

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, November 29, 2017

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:03 a.m. on November 29, 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. Dale Miller, Director, Metropolitan Area Planning Department; Ms. Adrienne Byrne, Director, Division of Health; Mr. Justin Waggoner, Assistant County Counselor; Mr. William Deer, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Mr. Bruce Armstrong, Mayor, City of Haysville
Mr. Darwin League, 7609 S. Ridge Road, Haysville
Ms. Jane Byrnes, 322 S. Lorraine, Wichita
Ms. Amy Buhrman, 11404 Springwater, Clearwater
Mr. Doug Young, 4806 N. Wyndham Road, Wichita
Ms. Monica Marks, 3203 N. Gouverneur, Wichita
Ms. Denise Lewis, 14800 W. Morning Dove, Clearwater
Ms. Dana Blubaugh-Morrow, 9401 W. 79th South, Clearwater
Ms. Shirley Palmer-Witt, 845 Streamside Lane, Clearwater
Ms. Becky Tuttle, Project Manager, Health ICT/The Medical Society of Sedgwick County
Mr. Steve Logue, 6841 S. 143rd East, Derby
Mr. Larry VanDyke, 6215 S. 127th St. East, Derby
Mr. Stan McPhail, 6140 S. 127th St. East, Derby
Ms. Sybil Strom, 326 N. Walnut, Wichita
Mr. Curtis Holland, 6201 College Blvd. #500, Overland Park*

INVOCATION: Pastor Dioane Gates, Mending Place at South City.

FLAG SALUTE

ROLL CALL

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

Chairman Unruh said, "Before we call the next item, I think we have some guests with us this morning. Commissioner O'Donnell, would you like to introduce them?" Commissioner O'Donnell thanked the Chairman and said, "Yes, we do have some special guests today from the city of Haysville. We have the Mayor's Youth [Leadership] Council. They are these fine-looking young people in the front, and looks like we even have one on the second row, a half dozen of them. They are led by their

mayor, Denae, you can raise your hand. We're not going to make you say anything, unless you would like to. But we also are joined today by Mayor [Bruce] Armstrong, and City Administrator Will Black. Mr. Chair, if you wouldn't mind, I would love Mayor Armstrong to maybe go to the podium and talk for a few seconds about the Mayor's Youth Council and exactly why it is so important to the city of Haysville. Sorry, I am putting the mayor on the spot. Is that alright? But it's always good to have fellow elected officials here, and you have been a great leader, and a strong leader for the city of Haysville for a long time now, so we're privileged to have you here."

Mr. Bruce Armstrong, Mayor, City of Haysville, greeted the Commissioners and said, "Thank you. Appreciate the opportunity to bring the students up. This is our third year for the Mayor's Youth Council. They get involved in a lot of different projects in the city itself. Besides volunteering, most of them, a lot of them are in our IB (International Baccalaureate) classes, so this is a very unique membership that we have in youth council. So again, we are very appreciative for letting us come up today to be part of your meeting."

Commissioner O'Donnell said, "You'll be going to the jail here, right?"

Mr. Armstrong said, "We are taking a tour of the jail after this. Most of, in fact all of them, I understand, have not been on a tour of the jail, or they have not been in the jail, either one at this point. I think it will be a good experience for them to see the jail."

Commissioner O'Donnell said, "That is great. Thank you very much, Mr. Mayor, for coming, Mayor's Youth Council, and feel free to head out at any time that you need to and stay to watch some activity. I will say that Judge Dave Dahl met with us a little while ago, showed us his courtroom, so it was a great opportunity to meet some elected officials and a judge and check out the facilities. So, appreciate your time, Mr. Mayor."

Mr. Armstrong said, "Thank you."

Commissioner O'Donnell said, "Thank you. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Mayor Armstrong, thanks for being here and for bringing these young folks from Haysville. You are all welcome to be here."

PUBLIC AGENDA

Chairman Unruh said, "I think the next item is the public agenda. We have several people who have signed up to speak about Tyson. Since we don't have that on our agenda, you are welcome to speak during the public agenda portion of our agenda. We have people who signed up to speak about a cell tower. We do have an item on the agenda about that, so I'm assuming that you all would rather wait until that item is called. If you want to speak now, well you just need to raise your hand, and we will let you speak now rather than during the agenda item time. But with that little explanation, the first person who wants to speak during the public agenda is Darwin League. If you'd want to step to the podium, say your name, and you have three minutes sir."

Mr. Darwin League, 7609 S. Ridge Road, greeted the Commissioners and said, "I live in the housing area that's got 27 homes between 71st and 79th and Hoover and Ridge Road, which seems to be the proposed area that we are talking about the Tyson plant. We get different, nobody can really tell us where this thing is going or what's going to

happen, but we think it is. Anyway, we have, my wife and I have lived in our house, which is really close to this area, for 34 years. We've got it fixed the way we want to, she's got her yard all done. Which means if this thing moves in, we move out, and that's the problem for us. Our neighborhood, this is a very quiet neighborhood, and we got great neighbors in this area right here. So if Tyson does move in here, we are going to be filled with the noise, the dust, the lights. This isn't to mention all the truck traffic that's coming down here.

"I know you all have seen the print-out that was put out on this. I mean, right now we have grain trucks, we've got county trucks, we've got trash trucks, we've got Vulcan trucks, we got all kinds of freight trucks using this road all the time. Now we have been told that there would probably be 300 trucks from Tyson that would be using this road. Believe me, it's going to tear our roads up pretty bad in this area. So not only that, there again, we are going to have to contend with the odor and the contamination in this area.

"Now. I understand that some of our County Commissioners they kind of renege on things that they've said, but I have got a couple quotes here, and the first one was the Wichita Eagle quoted Michael Tyson [O'Donnell] as saying that he invited Tyson Foods to check Sedgwick County for the location of a chicken processing plant, then he went on to talk about, he said it will be south of an industrial park exit, and now they are saying, well, we are not sure that's what it was, but that's what was said. Now, everybody knows that this industrial park has to be Vulcan [Materials], and Garvey Grain [Elevator] and them down there.

"Second one was, KWCH quoted, Unruh says he has been advised that other Tyson poultry plants do not emit an offensive odor. He said scientifically there's nothing wrong with bringing a Tyson plant here. I have been advised that it is totally clean, environmentally friendly, and no objections to it. Well, there's objections all over this country to Tyson.

"I would just happen to be Coffeyville this past Monday, and a gentleman was in the waiting room at the hospital where I was waiting on somebody, and he brought the subject up, and he said he had just came from Missouri and was telling about the plants, some of them down there and how terrible those plants are. Also he was talking about they are now bringing the chicken manure and dumping it into Coffeyville down there.

"Well, I just happened to see two big trucks down there on Highway 69 dumping in a field when I came by. I said something about it. He said that's what I am talking about. He said that's what they are doing. So they are not as friendly as you guys might think they are. So my question is, if they are so friendly now and so great, why don't they take these plants that they've got in these other states and all over the place and put some of the money they want to put in these new buildings, new plants, why don't they take and put this into their old ones and fix these other places up, you know. There are places in Missouri where the houses are boarded up and the windows and stuff because people are moving out."

Chairman Unruh said, "Mr. League, your three-minute time period has elapsed. If you could kind of close it up."

Mr. League said, "Okay. I got a way to go, but I will do this right at the very last here. Number one, they are going to mess our water up, guys. I don't care what they are

telling you. They are going to mess our water up right there in this. I will finish in just a second. In the area we've got Vulcan, we've got Murray Gill [Energy Center], and we got a whole bunch of private wells around there. Plus, right in it that area is 22 irrigation wells. This is going to use the water up in a hurry. We can do without chicken, folks, but we can't do without water."

Chairman Unruh said, "Thank you for your comments. Next speaker for Tyson is Jane Burns."

Ms. Jane Burns, 322 S. Lorraine, greeted the Commissioners and said, "Thank you so much. I am here just to speak briefly as a dietician, as a registered, licensed dietician. I am not your dietician, but I am concerned about nutrition and the health now and in the future of my grandchildren and your grandchildren. While in the short-term the Tyson plant might bring jobs, it will have a severe impact on our water. Not only now as the gentleman just pointed out, but in the future. We only have a finite amount of water in Kansas, and it needs to stay clean and pure and plentiful for the future as well. So I am going to take, I am going to defer some of my minutes to someone else, but I did want to express concern again about the water in Sedgwick County and in Kansas to give it to more, you know, buffalo wings. Thank you so much."

Chairman Unruh said, "Thank you, Jane. Next person is Amy Buhrman."

Ms. Amy Buhrman, 11404 Springwater, greeted the Commissioners and said, "First of all, I want to let you know that speaking out here is a little bit outside my comfort zone. I met with several of you one-on-one when I worked here in HR (Human Resources), but I never actually did speak at a meeting. However, I am doing this to let you know that what's even more outside of my comfort zone is living in an area with a Tyson plant. I know you have read the facts and the research and that you understand the effects of approving this would be an irreversible effect to our environment. Instead of going into those details I just want to tell you a little bit about my family's story. I grew up in this area, and I have always lived here.

"My husband moved here from Texas, and he's decided to make it his permanent home. We love it here. We are proud of Wichita, we've seen very positive changes to Wichita and the surrounding area. Early in our marriage we invested in property at 71st and 119th. We didn't have the resources to build at the time, but once we did, we wanted to have a spot held for when we did have the opportunity to build, and we built our home there that we wanted to, we planned to stay in forever. We have since had four kids, and they are currently 6 years and younger, this is my oldest. I know nothing has been decided at this point, as far as if the project will occur, or even any locations, but the news of this was, of even it being a potential project was devastating to us because a lot of our daily life would be affected.

"We are doing the best we can to spread awareness and speak about this. If the project is approved anywhere near us, we will likely have to move. We've been told already by local realtors that people are avoiding the area just with the potential project discussion. So we know that it would be difficult to sell. We would lose a lot of potential market value for our investment, but it would be the right thing to be away from there for us and our children if that came down to that, because we do not want to risk any contamination in our well water. We don't have access to city water, we don't have an option for it where we live right now. Our kids play outside an inordinate

amount of time, so we don't want to expose them to the conditions that would be so close.

"I've heard that it may be months or years before this is up for a vote, but I am respectfully asking that you consider making the decision as soon as you can against this. People in the area that are looking to sell or make improvements to their home are kind of in a limbo because we don't want to make an investment. We have been talking about finishing our basement for example, and we can't do that. We don't want to make the investment if we don't think we will be able to sell it eventually. So, just please consider what vote you would make if you lived near where it's being discussed. I do trust in our system. I know you are our voice, and I appreciate your time in listening to me."

Chairman Unruh said, "Amy, appreciate your comments, thank you. Next person is Doug Young."

Mr. Doug Young, 4806 N. Wyndham Road, greeted the Commissioners and said, "I can come back next week."

Chairman Unruh said, "Alright, thank you. Is there anyone who wants to speak on the Tyson issue who did not sign up? If you would like to, you can step to the podium, say your name, and you have three minutes."

Ms. Monica Marks, 3203 N. Gouverneur, greeted the Commissioners and said, "This is also far out of my comfort zone, but I am really concerned about Tyson coming to this area. I first attended one of these meetings before the holidays, and while I was here I ran into Mary McCall and her neighbor, Donna Tibbits. I have known Mary my entire life, and she was too timid to talk at the meeting, but she lives half a mile from the proposed area at 71st and Ridge. Her and her neighbors are extremely concerned about the water and property values.

"So since I talked to her after the last meeting, I have done some reading and research, and I've been following the news, and I'm sure you noticed that Clearwater couldn't even fit all the people into their City Council meeting. Clearwater is not having it. People do not want this. You have heard at all the meetings now, week after week that people that live in the area don't want it, and I just hope that you listen to these people that don't want to live near it. Would you want to live near it, you know. Some of what I've read is that they are going to need 400 chicken farms. I mean, that's going to, you know, take up space all over the whole county. People are really concerned about the roads and the traffic.

"Mary McCall has had a kidney transplant, so she's had to be on dialysis and could possibly have to be on dialysis in the future. They are all on well water. They do not have access to city water, and I mean, she would probably have to move because of her health issues. I've also read that property values near animal operations have a negative impact within a three-mile range, a negative impact of 18 percent, and within a one-mile range a negative impact of 23 percent. So could they even sell their houses for what they're worth?

"Again, just reading emails from people that live in the neighborhood there, concerned about the contamination, all on well water, house appraisal, roads, extra traffic, extra taxes for upkeep on roads, the water run-off in our ditches and gardens. Here is an article that I printed off showing that one truckload of chickens weighs around 80,000

pounds, an empty truck leaving the facility, around 45,000 pounds. Each truck will hold around 7,000 chickens. Thirty-seven loads coming into slaughter one-way each day. Feed trucks, 30,000 pounds empty; 80,000 pounds loaded. Again, I know that's my time. I just please ask you to consider the people that live in this area in this town that do not want this."

Chairman Unruh said, "Thank you for your comments. One other person, would you like to step to the podium and say your name, and you have three minutes."

Ms. Denise Lewis, 14800 W. Morning Dove, greeted the Commissioners and said, "I am from the Clearwater area as well. I live at 71st and 151st, so about three miles from the proposed rumored site. I would like to thank you all for the opportunity to be heard this morning.

"We can talk about the EPA (Environmental Protection Act) pollution and Tyson being the biggest AG (Agriculture) polluter in the nation all we want, but what we hear a lot in reply is, but jobs. So fine, let's talk about the jobs. I am a third generation small business owner. I am a conservative. I am typically in favor of business and jobs, so why am I taking my time away from my office this morning to come talk to you against this? Well, let's talk about that. I've done some research, and in short, these are not the jobs that Sedgwick County needs. There was an article in the interview where they interviewed some people from Tyson.

"Now you can read all kinds of interesting things on the internet that are substantiated, some not, about working conditions in a Tyson plant. One of the things that came up was that people are having to wear adult diapers because they can't go to the bathroom. In the [Wichita] Eagle they were talking about ways that they were going to increase employee satisfaction at their plants, and one of the ways was that they were going to increase bathroom breaks. Now, you don't need much common sense to connect those dots. So if that rumor has any credence to it, what other rumors out there about the working conditions may be true that we can't really substantiate?

"But jobs, Denise, but jobs. Well [\$]13 to \$15 an hour, and that sounds really good, but the government can't enforce that. That's pie-in-the-sky, that's what they say they are going to do, but you don't have any way to enforce that. You can't enforce anything except minimum wage. With an 80 percent turnover rate in the first year when all these people are gone, you don't have any way, they have no obligation to hire new people in at that [\$]13 to \$15 an hour wage that they had discussed. You have no way to enforce it, and they have no reason to do it. If they don't do it, even if they've done it at the beginning to save face, if they don't do it when they rehire, oh well, operating costs were too much, we had to cut wages. Okay well, the price of doing business and everybody moves on.

"But jobs, Denise, back to pay. Did you know that Tyson has several claims against them in court in [U.S.] Wage and Hour [Division] (WHD)? Did you know that there was a class-action lawsuit, and they had to pay millions out to their employees for overtime pay that they did not receive properly? That was an actual ruling against them that they had to pay that out, Wage and Hour found that they did not pay their employees proper overtime. But jobs, Denise. Tyson was indicted in 2010 for basically human trafficking. They kept it out of the courts and settled out of court, but what happened was that they were illegally bringing in people to fill the jobs because nobody in the area wanted those jobs.

"If they are such great jobs, why did they have to do that? I am not against

immigration. If you want to come here and make a better life for your family, by God, come do it. But these people were brought in by Tyson, if they see, I am against human trafficking and I am against any form of modern-day slavery. Now if you are brought in here by a corporation, and your job and your livelihood is dependent on that corporation, if you see an infraction or an unsafe work environment, who are you going to report that to? Nobody, you can't report it. You are powerless.

"I would like to finish up if I can real quick, but jobs. I did go to the Kansas Commerce, I'm sorry, Kansas Chamber of Commerce meeting a couple of weeks ago. I did see Commissioner Ranzau, I didn't get to speak with you, but I was sitting at the table with John Whitmer, and we were discussing S.T.E.M. (Science, Technology, Engineering and Mathematics) jobs and the need to keep those S.T.E.M. jobs here, and we also discussed the need for skilled labor.

"Someone had a really brilliant idea, and that was, why not take the money that you are going to wind up giving Tyson to bring them here and invest that in people who need skilled labor and need to learn those skills. Why don't you take that money and invest it in the people to help them learn those skills.

People who go on with skilled labor and are very good at it, generally open their own businesses. This also increases entrepreneurship, which was another need that was discussed at the Chamber meeting. This is going to increase competition, you know, ask everybody to be better and keep their prices fair. We are going to have a real lack in skilled labor in the next 10 to 15 years.

"I do ask, we do have a proud legacy here in Wichita of entrepreneurs, and I am sure that you all know that. The Koch's, Cessna [Aircraft Co.], [Bombardier] Learjet, the Carney's started Pizza Hut, Coleman [Company], you all know this. I am urging you to make a decision to bring in jobs that will continue that proud legacy of entrepreneurship. Invest in jobs that will inspire people to stay here, not an 80 percent turnover rate. Inspire people to stay here, become part of the community and build it up. Thank you so much."

Chairman Unruh said, "Thank you for your comments. Is there anyone else who wants to speak on the Tyson issue? Yes, ma'am. State your name, and you will have three minutes to speak."

Ms. Dana Blubaugh-Morrow, 9401 W. 79th South, greeted the Commissioners and said, "I lived in Wichita and the surrounding areas for 50 years. We lived in Wichita 30, and then we eventually moved to 79th and Tyler where we now lived for 20 years. My husband has retired from the Wichita Police Department (WPD). I have worked with the bus company here in Wichita for 20 years. I also threw newspapers for 20 years. We moved to 79th and Tyler to enjoy a more peaceful and quiet surrounding. There was a meeting at Clearwater Monday where a representative, a professor who did a 30-year study on this industry, and what he gave us, and the information he gave us wasn't a very pleasant one. He is very knowledgeable about this industry. What he painted was not a good one.

"I don't think that I would enjoy having a plant who's going to be probably a mile and a half from our surrounding areas. There was an article in the paper that just showed the north part of that intersection at 79th and Tyler, if that's the proposed area. We live just south of that at 79th and Tyler, and there is a community called Bayneville right along the railroad tracks. We live just to the south of that about a half a mile. There is the Girl Scout Camp, which is diagonally about a half a mile from that who are upset with what you're proposing. Be as brave as the Tonganoxie [Kansas] people and their

Commissioners who backed away from that offer. I appreciate your time and effort, and I thank you."

Chairman Unruh said, "Thank you for your comments. Appreciate it. Anyone else want to speak on Tyson? If you would say your name, and you have three minutes."

Ms. Shirley Palmer-Witt, 845 Streamside Lane, greeted the Commissioners and said, "I live in Clearwater. I have been in Kansas for 48 years, Wichita 20 years, and I have a few different hats on today. I will be joining the City of Clearwater Council in January, so I have been listening to the people the last few weeks. I've also served on a Community Vision Committee for the last year in Clearwater, and as a whole we want the small town living. That's why we are there, and that's why we would like to keep in Clearwater is small-town living. I am also a realtor, so I have already had the experience of a few different buyers that are not ready to commit until they know what's happening. So when these guys are talking about real estate, it's true, it's already happening to me and my business. So we need to be very careful of that. I just want to give you some stats. In Clearwater, there's 12 homes active today, available to buy, 12 homes.

"So when you bring all these people in to work, where are they going to live? I have rental properties in Clearwater. I have a waiting list. The cheapest home in Clearwater today is \$125,000. We don't have the means to serve this kind of growth that quickly. The last year we only had 17 new students in Clearwater. We have a very controlled growth and we need to keep it that way. That's it, thank you."

Chairman Unruh said, "Thank you for your comments. Once again, is there anyone who would like to speak on the Tyson issue? Alright, thank you all for being here and appreciate your interest in this issue, and we have heard your comments and we will take them in consideration. Now, we have four people signed up who wanted to speak on one of the other agenda items. So unless you want to speak now, if you would rather wait until that item is called, if you want to speak now, you have that opportunity. Okay. Then we will allow that comment during that agenda item. So with that, we will go to the next item from the public agenda, so Madam Clerk, if you would call the next item please."

CONSIDERATION OF MINUTES

A [17-984](#)

REGULAR MEETING MINUTES OF NOVEMBER 1, 2017.

All Commissioners were present.

MOTION

Commissioner Dennis moved to approve the minutes from November 1 and November 8, 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

- B** [17-993](#) SPECIAL MEETING MINUTES OF NOVEMBER 8, 2017.
All Commissioners were present.
Action for this item was taken with Item A.

Chairman Unruh said, "Next item."

PROCLAMATIONS

- C** [17-956](#) PROCLAMATION DECLARING NATIONAL PUBLIC HEALTH THANK
YOU DAY.
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, annually, on the Monday before Thanksgiving, public health organizations around the country take time to recognize public health professionals who work tirelessly to promote wellness, prevent disease and protect the public from health threats; and*
- WHEREAS, this year's theme "Public Health is Your Health" reminds everyone in the community that public health initiatives keep them safe on a daily basis; and*
- WHEREAS, National Public Health Thank You Day provides community members with an excellent opportunity to make small changes that will have big impacts on their health and recognize public health heroes who make it easier for the healthy choice to be the default choice;*
- WHEREAS, communities can support behavior changes by creating environments that make healthy choices the easy choice through improved access to physical activity programs, fresh fruits and vegetables, healthcare and health education; and*
- WHEREAS, this year, we recognize public health heroes for the exemplary efforts in making our community a better place to live, learn, earn, play and pray;*
- NOW, THEREFORE BE IT RESOLVED that I, David Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby recognize November 20, 2017 as NATIONAL PUBLIC HEALTH THANK YOU DAY*
- in Sedgwick County and invite Adrienne Byrne from the Division of Health, to come forward for the presentation of this year's awards.*
- November 8, 2017*
- Chairman Unruh said, "Commissioners, you have heard the proclamation. What is the will of the Board?"*

MOTION

Commissioner O'Donnell moved to adopt the proclamation.

Commissioner Dennis seconded the motion.

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

VOTE

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

Chairman Unruh said, "Adrienne, welcome."

Ms. Adrienne Byrne, Director, Division of Health, greeted the Commissioners and said, "Now each year Sedgwick County Division of Health does recognize individuals or organizations in the community that have shown leadership or innovative strategies and promoting or advancing healthy behavior and healthy lifestyles. Each year we receive a number of nominations from the community, usually only a handful of individuals, and it is not unusual for us to receive two nominations for the same person. This year we received three nominations for the same person, which we have not had historically, and this is for Becky Tuttle. Public Health is not just a job for Becky. She truly believes in the effort for Wichita to improve all access to better health.

"She lives by the phrase 'to improve the places we live, learn, earn, play and pray.' Becky has been a champion of health in our community for virtually the entirety of her career. I have never met a person so focused on the health of her community. Becky's enthusiasm for creating better places for all to live is unmatched in our community. "In every position Becky holds, she brings an urgency to create change, which will provide access to better health opportunities for all. So we've taken these multiple pages that had different appreciations and examples on them and condensed them into one page, three areas.

"Her leadership, so three key elements, her leadership. Chair of the Health and Wellness Coalition for a number of years, instrumental in establishing a multiple community-based, a community building and public health initiatives in Wichita. Many turned into formal policies that will live on for many years. Tobacco cessation, established the KanQuit tobacco cessation line and spearheaded efforts to get the Clean Indoor Air Act ordinance passed to ensure Kansans across the state have clean air to breathe by prohibiting the use of tobacco products indoors.

"Fluoridated water, efforts to help raise awareness on the benefits of fluoridated water, Bike Share ICT (innovate, coordinate and transform), a huge step for Wichita that enables it to move more easily encouraging physical activity for residents to attract and retain talent, and annual bike month efforts, open streets ICT event. She celebrates success in the communities to recognition of others. Becky has always been a champion for public health initiatives and making sure that people that further those efforts are recognized and recognized frequently. Efforts to recognize those

individuals in our community who work and support public health every day include National Public Health Thank You Day and National Public Health Week.

"She developed the Public Health Hero recognition program. She established the interview process and coordinated efforts with WSU (Wichita State University) students to interview the heroes and have the interviews shared with the public. The last area is educates. She believes there are opportunities in every relationship, including those relationships with public officials. I believe she believes every no or negative vote is an opportunity to educate and develop relationships. Becky was the lead in organizing the public health forum series for the 2016 County Commissioners and the 2017 City Council of Wichita candidates, which allow candidates the opportunity to share their plan for improving the health of citizens once elected into office.

"She also served as a great opportunity for the candidates to learn more about health issues in the city and the county and the Community Health Improvement Plan (CHIP), but also to help them understand their responsibility as an elected official in our community. I have known Becky for over ten years and worked with her a good many of those, and she is not one that knows what 40 or 50 hours a week is. This is someone that eats, breathes and sleeps public health and doing anything she can for her community. I can't think of a person really more deserving of this award than Becky Tuttle."

Ms. Becky Tuttle, Project Manager, Health ICT/The Medical Society of Sedgwick County greeted the Commissioners and said, "Thank you Board of Health and Adrienne for this amazing honor. I was of course humbled and extremely proud, especially because it came from my colleagues who I work with every day.

"I just want to remind the community what Public Health is, because sometimes we don't always think, and not everybody knows what it is like we do, who do it every day. But think about waking up in the morning with your alarm clock. You wake up, and you brush your teeth, hopefully it's the first thing you do, and on your way to work you fasten your seat belt.

"You go into your work site and on the way in, or you take your children to school and on the way in, you see a smoke-free building sign. Your sister maybe calls to tell you that her newborn baby has just been released from the hospital and they are healthy and happy because of prenatal care. During lunch break, hopefully maybe you go for a walk, and you have a healthy lunch. While you are at work, you are listening to the radio, and you hear the radio announcer describe a whooping cough outbreak, but disease investigators are into it and they know what's going on and they are tracking the situation. At home, you wash your hands before eating another healthy dinner.

"Finally, before you go to bed, a friend calls you and tells you they have been laid off from work and they have many worries, but knowing our community offers resources for affordable healthcare, provides comfort. These are all Public Health initiatives, and even if you've never walked in the door of a public health agency, or the Sedgwick County Division of Health, we have all been exposed to public health and experienced the benefits from it.

"I am extremely proud and honored that our community is a better place to live, learn, earn, play and pray because of public health initiatives, and I really encourage the community to take responsibility for your own health. Do what you can to be a healthy person, and also I encourage the Board of Health to consider initiatives that will ensure a strong public health infrastructure for Sedgwick County so that we can continue to

be the best county in the state of Kansas. Thank you again for this amazing honor, and happy belated National Public Health Thank You Day."

Chairman Unruh said, "Well Becky, thank you. Don't leave the podium yet. I just want to say on behalf of, not just the County Commission, but the Board of County Health that we are really pleased to honor you with this recognition today. We are aware of your tireless effort in trying to make our community a more healthy place, and I think it's your efforts validated by the respect that your peers have given you today. So thanks for all your hard work, and we appreciate it, and we are glad to recognize you today."

Ms. Tuttle said, "Thank you very much."

Chairman Unruh said, "We have a comment here from Commissioner Dennis."

Commissioner Dennis thanked the Chairman and said, "I want to congratulate Becky on behalf of the Board of Health for this recognition. I get to work with her every month on the Health and Wellness Coalition. I attend their meetings. She's responsible for getting Bike Share [ICT] pushed through and all the bicycles that you see downtown. "You might before you go away from the microphone, give us the latest stats on how many riders that you have and how many times it's been used. But some other things that you may not be aware of, she's been working on a program where the people that can't afford to go to the farmer's market and buy healthy foods at the farmer's market, actually can get coupons to be able to do that. So she does a lot of things behind the scenes. I see her working every day, a lot of the other people don't have an opportunity to see that. I want to congratulate her and tell her thank you for everything that she does."

Ms. Tuttle said, "Thank you very much. We are very close to 8,000 rides on Bike Share ICT."

Chairman Unruh said, "8,000."

Ms. Tuttle said, "8,000."

Chairman Unruh said, "Good."

Ms. Tuttle said, "Thank you."

Chairman Unruh said, "Well that's great success, and once again, congratulations, and thank you for your service."

Ms. Tuttle said, "Thank you, have a great day."

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

Adopted

APPOINTMENTS

- D** [17-992](#) ACCEPT THE RESIGNATION OF JUDY WILEY (COMMISSIONER DAVE UNRUH'S APPOINTMENT) FROM THE SEDGWICK COUNTY INTELLECTUAL AND DEVELOPMENTAL DISABILITY ADVISORY

BOARD.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Accept the Resignation.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said "Mr. Chairman, Item D is the resignation of Judy Whiley from the [Sedgwick County] Intellectual and Developmental Disability Advisory Board. Her term would have expired in February of 2020, but her scheduling and her career made it difficult for her to attend any meetings, so she has resigned. We do not have anyone to replace her yet, but I would urge adoption of this resolution."

MOTION

Commissioner Unruh 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, "Just as a personal comment, I want to thank Judy for her service, she is a friend, and I know she did a great job, and would probably just publicly announced if anyone is interested in this particular service to the community, well they should contact me and we will see about getting them an appointment. Next item, please."

Approved

NEW BUSINESS

E [17-106](#)

COUNTY EXTENSION QUARTERLY REPORT.

Presented by: Angela Jones, Director of the Sedgwick County Extension Education Center.

RECOMMENDED ACTION: Receive and file.

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Mr. Chairman, we have to defer this item based off of a personal death in the family that came up with Angela [Jones], so if we could defer that till January."

Chairman Unruh said, "Alright, very good. Do we need to make an action to do that or

we just defer it?"

Mr. Yost said, "I don't think we do."

Chairman Unruh said, "Okay, very good. Then that will be deferred until January. Next item."

Deferred

F [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, "This is a request for a 140-foot tall support structure with a 10-foot light beam arrester for a total of 150 feet and a reduction of setbacks on the north here to 145 feet and on the west to 205 feet. Code required setbacks would be 395 feet under the current ruling. The applicant will screen the base of the wireless facility that is proposed to be inside the square that's outlined in the black tape, with a solid fence. They say that typically there are four maintenance visits to the site, so it has very little traffic generation. As you can see here by the zoning map, the light green color, all the property within 4,000 feet of it is zoned RR, Rural Residential. Here's an aerial of the site. You can see that the larger application area is used for farming. Land to the north and to the west is developed with large lot single-family (SF) residential uses. Land to the east here is also owned by the same folks that own the larger area that the application is located on and is also used for farm ground.

"I will mention, although it is not on the slide, 5,436 feet here to the southeast is Cook Airfield. I mention them because at the [Metropolitan Area] Planning Commission (MAPC) meeting, one of the owners spoke with concerns, and so those will come up here on another slide, but since it doesn't show up on the slide, I wanted to make you aware that it is down there about a mile away. Protests, as currently calculated, is over 64 percent, although we learned this morning that the applicants may have a comment or two about the validity of those, and Justin [Waggoner] is going to speak to that more directly, but currently, we believe the protest to be 64 percent.

"The protestors, when they spoke at Planning Commission, expressed concerns with the height of the facility and expressed the opinion that wireless facilities belong on property with higher intensity zoning than the RR that the subject property has. I think that was based on the fact that the code permits new ground-mounted wireless facilities up to 150 feet that are located in the Industrial Park, the Central Business District, the Limited Industrial or the General Industrial District if they comply with all the development standards, they are allowed by right. So I am thinking that that's where that basis for that comment.

"They also expressed the opinion that the wireless facility should be limited to 120 feet in height and be located at least 1,000 feet further to the east to get it further away from the homes here across the street and over here. When that issue was brought up, Cook Airfield, the speaker that spoke on behalf of Cook Airfield expressed concern that their approach to their runway is basically north-south over here, and that if you moved it further east, it would be more, it would be closer to their approach zone, and he also expressed concern that they were trying to get instrument landing status, and that the tower could potentially increase the minimum heights that they would have to operate at. As you can see here, it's located in the rural areas of the Urban Growth Area (UGA) map. It is located just outside of Derby's small city Urban Growth Area.

"Here is an aerial, may be hard to see the distances here that the applicant provided showing the distance from their facility to various structures in the area. I can read, this one here looks like it's 625 feet approximately. This one here appears to be 458 [feet] or thereabouts. Then maybe that one is 335 [feet], I think. This is showing how they would develop the site. There would be an access point that would be just below the tree line that you can see here in this aerial. Come off there, and then make a dogleg down to the actual site. Here's a better site plan that shows how it would be developed with the road and the compound. There's a detailed graphic of the fence, the screening fence that they would use. With that, I'd try and answer questions."

Chairman Unruh said, "Alright thank you, Dale. Commissioners, in just a few moments we will ask for a comment from citizens on this issue, but before we open it up for that comment, now would be an appropriate time for any questions you have of Dale and for you to declare any ex parte communications. I would begin by saying that I have had some contact with citizens in the area who explained their perspective and have had some emails and some documented information also regarding this issue, and none of which has caused me to come to a previously determined position, so I want to listen to the comments today. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I will say I also had some interaction with Tim Austin and some of the opponents of this, ex parte communication. Then I received this yesterday, it was dropped off in the office, I gave it to our attorney, so I think it's been distributed to everybody. I will make my decision today based upon what's in the record and anything that's provided here today. Thank you."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. I would like to declare I've also had ex parte contact with some of the citizens in the area. I received the same handout that Commissioner Ranzau has received. I will make my decision at the appropriate time. I do have a question for Mr. Miller. This is one of the reasons we are looking at this is because you are asking to waive the setback on this."

Mr. Miller said, "The height and the setbacks, yes, triggered the need for the conditional use."

Commissioner Dennis said, "The MAPC (Metropolitan Area Planning Commission) has already said that they agreed with these requirements, that we can waive that."

Mr. Miller said, "Yes. They voted 4-1 to approve the project as proposed."

Commissioner Dennis said, "They voted what?"

Mr. Miller said, "4-1, I'm sorry, I grabbed the wrong, 11-1, yes."

Commissioner Dennis said, "That sounds more reasonable..."

Mr. Miller said, "Yeah."

Commissioner Dennis said, "...with 14 people on there."

Mr. Miller said, "Yeah."

Commissioner Dennis said, "If we want to not approve the setback on this, because that's one of the big contentions right now, it is going to have to go back to the MAPC, correct? We can't just vote to have this setback where it should be."

Mr. Miller said, "Well, I may defer to Justin, but the County Commission has the ability to override with a super majority, a two-thirds vote, the recommendation of the Planning Commission and modify that, but that would force it to be at a different location that the Planning Commission did not consider, nor did the neighbors at the time."

Commissioner Dennis said, "Okay, couple more questions. In the past when I was on the MAPC, the Verizon [Wireless], they are wanting to put this cell tower here because they've got a hole someplace in their coverage, and as a result they are trying to locate one to cover that hole. But in the past, we would get propagation charts to see what this looked like, and whether or not it could be moved a little bit."

"We got information on whether or not it could be located on another cell tower someplace else. We had all kinds of information we could make decisions on. Unfortunately, the state legislature decided to take a lot of those options away from local decision-makers. I guess my question is, if we sent this back and had the MAPC take a look at it, do we have any way of basing a decision on whether or not, if it was relocated that it could meet the propagation charts that Verizon needs in order to fulfill their mission?"

Mr. Miller said, "As you indicated, the state legislature removed local government's ability to require those kinds of, that kind of information. Obviously they could provide that voluntarily, but we are no longer able to ask for that."

Commissioner Dennis said, "Okay, couple more. If this was located further back and there was some screening out towards the road, would that not make this much more difficult to see from the surrounding homeowners?"

Mr. Miller said, "Let me, I did not show the slides, but let me show the slides of the area. There's a hedgerow along the west side of 127th street looking north. There's the hedgerow along the south side of the homes that are to the north of the application area."

"Then this is looking east, and you can see the rest of that hedgerow that would be along the south side of the homes on the north, and then that's the hedgerow looking south on 127th, so there is a hedgerow there. I suppose, and that's looking straight west at where we assumed the driveway would be. Anything that's 150 feet tall, I think, is going to be hard to screen, other than just the base, but..."

Commissioner Dennis said, "But the further an object is away from you with screening in front of you, why the less obvious it is."

Mr. Miller said, "Yeah."

Commissioner Dennis said, "Yeah, okay. That's all I have right now. I may have some more questions, especially of Justin and so forth later on. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I think Commissioner Howell was next."

Commissioner Howell thanked the Chairman and said, "I just wanted to disclose ex parte communication. We did have a meeting at the request of some of the opponents to this. I think it was Tim Austin, Larry VanDyke, Stan, Darrell and Danielle, I think it's Danielle. I don't have their last names, but I also had communications with Greg Thomas and Steve Logue from Cook Airfield, they contacted me as well. I think I've also received a couple of emails. But again, as previously stated, I am going to base any decision today based on whatever is presented here at this meeting today. I have no preconceived ideas exactly what needs to happen here, but I do want to disclose that. With regards to the screening, I am curious, how tall are those trees, those hedgerows? Does anybody know? Is anybody geometry-type analysis to say how far away that tower has to be before it is basically blocked from view by the hedgerow?"

Mr. Miller said, "Staff has not."

Commissioner Howell said, "I would like to, if we have time at some point, it might be interesting to see how far away that tower has got to be before you wouldn't be able to see it from those homes. Since there are hedgerows between those homes and I guess, potential locations for that tower. It might be interesting to see a geometry analysis of that."

Mr. Miller said, "I don't know if we'd be limited by, we don't have the ability to go onto private property. We do the best we can, but..."

Commissioner Howell said, "I think it would be basic math. We know the tower is 150 feet tall. We know how tall those trees are, we can figure that out from the road. You know how tall the screening is? It's on page nine, I can't read it, the chart is too small. How tall is that screening that's around it's base?"

Mr. Miller said, "Six feet. The screening fence, the height of the, six feet, eight feet."

Commissioner Howell said, "Eight feet. Okay, alright. I would agree with the comments of Commissioner Dennis. I would like to know about the propagation, but I understand we can't get that by request, but it would be interesting to see, you know, if there is some limitation as to where this tower can go based on technology. That would be very interesting to see that as well. So, anybody who has that information, if they would be able to provide that some time, it would be very relevant to making a decision on this, but that's all my comments today Mr. Chairman. Thank you."

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

Commissioner O'Donnell said, "Thank you, Mr. Chairman. Just in full disclosure, I was

also in a meeting with Tim Austin and residents that were opposing it. I found it unfortunate that nobody that supported this, whether it was from the cell company or anybody that thought that this was a good idea, ever approached me. I don't know if anybody else on the Commission was approached by the applicant, but I did and hopefully you are answering some of these questions, but it is very hard to make a decision when nobody that applies for it wants to come and ask the decision makers about it. Anyway, Dale came to my office so I appreciate that, and Justin Waggoner from legal, but unfortunately, nobody from the cell tower company thought it was important enough to reach out to the Commissioners. Thank you, Mr. Chair."

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

Commissioner Ranzau said, "Yeah. I think I have some more questions about the setback just to clarify. Right now, explain to me the issue about the setback, I guess."

Mr. Miller said, "Well previously to the state legislation, we had a one-to-one setback, for every foot in the height of the tower, that it needed to be set back an equal foot."

Commissioner Ranzau said, "That was throughout the county?"

Mr. Miller said, "Yes."

Commissioner Ranzau said, "Including inside cities?"

Mr. Miller said, "Yes."

Commissioner Ranzau said, "So do we have a lot of cell towers that have a one-to-one setback inside the cities like Wichita?"

Mr. Miller said, "Yes. The City council has not changed their rules. The County Commission did change their rules to be consistent with the legislature. What basically what that said was that cell towers or wireless facilities were supposed to be treated the same as other structures. Well, there is a compatibility setback that based on how far you are initially from a property line that's zoned single family or two family or less intense, like RR, that for every foot you go up, you have to be back three feet over a certain height. That's where we get the minimum distance. So we are treating wireless facilities the same as all other structures now instead of the exemption that they had prior to the legislation."

Commissioner Ranzau said, "So this applicant wants a one-to-one setback, which is different than what the current code is, but it's the same as what our code used to be, correct?"

Mr. Miller said, "Well, I mean, they are modifying the request they are asking for is on the north for 145 feet, and on the west 205 feet. That's based on where the application area is, even though if we follow the code, it should be set back 395 feet from the north and the west."

Commissioner Ranzau said, "Right, yeah. I understand that. Would this, the setback that they asked for, would that be within what our code used to be?"

Mr. Miller said, "Well, it is supposed to be one-to-one, so the minimum would be 150 feet from the north..."

Commissioner Ranzau said, "So it would be about five feet short..."

Mr. Miller said, "...and then the 205 from the west would be more than adequate."

Commissioner Ranzau said, "Okay, thank you."

Chairman Unruh said, "Thank you, Commissioner. So I understand it, those setbacks would have met the previous regulation."

Mr. Miller said, "The north would have been short by five feet."

Chairman Unruh said, "Right, but now the regulation is three-to-one."

Mr. Miller said, "Yes. Once you are over, I think it's 35 feet and your 50 feet setback. It's kind of a complicated formula, but, yeah."

Chairman Unruh said, "How long has that, how long have we been under that?"

Mr. Miller said, "Roughly a year, I'd say. Year and a half, maybe, less than a year."

Chairman Unruh said, "Alright, thank you. Commissioners, anybody else wants to ask a question of Dale before we ask for public input? I don't see anyone wishing to speak, so before we have the applicants, I think you are with the applicant, before we have the applicant speak, let's have the citizens make comment, then you can respond to some of the things they say. So we have four people who signed up to speak, and others can speak. But Steve Logue, would you want to come to the podium and say your name."

Mr. Steve Logue, 6841 S. 143rd East, greeted the Commissioners and said, "I would like to take this time to thank Sedgwick County Commissioners and all the public service departments for the help in the transformation of Cook Airfield to start off with. Greg Thomas and I, owners of Crosswinds Aviation, bought a rundown airport, Cook Airfield, going on 15 years ago. It was a private airfield. It is now a private airfield for public use recognized by the FAA (Federal Aviation Administration), Kansas Department of Aviation, local government, and the flying community worldwide as Kilo 50 (K50), which is an identifier for the airport, a safer airport for public use. Fifteen years ago, Cook Airfield had around 25 planes based on the field. Runways, taxiways were in disrepair, no lights or NAVAIDs (navigational aid) there.

"Now, new runways, taxiways, lights, and new NAVAIDs, 65-plus airplanes based on the field, five new homes, two new homes under construction, 19 lots available for hangars and hangar homes. Businesses on the field, never had businesses before. Businesses on the field, we got a business teaching people how to fly airplanes. We got an aviation repair shop right now. We got an airplane delivery service anywhere in the world, and I mean they fly airplanes everywhere in the world, delivering them for different manufacturers and different companies and everything.

"That goes on right now as we speak. The new businesses, we are looking at new businesses coming into the play here. Aviation school house hangar at the corner of 71st and Hangar Road on the southwest corner, if you look at that right there. We are talking about new businesses, we got some colleges looking in, I'm not at liberty to say which colleges at this time, that are wanting to build a school house on that corner right there and on that print I gave you right there, it shows you where that school

house would be right there. That's a really, really good thing for our community, okay. We will need, I am just giving you all a head's up on that, we are going to need your help to make this happen for Sedgwick County because 73rd Street, the new road around the airport which you would see on that place, on that one slide there, on that one paper that you got right there, it's going to need a commitment to pave that road for that school to go in there.

"Sometime in the near future, there is going to have to be another commitment to pave the road from Greenwich Road all the way to the airport from Derby. This right here, this is going to give you the opportunity to have this kind of a school house in Sedgwick County, or you can pass it on to Augusta or whoever else is applying for it, not in this county, so I'm trying to help you. I'm trying to build an infrastructure here to make that happen, so I am just letting you know, that's in the potential looking at that right there. You also see a potential for the Kansas Department of Aviation.

"That is their business plan on that other airport, the airport adjacent to the existing runway, that's not, that is something that they've developed in the course of our lifetime. Whether it will happen in our lifetime, I don't know. But that's the color picture that you got in front of you.

"Now to bring it to the fact of where the cell tower comes in. That's all what brought us up to right here. For all the future expansions of Cook Airfield and the foreseeable future, I mean, I can only go by what I have looked at right here, we looked at the initial plan, we looked at it and said from an FAA standpoint, from where it was initially planned to set, we see no problems with it being set right there. We signed off on that right there. Then we've heard that it doesn't meet the setbacks and those kind of things right there, so whether you wanted to change that or not, that's up to you. But you know, and I have looked at the plans. If this tower moved over 395 feet and south 395 feet from that current location, just moved over and stayed within your new guidelines, I personally can only say from the airport's standpoint, that we could live with it right there.

"But on the other hand, if it were any farther east than that, then it starts to come into an encroachment on the flight path of trying to get into that new airport and things like that. So it is going to bottleneck us when it comes time, because when that bigger airport gets ready to go into there, whether it is or not, when it all comes down to it, they're going to look at all the potentials around that airport and say do we want to invest money in that right there. I don't think we want to bottleneck that airport for that future plan, because that's going to benefit Sedgwick County. Like I said, anything around 395 right there, if you have to move it over to the east and to the south, we could live with that, it would be just outside of our thing. We wouldn't want to go any farther than that right there.

"Speaking from a pilot standpoint, because I am a pilot, you know, I hate to see cell towers anywhere around an airport, anywhere close, because, you know, I don't want nobody to run into one. But 150 feet, a pilot shouldn't be that low in the first place, but you know, you don't want to do that coming in in the fog in an IFR (instrument flight rules) clearance, and all of a sudden you're looking at a cell tower and it's in the traffic pattern. It would be nicer to have it farther to the east, or at least a couple miles to the north of where you are looking at, but like I am saying, anywhere in that 395-feet right there, from east on it and south of that other property line, would probably be okay. I am only speaking from my personal opinion as a pilot. I don't know that the FAA has stepped in and looked at that or not, so I can answer any questions."

Chairman Unruh said, "Alright, thank you. I have one question on the diagram that you have given us about your future plans. At the top of it, it says 83rd street. That's probably 63rd."

Mr. Logue said, "That would be 63rd, yes."

Chairman Unruh said, "Okay that helps me understand the map. On the proposed future runway you have here, you own all this property?"

Mr. Logue said, "I own all the property from 71st Street to the next section line. We do not own the property from that section line up to 63rd street. But we do own all the property that's to the south or just directly west of the existing runway."

Chairman Unruh said, "So north of 71st Street, nearly a mile, you don't own that where you are planning the new future runway."

Mr. Logue said, "North, or south, actually south of 63rd Street from 63rd Street south to the old runway, we do not own any property at that point right there."

Chairman Unruh said, "Okay, but directly west of your current runway, you do own that."

Mr. Logue said, "We do own all that."

Chairman Unruh said, "Alright, thank you. That helps me understand what the plans are. We have a question from Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Logue. I just wanted to make sure I heard you correctly, or did you misspeak? You said just a minute ago as you said as a pilot you prefer the tower to be further to the east or to the north. What do you mean by further to the east?"

Mr. Logue said, "Well I mean, as a pilot, and I am trying to come into this airport, you know, a pilot, they have a pattern, right, left, downwind, you know, so those patterns you fly a circle, sort of a rectangular box around an airport when you are flying in. You're determining a left downwind, a right downwind and all those things, and I'm talking from a pilot's standpoint, it would be better if it wasn't inside those boxes at all."

Commissioner Howell said, "I guess what I am asking is, I am just trying to understand your comment because earlier you said the setbacks, if it was moved slightly to meet the setback minimums under the current law that would be okay. But if it moved further to the east significantly it becomes a problem."

Mr. Logue said, "Yes."

Commissioner Howell said, "Then later you said you would prefer, as a pilot you would prefer the tower to be further to the east or to the north, and I don't quite understand what you mean by the word east."

Mr. Logue said, "As a pilot, I am talking as a pilot, it would be nice for it to not even be nowhere around there, you know."

Commissioner Howell said, "Okay."

Mr. Logue said, "But the original set on it, where it was, I couldn't say from an airport standpoint that it's going to hurt our airport. It is not going to hurt our airport in the original position. I don't think it'll really hurt, but I'm not talking as an FAA person here, saying if you move it 395 feet over, that it is not going to affect something. But it is just going to make it, I don't think it would affect it, but it is going to make it tight on those kind of landings."

Commissioner Howell said, "Alright. Again, so I think if I understand correctly, the drawing that shows the proposed future runway, the south part of that, let's say from the midpoint between 63rd and 71st, that section of land from, let's say, a half mile from 71st up to the north, that half mile is something you own, but north of that from that line up to 63rd Street, you don't currently own that, is that what you said?"

Mr. Logue said, "If you look at the plan from the end of the old runway..."

Commissioner Howell said, "Right."

Mr. Logue said, "...north to 63rd Street, we do not own."

Commissioner Howell said, "Even on the western track of land where the new..."

Mr. Logue said, "Even on the west..."

Commissioner Howell said, "Okay."

Mr. Logue said, "...section of land, we don't own."

Commissioner Howell said, "Does whoever owns that, are they aware of these plans, and are they supportive?"

Mr. Logue said, "I'm sure they are aware of it. We haven't been able to cure that land because they are aware of it."

Commissioner Howell said, "Okay."

Mr. Logue said, "They are looking for bigger money. I know that for a fact."

Commissioner Howell said, "How long has this plan been in place approximately? Can you speak of that?"

Mr. Logue said, "The Kansas Department of, let's see, I can tell you. The Kansas Department of Aviation actually produced this plan. They are the ones who gave us this plan. It's amazing what a lot of people can assume for your own property that you own. So it was dated May 2013 is when this plan was finished."

Commissioner Howell said, "Okay, alright. I had another question but I think I forgot what it was. So I guess I'll just, let me think for just a few minutes, but appreciate your comments. Thank you for your..."

Mr. Logue said, "If I could one other thing. Any time we ask Kansas Department of Aviation for grants to help us with this right here, it comes out of the grants for the Kansas, either we get it or someone else in the state gets it, so we reapply for grants every year on trying to build this airport. Any time we apply for a grant, it has to,

anything we ask for has to be on this master plan that they've given us, so we have to stick to it. The only changes we did is, you know, we built a road around 73rd Street around the end of the runway to go along with the runway. That's turned out real nice, thanks to you all again on that, but that was the only thing that we built that wasn't on the plan itself."

Chairman Unruh said, "Okay, thank you. I don't see anyone else, we do have a question from Commissioner Dennis."

Commissioner Dennis said, "Real quickly before you step away from the microphone, the plan that you presented us, has that been presented to Planning?"

Mr. Logue said, "No, it's not been turned over to Planning yet. But we will."

Commissioner Dennis said, "Because it's kind of hard for Planning to do any other plans. I don't know anything else that's going on around."

Mr. Logue said, "We didn't realize that we needed to do that, but we will get that filed on there."

Commissioner Dennis said, "Okay, thank you."

Chairman Unruh said, "Thank you, Commissioner. Okay, thank you for your comments."

Mr. Logue said, "Appreciate it, thank you."

Chairman Unruh said, "Curtis Holland?"

Audience member said, "That's me."

Chairman Unruh said, "Okay, well then, is there anyone else speaking in opposition? If you'd want to step to the podium and give us your name."

Mr. Larry Van Dyke, 6215 S. 127th St. East, greeted the Commissioners and said, "I want to thank you for the opportunity to speak to you this morning about our opposition to the tower. One of the things that we were given in preparing for this was all of the Commissioners told us we had to address the Golden factors [Golden v. City of Overland Park, Golden, 224 Kan.] for zoning cases, so that's what I've attempted to do this morning in this presentation that you have in front of you. I'm just going to step through them. If I get too long-winded, tell me and I will try to summarize it and go on."

Chairman Unruh said, "Okay, we'll hold you to that."

Mr. Van Dyke said, "Okay. The zoning uses and character of the neighborhood is the first one. The zoning uses and character of the neighborhood is all residential, or rural residential on all four sides within one-half mile of the proposed location. Cook Airfield and the golf course should not be included in the neighborhood as they are far enough away that they should not be included as neighbors for establishing the character of the neighborhood. The suitability of the subject property for the uses to which it has been restricted. The site is currently zoned RR, and the current allowed uses are appropriate for the property and have been for over 40 years. There is insufficient

justification for changing the use and providing a conditional use permit that would effectively make the property industrial with some of the least restrictions on its use.

"The extent to which removal of the restrictions will detrimentally affect nearby property, the proposed location has an undesirable appearance effect on the property to the north due to the close proximity of the tower and the facility to the owner's house, and that it would sit closer to the road and become a focal point for anyone driving by. This could have a negative effect on the potential sale of the property if the owner decided to sell. A location further to the east would reduce the effect on this property owner and no extenuating circumstances were identified in the plan that would prevent movement of the tower to the east. The property is 120 wide open acres, and there are several places on the property that would reduce the impact on the neighbor to the north.

"The length of time that the subject property has remained vacant as zoned, the subject property has always been residential farmland. There's never been anything else. The relative gain to the public health, safety and welfare, as compared to the loss in value or the hardship imposed on the applicant, there was no gain to the public health, safety, or welfare as a result of the installation of this tower in this location identified in the plan. Only a vague statement about enhanced coverage, but it did not specify that the enhanced coverage was for cell phone use or any other specific use, or how the coverage would be enhanced. There was nothing in the application to indicate that there was an issue with cell phone coverage in the area, and Verizon's advertisements as I gave to you yesterday, show that there is 100 percent cell phone coverage for the area that could be covered by the tower.

"Also, they claim their service is better than any of the other carriers. Plus there is nothing in the report to support this statement by Mr. B. Johnson of the MAPD who stated in seconding the motion to approve the tower. If somebody had an accident or emergency in the area with only a cell phone that did not work because there is no coverage would be an issue, therefore he would second the motion. This to me throws into question the validity of the MAPD vote because some of the committee members may have been influenced in their vote by this statement that is not supported by anything in the plan."

Chairman Unruh said, "It might, I'm up here. I know the sound sounds like, it might be helpful if you could just kind of summarize this rather than..."

Mr. Van Dyke said, "Okay. The conformance of the requested change to the adopted or recognized Comprehensive Plan. The proposed change does not meet the code requirements as currently proposed, and we are asking that the code requirements be enforced. Impact on the proposed development of community facilities, this is talking about the airport. This simply is about the light. It's a minor issue, but the FAA did an analysis of the tower, and it did determine that a light was required. In the planning report, it says that a light is not required. The report was issued July 17th. So there was plenty of time to have reviewed that report and determine that there was a light required and correct the report.

"Opposition or support of neighborhood residents. We had 100 percent opposition. All of the people affected within the 1,000 foot range, turned in petitions. We found out last night after 5:00 [p.m.] that my petition and the neighbor to the south of our house, our properties are in a trust and although both of the trust owners signed the petition, we did not provide a document, piece of document which is not identified in the instructions that the instructions do not tell you what is required to provide that documentation. We did not provide that with our petition. But all of that information is

available easily at the county records and all the notifications that we got were to the trust owner.

"So we are under the assumption that we were okay on that issue. A consideration of the recommendations of professional staff. The recommendation by the professional staff did not include any extenuating circumstances that would prevent the applicant from meeting the code requirements. The whole 40 acres, and I can point to this area right here, I don't know, can you see?"

Chairman Unruh said, "No."

Mr. Van Dyke said, "Here. All of this area right here is wide open, and there is nothing in there that would prevent the tower from being moved to a location that would meet the current code requirements. So in concluding, I would like to state that the recommendation of professional staff on the Planning Department at the Metropolitan [Area] Planning Committee should be discounted since there was inadequate justification provided in the plan identifying why the tower is even needed.

"There's nothing in the plan saying why it is needed, it is just they want to enhance it. There are no extenuating circumstances that would prevent the applicant from meeting the county codes. Thank you."

Chairman Unruh said, "Thank you for your comments, and I don't see anyone with a question, so thank you."

Mr. Van Dyke said, "Okay.

Chairman Unruh said, "We will ask the next person to speak is Stan McPhail."

Mr. Stan McPhail, 6140 S. 127th St. East, greeted the Commissioners and said, "I appreciate this opportunity to come and visit with you folks. Before I start, I would like to address a couple of issues. I live at 6140 S. 127th Street East. I am the property owner directly north of where this location is being proposed. They have given you pictures of a shelterbelt and a tree row, and from the road and at a distance this looks fantastic. But if you step on my side of it, these trees are 40 years old, and they are full of holes. So basically we can stand in our backyard and see cars going up and down 63rd Street. So as far as considering that a full screen at that particular location, I would not consider it that.

"The other issue is I think they mentioned that the vote of the Planning Commission was like, what, 11-1 or something like that. My recollection is it was 8-3, the actual vote by the Planning Commission. You have some documents in front of you there that we've submitted, and so I want to try to go through those points very quickly, but I would like to get all my points addressed.

"As Sedgwick County property owners, we've done everything that's been required of us. We sent letters, we filed our protest at 100 percent protest. We went to the Planning Commission meetings and we did presentations, we spoke to all the appropriate people, and we are here today to give you some additional information. Concerning the cell phone tower, we all know that it doesn't meet the required 395-foot setback as required by your own master zoning plan. Verizon has known this from the beginning, this isn't a new concept. The master plan was established to protect the citizens, the residents of Sedgwick County from the increasing intrusion of cell phone

tower companies

"If you will allow this setback waiver to be approved, what you have done is you have told the county residents that no matter what they do, how much time and energy that they spend, and even if their opposition goes along with your own county master plan, that it really doesn't matter, that the tower companies are going to get their own way. Also, if this waiver is approved from this point forward, the county's master plan basically becomes null and void. It sets a precedence for a waiver for every future request no matter where it's going to be located. They will apply for a waiver and expect it to be rubberstamp through.

Returned to originating body for reconsideration

"As a homeowner, if I were to try remodel my home or add onto it or build a new facility, I would have to meet all, not just part of the current building codes. I would have to make sure that everything met those current codes and standards. Even last summer I put a building up on my property. When I went to apply for all the permits, I had to show proof that I was going to meet the county codes. In fact, I would even be denied a permit if I didn't show that I could meet the county codes. In fact, the first location that I was going to put my building, I had to meet a setback. So I had to actually change the location of my building in order to get it okayed through the county, so that's no different.

"So if you are going to require the adherence of codes to some, you can't require them of everybody. You have to require them of everybody. You can't ask for a requirement to be met by the citizens of Sedgwick County, and then waive them for others. So these are the same standards that we expect you to hold to, to have these cell phone towers meet the standards. You know, even in the home construction, if I wanted to remodel my home, and you said the standards have changed, I have to bring my building up to code. I have to bring that up to those new standards, even though it changed. I can't say, well, they used to be, and expect that to be okayed.

"When we're looking at the property as such, that I even contacted Verizon, and I asked them to come down and look at my property site to see if we could find a location that would be suitable to possibly even meet the county zoning codes. I asked for a return phone call, and as of this date, I have never received a phone call back from Verizon about this issue. So this calls into question for me the due diligence that they really put forward to find a suitable location that would indeed meet the county's zoning codes. None of the surrounding neighbors, or anyone that we spoke to were ever approached by Verizon as a potential site. Even like Larry mentioned, even this location has approximately 120 acres of ground around it to look at. There's a water tower south of us, so there's plenty of other locations.

"Then to address the issue that even last night, and this was about 6:00 [p.m.] at night, these two property owners got a text message stating, which I think is a backhanded effort on the part of Verizon, to say that there's the potential problem with your protest petition, and it might make it invalid or not allow you to speak, basically, is what they were getting at, speak at the meeting today. To me this is an obvious, it was timed to be so obvious that they wouldn't have time to follow up on it. So to me, this is just another effort for them to try to discourage and intimidate the property owners into dropping their protest. Anyway, I think it is just a bullying technique to try to keep us from protesting, even though we are following all the legal footsteps.

"So in conclusion, I would say now is the opportunity for the County Commissioners to take a public stand for the residents of Sedgwick County and require Verizon to meet the setback code of 395 feet from all property lines that's stated in your own master plan. I don't think Verizon is interested in looking at other locations that would meet the master zoning plan.

"I think they focused on trying to force this site through the Commission, regardless of what it takes, and we are asking the Commissioners to deny this application or at the very least, send it back for further consideration with the notation that there is 100 percent protest. It does not comply with the master zoning code, and we would like you to ask them what are the extraordinary conditions that exist for this waiver to be considered. That just kind of summarizes our position on this whole issue, so do you have any questions that I might answer for you?"

Chairman Unruh said, "I don't see anyone asking to speak, so appreciate your comments."

Mr. McPhail said, "Okay, thank you very much for your time."

Chairman Unruh said, "Is there anyone else opposed who wants to speak. Yes ma'am."

Ms. Sybil Strom, 326 N. Walnut, greeted the Commissioners and said, "I have no home, so I'm just going to say that Central came in to seize my house without permission. But on this deal that's going on, I agree with him. It is an eyesore. Those communication deals are very annoying. We had some on Walnut Street, you know, down on East Second, and it would really cause chaos. The airplanes would have trouble making it across there. I urge you to not let this proposal go through. Thank you."

Chairman Unruh said, "Thank you. Anyone else? Then I think, Mr. Holland, if you would like to step to the podium."

Mr. Curtis Holland, 6201 College Blvd. #500, greeted the Commissioners and said, "With your permission, I do have a PowerPoint. Thank you, I love your help. I usually don't get that. I am legal counsel for Verizon Wireless. My address is 6201 College Boulevard Suite 500 Overland Park, Kansas 66211. Thank you for hearing us, and I will try to be as brief as I can. If you would give me some, I don't know if I'm limited to minutes. I'd like to know that because I have a lot to cover trying to answer some of the questions and some of your comments."

Chairman Unruh said, "Well, we've been generous with other people, so we'll be generous with you."

Mr. Holland said, "So let me, I will work as fast as I can on this. I do want to try to give you some education on this, and that's probably some of my time here. Verizon didn't just come down here and force their way into this site and try to bully the neighbors as some have represented here today. To the contrary, what we have done and what is always done in these kinds of applications is an extreme amount of due diligence. You can't just go into these kinds of sites without having done a whole lot of regulatory preview. These facilities are governed by, not just the local regulations here, but by significant amounts of federal regulations including environmental, NEPA (National

Environmental Policy Act), FAA, FCC (Federal Communications Commission) and so on.

"So there has been an extreme amount of effort in terms of analyzing the location and having it be, in essence, approved by the federal regulatory authorities through all of those federal laws before we ever get to come to you all and see what you all think about it. So we did all of that. We did canvas the area before we submitted the application to look for a piece of land where we could fit the tower, and have the tower be situated in this area. As indicated by our application, there has been some propagation maps, Commissioner Dennis, that were submitted as part of our application. Even though as was stated earlier, the Kansas law now has really precluded your decision making basis on that kind of information, as well as whether or not you can move the tower over, you know, 395 feet or a half a mile or two miles away.

"The Kansas law took that kind of decision making away from you all because of this, kind of what's happening here. Can you put it over here? Can you put it over here? Can you put it over here? You would have this endless amount of evaluation and decision making and no communication tower facilities would ever be constructed. What they did preserve, however, is your right to look at your code and to judge these applications on your adopted land-use principles, the Golden factors and those kinds of things. Those are still in play for you to review and to analyze these applications on those bases, but not on whether or not if you move it a couple hundred feet it affects the radial propagation or the network of the company. That is not something that is really permitted any longer under the Kansas law.

"So in any event, we did submit the application to you as you know. It is where it has been proposed, and I'm going to go through a couple of slides here if you permit to show you some distances and to give you some context of where this is and what we're willing to do. I'm also prepared to answer any of the questions you guys might have of me. But in this particular aerial, you'll see our little yellow thumbtack is the location. By the way, the red star down here in the lower right-hand corner is the Cook Airfield, just to give you that relationship. I think it's over a mile this way, but it's about 4000 feet if you go horizontal across the way to where their runway is, so it's a significant distance. Before we filed the application, I mentioned we had to get FAA approval. We did get FAA approval.

"In fact, one of the documents that was submitted to you, I think just late last night, I don't know if it was late last night or yesterday from Mr. Van Dyke, was in fact the FAA's determination that this facility would not be a hazard if it's located here so long as it is less than 155 feet, and it isn't. The communication tower structure's really 140 feet. There's a little tiny lightning arrester on the top of it, and I don't know if that gets counted for your height compatibility standards or not. If it is, so be it. It's a 150 feet, the overall height of the structure. The tower itself is 140 feet.

"In any event, next slide. This is the current location on the left here, right there, the current location. You'll see two other thumbtacks here. One is the Verizon alternate location which is shown here. This is not part of the application. It's not before you today to make a decision, but I'm going to talk about it because we've talked about it on our side, the company, as to where we could possibly move it. It isn't like we can just move these things willy-nilly anywhere.

"They have to satisfy our network coverage, and our engineers determine where these can be located.

You had these facilities in your community, there's lots of them, not just in Sedgwick

[County], but in Wichita proper and your other communities have communication towers. We all know about them, we see them all the time. They don't just magically appear and they're not just arbitrarily put someplace. There only put someplace because the engineers for those companies have decided this is where we have the hole in the coverage, or we need additional calling capacity. So this is the area within this small geographic footprint where we need a communication tower. It's a little bit, and I've said this many times, it's a little bit like a puzzle. You have to fit, the piece has to fit right in the hole or it won't work, the network won't work unless you put the tower in a pretty small defined geographic area.

"Do we have some ability to move it a little bit in that geographic area? Yes. We can't move it a half mile, we can't move it certainly miles as somebody suggested. Moving it miles to the north doesn't accomplish what we need to do in terms of providing coverage in this area. So it has to be in this really small defined area, which the property that it's situated on and our application is for, is in that geographic area, so I would tell you that. But I want to just go through the setback issue with you a little bit. The setback rule was changed in, I think, December last year. I don't know that I necessarily agree it had to be changed to meet state law. I don't agree with that, but I would tell you it had a dramatic impact on the ability for a communication tower structure to be sited in Sedgwick County.

"In fact, I might offer, and I don't know that this is an overstatement, but it's almost impossible to meet the setback rule, and here's why. Yeah, you can point to, let me go back here, you can point to some open areas and say yeah you can move it this far or this far. I'm telling you, this is a very short tower in terms of communication tower standards especially in the rural areas as opposed to saying more urban or dense area like, you know, in Wichita. But out in the rural areas, it's not uncommon to have communication tower structures be 250 feet or over 300 feet tall. Usually when you get that tall, you're talking about a three-legged, a lattice tower or a guyed tower. You'll see a lot of guyed tower with the wires. In all of those cases because those are in excess of 200 feet, they require a light on top.

"Folks don't like lights, but if you're over 200 feet, it's an FAA rule, you have to be lit. But this is a short tower, it's 140 feet. By our standards, it's short. It doesn't need to be lit, by the way. The FAA determined it was okay, but it doesn't need to be lit at this location. But in terms of the setback, it's really difficult to meet the new setback rule because you can't find a willing lessor of land who's willing to allow the tower to be located basically in the middle of their property, or certainly to the interior of their property. Everybody wants to move those facilities to the corners of the property. Why? Because they want to be able to continue to use the rest of their property.

"There may be some plans for a future development of the property. So it's very difficult to find a land owner, a willing lessor, to allow you to put the facility on a location in their property that meets your setback.

"It's really really difficult. In fact, we've been trying it for a year now and haven't had any success. That's why we've put it in the location that it is because this land owner, our landlord, really is the one that determined where they would allow it to be on their property. Yeah, it could fit on their property somewhere else, but the landlord restricted us as to where we could put it. So we have to abide by what the landlord or our lessor tells us, or we have no lease. We can't use it, so we don't have a facility. So really, the setback rule, it is what it is, and I would just address one other comment where, I think it was Mr. McPhail said you got to follow the code. We are following the code. The code allows for a waiver. Now it's up to you all to decide whether it's appropriate

and we're, you know, able to have that waiver, but we're not violating the code to have this facility approved.

"You all have the discretion. That's why the waiver was put there, I'm guessing, because you can't meet the setback all the time. In fact, again I say, I'm not sure you can ever meet the setback. Having said that, the setback is 395 feet from the property line. Now I put on the map here, I'm going to direct you to this now, this is the location of the facility. The distances here aren't exact with what the planning staff showed you, but I think this is a little bit more accurate, but these are still approximate numbers. But I'm measuring from the location of the facility, which is this thumbtack right here to the surrounding properties. These are the folks that are involved: The Van Dyke's to our west, to the home, and I'm measuring to the home and I realize it's to the property, I think the setback is to the property, but if you're looking at, we want to be 395 feet from property because it's a visual, it's an aesthetic. It sounds like it's an aesthetic requirement, or at least the goal is to address the aesthetics.

"From where they are, you know, where their house is rather, and that's where the majority of us spend our time is in or near our homes, and we might, they own a larger chunk of land so they might visit out, you know, go out and about. But for the most of us, we walk out our front door, we walk out our back door, we mow our lawns. We're in and near the vicinity of our homes, and so the measurement, and that's what we did, so I measured to the home and the distances in these cases are to the Van Dyke home, it's approximately 625 feet, to the Wildeman home it's approximately 835 feet, to the Campbell's it's approximately 1,010 feet, and to the McPhail's it's approximately 320 feet. So at least in all cases, except the McPhail's, it does kind of meet the setback or the compatibility standard that you are trying to shoot for which is 395 feet.

"But we're close on McPhail, but granted we can't get there, but I'm telling you the reason it is right here where it is located is because this is where the landlord allowed us to put it. They didn't want to move it 400 feet from their property. So, next slide. After the hearing, after the residents said, I think you heard it, they asked us to move it 1,000 feet from the road over to this location, remember?

"At that Planning Commission hearing, we had the Cook Airfield representative, I don't believe it was the same representative that was here today, but another person representing Cook Airfield explained and went through this explanation that there is a planned expansion for Cook Airfield and said in his opinion, this is what he said at Planning Commission, we wouldn't want them to go any further to the east and certainly not out to this location, which is consistent with what we heard this morning, because it would impact our future plans or plans for our future expansion, not today, but maybe in the future it might hurt our future plans.

"I would tell you that we knew that the neighbors had previously said move it there. We know you need one in the area, were not totally opposed to the tower, but can you move it over here to give us some greater setback. We did analyze that location. I would tell you this, this facility right here where we're proposing it, we originally wanted it, it's 140 feet right now, we originally wanted it to be 180 feet. That's what we wanted, and that's the optimum height that we needed, but the FAA said no. You can't be that high. You have to be no higher than 155 feet.

"We went down to 140 or 150 feet, however you want to say it, we're at 150 feet. So we meet the FAA rule, but in addition to moving it over to this location, the neighbors wanted us to reduce the height to 120 feet. Well we couldn't do that because we're already a substantial amount below where we wanted which was 180, we're at 140, and that's a big difference in our world, and going down to 120 would be a dramatic difference. We probably wouldn't build the facility at 120. In any event, after the meeting, we heard the residents, you know, move it to 1000 feet.

"I told you earlier that our landlord said we want it here, and that's the only place they were originally allowed, were going to allow us to have this. We went back to the land owner after the meeting and told them what the complaint was and asked them if there was any ability to shift the location of the facility on their property. They really were very very reluctant, and I still believe they don't want us to have it moved other than where it is. However, they did say that they would allow a move of the facility up to 250 feet east of where it is. So that's what this other yellow thumbtack is."

Chairman Unruh said, "Excuse me, sir. East of the road or east of where it is?"

Mr. Holland said, "I'm sorry, I want to clarify. It's east of its current location."

Chairman Unruh said, "Okay."

Mr. Holland said, "So from the road, it would be 400 feet."

Chairman Unruh said, "Okay."

Mr. Holland said, "If it was 205, and we can go 250, it's 455 feet."

Chairman Unruh said, "Right."

Mr. Holland said, "It would meet the setback from the west, the western setback, if we moved it to this location. We would meet that setback to the west. They didn't again want us to move it any further to the south because of the issue of moving it interior to their property damages their property and they can't really, they'd just as soon not have it if you're going to put in the middle of their property. That's the way they think about these things. So we were limited as far as moving the tower to the south, so we've kept it at the same basically horizontal distance from that property line to this property line at this location. But we are able potentially to shift it to the east some additional 250 feet. Now that's not the application that's before you, I know. The application that's before you is this location, and for us to move it over here to this location, we understand we'd have to go back to the Planning Commission because it's a new location, but in addition, we'd have to get all new federal regulatory approvals.

"The FAA, the FCC, the NEPA review, all of that would have to be redone. We're willing to do that, and we suggested to the residents we'd be willing to do that. If you would drop your opposition to the facility, we would stop what we're doing now, and we would be willing to pursue it to the east a little bit. Now frankly, I didn't know what Cook Airfield would think about moving it any further to the east because based on what they told us at the Planning Commission, they preferred it here because of the impact on what would be their future plan. So, but this is good to hear this morning because I think you said we would be okay with a 300 if you met the setback, Cook Airfield's okay. So I guess, and again it's not before you, there's the possibility of moving it to

this location."

Chairman Unruh said, "Okay."

Mr. Holland said, "When you do that, here's the distances. It's 250 feet, so you know, to the Van Dyke's it's 855. To the Wildeman's it's 1,075, to the Campbell's 1,135, to McPhail 285. Actually it gets a little bit closer to the McPhail home than it was, but for these properties along the west, it's substantially further away. It's a couple hundred feet further away from their homes. For the McPhail's, here's what I would say about the McPhail's, and I do appreciate their concern. We think, we actually thought moving it out here where they wanted it would put the facility in more of in their view. At least in the view where the sun rises because we hear a lot from people that say the tower's going to block our sunrise or our sunset if you put it over here.

"If you put the tower right here, it'd be in their sunset, and they don't like those things. So over here, at least it's to the side of their house. The front of their house is right here, the back of their house is that way. This is to the side of their house. There is a row of trees, and I can't speak to the quality of the vegetation there. From the Google Earth maps and so forth and what was shown here, it looks pretty thick, but I'm going to take him for his word, there's some holes there.

"But in any event, there is some screening and because it's to the side and not the front and not the back, it's seemed a little better to put it here. That's us speaking, I can't speak for Mr. McPhail. Then you know, here..."

Chairman Unruh said, "Excuse me sir, but do you have a few more points that you..."

Mr. Holland said, "I do."

Chairman Unruh said, "...could kind of bring this to..."

Mr. Holland said, "I do want to talk to Mr. McPhail. I want to answer some of those questions that you guys raised too if you give me a second. Mr. McPhail, I understand, and if I'm wrong tell me, but I understand they did have communications with our representative, not with the side acquisition agents for Verizon. What Mr. McPhail asked is if the tower could be moved to an appropriate location which he wanted to have on his own land over here. We thought about that. Really, I don't know if that makes any difference to me or to you, but when you move it there, you do have, and these are the distances. The one thing I would say about moving it to the McPhail's property, if what I was told was correct, was that it does start to impact the Campbell's residence more than it used to."

Chairman Unruh said, "That's not under our consideration today."

Mr. Holland said, "That's correct, it's not, but I'm just trying to lay out the context for you because Verizon is not bullying people. If I can just briefly talk about the text. I sent no text to anybody last night. Verizon did not send any text to anybody last night about the protest petition."

Chairman Unruh said, "Okay, and that's..."

Mr. Holland said, "Right..."

Chairman Unruh said, "We can check with them."

Mr. Holland said, "In any event, I do want to go, it's not like these structures don't exist in the county. They do exist in the county. Not just communication tower structures, but other types of structures that have some height, and I just want to just show you a water tower, and you may think that's different but it's not too different because a communication tower is a utility infrastructure and does provide basically over 70 percent of the calls to 911 are made through wireless phones. So they are definitely part of the public service, public safety network. You have a water tower here, not too far away from us to the south right across the street from residences. That's what that looks like. That's what you can see sometimes in the county. We have a communication tower. This was under the old rule. It was built and it's within, I don't know what the distance is there, but there's houses right there.

"My point is I get that you don't want to see it. We try to put these facilities 1) that fits in our location for our network and 2) if we can find a landlord that's willing to put it there. We don't like to upset the residents. We like them to be our customers, and so I guess that's that.

"I could talk a little bit more. I'm sure you're done hearing from me. There were some comments that were made earlier, especially by Mr. O'Donnell. We didn't do ex parte. Just to explain Verizon's take on that, and your legal counsel can say what they want about it if they want to say anything about it. This is a quasi-judicial proceeding. That means the record should be what takes place in here, and in our application and what was said and done at the Planning Commission hearing.

"It's not illegal to have ex parte conversations as long as you disclose them, which you did, but many jurisdictions consider them to be inappropriate because these are quasi-judicial proceedings. So it was not out of disrespect for you or the Commissioners that we didn't try to speak to you directly, I want you to know that. We didn't, it's not out of disrespect. Even though that may be the commonplace and happens a lot. In the cell tower world, and particularly with Verizon, we don't try to bother you. We try to keep the record in the quasi-judicial hearing setting, so it was out of no disrespect for you that we didn't meet or talk to you."

Chairman Unruh said, "Thank you."

Mr. Holland said, "Anyway appreciate that, and if you any questions, I'm ready to answer them."

Chairman Unruh said, "Okay, we have a couple of comments here. Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. Mr. Holland, I hope you didn't misunderstand me. I'm not making my decisions at all based on propagation charge."

Mr. Holland said, "Right, I understand."

Commissioner Dennis said, "I'm just reflecting, I served on MAPC for nine years, and I know we used to get them, and one of the things that I didn't know was whether or not you could move it to the east a ways, and you've answered that question."

Mr. Holland said, "Yes."

Commissioner Dennis said, "But I want to make sure that you understand that we do know what the law is."

Mr. Holland said, "Right, yes sir."

Commissioner Dennis said, "We will comply with the law with the state law, and we know that we don't receive propagation charts anymore, but just the fact that you answered the question was all I was really wanting to know..."

Mr. Holland said, "Yes."

Commissioner Dennis said, "...was whether or not that it's possible to move it a little ways..."

Mr. Holland said, "Yes sir."

Commissioner Dennis said, "...so I appreciate that. I understand where you're coming from that we are a quasi-judicial organization. MAPC is the same thing, quasi..."

Mr. Holland said, "Yes sir."

Commissioner Dennis said, "...judicial organization, and each and every one of us knows what our responsibilities are in that position, and we understand what it takes to make a legal decision on the merits of the case, so I just wanted to clarify a couple of things that you said to make sure that you didn't misunderstand where I was coming from or any of the other Commissioners, that we take our jobs very seriously on making any decisions that we've got before us."

Mr. Holland said, "I appreciate that, and I didn't mean to say anything otherwise about when I was making my comment at all, really. I just try to state kind of why we didn't reach out to you. If there was some concern that we didn't think it was important enough to talk to you. We absolutely, if we could come and had access to you like the residents do, not saying we don't necessarily, but it's harder. But we did just for the records submit those propagation maps with our application even though they aren't required by law. I understand those are important and good questions, and yes we can tweak and move the facility a little bit and still get what we need."

Commissioner Dennis said, "One final comment, and I briefly alluded to it when I made my initial comments is that we understand that you have a job to do to provide a service to the community. We understand that before that you're not just building cell towers out here because you like to build cell towers. You're building them because there's a hole in your coverage someplace. There's not a one of us that's not walking around with one of these in our pocket all the time. So we are sensitive to your needs also. We're also sensitive to the community's needs, but again, that's the way that we make our decisions."

Mr. Holland said, "My comments weren't directed necessarily at you as the Board because you have heard a lot of these applications, and you if you've been on the Planning Commission, you've probably heard a lot of them."

"But sometimes it's for the residents who don't fully appreciate or understand what we

have to do to get a facility first to even come ask your permission. I was trying to help them understand that a little bit better."

Commissioner Dennis said, "Thank you."

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

Commissioner O'Donnell said, "Thank you, Mr. Chair. Mr. Holland, this isn't my first rodeo. I used to serve on the Wichita City Council so I served on these boards where we make similar decisions. This is the first time that I haven't been approached by anybody, so does Verizon, the self-acclaimed number one overall network not hire lobbyists to come and work with local governments to meet and discuss big issues like this or have any type of representative? Because I've also served in the Kansas Legislature, and you have lobbyists up there that come and talk to us, not necessarily in a quasi-judicial setting, but one-to-one communication, there's nothing illegal about that, so I'm taken aback by your statement that you don't want to do that when frankly it's happened before."

Mr. Holland said, "So, just a couple points there. The Kansas Legislature is different. They act in a different..."

Commissioner O'Donnell said, "Take that out. Go with Wichita City Council."

Mr. Holland said, "I'll tell you this. I've handled a thousand tower applications all over the Midwest. We've never had one-on-one communications with any council member."

Commissioner O'Donnell said, "Okay."

Mr. Holland said, "So that's Verizon's policy, and it's not meant to say we're in disrespect of your role. We absolutely know your role, and it's vital. I'm sorry, I'm not trying to create an argument here. I just want to say to you that we were not trying to be disrespectful by not talking to you about it, and that it is a legal proceeding. So, while ex parte, I agree they are not illegal as long as they're disclosed and as long as they don't create any bias, and I've heard you all indicate that they wouldn't and didn't, and I believe you. But, so that was the only point of that. I'm not trying to be critical. I'm only just merely just trying to explain our situation and why we didn't reach out to you."

Commissioner O'Donnell said, "Yeah, alright."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to clarify two points. I've heard testimony this morning from yourself and I think others about this light on the tower. Is there going to be a on the proposed tower, if this approved, is there going to be a light on there or not?"

Mr. Holland said, "The FAA does not require it to be lit, so the answer is no, we don't intend to light it. What we've said, maybe what you thought you heard by light is the lightening arrester."

Commissioner Howell said, "Okay."

Mr. Holland said, "That's different. That's just a little piece of steel at the top of the tower that attracts lightening to the facility and then brings that charge, if you will, down to a grounding facility under the tower to dissipate any charge of it, but that's what that meant. So, it's not going to be lit. It's not required to be lit."

Commissioner Howell said, "So I would presume from the homeowners, they would probably not want the light, but the aircraft people probably do want the light. I don't know if that, I'm just trying to figure out what their perspective is on this, but there is not going to be a light. It is not required by anybody..."

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

Commissioner Howell said, "...because this is a short enough tower."

Mr. Holland said, "It's not required. The FAA has already looked at it and determined that it does not need to be..."

Commissioner Howell said, "Do you know whether their consideration was just for the existing airfield? It has nothing to do with the future airfield, and would that change potentially if the future airfield was put in?"

Mr. Holland said, "Boy, it's hard to say. It'd have to be re-run. It's a still a good distance away, but I would tell you that there's communication towers near airports all over the place, and in fact, on airport property because I've represented facilities on airports. So what the issue is whether or not you're in the flight take-off or landing approaches. There's these conical circles around..."

Commissioner Howell said, "Sure."

Mr. Holland said, "...where you, the higher up, you know, the further away you are, the higher your facility can be. I know that in the staff report it said that they looked at it and I think as long as it's lower than 400 feet, I can't remember what the staff report said, but we would meet your local rule. But the FAA did look at these things. I don't know about the plan if it's, and I just don't know."

Commissioner Howell said, "That's fine. It's interesting to me because my background is aviation and specifically flight testing. I'd been involved in lots of flight testing in my private life apart from the County Commission here, and I consider myself to be an aviation, you know, interested person I guess in that. So I'd just like to know that perspective."

Mr. Holland said, "Yes sir."

Commissioner Howell said, "One of the opponents, I guess, made a comment about the person that seconded this apparently he said that your maps online said there was 100 percent cell coverage, there's not any holes there, but yet the person that seconded this said there's a hole in coverage and this is a safety issue. Do you have any comments on either one of those points?"

Mr. Holland said, "So Verizon like I think every carrier, says their coverage is perfect, they don't say it's perfect, but they do have some materials or marketing or otherwise that might suggest they have coverage. I don't even know the particular piece that you're looking at. But even if you have coverage, I think it's technically okay to say you

have coverage in an area even though you're signal strength in that particular location within a big geography or bigger area, a broader area, there's some areas of weakness within that area either because the signal strength is less than you want it to be, or the calling capacity is less than you want it to be because, you know, you have different things.

"You have coverage, which is just pure radio coverage what it sounds like, and it covers a geographic area and your phone theoretically works. The further away you are from the tower, the weaker the signal, the less optimum the network works. You may be able to make a phone call, but it may not be a consistent phone call. You may be driving along in an area that has a radio signal, but the further away you move from the tower, the signal strength dies down and you drop your call.

"Then there's capacity. There's the capacity. Each of these facilities only can carry a certain number of calls as well as right now the number one issue with cell towers and wireless communications is digital data traffic. Streaming movies, Netflix, you name it, texting, all of that takes up way more of the capacity in these networks than just a voice phone call. If you're streaming, watching a video, watching an ESPN (Entertainment and Sports Programming Network) highlight as you're driving, that takes a lot more bandwidth, a lot more signal strength, a lot more capacity."

Commissioner Howell said, "Alright, well thank you for the clarifications, and I just wanted to point those two questions out because of the previous testimony."

Mr. Holland said, "Yes sir."

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

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

Commissioner Dennis said, "Thank you, and thank you Mr. Holland. I actually I've got a question for Mr. Waggoner. Thank you. My question is Verizon just told us that they can move it 250 feet east. You gave us a number of options here, and that's not one of the options that you gave us."

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "That's correct."

Commissioner Dennis said, "Alright, do we have the capability today to vote to approve this with the move 250 feet to the east, or do we have to send it back to MAPC to get that done?"

Mr. Waggoner said, "You actually do not have the authority to do that today and to vote on that. Even if you send it back to the MAPC, what you are sending back are comments to the Planning Commission not a revise application area. The way that that could theoretically occur is if the applicant decided to amend their application after today's vote. You know, obviously you could send it back to the MAPC with comments. They could amend the application to be 250 feet to the east. It would require a re-hearing or a new hearing, I should say, a public hearing at the Planning Commission level with notice going out to the neighbors. Then if there were a protest or if it would require a waiver of setback requirements, whatever the case may be, it would come back in front of you all to hear the item. So today you can't approve the location, a theoretical location 250 feet to the east because what's in front of you is the application area as it's indicated in that little, fairly small area that was included on the

map.”

Commissioner Dennis said, “So you’re telling me that the option three that you gave us is the only option we can have if we wanted to accept the proposal by Verizon.”

Mr. Waggoner said, “I’m sorry, could you repeat that? I just want to make sure I answer it correctly.”

Commissioner Dennis said, “Is option three the only option that we have if we want to accept the proposal by Verizon?”

Mr. Waggoner said, “For the benefit of everyone who is here at the hearing today, option three would be returning it the Metropolitan Area Planning Commission which requires three votes. That would be an, I guess just to explain, that would be an option that would allow the applicant to, they could certainly at their discretion seek to amend the application. If the item were deferred and they had decided to amend their application, that’s something they could do as well. But you as the Board of County Commissioners don’t have an option to direct them to do that. Does that answer your question?”

Commissioner Dennis said, “Very good.”

Mr. Waggoner said, “Thank you.”

Commissioner Dennis said, “Thanks.”

Chairman Unruh said, “Thank you, Commissioner. Are there any other questions for Justin or for, do you want to speak Mr. Holland? Alright, if you want to step...”

Mr. Holland said, “What Justin mentioned to you is correct. What I mentioned is what we’d be willing to look at that and our willingness to look at that and to stop and go through all the regulatory review we’re going to need before we can even come back, which is going to take months. We’re offering to do that if that’s what the Board wants, if that’s what the neighbors want. If we go back there and stop and wait for a few more months and get the regulatory approval which is expensive, very expensive to do, and come back here and we’re in this where nobody is still happy, I guess I don’t know what we’ve gained by that.”

Chairman Unruh said, “Okay.”

Mr. Holland said, “That’s all I meant.”

Chairman Unruh said, “Thank you.”

Mr. Holland said, “But we’d be willing to do that if that’s what was the consensus, I suppose.”

Chairman Unruh said, “Okay Commissioners, we will try to restrict conversation to the bench and are there any comments? What is the will of the Board?”

Commissioner Howell said, “Mr. Chairman, I had just a simple question here. What’s

being considered here is a waiver on the setback. Is that all we're considering here today or is there two parts of this?"

Mr. Miller said, "Well the two parts would be approval or disapproval of the request for the wireless facility, the conditional use application itself. Then the waiver of the compatibility standards to that which has been proposed."

Commissioner Howell said, "Is that rolled into one motion potentially and one..."

Mr. Miller said, "Yes."

Commissioner Howell said, "...vote, or do we have to do two votes?"

Mr. Miller said, "No, it's all the same."

Commissioner Howell said, "Okay."

Mr. Miller said, "Just to clarify, Planning Commission approved it 8-3, and their approval was to approve the tower as proposed and to reduce the compatibility setbacks as requested, just to clear up that, but it was an 8-3 vote."

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

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

Commissioner Dennis said, "But to alleviate Mr. Holland's concern that they go through all of the procedure and then it would come back here, would it be possible for us to say that we would, and Justin may have to answer this, to say that we would approve the cell tower, but we don't approve the conditional use or the setback?"

Mr. Waggoner said, "Well, I think as a practical matter, I don't, could you repeat that, I'm sorry. I just want to make sure I answer correctly again."

Commissioner Dennis said, "Well it's two parts."

Mr. Waggoner said, "Okay."

Commissioner Dennis said, "One is whether or not that we approve putting a cell tower here, right?"

Mr. Waggoner said, "Okay, that's correct."

Commissioner Dennis said, "Second is whether we approve the waiver."

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

Commissioner Dennis said, "That's where their sticking point is, is really on the waiver. It's not on the cell tower."

Mr. Waggoner said, "Okay."

Commissioner Dennis said, "Mr. Holland's concern is he's going to go through all this work again and it's going to come back to us, and it's going to be disapproved after they go through all the work."

Mr. Waggoner said, "They're really rolled together. What you're reviewing is the recommendation of the Planning Commission which is both of those things as Dale was indicating, it's both the recommendation to waive the setback and to approve the 150 foot tower.

"Based on how close it is to the property line, you can't really, you can't approve the cell tower and not approve the setback because of how tall it is and how close it is."

Commissioner Dennis said, "That answers my question."

Mr. Waggoner said, "Alright."

Commissioner Dennis said, "Thanks."

Chairman Unruh said, "Alright thank you, Commissioner. Commissioners, once again, if there's no questions, what's the will of the Board? Commissioner Dennis."

Commissioner Dennis said, "I move that we return the matter to the MAPC with the recommendation that they reconsider this item to include the setback. I guess, is that enough justification, Justin?"

Mr. Waggoner said, "The statute requires you to include the basis for your failure to approve or disapprove the matter. So I mean I think that could be a basis, I guess you're indicating a concern at least personally, I believe, as to your concern about the setback. Is that an accurate description?"

Commissioner Dennis said, "Let's say the east/west setback."

Mr. Waggoner said, "Okay. I think that is enough criteria for the Planning Commission to reconsider the item when it would come back in front of them."

MOTION

Commissioner Dennis moved to return the matter to the MAPC with the recommendation they reconsider the item to include the east/west setback.

Commissioner Unruh seconded the motion.

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

Commissioner Howell said, "Thank you, Mr. Chairman. I'm just looking at the comments given by one of the speakers on the Golden factors. I'm trying to understand these things, if I understand, let me ask Mr. Waggoner a question here. Are any of these Golden factors stand alone, in other words, are any of these issues sufficient in itself to make a denial of the application?"

Mr. Waggoner said, "If you look at the Kansas Case Law on the Golden factors, they're not the exclusive factors. They're the factors that courts have generally used and evaluated the reasonableness of a zoning application and how it fits with the area looking at staff recommendation.

"There's no requirement that you have to hit five of them, four of them, so there's no case law to indicate that one factor is more important than the other. They indicate that it more or less depends on the application that is in front of them. There are other factors you may consider as well. Does that help answer your question Commissioner

Howell?"

Commissioner Howell said, "Yeah, I think so. Just reading through the logic that's been presented here. I don't know if sending this back is going to, I guess I just don't know what to expect down the road in terms of change that might come to us next time."

Mr. Waggoner said, "I will point out Dale Miller mentioned a clarification point. There is some Kansas Appellate Court Case Law that says neighborhood opposition in and of itself is not sufficient, necessarily sufficient grounds. I think some of that, I think there's a handful of cases, but I think David made that Gump decision [R.H. Gump Rev. Trust v. City of Wichita] at the Appellate Court level as well."

Commissioner Howell said, "Nobody from staff or really the proponent really, I should say the applicant, has directly counter-argued some of these points on the Golden factors that was presented to us this morning, so I don't, I guess I'm still having trouble jumping onboard with this. I don't know, if we send this back, we don't have any idea what will come back to us. It may be the exact same proposal. It could be an entirely different, we don't know."

Mr. Waggoner said, "Just to clarify Commissioner Howell, did you say that there was nothing to state in favor of the Golden factors in support of this?"

Commissioner Howell said, "In other words, the applicant didn't really address, there was a number of objections raised by one of the opponents, and they connected their comments directly to the Golden factors, so many of these weren't really counter-argued by the applicant necessarily or the staff. So I'm just wondering how valid some of these things are, I don't know."

Mr. Waggoner said, "Well, and I would point out that the Planning Department staff recommendations that were included in the report to the Planning Commission which would be in the back-up materials, did address at least five or six of the Golden factors. They were analyzed, and I believe at least one of the speakers spoke to that. There is some analysis that was completed by staff, and the Planning Commission I believe relied upon those some."

"So I just want to point that out, but I'm not contradicting what you said, I don't believe I've heard any statements on the Golden factors from the applicant at this point."

Commissioner Howell said, "I think I understand that the applicant is, based on your comments already, I think I understand you're supportive of something like what's been motioned this morning, if I understand correctly. You're okay with that, but I don't know about the opponents, if that's what they think. I don't know."

Mr. Holland said, "Yes, we would be willing to consider a different east/west setback along the lines of what we discussed this morning. We are limited, as I mentioned, by the landlord as far as the movement. I think it does move us further away from those residences, and I'd hope they get onboard with that. I don't know about Mr. McPhail because it's not much of a change, but it is to the side of his property. I would offer too that there was, for screening purposes, I don't know if it helps but we would be willing to plant, I mean there were some cedar trees along the north end of Mr. McPhail's property which is why I think he wanted it over there or some of them wanted it up there. We'd be willing to plant some trees too along the roadway, if that's helpful to screen it, better screen it. But to answer your question, yes, we'd be willing to go back there to consider those."

Commissioner Howell said, "Mr. Chairman, I have a, thank you for your comments Mr. Holland. Mr. Chairman, I don't know if it would be allowable or not, but I would love to hear from Mr. McPhail on his, actually I have one question as to why he would propose a different location on his property. I don't think I have an answer to that, and I don't know if they are supportive of moving this slightly to the east but nothing to the south, if that's something that makes him happier. I don't know if that's a step in the right direction or if this just simply exactly the same as what has been proposed in their mind, if it's a step in the right direction, because again, it would be farther to the sunrise. I'm not sure that's something you like or not. I don't know what your position is, so I guess I'd be interested in knowing answers to those two questions as to why you proposed a different location on your own property with regard to all your opposition to this. Then secondly, does this other location make you happier?"

Mr. McPhail said, "Okay, I'd be glad to address that. First of all, when we're talking about the location on my property or my property in general, that was after the fact that we were shown a map of this potential site that they're talking about moving it farther east. Actually what that does is it moves it from people's front doors to my back door. So 250 feet is not adequate enough because actually the distance from where the tower's first location was, was like 335 feet to my house, now it moves it to like 260 feet from my house. So it actually closes that gap in. That distance would have to be probably another 200 feet farther east to satisfactorily even be considered. The reason I presented our property was from the fact that when we did see that secondary suggestion, we thought this doesn't even meet the codes, the master plan at all.

"Maybe as neighbors we ought to look at something that could meet the master plan, and if we're the ones that have to be exposed to it, then that way we would have some control as to where it goes, the amount of screening that's involved, and those kinds of situations. It was never our intent to place the tower on my property. It was only after we were sent a map that showed this secondary thought that they had had."

Commissioner Howell said, "So let me understand correctly, I understand about the location that you propose being better in your mind in terms of what's been proposed by some of the discussion here about moving it slightly to the east to meet the east/west setback, but not necessarily the north/south setback."

Mr. McPhail said, "Once again, their distance is 250 feet that they're looking at, and that puts it right out my back door through part of the thinnest part of my shelterbelt actually."

Commissioner Howell said, "So this does not appeal to you. This is actually worse."

Mr. McPhail said, "But this 250 feet is not an adequate location. We would have to be looking in, and I don't know with Cook Airfield, you know, possibly that could be squeezed out there a little farther another couple hundred feet farther east, and then it would possibly be satisfactory. But what I see as a secondary location that they're proposing, is a way to pit neighbor against neighbor because now they're saying hey we've moved it away from your front door, but we're going to put it in his back door."

Commissioner Howell said, "Right."

Mr. McPhail said, "So now will you two put pressure on this landowner to get him to accept our position, and that just doesn't sit well with me."

Commissioner Howell said, "So let me summarize what you just said, make sure I understand correctly. This proposed location, if it was to go through all the processes and get approvals and everything and came back to us slightly to the east, but the north/south is really potentially the same as it is now in this proposal. That doesn't really make you, you're the landowner, doesn't make your situation any better in your opinion."

Mr. McPhail said, "No, it doesn't make it any better at all. It actually..."

Commissioner Howell said, "Makes it a little bit worse."

Mr. McPhail said, "...makes it worse in fact."

Commissioner Howell said, "Alright. Thank you, Mr. Chairman. That's all my questions. I might have a comment at the appropriate time."

Chairman Unruh said, "Commissioners, we have a motion and a second, and we're still open for discussion on the motion before I call the vote. Is there anybody that wants to speak? Commissioner Ranzau."

Commissioner Ranzau said, "Well I'm just going to say that, I'm thinking on the fly here. I was prepared to vote for the motion until Mr. McPhail spoke. If he's not going to be happy either way, I guess a part of me thinks that the applicant deserves a vote on the original application that's before us."

"So I'm likely to oppose this motion here, but if it were to fail and we were to vote on the original motion, then that failed as well, then I'd be supportive to send it back but I'm concerned that we're going to get in this vicious cycle here of sending it back, still not have a happy conclusion, and we never have voted on the original application. So, I'm talking and thinking at the same time, but I think that's where I'm at, so I'm likely to oppose right now simply because I think we should, they deserve a vote on the original application and I'm concerned that we're going to not get a satisfactory result even if we send it back."

Chairman Unruh said, "Alright thank you, Commissioner. I think an affirmative vote here implies that we would approve an application that had a 250 foot movement to the east. If hearing the facts from today you wouldn't be supportive of that, if it comes back with all of the approvals, then you probably should vote no, but I think if we approve this, I think we're giving a clear implication that we would approve, and that's probably not legal to say that..."

Commissioner Ranzau said, "Well see that was my question. Can that implication be made, I guess our attorneys are talking."

Chairman Unruh said, "I probably used inappropriate language when I said that, I don't know. Mr. Waggoner?"

Mr. Waggoner said, "Yes."

Chairman Unruh said, "We have a question from Commissioner Ranzau."

Mr. Waggoner said, "Sorry."

Commissioner Ranzau said, "So Chairman said that if we send this back to Commission, we're basically making a statement that we would approve if it came back, shifted over 250 feet. Can we make that commitment today?"

Mr. Waggoner said, "I don't believe you can, and I don't know that it's necessary. What you're sending back is a matter technically for reconsideration of the setback as Commissioner Dennis's motion was from I believe the west property line. So that's what they would be reconsidering. I don't believe it is necessarily saying that the Board of County Commissioners is in and of itself approving, taking action on that, you'd be sitting on a quasi-judicial capacity if it came back in front of you on an amended application."

Commissioner Ranzau said, "So wouldn't we have to basically from our point of view of the hearing, have to start over and reevaluate this?"

Mr. Waggoner said, "Yes, the application that would be in front of you."

Commissioner Ranzau said, "I think we know going into it, at least one land owner, the closest land owner would be more upset than what he is now. Okay."

Chairman Unruh said, "I understand the legality of it. I'm just saying I think that we're making that inference, and I know that's not legal terminology. Is that all Commissioner? Commissioner Howell?"

Commissioner Howell said, "Thank you, Mr. Chairman. I have just one more question for Mr. Holland. Did you say that you haven't successfully done one of these, or haven't done one of these in a year since the legislation was passed?"

Mr. Holland said, "I don't think you've approved a tower in last year."

Commissioner Howell said, "We haven't, but what about yourself? Have you worked on these and successfully got these through different jurisdictions?"

Mr. Holland said, "Yes."

Commissioner Howell said, "Okay."

Mr. Holland said, "Not in Sedgwick County."

Commissioner Howell said, "Okay, that's fine. I have a question for the maker of the motion, and that is it sounds like your motion is on the premise that the setbacks aren't being met, and you want them to reconsider these setbacks, but if it comes back again, and they adjust the east/west setback but don't adjust the north/south setback, are you going to be satisfied? In other words, your premise for making the motion is they didn't follow the setback requirements and yet I think no one's advocating at this point that they even adjust the north/south setback, so I'm curious your position. Are you agreeable to not moving the north/south setback, and that would be okay, and the east/west is your contingent or what do you say?"

Commissioner Dennis said, "East/west is my contention, and I think that's what was

clear in my motion."

Commissioner Howell said, "Right. So if it came back and they adjusted the east/west and did not adjust the north/south, you'd probably wait. I mean, you can't say right now probably, but that would be more satisfying to your position, I guess."

Commissioner Dennis said, "That's exactly what my motion said."

Commissioner Howell said, "Alright, very good. I'll just explain my vote, I guess. I don't really like any of the options at this point, so I don't really know how to vote, but I think that even if that came back from MAPC with that adjustment, I'm not sure I could support this."

"So, I understand it takes three votes to send it back. I don't know if there's three votes for that or not, but I think my position right now is I don't know that I have any options that I like. I'm concerned about the setbacks in both directions. I don't know if that was to be satisfied, I'm not sure it makes the applicant happy. I'm not sure the landowner would be happy. I'm not sure there's a position that actually works."

"Moving this far to the east, it makes the homeowners happy. It seems like it might have impact on the airfield and so that's not really a great option. Even moving it slightly to the east makes a homeowner less happy. There's not really a good answer to any of the options at this point, so right now I just I think I don't know how to vote, but there's not really a proposal that seems to make sense to me at this time, so I don't know, I'll probably vote in opposition to the motion. But I expect it will go back and I'll see how this goes in the future, but that's my comments. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner, I think. We don't have anyone else asking to speak, so Commissioners I'm going to ask the clerk to call the vote on the motion before us."

VOTE

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

Chairman Unruh said, "Alright, thank you all for your patience as we went through this. We've been here two and half hours, and I know that there are people invested their morning here, and the media is here, but I'd like to take a five minute break. So with Commissioner approval, we will take five minutes, and we'll be back."

The Board of County Commissioners recessed at 11:26 a.m. and returned at 11:32 a.m.

G [17-1001](#)

SEDGWICK COUNTY 2018 LEGISLATIVE PLATFORM.

Presented by: William Deer, Assistant County Counselor.

RECOMMENDED ACTION: Take action as deemed appropriate by the Board of County Commissioners.

Mr. Will Deer, Assistant County Counselor, greeted the Commissioners and said, "I'm

here to present the 2018 Sedgwick County legislative platform. I believe you've all been distributed a copy of that this morning. We discussed it at a couple of staff meetings. I don't know if you want me to go through each item individually or just open it up for questions or comments at this point."

Chairman Unruh said, "Well, Will I think that we're familiar with it. We got this update this morning and appreciate your willingness to be flexible and rather than go through this line-by-line, let's see if there is any questions or comments by Commissioners. This is essentially the same as what we discussed yesterday in staff meeting."

Mr. Deer said, "It is probably with the exception of the Eco-Devo, Economic Development language that we worked on last evening and early this morning actually. So that would not of been in there yesterday. We kind of had a place holder for it."

Chairman Unruh said, "Okay, I see the changes and it has to do with just trying to promote job growth and employment."

Mr. Deer said, "That is my understanding."

Chairman Unruh said, "We do have some questions, I think Commissioner Howell was first."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to commend staff for drafting the language for the amendment to Item 2C, I think this is very well done. I want to just highlight this because I want the public to know that this is our agenda. It says 'the statutes authorize mail-in ballots should be reviewed to make clear that voters using mail ballots can obtain assistance in marking their ballots and returning them to the election officer. The right of every voter to cast a vote, and have that vote count, should be protected in a way that also prohibits voter fraud.' I think it is very well done.

"This is in reference to the canvassing news story that came out. We had a number of ballots that there was no way for the voters to comply with the affidavits on the envelope for this to get them acceptable to us according to the state law as it currently sits. So I think this is a tremendous thing to have on our platform. I appreciate the fact that this has been added in. I think the draft language is very well done. So whoever did that, I just want to commend them for a job well done. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, I have a couple issues. I have some concerns about the economic development portion of this, which I will get to second. I also, I've got a motion here I would like to add to the legislative platform with respect to taxpayer protection.

"We had some discussion about this yesterday and I think even previously. I'm not sure there is support for this, but I think we need something that protects the taxpayer. My motion is that we should add this to our key initiatives or to our legislative platform. I don't care which section it is but Taxpayer Protection: Sedgwick County supports legislation and/or an amendment to the Kansas Constitution that would require voter approval for all state tax increases and prohibit retroactive tax increases.

"That's my motion. I will explain that, you know, we've had two of the largest tax increases over the last few years. One was a sales tax, the previous one which went

into effect this year was the largest income tax increase in the history of this state. There was no requirement for voter approval like there's supposed be here at the local level. It was also going to be made retroactive, so coming up next year when people have to pay their taxes, even though they didn't have the taxes withheld for the first six months, they're going to have pay those back taxes, and there's going to be some people kind of surprised by that and it's everybody. You're talking every single, it's just not the rich, you know that politicians like to talk about.

"It's everybody that's going to have to do this, and I think we need some, I prefer a constitutional amendment, but legislation will be fine one way or the other or both, I think we need that sort of protection. I think with respect to constitutional amendment if the legislature passes that, that just allows the people to vote on it. I would really like to see the opportunity for the people to vote on it because I think this is important because we need to stand up for our constituents who get hammered from all directions. At the state, local, federal level with tax and stuff sometimes they, I mean at some point they need to be able to voice their opinion of whether enough is enough. So I think this is very important and I've made that motion to add this to the legislative agenda."

MOTION

Commissioner Ranzau moved to add the item to the 2018 Sedgwick County Legislative Platform for Taxpayer Protection: Sedgwick County supports legislation and/or an amendment to the Kansas constitution that would require voter approval for all state tax increases and prohibit retroactive tax increases.

Commissioner Howell seconded the motion.

Commissioner Howell said, "Mr. Chairman, I would like to make a couple of comments as well. I appreciate the maker of the motion. I don't anticipate a constitutional amendment being possible, and there was some discussion at staff meeting yesterday regarding that, I do think that legislation is reasonable. The state did pass the tax lid that is legislation, and I know there has been efforts by different municipalities all over the state that have tried to find ways to soften that.

"That's fine, but legislatively it seems like this ought to be something, this is a policy decision and I think that the legislators ought be able to do this with legislation that basically puts themselves in the same requirements that they put everybody else under. I have been and am supportive of the tax lid for clarity. But I do think it's hypocritical that the state would put that mandate on municipalities but not put themselves under the same thing.

"I do agree that the retroactive tax increase, two tax increases back-to-back and presumably another big one coming that I think the voters ought to have a voice. So voter approval of these tax increases in my opinion is needed. What this does is it puts the government back in check with the citizenry and the electors that elected them for office. Without that voter approval, then the government growth is unrestrained. I think the people have to have a voice. So I'm glad to support the motion this morning. I don't anticipate a constitutional amendment. I do think legislation is reasonable so with that Mr. Chairman, I do second the motion."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment? Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. I doubt if a constitutional amendment would ever be passed, and I can foresee times when the legislature may have to make some tough decisions. If we delete an amendment to the constitution, if we just supported legislation, legislation can always be overridden later on if there is an emergency someplace that legislature would have to make some tough decisions to get something passed. So I can't, I'm not, I don't have a crystal ball. I can't see the future. But I do believe that they put a tax lid on all the counties that they need to live by the same rules that the counties live by. So if you deleted an amendment to the constitution out of there and just supports legislation, I would probably support this."

Chairman Unruh said, "Before I call on Commissioner O'Donnell, let me ask Commissioner Ranzau to respond."

Commissioner Ranzau said, "Well I'll say in there I put in the flexibility in there because I actually had a conversation with our lobbyist there about, you know, we should consider a constitutional amendment because it is stronger. But the wording as it has right now makes it very flexible. It just says we need something done, we'll support either one and allows legislators and our lobbyists to assess the legislator and do whatever they think is most appropriate. So that's why I put that in there. Originally I said just legislation and then I changed it to just an amendment, and then we had a conversation yesterday. So I said both so I don't know, I think we want flexibility, but we're sending the right message I think, so I would encourage my colleagues to support this motion."

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

Commissioner O'Donnell said, "Thank you, Mr. Chairman. I do support taxpayer protection. I was a leading advocate on the property tax lid as many of you know. It does concern me that we would spend valuable lobbying time trying to push something like an amendment that we know has virtually no support. But if this one, if Commissioner Ranzau is wanting us just to put this in our mission statement and in our platform for Topeka next year, I would support it even with the amendment language in there just knowing that particular piece would be very futile."

"But I think keeping taxes low and also at the same time supporting our legislators and not telling them that they did something that was wrong is not the, telling our legislators what to do is not the best way forward, but I think just saying that the Sedgwick County Commission supports voter approval for tax increases is a fine step to go, Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. Well I don't really want to expose myself here on this issue. Unlike some of my colleagues, I do not appreciate a tax lid that is imposed on local governments. I've said from the bench before I think I was elected by the people to do a good job. Sometimes that requires a tax increase of some level, sometimes it doesn't. I am accountable to the people who elected me and will always take that in consideration when I'm trying make a vote. In the same ways, I don't like some external body imposing restrictions on me. I really don't feel comfortable trying to advance a notion that I want the state legislator to do their business a certain way."

"As Commissioner O'Donnell said, I don't think this has a chance of being advanced, so I don't think we need to include it in here, and if we don't like the way that these tax

policies have come down last couple of years, we need to vote the folks out. I know this is great election year rhetoric, I'm for the taxpayer. I know that works, that's great to put on your palm card that I voted in favor of this. But I just don't think we ought to be telling them how to run their business. We should be focused on activities and issues that we directly need to have advanced for working Sedgwick County government. So I know I'm going to be not in the majority, but I'm not going to support it. Commissioner Ranzau."

Commissioner Ranzau said, "Well, I guess I disagree. I think something on this can happen. When people start seeing that their getting hammered on their taxes and they figured out they've had enough, there might be some minds changed in Topeka. Unless somebody stands up for the taxpayers, then nothing is going to go forward at all.

"This is pro-economic development, okay. The two biggest things that businesses and the local chamber has done a poll of this, the two biggest things businesses are concerned about when it comes to economic development are taxes and regulations. They like regulatory, certainly they like taxing regulation certainty and low taxes. This is one way to help achieve those goals. So this pro-economic development, pro taxpayer. I think the timing is exactly what we need to do, and keep in mind we're just say hey pass this bill.

"They can make the decision, they can pass the legislation they're putting on themselves or they can send it to the voters and let them vote on it and boom people can decide. So I think something can get done, but we've got to be willing to stand up for them and say hey let's move this forward. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment? Okay, we have a motion before us about an addition to the agenda. We're not voting on the agenda, we're voting on this amendment to the legislative platform. So Madam Clerk call the vote."

VOTE

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

Chairman Unruh said, "So the motion fails. It appears Commissioner that if you change one phrase that it would find approval, not from me, but it would find approval."

Commissioner Ranzau said, "Can I make such motion?"

Chairman Unruh said, "Yes, sir you may."

Commissioner Ranzau said, "Well first of all, I will say I'm disappointed because I mean an amendment to the Kansas Constitution having that language in there as an option, I think should be, it is the best solution for our constituents."

MOTION

Commissioner Ranzau moved to add in Taxpayer Protection: Sedgwick County supports legislation that would require voter approval for all state tax increases and prohibit retroactive tax increases.

Commissioner Howell seconded the motion.

Chairman Unruh said, "We have a motion and a second. Once again I'll say I don't think one elected body should be telling another elected body how to do their business. With that being said, Madam Clerk call the vote."

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>No</i>

Chairman Unruh said, "Okay that will be an addition to the platform that we're considering now. Commissioners are there any other comments or questions about the platform. I would say that this is much abbreviated from previous years, what we're going to ask our lobbyists, our governmental representatives to advance, and I am very pleased about that. I think this is something that we can, well it's more easy to explain I think and move forward on our prime issues. So I appreciate their coaching on getting us to this point. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I have some questions about the economic development. We've just seen this language for the first time right before the meeting. In the past they've been talking about a deal closing fund at the state level for mega deals. Can you tell me this mega deal fund, I mean this definition, where this definition, is there proposed legislation to do this, where did this language come from?"

Mr. Deer said, "Language came last night. I was working with Deputy County Manager Stolz and probably defer to Tom at this point."

Mr. Thomas Stolz, Deputy County Manager, greeted the Commissioners and said, "Sir, the language is originated with the Greater Wichita Partnership. It is not written in the legislation currently, but as we move forward we felt it best to define rather than some type of fund that did not have any definition to create the concept of a mega fund, define it by numbers and quantitation and push that forward. That is being discussed at all levels of government, state level, but it is not in any type of law or legislation yet."

Commissioner Ranzau said, "So that's my concern is this term mega deal is something that we've made up, and it could there is no official definition and statute yet. It's subject to the whim of the legislature. So about how much money are we talking? So basically we want the state to have millions of dollars up there that they can give away in cash to businesses. How much are thinking? Do we have, I mean [\$]500,000, [\$]5 million, [\$]50 million, what?"

Mr. Stolz said, "I don't know that we're thinking of a number. I think that what we're

proposing in this legislative document is that this would at least be discussed and thought about."

Commissioner Ranzau said, "Yeah."

Mr. Stolz said, "We are competing with 49 other states many of which, most of which have some type of mega deal closing, call it a number of names. But we're competing in a market that is creating difficulty for the State of Kansas. It's difficult for us here locally here to compete when you have other states with that kind of leverage."

Commissioner Ranzau said, "I understand the argument. The problem is research shows that this sort of thing only affects the actual placement of business about 10 percent of the time. Generally, what happens is businesses already know where they want to go and they get what money they can."

"I have a problem with this coming up for a variety reasons, and having just millions of dollars, I'm thinking this is going to be tens of millions of dollars that's going to be proposed at the state level be set aside. Just cash given away at a time when we're having difficulties at the state level. Like I said earlier, we have had two of the largest greatest tax increases in the history of the state, and when businesses are polled, the biggest things are regulation and taxes, keeping taxes under control. Keeping regulation."

"Some of this other stuff has been added on to kind of flower this up, but this is really about having that fund of cash, let's call it a slush fund, and it's disturbing what's going on. It comes up all of a sudden, and now boom, now we got to put this on, and I know this is supposedly directed at manufacturing, but when it gets up in Topeka, that definition can change, you know. Mega deals over a thousand employees, well you know, Tyson's coming in, has 1600 employees. Are they going to get a mega deal cash from the state as well? I made it very, I've told my colleagues when we first started this deal on Tyson, I said I'm willing to listen to what they have proposed, but if they think I'm going to give them millions and millions of taxpayer dollars, that's a different question and this is very disturbing to me that we would put this on at this time."

"This is, you know, incentives or corporate welfare, whatever you call it, is not economic development. Seventy percent of our jobs come from the small businesses and we don't focus on the small businesses. That's true economic development, okay? This is problematic for me for a variety of reasons. It's coming up here all of a sudden. We don't have a lot of answers on it. Subject to the whims of the legislature, and it changes the focus of what we really need to be doing to help businesses in our community and in our state."

"The deregulation part is nice to have it on there to kind of pretty this up, but the real motivating factor is this fund that the people are going to want to establish at the state level, and I have a problem with that because I know, you know, I've done my research and there's lots of research on this issue and businesses pick the location and then they squeeze every, get everything they can from people, millions of dollars okay, and then states never, some of the biggest deals that you'll hear about, states will never make up the amount of money they spent in exchange for those jobs that they got, so this is very problematic. I need a lot more information and as far as I'm concerned, this is really a deal breaker for this legislative agenda at this point. Yesterday it wasn't on."

"There were some other changes that were added with respect to elections and I support that, that's very good, but it's problematic. I mean, we'll go to the hilt for

something like this, but we have to argue about taxpayer protections and say well we'll do a law, but we don't want to do a constitutional amendment. I don't know, I just have a problem with that. I think we need to kind of rethink that."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. First of all, yesterday we did talk about economic development and the concern that I had yesterday, which actually has been addressed in this, was that we didn't really define what we wanted, and that's what these three steps do now. As far as your slush fund as you call it, I hope we don't have to call it that, but I would imagine at the state level, that they would be looking at the same things we look at and that's return on investment. So whatever that it takes to attract these businesses to communities, we need to look at the return on investment.

"Third point, over a year, a little over a year ago, Cargill decided to stay in the state of Kansas in Wichita, and unfortunately, the county was not involved in that decision. The state and the City of Wichita was. I think it's important that the county is a partner in trying to make sure that we develop ways to enhance our economy, and so I definitely support this. I think that we've got to keep it general right now so we can send it up to legislature. They're going to work on whatever it takes to make this happen, but there's 49 other states and just as was discussed before, they are trying to find these businesses that we're trying to find, and it will help find the right kind of jobs that we need here in Sedgwick County and to improve our economy.

"So whatever we can do to make sure that we have our return on investment and that's one of your concerns, I understand. You don't just want a slush fund, I don't want a slush fund either, and I don't really want to call it that. I'm not going to say that word again, but we need some incentives that are available that can be addressed, that can be evaluated based on the return on investment, so that we can attract business. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Well, I appreciate the concern and thoughts of my fellow Commissioner there. I'll say a couple of things. First of all, we have existing programs at the state level, some of which I don't like either, but for example, the PEAK (Promoting Excellent Alternatives in Kansas), my understanding is the vast majority of that's going up to northeast Kansas and we're not even using it here very much, but I'll say, you know, the fact that the county wasn't involved and Cargill still stayed, that demonstrates we didn't need to be involved. So had we been involved, we would have given them some money that we didn't need to and they stayed anyway.

"I think we need to understand that this is before your time, I was involved in one here. I went and toured a business, and we were told they had multiple places they could go but when we went there, I had a fellow Commissioner ask, well what other places could you go? They said well it really only made sense to bring it here to Wichita, alright? That's what they said when we got the tour. But they got the incentives anyway under the guise of saying, well, we could go somewhere else, and I'm telling you, I've done the research, I know how this works. People say oh my gosh, we're going to leave, if you give us a bunch of money we'll stay. So politicians panic, they do it, and like I said I think your illustration of Cargill shows that yeah we didn't give them any money but that means we didn't hurt our tax base. We have more money available to give for

employee wages, provide services and all that sort of thing and they stayed here anyway. Then you have the problem in our area, what I call frequent flyers.

"You have some local businesses that get this over and it's nice to talk about bringing businesses in, but we have local businesses that get it over and over and over and over again. This idea of incentives, it creates a toxic environment, I'm telling you here in local politics, to the point that sometimes that's all elections really behind the scenes are about is whether or not you're going to support incentives. You'll get money from a certain group of people, if you don't then you won't, they'll come after you and that's what happens here at the city and the county and we all know it does, and that encourages elected officials to act a certain way. They think it's okay to do special deals for certain people and over time, it happens at every level of government. It happens here too, and that's what happens when sometimes elected officials, they get used to that. That's how we do things around here and sometimes they step over that line.

"Like I say, creates a toxic effect and it takes our eye off the ball of things that matter. I've been trying to get an issue done for a local business that's having a regulatory issue and a permitting fee cost, a small business. He doesn't have millions of dollars and, you know, he's had to shut down some stuff and he can't get it done. So we need to focus on policies that work for everybody and that can avoid some of the problems that we encounter with incentives. You know, we had a local business here that expanded their business, Koch Industries. As far as I know, they're paying their taxes on the new thing, they rerouted the road, and they even paid for it. They set the example of how to do things here in our community, and I think that's the sort of model we would need to chase after and encourage other businesses to represent or to support as we move forward. So thank you."

Chairman Unruh said, "Thank you, Commissioner. Because I know you're passionate about this issue, I'm not going to be offended by the implications that all local politicians are somehow on the take."

Commissioner Ranzau said, "I did not make that implication."

Chairman Unruh said, "Well, that seemed that way to me that politicians get money and they do things, and so I'm not going to be offended. I'm just going to say that whole conversation needs to be drastically modified."

Commissioner Ranzau said, "Are you saying that doesn't happen at any level of government?"

Chairman Unruh said, "I'm saying that we're talking about Sedgwick County government and the bench here and current and past Commissioners, and to my knowledge in 15 years, I haven't had a single Commissioner take a payoff or promise something in exchange for a campaign contribution. I don't know of a single one."

Commissioner Ranzau said, "I'm not saying that, but I'm saying the emphasis we put on corporate welfare incentives in this community does have an effect on elections and who gets supported financially in these elections, and there's an expected response when you get into office. You and I, everyone up here knows that."

Chairman Unruh said, "Well, I don't think everyone knows it in the inference that you're putting on, so we just have a disagreement on that, I guess. Commissioners, any other

conversation about the legislative platform? Seeing none, what's the will of the Board?"

MOTION

Commissioner Dennis moved to adopt the Legislative Platform with the amendment.

Commissioner O'Donnell 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, "Will, thank you. Great presentation."

Mr. Deer said, "You're welcome."

Chairman Unruh said, "You needed a whistle and a striped shirt to help us figure this out, but thank you anyway. Alright, we need to go to the next item please."

Amended

H [17-985](#)

**A RESOLUTION PROVIDING FOR THE SALE OF CERTAIN REAL
PROPERTY OWNED BY SEDGWICK COUNTY, KANSAS.**

Presented by: Will Deer, Assistant County Counselor.

PROPOSED ACTION: Adopt the resolution pursuant to the will of the Board of County Commissioners.

VISUAL PRESENTATION

Mr. Deer said, "We have a resolution to direct staff to sell the property commonly known as the Wichita Greyhound Park and as well as some surrounding property that's currently owned by the county. I believe we've got a map of those parcels so we can explain that and put it up."

"So essentially, if you're looking at this map, the eastern three parcels, there's a very thin parcel on the very top there. Those are under current lease to the Wichita Greyhound Park that expires in 2039, and then the two western parcels, which are closer to Interstate 135, we just own those outright. There's no lease on two those parcels of property. So what this resolution would call for is simply selling all five of these parcels through a public sale and directing our staff to do that. There's not really any specifics at this time in terms of how that would be done or anything of that nature, so I'd stand for any questions."

Chairman Unruh said, "If we were to approve this, that doesn't mean that we're, I mean, details are yet to be worked out as to what a minimum price might be and how we might dispose of it and all that. We're just saying we are willing to consider the sale of it."

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

Chairman Unruh said, "Alright. Commissioners, is there comment, questions. Commissioner Ranzau."

Commissioner Ranzau said, "Alright, we don't know what the minimum price is? We've had this appraised, correct?"

Mr. Deer said, "Right, we..."

Commissioner Ranzau said, "How much is it worth?"

Mr. Deer said, "The appraisal for all five parcels with the lease in place, is a little over \$2 million, about \$2,052,489 to be exact, but tax appraisal is about [\$]1.2 million."

Commissioner Ranzau said, "Okay now, we've got, so you said there's five parcels, three of them associated with the Greyhound Park, right?"

Mr. Deer said, "Correct."

Commissioner Ranzau said, "So would we sell, and the two on the west, would we sell them, like all five at the same time or we sell them separately or..."

Mr. Deer said, "I think the understanding that I had was we would sell all five of them at the same time. The western two parcels would have some issues with their value. There's a lot of flood zone areas in those parcels. They're not totally in a floodplain, and then there also is a cell phone tower that you can see on the map there that's not shaded in where we don't own that property anymore. That's previously been sold..."

Commissioner Ranzau said, "Right."

Mr. Deer said, "...which would sort of put a little bit of an encumbrance on somebody's use of that property, plus the onramp to Interstate 135."

Commissioner Ranzau said, "Now, we get a lease for this, well, of about 80-some, I'm sorry."

Mr. Deer said, "The current lease is \$7,291 a month."

Commissioner Ranzau said, "Okay, we get that every year, plus now if this was ever reopened as a gambling establishment, we'd get 2 percent of the revenue if we own it."

Mr. Deer said, "Well you know, if the gambling was enacted pursuant to that 2007 law, that's my understanding."

Commissioner Ranzau said, "Now we sell it though, we only get one percent and well, if we sold it to someone else and the city of Park City annexed it, then we get one percent and they get one percent, so when we consider that, I mean that could be a potential loss of revenue in the future. I mean, don't know if it's going to be reopened at some point. So, what's our impetus for selling this at this time?"

Mr. Deer said, "My understanding was just to, you know, get rid of surplus property, take the money now, put the money in to use for the county as opposed to, you know,

over the long period of time we're receiving, you know, \$7,200 a month and, you know, we could receive a larger chunk of money."

Commissioner Ranzau said, "Well, we would but if this ever goes back to gambling, then we'll get a monthly paycheck for revenue of a lot more than that. You see, that's the problem, and certainly the properties on the west is not related to the Greyhound Park, that's one thing. Greyhound Park, I'm not quite sure, there's a lot of things going on with that.

"Certainly if we're going to sell it, I think putting it up for auction is the right way to do it, okay? I've said that for a long time, I've advocated that for other pieces of property. We've sold a cell tower in the past, we sold some land in northeast by the northeast park, and we got a lot more money than actually what we thought we were going to get for it, so I do like the idea of an auction if you're going to sell it. I think, I just, I'm not, I don't know. I have some concerns about whether it's in our financial interest. I have some concerns about the timing.

"I think in the matter of transparency, it's important for the public to know there's been a lot going on behind the scenes with respect to Greyhound Park over this last year. I know that Phil Ruffin has wanted to buy this land for quite a while and the desire for the Commission to sell it really wasn't there. It is this year evidently to try and sell it. Earlier this year, he offered us \$1.2 million and we countered with [\$]1.35 million. We almost got to the point I think of selling it to him for [\$]1.35 [million], a hand-picked buyer who happens to be a billionaire, even though it was appraised for [\$]2 [million] to [\$]2.9 [million]. That was problematic for me, I didn't support that. So then at some point, we were going to put it up for auction.

"I think back in October, it was going to be on the agenda, but then it was taken off suddenly because the possibility of a land swap came up to swap it for a Murfin Building downtown and make the Murfin Building a new admin building, but the problem was that all these things going on weren't generated by staff. It was Commission driven and I didn't support that. So we've had these things going on, and there was pushback with respect to land swap for a variety of reasons, and so, you know, it would look bad if we sold it directly to a billionaire without getting an auction, even though that was the plan at first, and land swap deal has problems.

"We've now gotten to the point that staff has taken over the administration building, which is a good thing, but there's just been enough things going on behind the scenes that make me uncomfortable with the timing of this at this point, to be honest. I'm specifically talking about the land that's associated with the Greyhound Park, I guess we can have a discussion about the other things, but that and the fact that I think we need to set the reserve ourselves. If we're going to sell this, we need to set the reserve, so I personally, I struggle with this because I do think if we're going to do it, auction is the best way, but there's just been too much going on and I think, I personally would rather hold off for a little bit, and I think the timing is not the best. But if we want to sell the west part, I could be convinced of that, but I'd like to have reserves on that as well. Those are my thoughts and those are my concerns."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I have a lot of thoughts on this. I don't know if there will be legislation this year that would be successful or not, but I understand there's been year after year after year attempts to change the legislation to

allow another vote in Sedgwick County for gaming. That would be required for this to become a casino or a slot venue.

"Would that be correct? Another vote of the people and that would eventually, if it was successful, potentially be slots at Greyhound Park and that's really what I think at least the interest of one of the presumed bidders on this would want. He would need to change legislation and have another vote and that would all have to happen for this to become a gaming venue, I understand. Is that reasonably right, the way I explained that?"

Mr. Deer said, "That's my understanding. I haven't done a ton of research on that law from back in 2007, but there was a vote at the time where the voters rejected the slot machines at the racetrack. I know there's been multiple attempts, as you said, to try to resurrect that."

Commissioner Howell said, "Well, I'll tell you, and I understand if he's successful, I listened to the debate last year and I think there's been, I'm still not clear whether or not there's going to be what type of litigation or court challenges would happen or whether it has to be repayment to the state of Kansas to basically nullify the agreement or the contract that's in place that gives the Kansas Star [Casino] exclusivity until 2032. I think that's apparently a major part of this debate, and as time goes on, that maybe that's a declining value, I'm not really sure exactly how that works, but I understand that there's been some people who say there's going to be large sums of money paid back to the state, I should say the state has to pay that back, excuse me, the state has to pay that back to the Kansas Star because they paid money for exclusive rights to run gaming in the south central quadrant.

"So again, I don't really know the aspect of that. I would just say this. I don't think this is about gaming so much. People might know me and say well you've been an opponent of casinos for a long time and that's true. I don't think this is about gambling so much as it's about where gambling happens. I think Sedgwick County spends a lot of dollars in the Kansas Star Casino right across the county line, and we get one percent of the revenue because of the way the law is set up. I have to agree with the previous speaker here, if there was gambling that happened in Sedgwick County, it would require a lot of things. It would require legislation to pass, another vote of the people and those are questionable whether that's even doable.

"I don't know if to the lobbyists that are trying to push that idea forward, they tried years and years and years in a row and have been unsuccessful, and there's a saying in the legislature, if at first you don't succeed, you try, try, try, try again and eventually you're successful to some degree and perhaps that's the method here, I don't know. But I can imagine if there was success by them, they would probably pay whatever is required to purchase this. I understand there's some interest that they would delay this until after the legislative session, and I guess the thought there would be that if they're successful in changing the law, then they're interested in moving forward, potentially probably become a higher bidder, and if the legislation doesn't get changed, they're not successful in changing the law, then maybe it's not worth as much money to them, so there's that aspect of this.

"Also, let me say that Senate Bill 66 which was passed I think in 2007 if I remember correctly, to set up the gaming quadrants in our state. Mulvane and Sumner County were successful in bringing that to their community. Again I wasn't in favor of that at

the time, but I'm telling you, the City of Derby and the City of Mulvane were very much in favor of that and Mulvane specifically has invested a lot of money in infrastructure, planning on revenue to their community from the Kansas Star. Again, we get one percent from the Kansas Star, but they get, I believe, at least that much. I don't know the percentage they get, but they get a fair amount of revenue and they have claimed infrastructure that depends on that revenue stream.

"So here we are a number of years into this 25-year agreement and essentially it's kind of like pulling the rug out from underneath all of those that kind of understood the law. This is not about gaming in Sedgwick County so much as it's about, I guess keeping, you know, keeping contracts. The intent of those contracts was to protect the capital investment by those that wanted this in Sumner County and the city of Mulvane. So what I see is, if there's success by someone who wants to see gaming in Sedgwick County, a couple things would happen. Number one, they have to change the law, there would have to be a re-vote. Probably there's going to be litigation, there's going to be money paid back from the state back to Kansas Star for violating the contract. How much that is, I don't know, and if all that happens and someone wants to put slots out at the Greyhound Park, some people might think that's a great idea.

"It isn't going to cost taxpayers money to the state to make that issue legal, but then I see a shifting of activity. I don't know if this is going to create any more gaming necessarily. I don't know how much gambling happens will be significantly impacted. I do think that some people might gamble over their lunch hour. Maybe they don't do that now because it's a little bit further. If I understand correctly, the Kansas Star is about 12 miles south and the Greyhound Park is about eight miles north of downtown Wichita, so it's not significantly different in distance. Sedgwick County citizens that might go south might just go north instead. Is it going to create jobs or economic great things for Sedgwick County? I don't think so.

"I think we're going to see some shifting of jobs from one location to the other, shifting of revenue from Mulvane to Park City, and I think it's likely if we sell this, they will annex the property, so any advantages to Sedgwick County should we sell this, they're going to be gone immediately because we're never going to see that revenue in Sedgwick County. Mr. Ruffin can do pari-mutuel betting on greyhound dog racing right now if he wanted to, he doesn't want to I guess. There's nothing in the law that forces him not do that. Okay, he could do that today if he wants to. It is a dilapidated property, it is a bit of a blight, and I'm sorry that's the way it is, but that's a choice that people who have the ability to make change can certainly change that if they want to under the current law. But shifting revenue and shifting jobs from one location that has a great impact on Sedgwick County to another place in Sedgwick County to me is not economic growth.

"It potentially will cost the state money and certainly not good for people in my district, the city of Mulvane and the city of Derby. A lot of those people work at the Kansas Star, and people in my communities have invested lots of money based on what they thought was a 25-year agreement. So I guess for me, for district five, this is not about gambling so much. It's about where gambling happens, and the only thing that might be an advantage to Sedgwick County is if we don't sell this property and Mr. Ruffin is successful in changing the legislation, he'll put slots there regardless of whether this is owned by him or leased by him. I don't think that has any bearing on his decision to actually have slots. The biggest challenge he's got is the state legislature, and nothing we do today is going to have any impact on that decision, I don't think..."

Mr. Deer said, "I would agree with that."

Commissioner Howell said, "...as far as I know. I've never talk with him about this, but I'm just presuming I understand I guess his perspective, at least a little bit. I don't think this is a significant aspect of whether or not he's going to choose to put slots there. It really depends on the state and it depends on the voters of Sedgwick County potentially. But if all those things are successful, we'd be crazy at this point to sell this property because there's a potential of an additional one percent to Sedgwick County which is millions of dollars. Why would we give that up now?"

"The future lease value of this right now if I've calculated this correctly is over \$1.8 million. We're already going to get \$1.8 million no matter what we do today. Why would we sell for it [\$]1.3 [million] or something less than [\$]1.8 [million]? That doesn't make sense to me, so I have to be a no on this. This doesn't make sense to me, and unless someone came in with a lot of money, I don't see any reason why we'd give up future revenue to Sedgwick County. That's the only advantage we have to sell this potentially is another one percent to Sedgwick County and by selling this property today, we're giving that up. There's absolutely no reason to sell this property. So I can't support this today. Thank you, Mr. Chairman."

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

Commissioner O'Donnell said, "Thank you, Mr. Chairman. So the action we're taking today, we're not actually setting a time to sell this property, it would just give the Commission the ability to put it out to auction."

Mr. Yost said, "Correct..."

Commissioner O'Donnell said, "So, which..."

Mr. Yost said, "...or any other..."

Commissioner O'Donnell said, "Yes, I'm sorry."

Mr. Yost said, "...yes, or any other method that we decide, you decide to do."

Commissioner O'Donnell said, "Okay."

Mr. Yost said, "It kinds of gives us the freedom to do whatever we wish to do."

Commissioner O'Donnell said, "Okay, okay. I share some of the concerns that Commissioner Howell mentioned earlier. Seeing what happens in Topeka I think in regards to the gambling or the slots legislation is important because Sedgwick County would be sacrificing one percent of the two percent local tax potentially, so I think we need to keep working through that and figuring out what's the best way forward. But I'll be supportive of the motion today that we at least give the Commission the opportunity to sell it in the future and hopefully in the most transparent way possible. So thank you, Mr. Chair."

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

Commissioner Dennis said, "Thank you, Mr. Chairman. Well first of all, to answer Commissioner Ranzau's question, yeah, I believe we need to be part of setting

whatever the reserve price is if we decide to go to auction with it. So I think that is a done deal. We talked, at least the discussion at the bench so far has really been a lot about gambling and that's really not what we're looking at today. What we're looking at is a resolution for the sale of certain surplus property that we have out here. We can make all kinds of suppositions. Do we suppose that Mr. Ruffin wants to buy this? We don't know. Do we suppose that he's going to be successful to push the legislation through the legislature?

"He's tried that a number of times and been unsuccessful. Even if he is successful, we know that he'd have to pay, or someone, the state of Kansas would have to pay a huge amount of money. I heard from Commissioner Howell that we're going to have slots there one way or the other, whether we sell the property and it gets converted into gambling, or whether we rent the property and it gets converted into gambling. That's not, again, we're back to gambling. That's not the issue that's before us. The issue before us is whether or not that we are interested in selling certain real properties that's owned by Sedgwick County.

"We have things that we can do with that funding. The Sheriff is looking at a new records management system that's going to link the city of Wichita and the D.A. (District Attorney) and the Sheriff. We have some things that that funding can be used for, and right now it's not being used for anything. I hear about the one percent versus two percent. Right now it's zero percent and it's going to stay zero percent unless the legislature changes the rules. So arguing one percent or two percent is not the issue that's before us today. The issue before us today is the resolution for the sale of certain subject surplus property. So we can sit here all day and argue gambling and that's not the issue that's before us. So I will be supporting the resolution."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. It's true that we're here to decide about what to do with this property, but I think the gambling issue does affect our decision on part with this property. On the parcels that are to the west, I'm fine, we can sell that.

"We can put that up for auction, but the others, it does have a financial impact because of whether or not, you know, gambling is going to come back. The issue that was brought up earlier with respect to the idea that the state would have to pay millions of dollars if they change the law, I've heard upwards of [\$]100 million or more. I've actually heard information on both sides, and so if I could become convinced, to me, that would be cost prohibitive for the state. The state has to do that, I don't see them doing that. At which point, yes I would agree it makes sense to sell it at that point at auction, but if that's not the case and there is gambling coming back, I think it would be in our best financial interest because then we would have even more money to take care of the same things you're talking about.

"So I guess, I'm going to be very clear. I'm not permanently opposed to doing this with respect to the, I'll sell the land on the west right now at the auction, that's fine, but with respect to the Greyhound Park, I need two things. I need a cooling off period with respect to, we need to distance ourselves from some of these things that have already been proposed behind the scenes that I think are problematic. We need to distance ourselves, and I need to have some additional conversations with staff to come to the conclusion or decide whether or not it's in our best long-term financial interest to sell this, and then part of that is related to the gambling issues with respect to the amount

of money the state would have to pay. So there's some continuing issues that I have going forward. I'm not totally opposed to this forever, but for this resolution the way it is right now, I'll oppose it today, but those are my caveats, and I look forward to continue to work with my colleagues as we move forward on this."

Chairman Unruh said, Thank you, Commissioner. Let me call on the county counselor. I think he wants to make a comment."

Mr. Yost said, "I just want to clarify the record, and tell you that I was in error a few minutes ago. We do have the right to adopt a resolution to make sale in any manner that we deem appropriate. But we opted after talking with the Commissioners to limit it to auction, so I'm sorry. Commissioner O'Donnell is correct. This particular resolution only permits an auction. It doesn't allow private negotiations or any other, or swap or anything else."

Commissioner O'Donnell said, "But still no timeframe."

Mr. Yost said, "There's still no timeframe, no nothing. You know, it can be done anytime or no time."

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

Commissioner Howell said, "Thank you Mr. Chairman. Once again, let me reiterate my point with numbers. We get one percent from the Kansas Star Casinos. In July, we received \$154,457. In August, we received \$142,601, and in September, we received \$148,245. You take an average of those numbers and multiply that times 14 years ahead to 2032. That's over \$25 million in revenue. That's one percent. If there was gambling shifted to Sedgwick County, it's going to be much more than that. It could be as high as potentially double that. If it's two percent because we own the facility, if we sell this today, I should say move towards selling this today and say we give up our, we get \$1.8 million in lease payments regardless.

"Let's say we sell it for [\$]3 or \$4 million, which I would be surprised if it went that high. We would have a windfall of a few extra million dollars and have it today rather than having to wait 14 years to get those dollars, or I should say until 2039 to get those dollars. In fact I think I may have miscalculated my number now that I'm thinking about it. It's 2039 is when this lease is supposed to happen. But having said that, why would we give up \$25 million or more because we're anxious to get a couple million dollars today? To me that doesn't make sense.

"When a Commissioner said we're getting zero percent today, that's not true. The gambling is already happening in our community, and it's one percent of the revenue and that is about \$25 million through 2032. That's where we're at currently. That's status quo. Making changes to this potentially could be a benefit to Sedgwick County only if we retain the property. Selling the property, there's going to be no benefit to Sedgwick County. We might see some detrimental impact on gambling shifting into Sedgwick County, societal, socioeconomic impacts. I've heard about someone in a car dealership say that their employees would go to the casino at Greyhound Park and gamble over lunch and lose a toolbox and could get fired. I don't know if that's even true, but that's the kind of thing that might happen if it's close. That's not really the concern today. The concern is about whether we should sell the property if that's smart or not.

"Again I said already, this is not about gambling. I agree with the previous speaker,

but there is a financial aspect of this that ought to be considered. We're putting the state at risk potentially having to pay back to the Kansas Star millions of dollars. I think that's a real issue. We're talking about probably violating the contract, which is why those payments would have to be made. Lots of litigation, lots of expensive lawyers and court hammering this out. The state is going to be at risk and we at the end of the day, should all that work out, which I think there's a lot of gates that has to happen, but right now status quo is we get \$25 million and if we own the property, it's much better for Sedgwick County to own it than it is to sell it today. So I stand on my comments. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Do we have a motion?"

Ms. Heddie Page, Deputy County Clerk, greeted the Commissioners and said, "Chairman, no we do not."

Chairman Unruh said, "Thank you. I think everyone has made comments. I would just be rehashing a lot of what's been said."

"I just think that the value to perhaps move ahead with this sale is that we can reallocate our financial resources into assets that are more useable for us today, and it's a better way to manage money, better way to manage resources rather than rolling the dice, thinking that you might get gambling. So I'm going to be supportive of this. But Commissioners, what's the will of the Board?"

MOTION

Commissioner Dennis moved to adopt the resolution pursuant to the will of the Board of the County Commission.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Unruh said, "Will, thank you."

Mr. Deer said, "Thank you."

Chairman Unruh said, "Next item."

Adopted

I [17-943](#)

AGREEMENT BETWEEN THE CITY OF WICHITA AND SEDGWICK COUNTY FOR INCREASED RECOVERY FEE TO PLACE ANIMALS IN THE WICHITA SHELTER RECOVERED BY THE SEDGWICK COUNTY ANIMAL CONTROL PROGRAM FOR THE DIVISION OF HEALTH.
Presented by: Adrienne Byrne, Health Director.

RECOMMENDED ACTION: Approve the terms of the agreement and authorize the Chair to sign.

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I request that we at this time defer item I, and as a result of that, also when I get to it, it would affect one of the consent agenda items, item Uniform, but right now with India, I'd like to, I've been in consultation with the City of Wichita, and we may have a way to work through and do a little more analysis on that and come back to you with that item. So for no now, I'd like to defer item I."

Chairman Unruh said, "Alright, thank you. Commissioners, are there any objections?"

Chairman Unruh said, "Seeing no objection, we'll defer item I, and we'll call the next item, please."

Deferred

J [17-988](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' SPECIAL MEETING ON NOVEMBER 21, 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 that was conducted on November 21st of the Board of Bids and Contracts, we have one item to recommend to you."

1. CHECK COLLECTION SERVICES – TREASURE'S OFFICE
FUNDING – TREASURER'S OFFICE

"The recommendation is to accept the proposal from Recheck, Inc. and establish contract pricing as listed above for two (2) years with two (2) one (1) year options to renew."

"I'll be happy to try to answer any questions you may have, and I recommend approval of this item."

MOTION

Commissioner Howell moved to approve the recommendation of the Board of Bids and Contracts.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh Aye
Mr. Thomas said, "Thank you, Commissioners."

Chairman Unruh said, "Joe thank you, this afternoon."

Mr. Thomas said, "Yes, sir. Yes I meant to say that, sorry."

Chairman Unruh said, "Next item."
Approved

CONSENT

Mr. Scholes said, "Commissioners, I recommend you approve consent agenda items Kilo (K) through Zulu (Z) with the exception of Uniform (U), which I just talked to you that's related to item India (I) and also Zulu (Z) that I'd like to defer to the December 6th BoCC (Board of County Commission)."

Chairman Unruh said, "Okay. We have a recommendation on the consent to approve it with the exceptions of items u and z and, Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to approve the consent agenda with the exceptions of items Tango (T), Uniform (U) and Zulu (Z).

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, "Since items U and Z will be deferred, we need to see what's the will of the Board on item T. Commissioner Ranzau, if you want to make a motion or comment."

Commissioner Ranzau said, "Item T is a Community Health Assessment (CHA) position. We had this discussion last time and I'm just, I thought we were going to get some information, some feedback, some dialogue by staff. I've not received any dialogue by staff, so I am just kind of confused as to why this is back on the agenda. I think it's premature."

Chairman Unruh said, "Thank you, sir. Is there any other comment? Commissioner O'Donnell?"

Commissioner O'Donnell said, "Thank you. I know that I have spoke with Adrienne [Byrne] as well as individuals from the HealthICT, which includes the YMCA (Young Men's Christian Association), Via Christi Hunter Health Clinic and others about it, and I

know just this week I was in a meeting with Commissioner Howell with the representative from HealthICT about this position. So I do believe it's been researched further."

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

Commissioner Ranzau said, "Well, I'm disappointed to see this. I think this is a very, as I said earlier, this is the most progressive agenda and we've gone back and forth. The last time I think it was a 3-2 vote. I expect it to be a 3-2 vote. The disappointing thing of this is, this is being advanced not because it's good for the community, but because Commissioner O'Donnell got mad at me when I confronted him personally about his conduct up here. The very next day, he started talking to people about putting this back on the agenda. He's admitted to me personally that he's doing this just to be personally vindictive because he's angry. I don't care what party you belong to, but advancing public policy for those reasons is not appropriate, particularly when you call yourself a conservative and you believe in limited government. I've done a lot of research on this.

"I think Commissioner Howell's suggestion with respect to the data book were very good and spot on. He's done some research. He's taken some time to actually do some research as well. He's not making his decision out of anger or pettiness, but that's where we're at today, and that's not good government. I will stand up to that every chance I can. I respect Commissioner Unruh, Commissioner Dennis who differ with me on principle and on the item itself. They just have a difference of opinion, and I can respect that. I have shared my concerns with them back and forth and tried to convince them one way or another and that's what our republic is about. We have honest and vigorous debate and sometimes we agree and sometimes we don't, but why we vote matters. Why we do the things here matters to me. This is a very disappointing and sad day for this Commission for the reasons I previously stated. Thank you."

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

Commissioner O'Donnell said, "Thank you, Mr. Chair. I hate to get into back and forth, but some of the things that Commissioner Ranzau said were completely not true. At the end of the day, the Board of County Commissioners is also the Board of Health, and we have a moral obligation and an elected obligation to support our Health Department. Arguably after public safety, public health is the most important thing that we do. We have an incredible community with a number of nonprofit community partners that want to promote public health. Unfortunately, I took advice back during the budget process from Commissioner Ranzau that I believe was wrong to promote public health the best that we can. Having a Public Health Assessment that is led by the Department of Health allows us to see what the needs in our community are today. I was shortsighted.

"It's not very often politicians say they were wrong, but I was wrong for eliminating that position back in the budget process, and so that's where I made a mistake. I'm not making a mistake today supporting this. These discussions have been going on continuously since the budget, so I will admit I made a mistake because I did not do what I needed to do and that is promote our public health department. I believe it is a moral obligation I have, it is a Christian obligation I have. I have full faith in this

process. I have extreme faith in the capability of Adrienne to do this. I am sorry for not promoting this back during the budget cycle. I will make that up to you.

"We need to do what we can. I see in this community every day, we do have problems with access to healthcare. We have great dedicated civil servants that are trying to do their best every day to keep our community as healthy as possible, and it's our position as the Board to promote that. This position, I think, is a critical component to not just our own department, but also to our partners as well. So I look forward to voting in favor of this today, but also to try to undo some of the damage that my vote back in July did. Mr. Chairman."

Commissioner Ranzau said, "Mr. Chairman, I'd like..."

Chairman Unruh said, "Thank you, Commissioner."

Commissioner Ranzau said, "I'd like to know exactly what it was that I said that was untrue. Did you not stand in my office and tell me that, yes, you're doing this because you're mad at me? Did you not tell me that? You didn't tell me that?"

Commissioner O'Donnell said, "Mr. Chairman."

Commissioner Ranzau said, "Answer the question. You said that I'm not telling the truth. Now answer the question."

Chairman Unruh said, "Commissioner, I think that I need to somehow call this part of the discussion out of order and let's move on and talk about..."

Commissioner Ranzau said, "Mr. Chairman, he has implied that I'm lying and I want him to answer the question."

Chairman Unruh said, "I don't believe he's going to engage in that dialogue. We'll have to settle this some other way. I don't think he'll do that."

Commissioner Ranzau said, "The problem is Commissioner O'Donnell is not somebody you can trust. He's being completely disingenuous and he is lying."

Chairman Unruh said, "Commissioner, we need to refrain from that sort of dialogue."

Commissioner Ranzau said, "No, listen to me. The public needs to know that you cannot believe a single thing that come out of that man's voice, out of that man's mouth. Okay? Every single decision you make, Commissioner O'Donnell, is politically motivated, and you will say and do anything it takes to make yourself look good. I'm tired of it."

Chairman Unruh said, "Alright, you've had your say. I believe it's inappropriate to engage in that, but it's been said."

Commissioner Ranzau said, "No, his behavior is inappropriate. To use his position and to lie to the public the way he does is inappropriate and someone needs to stand up to him."

Chairman Unruh said, "Okay Commissioner, you've had your say. Commissioner Dennis."

Commissioner Dennis said, "Thank you, Mr. Chairman. Actually, the reason it's back on the agenda today is because it's in the 2017 budget, but it was removed from the 2018 budget and we're going to have to make a decision one way or the other between now and the end of the year. We only have a couple more meetings between now and the end of the year to decide whether or not that we believe that this is an important position to have in our budget or not."

MOTION

Commissioner Dennis moved to approve item Tango (T) and approve the permanent staffing table for the Division of Health

Commissioner Unruh seconded the motion.

Chairman Unruh said, "I've been consistent in my support of this. In our mission statement it says that we try to provide a healthy environment. Part of our value systems is community engagement and talking with our citizens and that's what part of this person's responsibility, and so I will continue my consistent support in favor of it. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I have a number of comments, maybe a couple of questions for Adrienne as well, but when this was discussed this last budget cycle, there was comments made by I think all five commissioners and maybe I'm wrong about that, but there was some seemingly agreement that the process had gotten overly political. Let me point out some of the points of that, some of the comments that are in this document are opinions and not based on statistical data collection. They brought in health providers from all over the community and they brainstormed, placed their ideas on sticky walls and used dotmocracy to vote those ideas. One of those things made it into the document.

"Much of the data collection, which in my opinion, I got a copy of the Community Health Assessment, but my opinion is the number of people that they're collecting data from once every three years is woefully inadequate for the Board of Health to understand exactly how to make policy. So I'm not really very happy with the current process. I think we can do a lot better, and I made a comment previously that, first of all, I don't have problems with funding the position and maybe that would disappoint one of my colleagues, but the position is not the issue with me. It's what we do with the position. The process should be improved. We can do a lot better, and this is a disappointingly political document.

"It makes comments about reestablishing PrEP (Pre-Exposure Prophylaxis) which is basically sex education. We are supposed to educate the educators. We cut that position back in 2015 because we're talking about, I think a fifth year of a four-year program. We don't need to re-establish that. We've already done our job so-to-speak by finishing the program, and that needed to be defunded. I'm not against sex education necessarily, but we don't need to fund that forever. It was intended to educate the educators and I think we did our job. There's comments in here about gun control and there's comments in here about Medicaid expansion, or let me say Obamacare expansion, which looks what's happening nationally. This is clearly a political football.

"We should not have a statistical document that's based on information going from the community that is embedded with all kinds of political statements, and that

unfortunately is what this is, but I do think the data book to me has value. This was last done, if I understand correctly, please correct me if I'm wrong, but the last time this was done, it was published in March of 2012. This is a very, very good document in terms of it bases all kinds of information about community health, statistical community health, both the state and local and regional areas. To me, this is exactly what I would want. If we're going to be Board of Health and try to make policy decisions on how to improve public health, this is the kind of data that I need. I talked with someone from the HealthICT just yesterday. I said, you know really, this is a superior document, this is tremendous, and I think supporting something like this is something I could get behind.

"I want this data. In fact, not just a single snapshot, but multiple snapshots so you can see health trends over time. To me, as a policy maker, that's what I want to see. So I don't mind funding this. That's not my question. My question is what's the process that's being proposed here? Is it status quo Community Health Assessment, no changes, Community Health Improvement Plan (CHIP) with a political part of this that is basically isn't helpful and we basically have a very small sample and the data will not drive the document? That to me is not worth funding.

"But if we're talking about funding a real, you know, a real data collection and a real analysis, the policymakers can understand exactly what's going on in the community with regards to all kinds of health factors. That is something I can support. So I don't understand what it is we're promoting, what we're discussing today. Which is it? Is it the data book or the status quo of the Community Assessment, Community Health Improvement Plan and no changes? Which is it, please?"

Ms. Adrienne Byrne, Director, Division of Health, greeted the Commissioners and said, "Both. The data book and then also the Community Health Assessment. There are a variety of models that can be utilized when doing a Community [Health] Assessment and that is something that we would be looking at next year since the next Community Health Assessment would be '19. What we do the year before is begin planning for that and researching models that can be used. So if we had support of this position, then we would be choosing that model that we would use and would be engaged in the community, but would be able to see that through the end versus having to turn it over and then not being part of the finished product and then it being rolled out."

Commissioner Howell said, "So is the county going to be in charge of the process from start to finish? Assuming this gets funded year after year, is that the intent that the county is going to be in charge of the process from start to finish?"

Ms. Byrne said, "The Sedgwick County Health Department, the Division of Health leads that and facilitates. So when you say in charge, are we the backbone and the ones that lead it, get the people together, mobilize people, yes. Would we be in charge of the final document? Yes. There would be input on the draft, but we would have the final input on the document that is submitted."

Commissioner Howell said, "So in that process, how are we going to keep it from getting liberal political policy injected into this by opinion? Like what happened last time. I want to stay on data and use statistical analysis and let those kinds of things be understood by policymakers. To me, how do you ensure that that's going to be the process going forward? How do I know that if we fund this position, we're going to get

a document, number one, that's actually based on science and data and statistical analysis and not one that's just politically charged, and how do we ensure that that process is going to be one we can support going forward?"

Ms. Byrne said, "Well, when you involve the community in the process, what you really need to do to get a total Community Health Assessment, that just can't be on numbers. There has to be input from partners in the community. There are going to be opinions and beliefs that aren't necessarily supported by all but still need to be heard. So if this position is supported or when, next year we would be looking at the models that there are because we may not utilize the model that was chosen three years ago for this or two years ago. So that's something that we would put a lot of time and energy into researching. It wouldn't be the same document because we would be with it from the beginning to the end versus kind of off and on."

Commissioner Howell said, "Okay. So if someone brings an opinion within this, not cited or backed up with data, it should be rejected. We don't need opinion in this document. What we need is backed up data that is based on statistical and data-gathering that we, and by the way, the health assessment again, I don't remember the exact numbers and maybe you know and I apologize for not knowing, but it was only a couple hundred, maybe two or three hundred people who actually had data collected on them and this is once every three years. Now there's some data that feeds into this from other agencies across the state. Maybe state and other regional data sources perhaps, but in terms of our local effort, it was only a few hundred, at the most, people that actually had data collected on them for over 500,000 people in our county. That doesn't seem to be adequate, especially for a three-year process. To me, that's just woefully inadequate. I just think that for as much money as this costs, we ought to have better data than that, and it ought to be, our product at the end of the day ought to be based on actual data we collected and understand exactly what's happening in our community."

"That should be what's driving the document so the policymakers can make great decisions, but if that data is small, is woefully inadequate and the opinions that are uncited and not based on any actual legitimate data and make their ways into the document, then we end up with the same problem we had this last time. This is not a useful document to me. In fact, I would ask my colleagues once again, does anybody actually use this document to make any policy decisions in the last, well since this came out. This is brand-new, 2017, but the health assessment was done in 2015. Has anybody made any decisions based on data that's available to them on any of these documents? I don't know that there has been."

"So this may be something that the community desires, but in terms of the Board of Health, it's not useful. To make it useful, I need different type of data. This is not the process that I want to support. If I can have some assurance that we're going to do things differently and we're going to be vigilant to keep opinions out of this, let me make one example. On page eight of the improvement plan, it says overall findings show that a majority of respondents were insured, consider themselves healthy and used routine care including some preventative health services. That's a tremendous statement, but yet throughout this entire document, there's repeated over and over and over, arguments for lack of healthcare. To me, it's incongruity throughout the document. I don't know what to make of this."

"So to me, if we're going to fund this, I want a quality document. This is not, in my opinion, the type of document that's useful to policymakers as a Board of Health. I'm supportive of the idea of spending this money to get a pulse on the trend of public health issues in Sedgwick County. I want that data to make great decisions. That's what I need. If this is what we're talking, this is not worth our money. If we have a better process and I have assurance from you that we're talking about a better process, then I'm supportive, so I just need to know from you, where are we on this?"

Ms. Byrne said, "Well right now we're not, since the position isn't funded for '18, we're not in any kind of a planning process. So the person that is in that position right now is working with our community partners to get data from them on any progress they've made on the goals during 2017. But as far as any involvement in the CHIP, or excuse me, the Community Health Assessment, that wouldn't start until '18 when we begin looking at the various models that can be used for doing a Community Health Assessment. There aren't any opinions in there that are just lone opinions."

"When the community was gathered in various ways and they looked at patterns from commonalities that partners and community members were commenting on, so there's just not one stray opinion that would get in there. It's part of mobilizing everyone and hearing where they're coming from as well, but yes, it would be a different document if we're able to be in from beginning to end."

Commissioner Howell said, "With respect to the last comment you just made, again, the people in the health community that provide these services, they interact with each other and I have no doubt they share a lot of opinions, so just the fact that we've got multiple people providing the same opinions to me does not give it more weight necessarily. What we need is data, I should say opinions that are based on something substantial that gives them a source for their opinion. In other words, if they're going to have the opinion, yeah to say, here's the data that backs up why I say what I say. In other words, we've got to strip out the opinion that's not based on actual data that's been gathered or understood or analyzed. So I may marginally support this today, but I guess I would like to say, there's likely three votes here, so it's going to pass regardless of my opinion, but I would like to say that I would encourage those involved in this to please be vigilant to improve this process."

"We need the document as policymakers to help us understand what's going on in our community, and I want that desperately. With respect to infant mortality, I made comments year after year after year on basically an effort that this is, again, that's woefully inadequate that's not effective in moving the needle on infant mortality. I care deeply about that topic, but I'm not getting an audience, and here's what I'm saying. So you know, if we're going to be policymakers and actually drive things that improve public health, then I need someone to actually hopefully they'll hear what I'm saying and they'll improve this process so we have a document that's useable going forward. So, that's all my comments, thank you Mr. Chairman."

Chairman Unruh said, "Thank you. Commissioner Dennis has one comment quickly before I call on the manager."

Commissioner Dennis said, "Thank you, Mr. Chairman. Let me give the cliff notes version of what Commissioner Howell just said. It's going on 1:00[p.m.] in the afternoon, so I'll be brief. We've been discussing this for some time. We are the Board of Health. The Health Department is the one that's going to be in charge of getting this document going. The Health Department works for the Manager. The Manager works for us. In the end, we need something that meets the needs of the Board of Health and

we are the Board of Health. We're also the County Commissioners. I definitely support this. I know that Commissioner Howell said a lot of words, but bottom line is that I think he is saying the same thing I am, that we want something that we can use to make decisions on as the Board of Health and as the County Commissioners, and I think that we've got the chain of command to make that happen. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Mr. Manager."

Mr. Scholes said, "Commissioners, from my vantage point, if you approve this, I would insist that we'd put the Assistant County Manager for Public Services Tim Kaufman on that CHIP Planning Board to give the appropriate direction as a representative of me and the Board of County Commissioners desire and make sure that our particular position is well-known to that Board. We didn't have that last time. I also don't think that the CHA position person who is going to be responsible for the data collection is the appropriate one to give that voice. It definitely needs to be somebody up in the food chain a little bit to give the appropriate weight to make sure that the consensus of the Board and the strategic direction is given to this CHIP Planning Board. I think would be an appropriate thing to do."

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

Commissioner Howell said, "I'll just be very brief here. Based on your comments, Mr. Manager, again, I'll be marginally supportive, but I'll be holding my breath and look for a much improved process. Again with that, I'll support this today, but I really hope that we have a document that has high quality and something useful for us. Otherwise we need to learn from our lesson and not something that's simply wasting tax dollars, so I'll support it for now, but thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Do we have a motion, Madam Clerk?"

Ms. Page said, "Yes sir, we do."

Chairman Unruh said, "Is there any further discussion? Then Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Okay and the next item."

K [17-1016](#)

Proclamation declaring Farm-City Week.

Adopt the Consent Agenda as Amended

- L** [17-962](#) One (1) Right of Way Easement for Sedgwick County Project on 231st Street West between US-54 and Pawnee; 791-R. District 3.
Adopt the Consent Agenda as Amended
- M** [17-963](#) One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project near 79th & Broadway - Cowskin Tributary. District 2.
Adopt the Consent Agenda as Amended
- N** [17-967](#) Three (3) Temporary Construction Easements and Two (2) Right of Way Easements for Sedgwick County Bridge Project 783-J-3054; Bridge on 295th Street West between 45th & 53rd Streets North. CIP# B472. District 3.
Adopt the Consent Agenda as Amended
- O** [17-923](#) Resolution Notifying the City of Haysville of a Segment of 71st Street South (Grand Avenue) Which Has Not Become Part of the City by Annexation.
Adopt the Consent Agenda as Amended
- P** [17-960](#) ZON2010-00040 AND CON2010-00038 County Zone Change from RR Rural Residential to SF-20 Single-Family Residential and a Conditional Use to Permit Expansion of an Existing Airport for property Generally Located South of 71st Street South and west of 143rd Street East (District 5).
Adopt the Consent Agenda as Amended
- Q** [054-17](#) Government Services Agreement for Plan Review and as Requested Code Inspection and Enforcement of Building, Electrical, Mechanical, Plumbing, and Fuel Gas Codes by Sedgwick County for School Buildings with the City of Andover.
Adopt the Consent Agenda as Amended
- R** [17-964](#) A Resolution Providing for the Delegation of Authority to Purchase Certain Property.
Adopt the Consent Agenda as Amended
- S** [17-1000](#) Position reorganization for the Division of Health and COMCARE.
Adopt the Consent Agenda as Amended
- T** [17-958](#) Approve permanent staffing table request for the Sedgwick County Division of Health.
Approved
- U** [17-945](#) Resolution to Amend Section 5-5 of the County Code Pertaining to Animal Pickup Fees.

Deferred

- V** [17-976](#) Amendment to Developmental Disability Affiliation Agreement with Transition Adult Home.
Adopt the Consent Agenda as Amended
- W** [17-792](#) General Bill Check Register for November 8, 2017 - November 14, 2017.
Adopt the Consent Agenda as Amended
- X** [17-793](#) General Bill Check Register for November 15, 2017 - November 20, 2017.
Adopt the Consent Agenda as Amended
- Y** [17-794](#) Payroll Check Register for the November 11, 2017 payroll certification.
Adopt the Consent Agenda as Amended
- Z** [17-797](#) Payroll Check Register for the November 25, 2017 payroll certification.
Deferred

LEGISLATIVE ISSUES

Chairman Unruh said, "Are there anything today? Okay. Then we are ready for 'other'."

OTHER

Chairman Unruh said, "Commissioners, is there other things you want to bring before the public this afternoon?"

EXECUTIVE SESSION

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:54 p.m.