission their Board of Zoning Appeals. So essentially you could have a planning commission act in both capacities, as the planning commission and the Board of Zoning Appeals, very similarly to how you act as the Board of County Commissioners or the Governing Body for Sedgwick County Fire District No. 1 or as the Board of Health.

"If this joint ordinance and resolution were approved by both the city and county's governing bodies it would become effective, such as the MAPC would be the joint Board of Zoning Appeals on May 1st, 2017 and each bodies individual Board of Zoning Appeals would be dissolved. The recommended action on this item is to take whatever action you deem appropriate and I would be happy to answer any questions on this approval is by a simple majority vote in both, again I am here and Dale Miller the planning director is here for any questions as well."

Chairman Unruh said, "Okay, thank you Justin. We will allow public comment on this after Commissioners had a chance, at least for first round of questions. I just want a clarification, if the Board of Zoning Appeals doesn't rule on zoning cases, what is it that they listen, what appeal do they hear?"

Mr. Waggoner said, "Well, let me clarify that a little bit. The, when I say zoning cases, like a zone change to a property. So if your property was Rural Residential (RR) and you wanted to put in place, you wanted to take advantage to an opportunity to have a conditional use approved for example on the property. That type matter would go in front of the planning commission and then ultimately if it was in the unincorporated area it would come to you for approval if there is some type of a protest or if it was, it is just a strict zone change where you change it Rural Residential to an industrial or something along those lines. They would take that path.

"The Board of Zoning Appeals would hear variances. For example, if there is a 50 foot set back on a property and a property owner wants to build into that set back, well the zoning code may say they can't do that. However, they may be able to get a variance from the strict application of the zoning code in which case they would have that heard by the Board of Zoning Appeals. Another example would be a staff level, another thing the Board of Zoning Appeals may handle is staff would make an interpretation for example of a planned use of development. They make a legal interpretation, I guess you could say, there is a provision in the unified code where they can make an interpretation of those provisions and that determination by planning staff could be appealed to the Board of Zoning Appeals. So it's not an actual zone change of the property, but it is an interpretation of how the zoning code applies to that property."

Chairman Unruh said, "Okay. Thank you for that clarification. We have a comment from Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. Most of these questions, I already know the answer to, but I want to make sure everyone else knows the answer to them. I served as Chairman of both the Metropolitan Area Planning Commission and Chairman of the Board of Zoning Appeals in the past. So I am fairly

familiar with the function of both of those. But first of all how many cases per year for the county come before the Board of Zoning Appeals?"

Mr. Waggoner said, "Typically there is around one to two cases in the unincorporated area. I've got a chart here that has actually got the answer to that. There was one case in 2016, there has not been any cases yet in 2017, there was three cases in 2015, there are not any cases in 2013 or '14 and in a good share of the years before that we had roughly two cases per year."

Commissioner Dennis said, "Okay. So it doesn't, it's not a real frequent occurrence that this happens."

Mr. Waggoner said, "That is correct."

Commissioner Dennis said, "Tell me about the cases? Is there a much room for the Board of Zoning Appeals to vary from the decisions or is it pretty cut and dry with the type of decisions that they have to make?"

Mr. Waggoner said, "It may depend on what type of action is in front of them. If you are talking about a variance, those are pretty strict set of rules that they have to follow and they are set by statute. Essentially, which varies a little bit from the planning commission. Planning commission is like you all are aware of has the golden rules that they follow and then you guys also follow the same rules for determination.

"When I say the golden factors, essentially there is a case Kansas court, appellate court case that lays out those factors for eight (8) factors that are not the be all, end all for zoning matters, but the key things that you are supposed to look at in determining, whether to approve or not approve a zoning matter. Well, variances under the Board of Zoning Appeals there is very strict factors, you have to look to at whether it impacts any adverse, impacts any of the neighboring or surrounding properties, whether the public health safety, morals, orders, convenience, prosperity or general welfare would being impacted. Also, whether it is consistent with the in general intent and spirit of the zoning regulation. So there is a certain amount wiggle room that the Board of Zoning Appeals does have, but it doesn't really, the statute constrains the Board of Zoning Appeals from just completely ignoring the zoning texts is what I would say. There is case law that backs that up as well. Their decision has to be reasonable, under those factors."

Commissioner Dennis said, "Okay. There are currently 14 members on the Metropolitan Area Planning Commission, what kind of experience do they have? Are they brand new people or they been doing this for a while?"

Mr. Waggoner said, "I'm, Dale Miller might be better able to speak to that, I think. So I would defer to his answer on that, Commissioner Dennis."

Mr. Dale Miller, Director of Planning, greeted the Commissioners and said, "Recently we've had three or four new members, but by and large turnover is relatively slow and the planning commissioners have, they meet twice a month and so they have at least twice a month interaction with the zoning code and with staff, in terms of the code and how it should be applied. So they have as good of education as anybody has on how to deal with variances or appeals."

Commissioner Dennis said, "Okay. So the members, MAPC are pretty qualified on what happens with the both zoning, platting and so forth, but also with variances under the BZA (Board of Zoning Appeals)?"

Mr. Miller said, "That would be my opinion, yes."

Commissioner Dennis said, "Okay. Another question I would have is, are all members of the Metropolitan Area Planning Commission citizens of Sedgwick County?"

Mr. Miller said, "Yes, yes half of them were appointed by the City Council of Wichita and half of them were appointed by the Board of County Commissioners."

Commissioner Dennis said, "But depending on, it doesn't matter to me so much on who are appointed by, it matters to me more on whether or not if they are citizens in Sedgwick County that are making decisions for Sedgwick County."

Mr. Miller said, "Yes, there is, there is, as far as I know there has never been anybody that has not been a resident of Sedgwick County."

Commissioner Dennis said, "Okay, is there any additional cost for combining these or is revenue..."

Mr. Miller said, "In my opinion, this would be efficiency from the standpoint of just administering the code."

Commissioner Dennis said, "Okay. Currently the City of Wichita does have the MAPC, they're members of the MAPC serve as there Board of Zoning Appeals and it works fine?"

Mr. Miller said, "Yes, yes."

Commissioner Dennis said, "Okay. That is all the questions I have of you. The only last comment I have is that obviously this is a method that we can show that we are cooperating and working some good partners with the City of Wichita and I think that this is something that we ought to look at. That is all the questions I have right now."

Mr. Waggoner said, "Commissioner Dennis, I would chime in just a little bit, your question about if all members of the planning commission are residence of Sedgwick County. In our interlocal agreement with the city, there, one of the provisions in there is that all of your appointees have to be residents of Sedgwick County and then the city's provision says that all their appointees have to be residents of the City of Wichita. So all of the appointees do live in Sedgwick County, is my understanding."

Commissioner Dennis said, "City of Wichita, is part of Sedgwick County?"

Mr. Waggoner said, "That is correct."

Commissioner Dennis said, "Thank you."

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

Commissioner Ranzau said, "Thank you, first I have a couple of questions for Dale. You said this would be efficiency, how much money will this save?"

Mr. Miller said, "Well, giving the fact they normally only meet a couple of times a month, it's not that significant, but given the fact that we have gone from a staff of about 23 down to 12, we constantly look for ways to be more efficient. So in the big picture, I don't know that this would be a huge efficiency, but it certainly would be some level of increase in efficiency."

Commissioner Ranzau said, "Will it save money?"

Mr. Miller said, "Yes, in terms of we wouldn't have to repeat the notice in the newspaper and when we mail out, currently since the board meets separately, the county board there is a separate mailing. When it was combined the mailing was all done as part of the planning commission. So it was just the one mailing and instead of an extra one, but it would be negligible, in terms of the dollar amount."

Commissioner Ranzau said, "It would be negligible?"

Mr. Miller said, "Yeah."

Commissioner Ranzau said, "Now, Commissioner Dennis asked right now the city has their MAPC people doing their BZA and he asked if does it work fine and you said yes."

Mr. Miller said, "Yes."

Commissioner Ranzau said, "It does work fine the way its doing now?"

Mr. Miller said, "In the since of the city appointees representing, being the BZA, yes, that functions, functions well."

Commissioner Ranzau said, "Well, I have some questions, that might, I don't know, about the history. We're operating now how it was originally, right?"

Mr. Miller said, "Yes."

Commissioner Ranzau said, "And when did that start and stop, originally? When did that first start and ..."

Mr. Miller said, "In 1985, is when the county adopted countywide zoning. I'm not sure if there was a Board of Zoning Appeals in 1958, because there was only township zoning in the extra territorial jurisdiction, but there could have been a BZA back then, I'm just not familiar. But certainly from '85 on."

Commissioner Ranzau said, "'85 to 2013, about 20 years..."

Mr. Miller said, "Roughly."

Commissioner Ranzau said, "Or something, we operated this way."

Mr. Miller said, "Yes."

Commissioner Ranzau said, "So about 32 years total, 30 out of 32 years we've operated basically."

Mr. Miller said, "Right."

Commissioner Ranzau said, "And to clarify, so right now we have five appointees on our BZA that are appointed by County Commissioners."

Mr. Miller said, "Correct."

Commissioner Ranzau said, "Okay. If we go this other route, we will have 14, seven (7) of whom are appointed by Wichita Council members."

Mr. Miller said, "Correct."

Commissioner Ranzau said, "Who do not represent the people outside of the city limits, correct?"

Mr. Miller said, "Correct."

Commissioner Ranzau said, "So you could have appointees from the city council members making decisions about BZA matters for people outside of the city that they don't represent and those people can't vote for or against those people, those council members. Correct?"

Mr. Miller said, "Correct."

Commissioner Ranzau said, "Okay, that's all I have for now. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comments or questions, right now? If not, I will ask if there is anyone in the public, who wants to speak? State your name and address."

Mr. Charles Peaster, 9453 North 135th Street West, greeted the Commissioners and said, "There is a friend of mine that sits on the BZA for the county. He's not here today because he is having eye surgery.

"I sat in on one of the BZA meetings that they held. It had to do with a, part of, a MAPC conditional use for property in the county. MAPC turned it down, it came to you guys, not you five currently, but five County Commissioners who overrode the MAPC's ruling and it was implemented. One of the neighbors didn't like part of what the conditions. So he asked for verification from Mr. Miller, who gave him written interpretations of the conditional uses were and he didn't like it. So he protested five of them to the BZA, which was five members of Sedgwick Counties appointed BZA members. They heard the complaints and ruled in favor of Mr. Miller's interpretation of the changes.

"Now you're asking and I understand Mr. Dennis sat on the MAPC, because I attend several of the MAPC meetings. I only attended one of the four BZA meetings that had to do with interpretations of conditional uses. The one I did attend they, the BZA for Sedgwick County voted down the complaint that were written by neighbor of a conditional use property, which meant that Mr. Miller's interpretation of the conditional use was accurate.

"Now you wanting to go, number, that's number one (1) you each appoint somebody and they service free, they don't get paid for doing their job, they are only convened when the five, four cases for Sedgwick County were. If Sedgwick County and the City of Wichita have 20 cases, they would all have to be there. So you've got seven (7) members that you're going to appoint, attending meetings that have to do with whatever it has to do with the City of Wichita along with possibly Sedgwick County.

"I sat on two (2) boards and I may not be there much longer because I wasn't appointed by Commissioner Dennis. One of them is the Animal Control Advisory Board, the other one is the Nuisance Appeals Board, I've been on the Nuisance Appeals Board for a considerable length of time and we've only heard one case and it really got dismissed before it got to our decision on that because of legal.

"Now, Mr. Dennis is asking for you people to put our BZA in with the city, why? Why are you going to double their work and their work for free. You all get paid, so does

the city council. None of the MAPC members get paid, but you're going to use the same people that made a decision under the MAPC to do the Board of Zoning Appeals, really?

"Right now there is a problem that you don't know about because this happening in the City of Sedgwick. The City of Sedgwick not Sedgwick County, which is in Harvey County. Their MAPC and their Board of Zoning Appeals are of the same people and the same decision was given exactly with the MAPC for the City of Sedgwick and the Board of Zoning Appeals in Sedgwick and the vote was four to three, both times.

"Now you want to put us in the City of Wichita, in my opinion, I live in Sedgwick County and I don't want the City of Wichita determining what I can do and what I can't do. That's your job and job of the BZA strictly for Sedgwick County, in my opinion. "I would like Mr. Dennis to explain to me why he thinks this is so important that this be under one board, because the truth of the matter is Mr. Miller would have had to take this same thing and they would have to convene a BZA meeting that didn't go along with the MAPC meeting because usually by the time they get through with the MAPC meeting, two or three of the members of the MAPC have already left. Because they had other commitments and it took them longer to do the MAPC then they thought it was going to. Is that not correct, Mr. Dennis?"

Commissioner Dennis said, "There are times when, they have to depart."

Mr. Peaster said, "Thank you, for availability to talk to you about this issue, but I suggest you vote no on combining the two BZA's. Thank you."

Chairman Unruh said, "Thank you for your comments, sir. Anybody else from the public wish to speak? Seeing none and we will just restrict comments to the bench, Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I need a little bit of clarification on some stuff. Mr. Waggoner, could you remind me on the Rustic Timber issue that happened, it was a, was that a zoning case that was 13 to one?"

Mr. Waggoner said, "That is my recollection."

Commissioner Howell said, "What was the situation?"

Mr. Waggoner said, "Yeah, my recollection was they were denied, it was a planned unit development in wedding event venue essentially, is what it was, it was denied 13 to one by the planning commission. It was then brought before you all and when you reconsidered it or when it came in front of you, you unanimously approved it five to zero.

"Then what Mr. Peaster was referring to was then later there was a, one of the neighbors had asked for the planning director, essential the zoning administrator, which is Dale [Miller] for his interpretation of provisions of that. A number, he asked a number of questions, a minority of those questions he ended up appealing to the Board of Zoning Appeals, the county Board of Zoning Appeals, who then heard the matter. That is what Mr. Peaster was referring too. So it is the same property, but completely different determinations and standards for the Board of Zoning Appeals."

Commissioner Howell said, "Thank you for the clarification, but my point is we had an issue that came out of, out of MAPC, it was a zoning case. But they voted it down 13 to one, they came to us and we voted it the other direction five to zero. I guess my question is, if this is truly objective that couldn't happen, I guess what I'm getting to is,

I think some subjective nature to what happens on these boards.

“On our board as well as on their board, we try to be as objective as possible, we have criteria we are following, but at the end of the day we have to make an opinion at some point about whether this is something we would support or not. So I...”

Mr. Waggoner said, “That is correct, there is a degree of subjectivity.”

Commissioner Howell said, “There has to be a little bit, I mean, we’d like to not have subjectivity, but there is some in there. I think there is some evidence of that, both what Mr. Peaster talked about and I think Rustic Timber’s is a classic case almost unanimous in both direction, in opposite directions. So I just really, really strange to me. Let me ask you about other cities, for example, the City of Derby is in my district. I believe they have their own planning department.”

Mr. Waggoner said, “That is correct.”

Commissioner Howell said, “Do they also control their zoning?”

Mr. Waggoner said, “I actually don’t know the answer to that, perhaps Dale does.”

Mr. Miller said, “The question, do we have anything to do with zoning inside the City of Derby?”

Commissioner Howell said, “Other cities that have home rule, they have planning departments, they have zone, they have zoning decisions that they make as well that are in their city. They want to change zoning, they have the authority to do that. Is that correct?”

Mr. Miller said, “Right, in Metropolitan Area Planning Department and Metropolitan Area Planning Commission has no jurisdiction inside the city limits of any of the cities in Sedgwick County except Wichita.”

Commissioner Howell said, “Right, I think it’s interesting, I guess another point I’m, I see this, this ought to be that I would think that somebody inside of Wichita would make, if they were in our room today. They may not want somebody who is from the county to have some type of controlling decision on what happens inside of the city. I think in a sense there is different jurisdictions, I mean there are cities and everything that is outside of the cities is, is unincorporated.

“To me when you have people that city centric, I use that term intentionally because the majority of these 14 members are in fact inside the City of Wichita. A couple of them are inside, one is inside the City of Clearwater and one is inside of the City of Derby, I think there is only one member that I can find out on that is on that list, that is a rural. I take that back, on the MAPC there is only one rural that I can see. On the county BZA, there are a couple, there is several of them, at least. So I guess my point is, if you look where people live, a majority of the 14 members on the MAPC are in fact Wichita city residence.

“So that’s fine it works okay, but it worked fine for some, 1985 until 2012, it worked just fine. For two and a half years we had a different situation, I’m not quite sure why we changed it at the time. I don’t know what the situation was, but it certainly wasn’t financial. That wasn’t the reason, someone said it was negligible in terms of financial difference, so that’s not it. There’s a, you know, one of our former Commissioners use to use the phrase regulation without representation, I think, that applies in this case.

"I don't think there is a reason or a purpose that people outside the city should make decisions for what goes on inside the city and likewise, I think what goes on in the county, in the unincorporated part of the county ought to be something that people out, you know, that are not necessarily city residence would have some controlling decisions to make there. So, to me I don't see there is any real purpose to this together. Only for two and a half years was it together. I don't know that it necessarily worked any better than it did before or that it is, that it worked any better does now.

"Let me make a couple of their points real quickly. Do we know how many zoning cases that are handled by MAPC that are inside the city?"

Mr. Miller said, "Yeah, in 2016 there were 51."

Commissioner Howell said, "Okay, I guess to my point that I made, if all seven members that were appointed by the county or were county residence, outside the city, I think that city might feel different about this, but I don't know that for a fact. I am just speculating, I think there is a point there that the fact is we have appointed many people from the city. So probably not an issue, but it could be an issue had we appointed different people, potentially.

"I would also ask a question, you know, I have only been here since 2015 and there has been some discussion in the community wanting to find ways for the county and the city to get along and have peace with each other. I think that is a tremendous, great goal to have, I think Commissioner, Commissioner Dennis, I think that is part of his motivation this morning, is trying to find to build a bridge to Wichita. I understand that, I appreciate that very, very much, but let me ask you a question.

"Before 2012, did we have conflict with Wichita? When, I should say, after 2012 from 2012 to 2015 was there a difference in how much conflict we had with Wichita? Does anybody have a sense of that? Is this really issue that has any bearing on our relationship with Wichita, really? Does anybody, can anybody speak to that? I mean, Commissioner Dennis is making a point that this will create some level of, of maybe a better relationship with Wichita, I guess I wonder during that two and a half years, were things in fact different? Does anybody have any evidence of that? I'm not aware of that, I was here for part of that time, but I don't hear anybody saying anything about that.

"So I am going to make the assumption that really, the relationship with Wichita really has been pretty much the same over all of these years including that two and a half years that we had a joint BZA. So I don't see that is necessarily is a motivation to do necessarily anything here.

"Mr. Chairman, I perceive someone is going to make a motion at some point, I am going to, I'm going to oppose that, I don't think it's necessary, I think that our history speaks for itself and worked well for a most of our time we've been doing this. This worked fine as separate boards, if there was a financial or fiscal note reason to do this, maybe I'd feel differently, but I just think people ought to be, those subjective controlling decision ought to be made by people who are in those jurisdictions and not necessarily by others. So I am going to be opposing any motion to put this back together. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I've been, there's a couple of things I would like to get in the record. I've been contacted by a few people, as far as testimony. First I do have a letter here, which I would like to give to the clerk. I would like to enter into the record and I will read this into the record. This is from Jeff Black

who is a current Sedgwick County BZA member, he lives in Valley Center, has a history of being on the planning commission there. So is well versed in these types of issues.

"He says: It is a bad idea to combine the Wichita BZA with the Sedgwick County BZA. The needs of people who live inside the city limits of Wichita are greatly different from those who live in the county. It is vital to all parties involved that a clear line of authority exist. If you are inside the limits of a city, then the city boards are in charge. If outside city, county boards decide. Separate boards provide this clarity of decision making. A good example is the keeping of livestock, as well as the use of firearms. The intent to make the process more efficient is misplaced in this case. The duty to properly consider the circumstances of the case is the most important. We on the BZA are not paid and very little money is to be saved by combining the boards. A combined Wichita/Sedgwick County board is not reasonable any more than a Goddard/Sedgwick County board or Valley Center/Sedgwick County board. I think we can agree these examples illustrate the counterproductive nature of this type of structure. Respectfully, Jeff Black, Sedgwick County BZA member.

"Additionally, I want, I was contacted by John Daily, who was a previous member of the Sedgwick County BZA and is a current member of the MAPC. He can't be here today, but he wanted to express his opposition to this as well, for the record. That is all I have for now. Thank you, Mr. Chairman."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. First of all, Commissioner Howell's comment about to be city centric, I guess I really don't understand that. I think that the members of the MAPC or the BZA are citizens in Sedgwick County, first and foremost, they represent all of Sedgwick County. If we say that someone has to live outside of a incorporated city, then I think probably all five of us are going to have to resign. Because I think all five of us live within a incorporated city. So I don't understand why that we can make good decision of things that will happen outside of the city of Wichita or of Valley Center or Derby or someplace like that, but other citizens that we appoint that we're making decisions on who we appoint can't make those.

"Couple comments, one of the things that was read was that the needs of the people who live inside the City of Wichita are greatly different than those who live in the county, I think I just addressed that, because I think that we can make good decisions on this board for things that happen outside of Sedgwick County, I know I own a farm, myself, I do understand the needs of rural citizens. It says it is vital that all parties involved have a clear line of authority. Obviously, there is a clear line of authority, we appoint these individuals, they're very highly qualified, they're respected citizens in the Sedgwick County.

"So I think in the spirit of building bridges of cooperation and that is the reason I am bringing this forward. I worked under both situations on MAPC and the BZA both. I think that the best direction forward, for us to be able to build bridges, for us to appoint the right people to the MAPC, so that they can represent the needs inside of Sedgwick County, all of the citizens of Sedgwick County is to combine this board. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see another Commissioner wishing to speak. Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you, Mr. Chair. I really was neutral on this whole plan, but I have heard from both Wichita Builders Association as well as my appointee to the MAPC, who is a resident to Clearwater. Who thinks it is a good idea to combine it and he did mention that these cases can always be appealed to the [Board of] County Commission as well. So there is a last stop as well."

Commissioner Ranzau said, "That's not true, Mr. Commissioner."

Mr. Waggoner said, "Commissioner Ranzau is correct. The Board of Zoning Appeals when they hear a matter, if there is an appeal it is straight to district court. What Commissioner O'Donnell, I think what you are referring to is, if there is a zoning case the planning commission level, it then goes to the governing body and then if there is an appeal from that it goes to district court. So if it goes straight, if there is an appeal from Board of Zoning Appeals it goes straight to district court."

Commissioner O'Donnell said, "Okay. Well, sorry for misspeaking, I guess there was miscommunication, but regardless my member is supportive of that and being outside of the City of Wichita, he doesn't see this as an issue. So, I will be supportive of this, thank you."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I won't be supportive of this for most of the reasons. First of all, the current system [inaudible] has worked for 30 years, it's not broken. I think the issue is this, that the people outside of the City of Wichita, who do they want making decisions for them. When we appoint someone to a board, there is a sense that if they make a decision they don't like they can complain directly to us and might have an influence. When the City of Wichita has members on a board, rightly or wrongly there is a perception outside of City of Wichita that that's not going to matter if they could talk to the city council members, but they can't do, they can't vote them in, they can't vote them out, you know, it's just a the 800 pound gorilla.

"This isn't about the builders, okay, we don't work for the builders, we work for the people. Okay, I don't care one iota if the builders think this is a good or bad idea. It's not about them. They don't pay my paycheck, this is about the people we represent and the people outside the City of Wichita, don't want Wichita City Council Members or their appointees controlling their property rights, I think that is a reasonable expectation.

"This isn't going to help the City of Wichita or county relations one iota. I haven't heard yet, a single thing from the city council members about this and I think it's clear by now that this Law Enforcement Training Center debacle that we're in the midst of, but we're not the problem. You want to talk about being good partners, so I think I would encourage my fellow Commissioners to reconsider, this is about the people and if you're out there in unincorporated area or somewhere else, outside of the City of Wichita, who do you want making decisions with respect to your personal property rights. I am going to vote on the side of the people, today. Thank you."

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

Commissioner Howell said, "Well, thank you Mr. Chairman. Just a follow up comment. I appreciate the discussion this morning, based on the comments I think everyone has spoken to this, at this point. It's clear to me that this is likely, obviously going to pass, but I do want to make a point, you know, it is true that we are official that are countywide officials, people inside the City of Wichita and other cities also

elected the Board of County Commissioners and we have certain responsibilities, we have taxing authority and there are some things we do. Let me just say that the subject matter, the things we deal with are unique and different.

"I appreciate what City Council members do in all the cities, but this let's just talk about the City of Wichita for just a minute. Our friends across the street, I love them and I respect them, and I appreciate them. I want them to have sovereignty to make decisions that they think are best and I support that and likewise we have different subject matter. There are things we do in Sedgwick County that they don't do. We provide services to people inside the cities, including inside the City of Wichita.

"We partner with Wichita everywhere we possibly can to find efficiencies and provide better services, but the idea because we are a county commission that has some aspect of providing services inside Wichita that we should somehow not do that, I don't think that is right. I think that reality our subject matter is just entirely different. We have a certain role to play here, we have things we have to do, we want to do it really well. The things that they have decisions to make, I support that, we don't try to tell them how to run the city. I support them, they have that roll and that's fine, but we have a different, we have a different roll and they are unique and separate.

"So I want to just make that point to the idea somehow we don't need to have both bodies or somehow we shouldn't have authority to make decisions, I just think it's not quite the way I see it that is all I am going to say. Thank you, Mr. Chairman."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. I understand all the discussion that we heard here today, but I still believe that it is important that we build bridges and we work cooperatively with the City of Wichita. I believe that these individuals can make good decisions, sound decisions, they're, they rules on the Board of Zoning Appeals are very stringent."

MOTION

Commissioner Dennis moved to approve the resolution to establish a single Board of Zoning Appeals for Sedgwick County and the City of Wichita.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Howell</i>	<i>No</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "Motion carries."

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

Chairman Unruh said, "Justin, thank you also Dale. Next item, please."

Approved

E [17-201](#)

RESOLUTION ESTABLISHING A CITIZENS ADVISORY BOARD IN THE THIRD COUNTY COMMISSION DISTRICT OF SEDGWICK COUNTY.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Waggoner said, "Well, again Commissioner, I am here for a resolution that would create a citizens advisory board within the third district. Commissioner Dennis has made this request to have this citizens advisory board created. To summarize the citizens advisory board would operate very similarly to the City of Wichita District Advisory Boards. Some of the key features would be that the board would be comprised of seven (7) to 10 members, appointed by the Board of County Commissioners at the recommendation of Commissioner Dennis. The, he would not serve on the board, that is a distinction, the city, the city council members are able to serve on their advisory board.

"The intent would be for the advisory board to provide advice and recommendations to Commissioner Dennis and the Board of County Commissioners as a whole. The scope is more or less comprehensive to county matters, but the board would be advisory only, they would not, there would not be decisions there that would have to be overcome or in some ways by a vote of you all.

"The monthly meetings they have would be open to the public, the County Manager's office would designate staff to supervise and coordinate their meeting and activities. Recommended action is to approve the resolution, establishing the citizen's advisory board in the third district. I would be happy to stand for any questions too."

Chairman Unruh said, "Thank you, we do have a comment from Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman and thank you Justin for presenting that. This is one of the items that came up over and over again when I was campaigning to, for this position on the county commission. I heard loud and clear from the citizens that they would like to have something similar to what Wichita had.

"I served on the Wichita District Advisory Board for eight (8) years and was Chairman under Councilman Martz when he was still alive. I believe it is a good idea and therefore I would like to make a motion."

MOTION

Commissioner Dennis moved to adopt the resolution to establish a Citizens Advisory Board in the third district.

Commissioner Unruh seconded the motion.

Commissioner Howell said, "Thank you, Mr. Chairman. I am just curious has anybody done a fiscal analysis. What is the fiscal note on this, do you know?"

Mr. Waggoner said, "Commissioner Howell, I am unaware of any fiscal analysis that's been done at this point for any budgetary impact of this board. I know it would have some budgetary impact or at least in terms of staff time involved because as I noted the Manager's office would appoint somebody to staff it, but I am not aware of any

concrete number as to what the budget impact would be.”

Commissioner Howell said, “We anticipate just one, one staff member needed to attend this meeting or more than one?”

Mr. Waggoner said, “It might very well depend on upon what subjects are being discussed, for example I would imagine that the board would probably adopt some bylaws, I think the County Counselor’s office would probably assist in some of that early on. There may be presentations or topics that the advisory board would hear to where county staff may attend that, but again I don’t know exactly how it will function, not having this advisory board established yet.”

Commissioner Howell said, “Are they planning on meeting once a month or what’s the…”

Mr. Waggoner said, “That is the intent at this point, that is in the resolution is says they would meet, be anticipated to be monthly.”

Commissioner Howell said, “Alright. I happened to noticed just a point of this, the appointees would be from the district specifically. So not county elsewhere, but just inside district number three, right?”

Mr. Waggoner said, “That is correct.”

Commissioner Howell said, “Okay, just a comment. I will be glad to support the motion this morning and I think it’s great for any Commissioner to do this, if that’s what they want to do.

“I would say when I came into this position, district five (5) actually did have a district advisory board, it was interesting as a Commissioner, I would like to say, I am very accessible, I love to talk to anybody, please call me, email me, visit with me, I am down in Derby on Friday mornings, typically. I’m available a lot, so any citizen that wants to talk to the Commissioner and try to tell me what they think about stuff or have a discussion about issue or problem, let’s do that. I would love to hear from anyone, I just think accessibility is something I would like to just really highlight, we are very, very accessible, you know sometimes you have trouble contacting your U.S. (United States) Senators because they’re extremely busy and you probably won’t get them on the phone, but County Commissioners are really very accessible, I think, that we are very anxious to talk to people, hear issues and solve problems and have a discussion or dialogue around whatever the issue is.

“So to that extent I decided to not continue that district advisory board when I became a Commissioner. It was interesting I didn’t have a single email or a single phone call, no discussion whatsoever about that board going away. I just, it’s fine I think for someone have one, but I don’t know that it is necessary to really to be tuned into what is going on in your district or to hear from the citizens. So I think if Commissioner Dennis wants to do this, I certainly support that, but I’m not saying that this is necessarily different than what any other Commissioner might do in terms of connection to the community and their constituents. With that Mr. Chairman, I would be glad to support the motion this morning. Thank you, Mr. Chairman.”

Chairman Unruh said, “Thank you, Commissioner. I don’t see anybody else wanting to speak right now. Is there anybody from the community that wants to make a statement? Seeing Mr. Peaster moving to the podium.”

Mr. Peaster said, “I happen to be in Commissioner Dennis’ district. My question to him is what’s the cost of where there we’re going to be this, these meetings are going

to be held? Are they always going to be held the same place? I attended several of the meetings of Mr. Long, to City Council Member Longwell had and they were at a fire station at 21st [Street] and Maize [Road] or I'm sorry, 21st and 135th Street. Now that is a city property, maybe they didn't have to rent it and maybe they do. Are these meetings going to be held in the third district at a building the county owns and if so does that mean it will have to be opened up that evening for the meeting? The other part of that is what influences is this meeting going to have on this council, this committee, the Sedgwick County [Board of County] Commission if only Commissioner Dennis is there?

"What happens if a situation comes up that two other Commissioners think they ought to be there and by law you can't have that, you can't have three (3) Commissioners in the same room, except at a public meeting and so maybe it would be allowed there, I don't know. I would have to ask the legal advice of Mr. Waggoner.

"Here again, we are starting something and I went to several of Commissioner Skelton's meetings. If you sit on this board, do you represent the whole district or we going to appoint people out of the City of Wichita to sit on your board? Or are they going to be county people. I live out in the rural part of Sedgwick County, two (2) miles south of Bentley, Bentley use to have control over my property because it was in a zone of influence and that got changed. Here again, I live in the county, I moved in the county, I live across the street from a dairy farm and when I bought my property the dairy farm was there and exists. According to Kansas state statute I have no control over that dairy farm and didn't want control over it even if it created dust and flies, which it does.

"Here again, we're wanting a committee, what influence does this committee going to have on your opinions? I already saw what happened in the last part of this agenda, we're going to go back to the three-two, votes it looks like. I have a problem with that, but then again you guys have a right to make up your mind however you want to do it. I'd like Mr. Dennis to explain to me what his advisory board is actually going to do for him in regards to what he does on this Commission, thank you."

Chairman Unruh said, "Thank you, Mr. Peaster. Commissioner Howell has a comment."

Commissioner Howell said, "Thank you, Mr. Chairman. I just have one curiosity about the resolution. It says that a quorum is four members, but there could be as many as 10 members on this board. To me it seems like should be 50 percent plus one. Why is it four members?"

Mr. Waggoner said, "Fifty percent plus one is the standard rule, but there, you can set a quorum because this boards composition says between seven to 10 members the idea was to set a clear quorum in there as to what you would be required to have. Four was in part picked because if you get down to three then you get into issues about, it is very easy to get, the number is set higher so you don't run into problems about two members meet somewhere and get into open meeting problems.

"Just like the Board of County Commissioners has a quorum set at four, this would be very similar to that, there is no reason the quorum has to be half or more. It can be established by the governing body. I don't know if Commissioner Dennis had any additional response to that."

Commissioner Dennis said, "I think you gave good response, thank you."

Commissioner Howell said, "It would be my preference that it would be 50 percent plus one, I think, I think to set the quorum in the resolution at four members when you can have as many as 10 members on the board. To me it doesn't sound, doesn't sound good, I guess I would prefer it to be changed to be 50 percent plus one, but obviously four members would be a quorum if you had seven members appointed, five if there was eight members appointed, five if there were nine members appointed and of course, six if there was 10 members appointed.

"That would be, so there is only four options that could be, I mean, why not just make it clear. If you want it to be clear in the resolution, why not clarify what that is."

Mr. Waggoner said, "Sure, I think, part of the logic also behind this is that this board is advisory only. They aren't going to be making decisions that are such as like a planning commission where there is some super majority of the County Commission that would be used to overcome. So I think some of the thought was just to have, so they could, let's say you have these members and you are not able to get six people there, but you can have four or five there to speak to an issue. I understand the thoughts behind, well may be not as representative of the full membership of the board and I think that is what you're speaking to, but I think the thought was so they could meet quorums, they can conduct business, they can have open meeting and discussion on these issues. I think that is some of the thought behind setting a quorum at that number."

Commissioner Howell said, "Alright. Well, you know, I will continue to support the resolution, but I just think that I would prefer it to be worded differently. But thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see any other comments and we have a motion to approve the resolution to establish a citizen's advisory board. Madam Clerk, call the vote."

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

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

Chairman Unruh said, "Yes, sir. Next item, please."

Adopted

F [17-222](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON FEBRUARY 9, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of February 9th results in two items that we bring before you this morning:

1. **CUSTODIAL SERVICES—CORRECTIONS
FUNDING—CORRECTIONS**

“On the recommendation of Joseph Thomas, on behalf of Corrections, Jennifer Dombaugh moved to accept the proposal from EH Technical Solutions, Inc. and establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.”

2. SAP MAINTENANCE RENEWAL – ENTERPRISE RESOURCE PLANNING
FUNDING – ENTERPRISE RESOURCE

“On the recommendation of Kristen McGovern, on behalf of Enterprise Resource Planning, Tim Kaufman moved to accept the quote from SAP Public Services, Inc. in the amount of \$460,516.17.”

Mr. Thomas said, “I’ll be happy answer any questions you may have and I recommend approval of both items.”

Chairman Unruh said, “Okay, Commissioners do you have any questions or comment on the recommendation on the Board of Bids and Contracts? What’s the will of the board?”

MOTION

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

Commissioner O’Donnell seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O’Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Mr. Thomas said, “Thank you, Commissioners.”

Chairman Unruh said, “Thank you, Joe. Next Item.”

Approved

CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, “I recommend you approve consent agenda golf (G) through November (N).”

Chairman Unruh said, “What’s the will of the board?”

MOTION

Commissioner Dennis moved to approve consent agenda.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Dennis Aye
Commissioner Ranzau Aye
Commissioner Howell Aye
Commissioner O'Donnell II Aye
Chairman Unruh Aye

Chairman Unruh said, "Next item, please."

Adopt the Consent Agenda

- G** [17-207](#) One (1) Easement for Right of Way for Sedgwick County Project 640-32; Road Project on 87th Street South in Derby. CIP# R342B. District 5.
Approved on the Consent Agenda
- H** [17-208](#) Agreement with Kansas Department of Health and Environment to Provide Administrative Services for the Kansas Senior Farmers Market Nutrition Program (KSFMNP).
Approved on the Consent Agenda
- I** [17-209](#) Federal Asset Forfeiture Fund, 18024-259.
Approved on the Consent Agenda
- J** [17-210](#) Prosecuting Attorney Trust Fund, 18014-259.
Approved on the Consent Agenda
- K** [17-213](#) Establish Additional Budget Authority in the Prosecuting Attorney Training Fund, 18002-216.
Approved on the Consent Agenda
- L** [17-133](#) Changes to the Division of Corrections Staffing Table.
Approved on the Consent Agenda
- M** [17-214](#) Plat.
Approved by Public Works. The County Treasurer has certified that taxes in 2016 and all prior years have been paid for the following plat:

Air Capital Flight Line Addition.
Approved on the Consent Agenda
- N** [17-185](#) General Bill Check Register February 8, 2017 - February 14, 2017.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

Mr. Jon VonAchen, Assistant County Counselor, greeted the Commissioners and

said, "Just a couple of items today. One received word last night that Senate Bill 43 has been stalled in House Elections and we're going to try and see if we can convince the chairman in that committee to get that moved to the floor before turn around. The information that we got last night was that that it would be taken up after turn around, which means the earliest it would be anything would be done with it would be March the 6th when legislature returns. Just a reminder that's the canvassing portion of the congressional election bill. I know we would like to see that get done as quickly as possible. So that we have adequate time to canvas and we will be able to canvas the other, the other special election at the time, which is school bond election.

"Beyond that essentially the House and Senate right now are kind of locked into tax and budget discussions. The House will be taking up their version of the tax bill today. The Senate kind of put everything on hold on the floor until they can get some sort of agreement on taxes. So the House will be taking up, looking at some tax increases, tomorrow they will be looking at rescission. We are keeping an eye on what they are going to do, cut wise the taxes aren't going to necessarily affect us that much, it's going to be the cut side of things, but all the proposals that I have seen is going, the increase revenues are going to fall short of what they need to balance the budget, which means they are going to be cutting. So we will be looking at what they will be cutting and how it affects Sedgwick County and then we will report that to you. Stand for any questions."

Chairman Unruh said, "Okay. Thank you, Jon. Commissioners, do you have any questions for Jon? I don't see any, so thank you for that update, Jon."

Mr. VonAchen said, "Thank you."

Chairman Unruh said, "Appreciate it. Commissioners, we have a Fire District meeting today at this point I will recess the recess the regular Board of County Commissioners."

The Board of County Commissioners recessed into Fire District Number 1 from 10:24 a.m. and returned at 10:55 p.m.

Chairman Unruh said, "Madam Clerk, next item."

OTHER

Chairman Unruh said, "Commissioners, are there other items of interest or discussion you would like to bring up? Commissioner Howell."

Commissioner Howell said, "Mr. Chairman, thank you for the opportunity to speak on other. I was thinking about some of the discussion we had last week regarding the Health Department statistics and how well they are performing. Again, I just want to make the point, I think they are doing a tremendous job, I know they have had some challenges given to them by the County Commission, but they do a good job and I appreciate what they do there.

"There was a article that came out about the time we were discussing one of our budgets and I would like to, I recognize we do have one of our friends from the media, from the Wichita Eagle that is here this morning. I would like to ask that they would be willing to do a follow up story or at least dig into this and see if there is any truth to this, but there was a story that came out that said that our budget would have an impact of, well, how would I like to word this, basically they said that it would potentially would contribute to 65 preventable deaths each year, that is the words they used. Our budget would contribute to 65 preventable deaths each year, to me I

would like to say that was a prediction that was made in 2015 for the 2016 fiscal year. I would like to know if there is any evidence or truth to consequences to our decisions in '15.

"So, I am not aware of any, in fact looking at the performance data of the Health Department, I think they have done a tremendous job, our numbers are up, our services are up, our immunizations are up. They have done a great job and I just would like to say that to me to make a comment like that in the media, I think demands a little bit of a follow up to find out what actually happened now that we are on the other side the fiscal year. So with that I would like to ask that they would hopefully support that and provide some data back to us, if they would be willing to do that. That is all I have, Mr. Chairman, thank you."

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

Commissioner Ranzau said, "I just want to thank Commissioner Howell for bringing that up. I do remember that story. I wouldn't hold my breath if I were you to get any sort of story that talked about the truth about that. That was fake news story generated by a fake news organization that's being propped up by a Kansas Health Foundation. I can't remember, what are they called up there in Topeka, people that Kansas...?"

Commissioner O'Donnell said, "KHI (Kansas Health Institute)"

Commissioner Ranzau said, "Kansas Health Institute, yeah, they are a fake news organization that put out this sort of propaganda that somehow being efficient in taxpayer spending is going to cause the death of 65 people. That was nonsense then, it is ridiculous now that anyone believes that, but just part of the propaganda that we face when you are in an elected office and you try to do the right thing for your community and the taxpayer. There are people out there who have no compunction of promoting the spending of our taxpayer's dollars without even thinking about it on inefficiencies and ineffectiveness that would astound the taxpayer. So I appreciate the opportunity to talk about this, but this is about the only time coverage probably going to get about the facts with respect for that. So thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Any other comments under other? Seeing none, I think we have an executive session. We need a motion for that."

EXECUTIVE SESSION

MOTION

Commissioner O'Donnell II moved that the Board of County Commissioners recess into executive session for 30 minutes to consider consultation with an attorney for this commission which would be deemed privileged in the attorney-client relationship and preliminary discussions relating to acquisitions of real property and the executive session is required to protect attorney-client privilege, and the public interest and protect the County's financial interest and right to the confidentiality of its negotiating position and that the Board of County Commissioners return to this room from executive session no sooner than 10:55 a.m.

Commissioner Dennis seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Dennis Aye
Commissioner Ranzau Aye
Commissioner Howell Aye
Commissioner O'Donnell II Aye
Chairman Unruh Aye

The Board of County Commissioners recessed into executive session at 10:25 a.m. and returned at 11:22 a.m.

Approved

[17-242](#)

LETTER TO CITY OF WICHITA MAYOR AND COUNCIL
REGARDING THE LAW ENFORCEMENT TRAINING CENTER.

Chairman Unruh said, "So I will call the meeting back to order and want to state while we were in executive session according to state law no binding action was taken, but I do think we have a topic of discussion."

Mr. Eric Yost, County Counselor, greeted the Commissioners and said "One of the things we discussed in executive session, of course, was the Law Enforcement Training Center, our partnership with the city and the agreements that the city passed last Tuesday (February 7, 2017) that did not include us as a party or a signatories to it. I have already expressed my concerns to the city, to the city's attorney about some of our concerns, but I think the consensus might be among the commission here today that a letter from the Commissioners of Sedgwick County to the Mayor and City Council members expressing the substance of our concern, your concern about the matter in which the city is currently intending to construct this building and pay for it should be expressed to those, the Mayor and Council Members directly. I am going suggest that you all discuss that now in open meeting and if there is a consensus that to do this, I would like to have a letter from all five Commissioners expressing those concerns."

Chairman Unruh said, "Alright. Thank you for those comments. The end goal of all of this is that under the current financing and construction arrangements that is currently under consideration by the city, we feel like we are not able to buy in at the end?"

Mr. Yost said, "The problem is and I think Commissioners expressed this, you can say this again in public if you wish. That it's really not fair to the city for them not to understand right now that it is our intention, your intention to not buy half of this building, if it is not done properly and according to the city code or state law on competitive bidding. We've expressed this dozens of times, hundreds of times to the city, they went ahead and proceeded. They didn't do this deal according to the letter of intent that we all had an Enbanc meeting on last May, which they all signed. They didn't do it according to our agreements, generally with them. They have changed the whole deal.

"Our concern is that what they've done is not consistent with the law and rather than waiting until this building is built even though it's no being done according to the law and then tell them we don't want to buy half, it is better to convey that now."

Chairman Unruh said, "Okay. To be clear we have these concerns about the process, procedure for financing the building that we think in good conscious buying at the end. So rather wait until the end, we still want to be a partner in a building, but we think it needs to be done differently. We're not saying we don't want to be a partner in a building, we're not saying we don't need the building."

Mr. Yost said, "In my communication with the city during this last week, I've told them going down the road I do think we want to be partners with them and own half of this building, but that, we can't be a part of a construction agreement.

"It was represented to the council last week that we had agreed to buy half of this building when it's done. That isn't true at this point because in the manner in which they are doing it. So I think that needs to be conveyed."

Chairman Unruh said, "Alright. So we need to convey that in as trying to be good partners now and we need to convey it to the people doing the building in an effort to be good partners with them, also."

Mr. Yost said, "Right."

Chairman Unruh said, "So we want to communicate our concerns and our intent at this point before anything goes any further."

Mr. Yost said, "Right."

Chairman Unruh said, "Well, I understand in brief what we are wanting to do. I don't know if other Commissioners have comment or if this is a consensus, a consensus of the Commission. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just want to reflect on a couple of points. We did have an Enbanc meeting last year. We all, I think, agreed at that time, we signed a letter of intent. I think since then we've had a number of documents that have been produced, one document I guess most recently the county passed out a document that would have, I guess clarified our relationship with the city. That document as far as I know is still, is still in the city's hands and has not been signed by them. So in place of that they have done this, these new documents, I guess they passed out last week or the week before. So in other words they have it, they have another option that we would be agreeable too. It's on the table right now, that is still available to everyone and that would be one that we would be agreeable to, it sounds like."

Mr. Yost said, "Right, we have not withdrawn what we have passed over to them some time ago, which is the agreement that the developer has already signed and we've signed, which has us purchasing this building when it's done and paying interest on that because it is a real estate purchase. It's not a construction deal. We're not allowed to do a construction deal and so that document that we passed over is still alive and they could sign it, and vote on it if they wish to do so."

Commissioner Howell said, "My concern is, I guess is that the current plan that they have developed that they are asking us to, I guess to go along with, there may be some questions down the road, legal challenges to what's been done by the city. So we would have trouble potentially making that purchase at the end of the..."

Mr. Yost said, "It would be my interest, I think but what I would like the Commission to do is to have all five Commissioners sign a letter expressing what specific concerns we have, but I will tell you generally one concern we have is that their own city code requires them to own the land that they do a development on, through a development agreement and they don't own this land. It also requires that the construction not begin until after the development agreement has been approved by the city council, but the construction began in December.

"I just don't think they can shoehorn this thing in even under their own city code. Even if their own city code worked for them and I don't think it does. We can't go by the city

code, we are bound by state law. I think if they want to be good partners, they can't ask us to do it in a way that would be illegal for us even if it was legal for them. So we want to express those concerns to them in the way of a letter, so that the council and the mayor understand that. I don't know how much of that has been conveyed to them, they had a very short session last week, I think it lasted seven minutes the description of this to them and I don't think there was a lot of debate. So I think, I'm not sure they understand what our concerns are."

Commissioner Howell said, "Well, in summary, I just want to say, I'm glad we're trying to be partners with the city and I think this is a good vision for us to be together in a joint Law Enforcement Training Center, however it works out. It would be my goal to find a way to do this, it's legal, legally acceptable to both bodies. I think that's what I would like to see us do and to that extent, I would like to sign that letter. So that is all have Mister, thank you, Mr. Chairman."

Chairman Unruh said, "Okay. Well, Mr. Counselor I think there is a consensus that all five of us want to sign the letter, expressing our concerns so that we can come to a working agreeable solution that makes us both good partners with both the developers and the city. So do we need that in a form of a motion?"

Mr. Yost said, "I think that a formal motion by a Commissioner, seconded and then a roll call vote would be appropriate."

MOTION

Commissioner Unruh moved to compose a letter that is signed by all Commissioners that express our concerns about this project.

Commissioner Howell seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Alright. Is there anything else that needs to be taken care of in the Board of County Commissioner meeting? Seeing none, we will stand adjourned."

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:31 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*DAVID M. UNRUH, Chairman
First District*

*MICHAEL B. O'DONNELL II, Chair Pro Tem
Second District*

*DAVID T. DENNIS, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

*JAMES M. HOWELL, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED: