

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, July 12, 2017

9:00 AM

BOCC Meeting Room

### **Board of Sedgwick County Commissioners**

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

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

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

## **ORDER OF BUSINESS**

### **CALL MEETING TO ORDER**

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

#### *REGULAR MEETING*

*July 12, 2017*

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:02 a.m. on July 12, 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; Ms. Lindsay Poe Rousseau, Chief Financial Officer; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Mr. Justin Waggoner, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Tania Cole, Acting Director of OSS; Mr. Scott Hadley, Assistant County Manager of Public Safety, EMS Director; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.*

#### *GUESTS*

*Mr. Nate Davis, 149 N. Dodge, Wichita, KS  
Mr. Gregory Ferris, 144 South Bay Country Court, Wichita, KS  
Ms. Rose Corby, Planning and Zoning Administrator, City of Haysville*

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

### **INVOCATION: Reverend Sherdeill Breathett Sr., St. Mark United Methodist Church.**

### **FLAG SALUTE**

### **ROLL CALL**

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

### **PUBLIC AGENDA**

*Chairman Unruh said, "Alright. Now we are ready for the public agenda and we do have some folks who have signed up to speak on more than one issue. So, first person who signed up, I think, is Ricky Nelson who, I guess, wanted to speak on the item that we just deferred. So, if you'd like to speak now or if you'd wait until, if we bring this up later."*

*Mr. Ricky Nelson said, "I will wait until you bring it up later."*

*Chairman Unruh said, "Alright. Thank you, I appreciate that. Mr. Troy Nicks is he..."*

*Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Commissioner or Chairman, if you could just clarify, later means if the item comes up at another BoCC (Board of County Commissioners) meeting."*

*Chairman Unruh said, "Correct."*

*Mr. Scholes said, "Not later on in this meeting."*

*Chairman Unruh said, "Correct."*

*Mr. Scholes said, "I don't know if that was clear."*

*Mr. Ricky Nelson said, "I understand that."*

*Mr. Scholes said, "Okay, cool, thank you."*

*Chairman Unruh said, "Thank you, for that clarification. Mr. Troy Nicks is another person wanting to speak."*

*Mr. Troy Nicks said, "I'll wait."*

*Chairman Unruh said, "Thank you, sir. Next on the list is Linda McMillan."*

*Ms. Linda McMillan said, "I'll wait until later."*

*Chairman Unruh said, "Alright. Also you will defer and Ann Windsor."*

*Ms. Ann Windsor said, "(inaudible)"*

*Chairman Unruh said, "Alright. Thank you, we have Nate Davis, who wanted to speak. If you'd give us your name and you have five minutes."*

*Mr. Nate Davis, greeted the Commissioners and said, "Okay, Thank you. Some of you are new to me on the Commission. I've been here a few times speaking in support of the [Judge Riddel] Boys [and Girls] Ranch (JRBR) over the years. That's what brings me here again today. I understand this is an issue that, you know, might be put back for later, but I wanted to talk about the history of the ranch. Over the past couple of years, I've had the opportunity to talk to many people who are involved in the ranch through a documentary that I'm filming about the ranch. Through my experiences in my speaking, I ran across a lot of other people who have stories to tell who had perspectives that I felt like were important, so I picked up a camera and decided to talk to them. It's those experiences that I just want to share with you guys today as you make a decision on whether or not to bulldoze that and make it a state park or use it for other community groups in the future, whatever that maybe.*

*"A few of the people that I got a chance to talk to were the daughters of Judge Riddel. They shared some stories with me about their family and about the days that he was going around speaking to different groups, trying to raise money for the ranch. He had gotten an architect to build a little model for him of his dream, of his idea of what the ranch should look like. He carried that around to different community groups on the weekends and evenings and stuff. He would drag his wife and kids with him to go hear him talk about this boys' ranch that he had in his head. They were there to watch it become a reality. I really enjoyed talking to them and hearing about the dreams he had.*

*"Now, as a former resident and as case manager who was impacted by the ranch, it*

*just gave me a really good perspective on his dream and what it became. That dream can still be used, you know. I understand that the ranch is closed. I understand that it's not going to be reopened as a boys' ranch. Those boys now have to go somewhere else, most of them out of the county. But that ranch and that property was designed with Sedgwick County in mind.*

*"There's plenty of places that we can camp. I'm an outdoorsman, I love taking my boys out fishing, and we go out to Lake Afton a lot. I've had opportunities to show them the ranch and tell them in their six and seven-year-old minds, what they can take, what that place meant to me and how my life was impacted by being there. But it's not going to be best used as a campground or whatever it would be used once it's bulldozed. There are many other community groups that can utilize that space, that can utilize that area.*

*"I don't know what it is, 200 some thousand dollars that you guys are going to need to bulldoze it. That can be better used as something that can generate more life changing experiences in the future. So I had a lot to say, I'm just frazzled, I have a difficult time speaking in front of you guys, as you've seen before, but that's the gist of what I wanted to say. I'm just asking you to keep the property as what it was intended for and utilize it the way that it was intended."*

*Chairman Unruh said, "Well, thank you for your comments and I think you would get 100 percent agreement that the concept and the success of the Judge Riddel Boys Ranch has been remarkable and a great asset in our community. The issue now is not, you know, what happens in the past, but what going forward. But I appreciate your comments. Thank you"*

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

*Chairman Unruh said, "We have, Commissioner Howell. Did you want to make comment?"*

*Commissioner Howell said, "Yeah, I just wanted to make a couple of quick comments. I just want to say thank you to Nate for coming this morning. I know he has been following this thing, this discussion for some many, many years. I was brought into the discussion, I think, in 2012 and you were already at the podium before I even became aware of this discussion. You were there fighting for everyone to, kind of, understand the importance of JRBR and I just want to say thank you for all you've done.*

*"If anybody hasn't seen it, I decided to go ahead and posted it on my Facebook this morning, but Nate Davis has done a series of videos, one of those I guess the series is titled The Last Chance Ranch. I guess in some ways that's, kind of, prophetic for today's discussion, because this discussion whether we're going to go forward and raze the building and turn it back into park property or do something different.*

*"So, that's our discussion this morning, but his video series is called Last Chance Ranch. They are short videos, like three or four minutes each and I think the best one out of those I decided to go ahead and post that on my Facebook this morning. So, if anybody is interested they can go to my Facebook and find that. I would say you are a very good filmographer or is that, I'm not sure what the right term there, producer, and you do a good job, I think..."*

*Mr. Davis said, "Thanks."*

*Commissioner Howell said, "...talking about our history. We should be very proud of our history this is something Sedgwick County started back in 1959 without state*

*funding."*

*Mr. Davis said, "Absolutely."*

*Commissioner Howell said, "We have had about 6,000 boys, these are medium to high risk youth, boys that were treated by our Sedgwick County program. That had, when I say medium to high risk youth these are boys that have committed crimes of some sort. A judge would look at that young boy, 13 to 19 years old, I think, and would say I think this young man could get some treatment and probably get him on a better path. Maybe he's got some domestic issues at home, maybe he's got some gang problems in his community, and substance abuse things going on there. This judge for whatever reason sees something good in that young man."*

*"So, they send him to JRBR for a period of time and then it is more of a family setting, you saw the structure with a different environment than these kids are use too. They, it puts them on a better path and 6,000 boys have gone through that, many of them, most of them I would imagine have become taxpayers, family, have had families of their own. Some of them have businesses, many of them work in our community. But changed their direction, the crimes that did not get committed, the things that did not happen that were negative to our community, the change between what could have happened and what did happen is astounding."*

*"So, again my connection to this is I have been trying since 2012 to highlight this and bring some attention to this. I am proud of Sedgwick County for their front-end investment on this program. It did eventually transition to a state program and that's where the problem started, much like the discussion, I think, Commissioner Ranzau is going to bring, when you take federal dollars or state dollars with strings attached it kind of, changes the discussion. So, this morning were going to talking about \$7,100 back in 1966, which has changed our discussion about this entire facility."*

*"Maybe that wasn't the best thing for us to do was to take that money and limit our choices going forward. But this program, which was a Sedgwick County program funded by the county, became a state program and then we eventually decided that we wanted the state to be fully responsible for all of the financial responsibility and to the extent that wasn't going to happen back in 2014. This program did shut down."*

*"I wanted to just reflect real quickly, you did say that the majority of our boys are out of county that is true. I got a snapshot this morning ten of our Sedgwick County boys are out-of-county right now, today, this morning getting their residential treatment and I was told that we will always have a need for some residential facilities. Some of these kids that aren't in a YRCII (Youth Residential Center), some of these are in JDF (Juvenile Detention Facility) some of them end up in a juvenile, I will use the word, youth prison essentially because of things they've committed, those types of crimes they've committed and then as adults they end up in our jail or prison."*

*"So these are very expensive issues to not to solve on the front in when you have an opportunity. That's kind of the whole idea behind JRBR, but right now we have 10 kids out of county, right now we have zero beds for females in this state. So there's no females in a YRCII in Kansas right now."*

*"They're somewhere else or not being treated and then I will just tell you, one of the years, one of the recent years here 90 percent juveniles that were admitted to JRBR were successfully completed the program and had no recidivism in 12 months."*

*"The last six months that JRBR was open they had 92 students that completed school credits, we had seven total graduations of those students that were there, graduations from high school, they did, many of them, over 300 hours of workforce*

*development for these kids in 2014. That was the year we shut this down and only had six months of programming. That very year, we had over 300 hours of workforce development for these kids. So, again, this is a tremendous program in our history. As we move forward into this discussion today, I'm sure our focus will be on the other aspects of this decision in terms of whether we should raze this building or delay that or whatever we're going to do there.*

*"But since you did come this morning, Nate, I wanted to talk about our history as JRBR and the good things that Sedgwick County has done in the past. It's a very positive program. We invested in it and I know even when Commissioner Norton was here he would say you pay me now or pay me later. I think we have had a history of doing things on the front end, knowing that we're saving tremendous pain and suffering for our community and have a very positive program. So, I still, I'm a firm believer this is the right way to go. I know that I'm in the minority, I think, amongst many people, perhaps, that have kind of moved on. But I just wanted to reflect upon our history that we did do a really amazing job for over 50 years, since 1959 Sedgwick County has really helped a lot of kids in our community.*

*"So with that, if there is a way for us to use this facility for good that's what I'm interested in. In talking about going forward, what that is, I don't know. I'm sure the discussion is going to change in some other direction, no doubt about it, but I do want to reflect on our history of we've helped thousands of boys, including yourself, so thank you for continuing to remind us of that. Thank you so much. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you for your comments."*

*Mr. Davis said, "Yep, thank you."*

*Chairman Unruh said, "We have one other person on the public agenda, Mr. John Peterson."*

*Mr. John Peterson said, "I will defer."*

*Chairman Unruh said, "Alright. Thank you, I think, that is all the folks on public agenda. Is there anyone that I am missing that wanted to speak? Don't see anyone rising to speak so, Madam Clerk, next item."*

## **CONSIDERATION OF MINUTES**

### **A     [17-621](#)**

#### **REGULAR MEETING MINUTES OF JUNE 7, 2017.**

**All Commissioners were present.**

*Chairman Unruh said, "Commissioners, you've had the opportunity to review the minutes of June 7th. Are there any additions or corrections? What is the will of the board?"*

#### **MOTION**

*Commissioner Dennis moved to approve the minutes of June 7, 2017.*

*Commissioner O' Donnell seconded the motion.*

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

VOTE

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

Chairman Unruh said, "Next item, please."

Approved

**NEW BUSINESS**

**B**     [17-598](#)

PRESENTATION OF THE COUNTY MANAGER'S 2018  
RECOMMENDED BUDGET.

Presented by: Mike Scholes, County Manager.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Good morning, Commissioners."

Chairman Unruh said, "Good morning."

Mr. Scholes said, "It is my honor to present to you today the 2018 County Manager's recommended budget for the Sedgwick County organization and this will include [Sedgwick County] Fire District No. 1. In this document that you were just handed, or I believe this document that you were handed the other day, it's about 802 pages long.

"A lengthy process that went behind it this year, a little bit different than last year, especially with the reorganization and new executive team. The new executive team making up the core of the budget development team along with Lindsay [Poe-Rousseau] and her staff in the Finance Department but with the new Budget Director with Lorien Showalter Arie, as our new Budget Director, so, that's great, but most of the finance team is new. But all the employees in each department and division worked hard on this budget that we present to you today.

"But before I go any further, I would like to note that yesterday we received word that we received a particularly high rating from Standard and Poor's (S & P), which affirmed our Sedgwick County AAA rating. It was even better than anticipated noting, 'a very strong management, with strong financial policies and practice's under our financial management assessment methodology. So, I would like to congratulate Lindsay and her team, her entire team on this stellar recognition. But what's even more significant about it, this S & P rating came after our audit.

"So, the budget forecast information that was submitted after, on January 21st and after, basically responding to S & P's questionnaire and their interaction with us, was based off the decisions that we have made for the 2018 recommended budget, but also on a lot of the policies and procedures that we have changed or updated, not only since the fraud incident, but also since the audit, ongoing process of continuing change, but this is really what led S & P to give us the AAA, which is huge. So it should give everybody and the citizens of Sedgwick County great, you know, relief

*and understanding that we're doing everything for the best interests and taking our fiduciary responsibility very seriously and that is what related to the strong AAA rating.*

*"So, before Lindsay walks you through the budget, I wanted to highlight some of the goals that you outlined for me and for this budget team to use in the budget development process. Then some of the expectations I had in developing it. So, at the outset of this year's budget process you told the staff that you wanted a targeted flat mill levy of 29.359 mills. You also wanted a recommended budget that would not require an election under the new property tax lid, that was balanced and that would not substantially reduce services. You also wanted to be sure to address concerns that you heard from citizens, especially on their flooding issues. As you said, that some strategic and moderated use of debt was acceptable to help meet organizational needs.*

*"With your goals in mind, I also provided extra direction to staff in subjecting the budget request and developing their recommendations. I wanted to focus on the priorities outlined in our new strategic plan and those four core priorities provide a clear direction for where we are as an organization and where we are headed. Our goals for the year, everything we budget for, should fall under one of those priority areas. Safe and Secure Communities, Human Services and Culture Experience, Communications and Engagement, and Effective Government Organization.*

*"Further, I wanted to address the highest priority concerns you identified along with the needs identify by our District Attorney, District Court and Sheriff and other divisions throughout the organization. It also was important to me to continue to focus on employee compensation. Last year, in the 2017 budget process and in this 2017 budget that we're currently in, we spent a lot of time focusing on compression, oppression issues and making sure the employees were compensated fairly and appropriately.*

*"So the recommended budget that you're about to see was created to insure that your goals were met and the strategic priorities were funded at an appropriate level to achieve desired results and to manage the space needs of our organization. We have strived to maintain delivery of quality of public services while reducing the amount of outstanding debt, incurring no deficits except to reduce special revenue fund balances to target the levels in targeting a flat property tax rate. I encourage county staff to develop flat budgets, but I also understood there are many areas that may need additional funding. Public safety will continue to be an area that we have to focus on and provide extra resources as it continues to grow in the requirements.*

*"Also, physical and digital space management was a big issue this year. Stormwater management, as I said earlier, and additional election requirements. Even with these, though, it was important to keep our priorities and mission in mind. Every budget recommendation I'm making is with the intent of preserving the county's sound financial condition as outlined in our recent audit while moving forward with the priorities outlined in our strategic plan. In Safe and Secure Communities, we focused on improving flood control, but we know there is still a long-term need. Space needs and technology needs are also an important need for this focus area.*

*"Within the Fire District, I'm pleased to recommend a budget that projects a surplus for the first time in many years. It was made possible as a result of higher than projected growth in the district's assessed value, but also because of management decisions to revamp the district's vehicle replacement plan and to begin efforts to restructure the administration of the Fire District through attrition. While we still have*



*a need to develop a long-term solution for the Fire District, we have made significant progress in my recommended budget. This budget also reflects the first year where fire employees will be treated similar to other county employees, and it provides equal pay increases to county and Fire District employees, which I'll address more specifically in a moment.*

*"In Human Services and Culture Experiences, increased spending was included for the arts council as well as for the CDDO (Community Developmental Disability Organization) provider capacity. For communications and engagement, I'm recommending funding for 10 new election polling places and additional funds for community engagement and outreach. In Effective Government Organization, I am again recommending a focus on employee compensation, particularly through a pay adjustment of 2.5 percent along with an increase to the overall pay structure of .5 percent. This pay adjustment will apply to county and fire district employees alike.*

*"I'm also recommending increasing the efficiency of programs such as moving the Housing program to the city of Wichita and realizing savings due to the move of several county organizations to the Ronald Reagan Building, resulting in savings from eliminated lease and utility costs. It's essential to note the need for two internal financial auditors to see through the changed outlined in the audit that we presented to you yesterday.*

*"So, Commissioners, I am pleased to recommend to you a 2018 budget of [\$]425,233,884, which also includes a [\$]407,275,187 for county government and [\$]17,957,696 for Sedgwick County Fire District No. 1. The recommended budget is based on a flat property tax rate of 29.359 mills for Sedgwick County and 18.414 mills for the Fire District. This budget was produced through a priority based budget process, achieves the county goals as outlined in the strategic plan and fulfills my stated objectives. It's a balanced budget with targeted bonding necessary for managing the Capital Improvement Plan (CIP). Thank you for the privilege of serving as the Sedgwick County Manager and now I'll turn it over to Lindsay to give you some more detail."*

*Chairman Unruh said, "Thank you."*

*Ms. Lindsay Poe Rousseau, Chief Financial Officer, greeted the Commissioners and said, "Good morning, Commissioners."*

*Ms. Poe Rousseau said, "Alright. It is my privilege to present to you the details behind the 2018 County Manager's recommended budget. Before I go into those details, though, I want to reiterate the County Manager's thanks to Lorien Showalter Arie the leader of the budget team, Budget Director and also the staff, including Kamme Carlson, Carli Sanchez, Brandon Mills and Todd Kawawa who were instrumental in putting together this recommended budget document that is 802 pages, as the [County] Manager pointed out. It's a lot of work, we're very proud of the work that they've produced.*

*"So, going into this budget development process, I just want reiterate some of the goals and principles that the Manager already has outlined for you. First of all, you told us that you wanted a targeted mill levy rate of 29.359 mills. So, that has been fulfilled in this recommended budget. In 2016, the legislature passed what is called the property tax lid. At the outset of this process, you told us you wanted a budget to be recommended to you that would not require an election under that new legislation and this budget fulfills that, as well. You wanted to address citizen concerns, particularly with regard to some of the drainage issues we've heard about over the last eight months, you wanted a balanced budget with regard to the general fund, you*

*told us you did not want a deficit, but within our, as the Manager said, special revenue tax funds, and a deficit was acceptable so long as it was intended to help us reach a targeted level and we'll talk more about that later in this presentation.*

*"You also said that in this budget you didn't want to see any substantial reductions in service and you would find it acceptable to use moderated and strategic use of debt. Further, the County Manager outlined that he wanted to focus on those priorities in the strategic plan, which he spent some time talking about. You wanted to address the highest priority means, not just of you as the elected officials, but other elected officials within the organization and you wanted to address those highest priority needs identified by divisions in their budget reviews with you back in May. Further, you wanted to see some improvement in that storm drainage and flood control issue, and this budget does that. We'll talk more specifically about all of these in just a few moments. And of course, the Manager wanted to continue to address employee pay issues.*

*"So, as we move through this presentation we'll take it in multiple parts. First, we'll look at it the operating budget, we'll look at it from a fairly high level to a more detailed level. Then we'll move into the revenues that will support that operating budget. We'll talk about some of the highlights within the operating budget. We'll move to the CIP, then we'll talk through the forecast and address the remaining key dates in the process.*

*"So as the Manager said this recommended budget totals \$425,233,884. Of that, it comes from two separate legal entities, county government and fire district. The county government budget is roughly \$407,276,187. The fire district budget totals \$17,957,696 and as you can see on this table, those budgets remain relatively constant over time.*

*"Getting into the details, starting at a higher level, though, you can see how the budget falls across our four strategic priorities. You can see the bulk of the budget, nearly half, is dedicated to Safe and Secure Communities. About \$194 million. Next, in terms of order of significance, we have the Effective Government Organization at about a third of the budget, 31 percent, then Human Services and Cultural Experiences at 22 percent, and finally Communications and Engagement at 1 percent. Just to clarify what's included in that Communications and Engagement portion that would include the Commission, the County Manager's office and Elections. So, that's where you do see a \$6 million figure there.*

*"Moving into function, this is how the budget book is broken out. You can see that public safety still retains the highest portion of the budget at 39 percent or about \$163 million. General government has the next highest amount at 28 percent. It's worth noting that within that \$120 million is roughly \$19 million in contingency funds that we don't necessarily plan to spend, but that's where that budget authority is assigned. Within Human Services, we have 16 percent of the budget. Public Works, with regard to their operating budget, has 7 percent of the total budget and Debt Service has 4 percent, and you can see the remaining Community Development and Culture and Rec [reation] both have roughly 3 percent of the budget authority assigned in this recommended budget.*

*"We spend our money on a variety of things as you can see from this chart, personnel continues to be the largest single expenditure category for the county and fire district at about 50 percent of the budget or roughly \$207 million. Contractual Services are the next highest amount of spending.*

*"This would include things like our utilities, inmate medical services, some of those items that we may not provide the service directly, but certainly it's a service that*

*needs to be provided. You can see next we have debt service. This includes not just debt service on facilities, roads and bridges, but this also includes the debt service paid by the fire district for their significant equipment, their heavy equipment, like squads and tenders and engines, then you can see the remaining portions of the budget are significantly smaller, but certainly not any less important than the others.*

*"By fund type, the general fund, of course, is the biggest fund that we have in the county. It serves the operations of more than 40 county divisions and it is roughly \$209 million. We also have debt service as about four percent of the county budget. We have the other tax funds, including the fire district that together make up about 15 percent of the budget. Then you'll see the non-tax special revenue funds this includes things like the solid waste fund, district court trustee fund and grant funds. Then you'll see internal service funds, things provided within the organization to other divisions, so things like fleet management, the health and dental life insurance fund, fleet management and risk management.*

*"Next, you'll see the Enterprise funds this is simply the arena, historically this also included in the pavilion. To support this operating budget, we do have revenues that are generated through property taxes and as we've already discussed and as the Manager eluded to the county government is estimated to have a tax rate of 29.359 mills in this budget. Coming up we'll talk about the last upday agenda item that will, of course, clarify that this is the estimated tax rate and we'll know the final rate in November after the County Clerk provides that certified value to us. The Fire District in this budget is estimated to have a mill levy rate of 18.414 mills. This is identical to the 2017 adopted budget amount. As we talked about with the budget, you can see that these mill levy rates are fairly constant over time.*

*"More specifically talking about other revenues that are supported through this budget, of course, our property taxes are the bulk at 87 percent, I'm sorry 34 percent. Our other taxes are 14 percent of the budget. This would include things like motor vehicle taxes and sales and use taxes, intergovernmental revenues are those revenues received from the state and federal level at 10 percent. Charges for service are those that are passed along to users of our services and those include things also like the mortgage registration fee. That's approximately 27 percent of our budgeted revenues.*

*"Then we have other sources of revenue through fines and forfeitures, investment income. Those total about 6 percent of the budgeted revenues and then you'll see that we plan in this budget to support the remainder with fund balances through about \$36 million. For clarification, roughly \$25 million of that fund balance is within the county general fund. Of course, we talked earlier about the \$19 million in contingencies. We don't tax or plan to bring in revenue to support that contingency budget authority. The remainder would be essentially in personnel where we have the budget authority because we do budget by position, but don't necessarily plan to spend every penny.*

*"As the Manager talked about the Fire District for the first time, in some time, has a budgeted surplus and so this supplied called out a portion of that total \$425 million revenue we just looked at on the prior slide. In this budget, you'll see total revenues of \$18,397,244. The bulk of that, of course, is from property taxes; that's the primary source of funding for the Fire District, but you can see the other sources of funding charges for service, some modest investment income that comes into this. At the bottom of this slide, you'll see that the total expenditure budget for the Fire District is \$17,957,696. So, you can see that in that we have approximately \$400,000 greater revenue budgeted then expenditure budgeted. We know there are still some issues long-term within the Fire District. Those will need to be resolved, but certainly this is*

*progress from where we have been in past years.*

*"So, moving then to highlights of the operating budget, we'll talk about these within the context of the four strategic priorities. So first is Safe and Security Communities. We talked about your expectation along with the County Manager's expectation that flood control and improved drainage be incorporated into this recommended budget and so that's what you'll see here. In addition to the other funding that the Manager highlighted, we will continue to provide half of the funding for the Wichita-Valley Center, I'm sorry, for the city of Wichita, Sedgwick County flood control agreement at roughly \$1.1 million. That essentially funds the administrative portions. In addition, to that administrative portion, the city and the county each also put up \$500,000 toward the M. S. "Mitch" Mitchell Floodway, which uses to be referred to as the Wichita-Valley Center Flood Control, Floodway and that is approximately \$500,000 each year in all five years of the long-term CIP that you'll see.*

*"This budget also adds two equipment operators and equipment to the Public Works budget to improve stream maintenance work and that totals roughly \$382,000. Also, as we had already talked about during the solid waste fee adoption agenda item the one dollar increase in solid waste fees generates approximately an additional \$226,000 to be put into the Public Works budget to go toward further storm drainage cleanup. Then finally, the storm debris contingency that was eliminated from the budget a couple of years ago has been reinstated at a lower level, \$250,000. We'll continue to have discussion throughout this year to determine how that contingency can be used going forward.*

*"There also is technology and data review and public safety component that you heard much about during your budget reviews, particularly from the District Attorney, District Court and the Sheriff. Within Emergency Communications, we know that our computer-aided dispatch system is nearing its end of life. So, a million dollars is dedicated in this budget toward replacement of that system. We also heard during budget reviews that Corrections currently has a number of databases that they use that don't necessarily talk to one another and that also are nearing end of life. So, another \$250,000 has been included in the 2018 recommended budget toward that.*

*"Within EMS (Emergency Management Services), you heard about their critical equipment needs for their first responders. That totals about \$160,000 for replacement of those tough books. Within emergency management, you heard two requests from those folks when they presented during budget reviews to improve the hardware and software within the Emergency Operation Center to provide increased communication within the emergency operations system. You also heard from the Sheriff about a need to replace and increase the amount of data storage that they needed and so this budget includes an additional \$100,000 for the Sheriff to replace that server.*

*"Also, as we move through the process, we heard that there were a number of needs where the actual specifications weren't quite yet known and so this budget includes \$100,000 of increased authority in the operating reserve. So, that we can study those and when we have a better idea of what those needs are, we will have a funding source dedicated to that, particularly that came up with regard to the District Attorney with body cameras and still trying to better understand the full impact of those. Finally, the District Attorney also had asked for four part-time crime analyst positions. These will be folks who would review the discovery from body cams and the video and highlight those things for investigators or for attorneys and so that is in the budget at about \$87,000.*

*"We also know that there are space needs that will be addressed through the Capital Improvement Plan and we'll talk more specifically about how that's done. Just to highlight some of those needs you heard through your budget review process, we know that the District Attorney here within this building is facing some significant space challenges. We also know the District Court believes it is only a matter of time before there are increased number of judges and support staff that will be necessary. At this time the building simply doesn't have the space to accommodate that. If county administration moves out of this building we heard at a staff meeting then that the main courthouse could accommodate those additional District Court and District Attorney space needs. So, that is something that you'll hear more about during the CIP presentation.*

*"We also had heard discussion about Elections space needs. We don't exactly know how the Homeland Security decree that her election equipment is considered critical infrastructure will impact the county, but certainly something that needs to be on the radar so week respond. Finally, we heard about EMSS (Emergency Medical Service System) space needs to move them out of their current space and closer to downtown so, that they can better serve their partners.*

*"The final priority to discuss within Safe and Secure Communities is the Road and Bridge Capital Improvement Program. This budget includes a shift in both the way we do roads and bridges. Historically road preventive maintenance has been done one mile every five years. This budget will shift to a long-term change of one every six years. That will result in an estimated savings of about \$1.8 million per year. We also talked about bridge repair and replacement. Historically, public works has tried to do on average 12 bridges per year, roughly six in-house and six through the CIP process. This would contemplate doing ten bridges per year.*

*"Also, for savings, although the savings can vary upon the type of bridgework being done in a year. This CIP does contemplate targeted bonding in the first three years of the CIP. \$3.45 million in 2018, \$1.8 million in 2019, and \$865,000 in 2020.*

*"Shifting then to our next strategic priority, Human Services and Cultural Experiences, there is increased funding for culture and recreation within this budget. The funding agreement you approved earlier this year did include some additional funding for CIP. So, this budget reflects that additional increase of 400,000, roughly \$400,000. There is a restoration of funding to the Arts Council, which had been cut a couple years ago, about \$15,000. Finally, there is actual designated funding for the Wichita Riverfest in this budget. In the past they have come separately each year to request that funding.*

*"As we heard during your budget reviews, there are mostly flat budgets within human services, but there are some increased funding highlights here. Within CDDO, the service provider capacity program was included in the last three years. It was scheduled to end in 2017. The 2018 budget extends that and adds \$250,000 to the CDDO budget. There's also increased funding for adult private immunizations within the Health Division of about \$88,000, although we do anticipate that fees will be generated to fully cover that additional budget cost. Also, there's increased compensation for those COMCARE employees receiving licensure. So, the total impact is about \$44,000, but the bulk of that will be absorbed within the COMCARE grant fund.*

*"Shifting then to our next priority, Communications and Engagement, there is increased funding for divisions and partners. As the Manager said, he's recommending funding for an additional 10 election polling places for about \$26,000 and then funding also is being added within the County Manager's budget for*

*increased community engagement and outreach of about \$10,500.*

*"Shifting then to our final strategic priority, Effective Government Organization. The Manager mentioned that he had the focus in 2017 on employee compensation and continues to focus that in this 2018 recommended budget. This recommended budget includes a recommended 2.5 percent across the board pay adjustment for employees. So, it would not do the same pay for performance model we've used in the past. This is being done to avoid any damage to those 2017 compression adjustments for employees, where employees' pay was corrected and further study on that will be done and an additional discussion included in the 2019 budget process. This recommended budget also includes a .5 percent adjustment to the overall pay structure. This will increase both the minimums and maximums for our current pay grades and essentially what that will allow is our divisions to recruit employees at that higher minimum level.*

*"Also, it will allow our more longer tenured employees to receive base pay increase if they otherwise are already maxed out under the current pay structure. Then there is an increase of 3.6 percent for health insurance premiums. You might recall that throughout our budget discussions, we had planned for 5 percent. So, while this is an increase, it's not as much of an increase as we had anticipated.*

*"This budget also increases the efficiency of programs. As the Manager talked about the Sedgwick County and city of Wichita housing programs will be merged into one entity to be managed by the city of Wichita. That will result in a decrease of the county's budget by about \$1.1 million, the bulk of which were in housing grant funds.*

*"We also were able to eliminate some costs from the budget and produce some savings by moving the Appraiser and some COMCARE and Aging [Department] functions that currently are in leased space into the Ronald Reagan Building. So, those savings are not insignificant. Then the budget also as the Manager talked about and as we eluded to during our staff discussion at staff meeting yesterday, adds 2.0 FTE (full-time employee) Internal Financial Auditors to, help craft those policies and procedures that we need to help get information out to divisions to insure it's being done consistently and then to go back and constantly evaluate and monitor that and also serve as liaison between county staff and external auditors.*

*"This budget also funds, as with every year, you hear about this the increased cost of doing business. Just like at home, our costs here continue to go up every year, we need to be able to pay our bills. For the Sheriff, we know that our inmate medical service contract includes an escalator 3 percent every year. In addition, we heard about the overages that have been constant for the Sheriff over time. So, that budget includes about \$509,000 to increase that.*

*"We heard from the Election Commissioner that the new equipment we received along with the state voter registration database fees are all going up. So, this budget reflects the addition of about \$369,000 to the election budget to pay for those needs. We also heard from the district court about their need to stay competitive or at least to be able fully assist their attorneys in covering their own overhead costs. So, this budget includes \$200,000 for that along with \$30,000 for increases in interpreter fees, increased utility costs of about \$110,000 for things like electricity and water, increased costs associated with software maintenance agreements in our IT (information technology) area of about \$100,000, increased commodity cost for EMS for things like drugs and other materials, and finally, increased funding for animal control for animal shelter fees, and that's roughly \$30,000.*

*"So, moving then out of the operating budget and into the Capital Improvement Plan. The first area we'll focus on is facility and drainage. This is simply the 2018 portion of*

*the Capital Improvement Plan. This closely resembles the tentative CIP that was presented to you back in May. First of all, the adult detention needs its flooring removed and replaced. So, that will be done at a cost of \$687,259. Continued efforts to comply with the ADA (Americans with Disabilities Act) of \$216,161 is included in the 2018 CIP.*

*"The replacement of county parking lots is included at \$184,421. Also, at Adult Detention, there is a need to replace the joint sealants at a cost of \$161,831. Replacement of county roofs at \$121,132 and then outdoor warning device, more commonly known as our tornado sirens, the installation and replacement of about \$110,000 is in the 2018 CIP.*

*"At the Sedgwick County Park, you heard about them need of a vault type toilet. That's to be funded with special parks and rec funding of \$53,686. Finally, as we discussed earlier the \$500,000 for the repair and major maintenance it is M.S. Mitch Mitchell Floodway.*

*"Moving then to roads, this reflects only the county portion of funding. Within the preventive maintenance program, this \$9 million does reflect that shift to one mile every six years rather than one mile every five years. There's also continued funding for the I-235 and U.S. 54 interchange. You'll see that this number reflects \$3.6 million. Down below you will see that there is total bonding of \$600,000 for this slide, that \$600,000 bond goes toward a portion of this I-235 and U.S. 54 interchange.*

*"There's also the cold mix gravel road replacement included in nearly every year's budget of [\$]900,000, traffic control of \$550,000. Miscellaneous drainage projects in, addition to the information you saw on the slide before, [\$]500,000. There is a road project on Greenwich from Harry to Pawnee of [\$]500,000, Northwest bypass right-of-way for [\$]325,000, utility relocation and right-of-way, [\$]200,000. Then finally, the multi-use path on rock from Derby to Mulvane of [\$]200,000. So, this total slide reflects \$15.775 million of county funded projects and those bottom two bullets show that cash and bond breakout.*

*"Moving then to bridges. There are four bridges included in the CIP for construction. You can see those listed here along with the amounts. They total to \$2.85 million. That is to be funded with bond proceeds, as well. You'll see there are two additional bridges where right-of-way and utility relocation costs are included in the CIP, each at \$100,000.*

*"So, in summary, for the 2018 Capital Improvement Plan, you'll see that facility and drainage totals just more than \$2 million, all to be funded with cash. Roads include [\$]15.775 million of which \$600,000 will come from bonds. The remainder to come from cash and bridges include just more than \$3 million, of which only \$200,000 comes from cash. The total 2018 CIP that you'll see in your budget book is just less than \$59 million, but that reflects not just the county portion but also any external partners we have, like the state of Kansas or federal funds that come in and so this slide only highlights the county funded portion.*

*"Moving then to the outer years of the CIP, 2019 through 2022, just some highlights. For facility and drainage, there is funding included for an administrative building, and the main courthouse remodel. The administrative building is roughly \$16 million and then there's about \$7.5 million in additional costs to remodel this building. There's \$3 million included for an elections building. There's a variety of projects for EMS, including a new garage, a new west post in replacement of Post 1, down here close to Riverside. There are also a couple of corrections projects, including their HVAC (Heating, Ventilating and Air Conditioning) and facility improvements. There is also continued investment of major repairs and maintenance of the M.S. Mitch Mitchell*

floodway of \$500,000 per year.

*"There is strategic bonding included even in the facility projects in the outer years of the CIP. We'll look at the highlight slide here in a moment. Then within roads and bridges, we will implement maintenance on an average of 100 lane miles per year. Again, that's that shift of one in every six years. Repair/replace average of 10 bridges per year. Of course, there is that limited strategic bonding of road and bridge projects.*

*"So, highlighting just those four years, the outer portion, you can see that the county's portion is roughly \$91.9 million. Of which, about a third comes from facility drainage at \$34 million of which about \$27 million would be for bonds most significantly for that county administrative building and remodeling that will occur then in this facility. About \$45 million for roads and \$12 million for bridges, the total 2019-2021 CIP is \$100.4 million, but again this \$91.0 million reflects the county's portion of costs within that CIP. So, taking all those years together 2018-2022 you will see that the county's portion then comes to \$112.76 million and you can see the breakout here, you just heard all the details and so I'm not going to subject you to that anymore.*

*"So, then moving to the impact on the forecast this recommended budget as we had said earlier, you expressed an expectation and a goal that this recommended budget not show any deficit for 2018. So, that goal has been achieved, there is a modest surplus in the general fund. There is a strategic drawdown of fund balance to targeted levels in our other special revenue tax funds and we'll go through that in a moment. With regard to the long-term forecast, there are surpluses projected in outer years of the forecast even with some of those strategic drawdowns we talked about before and once we get to those targeted levels, the plan is to continue to maintain the fund balances at that level. So, you'll see that here in a moment.*

*"Overall, this is our, when we take all eight of our county property tax supported funds together, you'll see that in aggregate, this recommended budget includes about a half million dollar deficit in 2018. Again, that is all due to the strategic drawdown of fund balance and some of those special revenue tax funds. The gray lines on this chart show you what you have seen back at your retreat and during your May reviews and you can see this has increased tremendously from what you have seen then. Again, you can see in 2021 and 2022, overall, deficits, I'm sorry, overall surpluses are projected in those years.*

*"Within the general fund, this slide near the bottom shows you the anticipated operating results for each year. You can see that in 2018 this forecast includes a surplus of about \$23,000. In 2019, a surplus of about \$1.3 million is projected. There is currently a deficit projected in 2020, but we do have some significant radio replacement projects occurring in that year that we plan to fund with cash. That's the primary reason you see that and then in 2021 and 2022, you can see though surpluses. The bar chart is pretty interesting for us to look at. You can see that the blue lines reflect our overall estimated ending fund balance. The black lines shows our minimum fund balance that we need to maintain per policy and you can see that at no point in this forecast do we envision going below that minimum and certainly this is an improved situation from where we've been in past years.*

*"Moving then to our other funds within the forecast, just to illustrate what that chart targeted drawdown actually means. Within EMS, we want to get down to about a \$1 million fund balance. We make these targets based on the type of fund we're talking about, the type of activity that occurs, along with the type of revenue that comes into the fund. Is it a more stable revenue source, like a property tax where we can pretty well count on the funding that we'll receive?*



*"Or is it something that is less rigid, something like charges for service and EMS, where variations can have a significant impact and so we want to have a larger fund balance in EMS of about \$1 million to insure that we can withstand some of those variations. Bonds and interests is a good example within EMS. They're both approximately the same amount of budget, but you will see our targeted fund balance for bond and interest is less because of the time type of revenues that come in. Also, because it's easier to know exactly how much we're paying out of that fund each year, so a lower fund balance is acceptable.*

*"Looking at the highway fund target balance, that balance that we want to keep there is about \$500,000. Also, within Public Works, there's the noxious weeds tax funds and we want to keep that at roughly \$100,000. Within the aging tax fund, our goal there is about \$200,000. We have the same target fund balance for COMCARE and so that's the forecast. You can see that it's a much improved result from what you even saw back at your May reviews. So in summary, this 2018 recommended budget totals \$425,233,844, it supports 3,005.42 FTEs and the slide breaks out how that falls across the county in fire district government.*

*"For our remaining steps in the process, we do have quite a few. Your first public hearing will be next Wednesday, in this room at 9 A.M. We'll have a social media town hall the following week, with the second public budget hearing to occur on Monday, July 31st. Budget adoption is scheduled for Wednesday, August 2nd, and per state law, we'll get the certified budgets turned in August 25th. From now until budget adoption, we will have an opportunity for the public to comment online. That is listed here. If anyone wants to go and do that, then you'll hear more from me in a moment about the last update, so I won't bore you with that. With that, I'm happy to stand for any questions or if Mike needs to come up, we can address any questions you may have."*

*Chairman Unruh said, "Well, thank you for the presentation. Before we forget to do so, we would also like to express our appreciation for the hard work by your budget team and your county department to provide the information and to keep us moving forward to this point in time. So, thank you for all that hard work. Commissioners are there any questions or comments on the budgets? Commissioner Ranzau."*

*Commissioner Ranzau thanked the Chairman and said, "Yeah, Lindsay, I see we're going to do a build a bathroom in Sedgwick County Park."*

*Ms. Poe Rousseau said, "Yes."*

*Commissioner Ranzau said, "Are we going to take any federal dollars to assist in doing that?"*

*Ms. Poe Rousseau said, "No, sir."*

*Commissioner Ranzau said, "Okay, I just wanted to make sure. Thank you."*

*Chairman Unruh said, "Commissioners, any other comment, any other comment? This is a good time. Alright, we have been, so the public knows, the Commissioners have been trying to stay abreast of these developments and working with Lindsay and her staff on various issues as we have got to this point. So, I think that to this point we are relatively satisfied with what we've seen, but here's a comment from Commissioner Howell.*

*Commissioner Howell said, "Thank you, Mr. Chairman. Just a clarification, since the chart that talks about the mill levy is, kind of, a course, it's hard to tell. But can you please remind us what the mill levy is for the 2017 budget, what we ended up with*

*after technical adjustments for county government as well as the fire district, please?"*

*Ms. Poe Rousseau said, "Sure. For the county, its 29.393 mills and for the fire district, it is 18.414 mills."*

*Commissioner Howell said, "So, 2017 was 18.414."*

*Ms. Poe Rousseau said, "Yes, sir."*

*Commissioner Howell said, "Okay, alright. That's all my questions. Thank you, Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else requesting to speak, Lindsay, so thank you for that. Mr. Manager, thank you for that presentation. I believe we'll move not to the next item."*

*Ms. Heddie Page, County Deputy, thanked the Chairman and said, "Chairman, do we need to receive..."*

*Chairman Unruh said, "That requires a, I'm sorry."*

#### MOTION

*Commissioner Dennis moved to receive and file.*

*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, "Now, next item."*

#### Received and Filed

#### C [17-610](#)

AUTHORIZE THE PUBLICATION OF THE MAXIMUM PROPERTY TAX LEVY TO FUND THE 2018 SEDGWICK COUNTY BUDGET AND ESTABLISH PUBLIC BUDGET HEARINGS ON JULY 19 AND JULY 31, 2017.

Presented by: Lindsay Poe Rousseau, Chief Financial Officer.

RECOMMENDED ACTION: Authorize the publication of the maximum property tax levy to fund the 2018 budget and notice of the public hearing on July 31, 2017.

*Ms. Poe Rousseau said, "Good morning, again Commissioners. The item before you this morning is similar to what you've seen in the past. It is a request for authorization to publish the notice of final public budget hearing, which also establishes the maximum budget and the maximum property tax levy for the 2018 budget. State law*

*does require that the county publish the time and place of a budget hearing at least 10 days prior to that hearing. The notice must include a summary of the proposed budget that includes the maximum proposed spending for a given year, the maximum property tax levy proposed to fund the budget at a fund level and this date is often referred to as the last up day, because after this point, the total budget for property tax supported funds and maximum property tax levy cannot be increased without republishing the required notice and holding another public hearing.*

*"The maximum proposed budget is \$ 407,276,187 to be funded with the tax levy of \$137,441,377. Accordance with the target mill levy rate resolution, the proposed tax levy is based on a mill levy rate of 29.359 mills, as indicated in the earlier presentation of the recommended budget, no election is required under the property tax lid legislation passed by last year's legislature. So, in addition to the public hearing that will be held in this room on Wednesday, July 19th at 9 A.M. This publication will outline that the final public budget here will be held right here in this room of the [Sedgwick] County Courthouse on Monday, July 31st at 6 P.M. Budget adoption is scheduled, of course, for August 2nd. I'll be happy to stand for any questions. If there are none, I recommend you authorize the publication."*

*Chairman Unruh said, "Alright. Thank you, Lindsay. This being the last up day, I mean, this is kind of driven by legislative calendar, dates when we have to publish, as you just went through. I guess the point I'm trying to make is that often times we'll have a last up day after we've heard the Manager's recommended budget and the calendar just didn't work out that way this year. But, what that means is, if we're going to make any modifications, it has to be, excuse me, within that number."*

*Ms. Poe Rousseau said, "Right, or we come back and do it again."*

*Chairman Unruh said, "We can't make any additions to that number if we get contact by citizens without reducing something else or go through that laborious process that you described."*

*Ms. Poe Rousseau said, "Yes, sir."*

*Chairman Unruh said, "So it's a significant thing we're doing here, the last upday the. Commissioners, are there any comment or question? If not, we need a motion for last up day and we need just the Sedgwick County motion at this time?"*

*Ms. Poe Rousseau said, "Yes, sir. Please."*

#### **MOTION**

*Commissioner Unruh moved to authorize the publication of a notice of public hearing regarding the Sedgwick County 2018 budget. The publication shall include a total budget of \$407,276,187 and an ad valorem property tax levy of \$137,441,377, which is approximately equivalent to 29.359 mills based on the estimated assessed valuation and subject to technical adjustments.*

*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, Lindsay."

Ms. Poe Rousseau said, "Thank you."

Chairman Unruh said, "And thank you to your staff. Next item, please."

**Approved**

**D**     [17-605](#)

CON2017-00012 - A COUNTY CONDITIONAL USE FOR A CEMETERY ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 69th STREET NORTH, 1,600 FEET EAST OF NORTH MERIDIAN STREET (2401 WEST 69th STREET NORTH).

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, "This is a request for a conditional use to permit a cemetery on 20 acres that are currently zoned Single Family 20 (SF-20). As you can see here on the slide, the pink represents the SF-20 zoning. The application area is the rectangle shown in the electric blue, I guess would be the color. Cemetery is to be developed in four sections. There is a site plan that was included in your application or in your packet that we'll get to eventually here. You can see the property to the north and to the east is zoned SF-5 and is, or at least single family it's zoned, it is in the city of Valley Center.*

*"The property to the west and the south is also zoned SF-20 and is owned by the same person that is selling the land to the applicants for the proposed cemetery. It's the farmland today, the land to the north you can see there is developed with single family homes. Then to the east there are also single family homes on somewhat larger tracts. The farm ground that is to the south and west, somewhat hard to see, but there at least three oil wells on the property that is adjacent to the application area. There is also a high tension electric line that runs east/west here across at least a portion of the area.*

*"According to testimony that was provided with the [Metropolitan Area] Planning Commission (MAPC) somewhere in here are also some pipelines that run through the area that would complicate single family development in the rest of the tracts. As you can see here it is identified as being in the small city urban growth area of Valley Center. There are protests of 6.49 percent by one person owns all of the individual parcels here. Because the protest does not equal 20 percent this can be approved with a simple majority.*

*"Like I said, the planning commission recommended approval 11 to 1. There are conditions that they applied that are in your staff report, but essentially, they were requiring fencing, landscaping, permits of 32 square foot sign, should they want to put one and parking would be determined by a parking study. Here's the site plan that the applicant provided, showing how it would be developed and the sequencing. I don't know if the applicant is here, but I would try and answer questions."*

*Chairman Unruh said, "Alright. Thank you, Dale for that presentation. I think, we've all been briefed on this issue. Before we go any further, now might be a good time for Commissioners to clarify if they've had any ex parte communication on this zone change. I would say I have not been contacted by anyone. So, Commissioner Ranzau."*

*Commissioner Ranzau said, "Yeah, I want to state publicly that I have had ex parte communications with several people in my district who are concerned about this. They are concerned it will have a detrimental effect and it's not appropriate for this area and doesn't meet the character of the neighborhood. These are things that I think are worth, you know, that should be considered in this decision-making process, but I did want to state that publicly. Thank you."*

*Chairman Unruh said, "Thank you, Commissioner. Anyone else want to declare ex parte communication? Okay, since this is a zone change case, it's not a public hearing, but we would allow citizens to speak if there is someone here who wants to speak on this issue. If not, then we will restrict the comments back to the bench. Commissioners, any comments or questions? Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I had a question, I think, the other day when I was reviewing this proposal regarding the long-term care for this cemetery. I know there have been some cemeteries in the county that basically filled up and they stopped selling some of the lots in that cemetery because I think it was filled. So, the question is about long-term care once that happens, how this might impact the county or city, should it be annexed. Would you be able to comment on how this is taken care of 100 years from now?"*

*Mr. Miller said, "I'll take a stab at it, but legal staff may want to help me out. My understanding is whatever jurisdiction the cemetery is located in, whenever it ceases to operate the way it should and doesn't have any money to maintain it then it becomes the obligation of the jurisdiction in, which it's located. I'd let Justin confirm that."*

*Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "Commissioner Howell, your question, Dale's response was correct, in terms of if it gets to that point. There are some state statutes that apply to cemeteries and require them to maintain trust accounts. I don't believe those are necessarily foolproof and, you know, it's not possible, I think, it is possible that a cemetery could, essentially the cemetery corporation could become defunct, run out of funds, whatever the case may be. So the intent behind this statute is to provide that trust account for maintenance issues. But again, I don't think, you know, it's 100 percent sure that you couldn't have that happen."*

*"Dale is correct if the cemetery runs out of money, is disorganized, whatever the case may be, the authority, the municipality that it's in, whether it's in the unincorporated area, in this case which it is, or if the city annexed that property, they would be responsible for the maintenance of it."*

*Commissioner Howell said, "Okay, thank you. As I'm reading the backup material*

*now, it's interesting to me, I guess I am seeing, some of the information here, I guess just for full disclosure for anybody that might be listening in today. This is a little bit different than other cemeteries, not a major issue with me.*

*"I just want to make a point that apparently this is a Muslim cemetery, as I understand, not that that makes any difference to me, but I just was curious if there is any difference from this cemetery and other cemeteries as a consequence or a result of it being a particular religious sect or whatever. Is there any differences in this cemetery or any other cemetery?"*

*Mr. Miller said, "At the Planning Commission meeting, they indicated that it would be using natural burial, which does not require vaults or coffins or embalming, and based on information that we read in an article, there's a Catholic cemetery in Bel Aire that has set aside an area for the same thing. There may be other cemeteries, but our understanding is that's becoming a more prevalent practice across the country. So, hopefully that answers the question."*

*Commissioner Howell said, "Of course, obviously, that's something that Kansas law apparently allows that type of burial. Of course, it sounds like it's already being done, so that shouldn't be an issue there. But, I guess it is just an interesting aspect of what this is going to be. Are there grave markers on these graves?"*

*Mr. Miller said, "I believe that, there was no discussion about there being no prohibition. I assume there will be, but I don't definitely remember."*

*Mr. Waggoner said, "Again, I just wanted to mention, I believe that the Planning Commission meeting the applicant did note that there would be headstones. I can't recall the specifics it may be in the minutes in the backup materials during one of the two meetings this was in front of the Planning Commission, but I believe they indicate a certain height range that they would be, it wouldn't be very high above the ground. I just recall that but I cannot recall the specifics on that."*

*Commissioner Howell said, "Okay, alright I think that's all my questions. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Are there any other comments? I would just say that when I first heard about this zone change I was taken aback because I didn't know that natural burials occurred in our county already and that it was allowed by state law. So, I thought this was some strange thing. I mean, I just thought you had to go through the typical process of American burial with the vault, casket, all of that. So, my first reaction was I don't think I'm going to support that, but then I find out it's not regulated and many faith groups are doing it. So, I've kind of reconsider my position and think I will be supportive. But it did come as a shock to me when I first heard the detail of it. I don't see any other Commissioners wanting to speak."*

#### **MOTION**

*Commissioner Unruh moved to approve the conditional use subject to the conditions recommended by the MAPC, adopt the findings by MAPC and authorize the Chairman to sign prepared 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, "Thank you, next item, please."

**Approved**

**E**     [17-620](#)

CON2017-00016 - A COUNTY CONDITIONAL USE REQUEST TO ALLOW A GROUP RESIDENCE, LIMITED ON PROPERTY ZONED RR RURAL RESIDENTIAL ("RR"); GENERALLY LOCATED EAST OF NORTH 143RD STREET EAST ON THE NORTH SIDE OF 45TH STREET NORTH (15408 E. 45TH STREET N.) (DISTRICT 1). 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 resolution.

**VISUAL PRESENTATION**

*Mr. Miller said, "As she indicated, this is a conditional use request for a group residence that would be limited to six women. The facility will provide housing and life skills training for abused and exploited women. The applicant agreed to the eight development standards that are contained in the staff report and recommended by the Planning Commission. The property is zoned RR, Rural Residential, and you can see here, so as is all the land that is surrounding the application area. There's a little parcel of GC (General Commercial) over here, the pink. On the aerial, you can see there is an existing home and a outbuilding or garage or shed here. There is a home to the west, farm ground to the north, additional farm ground to the east and there are large lot homes to the south, south of 45th Street.*

*"It is within Wichita's growth area and there are protests equaling 44.65 percent, I think, primarily the protest is that it, in their view, it changes the use of the property from just a single family home to a more intense use that potentially could attract or essentially be an attractive nuisance where someone searching for the women might be there, however, looking for them. The applicant has indicated that, that shouldn't be an issue for the way they run the program in that the women that they accept to this program are, have been screened and are not coming directly from a situation where they're having to leave their residence or whatever situation they're in to get away from someone. They've already been, that's already happened and they're already moved on to that.*

*"These folks are selected to go through the program to try and enhance their ability to move on in life and I believe the agent is here and can detail their program and more detail. But I think that's generally the gist of the protests that it would negatively impact the potential development of their land, if this were to be approved.*

*"Here is a site plan that kind of, shows the distances from the property line of the existing house. There is a gated entrance, although the front of the property is not, there is a fence, but it's not, it's just a typical farm fence. The gate is more substantial than actually the fencing is. Here's another site plan of how the site would be*

*developed with that I try and answer questions. Planning Commission, like I said, did approve it, subject to those conditions."*

*Chairman Unruh said, "Alright, thank you, Dale. Once again, Commissioners, we might declare at this time our contact with ex parte communications. I would say that I have been contacted by an agent for the applicant and by some of the residents of the area on both sides of the issue and some have changed their position on the issue. So, I have had that input, but have reserved any opinion on what my vote will be until this meeting today. With that, let me call on Commissioner Dennis."*

*Commissioner Dennis thanked the Chairman and said, "Thank you, I would like to state that I have had ex parte contact. I've had some e-mails initially that were in opposition to this, I subsequently received e-mails from same individuals saying that they changed their mind after the hearing at the MAPC and they were supportive of it. That's the only ex parte I've had. Thank you, sir."*

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

*Commissioner Ranzau said, "I to have had ex parte communication, in the exact same way, I think, emails that my fellow Commissioner received arguing both sides of the issue, but I've had no phone call on this issue."*

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

*Commissioner Howell said, "Thank you, Mr. Chairman. I would like to echo the, I think one phone call. People initially opposed, but then they changed their position and encouraged me to support this. So, I don't think I have anybody that did not contact me a second time that contacted me the first time, so that's all I've got. They're basically probably the same people, I'm guessing. Thank you, Mr. Chairman."*

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

*Commissioner O'Donnell thanked the Chairman and said, "Yes, Mr. Chair, I've also had communication with people both supportive and opposing this particular change on both sides of the issue and some of them have changed their mind."*

*Chairman Unruh said, "Alright. Thank you. Commissioners are there any questions directly for Mr. Miller? If there's not, once again, on a zone change, not a public hearing, but we would allow for public comment if there is anyone that would like to speak."*

*Mr. Greg Ferris, 144 South Bay Country Court, Wichita, KS, greeted the Commissioners and said, "I am quote, unquote, the agent on this case, although I'm doing this because I believe in this project and have volunteered my time to help them through this process, I think that you have correctly identified that initially there was a lot of opposition. We had two neighborhood meetings where we met with different folks and I think we were able to show them exactly what we were planning and it wasn't what they originally thought, which was that this was going to be a shelter for women. This is not, this is a home, there will be a family there. We have a very strict screening process that we go through to make sure that those women are ready to integrate themselves back into society. If they are a threat to themselves, to others, there are other groups that help them and that's not us. That's not the goal of Hope Ranch."*

*"I'm not going to take a lot of time. You've had a long budget meeting. I did want to make myself available for questions. We have some neighbors, as well as board*



*members here, if you'd like to hear from them. They are willing to come up and tell you how they feel, I don't know if any of the opposition is here. One of them is the large property owner to the north that lives in Oklahoma, and then the property owner directly to the west, also I think filed a petition, had some questions on what we're doing. So I'd be glad to answer any questions, make myself available if questions come up later. Also, if you would like to hear from some of the board members and neighbors, they're available as well."*

*Chairman Unruh said, "Alright. I don't see anyone asking to speak right now, Mr. Ferris, thank you. Commissioners, does anyone have a question of Mr. Ferris, specifically? Is there anyone else from the public who wants to speak on this? I don't see anyone asking to speak, so we'll continue with our discussion from the bench. If there are questions, well, we'll also call someone up to the podium, but Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. If I understand correctly, when this went to MAPC there was perhaps not clarity exactly how this was going to be used, so the 44.65 percent protest and perhaps the comments from MAPC might be different today had this, had this gone out today for notification for their consideration, but can you please speak to, is this a four fifths requirement for us to pass this today? Can you please clarify whether this went to MAPC only the one time with that other understanding and then perhaps if we did it today it might be different? Can you speculate on that, please?"*

*Mr. Miller said, "Well, it, because of the protest is over 20 percent it will take four out of five to override that 20 percent protest. I can't speak for the property owner to the west, but it would be my opinion that the property owner to the north, they were at the second hearing, I mean, this was originally scheduled for a hearing the neighbors asked the applicant to defer the case, so that they could have a neighborhood meeting. The applicant agreed, but the Planning Commission, there were comments made and then they had the second hearing that was the full blown hearing. The certainly the property owner to the north was present and very adamant in their protest. So, I don't know that would, that their protest would change, but I can't speak to the one to the west."*

*Commissioner Howell said, "Alright. Well, thank you. I appreciate that clarification. I would just say, again, this kind of, reminds me of previous discussion today, to the extent that this provides life skills for women who need that kind of help, I think, this is a good thing. My only real takeaway is basically on priority property rights, if someone has a large home, wants to help out some people, this isn't about rent or long-term living arrangements, this is people, these women, I assume, would go in for a short time, get some skills and then leave. If that's what's going on here, I think, this is a tremendously positive facility that's going to do some great things in our community."*

*Mr. Ferris said, "Commissioner Howell, you are correct. That's exactly, they may be there up to a year. We actually only have four women onsite. If you read the conditions, restricted to only women. There might be towards the end of that year, we might bring one or two extra in to, as a transition, as those original four are transitioning, that's why we asked for six, but normally there will only be four people there, other than the family that will be residing there. If I might answer your question, just because, I think, it's important for you to understand exactly, I don't believe that anything we would have done would have changed the minds of the people to the north or the people to the west. We met with them on several occasions, if we would have had the hearing the first time and I think you all received some of those notices."*

*We probably would have had, you know, 80 or 90 percent protest. As it was, there were only two people out of the entire area that protested. They own significant property, that's why it's over 20 percent."*

*Commissioner Howell said, "I do see that on the map. It's basically two adjacent landowners that constitutes 44 percent, but again it is interesting that the applicant here is for six. I guess, this is limited to six on what is being proposed today, had it been five or less, they wouldn't have to do this at all; is that correct?"*

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

*Commissioner Howell said, "So again, the plan is to use, is to allow this for four, so really, even if we voted no, they could still execute their plan to provide space for four or even five of these people to live in this home. I guess, my takeaway, again, is, I'm kind of surprised that we would, you know, someone has a property, it is not about rent situation or whatever, this is someone simply using some space that somebody else happens to own for something good.*

*"I guess, I'm surprised we would regulate this to only five unrelated people living in someone's residence. At that point it is allowed by right, but once you get to six, we have to come in and approve whether that's okay or not. So I think that's why it's before us today. So with my understanding, Mr. Chairman."*

#### MOTION

*Commissioner Howell moved to approve the conditional use subject to the conditions recommended by MAPC and adopt the findings of MAPC and authorize the Chairman to sign 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, "Thank you, Dale. Commissioners, we have already dealt with Item F on the agenda, so I will ask the clerk to call Item G".*

**Approved**

#### F [17-613](#)

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PEDESTRIAN CROSSWALK SIGNAL ON MACARTHUR ROAD APPROXIMATELY 650 FEET WEST OF OLIVER. DISTRICT 5.  
Presented by: David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer.

RECOMMENDED ACTION: Take such action as the Board of County Commissioners (BOCC) deems appropriate.

#### MOTION

*Commissioner Unruh moved to defer the Resolution authorizing the establishment of a pedestrian crosswalk signal on MacArthur.*

*Commissioner Dennis seconded the motion.*

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

*Commissioner Howell thanked the Chairman and said, "Mr. Chairman, I understand, thank you for the opportunity to speak here. I understand that this, that there are some items about this that need to be worked out and I appreciate that fact that we'd like to, I guess, table this for now or defer it for now, but if there is anybody here that wants to speak that has taken the time to come up here to speak, I would hope that we would give them the opportunity to make their, to say whatever they want to say about that, if that would be okay."*

*Chairman Unruh said, "Thank you, Commissioner. When, public agenda's next and we'll allow people to speak in the public agenda."*

*Commissioner Howell said, "I thank you."*

*Chairman Unruh said, "Mr. Counselor, you look as though you'd like to say something."*

*Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "We also have another item that we probably are going to need to pass over. Do you want to include that in this motion or do you want to make a separate motion?"*

*Chairman Unruh said, "Is that on the consent?"*

*Mr. Yost said, "It's the EMS (Emergency Medical Services)."*

*Chairman Unruh said, "If it doesn't make difference one way or another, I think, the rest of the items we can take in order."*

*Mr. Yost said, "Okay."*

*Chairman Unruh said, "I wanted to do this early just to..."*

*Mr. Yost said, "Oh, I see."*

*Chairman Unruh said, "I know there are folks that wanted to speak on item F and I thought we would let them know on the outset that we're not going to take action on it. As Commissioner Howell suggested, they can speak now or they can wait till we deal with this issue a vote for at a future date."*

*Mr. Yost said, "Alright."*

*Chairman Unruh said, "I hope that's sort of clear to everyone, so that they can make a good decision here, but is there any further discussion? Seeing none, Madam Clerk, call the vote."*

VOTE

Commissioner Dennis

Aye

Commissioner Ranzau           Aye  
Commissioner Howell           Aye  
Commissioner O'Donnell II       Aye  
Chairman Unruh           Aye  
**Deferred**

**G**     [17-637](#)

DISCUSSION OF EMERGENCY AMBULANCE SERVICES  
AGREEMENT.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Take action as deemed necessary.

*Chairman Unruh said, "Mr. County Counselor, you have a recommendation here for us."*

*Mr. Yost said, "It is my understanding that the city [of Wichita] has delayed their debate of this for I think, a week, and I would recommend that we pass over this for a week, also."*

*Chairman Unruh said, "Alright, then we need a motion to defer Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, Mr. Chairman. I have had contact with the folks over across the street and Bryan Frye, he assures me they will have it on their agenda next Tuesday."*

**MOTION**

*Commissioner Dennis moved to defer discussion of the Emergency Ambulance Services Agreement for one week.  
Commissioner O' Donnell seconded the motion.*

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

**VOTE**

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

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

**H**     [17-607](#)

ISLAND ANNEXATION REQUEST FOR CITY OF HAYSVILLE  
PURSUANT TO CITY OF HAYSVILLE RESOLUTION NO. 17-11.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Find that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; and therefor approve the resolution.

VISUAL PRESENTATION

Mr. Waggoner said, "I'm here for an island annexation requested by the city of Haysville for property located on the northwest corner of the intersection of 79th Street South and Broadway. I refer you to the map that's in front of you here. The subject property is crosshatched in red there. It is 11 acres and the light blue on the map, that shading indicates where the city of Haysville city limits are. The tannish colored property is an unincorporated area of Sedgwick County. This next map here is zoomed out a little bit and I will scroll down a bit here. Again, you can see the property is crosshatched in red it's just to the southeast of Haysville. And the, an island annexation under state law is defined as an annexation where the land does not adjoin the city limits.

"State statute lays out three requirements that you have to follow in order for an island annexation to be approved. The first is the land has to be located in the same county as the city, here it clearly is. Second, the owner of the properties must petition or consent to the annexation. In this case the property owners have actually petitioned the city of Haysville to annex their property. Lastly, the Board of County Commissioners by a two-thirds vote, essentially four out of five of you would have to find the annexation will not hinder and prevent the proper growth and development of the area or that of any other city within Sedgwick County.

"City of Haysville submitted this request to the county. We have 30 days after they submit it to get back, we received it roughly 26 or 27 days ago, I believe. The Planning Department completed a staff review of this, and that's included in your backup materials. They recommended that you make a finding of the proposed island annexation would not hinder the proper growth and development of the area, nor any other city in Sedgwick County.

"They noted the properties within the city of Haysville's 2035 Urban Growth Area within the comprehensive plan. They also noted that it did not infringe on any other city's growth area.

"Property is currently undeveloped land, its zoned SF-20. Public Works did not suggest the annexation of any roadway to a company. This annexation, thought process behind that as I understand it is, to the east of the property Broadway is maintained by KDOT (Kansas Department of Transportation) and then to the south of the property, 79th street South is primarily a county road. It touches Haysville, then it goes through it a little further to the west, but primarily that's unincorporated roadway. If the annexation occurs, the city would provide water, storm water, sanitary sewer and police services to the property. If and when public roads would be constructed, those would be the responsibility of the city to construct and maintain as well.

"City indicates the services mentioned above could be provided to the property at a reasonable price. As they had a study to look into that, I believe the city has somebody here today who can speak to that in case you might have any questions. The fire services are currently provided by Sedgwick County Fire District No. 1, and because the city of Haysville is within Sedgwick County Fire District No. 1 that would continue if the annexation were approved. The reason the property owners requested this annexation is that they would like to receive the city's services, they believe it would make the property more attractive as an investment property for commercial purposes. They've indicated that they would intend to seek to change the zoning within the city of Haysville to limited commercial (LC) zoning. Again, from the current single family, large lot residential zoning.

"I'm going to refer to the third map on here, it shows the type of zoning on the property. Again, the subject property is crosshatched in red. The, if you look west of

*Broadway, the majority of the unincorporated area around there is single family, large lot residential. However, the majority of the property to the east of Broadway is actually rural residential. However, there are some properties near the intersection there to the south, its General Commercial (GC), to the east of that, there's both Limited and General Commercial as well. I believe that's relevant to your analysis as to whether this would have an impact on the development of the area.*

*"The vast majority of the parcel is in the floodplain. That question had come up and which doesn't necessarily mean the property cannot be developed, it just means it has to be developed subject to, if it were annexed it would be city of Haysville's Floodplain Management Code, which maybe require more extensive modifications or developments or elevations to comply with that. Property owners are Myra and Patricia Hatcher, I believe, they are present today. I am not a 100 percent certain on that, but I heard they were going to be here in case you had any questions from them. I would be happy to answer questions that you may have as well."*

*Chairman Unruh said, "Alright, thank you. Commissioners, do you have any questions? Richard or Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you. Can you tell me as far as providing water and sewer services what sort of plans the city has, I mean, are they able to do that at a cost that the owner is willing to do?"*

*Mr. Waggoner said, "I will tell you what I know, and then I will see if maybe, does the city have somebody here? Okay, then I will defer to them. What I know at this point is that they completed, they had professional engineering consultants complete a study that that study indicated there would not be a required lift station. It is my understanding they would extend, an extending services there, probably special assessments, but I will let Haysville representative answer speak to you."*

*Commissioner Ranzau said, "My concern is, I have supported all island annexations in the past, but we have in the past had one, I think it was in Cheney, but anyway, which the city ended up not being able to provide some services and there was talk about a TIF (Tax Increment Financing) District and everything. So I'm trying to make sure that we have a good plan here financially."*

*Mr. Waggoner said, "I think that's a valid question to ask in terms of development because there could be a concern that if there wasn't a plan in place or if it was cost prohibitive, that the annexation, could essentially the property would be more difficult to develop in some way. But I would, if you'd like, I think I would defer to Haysville representative."*

*Commissioner Ranzau said, "Is there a perspective use for this? I mean, do we already have a plan on what it's going to be used for?"*

*Mr. Waggoner said, "At this point they don't have a plan. They are hoping a commercial investor, as I understand it, they are hoping a commercial investor will come in after the zone changes occur, and it would be more attractive to them if they are already lined up with city services and able to get, able to have the zoning already approved."*

*Commissioner Ranzau said, "Okay."*

*Mr. Waggoner said, "Did want to ask a question?"*

*Commissioner Ranzau said, "Yeah. If there's any more information?"*

Mr. Waggoner said, "Okay."

Ms. Rose Corby, Planning and Zoning Administrator, city of Haysville, greeted the Commissioners and said, "Yes, we did contract with PEC (Professional Engineering Consultants, PA) to give us a cost would analysis of the services, water, sewer, erosion protection, site clearing and restoration. The total cost be about \$542,000. I'm glad you have the map up there, too. In answer to, I'm trying to remember all your questions, so bear with me.

"In answer to your questions pertaining to how we are able to run services to this area, we do have a lift station. Does this mouse have a located, okay, there we go. We do have a lift station, if you can see the little plus sign right there, located right about there. It is certainly not overworked at this time and recently we just platted, last year we just platted this whole area, which will be a 68-acre park to include water services, so forth and so on. So, the reality is it will be very easy for the city of Haysville to run the services to this area and is not requiring to have a lift station or an additional lift station at all at this point in time. Now, if we were to go east of that road, that would be a different story, but this area is perfectly fine without another lift station."

Commissioner Ranzau said, "Okay, so, but the cost would be over \$500,000.

Ms. Corby said, "Correct. That's the estimated cost. Correct."

Commissioner Ranzau said, "What happens if someone buys that and says I can't afford that, I still want to develop it and I need water and sewer?"

Ms. Corby said, "Well, then we, I mean, they would still have to do the specials, you know, they would still have to include the cost and everything. We would end up putting it in, but there would have to be like a letter of intent or something of that nature to allow us to put it in there."

Commissioner Ranzau said, "Would they have alternatives, for example, onsite, alternative waste systems or would they have to hook into your water and sewer?"

Ms. Corby said, "When it gets developed, yes. When it gets developed."

Commissioner Ranzau said, "Okay, thank you. You don't have an intended use now. You don't have anyone who is going to buy the land, so yes I prefer..."

Ms. Corby said, "We do not have a buyer, I do not believe."

Audience member said, "No, not yet."

Ms. Corby said, "I do not believe they have a buyer at this time. The property owners have stated to me that their goal, their end goal with this was to make this property more attractive for sale. By having it annexed into the city to be able to provide the water and the services for this property, which we can definitely do. But then also to change it to, rezone it to Light Commercial. This actually, this corner, this section actually, does fit within the 2012 South Broadway Corridor Plan and it has been designated as a future land use for commercial. So it does fit in that realm of it, so it's definitely a doable situation. It is just a little, it is just an island annexation."

Commissioner Ranzau said, "I, well, traditionally I know resources and things, these things are bought out in the county, not in the city, but they are often bought under the condition like we had here recently that they will be annexed and all that other

*stuff and you will get the zoning permit."*

*Ms. Corby said, "Mm-hmm."*

*Commissioner Ranzau said, "So, I am not sure that that has been a problem in the past by doing this now though you actually do cut yourself off from someone buying it who doesn't want to be in the city and wants it used for additional services, for something different than that. Okay. Well, I just have my concerns based on previous, you know, we ended up in a situation where the cost ended up being prohibitive for the city and the user. We don't have a specific user who can sit here and say yes, I will pay it."*

*Ms. Corby said, "No, we do not."*

*Commissioner Ranzau said, "Yeah."*

*Ms. Corby said, "Not at this time, no."*

*Commissioner Ranzau said, "Okay, thank you."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioner Dennis. Okay, alright, thank you. Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Just a, I guess, maybe a question for Justin, but I understand a service plan has not been developed and is not required for this, is that correct?"*

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

*Commissioner Howell said, "Could they do a service plan if they wanted to?"*

*Mr. Waggoner said, "They could. I don't think there's anything by statute that says they couldn't do that."*

*Commissioner Howell said, "I guess my point is, there may be some questions in terms of streetlights and fire hydrants and storm water and things like that, that ought to be potentially clarified. I guess, Commissioner Ranzau's comments means, I guess I see his point that there is a lot of potential things to work out in the future that in the absence of a service plan, I guess, is up to the city and land owners just to work those things out. But, I guess, we don't really have any idea how that is going to work out necessarily."*

*Mr. Waggoner said, "I believe the city may want to comment on that."*

*Ms. Corby said, "Actually the owner had just stated to me that she has, if the property does not sell she has every intention of continuing on with the services for the property. As far as the, I am sorry, what was your question, in regards to fire?"*

*Commissioner Howell said, "I guess, my point is there may be some things that typically people inside cities like to expect certain services things like fire hydrants and street lighting..."*

*Ms. Corby said, "Correct."*

*Commissioner Howell said, "...Stormwater management, things like that and to the extent that there's not a service plan, I guess those things are kind of left up in the air."*



*We don't know exactly what responsibilities the city has towards the eventual property owners. Again, if that's something that could be worked out in the future, that's fine. But I don't know why we would not want to clarify with the service plan exactly what the plan is. So everybody, kind of, knows what the city's obligations are."*

*Ms. Corby said, "Okay. The service plan cost estimation does include fire hydrants, erosion protection, site clearing, restoration, valve assembly, anchor valve assembly, there is a host of things that it includes. That would definitely be a part of the service plan when we do get that together."*

*Commissioner Howell said, "But the service plan is not part of our consideration today."*

*Ms. Corby said, "No, not right now."*

*Commissioner Howell said, "Okay. Alright, I do like the fact that this is not changing our Fire District Number One revenue stream in any way, whether it is inside or outside. It doesn't make a difference in terms of that revenue. It's just a comment, but that's all my questions and comments. Thank you, Mr. Chair."*

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

*Commissioner O'Donnell said, "If there's no other questions from the bench, I am ready to make a motion, Mr. Chair."*

*Chairman Unruh said, "That would be fine."*

#### **MOTION**

*Commissioner O' Donnell moved to approve the resolution for the island annexation. Commissioner Dennis seconded the motion.*

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

*Commissioner Ranzau said, "I want to be supportive of this as we go forward. My concern is that at some point in the future, we don't end up in the spot where we did in another location and the city and the owner say we can't afford this, now we need the county to subsidize this to a TIF district or something to help get that. I am perfectly fine with what I think the intent is, but that's my, I am a little gun shy now, simply because of that one. That's why I ask these questions, so."*

*Chairman Unruh said, "Thank you, Commissioner. Justin, would you just answer a question? Our primary decision point is whether or not this will hinder the growth of any other city. Is that correct?"*

*Mr. Waggoner said, "Both any other city or that area."*

*Chairman Unruh said, "Okay and at this point does it require a service plan?"*

*Mr. Waggoner said, "It does not require a service plan. There is some case law that talks about, it's relevant for you as the decision makers to ask about what the future use of the property is. It is not a requirement, but there's stated case law that talks about that being a relevant factor in your consideration. I know that's been discussed some."*

Chairman Unruh said, "Okay, very good. Thank you for that explanation."

Mr. Waggoner said, "Thank you."

Chairman Unruh said, "Is there any further discussion? Seeing none, Madam Clerk, call the vote."

VOTE

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

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

Chairman Unruh said, "Alright, thank you. Thank you all from Haysville for being here. Commissioners, is there any desire for a five-minute break before we continue? Joe, I hate to preempt you on the next item, but we will be in recess for five minutes."

The Board of County Commission recessed at 10:53 a.m. and returned at 11:01 a.m.

Chairman Unruh said, "Okay, we are all back from recess. I think we are ready to call our meeting back to order. Madam Clerk, we would ask you to call the next item, please."

**Approved**

I [17-600](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 6, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of last Thursday, July 6th results in five items that we are presenting to you.

1. EMPLOYEE VISION BENEFITS – HUMAN RESOURCES  
FUNDING – HUMAN RESOURCES

"This recommendation is to accept the proposal from Vision Services Plan Option Number Two and establish contract pricing at the rates listed above for two (2) years with three (3) one (1) year options to renew.

2. EMPLOYEE FLEXIBLE SPENDING ACCOUNT ADMINISTRATION – HUMAN RESOURCES  
FUNDING – HUMAN RESOURCES

"This recommendation is to accept the proposal from Surency Life and Health Insurance Company and establish contract pricing at the rates listed above for three (3) years with two (2) one (1) year options to renew.

3. COBRA/RETIREE COVERAGE CONTINUATION ADMINISTRATION -- HUMAN

RESOURCES

FUNDING – HUMAN RESOURCES

*"This recommendation is to accept the proposal from Taben, LC and establish contract pricing at the rates listed above for two (2) years with three (3) one (1) year options to renew.*

4. ASBESTOS ABATEMENT JUDGE RIDDEL BOYS RANCH -- FACILITIES  
PROJECT SERVICES

FUNDING -- CAPITAL IMPROVEMENT PROGRAM

*"This recommendation is to accept the low quote from Major Abatement and Demolition, Inc. in the amount of \$88,500. Please note that the funding of this project is contingent on your approval of the CIP amendment, which is coming up in the consent agenda.*

5. PROPERTY DEMOLITION JUDGE RIDDEL BOYS RANCH -- FACILITIES  
PROJECT SERVICES

FUNDING -- CAPITAL IMPROVEMENT PROGRAM

*"This recommendation is to accept the low bid from H. Excavating LLC in the amount of \$128,500. As the previous one, I want to point out the funding is contingent on the approval of the CIP amendment in the consent agenda."*

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

*Chairman Unruh said, "Thank you, Joe. We have a question from Commissioner Ranzau."*

*Commissioner Ranzau said, "Actually, I was going to make a motion."*

MOTION

*Commissioner Ranzau moved to approve items 1, 2, and 3, from the Board of Bids and Contracts regular meeting of July 6, 2017, with the exception of item four and item five.*

*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, "Now we have a discussion on items four and five. Commissioner Ranzau, did you want to speak?"*

*Commissioner Ranzau said, "Well, I'll just say that I have a concerns about this. I know there was an article in the paper yesterday about, we got some news from the state that they felt like the JRBR (Judge Riddel Boys' Ranch) should not be included*

*in the encumbrance for the grant program. We thought we had that taken care of, but since then evidently someone in Washington, DC said hold on a minute, let's take a closer look at this. So, they may or may not approve that. That being said, I would, you know, there's multiple options that we can do here. This option here today is being forced because of the federal grant program that, which we took \$7,100, fifty years ago. If it continues the way it is, they are going to force us to tear it down, but there is a possibility that that encumbrance could be released and then allow us to explore all our options. That might be to sell it, that might be to lease it, that might be to repurpose it for our own uses, it might be to tear it down. Ultimately, I think that decision though should be in the hands of the local government and not Washington, DC. So, I would like, I am not ready to proceed just yet, I think, we should hold off. But I am not sure what other Commissioners think, so. I'll leave it there for now."*

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

*Commissioner Howell said, "Thank you, Mr. Chairman. I am just curious, the bid that we received on items four and five, is there a time for us to consider that bid, 30 days, 60 days, for us to accept that?"*

*Mr. Thomas said, "Generally, on bids we have 60 days to act on it. With this particular one, the asbestos abatement is part of a state contract. So, it's not necessarily a limit, as opposed to it being a bid."*

*Commissioner Howell said, "Okay."*

*Mr. Thomas said, "So there's more leniency, I think, on the abatement."*

*Commissioner Howell said, "What about item five?"*

*Mr. Thomas said, "Item five, would be the actual bid, which would be the 60 days."*

*Commissioner Howell said, "Sixty days, do we know what that date would be if we were to..."*

*Mr. Thomas said, "Generally, I think, it's from the time of the bid opening. Do you know what the bid opening date was?"*

*Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "May 2nd."*

*Mr. Thomas said, "Which one."*

*Mr. Scholes said, "It was May 2nd."*

*Mr. Thomas said, "May 2nd, okay."*

*Mr. Scholes said, "So, we've, Commissioner, it was, we've passed the date, but it was extended 30 days, so we have an additional, this 60 days from May 2nd, which we have passed, and then Tanya yesterday from Facilities [Management] asked for another 30 days from the vendor and they agreed to that. So we have a couple more weeks to work it out."*

*Commissioner Howell said, "Alright. Well, I thank you for that information, I guess I feel uncomfortable supporting the proposal to demolish these buildings at this point, because I guess it is my opinion these have a lot of value to certain organizations in the community and to the extent that we have been, we have not had clarity regarding our encumbrance. It has been confusing for ourselves, our staff, as well as*

*the community. We had two different positions on that just yesterday alone, and I think it is still up in the air. We don't know where this is going to end up. I really think that for us to make a decision based on information that's not clearly defined would be unwise.*

*"We have some time to let that dust settle a little bit, see where the federal government ends up, pick this up at a later date. I would like to, I guess ask my colleagues to let us, I would like to see us push this off indefinitely. Let's look at the dates and see what happens with the federal government. We have at least another week, we could very easily push this off a week, maybe longer. At least, I think, potentially 'til our budget adoption, August, I think its August the 2nd."*

**MOTION**

*Commissioner Howell moved to table until August 2, 2017 items four and five from the recommendations of the Board of Bids and Contracts regular meeting on July 6, 2017.*

*Chairman Unruh said, "Commissioner Ranzau."*

*Commissioner Ranzau seconded the motion.*

*Commissioner Ranzau said, "I'll also want to state, talked to Congressman Estes, evidently there's a bill being written right now from someone in Virginia who is having close to the same problem with the exact same program. So, there is the potential of piggybacking on that with legislation that would help with JR[BR] specifically. I'd like to give that time to materialize. Beyond that, regardless of what happens to JRBR, there's also, I've also spoken with the Congressional Delegation about legislative changes to the program itself that would allow any entity that's taking money from this program to increase their flexibility.*

*"We have several issues with this particular program, not just at JRBR. So, in fact the whole Lake Afton entity is encumbered and some other, we have 640-some acres in the northeast of the county. It's just been a long, long path to where we got here today. So, we'd like some legislative relief. So, that's kind of, just want to get that on the record and people know there are people trying to work this issue and that's where I am at, thank you."*

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

*Commissioner Dennis said, "Thank you, Mr. Chairman. First of all, I agree with Commissioner Ranzau that we need to do something with these encumbrances we have, not just on this property, but other properties that we own right now. So, I do appreciate his efforts in that, and I hope we continue to work towards those.*

*"I do disagree with him, though, on one subject, that we are forced by the federal grant into the decision on whether or not to demolish the JRBR. I don't agree that all options, this is the only option that's being forced by the encumbrance. Really the cost to repair this facility, to bring it up to speed, with ADA (Americans with Disabilities Act) compliance and so forth, I've heard numbers from \$1 million to \$2 million to \$5 million. We have to have grant access through the facility that we already have now through Lake Afton for anyone to get access to this facility. There are very, very nice homes that are located just east of this location. We don't have any bidders right now that want this property. I've heard people talk about what great bones that this property has. Fact is, it might have great bones. The problem is the body is shot.*

*"So, it doesn't matter how good that the bones are. I have toured it, I went out there specifically to make sure that I saw what we were voting on. I walked through this entire facility. I appreciate the history behind this and I appreciate what happened in the past, but the past is the past. It's not going to be the future. We know that we are not receiving funding to go back to JRBR as it was in the past. So, I do appreciate the fact that we have had a speaker here that was very passionate about what happened with JRBR in the past, the fact is, without adequate funding from the state, it's not going to be the future. The future is something completely different.*

*"Lake Afton is in my district and it is a beautiful park out there. That's what we need to look at for the future of this facility when we are taking a look at the future, is what should we do with it and what we should do with it is use it as a park. So, I won't be supporting the motion that's on the table at the present time. Thank you, Mr. Chairman."*

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

*Commissioner O'Donnell said, "Thank you, Mr. Chair. I am okay with deferring this for a while, tabling it. One thing that I am concerned about is the proposed company, H. Excavating, its \$90,000 less than the second and up to \$400,000 less than some of our other people.*

*"If we allow all these to expire and we go out, I'm afraid that the next bids are going to be closer to the \$218,000 range if not higher, now that everybody knows. So, I am concerned that we are going to be in the same position. So, I need clarification on what is absolutely the last day that this bid from H. Excavating is valid?"*

*Mr. Thomas said, "What we can do, Commissioner, is check with the company and see if they are willing to extend that. At this time I couldn't tell you until we have that conversation."*

*Commissioner O'Donnell said, "Okay."*

*Mr. Thomas said, "But we can get that information and get back to all of you Commissioners. If that's what you..."*

*Mr. Scholes said, "Joe, I'd let Tanya speak. She's had, I guess, recent conversations with the vendor."*

*Mr. Thomas said, "Okay."*

*Ms. Tania Cole, Acting Director of OSS, greeted the Commissioners and said, "I spoke to Kim Evans yesterday with purchasing, and she has been in contact with the vendor, this low bidder. What I understand right now, is that they are currently out on a job and so they are able to postpone this a little bit. I don't know that we have an exact date from this vendor, but we do understand that they are willing to hold that bid for a little bit longer for us. Is that accurate, Kim? Kim is saying that she can get an exact date from this vendor..."*

*Commissioner O'Donnell said, "Okay."*

*Ms. Cole said, "...on how long they will hold the bid."*

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

*Ms. Cole said, "Mm-hmm."*

Mr. Yost said, "Mr. Chairman?"

Chairman Unruh said, "Yes, Mr. Yost."

Mr. Yost said, "I understand that the 60 days and the 90 days is part of our rules. We would probably reach out and try to get it extended, because August 2nd, which is that first meeting in August, would actually be 92 days out from the opening of the bid. So, I would like to maybe get four or five-day extension just to be safe. We will reach out and do that. If we are unable to do that, we will bring it to your attention."

Chairman Unruh said, "Alright. So, clarification, as it presently stands, it appears that the extension presently goes to the 2nd of August."

Mr. Yost said, "Right."

Commissioner O'Donnell said, "If we can get one. Otherwise, we can put this on the agenda for next Wednesday again, because that would be the..."

Mr. Yost said, "We've already gotten an extension of 30 days on top of the original 60. The problem is that August 2nd is 92 days out."

Commissioner O'Donnell said, "Right."

Mr. Yost said, "So..."

Commissioner O'Donnell said, "We could still handle this in a July meeting..."

Mr. Yost said, "Right. So if we're unable to get that extension..."

Commissioner O'Donnell said, "...if we can't get the extension."

Mr. Yost said, "...between now and next Wednesday, then we would do that. We would do what you suggested, which is put it on next week."

Chairman Unruh said, "However, the motion is an indefinite deferral. So, that's what we would be voting on right now is an indefinite deferral."

Mr. Yost said, "That's a decision for the Commission."

Chairman Unruh said, "Correct, I mean, I just want to clarify that."

Mr. Yost said, "As long as you all understand that the carriage turns into a pumpkin..."

Commissioner O'Donnell said, "I understand."

Mr. Yost said, "...the 31st."

Commissioner O'Donnell said, "I would like to have this deferral be until August 2nd, if possible. Because, I think that gives us time to get back in touch with the National Park Service and the state on these questions."

Mr. Yost said, "If that's the motion that passes eventually, then we will reach out to the vendor and try to get an extension to August 2nd."

Mr. Thomas said, "So Commissioners, if I may? Right at this time we do not have an exact date, but we will be glad to get whatever date you are willing to offer. Sounds

*like the vendor is willing to work with us on whatever date we hopefully need. So, if you could give me direction, if not, we will go for the standard 30 or longer."*

*Chairman Unruh said, "Okay. I appreciate that, Joe. However, with our schedule what might be circumstances that would allow Commissioners peace of mind on a vote between now and August 2nd? If they don't extend to August 2nd, then we would have to handle this under current situation next week. What might change between now and next week? What new information might we get that would change the opinion of the Commission as to whether or not to raze the building?"*

*"We are all in favor of having the federal government lift their restrictions on the use of the property. We fundamentally have to decide are we going to raze that property that by all estimations is not suitable currently for use. We have to deal with the policy decision, do we want this to be park ground or do we want to try to hope someone might come along and rehab that facility and use it for some purpose. Most of the information I've gotten from staff and other folks is that the cost of doing that is almost prohibitive.*

*"So, I think we have to get back to the point that, yes, we want to go ahead and try to relieve those restrictions by the federal government, but today our decision is, are we going to try to turn that ground back to park ground, are we going to try to get someone else to come in and use it. We have tried for two years to get someone to come in and use it. We put RFP's (Request for Proposal) out two or three times, talked to people and there is no one presently who wants to use the property for a variety of reasons. We own the property, it's part of the Lake Afton park ground and we do not have a use for that building. One reason is because it costs too much to rehabilitate it, to reestablish it for legitimate use. So, we've got several balls in the air, but I am not sure that they are all consistent with one another. The grant thing, we are all in agreement that we want to remove the restrictions from the grant.*

*"The bid date is an issue. It may be that we have to do this next week. Is that going to change our mind on whether or not we want to turn it back to park ground or whether we want to use it for some other use? We don't have a use for it. There's been no discussion that we would use the building. The potential user, I don't know if anyone else has talked to the last person who showed, or the last entity that showed a real strong interest in the property. But I talked to that person last night, and they say we are not making a u-turn. We tried, didn't work, we have gone another direction, and we are committed to that direction. So, we don't have anyone who could use it.*

*"The condition of the property makes it, repeat myself now, not to where we don't want to rehab it. So we get right back down to the policy issue. Do we want a park ground or do we want someone else to use it, which we don't see anybody. Do we want to use it, which we have no plans and we don't want to invest in it. It is not a hard decision for me to make. I am ready to vote today that we raze the property, turn it back to park ground. So, I will support the motion before us and I would remind Commissioners that the motion before us, is for an indefinite delay and I, that just says, okay, we are going to keep that salvage property out there and continue to maintain it indefinitely and not turn it into park ground.*

*"So, I, if someone said, okay, let's defer for one week, that's not going to hurt anything, I can wait a week. But I don't want to defer any longer than that. So, that's my comments and position on it. Commissioner Ranzau?"*

*Commissioner Ranzau said, "Yeah, I just want to make a few comments. First of all, I think the condition of the building and renovations costs are being greatly exaggerated. Let's be honest, if we had not shut down JRBR to begin with, we'd still*



*be out there operating it. Okay, we have had in the past, had interest from people who wanted to use this and one particular entity had a million dollars they were willing to invest and they wanted it. But when this encumbrance came up, that just shut everything down. So, I'm sure there's nobody that wants it right now, but if we get that encumbrance lifted, then we could have a discussion now. Say alright, now we have free reign, we can do whatever we want. Maybe more people would show up who want the facility, maybe they won't. I don't think we really know at this time because of what has happened with this encumbrance, okay.*

*"But I can assure you that it would still be open and operating just fine had we not shut it down, and I don't support the notion that it is going to cost \$2 to \$5 million to renovate. Like I say, we have had people who were willing to, nevertheless, absorb the cost of renovation. So, I think we should keep those options open because I continue to say it's that encumbrance that shut everything down because there is no hope. So, I'd be willing, I mean, if we want to amend the motion to a specific date, that's fine. I think, we can also just talk about it in staff meeting later on and then make a decision, put it back on, however we want to do it."*

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

*Commissioner Howell said, "Thank you, Mr. Chairman. Just to clarify what indefinite means to me in this discussion. We don't know when we are going to get clarity from the State or the Federal Government. Again, we have seen two positions just in the last 24 hours. We don't know what the date that the vendor is willing to extend this out to, I think, it'd be reasonable to ask for 30 days. If they are willing to accept that, we could pick a date 30 days out. To me that would be reasonable to give the time for the State and Federal Government to work out the differences and give us some clarity. To the extent that we cannot get an extension or to the extent that we find out from the federal or state government what our position is, at that point we should put this back on the calendar.*

*"So, again, since we don't know some of the things, I guess I would let staff and Commissioners be involved in this discussion, and at some point when the things are known, then we can find a date on calendar to address this issue. Indefinite just simply means we don't, if I was to pick August 2nd for example, it very well might be that the vendors willing to go out 30 days. We might find out in 20 days the position of the State or the Federal Government. So, I hate to be arbitrary and just pick a date that may or may not serve our needs. I would ask the vendor for some grace and allow the State and Federal Government to work this out.*

*"That will becomes apparent to us when we hit one of those two points, then of course, this is to go back on the agenda, at which point we will deal with it. So, I think the word indefinite to me is a good word, it doesn't mean we won't deal with it. It means we will bring it back up at an appropriate time. That is what I did say during my motion.*

*"Let me also just address a couple things, you know, this two to five, \$1 to \$5 million repair, that is assuming some things. For example, there's some people that are saying that the roof needs to be replaced or the boiler needs to be replaced and that's very expensive. I think the actual urgent needs for someone to use that building would be the sewer line. I don't think, I think it's like \$100,000 or less to replace the sewer line out to the lagoon. The roof potentially could be repaired and extended. The boiler, I think has been certified as of recently, we don't have any reason to say it has to be replaced right now. That might be something that has to be done in the next 10 years, we just don't know.*

*"With respect to ADA, again, please correct me if I am wrong, Mr. Stoltz is in our staff*

*here, is attending our meeting today. Perhaps, he can speak to this, but in terms of ADA, if a non-profit takes over this facility, I don't think they have the same requirements that we have. I see Chris, also, Labrum in the back of the room. In terms of ADA requirements, you know, what is exactly necessary in this building to make it compliant with ADA. I think that all depends what is being done with the building and who it is might be using the building. We don't know that yet, either. I hate to see that as a reason to bulldoze a perfectly, potentially good building.*

*"Again, this is a multi-million dollar facility, owned by taxpayers. In terms of access, I think there is a potential way that they can access the property from the west or from the southeast. Again, Lake Afton is open 24/7, if somebody wanted to operate this facility that's providing some great services to our community, to help people that have significant needs, let's just talk about homeless men for a second. One of the interested parties in this was talking about providing substance abuse treatment and job training for homeless men in our community. Imagine if that was to happen how great that would be.*

*"So, I just think that we have to have a vision for this. Again, this was a Sedgwick County investment on the front end. We spent a lot of time and money setting this up as taxpayer-owned, and to bulldoze that building because we don't know about ADA or because we don't know about the boiler or we don't have time to wait for the State or Federal Government to weigh in, to me is just not good government. We need to slow this down a little bit.*

*"Then with respect to the nice homes, I appreciate that. There are nice homes around there, but again, this facility has been treating medium to high-risk criminogenic youth since 1959. We are talking about potentially, for example, in my example of homeless men, these are not necessarily criminal men, they have needs and they might need to be reunited with their families and have some substance abuse treatment and job training. So, it is not necessarily going to change the value of these homes. They purchased property and built homes next to a facility that was treating up to 50 medium to high-risk criminal youth. So, to me this is, that's not a major argument, either.*

*"All I am asking for is for a little delay. Let the State and Federal Government work this out. We don't have clarity today. These bids can be potentially put off. Let's allow ourselves to get clarity in terms of what the State or Federal Government is going to allow us to do, and should this be unencumbered by them, then we have a different discussion potentially. I have to agree with Commissioner Ranzau. We've discouraged our interested parties, because we have messed around for so long on this deal that the two I am aware of, have kind of moved on. It doesn't mean that we won't find other interested parties. Should we find a way to unencumber this, we might find other organizations that would be interested in stepping in to help. So, we've got to get clarity on these things. It is reasonable to take time to let that happen. That's my comments. I hope that my clarity on my motion makes sense and is agreeable to my colleagues. Thank you, Mr. Chairman."*

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

*Commissioner O'Donnell said, "I understand what Commissioner Howell is asking. I support deferring it, but I also recognize that if we go out for bid again, we're not going to have a bid as low as the vendor that was selected. So, an effort to not lose that, if Commissioner Howell would be willing to amend his motion or I could amend the motion to August 2nd, that gives us three weeks to talk to any provider in the past*

*that may have been interested in it. We can solicit more activity, see if anybody, if any of these new development change anybody's mind. If not, then on August 2nd, I would be comfortable at that point moving forward. I would prefer not to tear down the facility. I would prefer to give it to a non-profit to have them use it and serve that population, but if we don't find anybody, I think that's the only option. So, if Commissioner Howell is amenable to that or I can do it myself, but August 2nd is my position."*

*Chairman Unruh said, "Thank you, Commissioner. That suggestion, though, would be contingent on the fact the bidder accepting an August, from the inference we've got from information is that they are about to complete another project and then they want to get started on this bid, which may or may not be August 2nd. So, we'd have to find that out for sure."*

*Mr. Thomas said, "Yes, sir."*

*Chairman Unruh said, "If August 2nd doesn't work, then we need to deal with this sooner or else we have to go out for bid again. I would want to make a comment that this is not something that just cropped up overnight. We've been talking about what to do with this building since we stopped the juvenile detention activity out there for a couple years. So, we've had plenty of time to look at it, analyze it, we've had our staff look at it and others look at it. The conclusion of people who are expert in this field say that it is, that you are going to spend anywhere from two million, and an old number was up to \$8 million to refurbish it and make it usable if you meet all the ADA compliance issues that we are required to do. So, I didn't want anyone to get the impression that we haven't been doing our homework, we haven't been looking at it, we have been doing bad government. We've been doing things logically, decently and in order, in order to come to the recommendation that this building needs to be razed. Well, let me stop there. Commissioner Howell wants to speak. Commissioner Howell?"*

*Commissioner Howell said, "Thank you, Mr. Chairman. Again, I remember that \$8 million number. I guess, I asked staff a long time ago what exactly do you get for \$8 million. I think, the answer was a new facility. Again, \$8 million is a lot of money. We potentially could build a brand new facility for that or less to do these types of services. I don't see that as being a legitimate estimate to refurbish a building that's like this. But, nevertheless, if Commissioner Ranzau has heard the comments from Commissioner O'Donnell, is willing to accept a tweak to my motion to change this to August 2nd, I would make that change."*

*Commissioner Ranzau said, "I will support that."*

*Commissioner Howell said, "Alright. Commissioner, thank you so much. Mr. Chairman, I would amend my motion, if it's acceptable, to table this until August the 2nd, that is pending the agreement from the vendor that they are willing to accept a small delay in our contract acceptance. If they are not, then we'd have to put this on next week. My motion is to put this back to August the 2nd."*

*Chairman Unruh said, "Okay, We have a motion and a second from Commissioner Ranzau that this be deferred to August 2nd if that's workable, and if not, we put it on our agenda next week. Is that correct, Commissioner Howell?"*

*Commissioner Howell said, "Yes, that's correct, thank you."*

Chairman Unruh said, "Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. Well first of all, I don't know why that this excavating company would consider even giving us any kind of leeway on the 30 days or 60 days or whatever, because all they got to do is look at our agenda for today and they find out that they bid [\$]128,000, the next bidder bid [\$]218,000, the next one [\$]479,000. They are leaving a lot of money on the table. So, if I was them, and I sure don't want to give them any ideas, but if I was them, I would say no way. Rebid this thing because I know I'm going to get more money."

"So, I think that the extension is probably not well thought out. I think, that that's probably a mistake for us. Second of all, Commissioner Ranzau mentioned that this encumbrance that we've got is preventing us from trying to sell it. In reality, some RFP's were put out well before we even knew we had an encumbrance. We didn't get it sold when we even didn't know we had an encumbrance. We just learned about this encumbrance since, I've been on the Commission. We had an attorney that did a lot of great research and she came up with the fact that there is an encumbrance on it. But that was never in the picture up until just recently."

"So, to hang our hat to say that, that's causing all of our problems, I think is an error. What is causing all of our problems is we have got a facility that's been sitting out there vacant for a number of years. It's not going to be used for the Judge Riddel Boys Ranch in the future. If we happen to be able to sell it, who are we going to sell it to? We don't know what's going to happen. We don't know who might buy that. It is great parkland, but once we sell it, we lose control. They could, once the bloom goes off the rose and they find out it really does cost millions of dollars to rehab this facility, all the stars go out of their eyes and they see reality. Who are they going to sell to then and what is going to happen with this facility?"

"We lose control the minute we sell it to someone else, even though we've got every bit of compassion in our heart to try and get it to some charity, charitable organization, once the charitable organization finds out that it is damaging their charity, at that point in time, they decide to sell it, we don't know who it's going to end up with. In addition, we've got a piece of property that's actually to the west of this that this kind of cuts off a little bit. You can still get to it, but a difficult way. So, it would impact that if it got sold to someone else. So, I am very worried about any kind of extension at this point in time. I understand what the amended motion is, I still will not be voting in favor of it. Thank you."

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

Commissioner Howell said, "Thank you, Mr. Chairman. Just again for clarity on my motion, if the vendor is not willing to extend it to August 2nd, we have the chance from now until Friday to put this on the agenda for next week and I think that's, again to be clear, that's part of my motion."

"If the vendor is not willing to extend it to August 2nd, then it goes on the agenda next week, and there's no way that they would be able to back out of their offer and think there's going to be a better deal to them, because, again, we'll either deal with it next week or August 2nd. In either case, next week they'd be the low bid. If they want to give us a couple extra days, it would be August 2nd, they'd still be the low bid. They are not going to be able to increase their bid because, if they are not willing to accept, you know, extend the contract, then we will just do it next week. So, again, I don't think this changes the contract opportunity for us in either way. Thank you, Mr. Chairman."

*Chairman Unruh said, "Thank you, Commissioner. The only thing that might change between now and next week is if the Federal Government moves rapidly and gives us a decision on whether or not that piece of ground is exempt from the restrictions. I'm not holding my breath that we get that determination. If we get that determination, the question still remains, does the majority of the Commission want to turn this into park ground or do we want to sell the property to someone else who presently, we have tried for years to get bidders and the only two people interested are no longer interested."*

*"So it doesn't make sense to me to defer. I mean, the decision is the same decision. One week does not make a difference. So, I appreciate all the comments that are made, but we own the ground, it is part of the park, we ought to restore it where it can be used as park ground. Folks who are in the non-profit business have multiple opportunities around this community and this area to purchase equipment to further their mission. This is not the only thing there. We're not denying any non-profit the opportunity to carry out their mission. I just, it just doesn't make sense to me to take what probably is going to be a one-week delay on a decision that won't change. So I won't be able to support it. Commissioner Dennis."*

*Commissioner Dennis said, "Well, Commissioner Unruh made a number of comments that I was going to make. I don't see what is going to change in the next week or 15 days at all. This has been going on for several years, several RFP's have been put out. If a charity was very interested in it, it's been in the newspaper, it's been on the radio. I don't see a single one of those individuals in the audience right now saying we're here, we want the piece of property. I still support that being a park ground. It is a great park, It's in my district, I sincerely hope that we are able to do something to return that to park ground. Thank you, sir."*

*Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. We have a motion on the table that includes language that says we want to defer to August 2nd if possible, if not possible, deal with this issue again next week. I mean that's the shorthand way of saying it. Is that correct?"*

*Ms. Page said, "Mr. Chairman, does this include item 4 and 5 or just 4?"*

*Chairman Unruh said, "Thank you, good question. I believe this probably means item 4 and 5."*

*Commissioner Howell said, "Yes."*

*Ms. Page said, "Okay."*

*Chairman Unruh said, "This is the same company doing both the asbestos?"*

*Mr. Thomas said, "No, sir. There is a different asbestos abatement company as opposed to the demolition company."*

*Chairman Unruh said, "So, we have to have this leeway given to us by two companies, then?"*

*Mr. Thomas said, "Correct. Well, not for the, excuse me, the asbestos company is part of the state contract and like I said, there's more flexibility there."*

*Chairman Unruh said, "Okay."*

*Mr. Thomas said, "That's based on whether we go forward with the demolition, if they will actually do the abatement. But I believe we have more flexibility with the"*

*abatement company than we do with the demolition."*

*Chairman Unruh said, "Okay, so this, however the deferral does apply to both items 4 and 5."*

*Ms. Page said, "Thank you, sir."*

*Chairman Unruh said, "Is that correct?"*

*Commissioner Howell said, "That is correct."*

*Chairman Unruh said, "Alright. Is there any more discussion? Seeing none, Madam Clerk, call the vote."*

**VOTE**

<i>Commissioner Dennis</i>	<i>No</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>No</i>

*Chairman Unruh said, "Alright, the motion carries, and this is, we'll take action to follow what was approved here, whatever that was."*

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

*Chairman Unruh said, "Thank you, Joe. Next item."*  
**Approved As Amended**

**17-650**

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 6 - ITEMS 4 AND 5.**

**Presented by: Joe Thomas, Director, Purchasing.**

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

*Discussion for this item will be added after minutes for this meeting are adopted.*

**Deferred**

**CONSENT**

*Mr. Scholes said, "Recommend you approve consent agenda items Juliet (J) through Sierra (S) with the exception of Kilo (K) that the counselor's office, or Public Works would like to defer."*

*Chairman Unruh said, "Okay."*

*Mr. Scholes said, "So, Kilo (K) is deferred the rest of Juliet (J) through Sierra (S) recommend that you approve."*

*Chairman Unruh said, "Alright, thank you. We have a couple Commissioners wishing to speak. Commissioner Ranzau."*

**MOTION**

*Commissioner Ranzau moved to approve the consent agenda with the exception of item N and R, and to defer item Kilo (K)."*

*Chairman Unruh said, "Your two exceptions were..."*

*Commissioner Ranzau said, "N, November and Romeo (R)."*

*Chairman Unruh said, "November and Romeo, okay."*

*Commissioner Ranzau said, "The one relates to the boys ranch and the other to EMS."*

*Chairman Unruh said, "Okay."*

*Commissioner Ranzau said, "The other one, I want to have further discussion on."*

*Chairman Unruh said, "Okay, we have a motion, then is there a second."*

*Commissioner Howell seconded the motion.*

*Chairman Unruh said, "We have a motion and a second and that is defer the consent agenda with the exception of K, N and R."*

*Commissioner Ranzau said, "Yes. Well, and to defer item K, specifically defer item K as directed by by, or suggested by staff."*

*Chairman Unruh said, "Okay. Is any discussion? Madam Clerk, call the vote."*

*Commissioner Dennis said, "Just a minute. I do have a question."*

*Chairman Unruh said, "Okay, excuse me. Commissioner Dennis."*

*Commissioner Dennis said, "If we defer item R, will that then automatically come up next week?"*

*Commissioner Ranzau said, "Well, I was going to address N and R separately and make a separate motion, and I was going to make a motion to bring it up whenever we bring up the other stuff. I mean, it should be on the same day, right?"*

*Mr. Scholes said, "Correct."*

*Mr. Scholes said, "Correct, [item] R is tied to item four and five on the bid board."*

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

*Mr. Scholes said, "So, that will come back on August 2nd."*

*Commissioner Dennis said, "Okay, alright."*

*Chairman Unruh said, "I think we understand. So, any further discussion? Madam Clerk, call the vote."*

VOTE

Commissioner Dennis

Aye

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

Chairman Unruh said, "So..."

Commissioner Ranzau said, "So, do I need to make a motion to defer item R?"

Chairman Unruh said, "Item K, in the motion is already deferred. Is that correct?"

Commissioner Ranzau said, "Yes."

Chairman Unruh said, "Alright. Then, yeah, a motion to defer item R in harmony with the other would be appropriate."

#### MOTION

Commissioner Ranzau moved to defer item R from Consent Agenda until August 2, 2017.

Commissioner Howell seconded the motion.

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

#### VOTE

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

Chairman Unruh said, "Now, Commissioner Ranzau, you wanted to talk about item N."

Commissioner Ranzau said, "Yeah, I have some questions for Scott [Hadley] on this data agreement between Sedgwick County EMS and Kansas Board [of EMS]. Can you tell me, we are going to share data with who?"

Mr. Scott Hadley, Assistant County Manager, Public Safety and Code Enforcement greeted the Commissioners and said, "We are going to share data with the Kansas Board of EMS (KBEMS) and for the Kansas Emergency Medical Service Information System (KEMSIS), which other entities participate in. I can get Justin Waggoner to clarify the Kansas statute, where we are statutorily bound right now to provide them data. This agreement helps us further define, to protect the county on what data we will provide them, what they can use it for, and also in your packet is a report that outlines what that data will be published at to share with other entities in our community to benchmark and to do research."

Commissioner Ranzau said, "Okay, are we providing data to them now?"

Mr. Hadley said, "We are in a limited function, yes. As part of our state permit we provide them data, call volume, number of trauma calls, number of medical calls. This is in line, it is a little bit more in detail what we will be providing them in a data set that's standardized that other entities in the State of Kansas and the nation compare data and share."



*Commissioner Ranzau said, "Okay, it, so, we're already providing data in accordance with the statute. I'm looking at this, first of all, will the patients provide any consent to their data being shared?"*

*Mr. Hadley said, "The patients' names, social security, anything that identify..."*

*Commissioner Ranzau said, "That's not what I asked."*

*Mr. Hadley said, "No."*

*Commissioner Ranzau said, "They will not."*

*Mr. Hadley said, "No."*

*Commissioner Ranzau said, "We are going to participate in this KEMSIS, this isn't mandatory, though."*

*Mr. Hadley said, "I will let Justin Waggoner address the statutory requirements. What would be required of us to provide them, I believe we are, we shall provide them information that we are currently not doing."*

*Commissioner Ranzau said, "Okay, I understand. But I'm asking you, are we required to participate in the KEMSIS, Kansas..."*

*Mr. Hadley said, "We are not required to do that."*

*Commissioner Ranzau said, "We are not required to do that."*

*Mr. Hadley said, "No."*

*Commissioner Ranzau said, "This will, we will participate then."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "We will be a vendor, a third-party vendor will get access to this data and share it with a national group."*

*Mr. Hadley said, "Correct. Image Tran, which the State of Kansas has contracted with to collect this data."*

*Commissioner Ranzau said, "So, we're going beyond, from what I can read, we are going beyond what's required in the statute. We are giving it to third-party, without patient consent and also giving it to a national entity, for whatever use they want to use. Not sure why we want to..."*

*Mr. Hadley said, "Correct. Well, it's good for research and data, it helps us look at other entities, what they are doing. It is asking for how many trauma calls, how many medical calls, how many pediatric, how many adult, how many chest pain calls do you run, falls, those things of that nature, which is de-identifying. It doesn't identify a patient."*

*Commissioner Ranzau said, "I understand, but we are giving it to somebody we don't even know, the national database, you know. If we want to look at other entities, we can ask them for their data if they will give it to us. We're just, I think, we are going beyond what we're supposed to. I am a little skeptical of making decisions for people's healthcare data without their consent. I know there is a lot of that going on,*

*being pushed by the federal government. I just, I have, we are already doing our reporting. I just have some problems with that. It is voluntary, it says right here that it is voluntary. It says on the contract it's voluntary."*

*Mr. Hadley said, "Correct. But I still recommend that we do it. We're the largest EMS service in the state. It will help us work and share data, what we're doing, compare that to others at the local and national level, which helps us conduct research. There may be benefits to us as in treatment modalities and other things that come out of this. We're still protecting people's private health information. They have to follow all the health insurance..."*

*Commissioner Ranzau said, "No, I don't believe we are. We are sharing it with people that they didn't give consent."*

*Mr. Hadley said, "We're not sharing personal data with them that would identify them in any way and that must be followed. That's what this agreement helps us protect that data."*

*Commissioner Ranzau said, "Nevertheless, we are sharing their data."*

*Mr. Hadley said, "Yes."*

*Commissioner Ranzau said, "That could change. I've seen the thing, the spreadsheet, it says what we are going to give."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "But it also says that, the concern here, it says KBEMS will, that they are doing this in accordance with HIPAA (Health Insurance Portability and Accountability Act)."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "Which is the federal government's way to take over control of our healthcare data."*

*Mr. Hadley said, "Helps us protect, but there are certain elements of that that we cannot share private health information. It helps protect the patient under the Health Insurance Portability and Accountability Act (HIPAA)."*

*Commissioner Ranzau said, "Let's be clear. From my perspective, it does not. HIPAA is a federal law that takes away the decision-making process with respect to your data, takes it away from the patient and gives it to the federal government. The federal government then determines when your health data can be shared and who can get it. For example, they think they should get it and anybody they work with, okay. HIPAA takes the decision-making process away from the patient and gives it to the federal government. It's sold as patient protected, but this says, oh yeah, can't do this, can't do that, except for all the other entities that they deem necessary as able to get it. They can get it without patients even knowing."*

*"So, you got to be careful with how the federal government sells things. I am not sure why they think they get to interject themselves into my healthcare data and determine who gets it and who doesn't. I think that should be up to the patient, but I just have some concerns here. We are going above and beyond what's required by the statute without patient consent. I am very sensitive to that, because there is a lot of that going on with respect to the electronic healthcare data. Identifiable information is*

*being collected in that regard, and I think this has the potential to do so at some point in the future. So, I have some concerns. I understand what you're rationale, I'm not sure it will provide us any benefit that we couldn't get through other ways. So, those are my concerns."*

*Chairman Unruh said, "Thank you, Commissioner. Anyone else? Commissioner Dennis."*

*Commissioner Dennis said, "Real quickly, is any patient identifiable information provided?"*

*Mr. Hadley said, "It's all in a data set, but it's de-identified, it's like I gave a copy of the report. This is what the report will look like when it comes out with our data included in it, along with everybody else's. So, it is de-identified, it is protected, this agreement helps us further protect that information. It's our data, they don't own it, they can't use it for other things and share that information beyond what's in this report."*

*Commissioner Dennis said, "Real short answer now. Okay, that's the long answer."*

*Mr. Hadley said, "Yes, they get the data in the data set. It's produced just like we have it in our electronic patient care reporting system."*

*Commissioner Dennis said, "If I fell over this afternoon and well, Commissioner Ranzau was resuscitating me, and you came and picked me up, would they know it was David Dennis that they picked up?"*

*Mr. Hadley said, "No."*

*Commissioner Dennis said, "Thank you."*

*Commissioner Ranzau said, "Now hold on. You said the data is in a data set. Who de-identifies it?"*

*Mr. Hadley said, "The Image Tran Software de-identifies that data."*

*Commissioner Ranzau said, "So, they are getting patient identifiable data."*

*Mr. Hadley said, "Yes."*

*Commissioner Ranzau said, "They pick it out. So it's in, they are getting the identifiable data."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "This is how electronic medical records works. The data is there."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "Subject to being hacked or misused or abused, okay. So, we are giving them identifiable data, they are obligated to de-identify it."*

*Mr. Hadley said, "Correct."*

*Commissioner Ranzau said, "But, nevertheless, we are giving their data, identifiable data, to a third-party and other entities. Subject that could be hacked, it could be used*

*and abused inappropriately. We are doing this without patient consent, because the federal government says we can. That is what's happening. I have a problem with that."*

*Chairman Unruh said, "Commissioner Dennis."*

*Commissioner Dennis said, "Let me go back because I am still not clear. I think you are telling me one thing, you are telling Commissioner Ranzau something different. Aren't you? Is my name or my social security number being given out? If I ride in one of your ambulances."*

*Mr. Hadley said, "It is in the data set that we collect in our patient care report in the table that's attached to that. All that information is in the table, and when it is sent, it is de-identified by the Image Tran software, so it is not published and it is protected."*

*Commissioner Dennis said, "Is the identification taken out by us or by them (inaudible)?"*

*Mr. Hadley said, "By them."*

*Commissioner Dennis said, "By them?"*

*Mr. Hadley said, "Yes."*

*Commissioner Dennis said, "We can't do that?"*

*Mr. Hadley said, "We have the option to do that, yes. We don't have to include that field in the data set."*

*Commissioner Dennis said, "Okay. So, why can't we just amend this motion to say that we remove all identifiable material and provide them the rest?"*

*Mr. Hadley said, "I think that language is specified, I believe, in the agreement. Is that correct, Justin? I'll let him address that."*

*Mr. Waggoner said, "Give me just a second here, Commissioner Dennis. Commissioner Dennis, what the agreement provides is that the data would be de-identified by KBEMS. Under HIPAA, just to kind of explain this, the background here, because HIPAA says that there is protected health information and generally you can't disclose that. However, in this case, if there is a state statute, which this is a state statute that says we shall provide this to the State Board of EMS and that will trump the requirement of HIPAA but you still will want to require to be de-identified. That de-identification requirement is in the contract and they would be required to de-identify it, subject to the HIPAA de-identification standards, so."*

*Commissioner Dennis said, "But we can't de-identify it before we send it?"*

*Mr. Waggoner said, "I think we could before we send it, I mean, that would be a matter. I mean, we would probably want to amend the contract to state that, if we were de-identifying it on our end. I don't know what that would be like in terms of a staff, you know, how much work that would be. I think Scott may be better able to answer that."*

*Commissioner Dennis said, "Is that just a field you have to delete?"*

*Mr. Hadley said, "Yes, it is a field in the table you could just delete, not include the*

data.”

Commissioner Dennis said, “Would that satisfy your concerns, Commissioner Ranzau?”

Commissioner Ranzau said, “Well, it’s a step in the right direction. I also don’t want to share with some national entity anything we don’t know about. So, with those two options taken care of, I would be, I would reluctantly support that, even though I don’t think the sharing of medical data, with or without it being identifiable, data should be given without patient consent, but nevertheless, that is my other issue. So, perhaps, I mean, is this time urgent?”

Mr. Hadley said, “No. Given the contract, the way it states, we could just do it on our end. I don’t know that we need to amend it, talking to Justin, we could de-identify it on the front end and be done with it.”

Commissioner Ranzau said, “I would prefer to have some discussion about modifying this contractually, so that it is in writing.”

Mr. Hadley said, “Correct. (inaudible)”

Commissioner Ranzau said, “What I am saying is, we are not up against a deadline.”

Mr. Hadley said, “No, sir.”

Commissioner Ranzau said, “I know we deferred a lot of things. But...”

Commissioner Dennis said, “Been a long meeting with not much...”

Commissioner Ranzau said, “But this is just, I mean, it is up to the rest of the Commission. I would like to defer this, and have some other discussions, but that’s up to them.”

Mr. Waggoner said, “Commissioner Ranzau, consistent with your thoughts, I mean ultimately we can defer. I don’t believe it is time-sensitive on the state’s end. I think we had approved this on our end as staffing back in like October of last year, it took a while for the state, I think, to work through some of the stuff. But the, maybe I am wrong on some of that. Scott, can clarify, but the thing we could modify in the agreement is we could say that the Sedgwick County staff will de-identify the data to HIPAA standards on our end. That’s also an option, either one of those could be permissible.”

Commissioner Ranzau said, “Yeah, we could work out the language on that, but I prefer not to do that on the fly. I mean, wouldn’t that be best practice, probably.”

Mr. Waggoner said, “I think that’s your call.”

#### MOTION

Commissioner Ranzau moved to defer item N on the consent agenda to clarify

*language to de-identify patient information according to HIPAA.*

*Commissioner Dennis seconded the motion.*

*Chairman Unruh said, "Okay, we have a motion and a second. Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Just as I am sitting here listening to this, I appreciate the comments, because I think I came in prepared to support this. But I think I like taking a little bit of time to clean up the contract a little bit. I think I would be glad to support, support it down the road, I think, once that is done, but couple of questions. How much time does it cost us in terms of, I see seven pages of very small print, in the back of this that talks about different things we are collecting. Are we collecting that information regardless whether we do this or not? Are we collecting that data anyway?"*

*Mr. Hadley said, "Yeah, we have the data anyway. It is an export field, we export in to the table. The data is there, So it is not a lot of laborious work to create that document."*

*Commissioner Howell said, "So, the report that's ultimately done, I guess, at the national level, do we have access to that currently, do we already look at that?"*

*Mr. Hadley said, "There are national, we look at the Kansas one right now. The national one, the national information system is up and running. More and more people are contributing, like this group will contribute our data to the national system, then we can look at nationally what are benchmarks, what are best practices, what are others doing, what are trends in certain areas that we may not know today. So there's some benefits that we can have in additional research that can be and conducted. If we are looking at common things, common tables, common elements within electronic patient care report that's de-identified."*

*Commissioner Howell said, "Are you using that data right now to do some analysis regarding our population or our services?"*

*Mr. Hadley said, "We are starting to look at some of the data, like in the KEMSIS report that's published, go through there and look at that. What are other agencies seeing that currently in those common data fields. That's the whole part of the project, it's commonality and reporting on common information across our system and when we have common terms. We are looking at the same things, and one system is not calling it one thing, and another system is looking at something else. So, it's been very helpful in that regard."*

*Commissioner Howell said, "As I look at the data that's being collected back here, I guess, I don't really see there is any really any defined like benchmarks or goals that we would have, I mean a lot of these things are basically the activities done by the paramedics to the people that they are providing services to. Again, I don't know that we could in any way change what services we provide because this depends on what the situation is, we are going to provide whatever necessary. So, I guess I am not quite sure how this is useful to us."*

*Mr. Hadley said, "Oh, it helps us do, look at things on chest pain calls, or trauma calls and falls to see if there's commonality within separate economic groups, age groups, zip codes. It would help us look and maybe target specific things, if we knew we had a high population of folks getting specific types of injuries or illnesses in a specific area that we may not know today."*

Commissioner Howell said, "Let me ask you this. If you de-identified the data, could we as the Board of Health access this data and find out what's going on in our districts or our communities?"

Mr. Hadley said, "Certainly be shared with them in this report, and look at it, and see if there's trends in a certain specific population or certain area of town, and that's the benefit of having this data across the state, across the nation. There may be pockets of things occurring in one area and not in another."

Commissioner Howell said, "How dynamic is this data in terms of if we want to go look at the latest and greatest data that's been collected, where would that be? How recent?"

Mr. Hadley said, "The 2016 report is a synopsis and a snapshot of what happened in 2016 for those participating entities in the State of Kansas."

Commissioner Howell said, "That's the report from the state or the federal government. What about the data we provide to them, are we able to access that, even, whatever is being submitted to the state, are we able to see that data in a raw format?"

Mr. Hadley said, "The data that we submit every year, yeah, call volume, those types of things that are submitted we look at that, yeah. But we don't know necessarily what others are doing and that's what Image Tran, the Kansas Board of EMS and the KEMSIS and NEMIS (National Emergency Service Information System) projects are helping us do."

Commissioner Howell said, "I feel like I am getting conflicting information from our Health Department versus what you are telling me, because, again, I am interested in the infant mortality data specifically. But I have been told by them that I am not going to get that data, there is no way. Again, I am not asking for identifiable information, I am asking about, you know, whether these types of things happen, you know, I am looking for information for example, but it's been very highly restricted and they don't want us to see that, I guess.

"So, it is interesting to me that we would have access to really very detailed information about, I guess, the entire county and more dynamically than what the Health Department would be willing to give us through our efforts, I guess, to look at that data. It is very old, at least two or three years old, it is just not the same type of detail. So to me, it is a much different way to get this data potentially. I think as the Board of Health, we ought to be interested in potentially looking at this and seeing what kind of things we could learn about our community."

Mr. Hadley said, "Sure."

Commissioner Howell said, "Alright. Thank you, Mr. Chairman. I would be glad to support the motion this morning."

Chairman Unruh said, "Pardon me."

Commissioner Howell said, "I would be glad to support the motion to defer this and get the contract cleaned up."

Chairman Unruh said, "Thank you, Commissioner. We have a motion and a second. I don't see anyone else asking to speak. This motion is to defer this for a future date. So, Madam Clerk, call the vote please."

VOTE

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

Mr. Hadley said, "Thank you."

Chairman Unruh said, "Thank you, Scott. I think, we are down to the item for legislative issues. I don't think we have anything to do with that."

Commissioner Ranzau excused himself from the meeting at 12:02 p.m.

The Board of County Commissioners recessed into Fire District Number 1 from 12:02 p.m. and returned at 12:05 p.m.

Chairman Unruh said, "Commissioners, we are now at the time for other, I believe. Any other items that you wish to bring up or speak about today? Commissioner O'Donnell."

**Adopt the Consent Agenda as Amended**

- J**     [17-614](#)     One (1) Temporary Construction Easement for Sedgwick County Project on the south side of 47th Street South from Oliver to Clifton, and on the west side of Clifton from approximately 47th Street South to MacArthur Road. CIP#R330A - Aviation Pathway Phase 2. District 5.  
**Approved on the Consent Agenda**
- K**     [17-615](#)     One (1) Easement for Right-of-Way for Sedgwick County Project on 87th Street South between 167th & 183rd Streets West. District 2.  
**Deferred**
- L**     [17-611](#)     Affidavit of Error to Correct Amount in Easement for Right-of-Way Agreement.  
**Approved on the Consent Agenda**
- M**     [17-578](#)     Setting a public hearing for the proposed adoption of the Safety Code for Elevators and Escalators, 2016 edition; the Safety Standard for Platform Lifts and Stairway Chairlifts, 2014 edition; and the Safety Code for Existing Elevators and Escalators, 2015 Edition.  
**Approved on the Consent Agenda**
- N**     [17-551](#)     Data Agreement between Sedgwick County EMS and the Kansas Board of EMS  
**Deferred**
- O**     [17-579](#)     Government Services Agreement for Sanitary Sewer and Water Well Code Inspection and Enforcement Services with the Cities of Garden



Plain, Clearwater, Kechi, and Park City.  
**Approved on the Consent Agenda**

**P**     [17-603](#)     Consideration of grant in the amount of \$64,701 for Corrections  
Liaison Services.  
**Approved on the Consent Agenda**

**Q**     [17-618](#)     ZON2017-12 Zone change from RR Rural Residential to SF-20 Single  
Family Residential in property generally located south of West 39th  
Street South and east of West 247th Street (District 3).  
**Approved on the Consent Agenda**

**R**     [17-586](#)     Amendment to the 2017 Capital Improvement Program for Judge  
Riddel Boys Ranch demolition.  
**Deferred**

**S**     [17-541](#)     General Bill Check Register for July 5, 2017 - July 11, 2017.  
**Approved on the Consent Agenda**

### **LEGISLATIVE ISSUES**

### **OTHER**

*Commissioner O'Donnell said, "I would just like to say that next Tuesday at noon, we are opening the new Meridian Street in Wichita that was a project that started when I was on the Wichita City Council. It would be south of Kellogg, all the way down to Pawnee. It was a huge project, and it's taken almost six years to get done. So, I am excited to join Councilmember Blubaugh next Tuesday as we open up a great new investment and a great, wonderful street with plenty of drainage out to the Arkansas River. So, it was a long time coming, it was the last major street that hadn't been completely revamped in that whole region, Seneca and West and so on and so forth. It had all been done except that one. So, it's pretty exciting times in southwest Wichita.*

*Chairman Unruh said, "Well, that is good news and congratulations. It's a long time coming."*

*Commissioner O'Donnell said, "Yeah, I'm very proud of it."*

*Chairman Unruh said, "Good. Anyone else? Seeing no one wishing to speak and we have no more from the Manager or Counselor. That being the case, we will be adjourned."*

### **EXECUTIVE SESSION**

### **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 12:07 p.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: August 16, 2017*