

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, July 5, 2017

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:06 a.m. on July 5, 2017 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro-Tem Commissioner Michael B. O'Donnell II; Commissioner David Dennis; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Lt. Lin Dehning, Sheriff's Office; Mr. Dale Miller, Director, Metropolitan Area Planning Commission; Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Division; Mr. Dan Wegner, Fire Marshal, Sedgwick County Fire District 1; Mr. Joe Thomas, Director, Purchasing Department; Ms. Karen Powell, Assistant County Counselor, Ms. Kate Flavin, Public Information Officer; Ms. Lynda Baker, Deputy County Clerk; Ms. Angela Caudillo, Deputy County Clerk.

GUESTS

*Mr. Kent Hixson, City Administrator, City of Mulvane
Ms. Kathy Sexton, City Manager, City of Derby
Ms. Cindy Proett, Municipal and Community Coordinator, Luminous Neon, Inc.*

INVOCATION: Pastor Caleb Bowman, Calvary Baptist Church.

FLAG SALUTE

ROLL CALL

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

PUBLIC AGENDA

Chairman Unruh said, "Commissioners, we do have a couple of folks who would like to speak on the Public Agenda, and one person has signed up to speak on an agenda item, so we will see if they want to speak in order here or they want to wait until that agenda item is called. We will start off with Mr. Kent Hixson who wants to make a comment on storm drainage issues."

Mr. Kent Hixson, City Administrator, City of Mulvane, greeted the Commissioners and said, "Thank you for allowing me to address the Commission today. The issue at hand for me, and some others that are here is storm water management, storm drainage. As you may recall, on August 19th, 2016, southeast Sedgwick County experienced a major rainfall, flood event. This storm had the characteristics of a flash flood, with reported rainfall amounts ranging from 6 to 10 inches in less than two hours.

"Flooding along Styx Creek, which runs through Mulvane, resulted in structural damage to approximately 70 residential homes and 9 commercial structures in the Mulvane area. The value of the loss was well over a million dollars. Three structures

were so badly damaged as to require condemnation, and removal. The Styx Creek drainage basin begins two miles north of the city of Mulvane in Sedgwick County. Flooding does not occur only inside city limits, but in a large area of the unincorporated county.

"As we approach the one-year anniversary of that flood event, I'm here to first remind the Commission that stormwater problems affect every area of Sedgwick County, not just the incorporated areas inside cities. Then second, suggest that the solutions that these stormwater management issues can best be accomplished by a partnership with the county and the cities in the county. The key to stormwater management projects that prevent property damage or loss is taking a comprehensive, big-picture approach to the task. I am asking the county to take the lead in the study, planning, and project implementation of stormwater management that will provide a safe and secure living environment for the citizens. I'm here to advocate that the county develop some sort of a dependable revenue stream dedicated to the study, planning, and construction of stormwater management projects in the county.

"I can appreciate that no one likes taxes or fee increases. However, I can assure you there are dozens of property owners in the Mulvane area that, if you asked them today, would you support a sales tax, or some other fee that would prevent your property from being damaged by flood, the annual cost being about equal to a Happy Meal a year, they'd say yes. I appreciate the work the county has done through the Storm Water Management [Advisory] Board (SMAB), but we need to strengthen the county and the city's partnership, and increase our efforts to make a significant impact on a problem that affects all property owners in the county. Thank you for your time. Do you have any questions of me?"

Chairman Unruh said, "Thank you, Mr. Hixson. Yes, we do have a comment from Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just want to say I appreciate Manager [sic] Hixson for being here today and for speaking on this topic. I have spent probably, out of all the topics I have worked on in the last year or two, this has been one topic that has taken probably the majority of my time. How it relates to flooding issues, as well as the road issues, especially in Rockford Township, has certainly been a pretty major topic that has continued to be something I've worked on for quite a long time. I have said the same thing, and Mr. Hixson, I want you to know that I have written articles on this in the Derby Informer. I don't know if you saw those or not, but I do think that we agree that a dependable revenue stream is really the key. I would like to put this in perspective. Just what we know right now, and I may not have exactly the right numbers, so I apologize if I don't have the right numbers. Let me ballpark this, I guess.

"The Spring Creek Watershed Study has about 260 projects listed in that study, and about 262 million dollars' worth of projects. Those may not be exactly the right numbers, and I apologize if I don't have those. Off the top of my head, I think those are close enough to make my point. I think we know about, we know about other projects that need to be done of about another quarter billion dollars. So you add that up, it's about half billion dollars' worth of projects we are aware of that need to be taken care of, that as you said, do impact all of Sedgwick County.

"It is not just in any one district. I would say sometimes these mitigations might need to be done outside of our county, because they impact what goes on inside the county. Flooding happens as a consequence of, really, a couple things. Number one, we have enormous amounts of water that we know that will happen again. It's just a matter of time. We always have record rainfall. It seems like every few years that happens. If you look at the history of this, over the last 20 years or so, we've had

times where, you know, it's almost like you can't plan, you almost can't plan how to manage this much water. Just last year we had two 100-year floods, and a 500-year flood last year. Am I correct?"

Mr. Hixson said, "Something like that."

Commissioner Howell said, "Do you agree with that? I have been watching the rainfall totals, and the ground was saturated. The reality is, we are just unprepared for that type of rainfall. We know this is going to happen again someday in the future, so it's really upon us right now to start planning ahead on how we're going to manage this. When you look at that many projects and that much money, it's hard to know where to begin. That's why, the Stormwater, they call it the SMAB, Sedgwick County Stormwater Management Advisory Board, has been meeting. I think they have had three meetings this year, or in the last year. A number of years they did not meet, because they felt that the County Commission wasn't going to fund any of the suggestions that came out of the Advisory Board.

"Well, I think we have changed that culture a little bit. I think they know that we're reengaged in this discussion, and as I said in one of my recent articles, the challenge is how to keep this topic alive. I made the point a few years ago, when we were going through a drought season, there was some discussion about raising the sales tax to bolster our water supply. That failed, I think, for a number of reasons, but the point of the matter is, we've had a lot of rain since then, and the discussion about our water supply has kinda gone by the wayside. We don't talk about that so much.

"I think the reason we are talking about stormwater today is because we've had a lot of rain. So, the key is two things, we've got to keep this topic alive. When we're not in a flood time, we've got to keep this topic alive. We've got to find a way to fund it over time. The second thing is, we need to find a revenue stream, because with the existing revenues, you know, most of our money is earmarked for certain things. We provide about 40 different services to a half million residents of Sedgwick County. There's not huge amounts of money that we can funnel into providing solutions to this.

"So if we were successful, I would say even a couple hundred thousand dollars a year would be a significant investment in this problem, but I would be dead a long time before we get through those projects if we only do it at that rate. So I guess the key really is going to be how do we find a revenue stream that's dedicated to that idea. There's a number of ways of doing it. You mentioned the cost of a Happy Meal. Is that per month or per year?"

Mr. Hixson said, "Per year."

Commissioner Howell said, "Per year. We're talking about \$5 a year type of issue. I don't know how much money that would generate. We did just raise our solid waste fees by a dollar, I am sure you are aware of that. The reason that we did that, I believe, I am not sure about all my colleagues, at least for me personally, it's my goal, we would funnel some of that money over to doing some ice storm damage. Again, I made the point in my recent article we have had four large ice storms in the last 20 years. Most of the trees that have fallen as a result of that ice buildup, those trees are still laying in those streams and waterways and have not been picked up. So that is debris that's clogging up our waterways and causing problems.

"I mentioned a minute ago the things that cause flooding, is again, having a large amount of water. But it's also that we clog the water going away from our communities, and we don't manage the water coming into the communities effectively

enough. So it is a combination of all of that that causes flooding. That's why these projects are kind of addressing all of that. I would like to just also point out that in our next year's budget, we are adding two more crew, two more people to our stream maintenance crew, which I think is a great move. That's back to something Sedgwick County used to have six on that crew, we went down to four, I think, for some budget pressures. We are taking it back to six this year.

"We're also buying them equipment that is necessary for them to do their job, and that's great. We can use some of the solid waste fees potentially. I am also supportive of a \$200,000 study to help us get things understood in other places in the county and get that priority list back to the County Commission so we know what to fund. But, again, without a revenue stream, a dependable revenue stream, over time we are not going to, I'm afraid that the subject will eventually, when we get back to a drought season, that the momentum may slow down. I hope that doesn't happen.

"A dedicated revenue stream is the way to go, and there's ways of doing that, whether it be through a yearly fee on property taxes, or some type of a small sales tax. There are ways we can do this. Again, I'm generally against taxes, but I am also for good government. We need to take care of our infrastructure, and when people want things like highways and good roads, they don't mind paying taxes for those types of things. This is one of those things right now, where the iron is hot. It is time to strike potentially, I think, to have this discussion of a dependable revenue stream that would fund this thing over time. So when the drought comes, we will still be engaged in stormwater management mitigations and solutions.

"So I have worked on this a lot. Rockford Township especially has been a tremendous topic in my district. I spend probably an hour or two every single day dealing with Rockford Township roads, whether it be writing emails or talking to people on the phone. It is a huge topic. People are not happy with their roads out that way. It is all related to Stormwater. That's what's going on. There's other issues on those roads as well, but the point is, it is a major issue in District Five. So, I just want to say thank you for being here today. We need to keep the topic moving forward. This is a good time to have this discussion. If we were going to use certain types of revenue, it does require legislation to give us that opportunity. I would also support voter approval. Ideally, I think people do get it. They do support taxes for things they understand, things that make sense that are good government. I think they generally do support those ideas.

"So if it's a sales tax, I think that's where we need to head. If it's going to be some other type of fee, we need to explore how to do that and how much and that type of thing. Certainly the revenue stream is the key to solving this problem, because with existing revenues, a half billion dollar problem is not going to get fixed in my lifetime. So, we are going to have to find a way to solve that problem. I am sorry, I talked a little time here, but this is a big topic for me. You scratched the issue that I am very passionate about. I wanted to just take the time to, number one, explain where we are at as a county as well as commend you and thank you for your comments. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else wishing to speak, so thanks for your comments."

Mr. Hixson said, "Very good. Thank you."

Chairman Unruh said, "Yes, sir. We have a second person that would like to speak, Ms. Kathy Sexton."

Ms. Kathy Sexton, City Manager, City of Derby, greeted the Commissioners and said,

"Appreciate the opportunity to come before you all today, and we did bring a few folks who have been concerned and did attend a county meeting that was held last month in Derby. It was great, because we were glad to finally, honestly, finally see, one implementation step from the 2014 study that the county commissioned at the Spring Creek Basin, which shockingly, I think, we were all surprised, let us know how bad the creek erosion is in the 32 square miles of the Spring Creek drainage basin, only one-third of which is the city of Derby.

"So space-wise, this basin, Spring Creek, is bordered on the west by McConnell Air Force Base, on the east by 143rd Street, on the north by Pawnee. So, a little bit of Wichita is in this basin, and more all the time as Wichita grows into its southeast quadrant. But certainly Derby is at the bottom of the basin. We are at the south end of the basin, and these creeks all come together and flow through Derby 'til they get to the Ark [Arkansas] River.

"What happens by some folks who live along those creeks find out, or people who didn't even think they lived along the creek, but they live close enough, that when the rain is coming down hard and fast and those creeks have the severe erosion that they have, it is constantly, backyards are falling into creeks, trees are falling into creeks, fences are falling, somebody's back of their garage is falling in.

"These things happen in our city, but really, those are the results. They are not the causes. The causes are mostly in the county, in the 20-some square miles of this basin that are not in the city. It's really difficult. I get to introduce a few folks today who were good enough to spend their time today coming with me downtown. If you all could wave a little bit when I say your name, I would appreciate it. Julie Sontag is here, and she lives on the Spring Creek in Derby and has, grew up there and has lived there a long time, and is seeing her own basement flooding, and her yard flooding, and is seeing it happening more frequently with smaller rains.

"So this is not about one big flooding event that hit Mulvane in August. This is about, pretty much this area was affected three times last year, a 500-year flood and two 100-year floods. What Julie is seeing is just there's just more and more effect, and that is easy to think maybe that's development in Derby. Maybe that's the Target parking lot, or the, you know, the car dealership that's being built or whatever. But what this study proved, and we are very appreciative for Dave Spears and his leadership and Susan Erlenwein's leadership, Jim Weber to have gotten this study done a few years ago to help us all realize that Derby's, we can always improve, but Derby's development regulations, our requirements on new development, people who build new homes and new businesses, do account for stormwater drainage, and require that the developers leave the lot in as good or better condition than the way they found it.

"In other words, if they are building a parking lot, they are making also a detention pond, or they are making drainage structures, maybe you can't see because maybe they're underground, but they are required, and we do heavily enforce those. We have been very pleased with the support of the county's stormwater manager, stormwater engineer and stormwater management folks. Before and after these storms, this past year, Dave's meager little staff of four people were helping clean out creeks before those creeks dumped into Derby, and after the creeks, you know, between Derby and the river, as they were clearly log jammed, and full of junk.

"I mean, when everybody's backyards flood, you get chairs and grills and all kinds of things in these creeks and is hard to keep the water flowing. So, Derby has staff that do that, too, and we have our own stormwater fee on everybody's water bill, and a few years ago when that was passed by the Derby City Council, of course folks didn't like that. Nobody likes to pay \$3 more every month on that kind of a fee, but you

know what? We have, because we have a dedicated funding stream, we are able to do a project every year, and we are able to have staff who respond to the calls, and clear the creeks, and explain to people how to get flood insurance if they live in a FEMA (Federal Emergency Management Agency) floodplain and things like that.

"Also, joining me this morning are Pat and Nancy Farley, if you guys want to wave a little bit. These folks also have lived in Derby for over 40 years and have seen extreme flooding in recent years. What Pat mentioned to me a while back was, you know, we used to get a four-inch rain, and we kind of knew how that would look in our back yard and the creek levels. But now you get the same kind of out of the bank experience when it's a two-inch rain. So, we are not just talking about major flooding events that are what you call 100 year floods and what have you. But you're talking about just heavy rain events.

"A lot of times it surprises you because it's not the rain that's coming down in Derby that matters. It's the rain that's coming down north of Derby out in the county. So, it all flows together. Bill Smith is with us as well. Bill, thank you for coming. You've seen, and in the 1995 big storms that we had, when we had FEMA buyouts, I don't know, Dave, I was at the county here, and you were too. I don't know of too many other folks around this table were, but the federal government bought out several homes in Derby, and Bill's was one of those. So, he understands how this works, and he was on our Derby Planning Commission for many years. So, understands this is long-term planning, and this is joint cooperation and partnership.

"That's what we are asking for today, is y'all's understanding that this is not a Derby problem, that Derby is ignoring and coming to you, asking you to solve. This is a county-wide problem, and a lot of the issues are occurring in the county that then they just dump into Derby because we just happen to be at the south end of the basin, right. So, we want to partner with you all, and to make that point even bigger it's, I think, helpful to know that Tim Johnson is here from the City of Goddard. He is their Community Development Director. He's also a recent addition to the County Stormwater Management Advisory Board. He understands and is learning more about the history of our SMAB committee and what we've recommended in terms of funding.

"Also, I think, just the broader understanding that this is an issue that affects all communities. Just depends on where the rain falls, you know. So, it is a county-wide issue. We appreciate your support, certainly your recent vote for funding more of the creek/stream maintenance efforts is very helpful. Really, honestly, Jim, your comments are on target. I mean, it's a lot of money involved in any of this, but I think what's frustrating, and after some of these folks went to the county's meeting last month in Derby, the emails I got in follow-up, and the frustration after the meeting was really, you know, we can't just talk about how big the problem is and then ignore it.

"You know, we, you, have had this data for four years, and finally had the first meeting last month to talk about some of the individual things that are in here that could be done. I know it's difficult, because we have a road and bridge department. We have a page in the budget book for COMCARE and EMS (Emergency Medical Services) and 911. What we need is a department of focus, a management effort that understands stormwater is a real thing. It's a real infrastructure thing that this county cannot ignore anymore. I mean, it will just keep getting worse.

"This is about economic development. It is about private property, as well as public property being devalued. When people, I literally mean there was someone at this meeting who was talking about his trees and his farm ground falling into the creek as

the creek continues to widen and erode. But there are things in this document that those engineers that you all hired at that time said could be done. Really what we want to encourage you all to do is pick away at that, you know, chip away at that big elephant. You have to be able to say what are we doing this year for stormwater, what are we doing next year. Certainly the funding source is a big piece. But anything you all can do to help would be appreciated, and I certainly appreciate your time and would be happy to take any questions you all might have of me."

Chairman Unruh said, "Okay Kathy, thank you for being here. I have a question. What is the date of that report you are referring to?"

Ms. Sexton said, "It's dated January, 2014. The bulk of the work was done in 2013, and it is on your website."

Chairman Unruh said, "In your study of that, is it still pretty relevant?"

Ms. Sexton said, "You know, that's a fabulous question. It's relevant because it's a basin study done with standards that you use for watershed basins. It tries to assess 'here's the big picture and here's some ideas.' Then what you have to do is, you have to go develop and zero in on each idea. So, for example, we were building a park at the old St. Mary's school in Derby on Madison. So it is called Madison Avenue Central Park, it is all open now. But if you have ever been there before, you know, it's what through that park used to be a ditch.

"Well now, we dug that out, we got FEMA permits and everything. Now it holds way more water than it used to hold. So, when these storms or these heavy rains are coming down, we literally have people who go to the park and watch the big hole fill up, because it is exciting to know that those houses downstream of that big hole are no longer being flooded. They can get to their homes and the streets aren't flooded. So, we took that effort and said let's implement that. We are looking at other pieces and parts. The county's meeting that was last month was the part that said, county, you should call in the property owners of folks who own 20 acres or more up in the county in the upper reaches of this basin. We'll call that agricultural or pastureland.

"The problems are often happening because of their cattle manure, their horse manure, and their conservation, or lack thereof, practices. So, there were things, let's get the Federal Government folks who do soil conservation together with the property owners out in the county, and a few of those made connections under Susan Erlenwein's leadership that evening. So, that was one step, so yes, I do think there's a lot of relevance, but what you can't do, is you can't think this is a done deal. I mean, you have to dig into one item in the book and then either put a staff person on it, or hire a consultant.

"Derby is putting in our budget for next year a specific study to say, okay, given all these many recommendations, what is something Derby can do, besides the five projects we have on our list right now already funded by our stormwater fee. Does that make sense?"

Chairman Unruh said, "Yes."

Ms. Sexton said, "There is a lake in there. For example, one idea is an 80-acre lake that would be north of Derby in this basin area, which the county, I mean, you could look into that. You could say well what would that take, was there land available, is there a willing seller, what kind of money would that take. I know for years, park enthusiasts have talked about a county lake somewhere other than way out at Lake Afton, you know, sort of an eastern or southeastern corner of the county. I don't know if that's still in discussion or not. But there would be other uses for said lake besides

just stormwater. Does that answer your question?"

Chairman Unruh said, "Yes it does. Thank you. Appreciate it. We do have a comment from Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Since you are on the Sedgwick County Stormwater Advisory Board, or SMAB, I want to ask you, I heard the other day there's 28 watersheds in Sedgwick County. Is that a number that you remember hearing before?"

Ms. Sexton said, "I don't know. I don't know how many there are. There's a bunch."

Commissioner Howell said, "I don't know if that's correct or not, but that's the number that I remember hearing, I think. Then we've only studied, I think, two or three of those."

Ms. Sexton said, "Two."

Commissioner Howell said, "Two of those. So again, there is a lot we don't know. I know that Commissioner Dennis, his district especially, I think, has a lot of challenges, because he represents roughly half of Sedgwick County, especially the rural part of Sedgwick County, where a lot of these problems are there. So we don't, right now we don't seem like we actually have a plan on how to address this over time. That's what I think the frustration that we're all having, is we don't really have a, we don't actually have a great plan on how to execute this."

Ms. Sexton said, "Commissioner, if I could just comment. I think that's a fabulous point. If the County Commissioners in 1950, and the Wichita City Council members, and the Valley Center City Council members in 1950 had seen, oh, this is such a big problem, let's not do anything, well then we wouldn't have a big ditch. We wouldn't have, or whatever you really want to call that. Dave hates it when I call it that, stormwater, I don't know, floodway, Wichita/Valley Center Floodway, something, something, something."

Commissioner Howell said, "Mitch Mitchell Floodway."

Ms. Sexton said, "It is the big ditch for a reason. Too long of a name, right, so, but that helped downtown Wichita become the thriving economic center and core of this community that it is today, because without that, it would not be that. It was an economic development issue, and those Commissioners, those elected officials at that time, thought big thoughts, and whatever it took, I don't know, but that's exactly what is needed now. We need to think bigger on this or we are just, we are not leaving our land better than we found it for our grandchildren, if we don't deal with this issue."

Commissioner Howell said, "Let me continue my questioning. I want to say, number one, Madison Avenue Central Park is fantastic. You did a tremendous job in the city. You did a tremendous job, the city councilmembers did a fabulous job designing that park. It's one of the best, I think, in our county. But it is a retention pond, and it is fascinating that that's designed to manage the amount, the extra water when it flows in, it actually does protect people downstream. I think that, I think you and I have talked before, please comment on this. But as we develop areas north of Derby, we are doing our very best, I think, to regulate how we manage water on those development areas."

"Any neighborhood developments that go in, there are retention ponds there that meter water out at a described rate that can be handled from those folks"

downstream. So as we develop property north of the city, it does slow the water down, it does manage the water flow, so it is not rushing into the city. One of the things I said a minute ago, is we get too much rain all at once, but we also don't, we have the clogs going on downstream, but we also have not enough management upstream. So, the management upstream is part of the key. I know Madison Avenue Central Park, much like Hyde Park, are designed to manage that extra water when that happens. So, you know, we've talked before about, you know, what are the problems with Derby and Mulvane, and what are the areas. So you and I have talked about this a number of times.

"We talked about this at the meeting in Derby. We put, as a concentration, our stream maintenance folks have spent a lot of time down on Spring Creek, especially south of Derby trying to manage the clogs, if you will, trying to make the water flow away from Derby as kind of a first step. As development continues to happen on the north side of the city, we are managing that through regulations and requiring retention ponds, and I am not sure what the right terms are, it only allows water to flow at certain rates towards Derby. So, one of the things I think is misunderstood by a lot of folks, is because we are growing as a community. The reason a two-inch rain acts like a four-inch rain is because the assumption is, we are not managing the water flow into the city. I would like to hear your comment on that aspect of this, if you don't mind."

Ms. Sexton said, "I think that's what the engineers who put together the study found. That was the surprising aha for us, because when you see buildings get built, you assume that's your problem. What the engineers told us is, no, that's not your problem. There are always more regulations you could put forward, but you have pretty good regulations. This commission and the Wichita City Council, and Derby and others have made requirements for stormwater drainage, and that's why you see ponds and more structures mostly underground, but that get built when we build new infrastructure.

"So I think the important thing is, if you want to talk about just this basin, the issue is the creeks. There is no development around them. We are talking 20 square miles of rural residential, rural farming, horse pens, cattle pens, that kind of thing that they talk specifically in here about agricultural lagoon that has issues, some septic systems that have issues out in this area. Just creeks that are eroded. Creeks that need rock riffles and other bank stabilization efforts. So, this isn't about well somebody wants to build something, so let's make them do extra because they're a developer. No, this is about talking with current property owners and trying to get new ways of doing things and new efforts to stabilize creeks and banks.

"I want to say I appreciate the county's efforts to come help clear out the clogs, but I mean, after the flooding happens, because the list has so long. Dave Spears' list is so long he had four staff for the whole county. So, if that stuff had been cleared out before the big rains came last year, there would be a lot of folks in Derby who would be a lot better off. You know what I am saying? I mean, this is a matter of you have to get out ahead of it. You can't wait for it to happen and then, I mean, we are playing catchup. But, we appreciate everything you are doing to help us play catchup. We really do."

Commissioner Howell said, "I do agree. I think we are playing catch up. This has been going on for a long time. That list didn't just happen last year. That list has been growing for a long time. With respect to a two-inch rain acting like a four-inch rain, I have been following the rainfall in Sedgwick County since the beginning of 2016 very closely, and I think you will see that 2016 was almost a record in terms of a rainfall. It

was absolutely incredible. The interesting thing is, 2017 is actually more rainfall now this year than we had last year. So, it's actually trending upward. We're actually seeing more rainfall right now than we did last year. So, we are actually hitting essentially a new record here in 2017.

"So, it is not really letting up, and the problem continues to plague us. I guess I will say one more thing, and that is, you know, Sedgwick County Stream Maintenance, we are actually clearing the streams, taking the debris out of the streams, removing that, so it doesn't clog up something downstream. Our method, of course, is regulated by the State of Kansas. We've got to do 90-degree entrances from people's private property to the streams. We've got to coordinate with landowners, and make sure we have permission. We use heavy equipment. They do a great job clearing the streams. We leave it in much better shape than we did when we found it.

"That is happening, but it takes, it's a slow process, and if you are willing to speak on this, too, I don't know, I never asked you this question before, but I understand inside the city of Derby, you are not actually removing the debris, you are cutting it down, and it is intended to float away, so to speak. So, I am not sure how much of it is actually being removed from the streams within Derby versus what we are doing outside the county. We are actually removing that debris, taking it out of the stream entirely and we're re-seeding that and re-sloping banks and things like that. So I think our method is a little different than what happens inside the city of Derby. I am not quite sure why that is. I would like to know more."

Ms. Sexton said, "Because when you build houses in the city, and you put them right beside each other, you can no longer get heavy equipment behind them when they build up against a creek. It's about access."

Commissioner Howell said, "Okay, alright."

Ms. Sexton said, "Thank you all very, very much."

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

Chairman Unruh said, "Thank you, Kathy. Appreciate the discussion. We have one more person that has signed up to speak on the Public Agenda. Cindy Proett wants to speak on, we have an agenda item with that topic. Would you like to speak now, or would you rather..."

Ms. Proett said, "I will wait."

Chairman Unruh said, "...you will wait. Okay, very good. Thank you. That being the case, we have concluded the public agenda, and I'll ask the clerk to call the next item."

PROCLAMATIONS

A [17-571](#) PROCLAMATION DECLARING SEDGWICK COUNTY L.A.W. CAMP DAYS.
Read by: Chairman David Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

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

A. *PROCLAMATION DECLARING SEDGWICK COUNTY L.A.W. CAMP DAYS.*

WHEREAS, approximately 150 youth between the ages of 10 and 14 will attend the 22nd Annual Sedgwick County L.A.W. Camp July 10 - 14, 2017 at Lake Afton Park; and

WHEREAS, the mission of the Leaders, Achievers, Winners Camp, known as the L.A.W. Camp, is to create a partnership between Law Enforcement and youth by providing a positive experience using Law Enforcement and National Guard personnel as role models to build self-esteem, confidence and trust; and WHEREAS, the youth will be assigned to mentors who will keep track of the activity schedule. The mentors will operate in teams of two, consisting of one deputy and one soldier from the Kansas Army National Guard; and

WHEREAS, L.A.W. Camp is a partnership involving more than 32 public and private organizations.

NOW, THEREFORE BE IT RESOLVED that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim July 10 - 14, 2017 as

SEDGWICK COUNTY L.A.W. CAMP DAYS

In recognition of this effort to involve our youth in alternatives to crime and violence.

Chairman Unruh said, "Commissioners, you have heard the proclamation. What is the will of the Board?"

MOTION

Commissioner Dennis 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, "We have, I don't know your rank."

Lt. Lin Dehning, Sheriff's Office, greeted the Commissioners and said, "Lieutenant Dehning with the Sheriff's office."

Chairman Unruh said, "Lieutenant, sorry. Pardon me for that lapse of memory, but thank you for being here, and thank you for receiving the proclamation."

Lt. Dehning, said, "It is my pleasure, sir. I don't think I could add any more about this camp than what is in this proclamation. We appreciate your support in this proclamation."

Chairman Unruh said, "Well thank you. We want you to express our appreciation to all the members of the Sheriff's Department who's involved and the National Guard. I believe this is one of the really outstanding efforts in our community to help involve youth, and to let them learn some discipline and learn about what Law Enforcement is. So, we're very pleased to be supporting."

Lt. Denning said, "I will pass that on, sir. Appreciate it."

Chairman Unruh said, "Thank you."

Adopted

APPOINTMENTS

- B** [17-583](#) RESOLUTION REAPPOINTING KAREN COUNTRYMAN-ROSWURM, DAN SOLIDAY, AND JULIE RINKE (BOARD OF COUNTY COMMISSION AT - LARGE POSITIONS) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "We have a number of appointments here this morning. Item B is a resolution reappointing the three individuals just named as at-large members of the Juvenile Corrections Advisory Board [(Team Justice)]. There are six at-large members, and we are reappointing these three at this time. Their new terms will expire June 30 of 2020. I don't believe any of them are present to be sworn in, but I would urge adoption of this resolution."

Chairman Unruh said, "Alright, thank you. Commissioners, what is the will of the Board?"

MOTION

Chairman Unruh moved to adopt the resolution.

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, "I think the Counselor is correct. No one is here on this list, alright. Madam Clerk, next item."

Adopted

C [17-585](#)

ACCEPT THE RESIGNATION OF LEE CASTER JR. FROM THE
KECHI TOWNSHIP BOARD TREASURER POSITION.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Mr. Yost said, "Items C and D pertain to the Kechi Township Board Treasurer position. Item C is the resolution accepting the resignation of Lee Caster, Jr. as treasurer. Mr. Caster has served more than ten years and felt that it was time to retire. The Kechi Township is in Commissioner Unruh's District. Commissioner Unruh is recommending that Mr. Gerald Seibel be appointed to that position. State law of course, requires that the Commission, the County Commission fill these township vacancies. Mr. Seibel's term would expire January 11 of 2021. I understand he is going to be present to be sworn, and I would urge adoption of both resolutions, or items C and D."

Chairman Unruh said, "Alright, thank you."

MOTION

Chairman Unruh moved to adopt the resolutions for items C and D.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Unruh said, "And Mr. Siebel is, is he present? Okay. Then we will move on, and he will get sworn in at another appropriate time. Next item please."

Approved

D [17-595](#)

RESOLUTION APPOINTING GERALD SEIBEL (BOARD OF
COUNTY COMMISSION APPOINTMENT) AS TREASURER TO THE
KECHI TOWNSHIP BOARD, AS RECOMMENDED BY 1ST
DISTRICT COMMISSIONER DAVE UNRUH, TO FILL THE
UNEXPIRED TERM OF LEE CASTER, JR.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Action for Item D was taken with Item C.

- E [17-584](#) ACCEPT THE RESIGNATION OF ART GENTRY (COMMISSIONER MICHAEL O'DONNELL'S APPOINTMENT) FROM THE METROPOLITAN AREA PLANNING COMMISSION.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Mr. Yost said, "Mr. Chairman, Items E and F pertain to Metropolitan Area Planning Commission (MAPC) membership. Mr. Art Gentry has resigned from that Board, and item E is his resignation and resolution approving that. He had been an appointee of Commissioner O'Donnell. Item F is the resolution appointing Joshua Blick to fill Mr. Gentry's position on the MAPC. Mr. Blick is recommended by Commissioner O'Donnell for that position. Mr. Blick would serve the unexpired term of Mr. Gentry, which would end on August 31 of this year. Mr. Blick is present, or I'm told he's going to be present, and I would urge adoption of both of these resolutions."

Commissioner O'Donnell greeted the Commissioners and said, "Mr. Chair, I move that we accept these resignations and the appointment, but Mr. Blick is not here."

MOTION

Commissioner O'Donnell moved to adopt the resolutions for items E and F.

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

Adopted

- F [17-590](#) RESOLUTION APPOINTING JOSHUA BLICK (COMMISSIONER MICHAEL O'DONNELL'S APPOINTMENT) TO THE METROPOLITAN AREA PLANNING COMMISSION TO FILL THE UNEXPIRED TERM OF ART GENTRY.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt Resolution.

Action on Item F was taken with Item E.

NEW BUSINESS

- G [17-580](#) PUD2017-00001 - A COUNTY ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL DISTRICT (SF-20) TO PUD PLANNED UNIT DEVELOPMENT (PUD) ON PROPERTY

GENERALLY LOCATED ON THE SOUTH SIDE OF MACARTHUR ROAD, 600 FEET WEST OF SOUTH MERIDIAN AVENUE.

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

RECOMMENDED ACTION: Approve the zone change, 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 request to rezone property that planned unit development. The applicant, this would be the third in a series of industrial parks that they have developed. One of them is located immediately to the east here, then the other one is about a mile and, or to the west, I am sorry. Then to the east, about a mile and a half to the east on Seneca, they have another one going in, but this would be proposed to be developed for, to support industrial and commercial uses in the south part of the county. Planning Commission recommended approval.

"As you can see, there are, there's some limited commercial (LC) here where the red is, the SF-20 (Single Family) is the pink. That's the planned unit development that one of the applicants' companies currently is operating. Then there's a residential use to the south. It's currently vacant. There are homes to the east, over here to the southeast. There is a home here and here. Farm ground to the north, series of smaller lots fronting south side of Macarthur, farm ground. Comprehensive plan suggests this is appropriate for new residential uses. However, the Commission has the ability, given case by case basis to modify and approve those uses that they deem appropriate. Here's the PUD (Planned Unit Development) that they have submitted.

"The applicants have agreed to screen along this eastern segment, and the southern segment, and then to also add a screening wall here to protect these folks here. This, the agreement to do the screening wall came after the Planning Commission recommendation for approval. So, it will take a 2/3 majority vote to approve what the applicant has agreed to with the neighbors. There was 11 percent protest, which does not trigger the super majority vote, but because you would be overriding the Planning Commission's recommendation to add that wall, and to make it clear, the wall was not offered at Planning Commission, so they didn't have an opportunity to review that.

"That was done after the fact, but the applicant is in agreement with that, and the agent is here and can speak specifically to questions if you have any. With that I would try and answer questions."

Chairman Unruh said, "Alright thank you, Dale. Commissioners, do you have any questions on this application? I don't see any.

This is not a public hearing, but on zone changes, we typically offer citizens an opportunity to make a statement if they would like, whether it's the applicant or the protesters. If there's anybody that wants to make a statement, now would be a time. I don't see anyone rising to speak, so Commissioners, I will ask you what's the will of the Board?"

MOTION

Commissioner Dennis moved to adopt the zone change subject to the conditions recommended by the Metropolitan Area Planning Commission, adopt the findings of the MAPC and authorize the Chairman to sign with the amendments identified today.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Adopted As Amended

H [17-581](#)

ZON2017-00018 & CUP2017-00016 - ZONE CHANGE FROM SF-20SINGLE FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND THE CREATION OF THE R.D. WOOD COMMERCIAL COMMUNITY UNIT PLAN (CUP) DP-343 (DISTRICT 3).

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

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC); approve the zone change and CUP subject to the conditions recommended by MAPC as suggested to be modified by the Citizens Advisory Board; approve the resolution and authorize the resolution to be published.

VISUAL PRESENTATION

Dale Miller said, "The application area is here. The applicant is proposing to develop a self-service storage warehouse facility and have ancillary neighborhood retail, commercial uses as the opportunity may arise. The seller of this land also owns the land to the north and the east. As you can see here, there is a subdivision zoned single family to the west across 135th Street.

"There is some LC zoned land, limited commercial that has been developed with residential uses, and then there's an SF-5 zoned subdivision here. Initially, these folks were concerned with the development of this site.

"As you can see here barely, there is a creek that comes in from this direction and another one that comes in and joins just at the south edge of the application area. Their concern was that if this is developed, how would that impact the stormwater as it hits this subdivision and then goes through that drainage channel? As you can see, it is vacant today. You can see the subdivision here to the south. The retention pond or large lot residential area here, the homes across the street. The comprehensive plan says that this property is appropriate for residential, employment mixed uses so it's consistent with the adopted plan.

"Here is the community plan that's being proposed. You can see they have a reserve

here. One of the things that the applicant agreed to do was to extend this reserve all the way across, and these two reserves are basically open space and drainage. You can see how the self-storage units would be developed here, and then two parcels for neighborhood retail. Planning Commission recommended approval. Then after Planning Commission and at the County Advisory Board, the applicant and the neighbors got together, and the applicant agreed to four or five additional conditions that the Planning Commission was not offered, so we will need another 2/3 vote to approve as recommended by the County Advisory Board.

"Basically it was increasing the landscaping, increasing the facades that would have masonry or some form of treatment that would be different than just metal. One of the things was to extend that reserve, and the applicant has agreed to that. The plan that you have received reflects those amended conditions. As a result of that, there was no protest provided for this. So, other than the fact that you need to override the Planning Commission since they didn't have an opportunity to review the conditions agreed to at the CAB (Citizen's Advisory Board), needed 2/3 vote. The agent is here and try and answer questions."

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

Commissioner Dennis thanked the Chairman and said, "First of all, I appreciate all of the support from the citizens in District Three, and also from the applicant. I thought that it was a very productive meeting that we had at the Citizen's Advisory Board. I believe that they came up with an agreement that both the community and the applicant agrees with, and it will serve the area very well. So, it was the first major case that our Citizen's Advisory Board had, and I thought it had a great outcome."

MOTION

Commissioner Dennis moved to adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to CUP (Conditional Use Permit) subject to the conditions recommended by the MAPC, as suggested to be modified by the Citizen's Advisory Board, and approve the resolution and authorize the resolution to be published.

Commissioner Ranzau seconded the motion.

Chairman Unruh said, "Is there any comment from Commissioners or any further questions? Before we call the vote, once again, we'll ask if there's any citizens who would like to speak to this. Once again, it's not a public hearing, but we'll give you the opportunity to speak. If the applicant or any citizens. I see no one rising to speak, so Commissioners, any other comment? Seeing none, Madam Clerk, call the vote."

VOTE

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

I [17-577](#)

AMENDMENT TO THE LISTING REQUIREMENTS FOR
ELECTRONIC SIGNS IN THE UNIFIED BUILDING AND TRADE
CODE.

Presented by: Chris Labrum, Director of Metropolitan Area Building
and Construction Division.

RECOMMENDED ACTION: Approve the resolution.

VISUAL PRESENTATION

Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Division, greeted the Commissioners and said, "As stated, I will be briefing the resolution to amend section 4.2.240 of the UBTC (Unified Building and Trade Code), specifically addressing electrical sign code. Summary of what we do in the MABC[D] with codes, we obviously enforce numerous codes, roughly a dozen different types. We do receive, or those codes are pushed to us through International Code Council and other national organizations, as was the case in this code. It was pushed in 2014, and we've been working since to adopt.

"Codes are revised and updated on a three-year cycle in order to stay current and work with industry. Reasons we update the codes, of course, mainly based on public safety, and adopting and utilizing best practices through our communities. This also ensures consistency across jurisdictions, and allows trade professionals consistency in their training and certifications. Includes two parts, the adoption of the new and updated code, obviously the extensive reviews associated with that.

"Also, the creation and adoption of any local amendments in the case here. To this point, I would like to commend our local sign companies as part of this. Approximately 40 companies came together to reach a solution to this amendment which was a great cooperative effort, and we are greatly appreciative of their work and cooperation in that. Specifically, sir, the amendment allows for sign companies to submit documentation of listed products.

"Listed products or a listed sign would include those tested by an underwriting laboratory, and certifying the signs as such. This code would have required all local sign companies to use a listed sign at a potentially great expense to those companies.

"Obviously, if a sign is already listed with a laboratory, they are compliant with the code. In the case that the sign is unique, then sign companies can submit, will submit documentation of that sign and a list of the products being used. We will review that plan and those products, assuming that they all meet the criteria that would be listed. We then can approve that sign and allow them to press forward with installation. There is a second part to this, in which we are requiring that an electrical contractor do the electrical hookup of that sign to the facility. That can either be a sign company receiving an electrical contractor's license, and having their master electrician do that work, or having that contracted. Are there any questions, Chairman or Commissioners?"

Chairman Unruh said, "Commissioners, do you have any questions for Chris? Any other comment? I think we do have a citizen who would like to speak to this, so before we go any further, Chris, we will ask you to step aside, and Miss Proett, if you'd just tell us your name."

Ms. Cindy Proett, Municipal and Community Coordinator, Luminous Neon, Inc., greeted the Commissioners and said, "I really just wanted to commend Chris and the

MABCD on involving the sign companies and giving us input and helping to come to the best resolution to hopefully make this as painless as possible. This probably isn't a resolution the sign industry would have initiated, or sought otherwise, but we think we've come to the best resolution possible. We would really just like to commend them. This went on for many, many months, trying to come to a solution. So with that, we would like to encourage you to implement."

Chairman Unruh said, "Well, thank you very much."

Ms. Cindy Proett said, "Thank you."

Chairman Unruh said, "It's good to hear when people are together, and all on the same page, and say let's go forward. So, thank you for taking the time to come. You are from Hutchinson?"

Ms. Cindy Proett said, "I'm based out of Hutchinson, yes."

Chairman Unruh said, "Okay, alright. Well thank you for making the effort to be here. We have a question from Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to say, I wanted to officially welcome Chris Labrum. I don't know, this is his first meeting he's actually spoken at, if I understand that correctly. He's doing a great job. I'm glad to have you on our Sedgwick County team."

"As a matter of business, I am really impressed on how you and your folks have led on this issue to find a good compromise that everyone seems to be supportive of. This is one of those areas where I think on the onset it seemed like it was going to be very much a lot of conflict and maybe a lot of upset folks and businesses, maybe weren't going to be real happy with the regulations being put out. But you found a way to get it done. I just want to say thank you for working on this and making a great compromise. It, I guess, addresses our concerns, as well as allows these businesses to continue to do what they do and be competitive and be successful. So, I want to say thank you for all you have done in leading on this issue, and your folks that work with you as well."

MOTION

Commissioner Howell moved to approve the resolution.

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

Adopted

COUNTY SERVICE DRIVE CODE AS IT PERTAINS TO CERTAIN
PROPERTY LOCATED IN SEDGWICK COUNTY, KANSAS.

Presented by: Daniel Wegner, Fire Marshal Sedgwick County Fire
District 1.

RECOMMENDED ACTION: Approve the Resolution.

VISUAL PRESENTATION

Mr. Daniel Wegner, Fire Marshal, Sedgwick County Fire District 1, greeted the Commissioners and said, "What we have here is a request for variance to a service drive code. This property is north of U.S. 254, and east of 143rd. It actually contains four properties, the one directly off 143rd, and then this property back here, and then there's two other landlocked 20-acre parcels. All parties are in agreeance with the request for variance of the service code. There is a little bit of history with this property from the access off of [Highway] 254 being shut down by KDOT (Kansas Department of Transportation) in 1995, and then around 2006. The house there at 143rd was built in 2004. The grant from subdivision was allowed to put four properties on a service drive instead of doing the rural roadways. So, all parties are requesting that the work commission grant them a waiver of the service drive code. I will stand for any questions that you got."

Chairman Unruh said, "Well, thank you. We appreciate your hard work on this. It's kind of been a long, arduous process to get to this point because it requires some documents that relieve Sedgwick County from any liability as far as accessing those properties. So, that took some extra work, but I believe we got to the point where the landowners are happy. So I am hopeful that we will go ahead with this application. Commissioners, are there any other comment or questions? There are none."

MOTION

Chairman Unruh moved to approve the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Unruh said, "Before we call for the vote, to make clear, the waiver is by the landowners have to be signed and registered with the deed before this takes effect, is that correct?"

Mr. Wegner said, "Yes, sir. All landowners have signed the waiver. It will be given to the Clerk's office as soon as the Board of County Commissioners signs off on the resolution. That will be attached with the Register of Deeds for each one of these properties, showing there is a waiver of liability to Sedgwick County and the Emergency [Medical] Services for these properties."

Chairman Unruh said, "Alright, thank you. Well, with that explanation, I see no more requests to speak, so I will ask the Clerk to call the vote."

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye

Commissioner Howell Aye
Commissioner O'Donnell II Aye
Chairman Unruh Aye
Adopted

K [17-599](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR
MEETING ON JUNE 29, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director, Purchasing, greeted the Commissioners and said, "The meeting held on June 29th for the Board of Bids and Contracts, we have four items that are being presented for your approval this morning.

1. 2017 HIGH DENSE SEAL (R175-P)—PUBLIC WORKS
FUNDING - 175 PREVENTATIVE MX-16+

"The recommendation is to accept the bid from Andale Construction, INC. in the amount of \$395,414.70."

2. RENTAL UNIFORM AND MAT PROGRAM - VARIOUS COUNTY
DEPARTMENTS
FUNDING - VARIOUS COUNTY DEPARTMENTS

"The recommendation is to utilize the US Communities Contract #50716 and establish contract pricing through March 31, 2019."

3. HANSEN MOBILE SOFTWARE UPGRADE - METROPOLITAN AREA
BUILDING AND CONSTRUCTION DEPARTMENT (MABCD)
FUNDING - MABCD

"The recommendation is to accept the quote from Infor Public Sector for an initial purchase of \$76,428, estimated travel expenses of \$7,500 and establish contract pricing at the rates listed for maintenance and support for years two (2) through year five (5) for an estimated total five (5) year cost of \$139,834.48."

4. MAINTENANCE AND SUPPORT RENEWAL FOR ELECTRONIC PATIENT
CARE REPORTING (ePCR) SYSTEM - EMERGENCY MEDICAL SERVICES
FUNDING - EMERGENCY MEDICAL SERVICES

"This recommendation is to accept the quote from Health EMS for a total five (5) year renewal cost of \$337,572.

"I'll be happy to answer questions that you may have and recommend approval of these items."

Chairman Unruh said, "Joe, thank you. Commissioners, are there any questions or comment? Seeing none, what's the will of the Board?"

MOTION

Commissioner O'Donnell moved to approve the recommendations of the Board of

Bids.

Commissioner Dennis seconded the motion.

Chairman Unruh said, "Is there any discussion on the motion? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Just looking at this closely. On these four items, the first one, we only received one bid. Is that correct?"

Mr. Joe Thomas said, "That is correct."

Commissioner Howell said, "The second one we only received one bid, if I am seeing this correctly. Cintas was the only one that bid on that. Item number three..."

Mr. Thomas said, "I'm sorry."

Commissioner Howell said, "Pardon?"

Mr. Thomas said, "No, I was, I'm sorry, on the item number two..."

Commissioner Howell said, "Yes."

Mr. Thomas said, "...it wasn't that we had received just one bid. It was a, we took advantage of the joint governmental purchase for U.S. Communities. That was done competitively, and we're piggybacking."

Commissioner Howell said, "Okay, that helps. That's great. Number three, again, is this just a single opportunity? I don't think there's anybody else that's competing with that. This is a contract for software we already have, I guess."

Mr. Thomas said, "Yes."

Commissioner Howell said, "So, that kind of eliminates any options I think for others to compete on that. Then number four, again, that's another one of these things where we only have a choice of one it looks like. We're going to go forward or not go forward, so I guess in all four of these it's interesting to me that, unlike a lot of other Board of Bids and Contracts reports, this one seems like it has just a single option in all four cases, which makes me a little bit uncomfortable. But, I appreciate the work that you guys do. It's just more of a comment. I hope we try to, in terms of, trying to make sure we have competition on these is really important. The one that's most interesting to me out of these four is the first one. Can you please talk about what exactly are they going to do with sealing and paving? It's about \$68,000 per mile. What are they doing for that type of dollars?"

Mr. Thomas said, "David Spears has comments for you."

Mr. David Spears, Assistant County Manager for Public Works, greeted the Commissioners and said, "This is a product that we have used in the past. It is like a fog seal. The longevity of it is really good. It will last for more than five years. We used it out on Old Highway 54. We have used it down in Clearwater, around that area. We have tried several, several, several products over the years, and a frictional seal, which that was used like on your project down on 63rd, and it is not reacting as

well as this. So, this is a product that we have found that is used across the country. It is one of the better ones for a fog seal that has longevity. So, Andale is the ones that put this down. I think there's different vendors across the country that do that. Apparently they are the only ones that wanted to bid in this area."

Commissioner Howell said, "Okay. That helps a lot. The only other comment I would make is this is only 5.75 miles. We have quite a lot of miles of road to maintain at some point. So at that rate, are we going to end up trying to follow the same type of technology on a lot of these other roads in the county? Seems like a high, expensive process."

Mr. Spears said, "We have a lot of different tools in our tool box for preventive maintenance. Most of them are very competitive. We have been very successful with it, and as you know, we are on a five-year program. Now we are going to a six-year program, and like I say, we look at the road individually and see, the engineers look at it, at what application that we need to make, and then we choose accordingly. We always try to get the biggest bang for the buck, and I think we do. We will keep watching this product, and if the price would start, even getting higher, we would consider doing something different. So we do, we watch it all the time."

Commissioner Howell said, "Alright. Well, thank you for the explanation, and I'm pleased to support the motion this morning. Thank you Mr. Chairman."

Chairman Unruh said, "Thank you. We do have a motion and a second, is that correct Madam Clerk? Alright. Is there any further discussion? Please call the vote."

VOTE

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

Approved

CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve consent agenda items Lima (L) through Alpha Delta (AD)."

Chairman Unruh said, "What's the will of the Board?"

MOTION

Commissioner Dennis moved to approve consent agenda L through AD.

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
Approved

Aye

-
- | | | |
|---|-------------------------------|---|
| L | <u>17-553</u> | One (1) Temporary Construction Easement for Sedgwick County Project on 103rd Street South between Webb Road and Greenwich Road; 644-33-4041. CIP#R264-31. District 5. |
| M | <u>17-554</u> | One (1) Easement for Right of Way for Sedgwick County Project on 143rd Street East between 71st & 79th Streets South; 839-Y. District 5. |
| N | <u>17-555</u> | Resolution designating and classifying 73rd Street South and 139th Street East to the Rockford Township Road System per K.S.A. 68-506. District 5. |
| O | <u>17-593</u> | Two (2) Easements for Right-of-Way for Sedgwick County Bridge Project on 119th W between K-42 & MacArthur; 805-U-5115. Districts 2 & 3. |
| P | <u>17-594</u> | One (1) Easement for Right-of-Way for Sedgwick County Project on 87th Street South between 167th & 183rd Streets West; 640-15-3525. District 2. |
| Q | <u>17-606</u> | One (1) Easement for Right-of-Way for Sedgwick County Project on 87th Street South between Webb Road & Greenwich Road. District 5. |
| R | <u>17-576</u> | Amendment to the 2017 Capital Improvement Program for NCAT Water Intrusion Repairs. |
| S | <u>17-573</u> | Amendment to Agreement between the Kansas Department of Corrections (KDOC) and the Division of Corrections - Sedgwick County Juvenile Residential Facility. |
| T | <u>17-574</u> | Amendment to Agreement between the Kansas Department of Corrections (KDOC) and the Division of Corrections - Sedgwick County Youth Program (SCYP). |
| U | <u>17-597</u> | Contract with the City of Wichita to provide Treatment Services for the Municipal Drug Court. |
| V | <u>17-604</u> | Resolution to Designate a Public Area of the Sedgwick County Courthouse Where Carrying a Concealed Handgun Is Prohibited. |
| W | <u>17-624</u> | Selection of the Kansas representative to the Governing Board of the National Association of Counties. |
| X | <u>17-520</u> | Revise Sedgwick County Personnel Policies. |

Y	17-592	Treasurer Claim Certification.
Z	17-536	General Bill Check Register for June 14, 2017 - June 20, 2017.
AA	17-537	General Bill Check Register for June 21, 2017 - June 27, 2017.
AB	17-538	General Bill Check Register for June 28, 2017 - July 4, 2017.
AC	17-539	Payroll Check Register for the June 10, 2017 payroll certification.
AD	17-540	Payroll Check Register for the June 24, 2017 payroll certification.

LEGISLATIVE ISSUES

Chairman Unruh said, "I see our agenda calls for Legislative Issues, but I don't think we have anything to discuss there. We do need to have a Fire District meeting, so Commissioners, I believe now is the time to recess the regular meeting of the Board of County Commissioners and call to order the Board of County Commissioners Setting as the Governing Body of Fire District Number One."

The Board of County Commissioners recessed into Fire District Number One from 10:12 a.m. and returned at 10:14 a.m.

OTHER

Chairman Unruh said, "Commissioners, anything else relating to county business that you'd like to bring up right now? Commissioner Howell?"

Commissioner Howell said, "Thank you, Mr. Chairman. I just want to say, Commissioners, I've had a number of opportunities, I've been able to take advantage of a few things I would like to talk about for just a minute. One that stands out to me is, I was able to attend the Wichita Police Department (WPD) Homeless Outreach Team (HOT) presentation a week ago, and I just wanted to say, I am extremely impressed with the processes that the Wichita Police Department is currently using to combat and assist and help the homeless in our community. There is a gentleman, a police officer, his name is Nate. I am going to say his last name wrong."

Commissioner O'Donnell said, "Schweithale."

Commissioner Howell said, "Schweithale, thank you so much for helping me with that. He is a tremendous individual. He's leading that effort, and I am extremely impressed with him. He made a presentation. There was a number of videos that Wichita has hosted on their website as well as on their Facebook page. I encourage the public to go watch those. You will also be impressed. Some of the data around this is, the homeless population nearly doubled from 2009 to 2011 and has continued to be a challenge for our community. But with the Homeless Outreach Team's efforts, they have done a number of things to help, and I just want to say I'm really impressed. I want to say thank you to them for caring and for helping so many folks the way they do.

"They have helped hundreds and hundreds of people in our community be reunited

with their families, to find permanent housing, to deal with substance abuse, and mental illness, all kinds of other issues that are dealing with that population. So I want to say thank you to Wichita Police Department for what they do and the homeless outreach team. I am so impressed. I want to say thank you specifically to Officer Nate Schweithale, if I'm saying that correctly.

"Second of all, I wanted to say Commissioner Dennis did a good job organizing an event where we got to talk to the USS Wichita crew that happened to be here last week. Really enjoyed that. I'm excited to see a Navy ship with the Wichita name on it, and I know he may want to speak on this as well. I want to say thank you for his work in helping us meet that crew. It was very exciting for this community to have a ship with the Wichita name in the Navy. It's going to be a very fast, agile, it's a small ship in terms of ship sizes. It is about a football field long, but still a large ship in my opinion. But in terms of other, compared to other ships, this is I think the fastest ship in the Navy fleet. It's exciting to have the Wichita name on that.

"There's a number of other things we are doing around town, but I won't talk about any more. I just wanted to say, I guess I'll say one more thing. Commissioner Dennis and I also attended the Law Enforcement recruit graduation last Friday. Twenty-one recruits for Wichita and for Sedgwick County Sheriff's Office. It was exciting to see these folks. They do a tremendous job. I'm looking forward to seeing these folks get trained in our new Law Enforcement Training Center that will be open later this year. I am reminded that that's extremely necessary, but it's great to see 21 new recruits graduate from our training program jointly with Wichita. And that was also very, very good. With that, that's all my comments for now. Thank you, Mr. Chairman."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. First, I wanted to join Commissioner Howell in congratulating our new Sheriff's deputies and also Commissioner Ranzau was there with us also at the commissioning ceremony. Want to remind everyone Kate [Flavin] made a nice comment about it, but we do have the [Sedgwick County] Fair coming up. We have a parade tonight at 6:30 [p.m.], and the fair is starting. So, I want to recommend everyone head out to Cheney, out to the big 3rd District and join us out there."

Chairman Unruh said, "Okay, thank you."

Commissioner Dennis said, "No, I've got two more comments."

Chairman Unruh said, "Oh, I'm sorry. I thought you hit your high points."

Commissioner O'Donnell said, "He had a pregnant pause there".

Commissioner Dennis said, "Also, I want to join Commissioner Howell and all of our Commissioners that made the visit of the crew from the USS Wichita successful here last week. They were very, very busy. I'm sure that they were very tired by the time that they ended their trip, but it was a great way to recognize some of our men and women that are serving our country and will serve on the USS Wichita. Final comment that I've got is that a number of you probably saw that we had an en banc meeting last week.

"I don't know if the Chairman was going to mention that. But, we do have a working group meeting coming up on Friday, and hopefully we can have that resolved. We are very close. Hopefully we can have a resolution so that we can vote on that next week. That's all I have. Thank you."

Chairman Unruh said, "Well thank you, Commissioner. I appreciate you mentioning the en banc where we talked about our EMS service to the community. I think in light of the fact that it's very clear that citizens of Sedgwick County want us to, as much as possible, have unified consolidated services, and probably our EMS service is the crowning example of how two governments can work together to provide excellent service for their communities. We understand that. I'm sure the City of Wichita understands that. We will continue to have a process that is efficient and actually is, compared to other communities, an economical service that does a great job. So, as we continue to go forward in those discussions, I look for a positive outcome. I see no one else asking to speak. So, I believe we do have an Executive Session."

EXECUTIVE SESSION

MOTION

Commissioner O'Donnell moved that the Board of County Commissioners recess into executive session for 45 minutes to consider consultation with an attorney for this Commission which would be deemed privileged in the attorney-client relationship and preliminary discussions relating to the acquisitions of real property and that the Board of County Commissioners return to this room from executive session no sooner than 11:05 [a.m.] and this executive session is required to protect attorney-client privilege and public interest and protect the County's financial interest and right to the confidentiality of its negotiating position.

Commissioner Howell seconded the motion.

Mr. Eric Yost said, "I just want to recommend that we meet in the Manager's conference room for that. There's several topics."

Chairman Unruh said, "Okay, we will do that. Madam Clerk, please call the vote."

VOTE

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

The Board of County Commissioners recessed into executive session at 10:21 a.m. and returned at 11:06 a.m.

Chairman Unruh said, "Okay. We are back from Executive Session and, I will call the regular meeting of the Board of County Commissioners back to order and declare that while we were in Executive Session no binding action was taken. However, I do think we have some business to take care of, Mr. Counselor?"

Mr. Yost said, "Mr. Chairman, we have an item. Ms. Powell is going to present it to you regarding a waiver of a conflict of interest with Wichita State University (WSU)."

Ms. Karen Powell, Assistant County Counselor, greeted the Commissioners and said, "This item is in regard to a former attorney with our office, Misha Jacob-Warren. She is now employed with WSU, Wichita State University. In the course of her duties at WSU, she may be asked to work on an item that she worked at while here at the county in regard to the WATC (Wichita Area Technical College) agreement with, and all those related matters.

"Out of an abundance of caution, we would, there's not necessarily going to be a conflict, but out of an abundance of caution, we'd recommend that the Commission waive that and allow her to actually represent WSU in the course of those issues. We don't see that there will be any detriment to the County Commission in signing this and allowing her to do that. In fact, there may be a benefit, because she has some knowledge of the county's position on those items. So we would recommend that the board authorize the Chairman to sign a document called potential conflict disclosure, and I do have the original for you. So thank you."

Chairman Unruh said, "Alright, thank you. So we just need to approve this waiver of conflict of interest."

Ms. Powell said, "Yes. Approve the waiver of the conflict and authorize the Chair to sign, is what I'd recommend the motion be."

MOTION

Commissioner O'Donnell moved to approve the waiver of conflict and authorize the Chairman to sign.

Commissioner Howell 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, "Thank you Karen. Is that all, Mr. Counselor? Is that all, Mr. Manager? That being the case, we will be adjourned. Thank you."

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:08 a.m.

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

DAVID M. UNRUH, Chairman
First District

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

*DAVID T. DENNIS, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

*JAMES M. HOWELL, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED: