

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, November 8, 2017

2:00 PM

SPECIAL MEETING

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Special Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 2:04 p.m. on NOVEMBER 8, 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, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Mr. Kelly Arnold, County Clerk; Mr. Dale Miller, Director, Planning; Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Department; Ms. Lindsay Poe Rousseau, Chief Financial Officer; Ms. Dorsha Kirksey, Director of Mobility, Sedgwick County Division on Aging; Mr. Justin Waggoner, Assistant County Counselor; Ms. Adrienne Bryne, Director, Division of Health; Ms. Kate Flavin, Public Information Officer; Ms. Lynda Baker, Deputy County Clerk.

GUESTS

*Mr. Doug Young, 4806 N. Wyndham Road, Wichita
Ms. Robin Ragland-Smith, 9411 E. Longlake, Wichita
Ms. Marilyn Bower, 156 N. Sedgwick, Wichita
Ms. Janice Bradley, 214 Buckeridge Court, Wichita
Mr. Charles (C.J.) Schoch, Wichita
Mr. Chris Garnica, St. Francis Community Services
Mr. Rob Wall, appointee
A.J. Boleski, General Manager, Intrust Bank Arena/SMG*

INVOCATION: Reverend Barry Vennard, Unity Church of Wichita.

FLAG SALUTE

ROLL CALL

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

PUBLIC AGENDA

Chairman Unruh said, "Commissioners, we have four folks who have registered to speak this morning in the public agenda, so we'll just go down the list and remind everyone that if you step to the podium and make your remarks, please state your name and remember that you have three minutes in which to speak. With just four folks, I supposed that you all will be careful, try and not to just repeat the same information over and over, but appreciate you all being here. But with that, the first one signed up is Doug Young."

Mr. Doug Young greeted the Commissioners and said, "Podium?"

Chairman Unruh said, "Yes, step to the podium and tell us your name and you have three minutes."

Mr. Young said, "I live in Richard's (Ranzau) attendance area, so down there two miles south of Park City. What I'd like to speak to today is Tyson Foods, and I'm going to speak from my personal work experience and also what I've read in the Wichita Eagle, and then in addition what I've read on social media. I do have some insights. I doubt they'll be repeated because they pop up in my own head. So first of all, I want to talk about open mindedness. I want to talk about transparency. I want to talk about divisiveness or division, and then I want to offer solutions, so I can end something on a positive note."

"First of all, open mindedness, we're being hammered on all sides, you guys particularly with what I would call propaganda. When you're hit with propaganda, open mindedness is not the way you deal with it. You deal with it through critical thinking. So we need to move from open mindedness to critical thinking when you are evaluating a situation. Transparency, okay. One thing I really want is trustworthy leaders, and I think you guys are trustworthy, I hope so because that's what I'm a follower and I like trustworthy leaders. I do notice some terms popping up in the Commissioner's communication that are kind of Tyson lexicon words and phrases. It concerns me that you might be spending more time with Tyson than you are your constituents. I do not believe that you should be signing agreements to visit with a private company unless you're going to share those results, and what's being said with your constituents. It really leads to trustworthiness if you do that, and I really want to trust."

"Divisiveness, okay. Tyson will divide a community, and I see it's starting already. When you hear terms like racism, when you hear terms like Sierra Club, when you hear terms about national unions, you're starting to put people into groups. When you group people, you're giving into bias. Bias removes the individual person from what they believe, and it's a way to discredit people when you don't want to hear what they're thinking. I already see that starting here in Sedgwick County. I do not want this to become a biased company. Tyson will tend to divide a community. My final thing is solution, and I would like to end on something positive, and that is if you don't give them any money, they won't come. They like financial incentives, so if you just want to walk away, don't give them anything, and they'll leave. So if they give you any trouble, just tell them I say it's okay. Thank you guys. Appreciate your time. How long was that? Three minutes? I heard the buzzer."

Chairman Unruh said, "Right on the dot."

Mr. Young said, "I didn't even time it. Thank you, men."

Chairman Unruh said, "Okay, thank you. Next speaker is Robin Ragland."

Ms. Robin Ragland-Smith, greeted the Commissioners and said, "I'm glad I wore my big girl shoes. I'm speaking about Tyson. It appears to us, the public, that no research was done on Tyson Foods before issuing an invitation to locate in Sedgwick County. We know the best predictor of future behavior is past behavior. This is Tyson Foods' past behavior over several years. In 2003, Tyson pled guilty in federal court to 20 felony violations of the Clean Water Act. They admitted illegally disposing of waste water at its Sedalia, Missouri plant over several years. The Department of Justice (DOJ) said, 'The improper disposal continued in spite of the company's assurances that the discharges would stop', and even after numerous warnings, administrative

orders, two state court injunctions and the execution of a federal search warrant, Tyson paid a \$7.5 million fine in that case.

"From 2006 through 2010, there were eight accidental releases of the poisonous gas anhydrous ammonia resulting in numerous injuries and evacuation of nearly 500 employees and one death in Hutchinson, Kansas. Those violations of the Clean Air Act resulted in a \$3.95 million fine to the United States. In 2010, the [U.S.] Securities [and] Exchange Commission charged Tyson with violating the Foreign Corrupt Practices Act (FCPA). Tyson paid a \$4 million criminal penalty. In 2011, Tyson paid [\$]5.2 million to settle bribery claims in addition to being sued by 17,000 employees for non-payment of work performed. Tyson paid [\$]32 million in that lawsuit for violating the Fair Labor Standards Act (FLSA).

"In 2012, the Supreme Court heard a class action lawsuit against Tyson for overtime pay to its employees. They paid [\$]950,000 in that case. 2014, Tyson accidentally released an animal feed ingredient into Missouri's waste water treatment system resulting in a large fish-kill downstream. That resulted in a \$2 million fine and \$500,000 community service payment. 2015, Tyson was charged with animal cruelty. 2016, a massive recall of chicken nuggets. 2017, another lawsuit by 4,000 workers. Tyson paid [\$]5.8 million. This past September, they laid off 450 workers in Arkansas. Tyson is the number one polluter in America followed by Exxon [Mobil]. Their long history of abuses and violations follows a pattern of non-compliance. I urge you to just say no. Thank you."

Chairman Unruh said, "Thank you. Once again, right on time, so thanks for your comments."

Ms. Ragland-Smith said, (inaudible)

Chairman Unruh said, "Next is Marilyn Bower."

Ms. Marilyn Bower greeted the Commissioners and said, "Do I need to say my address and all that?"

Chairman Unruh said, "Just say your name and make your comments."

Ms. Bower said, "Okay, alright. I just want to let you know I'm still here, okay. We had recently, it's been going on for quite a while, couple of polluters in our neighborhood. "They were burning plastic off of copper wire. Working together with the code enforcement, especially Suzanne for the city and the homeowners in that area and the Delano Neighborhood Association, we were able to move them out. They caused everybody possible cancer, violations, you know, getting cancer, but also it was almost impossible to go out in your backyard and even use it. You had to keep your windows closed and everything.

"We found out the problem, we took care of it. But if we get a plant, the prevailing winds are from the south and southwest usually, and if we get a plant out there someplace, it's going to probably affect most of the people in this area around Wichita. I urge you to, whatever you decide to do, sit down with Tyson and see if it's going to be a good fit here before we do anything. We want it be a win-win situation. Thank you."

Chairman Unruh said, "Thank you, and Janice Bradley."

Ms. Janice Bradley greeted the Commissioners and said, "So I thank the previous speakers for your words and the attention of most of the Commissioners at this point. Mr. O'Donnell seems to be busy with something other than this, but I'd like to say mainly two points. One is, it's not just the plant. We are very concerned about the up to possibly hundred contract chicken growers or chicken farmers that Tyson will of necessity have to contract with to feed the slaughter house. Each one of those farmers is going to have somewhere in the neighborhood of 120,000 chickens growing for seven weeks, every seven weeks okay? This is going to involve, you know, four to six huge barns per farm.

"The litter stays at the farmer's property and then it's distributed to farmers for fertilizer, some of which is absorbed into the soil, and much of which runs off into the watershed of the Arkansas River. So, we're real concerned about that, the contract farmers and what's going on with them. Besides of which they do not have it good. They have to spend all the money. Tyson owns the chickens, and they get screwed with updates that they have to implement in order to continue under contract. It costs more money that they have to get more loans for. We're real concerned about the situation with the farmers that will be involved. The second thing is regarding the county's public comment site. I went to the site today for the first time, and I published a comment. I was looking for other comments and I didn't see any other comments. Has no one made any comments yet? Can you answer me that?"

Chairman Unruh said, "Ms. Bradley, we don't want to get into a question-and-answer dialogue here, but we're working on that website so everyone can see all comments."

Ms. Bradley said, "Okay. That's what I was going to ask for because I think if it's a public comment, the public should be able to see it. We should be able to see the opposition or the support for the Tyson complex, and we think the support would be the opposition has the upper hand here. Thank you."

Chairman Unruh said, "Thank you. Another person has signed up to speak. CJ Schoch, is it?"

Mr. C.J. Schoch greeted the Commissioners and said, "I have a Masters in Communication from WSU (Wichita State University). I work at T-Mobile. Not here on behalf of either of those organizations, just saying that's the generation I'm from. I live a pretty mobile life. Right now, I'm trying to figure out how to make my chicken coop in the backyard that provides tons of protein for me throughout the year, how to get that to work with like, you know, the internet of things, to basically be automated for me, to make my life easier, because it's already just a hobby. But that and the garden in my backyard provides me about 60 percent of the calories that I live off of, okay?"

"Now, what you would do if you let a huge chicken operation like this come in is put so many chickens in such a dense amount of space, you create diseases, new ones we've never seen before, right, bird flu, etc. That travels onto local birds to my birds. That's bad for me. Please don't do that, okay, first and foremost, but second off, young people like me that are trying to make a difference with the way we live, we don't need this kind of stuff. Rich people that want to invest in that do, okay? We want to be able to eat locally. The coffee shop down the street from my house, this will crack you up, man. They buy my kale. That's my beer money throughout the summer. They juice that and sell it to local people for like \$5 a cup. That's my beer money. I turn kale into beer money, okay."

"That's just hobby, right, but if you took the same amount of money that you're going to subsidize in the tax breaks and God knows what else for Tyson and you put that back into the local agriculture and dispersed it amongst your citizens, think about the people who could eat more healthily, the children that would grow up stronger and be smarter and test better. I hear our schools need a little improvement. That extra caloric intake and the nutrients that local agriculture, real local agriculture that's sustainable could bring, is what you should be investing in. Not huge industrial food production that's well past it's prime. We've seen diminishing returns for decades. We should learn from that. Move forward and maybe invest in our local dispersed sustainable agriculture. You know what, if you need someone to show you how, I'll show you how to build a coop. You can go to Muskrat Manor, I'm on Facebook. I call it Muskrat Manor because there's tons of muskrats in my local water system. I get to hear them splash every time I walk my dog down the riverbank.

"What do think all this chicken run-off is going to do to that? It ain't going to be good for that. I mean that's just the identity that I've given the roots that I've grown here. My whole family is military. I decided to live here for the rest of my life, okay? Do the right thing for people like me, people in my generation and your community and invest in that local sustained dispersed agriculture. Like that K-State agricultural office, right? They had a shitake mushroom farming demonstration. Invest in that stuff. Invest in black walnut planting, right? All of the little things that are going to make sustained and dispersed contributions to our agricultural system and our food production system. That's going to help everybody the most. Thanks."

Chairman Unruh said, "Alright, thank you for your comments. That's all the individuals who signed up to speak, but I don't want to exclude anyone. If there's someone who didn't sign up and has a comment they want to make.

"Okay thank you, then seeing no one, we will go on and before we call the next item, I made a little bit of a faux pas. We typically recognize former County Commissioners when they visit our meeting and former County Commissioner Jim Skelton is here, so welcome. Okay with that Madam Clerk, please call the next item."

CONSIDERATION OF MINUTES

A [17-949](#)

REGULAR MEETING MINUTES OF OCTOBER 18, 2017.

All Commissioners were present.

Chairman Unruh said, "Commissioners, you've had the opportunity to review the minutes. Are there any additions or corrections?"

MOTION

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

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
Approved

PROCLAMATIONS

B [17-959](#)

PROCLAMATION DECLARING NATIONAL ADOPTION MONTH.

Read by: Chairman David Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

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

WHEREAS, Sedgwick County recognizes the importance of giving children permanent, safe and loving families through adoption; and

WHEREAS, today there are approximately 450 Kansas children who are waiting to be adopted, which is a small portion of the more than 110,000 children nationally who need matched with a loving adoptive family; and

WHEREAS, some children who wait the longest for an adoptive family are those who have suffered abuse and/or neglect, and may have medical, emotional, and/or developmental needs; and

WHEREAS, brothers and sisters who are separated in the foster care system yearn to be adopted by the same family; and

WHEREAS, many older youth living in foster care feel they may be too old to be adopted, yet they want a sense of belonging that adoptive parents can provide; and

WHEREAS, adoption brings unique opportunities to forever transform a child's life and enrich the life of the adoptive parent or family that welcomes them; and

WHEREAS, National Adoption Month events will be taking place around the state, including an event where 35 children and teens will be adopted in a special ceremony on November 18, 2017 held at Exploration Place;

NOW, THEREFORE BE IT RESOLVED that I, David Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 2017 as

NATIONAL ADOPTION MONTH

in Sedgwick County in the hopes that the people of this great state will open their homes and adopt Kansas children from the foster care system.

November 8, 2017

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

MOTION

Commissioner Howell moved to adopt the proclamation.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Unruh said, "Receiving the proclamation this morning is Mr. Chris Garnica from St. Francis Community Services."

Mr. Chris Garnica, greeted the Commissioners and said, "Thank you Commissioners for your time and consideration today. Just an addition to your announcements that you made, we'd like say that we're celebrating National Adoption Day on November 18th, finalizing 35 adoptions and connecting those children to their forever families. The approximate number that we have of children available to adopt within the Wichita region is around 100, so if anybody would like to open their homes to sibling sets or individual children that may be in need for a forever family. Thank you."

Chairman Unruh said, "Okay, well thank you for being here. We're pleased to help give some publicity to this need in our community and your special ceremony where 35 children will be adopted it's going to be held at Exploration Place..."

Mr. Garnica said, "That is correct."

Chairman Unruh said, "...and what's the date and time again?"

Mr. Garnica said, "It will be November 18th. I think the festivities start around 10:00 [a.m.] and will go to about 1 [p.m]."

Chairman Unruh said, "Okay very good. Well, we are pleased that our Exploration Place is partnering with you and has a part in it."

Mr. Garnica said, "Yes, thank you."

Chairman Unruh said, "Thank you very much."

Mr. Garnica said, "Thank you."

Chairman Unruh said, "Next item, please."

Adopted

APPOINTMENTS

C [17-953](#)

RESOLUTION APPOINTING ROB WALL (BOARD OF COUNTY COMMISSION APPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE IN POSITION #8, PRIVATE SOLID WASTE INDUSTRY MEMBER.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Item C is a resolution appointing Mr. Rob Wall to the Solid Waste Management Committee in the private industry position number eight. This position had been held by Mr. Eric Bergin whose job caused him to move out of the community. This appointment is to complete Mr. Bergin's unexpired term plus a new two-year term, so the new term would expire December 31st of 2019. It's my understanding Mr. Wall is present, he was a moment ago when I met him, and I would urge adoption of the resolution and he is here to be sworn."

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

MOTION

Commissioner O'Donnell moved to adopt the resolution.

Commissioner Howell seconded the motion.

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

VOTE

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

Chairman Unruh said, "Mr. Wall, yes sir, if you want to step up to the County Clerk Kelly Arnold, and he will swear you in."

Mr. Kelly Arnold, County Clerk, thanked the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Solid Waste Management Committee so help me God."

Mr. Rob Wall greeted the Commissioners and said, "I will. I was asked to give roughly an hour presentation, okay. Alright so, all about the solid waste and recycling industry. Appreciate the appointment. Looking forward to the opportunity. Been in the industry for 27 years and running, so hope I can share my past experiences with the committee. Thank you."

Chairman Unruh said, "Well, thank you for your willingness to serve and someone with your background and expertise I'm sure will add a lot to the committee, and that's an important committee to deal with these issues of municipal solid waste, so thank you"

for your willingness."

Mr. Wall said, "Thank you."

Chairman Unruh said, "Next item."

Adopted

D [17-954](#)

ACCEPT THE RESIGNATION OF MAYOR TERRY SOMERS
(COMMISSIONER DAVID DENNIS' APPOINTMENT) TO THE DISTRICT
3 CITIZENS ADVISORY BOARD (CAB).

Presented by: Eric Yost, County Counselor

RECOMMENDED ACTION: Accept the Resignation

Mr. Yost said, "Mr. Chairman, Item D is the resignation of Mayor Terry Somers, the mayor of Mt. Hope from the District Three Citizen's Advisory Board (CAB). That is in Commissioner Dennis's advisory board. Mayor Somers is resigning due to persistent scheduling issues related to when they meet. We have no replacement yet, but I'm urging that you adopt this resolution, accept the resignation. I assume a replacement would be forthcoming."

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

Commissioner Dennis thanked the Chairman and said, "I move that we adopt the resignation of Mayor Terry Somers from my Citizen's Advisory Board. I appreciate his service. As our counselor said, he is mayor of Mt. Hope, and he does have a number of other responsibilities that he has to perform, so I appreciate his service, but I do accept his resignation."

MOTION

Commissioner Dennis moved to accept the resignation.

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

E [17-935](#)

CON2017-00033 - A COUNTY CONDITIONAL USE FOR A 150-FOOT TELECOMMUNICATION TOWER 1,200 FEET NORTH OF EAST 63RD STREET ON THE EAST SIDE OF SOUTH 127TH STREET. (NO ADDRESS YET ASSIGNED)

Presented by: Dale Miller, Director of Planning.

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, "Commissioners, the applicant for this request has requested a deferral to your November 29th meeting. You have a number of options. You could just grant the deferral outright. A subset of that would be if there are people here today that want to speak and cannot be present on the 29th, then you might want to consider allowing them to speak and continue the hearing to the 29th, or you can decide to go ahead and hear it and not approve the request for a deferral. Law is here if there are any other options, but I think those are the three main ones."

Chairman Unruh said, "Okay, thank you. I want to handle this deferral appropriately and give people opportunity to speak. So first of all, I'll ask Commissioners if they have any comment about this request or any objection to this request. Alright seeing none then, those folks who are here and want to speak and are going to have a hard time coming back on the 29th, this is not a public hearing, but if they want to speak to this particular item, now would be the appropriate time. So if there's someone who wants to speak, please step to the podium, tell us your name, and on this item you would have five minutes. I don't see anyone moving to the podium so we will restrict comments to the bench. Commissioner Howell."

MOTION

Commissioner Howell moved to defer the item until November 29th.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Mr. Miller said, "Thank you."

Chairman Unruh said, "Well we will see you again then Dale. Next item."

Deferred

F [17-905](#)

PROPOSED ADOPTION OF THE NFPA 70: NATIONAL ELECTRICAL CODE, 2017 EDITION.

Presented by: Chris W. Labrum, Director of Metropolitan Area Building and Construction Department (MABCD).

RECOMMENDED ACTION: Approve the Resolution.

VISUAL PRESENTATION

Mr. Chris Labrum, Director, Metropolitan Area of Building and Construction Department, greeted the Commissioners and said, "Returning with the 2017 National Electrical Code (NEC) and amendments as presented on the 18th of October. Since that time, we've obviously left this open, I've received no further comments from the public. Also no further questions in continued coordination with the [Wichita Area] Builder's Association or the contractors. I have the slides, the presentation from last time available if there are specific questions or anything you would like to re-brief; otherwise, I will stand for questions and/or recommend we go forward with adoption."

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

Commissioner Howell thanked the Chairman and said, "I just wanted to remind my colleagues that the reason we are doing this today is because I asked for a delay. We were asked to consider the adoption of the NEC 17 about a month ago, and I had some questions regarding the arc-fault devices either at the breaker panel or at the wall outlets that I was concerned about regarding nuisance tripping and I guess the cost of those devices in the construction of new homes.

"I wanted to, I guess, share with you my colleagues that I have discussed this with Mr. [Wess] Galyon at the Wichita [Area] Builder's [Association]. He opened this up to the electrical contractors and other builders trying to solicit input from them. It was noted that, I guess, they have opposed this adoption of this arc fault sensing devices since I think 2001. They have opposed adoption of this numbers of times as we continue to update the NEC codes at Sedgwick County, but this time they are not opposed. I guess I asked him, you know, do you think we should go ahead and move forward. He says he thinks it's time for us to move forward. It's probably inevitable. He thinks that the cost outweighs the, I'm sorry, the safety features or the enhanced safety that people might enjoy in his opinion outweighs the cost of these devices at this point. The technology has moved forward.

"So again, I still have some concerns that we're adding cost to the price of new homes. I still have some concerns about if someone wants to make a repair and it wasn't the proper device because these devices look very similar. If they went down to Lowe's and they purchased a device that wasn't the correct device that they would somehow be out of compliance and there might be an insurance issue. I still have those concerns, but nevertheless, I think it's time to move forward. So I guess I will be supportive of the adoption of the NEC 17. I have some small concerns, but I'm willing to put those aside and move forward."

MOTION

Commissioner Howell moved to approve the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Unruh said, "Commissioner Dennis would like to know if there's anyone from the public that would like to speak. I see no one rising to the podium, so we will go forward. Commissioners, are there any more discussions? 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

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

Adopted

G [17-934](#)

QUARTERLY INTRUST BANK ARENA REPORT.

Presented by: Lindsay Poe Rousseau, Chief Financial Officer.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Ms. Lindsay Poe Rousseau, CFO/Budget Director, greeted the Commissioners and said, "I'll wait till we get those presentations maybe passed around a little before I jump in here. Alright, so today we're going to talk about the Intrust Bank Arena status report through the third quarter of 2017 and of course we'll contrast that back to the same time period for 2016 as we have with past reports. Before we get into the details, I would like thank Michelline Stokes in the County Manager's office for preparing the report, the presentation for you today. I also want to thank A.J. Boleski, the General Manager for the Intrust Bank Arena with SMG who's with us today. He'll help present some of this information this morning, but he and his team do a phenomenal job of making sure we have the information we need to give this report to you.

"So as with past reports, just a few of the discussion points, you'll hear a lot of similar themes. We'll briefly talk about the arena management agreement, the quarterly reports we give to you, the status of our arena sales tax reserves, and then A.J. will brief you on some of the community service events that the arena has been a part of and also let you know what we have to look forward to coming up. So moving in to the report itself, as you know, SMG was hired back in 2007 as the building operator. They promote, operate and manage the facility, and we do have a unique agreement where SMG does take care of any operating loss in the course of a year. Otherwise we have an arrangement that allows us to split profits based on some contract terms that I'm happy to discuss, although you've heard frequently.

"So getting in to the quarterly reports, we'll talk about ticket sales first, then

community affairs and a financial summary. So moving right into that, year-to-date through September 2017, the arena had a total of 69 performances, attendance of 241,000 with tickets sold of just more than 217,000. You'll see that gross ticket sales were [\$]9.4 million or about \$43.30 on average for cost per ticket sold. You'll see that for 2016, numbers were slightly up in 2016 vs. '17 for performances, attendance and tickets sold. But you'll note there is a significant increase in gross ticket sales and average cost per ticket sold. As of course I'm sure many of you know we had Neil Diamond and Paul McCartney and the Tim McGraw and Faith Hill concert that came through in this third quarter. That certainly helped with those figures.

"Moving into community affairs then, this is always a good slide for us to look at. There were a total of 128 community groups that volunteered at the arena through the third quarter of 2017. That's down from the same time period in 2016 as well as the amount paid to those groups. However, if you look at the spending with Sedgwick County/Kansas companies, the sales tax paid and the number of presentation and arena tours, all of those figures are up significantly. So that's always of course great for us to see in terms of the economic impact that can happen with our local community.

"Moving into the financial summary, I'm not necessarily going to belabor all of these definitions, but certainly you might flag slide six as something to come back and refer to as we talk through the different categories on the next few slides. So in the third quarter alone, so just July, August and September, you can see that there were a total of six performances with total gross building income of [\$]1.2 million. There were indirect expenses of about [\$]1.1 million. So that overall, the net building income just in the third quarter alone was \$82,000. Of course this is a great figure to see because sometimes those summer months can be a little slower. Looking at the year-to-date, so all three quarters so far this year, there were a total of 69 performances. Total gross building income was about [\$]4.3 million. We had about [\$]3.6 million in indirect expenses, so you can see that the net building income so far this year is just about \$700,000. That's a great number for us to see. We'll talk about some of the details of these events as we get later into the report.

"So, we look at the number of performances and contrast that with the same time period last year, and the primary reason for the decrease is we've had two fewer concerts, but again, we've had great operating income so far this year. There was one fewer family show. We did actually have one more sporting event, but then two fewer hockey events and two fewer [Wichita] Force events, and that's primarily the reason for that decline of six from last year. But again, if you look at the net event income, it's up. So looking at our income categories then, the revenue coming in, other operating income for the year so far is at [\$]1.3 million which is [\$]32,000 greater than the same time period last year. Total gross building income is about [\$]4.3 million or about \$400,000 greater than the same time period last year.

"Then looking at it from a different angle, the expenses versus income, so we have our indirect expenses of about [\$]3.6 million just less as compared with the same time last year which was just more than [\$]3.6 million, so they've actually spent less so far this year than they did last year. The difference as you can see is about \$40,000. Then looking at the net building income, so taking our total gross and offsetting our expenses, overall the net building income so far in 2017 again is just about \$700,000 contrasted with the same time period last year where it was about [\$]214,000. So we have had a net increase in the same time period from 2016 to 2017 of almost \$500,000.

"So then looking at the sales tax reserves, again this was a fund that was set up after the one cent sales tax was levied and the total project costs were paid off, we had a balance of about \$17 million in that sales tax fund. That fund can be used for certain things including capital improvements. A.J. will talk to you a little bit about that entrance C remodel. You have your ribbon cutting coming up for that, but of course that's a primary use of this fund. So that is of course reflected in what has happened so far this year. So, this slide shows the current status of that sales tax reserve fund. As of September 30th, the end of the third quarter, we are at about \$10.5 million. At the beginning of July, that stood at about [\$]11.4 [million]. This slides shows that in that time period, we brought in about \$120,000 from naming rights but then had expenses for arena operations of about [\$]165,000 and arena capital improvements of about [\$]944,000. The vast majority of which was for entrance C, although there was also a compressor adjustment that was in that time period.

"In slide 15, actually details those expenses in much greater detail if you're interested. So comparing the reserve status from the same time period last year, September of 2016 vs. September of 2017, you can see that there was a net decrease of about [\$]1.8 million. Again, entrance C is the primary driving factor but also the other capital improvements that were included in the 2017 approved CIP (Capital Improvement Plan) for the arena. With that Commissioners, if you don't have any questions for me about the financial status, I'll move it over to A.J. since you have a full agenda."

Chairman Unruh said, "Commissioners, are there any questions for Lindsay on the financial aspect of this report? I see no one Lindsay, thank you. Welcome A.J."

Mr. A.J. Boleski, General Manager, Intrust Bank Arena/SMG, greeted the Commissioners and said, "I wanted to just walk you guys through our quarterly report. These are some of the ticket donations that we've done in the third quarter. We also just wrapped up our United Way campaign, so we're happy to announce that we were up this year. We surpassed our goal, and we just wrapped that up this past week, so excited about that. We also had two community events this summer that we're really excited about. One, we've talked about a couple of times in here. I'm disappointed that you guys did not have a team in the dodgeball tournament, but we did have a record number of 45 teams versus 23 last year, so that was up. That's pretty much an all local event.

"Then we also had Wingapalooza in August, and that event ended up selling out. We capped that out because we use the arena floor, so 2000 tickets on the arena floor. We try to keep it comfortable, that's why we cap it. But two successful community events this summer. They had become annual events for us and we'll continue to host. Also on our upcoming events, you will see the next one is the Foo Fighters coming up on Monday. Lindsay mentioned the ribbon-cutting we'll do Monday morning, and then Monday night we will unveil entrance C to the public. That'll be the first time that we've opened that entrance since April.

"Then also upcoming events, Sesame Street [Live] in December along with Trans-Siberian Orchestra which is a great annual holiday tradition for us. K-State is playing Tulsa, and we're excited for Wichita State [University] and Oklahoma in December as well. So, you'll see some of the other events since we last met. We announced a big event for us, which is Pink. March 3rd is the date on that event. Still have a few tickets left but not many for Pink, it's done very well. We expect that to hopefully lead to another event along those lines. You know that we've been trying to get more of the pop shows, more of the younger shows. This was as great win for

Wichita, for our community and for the county and for the building, so we're happy to have it and hopefully we can be able to announce some more of those events so, excited for that one.

"The NCAA (National Collegiate Athletic Association) tournament did go on sale over the weekend and those tickets, the general public tickets are sold out. They did go quick. It's a high demand show just like some of our other high demand shows, Pink, Taylor Swift when we had her, Paul McCartney, some of those shows, a lot of demand and they go quick.

"So we did have some pre-sales that we did both for the venue. Wichita State did a pre-sale earlier in the year. Those lasted for quite some time and then went on sale to the general public. In the same way that all of the NCAA events do, and I think we're one of the few sites where the general tickets are sold out. There are premium packages still available, hospitality packages available through the NCAA. Then in February, the NCAA will open their ticket exchange where they will actually, you'll be able to, people that have tickets, if they want to sell them or buy them, they can do that. It's all verified, so none of it's scalped, they're all legitimate tickets that will open in February. Then we would expect probably some tickets to go on sale the week of the games depending on what teams come. Sometimes there's some movement of tickets around there. Some teams need more tickets than others and that kind of thing, so excited about it.

"The great news out of this whole thing is the demand is there, and we hope that that keeps the NCAA coming back on a regular rotation, so we're excited about that announcement. Then I wanted to also give you guys an update on the north entrance, entrance C, we talked a little bit about. The project started back on April 10th, it will reopen Monday. We've just kind of right now, they're just finishing the last details. They installed the key construction, installed the glass rails, the walk-in carpet, glass rails for the stairs going up. The walk-in carpet that you come into and the doors. They finished the plaza area out front with all the bricks and so took down the construction fence, and we're almost back to normal and we're ready to reopen this week. It went pretty well, under budget, on-time and we're happy to be able to reopen it."

Chairman Unruh said, "Very good. Well, excellent to be under budget and on-time. I mean, those are music to our ears. Well very good. I'm glad that it's all done and well ahead of the holiday season and well ahead of the NCAA tournament so, very good. Commissioners, are there any comment or questions that you want to ask or make at this time? Commissioner O'Donnell."

Commissioner O'Donnell thanked the Chairman and said, "See you Monday morning, A.J."

Mr. Boleski said "We'll see you then."

Commissioner O'Donnell said, "Bright and early."

Mr. Boleski said, "I should have also mentioned another Capital Improvement Project (CIP) we just completed is the Wi-Fi (Wireless Fidelity), free public Wi-Fi in the arena. So we did roll out that for the Wichita Thunder opening games back in October. We've used it for all of our events since. It's on, we're making some tweaks and make sure that it's rolled out and working very well for all the upcoming events in December along with the events next year, but it's going well so far."

Chairman Unruh said, "Okay, very good and we'll. Commissioner Howell."

Commissioner Howell said, "I just wanted to say I appreciate the report today, and I want to say A.J., I think you are doing a tremendous job. We were able to go over to Intrust just yesterday I think it was and take a look at some of the stuff that's going on over there, the wireless and entrance C, kind of got a preview of that. So I just want to say I'm really impressed with what's going on and want to say thank you for what you're doing for Wichita and Sedgwick County."

MOTION

Commissioner Howell moved to receive and file.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Unruh said, "A.J., Lindsay, thank you both. Appreciate it. Next item, please."
Received and Filed

H [17-951](#)

CONSIDERATION OF A GRANT APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) IN THE AMOUNT OF \$1,258,563 FOR THE FUNDING OF COORDINATED TRANSIT DISTRICT 9 (CTD 9) WHICH INCLUDES THE SEDGWICK COUNTY RURAL TRANSPORTATION PROGRAM AND OTHER PARTICIPATING COUNTIES.

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

RECOMMENDED ACTION: Approve the grant application, and if awarded, authorize acceptance of the grant and any related documents and establish a new 0.5 FTE Office Assistant position as outlined in the Personnel Considerations section of this item.

Ms. Dorsha Kirksey, Director of Mobility, Division on Aging, greeted the Commissioners and said, "This is a one-year grant renewal that would provide continued funding for demand response general public transportation to rural Sedgwick County citizens. The renewal will continue to fund a volunteer-based transportation program provided in Bentley, Mt. Hope and Clearwater as part of a coordinated transit plan, and it's included in the long-range transportation plan or MOVE 2040. The first agreement was with the Kansas Department of Transportation (KDOT) and was initiated in 1995. The grant application deadline is November 17th by 12 p.m. The total program budgeted costs are \$1,258,563 including the grant amount of \$1,239,738 between state and federal sources and a grant match."

"Now the program does include our Sedgwick County application as well as applications submitted independently by the other CTD (Commission for the Transportation Disadvantaged) 9 agencies whose awards will administered through Sedgwick County because Sedgwick County is the state designated CTD 9 administrator. Their funding will flow through the program, this program budget as stated above, and the attached grant application for Sedgwick County provides federal transportation administration funding for operations, administration and capital assistance costs. Sedgwick County will be responsible for its matching funds only as the other county agencies will provide matching funds for their awards independently.

"The Sedgwick County Division on Aging (SCDOA) mill levy funds were budgeted and approved in the 2018 division budget by the BoCC (Board of County Commissioners) back in August, which included the match for this Rural 5311 program. Now I will bring to your attention that the grant proposal does include a request to add one part-time office assistant position to the staffing table with an estimated salary of \$11,000 plus worker's compensation benefits. I would recommend that you approve the grant application, and if awarded, authorize acceptance of the grant and any related documents and establish a new part-time office assistant position as outlined in the personnel consideration section of this item. I do stand ready to answer any questions you may have."

*Chairman Unruh said, "Alright, thank you. Good presentation, and we were briefed on this previously, so Commissioners are there any comment or questions?"
Commissioner Howell."*

MOTION

Commissioner Howell moved to approve the grant application, and if awarded, authorize acceptance of the grant and any related documents and establish a new 0.5 FTE (full-time equivalent) Office Assistant position as outlined in the personnel considerations section of this item.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Ms. Kirksey said, "Thank you."

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

Approved

I [17-938](#)

SETTING OF HEARING DATE FOR POST-ANNEXATION HEARING
CITY OF DERBY.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Set the public hearing on December 6, 2017, and authorize the County Counselor's Office to mail the notice of hearing to property owners and the City of Derby.

VISUAL PRESENTATION

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "I'm going to refer to a map here on the computer. It'll be pulled up and scroll through it here, you'll see this particular annexation involves 17 different parcels which can be grouped into five different tracts. If you scroll down you'll see them, there are five distinct groupings of properties that occurred by the city of Derby in 2014. The annexation became effective on December 3rd of that year. Pursuant to KSA.12.531, three years after the effective date of an annexation, the County Commissioners are required to hold a hearing to determine whether the service plan was met by the city. During that hearing, the Board would hear evidence from the city and the landowners regarding whether those services were provided as described in the plan.

"The County Commissioners are then tasked with making a finding regarding whether those were provided or not. If the Board of County Commissioners finds that the services were not provided and the city and the landowners are notified that the area may be de-annexed from the city if those services are not provided 1 ½ years after that finding. The recommended action is to set the public hearing for this matter for December 6th, 2017, and authorize the County Counselor's office to mail notice of the hearing to the property owners and to the City of Derby. I'd be happy to stand for any questions you might have on this."

Chairman Unruh said, "Alright thank you, Justin. Today, I mean, appreciate the description, but today we're just setting a date for the hearing."

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

Chairman Unruh said, "Commissioners, are there any comment? What's the will of the Board?"

MOTION

Commissioner Howell moved to set the public hearing on December 6, 2017, and authorize the County Counselor's Office to mail the notice of hearing to property owners and the City of Derby.

Commissioner Unruh seconded the motion.

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

VOTE

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

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

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

Approved

CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve consent agenda items Juliet through Romeo."

Chairman Unruh said, "Commissioner Howell."

MOTION

Commissioner Howell moved to approve consent agenda items J (Juliet) through R (Romeo) with the exception of P (Papa).

Commissioner Dennis seconded the motion.

Chairman Unruh said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to note that on item K, this is a 5-year funding agreement for Exploration Place, and I think this is a great day for Exploration Place. We're going to settle questions of whether we're going to fund or how much we're going to fund Exploration Place for the next five years. This takes us out to I think 20, I have the date here, out to December 31st, I think 2020, I actually lost the date here, five years from now. Eighteen's where I think '23, anyway, it's in the contract, but I am pleased to see that we're actually taking action on this item and it settles questions for the future. Hopefully that will help fundraising and support from the community as well. So I want to make sure that the public is aware that we're doing this today. Thank you, Mr. Chairman, and I move my motion."

Mr. Scholes said, "Commissioner, it's December 31st, 2022."

Commissioner Howell said, "Through '22, there you go, thank you. Wanted to give it an extra year."

Chairman Unruh said, "Thank you, Commissioners. Is there other discussion?"

Commissioner O'Donnell said, "Second."

Chairman Unruh said, "Pardon me?"

Commissioner O'Donnell said, "He made a motion."

Chairman Unruh said, "Okay, I think we have a motion and a second, didn't we? Okay. So if there is no further discussion, Madam Clerk, call the vote."

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>

Commissioner O'Donnell II Aye
Chairman Unruh Aye

Chairman Unruh said, "Now Commissioners we can discuss or take-up item P, which is approve the permanent staffing table request for the Sedgwick County Division of Health. What is the comment or what's the will of the Board? I don't see anyone willing to speak."

Commissioner Unruh moved to approve Item P of the consent agenda.

Commissioner Dennis seconded the motion.

Chairman Unruh said, "There is a motion and a second. Commissioner Howell."

Commissioner Howell said, "Thank you. I do see we have our Health Department Director in the audience. I don't know if she's willing to answer a question or not, but I wanted to share that this is a reconsideration of something we discussed during a budget cycle. It's been a bit of an issue that's moved forward and moved back and moved forward a couple of times, and so I wanted to, I guess, ask a question about this. There was some discussion during the budget cycle on the Community Health Assessment (CHA), Community Health Improvement Plan (CHIP).

"This is the latest report from that. I think all five Commissioners made comments on this report and the process that was used. I understand this had to go out to the private sector because there was some issues of funding and that type of thing the previous year. So we weren't in total control of the entire process up to that point, but I think you and I, Adrienne, you and I have talked a little bit about this document. This is one that was done I believe in 2012. I think you indicated to me that this is something we could do in place of the Community Health Improvement Plan that we've done the last two cycles that looks like this. Is that true? This would be a good replacement for that potentially."

Ms. Adrienne Byrne, Director, Division of Health, greeted the Commissioners and said, "Well the 2012 document you are referring to is a, kind of a data book. We are looking at doing something like that again that wouldn't necessarily replace the Community Health Assessment, but it would house all of Sedgwick County's data in one location. So, and also be able to be used as part of the Community Health Assessment, but it wouldn't necessarily take place of that, but we are, yes, looking at doing, going back to creating a data book as well, something similar to."

*Commissioner Howell said, "So it'd be your intention to do both the data book and..."
Ms. Byrne said, "That is correct."*

Commissioner Howell said, "Okay."

Ms. Byrne said, "Yes."

Commissioner Howell said, "The one that was done prior to the last report, the one that was done, I think, I have a 2015 report. This is a draft copy of that, but this is one they'd done prior to the latest one. Is this a good example of what we would expect this next round because I think we were in control of this entire process from start to finish."

Ms. Byrne said, "Well, we would be in control with this position being reestablished in the funding. We would be in control of guiding that process in the final document, yes."

Commissioner Howell said, "Okay. Well what I really like about the data book that you've talked about is it allows the policy makers, the Board of Health, to understand exactly what's going on in Sedgwick County. To me it is a tremendous resource to, again, this is just a one-time effort as far as I understand, but what I do like about this is it's got a wealth of information in there regarding all kinds of health trends in Sedgwick County. One of my concerns is, I think we as a Board of Health ought to be interested in what the health trends are of Sedgwick County. We ought to be trying to find out what's going positively, what's going negatively, and if there are things that are going negatively, they have discussions about policy, things we might do to impact those trends. So to me, this is a very, very valuable resource."

"Again, all five Commissioners last year when we voted on the Community Health Assessment, Community Health Improvement Plan, made comments that it was an overly political process. It has items in there about supporting Medicare expansion, comments about reproductive health, comments about firearms. There's a number of things in there that were, I guess, questioned and brought up as being, you know, maybe not related to actual public health but related to social issues perhaps that may be parallel to the topic of public health. I guess, what I like about the data book is it seems to strip all that potentially controversial stuff out but leaves the data for us to look at which in my opinion is very, very valuable."

"Again, I thought that you had indicated to me that this would be a reasonable effort on parts of Sedgwick County for us to understand the health trends of Sedgwick County. This would be adequate investigation that would help us have that data. We wouldn't necessarily need to do the Community Health Improvement Plan because of some of the concerns and controversies that have been raised about that process. Is there a, again, so it sounds like, my understanding is that we were going to potentially do this in place of that, and it sounds like that's not your intention whatsoever."

Ms. Byrne said, "Well, the Community Health Assessment isn't a Division of Health assessment of what is going on just in public health. It is a community assessment we do in conjunction with United Way [of the Plains] and Via Christi. We're looking at the health and the issues in the whole community, and so the data book would be information secondary and primary data that we are obtaining locally and from Kansas Department of Health and Environment (KDHE) and the Center for Disease Control (CDC) and putting all of that data in one publication that gives a better look at what's going on in the State of Kansas as well as Sedgwick County in regards to just the data."

"The Community Health Assessment gathers our community and partners around the table and is looking at issues in totality in the community that may not just all be driven by data, but also concerns and trends that they're seeing in their organizations, concerns they're hearing from residents in the community, and so they really are two separate documents. One feeds in to the other, but the data would just be one piece of the community assessment that we do to get a feel of more than just data but what our residents think as well."

Commissioner Howell said, "Well, could I ask? This is a three-year process. We collect data, if I understand correctly, we collect data for one year, we do analysis on

that data a second year, and then the third year we write the Community Health Improvement Plan, and then it starts over. So, it's generally a three-year cycle for this process."

Ms. Byrne said, "That is correct."

Commissioner Howell said, "Okay, and so what was the length of time to do this report? How long did this take to put together?"

Ms. Byrne said, "I was not involved directly in that at the time, but that was a more than a year process of gathering all of that data."

Commissioner Howell said, "One of the other things I don't like about the Community Health Assessment is that I think there's around 510,000 people in Sedgwick County, and I actually asked for the actual questions that were asked and looked at some of the data, and then I, if you know the exact number, I would love to hear from you, but I remember there was only, let me just say, around 200 or maybe 250 people that were interviewed for the data of the Community Health Assessment. Again, that's once every three years.

"Essentially what's done is they extract like that data to the entire community, and again, there are some samples taken in different zip codes around the community, but generally speaking I say from a data perspective, I'm a data guy in my real world experience, I've done a lot of data analysis, I would say to do a couple of hundred samples of something and extrapolate that data out to 510,000 people to me is really not the best process. What I don't like about this is it's not very dynamic, and it's not a very large data sample. What I like about this one is it's got a lot more data in it. "It is, it appears to be a lot more dynamic. So I guess, from my perspective as a policy maker for Sedgwick County, this has a lot of value to me. I love this document. It's great, and I would much rather see us do this and have a more dynamic understanding of what's going on and fund that and get that data and have those discussions and talk about ways to improve public health. This other document to me is not nearly as valuable. In fact, I would ask my colleagues, please tell me if I'm wrong, but has there been any decision we've made in the last three years since I've been here that relate to the Community Health Assessment in terms of we looked at the document, we understood some issue that was going on, and we made a policy choice to do something based on data that was in the data, in the report of the Community Health Improvement Plan. I don't remember anything.

"We have made a number of changes at the Health Department in terms of immunizations and other things. In fact, I would say we've actually improved many of our services. We're more effective and efficient than we used to be perhaps like on the immunizations, for example. Our immunization numbers have gone up. But that wasn't a result of this document. We didn't make those choices or make those decisions based on understanding of this document. They were, this wasn't part of the discussion, and so to the extent this costs, what we're discussing today, a \$72,000 change to the budget if this doesn't, again that's for each year and three years total, so around \$225,000 of cost to produce this document, and if we're not using it, then that may not be the best choice. I would say for the same cost if we could get a copy of this data, I would think that's fantastic. We ought to have that discussion. I would love to see this done."

SUBSTITUTE MOTION

Commissioner Howell moved to move support away from the Community Health Assessment and Community Health Improvement Plan and support the Sedgwick County Health Department Data Book creation and do this periodically so we can begin to understand health trends in Sedgwick County based on a better set of data.

Commissioner O'Donnell seconded the motion.

Chairman Unruh said, "Adrienne, would you like to make a comment?"

Ms. Byrne said, "Yes. If I may add that this position we're talking about reinstating the local funding to, they're involvement in the planning and coordination of the Community Health Assessment and the Community Health Improvement Plan is a portion of what they do. That data book is a large part of what this position would be doing as well and focusing, which we started to do with that position this year since we've had it for two or three months, is starting to track non-communicable disease data which we haven't had the staff to do before, but we are able to do that with a skill set of the person in this position. So they're very interconnected and interrelated."

Chairman Unruh said, "Okay, Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. I won't be supporting the substitute motion. I think both things are valuable. Since I've been on the Commission and I've followed the Commission for a long time before that, I don't know that we've ever set down and formally said we're meeting as the Board of Health. But every single time that we have a meeting, we make decisions that we're really serving in two positions, Board of Health and also as Commissioners. So even though that we haven't had a formal meeting, I think that we're making decisions constantly that impact the health of our community. I think both documents are valuable."

"I understand that there are some political concerns about the document that was produced last time, but I don't want to throw the baby out with the bath water on it either. I want to make sure that we have the information that we need to make good decisions here as Commissioners and as the Board of Health. I think that the Community Health Assessment is something that we can use if it is designed and written to meet the needs of the Commission that we have right now. Okay? The Commission may change in the future and they may have other duties, but I think that the individual that is in this position works for Adrienne. Adrienne works for the Manager. The Manager works for us. I think that we got a pretty short chain of command there that we can give some guidance on what we need in order to make decisions that impact the health of our community."

"So, I can't support the alternate motion because it does forget about that second portion, what we need to make good decisions and just looking at data, and that is a valuable tool, I admit that, I've looked through it. Commissioner Howell sent us a copy of it. That's got some valuable information in it, but I think the Health Assessment also provides us valuable information, and the two of them together are things that we can use for tools. So, I will not be supporting the alternate motion. Thank you."

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

Commissioner Ranzau thanked the Chairman and said, "First of all, I support the data book that Commissioner Howell has there. I do think it's good. I actually believe it's the only thing we really need as Commissioners or as the Board of Health. We don't

need the Community Health Assessment. I think it's important to understand where the Community Health Assessment came from. It didn't come from us. It came from national level organizations and elements of the federal government. It is designed specifically to advance progressive ideologies in the area of public, in the healthcare. For example, the nanny-state mentality, the Obamacare Medicaid expansion and everything.

"That's why it's there. That's why you take the data and then you have your little group that's called the forces of change and people get in the room and they do their sticky notes and they express their opinion, and that super cedes the survey you actually did with the people that was actually very possible, or very positive. So the intent is to put us in a certain direction, okay. All we need is data and our staff. If we can't do that, then we have a problem, okay. You need to understand the history of this and what it was created for, and I've done extensive research in this area, okay.

"So that being said, I'm kind of in between Commissioner Howell and Commissioner Dennis because the data book is fine, but I don't think we need to have \$70,000 to do that. If it's a priority, then make it a priority. We'll find the funding within the Health Department, and I'll help you find the funding. So I don't know that I necessarily want to spend \$70,000 for what I don't think is necessary. I guess I'll make another substitute motion that we table this and continue to have further discussion to see if there is a way we can get to the data book without spending the money."

Chairman Unruh said, "Alright thank you, Commissioner. I want to support the underlying motion rather than the substitute motion. In our back-up, which gives a clear indication of what this is about. It says the position will monitor and report on community health status indicators, analyze trends of non-infectious and infectious disease data, respond to public request for health data and work on data projects related to Community Health Assessment and health planning. Furthermore, our back-up says without the position that the Division of Health will have limited capacity to monitor health trends, analyze disease data and respond to public requests for data. So, and it says that the Division of Health will not be able to perform Community Health Assessments and planning.

"So with that description and information, it seems like this is a needed and valuable asset for our Health Department and for us as a Board of Health for Sedgwick County. We end up having final authority on anything we do or whatever direction we go. This person doesn't make those decisions, and this person is under Adrienne and under Tim Kaufman and under the Manager. So we have control, the person's not going to take us where we don't want to go because we have the final authority. But it accumulates the data, works with community partners so that we can do our job as a Board of Health to make our community healthier. So I won't support the alternate substitute motion, but I will support the underlying motion. Commissioner Howell."

Commissioner Howell said, "Well thank you, Mr. Chairman. I don't know if you have, if it's okay to have two substitute motions or not. The second one hasn't been seconded yet, but if the first one fails I'd be glad to second the second one, if that makes any sense. But you know, I guess, my motion would be to fund this position to what you just read, Mr. Chairman. This would solve the financial side of this. It would allow us to go out there and get the data needed for us to understand what's going on in Sedgwick County.

"To the arguments as the Board of Health to those arguments that we don't care about public health or we don't want to know what's going on. I think to those arguments, I'd

like to say yes we do want to know what's going on, we do care, and we need to keep our ear to the ground and watch what's going on around us. It is going to require some money to do that, so I'm okay with the funding part of this item P in the agenda. I just think that our process needs to be basically as non-political as possible. Really just to take a look at the data and again, as we begin to understand health trends of Sedgwick County, it helps us as policy makers, have those discussions and decide if there's things we can do to impact any of those health trends that we find ourselves concerned about.

"So with that, I would like to just move my motion, but if it does fail, I would be glad to second Commissioner Ranzau's motion to table. Thank you, Mr. Chairman."

Chairman Unruh said, "Commissioner Ranzau, did you make a motion..."

Commissioner Ranzau said, "Yes."

Chairman Unruh said, "...or are you going to hold it to see what..."

Commissioner Ranzau said, "No I did make a motion, but it didn't get a second. I'll make it again..."

Chairman Unruh said, "Okay, my..."

Commissioner Ranzau said, "...if this fails."

Chairman Unruh said, "In order to handle the substitute motion, we have to vote on one before we can have another. Is that standard?"

Mr. Yost said, "You would vote on the substitute before you do it on the original."

Chairman Unruh said, "Alright, but what about before we vote on a second substitute? We can't have one of those till we do the first one, can we?"

Mr. Yost said, "Correct."

Chairman Unruh said, "Okay."

Mr. Yost said, "Well I suppose it could be withdrawn."

Chairman Unruh said, "Yeah, you could..."

Commissioner Ranzau said, "Actually I don't think that's correct since we don't actually have any rules. With that being said, I needed a second."

Commissioner Howell said, "For the record, I usually second anybody for anything, but since I've got another motion, I would like to dispense of the first one before I get to your motion. Thank you, Mr. Chairman."

Chairman Unruh said, "Okay, so what we need to do then first of all is take care of the substitute motion. Commissioners, do you understand the substitute motion? I don't see anyone asking for further clarification, so Madam Clerk call the vote on the

substitute motion."

VOTE

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

Chairman Unruh said, "So we're back to the underlying motion. Before we call that, Commissioner Ranzau did you want to make a substitute motion?"

SUBSTITUTE MOTION

Commissioner Ranzau moved to table Item P of the consent agenda indefinitely.

Commissioner Howell seconded the motion.

Commissioner Howell said, "I'd like to add that I'm anxious to get the topic back before us. I think we ought to have this discussion. It's not that I don't want to deal with this at some point. I think we need to talk about it. I think the data book is the right answer, and I think we need to understand that more deeply as an option for us to move forward. But I support tabling this for now until we have a good understanding exactly what the data book provides for us as policy makers. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Mr. Manager, do you recall how long this is already been tabled and deferred?"

Mr. Scholes said, "We've been dealing with this same issue back and forth for about a year and a half."

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

Commissioner O'Donnell said, "Thank you, Mr. Chair. I'm inclined to support it if I knew what sort of timeframe we're looking at. I don't know if Commissioner Ranzau would want to maybe amend it to say, I believe our next meeting is November 29th. That would give three weeks if that's enough time for Commissioner Howell and Commissioner Ranzau to work on it, I'd be inclined to support that if I knew it was going to, we only have a few meetings left in the year."

Chairman Unruh said, "Okay."

Commissioner O'Donnell said, "Either the maker of the motion or the person that seconded it might clarify."

Commissioner Ranzau said, "I'll say I don't have a timeframe. I don't want to rush it, I want to get it done right. This particular issue item hasn't been deferred at all. We took it off of the budget, but this is the first time this has come up. We haven't had a discussion on that. I mean, we're basically going to, by doing this, change our policy and endorse Obamacare, Medicaid expansion and the advancement of the nanny-state. I don't want to rush that. I think we need to have a thorough discussion of that..."

Commissioner O'Donnell said, "That's very true."

Commissioner Ranzau said, "...because I didn't run on those issues so I can't give you a timeframe. I think this is an important enough issue that we need to take the time that it takes."

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

Commissioner Dennis said, "Thank you. First of all, I think the motion was to defer indefinitely, wasn't it? I can't support that. I could defer it until the 29th or something like that. The problem is also that I've got is putting labels on things like progressive ideas, nanny-states and so forth. That's not helpful to the argument that we've got. If we're going to have a discussion on this, we need to make sure that we have a discussion on what the issues are rather than putting labels on the different issues. So I won't support the substitute motion as it's written right now. I would, if you had a substitute motion that deferred it for a period of time so that you can research it further, a short time, like until the 29th, I could support that, but I won't support the substitute motion as it is."

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

Commissioner Ranzau said, "Well thank you, I'll say, and I think sometimes it is helpful to put labels on things because it provides an accurate description of what we're dealing with here as opposed to the fluff that you see in our back-up material, okay. It's an accurate description. I think we all realize that because we've had our issues with it in the past. That being said, I said tabling indefinitely until such time we have time to research it and see if there is a better solution. I don't want to put a timetable on that because I think this is too important of an issue to rush into it particularly since we're going to have Thanksgiving. We're going to have KAC (Kansas Association of Counties), Commissioners are going to be gone, and so you know, I'm not saying it'll be forever, but I don't have a crystal ball. I can't pick a date out there to know."

Chairman Unruh said, "Thank you, Commissioner. I would say that the issues involved in this have been under discussion in one way or another and had different votes for two years. I think we know where we're going and what we want to do. I appreciate your perspective, but in my opinion, I trust our staff to do what this Commission wants to do. I think it's right for the Board of County Commissioners to have a person involved in these community activities and also a person who is responsible for gathering data. That person will put input into those groups as according to how we tell the Manager we want it put in. So we can, but this is a person that I think our Health Department needs in order to get the data and be in-tune with the rest of the committee, or at least hear their conversations. But it's not a fresh issue. We've been talking about this quite some time. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Just again, I support the addition of staff and the budget to support that staff to the extent that if this motion passes of an indefinite delay, it just means that as soon as we're ready any one Commissioner can add this to the agenda at any time. That could be November the 29th or sometime in December or early next year, whenever we're ready to move forward. We think that we got it understood, we can add this to the agenda at any time, so without defining that date right now, it doesn't mean that it won't be on the 29th. It

can happen at any time. It is my hope and intent to return to this once we have a better understanding, but again, I think that, just to be clear, I am supporting the funding of that person and the intent to do the data collection analysis.

"I think we as a Board of Health need to understand exactly what's going on in Sedgwick County, so I am supportive of all of that idea, all that intent, the funding as well. I just think to the extent that we have a motion to defer, I'd say the reason that's the right motion or right position is because this is a new idea. It wasn't just until about two weeks ago that I even found out that there even was a Sedgwick County data book, and I have read this and I think it's a tremendous document. It's 44 pages packed just jammed packed full of information which I think is tremendous. It's a great resource, and so but it's a new thing and I shared that with my colleagues just in the last few days, so we really haven't had time, for most of us, probably didn't even read this document.

"So I think that a small delay and coming back to this, having this discussion, would be something we could do at any time. Maybe my intention to return to this, not saying we're going to put this off forever, but just put it off until we're ready to move forward. I think this is a much better process, and so I think that the motion makes sense today. We'll bring it back up when we're ready. Thank you Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I appreciate your perspective, but talking about a Community Health Assistant, talking about the Community Health Improvement Plan is not new. We can direct this person to do whatsoever that we choose through advice from our Health Department. That being said, I don't see anybody else wanting to speak. We're voting now on the substitute for indefinite deferral. Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Okay, substitute motion carries. It'll be deferred indefinitely. Thank you, Adrienne. Next item, please."

- J [17-936](#) ZON2017-00028 AND CON2017-00029- County Zone Change from RR Rural Residential To SF-10 Single-Family Residential and LI Limited Commercial and a Conditional Use to Permit Mining Or Quarrying, Specifically the Extraction and Removal of Sand, and Rock Crushing for Property Generally Located on the North Side Of West 53rd Street North and Approximately 1,000 Feet East of K-96 Highway (District 4).
Approved on the Consent Agenda
- K [17-823](#) Funding Agreement with Exploration Place, Inc.
Approved on the Consent Agenda
- L [17-888](#) Agreement with the Sedgwick County Board of County Commissioners (BoCC) and the City of Colwich to receive limited animal control services

through the Sedgwick County Animal Control (SCAC) program.
Approved on the Consent Agenda

M [17-836](#) Approval of Debris Management Plan.
Approved on the Consent Agenda

N [17-937](#) Establish 2018 Sedgwick County Holidays
Approved on the Consent Agenda

O [17-944](#) Addition to the COMCARE staffing table for three senior social workers with LOA range 126 and two senior social workers range 126.
Approved on the Consent Agenda

P [17-958](#) Approve permanent staffing table request for the Sedgwick County Division of Health.
Deferred

Q [17-790](#) General Bill Check Register for November 1, 2017 - November 7, 2017.
Approved on the Consent Agenda

R [17-791](#) Payroll Check Register for the October 28, 2017 payroll certification.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

Mr. Yost said, "We don't have anything legislative to present to you today other than to tell you that I think we're going to have a BOCC staff meeting on November 28, again, on a legislative platform. Then the following day at your meeting, hopefully the Commission will have an opportunity to vote on the platform."

Chairman Unruh said, "Alright, thank you. If there's nothing else, I think that, Commissioner Dennis. I think that before we go to other, we have a short Fire District meeting."

The Board of County Commissioners recessed into Fire District Number One from 3:26 p.m. and returned at 3:28 p.m.

OTHER

Chairman Unruh said, "I believe we are ready for 'other'. Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. First of all, I want to thank Commissioner O'Donnell for being such a good sport today. You may remove your hat if you'd like to."

Commissioner O'Donnell said, "Thank you for your permission."

Commissioner Dennis said, "I do appreciate it very much. I was more than happy that I didn't lose this because Dr. Burke sent over this hat. I'm glad I didn't have to wear it for

the meeting. But anyway, we got a nice note from Alicia Thompson, the Superintendent. She did send both Commissioner O'Donnell and I a nice Northwest [High School] t-shirt that said 'in celebration of student athletic competition and character building opportunities it presents'. They gave us a t-shirt to display. That's exactly what I do as far as announcing for the high schools. It does build character. It connects the kids to the schools. It's a great way of keeping the kids in a school, so I appreciate Commissioner O'Donnell's good sportsmanship on the bet.

"I guess I had a little inside information because I announce for Northwest, and I saw how tough they were all year long. So, that may have been a little unfair, but it was good sportsmanship today, and I appreciate it. The other thing that I wanted to note today is I want to thank all of our Commissioners for moving this meeting today to 2:00 [p.m.]. It's kind of unprecedented that we did this, but it gave all of us an opportunity to go over to Century II today to recognize the veterans who served our great nation.

"We had a super ceremony today, watched 2,300 JROTC (Junior Reserve Officers' Training Corps) cadets honor our veterans that have served in our nation up here on the bench with me. Commissioner Ranzau served in the Army, Commissioner Howell served in the Air Force, our County Commissioner served in the Army. I was proud that I also served along with Commissioner Howell in the greatest one in the United States Air Force (USAF)."

Commissioner Howell said, "That's right."

Commissioner Dennis said, "Again, also I want to thank the Commissioners because we're going to participate in the parade on Saturday. I hope that everyone comes out on Saturday to join us as we honor all of our nation's veterans in a parade starting at 11:00 [a.m.] Saturday morning right out here at Central and Main. That's basically all I have today. I just want to make sure that I express the thanks to our Commissioners for the support."

Chairman Unruh said, "Alright thank you, Commissioner. Is there any other 'other'? Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I've got a few things I'd like to say. I'm going to read something here. Forgive me if I stammer here a little bit, I'm a little nervous. I want to say that in January of this year, this Commission appointed new leadership as we do every year. This vote was unanimous for both the Chairman and the Chair Pro-Tem. It was my expectation, and I believe of the other Commissioners as well, that while we may have differences of opinions on a variety of issues, we are uniformly committed to conducting ourselves in a manner that is open, transparent and that avoids the appearance of impropriety.

"Regrettably, I must say that over the last 10 months, I do not feel that basic expectation has been met. While I have no knowledge or evidence of any unlawful activities, there has been, in my opinion, a consistent, prolonged and almost daily effort by one of my colleagues to use his position to help his friends, campaign contributors and ultimately himself. This pattern of behavior is far beyond anything I have previously experienced or observed during my time as an elected official and is, in my opinion, far outside of the boundaries of appropriate conduct. From very mundane issues like our supplier for trash bags to larger issues like multimillion dollar land deals, my colleague has attempted to directly broker a variety of deals inappropriately and outside of normal county protocol.

"The good news is, that for a variety of reasons, his efforts have almost entirely failed.

But that does not change the inappropriateness of his behavior nor does it guarantee that his efforts will not be successful in the future. Four weeks ago, I had a private and very direct conversation with my colleague in an attempt to bring this conduct to an end. Unfortunately, that effort failed. That leaves me with an important and difficult choice to make. Either I remain silent and allow this behavior to continue and remain hidden from the public, or I make the difficult decision to take a public stance in an effort to address the problem. My decision today is to take a public stand.

"Before I make my motion, I want to say that this has been the most agonizing and disheartening year of my political experience. I entered politics because of my frustration with the way politicians spend our tax dollars and often use our money to advance their political careers. That being said, I never expected to experience what has transpired here locally over the last 10 months. A long line of attempts by one of my colleagues to use his position and tax payer dollars for his own political gain, culminating with the idea that we should have a \$50,000 slush fund for each Commissioner to use as he sees fit without any approval process or staff involvement. Still, this is not easy knowing the turmoil it will likely cause this Commission and the harm it may bring to myself politically, but it is the right thing to do. We cannot condone this behavior from any Commissioner, especially one that is in a leadership position.

MOTION

Commissioner Ranzau moved that Commissioner David Dennis be appointed as the new Chair Pro-Tem for this Commission.

Commissioner Howell seconded the motion.

Commissioner Howell said, "Thank you, Mr. Chairman. I wanted to restate one of my principles on this Board. That is I don't always agree with my colleagues, and I don't necessarily vote for things that you guys want to see move forward. But it's my principle that I will second any motion. It is not my intent today to support the motion, but for purposes of discussion and a vote, I will second the motion. Again, it's not my intention to support the motion at this time, but I'll be looking forward to listening to the discussion that might happen here, but I do want to say I do respect all of my colleagues and seconding motions in the past, I've done this numerous times where I've seconded motions and not supported the underlying motion. But basically I think it's appropriate that we would respect one another, and therefore I do second the motion today for purposes of discussion and a vote. Thank you Mr. Chairman."

Chairman Unruh said, "We have a motion and a second. Is there any discussion? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Is there any other 'other'? Seeing none, I think we have need for an executive session."

EXECUTIVE SESSION

MOTION

Commissioner O'Donnell moved that the Board of County Commissioners recess into executive session for 30 minutes to consult with an attorney for this commission which would be deemed privileged in the attorney-client relationship. The executive session is required to protect attorney-client privilege and the public interest, and that the Board of County Commissioners return to this room from executive session no sooner than 4:06 p.m.

Commissioner Dennis seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into Executive Session at 3:36 p.m. and returned at 4:38 p.m.

ADJOURNMENT

Chairman Unruh said, "I can announce that we are back from executive session, and I will call the regular meeting of the Board of County Commissioners back to order and declare that while we were in executive session, no binding action was taken. Now that we're back in session, is there anything else Commissioners? Anything else Mr. Manager?"

Mr. Scholes said, "Nothing further."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 4:38 p.m.