

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, December 5, 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 9:05 a.m. on December 5, 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. Thomas Stolz, Interim County Manager; Mr. Michael D. Pepoon, Interim County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Mr. Kelly Arnold, County Clerk; Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Department; Mr. Dale Miller, Director, Metropolitan Area Planning Commission; Mr. Justin Waggoner, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Ms. Laura Adkins, Appointee
Mr. Jim Albertson, Architect, Garver USA
Mr. C. Edward Watson II, Foulston & Siefkin, LLP
Mr. Christopher Bohm, PE, Garver USA
Ms. Cynthia Aleagi, 10556 North Oliver, Valley Center*

INVOCATION: Moment of Silence.

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, "I have one person signed up to speak on the public agenda, but they want to speak during the zoning case, and that is quite alright. If anyone else in this room wish to speak on the public agenda? Seeing none, Madam Clerk, next item."

APPOINTMENTS

- A** [18-989](#) RESOLUTION APPOINTING LAURA ADKINS (COMMISSIONER MICHAEL O'DONNELL'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.
Presented by: Mike Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Mike Pepoon, Interim County Counselor, greeted to Commissioners and said, "Laura Adkins is Commissioner O'Donnell's appointment to the Sedgwick County Animal Care Advisory Board. Each of you have two appointments to this board. This is to fill the unexpired term of the previous appointment of Daniel Kruse, who resigned on May 16th of this year. The resolution is in proper form, and we'd ask that you approve the resolution."

Chairman Dennis said, "Commissioner O'Donnell."

MOTION

Commissioner O'Donnell moved to adopt the resolution appointing Laura Adkins to the Sedgwick County Animal Care Advisory Board.

Commissioner Howell 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>

County Clerk has assigned Resolution #166-2018

Chairman Dennis said, "Congratulations."

Mr. Kelly Arnold, County Clerk, greeted the Commissioners and said, "Raise your right hand. I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Animal Care Advisory Board, so help me God."

Ms. Laura Adkins, greeted the Commissioners and said, "I do."

Mr. Arnold said, "Alright, congratulations."

Ms. Adkins said, "Thank you. I would just like to thank the Commissioners for giving me an opportunity to serve my community. It's something that I love and feel very passionate about."

Chairman Dennis said, "Well thank you, and thank you for your willingness to serve. Mr. Clerk, thank you for being here today to swear her in. Next item, please."

Adopted

NEW BUSINESS

B [18-934](#)

HEARING FOR STRUCTURE AT 4224 GREENHAVEN CLAIMED TO

BE DANGEROUS OR UNSAFE.

Presented by: Chris W. Labrum, Director, Metropolitan Area Building and Construction Department.

RECOMMENDED ACTION: Open the hearing, receive public comment, and close the hearing. Adopt the resolution and authorize the Chairman to sign.

VISUAL PRESENTATION

Chairman Dennis said, "Good morning, Chris."

Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Department, greeted the Commissioners and said, "Public hearing today for the structure located at 4224 Greenhaven. This is a single family, single story structure in the Sunview Improvement Area. The structure was fire damaged on the 20th of July in the summer. As part of the normal process for that, we collected 15 percent of the insurance proceeds, so that took place on September 7th, and in the amount of \$6,750. We at that point, of course, began to try to make contact with the property owners to help them with any plan they had to remove the structure. It was a total loss, considered a total loss by the insurance and every valuation determined that there was no way to salvage it, it had to be removed.

"We understand that shortly after the fire, the couple who owns the property departed the local area and has not returned, maybe other than to quickly visit family, so we have not been able to make contact. Nothing was done with that in the 45 days that we normally allot. Therefore, resolution 142[-2018] back on the 10th of October was considered by the Commission, and that is when we set the date for this hearing. At that point, we obviously published that and sent some certified mail to those with any tie to the property. We did receive a return from one of those. My understanding is that's the daughter-in-law of the owner, and that gave us an updated mailing address locally for the owner. So we at least have an avenue for correspondence, but still have not received any contact from them.

"Some updated pictures, there were previous pictures of the structure were in Legistar, these are from last week. Shows that, again, not much damage to the front but when you go to the back of the structure, severely damaged on both sides, and there a little bit of a close-up, you can see the damage goes well into the interior of the structure. So at this point it remains unsafe. The resolution before you today would provide MABCD (Metropolitan Area Building and Construction Department) the authority to retain a contractor and proceed with the removal of the structure, that would be the structure only, nothing else on the property. This would not occur any earlier than the 21st of December, so that would still give a few weeks for the owner to initiate action on their own. The cost of that cannot exceed the amount of insurance proceeds that we have, so it would not be a cost to the county. We have retained bids from three contractors that all meet that criteria.

"If there is any excess fund, if there are any excess funds at the end of that, those would be returned to the owner. So with that Commissioners, it is a recommendation that you receive any public comment, close the public hearing and approve the resolution to remove the unsafe structure with the insurance proceeds we've retained."

Chairman Dennis said, "Thank you. Before I open it up public comment, is there any

questions from any of the Commissioners this morning? Seeing none. I would like to open public comment on the issue of the hearing for the structure at 4224 Greenhaven. Is there anyone in the audience that wishes to speak on this item? Anyone wish to speak on this item? Seeing none, I will close the public comment."

MOTION

Commissioner Dennis moved to adopt the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "I'm sorry, just a moment. Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just have a couple questions. How normal is this? Have we done this type of thing before?"

Mr. Labrum said, "This is the first since I've been here, sir. It does happen on occasion. Legal would probably be better suited to give an exact answer on that."

Commissioner Howell said, "Okay."

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "Commissioner Howell, on your question, in terms of items that come in front of you and the other Commissioners on this, we probably have only roughly one a year, it depends on the year, of course. We do have a handful per year where the property owner ends up taking care of this. We may get the insurance proceeds, they end up cleaning up the property, making it to where it's no longer dangerous or unsafe, and they get their insurance proceeds back. So that would never come in front of you, we probably have three or four of those a year on average, I guess."

Commissioner Howell said, "Okay."

Mr. Waggoner said, "Thank you."

Commissioner Howell said, "Alright. Thank you. I just have a couple more questions. So Director Labrum, has the owner of the property communicated to us in any way they have any intention here?"

Mr. Labrum said, "No, Commissioner. We've talked with neighbors and some extended family. Again, our understanding is that they departed the local area, and left it to us to do what we will."

Commissioner Howell said, "Do we know, was this an occupied residence when the fire happened, do we know?"

Mr. Labrum said, "That is my understanding. Yes, sir."

Commissioner Howell said, "Was it the owner that was living there or somebody else? Do we know?"

Mr. Labrum said, "My understanding is that it was the owner."

Commissioner Howell said, "Okay. Alright. I don't think I have any other questions."

This is in my district and I would tell you that I think this is, numerous properties in the area that have gone away. One of them got turned into a little park, but there are some vacant properties in the neighborhood there as well, where the land is there, but the house is gone. So I know this has happened numerous times in that community. But obviously it needs to be dealt with, so I guess I be supportive of this this morning. I just wanted to clarify those things. Thank you so much, Chairman."

Chairman Dennis said, "Thank you. I see no other comments. We have a motion and a second, Madam Clerk, call the roll."

VOTE

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

County Clerk has assigned Resolution #167-2018

Chairman Dennis said, "Next item, please."

Adopted

C [18-910](#)

ZON2018-00034 - A COUNTY ZONING CASE TO REZONE PROPERTY FROM RR RURAL RESIDENTIAL TO GO GENERAL OFFICE LOCATED AT THE NORTHWEST CORNER OF EAST 101ST STREET NORTH AND NORTH 47TH STREET EAST (OLIVER AVENUE).

Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Approve the rezoning as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and approve the prepared resolution.

VISUAL PRESENTATION

Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "The application area, as you can see there, is on the slide, and it is 5.14 acres, and it's located at the northwest corner of East 101st Street North and North 47th Street, or for those folks that are in Wichita, Oliver [Street]. The applicant is seeking General Office (GO) zoning in order to build an office building to support his construction company that he's been operating out of his home. His home is located approximately a mile to the east of this location. The property is zoned RR Rural Residential, as is all the land that you can see surrounding the area. That's what the light green color represents. They have filed a plat, with Superior Excavating Addition that has been approved by [Metropolitan Area] Planning Commission and has been turned over to their agent to go through the process to ultimately appear before you at some point here in the near future.

"So you can see on the aerial today it's just farm ground, as is most of the land in the general area. There are a number of homesteads that you can see here to the west, southwest, and then further off the map is to the north and then here. The closest one

is approximately 100 feet across the intersection here, catty-corner. Planning Commission approved this request with a vote of 10-0. However, protests equaling 33.29 percent have been filed. Most of the protests focus on the fact that this is all currently farm ground, a rural part of the county, and that granting General Office zoning is out of character with the activities that are going on in the rural area there as they see it, and that homeowners, particularly those on the larger lot, view this as they moved out here to get the rural atmosphere, and that the introduction of General Office zoning and a general office building at this location is not consistent with that expectation.

"Property is not located within Kechi or any of the other city's urban area of influence. It only went to the Planning Commission. The applicant did submit a site plan, and so they're showing this as being the lot and developing an office building pretty much on the corner. With that, I would try and answer questions. I believe the applicant's agent is here, and I believe there are folks that may want to speak based on what you said on the public agenda comments."

Chairman Dennis said, "Thank you. Do any Commissioners have any questions on this issue? Okay, we'll turn it over to the public. Before we start talking with the public, I need to declare that I've had ex parte contact on this case, and that I have not, does not affect my decision-making process. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I also want to say I have had ex parte communications with the applicant, as well as several people that live in the area through phone calls and emails. I'll make my decision based upon the information."

Chairman Dennis said, "Any other Commissioners wish to declare? Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I've had ex parte communication with the agent for the applicant and also by email with some of the protestors of this item."

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

Commissioner Howell said, "Thank you, Chairman. I think I've received emails from Cynthia Aleagi and Penny Clement. I have not even read the emails yet. I was hoping to do that, but I didn't have time to get to them. So I did receive those, but I have not responded to those in any way, and I will obviously make my decision today based on information presented at this hearing. Thank you."

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

Commissioner O'Donnell thanked the Chairman and said, "I'm sure you know what I'm going to say. I also have had some ex parte just email, no oral communication, only emails."

Chairman Dennis said, "Thank you. Applicant or agent, would you like to speak?"

Mr. C. Edward Watson II, Foulston & Siefkin, LLP, greeted the Commissioners and said, "I represent the applicant, Mr. Chris Barnhart, who is the owner of Superior Excavation [LLC], and who made the request for the zoning change. I have standing

here with me today, Mr. Chris Bohm who is from Garver Engineering, and is the engineer that has participated in this process, and spoke at the Planning Commission meeting, and also I brought with me today Mr. Jim Albertson, who is the architect who has prepared the documents that, some of the documents which we will be looking at today.

"I don't think it's necessary for me to belabor this, but I would point out, as Mr. Miller said, that this was appeared before, it was presented at the Planning Commission, and there was 10-0 vote in favor of this application. The reason I point that out is because at that Planning Commission and subsequent to that after the protest was filed, we met with some of the protestors and owners to ascertain whether there were different concerns that were raised during the Planning Commission process. We had a robust discussion with the owners and the protestors, and at least it is my assessment that there was nothing new that we learned in that process. Most of their concern, all of their concerns are considered by the existing code and the ordinance, and they did present a couple of proposals to us for changes that were not acceptable to the applicant.

"One primarily being that we would put a restrictive covenant on the property, and of course we considered that, and we don't think it would be appropriate and prepared to discuss that in this circumstance. We don't believe that the change, the zoning change from Rural Residential to General Office would create a huge difference in the character of the property or the area that is being discussed, and I will let Mr. Albertson show you what we're talking about in that circumstance in terms of what we propose and how their concerns will be cared for.

"Most of their concerns generally relate to character and change, generally relate to lighting and parking and generally relate to the impact on the flood plain, all of which is considered and covered by the existing code, and all of which is considered and covered by our plans. I think that Mr. Albertson should talk a little bit about our proposal and about our plans so that you have an idea of what's going on as we engage in this discussion today, Jim."

Chairman Dennis said, "Good morning, Mr. Albertson."

Mr. Jim Albertson, Architect, Garver USA, greeted the Commissioners and said, "I made just a few brief notes concerning this. One thing we tried to do was to, I know it's a rural area, we tried to blend it in with that area. You notice that it has a pitched roof, we have brick facade on the front, we have metal, horizontal metal siding on some of the sides of the building and should blend in with what typically you'd see in a rural area. Parking is set back from the street, anywhere from 2[00] to 300, the building set back two to three hundred feet, so it's not pressed right up against that intersection.

"The house across the intersection that's presently there, is fairly close to that intersection. This will be set back quite a ways. We do have other drawings that show there's fairly extensive drives to get to the parking area. Parking area will be screened by a five to seven foot berm, surrounding that will block off the intersection, so that basically you're going to see the top of the building and not the cars that are being parked there. Lighting is all faced downward, shouldn't project outward from the site. I think that's about it without getting into too much more detail."

Chairman Dennis said, "Any questions from the Commissioners for Mr. Albertson? Seeing none, thank you, sir."

Mr. Albertson said, "Okay. Thank you."

Mr. Watson II said, "Thank you. I do, I would point out, again, that Mr. Bohm is here to answer any questions, at least from our perspective, we are prepared to answer any questions in terms of responding to anything that is said today, but we believe that this is the appropriate change, that the change is not significant, that anything that we would do, would be in character with the area."

"Change from Rural Residential to General Office is a minor change compared to what we might have requested, like Limited Commercial (LC), and it's just simply not going to impact them in the way negatively, in the way that has been previously articulated. Thank you for your time and I'm prepared to answer any questions, if there are any."

Chairman Dennis said, "Thank you. Any questions at all? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I have a couple of questions. Are these gravel dirt roads on the 101st and 47th Street?"

Mr. Watson II said, "These are paved roads. We have a picture we can show you, but it's the intersection that is paved. One of the reasons why this, if you look at the comments and the minutes from the Planning Commission, that's one of the reasons this corner was chose, because it's already paved, both 101st and Oliver. There's already traffic there."

Commissioner Howell said, "Very good. Then I'm curious about the services. You plan on using well water, lagoon, or Kechi water and sewer services? How do you plan on doing that?"

Mr. Christopher Bohm, PE, Garver USA, greeted the Commissioners and said, "We represent the applicants for the subdivision platting and the zone case initially. There's rural water that will be used for domestic service, and then the sewage disposal on the site will be per county standards, alternative septic sewer."

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

Mr. Bohm said, "Thank you."

Chairman Dennis said, "Thank you, I don't see any further questions at this time. We appreciate you being here."

Mr. Watson II said, "Thank you."

Chairman Dennis said, "Thank you. At this time, Cynthia Aleagi, I hope I pronounced that right, closely. You have asked to speak and this is the time to do it."

Ms. Cynthia Aleagi, 10556 North Oliver, Valley Center, greeted the Commissioners and said, "Aleagi, you were very close."

Chairman Dennis said, "Very good."

Ms. Aleagi said, "Good morning, Commissioners, I'm speaking on behalf today of the landowners surrounding this land, and we did meet with Mr. Barnhart's attorney last week to address our concerns, and he suggested we send some of those concerns to him in an email, which we did. Then it was either a day or two days later, Mr. Barnhart via Facebook invited us to meet with him personally, make an appointment, come up to his office, and we plan to do that. We just have not had that time between that time and this meeting to do that."

"He's put forth a great building, he has already the rest of the rural land in alfalfa, but our concern is that once a parcel is deemed General Office, it makes it easier for General Office, for other parcels, once that happens. Thirty years down the road when, you know, Kechi comes out and it's all built up and everything, that's maybe not an issue, and most of us will be passed on by then. But right now that's a big issue, and the reason I'm speaking today is I would just like to ask to if you could postpone this vote until your next meeting so we have time to meet with Mr. Barnhart personally, and you have time to consider our emails that we sent you. Penny Clement summed up most of our issues, and so just I'm asking if it could be possibly tabled to your next meeting."

Chairman Dennis said, "Okay. Thank you. Do any Commissioners have any questions? Seeing none, thank you very much."

Ms. Aleagi said, "Thank you."

Chairman Dennis said, "Does anyone else in the audience wish to speak on this issue today? Even though you didn't sign up to speak, you're welcome to speak. Seeing no one, I'll bring it back to the bench. Commissioner Ranzau would you like to..."

Commissioner Ranzau said, "Well I just want to know if the applicant wants to respond to a request for delay? Or somebody representing him?"

Mr. Watson II said, "We don't think a delay is necessary. Certainly we'll continue dialoguing with the resident because Mr., and I failed to introduce Mr. Barnhart. He is here today. Mr. Barnhart wants to be a good neighbor. So he'll continue to dialogue with them about this business and anything that he does out there. But we think that this process needs to move forward today."

Chairman Dennis said, "Thank you."

Commissioner Ranzau said, "I have a question for our attorney's. I, the emails that we got, can we enter those into the record or?"

Mr. Waggoner said, "Commissioner Ranzau to your question there's, it's fine to enter those emails into the record. Yes."

Commissioner Ranzau said, "Do you have those available to do so."

Mr. Waggoner said, "I do. Yes, Commissioner Ranzau."

Commissioner Ranzau said, "Alright."

Mr. Waggoner said, "Old habits die hard."

Commissioner Ranzau said, "Do you have any comments on postponement, I mean, I'm not quite sure what we'd gain by that. I don't know how long this process has been going on."

Mr. Waggoner said, "Sure. The request has been made by some of the property owners. They didn't articulate any of the items that they would want to be considered. I think if the applicant had outright said yes, we're fine with postponing this, I don't think there's any concerns there. They're only asking for a week, so it is not an extended amount of time. But I think you could say, if you wanted to allow them to discuss this, they could. But there is no requirement that you defer this. I think if you want to take it up today, you could."

"If there were conditions that the applicants, or I'm sorry, the neighbors are asking you to consider or add to this, then, you know, if there are additional conditions that weren't imposed or recommended by the Planning Commission, if you would seek to add those into your vote, that would require a vote of four Commissioners to override the Planning Commission's recommendation. I don't know if that helps answer, it's somewhat of an open-ended question, but I hope that gives you an idea. But I think you, if the will of the Commission was to continue it a week, I think you can, but at this point there really hasn't been a reason articulated for what you would consider as to alternatives that weren't proposed by the Planning Commission recommendation."

Commissioner Ranzau said, "Yeah, I mean, so this was heard in the Planning Commission on September the 20th, and before, I know this has been ongoing. I've gotten emails. One of the first things I told everybody on both sides was get together and talk about this months ago. Some of that has happened. I'll say I think there will be the need to continue to do that ongoing regardless of whether we approve today or not, but..."

Mr. Waggoner said, "Commissioner Ranzau, if I may, just as Dale pointed out, the applicant in this matter has requested he said, two different continuances on this item. I'm not sure as to all the reasons behind that, but they did ask have this continued I think, it was previously on a November, slated for an early November agenda I believe."

Commissioner Ranzau said, "How long or how far in advance to the MAPC (Metropolitan Area Planning Commission) was information sent out or posted I mean, I'm trying to get back. How far back did the people know about this?"

Mr. Waggoner said, "As to the first question, it was heard by the Planning Commission on September 20th. I'll let Dale answer to when the notice would've gone out."

Mr. Miller said, "By State law, notices are sent out 20 days in advance of the Planning Commission meeting and then they're required to post the sign on the property 13 days in advance of the Planning Commission meeting. So folks within a thousand feet should have received an individual mailed notice, and then there would be the sign, that if you drove by and looked at it, if you were outside that thousand foot radius, would have had an opportunity to notice that there was an application."

Commissioner Ranzau said, "Right, okay. So I'd be willing to give the person that made the request for an extension, you know, an opportunity to explain, you know, what we might gain from another week. I know it sounds like a week, but this we've been going on for months, we already had a couple delays. I think the applicant is

entitled to at some point to move forward. But if there's a, I need more reason to delay. I mean, we've delayed things in the past, but if there's nothing new, I guess."

Mr. Waggoner said, "Commissioner Ranzau, I think I did leave out my comments, that one of the things that was mentioned was a restrictive covenant. Restrictive covenants are outside of the purview of the Planning Commission and Board of County Commissioners on a zoning case, that's a private matter between parties if they agree to put a restrictive covenant on their property. So I guess that was mentioned, but that is really outside of the purview for the Board of County Commissioners in hearing this item."

Commissioner Ranzau said, "Okay, that's helpful. I did read that in the email that that was one of the suggestions. I didn't think that would be something that, if anyone has anything else to say as to why we should delay this for a week, what we might gain, I would be happy to entertain that. But if all we're get is another opportunity for people to talk, I'm not sure that's, I mean, we need to see an end here, or a reason or what we're going to get out of this, I think, beyond what we've already gotten after these last few months."

"I am sympathetic to people getting together talking, but at some point we've got to draw the line I guess. That's all I have to say right now, unless, Commissioners, hear what other Commissioners have to say, if there's anyone else who would like to speak on this."

Chairman Dennis said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I think Commissioner Ranzau verbalized my position on this also. If there was a specific reason for delay, I'd certainly be willing to yield to that request. There's been enough time, I think, for conversation, and from the testimony today, it appears that the primary concern is not with this project itself, but the concern seems to be with what the future might bring, and I understand that."

"I understand those concerns and fears and how things evolve over time. So I am sympathetic to it. But I think our decision right now is on the project itself, and I haven't heard any real protest on the project itself. I haven't heard what we might gain by delay. So I'm, although I want to be sympathetic and willing to change my mind, but at this point I am thinking we need to take care and act on this agenda item."

Chairman Dennis said, "Thank you. I don't see anyone else who wants to speak. I have not heard a good reason that we need to delay this. GO (General Office) is the lowest level of any kind of commercial development that you can put on a piece of property, and I believe it is probably the appropriate zoning if we need to put this type of facility in there. Commissioner Ranzau, would you like to make any kind of motion?"

Commissioner Ranzau said, "Just one other question for Dale, in that area there are some other businesses, is there not?"

Mr. Miller said, "I believe there are what we would consider rural home occupations in the general area, I'm not aware of any commercial or office zoning in the immediate area."

Commissioner Ranzau said, "Right."

Mr. Miller said, "Yeah."

Commissioner Ranzau said, "There's a restaurant and some things down the road."

Mr. Miller said, "Yes. Yeah closer, yeah down in..."

Commissioner Ranzau said, "I actually think that this won't have a big impact on this, but I would, and I've told Mr. Barnhart this before, make a concerted effort to be a good neighbor and communicate with people, I think will go a long way in this endeavor."

MOTION

Commissioner Ranzau moved to approve the rezoning from Rural Residential to General Office and adopt the findings of the Metropolitan Area Planning Commission and approve the resolution.

Commissioner Unruh seconded the motion.

Chairman Dennis said, "We have a motion and second. Commissioner O'Donnell."

Commissioner O'Donnell said, "Yes. Thank you, Mr. Chair. I will be voting against this only because in some of my communications, I had indicated that I would be alright with delaying a week, but it's not a vote against the project, it's just trying to keep my word to individuals that I emailed. So thank you."

Chairman Dennis said, "Any further discussion? We have a motion and second. Madam Clerk, call the roll."

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>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

County Clerk has assigned Resolution #168-2018

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

Approved

D [18-998](#)

CONSIDER A RESOLUTION AMENDING THE DEBT FINANCING POLICY.

Presented by: Lindsay Poe Rousseau, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the Resolution and amended policy.

Mr. Waggoner said, "Good morning, Commissioners. What's in front of you on this item is a resolution that proposes to amend the county's debt financing policy. Commissioner Ranzau had requested that our office draft a document to state that, if and when the county would refinance special assessments, those bonds, the

economic benefit from that would be passed along to the property owners who are responsible for those special assessments.

"As a result, on page eight of the proposed amended debt financing policy, which is exhibit A to the resolution, there's a paragraph that states that if special assessments bonds are refinanced, the economic benefit would inure solely to the benefit property owners who are responsible for the special assessments. It is worth mentioning that county special assessments bonds, when the county does refinance bonds are a very small portion of the overall total, it's usually other bonding the county takes part in.

"Lindsay Poe Rousseau [Sedgwick] County CFO (Chief Financial Officer) can speak more directly and more specifically to that, if you have any questions. The document that's in front of you would be forward-looking, be in the next tax year, that would be feasible based on the tax calendar that's established under the Kansas statutes. Then also on page five, changes have been proposed to the paragraph entitled special assessment bonds, in particular, there is changes that are proposed to make this consistent with charter resolutions number 61 and 62, which deal with special benefit districts.

"Also Finance staff has incorporated some suggested changes on best practices language in terms of monitoring, considering bond refinancing opportunities. The recommended action is to adopt the resolution and the amended policy, and county CFO Lindsay Poe Rousseau and I would be happy to stand for any questions. Thank you."

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

Commissioner Ranzau said, "Well thank you, Justin. I just want to say, obviously I'll be supportive of this. This came about when we heard about a lawsuit the City of Wichita, that alleges that they refinanced some special financing and then pocketed the savings, as opposed to returning it to the landowners, I think the Commissioners here were pretty much all unanimous in saying that we wanted our policy to be exactly this, that it goes back to the landowners, and so we initiated this to get it in our policy to make sure it was clear moving forward. We don't do this a lot, but this way, at some point in the future, if it happens, it's very clear, we'll make sure the savings get back to the landowners."

MOTION

Commissioner Ranzau moved to adopt the resolution and amended policy.

Commissioner Unruh seconded the motion.

Chairman Dennis said, "We have a motion and a second. Again, I worked with Commissioner Ranzau and staff on this issue. The main thing is that if we're savings, we want to make sure that savings goes back to the owner of the property rather than to the Sedgwick County. We don't do it very often, as Justin said. There is one case right now that will be affected by this. From what I understand, the property owners of the property, I understand, are going to get back, reduce their property tax, I think, as I recall, [\$]30-\$40, but that's a significant amount to a lot of people to make sure that that goes back to them instead of to the general fund.

"So I definitely support this motion and the refunding of any debt. The way it's going to

work, to make sure that people aren't confused, it is just like if you mortgage your house. The day that you remortgage it, from that point forward you're going to pay less money. So we don't go back in time, because there was no savings to us back in time, but the day that we refinanced the bonds, from that day forward, the money will go back to the owner of the property at that time, so we don't go back and look at different homeowners that may have had the property before, it's just whoever owns it today and in the future, we will see the savings. So any further discussion on this? Seeing none, we have a 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

County Clerk has assigned Resolution # 169-2018

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

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

Adopted

E [18-921](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR
MEETING ON NOVEMBER 29, 2018.

Presented by: Joe Thomas, Director, Purchasing.

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

Chairman Dennis said, "Good morning, Joe."

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting that was conducted on November 29th results in one item for your consideration.

1. SWAT TEAM TACTICAL GEAR -- SHERIFF'S OFFICE
FUNDING -- ADMINISTRATION

"The recommendation is to accept the quote from Night Vision Devices, Inc. for a total amount of \$59,484.

Mr. Thomas said, "I'll be happy to try and answer any questions you may have, and I recommend its approval."

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

MOTION

Commissioner Unruh moved to approve the recommendations of the Board of Bids and Contracts.

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>

Mr. Thomas said, "Thank you."

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

Approved

CONSENT

Mr. Thomas Stolz, Interim County Manager, greeted the Commissioners and said, "Recommend you approve F through I on consent."

MOTION

Commissioner Dennis moved to approve consent agenda items Foxtrot (F) through India (I).

Commissioner Ranzau 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>

Chairman Dennis said, "Next item, please."

F [18-990](#) Resolution affirming the County Investment Policy.
Approved on the Consent Agenda

G [18-1002](#) Changes to the Division of Information, Technology and Support
Services (ITSS) Staffing Table.

Approved on the Consent Agenda

- H [18-1012](#) General Bill Check Register for November 21, 2018 - November 27, 2018.
 Approved on the Consent Agenda
- I [18-1015](#) Payroll Check Register for the November 24, 2018 payroll certification.
 Approved on the Consent Agenda

LEGISLATIVE ISSUES

Chairman Dennis said, "For 'other' one thing I want to mention. That's what you called, right?"

Ms. Heddie Page, Deputy Clerk, greeted the Commissioners and said, "No, sir. Legislative issues."

Chairman Dennis said, "Oh, I'm sorry. Legislative issues. Skipped one, I beg your pardon. Do we have legislative issues to talk about today?"

Mr. Pepoon said, "Not that I'm aware of, Mr. Chairman."

Chairman Dennis said, "Very good. You worked on some legislative issues yesterday."

Mr. Pepoon said, "Yes, we did. Commission met in staff meeting and went through a number of issues that we are looking at putting on our platform. I believe that will come back before you at your next regular scheduled meeting."

Chairman Dennis said, "Very good. Commissioner O'Donnell."

Commissioner O'Donnell said, "I have some legislative issues that, they kind of bleed into 'other' but I was able to be in Topeka on Monday. We had, they had the House leadership elections, and Sedgwick County is now home to the Majority Leader, with Dan Hawkins, which is great for us. Minority Leader, with Tom Sawyer, which is great for our county. Susan Humphreys was elected the Caucus Chair for the House Republicans, and Blake Carpenter was elected Majority Whip for the Republicans. So both Republican and Democrat, Sedgwick County is very well covered."

"It shows that we have a lot of gravitas and hopefully some fire power up there to help the residents of our whole community move forward, push things like our legislative agenda we talked about yesterday. But we haven't had a Majority Leader in the Kansas House since 1992. So it's been a while since we've actually had somebody in House leadership that high. It was actually Tom Sawyer who was the Minority Leader, was the last Majority Leader. So it's good news for our community."

Commissioner Unruh said, "Very good."

Chairman Dennis said, "Very good. Well unfortunately, I missed the legislative discussions that we had yesterday, and I will talk about it in 'other' on why that I wasn't there, but I look forward to us working the legislative issues this year. Does anyone else want to speak again on 'legislative issues'? Seeing none, Madam Clerk, now what do you have?"

OTHER

Chairman Dennis said, "Other, thank you. I have a couple things that I want to talk about on 'other.' The first most important, I think, is today our nation is mourning the loss of President George [H.W.] Bush. He holds a very dear place in the hearts of many folks. He actually hosted the WSU (Wichita State University) baseball team when they won the NCAA (National Collegiate Athletic Association) championship while he was the President. So we want to recognize him especially for that, that he does recognize Wichita and Wichita State [University].

"The other thing, I served during the Cold War, during the entire Cold War. President Reagan set up the end of the Cold War, but it actually ended under President Bush. One of the important things that happened in my life was that I was Commander of a squadron in Montana, and we had 200 ICBM's (Intercontinental Ballistic Missile) on alert, 200 nuclear tipped minutemen missiles. As the Cold War ended, President Bush sent notice to us that he wanted to take 150 of those off alert immediately. That's no easy task to take 150 nuclear missiles off alert immediately. The men and women in my squadron went out and had to enter every one of those launch facilities, all 150 of those launch facilities, and manually safe those missiles so they could not be launched by the missile combat crew.

"It was testament to George Bush's leadership, that he was able to do that and not only happened at Whiteman[Air Force Base] (inaudible) where I was stationed. It happened at Whiteman. It happened at Ellsworth [Air Force Base]. We took a lot of nuclear weapons off alert in one weekend. This happened on a weekend, where most people are thinking they have the day off, we're traveling over 26,000 square miles. But that's the area that those missiles covered to enter a nuclear facility that takes a lot to enter, takes security to be able to get into it, takes special team to be able to enter it, and we did 150 of those over a weekend, because the President's direction to help us end the Cold War.

"So I want to thank President Bush for his leadership as President of the United States during a very important time in our history. I think that even though he was a one-term President, he is going to go down as one of the greater presidents that we've had. I want to put my comments, I know that a lot of organizations shut down today. We had a lot of important things to accomplish, but I wanted to make sure that we recognized President Bush. Some other folks may want to comment in a minute.

"I want one other thing, as long as I have got the table. I missed the legislative agenda meeting yesterday because I traveled over to Reno County, because they're looking at the possibility of putting some wind farms in along the border of Sedgwick County, right up to the border between Reno [County] and Sedgwick County. I had a number of citizens in Sedgwick County contact me that they were concerned about this issue. So I went over and what I learned was that I didn't know what I didn't know when I went into that meeting.

"There are so many issues that are involved in wind farms, and I was totally amazed. There are terms I don't understand today. I don't know what flicker is, don't even know what happens, but it's something that impacts health and well-being of neighbors. So there's a ton of different issues that are involved, and I'm not sure that Sedgwick County is even prepared at this point in time if a wind farm decided they wanted to come into Sedgwick County. So I've sent out a fairly lengthy email to a whole lot of our staff yesterday afternoon with the issues that I'd made notes on yesterday, and I'm

sure that there are issues that I don't know at this point in time, because as I said, I don't know what I don't know.

"But it is going to take some work and study from our Dale Miller, who was here from our [Metropolitan Area] Planning Department, from our MAPD department, from our Appraisers, even Health [Department] is going to have to be involved in it, because there's health issues involved in this. So there's a ton of issues involved in wind and possibly solar farms that I'm not aware of at this point in time. Again, I don't know what I don't know, but we need to start taking a look at that from Sedgwick County's perspective.

"One of the things that I was told on Monday afternoon before I went over there on Tuesday was there is the possibility that there are already leases in Sedgwick County for people to start putting wind farms in Sedgwick County. So I went down and asked Tonya Buckingham, our Register of Deeds just do a real quick cursory look. Are there any leases in Sedgwick County? In a matter of minutes we popped up three. That was enough for me to be confirmed that there are already leases in Sedgwick County that people are thinking about the possibility of putting wind farms here. So if that is a possibility in the future, we need to be prepared for it, and I'm not certain that we're prepared for it at this time.

"That's what I've asked the staff to do is to take a look at this issue, and get back with us to make sure that we understand what we need to know, so that I do know what I need to know. Anyway, those are the two issues I wanted to talk about. Again, I want to make sure that we honor the legacy of President Bush. Anyone else have anything that they'd like to say in 'other'? Seeing nothing, Madam Clerk, next item."

EXECUTIVE SESSION

MOTION

Commissioner Unruh moved that the Board of County Commissioners recess into executive session for 10 minutes, until 10:10 a.m., for the consultation with an attorney for this Commission which would be deemed privileged in the attorney-client relationship to discuss the potential settlement of a claim and that the Board of County Commissioners returns to this room from executive session no sooner than 10:10 a.m.

Commissioner Dennis 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

The Board of County Commissioners recessed into executive session at 10:00 a.m. and returned at 10:26 a.m.

Approved

[18-1053](#)

Approve agreement and release for the Sedgwick County Manager.

Chairman Dennis said, "Mr. Pepoon, do you have any comments?"

Mr. Pepoon said, "Yes. Thank you, Mr. Chairman and point out that no binding action was taken in executive session today. You have before you a copy of an agreement and release between Sedgwick County and Mr. Scholes, Sedgwick County Manager. The highlights of this agreement and release are as follows. Mr. Scholes agrees to resign effective November 30th, 2018, last Friday. He releases the county waiver discharge of all claims he could possibly bring against the county for any reason whatsoever. He and the county, in consideration of getting a full waiver and release from Mr. Scholes and for his resignation, is going to pay Mr. Scholes a lump sum amount of \$205,427, less all appropriate taxes and withholdings that's required by law. He's receiving no other benefits that he's entitled to during his employment with the county, no vacation or leave or any other allowances, car allowances, cell allowances or anything. That lump sum amount is the entire amount that's going to be paid to Mr. Scholes.

"He has seven days to revoke. He signed the agreement. He has seven days to revoke the agreement under the Older Workers Benefit Protection Act and Uniform Services Employment and Re-Employment Act in 1994. So the agreement, he will not be paid any sum of money until the seven days has passed pursuant to the agreement. As part of the agreement, both parties, Mr. Scholes and Sedgwick County, have agreed to issue a joint statement from the bench. That's to be the entire statement regarding, the official county statement regarding his past employment of Sedgwick County. I'd be happy to answer any further questions if you have them."

Chairman Dennis said, "Any questions of Mr. Pepoon? Seeing none, do we have a motion?"

MOTION

Commissioner Unruh moved to take the recommended action and approve the agreement and release.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Dennis said, "Next item, Mr. Pepoon."

Approved

[18-1054](#)

Approve the appointment of Tom Stolz to Interim Sedgwick County Manager.

Mr. Pepoon said, "Next item is to consider what to do now that Mr. Scholes is no longer the County Manager, with the position of the County Manager."

MOTION

Commissioner Unruh moved to appoint Mr. Tom Stolz as the Interim County Manager until further action is taken.

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>No</i>
<i>Commissioner Howell</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Chairman Dennis said, "Does anyone else have anything else that needs to become before the board today?"

Commissioner Howell said, "What about the statement?"

Chairman Dennis said, "Oh I'm sorry, beg your pardon. We do have something else. I have a joint statement that was agreed to between both Mr. Scholes and Sedgwick County, and it states both parties have agreed that it was in Sedgwick County and Mr. Scholes best interest to part ways. It's time for both parties to look toward the future. I look forward to finishing out this year strong and serving our residents. It's especially important to thank our great staff who have continued to focus their efforts and energy on delivering needed services to our citizens. Thank you. Anything else need to come before the board today?"

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:30 a.m.