

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, July 11, 2018

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:06 a.m. on July 11, 2018 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David T. Dennis, with the following present: Chair Pro-Tem Commissioner David M. Unruh; Commissioner Michael B. O'Donnell II; 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. Jeff Easter, Sedgwick County Sheriff; Ms. Annette Graham, Executive Director, Sedgwick County Division on Aging; Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Department; Mr. Brent Shelton, Economic Development and Tax System Director, Division of Finance; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Mr. Brian Rogers, International Association of Plumbing and Mechanical Officials
Mr. Brian Burnett, Business Manager, Plumbers and Pipefitters for the State of Kansas
Ms. Joleen Lorg, Executive Director, Kansas Plumbing, Heating, Cooling Contractors Association
Mr. Shawn Steward, Senior Specialist, Public and Government Affairs, AAA Kansas
Mr. Gary Plummer, President and CEO, Wichita Regional Chamber of Commerce
Mr. Gary Jansen, City Engineer, City of Wichita
Mr. Wess Galyon, President, Wichita Area Builders Association
Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C.
Mr. Greg Thomas, President, Crosswind's Aviation, Inc.
Mr. Steve Logue, Owner, Crosswind's Aviation, Inc.
Mr. Joshua Blick, 2039 S. Everett, Wichita*

INVOCATION: Pastor Johnathan Anderson, Pathway Church.

FLAG SALUTE

ROLL CALL

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

Chairman Dennis said, "Next item, please."

PUBLIC AGENDA

Chairman Dennis said, "Thank you. I have two folks that have signed up to speak on the public agenda today. I believe both of them want to speak on item Echo (E). If they would like to speak at this time, that's fine. If they want to wait until we get to item

E, that's fine also. I will allow public comment during each of the different major subjects that we're going to talk about today. So first of all, Brian Rogers, would you like to speak on this issue or later on?"

Mr. Brian Rogers, International Association of Plumbing and Mechanical Officials, greeted the Commissioners and said, "I'd like to wait for item E."

Chairman Dennis said, "Okay, and Brian Burnett, would you like to speak now or later on?"

Mr. Brian Burnett, Business Manager, Plumbers and Pipefitters for the State of Kansas, greeted the Commissioners and said, "I'd also like to wait, please."

Chairman Dennis said, "Okay, with that, does anyone else in the audience that didn't have a chance to sign up, would they like to speak at this time on the public agenda on any subject or wait until we call a subject? Yes, ma'am."

Ms. Joleen Lorg, Executive Director, Kansas Plumbing, Heating, Cooling Contractors Association, greeted the Commissioners and said, "I'd like to speak on item E."

Chairman Dennis said, "You'd like to speak now?"

Ms. Lorg, said "At item E."

Chairman Dennis said, "We can let you speak at item E, that's fine. Anyone else would like to speak at the current time? Seeing none, Madam Clerk, next."

CONSIDERATION OF MINUTES

A [18-520](#)

REGULAR MEETING MINUTES OF JUNE 13, 2018.

All Commissioners were present.

Chairman Dennis said, "Thank you. Commissioners, everyone has had a chance to review the minutes from June 13th."

MOTION

Commissioner Dennis moved to approve the minutes of June 13, 2018.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Commissioner Unruh Aye
Chairman Dennis Aye

Chairman Dennis said, "Next item, please."
Approved

NEW BUSINESS

B [18-476](#)

**AAA KANSAS COMMUNITY TRAFFIC SAFETY AWARD
PRESENTATION.**

Presented by: Shawn Steward, Senior Specialist, Public and Government Affairs, AAA Kansas and Troy Wells, Law Enforcement Liaison with the Kansas Department of Transportation.

RECOMMENDED ACTION: Receive and File.

Chairman Dennis said, "Good morning."

Mr. Shawn Steward, Senior Specialist, Public and Government Affairs, AAA Kansas, greeted the Commissioners and said, "Thanks for the opportunity to appear. I'm pleased to be here to present the Sedgwick County Sheriff's Office with the AAA (American Automobile Association) Kansas Community Traffic Safety Award. I'd first like to welcome and thank Troy Wells from KDOT (Kansas Department of Transportation). He is a law enforcement liaison and works very closely with us and law enforcement agencies around the state to identify deserving award winners for this honor.

"This marks the fifth consecutive year that the Sedgwick County Sheriff's Office has qualified for the AAA Kansas Silver Award, and they are being recognized for a variety of programs and initiatives, including participating in the Regional Operation Impact Coalition that meets bi-monthly to identify traffic safety problems and formulate solutions. Supporting the award-winning Kansas team seatbelt safety usage program called SAFE (Seatbelts Are For Everyone) in Valley Center, Goddard, Derby and Cheney High Schools, and employing statistical data to determine areas of higher traffic offenses and crime and work to reduce those issues in the identified areas. Proof of the Sheriff's Office efforts are in the resulting statistics for the county as provided by KDOT. Teen seatbelt use is up from 80 percent to 93 percent in the past five years, and child passenger restraint use is up from 84 percent to 90 percent. Teen crashes fell from 213 in 2015 to 142 in 2016.

"Alcohol related crashes fell from 63 to 45 in that same period. Only 10 other Sheriff's Departments in Kansas qualified for the AAA Traffic Safety Awards this year. I'd like to thank all of you as Commissioners for your leadership and support in providing the resources for the Sheriff and his team to do this great work. So finally, it's my pleasure to present Sheriff [Jeff] Easter and Undersheriff [Col. Richard] Powell and the entire Sheriff's Office with their fifth consecutive AAA Traffic Safety Award."

Chairman Dennis said, "Sheriff Easter, would you like to say a comment?"

Mr. Jeff Easter, Sedgwick County Sheriff, greeted the Commissioners and said, "Well, we appreciate AAA recognizing the efforts that the men and women of the Sheriff's Office do every day, and we couldn't do this without the support of the county and the County Commission, so we appreciate it. Thank you."

Chairman Dennis said, "Well Sheriff and Shawn, thank you very much for being here and presenting this award. We're very proud of our Sheriff's Office. The most populous county in the State of Kansas and also 1 of only 10 across the entire state received this award, so thank you very much for being here today."

Mr. Steward said, "Thank you very much."

Chairman Dennis said, "Thank you. Congratulations, Sheriff. Madam Clerk, next item."

Ms. Heddie Page, Deputy County Clerk, greeted the Commissioners and said, "Sir, we need to receive and file."

Chairman Dennis said, "I'm sorry."

MOTION

Commissioner Unruh moved to receive and file.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Thank you. Now, Madam Clerk. Thanks for keeping me on track."

Ms. Page said, "Not a problem."

Chairman Dennis said, "Next item."

Received and Filed

C [18-501](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$ 3,079,190 FOR THE KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES (KDADS) FY 2019 AREA PLAN.

Presented by: Annette Graham, LSCSW, Executive Director, Central Plains Area Agency on Aging / Sedgwick County Division on Aging.

RECOMMENDED ACTION: Approve the new Area Plan and authorize the Chairman to sign.

Ms. Annette Graham, Director on Aging, greeted the Commissioners and said, "The Central Plains Area Agency on Aging (CPAAA) has been receiving the Older Americans Act (OAA) Fund since 1980. The Kansas Department on Aging and Disability Services (KDADS) requires all 11 Area Agencies on Aging in Kansas to submit an Area Plan annually that outlines how the federal funds for planning a service area will be expended to meet the specific needs of the region. The Central Plains Area Agency on Aging Council approved the Fiscal Year (FY) 2019 Area Plan on May 16th of 2018. A public hearing was also held on that day. The Harvey County Board of County Commissioners and the Butler County Board of County Commissioners have both reviewed the plan and authorized the Sedgwick County Chairman as their governing board for the Central Plains Area Agency on Aging to sign the Area Plan.

"The Area Plan will fund several programs in Fiscal Year 2019. Under the Older Americans Act, the funding for Area Agencies on Aging are specifically identified by the plan as to how those funds can be allocated. Then the state also kind of defines the amounts for each one. So under the Title III administration, that is \$95,980. Under III B, which is support and community services, that provides in-home and community based services, that is \$473,736. C-1 is the nutrition program, which is the congregate program. Federal dollars of that program are \$844,944, State dollars, [\$]24,950, and then nutritional supplement program is \$58,235. Title III C-2 is the home delivered program. Federal dollars for that are \$432,435, State dollars [\$]697,596, and then the nutritional supplement income is \$161,103. Then we have the Title III D, which is the health promotion disease prevention program at \$35,938, and then Title III E is the final one, that's the family caregiver support program at \$254,273.

"Now, these dollar amounts that I have reflected here are estimates. We have not received the final 2019 budget. Once the federal government makes those decisions, then we can make those revisions as necessary within the budget, because those will already be divided up in these funding amounts. This grant period starts October 1st, 2018 and ends September 30th, 2019. That is the total grant amount of \$3,079,190. There is a required match of \$175,619. Out of this, Sedgwick County's responsibility is \$73,693. Providers that provide services under this program in Butler and Harvey County Department on Agings also provide, they provide match, so they make up the difference of that. All of these budget amounts are included in our budget. The amounts for the match have already been incorporated in our budget, so there are no changes to that. I would be happy to answer any questions and request that you approve and sign the Area Plan."

Chairman Dennis said, "Thank you, Annette. Any questions from any of the Commissioners? Well this is a very vital program that you oversee that helps our senior citizens in a number of different ways, and we sincerely appreciate you bringing this to us. I know you've briefed each and every one of us on the details that go into this grant. We've gotten it for a number of years, and we're very pleased that we continue to receive it. Thank you for taking care of that for us."

MOTION

Commissioner Dennis moved to approve the new Area Plan and authorize the Chairman to sign.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Thank you very much Anette for being here. Next item, please."

Approved

D [18-526](#)

AGREEMENT WITH THE CITY OF WICHITA TO MANAGE FEDERAL HIGHWAY ADMINISTRATION GRANT APPLICATIONS AND RIGHT-OF-WAY ACQUISITION FOR THE NORTH JUNCTION PROJECT (I-135,I-235, K-96 AND K-254) (R353) (DISTRICT 4).
Presented by: David C. Spears, P.E., Assistant County Manager.

RECOMMENDED ACTION: Approve the agreement, subject to approval of a supporting CIP amendment, and authorize the Chairman to sign.

Chairman Dennis said, "Good morning David."

Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer, greeted the Commissioners and said, "In item D, we are requesting your approval of a partnership agreement with the City of Wichita that will help the community push forward with the North Junction Project. The north junction is the interchange of I-135, I-235, K-96 and K-254 in north Wichita. I think it is fair to say that this is the highest priority transportation project in the Wichita area. The purpose of the agreement is to provide funding for several project activities including preparation of a federal BUILD (Better Utilizing Investments to Leverage Development) Grant application, preparation of right-of-way documents, acquisition of strategic right-of-way parcels and preparation of an INFRA (Infrastructure for Rebuilding America) Grant application later this year if it looks like the project is eligible. This is a joint project with the City of Wichita, and KDOT is cooperating in all aspects of the project.

"The agreement sets funding at \$500,000 from the county and \$500,000 from the city for a total fund of \$1 million. The county will reimburse the city for project activities as expenditures occur. In anticipation of a partnership, the City of Wichita has hired consultants to prepare the BUILD Grant application and right-of-way documents within the past month. The work is ongoing in order to meet the BUILD Grant application deadline of July 19th. The Wichita City Council unanimously approved the agreement at their meeting yesterday. I note that there is a CIP (capital improvement plan) amendment on your consent agenda that will need to be approved today in order to provide the budget authority for this agreement. I'd be happy to answer any questions and would add that Gary Jansen, City Engineer for Wichita is in the audience today if you need more detailed information."

Chairman Dennis said, "Thank you David. I know this is a project that we've been working on for some time, and it's really a three-way partnership. It's a partnership between Sedgwick County, the City of Wichita and the business leaders here, especially through the Chamber of Commerce here in Wichita and Sedgwick County. A

number of things have transpired prior to this. We've had a number of meetings with all three partners. We all went to Topeka on a very cold morning and talked to the Secretary of Transportation up there, and at that point in time, we received word that they're going to fund the very first phase of this project, and they will be starting to let some contracts and do some things that need to be done for phase one in January, I believe of 2019. If it's not January, it's early 2019.

"Phase one, as I recall, is somewhere around \$100 million, and I've got a bunch of engineers in here that really got the details. But it's about \$100 million of cost, but what I want to make sure the public understands is once we get underway on phase one and start working on that, what you're going to see is all the prep work to correct the problems that we've got at that junction. Once phase one is done, what you're going to see is better bridges going on over the Little Ark[ansas River] up north on 96 and so forth, and the ability for us to do the other phases. But will it alleviate any of the congestion that we're experiencing right now at the north junction?"

"I'm afraid to say it's not going to, and that's really where our big concern is, is alleviating that congestion at the north junction, so that we can move commerce through, and that's why the business community is involved in it, that we make it safe. That's why that our Sedgwick County and Wichita are involved in it. So it really takes phase one to get finished before that we can really see anything improved. But we have to get the next phases going before that we can see that the junction is really going to become a more safe and also able to move the traffic that we need to move for the next 50 years. So as a result of that, we need a commitment from our local leaders that says we are definitely committed to improving this junction, and that's what is before us today is this resolution and agreement so that Wichita and Sedgwick County partner 50/50 up to a million dollars total to work on phase two.

"As David said, it is a partnership. We're not going to write a blank check to Wichita. They're going to submit us bills that we pay up to monthly. I think monthly is as often as they can submit a bill according to the agreement, and we will pay half of whatever that the bill is that's incurred by Wichita up to a total of \$500,000. Now what will this get us? First of all it, it'll give us the ability to design and start doing the prep work that we need before that we can get the actual work started. In addition, it will start allowing us to start buying some right-of-way. Granted, the right-of-way is going to cost us probably [\$]10 [million] or \$11 million by the time we start buying it. Well a million dollars, actually it's going to be about [\$]800,000, because we've got to pay some folks to do some of the planning, but [\$]800,000 won't buy the right-of-way we need, but what it does is show commitment so that we can put forth this grant, this BUILD Grant to the federal government saying we are committed as a business community, as Wichita and as Sedgwick County.

"We're committed to this project, and so that's what we're looking at today. It is to make sure that we've got the backing of our local governments and our local business leaders that we are serious about moving forward to this. So that's why I am fully in support of this. In addition, not only did we go to Topeka earlier this year, but we went to D.C. (District of Columbia). Commissioner O'Donnell and I went up and talked to each one of our legislators about this same thing. Following a week later, Wichita went up to D.C. and our business leaders went to D.C., and each one of us have told the same exact story, that we need this intersection, this junction corrected. It's the number one project in this area. So that's why I am strongly in favor of this, and I hope that if any of the other Commissioners want to speak on it, I'm going to give them a chance at this time. We've also got a number of other folks in the room. I don't know if

Gary Plummer would like to speak about this or not today. If you do, please approach the podium and state your name for the record."

Mr. Gary Plummer, President and CEO, Wichita Regional Chamber of Commerce, greeted the Commissioners and said, "We're here to support the issue on your agenda. We think the application makes a lot of sense. You know, it was about six months ago that the Chamber [of Commerce] asked the Greater Wichita Partnership (GWP) and REAP (Regional Economic Area Partnership) to help us form a regional coalition for transportation, and the city and county were the first two partners in that effort that we engaged.

"Because of that solid partnership, we were able to attract public and private sector leaders from throughout the MSA (metropolitan statistical area). I've only met with them actually once. We have another meeting coming up with them next week where we want to update them on this process. But at that first meeting, the coalition unanimously said that the north junction was the biggest issue transportation-wise facing our region. It was not just a room full of Wichita folks. It was folks from all over the region, and so that, I think, said a lot about the importance that this project has.

"Certainly we want to thank Chairman Dennis, Mayor Longwell for leading the charge, particularly at the state and federal level, both County Manager Scholes, City Manager Layton and their entire engineering teams have been at the table and a part of this effort. Thank you again to the county for the producing the video, which we think really was a compelling way of visually showing what that problem really is out there. So we encourage you all to move forward with this. Thank you for continuing to work very closely with the city to make this possible, and we're excited about supporting your efforts. Thank you."

Chairman Dennis said, "Thank you for being here today. Commissioner Howell might have a question."

Commissioner Howell thanked the Chairman and said, "I just want to, up front, state my support for this. I think this is clearly the priority of our interstate transportation system around this community. This is probably the most important thing. I would agree with the focus on this, so I'll state my support up front. I do have a couple of questions, though. So the phase one, I heard someone say, is likely to start early next year. Do you know about how long that project will last before it, what's the projected schedule for that project from start to finish?"

Mr. Spears said, "Eighteen months."

Commissioner Howell said, "Eighteen months, good. I think people would like to know that. Then on this, if everything goes really well and we're able to secure all the financing and funding and grant support and that type of thing, everything falls into place, do we think with this phase two, which really deals with the congestion up on the north junction, do we think that will start sometime in, I heard someone say 2022 would be probably about as good as things get in terms of a timeline. Is that about the right year we would hope to get that started roughly?"

Mr. Spears said, "You know, there's a lot of factors involved. There's KDOT and that sort of thing and funding."

Commissioner Howell said, "I just think people like to know kind of what to expect in the future, so to me that's just kind of a..."

Mr. Spears said, "It's a good question. It just, a little bit is unknown, but you're pretty much on the right path if we could follow that."

Commissioner Howell said, "Alright, so it's just speculation, and then we call that the gold phase or phase two. I liken this to the Kellogg and I-235 project, that's actually a four phase project, and we're only doing phase one so far on Kellogg and 235, which I think solves about 90 percent maybe 95 percent of the real serious issues around the ramps and stuff on Kellogg and 235. Most of those have been solved, the problems have been solved with phase one. I think phase two on this project solves most of the problems on the north junction. Would that be a fair statement?"

Mr. Spears said, "I think that would be a fair statement."

Commissioner Howell said, "Okay. Just as a comment, again, I'm supportive of this today. I think that more than likely the right-of-way, Director Spears, you were here at the time. Did we purchase right-of-way preceding the Kellogg and I-235 project before the grants, before the funding was secured, did we..."

Mr. Spears said, "Yes."

Commissioner Howell said, "...purchase right-of-way? We did? So this is fairly normal?"

Mr. Spears said, "Well KDOT did, but we provided some funding for it. You have to have all the right-of-way before you do the construction. You cannot even let the project unless you have the right-of-way."

Commissioner Howell said, "Okay, so the project cost, does that typically include the right-of-way purchase as well? In other words, like the Kellogg and 235 I think was at \$103 million I think was the..."

Mr. Spears said, "No. We separate those out, because the right-of-way is so, you never know what you might have to pay if it has to go into condemnation or that sort of thing. So we paid [\$]11.6 [million], our share on the I-235 and Kellogg."

Commissioner Howell said, "That was part of the construction cost for the interchange."

Mr. Spears said, "The construction, right."

Commissioner Howell said, "But that's not necessarily part of the right-of-way purchase, that was a different..."

Mr. Spears said, "No, no."

Commissioner Howell said, "Okay. Do we have any idea what the total cost of phase two, what's the projected cost on phase two, any idea what that might be?"

Mr. Spears said, "Of this project, the north junction?"

Commissioner Howell said, "The phase two, not phase one because it's already funded, but phase two, the gold phase."

Mr. Spears said, "The gold phase, this says \$89 million."

Commissioner Howell said, "Okay, alright [\$]89 [million] so, usually the local funding is about 10 percent roughly, normally? It could be anything."

Mr. Spears said, "It can be negotiated. I mean, there's different contracts for different projects if you're looking at matches, it's usually like 20 percent, can be..."

Commissioner Howell said, "I see."

Mr. Spears said, "...10 percent."

Commissioner Howell said, "Okay, well anyway, again with my support, I think this will pass, but I think this is, again, I think as the Chairman said, this is demonstrating commitment to the project. But I think that as this moves forward and hopefully fairly aggressively, the timeline's fairly compacted, we're going to need to come up with other funding for this. This is just the first step, and I think that's the point that I would like to make here. This is not a commitment to half million dollars. This is a commitment to basically funding the project. Whatever is required from local match, probably 50 percent of that would be from the county is my guess is what this is kind of what we're setting up here. Would that be a fair statement?"

Mr. Spears said, "Yes. You know, we kind of look at this as project preparation. There's a lot to do to finally get to construction. So we call this project preparation, and that's kind of where we're at. I appreciate the city pushing this on along. They've done a great job, and we're hopeful for the BUILD Grant, but, you know, there's no guarantee on that, and then we'll try for the INFRA, and there's no guarantee on that. All we can do is keep trying to push this along because like everybody says, it's an important project. It averages four wrecks a week..."

Commissioner Howell said, "Yeah."

Mr. Spears said, "...up there."

Commissioner Howell said, "I live south, my district is southeast, and so most of my constituents and me personally, we rarely see the problems up there because we don't travel up there in the afternoons, but one of my sons lives up in Park City, so I've gone to his house a number of times in the afternoon and it is frightening, and knowing that there's about an accident per day, I'd say the business days, when traffic is really heavy going home in the afternoon is when I really notice it just stopped traffic usually and very dangerous. So I do think this is a priority and needs to be solved. So appreciate the opportunity to support it this morning. Thank you, Mr. Chairman."

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

Commissioner Ranzau thanked the Chairman and said, "I think the Chairman did a good job explaining this whole process here, it's multi-phase process. The first phase is going to start next year, and this hopefully will get us going towards the second phase, which is the phase that everybody is anticipating. So it is in my district. It is something that needs to be fixed, as you said. Four wrecks a week and a lot of traffic jams, you know, for when there's, in the mornings and evenings especially."

MOTION

Commissioner Ranzau moved to approve the agreement subject to approval of a supporting CIP amendment, and authorize the Chairman to sign.

Commissioner Howell seconded the motion.

Chairman Dennis said, "Thank you. We have a motion and a second. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I just wanted to make a comment that about the partnership effort for this project. Just recently we became aware that even though that we had this application for a BUILD Grant, that WSU (Wichita State University) had been considering a grant application of their own from some of these same resources, and Mr. Plummer took the initiative to check with Dr. Bardo and WSU is fully on board with us and has withdrawn their application at this time. That may sound just incidental, but it's actually very important for us to try to advance our chances of being granted this BUILD Grant and these resources, so I just wanted to say publicly that we really appreciate not only the partnership but especially WSU and their willingness to defer their plans for a while, so thanks to Dr. Bardo and his staff for condescending to our request. That's all I have, Mr. Chair."

Chairman Dennis said, "Thank you. I'll echo Commissioner Unruh's comments about WSU's cooperation. They are a partner in this actually because they were submitting a BUILD Grant that was going to be in competition to this, and they have decided to withdraw that, and we sincerely appreciate that, because the feedback we got was that if both BUILD Grants went forward, we probably wouldn't get either one of them.

"So this is very nice that we have that type of partnership here in this area. I don't see any other questions from any of the Commissioners, but one thing I didn't ask was is anyone else in the audience wish to speak on this subject? I know Gary Jansen is in the room. I didn't know if he wanted to speak. Please state your name for the record."

Mr. Gary Jansen, City Engineer, City of Wichita, greeted the Commissioners and said, "Since you asked, I just want to take the opportunity on behalf of the city to thank you for your support. This has moved really fast, primarily because after the effort when we all went to Topeka and with the great efforts of the Chamber and the Transportation Coalition, this BUILD Grant came up with a pretty short fuse for application, so we've been rifling through that. It's moving about as fast as you possibly can, and there's a lot of things that had to fall in place here pretty quickly for our city council and for you. So we greatly appreciate your support. We think this is going to be a great partnership moving forward and we'll keep our fingers crossed that we have some success on one of these grants. So thank you again."

Chairman Dennis said, "Thank you for being here, and let the few folks over in Wichita know how much we appreciate being partners."

Mr. Jansen said, "I will, thanks."

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

Commissioner Howell said, "Thank you, Mr. Chairman for a second chance to speak here. I did need to ask for clarification on one point. I think this is probably for Director Spears, I suppose. But there was some discussion early on about moving some money from the ARC95 (Arkansas River Crossing-95th Street South) project to support

this north junction. Can you please clarify whether there was any funding that was moved or is planned to be moved? It may have been set aside for the ARC95 but somehow is now being moved over to support this north junction project.”

Mr. Spears said, “Okay. This does not involve any WAMPO (Wichita Area Metropolitan Planning Organization) money whatsoever. ARC95 was in that. It will not use any ARC95 money whatsoever.”

Commissioner Howell said, “I just needed to have that clarified, so thank you for that clarification. Thank you, Mr. Chairman.”

Chairman Dennis said, “Thank you. Does anyone else wish to speak on this subject? Okay, we have a motion and a second. I see no further discussion. Madam Clerk, call the roll.”

VOTE

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

Mr. Spears said, “Thank you.”

Chairman Dennis said, “Thank you all for being here to speak on this today. We appreciate it. Next item, please.”

Approved

E [18-553](#)

RESOLUTION AMENDING ARTICLE 3 OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE WITH AMENDMENTS TO THE PREVIOUSLY ADOPTED INTERNATIONAL PLUMBING CODE, 2015 EDITION, INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION, AND THE INTERNATIONAL FUEL GAS CODE, 2015 EDITION.

Presented by: Chris W. Labrum, Director, MABCD.

RECOMMENDED ACTION: Approve the resolution.

VISUAL PRESENTATION

Chairman Dennis said, “Good morning, Chris.”

Mr. Chris Labrum, Director, Metropolitan Area of Building and Construction Department, greeted the Commissioners and said, “As stated, presenting amendments to Article 3 of our UBTC (Unified Building and Trade Code). This is where both the Uniform [Plumbing Code] (UPC) and International Plumbing Code (IPC) are found. The current version of our Article 3 was adopted in October of 2016. That resolution adopted 64 amendments along with the UPC and the IPC at that point, the 2015 IPC was put into place without amendments. Both of the UPC and IPC have been in place

in the Sedgwick County only jurisdiction since then. This will add 32 local amendments to the 2015 UPC. You will see 50 line items on our amendment summary. That is based on how the IPC is structured.

“That format perpetuates those amendments across the related codes in an effort to be able to just utilize one book, a little more of one-stop shop. So this does include the amendments for the IPC, the plumbing portion of the International Residential Code (IRC) and the International Fuel Gas Code (IFGC), so we are using the 2015 codes for those as it relates to plumbing. Since the IPC was put into place in October of '16, the usage has been relatively low, but we have seen it increasing. We do have some folks using it. The contractors who have used that, we thank them greatly for their cooperation since we've had no amendments. They've been very cooperative to comply with our existing and local norms, local standard operating practices.

“We have not seen any safety or management issues with this code. Through these amendments, we do expect to see some increased usage and some increased knowledge of the code, of its existence and the option to do that. We also obviously note that the amendments being put in place will make it easier to manage the code itself. As a note, the UPC and the IPC are mostly common. Where you do see them start to diverge a little bit is in your drainage and venting, so waste drain and venting. So there are some differences there, and that's where a lot of the cost differences that you hear discussed that come into play. I do need to ensure that I state the advisory board and community position on this. So as a majority, the plumbing community does oppose us using a dual code in Sedgwick County, and I would say that the majority does oppose the IPC.

“The Plumbing Board as a majority, again, not unanimously, but as a majority did vote to oppose this action, specifically to oppose the International Plumbing Code. They recommend that we do close what we've often heard or have referred to as a test period with the IPC, and that we remove usage of the IPC. I do, and I and staff, excuse me, do not have any evidence of a deficiency with the IPC itself or specifically with the amendments. So I say that to state that this, the opposition that I explain here has been to utilizing two codes and going away from the UPC. I do not have anything to indicate we have a problem with the amendments themselves. We do have support from staff with just that, the manageability of this code and these amendments. We have, again, while the minority, we do have community support. We have the PACK and the, so the Plumber's Association of Central Kansas and several who are supporters and use this code.

“We also do have some industry support. We do see support from the [Wichita Area] Building [Builders] Association (WABA), and they are also, Mr. Galyon is also here today to speak to that as required. So with that, here is a bit of laundry list in front of you of the items that were amended within the code. A few of those that I do want to point out today. So we do have some areas where the code allows for a fill in the blank or a kind of multiple choice, if you will, in areas where based on our soil content, freezing conditions in our area, we set those. These are again the areas where we thank the contractors for cooperating with us to this point. But so freezing protection is one thing that has been added. We'll now have that clearly defined in the code for the depth of pipe. That includes minimum depth for sewer piping. These again are just some related areas.

“The main point I wanted to get to there is there, some of these amendments you see do not necessarily, while we speak in terms of more and less restrictive, these are areas where we set the restrictions based on our local environment, and I do want to

point out that these also are consistent with what we have in current plumbing code. Another area that IPC does call for a fairly large nail plate to protect piping, protect them from physical damage. We have reduced the restriction on that or made that less restrictive, I should say, and are using what is commonly used in this area for nail plate size. We also lessen the restriction on pipe testing so the IPC is averse to using air testing in your pipes. We locally recommend against using water in the pipes when freezing conditions exist, and we do allow air testing, again, based on the freezing conditions that we often see in this area. So there are stipulations to support that. "Condensate disposal, so the condensation usually associated with refrigerants, the IPC requires those to go to a separate drain, to a secondary drain. We, as is consistent with our local practice previously, are going to allow those to be put into the main drain areas as long as the plumbing meets standards there. Air admittance valves have been a big source of discussion as the IPC does allow those. We obviously are retaining that. One item we did put in place is to ensure those are clearly labeled, so that if there is an issue with the plumbing, a plumber you called out would know to look and check for an air admittance valve that would be in that system and could be the issue. Also here listed are the fuel gas code amendments that we put into place. If you put the plumbing code and the fuel gas code amendments together, then you also have the amendments that go into the residential code.

"One of these that I would like to point out for the Commission and publicly is test pressures for gas piping, and this is again consistent in both plumbing codes that we use. They both utilize an equation that is some kind of interesting math on the job site. We simplify that by doing that math in advance and just providing a maximum pressure that is allowed per size in piping there just to make it a little easier for not only the contractors but our inspectors. So with that, it is the staff's recommendation that the resolution be approved and that we adopt the amendments as printed, again emphasizing that this amends an existing code that we've had in place, it does not change which codes we're using at this point, and I will gladly stand for questions from the BoCC (Board of County Commissioners)."

Chairman Dennis said, "Thanks Chris. Do we have any questions from the Commissioners?"

Commissioner Howell said, "I will later after the public speaks."

Chairman Dennis said, "Okay, very good. We do have some folks in the audience that have signed up to speak, so the first one is Brian Rogers. Please approach the podium and state your name for the record. You have three minutes."

Mr. Rogers said, "I'll do my best. For the next few moments, I would like to each of you to remove your Commissioner hat and put on your business owner's hat. Each of you as a business owner own a business we'll call the MABCD (Metropolitan Area Building and Construction Department) and have multiple investors in your company we'll call taxpayers. In October 2015, you each decided to explore putting a new product on the market we'll call the IPC. Now before putting this product on the market, you, like any other good business owner, need to know whether this new product is worth spending thousands of dollars to bring it to market.

"So lucky for you, a group of industry experts, we'll call the Plumbing Board and Plumbing Review Committee, agreed to volunteer their time, taking time away from work for over two years to examine this new product. As it has been portrayed to you as cutting-edge technology sweeping the nation and that your customers, we'll call the

plumbing industry, will undoubtedly utilize it to increase their profit margins by 50 percent due to the savings on the cost of labor and material.

“In the first 10 months, your volunteer experts diligently met twice a month with your paid staff to examine the product for its compatibility in the marketplace with final recommendation to integrate the new IPC with existing UPC. Being the business owner, you ultimately have the choice whether to follow the recommendation of your experts or not. In this example, you decided not to follow their recommendation and proceeded to bring on the product line as you were assured by some in the industry it would be a home run. After you brought your new product, the IPC to market, it was determined that it required to be modified to be compatible with local industry practices. Again, volunteer industry experts work with your paid staff for the next 18 months to make recommendations on changes to the product, which is before you today.

“You, like any other business owner, need to know if your product is being utilized by the industry. To determine this, you directed your paid staff to develop and monitor a tracking system that shows how often the product is being used. After over two years on the market, the report you received showed less than 10 percent of the industry chose to use your new product. The few in the industry that assured you’d it’d be home run explained the failure of the industry is waiting to see what minor changes are made to the new product before taking advantage of increasing their profit margins 50 percent. Additionally the failure is explained as the industry removed, the industry does not want to increase the profit margin by 50 percent in fear you will remove the product from the marketplace. So ask yourself, if the 50 percent margin increase were true, would any business owner forgo that much of a profit margin for the reasons stated? It’s highly unlikely.

“Today, as the owner of MABCD, you know your company has spent thousands of dollars for county attorney work, I.T. (information technology) and staff costs to develop and implement this new product. Also let’s not forget the hundreds of hours spent by volunteer industry experts. As business owners, you have the obligation to make decisions in the best interest of your investors, the taxpayer. Could you attend your annual meeting and report to your investors that after spending thousands of dollars on a failed product that is used less than 10 percent of the time, the business will continue to commit necessary resources and spend thousands more to update the product to a 2018 version? I urge you to listen to the industry experts you have appointed. The experts who previously and again today have advised not to continue with this failed product and experiment.

“In closing, it has been said the beta test on the IPC has not started or will begin once the amendment package is in place. The beta test did start as directed by the Commission in October 2016. That is why the MABCD began tracking the usage of the IPC. No business person in their right mind would bring a new product to market and wait nearly two years to begin a market analysis. That is why the MABC tracked the usage of the IPC since October 2016. It has also been said the IPC is not being utilized because industry does not want to invest hundreds of dollars on all those books in fear the IPC would be repealed. If in fact the IPC would increase profit margins 50 percent, it makes no sense that industry would not make the investment of a few hundred dollars to take advantage of the increase profit margin. That few hundred dollars would be recouped in the first job.

“The Uniform Plumbing Code is a turnkey document and does not need a library of books unlike the I (inspection)-codes and can be purchased for about a hundred dollars. The industry has sent you a message. There is very little interest, less than

10 percent in your new product. In the best interest of your investors, the taxpayers and the 90 percent of the plumbing industry, I urge you to vote down this amendment package and repeal the adoption of the IPC, IFGC (International Fuel Gas Code) and IRC (International Residential Code). Thank you.”

Chairman Dennis said, “Thank you, Brian. Next, we also have Brian, Brian Burnett. Please state your name for the record and you have three minutes.”

Mr. Burnett said, “Yes, sir. I am the Business Manager for the Plumbers and Pipefitters for the State of Kansas, currently representing 1,629 individuals in the plumbing field with the majority of that work taking place in Sedgwick County. I came here today to speak because on behalf of the Plumbing Board, I was asked to read a statement that was made at the last Plumbing Board meeting, so it was on the record. It states their position as a Citizen Board on this matter.

“It states, ‘whereas the Board of Appeals of Plumbers and Gasfitters voted to support the adoption of the 2015 Uniformed Plumbing Code with amendments on August 31st, 2016; and whereas the Board of Appeals of Plumbers and Gasfitters voted to not support a dual plumbing code on August 31st, 2016; and whereas the International Plumbing Code, the plumbing portion of the International Residential Code and the plumbing portion of the International Fuel Gas Code have been used for less than 10 percent of the permits pulled from October 1st, 2016 to present; and whereas, the International Plumbing Code, the plumbing portion of the International Residential Code and the plumbing portion of the International Fuel Gas Code were all adopted without completed reviews nor amendment packages; and whereas the City of Wichita has not been in support of a two code system. Let the record reflect that the Board of Appeals of Plumbers and Gasfitters identifies this amendment package for international codes. However, this board continues to support a single plumbing code system with that code being the 2015 Uniformed Plumbing Code with amendments as recommended on August 31st 2016.’

“So with that, I would urge the Commissioners to listen to their citizens, listen to the 90 percent of the folks that want one code, that code being the Uniform Plumbing Code, and stop spending taxpayers monies on experiments that are failing, quite frankly. So I appreciate your time, and if you have any questions, I’d be happy to answer them.”

Chairman Dennis said, “Thank you. I don’t see any questions. Thanks for being here, Brian. Those are the only two that signed up to speak today, but we’ll open it up to anyone else. Wess, would you like to speak?”

Mr. Wess Galyon, President, Wichita Area Builders Association, greeted the Commissioners and said, “We operate in seven counties, Sedgwick being the largest in this area with 1,000 members that represent 635 companies engaged in all phases of construction throughout that seven county area, most being Butler, Harvey and Sedgwick. I am here today to urge your support of the proposal that has been presented to you by Mr. Labrum. We’ve had discussion ongoing for years regarding one code versus another, and I think what you’re seeing this morning is you see numbers being thrown out where 95 percent of an industry wants this.

“Let me talk about the industry. The plumbing, plumbers are a segment of the industry. Heat and Air are a segment of the industry. Electricians are a segment of the

industry. They aren't the industry that should be, they aren't the industry that's driving what should take place here. We build the homes, we take the risk, we have an interest in controlling our costs so that we can make our homes and other buildings affordable for those who want to buy them or use them for some other purpose. I was here when the discussion was had a couple years ago about the codes, and I realized that at the time this was a test. I don't think, though, that you can take the numbers, the 10 percent number that's referenced here and say that that should be utilized to make the decision that some are requesting. I don't think the sampling was broad enough, statistically valid enough, but the city wouldn't adopt a dual code at the time and the county had the leadership and foresight to do that.

"The reason I think it hasn't been used any more than it has been is because it wasn't promoted. People weren't educated about it and they didn't understand the economic benefit of using this code as they perhaps do now. I didn't at the time, but I do now. I stand here telling you that it is a benefit to builders. We're going to promote the use of this code, and we're going to educate them about it. So you will know the building industry today in the country in Wichita and Sedgwick County is no exception, is experiencing dramatic cost increases in construction. That's difficult for us to deal with because it's hard to get cost increases reflected in appraisals so you can sell these homes and improve homes.

"Today, if you look at the national statistics, and a study was recently done on this, the cost of homes today in this country, 29 percent of the total cost can be attributable to government regulation. Code requirements are a regulation. What we're looking forward to is further deregulation at the federal level which can help us in this regard while we're also looking for, and I have to give the ICC (International Code Council) credit for doing this, is entities that develop codes that look at the cost impact of those codes, the cost benefit analysis, and it typically is not done. What we've seen more so over the years than otherwise is entities both at manufactured products and union organizations and others wanting certain things put in codes because it costs more money to use them, and they make more money installing them. We don't think that's the way we should be going. We think we ought to have options to utilize one code or another to keep our costs down in relation to the value proposition we're putting out there in the marketplace for people.

I'll just read you something real quick and I won't belabor this any further, but I'm sure you've all seen this International Plumbing Code, why it should be in your future. 'Today, the IPC is used in 36 states, the District of Columbia and Puerto Rico. The IPC is fully compatible with all of the 14 international codes. The IPC has over 39 code sections that correlate with other members of the international code family. Codes that correlate better protect public safety, better fire protection, better fire prevention, reduces design problems and reduces construction costs.' There is also a section in there that I refer you to look at that talks about technical superiority of the IPC code as it exists today, and in the cost savings, there's significance. Make a point, the allowance of the use of the intermittent value as a venting option can significantly reduce the length of venting pipe to outdoor terminals.

"The Detroit Lion's stadium in Michigan had a cost savings of over \$263,416 in construction cost in the use of air admittance valves helps save the indoor air quality and using air admittance valves helps save the environment by reducing sewer gas emissions. One of the things that we are always interested in when we look at codes, what's the cost, what's the benefit to our customers. That's important that we do that.

We also are always looking at innovations that are taking place and things change over time. People I know sometimes get entrenched with using something because they're educated about that one thing. They don't like to really change. It might cost them a little bit more to do that. But we're always looking forward as to how we can build a better mousetrap, have better performance, better energy efficiency, better system usage of all types and still make that product available to customers.

"It's critically important to entry level buyers that have a difficult time qualifying anyway. So we would encourage you to adopt this amendment. We are going to move forward to put in place ongoing education that we haven't done in the past about the use of various systems. This will be one of the things we will talk to plumbers about, and I have talked to plumbers about it in our organization. I'd say what do you think about the IPC? I think it's great. Why don't you use it? Don't want to be hassled by those who don't want us to. That's a fact, that's what they say. So I think there's significant support in the industry.

"It's been proven that the plumbing systems are not dangerous, there's no life safety issues associated with them. Broad based use is obviously in place. WSU and other facilities, other entities would not use a plumbing code in those buildings they build out there nor in the public buildings that are built in the state if there was anything wrong with them. We want the option to try to save our customers money. We want the option to be able to have flexibility not only in design, how we put things together, but in how things perform. We want to be able to select those things. This allows us to do that, and we'd appreciate you keeping it in place."

Chairman Dennis said, "Thank you, Mr. Galyon, appreciate it. I know we had one more speaker. Please approach the podium and state your name, address, not your address, your name for the record. You have three minutes."

Ms. Lorg said, "I represent plumbers and HVAC (Heating, ventilation and air conditioning) contractors who several years ago packed this room in opposition to the IPC, and I just want to, just on a note that was just stated here by Mr. Galyon, that there's been no education on the IPC code. There has been education on the IPC code. Myself, we've had classes that show the difference between the UPC and the IPC. Also the PACK, I believe, has classes teaching plumbers and contractors on the IPC. So I just wanted to let that be known that there has been education on the IPC over the last several years. The KPHCC (Kansas Plumbing, Heating, Cooling Contractor's Association) firmly requests you not approve this amendment package and repeal adoption of the IPC, IFGC and IRC plumbing chapters. We believe the statistics recorded by the MABCD over the last 20 months reflect the wishes of the Wichita community of plumbers. Thank you."

Chairman Dennis said, "Thank you, appreciate it. Is there anyone else in the audience that has not signed up but would like to speak on this issue? Okay, I'll close the public comment at this time and bring it back to the bench. Does any of the Commissioners have any questions? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I may have some questions, but I have some comments as well. I'd like to start with that. So the first thing I just want to say thank you to staff. This has been a long process. We started this process, I think, more than three years ago, and going back to the time we adopted this code, I think it was led partially out of frustration, because we wanted to have the code with amendments but we seemed like we could not find support from the board to even go in that direction at the time. So we adopted the code simply without amendments so

we could at least move forward and get the ball rolling. I think it has worked. I want to say thank you to the Plumbing Board. They spent, I think, members of the board and maybe a few others as well, but they spent, I think, around 18 months doing an exhaustive and thorough review of the IPC code to come up with this amendment package today.

"I want to recognize them for a job well done. In fact, I think even those opposed to the adoption of the amendments would admit, and please correct me if I'm wrong, but they would admit that they did a great job. I've heard everyone say they did a tremendous job. This is a good amendment package, and even if you're opposed to IPC or dual code, that this is the right thing to do in terms of adopting these amendments so that the code is, fits Sedgwick County and makes it, I guess, as usable as possible. So again, I think it would be a slap in the face for those who did the work over the last 18 months if we did not adopt this. I do think that we like to respect them and appreciate their work by adopting the package that they brought to us today. I did attend the last Plumbing Board meeting. It was interesting the way that the motions were made.

"I would say to the statement that was read at the well by the second Brian, I'm going to say, I would be glad to read that myself. Duly noted. I appreciate the fact that they wanted to register their opinion being that this is not necessary, they don't really want dual code or IPC, but I do think that Mr. Galyon made a lot of points. I'd like to add to the points that Mr. Galyon made.

"I think there are reasons to do this. Ultimately, the consumers of building products want the plumbing to work. They want the water to come out of the faucet and things to go down the drain, and that's really about as much as they care about this. They want to minimize their exposure or their costs. So I think people in the system of providing housing, including all of the trades, need to understand that ultimately the consumer is who we serve. I'll go on to say it's the constituent for me. I want to make sure that we create regulations so that the constituents that we serve are not having to pay extra money because of unnecessary regulations. So that's my motivation today.

"I think that we have before us the history of the Uniform Plumbing Code or UPC, which I would say is, you know, it is a long, we have a long traditional history with that. It is a good code. Anybody that wants to use UPC, by all means, please use it. This is not taking away your right to use UPC. That's not what we're considering here today. But for those who want to use IPC, we're trying to make this as usable and as good for you as possible. There are plenty in the industry that want to have an IPC option and one that's been amended to make it as usable as possible for Sedgwick County. So with that, I think that adopting this amendment package today does that. So for those that want to use IPC, they've got a code option that they like that they want to use, and that's fantastic. I like to, as I started this discussion more than three years ago, I started out with the discussion of freedom. I like freedom. This is not even deregulating necessarily.

"We're not taking the UPC and deregulating UPC. We're simply giving plumbers and builders and consumers and constituents a second option that may save them money and may make those products a little more affordable to them. I am very concerned about one of the things that Mr. Galyon said, and that is the housing costs, regulations adding significant costs to the price of a home. One of the things we have in the Midwest here is affordable housing. That's one of our biggest selling points, and we need to capitalize on that to help our community grow. But having unnecessary regulations, it adds to the cost of building products, and my opinion is counter to that goal. So having affordable housing, safe housing, is a tremendous goal, and that's one

of the things we have in this community to promote Wichita and Sedgwick County to the rest of the world.

“Having people want to consider growing their businesses or living here, I think this is one of our biggest selling points. I might also say that I know that Wichita State University (WSU), City of Derby, McConnell Air Force Base, all of the state buildings that are in the community, they all use IPC. IPC is, in my opinion, gaining momentum across this nation. It is an engineering based code. I think that’s, I guess I have an engineering background. I think that if we test something and prove that it works and you can reduce costs to make it work, that’s something we ought to consider, whereas the Uniform Plumbing Code is based on tradition.

“It’s based on we know it works because we’ve done it for many decades, and it’s a tremendous code because we know it works. It’s based on experience and history, whereas the IPC is based on, I think, engineering and science. So to me, it’s not like the UPC is bad and IPC is good. They’re both good codes.

“I think that I’m proud of Sedgwick County for leading the community by having dual code. Regarding the beta test, I don’t know really where that came from. I was not supportive of the beta test. I think, I’m not sure exactly who initiated that. I think it’s pointless to every month to talk about the few number of permits that were pulled under IPC. To me, it’s really not a fair discussion. We haven’t, one of the speakers said we discovered we needed to amend the IPC. That’s not true. We’ve known from the very beginning the IPC needed to have amendments added. Unfortunately, we were not able to get that amendment package from the board until now. So it’s not like we discovered there’s something wrong with IPC. We adopted it in 2016 to get the ball rolling, and now we stand here today doing the final step of this, amending this code.

“If you want to have a beta test, and I’m not sure we even need a beta test, but if you want to have one, I would suggest it in a code cycle, that’s three years. To me, we need to let this thing be available to the community for at least three years and with the amendment package in place, because without the amendment package, without a long-term commitment that we’re going to allow this in Sedgwick County for at least three years, I think there’s a lot of people out there that are saying why would I want to gravitate towards a different code when it’s going to be removed in a few months, which is what the people are being told, I think. So anyway, if there’s going to be a beta test, my opinion it needs to be a longer period of time with the amendment package in place. I think that the monthly reporting of this is just adding contention where there doesn’t need to be any.

“My opinion is we ought to maybe, if you want to collect the data, Director, that’s fine. But I think to report this every month is just adding conflict where we don’t need to do that as often. I’d say let this cook for a while and maybe come back in a year or two or maybe the end of three years and talk about how well this worked. To me, that would be a much better way to go forward. I also say that a lot of our plumbers in the community, I think that they, a lot of them are trained under IPC. They test under IPC, and they’re licensed under IPC, but in the city of Wichita, they’re required to perform under UPC. I’m concerned about that. That may be okay for others, but I think we should have our trade folks performing under the licenses that they actually have. So if we’re going to continue to stay exactly where we are, we ought to maybe address that issue a little bit. I won’t do that today, but it is a concern of mine.

“A couple years ago we sat here and we had people from the audience came up and said we were going to kill people because of the auto vents that were going to be used

under IPC. That was actually stated. I find that to be a very troubling comment, but it's interesting that UPC has moved towards IPC in this area, so the auto vent may be one of the things that actually caused this discussion to start in the very beginning because kitchen islands and things like that, an auto vent is extremely useful in that type of installation. The UPC wouldn't allow it a long time ago, but now they do, I understand, but anyway, the discussion developed. I think that IPC is a good code. We ought to go ahead and adopt it with the amendments. But to the extent that auto vents would kill people, both codes now allow auto vents, so that argument is gone. I probably can continue.

"I don't think there's any point in it. I would say it's time to move forward, and I would once again want to say thank you to the board for their work, and thank you to the review committee for bringing this to us. This is not about adopting a dual code, this is simply about making the IPC better, and it's certainly time to do that."

MOTION

Commissioner Howell moved to adopt the resolution.

Commissioner Ranzau seconded the motion.

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

Commissioner Ranzau said, "Chris, just a couple questions. The item before us today is whether to approve or disapprove the amendments to the IPC code."

Mr. Labrum said, "Correct, Commissioner."

Commissioner Ranzau said, "Correct. Not, we don't have, we're not here today to discuss whether or not we're going to remove IPC altogether or have a dual code. It's just about the amendments."

Mr. Labrum said, "Correct, sir."

Commissioner Ranzau said, "Now correct me if I'm wrong, don't we make local amendments to every code that we have?"

Mr. Labrum said, "Yes, sir."

Commissioner Ranzau said, "To include UPC, the mechanical, everything, so this is not unusual. Okay, I've not heard any testimony today about these specific amendments being bad or harmful or dangerous, so I'll be supportive of this motion, and Mr. Chairman, I urge us to move forward."

Chairman Dennis said, "Thank you. Further questions or comments from the board? Okay, I sat in the room back in 2016 when this room was packed. Actually, I got to sit in the overflow room because it was so full in here, I couldn't fit into this room. But I heard all the arguments at that time. The one thing that concerned me at that point was that the UPC was adopted with 64 amendments and the IPC was adopted with zero amendments, and I thought that that was kind of a mistake. Since that time, our Plumbing Board has worked diligently and come up with some amendments to this IPC, and I know back when I sat here in the room, a beta test was announced at that time, as I recall, that we were going to run one.

"But any kind of a test, I don't know that it's valid unless you've got something that

you're comparing against that is equal, and we don't, and we haven't had anything that was equal up to this point, because we had a UPC with 64 amendments, we had an IPC sitting there with zero amendments. I also want to commend the Plumbing Board for working diligently to come up with the amendments that we have to the IPC that are before us today, and I think that we need to incorporate those. I know that a number of people spoke that they don't want a dual code, but that's actually not what's on our agenda today.

"It may be something that needs to be on the agenda in the future, but it's not what we're speaking about today. Today the question is whether or not we should adopt these codes. I spoke at length with our experts in MABCD because I am not an expert on plumbing. I can glue two pieces of pipe together, and sometimes they stay together. But beyond that, I don't know a whole lot about plumbing. So I have to rely on the experts to be able to advise me, and the experts that met said that these amendments are what we need on the IPC code, and so I'm going to support the motion and second that's before us. I just wanted to make sure that my position was clear. I see no one else that wishes to speak, so Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Thank you Chris, appreciate it. Madam Clerk, next item."

Approved

F [18-538](#)

APPROVAL OF STATEMENT OF COSTS AND ASSESSMENT ROLL; ESTABLISH A PUBLIC HEARING REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN ROAD IMPROVEMENT PROJECTS IN THE COUNTY; AND PROVIDE NOTICE THEREOF FOR REDMOND ESTATES (DISTRICT 3).

Presented by: Joe Norton, Gilmore & Bell, P.C., Bond Counsel and James Weber, P.E., Deputy Director of Public Works.

RECOMMENDED ACTION: Approve Statement of Costs, Assessment Roll, and Notice of Public Hearing; Establish August 1, 2018 at 9:00 A.M. as the date and time for a public hearing; and authorize a notice of such public hearing to be published and mailed as required by law.

VISUAL PRESENTATION

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "This morning we have before you a determination of completion of a project that you authorized in 2016 to create a road improvement district and make road improvements in the area of the county known as Redmond Estates. On the screen before you is a map depicting the location in the county where that Redmond Estates is, which is generally south of 31st Street in between 119th and 135th Street West. "The flat map before you now indicates in black the street improvements that have been made and the green boundaries shows the properties which are proposed to be

assessed for this improvement. This project was initiated in 2016 by a petition signed by 71 percent of the property owners in this particular area. The map depicted at the time that was presented to you in 2016, the shaded lots did not sign, the remainder of the lots did sign, number 23 of 32 property owners that signed that petition. The project has been complete. The Public Works has prepared a statement of final costs, which in the midline there this graph shows \$441,624.19. At the time the project was initially authorized, the estimated cost was \$679,000. So it came in much less than the initial estimated cost. When dividing this cost equally among the 32 properties, the principal component of the assessment is roughly \$13,800.

"If you take the recommended action today, the time schedule would be to set a public hearing for August 1st. There would be published and individual mailed notices to the affected property owners, advising them of that public hearing date. If action is taken accordingly at that hearing on the 8th [1st], then the property owners would have 30 days in which to prepay this assessment or make any challenges thereto. If not, then the county would proceed to include this in it's next general obligation bond issue to finance the assessments over a projected 15-year period. Jim Weber of Public Works is here to address any technical questions you may have about the project or the cost statement, and at the conclusion of discussion, the recommended action is to approve the statement of final costs, the assessment roll and notice of public hearing to establish August 1, 2018 as the date and time for that public hearing."

Chairman Dennis said, "Thank you. Questions for Mr. Norton? I actually have one just for my edification."

Mr. Norton said, "Sure."

Chairman Dennis said, "What it does is set specials, right?"

Mr. Norton said, "Correct."

Chairman Dennis said, "They're going to be paying. I noticed on your calendar of events that the people have one month in order to decide to prepay all of those specials."

Mr. Norton said, "Correct."

Chairman Dennis said, "So there's no option, say, five years from now if that piece of property sells and someone else buys it that they could pay off the specials and not have it tacked on..."

Mr. Norton said, "The statute provides that if they don't do it during the 30-day pay-in period, they can do it at a later date, but if they do, they have to pay, not only the principal component but all the interest that's going to be accrued by the county on the bonds that are issued to finance that. So typically a bond issue would be for 15 years. You might have an option to prepay that after 8 to 10 years. So you're locked into that interest component, so the statute requires that if they pay after that 30-day period and after you've issued bonds, they have to pay the relative interest component of those bonds that you issued to finance it as well."

Chairman Dennis said, "So even if someone else buys it, they don't have the option. They're going to pay the total interest."

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

Chairman Dennis said, "I'll be darned. Okay, well it has nothing bearing on which way I vote on this. It's just something that I was interested in. Okay, any other questions? Seeing none, does anyone in the audience wish to speak on this subject? Seeing none, I'll bring it back to the board for action."

MOTION

Commissioner Unruh moved to approve statement of costs, assessment roll and notice of public hearing; establish August 1, 2018 at 9:00 a.m. as the date and time for a public hearing; and authorize a notice of such public hearing to be published and mailed as required by law.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Mr. Norton said, "Thank you very much."

Chairman Dennis said, "Thanks for being here. Madam Clerk, next item."

Approved

G [18-474](#)

AMEND CIP PROJECT R342 (2018), COLD MIX AND GRAVEL ROAD REPLACEMENT PROGRAM (DISTRICT 5).

Presented by: Brent Shelton, Economic Development & Tax System Director, Division of Finance.

Recommended Action: Approve the CIP Amendment.

VISUAL PRESENTATION

Chairman Dennis said, "Thank you. Good morning, Brent."

Mr. Brent Shelton, Economic Development and Tax Systems Director, Division of Finance, greeted the Commissioners and said, "The next item for your consideration is a proposed amendment to the Capital Improvement Program (CIP) to provide for the paving of the 73rd Street loop in southeast Sedgwick County. It's adjacent to Cook Airfield. It's at approximately 71st Street South and 143rd Street East. This shows basically where that 73rd Street loop is. Also on this overview, you can see the proximity in the county. This is in Butler County, but the Rose Hill High School is shown here, because that's one of the important components of what we're going to be discussing today.

“Cook Airfield, which is located at 7015 S.143rd Street East in Derby Kansas, is developing a facility to provide a location to partner with Butler [County] Community College (BCCC), Kansas State University (KSU), specifically the K-State Polytechnic Center in Salina and Rose Hill High School initially for the purposes of classroom and field laboratory testing for unmanned aviation systems (UAS) or drones education in that arena. They’re requesting, in order to provide a more conducive and cleaner environment for the highly technical aspects of the equipment that will be located here, that this 73rd Street loop be paved. It’s currently approximately a half a mile of road. It’s a 36-foot wide gravel road with new grading and drainage and signage. The costs to pave the road going forward have been estimated by Public Works at \$70,000.

“Now, if we look at the industry for unmanned aviation systems, it’s projected to be a multi-billion dollar industry going forward, employ thousands of people in the United States (U.S.) over the next several years. The State of Kansas has become a national leader in this industry, both at the, we’ve received federal support and so forth because we have wide open spaces and other things, unmanned aviation system training, the first degree program in the nation is being offered at K-State Polytechnic. So it’s a burgeoning industry. Kansas is on the cusp of that and this training facility would help facilitate that growth. I heard at a conference at K-State Polytechnic about a year ago that they have a 100 percent employment rate after graduation from their school, and these are [\$]50 [thousand], \$60,000 a year jobs for recent college graduates.

“So the project that we are looking at today would include some additional workforce enhancements. It’s an educational partnership between these folks to provide a two-year degree program in conjunction with a high school diploma to then move toward that four-year degree. Because of the economic development component, the Center for Economic Development and Business Research (CEDBR) at Wichita State [University] performed an economic impact study on the paving of the road and facilitating this, and they determined a 1.89 to 1 benefit-to-cost ratio to the county. The only government that was considered in that was the county because school district or no one else was contributing at this point to the project.

“To give you some information about a timeline and how the project has come to you today, I’m going to take you back to February of this year, and at that point, Public Works had some contact with Cook Airfield to develop an understanding about the requirements for the road paving, what was going to be required to facilitate the school in this area. It came to my attention in April when I was contacted by Commissioner Howell about the partnership between Cook Airfield, KSU (Kansas State University) and Butler, and he was interested in getting the road paving project on the CIP agenda. So we met in person, we had some conversation, contacted the folks at Cook Airfield, and a summary of that conversation, a brief analysis was done at that time, put it before CIP, and the CIP committee’s consensus at that meeting in April was that this should be reviewed because of its economic development component. That’s when we ordered the study from the CEDBR (Center for Economic Development and Business Research) folks at Wichita State, and we provided them our initial analysis and they came back with that 1.89 to 1 benefit-to-cost ratio.

Fast forward a month, and CIP then reviewed the study that showed the positive benefit-to-cost ratio, and at that point they voted unanimously to recommend the project. Subsequent to that vote, a question was brought out because of the nature now of economic development interests on this project whether there was an existing development agreement, whether there was a but/for question that needed to be answered, was this required for this economic development to occur. So we went back

and did a little bit more due diligence and more digging in June, and CIP wanted confirmation about the status of the project at that point.

“So I’ve contacted folks from Kansas State, Butler, Cook Airfield, and in trying to determine what pieces are in place and what needs to happen or has to happen to make the project go forward. What I can tell you that we have confirmed that Butler Community College will begin classroom instruction in fall of 2018 at the Rose Hill High School campus. So that piece is in place. That’s the first part of it. Students need to get classroom education before they go to the laboratory testing. K-State Polytechnic is going to use Cook Airfield, and they’re going to use that once the lab and a new building is constructed on that facility, that’s a classroom and laboratory facility basically. Kansas Department of Transportation (KDOT) is awarding a grant of \$500,000 for the construction of that facility. That is imminent, my conversation with them in late June was that they anticipated making that formal award in July, and construction would then begin immediately.

“I would tell you that Kansas State is a strong proponent of the paving. In conversations, they stated a couple of reasons why they support it. One is for safety concerns for students traveling on a paved road versus a gravel road, and because it provides a cleaner environment for the highly technical equipment that’s going to be located at Cook Airfield. Subsequent to those conversations, I reported back to the CIP committee, that was on June 29th, that there was a formal agreement in place between the parties that were involved in the new UAS (Unmanned Aerial System) School, that they heard at that point that the classes at Rose Hill [High School] would begin in the fall of 2018. The facility had received the grant. It was going to be ready no later than fall of 2019.

“If it’s available sooner, then K-State would say that they’re ready to begin to use the facility, and that the project is moving forward at this time without the promise of the road being paved. So with that information, CIP returned a vote 4 to 1 against amending the CIP for the paving project. So that’s an overview of the entire project, the timeline, and where we are today, which brings us to options that you would have at this point. One is that you could approve the CIP amendment. If you approve that amendment, then the change order will be developed, and that would come back to you next week for your final approval of that. The second thing you could do today is you could deny the CIP amendment, and that would stop the project at this point in time. It could come back next year or at a future time. You could approve the CIP amendment, conditioned upon us obtaining signatures on a Memorandum of Understanding (MOU) or development agreement. The Memorandum of Understanding has been provided to the parties, Butler, K-State and Cook Airfield.

“If you approve it conditioned upon that, then once those signatures are obtained, you would be notified of that, and that will still require a change order, which would be developed for your consideration at next week’s meeting. You could say go get the thing signed and then come back and then you could improve the MOU with the development agreement, along with the change order on the July 18th meeting. The reason that it’s fast tracked to July 18th is because the contract for paving for the CIP projects hasn’t been let, from my understanding from Public Works that they’re going to begin construction for the seven miles of paving in the county as early as next week. So in order to get this in that project when they’re in the southeast part of the county, when the contractors there, we’d want to get things in place for them to do that. That’s basically a summary of where we are. I’ll at this point stand for questions or yield the lectern to someone else that might like to speak.”

Chairman Dennis said, "Thank you, Brent. Do I have any questions from the Commission? Commissioner Howell."

Commissioner Howell said, "Thank you. I got a couple questions. Thank you, Mr. Chairman. So are you saying we would have to have the MOU signed in our possession before 7-18 for us to make the next step?"

Mr. Shelton said, "That would be one option. I mean, the MOU wouldn't necessarily be a requirement. If you just approved this project without an economic development component to it, you could vote to approve it today, and then the next thing you would see is a change order next week."

Commissioner Howell said, "Okay. Well, I appreciate the presentation. I've got a lot of things I would like to say. I don't need to take too much time with this, but I think having a K-State school here to do this training is great for Sedgwick County. Provides opportunities for people looking for a vocation or career, and this is a great career to get into. You mentioned a 100 percent employment rate, up to \$60,000 per year salary. To me, that's tremendous. Wichita State's not doing this type of training. WATC (Wichita Area Technical College) is not doing this type of training. "If we don't do this, and this, for whatever reason, this school is not placed in Sedgwick County, it'll go elsewhere. So I guess our choice really today is if we're going to move forward, we'll have the school in Sedgwick County to provide this education. If we don't do this today, it goes elsewhere. I do have a letter from WSU. It's an outside of service area request authorization form for Kansas Public Post-Secondary Institutions, and they did sign off on this. So WSU is supportive of it. At that time this was signed, they also represented WSU Tech. I do have one question on Butler County, Butler County Community College's part of this, are they going to be operating classrooms for this program at Cook Airfield or is this going to continue to stay at the [Rose Hill] high school? What is their intent?"

Mr. Shelton said, "They're following the lead of Kansas State University, and they are providing, Butler will be providing classroom instruction at Rose Hill this fall. They could provide classroom instruction at Cook in the future, but the facility has to be constructed first. But they're following K-State's lead on when things might move. Now, I understand that there are also some other high schools potentially involved down the road, so because these are two-plus-two high schools, or two-plus-two program, which means that a junior in high school can receive high school credit as well as college credit for taking these classes, and they graduate with both a high school diploma and an Associate's Degree in the UAS. So I think some of the stuff is going to continue to be offered at high schools."

Commissioner Howell said, "Okay. To the extent there was some questions whether this was required, I'll just say that the partners in this, the K-State University did send out an email I think which makes their position very clear to me that they, I guess, in my opinion, the way I interpret their writing here is that they say that the road is necessary. I could say also on behalf of Cook Airfield that their going-in position on this was that this was a package deal, that the school would be their investment, they're going to I guess use their land and construct the building, they would own the building, they would have that grant money, but they're putting an awful lot of out-of-pocket money into this, and their hook, if you will, was this road getting paved, and having the school. It was kind of a package deal in their mind."

"They've indicated through another letter that should the road not be paved that they are losing interest in providing the school. So whether you believe K-State's position in the email that I received or you believe the letter from Cook Airfield, in either case, I believe it's true that if the road is not paved, the school will not happen in Sedgwick County. That is a fact. So the road actually in terms of prep work, this is a road that's been recently constructed. They paid for the road, actually, to be constructed to the degree it is right now. It's extremely wide, it's shaped, it's got drainage in place. All it needs, I believe, is probably scraping the gravel off the top and putting the asphalt down.

"It's essentially ready to go, which is why the cost is quite low in terms of this type of a road construction. You almost couldn't ask for a better starting point. All of that prep work was paid for by the owners of Cook Airfield.

"So the way I see this, if the school does go in, it actually benefits the county, not in terms of just opportunity and jobs and economic good things for our community, but actually benefits Sedgwick County government, 1.89 to 1. So we actually, it benefits other taxpayers by having this in our community in terms of economic activity. Brings more tax dollars to the county to provide more services to other taxpayers, and so this is actually a good thing in that regard. I believe this is a great opportunity, and with that, I would make a motion at the appropriate time, Mr. Chairman. I'll see if there's any other discussion."

Chairman Dennis said, "Thank you. Any other comments from the Commissioners? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I did talk to the principals from Cook Airfield about this a few weeks ago, and they are quite enthusiastic, obviously. But I haven't seen documentation as to agreements between, or commitments from K-State or Butler, I really don't have hardly any back-up material. I think we got in the email today a copy of the analysis by WSU, but I haven't had any time to look at that yet because it just came today. So I'm a little bit reluctant to approve this today, at any rate, until I see that commitment from those partners. It was referenced that the investors in Cook Airfield built that road around, did a good job. I appreciate what they've done. Of course they did that as part of an agreement where citizens of Sedgwick County, vacated a half mile of road for their behalf in order to do that. My understanding is they were going to extend the runway. Now, I don't know the age of that picture, but is the runway extended?"

Mr. Shelton said, "Yes, it's kind of hard to see, but the runway has been extended down in this area right here. This was the vacated road right here."

Commissioner Unruh said, "So that's the road we vacated, and the runway has been extended. Okay, and the rest of that ground up there, that's housing development, is that correct? I guess the first question is, where is the facility that they're going to build to benefit the school going to be built."

Mr. Shelton said, "I understand it's at the south portion of the airfield."

Commissioner Unruh said, "Where Brent?"

Mr. Shelton said, "The south portion of the airfield, so it'd be right in this area. The housing development, the platting has been done in this area, south of what was 71st Street. So the platting goes along here, kind of an L-shape on both sides of the road

here.”

Commissioner Unruh said, “Okay, and I’m not a developer or builder or anything, but if that’s approximately where that’s going to be located, why wouldn’t they just come in on the old 71st Street and come directly to the college rather than having to do that, because from where the new L-shaped road hits 71st Street, then you have to go back east to get to this new facility, is that correct? Why don’t you just come off 143rd, it’s already...”

Mr. Shelton said, “If you come up to 143rd, then you’ll need to take this road up to get into the entrance, because nothing is here anymore, but then it’s been vacated.”

Commissioner Unruh said, “Why wouldn’t the road be built from 143rd going straight west over to that facility? That’s much shorter. It’s more accessible. I mean, this kind of implies that a bunch of people are going to be coming from the south, I guess it does.”

Mr. Spears said, “Commissioner Unruh, that piece you’re talking about on 71st has been vacated.”

Commissioner Unruh said, “Correct.”

Mr. Spears said, “So the public, it’s not a public road anymore. The public can’t use it.”

Commissioner Unruh said, “They can build a road there. Why can’t...”

Mr. Spears said, “They can, but it would be a private road. I’m not sure how much...”

Commissioner Unruh said, “So it’d be like a driveway to my garage.”

Mr. Spears said, “Right.”

Commissioner Unruh said, “Okay. Well people can use a driveway to my garage, that’s my point. Why would we do a half mile road around if you can do 100 yards of road or whatever just straight in from 143rd is kind of what I’m, and I’m not developing, it’s not, my real question is, I would really like to see the agreements, if this is going to be treated as an economic development issue, I’d like to see the agreements and that documentation before we go forward. I’m not saying I’m voting against it or anything, but I just have a lack of information right now, and I see what these folks have done previously, and so I’m not saying I distrust anything, but I would say that we heard plainly from, on two occasions our, to different staff, it was stated that K-State said it didn’t make any difference to them whether we had the road or not. Now we’re saying, they’re saying yeah, if we don’t have the road, we don’t come. So I’d like to, I’m a little confused and I’d like to have documentation before I make a motion or before I make a motion. In light of that Mr. Chairman, I guess I would make a motion that we defer this till that information is available to us.”

Chairman Dennis said, “Thank you. We have a motion. Do we have a second? Well we haven’t had all the comments yet, that’s the problem because I would probably second this because I’ve got some concerns, same concerns you do. First of all, there’s expense now to the county, and it’s going to be an ongoing expense. Once we pave

this road, it's no longer a township road, it's now at some point that it's going to be a county road from this point forward.

"So any maintenance we've got to do on this, every six years we do maintenance on every road here in the county, so we're going to be performing maintenance on this road. So it's not [\$]70,000, it's an ongoing expense. We just, the previous item we just approved 5-0 was to establish a benefit district. I don't understand why that this is not a benefit district. It doesn't compute to me that in one case that we just finished up, it's a benefit district and the folks there are going to pay for it, we're going to do it initially, but then we're going to issue bonds, but we're going to do it as a benefit district. Now we've got almost the exact same case where that someone needs a road paved, and no, it's not a benefit district, it's an expense to the county now and in the future.

"I have not ever seen an agreement whatsoever from K-State, and there's two different things that can happen from K-State. One is a want, and one is a need. There's a lot of people, I've got a lot of wants. I'd like another brand new corvette. Okay, don't have a need for it, but I've got a want, okay? Same thing here. I need to know from K-State, is this a want or a need? I've never seen a piece of paper from them saying this is an absolute need from K-State that this is paved before that we're going to put a road here. We have a letter that I was shown from Commissioner Howell, I've never received any of these letters myself for some unknown reason, but it's from some of the folks at Cook Airfield that says that they're not going to do it, it is kind of, you know, sour milk, I guess. If you guys don't approve this, we're not going to do anything. We're pulling out of this whole thing. Well, that's blackmail, and I don't agree with blackmail. So I strongly disagree with that. So I do second the motion.

MOTION

Commissioner Unruh moved to defer item G until more information is available.

Commissioner Dennis seconded the motion.

Chairman Dennis said, "Commissioner Howell was next."

Commissioner Howell said, "Thank you, Mr. Chairman. I have a couple of things I'd like to clarify. First of all, the training facility is going to be on the west side of the runway, so accessing that from the east, no matter where you come in on the field, you can't get there unless you go around the end of the runway. That's the answer. The land has been selected, they've got plans, they're ready to purchase the building.

"They're waiting for this last piece. In terms of a benefit district, I didn't start out by saying this is to benefit Cook, although it will benefit Cook, this is not to benefit Tiffani Breeze, although this will benefit Tiffani Breeze. Those two projects together, by my own calculations, I'm not sure this is the right number, but I just speculate around \$30 million worth of housing potentially will go in there at some point. If that's all this was, this could be a benefit district, that's right, but that's not what this is about.

"This is about a training facility for Sedgwick County. Do we want to be cutting-edge, Air Capital of the World with all sorts of air, you know, aircraft opportunities, the entire spectrum, including drones, unmanned aerial systems, which by the way, I think that we will be one of the leaders of this industry if we do this. It'll be based in Sedgwick County, and it benefits Sedgwick County. This is not to benefit a small number of developers, it's to benefit Sedgwick County as a whole, and this is a tremendous

opportunity for our young people especially that are looking for a career option. We want them to come to Sedgwick County, and I'd like Sedgwick County to be the leader of this industry. That's what we're talking about today. Whether or not the school goes in there or not, you mentioned whether this is a need or a want.

"Let me start, once again, say this was a package deal from the very beginning. I would ask you, would you want to invest a million dollars of your own money for something that you can't get a return on your investment (ROI) personally for decades? In my opinion, that's less interesting than saying, it's good for Sedgwick County and I'd like to do that because there is actually a benefit to me also. These buildings need stay clean. The equipment that's inside these facilities is highly technical and very expensive. There's simulators and there's electronics, and if you were going to invest in, you know, let's say a million dollars of your own money and you're going to place that type of sensitive equipment inside that facility and it's going to be covered with dust constantly, that's a problem.

"What Cook has been asked to do is provide a space for this training to happen on this airfield, which they need, has to be near an airfield, their runway's right next to the building. You want to invest in the building that's going to be covered with dust and it'd be a problem that you can't get a return on your investment for decades, or do you want to go ahead and say, yeah, I'll do it because it's good for the community and there's also a benefit to us as well, and it's better for the kids, it's safe.

"We're talking about \$70,000, return on the investment is almost 2-1 to Sedgwick County taxpayers. I assure you if this is not approved, then the school won't happen, which is fine. That's an option, I guess, if my colleagues want it say no, that's fine. It'll go elsewhere, it won't be in Sedgwick County. I think it's good for Sedgwick County. There's one other point I think you made, and I'm trying to think of what it was. The MOU was drafted apparently over the last couple of weeks, and why it wasn't distributed to my colleagues I don't know. I think staff should have distributed this. I have a copy in my hand. I didn't get this from staff, unfortunately, but the MOU has been drafted.

"It is a clarification of the commitment by the three different parties to this project, and I would like to make a substitute motion that we would approve this, contingent on the signatures of the MOU that's been presented by staff, well, I shouldn't say been developed by staff and Legal. This is here to protect the county's investment. We're not going to pave a road without the school, but if we pave the road, the school's going to happen. That's what this essentially says. So my, please correct me if I'm wrong, Mr. Shelton. That's what this is for. So I think it's fine for us to approve this contingent on the MOU being signed. This was sent out Monday close of business. Today is essentially nine business hours after this was sent out to the three parties. They haven't had time to review and to sign this and get it back to us. I think we ought to, you know, lean on them and get them to sign it and get it back to us hopefully by next week if possible.

"But in my opinion, this is a little bit unfair for them to have this signed and ready for us this morning. I do think it's reasonable. I understand that my colleagues are concerned about whether or not we're protected, whether or not this is actually going to happen, or whether this is even necessary. The reality is, I can tell you once again, it won't happen without the road being paved. It's a benefit to Sedgwick County. It's a great opportunity for our kids and for our community. If we want to be the leader of this technology, we have to do this. The facility is on the west side of the runway. You have

to get there. The MOU, in my opinion, can be signed. I would like to make a substitute motion that we would approve the CIP amendment contingent on the MOU being signed by the various parties. Thank you, Mr. Chairman.”

Chairman Dennis said, “Thank you. Commissioner O’Donnell.”

Commissioner O’Donnell thanked the Chairman and said, “He can’t make a substitute motion until we vote on the underlying substitute motion, correct?”

Chairman Dennis said, “No. We’ve got a motion, he can make a substitute motion.”

Commissioner O’Donnell said, “But he had a first motion, I thought. Dave...”

Commissioner Unruh said, “No, he didn’t make it.”

Commissioner O’Donnell said, “Okay, okay he was just saying he was ready for one. Okay, I was confused about the order for that. So I guess my question would be, because I do think this is a great project for K-State. I guess my question would be on if we pass Jim’s motion being a contingent, I believe that’s virtually what Commissioner Unruh was wanting, is that correct? You just want to have the signatures before we move forward? Is that correct?”

Commissioner Unruh said, “My goal is to see the documentation of the agreements and have a firm commitment, and then have the document signed before we sign. If I may, just one other question.

“I would like to have something from Wichita Tech saying that they’re supportive of this. I think there’s a difference between saying they’d allow K-State in our county, because we spend a lot of money in support of Wichita Tech. I think this is something that they could do in their current facility. But if they’re good with it, I’m good with it. But I’d like to see that more firmer documentation on that, so I’ve said more than you wanted me to say.”

Commissioner O’Donnell said, “No, no that answers the question. So Brent, you or Legal, who sent out this agreement that Jim, that Commissioner Howell has in his hands?”

Mr. Shelton said, “After it was drafted by Legal, then provided that to the three parties.”

Commissioner O’Donnell said, “Was there a time period that they are supposed to respond back to us? Did you say it has to be done in a week, a month?”

Mr. Shelton said, “We haven’t given them that firm deadline other than just to mention that this is going to be heard this morning, but this may be one of the options that the Commission approves, so we would get it to them as quickly as we could.”

Commissioner O’Donnell said, “Sure, sure because I don’t think these two motions are very far apart from each other. So it’s more just the time period that we’re looking at to get a response from them because I think we’re going to end up at the same place regardless. So if a Commissioner is asking for a couple weeks to get some more information, generally we allow that, but I didn’t know if you followed up with them at all. I know you’d spoken to them on the phone. You feel like they’re going to sign this?”

Mr. Shelton said, “I’ve heard back from K-State who indicated that they were willing to

sign it. It was just going to be reviewed by Legal. The representatives from Cook have indicated a willingness to sign, I think they made a brief amendment to it. I have not heard back from Butler Community College since the thing went out to them. I think one of the things that we're looking at here, though, is the reason we're on a short timeline is because that contract has been let and construction is beginning. So to get the price that we're talking about and get it in that sequence, we're on a really short leash."

Commissioner O'Donnell said, "Alright, thank you Brent. Thank you, Mr. Chair."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Yeah, I think I agree that these motions are very similar, but I'm going to second Commissioner Howell's motion, because of the time frame issue that we're talking about."

Deferred

SUBSTITUTE MOTION

Commissioner Howell moved to approve the CIP amendment contingent on the MOU being signed by the various parties.

Commissioner Ranzau seconded the motion.

Commissioner Ranzau said, "We have a week. I think making this contingent upon that being signed, allow staff then, if we do this or pass this motion, you can get it signed, you can proceed, boom, boom, boom, and bring the change next week to get it back. I think that's probably the quickest, most efficient way to do this if we're going to do it, to get there. Also, I want to address a couple issues that are interesting. You know, we talked about not getting documentation which generally I agree, like the return on investment I saw it this morning, the contract, things like this, I mean that's a staff and management issue, I'm not sure why we haven't seen it beforehand, but I will say I remember a few months ago we had an incentive program come here for millions of dollars for zero new jobs, and we didn't have return on the investment that morning yet, and I made a motion to table it until we got that return on investment, and that was denied, it couldn't even get a second. So I see a little inconsistency there. I remember another time we, this was a few years back, we passed an incentive package.

"The contract wasn't done, we authorized our Legal Department to finish the contract, and we still went forward. So I understand the issue, but there's been a little inconsistency here. I also want to talk about, you know, the issue that maybe we're being blackmailed was brought up. If you don't do this, we're not going to do it. Well, isn't that what happens every single time we have an incentive package brought to us for millions of dollars? They say either you give us taxpayer money or a subsidy, or we're not going to do something. It's exactly the same thing, so let's apply the standard the same. Nevertheless, I'm okay with getting that agreement signed. I think we have a time constraint issue here. Between the two motions, I think we'll get to the same place, but the substitute motion, I think, allows us to move forward at a more quicker and efficient pace to get things done, if in fact it passes."

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

Commissioner Unruh said, "Thank you. In the conversation, I just had one more question. Did you say the contracts had been signed and the infrastructure is starting to go in?"

Mr. Shelton said, "There's a Memorandum of Understanding between K-State and Butler to provide the education. The award was granted by KDOT for the facility. So those things are progressing. I mean the classes are going to be offered at Rose Hill this fall, and building construction is, as soon as the money was there, it was the understanding from the folks at KDOT that that construction would commence this summer."

Commissioner Unruh said, "Okay. So I thought I heard you say that those contracts have been signed for construction and physical infrastructure is the way I understood it."

Mr. Shelton said, "I haven't seen any documentation between KDOT and Cook for that grant award. But in a conversation with KDOT, they said that it had been, they'd approved it, through authority to sign it was out of town at that time. When he got back it was going to happen, that was..."

Commissioner Unruh said, "Okay."

Mr. Shelton said, "...right around the first part of July."

Commissioner Unruh said, "The terminology was such that I thought they'd already, the construction contracts had been signed and those sort of things. Is that..."

Mr. Shelton said, "I think what..."

Commissioner Unruh said, "That's the way I understood it."

Mr. Shelton said, "I don't know that I said it, but they have plans and so forth for the building. All that stuffs been done."

Commissioner Unruh said, "Okay."

Mr. Shelton said, "They picked a contractor and so forth, but I doubt if he signed it until they got the money and that's been approved."

Commissioner Unruh said, "Alright, okay thank you. That answers my question."

Chairman Dennis said, "Thank you. Well, I guess this whole process has been different than I'm used to. I've never seen the ROI. I've seen a number, but I've never, normally we get a nice document from WSU that shows everything laid out. I've never seen anything but a number, and that number is based on, once again, let me go back to this want and need. That number, from what I understand is based on saying that it's a need, not a want, because if it's a want, the ROI is zero. Because if it's a want, K-State doesn't care one way or the other, then there's no need to put it in. So there's a difference there between zero and 1.89 or whatever number I heard. But I've never seen the ROI so I can't speak from it. Second thing is that I've never seen this agreement that this MOU that's gone out to K-State, you said it was provided to three different people. It was provided evidently K-State and Butler and Cook, is that who it

was provided to?"

Mr. Shelton said, "Yes, sir."

Chairman Dennis said, "I don't recall seeing it. Nobody has come and briefed me on it, I've never been given it that I'm aware of. Actually, I saw it yesterday afternoon briefly as I was heading out of the building going over to WAMPO, because Commissioner Howell had a copy of it. But I didn't really get to read all of it. There was one little blurb at the bottom that was highlighted that said that something along the line that K-State has to have this. But I don't recall exactly what the wording was. The problem is with, if we accept the substitute motion, we're not specifying that we have to have all this documentation before that it can go forward. That we have to have an agreement signed by K-State that says this is a need that we have to have all of the other process that we normally have when we make a decision on this."

"Final comment is that normally when a Commissioner asks for something to be delayed, for example, recently we had a big contract with the Department of Corrections and Commissioner Howell asked for us to defer that for a while, and we did. His questions were answered and we passed it later on. We normally defer to Commissioners if someone asks it to be deferred. Today the initial motion that was given was exactly that. Let's defer it until we get all of these things that we normally have that we don't have today. So I won't be supporting the substitute motion, and I will support the underlying motion. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I think the Chairman's right. Normally when a Commissioner asks for a delay, we usually do ask that, we do support that. But there always, it seems like every time the first question we ask staff is, well, will there be an issue if we delay. We've always, the issue that you're talking about, we asked that too, and most of the time it does not. This time we got a week. That's why I think I'm going to support his motion, because I think we'll get to the same place with the documents. We have a week. I mean, most of the time we've been able to delay things we've had a few weeks, but this is a time-critical situation. In my estimation, we would get to the same point as the first motion but more expeditiously and efficiently allow staff to get things done and get them moving. So that's why I'll be supportive of this motion."

Chairman Dennis said, "Well I can't say that we'd get to the same point, because I don't know what the MOU says, whether it says the things that I'm concerned with. So that's the problem. We won't get to the same point unless we defer it. Anyway, I don't see any other comments on this, so we do have a substitute motion. I'm sorry, Mr. Manager."

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I'd like to make just a real quick comment. You know, this particular project has gone through several iterations. It's gone to two CIP committees, it's gone to two CIP committees for two different projects. The first was an economic development project, the second it wasn't an economic development project, and as of late last week, we didn't have that requirement up for the pavement. It wasn't until Commissioner Howell readdressed with Cook Airfield and then we got a subsequent email saying it is a requirement. So it's gone through several different iterations."

"As Brent has researched this project and has talked to the parties, it has changed. So that is kind of why we're in this point now that we have these other five miles or

seven miles being produced that we are in a time constraint, and so essentially that's changed to an economic development project again, the need for the development agreement is just like we do any other economic development agreement. So we felt a need to get that document so we could have all parties sign it to agree that this is a necessity, that it is a requirement in order to protect the county. That was just sent out as of, we got the new email communication from Cook that it is a requirement. So that's why we're in this predicament. It is not kind of the normal process.

"It's not the perfect solution. A delay of one or two weeks could potentially give us the capability to make it as, you know, best that we could. Either way, we're going to push to get the signatures on the MOU to make it just like a typical economic development project. So there were nuances here that we weren't counting on that staff has been working through, but it's changed. But the need to get it done based off of the other projects being done, is why we're in this situation."

Chairman Dennis said, "I concur with you that we need to have the county protected. We need to have all of the agreements in place. I guess one of the problems I have is that the MOU that I saw yesterday does not protect the county. We want that one line in there needs to be stronger. We need to know that this is a need. Somehow it needs to be in there. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I'd just like to read a couple things here I think that might help a little bit. I'll start with Cook Airfield sent out an email to K-State, and I was able to get a copy of this. But let me just pull out an excerpt, it says talking about the CIP committee. CIP committee made a decision, let me see here, talking about the recent reversal from the unanimous support to the I think it was a 4-1 opposed to the paving of this road. It says that the recent reversal of the CIP committee made this decision based on the statement from K-State stating that they did not need the paved road. It goes on to say nothing has changed since the first day we started discussing this project with the exception that the UAS training is now happening with or without a facility at Cook Airfield.

"Again, let me say what that means. If we don't pave the project, they're going to move it someplace else. That's my understanding. They'll move probably to Augusta, or I don't know where it's going to go, but it won't be in Sedgwick County. It says just to be clear, although Butler County Community College and K-State have solidified their plans, they're providing the training here or somewhere else, Crosswind's Aviation will not accept the grant and build the \$675,000 multi-use facility unless the county is going to pave the road leading to the facility. That's their decision. Okay? They can do this or they cannot do this. But that's, they're being very clear, this is not going to happen without the road being paved. That's their decision. I can't influence them, they can choose to do this or they can choose not to do this. Right now they want to do it, but from the very beginning this wasn't going to be a paved road. They understood that the K-State needed this to be paved.

"There was discussions early on that this was part of the deal, and they committed to the project under that understanding, and now this idea it's not going to be need to be paved is new information. So I got an email from Terri Gaeddert. He's Dr. Terri Gaeddert, Director of School of Integrated Studies of the Kansas State University Polytechnic Campus. It says, to follow up, I'm not sure where the comment about K-State stating that they did not need a paved road came from. When I visited with Brent Shelton, I shared that classes would begin to be offered in the fall of 2019 at Cook Airfield to allow time for the construction of the building. That would give time for

the paving, which is not needed immediately this fall. I hope this wasn't interpreted as meaning it was not needed.

"That's from K-State, that's an email, but it's very clear to me. I have no doubt they'll sign the MOU. The MOU was given to them as of just 10 hours ago. They got the copy of the MOU. This is here to protect the county. I think that this is, are you really going to build a school or not. If you're really going to build a school, yeah, we'll build the road. If you're not going to build, not where you're going to put the road in, or not really going to put the school in, not sure you're going to put the school in, we don't want to do the road. Is it a want? Yeah, I suppose these kids can drive on dirt road. They can build a building without a pavement. They can have a building filled with dust. They don't want to do that. So in a sense, yeah, it is a want. It's not an absolute must. They could have a school without a paved road, but that's not going to happen. K-State's indicated they're not going to do that, and Crosswind's Aviation made it very clear they're not going to do that.

"Our choice is do we want to have a training facility that does state-of-the-art drone technology training in Sedgwick County or not? If the answer's yes, let's do this. It benefits taxpayers. It benefits our community. If you don't want any of this, the school will not happen in Sedgwick County. That's as clear as it gets. All I said is the substitute motion is to pass this resolution contingent on the MOU that Legal created that protects the county. Time is an issue. We need to move forward. If we delay this, I am confident that we're killing it. So I think either vote for it today, let's get the MOU signed, let's go forward, or let's just play, I guess, a game in my opinion, and let's not go forward.

"This is a serious matter. I've been working on this since earlier, essentially the beginning of this year. This should not be new information. I've been saying this since the very beginning that paving this road was a requirement for this school. I've consistently said that. That has not changed. This should not be a surprise. I have no doubt they'll sign the MOU. But we can give them some time to sign the MOU. In the meantime, let's commit to the project contingent to the MOU being signed. Why can we not do that? I've said enough. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you. I have never said that I wouldn't vote for this project one way or the other. I'm saying I want to protect the county, and I want an MOU that does that. That MOU that I have not seen other than for a brief second yesterday afternoon does not protect the county. I would not ever think that the county should sign something that does not protect us completely.

"So that's why I will vote against this agreement that, not agreement, but motion that's been put forward, and I will vote in favor of the primary motion, because it does allow us time to take a look, and when it comes back, if everything is in place and it is an economic development program, and I told Commissioner Howell this initially, if it's an economic development program, and we know that, and it protects it, I have no problem with supporting it. Right now, I have a lot of problems supporting it, because I don't know a lot of things. Commissioner Ranzau."

Commissioner Ranzau said, "Just a couple things. I remember several years back we paved a couple dirt roads up in Bel Aire, and there was no contract with any business saying we're going to be here, it was a basic want, and we spent \$3 million doing that. As far as being able to cover the taxpayer, I appreciate that, but recently we approved an economic development program for \$7 million and the claw back provisions didn't

even adequately protect us as far as the wages needed in order to get the return on investment. I asked that we table that until we got that done correctly, and we didn't do that. My concern is, we just have some inconsistencies here on how we apply some of these ideas that we're talking about. That's troubling but, I think we have a time issue, we need to get it done and move forward. I don't think postponing it, using postponements and etc. as an effort to try to kill this is the best way to do it. I think we need to just move forward."

Chairman Dennis said, "Thank you. I don't see any other comments to be made. We do, Commissioner O'Donnell."

Commissioner O'Donnell said, "I'm just going to make one quick comment, because I have been supportive of this project since the beginning. Commissioner Howell has been talking to me about this for six months, maybe. Maybe even longer. I think it's great to not just help his district with Cook Airfield, but also establishing this flight school for K-State, getting more of a presence for K-State down here. I know that WSU has been supportive of it. I can't speak for WSU Tech, but I do agree that if the Chairman and Commissioner Unruh want some time to evaluate a little bit more, meet with staff, get that memorandum sent back, I am going to afford them that luxury, even though I am supportive of the motion. So I will not be supporting the substitute motion, but I am supportive of the project, and hopefully we can get something done in the next week and that won't kill the project. That would be my preference. That's my motion, so I just wanted to make sure that was public, because Commissioner Howell and I have talked about this for a long time and I am supportive of it. By voting against the substitute motion is not in my opinion me voting against the project."

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

Commissioner Howell said, "Yeah, I've got two things. Number one, I can't say that I'll be here next term."

"That's up to the voters, but if I get the chance to be here next year, if the [R] 342 program continues to exist because of the amount of housing that's going to go out there at some point, I would probably select the roads between Greenwich and 143rd Street anyway as my next two mile stretch of road to pave, again, I like to go from paved road to paved road, create special east-west connections, and that is connecting, nearly connecting the center of Derby to the center of Rose Hill. So 71st Street is one of the worst roads in Sedgwick, in my district, I should say that. It's so narrow that school buses have tipped over trying to pass cars. We had to lower the speed limit because it was unsafe. Because of the nearly \$30 million worth of capital investment out there by real estate people at some point, I probably would pave this anyway. So here's the point. We could not pass this, we can kill the school, that road's going to get paved probably, again, it's up to the voters I suppose, but I believe that road will get paved anyway, that's just my opinion."

"We'll have to see what happens with the voters, but I do think that that is certainly something that should be considered. That's not why we're doing this today, but I guess my point is this. Either we'll have the road paved down the road with the school or without. I don't think it substantially changes the cost to the county over the next four years one way or the other. Again, maybe I'm wrong about being re-elected, that's up to the voters, but my point is, we have an opportunity today to do part of a project, which is probably, in my opinion, inevitable at some point. But we're going to have it"

with the school, and benefit to Sedgwick County or not, I think that's the point. I do think that we're killing the project by pushing this back. I really do. I would recognize, I ask the Chairman to please recognize there's at least a couple of audience folks that want to speak to this, I can tell. I would like to see that they would have a chance to speak before we would vote. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you. Is there anyone in the audience who would like to speak on this project? Please approach the podium and state your name for the record. You have three minutes."

Mr. Greg Thomas, President, Crosswind's Aviation Inc., greeted the Commissioners and said, "I'm representing Cook Airfield. First off, I want to thank the Commissioners for letting us up here today and all the back and forth on this topic. Those of you that have dealt with Cook Airfield for the last 15 years, you know it's been a longstanding goal to have a training facility on the airport. We've made that at many presentations. We didn't know how we was going to get there, but over the past year and a half between negotiations with Butler and K-State, it was coming to fruition. One of the things that was misspoken today is Butler is not providing classes. That just evolved the last six months.

"The agreement is between WSU and K-State. So K-State has the right to provide classes in Sedgwick County, but Butler doesn't. Butler provides gen-ed (general education) classes in Rose Hill, K-State would be providing classes out at Cook Airfield. I'm really not going to hammer on the school too much. I want to give you some quick facts about Cook Airfield. Currently we have 74 planes based out there. Twenty-eight of those planes are based on the west side, with customers going back and forth every day down the dirt road.

"Twelve of those planes came last year after we extended the runway. That is the most gain of planes that we made in any one year, and it was because the construction, because of the road around and the extended runway. From mid-2016 to mid-2019, we will are have completed almost \$4 million worth of projects without one penny coming from Sedgwick County other than putting up a road closed sign.

"Two million of those are KDOT projects where it's a 90-10 cost share, but again, the county is not sharing in that 10 percent, it's private businesses sharing in that 10 percent. We've done \$320,000 in private projects building new hangars, reconstructing old hangars, building an FBO (fix based operator). There's been [\$]1.5 million in houses, new houses that have went up in the last two years. We've sold four properties, so we'll probably have another couple million dollars' worth of houses at a minimum going up over the next year, and we're slated to sell another 18 properties over the next five years.

"So my point is, we've added enough to the tax roll to pay this [\$]70,000 over the next five years just in property taxes that the county is going to get from the development of Cook Airfield. Yes, doing away with this is going to kill the UAS facility. It's not going to damage Cook Airfield. I'll be honest with you, we make more money off of building hangars and selling them. We make the same amount of money off the ground leases as we're going to make off of this training facility. It's actually, you know, a pain in the you-know-what to bring more activity out there. But in our mind it's a total package because we are an airport, we want to be an aviation community, and unmanned aircraft is the future. In our lifetimes, we'll be seeing drones taking off and landing on that airfield whether K-State comes there or not. We just want to be a player in the future of it. Questions?"

Chairman Dennis said, "Yes, sir. If we delay this, does that kill the program?"

Mr. Thomas said, "Yes it does, because I've been, sir, we haven't had a lot of interaction, but I have been in these meetings several times over the years, and I've watched all the political moves, and a delay, it is my understanding that you guys are letting the contract next week. So even next week, and we'll do our best to have an MOU by next week, but a delay is not, a delay basically puts it out for another year. So basically..."

Chairman Dennis said, "We're not talking about a year. What I'm talking about..."

Mr. Thomas said, "...so basically I'm committing to a multi-million, you know, I'm committing to a \$700,000 project without knowing if I'm going to have a clean facility. What I told the Kansas Department of Transportation is I'll provide you the best facility I can and put all these things into place, one was having the road paved because what you don't understand, it's a north-south road. So every time somebody drives down that road I got a quarter mile of dust that's going right into that facility. You might ask why did we position the facility over there because that's the safest place to put it so we don't have to have students crossing the airport."

Chairman Dennis said, "Sir, you're not answering my question. My question is, we need to make sure we protect the county, and that we have an agreement in place that does that that's signed. I don't understand why a week, or a week and a half, two weeks at the most would kill your program. Just explain why that would kill the program. If we sign that in a week and a half, two weeks from now, so that we could approve it, why would that kill the program?"

Mr. Thomas said, "Well correct me if I'm wrong, if the change order is not on next week, it doesn't get on the project."

Mr. Scholes said, "Commissioner, clarification. We just need it back by the 25th BoCC. We can either do it next week 18th, or we can do it the 25th. We'll be able to get it done, is that correct David?"

Chairman Dennis said, "So if we approve this on the 18th or 25th instead of today, will that kill the program?"

Mr. Thomas said, "No, negative. I mean, the Director of KDOT called me yesterday said the agreement's coming to me. I went to the mail last night, it wasn't there, the grant. I could sit on that grant for six months and not sign it, so I'll just, I can sit on it another two weeks..."

Chairman Dennis said, "So if we have an agreement that's finished, an MOU by either the 18th or the 25th of this month, you'd still be happy?"

Mr. Thomas said, "Yes, sir."

Chairman Dennis said, "So I don't understand why we need a substitute motion."

Mr. Thomas said, "I guess I don't understand, can you clarify what's wrong with the MOU that was sent out yesterday? I mean, we haven't got signatures yet, but haven't had time to do the signatures but..."

Chairman Dennis said, "Just a moment. Eric Yost."

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "The gentleman asked a good question, and I have been looking at the Memorandum of Understanding that was prepared by Mr. Deer. When this was prepared, we didn't have very much information, so it's kind of a rough draft. Based on the comments that I have heard here from the Commissioners, there's a concern about protecting the county."

"I want to tell you about one paragraph here, which is the termination paragraph. It says that either party may terminate this MOU with or without cause with 30 days' notice. So if we were to pave the road, someone else could then 30 days later terminate the MOU and wouldn't have to fulfill their obligations. I would like the motion maker and the second to simply modify their motion that to delay this, but to also to ask us as counselors to strengthen that language to be more protective of the county, either asking for the money back or something, I don't know what we would do, but to ask us to protect the county with a little stronger language so that we know that it is an arrangement that both sides are going to benefit from."

Chairman Dennis said, "I actually agree with you. There was another paragraph at the bottom I think of the first page that didn't really specify that this is definitely something that is mandatory from K-State, so I totally agree with you that we need a strengthened MOU, but I think that it can be done. I think that we can work it, we can get the change order through at a future meeting. We can get an MOU through at a future meeting. We just need to make sure that our county is protected on this, and that's all I'm asking. So if you don't have any objections, I would rather us go with the initial motion to make sure that we can get the documentation right."

Mr. Thomas said, "So, let me ask one more question from a contractual standpoint, because I've been in the construction industry for years. If you do a line item to add additional paving, usually you can take that line item off the contract."

Chairman Dennis said, "If we sign an agreement a week from now or two weeks from now, whenever we do, that's an agreement that we will stand behind."

Mr. Thomas said, "It's not like, I mean, a lot of the contracts I've been involved in is like a unit price, and you have a choice to accept X amount of units or not accept X amount of units. So if you took off a half mile of paving after the fact, it really wouldn't do any harm to the contract. I mean, I have been in numerous contracts like that, why couldn't you work the contract where you could deduct a half mile off if this agreement didn't come in place."

Chairman Dennis said, "Well I understand your concern, but that's why we have Legal and Public Works to work those issues for us."

Mr. Yost said, "Mr. Chairman, my concern is that we would end up, I'm talking about after we pave the road, what are you going to do then? So that's what I want to strengthen."

Chairman Dennis said, "Anyway, I think that we can work this out. I just think we need time to work it out."

Mr. Thomas said, "Okay."

Chairman Dennis said, "Okay."

Mr. Thomas said, "Any other questions?"

Chairman Dennis said, "Any other questions? Commissioner Ranzau."

Commissioner Ranzau said, "The reason we needed a substitute motion was because I thought was because we were told we needed to get this done by the 18th. Is there a change? Which is next week, right?"

Commissioner Howell said, "Correct."

Mr. Spears said, "Okay. We have a contract with a contractor, and we're basing the pavement upon this contract with the contractor that we've already let the contract, we have a signed contract, and we can get this done for \$70,000. He's starting on the seven miles Monday. If he gets finished with those seven before we have this half approved, we're not going to be able to do this half a mile with this contract, it would have to be, we would have to go out, do a new set of plans, have another bid letting, and then I can't guarantee we can do it for \$70,000. That's what we're up against. So the absolute, drop-dead date is the end of the month, but there is a lot of paperwork we have to do to get there. We've got, if you, as soon as you approve the CIP amendment, then we have to prepare the change order, it has to go to the bid board, the bid board, then it has to come back to you."

Commissioner Ranzau said, "But that's my point. Can we get all that stuff done beforehand?"

Mr. Scholes said, "We had gone through, we had talked through this yesterday. There's a lot of that process we're going to abbreviate. I am telling you as the Manager, we can have it, as long as we have it by the 25th, for that BoCC, we will be able to get it done."

Commissioner Ranzau said, "Get all the paperwork done."

Mr. Scholes said, "We will have it all done."

Commissioner Ranzau said, "I'm going to continue to support the substitute motion because I think there's really an effort going on behind the scenes to kill this project altogether. So I'll be supportive of this first motion initially. I'm very disappointed by the, well just the different standards that are being applied for certain things. So that being said, if this first one doesn't pass, I am likely to support the underlying motion with that understanding."

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

Commissioner Howell said, "Thank you. I'm listening to the conversation, I think sometimes we're actually having two different conversations. So back to Mr. Thomas's point, I think he is concerned that we have a contract to pave seven miles that may or may not include this half mile. Certainly their terms would change based on the magnitude of their job overall. So if we're going to pave it or not pave it, you their terms

would change somewhat. Is that kind of the point you were trying to make?"

Mr. Thomas said, "No, the point I was trying to make is and I don't know how you bid out the jobs, I don't know if you bid it out by the ton or by the mile or by the foot or how you do it. But usually, when I've been involved in contracts like that, it is a unit price, and you as the contracting agency have the right to add or delete units at that same price. So even if you approve to do this half mile, and let's say worst case scenario, we can't get the MOU in place in the next 30 days, you as the contracting agency have the right to delete that half mile out of the contract. That's the way I understand contracting. I've been doing it for 35 years."

Commissioner Howell said, "Okay. So, and by the way just to be clear, we're talking two weeks."

Mr. Thomas said, "Yeah."

Commissioner Howell said, "Okay, not 30 days. Second thing is, I would be, like to amend my motion, if it's okay, agreeable to the second maker that we would allow staff or Legal to add language to the termination clause that would strengthen the language to protect the county, should the road be paved, and for some reason the school is not created, if you will, out there. So I think that's reasonable. I don't need to come up with the exact language. I trust staff and Legal to come up with the right words to say there, but I think that's a reasonable argument that we would strengthen that language to do that to protect the county. So with that in mind, if we have the intent to have an MOU that will protect the county so that if the school goes in and the road is paved, we're good. But if the road is put in and the school for some reason does not go in, that's going to create some liability for you, Mr. Thomas. Is that okay?"

Mr. Thomas said, "That's understandable."

Commissioner Howell said, "Okay. Once again, I think that the MOU is going to have some small tweaks by staff, but the intent is we've got an MOU in place to ensure to the county that we will not pave this road unless the school is actually placed out there in Sedgwick County for this purpose. Second of all, in terms of WATC's concern on this. They were concerned initially, but again once again, when WSU signed the agreement letter allowing this to happen, they represented WSU, WATC at that time. Now it's called WSU Tech. But since then, Butler County has decided they're not going to provide any type of classes inside Sedgwick County, so this is completely separate. Really the agreement needs to be just between K-State and Crosswinds, not, Butler County does not have a need for a signature line on this agreement."

Mr. Thomas said, "Yeah, and I anticipate Butler County to come back and say something like that. I haven't had discussions with them. But when I was reading through there, I was like, yeah, Butler County is not providing classes in Sedgwick County. Now, they are providing gen-ed classes in Butler County that feeds those same students."

Commissioner Howell said, "For the record, had I had a chance to review this before it was sent out, I probably would have made some of those changes, but I didn't get a chance to even know this was developed, I didn't get a chance to read it before it was sent out. But that's to me, a pretty basic change. This is really a two-party agreement, not a three-party agreement. So once again, we need to clarify that with everyone involved and make sure we have the right signatures on these lines. But based on the

information I have right now, again, I still believe that the timing is extremely important. Just like we demonstrated the half million dollars to the north junction today, let's demonstrate that we want this school in Sedgwick County.

"We can have an MOU in place that triggers this thing to move forward, but protection language, but I'd like to see us at least commit that should that MOU exist with the proper signatures, we are committed to this as well. To me, the substitute motion still does makes sense and I would encourage us to vote for it. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you."

Mr. Thomas said, "Could I make one final comment, sir, before I step down?"

Chairman Dennis said, "Sure."

Mr. Thomas said, "During all these discussions, Commissioner Unruh made a statement that you'd spent a lot of money at the WATC. I just want to point out, you haven't spent anything down at Cook Airfield. You put up a few signs when we closed the road, and granted you helped us, you voted to vacate the road, but most of that was our property that was vacated when you vacated 71st, but every time we bring money into the county, it's our 10 percent that is supporting it, it's not the county that we're coming to to get 10 percent. This is the first time we've come to the table and asked the county to do their part and pave a small section of road that us and KDOT spent over \$200,000 building in the first place, so that's all we're asking. Thanks."

Chairman Dennis said, "Thank you, sir. Okay, I don't see anyone else wishing to speak. I'm sorry."

Audience member said, "I'd like to speak if you don't mind."

Chairman Dennis said, "Please approach the mic[rophone] and state your name for the record."

Mr. Steve Logue, owner, Crosswinds Aviation Inc., greeted the Commissioners and said, "My partner, he done really well. I want thank you all for being here and helping us out here, but we do need your support. Like he said, we really need your support making this happen. Has everyone on this board has been to Benton or Stearman Field Restaurant? Everybody has been here. Have you seen the whole airport right there? Have you looked over and seen how much tax dollars that you all moved up there? We have people that's now starting to come back down to Cook Airfield to build hangars and put their airplanes back on Sedgwick County and build hangars, because they live in your city here and drive clear to Benton, now they drive over to Derby.

"So what we're doing here is trying, and you're wanting to protect, I guess what I said, what guarantees your rights, you know, what's going to make us get done. We have done nothing but increase your tax bills right here. I pay over \$3,000 a year in my home taxes. That used to be a field until we bought that place. The home taxes, there's a house out there at [\$]1.25 million right now just got built. What kind of tax is he going to pay? That is money guaranteeing that's coming to you.

"We have done nothing but support Sedgwick County and trying to make that a better place, a better environment to live. So I'm just bringing that to you, to show you, we're

protecting you in Sedgwick County. That little \$75,000 piece of road that you're going to do is going to bring you in lots more money here. We're asking you for an investment that's going to get your money back. Like you said, Mr. Ranzau is the fact that we bid out all this money, but we have gotten no return for it. We have given you returns on everything that we've done out there.

"We will continue doing that, and that's my promise to you right there. I'm not saying that out of any kind of disrespect or anything, but this town is huge, and the surrounding area is huge, and we are the Aviation Capital of the World, supposedly. We got to support it in every which way we can. In the Wichita Tech, you know, my grandson, he just received a scholarship to go there. I'm glad for that place. But this town and this city has the room and the ability to have more than one school that does those kind of things. We're not trying to compete against them, we're just trying to be another avenue. So that's all I have to say, but I appreciate the time to come up and talk."

Chairman Dennis said, "Thank you, sir."

Mr. Logue said, "Any questions?"

Chairman Dennis said, "I don't see any questions, thank you."

Mr. Logue said, "Alright."

Chairman Dennis said, "Okay. We have an alternate motion on the table. I don't see anyone else wishing to speak. Madam Clerk, do you understand what the motion was?"

Ms. Page said, "Yes, sir."

Chairman Dennis said, "Very good. Call the roll, please."

VOTE

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

Chairman Dennis said, "Okay, we have a primary motion on the table that's to defer this until we can get the MOU's and such worked out. I don't see anyone wishing to speak. Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Thank you, and thanks for everyone's patience on this. I know it took some time to get through this. We will get through it. We'll make sure that this

is worked out so that everyone comes out protected. Thank you very much for being here today. Commissioner O'Donnell, do you have a question?"

Commissioner O'Donnell said, "Well, I was actually going to ask, Mr. Chair, if we could move the consent items up above the board of bids, just because my MAPC (Metropolitan Area Planning Commission) member and friend, Josh Blick, has been sitting through all this, and I'd like to be able to get him out as quick as possible because he'd like to talk about an item I'd like to pull off the consent calendar."

Chairman Dennis said, "Very good. Is Josh going to speak about Automobilia?"

Commissioner O'Donnell said, "Yes, he is."

Chairman Dennis said, "Well I, obviously as a car guy, why I always like to hear about Automobilia."

Commissioner O'Donnell said, "He already knew about it."

H [18-562](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 5, 2018.

Presented by: Joe Thomas, Director, Purchasing.

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

H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 5, 2018.

Chairman Dennis said, "Now, Joe."

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The Board of Bids and Contracts met on July 5th, and we have one item to present to you."

1. JAIL ANNEX INMATE FURNITURE -- PROJECT SERVICES FUNDING -- JAIL ANNEX

Mr. Thomas said, "The recommendation is to accept the low bid from Viking Products in the amount of \$103,114.70. I'll try to answer any questions you may have, and I recommend approval of this item."

Chairman Dennis said, "Thank you. Any questions?"

MOTION

Commissioner O'Donnell moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Thomas said, "Thank you."

Approved

[18-578](#)

SCHEDULE A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS FOR JULY 17, 2018.

Presented by: Commissioner David Dennis, Chairman.

RECOMMENDED ACTION: Take action as the Board deems necessary.

Chairman Dennis said, "Before we go to legislative issues, I'd like to take an off-agenda item real quickly, and so I'll need a motion on whether or not do we do this. The off agenda item that I'd like to bring up is a special Board of County Commissioners meeting for next Tuesday on July 17th, and I'll read a little statement about it if you all want to take that on as an off-agenda item."

MOTION

Commissioner Dennis moved to take up an off-agenda item.

Commissioner Unruh seconded the motion.

Chairman Dennis said, "We have a motion and a second. Any discussion? First of all, Mr. Yost."

Mr. Yost said, "Mr. Chairman, I just want to clarify that, to inform the Commissioners that what the off-agenda item is is to have that meeting. It's related to the auction of the [Wichita] Greyhound Park. Is that correct?"

Chairman Dennis said, "That's correct."

Mr. Yost said, "I just wanted the record to reflect that."

Chairman Dennis said, "Yeah, I'm sorry. I probably should have read through this a little further. I'll read through it in detail once we get it. Okay, everybody understands the motion and second? Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Okay, thank you. Now our off-agenda item, and I'll read this prepared by our legal staff. It says 'it's come to our attention that there is a need for a Special Board of County Commissioners meeting next Tuesday, July 17th, 2018. The meeting will be held at the Sedgwick County Fire Station located at 7750 Wild West Drive Park in Park City, Kansas. The sole call and purpose of this meeting is to finalize any business relating to the auction and sale of the Wichita Greyhound Park property. No other business will be conducted at this meeting. Meeting will commence at the conclusion of the auction at approximately 1:00 p.m.'"

MOTION

Commissioner Dennis moved to adopt the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "We have a motion and a second. Is there any discussion? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I understand probably the purpose of this without getting into the details, but I assume we've set a reserve, and should the bid come in less than our reserve we potentially would consider going forward. In other words, not holding to that. So if that's the purpose of this meeting, I don't really have a need to meet out there. I want to be faithful to the County Commission and meet, but if that's the purpose of this, I don't see a point to doing this, so I guess, if that's the purpose, please clarify, but if that's what we're doing here, then I would oppose the motion."

Chairman Dennis said, "Thank you. Mr. Yost, would you like to clarify?"

Mr. Yost said, "I was just asked by the clerk for the Chair to clarify the date, it's July 17th, is it not?"

Chairman Dennis said, "July 17th, did I read it different? I'm sorry. I can't read."

Mr. Yost said, "It's July 17th, and if the auction is going to take place at noon, it might be alright to have the meeting set at 12:30 [p.m.]..."

Chairman Dennis said, "Okay."

Mr. Yost said, "...rather than have people, because I don't think the auction itself will take very long. Could I suggest that?"

Chairman Dennis said, "Well let me clarify my motion. It is July 17th, and it would be sometime shortly after noon then."

Mr. Yost said, "Right."

Chairman Dennis said, "Okay, and is that okay with the seconder?"

Commissioner O'Donnell said, "Yes, absolutely."

Chairman Dennis said, "Okay, and Mr. Yost, do you want to describe the purpose?"

Mr. Yost said, "Of the meeting itself? The purpose would be that if the bids come in and the reserve that we've set hasn't been met, then it'll be up to the Commission whether or not to accept the bids in total, because right now the staff wasn't authorized to go below that reserve, I don't believe, on the resolution that was adopted earlier by the Commission. That's why the Commission would need to meet."

Chairman Dennis said, "But I understood that to accept the bid, if it's above that, we're going to have to have a meeting aren't we?"

Mr. Yost said, "If the reserve is met, or higher even than that, it isn't actually necessary for the Commission to meet, although you might want to meet and just say we congratulate the purchaser of this property. But in the off chance that the reserve isn't met, then the Commission would have a decision to make."

Chairman Dennis said, "Okay, very good. Commissioner Ranzau."

Commissioner Ranzau said, "Okay, I guess I was a little confused too. I actually wouldn't, if the reserve is not met, yeah I don't personally see a reason to meet either. I thought we were going to approve the purchase price regardless. I actually would like to vote on the purchase price depending on what it is, I guess, so we don't have to vote on it."

Chairman Dennis said, "I thought during one of our discussions, why there was a question that we didn't want someone waiting until our next meeting to say that we officially accept that and that we could accept it right then."

Mr. Yost said, "Are you talking about if the reserve isn't met?"

Chairman Dennis said, "Right."

Mr. Yost said, "I don't think you have to accept that. I mean, if the reserve is met, it's sold. You don't have to really do anything. But on the chance that the reserve isn't met, then you'll have a decision to make. You may at that point either call a special meeting. You could, it's better to do it the way you're suggesting, Mr. Chairman. At this point, I don't think you're going to have to accept the offer if it is for more than the reserve."

Chairman Dennis said, "Okay, well maybe I was under a misconception because..."

Mr. Yost said, "Well I may have misspoke."

Chairman Dennis said, "...I thought that what we wanted to do was not have them have to wait and say, well did it sell, did it not sell."

Mr. Yost said, "Yeah. Also I've been asked for you to set a specific time, even if we're a little bit late on that time, I would suggest 12:30 for the special meeting since the auction begins at noon."

Chairman Dennis said, "Okay. Commissioner Ranzau."

Commissioner Ranzau said, "What if the reserve is met but I as a Commissioner am not satisfied with the reserve?"

Mr. Yost said, "I think that resolution has already been adopted. I think the Commission's already voted to do that. I don't recall how you voted, Commissioner, but I think the Commission's already voted to put this up for auction. I think they set the, I don't think they set the reserve, but I think that there's been some discussion about the reserve."

Commissioner Ranzau said, "Well that's when we authorize staff, I think, to establish the reserve, you know..."

Mr. Tom Stolz, Deputy County Manager, greeted the Commissioners and said, "We have voted to make the sale, and staff in the last week has walked the halls to confirm the reserve. We have a majority of the Commission who agreed on a reserve number."

Mr. Yost said, "The resolution itself did authorize staff to set that reserve."

Commissioner Ranzau said, "Well I'll go on the record, I don't support the reserve that's been set."

Chairman Dennis said, "So we may still need a special meeting to accept the sale price or not?"

Commissioner Ranzau said, "Well, no. I think what they're saying is no, but I've supported selling it for the appropriate price. I don't believe our reserve is an appropriate price. So we're back to the whole idea, I'm still trying to figure out, okay. I don't have anything else right now."

Chairman Dennis said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Let me just restate this, make sure I understand it. If the reserve is met, then there's nothing for us to do, the sale is final, right? The only reason we would meet is if we have a decision to make to accept something less than the reserve, and I think we all know what that is. So unless that's something you want to consider, there's no reason to meet, and that's where I am. I don't have a reason to meet. It does take four to have a quorum, so if two of us don't want to do it, there isn't going to be a meeting, that's my opinion. I don't want to do that. I don't see a reason to meet, and if there's a second person that would agree with me on that, I don't think there should be a meeting. Thank you, Mr. Chairman."

Chairman Dennis said, "Okay, and just as Commissioner Howell said, it takes four of us for a quorum, and if we don't have a quorum, no matter whether we set a meeting or not, the meeting will not take place."

Mr. Yost said, "Well the meeting could take place, but you couldn't transact any business, so it would be kind of a dull meeting."

Mr. Scholes said, "Or you could wait till the next day, which we have a BoCC meeting, but it would delay the sale until that day."

Chairman Dennis said, "Alright. Well listening to all that, I'm not sure we have a need to set a special meeting then. I retract my motion."

Commissioner Unruh said, "Can we call the meeting, and if two Commissioners don't show up, then we can't have a meeting, but I still think it's good business, if we're going to try to do this transaction that Commissioners should be there and consider what the possibility is, and we can vote it up or down. So I think the idea of having a special called meeting is good. If two Commissioners don't show up, then we can't go forward. But I think we ought to be on record as try to do business in a business-like way, so that's my position. I think we ought to vote on the motion."

Chairman Dennis said, "Alright, no problem. Commissioner Ranzau."

Commissioner Ranzau said, "Yeah, I'm going to oppose the motion unless you retract it because I don't think there's a need to accept anything less than the reserve because I don't think the reserve is adequate. With that being said, if the Commissioners vote to have a meeting, I'll be at the meeting."

Chairman Dennis said, "Okay, very good. Well I'm not going it retract the motion."

Commissioner Ranzau said, "Okay."

Chairman Dennis said, "So I see no further comment. Madam Clerk, call the roll."

VOTE

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

Commissioner Unruh said, "So a special meeting will be called? Alright."

Chairman Dennis said, "Yeah, whether we have a quorum or not."

Commissioner Unruh said, "Then we deal with that."

Mr. Yost said, "To clarify that meeting is called for 12:30."

Chairman Dennis said, "Called for 12:30 on the 17th believe it or not."

Commissioner Howell said, "Fair."

Chairman Dennis said, "At the Fire Station."

Commissioner Howell said, "Thank you."

Chairman Dennis said, "Okay. Next item, please."

Approved

CONSENT

MOTION

Commissioner O'Donnell moved to approve consent agenda items I (India) through Y (Yankee) with the exception of R (Romeo).

Commissioner Unruh seconded the motion.

Chairman Dennis said, "Do we need to change any of the other ones for the CIP?"

Mr. Scholes said, "No."

Chairman Dennis said, "No, okay. India through Yankee with the exception of Romeo. Any discussion? Seeing none, Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Very good. Madam Clerk, next item then. No, wait a minute, I'm sorry. Commissioner O'Donnell."

Commissioner O'Donnell said, "Yes Mr. Chair, with your permission, could Mr. Blick approach the Commission and talk about item R on the consent calendar?"

Chairman Dennis said, "Certainly. Josh welcome. Please state your name for the record."

Mr. Joshua Blick, 2039 S. Everett, greeted the Commissioners and said, "I'm the new owner of Automobila Moonlight Classic Car Show. It's been going on for 24 years. We are the largest car show in the State of Kansas, and it's a charity car show. It's always been for-a-profit until I took it over, and then I went and we support four local charities, one is the Arc of Sedgwick County, Starkey [Inc.], Convoy of Hope, and then also Cars for Charities. One hundred percent of everything we take in for donations after we pay the bills goes straight to those charities. We have probably about 100-plus volunteers, and our show is growing like crazy. So we have cars that are coming from all over the country. I just got notified this last week we have a \$5 million, the very first Camaro ever built, number one is coming in, and he's never shown it in Kansas, and he actually lives in Kansas. So it's kind of a neat deal. Chevy has him go all over.

"So the reason why I'm here today is you have a parking lot, it's Coleman parking lot right off 2nd Street, and we are growing so much that we're putting some new amenities. We have cars, we have some very expensive cars, and so we thought that would be a great place, especially it's a nice new paved lot that the county has done, and we're excited to have the opportunity to be able to use your parking lot and with your support, and so I stand for any questions, but it's an exciting night.

"All the cars come in, they line up on Douglas and Emporia for three miles all the way past Kellogg. There is about a thousand-plus cars, and then they all come in at 4 o'clock, and then after 4 o'clock, then the party goes until midnight, so it's kind of like

almost like Riverfest all in one day. So we have about 80,000 people downtown for this car show, and we're pretty excited about it. So I stand for any questions."

Chairman Dennis said, "Well, thank you Joshua. This is something that I go downtown for each year, being a car guy. I love it. I appreciate you continuing this. I also appreciate that you're doing it for charity. I understand as you mentioned that the Arc is one of the charities that you benefit. So I was going to bring this up during the consent, or during the 'other' portion, but one of the things that the Arc produces each year is this little project YESS (Youth Education Summer Socialization). This is something that Commissioner O'Donnell and Commissioner Unruh and I had an opportunity to tour just this week. I think the other Commissioners have had an opportunity also. It stands for Youth Education and Summer Socialization, and it's an amazing program.

"Right now it's in partnership with folks at Arc and USD (Unified School District) 259 and other organizations. But when we went over there, there were approximately 150 kids that were involved in that program, and what it does is that, most of these kids require significant assistance. It gives a little respite to the parents of those kids during the day where that they can send the kids to someplace that they're getting an education during the summertime and they're getting a chance to socialize.

"In addition, I believe tomorrow or the next day, anyway two nights and three days, they're going to take as many of the kids that want to go up to Kansas City and let them spend the night there. That gives the parents of these kids even a greater respite.

"They can actually take a little short vacation because most of these kids are 24/7 requirements. So a program like this, I was very proud that we could go over and take a look at it. It falls right in with the missions of our CDDO (Community Developmental Disability Organization), and I was very impressed with what I saw and what they were doing with those kids. So I applaud you for supporting organizations like that. I was going to talk about it later, but since you brought it up, I thought now is the perfect time to mention it. Again as a car guy, if you want to go downtown, or a car gal, walk around downtown during Automobilia and take a look at some of the most fantastic vehicles that you'll ever see.

"Wichita is a unique town, in the fact that a lot of the folks here in town have very specialized skills that they learned building airplanes and so forth, and they have transferred those skills over to making some of the most beautiful cars that you'll ever see in our entire nation. You'll see them for block after block after block. Probably a little warm that evening, it usually is, and there's usually a line of the people coming in bringing their cars in, but what you're doing as far as promoting the car hobby, I think is fantastic, but it's more than that. What you're doing to support some of the charities that really impact people that we care about every single day here in Sedgwick County because of our COMCARE facilities, our CDDO, everything that we do, you're helping us impact those also. So I personally want to tell you thank you very much."

Mr. Blick said, "I appreciate it, thank you."

Chairman Dennis said, "Thank you, and Commissioner O'Donnell would like to say something else?"

Commissioner O'Donnell said, "Yeah, well thank you for coming and sitting through two and a half hours. I did not realize, I would have put you before some of the other items

just to make sure that we were able to highlight that. That's this Saturday?"

Mr. Blick said, "Yes, this Saturday, July 14th."

Commissioner O'Donnell said, "Yeah, the 14th, so I mean it's right around the corner."

Mr. Blick said, "Yeah, definitely."

Commissioner O'Donnell said, "Yeah, so thank you for that, and thank you for serving on the Metropolitan Area Planning Commission (MAPC) as well. That's why I thought you were here at first. Thought there must be have been something on the agenda. So anyway, thank you, Josh."

Mr. Blick said, "Thank you."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. Josh, this goes from 4:00 p.m. to midnight."

Mr. Blick said, "Yes, correct."

Commissioner Unruh said, "Okay, we're going to start now seeing if the Chairman can get a pass to be out that late."

Mr. Blick said, "Sounds great."

Chairman Dennis said, "Way past my bedtime."

Mr. Blick said, "That's another reason why we started this Coleman parking lot is because we had a lot of, Joan (inaudible) came to me and said, you know, because we have to block down two square miles of streets, and we don't want cars to go through all that traffic, so we made this parking lot that's right on the outside of 2nd Street so they can come in early, and then leave early also, because we know some people have bed times."

Commissioner Unruh said, "That'll help."

Mr. Blick said, "Yeah."

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

Chairman Dennis said, "Madam Clerk, did we vote on R?"

Mr. Page said, "No, we have not."

Chairman Dennis said, "Very good."

MOTION

Commissioner O'Donnell moved to approve consent agenda item R.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Blick said, "Thank you."

Chairman Dennis said, "Joshua, thank you very much for being here and thanks for what you do. Joe, I'm sorry, Madam Clerk, next item."

- I [18-521](#) One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project near 61st Street North & 167th Street West. District 3.
Approved As Amended

- J [18-522](#) Four (4) Easements for Right-of-Way and Three (3) Temporary Construction Easements for Sedgwick County Multi-use Path along Rock Road from Derby to Mulvane; CIP# R-343. District 5.
Discussion for this item will be added after minutes for this meeting are adopted.
Approved As Amended

- K [18-523](#) One (1) Easement for Right-of-Way for Sedgwick County Bridge Project 823-DD-300; on Hydraulic between 111th & 119th Streets South. CIP# B-489. District 2.
Approved As Amended

- L [18-524](#) One (1) Easement for Right-of-Way for Sedgwick County Project on 61st Street North in Colwich; CIP# R-346. District 4.
Approved As Amended

- M [18-518](#) Resolution reclassifying certain roads from the Rockford, Attica, Salem, Payne, Park, and Valley Center Township Road Systems to the Sedgwick County Highway System. Various Districts.
Approved As Amended

- N [18-496](#) VAC2018-00011 - Vacation of a portion of Platted Access Controls and Minimum Pad Elevation to allow a wider opening to the home site on property Zoned RR Rural Residential, generally located on the south side of West 47th Street South and Approximately 2,000 feet east of South

- 167th Street West (District 3).
Approved As Amended
- O [18-525](#) CIP Amendment for North Junction Grant Applications and Right-of-Way Acquisition (R353) (District 4).
Approved As Amended
- P [18-528](#) Building Lease Agreement by and between Sedgwick County and Saint Francis Community Services, Inc.
Approved As Amended
- Q [18-486](#) Third amendment to the annual contract between the Kansas Department on Aging and Disability Services and the Sedgwick County Developmental Disability Organization.
Approved As Amended
- R [18-507](#) Use Agreement for Automobilia Moonlight Car Show and Street Party.
Discussion for this item will be added after minutes for this meeting are adopted.
Approved
- S [18-558](#) Second Quarter 2018 Range Reallocations.
Approved As Amended
- T [18-508](#) Order dated 6/18/2018 to correct tax roll for change of assessment.
Approved As Amended
- U [18-527](#) Treasurer Claim Certification.
Approved As Amended
- V [18-539](#) General Bill Check Register for June 20, 2018 - June 26, 2018.
Approved As Amended
- W [18-540](#) General Bill Check Register for June 27, 2018 - July 3, 2018.
Approved As Amended
- X [18-541](#) General Bill Check Register for July 4, 2018 - July 10, 2018.
Approved As Amended
- Y [18-548](#) Payroll Check Register for the June 23, 2018, payroll certification.
Approved As Amended

LEGISLATIVE ISSUES

Chairman Dennis said, "Thank you. Do we have any legislative issues today? Seeing

none, next item.”

OTHER

Chairman Dennis said, “Other. Does anyone have anything on ‘other’? Commissioner Howell.”

Commissioner Howell said, “Thank you, Mr. Chairman. I just wanted to commend Public Works once again. Earlier this year we approved some preservation work in the county, and I was a little bit concerned about one of the projects in my district that’s on 63rd Street. I think that my concern was we might be doing the maintenance a little too soon, but I did not fully understand exactly the process or exactly the need. So I just wanted to say I went out there and educated myself, I was able to interact with the crew out there doing the work. By the way, it’s tremendously difficult work. It was in the mid-90s when I was there, and I think the asphalt is heated up to 400 degrees Fahrenheit.

“So these guys are essentially working in an oven, and anyway, they’re doing a tremendous job. I did not know that we’re actually recycling the road. I think that may have been said when we discussed it, but I didn’t really understand exactly what that meant. They’re actually grinding up the road and rejuvenating that on the spot, putting it back down, adding just a little bit of material to it, and when you get done, what you’re looking at is basically a brand new road. I was just really impressed. I just want to commend Public Works in Sedgwick County for being good about selecting the right tools out of the toolbox and to taking care of our assets that we want to make them last as long as possible.

“I think that this process, be giving this road essentially a brand new life, so I wanted to just commend Public Works and the crew out there on 63rd Street for doing a tremendous job. Thank you, Mr. Chairman.”

Chairman Dennis said, “Thank you. Anything else on ‘other’? Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I’ll commend Public Works next week when they finish up on Central near my home.”

Mr. Spears said, “That’s next.”

Chairman Dennis said, “Anything else for ‘other’?”

The Board of County Commissioners recessed into Fire District Number 1 from 11:59 a.m. and returned at 12:06 p.m.

Chairman Dennis said, “Madam Clerk, next item.”

EXECUTIVE SESSION

Chairman Dennis said, “Mr. Yost, do you have anything that you’d like to add before we have a motion?”

Mr. Yost said, “No, I think you all have the motion there in front of you. If you want to spend 30 rather than 45 minutes, that’s the decision of Commissioner Unruh, but you got the motion.”

MOTION

Commissioner Unruh moved that the Board of County Commissioners recess into executive session for thirty (30) minutes until 12:40 p.m., to discuss personnel matters of nonelected personnel. The executive session is required to protect the privacy interests of an identifiable individual, and that the Board of County Commissioners returns to this room from executive session no sooner than 12:40 p.m.

Commissioner Dennis seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into executive session at 12:07 p.m. and returned at 12:51 p.m.

Chairman Dennis said, "I'd like to reconvene the July 11, 2018 Board of County Commissioners meeting. We held an executive session, no binding action was taken during the meeting. Is there anything else that needs to come before the board?"

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:51 p.m.