

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, April 19, 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](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**

### **CALL MEETING TO ORDER**

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

#### *REGULAR MEETING*

*April 19, 2017*

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:07 a.m. on April 19, 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 II; Commissioner David Dennis; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Kelly Arnold, County Clerk; Ms. Marilyn Cook, LMCSW, Executive Director, COMCARE; Ms. Jeanette Livingston, Assistant Director, Developmental Disability Organization; Ms. Linda Kizzire, County Treasurer; Mr. Justin Waggoner, Assistant County Counselor; Mr. Jay Holmes, Deputy Director of Adult Programs, Division of Corrections; Mr. Thomas Stolz, Assistant County Manager, Public Safety & Code Enforcement, County Manager Public Safety & Code Enforcement; Mr. Jon VonAchen, Assistant County Counselor; Mr. Matt McKernan, Horticulture Agent, County Extension; Mr. Joe Thomas, Director, Purchasing Department; Mr. Tavis Leake, Fire Chief, Fire District No. One; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.*

#### *GUESTS*

*Ms. Kathy Deane, Appointee  
Mr. Neil Guthrie, Appointee  
Ms. Joanna Kilgore Appointee  
Mr. Cody Bird, City of Derby, Planner/Zoning Administrator*

*Chairman Unruh said, "Pastor Syrcle, thank you for being with us this morning."*

*Pastor Daniel Syrcle said, "Your welcome, sir."*

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

### **INVOCATION: Pastor Daniel Syrcle, First Salem Church.**

### **FLAG SALUTE**

### **ROLL CALL**

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

*Chairman Unruh said, "Next item."*

### **PUBLIC AGENDA**

*Chairman Unruh said, "Commissioners, I have received no notice that anyone wants to speak on public agenda items. So we will go on with our regular agenda and ask the clerk to call the next item."*

### **CONSIDERATION OF MINUTES**

**A**     [17-377](#)     REGULAR MEETING MINUTES OF MARCH 22, 2017.  
All Commissioners were present.

*Chairman Unruh said, "Commissioners, you have had the opportunity to review the minutes of March 22nd. What's the will of the board?"*

#### **MOTION**

*Commissioner O'Donnell moved to approve the minutes of March 22, 2017.*

*Commissioner Dennis 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>

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

**Approved**

### **DONATIONS**

**B**     [17-336](#)     ACCEPTANCE OF A \$754.56 DONATION FOR COMCARE FROM  
ASCENSION LUTHERAN CHURCH.  
Presented by: Marilyn Cook, LMCSW, Executive Director, COMCARE.

**RECOMMENDED ACTION:** Accept the donation and authorize the  
Chairman to sign a letter of appreciation.

*Ms. Marilyn Cook, LMCSW, Executive Director, COMCARE, greeted the Commissioners and said, "We, COMCARE, recently received a donation from Ascension Lutheran Church in the amount of \$754.56 that was collected from the Sunday school class the last quarter of 2016.*

*"I called the church to see kind of, how they chose us and learned that one of their of their board members who's no longer on the board, actually was aware of the services that COMCARE provides and recommended the donation be shared with us.*

*"COMCARE is going to use the funds to provide services for individuals who have no resources to pay for the services that they we receive. We are very appreciative of this very generous donation and we recommend that the Chairman accept the donation and sign a letter of appreciation to this church."*

Chairman Unruh said, "Well, thank you Marilyn. I will move that accept the donation and authorize the Chair to sign letter of appreciation and we would want you, if you have the opportunity express how much we appreciate their sensitivity and generosity to one of the needs of our community."

Ms. Cook said, "Thank you. I have already actually done that."

Chairman Unruh said, "Thank you. Very good."

#### MOTION

Commissioner Unruh moved to accept the donation.

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

Ms. Cook said, "Thank you."

Chairman Unruh said, "Thank you, Marilyn. Next item, please."

**Approved**

### **APPOINTMENTS**

#### **C     [17-394](#)**

RESOLUTION APPOINTING KATHY DEANE (COMMISSIONER MICHAEL O'DONNELL'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Items C and D, actually can be run together. Item C is a resolution appointing Kathy Deane to the Mental Health Advisory Board (MAHB), this position had been held by Mr. Neil Guthrie whose term expired when Commissioner Norton left office although he will be getting appointed to the other position. Commissioner O'Donnell is recommending Ms. Deane be appointed for a term that will end April 18 of 2021. I understand she is present to be sworn.

"Item D is a resolution appointing the before mentioned Neil Guthrie to that same board (Mental Health Advisory Board) that position had been held by Ms. Debbie Eller, who declined to be reappointed. Commissioner Dennis is recommending that Mr. Guthrie be appointed to that position for a term ending that same day, April 18, 2021. Mr. Guthrie is also present to be sworn and I would urge adoption of both of these resolutions."

Chairman Unruh said, "Commissioners, what's the will of the board?"

Commissioner Dennis, thanked the Chairman and said, "I move that we approve items C and D. Also, I want to thank Neil Guthrie for volunteering to serve another term. I have known Neil for quite some time both in USD 259 (Unified School District) also while I was on the State Board of Education and now as the Chairman of the board for our Mental Health Advisory Board. So, I do thank him for his service and for volunteering to continue to serve and I will turn it over to Michael O'Donnell, if he has any comments."

MOTION

Commissioner Dennis moved to adopt both items C and D resolutions.

Commissioner O'Donnell seconded the motion.

Commissioner O'Donnell, thanked the Chairman and said, "Thank Mr. Guthrie for his years of service, but I am delighted that one of the most talented people I know, Kathy Deane, resident of District two, proud resident of Haysville has agreed to serve on this board. I know that she has incredible talents and will bring a lot to the mental health awareness and that is her passion in life and her calling. She makes a real difference in a real positive affect on that community. So this will be a great catalyst for her to do that. So thank you for agreeing, so that was my long winded second."

Chairman Unruh said, "Well, that works. I see no further comment, Madam Clerk call the vote, please."

VOTE

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

Chairman Unruh said, "County Clerk Kelly Arnold will offer the oath of office."

Mr. Kelly Arnold, County Clerk, thanked the Commissioners and said, "I will administer to the both of them. Alright, if you raise your right hand. I do solemnly swear that I support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of office of Sedgwick County Mental Health Advisory Board, so help me God."

Mr. Guthrie said, "I do."

Ms. Deane said, "I do."

Mr. Arnold said, "Alright, congratulations. Would you like to say something?"

Ms. Kathy Deane, greeted the Commissioners and said, "I am very honored to have this position. I really appreciate it, Mr. O'Donnell. I'm very passionate about this and I look forward to learning from the board. Marilyn Cook and I just had an amazing discussion just right now and we are both very passionate about this and I just excited about the talents that I can bring. I have been excited about recovery for like 32 years, so I think that I will do everything I can to bring my skills to this. Thank you for the honor."

Chairman Unruh said, "Very good, thank you."

Mr. Neil Guthrie, greeted the Commissioners and said, "I, as well would like to express my appreciation for this appointment. Mental health affects all of us, our young children, our children in school, adults. So I know that the passion that you folks have for wellbeing in our community and the Mental Health Advisory Board supporting that work. So I appreciate the appointment. Thank you very much."

Chairman Unruh said, "Thanks to you both for your willingness to serve. We appreciate it. Madam Clerk, next item."

**Adopted**

- D**      [17-391](#)      RESOLUTION APPOINTING NEIL GUTHRIE (COMMISSIONER DAVID DENNIS' APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.  
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Action for this item was taken with Item C.*

- E**      [17-407](#)      RESOLUTION APPOINTING JOANNA KILGORE (COMMISSIONER MICHAEL O'DONNELL'S APPOINTMENT) TO THE SEDGWICK COUNTY INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.  
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Yost said, "Mr. Chairman, item E is a resolution appointing Ms. Joanna Kilgore to the Intellectual and Developmental Disabilities [Advisory] Board. That position had been held by Dr. David Waldie, whose term expired in March. The new term would be until April 18th, 2021, Commissioner O'Donnell is recommending Ms. Kilgore. The paperwork appears to be in order, I understand she is present to be sworn and I would urge adoption of this resolution."*

Chairman Unruh said, "Commissioners, what's the will of the board?"

**MOTION**

*Commissioner O'Donnell moved to adopt the resolution to appoint Ms. Joanna Kilgore to the Sedgwick County Intellectual and Developmental Disabilities Advisory Board.*

*Commissioner O'Donnell said, "I would just like to add that I am very grateful for her willingness to serve in this capacity. She is an advocate for people with ID&DD (Intellectual and Developmental Disabilities) and following up my stellar appointment of Sierra Scott last Wednesday (April 12, 2017), at the meeting who also has a passion for it, I'm real excited about these two new appointees to the ID&DD Board and look forward to great things from you Ms. Kilgore. So that's my long winded motion."*

*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

*Chairman Unruh said, "Ms. Kilgore is here and Kelly Arnold will administer the oath."*

*Mr. Arnold said, "Alright, thank you. Raise your right hand. I do solemnly swear that I support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of office of Sedgwick County Intellectual and Developmental Disabilities Advisory Board. So help me God."*

*Ms. Kilgore said, "I do."*

*Mr. Arnold said, "Congratulations."*

*Ms. Joanna Kilgore, greeted the Commissioners and said, "I wasn't prepared for this part. Thank you, Commissioners. I appreciate the appointment as a Mother and a business owner dealing with special needs and promoting special needs, promoting employment of special needs, I appreciate being put on this board, so I can further my work in special needs. Thank you."*

*Chairman Unruh said, "Very good. Thank you. Next item, please."*

**Adopted**

**F**      [17-406](#)

ACCEPT THE RESIGNATION OF RICHARD KRETCHMAR (BOARD OF COUNTY COMMISSION APPOINTMENT) FROM THE METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT BOARD OF ELECTRICAL APPEALS.  
Presented by: Eric Yost, County Counselor.

**RECOMMENDED ACTION: Accept the Resignation.**

*Mr. Yost said, "Item F is a resolution accepting a resignation of Mr. Richard Kretchmar from the MABCD (Metropolitan Area Building and Construction Department) Board of Electrical Appeals, effective April 11, 2017. I would urge adoption of the resolution."*

*Chairman Unruh said, "Thank you, what is the will of the board?"*

**MOTION**

*Commissioner O'Donnell moved to accept the resignation of Richard Kretchmar from the Metropolitan Area Building and Construction Department Board of Electrical Appeals.*

*Commissioner Dennis 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>

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

**Approved**

**NEW BUSINESS**

**G**

**17-383**

**PROJECT SEARCH GRADUATION.**

Presented by: Jeannette Livingston, Assistant Director, Sedgwick County Developmental Disability Organization.

**RECOMMENDED ACTION:** Receive and file.

**VISUAL PRESENTATION**

*Ms. Jeannette Livingston, Assistant Director, Sedgwick County Developmental Disability Organization, greeted the Commissioner and said, "I am pleased to be here today to recognize the 2017 graduating class of Project Search interns. Project Search is a collaborative program that matches school districts with local businesses to provide real world work experience for students with intellectual and developmental disabilities in their final year of school.*

*"The goal is for these young adults to leave and be successfully employed in the community. Sedgwick County has been a Project Search site for four years and for all those four years we have been able to rely on Sherry Davis, our teacher who has been with us since the very beginning and we respect and love very much and who is retiring after this year. So we will, I just wanted to mention that we'll miss her and we've really appreciated all her work on that.*

*"For the 2016/2017 school year, we actually had nine interns that began the year. We have had two that have left already successfully employed. So just wanted to shout out to Mikayla White and Tyler Reese who have left be, you know, successfully employed.*

*"Our other interns we have Vanessa Figueroa Morales. Vanessa interned at elections, Exploration Place store and at Via Christi cleaning vents and food service. She enjoys working around others, is cheerful and dependable.*

*"We have Tyler Griswold. Tyler interned at elections, the print shop mailroom and planning. He enjoys working to help complete any task and Tyler is on excellent team player and is always very respectful toward others.*

*"We have Tavrck Lawless. Tavrck interned at the elections, Exploration Place store, Via Christi Environmental and at Cowtown. He enjoys light custodial duties, recycling,*



*pricing, stocking and merchandise. Additionally, Tavrck serves on the Self Advocacy Board for the National Down Syndrome Society. He has actually traveled the world promoting inclusion, acceptance of folks with Down Syndrome.*

*"We have Isaac O'Brien. Isaac interned in the Department on Aging at elections. He's good at sorting, labeling, collating information, he also worked at a produce department and enjoys stocking produce. He enjoys reading and watching movies when he's not participating in water sports and weight lifting. Thank you, Isaac.*

*"Daniel Roberts, Daniel interned at our department, the CDDO (County Developmental Disability Organization), the Department on Aging and the print shop mailroom. He's extremely detail oriented, certified in Microsoft Word and Excel and has a strong work ethic, which I can verify because he worked for us and did a great job. Thank you, Danny.*

*"Michael Will-Gallegos, Michael just accepted a job at Wild Horse Stone. So he will be leaving us soon for successful employment as well. At the county he interned in the print shop, mailroom, Exploration Place custodial. He's experienced with custodial, as a custodial assistant with knowledge of floor scrubbers and window cleaning. Michael is dependable, courteous and excels in sports particularly track. So, good job, Michael.*

*"I did want to mention that we couldn't do Project Search and be as successful as we are without the county departments that participate. We really appreciate those Department on Aging this year in particular hosted several interns even more than one at a time. So we really appreciate that, but one department that has supported Project Search from the very beginning the Treasurers and the Tag office. I believe, Linda Kizzire is here and would like to say just a few words."*

*Ms. Linda Kizzire, County Treasurer, greeted the Commissioners and said, "We've been involved in Project Search for several years, it's a wonderful program, it gives young adults an opportunity to get some actual work experience. Kate, I think, we have a video. We can go ahead and show, oh sorry, Tony, of Ashlea Thompson that works in the Treasurer's office and then I will finish up.*

*"I encourage and I am going to challenge all the county departments to try to engage some of the interns from Project Search. These are wonderful young individuals as you can see, we, Ashlea is very dedicated county employee, she's a blessing to our department and I very much appreciate you guys allowing Project Search to continue in Sedgwick County. I also, think that maybe we should challenge the City of Wichita to get involved in Project Search, also. They're kind of hesitant, but I think I've got a few of you up there that might be able to convince them what a great program this is and it's an honor to have these young individuals here with us today."*

*Chairman Unruh said, "Well, thank you Treasurer Kizzire. We appreciate the presentation and your comments."*

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

*Ms. Livingston said, "Thank you, Commissioners. Now we are having reception immediately after this meeting. You're welcome to come if you have time. Please stop by, grab a cookie, meet our interns that goes for anyone in the audience, particularly anyone that has a job that they need to have filled. So, thank you."*

*Chairman Unruh said, "Alright, Jeannette. Well, thank you it's not only will we get to meet some of these young people, if we can make the reception, but you know, we're*

*always up for a cookie. So that's quite an enticement, but we're proud of Sedgwick County government and the departments who take part in this program. Project Search is clearly beneficial not only to our community in general, but specifically to these young people who are looking for job training so they can be productive people in their adult years. So congratulations to all of you and we are definitely proud of you. May we have a motion to receive and file?"*

**MOTION**

*Commissioner O'Donnell moved to receive and file.*

*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, "Thank you, Jeannette. Next item."*

**Received and Filed**

**H [17-372](#)**

**POST-ANNEXATION PUBLIC HEARING CITY OF DERBY  
ANNEXATION ORD. NO. 2193.**

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

**RECOMMENDED ACTION:** Open the public hearing; receive testimony; close the public hearing and make the required statutory finding.

**VISUAL PRESENTATION**

*Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "It's a tough act to follow, now you get to hear about post annexation. Just to, I guess, give a bit of an introduction here. What's in front of you today is a post annexation hearing regarding the service plan for an annexation that the City of Derby completed three years ago, Ordinance number 2193. The map is pulled up here, I'll kind of scroll down here a little bit so you can see all the properties. There is four different tracks that are identified on this map. They are not contiguous with one another, they are, interspersed throughout different parts of the city limits. The lighter color shade you see on the screen or the City of Derby's current city limits.*

*"So you will see a couple of these properties, I think, three of them are more or less on the edge of the city and one of them, tract three is more in the middle. The, four of these five, there is actually four tracts, but there is five total parcels of property identified here. Tract two actually has a commercial property and a residential property, whereas, tracts one, three and four are all just strictly residential properties.*

*"The annexation again occurred three years and I will go through each of these properties in a little bit of detail just so you can see the maps that apply here. The first one is on 55th Street South and it's highlighted in red there that again is a residential property. The second property is the one that includes both residential and*

*commercial, on the north portion of this red area is the residential property, on the south portion is commercial property, it's actually a liquor store that's located there. Tract three is a residential property along Rock Road, that you saw on the map earlier and then tract four is again, another residential property located along 87th Street South.*

*"I will go back to the original map. The, during the adoption of the ordinance on these properties the City of Derby noted that it had completed previously. Previously identified these properties in 2013 as part of an annexation plan. Essentially, the identified properties that were completely surrounded or nearly surrounded by city, city limits for which major municipal services were already available or could be made available to the properties.*

*"By statute three years after the annexation, you all are to review the service plan to make a determination whether the terms of the service plan to make a determination whether the terms of the service plan have been met or whether they have not been met by the city. Statutes require notice of the hearing be provided to the landowner on whose properties were annexed and that's of course occurred and a notice was sent out after this hearing was set on March 15th.*

*"We also provided notice to the City of Derby and I believe, they have staff present here today to answer some of your questions. Just briefly to discuss the service plan requirement that were included the city identified public street and bridge maintenance, improvements to Rock Road, fire and police protection, parks and library services, city code enforcement, city build code enforcement, city health code enforcement, minimum housing code, zoning enforcement. They have a negotiated trash service contract, they allow the residents to essentially take advantage of that so I guess that is a service they provide as well. Ditch and culvert cleaning, stream maintenance. Then upon request or petition property owners can ask for local street improvements, water laterals, fire hydrants and sewer laterals.*

*"Three years ago the Board of County Commissioners determined the service plan that submitted was sufficient and then again, after that finding was made the city actually annexed these five parcels of property. Consistent with the county resolution on this we also sent out prehearing questionnaires to both the city and all of the property owners, a handful of months ago. The only responses that we received were from the owners, the owner of tract one up here on the, again on 55th Street South and also from the City of Derby. Both of them provided, those are in the backup materials.*

*"To briefly summarize the responses, first tract one is owned by Charles Meeks, he is the owner of record. The items that he indicated on the prehearing questionnaire were when he calls 9-1-1 for law enforcement, Sheriff Officers respond instead of Derby Police Department Officers. Didn't note how many times, but he noted that as something that, you know, that been still a county service that, I guess, he was receiving. Secondly, he indicated that he has been taking care of his ditch and culvert. It's not entirely clear on the response what he's indicating that he's taking care of. What's contemplated in the service plan is ditch cleaning and culvert cleaning. Typically for the stream maintenance and flood water prevention, I did have some conversations with public works staff and David Spears may be able to speak to this in more detail if you have questions, but he did note that there is not a culvert on this property, because it is more or less top of the hill and part of the reason that I believe county public works took this is that the vast majority of 55th Street along this property is actually county, county road that we maintain.*

*"The annexation that occurred on this property annexed the southern half of 55th Street, which of course is a little bit tricky because how do you maintain half the road.*

*So the reality is the county public works has been maintaining the roadway and also the ditch alongside there. But it is worth pointing out there that technically that portion of the ditch is part of the annexation that the city did and also their service plan said that they would maintain it. So and also the other thing that I was going to note is that public works staff indicated that it didn't appear the drainage is a problem on that property, again because it is on top of a hill.*

*"The last thing the, one of the other things the the property owner noticed is that the address identified in the services plan was for 311 East 55th Street South, which appeared to be an error because this address actually now is 309 West 55th Street South.*

*"So the service plan, I think, had an error on the address included on that and also he noted that the when he types the address into Google maps it shows up somewhere in Wichita as opposed to in Derby, which I don't know that the City of Derby has any real control over that, but he did note that. Lastly, he said that everything else seems to be correct, is what he included in there.*

*"The city's response went into a fair amount of detail, I'm not going to summarize what all they provided. The jist of it was they provided the detail is to how they asserted that they did provide the services identified in the service plan. Unless you have any questions for me, I recommend that you open the public hearing on this matter, if you had any ex parte communications or if there is additional information besides what has been presented today or what is in the back up materials, it's outside the hearing process, I'd suggest you disclose that at the start of the public hearing to give both the property owners and city a chance to respond to any of that, again that is if it's information you consider relevant to your decision on this matter. At that point I would be happy to yield to anyone else who wishes to speak on this or answer any questions before the public hearing, if you would like me too."*

*Chairman Unruh said, "Alright. Thank you, Commissioners before we open the public hearing, are there any questions or comments from Commissioners? I see none. So at this time I will open the public hearing and ask if there are any citizens who want to make comment or ask questions concerning this post annexation hearing? I don't see anyone moving to speak, I didn't know if representatives from [City of] Derby wanted to make a comment or just wait to respond to any other questions from the bench? Yes, sir."*

*Mr. Cody Bird, City Planner, City of Derby, greeted the Commissioners and said, "We appreciate you considering this item today. I am happy to respond to any questions you might have, but I didn't prepare a formal presentation for you."*

*Chairman Unruh said, "Alright. Thank you for those comments. Appreciate your presence here. Any other comment. Okay, seeing none we will close the public hearing and restrict further comment to the bench. Commissioners, what is your comment. Commissioner Howell."*

*Commissioner Howell, thanked the Chairman and said, "I probably do have some questions for Mr. Bird, but let me get to that in just a minute. Of course, I live in the City of Derby so I'm very familiar with these four tracts of land. I just want to make a couple of points. First point I make, in terms of ex parte communication I am not close friends, but I'm an acquaintances of the gentlemen that owns tract number four and we did run into each other at a recent Derby Chamber luncheon, and we sat across the table and the topic did come up. He shared with me a couple of items, about his opinion and we didn't really discuss it at length, but that did happen, so I know that he has an opinion that I did hear that day. It wasn't one that was excited about what's happening in terms of annexation, but so that did happen on tract*

*number four.*

*"I am familiar with tract number three and tract number two let me just say tract number three is the middle of a donut, City of Derby is all around tract three arguably they are close to many city services, there inside the city limits, well inside with property all around them. Let me go back to tract number four for just a minute.*

*"Tract number four is along 87th Street and 87th Street is interesting because, I read an article recently about it is the worst road in the county. I really think it is, I think if you talk to public works here, Mr. Spears, he would probably agree with me that 87th Street is probably the worst street in the county, but we've, we've developed a four way partnership with the City of Derby and township and with Westar Energy. We've worked together and we are in the process of paving 87th Street that should be hopefully done early summer. I am really proud of the fact that we were able to do a four way partnership to the extent that the owner of tract four is going to be on a believe it or not because this is such a very difficult project overall.*

*"Total investment between Rock Road and Greenwich [Road] will be about just under \$2 million of investment and more than 300,000 of that is from the City of Derby. I know that they have indicated they do plan to annex the road in front of, along the, the city has annexed the property along the edge of the road and they have committed to annexing the property, the road itself once it's paved after that point.*

*"So that's, that relieves some of our future obligation in terms of maintaining the west half of west forty percent, I should say, of 87th Street to Rock Road to Webb Road. So anyway that is ongoing, that's an ongoing thing, but owner of tract four could walk to Walmart literally in two minutes. So I would argue he's, he's definitely in the city. There is a very large church nearly next door to where he lives and so I will make the argument that basically in the city and receiving city services and I think that the city has committed a tremendous amount money to improve the life of the owners of tract four that is a process that is ongoing.*

*"Tract number two is arguably, I would say, inside the city. It's across the street from Wesley ER (Emergency Room), across the street from QuikTrip, across the street from a bank, Subway, a doctor's office, other things. So tract number two, in my opinion, is receiving many city services and they are doing tremendous there. So I don't really have a problem with tracts two, three and four.*

*"Tract one, however, my wife and I do walk, frequently since I do live on the very north edge of Derby we have walked down to 55th Street and even beyond, there is a brand new beautiful sidewalk, I think, it's 10 feet wide and it's wonderful. So we enjoy walking out in the country, I believe, if you were to measure the distance from tract one to tract four it's about six, six and a half miles on streets to go from tract one to tract four. So these are very far apart, tract one is about a mile and a half from the next thing that looks like city, in other words if you look at a business, where the nearest business it's 63rd Street and Buckner (Street) that is about a mile and a half from that residence.*

*"So I am having harder time with tract one and I drive past that frequently, it is just to the west of the new Derby Public Works, which is a nice facility, it's right next door, but everything else around that tract one is a wheat field. The street in front of the property is 55 miles per hour, it appears to be a farm like appearance I would argue based on the hearing today, you know, the response that he gave us relates to ditch and culvert cleaning, he's not happy with his, with the address. I'm not sure what we can do about that and the fact that he, when he calls for emergency services the Sheriff would show up or county fire.*

*"Again, county fire station 36 is only not even a mile from tract one. So they are certainly the closest with regards with our automatic response agreement, mutual aid agreements with cities. We like to be first on the scene if we can. So we will always respond if we're closest that would be very reasonable for us to respond, but we are certainly the closest fire station to tract one.*

*"So having said that I am a little bit split on this talking to our Counselor Mr. Waggoner that just did the briefing minute ago. It sounds like we have responsibility generally to treat all four of these as one motion, other words we, it's hard to split this up. By the way, I guess, the response from Derby was that there was some police responses and fire responses and other things like that building permits and that type of thing. But I think all of those were related to tracts two and three, I don't think any of those were related to tracts, I asked for a break down. So just making a point here that those types of services were utilized by tracts two and three, but not by tracts one and four.*

*"I have a couple of questions for Mr. Bird, if you don't mind? Again, I just want to ask for some clarity, because I really don't know the answer to these questions. Can you please remind me when the area around tract one, when was that annexed, there's platted subdivision there that is not been developed yet, but that platted subdivision obviously preceded tract one annexation. So when was that, when was that annexation?*

*Mr. Bird said, "Apologize, I don't have the exact date, but it was..."*

*Commissioner Howell said, "Give it a guess."*

*Mr. Bird said, "Prior to 2007."*

*Commissioner Howell said, "Okay. So prior to 2007. The road Oliver between 55th Street and 63rd Street is that annexed at the same time. Do you know?"*

*Mr. Bird said, "Oliver between 55th Street and 63rd Street?"*

*Commissioner Howell said, "Yes. It turns into Buckner."*

*Mr. Bird said, "Yeah, I apologize, I don't have the dates for those, I wasn't, if I would have known that I would have researched that and brought it with me."*

*Commissioner Howell said, "I do believe the city is, is maintaining Oliver. Please correct me if I am wrong, Mr. Spears, but I think Derby does maintain Oliver all the way to 55th Street. I don't know what the agreement is for, for 55th Street, if city owns half the street and when the county owns half the street it seems to me we're going to have to have an agreement on who does what. We're not going to maintain the north half of the street, I don't think that makes sense. So I don't know how we're going to go forward, if the annexation being three years old maybe we haven't had to do anything yet, but clearly that is going to be a subject of discussion at some point. Whether the city would contract with the county or how that works."*

*Mr. Bird said, "Certainly, we would be open to some discussion, typically the city is not interested in maintaining half of a street neither is the county. The way we have handled annexations in the past the county has typically, very graciously continued to provide maintenance until the city has annexes the full road right of way with, but certainly we would be interested in cooperating with county to insure that maintenance is provided."*

Chairman Unruh said, "Mr. Spears, did you have comment?"

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Yes, sir. If I may?"

Commissioner Howell said, "Yes, please."

Mr. Spears said, "Respond a little bit to Commissioner Howell's comments and clarify some of this. Oliver and first let me say Derby is one of the best cities in working with us as far as annexing the roads that they should, okay. Oliver north of 55th is the counties, Oliver south of 55th I'm showing as the city [Derby], then 55th itself the one in question there you can see the city comes up to it. All of 55th is ours, the counties the full right of way, except for the little red portion, tract one, where the city with this annexation has taken it up to the center line of the road for some reason. That may or may not have been a mistake, but that is the only piece, that 300 feet across there that they took up to the center line of the road. So when we come down through there and mow and take care of the ditch, we don't skip that 300 foot piece. We do that also, so if there is any, you know, problem there we would have to brunt the blame of that.

"But I went out there yesterday and looked at it. I took a picture of it, it's on my phone and it looks like a typical ditch though we have not started mowing this year. Any growth that's there is there from this year, doesn't look really bad to me, there was water standing on the other side of his property. At there, there is a water system out there, I saw the fireplugs and there was a water valve there. So I don't know if that water was from a just a little bird bath of water. I don't know if it was from the valve and the water system or from rain water.

"But there was no other rain water there and he is at the top of a hill, there is no culvert underneath the driveway and so I didn't really see a lot of problem there in that ditch, but that would be my only comments. We are taking care of that, because it just doesn't seem logical to have Derby go out and do that 300 foot piece when we have the entire rest of the road all the way across there. So that would be..."

Commissioner Howell said, "Thank you."

Mr. Spears said, "Hope that clarifies some of that."

Mr. Bird said, "Mr. Chairman, if I may I appreciate that explanation from Mr. Spears. The last thing I would like to point out is in the cities plan for extension of municipal services, I can't say if it was an error or not on this piece of the road right of way, but we did anticipate that the county would continue to provide that maintenance until such time the city annexed the full road right of way. We did outline that in our service extension plan."

Chairman Unruh said, "Alright. Thank you, Commissioner Howell you have more."

Commissioner Howell said, "Yeah, I just, just again, I don't know. Again, I've not spoken with Mr. Meeks in any way, I have never communicated with him. I understand when this was initially brought into this annexation he did have more to say at that time. I understand, I've heard that, I'm not even sure that is true, does anybody know whether, Mr. Meeks, had comments that he made at the pre annexation hearing?"

Mr. Waggoner said, "Commissioner Howell, the only indication I have is from the minutes from the City of Derby, three years ago. If you will give me just a second, I

*will read off what the excerpt was. I don't think they were verbatim minutes that the city took, but he did have a comment that he made. Mr. Meeks said he was told that a fence would be installed next to his property and he is still waiting on the fence, there was an access road put to the west of his property that comes around the south of his property to get to the backside of the public works yard. He asked if, will the city take care of the access road. He said there has been people dumping trash there.*

*"He said they have a small farm with chickens, goats and pigs. Would those be allowed since his property was being annexed into the city? He said he uses a dried up pond as a firing range, he was questioning whether he could still shoot his guns there. He said he had a well for a water supply and a lagoon, he had lived there since, May 1999, that there had been a lot of traffic and noise on access roads at night, where kids come out and have parties. He said if he calls 9-1-1 a Sheriff's officer comes out and the kids leave. His other main concern was who would pick up the trash that had been there for two and a half years. Then there were some comments, I believe, amongst Derby City Council members and staff about Mr. Meek's property. I believe also the property owner of tract four."*

*Commissioner Howell said, "He, Mr. Waggoner, he referenced a fence, was that at the pre annexation hearing that was discussion."*

*Mr. Waggoner said, "That is correct. That was..."*

*Commissioner Howell said, "Was there some commitment to build a fence, do you know?"*

*Mr. Waggoner said, "I don't believe so. I will let Cory Bird answer that, but I don't believe so."*

*Commissioner Howell said, "Okay."*

*Mr. Bird said, "I think the fence discussion was not a part was not a part of the annexation hearing. We didn't have any record of a fence being promised at that property. We have had subsequent conversations with the Meeks regarding their property and what future development occurs around them, would require as far as screening and fencing."*

*Commissioner Howell said, "I understand that cities are allowed to exempt certain properties on things like burning trash and having farm animals and shooting guns. Are they exempt of any of those restrictions that would normally be for someone that is clearly inside the city, like a city neighborhood for example, would be allowed to do those things? But Mr. Meeks being in a farm like environment, are those things allowed? It seems like they do those type of things, is he exempted in any way, do you know?"*

*Mr. Bird said, "There are no specific exemption for any of those operations or those activities. The discharge of fire arms in the city limits is prohibited. As far as trash burning or debris burning, they can still do that by permit. They are allowed to do that if they get a permit from Derby fire."*

*Commissioner Howell said, "So even though he inside technically inside limit, city limit he could still do a trash burning? That would be ok?"*

*Mr. Bird said, "Yeah, debris by permit as can anyone in the City of Derby."*

*Commissioner Howell said, "I see. Okay. I didn't know that. Okay, good. I don't think*



*this an option for me, but I'm, what I would like to do if I had the option would be, I would like to find, I would like to make two motions. Let me just describe the two motions. I would like to have Mr. Waggoner, have Mr. Waggoner provide some expertise on this. But I would, again I'm not making a motion just yet, but I would like to describe what my intent would be.*

*"I would like to find that the city has sufficiently provided services for tracts two, three and four and make that motion. Then I would like to make a subsequent motion that the city has not provided sufficiently services for tract number one, only because they just don't, I just can't see, I can't determine anything that's happened that he has received any type of change whatsoever since annexation. I can't determine anything. Again, this is anecdotal and this is not, maybe not fair to the city, but I'm just saying I know what I know. I've been by there a lot, I am familiar with the property, I've never talked with Mr. Meeks, but it seems to me that the city hasn't done anything yet that I can see. So I just have a hard time blessing the annexation on tract number one. Mr. Waggoner?"*

*Mr. Waggoner said, "Did you want me to provide..."*

*Commissioner Howell said, "Yes, please."*

*Mr. Waggoner said, "...feedback on the primary motion, you are discussing? The statute K.S.A. 12-531 really contemplates that you make a finding yes or no as to the service plan in its entirety as best I can read the statute. There is no case law on that point, but it contemplates a yes and then what the county does after the yes or contemplates a no and what the county does after no. There is no mention of a finding as to some properties yes the service was provided and some properties no the services were not provided. I believe, there could be if it were sufficient, the burden that the city has to meet is substantial compliance. That substantially complied with the service plan, which essentially means that they provide the services that were outlined.*

*"The, and so there could be if you found that one or more properties were so deficiently served, I believe, if there is enough evidence for that the city, that deficiency in service meant that the city didn't substantially comply with the services plan. Then I think you could have a finding against approval. That would, I think that is what you could do in a situation like this, but I don't think it would be proper under the statute. My understanding of it, again there is no case law, there courts that have ruled that have ruled that way yet. Just based on the language of the statute is that it is supposed to be a yes or a no as a whole."*

*Commissioner Howell said, "Very good. Again, let me just give my opinion. If we were to look at these four properties as a whole, I would agree that the city has substantially provided the services. The average is that they have, but if you look at these as individual tracts then I begin to have some concerns about tract number one. But I would like to, I guess, a point that, I kind of, wish that this annexation wasn't packaged the way that it is. Again, I made a point initially that these tract one and tract four are over six and a half, I think, about six and a half miles apart. They are very different in terms of what's going on around those properties. Again, I really don't have a problem with tracts two and three. They are clearly inside the city and I would never make an argument that they are not receiving services, but tracts one and four are so far apart in the, in the situation around it is so different. I have a hard time putting them, putting these four tracts together as one package.*

*"I remember in the legislature every once and a while you might advocate for bill and you are really excited about something that you think is great policy, but then someone put something on that bill that makes it very difficult. You don't know if you should vote for the legislation because of the good part or vote against it because of the bad part. No matter what you do you could be criticized by people who don't really understand why you made the choice that you made. I feel the same way about this. If I had the chance to make a motion, I would like to separate these and make a motion that tract number one needs 18 more months so we could come back and do this again. To me that would be very appropriate motion. I don't know that I can do that this morning. I will stop talking for just a minute, I will be prepared to make a motion just a minute. Mr. Chairman, I will let you see if there is anybody else that wants to make comments, thank you."*

*Chairman Unruh said, "Alright. Thank you, Commissioner. Commissioner Ranzau or Mr. Counselor did you want to make a comment?"*

*Mr. Eric Yost, County Counselor, greeted the Commissioners and said "No, I mean, if someone, I don't want to interrupt a member of the commission, but I'm not sure the statute permits that kind of a motion. I think, you have to take it as, take it as a package or reject it as a package and I'm not sure where we would be if this motion passed. I think..."*

*Commissioner Howell said, "I understand that."*

*Mr. Yost said, "...we would have a problem."*

*Commissioner Howell said, "Yeah, I understand that. I don't want to put the county in bad position. So again, I will probably would like to make one motion rather than two. But I hear your point and I would, I will be very cautious not to do something that is going to cause a problem for us. So..."*

*Mr. Yost said, "Okay."*

*Commissioner Howell said, "Thank you, Mr. Counselor."*

*Mr. Yost said, "Could you restate for me, at least for my benefit what your motion is?"*

*Commissioner Howell said, "I haven't made a motion yet."*

*Chairman Unruh said, "He hasn't made a motion."*

*Commissioner Howell said, "When I make a motion, I will, I will put the four tracts together and make a decision whether the city has or has not sufficiently provided the services. Thank you, Mr. Counselor."*

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

*Commissioner Ranzau thanked the Chairman and said, "Just to clarify have we not done something similar what Commissioner Howell is talking about previously in the past or I thought there was something, I thought there was something similar done before I was Commissioner and up by Valley Center. But maybe it was to different special annexation actions, I think. I don't know if you would know that of the top of your head."*

*Mr. Waggoner said, "Off the top of my head, I'm not familiar with us doing anything along those lines. I would say if the finding was against the city, let's say you said they didn't provide the services, they have 18 months to then provide the services"*

*and then individual property owners can petition to de-annex. That may be what you're thinking of, I know there has been at least one de-annexation item that went through the City of Valley Center and on those it's individual property owners that petition to de-annex.*

*"So I think in those, in that case let's say you said the service plan wasn't sufficient in that case and then 18 months down the line, I think, the five individual property owners here would each have their each individual right to petition to de-annex at that point. Argue that the services weren't provided their specific properties, I think, you could make findings as to specific properties at that point, but the statutes are just, they're different statutes and the ability to petition is based on the property owners specifically whereas, the finding that you are making today on the wording of the statute appears to be as a whole. I believe, Mr. Bird wanted to make a comment again as well."*

*Chairman Unruh said, "Thank you, Commissioner. Mr. Bird did you want..."*

*Mr. Bird said, "Thank you, Mr. Chairman. I appreciate the opportunity to provide a little more feedback. Mr. Howell raised a couple of comments there concerning tract one and the city ability to provide services there. I just want to have the opportunity to follow up on that. When the city prepared the plan for extension of municipal services for this annexation, we contemplated the full range of city services. When we, in the last three years we've provided those services, I mean, police and fire protection are provided, building inspections, code enforcement, our police officers patrol 55th Street there to, we actually have data on a couple of traffic related accident or incidents there, nothing specific to the tract one property, but we are patrolling those areas.*

*"Our code enforcement officers go by, they report violations, there were no violations within this three year period to report for tract one. So the idea that we haven't provided the services, the city would contend that we have that there just nothing to report for these particular, for tract one. Same thing with building permits. There is no building permit data because that owner of tract one has not submitted an application for a building permit. If they had we would obviously provide that service and inspections.*

*"So again, I think that if you are looking at individual parcels here in terms of the data that we've provided. We have responded to all data or all requests for services in those instances, if the property didn't have any, any need for services at that time then we obviously don't have anything to report."*

*Commissioner Howell said, "I understand."*

*Chairman Unruh said, "Alright. Thank you. Commissioner O'Donnell."*

*Commissioner O'Donnell said, "Thank you and Justin [Waggoner] thank you for coming to my office meeting with me on this issue. This is a first that I have heard from Commissioner Howell about some concerns that he has about the annexation or I guess its post annexation, but whatever decision Commissioner Howell, whatever motion he makes I will be supportive, because this, these are parochial issues that he obviously knows his district and the City of Derby better than anyone else on this bench and has a profound love and dedication to the City of Derby. So I will definitely take his expertise on it, but I do appreciate all the work Justin that you did on this issue and bringing it to me. There you go. Thank you."*

*Mr. Waggoner said, "Thank you, Commissioner."*

Chairman Unruh said, "Thank you, Commissioner. Commissioner Howell did you want to..."

Commissioner Howell said, "Whenever you are ready, Mr. Chairman I would like to make a motion. I have a few more comments."

Chairman Unruh said, "Alright. I will, I would like to make a comment first of all. First, I have not had any ex parte communication on this issue. I know that this is a quasi-judicial issue ruling that we're making. So I want to make my decision on the basis on the facts as I see presented. I would say that the tract at issue, tract one, is surrounded by City of Derby property and it's platted for future development and so it appears to me it's clearly inside the city. From the testimony that I've heard I don't find legitimate cause to think the city has not provided the services as described in their service plan. So I will be supportive of this annex, post annexation request and support that the city has included services in their plan. I think, from my perspective, well I think they have provided the services and I will vote that way. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I'll say that I did not have any ex parte communication either. I to will support whatever motion Commissioner Howell makes on this one, I think, this one could go either way. I will say regardless of which direction we go, tract one is another example is why need changes to the unilateral annexation law in Topeka. This tract never should have been annexed to begin with, he's out in the country and the only thing he really gets is higher taxes, he didn't want or need any city services. This, this goes on or has gone on a lot throughout the state, but particularly it's been a problem in the past in my district. "It has been a significant problem hasn't been so much the last few years, but there has been some episodes where cities annexed people and think raised their taxes and they don't get anything out of it. But the most problematic thing is, is the people who are getting annexed unilaterally don't have any elected officials to help stand up and give them a voice in the matter.

"County doesn't have a say, so they can't come to their County Commissioner and say, help me with this. We don't have to approve it, we get to review the service plan, but if we don't like it, it doesn't really matter they can do whatever they want. So I have had people in my district who've gone to annexation hearings and went to city council members who proposed the annexation hearing. Of course, they aren't going to listen to their concerns, they're going to annex them anyways. So it really is annexation without representation and that is why I will continue to advocate for changes in the state laws. So those people who are being annexed unilaterally have more voice in the process and like I say, I think this is an example of one of the problems with the current law that needs to be fixed. Thank you, Mr. Chair."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. Well, I wish Mr. Meeks would have been here today. Where we could question him further. I've read through several times his discussion that he's got, he said the service plan provided at time of annexation he's called 9-1-1 and the Sheriff's Department arrives not the Derby Police Department. I would imagine it is more of a 9-1-1 question, rather than the Derby Police Department or the Sheriff. I wouldn't think the Sheriff would suddenly decide they were going to respond to something that should be Derby. I, we may need to talk to our 9-1-1 dispatchers and find out how they dispatch to areas like this.

"The ditch and culvert cleaning, I think, that Mr. Spears has already addressed that

*and the address change we've already heard that there may have been an error on the initial application on that. That was the only things, he said everything else 'everything else seems correct'. Our decision is has the city, the motion is supposed to be I move that we make the finding that the City of Derby has provided the service included the service plan or I move that we make the finding that the City of Derby has not provided the services and then identify those services that have not been provided.*

*"That's our legal requirement as members of this board. I would hope we would stick with what our legal requirements are and I know that you've got a definite concerns down there. This is your area, but I'd like to stick with what the definite legal requirements are of this board. Thank you Mr. Chairman."*

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

*Commissioner Howell said, "Well, thank you, Mr. Chairman. Again, I appreciate the comments of Commissioner Dennis. I am going to do that, I'm compelled to make a motion. I will go ahead and make that motion right now, but I do have one thing I would like to show, a little video. I would make a motion that we, make a motion that the city has sufficiently provided services, I move that we make the finding that the City of Derby has provided the services included within the service plan for tracts one through four, because I have to as a block. That is my motion and I have another comment and actually little video I would like to show when it's appropriate, Mr. Chairman."*

#### **MOTION**

*Commissioner Howell moved to make a finding that the City of Derby has sufficiently provided services in accordance with the service plan for tracts one through four.*

*Commissioner Unruh seconded the motion.*

**Approved**

#### **VISUAL PRESENTATION**

*Commissioner Howell said, "Alright. So again, I believe I am limited because of our current interpretation of state law. So let me, please, could you turn down the sound, we don't need the sound necessarily and please make that large. I would end just a, went out there to take a look around to see what this is, again, Mr. Meeks is not arguing, so I understand his absence we don't have his, his argument. But let me just, I want to show you what we're talking about. So this is the property of tract, of Mr. Meeks property. Please, go ahead and play that. This was this morning and if you will notice there is a silo right there, wheat field, this is city property you are looking at a wheat field right there that is city property it has not been developed and I zoom in you can see where the water tower is, okay, you can see the ditch, a little bit of the ditch there a typical agricultural field boundary some cedar trees, there is the ditch, that we mow, 55 mile an hour two lane road that we maintain, across the street more agricultural fields and 55 mile an hour traffic. That's the end you may stop it now. Thank you so much.*

*"Here's my point, I think, we ought to take a legislative position that we need to advocate for the ability to treat these properties differently. I don't have that luxury*

*this morning. I've got to treat this as an average of what's happened to four properties and so I made that motion this morning because I think overall, especially tracts two, three and four it, the City of Derby has met their obligation. So that's my motion, but I think we need to have some latitude in the future to either have a say on behalf the taxpayer, on behalf of our constituents or at least allow us to treat differently. When there is six and a half miles apart and Mr. Meeks makes points at least at the pre annexation hearing about him wanting to shoot guns and have farm animals. Now he's inside the city and he can't do those things.*

*"To me I look at that property say there is absolutely no reason why I would want to see him restricted and to be held to city, the city ordinances when he is clearly a farm like, a farm like resident. So there is some work to do, I don't like where we ended up. But I think our options in terms of we don't want litigation, I don't want to be, see the county sued over this and so I think we have no other option, but to treat these as four properties as one decision. But, I would, I agree with Mr. Dennis I wish Mr. Meeks was here.*

*"But let me just, let me say further Mr. Dennis or Commissioner Dennis that approximately one half of our county is in your district. You represent a tremendous amount of rural property, I would think that. Again, I am being constrained by law and that is why I made the motion, but I would like to have latitude in the future to, when this type of thing happens again to defend someone who lives in a very agricultural rural farm like place that is receiving no services. I would like to be able to defend that person and I can't do that this morning. Anyway, Mr. Chairman, I have made my motion, thank you for the chance to speak."*

*Chairman Unruh said, "Thank you, Commissioner. Are there any other comments. We have a motion to make the finding that the City of Derby has provided services included in the plan. Is there any further discussion? Seeing none, Madam Clerk, call the vote."*

VOTE

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

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

*Chairman Unruh said, "Thank you, Justin. Thank you, Mr. Bird. Next item, please."*

I [17-369](#)

DENYING PROPERTY TAX RELIEF PER K.S.A. 79-1613.  
Presented by Kelly Arnold, County Clerk.

RECOMMENDED ACTION: Issue order denying property tax relief  
and authorize the Chairman to sign.

*Mr. Arnold said, "The agenda item before you is a application for property tax relief and a finding for you. This item to, is an order to deny property tax relief, just to give you a little background on this, Kansas Legislature passed a bill to provide relief if the homestead was destroyed or substantially destroyed as a result of fire, flood, earthquake, tornado storms or an event declared a disaster by the Governor.*

*"The owner may apply for a tax credit or abatement under statute subject to any budgetary constraints from the county or other taxing subdivisions. The Board of County Commissioners is tasked with making three different findings, whether the property is a homestead, whether the property was destroyed or substantially destroyed and the assessed valuation of the property. In order for a property to be deemed destroyed or substantially destroyed the statute requires that the cost to restore structure to be greater equal to 50 percent of the market value of the structure before damage.*

*"Sedgwick County adopted a resolution to establish the procedures we use to evaluate these applications. On this item the application was filed in my office by the property owners, Martin and Susan Bogart, they're requesting that property tax relief for damage to their property located on 84th Street in Haysville. There were notified of the agenda item this morning. The Bogart's application indicates the property was suffered water damage as a results of floods last summer. The assessed valuation before the damage was \$19,999, the damage was found to be only 15 percent of the pre damage value. So this property does not qualify for the credit. Evaluation in damage were assessed by the Appraiser's Office. The recommendation is to deny the request for property tax relief in the amount of \$2,410.57 and to sign the paperwork."*

*Chairman Unruh said, "Thank you, Mr. Arnold. Are there any questions?  
Commissioner O'Donnell."*

*Commissioner O'Donnell said, "No questions, I'm, I can make a motion when ready."*

*Chairman Unruh said, "Please."*

#### **MOTION**

*Commissioner O' Donnell moved to issue order denying property tax relief.*

*Commissioner Howell seconded the motion.*

*Chairman Unruh said, "Is there anyone in the public who wishes to make comment before we vote? Seeing none, we will go ahead and ask the clerk to 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. Arnold said, "Thank you."*

*Chairman Unruh said, "Thank you, Mr. Arnold. Next item, please."*

**Approved**

**J**      [17-104](#)

COUNTY EXTENSION QUARTERLY REPORT.  
Presented by: Matt McKernan, Horticulture Agent.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

*Mr. Matthew McKernan, Horticulture Agent, greeted the Commissioners and said, "Just recently been appointed within the last two years, which was the last time I had the opportunity to visit with you. So I am happy to be here today to give our quarterly report for extension. One of the topics I have been asked to speak on today is insects because with the milder winter and warmer spring many people are concerned about insect pest this year. With warmer weather typically we have more of an abundance of insects as a result. On a positive note, typically if there is an abundance of insects due to a milder winter there is also abundance of natural enemies that often going to control those insects as well.*

*"So at this point in the spring it is a little bit too early to tell if one way or another what kind of insect trends we may have. Some of the things we have noticed though this spring is the monarch population, for example, is out flying around, which often actually a little bit early for this time of year. Typically they haven't begun their migration back north from Mexico. So that's kind of unusual this year.*

*"Other things that are normal things like termites and ant populations that are flying around swarming those are happening typically like you would expect in the spring, but one thing that people have noticed a lot recently is the indoor insects that are often over wintering in their houses. Things like box elder beetles, Asian lady beetles the kind that look like ladybugs or attic flies. A lot of those have been out for the past month flying around people houses and really trying to get back outdoors for the spring because of the warmer spring that we've been having.*

*"I'm sure you've been listening to any of the news or reading newspapers or even the radio on the way over, people are talking about the oak itch mite, oak leaf itch mite and really it's going to be a little bit too early to say exactly what kind of oak leaf itch mite population we may be dealing with this year. For Kansas 2004 and 2007 were really the first times these insects have been a widespread problem in our area. It wasn't until 2015 and 2016 these past two summers that these insects have ever been a widespread problem for two years in a row. So this is really a new insect for our state and most of the region.*

*"So as a result because these insect populations haven't been present for back to back years there is not a lot of hard and fast research that give us a lot of information and hard evidence of what these insect populations will be like.*

*"So it is difficult for us and as researchers to be able to tell you exactly what these insects are going to be doing this year and whether or not it will be a problem. One of the things that have been hearing is people are reporting they are getting oak itch mite bites. Again, because we don't know exactly the generations emerge in the spring.*

*"The most likely theory that we expect is that these oak mite bites that people are experiencing now are probably most likely bites from adults that have overwintered through the winter. So either on the ground or in leaves from the trees, from our oak trees these are most likely where these insects are hiding and then as people are out in the garden, raking up their leaves, cleaning up their leaves, they're coming into contact with them as they walk through the leaves they may be experiencing bites along their ankles where the oak itch mites are able to come into contact with them.*

*"So typically these are going to be adults that are either going to create a new generation or die off and potentially not be a problem. Fingers crossed that's the way it is this year, but it's a little bit too early to tell yet. One of the things that I myself will be looking for and other extension agents across the state is a symptom on our oak*



trees called Oak Vein Marginal Gall and essentially that's on the oak leaves, especially pin oak trees that's going to be a gall or a swelling that forms along the edge of the leaf. The insect that causes that swelling is known to be the primary food source for the oak leaf itch mite. Because most of our oak trees aren't fully leafed out yet, those galls aren't present so it will take a few weeks or a month or so to be able to know if those will be present and a potential food source for those oak leaf itch mites. If they are we can expect probably another problem again this year with the oak leaf itch mites, but at this point, we'll probably not be experiencing those oak mites falling from our trees.

"So some of the things though that our citizens of Sedgwick County and other people can be doing to protect themselves as you are out in the garden this spring or outside wearing long sleeve shirts and gloves especially when you are working out in the garden is a great way to protect yourself. Essentially you are just trying to reduce areas of exposed skin. Other things you can do and should do when you return inside is to change and wash your clothes and also to take a quick shower or rinse off. So that if there are any oak itch mites on your skin or on your clothes you're removing them from you so they're not going to continue to bite. The oak itch mites are very, very tiny insects and are barely visible to the naked eye. So it's hard to tell for sure whether or not they still may be on you after you return indoors.

"So we are really trying to encourage people to take these showers, to change clothes so that they reduce the likelihood of continued bites and continued itchiness. Another thing that I would encourage people to do is to continue to use insect repellants. Unfortunately insect repellants are not going to provide very little to no protection from the oak itch mites, but they are going to protect you from other biting insects that may be confused this time of year. Insects like mosquitos, ticks, chiggers all of those biting insects that are also causing a lot of itchiness this time of year. You will at least get protection from them.

"So that is kind of my update on insects this year and I had one other thing to share with you. I would be happy to answer any questions you may have about the oak leaf itch mites, but I had one other piece of information I would like to share for you today as well."

Chairman Unruh said, "I don't see any questions."

Mr. McKernan said, "Okay."

Chairman Unruh said, "Pretty thorough in that description and I know a lot more about that than I used to know."

Mr. McKernan said, "Very good. Hopefully more than you didn't want to know, but the other thing the horticulture program at the Extension Office has been working on is updating our arboretum. As you may or may not know the 24 acres that surround our building and you can see on the map there, we have an arboretum created. Essentially an arboretum is just a collection of trees and plant materials and surrounding our building we have over 300 different planted trees that surround our property. Of those 300 trees there are over 275 unique tree varieties and cultivars. These trees are planted there to really serve as a public education of what trees are known to do well in our area and maybe what are some unique trees that you can plant in your yard or in your landscape that would be unique, but still do well in our area.

"So our arboretum that surrounds our property is really intended to do that. It's there to allow people to experience which trees are going to be a good option for our area and to see what these trees might look like in the landscape. The plantings began in

*the 1994 and so most of these are under 20 years old. So they are really going to be on that small to medium size maturity. So it's really a good example of what these trees might look like if you go home and plant one in your own landscape. Really what we're trying to do is encourage people to plant the right tree in the right place. We want to avoid trees that are going to interfere with powerlines or sidewalk clearance or trying to help residents of Sedgwick County battle the tough growing conditions that we have here. Whether it's sites with extremely dry conditions or sites that may be have standing water or really wet conditions.*

*"So what we've created, myself and with the help of our master gardeners, we have created a digital online map that allows people to experience our arboretum from the comfort of their own home. You can start to do, use this map as a resource tool to look at tree options for our area. Then be able to come out to our site and use this interactive tree map to find the trees to be able to actually see them in person and evaluate if that's a tree that may make a good choice for your landscape or not.*

*"So I will show you this tree map that we have created just this past spring and it's got a lot of neat features. As you can see on the left side of the screen all of the trees are going to be sorted by size. So for example, in your front yard if you have a powerline that you can't have a large tree growing into you can turn off all the trees that don't fit that size requirement.*

*"So for example, we can turn off large trees, we can turn off the medium trees and we can hide the evergreen trees. So what you are left with on the map then are going to be tree options that would classify into that small tree category.*

*"You can then expand the list of trees and all the trees are color coded. So for example, all of our red buds are going to be with, identified with an orange icon and you can click on a tree from that list or click on a tree from the map. When you click on that tree you're going to find information about that specific tree. You're going to find photos of that tree, the overall tree and any unique characteristics about that tree. So things like the leaves, the bark and also whether or not it flowers, the fall color, whatever makes that tree unique. You're also going to be able to scroll through the list of information about that tree. There is up to fifteen different categories about that tree, anything from potential problems you may experience with that tree, to what makes unique and whether or not it will handle drought or wet conditions. Things like that.*

*"So there are lots and lots of information that people can find out about each of these trees and then each tree that's recommended for our area will also be identified as a preferred tree for our area. This is really a project that's going to, that takes a lot the information that K-State has from different preferred trees lists for our area, different information specifically on crabapples and brings it all into one place that is user friendly and a great resource for our area.*

*"The other thing is you can also search the tree map by keywords by certain tree types. So if you are looking for something that can handle wet site, you can Google wet tolerance and it will pull up a list of all those trees that match that description. So whether its spring flowers, red fall color any keyword or thing like that can be searched.*

*"So this is something that we really just released in the beginning of March and has really made a great impact on the community already. Our master gardeners are using it on a regular basis to help answer questions on our master gardener hotline, but we also have garden centers that are using it as a resource to educate their customers on the potential trees that they sell. We have city forestry boards that are incorporating into their website, into their materials trying to help people who are*

*looking for a tree. We also have homeowner associations who are incorporating it into their website to help their residents and their homeowners in their community pick good trees for their area.*

*"So very excited and this is really only been out for two, two and a half months now. So there is a lot of great potential and we continue to work to update it with new photos of spring flowers and all those important information that people want to know about these trees. So with that I thank you for the opportunity to be here today and would be more than happy to answer any questions that you might have."*

*Chairman Unruh said, "Well, thank you and we do have a question from Commissioner Howell."*

*Mr. McKernan said, "Sure."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I just want to say that I think Mr. McKernan is extremely smart. I'm an old guy and I think you have ten times more knowledge about this type of stuff then I could ever even imagine. You are really, really smart person."*

*Mr. McKernan said, "Well, thank you Commissioner."*

*Commissioner Howell said, "I don't think you are that old, but man you've got a lot of wisdom. So I'm very, very impressed, I think, this is a great resource. We are trying to think, my wife and I are trying to think about what to plant in our front yard, we have a little spot we would like to plant something. I didn't know how to solve that problem, but I think you have given me the key."*

*Mr. McKernan said, "Good."*

*Commissioner Howell said, "I love that and I really appreciate this resource, I think, it is a tremendous and it is very well done."*

*Mr. McKernan said, "Well, thank you."*

*Commissioner Howell said, "I think it's a great resource for our community. The last thing I was going to say, well, the last thing I was going to say was I really wish that Noah would have killed the two flies and the two spiders and two mosquitos. I don't like those things, I'm a city boy and I don't like those little critters, but it makes me want to not go play in the woods and trees and get those ticks and things like that. I don't like any of that stuff, but this is that time of year and I appreciate the reminder on how to enjoy the outdoors. I certainly hope people do that. This oak mite thing if I heard you correctly, is my question. If I heard you correctly this year is not as bad as last year. You said they're not falling from trees like they were, previously?"*

*Mr. McKernan said, "So typically the oak itch mites fall from the trees in late summer to fall. So because we haven't reached that point in the year we don't know whether or not that will be a problem, typically we believe that they're flying, or they're getting into the trees especially pin oak trees, more so in the late spring to early summer months and feeding during most of the summer. Then as the trees start to reach maturity we get to that fall, that colder weather and they start to lose their leaves. Those oak itch mites then go into hiding until about this time of year when they would emerge after the cold weather threat is past."*

*Commissioner Howell said, "Alright. Great answer, appreciate that clarification. With that Mr. Chairman, I would like to make a motion that we would receive and file the report."*

*MOTION*

*Commissioner Howell moved to receive and file.*

*Commissioner O'Donnell seconded the motion.*

*Chairman Unruh said, "We have a motion and a second. Before we call the vote, Matt I just want to say appreciate your presentation today and the extension center sometimes it's out of sight, out of mind, but you guys continue to, continue in your research service to our community to make us a better place and we truly appreciate it. Mr. Hugh Nick's one of your master gardeners and one of your board members was out in front of our building the other day. Kind of over seeing some landscaping to make our building more attractive. So we appreciate your willingness to participate with us in that way."*

*Mr. McKernan said, "Absolutely."*

*Chairman Unruh said, "Commissioner Howell remarked about your intelligence and K-Stater's are just that way. So I just want to say so."*

*Mr. McKernan said, "With your permission I would love to share one of our handouts for it. It has the links for our tree map, but it can also be found on our website or there is a tiny URL.com link and it's just /sgcoarboretum to help people to find it a little bit faster."*

*Chairman Unruh said, "Okay, very good. Thank you."*

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

*Chairman Unruh said, "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>

*Chairman Unruh said, "Thanks again."*

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

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

**Received and Filed**

**K**     [17-378](#)

CONSIDERATION OF GRANT IN THE AMOUNT OF \$4,027,805  
FOR COMMUNITY CORRECTIONS ADULT OFFENDER  
PROGRAMS IN SEDGWICK COUNTY.

Presented by: Jay Holmes, Deputy Director of Adult Programs,  
Division of Corrections.

RECOMMENDED ACTION: Approve the application for the grant, and if awarded authorize acceptance of the grant, the establishment of budget authority as provided in the Financial Considerations section of this Request

*Mr. Jay Holmes, Deputy Director of Adult Programs, Division of Corrections, greeted the Commissioners and said, "I am here today to share information about community corrections and seek approval for a couple of Kansas Department of Corrections (KDOC) grant opportunities. First, let me provide you with some background about community corrections. Community corrections is a state mandated program with the adult corrections system. Its purpose is to provide intensive community based supervision programs to rehabilitate felony offenders and community, in the community as alternative to prison.*

*"These programs are valuable to offenders and to the state for a number of reasons. They provide offenders the chance to avoid prison under strict condition set forth by the court while maintaining employment, paying taxes, supporting their families and paying restitution to crime victims. Community corrections is a state funded through an annual grant process administered by the Kansas Department of Corrections. In order to continue to receive grant funds an annual plan must be submitted on or before May 1st.*

*"The plan for state fiscal year '18 is before you today for approval. It reflects a continuation of existing programs that we currently have in place. The programs are the Adult Intensive Supervision Program and our residential facility. Within each program staff members provide close supervision and services to assist offenders and gaining and maintaining employment, accessing treatment and training, drug testing and rehabilitative programming.*

*"The program supervises 2,700 felony offenders annually and has an average daily population of 1,610 offenders and receives more than 300 admissions from the court each, 1,300 admissions from the court each year. Community correction agencies receive a planning allocation from the state to use in preparing budgets for next year's operations in state fiscal year '18.*

*"For state fiscal year '18 the Sedgwick Counties planning allocation is \$4,027,805 this represents a reduction of \$144,000 from the current year award, which is state fiscal year '17. Additional funding to support the programs comes from fees paid by clients, other grants we're able to obtain for a specific purposes in addition to some county funding. As you know the legislature is still in session and the state budget is yet to be approved. Once the budget is approved we will be notified of our actual award and any necessary modifications will be made to fit our available resources.*

*"We expect this part of the funding process to be complete by the end of June. The plan before you contains a great deal of data we use in managing our programs. I am happy to report that a 3.6 percent improvement in individuals successfully completing probation occurred over the previous year. The most troubling data is the high rate of probation failures in Sedgwick County, compared to the rest of the state. The difference is 16 percent.*

*"We've worked closely with Wichita State University and our advisory board to understand the data. Contributing factors include the severity of the criminal involvement in our urban population that we serve, high unemployment, gang involvement and offenders that present with a multiple array mental health issues. The plan contains strategies we are working on to reduce recidivism by focusing on*

*these high risk offenders. We've also expanded employment and behavioral health programing to better address substance abuse and mental health issues with targeted interventions. Their Community [Corrections] Advisory Board (CCAB) participated in the development of this plan and approved it at their meeting on March 9th. It is their recommendation as well as mine that you approve it. I want to thank you for your time and entertain any questions you may have."*

*Chairman Unruh said, "Thank you. We've been briefed on this agenda item, I don't know if there is any questions. I see none. So Commissioners, what is the will of the board?"*

**MOTION**

*Commissioner Unruh moved to approve the grant application for Community Corrections Adult Offender Program.*

*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>

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

**Approved**

**L**      [17-379](#)

CONSIDERATION OF A KANSAS DEPARTMENT OF CORRECTIONS (KDOC) GRANT APPLICATION IN THE AMOUNT OF \$612,750 TO STRENGTHEN PROBATION SUPERVISION, COMMUNITY SAFETY AND CLIENT SUCCESS BY PROVIDING BEHAVIORAL INTERVENTIONS PROVEN TO REDUCE RECIDIVISM WITH ADULT FELONY OFFENDERS.

Presented by: Jay Holmes, Deputy Director of Adult Programs, Division of Corrections.

RECOMMENDED ACTION: Approve the application for the grant, and if awarded authorize acceptance of the grant, the establishment of budget authority as provided in the Financial Considerations section of this request.

*Mr. Holmes said, "This morning I am here to present for your approval the state fiscal year '18 behavioral health grant application to this Kansas Department of Corrections. The purpose of the funding is to enhance behavioral health programs and interventions within community corrections and reduce revocations as a result.*

*"Community corrections agencies that receive previous funding for behavioral health programming were encouraged to submit a proposal with the intent of sustaining or enhancing strategies that have been implemented. We've made application to this annually since state fiscal year '14. The state fiscal year '18 budget includes funding*

*to sustain current positions that provide cognitive skills programming, peer mentoring and mental health strategies proven to reduce recidivism and revocations in our community.*

*"We're not asking for any additional positions in this grant application and there is no grant match requirements. The grant application budget is for the amount that was previously mentioned, \$612,750 and is due on or before May 1st, 2017 to the Kansas Department of Corrections. Again, this, this has been approved by the Community Corrections Advisory Board at their last meeting on March 9th. It is their recommendation as mine that you approve it. I'll be happy to answer any questions that you may have."*

*Chairman Unruh said, "Thank you for that. Commissioners are there any questions or comment here. What's the will of the board?"*

**MOTION**

*Commissioner O' Donnell moved to approve the application for Kansas Department of Corrections Grant application in the amount of \$612,750.*

*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>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>

*Chairman Unruh said, "Jay, thank you."*

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

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

**Approved**

**M**     [17-403](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 13, 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 April 13th results in three items that we'd like to present you this morning:*

**1. RECOVERY BEDS --DIVISION OF CORRECTIONS**

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FUNDING --DIVISION OF CORRECTIONS

*"On the recommendation of Kristen McGovern, on behalf of Division of Corrections, Jennifer Dombaugh moved to execute a contract with Seventh Direction, Inc. at the rate listed above for one (1) year with four (4) one (1) year options to renew.*

2. 1/2 TON FOUR WHEEL DRIVE EXTENDED CAB TRUCKS -- FLEET  
MANAGEMENT  
FUNDING -- VEHICLE ACQUISITION

*"On the recommendation of Britt Rosencutter, on behalf of Fleet Management, Jennifer Dombaugh moved to accept the low bid from Rusty Eck Ford in the amount of \$222,584.00.*

3. FOUR WHEEL DRIVE UTILITY BED FIRE SQUAD TRUCKS -- SEDGWICK  
COUNTY FIRE DISTRICT #1  
FUNDING -- FIRE ADMINISTRATION

*"On the recommendation of Britt Rosencutter, on behalf of Sedgwick County Fire District #1, Jennifer Dombaugh moved to accept the low bid from Marshall Motor Co., Inc. in the amount of \$142,460.00.*

*"I'll be happy to answer any questions you may have, and I recommend approval of these three items."*

*Chairman Unruh said, "Alright. Thank you, Joe. What's the will of the board? Commissioner Ranzau"*

MOTION

*Commissioner Ranzau moved to approve the recommendations of the Board of Bids and Contracts with the exception of item number three.*

*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

**Approved As Amended**

[17-454](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR  
MEETING ON APRIL 13, 2017 - ITEM 3.

Presented by: Joe Thomas, Director, Purchasing.

*Chairman Unruh said, "That leaves us with item number three to discuss. Commissioner Ranzau do you want make any particular comment?"*

*Commissioner Ranzau said, "Yeah, I have a question. There has been some discussion within, with respects to the Fire District [Number One] financials that is about evaluating equipment and replacement things. At least I've asked about this*



*multiple times. Is there an ongoing effort to do that and reevaluate this or where are we at on that?"*

*Mr. Tom Stolz, Assistant County Manager, Public Safety & Code Enforcement, greeted the Commissioner and said, "We are going through two phases with the fire budget for next year. The first phase is Chief Leake is looking at some reorganization opportunities within the department and then the long term plan is to look at the budget health over the next generation, which includes a lot of scenarios, including opportunities for unification and restructuring of the organization.*

*"Within that we are looking at we are looking at all vehicles and staff, but for the short term until we get the larger discussion ongoing about unification or reorganization we're trying to maintain vehicles and firefighter positions. So to answer your questions, yes we're reviewing everything. But for this particular item today for the squads or the firetrucks, we are going to ask for in the future. We need keep and maintain the equipment to its current state until we can come up with a larger, more long term plan for the district."*

*Commissioner Ranzau said, "Well, I'm talking about the replacement cycle, even though the ones we want to keep. Evaluate in there to make sure there aren't some things we can do in the short to medium term to extend the life to some these to ease the financial burden. Until we get some of these more long term solutions in."*

*Mr. Stolz said, "We're looking at all options, sir."*

*Commissioner Ranzau said, "I'm not seeing anything. I'd like to see some progress. I'd like to see, I'd like to get an update from Fire Chief or somebody on a monthly basis on the Fire District, I think. I have expressed some concerns about the budget in the past and we're at the point we need to do something, I know it's, I want to see some movement..."*

*Mr. Stolz said, "Okay."*

*Commissioner Ranzau said, "...in the area and I want to be aware that as we go through it. I don't want to wait to the last minute. I know you may be doing some things, but I think it's important for us, the Commissioners, to have, I know as being, as Fire District as governing body needs to have some visibility and..."*

*Mr. Stolz said, "Sir, let me let Chief..."*

*Commissioner Ranzau said, "...at some point I'm not going to keep voting for these replacements until I've seen some work done on this and evaluation and some feedback. Because I have asked multiple times when this issue came up not too long ago when replacing vehicles. I'm trying to decide whether or not that point will be today or not, but we need, we need some action, I think."*

*Mr. Stolz said, "Understood, sir. Let me get the Chief have an opportunity here to..."*

*Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Before he does let me say something. Are we talking, actually Tom and I actually talked about this yesterday for some time. We talked about within the short time, is we're going to have to come to you with a plan. We talked within the next couple months, probably be this summer. But we talked about having that near term plan at the same time we're working on that long term plan, but we did talk about that yesterday.*

*"It goes to even filling positions as they come open, which some of those positions*

are even tied to vehicles, which would not require vehicles at that point. So they are putting that together now as Tom indicated for a near term and long term solution. There's, I don't think they have that right now."

Mr. Tavis Leake, Fire Chief, greeted the Commissioners and said, "Some of the things we're doing also is the part time program, which we have talked about in the past. We've implemented that and that is an ongoing process. The vehicles today, they're eight years old and they're beyond that point where the repairs are going to be a lot of money and time. So, we're trying to stick with that on the short term as Tom said to keep those vehicles moving and running."

Commissioner Ranzau said, "I understand the rationale, but we have kicked the can down the road on the Fire District for long enough and we got, and at that, like I say some of the short term things may be to delay things for a while a year or two or whatever, just to get us through until, but we've got to have a plan. We've had several conversations about things, but it, maybe it is just a lack of information and we need updates or something, more involvement here or something. But this will probably be, you know, something like this comes up and I'm not satisfied that we're not making progress in that. I'll probably vote no then, I will just give you a heads up."

Chief Leake said, "Sure."

Commissioner Ranzau said, "Okay, because I want to see some action on that. I think it's important. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I don't see any other request to speak at this point I'll make a motion that we approve item three of the Bid Board."

#### MOTION

Commissioner Unruh moved to approve item three on the Board of Bids and Contracts.

Commissioner Ranzau 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

Chief Leake said, "Thank you, Commissioners."

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

#### Approved

### CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve consent agenda items November (N) through Tango (T)."

#### MOTION

*Commissioner O' Donnell moved to approve consent agenda N through T.*

*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>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>

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

**Adopt the Consent Agenda**

- N**     [17-358](#)     Interlocal agreement by and between Sedgwick County and Butler County for a communications tower.  
**Approved on the Consent Agenda**
- O**     [17-393](#)     Set for public hearing on May 24, 2017, one inclusion petition for the alteration of boundaries of the Sedgwick County Fire District Number One and authorize the publication of a Notice of Public Hearing in the official County newspaper pursuant to K.S.A. 19-3604(b) and K.S.A. 19-270(b).  
**Approved on the Consent Agenda**
- P**     [17-348](#)     Agreement with Substance Abuse Center of Kansas (SACK) for Detox and Sobering Services Provided at the Community Crisis Center.  
**Approved on the Consent Agenda**
- Q**     [17-368](#)     Second Amendment to Lease Agreement between Amidon Partners, Ltd. and Sedgwick County COMCARE for leased property at 1919 N. Amidon.  
**Approved on the Consent Agenda**
- R**     [17-375](#)     A Resolution Authorizing the Transfer and Use of Moneys from the Register Of Deeds Technology Fund Pursuant to K.S.A. 28-115a.  
**Approved on the Consent Agenda**
- S**     **17-361**     Order dated 3/22/2017 to correct tax roll for change of assessment.  
**Approved on the Consent Agenda**
- T**     [17-389](#)     General Bill Check Register April 12, 2017 - April 18, 2017.  
**Approved on the Consent Agenda**

## LEGISLATIVE ISSUES

*Mr. Jon VonAchen, Assistant County Counselor, greeted the Commissioners and said, "Legislature, obviously currently out of session, won't come back until May 1st, kind of, to piggyback the issue that was brought up under bid board regarding Fire [District Number] One. The Governor has signed the bill that would allow additional municipal contracting, which would include the Fire District. So we will provide additional information to the Manager's Office and to Mr. Stolz and to Chief about how that may affect their options for going forward to possibly either find a way to bring more money into the Fire District or to improve the Fire Districts position regarding funding. Also how we provide services or have mutual agreements with other municipalities.*

*"So we will look into that, a lot doesn't take effect until July 1. So we will have some time to go over that with them. I don't have anything else, but I'm willing to take any questions that you may have."*

*Chairman Unruh said, "Alright. Thank you, are there any questions, Commissioners? I see none. So Jon, thank you very much for that update."*

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

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

## OTHER

*Chairman Unruh said, "Commissioners, are there other items you would like to bring before the board at this time?"*

*Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to back up just a little tiny bit and make a little bit more comment. I want to say, I appreciate Mayor Randy White being here today. Mayor of the City of Derby, I want to say I am extremely proud of Derby without a doubt, in my mind, it is one of the best cities in the entire state. Not to belittle Wichita or Mulvane, because I love them too. But I especially am fond of Derby for a lot of reasons.*

*"It's a great city and they do a tremendous job running the city, you guys are growing like gangbusters. There's almost nothing, is that even a word anymore, I don't know, but they are going really fast, okay. They have made some great decisions, in terms of ways to promote economic growth and people wanting to live inside of that city. It is a great place. I may have seemed a little bit grumpy during the agenda item H and I didn't mean to be that way. I was really focused on the issue at hand. I apologize if I came across as being anything other than supportive of the city. You especially, Mr. Mayor.*

*"So I want to show great appreciation. I want to say once again, I think, that our staff would say, I think David even said it that Derby sets the bar very high in terms of writing the service plans and very intentionally providing services to places that they annex. I know that Derby has done a great job of this in the past. They are very, very good at that, I think, in this particular case there hasn't been a need so much. A need identified to do anything particularly on tract one, on the north side of the city.*

*"They have met whatever the needs are. As the needs have developed they have provided as need. So just has not been a lot of need there so I just want to say, not, I'm certainly not down on the city, I love the city and have great appreciation for it. They set bar very high in terms of how they manage everything, including*

*annexation. So I want to be very clear on that. Thank you, Mr. Mayor for that.*

*"One other thing I want to bring up, I don't know if this intentional or not, but I noticed on the agenda there is one place on the very beginning of the meeting for the public to speak and there's not, there use to be, last year we inserted public comment on agenda items, especially new business even if there was nobody here to speak. Every once and a while someone would speak, but we wanted to make it very clear to the public that, and again, Mr. Chairman, you are welcome to comment on this as well. If the public is welcome to speak on agenda items or if you are just asked to speak at the beginning of the meeting. I'm not sure how to interrupt that, so to me it's a change, I'm not sure if it is intentional or if it is implied that public can speak on agenda items as they would will or generally at the beginning of the meeting. I would like, my preference would be that they would have the opportunity to speak either generally at the beginning or on agenda items as they come up.*

*"I know there was a event last week that was less than ideal and I guess as I thought about that, I guess part of me wondered if there is new information presented during the meeting. Last week I did present some other ideas and the public didn't know that was going to come up. I'm wondering, whether or not if it would be appropriate to, if there was a desire to allow the public to speak to that, to new information that came up during the meeting. It just, I'm kind of conflicted on this, I just want to present this as a thought, I guess, I would ere on the side of wanting people to have the chance to speak if we take a position, I would whether ere on that side as much as possible. So that's really all my comments. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioner O' Donnell."*

*Commissioner O'Donnell said, "Yes, Mr. Chair. I just wanted to make a comment. Yesterday our only statewide elected official or I guess two days ago. Our only statewide elected official from Sedgwick County submitted his resignation, Ron Estes, he submitted his resignation to the Governor. It had been 20 years since we had an elected official from Sedgwick County, serving in a statewide position. Obviously, for more personal issues he was our County Treasurer for six years. So I wish Ron very well in his next endeavor as Congressman representing the fourth district for the next year and a half.*

*"Congratulate my former colleague, one of my best friends, Jake LaTurner for being appointed Kansas Treasurer yesterday. Talking to him last night, I realized he is the youngest statewide office holder in America at 29 years old. So it's pretty awesome for him. We were elected at the same time and we were the kids of the Senate. So it was really cool to see my friend, but just wanted to thank publically Treasurer Estes for his work and wish him well and hopefully we will get another statewide elected official from Sedgwick County in the 2018 elections."*

*Chairman Unruh said, "Thank you, Commissioner. Thanks for those comments. Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, I will be brief. I've had the opportunity as a number of us have to travel to WSU (Wichita State University) or have events that had to do with WSU, four times in the last week. We've got to go out as they became member of the AAC (American Athletic Conference), we then go out, got to go out to GoCreate event, they opened up the new GoCreate facility. We got to go out when Governor Brownback came down and the signed the merger between WSU and WATC (Wichita Area Technical College). Finally, yesterday afternoon at two o'clock another great announcement where they are going to host the 2021 NCAA (National Collegiate Athletic Association) Men's first and second round. I just want to*

*congratulate WSU, the impact that they are having on our city and Sedgwick County is immense. I want to thank Dr. Bardo and everyone involved for what they are doing to make a great place to live here in Sedgwick County. Thank you."*

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

*Commissioner Ranzau said, "Thank you, Mr. Chairman. In keeping with the theme of WSU, I'll second the comments from my fellow Commissioner. There has been a lot of activity out at WSU recently and we're all happy about all those things. But I think one of the most significant things that has happened out at WSU has been the approval of the Young Americans for Liberty student organization, which originally petitioned to be recognized and was denied by the Student Government Association (SGA) an attempt by the Student Government Association in my estimation to silence free speech. It was a very unfortunate and disappointing decision, but fortunately the Supreme Court at Wichita State [University] over turned that six to zero, unanimously.*

*"They will be allowed to be a registered student union and I think that is also a significant and positive event that has happened out at WSU recently. I, kudos to them and congratulation on their formal recognition. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. I think we have next an executive session, so we are ready for a motion."*

## **EXECUTIVE SESSION**

### **MOTION**

*Commissioner O' Donnell 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 matters relating to employer-employee negotiations and that the Board of County Commissioners return to this room from executive session no sooner than 11:25 and this executive session is required to protect the privacy interests of an identifiable individual and protect the County's financial interest and right to the confidentiality of its negotiating position.*

*Commissioner Dennis 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>

*Chairman Unruh said, "Before we have a recess the Counselor has a comment."*

*Mr. Yost said, "I just recommend that we use your conference room, Mr. Chair, because the other one is being used for the reception."*

*Chairman Unruh said, "Okay, good call."*

*The Board of County Commissioners recessed into executive session at 10:53 a.m.*

*and returned at 11:23 a.m.*

*Chairman Unruh said, "I will call our regular meeting of the Board of County Commissioners back to order and declare that while in executive session no binding action was taken. I don't think we have anything to report, Mr. Manager?"*

*Mr. Scholes said, "No."*

*Chairman Unruh said, "Commissioners, anything else? Then we will be adjourned."*

**Approved**

## **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 11:23 a.m.*

**BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

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*DAVID M. UNRUH, Chairman  
First District*

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

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*DAVID T. DENNIS, Commissioner  
Third District*

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*RICHARD RANZAU, Commissioner  
Fourth District*

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*JAMES M. HOWELL, Commissioner  
Fifth District*

**ATTEST:**

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*Kelly B. Arnold, County Clerk*

**APPROVED:**