

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, February 13, 2019

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 9:12 a.m. on February 13, 2019 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 Peter F. Meitzner; Commissioner Michael B. O'Donnell II; Commissioner Lacey D. Cruse; 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; Ms. Adrienne Byrne, Health Director, Sedgwick County Division of Health; Mr. Joe Thomas, Director, Purchasing; Mr. Van Williams, Director, Strategic Communications; Ms. Lynda Baker, Deputy County Clerk.

GUESTS

*Mr. Kent Rowe, 3353 North 159th, Wichita
Ms. Jennifer Connelly, 3353 North 159th, Wichita
Chief Darrell Atteberry, Bel Aire Police Chief*

INVOCATION: Reverend Brent Johnston, First Presbyterian 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. We have two individuals signed up to speak on the Public Agenda today. The first individual is Kent Rowe. If you'll please approach the podium and state your name for the record, sir."

Mr. Kent Rowe, 3353 North 159th, greeted the Commissioners and said, "My district Commissioner is Pete Meitzner. Thank you for hearing us out. I'm here today to talk about the smart grid for Wichita.

Mr. Rowe continued, "That's something we do. I'm actually the conservation chair for Kansas Sierra Club as well as a board member on the Society of Alternate [Alternative] Resources. We do promote, not just a smart grid, but renewable energy, clean renewable energy. That is something that's apparently become a topic here, and we'd like to bring you up to speed on what is happening nationwide, and actually worldwide. We're developing a plan for a clean energy generation for Sedgwick County. That is not just power production, but it's also about transportation, economic development, public health, cancer awareness, again. The Armed Forces have already

done a lot of in-roads.

"Aircraft development has to do with clean energy, and what is that? That is battery development. The V2G, vehicle-to-grid, entails what's happening in many parts of the globe as well as this country. Vehicle-to-grid is that you don't just plug your vehicle into an outlet like we see around town. It charges both ways, depending on the time of use. When the peak demand is high, the vehicles actually discharge back through the grid and avoid the peaks that occur in most demand times. Some of the most dirtiest energy, coal, nuclear is used in those times. These are virtual power plants and have become virtual power plants in many parts of Europe right now, and it's being documented. Asia, of course, China is doing this, probably at a greater extent than we even realized a couple of years ago. That is something very exciting with battery vehicles.

"As you very well know, battery vehicles are going to become the rule in our sales, production and transport industry. Currently, Maize High School is having a fundraiser for their rooftop solar. That is expected to go just beyond power production, in that the school buses Blue Bird is building that are electrified. Those buses actually power the school during peak demand times and times of need, and it's also essential for emergency preparedness. Wichita Transit has already made the step, as you may very well know, to having the Proterra electric buses come in. Eleven buses are coming in this year for the Wichita Transit. These are clean buses. That also is going to be part of the V2G, vehicle-to-grid, power production, power storage, as well as the buses.

"The Armed Forces have already done so and are continuing to develop that. Aircraft are going to be electric. Don't be too alarmed there, but the battery powered aircraft are actually hybrids. They use the standard turbine propulsion as well as the backup batteries. That helps make airports, aerodromes cleaner, free from the pollution, contaminants, and they take off mainly on electrical, and then they cruise at altitude where they can back-off on those turbines, and then they land back on electrical with turbine back-up assist. That is the first certification for a commuter aircraft is expected to be the year 2021. Lockheed Martin, all of these have been enunciated.

"What I intend to do in the successive weeks is outline, surveys that have already been done with respect to property values, 30 years of North American wind energy acceptance research. This is out of Berkeley Lab, a national survey of wind power project neighbors, summary of results, on-site renewable energy.

Mr. Rowe continued, "This is prepared primarily for state and local climate energy programs, bodies such as yourselves. I know you've commissioned a study on that, and we would actually expect out of this study that the county will start installing rooftop power generations on county facilities and pass amendments like most states already have abolishing punitive restrictions on rooftop solar by Homeowners' Associations, covenants and so forth, like Texas Property Code 202.010.

"We attended a forum last night on the school budgeting, Education for Kansas, hosted by KMEW Radio, and Lieutenant Governor Rogers was present. A lot of this has to do with economics, of course. This is vital to saving money on our transportation, but it's also public health. We're actually coal-rolling our school children right now with diesel buses, and that is a shame. We see this every day, and this is something with electrification of transportation that we'll eliminate. That's just one aspect of this. Renewable energy for Sedgwick County is not just preferred, it is vital that we do this to propel ourselves into the near future. It is not the future, really. It's the present. It's ongoing now. Check into it. I'll be happy to help with this study. I'm

happy to help with your knowledge of it, and I expect to be back next week. Thank you very much."

Chairman Dennis said, "Thank you for being here today. By the way, just to let everyone know, on March 28th, we're going to have a public forum on alternate energy and the impacts and so forth over at the Sedgwick County Zoo in the Cargill Learning Center, so everyone is invited. That word hadn't got out yet, but since you brought it up today, it's a good time to start discussing it. Thank you. Commissioner Meitzner."

Commissioner Meitzner said, "Thanks for the presentation. I might encourage you to, most of us, we are represented, and the whole county is represented, on an organization called WAMPO (Wichita Area Metropolitan Planning Organization). Okay, so I know it's related to transportation. They are looking at current trends, future and where we're going. They're a pretty good source for maybe some of the data that you're talking about, and it can be dispersed among members of the policy body as they're getting into that, because I think just one entity like us might be difficult to get through to everybody, but WAMPO is a good source, and they've probably got a lot of material already that you can share, bounce ideas, facts, non-facts, all of that stuff, so thank you."

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

Commissioner Cruse said, "Thank you, Kent and Jennifer, for being here today. I appreciate the phone call that we had last week regarding your concerns. I would love to read some of those reports, if you could send those to me via e-mail at lacey.cruse@sedgwick.gov. That would be great. Thank you."

Chairman Dennis said, "Thank you. Okay, we have one more individual. Actually, Jennifer Connelly has signed up to speak today. Please approach the podium, and state your name for the record. You have three minutes."

Ms. Jennifer Connelly, 3353 North 159th, greeted the Commissioners and said, "I'm not an expert in the field, like Kent and some other people in our state. We have wonderful people in our state, and I was thinking about after I looked at the County Commissioners website, I finally found it, and I looked at it. Thank you for thinking about this topic. I think it's an extremely important topic that we have. The good news is we really do have experts that have been working in this field for a long time, time, and it's a clean energy project. They have a lot of staff members, their director. I just want to read you a couple of things about this particular staff member who has been working even with Sam Brownback, who was very instrumental in helping us getting wind in our state."

"We're at 40 percent of our energy is now produced with wind, and projects are happening all over the place. There's what they call power purchase agreements. If you're not all aware of that, what power purchase agreements are, but basically there's companies that come in. Target is one of them. They'll have 150 different facilities that they want to use a power purchase agreement, and basically, they're off-site wind projects that they're coming to our state. I've heard that Kansas could be one of those Saudi Arabia's of wind. These help our farmers. Basically, what this does for our farmers is I've heard stories of farmers that were about to go under. They didn't have any way to make an income anymore."

"Family farms are disappearing, and these wind turbines are keeping our farmers

going. These projects are happening everywhere. I'm just going to read you about Dorothy Barnett, just a little bit. I'll just give you one of her examples, and she's the staff director, and they have many experts, and I can send you that information. She's been working with all kinds of communities. Barnett got her start in wind energy with the Reno County Wind Energy Task Force, which has awarded the Governor's Energy Award of Energy Education in 2008. Dorothy attended Friend's University.

"The other things is her perspective provides expert testimony at regulatory proceedings and has been published in the Electricity Journal in 2014. Barnett received the Advocacy Leadership Award from the U.S. Clean Energy, Education and Empowerment Program run by the U.S. Department of Energy and MIT (Massachusetts Institute of Technology) Energy Innovative [Initiative]. So what I'm saying, there's a huge staff, and they've been doing this for years, and they've been working with all of our representatives, coordinating projects, and they have lawyers on their staff. They have people that have been working in the industry, in education and other areas. So like I said, I'll give you that information on their projects that they've been working through throughout the state.

Ms. Connelly continued, "Also, she is from Reno, County, and she did sit in on all the meetings. She said that there's three of their Commissioners there, two of them voted for the project, one against. Reno County Planning Commission is where they go to too, so basically, the way I understand it, there probably wasn't a reason for a moratorium, because you have to go through the Planning Commission. Maybe I understand it incorrectly, but that's okay if I'm wrong, but I'm just telling you what I understand. You won't have to go through the moratorium, and you can lift that moratorium any time. What she said is they would have not considered Reno County if there was a moratorium, but they do realize that you have to go through the Planning Commission before any projects are approved.

"So, you know, I understand there's like concerns about noise and things like that. These studies have already been done. In fact, she gave some PDF's (Portable Document Format) of these studies, and they're all very good studies that she gave us PDF's on. So if anybody wants to talk to her about what went on at those County Commission meetings, she would be glad to answer, and actually one of the Commissioners that are really interested in approving these projects. So that's it."

Chairman Dennis said, "Well, thank you very much for being here today, and don't forget to mark your calendar for March the 28th. Thank you. I don't have anyone else signed up to speak on the Public Agenda today, but if there is anyone else that would like to speak, we'll provide you the opportunity now. I see no one. Next item, please."

APPOINTMENTS

- A** [19-133](#) ACCEPT THE RESIGNATION OF BRIAN ENTZ (ELECTED POSITION) FROM THE POSITION OF TREASURER FOR THE SEDGWICK COUNTY LINCOLN TOWNSHIP BOARD, DISTRICT 1.
Presented by: Michael D. Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Accept Resignation.

Mr. Michael Pepoon, Interim County Counselor, greeted the Commissioners and said, "You have before you the resignation of Brian Entz, the Treasurer of the Lincoln Township Board, and we'd ask that you approve the accepting the resignation."

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

Commissioner Meitzner said, "Yes. I make a motion to approve this or accept this resignation, and I know I'm working with the Lincoln Township to get a replacement sooner than later, but we don't have one as of this morning."

MOTION

Commissioner Meitzner moved to accept the resignation.

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 Cruse</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner Meitzner</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Chairman Dennis said, "Next item, please."

Approved

B [19-091](#)

RESOLUTION APPOINTING THE FOLLOWING INDIVIDUALS (BOARD OF COUNTY COMMISSION APPOINTMENTS) TO THE SEDGWICK COUNTY BOARD FOR ONSITE WASTEWATER INSTALLATION AND MAINTENANCE, AND SANITARY SERVICE IN POSITIONS OF ENGINEER, INSTALLERS, HAULERS, AND THE GENERAL PUBLIC. Presented by: Mike Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Pepoon said, "Commissioners, you have before you a slate of appointments. This board that deals with the wastewater sanitary systems in the county is composed of haulers, installers and engineers and one member from the general public. Seven appointments in all. The appointments you have before you are, for installers, we have Tim Lubbers reappointment and Dan Newfarmer, an appointment, and Chad Mills an appointment. For haulers, we have Randy Wirths, a reappointment and Marvin Short, a reappointment. The engineer is being appointed. It's Austin Gottlob. The former engineer that's being appointed now as the general public appointment is Chris Bohm. You have resolutions for each of these appointments and reappointments. They've been reviewed by our department in proper form, and ask that you approve the resolutions."

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

MOTION

Commissioner Dennis moved to adopt the resolutions.

Commissioner O'Donnell seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye
Chairman Dennis	Aye

County Clerk has assigned Resolution No. 017-2019 through Resolution No. 023-2019.

Chairman Dennis said, "Next item, please."

Adopted

C [19-122](#)

RESOLUTION REAPPOINTING DARRELL ATTEBERRY, BEL AIRE POLICE CHIEF, (BOARD OF COUNTY COMMISSION REAPPOINTMENT) TO THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER ADVISORY BOARD IN THE CHIEF OF POLICE OF 2ND/3RD CLASS CITY POSITION.

Presented by: Michael Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Pepoon said, "This is the appointment, the Commission has two of the appointments to this board, are coming up in these next two items. This appointment is to the [Regional] Forensic Science Center Advisory Board, and is a Police Chief of a second and third class city. In this case, we have Chief Darrell Atteberry here from the City of Bel Aire, and that's the recommended appointment, and we have a resolution approving the same, and it's in proper form, and ask that you approve the resolution."

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

MOTION

Commissioner Dennis moved to adopt the resolution.

Commissioner Cruse seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye

Chairman Dennis Aye

County Clerk has assigned Resolution No. 024-2019.

Chairman Dennis said, "Well welcome, and our Clerk is here to swear you in."

Mr. Kelly Arnold, County Clerk, thanked the Commissioners and said, "Please 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
Sedgwick

County Regional Forensic Science Center Advisory Board, so help me God."

Chief Darrell Atteberry, Bel Aire Police Chief, greeted the Commissioners and said, "I do."

Mr. Arnold said, "Alright, congratulations."

Chief Atteberry said, "Thank you."

Chairman Dennis said, "Thank you. Would you like to say anything?"

Chief Atteberry said, "Thank you for the appointment. Pleasure to serve."

Chairman Dennis said, "Thank you, Chief. Thanks for being here. Next item, please
Adopted

D [19-121](#)

RESOLUTION REAPPOINTING DR. RONALD VARNER (BOARD OF COUNTY COMMISSION REAPPOINTMENT) TO THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER ADVISORY BOARD IN THE POSITION OF AN ORGANIZATION OUTSIDE OF THE COUNTY DOING BUSINESS WITH THE FORENSIC SCIENCE CENTER.

Presented by: Michael Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Pepoon said, "This is your second appointment to this board today. This is the appointment of an outside organization, a person doing business from an outside organization that works with the Forensic Science Center. This is a reappointment of Dr. Ronald Varner who's the Butler County Coroner. We have a resolution before you appointing Dr. Varner. It's in proper form and ask that you approve the resolution."

Chairman Dennis said, "Any questions of Mr. Pepoon? Seeing none."

MOTION

Commissioner Dennis moved to adopt the resolution.

Commissioner Cruse seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye
Chairman Dennis	Aye

County Clerk has assigned Resolution No. 025-2019.

Chairman Dennis said, "Next item, please."

Adopted

E [19-135](#)

RESOLUTIONS APPOINTING COMMISSIONERS TO VARIOUS
BOARDS/COMMITTEES.

Presented by: Mike Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolutions.

Mr. Pepoon said, "These are the appointments that this board makes appointing various County Commissioners to various boards throughout the county.

Mr. Pepoon continued, "It's, again, a slate of, I believe, 11 resolutions. The resolutions are as follows. The first resolution is appointing Commissioner Cruse to the Arts Council. There's a resolution appointing Commissioner O'Donnell to the Chief Elected Officials Board. Resolution reappointing Commissioner Howell to the Chief Elected Officials Board. Resolution appointing Commissioner Cruse to the Criminal Justice Coordinating Council. Resolution appointing Commissioner Howell to the Criminal Justice Coordinating Council. There's a resolution appointing Commissioner Meitzner to WAMPO, and another resolution reappointing Chairman Dennis to WAMPO. A resolution appointing Commissioner Cruse to WAMPO. A resolution reappointing Commissioner Howell to WAMPO. A resolution appointing Commissioner Meitzner to WDDC (Wichita Downtown Development Corporation). The last resolution, we need to modify what's on your agenda. This resolution says it's appointing Commissioner O'Donnell to the WSU (Wichita State University) Tech Industry Advisory Board, is actually, we prepared a resolution for you appointing Commissioner Meitzner to the WSU Tech Industry Advisory Board."

Chairman Dennis said, "Thank you."

Mr. Pepoon said, "All of these resolutions are in proper form, and we'd ask that you approve the resolutions."

Chairman Dennis said, "Any questions of Mr. Pepoon?"

MOTION

Commissioner Dennis moved to adopt the resolutions.

Commissioner O'Donnell seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye
Chairman Dennis	Aye

County Clerk has assigned Resolution No. 026-2019 through Resolution No. 036-2019.

Chairman Dennis said, "Next item, please."

Adopted

NEW BUSINESS

- F [19-106](#) AGREEMENT WITH CENTRAL PLAINS REGIONAL HEALTH CARE PARTNERSHIP (CPRHCP), SEDGWICK COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF WICHITA TO PARTNER WITH THE SEDGWICK COUNTY HEALTH DIVISION UNDER THE PROJECT ACCESS PROGRAM.
Presented by: Adrienne Byrne, Health Director, Sedgwick County Health Division.

RECOMMENDED ACTION: Approve the agreement and authorize the Chairman to sign.

Ms. Adrienne Byrne, Health Director, Sedgwick County Division of Health, greeted the Commissioners and said, "Project Access, as Shelly said, is a partnership program that facilitates accessibility to medical care, including needed medical prescriptions and equipment for uninsured, low income residents of Sedgwick County. That's those that fall below the 250 poverty guideline. Project Access was created in 1999, and operates within the Central Plains Regional Healthcare Partnership. It's a community-wide network of public and private organizations that identify individuals who may qualify for assistance.

"The funding for 2018 for Project Access came from a variety of sources, including City of Wichita, Sedgwick County, United Way, and then private donations as well as a hefty fundraiser. The \$200,000 if allotted for 2019, will be used to fund portions of numerous salary positions, as well as pay for prescription and durable medical equipment. In 2018, Project Access served 810 patients. The donated hospital care was valued at approximately \$7 million. Donated physician care valued at approximately \$2 million. They provided \$300,000 in purchased and donated medications, as well as purchased \$17,000 in medical equipment for patients with city and county funding. I recommend that you approve the agreement, and authorize the Chair to sign. I can answer any questions, as well as Shelly."

Chairman Dennis said, "Thank you, Adrienne. Do we have any questions from the Commission? Commissioner Cruse."

Commissioner Cruse said, "I don't have any questions, but I just want to say that you guys are doing a great job. Thank you so much for your presentation today, and I look forward to rappelling down that building."

Ms. Byrne said, "You're brave."

Chairman Dennis said, "Well, this is something that is ongoing, and it has a huge impact on our community. First of all, I think that we owe a great debt of gratitude to the medical providers that are providing this service. What we're doing is helping facilitate that, but it's really the medical providers that are providing the service that are the true heroes in this. Those are the folks that we need to make sure that we thank very much for what they do for our community on a volunteer basis. I don't see any other comments. By the way, I will not be one of the ones going off the side of the building. I'll be there for moral support. Beyond that, I'll be safe and sound. Anyway, I see no other comments whatsoever."

MOTION

Commissioner Dennis moved to approve the agreement and authorize the Chairman to sign.

Commissioner Cruse seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye
Chairman Dennis	Aye

Ms. Byrne said, "Thank you."

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

Approved

G [19-108](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON FEBRUARY 7, 2019.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "This meeting that was conducted on February 7th of the Board of Bids and Contracts results in one item."

1. CONTRACTUAL SERVICES FOR AGING TRANSPORTATION PROGRAM – DIVISION ON AGING

FUNDING -- DIVISION ON AGING

"The recommendation is to accept the transportation providers as listed at the contracted rates for a period of one (1) year."

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

Chairman Dennis said, "Do we have any questions for Joe? I don't see any questions this morning."

MOTION

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

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 Cruse</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner Meitzner</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Mr. Thomas said, "Thank you."

Chairman Dennis said, "Next item, please."

Approved

CONSENT

H. One (1) Temporary Construction Easement for Sedgwick County Project on 61st Street North in Colwich; CIP# R 346. District 3.

I. One (1) Easement for Right of Way for Sedgwick County Bridge Project 793 N 2480; Bridge on 215th Street West between 13th & 21st Streets North; CIP# B 488. District 3.

J. One (1) Easement for Right of Way and One (1) Temporary Construction Easement for Sedgwick County Multi use Path along Rock Road from Derby to Mulvane; CIP# R 343. District 5.

K. One (1) Temporary Construction Easement for Sedgwick County Drainage Project on 95th Street South between Ridge Road and Hoover. CIP# R264 42. District 2.

L. Approval of an agreement with Bayer U.S. Crop Science for the Sedgwick County Adopt a Highway Program on 53rd Street North from 119th Street West to 151st Street West. District 3.

M. Plat. Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat: WIESNER ADDITION DISTRICT 3

N. General Bill Check Register for January 30, 2019 February 5, 2019.

O. Payroll Check Register for the February 2, 2019 payroll certification.

Mr. Thomas Stolz, Interim County Manager, greeted the Commissioners and said, "Recommend you approve Consent Items H through O."

Chairman Dennis said, "Any questions on the Consent Agenda from anyone?"

MOTION

Commissioner Dennis moved to approve Consent Agenda Items Hotel (H) through Oscar (O).

Commissioner O'Donnell seconded the motion.

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

VOTE

Commissioner O'Donnell II	Aye
Commissioner Cruse	Aye
Commissioner Howell	Aye
Commissioner Meitzner	Aye
Chairman Dennis	Aye

Chairman Dennis said, "Next item, please."

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|----------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| H | <u>19-124</u> | One (1) Temporary Construction Easement for Sedgwick County Project on 61st Street North in Colwich; CIP# R-346. District 3.
Approved on the Consent Agenda |
| I | <u>19-125</u> | One (1) Easement for Right-of-Way for Sedgwick County Bridge Project 793-N-2480; Bridge on 215th Street West between 13th & 21st Streets North; CIP# B-488. District 3.
Approved on the Consent Agenda |
| J | <u>19-126</u> | One (1) Easement for Right of Way and One (1) Temporary Construction Easement for Sedgwick County Multi-use Path along Rock Road from Derby to Mulvane; CIP# R-343. District 5.
Approved on the Consent Agenda |
| K | <u>19-123</u> | One (1) Temporary Construction Easement for Sedgwick County Drainage Project on 95th Street South between Ridge Road and Hoover. CIP# R264-42. District 2.
Approved on the Consent Agenda |
| L | <u>19-127</u> | Approval of an agreement with Bayer U.S. - Crop Science for the Sedgwick County Adopt a Highway Program on 53rd Street North from 119th Street West to 151st Street West. District 3.
Approved on the Consent Agenda |

- M [19-117](#) Plat.
Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat:
- WIESNER ADDITION
DISTRICT 3
Approved on the Consent Agenda
- N [19-066](#) General Bill Check Register for January 30, 2019 - February 5, 2019.
Approved on the Consent Agenda
- O [19-043](#) Payroll Check Register for the February 2, 2019 payroll certification.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

Chairman Dennis said, "Thank you. Mr. Pepoon, what do we have this morning?"

Mr. Pepoon said, "Yes, Mr. Chairman. Just to let you know, two of our primary items on our platform, the Election Bill now has a number. It's Senate Bill 129, and for the Senate Ethics, Elections and Local Government Committee. Just yesterday it came out, our Nuisance Abatement Bill is House Bill 2238, and that's before the House Local Government Committee. Keep in mind that these two bills will likely be calendared, or could be calendared, as early as tomorrow, and could be hearings on these bills next week, and we may need Commission involvement in that process.

"I noticed yesterday House Bill 2237 is out, which is a bill that routinely comes up which would allow counties and cities to post legal notices on the internet to save the county some money. Probably want to support that bill. I believe we received notice from the Sheriff about Senate Bill 114, which has just come out too, which appears to shove the healthcare costs of prisoners in our custody to counties and away from cities and hospitals, and he is very concerned about that bill, and I've talked to the Kansas Association of Counties, and they're also offering testimony. They're very concerned about that bill as well, and we're going to have to be in opposition of that bill.

"Yesterday, there was a hearing on House Bill 2026, the fire sprinkler bill, and Chris Labrum from our Director of MABCD (Metropolitan Area Building and Construction Department) was up in Topeka in opposition of that bill. From my understanding from Mr. Labrum and from Mr. Leeds, there were 10 opponents to the bill and the bill's sponsor said we definitely, the opponents definitely won the day yesterday, and they're going to be relooking at that bill. So obviously there was a good job on the part of Mr. Labrum and city and county fire to raise some concerns about that bill. That's all I have at this time."

Chairman Dennis said, "Super. Do we have questions for Mr. Pepoon on the Legislative Agenda? First of all, I appreciate where we're at. As soon as you hear something about any testimony that needs to be provided on a couple of our bills, please let us know, because some of those, we may need to get Commissioners in Topeka on a short notice. So, we need to be prepared for that. I am very happy that we're winning on the

fire sprinkler bill. I am kind of disappointed on Senate Bill 114, because that will be a significant impact on the financial situation in Sedgwick County if we have to pick up all of those expenses.

Commissioner Dennis continued, "So I can understand why cities might be in favor of it, because it removes the costs from them, but it doesn't remove the cost from being there, so we'll have to pick all of that up. So that's kind of unfortunate for us. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. Just a clarification, was that Senate Bill 214 or 114?"

Mr. Pepoon said, "114, sir."

Commissioner Howell said, "It was 114? Then, do we have a status on the legislation for the Election Commissioner appointment? Is that in a bill form right now? Do we know?"

Mr. Pepoon said, "The bill that was introduced that would allow the larger counties to appoint, I can get you a status on that, Commissioner Howell. I didn't see any activity on that."

Commissioner Howell said, "Okay. I didn't think there probably would be any, but I would expect this probably in a bill form at this point, so we ought to be tracking that as well. On these other bills, the ones you mentioned on the election changes and the abatement. On those, if we know when they're going to have a hearing, please let us know as soon as possible. In fact, I would like to know if the county is going to prepare at least written testimony and have that submitted as early as possible. Otherwise, we need to at least have written available in those hearings. We can do that as early as right now as a matter of fact, so whether we get to go there or not, we can certainly submit written testimony."

Mr. Pepoon said, "I think, Commissioner, that for the Elections Bill, I think we're going to strongly recommend that our Election Commissioner, Tabitha Lehman, also testify, and I believe we'll have probably somebody from the county, probably one of the County Commissioners, not the Chairman, testify in favor of that bill and the same thing on the nuisance abate bill. I think we need to do more than just submit..."

Commissioner Howell said, "I would agree."

Mr. Pepoon said, "...testimony."

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

Chairman Dennis said, "Thank you. Any other questions on Legislative? Seeing none, you must have done a very good job of explaining those. Thank you. Next item, please."

OTHER

*Chairman Dennis said, "Does anyone have anything to discuss under Other?"
Commissioner Howell."*

Commissioner Howell said, "Well thank you, Mr. Chairman. I wanted to give a shout-out to Scott Lindebak. He is our stormwater expert. He does our stormwater engineering. He attended and spoke at the Sedgwick County Association of Cities' meetings this last Saturday, and he just does a tremendous job. Every time he speaks, I'm always so impressed. He did a tremendous job. I think his PowerPoint that he showed ought to be maybe showed at one of our staff meetings coming up. I think it's just such a good news story there. I would also, I guess, like to get an update on the Sedgwick County Stormwater Advisory Board, if they plan to meet or not. Since we do have new Commissioners, I'd like to maybe get us up to speed on what's happening there, if anything.

"The last time we talked about this, it was really kind of got stalled over the issue of revenue potentially for fixing issues around the county. We've identified about a half a billion dollars' worth of problems, but we have no revenue to deal with fixing any of that. So, that seems to be the big issue there. But since we do have a new Commission, and since Scott does such a great job, I'd like to kind of dust that topic off and have a new discussion with my colleagues. Then second to that, I've been trying to bring this up numerous times. I should have done this last Wednesday. I failed to remember this, and then yesterday during staff, I was going to bring it up. We just ran out of time. I had to go to another appointment. But I would like to have a discussion, if it's okay, Mr. Chairman, on this issue of tiny homes.

"It's something I've been working on now for the better part of a year. What I would like to see us do, potentially, we used the term moratorium on wind and solar. There's numerous tiny home developments being discussed and continue to be discussed, and I think our zoning laws are not really ready for what may be happening. Just to be on record, I'm not against tiny homes. I just think our zoning laws need to be reviewed. With that in mind, to make sure that we have the things in place we would like to have in place, to deal with the change in what we're seeing in our community. So what I would like to do is see us consider a moratorium. We can do this maybe next week, but I'd like to just throw the thought out there, consider a moratorium on tiny homes. It's not against anybody that's doing these things.

"In fact, there's a tiny home subdivision being planned right now for 143rd Street, but that's inside the City of Wichita, so this would have no impact on what Wichita is doing or what the developers are doing on 143rd Street. So, I'll make that clear, but in terms of the unincorporated, I think we ought to review our zoning laws and consider potentially a zoning classification for tiny homes.

Commissioner Howell continued, "We'd have to define what that means, first of all, and then consider if we want to zone them such that they are managed much like you would see in multi-family housing or manufactured housing, mobile homes, other types of housing. So I would like to consider a zoning classification for tiny homes. Again, as I said, we have to define what that means, first of all. Second thing I'd like to do on this moratorium is review our processes, you know, how we notify people, whether or not we need to have a hearing or not.

"What's happening right now is during annexation, they can do a plat and a zone change during annexation, and it ends up being a single decision point. A notification and a hearing is not necessarily required by the law. I guess we have the option of putting those things in place if we would like to. We don't have to do that, but I think it's something we should consider, because I think it affords people a chance to know what's going on and speak to the issue. As representatives of our communities, we have to be able to hear from them when they have these concerns, and so the

moratorium would be for two purposes. One, to review our zoning and our processes related to the zoning, platting of areas in the unincorporated relating to tiny homes, and then, of course, consider what things we'd like to have in zoning that deals with tiny homes in terms of setbacks or lot sizes or anything else you can think of. So that's really what I would like to ask for potentially next week. I just wanted to throw the thought out there, and hopefully we can come back to this and have a decision by the board whether we want to have a moratorium, and then dig into these issues. That's all. Thank you, Mr. Chairman."

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

Commissioner Cruse said, "I failed to mention earlier, thank you, Chairman, Kent mentioned Maize High is doing, they have a solar initiative going on, and they are having a car wash until the 18th at Charlie's Car Wash out west, and they have already raised \$140,000, which I think is incredible for a school to raise that much money. So if you're interested in helping out, Charlie's Car Wash, Save the Planet is what they're calling it, and so it's going until the 18th of this month. If you have any other questions, be sure to contact me or anybody here, and we can get you that information."

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

Commissioner Meitzner said, "Thank you, Mr. Chairman. Also, Commissioner Howell on this so-called tiny homes that are still undefined, I've had numerous meetings with Dale Miller and the Planning Commission, and I think maybe a week might be pretty quick to do this, but I would be glad to join you and Dale and maybe Legal, because right now, I don't even think it's defined square foot..."

Commissioner Howell said, "Correct."

Commissioner Meitzner said, "...so everybody says tiny homes, but nobody really knows. There's no legal square foot definition of them. Obviously, the ones on wheels fall under the mobile home world jurisdiction, so I'm glad to join. I'm not against this at all as much as I think there's a lot more than just the word tiny home that gets thrown out there."

Commissioner Howell said, "I understand. Just to make sure it's clear, I'm not suggesting we solve the problem in a week. I just think we need to consider an official moratorium. Just to be clear, also, without giving any details, there's been numerous tiny home discussions in southeast Sedgwick County, primarily my district. The one we all know of is called the Micro Mansions Subdivision, and they're not considered low cost housing, but we have other ones that are being considered that truly are low cost, very small, and intended to help people, you know, find a place to live that are maybe currently homeless. So there's various types of housing we're talking about. So all I'm asking for, potentially, is a six-month moratorium to review what we do to figure out how to define tiny homes. That might be the first step. Maybe we can do that in steps. We could maybe get that definition into our codes first and create a classification, but I think this is going to be about a probably at least a six-month process, would be my guess."

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

Commissioner Meitzner said, "Well, I defer. I think Mr. Manager, you have something you want to add?"

Mr. Stolz said, "Might I recommend, I know we have a staff meeting scheduled for next Tuesday, but the way we tackled solar and wind was we vetted it in the staff meetings so all Commissioners could be aware. If we could budget a little bit more time for next Tuesday, I think having Dale at the table, I would think Chris Labrum from [Metropolitan Area] Building [and Construction Department] should be at the table and some of their staff to come in and brief us on the existing situation and a plan forward, and then draft a potential moratorium after we have vetted all Commissioners."

Chairman Dennis said, "Okay, thank you. Anything else?"

Commissioner Meitzner said, "On a brighter note, are you going to announce that we've got the baseball, we have the groundbreaking today, and I think the public, it's just an exciting time. I've been involved in the last year and a half of the baseball development into our city, in our region, and of course, the groundbreaking is today, but I'd like to, the idea of a baseball field, there's so much you can do with the stadium. There's first, second and third base, but it's the atmosphere around the stadium that's going to provide a real gathering place, multiple events."

Commissioner Meitzner continued, "It's very exciting what all is going to be outside the stadium, so today is just the ground break for the stadium, but the impact in the region and our county, for sure, and the region is going to be enormous on the other stuff that goes on. So that's just my two cents."

Chairman Dennis said, "Thanks. Thanks for bringing that up today. I think all the Commissioners will be over there at 11:00 a.m. this morning for the groundbreaking for the new ball diamond. One thing I noticed in the plans is that they're talking about hosting high school football games there in the fall, and I am definitely for that. I will volunteer right now Northwest High School to play the first game there. I haven't talked to the athletic director or the principal yet."

Commissioner Meitzner said, "Well, that's true because there's, I mean, today there's games on Thursday night because there's not enough stadiums in the city for..."

Chairman Dennis said, "Right."

Commissioner Meitzner said, "...the City League and other leagues. So it's got a chance not only for Northwest and the City League, but even other regional games that might be attractive in our community. Good stuff."

Chairman Dennis said, "Thanks for bringing that up. Commissioner Howell, did you have anything else?"

Commissioner Howell said, "No, thank you."

Chairman Dennis said, "Okay, thank you. I don't see anything else under Other. Next item, please."

EXECUTIVE SESSION

Chairman Dennis said, "Commissioner Meitzner."

MOTION

Commissioner Meitzner said, "Thank you. Okay, I'd like to move that the Board of County Commissioners recess into Executive Session for 20 minutes until 10:15 a.m. for the purpose of discussing personnel matters of non-elected personnel to consider employment negotiations related to a county employee, and that the Board of County Commissioners return to this room from Executive Session no later than, again, 10:15 a.m."

Commissioner Cruse 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 Cruse</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner Meitzner</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

The Board of County Commissioners recessed into Executive Session at 9:55 a.m. and returned at 10:29 a.m.

Chairman Dennis said, "We just returned from Executive Session. I'd like to declare that no action was taken during Executive Session. Do any Commissioners have anything that they need to bring up at this time?"

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:29 a.m.