

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, May 10, 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**

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:03 a.m. on May 10, 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. Thomas Stolz, Interim Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Jeff Easter, Sheriff; Ms. Karen Bailey, Chief Deputy Clerk; Mr. Brent Shelton, Tax System Director, Finance Department; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Mr. Tim Wagner, Water Quality Specialist, Metropolitan Area Building and Construction Department; Ms. Annett Graham, Director, Division on Aging; Mr. Joe Thomas, Director, Purchasing Department; Mr. Jon Von Achen, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.*

#### **GUESTS**

*Ms. Marcia Wood, President, Wichita Bar Association, 6470 South 135th Street West, Clearwater  
Ms. Jordan Mullen, 6800 East 69th Street North, Valley Center  
Ms. Crista McKay, 4017 East 85th Street North, Valley Center  
Mr. Karl Peterjohn, 11328 Texas Street, Wichita  
Mr. Gary Plummer, President and CEO, Wichita Chamber of Commerce  
Mr. Jeff Fluhr, Greater Wichita Partners  
Mr. Scot Rigby, Assistant City Manager, City of Wichita  
Mr. Kevin Jenks, General Manager, National Baseball Congress World Series  
Ms. Janice Manlove, 6470 South 135th Street West, Clearwater*

*Chairman Unruh said, "Pastor Brent, thanks for being with us this morning. Next item."*

### **INVOCATION: Pastor Brent Warkentin, First Mennonite Brethren.**

### **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, "I have had notice that two folks want to speak on the public agenda, but I believe that they're remarks are going to be specific to agenda item F. "So unless someone wants to speak right now on the tiny home issue, would you rather speak during that agenda item? Okay, we'll hold off then. I don't see anybody else wanting to speak on our public agenda on other issues. So and just as a way of*

*announcement, I believe it will take item F in front of item E when we get to that point in the agenda, so that those citizens won't have to sit through what might be another lengthy discussion on item E. So we will do it that way and with that, Madam Clerk, please call the next item."*

## **PROCLAMATIONS**

### **A     [17-346](#)**

#### **PROCLAMATION DECLARING POLICE WEEK.**

Read by: Chairman David Unruh or his designee.

#### **RECOMMENDED ACTION: Adopt the proclamation.**

*Chairman Unruh said, "Commissioners, I have a proclamation for your consideration."*

*WHEREAS, in 1962 the United States Congress first passed Public Law 87-726 designating May 15 of each year as "Peace Officers Memorial Day," honoring Federal, State and local officers who have been killed or disabled in the line of duty, and the corresponding week as "Police Week;" and*

*WHEREAS, over the years, devoted law enforcement officers of America have courageously sacrificed their personal safety, while working on behalf of the people; and*

*WHEREAS, because of their steadfast efforts to enforce our laws, we as citizens can enjoy a system of peace and order; and*

*WHEREAS, Sedgwick County desires to honor the valor, service and dedication of, not only its own Sheriff's deputies, but peace officers everywhere; and*

*NOW, THEREFORE BE IT RESOLVED that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 14 – 20, 2017 as*

#### **POLICE WEEK**

*In Sedgwick County, and call upon our citizens to show their sincere appreciation for the many law enforcement officers of Sedgwick County, past and present, and their legacy of humble dedicated service to the community.*

*Chairman Unruh said, "Commissioners, you've heard the proclamation. What's the will of the board?"*

*Commissioner Dennis, thanked the Chairman and said, "Mr. Chairman, my father was a police officer when I was born. I would be very pleased to move that we adopt this proclamation."*

#### **MOTION**

*Commissioner Dennis moved to adopt the proclamation.*

*Commissioner O' Donnell seconded the motion.*

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

VOTE

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

Chairman Unruh said, "Accepting the proclamation this morning is Sedgwick County Sheriff Jeff Easter."

Mr. Jeff Easter, Sedgwick County Sheriff, greeted the Commissioners and said, "Thank you, Kate. Well, thank you for recognizing Police Week. We do appreciate it, the men and women at the Sheriff's Office appreciate it, you know, there has been a lot of issues in the last three or four years. In reference to law enforcement we've seen an increase in law enforcement deaths, in shootings and those type of things. But, what I'm most proud of is the fact that here in the Sedgwick County area we enjoy a lot of support from our government entities, from the Manager's Office to the Commissioners and especially from the citizens."

"So that tells us on a daily basis that we know we're doing the right thing, we're protecting and serving the public of Sedgwick County which we're sworn to do. So, we do appreciate recognizing that, appreciate the citizens of Sedgwick County and how they support us. So, thank you very much."

Chairman Unruh said, "Well, thank you Sheriff. We are pleased to make this proclamation that seems like, perhaps a lame way for us to really acknowledge how much we appreciate the work that the sheriff and police and law enforcement officers all across our community do, but they are appreciated. We know that you are exposed to danger and that you stand between that danger and the citizens and try to keep our community orderly and safe. We truly are appreciative of law enforcement officers."

Sheriff Easter said, "Thank you, sir."

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

**Adopted**

**B**      [17-451](#)

**PROCLAMATION DECLARING LAW WEEK.**

Read by: Chairman David Unruh or his designee.

**RECOMMENDED ACTION: Adopt the proclamation.**

Chairman Unruh said, "Commissioners, I have another proclamation for your consideration."

*WHEREAS, our legal institutions and system of justice depend on popular participation and support to maintain legitimate authority; and*

*WHEREAS, lawyers and judges recognize that they bear a special responsibility to foster public understanding of law and legal institutions and commitment to the rule of law; and*

*WHEREAS, Law Day has been an annual observance since President Dwight Eisenhower established it in 1958 as "a time of national dedication to the principle of*

*government under law” and is celebrated nationally on May 1; and*

*WHEREAS, the Wichita Bar Association annually joins in this celebration through a variety of activities, including hundreds of attorneys to speak in schools across Sedgwick County to promote awareness of our laws and will celebrate Law Day 2017 on May 9; and*

*WHEREAS, the American Bar Association has designated the 2017 Law Day theme to be “The Fourteenth Amendment: Transforming American Democracy” in recognition of the numerous contributions to American law and society of one of the most often cited constitutional enactments;*

*NOW, THEREFORE, BE IT RESOLVED, that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the second week in May as*

*“LAW WEEK IN SEDGWICK COUNTY, KANSAS”*

*And I call upon the people of Sedgwick County to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States and our city/state in support of this educational observance. I further encourage schools, businesses, media, religious institutions, civic, and service organizations to join members of the bar and bench in commemorating Law Week.*

*Chairman Unruh said, “Commissioners, you have heard the proclamation. What’s the will of the board?”*

#### **MOTION**

*Commissioner O’ Donnell moved to adopt the proclamation.*

*Commissioner Ranzau 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, “Accepting the proclamation this morning is the President of the [Wichita] Bar Association, Marcia Wood.”*

*Ms. Marcia Wood, President, Wichita Bar Association, greeted the Commissioners and said, “Thank you. When President Eisenhower declared the first law day for May 1, 1958. He described the rule of law as like the air we breathe it is so engrained in American way of life and the American way thinking that we really don’t consider it and sometimes take it for granted. So, this week the Wichita Bar Association has declared law week and the county has now proclaimed this to be law week. As a way for lawyers, judges and legislatures and really all citizens to remind ourselves that it is the rule of law that makes America what it is and protects the freedoms we enjoy. So, thank you for this proclamation.”*

Chairman Unruh said, "Well, thank you for being here and thank you and the [Wichita] Bar Association for calling this to our attention and making us more aware of the importance of the rule of law. I've not heard that quote before that the rule of law is like the air we breathe, but I think it's a pregnant phrase it tells a lot about our taking things for granted when we shouldn't. So, we are happy have this opportunity to elevate our awareness of the Bar Association and our courts and judicial system."

Ms. Woods said, "Thank you, Chairman. It's my pleasure to be here."

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

**Adopted**

## **APPOINTMENTS**

**C**      [17-362](#)      RESOLUTION APPOINTING TRACI ADDINGTON (BOARD OF COUNTY COMMISSION APPOINTMENT) TO THE SEDGWICK COUNTY GRIEVANCE BOARD IN THE ALTERNATE CLASSIFIED EMPLOYEE POSITION.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Before I take up that item. I also want the board to know that Ms. Woods actually represents Sedgwick County in the Law Enforcement Training Center (LETC) transaction. So we appreciate her efforts on that."

Chairman Unruh said, "Thank you."

Mr. Yost said, "Mr. Chairman, item C is a resolution appointing Traci Addington to the Sedgwick County Grievance Board there is a classified employee position on that and then there's the alternate classified employee position. She would be taking the alternate position, she would be replacing Mr. Richard Vargas. Her term would expire May 9th of 2019 and I would urge the adoption of the resolution."

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

**MOTION**

Commissioner Ranzau moved to adopt the resolution.

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, "Is Ms. Addington present?"

*Mr. Yost said, "I don't believe she is."*

*Chairman Unruh said, "Okay, thank you. Well, she can be sworn at a different time then. So with that Madam Clerk, please call the next item."*

**Adopted**

## **NEW BUSINESS**

### **D     17-429**

GRANT PROPERTY TAX RELIEF PURSUANT TO K.S.A. 79-1613 IN THE AMOUNT OF \$1,668.38.

Presented by Kelly Arnold, County Clerk.

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

*Ms. Bailey said, "Good morning, Commissioners."*

*Chairman Unruh said, "Good morning."*

*Ms. Karen Bailey, Chief Deputy Clerk, greeted the Commissioners and said, "This item is in consideration of a request for property tax relief. Just to give you a little bit of background on this, Kansas Statute has a provision that provides for property tax relief if a homestead is destroyed or substantially destroyed as a result of a fire, a flood, an earthquake, tornado, storm or an event declared as a disaster by the Governor. Excuse me, the owner may apply for tax credit or abatement under statute subject to any budgetary constraints from the county or the other taxing subdivisions within their district."*

*"The Board of County Commissioners is tasked with making the following findings: First; if the property is a homestead, second; the assessed valuation of the property before damage, and third; if the property was destroyed or substantially destroyed. So if the cost to restore the property to its before damaged condition is greater than or equal to 50 percent of the market value prior to the event, the property is deemed destroyed or substantially destroyed. However, if the cost does not meet the 50 percent standard, then it is not considered substantially destroyed and does not qualify for relief. Sedgwick County adopted a resolution to establish the procedures to evaluate these applications."*

*"On this item, an application was filed by the property owner, Toyia Bulla, requesting property tax relief for damage sustained to her property located at 238 (sic) [228] E. Main Street in Mount Hope. She was notified of the agenda item for this morning's business."*

*"Ms. Bulla's application indicates that the property suffered damage as a result of a fire on February 18th of this year. The property's assessed valuation before damage was \$12,260. The damage was found to be 95 percent of the pre-damage value, so this property does qualify for the credit. The valuation and damage were assessed by our County Appraiser's Office. The recommendation is to issue an order granting property tax relief in the amount of \$1,668.38 and authorize the Chairman to sign."*

*Chairman Unruh said, "Alright. Thank you, Karen. We have a comment from Commissioner Howell."*

Commissioner Howell, thanked the Chairman and said, "I just want to, again, reflect on why this comes to us for our consideration this morning. That is when I was in the legislature, reflected back on the Oaklawn tornado that happened in 2012, great number of homes were destroyed or substantially destroyed and seemed especially cruel at that point people are very much struggling trying to get back up on their feet. "To come after them with a property tax bill and so this was a very small, small option for us, we created, to kind of, give a little bit of relief for someone who is going through a very, very hard time. We passed the initial bill 20, actually I think it was in 2013 we passed that bill. In fact, I would like to say Senator Michael O'Donnell now Commissioner, my colleague and I worked together on this and got this done. I would also like to recognize Senator Mike Peterson as well. I appreciate this, every time this kind of thing comes to us it reminds me of that tornado at Oaklawn and how we as Commissioners can help people who are struggling. One by one when these things come before us. So, Mr. Chairman, I would like to make a motion that we would issue the order approving the property tax relief and authorize the Chairman to sign."

Chairman Unruh said, "Thank you, is there a second?"

**MOTION**

Commissioner Howell moved to approve property tax relief in the amount of \$1,668.38.

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

Chairman Unruh said, "Thank you, Karen. Before we go any further, I would like to recognize the presence of a former Commissioner, Karl Peterjohn. Welcome to our meeting Mr. Peterjohn. At this point, Commissioners, with your approval we will switch items E and F and I will ask the clerk to call Item F, please."

**Approved**

**E**      [17-460](#)

**WEST BANK REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING.**

Presented by: Brent Shelton, Tax System Director, Finance Department.

**RECOMMENDED ACTION:** Take action as deemed appropriate by the Commission.

Mr. Brent Shelton, Department of Finance, greeted the Commissioners and said, "The item before you this morning is the consideration of tax increment financing for the Westbank Redevelopment District. It's a request that you are receiving from the City of Wichita. Get the slideshow ready. Basically, when a tax increment financing district is proposed by a city, it comes before the Board of County Commissioners.



*"You have a 30 day window from the time that tax increment finance district was approved by a city to take one of three actions. You may vote by simple majority to approve that TIF (Tax Increment Financing) district. You may vote by simple majority to veto the TIF district. Or, you may take no action and in which case that TIF district, it has the same effect as an affirmative vote for the TIF district.*

*"To give you a little bit of background about the district that's being proposed, its considered phase II of the river district development that the city developed a plan for in 2007. If you look at the map, you can see that the grey area entitled river district was phase I of that area. It is basically received public financing in terms of the east bank TIF district and some STAR(Sales Tax Revenue) bonds, the area that you're going to be considering today is in, roughly in this blue area but, it also it covers a little bit of additional area. This depicts in the green the east bank TIF district and the reason we talk about that a little is that it's phase I, you're looking today at phase II which is roughly outlined in blue on the west side of the district.*

*"Let's take a minute and just discuss what is a tax increment finance district. It's basically an economic development financing tool that pays for infrastructure improvements that are done today with future revenues that are generated from the increased assessed valuation that occurs over time. If you look at the model, the part that is in orange, basically you freeze that tax base at the current level and that is the tax levies that are generated going forward for the participating tax authorities. In this case, it'd be the city, the county and the school district.*

*"Once that infrastructure has been improved, development has occurred you begin to see an increase in the tax base represented in the light blue area. Taxes that are generated from that incremental valuation, that additional growth are used to repay bonds or other type of financing that was, that was used to pay for that infrastructure. At the end of the life span of the TIF, instead of being down at this level, the tax authorities jump to a higher tax base because of that increased assessed valuation. TIF districts have been used to cross the county before, most of them in the City of Wichita. We have one on the City of Derby, so it's not something that is brand new to the area.*

*"The specific one that you're looking at today, the geographic area within which that incremental tax would be captured and your tax base would be frozen for the life of the TIF start roughly from McLean [Boulevard] and Meridian and move north.  
"I'm sorry, McLean and Maple and move north along McLean Boulevard past Lawrence-Dumont Stadium, Metropolitan Baptist Church, end up at Second Street, go west to cover the area where the new library is being built then south to Pearl Street. Pearl's a block north of Douglas [Ave], it runs west of Seneca [Street], south a couple blocks back to Sycamore [Street], south to Kellogg [Street] and then goes around the ice rink back up to the point of beginning. It does encompass the Delano business district as well as a lot of the area here that was originally designated in that river district plan.*

*"The proposal that the city has presented basically generates money if you look on this at the, from the catalyst site. That's the area in yellow at the top of the map. That's an area of property that is currently owned by the city, it's tax exempt. The new public library is being built on the north part of this real estate. The city proposes to sell this to a private developer for anticipated \$50 million development. That additional tax revenue would be then used to fund improvements, mostly in the green area below, which is the stadium to either substantially renovate or rebuild Lawrence-Dumont Stadium with the hope of attracting a Minor League baseball team and then seeing additional growth over the next 10 or 15 years. It's been anticipated of about \$125 million during that time period.*

*"Those tax revenues from that additional growth would be used to pay for that improvement to the stadium. Some parking improvements to a tune of about \$8 million. A greenway that runs basically south of that catalyst site and then along Pearl street and some additional infrastructure along probably McLean Blvd. So, that's the deal that has been proposed today. My job after we get one of these is to look at the county policy and determine whether or not this TIF proposal would create adverse effect on the county.*

*"When we look for adverse effect county policy that was adopted in 19 or in 2008 tells us to look for these five things. So, we've gone through an analysis of looking at the five factors to see whether or not we can determine that this creates adverse effect. So, let's just take each one and I'll summarize what was given to you in a report about a week ago and we can see what we've found.*

*"First of all, is the loss of tax revenue that the county would suffer, hinder effective delivery of public services. Currently, within the geographic area of this TIF district, or this redevelopment district you're receiving about \$120,000 in tax revenues from the real estate in the area. With a TIF, that would be the tax base or the tax levy going forward for, up to about 20 years.*

*"If we look at a couple of percent growth that we're seeing kind of that level of growth in the area you can forgo about \$500,000 in tax revenues over the lifespan of the TIF district or over the next 20 years. If the TIF works as performed, you would forgo that \$500,000 and in the 21st year when the TIF is turned off, the tax levy for the county would be about [\$] 900,000.*

*"So, what we're looking at is a loss of tax revenue of \$500,000 given the status quo over 20 years and our tax levy would be somewhere around [\$]180,000 that 20th year. If the TIF work the tax levies for the county would be at about [\$] 980,000 in the 21st year. So, you forgo it at the front end, it's repaid back in the 21st year. What effect does that have on service delivery? The first year you're looking at \$2,500. I mean, it's, I'm not seeing that the county would be expending a lot of additional resources in the area and I'm not seeing that that level of tax loss would have an adverse effect on our service delivery.*

*"Is this project feasible if the county doesn't get involved? The stadium construction's been anticipated in the \$35-\$40 million range. I've seen some estimates it's a little higher than that.*

*"Part of the financing package for this is STAR bonds which captures sales tax revenues and there's \$20 million earmarked from that to go to stadium construction. In the TIF proposal they're looking at about \$14 million to go toward stadium construction.*

*"I looked at the sale of the catalyst site, the development that is anticipated to occur subsequent to that and outside that catalyst site area. If that occurs, then on the face of it, there would be enough incremental tax revenues to pay back \$25 million in TIF bonds. If we took the school district and the county's support or our tax revenues from that incremental value out of that, the city would have about a third of what they need to support TIF bonds. So, the question, the but fore question, would this occur without TIF? On the face of it, it's going to need some type of public support to make up that shortfall of \$15-\$16 million that the city would have to pay back if they do go out and vote bonds to the tune of \$25 million.*

*"The third question speaks to private equity funding. That one's tough for us or*

*impossible for us to address at this time. Typically, when we look at a TIF district we have a developer asking for some specific infrastructure improvements. In this case, a developer hasn't been identified so what we're looking at is if these developments occur at this level, would there be enough money to support the TIF. We really can't speak to whether or not we have a solid developer or not.*

*"Since this talks to risk, I would just say that the risk to the county is the forgone taxes if the TIF is implemented and it doesn't perform. The city's going to issue general obligation debt to pay for the, for these improvements. The TIF revenues would, to the extent that they are sufficient to pay that back, would pay that if they're short, the city's going to make up the difference for that general obligation debt.*

*"The TIF won't become active until there's a project plan filed. The project plan requires a two thirds vote of the city council. So, basically what we're seeing is one thing has to happen in order for the other occur. On the face of this, like I say, we can't really identify whether or not we've got adequate private funding at this point.*

*"Of the cost of the government, the county government greater than the benefits, some things to consider. We forgo a half a million over the next 20 years by freezing our tax base. If you assume that this would happen without TIF and all this development would occur, our contributions over that lifetime from our increased levies that are being diverted to TIF could amount to about \$11 million. So, if this deal can be done without TIF, that's what you're forgoing.*

*"So, is it half a million or [\$]11 million? It depends on whether you fall on. It can happen without it and at this point at the face of it, I'm not seeing how it can happen without something to replace that \$15 or \$16 million shortfall. The other thing is that as we mentioned earlier, you forgo that half a million over 20 years. Instead of having \$180,000 taxes generated from this area in 20 years, assuming status quo growth, you're looking at about a \$980,000 tax levy for the county in that 21st year.*

*"Finally, I would say that we were given sufficient notification. We got the public notices, so forth from the city. We knew a little bit ahead of time that this was going on. We have 10 data items that we request when we're looking at these. Number nine on that is, pertains specifically to private equity funding. Do we have a letter from a bank that says that they're going to come up with the money? That's one that we can't address at this time because we don't know the developer.*

*"The tenth item on that list speaks to some of the specific infrastructure improvements. We've got a list of general improvements that's typical with what we receive on TIF district proposals. More details would come in a project plan if that was filed at some point in the future. Let me stop at this point. I'll answer questions or give up the lectern is someone else wants to speak."*

*Chairman Unruh said, "Well, thank you for that presentation, Brent. Commissioners, are there any clarifications or questions that you have Brent at this time? Commissioner Ranzau."*

*Commissioner Ranzau said, "Yeah, let me clarify just for the record. Our task here today is not decide whether we think the project itself is a good project or not?"*

*Mr. Shelton said, "Right."*

*Commissioner Ranzau said, "It's completely has to do with this particular form of the part of the financing, the TIF district whether or not it's adventitious to the county or isn't in the best interest (inaudible), et cetera. That's solely what we're discussing*

*here today, right?"*

*Mr. Shelton said, "I think you're looking at whether tax increment financing is appropriate for the proposal that you're looking at."*

*Commissioner Ranzau said, "We have a policy that says we need to look at these things?"*

*Mr. Shelton said, "Mm-hmm."*

*Commissioner Ranzau said, "Proposed project is economically feasible without the county. Now, you say that if we don't have the TIF there would be a need for some sort of funding."*

*Mr. Shelton said, "Mm-hmm."*

*Commissioner Ranzau said, "Right? Which could come from, could it come from a CID (Community Improvement District), could it come from, because you said the GO (General Obligation) bond, they could use revenues from, from the general fund or a CID or some other way as well to pay that off."*

*Mr. Shelton said, "Right. The..."*

*Commissioner Ranzau said, "There's no requirement per se that it has to be through this TIF district necessarily."*

*Mr. Shelton said, "Right. If the, what my analysis was saying is that within these geographic boundary, if the city proposed to go forward with this and bank on their additional tax revenue, they're going to be short by about two thirds."*

*Commissioner Ranzau said, "Right. But, that doesn't mean it's economically feasible without the TIF district if there are, if they could come up with alternative ways to pay for that (inaudible)."*

*Mr. Shelton said, "Define it somewhere."*

*Commissioner Ranzau said, "Right. Now, the question we've talked about this. The cost of the county government are greater than benefits, you do an analysis based on what you're given as far as the revenue that's going to be generated by the TIF itself. You look solely within the TIF?"*

*Mr. Shelton said, "Right."*

*Commissioner Ranzau said, "Now, there's been and I've got some information, some data on TIF, research on TIF districts I'll enter into the record later and I've shared with Commissioners and staff as well that there's. The question is, if this TIF creates and this is a big issue, if this creates increased economic development and property tax revenue beyond what would've been created otherwise, then that's extra revenue and that leads you down one conclusion."*

*Mr. Shelton said, "Mm-hmm."*

*Commissioner Ranzau said, "But, if there's a substitutive effect or if the creation of this TIF district in this manner harms areas outside of that area and therefore decreases the property values there, then it could be that there's a substitutive effect*

*and there really is no net increase. Which, and then if that's the case then that leads you down a different path of whether or not this form of financing would harm the county or not."*

*Mr. Shelton said, "Mm-hmm."*

*Commissioner Ranzau said, "Okay. That's really all I have for now. I'll talk a more and maybe read some more stuff later but I want to clarify where we're at on that."*

*Chairman Unruh said, "Thank you, Commissioner. Are there any other questions or clarifications from Mr. Shelton? Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Just a quick question, again I know we don't get to vote necessarily on the STAR bond issue but can you please remind me, what's the status of the STAR bond district? Is it, the city did approve that? Does the state need to do anything with this before it goes forward?"*

*Mr. Shelton said, "From my understanding the city approved the STAR bond last week and that would, based on feasibility say that they received for that and they're anticipating \$20 million increase in revenues through those sales tax. So, I think that portion is gone through the approval phase."*

*Commissioner Howell said, "Unlike this tax increment financing option the STAR bond, does it capture all of the sales tax that is collected in that STAR bond district? So, in other words, if we are, if the county's currently collecting some of the money and maybe other cities are collecting, because we have a one cent county sales tax which is distributed amongst all cities of Sedgwick County plus the county government itself."*

*"So, that STAR bond district would essentially already lower that revenue by some amount. So, that \$20 million is over 20 years, that's assuming the project goes forward and all that economic growth continues to happen."*

*Mr. Shelton said, "Right."*

*Commissioner Howell said, "Do we know what our base is on sales tax within that STAR bond district although we've already essentially given up potentially? You don't know that?"*

*Mr. Shelton said, "I don't know."*

*Commissioner Howell said, "Alright. Thank you, Mr. Chairman. That's all my questions so far."*

*Chairman Unruh said, "Thank you, Commissioner. Anyone else? Okay, I see Mr. Von Achen standing behind Mr. Shelton, are you wanting to make a comment?"*

*Mr. Jon Von Achen, Assistant County Counselor, greeted the Commissioners and said, "I do have some clarification. I did provide a handout for you regarding actions that you can take and I think it's appropriate at this time to go through the actions before you hear any other speakers so that you know exactly what your actions are. The statute contemplates three options, two of which are affirmative actions by the Commission and one is essentially an inaction."*

*"The first thing, by statute to address is that you can consent to the TIF. In other words, you take an affirmative vote by simple majority to consent that the city can go*

*ahead and go forward to do this. The second option and this is specifically worded this way in the statute is that you have to make an adverse finding. In other words, you have to find something specific in the proposal that would be adverse to the county. If it is simply a neutral item then that doesn't rise to the level. You have to make an adverse finding pointing to something specific in the proposal that you would find to be adverse to the county. That would be part of what Mr. Shelton presented to you.*

*"The third option is to take no action in which case because the statute says if you don't take an action it goes through. So, you have the option of not taking any action on the TIF. Your 30 days I believe expires tomorrow in which case, that if we don't provide something to the city that's an adverse option, then it's deemed okay for them to go forward as to the County Commission they do have to get approval from [USD] 259 on this. Those are the two taxing authorities that are contemplated by statute.*

*"So, I wanted to make sure that you understood what was before you today so that you could, as you're receiving additional comments and contemplating the action that you knew exactly what you, what you would need to do on this which is either consent, make an adverse finding, or take no action. So, I'll take any questions regarding those options."*

*Chairman Unruh said, "I see no Commissioner asking to speak so thank you for that clarification. Commissioners, I want to give public an opportunity to speak on this issue and I think now is an appropriate time to do that. So, if there's anyone here in the audience who would like to speak then if you would step to the podium and give us your name please. We used to ask for name and address but we've had some complaint about publically revealing your address, I don't know that it's required and the Clerk's office will probably pick your address up from you privately. So, at least tell us your name."*

*Ms. Janice Manlove, 6470 South 135th Street West, greeted the Commissioners and said, "I'm honored to sit on Commissioner Dennis' Citizen's Advisory Board that he started. I just have comment and this is a very ignorant person here.*

*"So, but when I look at this plan just so much of it is already developed and I'm not quite sure why the whole Delano area was included in that. Maybe there's infrastructure that they're, they need to do in that, I don't know.*

*"But, it looked to me like the only place that can be developed is what isn't around a library, or what isn't being used by the library. So, it just seems like such a huge area, well I guess it's because the stadium's being redone. So, I just find it odd that all of Delano was included in that and that Mr. Ruffin owns quite a bit of that, some of that property down in there and I just wanted to make that comment."*

*Chairman Unruh said, "Okay, thank you very much. Would anyone else like to speak? Either for or against. If you would step to the podium and state your name. I think you're familiar with most of us."*

*Mr. Karl Peterjohn, 11328 Texas Street, greeted the Commissioners and said, "I think I'm very familiar, Mr. Chairman. You know, who will put a full disclosure here? Number of TIF subsidy proposals came up while I had the privilege of being on the Commission and it was originally set up as a tool to eliminate blight. I have hard time finding where the blight is in the example we have today. It is a tool as part of a number of others that were outlined here to basically subsidize development in certain areas.*

*"But, I want to walk you down a little bit of history in terms of development because*

*you all can't have a say in CID's, can't have a say in STAR bonds and if you don't take action today you're limited I believe to 30 days in the clocks just about run out in terms of TIF districts. This is the one area where you can have a say. One of the concerns I had when I was on the Commission was getting information about the performance of past TIF districts.*

*"Staff mentioned some of them but there are actually quite a few in this community and in parts of the country like for instance in Chicago they're very very common. But, I would mention a couple TIF's, some that, the downtown TIF that occurred prior to me joining the Commission at the end of 2008 is a 70 percent TIF and the county didn't provide 100 percent exemption and that was a tool that was used at that time and I think Chairman Unruh would probably be only who was on the current Commission who'd have any involvement in that at that point in time.*

*"I would point out that also this proposal we have here reminds me of the Ambassador Hotel proposal when I believe Commissioner O'Donnell may have been on the City Council when that was considered in early 2012. The portion of that proposal that required a charter ordinance, excuse me, I'm thinking like a County Commissioner. Need to speak like a, City Council would pass a charter ordinance subject to a protest petition and there was a protest petition a voter referendum was held and the subsidy that was contained in that charter ordinance was rejected by the voters in February 2012.*

*"This County Commission has adopted and approved in the time when I was on it, I voted against the south fork TIF at 135 and 47th Street South and I would love to see an update on the financials on that. I don't think they've met the projections that were in place that they were intending. The Derby TIF, I jokingly said that the only blight that I've found on that property, most of which was the largest parcel of which was a wheat field, might've been wheat blight. Still last time I drove by that area it's undeveloped. I defer to Commissioner Howell in terms, I think he goes by there more frequently than I do.*

*"But there are other TIF's there. There's one at 13th and Oliver. I want to spend a little time to talk about one TIF that got rejected, it was in Plainview. There was a proposal to do a grocery store and the TIF proposal came before this Commission and this Commission, Chairman Unruh and myself are the only two people in this room who were on the Commission at that time. But, the Commission voted five to nothing, not to proceed. Interestingly enough, the developer denounced the entire County Commission and left in huff.*

*"But, a couple of years later that pried a bigger project was built with a grocery store without any TIF subsidy. Now, I'm looking at this map and saying gee, I'm trying to understand where the blight would be. But, I think the real key is, if you're going to do due diligence and exercise responsibility that I think as Elected Officials should in terms of what's responsible for our community. I would urge you to get the data on past TIF's, look at the performance and if the city governments are unwilling to provide them with you, basically let them know that at least in the area of TIF's you're able to exercise a veto power by your action that you hear today.*

*"Now, I'm going to shift gears just a second because I'm a baseball fan. A lot of other folks I suspect in this room are too and I'm going to mention just a wee bit of obscure political, I'm sorry, baseball trivia. September 29th, 1957 a young seven year old got to go to his very second Major League baseball game at the Polo Grounds in New York. It was the last home game that the New York Giants ever played in the Polo Grounds. At the end of that season, they ended up going off to San Francisco, the Dodgers left Brooklyn for L.A. (Los Angeles) and a lot of other changes occurred in baseball and that was there.*

*"Reason I mentioned that was, I was that seven year old and baseball has been important. I think it's been important to a lot of towns and I think it's important to Wichita. Interestingly enough, Major League baseball arrived in Kansas City in the 1950's when the Athletics moved out of Philadelphia and came to Kansas City. Charlie Finley was the owner, rather controversial. I much preferred Ewing Kauffman who ended up taking the Royals when that franchise was created after the Athletics bailed out for California less than two decades after they moved to Kansas City. Although, interestingly enough the baseball history, Kansas City Monarchs and a number of other professional teams had a great history there.*

*"I mentioned this because this community I think sometimes suffers from an inferiority complex and we have an incredible amount to offer and to think that we have to offer a hugely subsidized development, has me scratching my head. Now, I think it's arguable whether tearing down Lawrence-Dumont Stadium is the equivalent of tearing down Finley Park and Wrigley Field. Or the equivalent of getting rid of, I'm going to mention a few stadiums that no longer exist, Polo Grounds, Crosley Field in Cincinnati, Memorial Stadium in Baltimore.*

*"That's a decision that I'll leave you with but in terms of subsidizing professional entertainment and basically providing special benefits for somebody from out of town who owns a baseball club. I really, I didn't support TIF's in the past and I'm not supporting them here today. Appreciate your time and attention. I'd stand for any questions, Mr. Chairman."*

*Chairman Unruh said, "I see no questions, so thank you for your comments. Another speaker, Mr. Plummer."*

*Mr. Gary Plummer, President and CEO, Wichita Chamber of Commerce, greeted the Commissioners and said, "On behalf of our 1,800 members, my board of directors I just want to be here this morning to go on the record to let you know that the [Wichita] Chamber [of Commerce] supports this development plan that has been put together by the city. We think it's very innovative, we think they have taken a lot of steps to try to minimize the cost to the citizens, you know, another path to do a project with this magnitude could have been something on a ballot.*

*"I want to the compliment the vision of the Mayor and the City Council and their staff for trying to find some innovative ways to fund some public improvements in this district. I don't think subsidy is necessarily the appropriate word to use on this project because the private development that's going to occur in that district will underwrite the revenues necessary to retire the bonds on public investment, as far as I know there is not a direct benefit to any private investors with this TIF. I think, it's important to point out that if you've seen one TIF district you've seen one TIF district, because I think every one of those projects can be very unique.*

*"This is one that from our view is really structured in the appropriate fashion, because the incremental revenue is going toward public improvement, it's not going towards the benefit of any private developers, to the best of my knowledge. It's being done in such a way that it limits the impact on the folks who do business in that district. You're not going to be paying extra sales tax to go to a ball game because of this STAR bond or TIF district. So, just wanted to be here today to let you know that we think it's a transformational project for the future of Wichita. Certainly does a lot to activate the river in Wichita, which we think is admirable and we would just ask you to consider it and hopefully support it. Thank you."*

*Chairman Unruh said, "Thank you, Mr. Plummer. I don't see anyone with questions.*



*So, we'll ask another speaker, Mr. Fluhr."*

*Mr. Jeff Fluhr, Greater Wichita Partners, greeted the Commissioners and said, "Do appreciate the opportunity to express our support for this initiative or this item today. The TIF district, I believe, we believe actually that our board will assist in the development of a world class river front. It will also help us in, I think, early development of a distinctive riverfront. While that's important is that if you look at river cities and there's a limited list of them. You think of Louisville, Kentucky, Cincinnati, Ohio, Chattanooga, Tennessee, Pittsburgh, PA or Pennsylvania, Nashville, Tennessee each of these cities have taken very great deliberate steps if you will to deliver, to have a distinctive riverfront.*

*"What that means is that helps in talent there are even two cities that I'm aware created waterfronts. Oklahoma City, which is now the Olympic rowing team area and then also San Antonio took drainage ditch to create the canal. If those two things were deliberately created for those two cities.*

*"So, as we think about quality of life and I echo what Mr. Plummer was saying this is a very important amenity as we move forward in the development, not only of our riverfront, not only the development of our city, but also the development of our region. One of the things that we deal with, the downtown development, the Greater Wichita Partnership is talent. So, how is it that we get the talent for the companies here, not only that are here, but how do we help them expand but new companies come in.*

*"So, talent is that new economic commodity if you will, so quality of place, quality of a riverfront does play into that. It does help increase our competitiveness as we move forward in the economic development of our city and this region. So, we believe it is an important step today to affirm this, not only for the continued development of Wichita, but also the 10 county region. We believe state as well."*

*Chairman Unruh said, "Thank you, Mr. Fluhr. I don't see anyone asking to speak, so thank you for your comments."*

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

*Chairman Unruh said, "Is there anyone else who would like to speak?"*

*Mr. Scot Rigby, Assistant City Manager, City of Wichita, greeted the Commissioners and said, "Thank you for the opportunity to share a few comments about this TIF proposal. As you know the city is excited about this opportunity to redevelop the Lawrence Dumont Stadium. I know that gets a lot of attention with this actual TIF district goes beyond just helping the stadium itself. The reason it jogs out to Seneca [Street] is because the Delano District neighborhood has asked us to look at how do we advance the Delano multi use path and that's why, you will see that go all the way over to Seneca to effectively accelerate that pathway development.*

*"Regarding STAR bonds, Mr. Commissioner, we did approve that last week. That is now up at the state for consideration that will be considered on their determination. "We are hopeful that they will take a positive view about that and so we are excited about that, but all together this project to help redevelop the waterfront takes a combination of STAR, TIF and city funds to make happen. This is, a lot of attention is on the stadium.*

*"But it is more than just that it's an opportunity to reinvigorate our waterfront, which has long been a the back door to a lot of activities. Some positive, some negative, if you think about the Riverfest activity we are currently crammed into Douglas Street. Often time the river, which this is called the Riverfest is left behind. Those can find*

*their way back down riverfront see a little bit of activity, this way is an opportunity to, with the waterfront improvement that we are talking between the STAR and the TIF is to energize that area. Delano is a rapidly seeing a lot of activity and this new investment we think that will only accelerate. So happy to answer any questions."*

**Approved**

*Chairman Unruh said, "Alright, thank you. We do have a comment from Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Mr. Rigby, thank you for being here today, I appreciate taking the time come over here today and help explain some of this because I always ask a lot of questions. First of all, let me ask is there any plans to do any other types of financing for district? Like a CID, in the future."*

*Mr. Rigby said, "You know, that's a great question. We've had that in our early discussion about this idea. We looked at that and at this time it has not been on the table simply because the fact is it's an incremental. Unless you have a key incremental, I'll call it a new development that will generate that it's questionable. Then the second part you have to have those property owners sign on board to that. That may be something a future developer who comes into project may request, but as far as this project itself we are not considering at this time."*

*Commissioner Howell said, "Let me ask another question. So, is the City of Wichita the owner of the facility? It would be, let me make an example, Intrust Bank Arena is technically owned by the county, but it is operated by a private organization that we contract with. So, is that a model that you think is a good description of how this is going to be managed in the future. Owned by city and operated by someone else potentially?"*

*Mr. Rigby said, "It's a great question, the TIF we are talked about it does developments outside what I will call the Lawrence Dumont Stadium area, but the stadium itself and the property that is tied the stadium would remain city. Now when we go through the development process one of the things we are looking for is how do we bring development up to, I'll call it the for baseball or stadium, you could say if outfield fence line how do we bring to the table. That may be a lease, that may be some future discussion with the state that may be an opportunity to sell those properties for right type of development. But at this time, the current site that were Lawrence Dumont and the Stadium and the parking lots would remain the city."*

*"Regarding if there's a lease option for the stadium itself that would be contingent if we have success in attracting affiliated baseball. Generally what they want to do is have long term lease to operate the facility with certain conditions."*

*Commissioner Howell said, "This is probably going to be a, I'm not sure you will be able to answer this question totally. But again, I would I guess, it seems to me, Mr. Shelton made the case there's the, but fore question. If we don't provide the support for this, is there any backup plan on how this would go forward that you can think of?"*

*Mr. Rigby said, "The backup plan is very difficult and it would really cause the city to pause and say do we move forward at all with the project. I think, the first step is what's reaction to the state for the STAR bond, obviously that doesn't go forward that's a major component of it. If for example, the TIF is decided not to move forward*

*that would be called a second strike and really we don't have the capability without those two components to move forward with this type of project."*

*Commissioner Howell said, "Has the city considered, I know that they've done sales tax questions on ballots in the past. Is there been any thought to do a sales tax's question, like we did with Intrust Bank Arena as a way to provide some funding for this?"*

*Mr. Rigby said, "Not that I'm aware of, but obviously I don't speak for the Mayor or council on that."*

*Commissioner Howell said, "Then finally, I guess my final question would be this, I understand that the clock doesn't start ticking until we have a project plan that is filed that begins the 20 year clock. Of course, that can happen again in the future potentially, but we know there is a 20 year clock that starts when that project plan is filed. Is it the intention of the city that they will not file a project plan unless we have some type of a contract with a triple A minor league baseball, professional baseball team. In other words, we're not going start this TIF and do all this development without some type of commitment from a team that would be, I guess the hook for the stadium. Is that true?"*

*Mr. Rigby said, "You know, the Mayor and the council are having those discussion with, I'll call it baseball operations. So that's, I can't really respond to that, but I know he's been having good discussions with that. The goal right now is if for example, the STAR bond is approved and the TIF is able to move forward that we would start earnestly preparing the detail project plan. There is always, it's a question of what comes first, does the development team come first or does the city initiate some of these public improvements?"*

*"What we are hearing from the development community is they want to see is, is the city truly committed to moving forward to the project, they want to see those initial first hard steps. Its great talk a plan and things on a paper.*

*"But is the city undertaking, I will call it construction efforts to hire design team to identify one of the aspects we'll be looking for the RFQ (Request for Quote) going out to the development community is, in the design community is where are the developable parcels and what are they, what is there interest in this?"*

*"They are looking for us to layout the vision and plan, but really more than that is when is the city going to put the shovel in the ground? So, our current plan is to move in earnest and as that works concurrently we'll be having discussions with developers as well as affiliated baseball. Just a qualifying to that lot of people just focuses this is just baseball, but it is a multi-sport facility. In order to do STAR bonds, you have to have a multi-sport facility. So, this isn't just a baseball though that might be the predominate use it will be designed for soccer and for other uses, concerts, community events.*

*"You think of, they just did one back in the Boston area where the mayor talks about it's a community park. Where it happens to have a baseball game, where it happens to have a soccer game, but it's a community enmity. So, how do we activate this area not just for the 60 days of baseball or the 20 games for soccer, but how does the community have the opportunity to utilize that asset that's a pride to the community."*

*Commissioner Howell said, "Well, very good, I appreciate your answers and that's a, just thank you for taking those questions and doing your best to answer them. I appreciate that very much. Thank you very much, Mr. Chairman."*

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

*Chairman Unruh said, "Thank you, Commissioner. We have comment from Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you, Mr. Chairman. Yeah, Mr. Rigby, you almost answered my, the question I had. I had heard some information, I wanted to clarify, this is multi use, you are going to have soccer for example."*

*Mr. Rigby said, "Correct."*

*Commissioner Ranzau said, "Is that (inaudible)."*

*Mr. Rigby said, "By state law for STAR bonds you have to have a multi-sport facility. It can't be a single sport, so it could be soccer, it could be baseball, it could be lacrosse, it could be, you know, we've had people approach about motor cross in there, even drone racing. I'm not familiar with that, but different uses within that facility. It could be for 5K starting and ending for 5K's or Ironman opportunities or it could be concerts or other festivities that the city is interested in doing."*

*Commissioner Ranzau said, "Okay, with respect to soccer, what sort of soccer events would be held there?"*

*Mr. Rigby said, "Soccer games itself. For instance, for example, Tulsa with their stadium is set up for both baseball and soccer. So, it reconfigures during off days for soccer game and then the next day or the next few days it goes back to baseball, they have concerts down there, they have other activities as well."*

*Commissioner Ranzau said, "Well, specifically I've been told, what type of soccer games I understand soccer games. I've been told there is some sort, I don't know if it's an event or something some soccer games happening out at the Stryker [Soccer] Complex it might be there. Is that true?"*

*Mr. Rigby said, "So, currently Stryker, which is for STAR bonds. We just had STAR bonds approved for Stryker is focused on youth sports. There is a currently, I'll call it minor league called FC Wichita that currently uses the existing small stadium out there, to use their fields. It's questionable whether they will remain there or not. It may be an opportunity for them to move down to here. We just simply don't know, hopefully with a new facility like this it would also attract maybe an enhanced level of professional soccer or other activities."*

*Chairman Unruh said, "Thank you, Commissioner. I don't see anyone with more questions, so Scott thank you very much."*

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

*Chairman Unruh said, "Yes, sir. If you would state your name we would appreciate that."*

*Mr. Kevin Jenks, General Manager, National Baseball Congress World Series, greeted the Commissioners and said, "I appreciate the opportunity to stand before you and express my support of not only a new stadium, a new multi-faceted stadium to be built in the Delano area, in this district we are talking about, but certainly the support of what it can mean to not only the county but certainly our community and our state."*

*"From what I understand part of this, of the, this proposal is that 50 percent of the attendees for the museum that is also being spoken to be a part of this STAR bond has to be outside visitors. For outside a 100 mile radius of Wichita. So, not only are we talking about our community of Wichita and Sedgwick County being to have the opportunity to use this facility for multiple events, but certainly for visitors that come into our community.*

*"With the work of Visit Wichita, we partner with that is something we strive for every year with the NBC (National Baseball Congress) World Series. The National Baseball Congress (NBC) has been a part of our community since 1931.*

*"The NBC World Series is the largest and longest standing and running event, sporting event in the United States. Nothing comes close to our two week event that has been played every year since 1935. I know that is a lot of numbers and dates such as that.*

*"We struggle with attendance because of the amenities of our stadium at this time for we don't meet all the American Disabilities Act (ADA) requirements. That is sad, because we have a lot of fans that are needing those types of requirements to get around our stadium. We don't have the opportunities for people to be able to still watch the game, but to go to the concession stand or go to the restroom or just walk around. We want to be able to provide fans a great event, a memorable event. The opportunity to go, yeah there is a baseball game going on, but I also got to see my kids roll down a hill, a grass hill. Those some of just a few of the amenities that we're talking about.*

*"I speak here with a lot of passion, I have the humble and honorable task of working on this event and working with the National Baseball Congress on a daily basis. So, I'm probably speaking on a level here not everyone can understand, but we have been a part of our community for a very long time and we struggle with the current amenities that we face.*

*"On behalf of our board of directors of a nonprofit organization, I ask for your support for this TIF because not only does it impact the organization that I work for, but impacts our city, our community, our county, and our state and our region. Also, with the addition with the potential of having the collegiate baseball hall of fame join the NBC hall of fame, the other sports that we're talking about, it creates a lot of energy. I believe it is time for our community to step up and catch up with other communities in our region. We ask for your support to go forward with this and I thank you for your time."*

*Chairman Unruh said, "Thank you, sir. I don't see any questions. So, thank you. Does anyone else want to speak at this time? I see some familiar faces that sometimes speak, but not today, alright. Okay, we will now, I guess, restrict conversation to the bench and ask Commissioners if they have comments or direction here. Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, just a couple of questions about the adverse effects. Thanks, for coming back up. I probably should have asked these earlier, but some of them came up as a result of some of the comments. When we are making the decision, we're supposed to make our decision based on those adverse effects that you briefed us on, correct?"*

*Mr. Shelton said, "Right."*

*Commissioner Dennis said, "Is past performance of TIF's throughout the Wichita area is that one of our considerations?"*

*Mr. Shelton said, "Not in looking at this specific proposal before you. Some of ..."  
Commissioner Dennis said, "We're just looking at this one."*

*Mr. Shelton said, "Right."*

*Commissioner Dennis said, "We're not supposed to be considering TIF's that have already taken place."*

*Mr. Shelton said, "Not according to the policy."*

*Commissioner Dennis said, "Is, there was also some criticism on whether or not the baseball stadium decision was wise decision. Is our decision here, should we be looking at second guessing what the city council does on whether or not they think that a baseball stadium is the right decision or not? Is that part of our decision making process?"*

*Mr. Shelton said, "I think that from my perspective the decision, we're providing the information that if these assumptions are met does this deal make sense from the numbers. That's what I am trying to do. So, I guess, if there is a debt rent use and the numbers work then that would be. I guess, the specific use isn't something, one example that we had years ago was a proposed TIF in west Wichita that would have been a direct competitor with other businesses in town. So, that was taken into consideration at that time."*

*Commissioner Dennis said, "A baseball stadium, do you think that is a direct competitor against anything else in Wichita right now?"*

*Mr. Shelton said, "I don't think so."*

*Commissioner Dennis said, "Okay, thank you that is all the questions I have right now."*

*Mr. Jon VonAchen, Assistant County Counselor, greeted the Commissioners and said, "Commissioner if I may specifically address some of the questions you asked Mr. Shelton. Not only is it, you know, it's by statute you are supposed to consider this specifically, this specific proposal on its own. In other words, you cannot consider past performance as part of it. You have to look at each one, at each proposed district on its own, you know, through the factors. Part of the reason I believe we have the policy is to because there isn't a whole lot of guidance in case law or attorney general opinions on this particular subject. We have a policy that basically outlines the things we are to consider for each individual project that goes along with state statute that says you are only to consider what's in the proposal. Not anything outside of the proposal, when it comes to that adverse findings.*

*"In other words, you know, you can find within the proposal where things specifically would be adverse to the county, but you cannot consider prior TIF proposals and their performance when approved as a consideration. You have to consider each specific one on its own. So, in this case those exterior factors would not be a consideration here and cannot be a consideration here by statute."*

*Commissioner Ranzau said, "Can you provide the statute language that says that specifically?"*

*Mr. VonAchen said, "I can provide it to you, I can provide it to you after the meeting if you'd like. I have literally have read, each district, it is supposed to be considered on its own by statute. If you would like I can go grab the statute and bring it back and quote it to you, but I have read the statute multiple times. I have..."*

*Commissioner Ranzau said, "I would like have some of that, I guess this may be a part of semantics I guess, but we are here to consider a TIF district."*

*Mr. VonAchen said, "A..."*

*Commissioner Ranzau said, "A TIF district. It is important."*

*Mr. VonAchen said, "Commissioner, I would say. Correction this TIF district."*

*Commissioner Ranzau said, "That's correct."*

*Mr. VonAchen said, "Not a TIF, this one."*

*Commissioner Ranzau said, "We need to, in order to make an informed decision for our continuance we need to understand how TIF districts effect the entire community. So, having an understanding of TIF districts, perhaps research associated with TIF districts to understand the negative impact it could have is imperative for us to understand. If we don't understand TIF districts, the possibilities that may occur as a result of this we cannot say one way or another whether or not it is going to have adverse effect or not. So, if you're, I have some research here with respect to TIF districts and how they effect community."*

*Mr. VonAchen said, "Commissioner, I would caution you that considering that goes down a very dark and dangerous path for the county."*

*Commissioner Ranzau said, "I would like to see some specific language that says that."*

*Mr. VonAchen said, "I will, I can go right back to my office and I will..."*

*Commissioner Ranzau said, "Because I would not be doing my due diligence if I disregard the effect of TIF districts on our entire community."*

*Mr. VonAchen said, "Commissioner, the statute..."*

*Commissioner Ranzau said, "That is what I'm compelled to do."*

*Mr. VonAchen said, "...is specific, you can only consider what's in, what's this proposal not anything associated with anything outside of this proposal."*

*Commissioner Ranzau said, "I am going to consider this TIF district. I will consider the TIF district, the effects it will have on our community."*

*Mr. VonAchen said, "If you will, if I don't have any other questions, if you will excuse me I will go get the statutory language for you."*

*Commissioner Ranzau said, "Do that."*

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

*Chairman Unruh said, "Thank you, Commissioner. Is there other comment or*

*question? Commissioner Ranzau."*

*Commissioner Ranzau said, "Yeah, Brent you can just confirm this, I want to clarify. First of all, I want to say we've had people speak on behalf this that have, in support of and opposition too that both the importance of a baseball stadium. Once again it's good to discuss that, but our intent here is not to decide whether or not we support a baseball stadium per se. But whether or not we support one particular proposed financing aspect of this proposal and whether or not it brings harm to the county."*

*"We may find that it does or does not bring harm to the county. It doesn't mean one way or another how we feel about a baseball stadium. I know there are strong emotions out there about whether or not we need a baseball stadium, I understand that. But that's not the point, but over the life of this we're expected, it will be about \$11 million from the county that will be used to help pay for this project. I know you probably don't have the exact number, but a similar amount from the school district."*

*Mr. Shelton said, "It will be a little bit more from the school district."*

*Commissioner Ranzau said, "A little bit more. That's right because their mill levy is higher, but some of it is and some of it isn't."*

*Mr. Shelton said, "Right, the 20 mills is exempt."*

*Commissioner Ranzau said, "It will be close to that, okay. Well, I do think it is important to understand. I mean, the question that we have here is will this TIF financing bring harm to the county or have an adverse finding and ability to provide services. Part of the premises as I stated earlier is that having this sort of funding will create new economic development that will create new income taxes that would not have existed before."*

*"That assumes that it will not have a negative impact on anything outside that TIF district. Because if it increases taxes inside that hurts everything outside of it and we lose money there that has an adverse effect. I think it's important for us to know as Commissioners to know if that is the case. There is also the argument about but fore if we don't do this nothing else will happen, et cetera."*

*"I do have some research here that's been done on TIF districts in the past. One of them is about employment, which is not being alleged here. But it says the result is consistent with any employment increased within TIF districts coming at the expense of lowering outside the district."*

*"But, the main one I want to talk about is one that talks about two different projects, because you see TIF districts have been around for decades and used more extensively in other areas and there has been started to do research to see what the effect is. I want to read some of this and I want some people to know that I'm just reading what's on here, these aren't my words they may be somewhat, I mean, they're strongly worded words here, but this is about two research projects."*

*"One of them said, the study said there was an offset that came from smaller growth, they acknowledge growth inside the TIF area, but there's an offset that came from smaller growth in the non-TIF area of a municipality. He says our findings were a surprise to those, especially nonacademic, who naively had inferred TIF caused growth by observing growth within a TIF district. Our findings are quite threatening to those who have an interest in TIF, such as local economic development officers who spend the earmarked funds or TIF consultants who are paid for documenting the findings of blight or but fore. Commercial and industrial TIF districts show a significant negative impact on growth on commercial assessed values outside the district. It*



*goes to say, again, there is a significant cannibalization of commercial assessed values outside the TIF district from commercial development within the TIF district.*

*"So, you're increasing the assessed value here, but you're decreasing everywhere else. So, as far as the county is concerned it's a zero sum gain, we end up spending \$11 million to help subsidize or pay for this thing that could have use to provide services, EMS (Emergency Medical Services), police, fire, what else. It says tax increment financings is alluring tool, TIF districts grow much faster than other areas in there host municipalities. TIF boosters or naïve analysts might point to this as evidence of the success of tax increment financing, but they would be wrong.*

*"We find evidence that the non-TIF areas of municipalities that use TIF grow more rapidly and perhaps more slowly, than similar municipalities that do not use TIF. Our evidence shows that commercial TIF districts reduce commercial property value growth in the non-TIF part of the same municipality. This is to say if you subsidize one store in one location there will be less demand to have a store in another location.*

*"I think it is important to understand the instrument of financing that is being contemplated here. Particularly since there are other forms of financing that could be used that would not have the same impact on assessed values or would not have the same, cause the same loss of property taxes to the county and the school district for that matter. There is a variety of them I don't need to list them all, but never the less that is a concern, I think, for us to honestly consider whether or not this will have a TIF district. We need to understand how TIF districts affect communities in general.*

*"Now, if there is evidence that suggests that this TIF district is somehow different and can defy the laws of economics so of speak, then I want to entertain that and consider that. There is some debate, it is important to remember this has some, this is a retail TIF not an industrial TIF. The research seems to indicate that same doesn't happen for industrial TIF's as opposed commercial TIF's or to retail TIF's. So, there is a, they differentiate there.*

*"So, I want to remind Commissioners that by the end of this we're going to be contributing over \$800,000 a year to the baseball stadium that we could be using for EMS, police, whatever. I don't think that is trivial amount, I personally like, I guess I have to disagree with one person, I think, CID is a better way to do it, because that's a tax right there at the facility, so the people that are using it are actually paying for it. It doesn't take property tax values from the county or the school district, you can also just use general fund revenue to do it or whatever.*

*"Never the less, this is an important factor, I think, that we should take into account. So, that we can fully assess whether or not it will have a positive or negative effect overall in the county in the long run. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Are there any other comments? Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I spent a lot of time on this, studying this for quite a while and asking a lot of questions. I even asked some more questions today. I guess I have one question for Mr. Shelton, if he doesn't mind, that before I have make further comment. Mr. Shelton, when you and I spoke earlier we talked about the aspect about blight being a requirement for TIF, but someone used enterprise zone as an alternate subject. To a way to look at an area that would also qualify an area for a TIF district, is that true? Can you please explain that?"*

Mr. Shelton said, "That is correct. In the enterprise zone definition it is spelled out in state statute as one of the criteria that makes an area TIF eligible. Enterprise zone maps were developed prior to 1992 and the entirety of this geographic area falls within the enterprise zone across the City of Wichita."

Commissioner Howell said, "Okay, that's important to me because some of the TIF's that were mentioned by one of the former speakers. He mentioned one in Derby, again, I'm not going to use this as my, as something that is going to effect my decision today. But just to make a point this wheat field is right next to my house and I go past it multiple times every day, I think, this a good example of, kind of, an abuse of this type of tool. This is one where I don't think this makes sense, let me explain why. This is one that would actually encourage a Menard's, which I love Menard's, I actually will sometimes travel from Derby all the way to north Wichita to go to a Menard's because they've something I want. It would be convenient for a Menard's to be right next to my house, but there is a Lowe's right there and that is part of the problem.

"This is a free enterprise, free market issue where that particular TIF that is in Derby would benefit a specific retailer by improving drainage and landscaping and road access for their own business that, the Lowe's right across the street from that did not get any of that type of special treatment. So, that's where I think TIF's get a kind of a bad name. That is where, I think some of them are kind of, in that camp and some of them might be in this camp.

"Let me explain further and again I was running for this seat, I was asked a lot about my opinion on these, on different types of incentives, of course, I know that we don't have a voice on a lot of these things that might be done by cities and that was the point that one of the speakers made, but we do have a voice on TIF districts. So, in keeping my promise I wanted to know. I just want the people to know, my constituents and the people listening that I am doing my best to keep my promise and be thoughtful and to be very careful to analyze each TIF district independently, I think, as was suggested by our counselor. Regardless of what other TIF districts may do.

"To me this one is different in a number of ways. First of all, I don't think there is anybody within this district that is going to have any abatement on taxes, everybody that's in the district will pay, will collect the same taxes or pay the same taxes that they would whether this district existed or not.

Mr. Shelton said, "That is true."

Commissioner Howell said, "So, there is not, some places around the city there might be an abatement of taxes that would encourage someone to come in or a direct benefit to a specific business. I don't think I see that in this case. I don't think there is any of the businesses that might develop along these undeveloped areas are going to have some type of a pass on paying their property taxes or any type in their sales tax collection. So, to me that is a very important thing. What also makes this different is because it's, City of Wichita going to own this facility, most of the money almost all of it's going toward parking and the stadium, which will be used by the community for a number of things. As you just mentioned earlier, a small amount of this money will go toward a multi modal path along Douglas [Street], if I understand correctly. (Inaudible) infrastructure and that pathway. Is that correct?"

Mr. Shelton said, "Right, it's just a block north on Douglas on Pearl Street."

Commissioner Howell said, "Right. So, this most of this is not for a specific business or any type of pass on taxes and so everyone is going to pay their normal fair share of taxes. But that money will be collected by the city to pay for this. I would just reflect once again on Intrust Bank Arena, the people did vote for that, I think, today to imagine the City of Wichita without Intrust Bank Arena doesn't seem like a thing a lot of us would support. I think, we all kind of like the Arena there and we enjoy what it provides.

"We've had a lot of discussion since I've been on this Commission about quality of life and about how quality of life is important for this community. I think this is one of those things that people want things to do, they want things to enjoy and this again, this is not a private business this is a government owned, taxpayer owned facility of all citizens to use and I don't see that this is any different really than Intrust Bank Arena. It's just a different way collecting the revenue to pay for it, is really what we are discussing today.

"Regarding the five things you mentioned in terms of adverse, well the county policy considerations. I have spent a lot of time thinking about that and I've gone very in depth even on my own trying to analyze what that, answers to those questions. Let me just quickly say, again I'm not sure that I don't want to repeat anything that has been said before, our base property taxes will continue to flow to the county.

"What we are giving up potentially is the growth on those base growth taxes over the period of the TIF district, which right now is estimated to be around \$500 million, excuse me \$500,000, excuse me or about \$25,000 a year. That's on average, now that's probably going to be a ramping effect. So, it won't be necessarily \$25,000 a year, but over time the average will be \$25,000 a year. That is my opinion not, you know, all tax dollars are precious, but that's not a lot of money considering how much money we spend over 20 years overall between the City of Wichita and the county and the school district. It is a fairly small amount of taxes.

"Our investment in this really is the potential \$11 million worth of lost revenue should this go forward. I think that you made a point and I think I believe this is true. I have talked to a number of people the, but fore in this case is real. I don't think there is anyway this will go forward without the counties support. So, the \$11 million is only going to happen if this project moves forward otherwise there is no chance we would ever collect \$11 million in tax revenue over 20 years by voting no and turning this down.

"That option, I don't think is a real option for us. So, that \$11 million would only be, will only be something in play if this project should move forward. Having said that someday down the road this will go back on the county roll. I mean, I know they can reset the clock, but eventually maybe when I'm dead this project will eventually go back on the tax roll and at that point it is a benefit to the county.

In terms of the county expenses, I (inaudible) how you count them, but I think we have around 46 different agencies separations within our county government. Again, it depends on how you count them, but looking at those very closely most of them I don't think are going to have any adverse effect or any increased cost. If there is any increased cost, for example, EMS potentially maybe more calls. Because there are more people in this area, but that's fee funded and that fee funding pays for the cost of that service.

"So, looking at everything else on this list, you know, the [Sedgwick County] Zoo

*might benefit potentially, Exploration Place might benefit because it's close to the district, but in terms of cost I can't see anything on this list that is going to have an adverse, higher cost of government because of this district. Let me make a couple of examples, the Sheriff does not do patrolling in this area. They generally patrol areas outside the city. [Sedgwick County] Fire District Number One, does not fight fires inside this area. They generally focus on areas outside the city. They might provide some mutual aid into the city, but not generally downtown.*

*"So it goes, I don't see that we have any expenses that are to speak of in terms of benefits, it's possible that property taxes around this would stay neutral. But it's also possible that property taxes around this district would increase, which if that happened would be a benefit. Now I look at Intrust Bank Arena as an example, I've had discussion with the County Appraiser and it sounds like tax, property taxes did go up some, whether that's a result of Intrust Bank Arena or not.*

*"I don't know, but reality is I don't think we're going to see a reduction in property tax revenue. But I will also say there is also potentially some jobs, there's income taxes, there's sales taxes potentially collected outside this, outside the district. There's a number of things that will happen in the community potentially because of this existing that could eventually benefit the county over time.*

*"I guess, you know, in terms of county benefits I don't think it's less than zero, it is either zero or more than likely positive number to the county. Even though we don't collect property taxes, the increment, or the extra, or the sales taxes. I think that overall the county is going to have benefits and certainly when this district expires it would also be true.*

*"In terms of risk, I think is another great comment. The risk is to the city, should this project not pan out the way they think it will. We don't hold those bonds, we don't have the obligation to pay the debt service the city would.*

*"So, I don't see we have a risk financially to support them. I do think it is important to say we want to be good partners with our friends across the street. Did they vote seven to zero on this?*

*Mr. Sheldon said, "Six one."*

*Commissioner Howell said, "Six one. To the extent I believe that home rule is a thing we ought to be sensitive too. The fact that the city has a desire to do this and it is in the heart of the city. I think, we ought to support them if we possibly can. Since there is no detriment to the county that I can find potentially a benefit to the county, I would like to support Wichita based on those reasons. I think that there home rule decision ought a be, ought to be of something significant for us to look at.*

*"I would say in terms of shifting jobs, again I heard the discussions about how TIF districts might actually work inside the district, but there is actually detriment happens outside the district because of the, way the economy works. Jobs might be created in the district, but you have lost jobs outside of the district. Again, I think in some TIF, in some TIF's and some of these types of tools it may be true, probably is true. But in this case I don't see how that's true, because who's going to lose jobs, I don't see that there is going to be shifting of people spending money or doing less things outside of district that they are doing now it just provides new, a new opportunity. So, I don't see a shifting of jobs or a shifting of economic spending.*

*"That may true in many other cases, but I don't think it's true in this case. Then, let's see, I guess my final comment, you know, we're building the Law Enforcement Training Center (LETC) there was a issue a while back about the interest on the*

development of that, development of that Law Enforcement Training Center. We generously decided to cover \$400,000 in cost to the city. I think, that was very nice that we did that, we're good partners with them. That was \$400,000 we took that out of our, out of our budget right now. That was \$400,000 we're talking about giving potentially giving up \$500,000 over 20 years. Keep that in perspective, you've got to keep all this kind of in mind.

"I guess my thought is that this is one with thoughtful analysis and very careful consideration. I know I've asked a ton of questions, I don't mean to be some people would use the word anal, whatever. I'm not trying to be that way, but I am being very thoughtful and very careful. I think this one stands up and to the extent that I think our counselor also said we must have a reason for the adverse finding. I don't think I have an adverse finding in this case, if I had one maybe we could talk about voting no. But I can't find adverse finding, it is all speculative that is based on the bad TIF's, the bad tools that may be used in the past. In this particular case I can't find anything that has been proposed that is adverse to the county and therefore I will be supporting, approving this TIF district today. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Let me just clarify. There is going to be how much [\$] 50 million of retail and office space investment in that area? Is that right?"

Mr. Shelton said, "The projections for \$50 million development on the catalyst site and then additional development over the next 10 or 15 years thereafter."

Commissioner Ranzau said, "Okay, so let me clarify for the Commissioners. First of all its not \$500,000 over 20 years, its \$11 million over that we will be losing up to about \$8 million by the end and how we do that is that retail and office space that is being developed there that will compete with areas outside. That's how you will lose your property values, your property taxes, et cetera because it will harm other places.

"Now the fact is however, you know, in TIF's generally what happens is developers have specials and they have property taxes and a lot of times those property taxes that they pay are then redirected to help pay for specials and so they don't have to really have to pay those specials directly. I think, it is important to note that staff said we don't have enough data right now to analyze whether or not the equity funding is adequate, we don't even know to what details developers may benefit from this, we don't know what kind of specials may be paid for et cetera.

"Because we don't have that information that's typically how it works, but never the less there will be \$50 million of retail that will be subsidized that will compete with all other retails within our community. That's how that happens, we can pretend to deny that, but that is the reality of the situation. I think that is important to take into consideration. I will say for the record, I've not had any meetings with any developer within this community who may or may not benefit from this project in the future. I'm just speaking for me personally."

Chairman Unruh said, "Is that all, Commissioner for now? Okay, thank you. Is there any other comment? Okay, if you would like too. Mr. Von Achen would you like to resolve the question that that's left unanswered at this point?"

Mr. VonAchen said, "Thank you, Mr. Chairman. First of all, my apologies, my job is to provide legal counsel to this board and in many ways to protect it. When I think there is an action that you're going to take that is adverse, I think, I've told you in the past that's when you see me vehemently say no.

*"The session questioned K.S.A. 12-1771 sub section D, 'No privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of K.S.A. 12-1770 which is acquired by the redevelopment district, if the Board of County Commissioners or the Board of Education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district or bioscience development district required by subsection (b) of that statute that the proposed redevelopment district or bioscience development district will have an adverse effect on such county or school district.*

*"The Board of County Commissioners or Board of Education shall deliver a copy of the resolution to the city and the city shall within 30 days of receipt of such resolution pass an ordinance terminating the redevelopment district.*

*"The key part of that is that the proposed redevelopment district, that language talks specifically to the district that is presented before you, I believe if you are looking for the potential of adverse findings. Mr. Shelton has provided you enough information that you could look at within the project itself. There are some questions, those questions are at this point unanswered, you know, there is a very real possibility that this doesn't take off like it's expected to take off. There is possibilities other development in Delano not related to the district that the county will be forgoing.*

*"These are all things to consider about the project itself and within that, I think if you are looking for something there may be something contained within there. But, if you are looking for past performance, I think that is clearly outside the scope of consideration for this item. So, it is entirely a policy decision on your part whether or not to consent or to make an adverse finding or to take no action. My consideration here is to provide legal counsel to the board. I think, considering anything outside the project itself and outside of the policy we've established to evaluate those projects presents the potential for an argument that our actions are arbitrary and capricious. That would subject us to potential of lawsuit from anybody involved in the project, which would include the city."*

*Chairman Unruh said, "Okay, thank you for that explanation."*

*Commissioner Ranzau said, "So, just to clarify. I think you've basically said, I mean, what I have proposed is that I think it is important to understand objective data and research with, that talks about the nature of TIF districts in general and how it applies in general and how it might apply to this particular situation. From what I hear there is no, there is no specific prohibition from that as I understood. I thank you for clarifying that."*

*Mr. VonAchen said, "I appreciate that Commissioner and I think if you are looking at, if you are looking at it from the perspective of the information, cause that is what we've done with our policy, information that has been provided to us in the past to do an evaluation. If you're looking at it from that perspective and saying we don't have as much information as we had other TIF districts, that's made it more difficult to evaluate those districts. To look at, look at it from that perspective that you don't have the information that complete information we've outlined in the policy. That weighs into your adverse finding then I think that is wholly within your purview to do. If you're going to, you know, compare TIF to TIF, I think that falls outside of what you're able to do.*

*"But if you are looking at the, I guess, the old line of past performance is not an indication of future results. When you are talking about a TIF that's completely true, because you're talking about, you know, that one project.*

*"But, if you're looking at it from a perspective of we don't have enough information, we've been provided information in the past and this is, that's part of the decision and I think your fine on that one."*

Commissioner Ranzau said, "Mr. Yost, do you have anything to add."

Mr. Eric Yost, County Counselor, greeted the Commissioners and said  
*"Commissioner, Mr. Von Achen has researched this, I don't necessarily disagree with basic statement. But, I also know as a former policy maker that I'm allowed, I was allowed and you're allowed draw on your own common knowledge and experience, life experience. I would suggest that if you're concerned about success or failure of previous TIF's that not necessarily be part of your findings, but I think if may be go too far in saying that you can't even think about it. I think you can, but I think as far as the finding you need to make, I think, they're set out in the statute."*

Chairman Unruh said, "Thank you, Mr. Counselor. Alright. At this time, Commissioner O'Donnell."

Commissioner O'Donnell, thanked the Chairman and said, "Thank you to the speakers that came out today. I am very excited about this project, just a little bit of clarification just so everyone knows. Because I know a lot about STAR bonds from being up at the state, but they take the additional revenue so they won't take all of the sales tax revenue once the district is formed. So, it's anything additional much like a TIF it won't take the existing property taxes only additional.

*"So, the county will not risk losing any money if this development fails or if no development even occurs. I think this gives the city an opportunity to try to do something different. I've never voted for a TIF district, I've argued against them even up here at the county when there was a bowling alley a few years ago that was being discussed. Unfortunately, the city council at the time that I was on approved, but I don't think we should be looking at this issue through an ideological lense, but actually what the project is doing. I know that Gary Plummer mentioned the word transformational, that's the word I've been using about this, so we are definitely in sync on that Mr. Plummer.*

*"But, I do believe that Wichita is at a critical time right now that we're trying to create a new identity, we are trying to retain our youth, our resources, which is going to benefit all of our employers that we're fortunate enough to have. So, having a project like this is great for the future of Wichita, it's necessary and it wouldn't happen if it wasn't for the leadership of Mayor Longwell and the city council. We desperately needed a good mayor in Wichita for a long time and we have one. We have a strong city council right now that have vetted this project and I want to be partners with Wichita that was a common theme through my campaign. I know it was a theme through the campaign through Commissioner Dennis' as well, to be good partners with Wichita.*

*"This is a great opportunity to do that, it's a great opportunity to acknowledge the visionary leadership of Mayor Longwell and I also somewhat get concerned that we try to meddle too much in other people's business. So, we get mad when the federal government tries to meddle in the state and local business, we get mad when the state tries to meddle in our business or even up to the federal government.*

*"One of the items that we can take up today is no action and I think that we need to stop this process of telling the city, yes we approve or we don't approve of what you do. I think, I don't think it's necessary for us to vote on this project today, though I am supportive of it. Because I think the city is responsible just like they are with the*

*STAR bond district, just like they are with IRB's and many other functions that the city has, I don't believe that we need to take action on this to let it go through. I think, that our counselor has given us that option as well, that we don't need to take action, on it though I am supportive of this project. Mr. Chair and so when the time comes I will be happy to make a motion."*

*Chairman Unruh said, "I think we've had lots of input and conversation, Commissioner. So, now would be an appropriate time."*

*Commissioner O'Donnell said, "Mr. Yost, if it appropriate, I'll go with option number three, which is says the Commission won't take any action and allow the TIF district to take effect and support our friends at the City of Wichita with that motion."*

#### MOTION

*Commissioner O' Donnell moved to approve not to take any action on the Tax Increment Financing resolution.*

*Commissioner Unruh seconded the motion.*

*Chairman Unruh said, "Comment on the motion. Commissioner Ranzau."*

*Commissioner Ranzau said, "Well, I will be supportive of this motion today for a couple of reasons. First of all, I am all about being good partners, but sometimes in politics being good partners is used as a euphemism of spending taxpayer dollars in a way that may not be in their best interests that's disappointing. We are by legal statute have the authority, unlike some of the other sort of incentives we don't have authority to have a say, we're exercising our authority in our statute to vote yes and vote no. I think, it's important to do that and once again with the, you know, the discussion here about whether or not we will actually lose out on revenue in other places, I think, it's very clear that we will with \$50 million of retail that will compete with other things.*

*"I think it's important that to point out that one of the things that one of the things they want to do is and I was briefed on this is soccer. One of the things that might happen is soccer stuff from another place, at Stryker, which was also subsidize by a STAR bond might be moved to another one. So, that's part of the plan to essentially cannibalize something.*

*"So, to deny that is, I don't think we should do. I'm going to make a substitute motion that we find that this action does have an adverse effect on the county for the following reasons. Number one the TIF district will likely cannibalize assessed value outside the district and that would make the cost to the county greater than the benefit. Number two that cannibalization would lead to decreased revenue and ability to provide for essential services, meanwhile number three there are other less harmful ways to finance this plan. Number four, we lack sufficient detail and data to determine if equity funding is sufficient to effect default risk."*

#### SUBSTITUTE MOTION

*Commissioner Ranzau moved to find that this action does have an adverse effect on the county for the following reasons. Number one the TIF district will likely cannibalize assessed value outside the district and that would make the cost to the county greater than the benefit. Number two that cannibalization would lead to decreased revenue and ability to provide for essential services, meanwhile number three there are other less harmful ways to finance this plan. Number four, we lack sufficient detail*



*and data to determine if equity funding is sufficient to effect default risk.*

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

*Commissioner Howell said, "Thank you, Mr. Chairman. That was a fairly long motion. You know out of respect for my colleague, I'm going to second this motion, I'm going to vote no just because I think, he ought to have a vote today. I don't agree with the premise of the motion, but do I think having a vote is important. So, assuming that this motion fails, I'll make an alternate substitute motion here in just a moment. That we would vote by simple majority to approve the TIF that will be my next motion. I will explain my reasoning why when we get to that, but for right now I will go ahead and second that motion. Thank you, Mr. Chairman."*

*Commissioner Howell seconded the motion.*

*Chairman Unruh said, "We have a motion and a second, Commissioner Ranzau."*

*Commissioner Ranzau said, "I just want to say, I appreciate my colleagues willingness to second my motion even if he may oppose it. I do appreciate it that, I think it's important to have the discussion and have the debate and we will have a vote on it. Let me reiterate one more time as someone who grew up watching the Royals and who spent many times at WSU (Wichita State University) baseball games watching thousands of people there.*

*"For me this is not about baseball good, bad or indifferent. It's about this particular form of financing and is this the best way to do it and I believe as I stated earlier that I don't believe that it is. Thank you."*

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

*Commissioner Dennis said, "Thank you, Mr. Chairman. I appreciate Commissioner Ranzau's passion on this subject, I will not be supporting your motion. This morning the Chairman and I had an opportunity along with the County Manager to go out and listen Dr. Bardo speak out at WSU. One of the things he talked about this morning, I think it was very timely is the transformation that is happening here in the City of Wichita.*

*"That transformation that's happening in the City of Wichita is really looking at a couple of areas. One, obviously is the innovative campus because that is what he's deeply involved in. But, the second thing that is transformational that is happening in the City of Wichita, which I think is direct result of our current leadership that we got over in city hall is the development that is happening downtown and especially the development that we're looking at right now along the riverfront.*

*"That's why I will definitely be supporting one of the two motions that comes up. Well, I will see what happens here at the end, but I won't be supporting Commissioner Ranzau's motion at this time. I think we are in a transformational period, I appreciate the comments I heard this morning from Dr. Bardo and I look forward to seeing what happens in the future with City of Wichita. Thank you."*

*Chairman Unruh said, "Thank you, Commissioner. We have a motion and a second. I see no one else asking to speak. So, Madam Clerk will you call the vote on the substitute motion."*

VOTE

Commissioner Dennis

No

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

Chairman Unruh said, "So, substitute fails and at this point we are back at the underlying motion. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I would just like to say, letting this go into effect without a vote in my opinion is not totally transparent in my opinion. If we're going to support this we ought to vote and stand up proudly and explain our vote. I think that is a better option.

"So, I would like to make a substitute motion there had been people in the past said I've never voted for a TIF district, but they have supported by letting it go into effect. To me that's not exactly what that implies when you say I didn't vote for a TIF district, but yet you supported it by letting it go into effect. I don't say that, I don't know when that may have happened, I'm not accusing anybody particularly over that I just think that is an opportunity for that to happen. I think it would be much more transparent for us to go ahead and clarify our support or opposition to this TIF district. So, I would like to make a motion that we would approve the TIF district. Thank you, Mr. Chairman."

#### SUBSTITUTE MOTION

Commissioner Howell moved to approve the Tax Increment Financing resolution.

Commissioner Dennis seconded the motion.

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

#### VOTE

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

Chairman Unruh said, "Substitute motion passes that we are approving the TIF district. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to make a quick comment. I meant to say this during when I was making my motion, but just in case someone thinks I have done this for personal reasons I don't receive campaign contributions from anybody, I'm not personal friends with anybody, I don't even like baseball. So, having said that that's really not it. So, if anybody thinks I'm doing this some personal reason that's not true. Maybe I will get to learn to like baseball down the road, but right now that has nothing to do with my support today. I'm just doing my analysis and doing this based on things I've already articulated. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I believe we are ready for the next item. Commissioners, before I have the clerk call it, we've been here for two and a half hours. The next item should go relatively quickly. What does the board, would they like to take a five minute break. I don't see anybody asking for it. So, we will carry on. Madam Clerk, next item, please."

F [17-440](#)

CON2017-00007 - A COUNTY CONDITIONAL USE REQUEST FOR A ONE-VEHICLE RECREATIONAL VEHICLE PARK ON PROPERTY ZONED RR RURAL RESIDENTIAL ('RR'); GENERALLY LOCATED EAST OF HILLSIDE AVENUE NORTH, ON THE SOUTH SIDE OF 85TH STREET NORTH (DISTRICT 4).

Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

RECOMMENDED ACTION: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

*VISUAL PRESENTATION*

*Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "As she indicated this is a conditional use request for a one unit recreational vehicle to be located on the property with the arrow pointing to it there, about halfway between North Hillside [Avenue] and 47th Street. This is the zoning map and as you can see here the property is zoned RR Rural Residential as is all the property surrounding it. There is an aerial, it is currently vacant except for the RV (Recreational Vehicle) that you will see here in a moment, to the east the lot that is located here is same as the owner as the application area.*

*"So the owner has a house here the person that would occupy the proposed RV is a, is not an owner of any of the land, but would just reside there in the RV. Then you can see here further to the east there are unplatted and platted large lot residential home sites. To the north there is a very large lot residential home site, here in the center farm ground to either side of that and additional farm ground with a farmstead there.*

*"The comprehensive plan shows this is to be in the rural, in the rural area, protests equaling 18.57 percent have been received. Because it did not meet the 20 percent criteria this case can be approved with a simple majority or if you decide to deny it, it will take a two-thirds or a simple four out of five vote to override the recommendation of approval by the Metropolitan Area Planning Commission (MAPC).*

*"I think, there are people here to speak both for and against the application, but in general some of the concerns that were expressed was that this particular use would be out of character with the site built homes that are found in the areas to the east and north. Would represent potential to allow, if this one is approved then it would allow additional recreational vehicle campgrounds with many more units in, as opposed to just the one as is proposed.*

*"The applicant, see if I can get to, the property does have flood plain on it, however the location where the proposed RV would be located is outside of the flood plain as is the waste water solution site plan showing the proposed RV and how other structures might be located on the property. There is the RV, it was as I understand it, it was built by the applicant and she wishes for it to remain on the wheels. So that's why it had to be considered a recreational vehicle, couldn't consider it a home, because it's not going to be placed on a permanent foundation, still going to remain on the wheels and there's several paragraphs in the staff report that explain how we got to the decision that this was an RV.*

*"The zoning code allows the zoning administrator to evaluate each individual request and classify the use to the category that it best fits and that's what happened here. The zoning administrator determined that this particular set up was a recreational vehicle. So that is how we got to the conditional use request for a one unit recreational vehicle campground.*

*"The applicant has agreed to a number of stipulations, part of them are that should the home be moved off the site for 30 days that the conditional use would be null and void. The conditional use would last for three years and at the end of three years, if they wanted to still live there they could come back and ask the planning commission for an additional two years. But there is nothing that requires it to remain there for the three years. If for example, the owner would move out of state and decide to take the unit with them, then once it's gone for 30 days then the conditional use is null and void.*

*"This is looking north toward the section line road, looking northeast these trees screen the unit from the road to some degree there is, obviously there's a break where the driveway is that allows a pretty good view of the home as you drive by. Looking west, looking southwest from section line road again, looking southeast back toward the home that is owned, that the owner of this tract owns with the site built home. Looking east down the section line road and west and there is the driveway entrance that gives view to it when you go by. Northeast again and I believe that's it.*

*"With that I would try and answer questions. Tim Wagoner is here if you have questions about the waste water solution, I believe the applicant or her agents are here as well as people that are interested in speaking on the subject."*

*Chairman Unruh said, "Alright. Thank you, Dale. Commissioners, do you have any questions of either Dale [Miller] or legal counsel before we ask for public comment? I don't see any, I would declare that I have not had any direct ex parte communication on this issue. I did receive voice message and we have printed backup material on this agenda item that I've read through and it's not influenced my opinion and I am ready to hear testimony and make my decision based on the testimony today. Commissioners, if you've had any ex parte communication now would be a good time to speak to that. First, Commissioner Ranzau."*

*Commissioner Ranzau thanked the Chairman and said, "Yes, I had ex parte communication with Stephanie Bowen several weeks ago, she called and expressed her concerns about this, I have driven out to the site. With that being said, I'm going to abstain from this vote for a multitude of reasons. While I don't know Jordan Mullen, but I do know virtually everybody else involved in this. I know her parents, her grandparents, her uncles, I went to school with them and wrestled with them and her Grandad has supported me politically in the past.*

*"So for myriad of reasons, I think, it's best that one of the concerns that was brought up to me was that John McKay was on the MAPC and that it looked bad and like I said, I've known John, well everybody for decades. So I think for all appearances at least that I abstain from this particular vote."*

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

*Commissioner Dennis, thanked the Chairman and said, "I just wanted to clear that I have had ex parte contact. I have read all the staff reports and it does not affect my decision."*

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

Commissioner Howell said, "Thank you, Mr. Chairman. I also did have a little bit of ex parte communication. A lady named Dusty spelled as DUSTEE Self, who lives in Bel Aire called me on the 4th of May and was advocating for support for the owner of this RV. We briefly spoke, I encouraged her to email her concerns, her ideas and I don't think received any email from her. But my decision today will be based on what is presented today. I have not driven by it and I am not friends with anybody involved in this. So my decision today will be solely on what's presented here before us today. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Are there any other comment or question, before we ask for public comment? Seeing none. I know there is two people who have signed up and if there are others here who want to speak we will allow for that, but first was is it Jordan Mullen. If you would like to step to the podium and state your name."

Ms. Jordan Mullen, 6800 East 69th Street North greeted the Commissioners and said, "My name is Jordan Mullen and I am the owner of the tiny home being discussed today. First, a short background on myself. I've always lived in this community, I grew up around there my whole life there is only two times where I didn't live there. It was while I received my college education at Friends University, I lived in town, Wichita and when I was 11 years old, my parents growing up they purchased 80 acres not too far from this property and designed and built their forever home, but when I turned 11 we had a house fire and lost the house, all the way.

"So we had to look for a new place to live, we lived in a couple different areas, moved around, but they found another home just two miles east of that and the only reason I'm, and that is where they still live today. The only reason I am telling you this today is because I believe it has, it is one of the reasons why I have chosen to live in a tiny home to live tiny. I value my family and my relationships a lot more than I value items or something I can build with my own two hands, but that doesn't mean that I am not able to take pride in what I do own. My parents and family all have very desirable homesteads and houses and I will never speak ill of such things, but for me personally, right now I look forward to experiencing a minimalistic lifestyle.

"We started this journey a few months ago. My aunt and uncle offered up their extra five acres that, they live on five and have five right next to it, for me to have a place to put my tiny home while I still choose to live here in town. So, we started making the phone calls, we knew that we would need water and electrical and all that stuff. So, they called on the water, the water meter dropped in, we told them that we were doing and they dropped it in, it went in really smoothly.

"We called Westar and they brought out and installed the transformer. They knew it was going in for a tiny home plot over there. But when it came to dropping in the meter, Westar said, you know, we would like the unit to be brought out on this property.

"So, we can see what is going to be plugged into this meter here. So, we tried to show them some pictures and really explain to it, it would plug in very much like an RV, a 50 amp plug and this is what we would be doing. They said go ahead and bring it out here and we said okay. So, that was about on a Thursday and they were going to come back on a Monday.

"So, we got some gravel out there on the property and got the tiny home out that Saturday and just parked it out there for them to see it. So, Westar came out the following Monday and they looked at it and they said yeah that will work. Go ahead

*and call your county and look into rezoning for this property because it, you're going to be plugging it in, this might be considered an RV and what not. We said oh, we would have liked them to tell us that, kind of, before we had moved it out there, but that's alright.*

*"Then this whole process, you know, as new things came along we would stop what we do and follow what people are telling us. Because we want to follow the rules and do this the appropriate way. So, now this is the third meeting. The first meeting chose to defer it because we found out about protests, like right there at the meeting. We choose to defer it, so we could go around and talk face to face with our neighbors and inform them exactly what we are going to do. Because the conditional use sign that we were required to put up just said development for an RV park. So, we thought it was important to just to express to them our intentions and what we will be doing.*

*"The second meeting, came along and we had able, we had time to do that foot work. During that time we were able to write up a restricted covenant and that's, kind of, just a extra step we that we took to protect the property and to insure the neighbors that we are going to do exactly what we are saying we're going to do. It's tied to the VIN (Vehicle Identification Number) number on my trailer only after the five years that property cannot be used for the recreational purpose ever again.*

*"So now we're at the third meeting after the appeal process came through and at this point I would like to discuss some of the points I discussed at the second meeting. Just to clarify some of the issues that were brought up and then after that I will answer any questions you guys may have. So, one of the things was the disposal process. We talked to this with the county and I informed them I would be having a composting toilet and a grey water system. At no time has there ever been or will there be any kind of sewage exiting my house through this system. It is only going to be grey water exiting my house because of the type of toilet that I did decide to purchase.*

*"Also, an issue of property value was brought up, in regards to the neighbors. As far as I understand the tiny home itself is private property, it will move as the landowners move or myself move away.*

*"That being said, the tiny home cannot devalue my aunt and uncles house or property, land let alone the surrounding areas around it. It would be like owning a flatbed trailer on your property and parking it there, it doesn't affect the house or the land worth that it's parked on.*

*"Second, the terminology of RV Park, I know we don't have actual tiny home laws set in place at this time. Because of this I tried to ask for a variance, first of all, I tried to ask for a variance and I was instructed at that point to apply for CUP conditional use permit. I understand that Sedgwick County is working with what they do legally have right now and that is the RV laws set in place. They are already legal and safe for individuals to be living in a RV and for the people who live around the RV.*

*"So, as I agree to live by this CUP (Conditional Use Permit) that we are discussing today, I also am agreeing to live by those rules and with the electricity, the sewer disposal and water intake and whatnot and paying my taxes. I appreciate the opportunity of the conditional use permit because I know that it will allow me to live in my home with specific codes and laws that are set in place to protect myself and the surrounding neighbors.*

*"Another concern was a lack of respect and to my neighbor's property. I want you all to know that I respect my neighbor's and their property very much. By no means did we sneak the tiny home out there, like I said we did things in the order because of,*

*kind of, how we were instructed as we went. So, the staff gave me a list of addresses to contact within the thousand feet. As soon as we got that I sent out a personal letter before the first meeting, before all this started just too kind of, give them a heads up.*

*"It's been interesting before people got to know me, you know, they had some pretty strong concerns and I was called heartless, and disrespectful and that I was intentionally breaking the law. They even brought up a website, like explaining to tiny homeowners, hey guys this is how you should live illegally. They used that as one of their references in a letter. I just hope that after me explaining the order and why we did what we did. You can understand that by no means that was the case and if anyone of my neighbors would of had concerns would have had any concerns, I wish they would have come to me directly. That was the whole point of my personal letter to get to them that day.*

*"So, now since the last couple meetings, I have, well, since the first meeting I was able to go around to those neighbor's and have the conversation with them about what we were actually doing. It was at that time I wrote up a restrictive covenant and I have that here today. I think you guys might have a copy of that, if not I can give it to you. A lot of neighbor's, it kind of, put them to ease, face to face, they really appreciated that and so I think, that was just a good move on our part.*

*"In conclusion, I just, I want to have the freedom to go where my career takes me, but for the time being this is my home and I want to be in this community. I jumped on the opportunity not only am I safer to be living near my family, but I'm excited to take care of the property. Beforehand it had no use just tall grass and overgrown burn piles. "I look forward to making it a beautiful addition to the neighborhood. I'm asking you all today to understand the conditional use is the only at this moment in time to let me live in my home on the private property. I wish the verbiage was different, I honestly believe that calling it an RV Park was the biggest concern.*

*"So, I called Sedgwick County's Zoning Department on April 5th, the day before the last meeting. Just to clarify what it would look like on the new zoning maps. They told me that it would still be named Rural Residential, but it would have a tag onto it, just claiming it has a CUP and then you could research what that is for. Last but not least, I'd like to continue to work with the county in any way possible to help adjust the tiny home laws and terminology for the future. I want to thank you for your time today and I would like to answer any other questions you may have."*

*Chairman Unruh said, "Thank you for the presentation. Commissioners, are there any questions? See none, so thank you."*

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

*Chairman Unruh said, "We have another person signed up to speak, Crista McKay."*

*Ms. Crista McKay, 4017 East 85th Street North, greeted the Commissioners and said, "My husband I own, it's a total of 10 acres, but we own this five and we live next to this other five. I've been in real estate for almost 20 years and I know the big issue with the homeowners. This affects their property value. This is considered personal property it's not considered real property. Where we live it's not a neighborhood. I live on, I have 10 acres, the people across the street have 40 [acres], the guy next door has four [acres]. As far as property value goes, every bodies diverse, I could be worth [\$]300 [thousand], the guy across the street could be worth [\$]150 [thousand] and I think, Ms. Bowen who's upset is out of the thousands square foot, I think she built a million dollar house. That's her choice to do so.*

*"My husband has lived in the area for almost 45 years, I've built my very first house probably four miles from there at 93rd and Rock [Road] in the year, in 2000. I bought the 20 acres, I sold the 20 acres behind me that, people built the house and they raise show goats. So they put up this big fence around this 20 acres and they had show goats and they still have show goats, but at the end of the day they bought rural property and I can't tell them what they can and cannot do. As far as the tiny home on this property, I guess, I popped off to soon, but if I can put a mobile home there, which I can put a mobile home without permission. I just have to get a permit through Kelly Dixon to put one there. I can have 20 pigs on this property without anybody's permission, per county code, rural, I assume this would be considered the same thing.*

*"So, in working with Kelly Dixon, which I have for 20 years, for real estate transactions I am like what do I need to do? He said you need to change your zoning it shouldn't be that big of deal, fill out an application, pay 660 bucks and go to the [Metropolitan Area] Planning Commission. We did that and we had never been approached by anybody that lived in the area. So, even though, I don't have a map, but even though people protested not one person came and knocked on my door or asked a question. They just assumed we were breaking the law and doing all these things.*

*"In the mean time we were working with the county. We were working with Tim Wagner on the waste water, we're working with things we're supposed to do per code. Now the Bowen's live on some ground and they have restrictive covenants, there is a couple of other people that live out of the area and in a neighborhood on acreage and they have restrictive covenants, we do not have restrictive covenants on this property at all. At the end of the day, I think, as long I'm following county code and county regulations, Sedgwick County is my homeowners association.*

*"She's not devaluing my property today, tomorrow, five years from now that five acres is still going to be worth today what it's going to be worth five years from now, maybe go up, but her tiny home has no bearing on anybody's property because when an appraiser goes out to appraise a property that's invisible. Because it's private, personal property, it's not real and I think that was just the biggest problem with a lot of people was that is devaluing their property and that's going to set a precedence for other people to go do a tiny home thing.*

*"I have no control over anybody else, but she's not hurting anybody, she's spent two years designing it, she's spent a ton of money, she's got a \$2,000 toilet in there. I don't know anybody in here who has a \$2,000 toilet, but she did state of the art, she did her research and I think she did an amazing job. As long as we do what the county says we need to do I, she's not hurting anybody. So."*

*Chairman Unruh said, "Okay, thank you for your comments. Commissioners, any questions? I see none, so thank you. Is there anyone else who would like to speak on this topic who did not sign up to speak? I don't see anyone rising to speak. So, Commissioners, do you have any comments or questions? Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I have a couple of questions, I'd like to ask. I don't know who can answer them. So, I will ask the room, see if someone can answer. Curiously, again if I understand correctly this is being considered personal property, so in regards to our Appraiser's Office are they going to issue an assessment on, a value for the land itself and then the building will be taxed as personal property? I'm getting to the issue of how this is going to be classified in terms of our tax collection. Is it real property or personal property?"*



Mr. Miller said, "I contacted the Assessor's Office and asked them because at the planning commission meeting there were questions about how this would be categorized. What they told me was that the RV itself would be considered personal property."

Commissioner Howell said, "Okay. She mentioned it has a VIN on trailer, I guess, I don't know how that works, but does she need to pay some kind of personal property taxes to the DMV (Department of Motor Vehicles) to get some kind of license?"

Mr. Miller said, "If it's over 2,000 pounds and I assume that the house itself is that and plus that they are required to get a tag."

Commissioner Howell said, "Okay, so is that, this has a tag so it can go down the road? Down the road it would have to..."

Mr. Miller said, "Yes, that is my understanding."

Commissioner Howell said, "...keep that current. Okay, one of the previous speakers mentioned that restrictive covenant as a possibility. Can you verify that, had the landowners wanted to do this they could have developed a restrictive covenant for some region around these properties like an HOA (Homeowner Association) type of agreement amongst the landowners on what's allowed, is that type of thing done in the county, would that have been an option before this was proposed today?"

Mr. Miller said, "Well, I'm not sure what you're asking, but I mean, a restrictive covenant essentially is an agreement between a buyer and a seller."

Commissioner Howell said, "Okay."

Mr. Miller said, "To certain conditions and it's strictly up to the buyer and seller to agree and enter into that contract between themselves. It would not be anything that Sedgwick County would enforce."

Commissioner Howell said, "Right, I understand that, again there is a lot, obviously a lot of people are aware of homeowner associations all over the place. Some of them, I think, are even out in the county. I guess landowners would have the option of organizing some type of an association between them that would be self-imposed limitations on their agreement between those different landowners. That would be an option that they could have done at some point in the past had they wanted to do that. Is that true?"

Mr. Miller said, "Yes, I mean I guess what, you know, typically platted properties come with a restrictive covenants that the developer places on there, the particular properties closest to the application area are not platted. So, there is no covenants attached."

Commissioner Howell said, "Okay, very good. Again, this might be an appraiser's question, but someone made the comment that the personal property parked on land. I imagine if it was a trailer, or a boat, or an actual RV being parked on this land how that would have any impact on property values around, around this property. Is there anybody who can speak to that?"

Ms. McKay said, "I sell real estate. Again it's personal property so that is zero bearing on the appraisal."

*Chairman Unruh said, "Miss, would you like to hear her comment?"*

*Commissioner Howell said, "I would like that."*

*Chairman Unruh said, "Please step to the podium."*

*Ms. McKay said, "In real estate it's personal property. So, it has zero bearing on an appraiser doing an appraisal on a property. So, if the guy at the corner sells his house and actually an appraiser gets to go within nine to ten miles outside his radius because it's so diverse. It's not like a neighborhood where it's one of four plans, you know and they've sold a bunch of them. They have, they get to go back 12 months to find a like property that's being sold. So, they have to find a five bedroom, three bath, five acres. Jordan's place would be invisible because it's not permanent, it's not real property, it's personal."*

*Commissioner Howell said, "Right."*

*Ms. McKay said, "So, it doesn't have, doesn't have bearing on my house if I sell it tomorrow. Because she can leave tomorrow and it's gone. So, as far as property value, real property value she holds zero bearings on anybody's value."*

*Commissioner Howell said, "Yeah, I guess my comment on that it does make sense to me and I appreciate your position. I was wanting to get someone else besides just you..."*

*Ms. McKay said, "Oh, sorry."*

*Commissioner Howell said, "No, this is great. I appreciate you explaining to me a little further, again, your logic does make sense to me and I think I would agree with what you saying. I was just wondering if there was anybody that could confirm that. So, anyway, to the extent there is nobody else here to speak on that, I will assume that's probably true. Thank you for your comment."*

*Ms. McKay said, "Okay."*

*Commissioner Howell said, "Maybe one more for Mr. Miller. She made a comment earlier that, she could have put a, someone could have put a mobile home on this property and not have to go to this process. Is that true?"*

*Mr. Miller said, "No. The only home that's allowed by right and this gets into technicalities, is a residential designed manufactured home. Those are by definition are 22 feet wide or wider have a sloped roof and have siding and roofing material that are that are similar to site built homes and placed on a permanent foundation. By state law those are required to be treated as if they were site built. All other modulares, single wides require, in order to do a single wide you have to have 20 acres otherwise you have to get a conditional use. So there was an error in that."*

*Commissioner Howell said, "Okay. That makes sense to me as well. Can someone tells me what happens, how do they handle the grey water? What is the plan for the grey water? Maybe Ms. Mullen can came back to the podium and tell me what happens to the grey water?"*

*Mr. Tim Wagner, Water Quality Specialist, Metropolitan Area Building and Construction Department, greeted the Commissioners and said, "They are going to use a wet land basically waste water system. It's only going to handle the grey water, it gets treated in the wet land, most of it is probably going to evaporate, it's going to*

*be so little use there. If there was an overflow, there is going to be an overflow lateral line, so it will be discharged underground at that time."*

*Commissioner Howell said, "Okay, makes sense. I'm also curious we've talked about electric, we've talked about waste water, is there a plan for propane at this site? Does that matter? I'm not sure this is probably total electric home, I'm guessing. Some RV's use propane. I was just curious if there was a plan for a propane tank out there. I'm sorry, I didn't mean for you to have to come back up again."*

*Ms. Mullen said, "That's fine, I don't mind answering your questions. I do have two propane tanks like you would see in front of an Airstream or an RV, they are mounted on the trailer. The temporary ones you would go a fill and exchange. It just works my stove top, so and my instant hot water heater."*

*Commissioner Howell said, "Thank you very much. I've got one more for Mr. Miller, I'll probably stop talking after this, but if somebody wanted to build very small home, let's say a 300 square foot home out there, they could do that. Could they not? It could essentially be built very similarly to what is on this trailer, they could have pulled permits or whatever and built a very small home on a foundation and done that by right. Is that true?"*

*Mr. Miller said, "Absolutely."*

*Commissioner Howell said, "There is no requirement for size?"*

*Mr. Miller said, "No."*

*Commissioner Howell said, "A look or anything like that? Alright. Well, I've got, I'll be thinking about this for another few minutes, but that is all my questions for now. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioners, are there any other comment or question? What's the will of the board?"*

#### **MOTION**

*Commissioner Dennis moved to approve the conditional use subject to the conditions recommended by the Metropolitan Area Planning Commission, adopt the findings of the MAPC, authorize the Chairman to sign the resolution.*

*Commissioner O' Donnell seconded the motion.*

*Chairman Unruh said, "Thank you. We have a motion and a second and now discussion on the motion, Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I would have been glad to motion or second, but I will be supporting the motion this morning. I would like to just say as we move forward, I think, again I'm fully aware this is kind of a, I think it is kind of sweeping the nation, I think, that these, I will use the word tiny home rather than RV, I think the reason we are using the word RV is we don't have anything on our code that really recognizes this specific type of housing.*

*"I think we need to go ahead and ask our experts in a different, in planning or wherever to begin to develop something that would deals with tiny home zoning and standards. I remember listening to one of the city council meetings a while back and I think, maybe it was just one of the city council members of the City of Wichita, they*

*have talked about using tiny homes as a, as an area to help with inexpensive housing for some of the folks downtown. Somewhere in the city, so this is something.*

*"I think is going to continue to be developing. We will see more and more of this as we go forward, I think we need to not use an RV standard and do it this way. I think we need to have a separate set of language for tiny homes. So, I guess, I would like to ask our staff to put that on their to do list and hopefully we will be able to handle this differently as we do these in the future. That's all my comments, Mr. Chairman. Thank you."*

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

*Commissioner Dennis said, "Thank you, Mr. Chairman. I'll echo Commissioner Howell's comments. I served on the MAPC for nine years and never had a case like this in the total nine years that I served. So I think maybe it would be a good idea to have some additional guidance out there on what we do with tiny homes in the future."*

*Chairman Unruh said, "Thank you, Commissioner. Is there any other comment or question? We have a motion and a second. I see there is no other request to speak, so Madam Clerk we will ask you to call the vote."*

#### VOTE

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

*Chairman Unruh said, "We have a follow up comment from Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you, Mr. Chairman. As I explained earlier, I did abstain. I went out of my way not to speak to my Commissioners about this issue at all before it came before us. Now that it's over I do want to concur with my colleagues, I think, we need address this as we move forward. I think that the idea that it was called a RV Campground raised a lot of concerns, I think, the agreements made by the applicant and Ms. McKay were very compelling. I do support the decision, I think it was the right decision to make. I would be interested in working with staff to move forward and try to find the possible way to amend our codes. If we can make this more clear and easier for people in the future."*

*Chairman Unruh said, "Alright. Thank you, Commissioner. Well, thanks to all who participated in this discussion and now we will move forward with the agenda. Madam Clerk, I believe we're ready to have you call Item E."*

*Ms. Heddie Page, Deputy County Clerk, said, "Yes, sir."*

**Approved**

**G**      [17-425](#)

CONSIDERATION OF A GRANT APPLICATION TO THE WICHITA AREA METROPOLITAN PLANNING ORGANIZATION (WAMPO) IN THE AMOUNT OF \$97,015 FOR THE FUNDING OF MEDICAL AND SOCIAL SERVICE TRANSPORTATION FOR SENIORS AND

INDIVIDUALS WITH DISABILITIES.

Presented by: Annette Graham, LSCSW, Director, Sedgwick County Division on Aging

RECOMMENDED ACTION: Approve the grant application, authorize the Chairman to sign the three (3) grant application documents, and if awarded authorize acceptance of the grant, establish a new internal order for budget authority as outlined in the Budget Authority Adjustment section of this request, and establish a new 1.0 FTE Driver position as outlined in the Personnel Considerations section of this item.

*Ms. Annette Graham, Director of Aging, greeted the Commissioners and said, "What I bring before you today is a one year grant application that would provide medical and social service transportation for seniors and individuals with disabilities living in the urbanized communities in Sedgwick County. The program service areas would include the cities of Kechi, Valley Center, Maize, Goddard, Haysville, Derby, Mulvane, Bel Aire and Park City and unincorporated areas of Furley and Schulte. The grant application is due on May 19th.*

*"The total program costs for this are \$136,489. The attached grant applications for Sedgwick County provide for Federal Transit Administration (FTA) funding for operations, vehicle acquisition and contracted rides. Sedgwick County transportation will be responsible for matching funds for the operations and contractual portions of the grant and fleet reserve funds will provide the match for the vehicle portion of the grant. KDOT (Kansas Department of Transportation) will pay the vehicle acquisition grant funds directly to the approved vendor and the vehicle will be titled to Sedgwick County and maintained by county fleet. Included in this grant is the operations grant proposal, which includes one full time(FTE) driver position to the staffing table at a total cost of \$40,232, which includes estimated salary and estimated benefits.*

*"In this there are three separate grant applications. One is for the operations and that has a 50/50 [percent] match, the federal funds would be \$23,573 and a match of the same. The vehicle acquisition is 85/15 percent match with federal funds of \$33,441.55 and a match of that of \$5,901.45, for the contractals 80/20 [percent] match and so that's \$40,000 federal dollars and \$10,000 match for the total of the grant amount \$97,114.55. The grant period would begin January 1st, 2018 and would go through December 31st, 2018. We would anticipate providing 10,929 rides in 2018 with these funds.*

*"As you might recall these services to those areas outside the Wichita city limits, those urbanized areas was decreased by some changes in the funding about a year and a half ago. Then also when the Red Cross transportation program ended last June. There was some decrease in these, these are rides that are medical and social services really targeting those seniors and individuals with physical disabilities.*

*"These are populations that we see growing in our community and also these needs continue to be identified. So, with that I would be happy to answer any questions, but request you approve the grant application and authorize the Chairman to sign the three grant application documents."*

*Chairman Unruh said, "Thank you, Annette. We do have a question from Commissioner Howell."*

Commissioner Howell said, "Well, thank you, Mr. Chairman. I really don't have much of a question, but just wanted to say I appreciate the presentation and I do support the effort to do this. I would like to make a motion that we would approve the grant application and authorize the Chairman to sign the three grant application documents and if awarded authorize the acceptance of the grant and establish the new internal order for budget authority as outlined in the budget authority adjustment section in this request and establish a new one FTE (Full Time Employee) driver position as outlined personal considerations section of this item. Thank you Mr. Chairman."

**MOTION**

Commissioner Howell moved to approve the grant application.

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, "Thank you, Annette. Next item, please."

Item F was taken before Item E.

**Approved**

**H**      [17-461](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 4, 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 that was held on May 4th results in four items:

1. SEDGWICK COUNTY ZPP PROJECT – ZOO PARKING LOTS MILL AND OVERLAY (R175-E) –PUBLIC WORKS  
FUNDING—R175-E ZOO PARKING LOT

"This recommendation is to accept the low responsive bid from Conspec, Inc. dba Kansas Paving in the amount of \$413,838.14.

2. RONALD REAGAN BUILDING PHASE 2 – OPERATIONS SUPPORT SERVICES  
FUNDING – ACQ/RENO IRS BUILDING

"This recommendation is to accept the low bid from Key Construction, Inc. in the amount of \$1,337,800.00.

3. TREATMENT CHEMICALS AND SERVICES FOR CLOSED AND OPEN LOOP  
HVAC SYSTEMS -- OPERATIONS SUPPORT SERVICES  
FUNDING -- OPERATIONS SUPPORT SERVICES

*"This recommendation is to accept the low responsive bid from ChemTreat, Inc. and establish contract pricing at the rates listed for five (5) years.*

4. ON CALL LABORATORY SERVICES EMPLOYEE DRUG TESTING --  
VARIOUS DEPARTMENTS  
FUNDING -- VARIOUS DEPARTMENTS

*"This recommendation is to accept the best proposal from National Screening Bureau dba National Screening Bureau, LLC and establish contract pricing at the rates listed above for three (3) years, with two (2) one-year options to renew.*

5. ELECTRONIC MEDICAL RECORDS SOFTWARE – DIVISION OF HEALTH  
AND HUMAN SERVICES  
FUNDING – DIVISION OF HEALTH AND HUMAN SERVICES

*"On the recommendation of Kimberly Bush, on behalf of the Division of Health and Human Services, Jennifer Dombaugh moved to accept the low proposal from Go Beyond, LLC for a total five (5) year cost of \$47,500.00 and establish contract pricing as listed for any additional consulting/customization and on-site training*

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

Chairman Unruh said, "Thank you, Joe. Commissioners, are there any questions? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to, I guess, make a comment. I will support the recommendation of the Board of Bids and Contracts, but I just want to say when it comes to the [Sedgwick County] Zoo parking lot. Again, I'm very supportive of the zoo, so please get that out of the way, but I did go out there and look at the parking lot. It just seems to me that it's not probably needing to have this work done. I don't know if it's a year or two early, I'll support this, but, I will concede to the experts. But, I guess, my opinion is there may be some minor problems in the parking lot, some widening of cracks perhaps maybe ought to be addressed, but overall the general condition of the parking lot in my opinion is very good. I'm just a little bit concerned about spending \$400,000 for something I'm not so sure the timing of this is correct.

*"We may be a little bit more aggressive on our significant maintenance like this, maybe more then we should be. I would like to encourage us to maybe try to wear things out before we start replacing stuff.*

*"So, I'm not sure that timing of this is exactly right, but however, because this is being recommended today, I will support that. But I do have a concern about this type of work, we ought to maybe find other ways to assess whether our timing is absolutely appropriate or not.*

*"Then my only other comment would be that again, I'm glad to get [Ronald] Reagan Building behind us and so I'm going to support the motion today to get this, get this Key Construction bid out. Once again I have nobody I'm friends with necessarily that is going to benefit from this in any way. I just think they have the low bid and they ought to go ahead and get that work done.*

*"I guess, I do have one question, and that is looking at the paving issue on the first item. You mentioned they're the low responsive bid. Can you please explain that because there is actually a lower bid on the sheet?"*

*Mr. Thomas said, "Yes, sir. The Public Works [Department] issued a revision on a statement of pricing because the work had changed the milling of the one to one half inch of the material was changed to be salvaged and recycled and taken to the west yard, I believe. The bidder, Flint Hills [Materials] did not provide that particular revised bid, when they produced their bid. So, they didn't give a true up to spec bid for this particular project. I hope that explains it?"*

*Commissioner Howell said, "That's fine. Thank you, Mr. Thomas. With that I would like to make a motion that we approve the recommendations of the Board of Bids and Contracts. Thank you, Mr. Chairman."*

**MOTION**

*Commissioner Howell moved to approve the recommendations of the Board of Bids and Contracts of May 4th, 2017.*

*Chairman Unruh said, "Commissioner O'Donnell, I want to give you an opportunity to speak, but I was wanting the County Engineer to respond to a couple of those."*

*Commissioner O'Donnell said, "Yeah, that's fine."*

*Chairman Unruh said, "Is that alright? Okay."*

*Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Commissioner Howell, just like to respond to your comments. I do like discussing this because there are some folks out there who think we should let something wear out before we replace it.*

*"The various seminars and conferences I've been to say the best thing to do is preventive maintenance. When you do preventive maintenance you actually save money in the long run.*

*"That's what we do to our road and that's what we're trying to do to this parking lot. So, I just want to tell you that the last work done on that was in 2011 and it was done an entire treatment over the entire parking lot. A very thin, what's called BFS Bitunus Frictional Seal and it did not, it's very cheap, in fact we spent like \$97,000 on it, you can compare that to the bid today, but it did not perform the way we wanted, it really this parking lot, we should have done something last year. Last year we filled all the cracks, there was some enormous cracks that we filled. Then we were running short on money, so we thought okay we will go one more year.*

*"So, it's been six years, this year since we've done anything and I just want to tell you by that by doing this you will be extend the life on the parking lot too. If you let it completely wear out, you would spend well in seven digit numbers to replace this parking lot. When parking lot C was constructed out there in 2004 that was a million dollars in itself. Just when we built some new parking lot when the zoo was getting popular, more and more popular. So, just and I know it's hard to understand for a lot a people that you are saving money, but you really are it's that thing pay me now or pay me later.*

*"So, this is not a lot of money. Oh, the bid was excellent bid, I think we're getting good bids now because KDOT is doing less work then they used to and we're the*



*beneficiary of that, so the contractors, we're have different contractors come in. This is the competition that really helps a lot.*

*"I also want to comment on the inch or inch and a half. It is one inch and that is in the plans, Mr. Weber at the bid board said an inch or inch and a half. It's not an inch and a half it's exactly one inch and that's what all the quantities are based on. So, I wanted make that clear also and be glad to answer any other questions that anybody has about that."*

*Chairman Unruh said, "Mr. Spears, didn't Public Works receive a big award and a plaque for the work on the zoo parking lot a few years ago?"*

*Mr. Spears said, "Well, Mr. Chairman, we receive so many awards that I do not recall that we did on that."*

*Chairman Unruh said, "Well, I think my memory is right, you got an award on that."*

*Mr. Spears said, "Okay, we might have."*

*Chairman Unruh said, "Okay. Alright. Well, thank you. Commissioner O' Donnell."*

*Commissioner O'Donnell said, "Thank you, Mr. Chair. That answered a lot of my questions, I was just going to say if Mr. Howell did believe that there was, that parking lot was in good shape, I mean, I wouldn't mind postponing that till we saw, you know, more pictures or more evidence about it. But after hearing David (Spears) and then Mr. Howell's motion, I'm good with the intent."*

*Chairman Unruh said, "Okay, very good. Now, do we have a second to this?"*

*Ms. Page said, "No, sir. We do not have a second."*

*Commissioner Dennis seconded the motion.*

*Chairman Unruh said, "We have a second to accept the recommendation of the Board of Bids and Contracts. We have another comment from Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I am not going to amend my motion, I think we can go forward. Again, I do trust our staff and I trust their expertise and I appreciate the perspective of our expert, Public Works Engineer, the Chief Engineer of the county explain that. We did talk about this for just a moment yesterday. Again, I'm not going to second guess that, I trust them to make those decisions. I just want to say from my perspective, again I'm not even going to say its true, but if I guess my goal would be, if it were possible to wait a year and nothing bad would happen that would be a better decision.*

*"I don't know that that is possible. I don't have a way to assess that, I just anecdotally feel the parking lot looks pretty good and certainly don't want to cause more expense down the road by not taking care of or not maintaining our infrastructure. So, with that explanation, Mr. Chairman, I'm pleased to support the motion, once again. Thank you."*

*Chairman Unruh said, "Thank you and no one else is requesting to speak. So, we have a motion and a second. So, Madam Clerk, call the vote."*

VOTE

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

Mr. Thomas said, "Thank you, Commissioners."  
Chairman Unruh said, "Joe, thank you. Next item, please."  
**Approved**

## **CONSENT**

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

### **MOTION**

Commissioner Dennis moved to approve the consent agenda.

Commissioner O' Donnell seconded the motion.

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

### **VOTE**

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

Chairman Unruh said, "Next item."

### **Adopt the Consent Agenda**

- I      [17-349](#)                      Shelter Plus Care housing rental assistance contracts.  
**Approved on the Consent Agenda**
- J      [17-435](#)                      Resolution to modify work exempt from a building permit for residential structures.  
**Approved on the Consent Agenda**
- K      [17-430](#)                      Resolution amending Chapter 14, Article II, Division 2, sec. 14-36 through sec. 14-43 of the Sedgwick County Code regarding the Wichita-Sedgwick County Alcohol and Drug Abuse Advisory Board.  
**Approved on the Consent Agenda**
- L      [17-431](#)                      Resolution stating findings made after post-annexation hearing of City of Derby Ordinance No. 2193.  
**Approved on the Consent Agenda**
- M      [17-444](#)                      General Bill Check Register for May 3, 2017 - May 09, 2017.

**Approved on the Consent Agenda**

N      [17-445](#)      Payroll Check Register for the April 29, 2017 payroll certification.

**Approved on the Consent Agenda**

**LEGISLATIVE ISSUES**

*Mr. VonAchen said, "Good morning, again Commissioners. Just a few items while the legislature is tackling the three headed monsters, the school finance budget and the potential for tax increase. They are taking up some additional items including a couple today of interest. I know there some questions that had posed to me earlier about Senate Bill 146, which is the continuation of the 20 mills statewide levy for schools.*

*"The interesting thing it's being heard today and there is, kind of, piggybacked earlier discussion about TIF's. There is a proposal in the current version where property, any new IRB's issued for economic development that those properties would not be exempt for the purposes for this levy. It does not address any other economic development tools, including TIF's where that would be also true. So, I wanted to point that out to you, at this point that bill would have no effect on the county obviously it is a, that is a funding tool to try and make sure the schools are, what's the constitutional term, they are adequately funded, so that's up today.*

*"The other item of interest, which is kind of unusual the expanded gaming bill is being heard in a second committee today with the possibility of that committee taking action on the bill. To clarify, because I know there is some questions posed to our communications department. This bill is being forwarded by those who own the facilities in the hopes of getting gaming machines at the race track. This is not something that I believe this Commission has taken a position on and I don't believe that there is any intent for this Commission take a position on this bill.*

*"If the legislature deems that there is a possibility that they want to pass this and have the Governor sign it, then the only thing that would effect this board is if a petition with adequate signatures was presented to this board. Then you would have no option, but to place it on a ballot for the voters to vote on, whether or not if they want expanded gaming in Sedgwick County. So, just to clarify that, that's up there, it's being heard again today in a second committee. I stand for any questions."*

*Chairman Unruh said, "Commissioner Ranzau."*

*Commissioner Ranzau said, "Tell me again, back on the first item. What does it do exactly with it exempts?"*

*Mr. VonAchen said, "The statewide mill levy for schools currently, if there is a IR, if there is a property subject to a Industrial Revenue Bond (IRB's) for economic development. Those properties continue to remain exempt and they are not subject to that mill levy. What the bill that is being heard today would take away that exemption for any new IRB's issued for economic development, but it doesn't change anything for other economic development tools like a TIF. So, it is only, it is making, it would make those property subject to the statewide mill levy, but it wouldn't for other economic development tool type properties."*

*Commissioner Ranzau said, "I (inaudible), thank you."*

*Mr. VonAchen said, "Okay."*

*Chairman Unruh said, "Alright, thank you. I see no one else asking to speak. So, thank you for that update."*

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

*Chairman Unruh said, "Next item."*

## **OTHER**

*Chairman Unruh said, "Commissioners, the opportunity to bring up comments on other items of community interests. Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to highlight an opportunity for the community. The final, the final public input for ARC95 project. I guess at this stage of planning is scheduled for at least, I think, there is probably one in Haysville as well. I don't know the details of it, but the one in Derby that is in my district will be tomorrow that's May the 11th at 5:00 p.m., I believe at the Derby Welcome Center. Which is where it was the last time, again this is called the ARC95. It's about a road improvement that goes between roughly Woodlawn [Road] in the City of Derby on 95th Street crossing that, I think, going over to Meridian [Street]."*

*"That project is a fairly significant project to the public getting around the county. So, if they would like to weigh in exactly how it's going to work and the costs and get idea exactly how the configuration is being proposed and that type of thing. They have a chance tomorrow night and I will be there, I would look forward with meeting with people and discussing this tomorrow night at 5 p.m. at the Derby Welcome Center. Thank you very much, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Other Commissioners? I see no one asking to speak. So, we also do not have an executive session or a Fire District meeting. So, we've come to the end of our agenda and without objection we will declare the meeting adjourned."*

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 11:49 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*

*RICHARD RANZAU, Commissioner  
Fourth District*

*JAMES M. HOWELL, Commissioner  
Fifth District*

ATTEST:

*Kelly B. Arnold, County Clerk*

APPROVED: