

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, March 20, 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](mailto: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 9:10 a.m. on March 20, 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, County Manager; Ms. Karen Powell, Deputy County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Ms. Katie Asbury, Deputy County Clerk; Mr. Scott Knebel, Planning Manager, Metropolitan Area Planning Department; Mr. Chris Labrum, Director, Metropolitan Area Building and Construction Department; Mr. Rick Durham, Deputy Chief Financial Officer; Ms. Kate Flavin, Public Information Officer; Ms. Lynda Baker, Deputy County Clerk.*

### **GUESTS**

*Mr. Lonny Wright, 1721 South Lulu Street, Wichita  
Ms. Autumn Black, Appointee, Sedgwick County Mental Health Advisory Board*

### **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, "Thank you. I have one individual signed up to speak on Public Agenda, and it's our good friend, Lonny. Welcome."*

*Mr. Lonny Wright, 1721 South Lulu Street, greeted the Commissioners and said, "On behalf of the Sedgwick County Association of Cities (SCAC), I volunteered to express their appreciation to the county for the information that they have been getting. Sixteen or 17 of your cities are members. They meet in a different city every month.*

*Mr. Wright continued, "This last Saturday we met in Kechi, and that gives each city a chance to share with the other cities what they're doing and what marketing is going on, and they've built strong relationships between themselves. Several months ago, they expressed a desire for more information from the county, so Commissioner Howell coordinated, who has been regularly attending for three years, and they really appreciate that. So Commissioner Howell worked with Kate, prepares a summary, and so every month, Commissioner Howell goes over what the county has done that past month.*

*"There's more and more discussions every time to the point they're still wanting more information. They enjoy their relationship that they built, and they want to build stronger with the Commissioners, and of course, they invite the rest of you, whenever you may be able to attend, to show there. So I just wanted to express their appreciation to the Commission. I think six different cities this last Saturday specifically thanked Commissioner Howell for sharing that information. So I just wanted to share that with you all. Thank you."*

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

*Commissioner Howell said, "Thank you, Mr. Chairman. Lonny, I want to say thank you for the good comments this morning, and I agree, what we call SCAC, that's the acronym we say that's called SCAC, Sedgwick County Association of Cities. But it has been a great experience to interface with the various cities, and I would like to just encourage more of them to attend, but this last Saturday, we actually went a little bit long talking about our bylaws, and I wanted to just, you kind of opened this up, I would do this during Other later today, but I'll just do it now. That is that the Association of Cities has changed their bylaws, and they would allow Sedgwick County to become a non-voting member. I would like to encourage us to consider that. It's \$150 per year. We have a seat at the table."*

*"They would love us to continue to attend. We can have one of us attend and provide that information, it doesn't have to be me, necessarily. But I would like to see us continue to be at those meetings and provide information as much as we possibly can, and of course, take action items back to the Commission from the cities. It becomes a conduit of information back and forth. So I would like to have us consider doing the non-voting membership of one year, \$150 per year. So I think that's a point where I don't know where the appropriate time would be, but please think about that, and hopefully we can bring that up as an item of business at some point. So I want to say thank you again, Lonny."*

*Mr. Wright said, "Thank you."*

*Chairman Dennis said, "Thank you, Lonny. I appreciate it. Lonny was the only one signed up to speak today."*

*Chairman Dennis continued "If anyone else in the audience who would like to speak, though, now is an opportunity. Seeing no one, Madam Clerk, next item."*

## **APPOINTMENTS**

- A**     [19-240](#)     RESOLUTION APPOINTING MONICA MARKS (COMMISSIONER LACEY CRUSE'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.

Presented by: Mike Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

*Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, "This item is a resolution to appoint Ms. Monica Marks to the Animal Care Advisory Board. It's recommended by Commissioner Cruse that she be appointed to replace the current member who was appointed by a prior Commissioner. The term is to be for four years and I understand that Ms. Marks may not be present, but regardless, I would*

*ask that you approve the resolution."*

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

*Commissioner Cruse said, "I make a motion we adopt the resolution appointing Monica Marks to the Sedgwick County Animal Care Advisory Board. She was unable to come today."*

*Chairman Dennis said, "Good."*

**MOTION**

*Commissioner Cruse moved to adopt the resolution.*

*Chairman 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 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>

*County Clerk has assigned Resolution No. 057-2019*

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

**Adopted**

**B**     [19-243](#)

**RESOLUTION APPOINTING AUTUMN BLACK (COMMISSIONER LACEY CRUSE'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.**

**Presented by: Mike Pepoon, Interim County Counselor.**

**RECOMMENDED ACTION: Adopt the Resolution.**

*Ms. Powell said, "Ms. Autumn Black is being recommended for appointment by Commissioner Cruse to the Mental Health Advisory Board. She's, again, replacing a former appointee to this board by a prior Commissioner. The term will be a four-year term expiring March 19, 2023. And I believe Ms. Black is in attendance and ready to be sworn-in. I'd recommend that the resolution be approved."*

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

*Commissioner Cruse said, "Hi, Autumn. Thank you so much for being in attendance today. I do make a motion we adopt the resolution appointing Autumn Black to the Sedgwick County Mental Health Advisory Board, and I'd love for you to say something about your business, actually, after this too if you wouldn't mind. Okay."*

**MOTION**

*Commissioner Cruse moved to adopt the resolution.*

*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>

*County Clerk has assigned Resolution No. 058-2019*

*Chairman Dennis said, "We'll get you sworn in now."*

*Ms. Katie Asbury, Deputy County Clerk, greeted 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 the office of Sedgwick County Mental Health Advisory Board, so help me God."*

*Ms. Autumn Black, Appointee, Sedgwick County Mental Health Advisory Board, greeted the Commissioners and said, "I do."*

*Ms. Asbury said, "Congratulations."*

*Ms. Black said, "Thank you."*

*Chairman Dennis said, "Well congratulations. You can speak now, and then we need to get your signature on the document after that."*

*Ms. Black said, "Okay. So Lacey wanted me to speak a little bit about my business. I am the owner of United Vybez Culture & More, which is a culture store which implements just putting culture back into our community, cultural unity, cultural awareness. I'm also the owner of the Queen X podcast, which is a podcast that empowers and encourages women of color. I'm a big advocate on mental health, which is I think why Lacey referred me for this advisory board, and it's something that I'm very passionate about. I'm very happy that you guys accepted me and I'm ready to do some work."*

*Commissioner Cruse said, "Thank you. I think you're going to bring a really good voice to the Mental Health Advisory Board, and I'm excited that you've agreed to serve. If you haven't had a chance to check out her business, go in, and you also do a breakfast. Why don't you talk about that just a second."*

*Ms. Black said, "We do a Books and Breakfast on the second and third Saturday of every single month. We feed families and kids for free. Totally for free. We take donations from the community. They bring us books. They bring us funds so that we can fund the breakfast. And it's a chance for us to sit down and get to know our community, get to know the people around us. Since my business is in the*

*community, I want to know in-depth the people that I'm serving. There's no TVs, no games, like technology wise, but we do have board games, and books. We read and have different activities with the kids, and everything is free. We do everything out of the kindness of the donations, or volunteers that come also to donate their time, so it's just really a chance for us to get one-on-one and really personal and find out what exactly it is that our kids and their parents need in the community.*

*Ms. Black continued, That's kind of why, another reason why I wanted to join the board is because I get the chance to sit down with the kids one-on-one and understand what their needs are, and this helps me to be able to figure out different ways in my business that I'm able to help them. So being able to also pass that information along to the Mental Health Advisory Board, I feel like is very important."*

*Commissioner Cruse said, "Thank you so much for being here today. I appreciate your service."*

*Ms. Black said, "You're welcome, Lacey."*

*Chairman Dennis said, "Thank you, Ms. Black. Thanks for being here. Thanks for what you do for our community. Madam Clerk, next item."*

**Adopted**

## **NEW BUSINESS**

### **C     [19-183](#)**

UPDATES TO THE WIRELESS COMMUNICATION MASTER PLAN AND THE UNIFIED ZONING CODE REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES, DER2018-00016 (All Districts).  
Presented by: Scott Knebel, Planning Manager.

RECOMMENDED ACTION: Adopt the findings of the MAPC; approve the Wireless Communication Master Plan, January 2019, and adopt the associated amendments to the Wichita-Sedgwick County Unified Zoning Code, authorize the Chairman to sign the resolutions and authorize the resolutions to be published.

*Chairman Dennis said, "Good morning, Scott."*

#### **VISUAL PRESENTATION**

*Mr. Scott Knebel, Manager, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, "My presentation is pulling up here. The item before you today is an amendment to the Wireless Communication Master Plan, as well as associated amendments to the Unified Zoning Code to allow us to implement that plan. There's two primary reasons that we're bringing this forward to you today.*

*"Back in 2016, the State of Kansas adopted this statute 66-2019 that changed the way local units of government are allowed to regulate wireless communication facilities, or cellular towers, as a lot of people call them. The process that the county used up until that time did all of these three things that are listed here. When an applicant filed for a new application, we required them to document that they could not locate their antennas on another facility, or a co-location as that term is often called in the business. It also, the statute interestingly enough, also prohibits the county from evaluating the merits of locating antennas on existing towers and other facilities on our*

*own accord, just based on our own knowledge of the availability of accomplishing that. That's an interesting approach, and that's something that the state prohibits us from doing.*

*Mr. Knebel continued, "And in fact, we just recently had, last week I think it was, a case in the city where we had to advise the Planning Commissioners to not go down that line of discussion, because they were aware of facilities where perhaps antennas could be located, but yet the state does not allow us to include that in our decision making process. We also cannot allow applicants to agree to permit future co-location if they build a new facility, which was our approach. Our approach was to minimize the number of facilities by doing this analysis to identify whether or not there was an existing facility that could be used, and if not, when we did permit a new facility, design it in a way such that it would support future co-location so that another facility did not have to be built in the vicinity.*

*"Well that changed in 2016, and actually, in 2016, the county adopted the zoning code regulations that address that situation. The city did not, and so that has put us in an interesting position going forward, but the resolution as it relates to these items would have you adopt a resolution rescinding your 2016 resolution adopting a resolution that matches what the city adopted a couple weeks ago, so that the Unified Zoning Code in fact is unified as it relates to the city and county, which it is not as it relates to wireless communication facilities now, as two different sections. One for the city and one for the county.*

*"The main reason that we're here in front of you right now today is that the Federal Communications Commission (FCC) issued a declaratory ruling in October of 2018 that when into effect in January that indicates that municipal governments are required to permit what's called a small cell facility, which it's defined in the ruling based on its size and height, but it is the type of facility that wireless companies are now beginning to use more frequently as they attempt to address the capacity of their systems. They have to provide more frequent and shorter facilities, primarily to provide data service to people who are using their cellular phones, not as phones, but as data devices.*

*"In fact, many of the devices now that are connecting to cellular signals aren't phones at all they're tablets, and computers, and other types of devices that provide access to the internet. And so those small cell facilities are what the companies are starting to utilize to bring that service. It also then, as the companies start to establish their new form of transmission, which is called 5G, and roll that out nationwide over probably the next several years, we anticipate these small cell facilities will be the predominant type of facility that gets installed to do that.*

*"It's important that we bring those to you today because that FCC ruling says you must allow those facilities in your right-of-way, but if you are to enforce any design standards on what those facilities look like, where they're located, those standards have to be published. I've got April 14, 2019, on this slide, I think it is actually April 12, 2019. It was 60 or 90 days from a certain date, and I think the given, February was one of those months, I may have calculated that incorrect. Regardless, we need to approve this today. We will meet that publication deadline.*

*Mr. Knebel continued, "A couple other things in that ruling, we are now given 10 days to determine that an application that is submitted for a wireless facility is complete. If it's not complete, we have to submit back to the applicant a written statement of what is missing and allow them to complete that application. The other piece that is a clarification, that is different than the way we have been processing these. There has*

*been, for a better part of a decade or more, a requirement that we process these applications within 150 days. The state statute that was adopted in 2016 says that if we do not process them within 150 days, they're deemed approved.*

*"The FCC ruling clarifies that that application is all of the approvals that are required to permit a wireless communication facility, not just the zoning approvals. In the past, we have been operating under an understanding, and a lot of people have as well, that each phase of the process, the zoning, the building permit, had 150 days for review, and that's not the case. It is all of the reviews, zoning, building permit, have to be completed within 150 days. So one of the things that is in the wireless plan is a recommendation that we require, if you are submitting an application to build a wireless communication facility, that you submit both applications at the same time. You submit your zoning application and your building permit application at the same time, so they can be processed concurrently, so that we have the ability to complete that within 150 days.*

*"At the Planning Commission public hearing, when we presented that idea, and it was representatives from the wireless industry who interesting enough didn't like that, even though they've been the ones pushing that all of these things be processed faster. Giving some indication that they felt like they couldn't prepare and do those things within that specified timeframe, and so in the discussion with the Planning Commission, we came up with an option of a totaling agreement, which is something we've used in the past.*

*"What that means is, is that you submit your application for zoning, and you sign the totaling agreement indicating that you, as the applicant, agree that this 150 day review process is suspended at the end of the zoning process, and then starts again. So it takes, say 75, 80 days to complete the zoning process, that time, that 150 day, what they call shot clock, stops, and then doesn't restart until you submit your building permit application, which then gives us another 75 days, for example, to complete the building permit process. That is one of the primary changes that is recommended in this wireless plan.*

*"Other things that are included, we are removing all requirements regarding co-location and speculative facilities. That is actually action the county has already taken, but will be a unified requirement in the code if this is adopted as presented. We're establishing design guidelines for facilities located in the right-of-way, and you have an item on your Consent Agenda to add that process to your county code, in terms of the permitting process as it relates to facilities in the right-of-way.*

*Mr. Knebel continued, "Another piece that we're doing is that we're allowing governing bodies to modify what are called supplementary use regulations. Those supplementary use regulations apply to a variety of different types of uses, typically when those uses are permitted by what's called a conditional use, and they establish additional standards. We've been operating under an administrative interpretation that the supplementary use regulations can be modified by the governing body, and so we're just codifying that interpretation of the code to allow that. Things like, some of you I think were on this body when there was consideration of a wireless facility east of Derby where there was some question about what the setback of that tower would be. That setback is a supplementary use regulation that would be allowed to be modified or even waived by the governing body through this proposed change.*

*"These are examples. The two on the left are the types of monopole and lattice towers*



*that are encouraged by the design guidelines in the plan, but the image on the right is the type that is discouraged. The monopole, the single pole with the antennas mounted close to the pole with the wiring that goes down the inside of the pole is the preferred. If you are to do a lattice tower, which is the left and the right image, the preferred approach to using a lattice tower is to attach the antennas immediately adjacent to the tower itself, as opposed to on platforms that are extended outward from the tower, and then also then to run the wiring down the girders of the lattice tower, as opposed to in the middle where they're exposed, like on that image on the right. You can see that the image on the right presents a significantly more blocking of the sky, which makes the facility much more visible from a much greater distance.*

*"The right-of-way design guidelines that we're including in the plan, and in the county's case, in the county code, is to indicate that when a facility is proposed, that the adjoining properties, and this would be the properties on both sides of the street where the facility would be located, would be notified, given an opportunity to provide comment, and their comments would be considered in the ultimate decision about where and how to locate that facility adjoining their property.*

*"There are guidelines regarding the location, which are primarily two things. Well, I take it back. The location, the preferred location is that the facilities be located on common property lines, as opposed to in the middle of the front of a property, typically buildings are required to be set back from the side property lines, so that if you installed a facility on the side property line, then it's most likely not going to be in front of a house or other type of building that is located on that property. The wiring itself is required to be underground or within the pole that is established unless there is some form of easement that allows it to be located elsewhere.*

*Mr. Knebel continued, "There's design requirements regarding the antennas and equipment, and those design guidelines basically address the antennas need to be flush mounted to the pole that they're attached to, and the equipment itself that does the communications, the radio equipment that makes the antennas work, needs to be installed in a place that is either right adjacent to that pole, or screened in some way, and then both of those need to be of a similar color to the pole itself. I'll show you a couple of examples of how that looks here in a second.*

*"Public safety has to do with not blocking sight lines of driveways and those sorts of things. The height requirement is that we would be looking for poles that were no taller than ten percent greater than the existing poles that were in the right-of-way in that vicinity. And then that poles comment here is that we're looking for reuse of existing poles over construction of new poles. I can show you an example of that as well.*

*"The image on the left is a small cell facility that's located in the Delano district at Douglas and Seneca. The antenna is on the top of that light pole, you can see the equipment between the sign and the pole immediately adjacent to that pole. Were this facility to actually match the guidelines that we're establishing, that equipment box also would be black, as opposed to white, so that you had a matching equipment box and antenna and pole. On the right is a, and in this case, the other piece here is, is that that light pole was already there. They took the existing light pole out, replaced it with a pole that had an antenna on it, such that we were not adding a pole, there was*

*already a pole in that, so the antenna on the top and the box to the left of the pole are the new things that appear in our environment.*

*"The image on the right is an example where a pole was added to the right-of-way for the sole purpose of wireless communications. You can see in this case, this is an example of in addition of adding a pole, which is what we're discouraging, they have three different colors. The pole itself is a wood color, the antenna is a brown or a black, and the equipment box is white. Were that to meet our requirements, all of that would be of the same color, even if you did end up having to add that pole. You can see that there aren't light poles in the right-of-way in this location, which is why that pole was added.*

*"With that explanation, the recommended action is to adopt the findings of the Planning Commission and approve the Wireless Communication Master Plan and the associated amendments of the zoning code and authorize signatures on the resolution and for the publication of those resolutions."*

*Chairman Dennis said, "Well thank you, Scott. I appreciate that information. Do we have any questions from the Commissioners? Commissioner Meitzner."*

*Commissioner Meitzner said, "Scott, thanks. As you know, I was immensely involved with this..."*

*Mr. Knebel said, "I've talked to you about this before."*

*Commissioner Meitzner said, "...in 2016, and I'm embarrassed that our state was one of the leading states in adopting this, as you know. And then quickly the wireless community took this Kansas ruling, and I think it was Iowa or somebody..."*

*Mr. Knebel said, "Yeah, I believe there are 26 or 27 states that have adopted this model legislation as it relates to wireless facilities, yes."*

*Commissioner Meitzner said, "Yeah, and then it became, quickly into the FCC world and the federal, so anyway, I could have a number of questions, but I guess my main one is, on slide number six, I'm encouraged that we can actually incorporate these guidelines into our code, between the city and the county, and that's what we're adopting? That would allow us to negotiate more with these wireless..."*

*Mr. Knebel said, "Yes, that is the position that we're taking. We've had the conversations with the legal counsel for both the city and the county. There is nothing specific that we find that prohibits us from doing this."*

*Commissioner Meitzner said, "Because I thought the ruling basically let them do whatever they wanted to do, is what I was originally..."*

*Mr. Knebel said, "Well I think that there are officials with the wireless communication companies that are going to take that stance exactly, so we're going to have, I think, some conversations about this as we go forward. But it is our opinion as staff that we have the legal authority to do this."*

*Commissioner Meitzner said, "Alright. For more fellow Commissioners, this was not a problem that was going on in Sedgwick County or Wichita area, there was charges,*

*and fees, and all kinds of stuff going around in other parts of the state that accelerated the wireless companies to try to get this more uniform within Kansas, as a result. But I was really worried about right-of-way, and safety, and the co-location thing is just so obvious that these companies should co-locate on the same tower, but they have the right to, you know, why they could just put another micro-tower right next to an existing tower."*

*Mr. Knebel said, "Yes, that is correct. The approach that we're taking, because the co-location analysis was intended to, well did, require them to submit information about their communication system, which is what the wireless companies did not want to submit. They consider it proprietary information, that if they provide it publicly, it's information that their competitors can use against them. And so the approach that we're taking now is that these facilities present, you know, a visual impact in the built environment..."*

*Commissioner Meitzner said, "True."*

*Mr. Knebel said, "...and so limiting the number of them reduces that visual impact. And so it's not an approach that's based on the communication need of the company. It is purely a compatibility with the surrounding built environment, the homes and businesses that are located in the vicinity, and trying to put a facility in a place that minimizes what the plan calls the visual obtrusiveness of the facility."*

*Commissioner Meitzner said, "Alright. And I think the, and these are mainly, I think, micro-towers. These are not the big cell towers that we're used to?"*

*Mr. Knebel said, "In the right-of-way that's correct. And in fact, the FCC ruling, the term that they've started using is small cell and macro-towers..."*

*Commissioner Meitzner said, "Okay."*

*Mr. Knebel said, "...are the terms that have become..."*

*Commissioner Meitzner said, "I agree."*

*Mr. Knebel said, "...in vogue recently. The FCC ruling does not mandate that the macro-towers be allowed in the right-of-way."*

*Commissioner Meitzner said, "Yeah."*

*Mr. Knebel said, "Those would still be required to be located, it doesn't prohibit it, so we could do it, but the way the plan is laid out, those are encouraged to locate on real property, as opposed to in the right-of-way."*

*Commissioner Meitzner said, "And you made reference, this is really, I mean, the industry and the market is, this is really boosting capacity into the..."*

*Mr. Knebel said, "Yes."*

*Commissioner Meitzner said, "...macro-towers and it's based on data, kids watching movies, games, all the stuff that goes on today with your wireless."*

*Mr. Knebel said, "Yes, absolutely. I've been involved with the wireless communication industry, and our planning and regulating of it, for over 20 years. You know, when I first got involved in it, the meetings we would come to, you know, only a few people would have a cell phone. I dare say everybody in this room has one on them now."*

*Commissioner Meitzner said, "Oh, I know. I'm cautiously encouraged that the communication companies, their desire is to, I don't think their desire is to flex the muscle and just come in, because they do have customers."*

*Mr. Knebel said, "Sure."*

*Commissioner Meitzner said, "The last thing they want is a bunch of customers mad at Verizon or Sprint or something. And to see, for instance, what I went through at INTRUST [Bank] Arena, you know when you have a stadium and you can't get a signal, and all of a sudden. I think when I took the tour, they were showing me the wireless boosters in the ceiling, and they made it aesthetically pleasing, and you didn't even notice they were there. Now service is good in the arena, but the rules allow them to just do whatever they want to do, and not to have to work with us."*

*Mr. Knebel said, "And that's a good point, and I didn't reference that, because there's a lot of nuances in here, but the state statute does actually allow without the zoning approval..."*

*Commissioner Meitzner said, "Totally."*

*Mr. Knebel said, "...that the installation of wireless facilities in stadiums and other event centers."*

*Commissioner Meitzner said, "Yeah. So, it's something that if I could just vote against it, I would, because I just think that our Kansas Senate Committee that ran this through was wrong. It just allows intrusiveness into our...and when they go into a front yard of a property, which is what happened out east, it was incredible. I'm getting a phone call, hey, there's somebody trenching my front yard. Not good. Ironically, the big property rights of our state, property rights, all that group remained silent on the thing, for some reason. So anyway, it is what it is. If any of the Commissioners have any questions between you, but myself, I'm fully aware of what's going on here and not in favor of it, but I think we're handcuffed to have to adopt our code."*

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

*Commissioner Meitzner said, "Thanks."*

*Chairman Dennis said, "Commissioner Howell."*

*Commissioner Howell said, "Well thank you, Mr. Chairman. I agree with the comments of Commissioner Meitzner, but I have a couple of other questions. I see in the master plan, it uses the words encourage and discourage, how are we communicating to these folks that we are encouraging or discouraging their plan? Do we have a way to communicate that? I mean..."*

*Mr. Knebel said, "Yeah, this plan, like other elements of our comprehensive plan, predominantly is available, you know, for download on our website. It also is referenced in the application instructions for a wireless facility, that compliance or conformance is the term that we use with the plan, is one of the factors that's considered when*

*adopting or not adopting a request for a conditional use or other zoning action for a wireless facility. And then, of course, the other approach, and the way that most people gain their knowledge of both the zoning and the planning is, is that on all of our applications, the very first thing that is recommended is that you contact the Planning Department and have a consultation with us, in terms of what your rights and requirements are, and in that is when that gets explained personally to people."*

*Commissioner Howell said, "So if they make an application for something we would say is discouraged, we would, I guess maybe..."*

*Mr. Knebel said, "We potentially could recommend that it not be approved, yes."*

*Commissioner Howell said, "Just a comment maybe, and I'll ask for your comment back, but on slide five, it shows the three towers there, the first two are encouraged and the third one is discouraged because it appears to be a larger tower with those masts hanging off the sides, but I guess I would just wonder, those are not producing the same type of service. I think some of those may be TV towers, or you know, they have less number of dishes on there. One of them may be..."*

*Mr. Knebel said, "Right. The two images on the right, both of those have antennas on them for cellular service. The tower on the left, those antennas are for microwave data transfer."*

*Commissioner Howell said, "Okay."*

*Mr. Knebel said, "But you could, even on the tower on the left, what we call flush mount the cellular antennas to the poles there. You can do that as well."*

*Commissioner Howell said, "Okay."*

*Mr. Knebel said, "They typically don't do that because the preferred pole design is the monopole, and so they typically make applications for those. These lattice towers that are shown on the left have some limitations on height. You really can't build something of that design much taller than about 120 feet."*

*Commissioner Howell said, "Okay. Yeah, I was just going to say, it looks like technology wise, whatever the needs of the tower are may dictate what goes on that tower, but if there's a way to encourage a flush mount antenna versus a mast mounted antenna might be a good way to do that. And I do agree about the idea of co-location. I wish we could encourage that, but to the extent we can't force them to co-locate, they can still co-locate if they choose to do that, is that..."*

*Mr. Knebel said, "That's correct, and they will, quite frankly. It is, constructing a new tower is a, you know, three or four or five hundred thousand dollar proposition, and so, if they can, if there is an available location that they can rent space to install their antennas, from an economic standpoint, it makes sense for them to do so. All of the companies will tell you that they predominantly use site selectors to find a, the first task of that site selector is to look within what they call a search ring, which is a geographic area for existing towers that they can locate on. The company will evaluate those from a communications and engineering standpoint, and determine whether those work. If there aren't any, then they go back to the site selector and say, okay, find a site where we can build a new tower."*

*Commissioner Howell said, "Is this only for data and cell, or does this also include things like TV and radio?"*

*Mr. Knebel said, "The plan itself addresses wireless communication of all type, including TV and radio, and we do in Sedgwick County have a number of very tall radio and television towers that we've, it's been a while since I've been before you to permit one, but those are covered by this plan, as well."*

*Commissioner Howell said, "Okay. Not really probably intended here, but tornado siren poles might be falling into this, I would assume?"*

*Mr. Knebel said, "Actually, no. Actually, a tornado siren pole is not classified as..."*

*Commissioner Howell said, "Okay."*

*Mr. Knebel said, "...wireless communication."*

*Commissioner Howell said, "Right. Okay, that's interesting. And finally, my last question would be this, some of these poles are located very close to roads, in terms of the safety concern, is there a breakaway requirement for those poles?"*

*Mr. Knebel said, "Yes, the way they're designed, they are designed to crumple, if you will, as opposed to topple. All of the designs of these towers are such that were they, from a wind standpoint, you know, exceed their capacity, they then break at a point, and then anything above that is designed to just come straight down, as opposed to toppling over. I've seen video, and it does work that way. Those designs, I mean the structural engineering does work that way."*

*Commissioner Howell said, "Well I agree with Commissioner Meitzner. I don't think we have much choice here, so I'll be supportive of this. Just another point, the MAPC (Metropolitan Area Planning Commission) did consider this as well, and there was a 13-0 unanimous decision by MAPC, so I think everyone, as far as I can tell, seems to be agreeing that this is what we have to do today, so I'll support the resolution. Thank you, sir."*

*Mr. Knebel said, "Thank you."*

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

*Commissioner O'Donnell said, "Thank you, Mr. Chair. Scott, thank you for the work that you've put into this. I would like for the record since Commissioner Meitzner brought up the senate doing that, I did vote against that. Because, and I think there was only like three or four of us that actually ended up voting for it at the end of the day, but because the Wichita Builder's Association had lobbied strongly against the bill, talked about problems they would have, and like Commissioner Meitzner said, it wasn't any issue that we were having in Sedgwick County."*

*"It was primarily Douglas, Johnson, Wyandotte area, where they could not get poles, or they were forcing these communication companies to build poles that look like trees that were indigenous to that area. So they were spending six, seven hundred thousand dollars on poles that it would look like it would just be in a forest, but it was actually a*

*cell tower. I mean, some of the requirements that some cities were having were pretty outrageous, which caused this to happen across the entire state."*

*Mr. Knebel said, "And I can confirm that. I was involved in the negotiations, if you will, with the senate committee, and that statement by the wireless communication companies was repeated over and over again, that Wichita and Sedgwick County are not our problem. That's not what we're trying to address. You're just being caught up in this."*

*Commissioner O'Donnell said, "Yeah, we were victims to it, and we were trying to exempt certain areas out, and for some reason it just didn't happen, but I believe the wireless companies jumped through every hoop before they ended up having to ask for this type of legislation. I think they tried to work with different cities, like we had always done down here, and like Pete said, there was, within the first couple months, in a very nice neighborhood, a Wichita attorney has his house, his front yard being dug up to put a pole in. I mean, and different retailers were having it, right in the middle of their parking lots. So I mean there were some problems with it, but hopefully we'll get a lot of that straightened out, and this is going to get us in compliance, and so that's why I'd be voting for this today. Just so that we are getting a uniform code, so thank you, Scott."*

*Mr. Knebel said, "Thank you."*

*Chairman Dennis said, "Thank you."*

*Commissioner Meitzner said, "I would add that the encouraging part is when you show a tower on top of a streetlight pole. Those are the things that are reasonably good, and there's other options too that are also reasonable. But I think if we have somebody come in and try to get aggressive, then we'll just have to, hopefully our group can negotiate and make it reasonable. Thank you."*

*Chairman Dennis said, "Thank you. Scott, has Wichita passed this yet?"*

*Mr. Knebel said, "They did. They passed this a couple weeks ago."*

*Chairman Dennis said, "Very good. Well I'm very familiar with the evolution of this, since I was Chairman of Advanced Plans of the Metropolitan Area Planning Commission when the big changes came down as directed by the state legislature. We were very disappointed in what the state legislature did at that point in time, but we complied. I'm not sure that we got exactly what we need yet, but I will be voting in favor in this. Since this is a major change to our uniform code, it's not required, I don't believe, to have public comment, but I think if anyone in the audience would like to speak on that, I would give them an opportunity at this time. Seeing no one, I'll bring it back to the board. Do we have a motion?"*

*Commissioner Meitzner said, "Well I hate to be on record as the motion to approve this."*

*MOTION*

*Commissioner Meitzner moved to adopt the findings of the MAPC; approve the Wireless Communication Master Plan, January 2019, and adopt the associated amendments to the Wichita Sedgwick County Unified Zoning Code, authorize the Chairman to sign the resolutions and authorize the resolutions to be published.*

*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>

*County Clerk has assigned Resolution No. 059-2019 and Resolution No. 060-2019*

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

**Adopted**

**D**     [19-234](#)

**A RESOLUTION TO AMEND THE COMPOSITION OF THE SEDGWICK COUNTY ADVISORY BOARD FOR ON-SITE WATER WELL CONSTRUCTION**

**Presented by: Chris Labrum, Director of Metropolitan Area Building and Construction Department**

**RECOMMENDED ACTION: Approve the resolution.**

***VISUAL PRESENTATION***

*Chairman Dennis said, "Good morning, Chris."*

*Mr. Chris Labrum, Director, Metropolitan Area of Building and Construction Department (MABCD), greeted the Commissioners and said, "Yes, before you today is a resolution to amend the composition of our Sedgwick County Advisory Board for On-Site Water Well Construction due to some changes we've had in that area. The current resolution, the current board, was composed in 2005. It's served well since. The purpose of the board is to, of course, advise the Board of County Commissioners (BOCC) and the MABCD on policies and procedures regarding any matters related to installation and maintenance of on-site domestic water wells.*

*Mr. Labrum continued "Domestic wells are defined as two acres and less, so any well use on a two-acre or smaller parcel is ours. Anything bigger than two acres belongs to the state and KDHE (Kansas Department of Health and Environment). Our current membership is comprised of three licensed or registered water well drillers, a member of the Wichita Area Association of Realtors, Wichita Chapter of Mortgage Brokers Association, an On-Site Water Well Advisory Board member, which is also an MABCD*



*board, and a Kansas licensed Professional Geologist. The need for updates, or the current issues we have there, is that the Mortgage Brokers Association is no longer viable, it no longer exists. The Wichita Area Association of Realtors is now the Realtors of South Central Kansas (RSCK), and I would like to thank the RSCK for continuing to support this board and continuing to provide membership, even after the change of their organization.*

*"Our licensed geologist retired some time ago. We've had no success in replacing that position. We've also found no interest in the geological community in holding that position. Thus our recommended positions would, and this after review of the stakeholders, the board members and our staff, of course, recommends that we retain the three licensed well drillers, that we retain the member of the wastewater system board, that we replace the Mortgage Brokers Association with a public-at-large member that is defined as a Sedgwick County resident, so this would be a position that, of course, would be made vacant by this, and we do have some interest in that already from the conservation district, which would be a very great fit in that regard.*

*"We recommend that we replace the licensed geologist position with a licensed plumber, and we're defining that as a member holding a plumbing certificate, a plumbing license. Then we are re-designating the real estate position to be a representative designated through the Realtors of South Central Kansas. These are, and we do have a position filled there now, and these all would be four-year terms. We believe that breakdown gives us a well-balanced and a very qualified board for these matters, and my recommendation is the BOCC approve the resolution. I'll gladly stand for any questions."*

*Chairman Dennis said, "Thank you, Chris. I know you came around and briefed each one of us on this individually earlier, but do any commissioners have any questions? Commissioner Howell."*

*Commissioner Howell said, "More of a comment. Thank you, Chairman. Just wanted to say, I appreciate you bringing this to us for our consideration. I think the changes are very reasonable. I like seeing the public-at-large position on this board. I think it's a healthy and necessary to periodically review the makeup of these boards, and amend them as needed to continue to create the diversity and the spectrum of opinions and technology for those particular fields of study. Anyway, I think this is a very, very good change, and I'm glad to support it. Would be glad to make the motion when you're ready, Chairman."*

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

*Commissioner Cruse said, "Can someone just remind me again how these people are appointed to this board? Like how are they, who picks who's on this board?"*

*Mr. Labrum said, "So, Commissioner Cruse, these are all BOCC appointments, so..."*

*Commissioner Cruse said, "Okay."*

*Mr. Labrum said, "...they would be recommended by staff to you all, and then would be appointed, just as those were earlier this morning."*

*Commissioner Cruse said, "Okay."*

Chairman Dennis said, "Very good. I don't see any other questions. Commissioner Howell."

MOTION

Commissioner Howell moved to adopt the resolution.

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. 061-2019

**Adopted**

**E**     [19-217](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR  
MEETING ON MARCH 14, 2019.

Presented by: Joe Thomas, Director, Purchasing.

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

Chairman Dennis said, "You don't look anything like Joe Thomas."

Mr. Rick Durham, Deputy Chief Financial Officer, greeted the Commissioners and  
said, "Thank you for noticing, Commissioner. The regular meeting of the Board of Bids  
and Contracts from March 14th resulted in five items for your consideration:

1.    AB-3 ROCK -- PUBLIC WORKS  
      FUNDING -- PUBLIC WORKS

"This recommendation is to accept the overall low bid from South West Butler Quarry  
for an initial purchase in the amount of \$180,000 and establish contract pricing for two  
(2) years with three (3) one (1) year options to renew.

2.    CM-B GRAVEL -- PUBLIC WORKS  
      FUNDING -- PUBLIC WORKS

"This recommendation is to accept the low bid from Associated Material & Supply Co.,  
Inc. for an initial purchase in the amount of \$22,000 and establish contract pricing for  
two (2) years with three (3) one (1) year options to renew.

3.    2019 BOND TEKK (R175-J) -- PUBLIC WORKS  
      FUNDING -- R175 PREVENTIVE MX-16+

"This recommendation is to accept the low bid from APAC - Kansas, Inc. - Shears

*Division in the amount of \$964,820.87.*

4. MODERNIZE ELEVATORS 6 & 8 AT THE ADULT DETENTION FACILITY –  
PROJECT SERVICES  
FUNDING -- MODERNIZE ELEVATORS at ADF

*"This recommendation is to accept the low bid from ThyssenKrupp Elevator in the amount of \$135,641.*

5. WASTE TIRE TRANSPORTATION SERVICES – ENVIRONMENTAL  
RESOURCES  
FUNDING -- ENVIRONMENTAL RESOURCES

*"This recommendation is to accept the low proposal from Resource Management Co., Inc. for \$119 per scaled ton.*

*Mr. Durham continued, "I will try to answer any questions that you may have, and I know that there are representatives from each of these departments to answer any questions. If there are no questions, I recommend that you approve the items from the Board of Bids and Contracts."*

*Chairman Dennis said, "Alright. Thank you. Do we have any questions on the Board of Bids? Seeing none."*

**MOTION**

*Commissioner Howell moved to approve the minutes 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. Durham said, "Thank you."*

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

**Approved**

**CONSENT**

- F. One (1) Temporary Construction Easement and One (1) Dedication Deed for Sedgwick County Multi use Path along Rock Road from Derby to Mulvane; CIP# R 343. District 5.

- G. Bridge Design Contract for CIP Project B 493 Located on 199th St. West between Central and 13th St. North. District 3.

H. *Establish Additional Budget Authority in the Phillips 66 RACES Grant.*

I. *A resolution to amend Chapter 22, Article II of the Sedgwick County Code Regarding Utility Permits. All districts.*

*County Clerk has assigned Resolution No. 062-2019.*

J. *A resolution to authorize destruction of Treasurer Office records (DISP 2019 307 Treasurer 2009 2015).*

*County Clerk has assigned Resolution No. 063-2019.*

K. *Changes to the District Attorney Staffing Table*

L. *A Resolution Amending the Sedgwick County Code Provisions for Retail Cereal Malt Beverage Establishments (all districts).*

*County Clerk has assigned Resolution No. 064-2019.*

M. *Treasurer Claim Certification.*

N. *General Bill Check Register for March 6, 2019 March 12, 2019.*

*Mr. Thomas Stolz, County Manager, greeted the Commissioners and said, "Recommend approval of Consent Items F through N this morning."*

#### **MOTION**

*Chairman Dennis moved to approve Consent Agenda Items Foxtrot (F) through November (N).*

*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, "Thank you all for being here. Very good."*

*Commissioner O'Donnell said, "You didn't even recognize him."*

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

**F**     [19-219](#)

One (1) Temporary Construction Easement and One (1) Dedication  
Deed for Sedgwick County Multi-use Path along Rock Road from Derby

to Mulvane; CIP# R-343. District 5.

**Approved on the Consent Agenda**

- G**     [19-226](#)     Bridge Design Contract for CIP Project B-493 Located on 199th St. West between Central and 13th St. North. District 3.  
**Approved on the Consent Agenda**
- H**     [19-221](#)     Establish Additional Budget Authority in the Phillips 66 RACES Grant.  
**Approved on the Consent Agenda**
- I**     [19-222](#)     A resolution to amend Chapter 22, Article II of the Sedgwick County Code Regarding Utility Permits. All districts.  
**Approved on the Consent Agenda**
- J**     [19-237](#)     A resolution to authorize destruction of Treasurer Office records (DISP 2019-307 Treasurer 2009-2015).  
**Approved on the Consent Agenda**
- K**     [19-236](#)     Changes to the District Attorney Staffing Table  
**Approved on the Consent Agenda**
- L**     [19-207](#)     A Resolution Amending the Sedgwick County Code Provisions for Retail Cereal Malt Beverage Establishments (all districts).  
**Approved on the Consent Agenda**
- M**     [19-241](#)     Treasurer Claim Certification.  
**Approved on the Consent Agenda**
- N**     [19-218](#)     General Bill Check Register for March 6, 2019 - March 12, 2019.  
**Approved on the Consent Agenda**

### **LEGISLATIVE ISSUES**

*Ms. Powell said, "There are three legislative issues to report on, in a very positive note. The contents of our Senate Bill 129, which is the election bill to allow voters to vote at any polling place on Election Day. It was incorporated into Senate Bill 130, which is another election related bill. That 130 is the one that requires the election officer to contact a voter who has not signed an advanced ballot to encourage them to come in and sign it. That amendment was made by Representative Carpenter from Derby. The bill was then forwarded to the House floor, and it will likely be considered next week.*

*"The 911 fees bill, House Bill 2084, we're continuing to work the bill, Elora Forshee, our Director of 911 [Emergency] Communications, is monitoring that very closely, but what we know so far right now is that we're striving to make sure that it doesn't reduce the amount of funding to 911 operations and hopefully will increase the current fees, which are much needed. It's currently in the Senate Utilities Committee.*

*"The issue on a regional mental health facility, there were a group of folks that went to*

*Topeka on Monday to meet with Senator McGinn, who's the Chair of the Senate Ways and Means Committee, about this issue. They discussed solutions about making a statewide mental health facility. The group from the county included Tim Kaufman and Joan Tammany. Robyn Chadwick was also in that group. She is with Ascension Via Christi, and I hear it was a very productive meeting. So that's all I have to report at this time."*

*Chairman Dennis said, "Very good. Well, rolling 129 and 130 together are very important..."*

*Ms. Powell said, "It's a positive, yes."*

*Chairman Dennis said, "...for Sedgwick County. I think that is super news. Both of those make it more convenient for our citizens here in Sedgwick County to be able to vote, so I think that's great news. The 911 bill, of course, could cost us a lot of money out of our general fund if we don't get that corrected. I appreciate the update on that.*

*Chairman Dennis continued, "And as always, the regional mental health facility is something that is critical to what's happening here in Sedgwick County, so I appreciate the staff that went up to testify on that, and hopefully we'll get some movement on those. Do any commissioners have any questions on anything for Legislative Agenda? The issues? Seeing nothing, Madam Clerk, next item."*

## **OTHER**

*Chairman Dennis said, "Do any commissioners have anything? Commissioner Cruse."*

*Commissioner Cruse said, "Thank you, Chairman. I actually was in Topeka on Monday, and ran into Joan and Tim, but I was there for another exciting thing. Nico Hernandez, who you may all know is a bronze medalist with the Olympics, he was recognized on the House and Senate floors, so I had an opportunity to just kind of tag along. We also, he is going to be the grand marshal for the inaugural year of the Wichita Chisholm Trail Marathon that happens this Sunday. The purpose of this first year marathon is to foster a premier regional sporting event that magnifies the culture of our great state, right? It's also a qualifying course for Boston and New York marathons, as well as the Olympic trials.*

*"It will go down Douglas on Sunday, so it's very exciting. Michael, a director, Michael Langston and his wife, and their three adorable children were up there, so I just wanted to recognize that and make sure that we all don't get frustrated this Sunday when you're trying to drive down, because we'll have a lot of runners. I think it's bringing over 800 athletes to our city, which is really incredible. I'm just excited to have an opportunity to tell you about it today."*

*Chairman Dennis said, "Very good, and I believe Nico graduated from North High School."*

*Commissioner Cruse said, "Yeah."*

*Chairman Dennis said, "Where I taught."*

*Commissioner Cruse said, "Yes. I'm not running in it. Yeah, no."*

*Chairman Dennis said, "Very good. Commissioner Meitzner."*

*Commissioner Meitzner said, "Thank you. I just want to congratulate our friends across the street at the Wichita City Council for approving last night, late, if you're up watching late TV, you could've, it was a marathon meeting, but they approved the baseball agreement and the development agreement.*

*Commissioner Meitzner continued, "I want to welcome the baseball ownership that had never been to Wichita before until this thing started, and they're moving 30 or 40 people here. It's going to be a fantastic thing for our region, and our county, and our city, and really our state. I want to just extend a congratulations and a welcome to the new owners to our area. And Michael was there last night. I was there last night. It was a, had a lot of comments, pro and anti, but they did a nice job listening to the citizens."*

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

*Commissioner O'Donnell said, "Thank you, Mr. Chair. Yes, like Pete said, I was at the meeting last night. I was very impressed at the amount of people that came. Six o'clock on a Tuesday night is not the most convenient time, but it was a great turnout. Delano is a very important part of my district, and the neighborhood associations have been very vocal about this new ballpark, some for, some against. It was great to watch that.*

*"We've got a community meeting tonight in Clearwater at 6:00 p.m. at the middle school regarding the intersection of 71st and 135th. They'll be a number of county staff members there to assist, to see if there are any solutions we can achieve with trying to mitigate some of the car accidents and problems that we've been having there. Anyway, I appreciate all the staff that's coming out tonight, and hopefully we'll figure something out. If you're watching, if you're in the Clearwater area, tonight 6:00 p.m. at the middle school. Thank you, Mr. Chair."*

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

*Commissioner Howell said, "Well, thank you, Mr. Chairman. Just wanted to, I guess, tell anybody that might be listening, I'm getting lots of phone calls and people commenting on their property tax, I should say their valuations for their property, personal property valuations that were mailed out March 1st. Just as a reminder to anybody who might be interested in this, if you want to make an appeal, to schedule an informal hearing on, to appeal that appraisal, you have until the end of this month to send that notification back into the Appraiser's Office. Just in case anybody wants to make that appeal, they need to act between now and the end of this month. Just want to make that clear to anybody. Thank you."*

*Chairman Dennis said, "Thank you. And one last thing, I know Kate started at the beginning of the meeting, but a reminder to everyone on March 28th, 6:30 p.m. at the Cargill Learning Center over at the zoo, we're going to have some public comment period on both the wind and solar energy. See what kind of changes we may want to make to any kind of rules and regulations involving those. No decisions have been made. The Sedgwick County [Board of County] Commission has not taken any position for or against, but we want to hear what the public has to say on those issues. Commissioner O'Donnell."*

*Commissioner O'Donnell said, "Did you want to mention about our tour yesterday?"*

*Chairman Dennis said, "Oh, go ahead."*

Commissioner O'Donnell said, "Do you want to? Okay. Commissioner Dennis and I were able to go and visit the Sedgwick County Extension [Education Center] office. They have a new director, Jennifer Brantley, who's doing a fantastic job. We're going to be looking for ways to get the message out about different things that they offer for citizens all across the county that would have zero to do with normal farm activities that I think a lot of people are under the impression that's all that they do. We're going to be looking at ways to maximize that relationship since a substantial amount of money goes from the budget to the Extension [Education] Center every year."

Chairman Dennis said, "Alright. And their SHICK (Senior Health Insurance Counseling for Kansas) program over there is one area that I get more positive emails on. We do get a few negatives here and there, not on SHICK, but on other subjects. It's always a great thing to see positive emails coming in on a project. The SHICK program is to help folks that are trying to navigate their way through the medical Medicare issues on trying to find out what kind of plans that they need. They do a great job there.

"In addition, they do a lot of things that some of our other departments are involved in, and that's one of the things that Commissioner O'Donnell and I talked about afterwards, is that they do some things that our Health Department is doing, and maybe we can team up with them there. They do some things that our Aging folks do, and maybe we could team up there and work together and make it a little more synergistic. It was a very nice little discussion that we had yesterday with the brand new director over there. Anyway, I don't see any other comments this morning. Madam Clerk, next item."

## **EXECUTIVE SESSION**

Commissioner Meitzner said, "Yes, Mr. Chairman, I move that the Board of County Commissioners recess into Executive Session for 15 minutes until 10:25 a.m., for consultation with an attorney for the county regarding matters deemed privileged in the attorney-client relationship to discuss settlement of a lawsuit, and that the Board of County Commissioners return to this room from Executive Session no later than 10:25 a.m."

Chairman Dennis 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

The Board of County Commissioners recessed into Executive Session at 10:12 a.m. and returned at 10:27 a.m.

**Approved**

[19-263](#)

SETTLEMENT OF A LAWSUIT.

Presented by: Karen Powell, Deputy County Counselor.



**RECOMMENDED ACTION: Approval of a Settlement of a Lawsuit for Deputy Robert Kunze.**

*Chairman Dennis said, "Okay. At this time, I'd like to call the meeting back to order for the Board of County Commissioners, and state that during our Executive Session, no binding action was taken. At this time, I'll turn it over to Karen Powell."*

*Ms. Powell said, "Thank you, Mr. Chairman. The item that I have before you now is a recommendation for settlement of a lawsuit, and it results as the tragic death of [Deputy] Robert Kunze III. He was an employee of the county with the Sheriff's Office, a deputy on duty who died in the course and scope of his employment. This was September 16, 2018. He's survived by his wife, Kathleen Kunze, and Alyssa Kunze, his minor child. We, as a part of his death on duty work comp [worker's compensation] coverage does apply, and this went through the work comp administrative law judge, and a settlement was reached, and we would recommend that the County Commission approve that settlement and authorize the payout according to the terms of the settlement."*

*Chairman Dennis said, "Thank you. Any questions for Ms. Powell? Seeing none, Deputy Kunze was definitely a hero. He touched the lives of all the folks here in Sedgwick County. We honor his service. I think that our folks here in Sedgwick County, not only the staff, especially the staff from EMS (Emergency Medical Services), from the fire department, from the Sheriff's [Office] department, from finance, HR (Human Resources), from our legal department, everyone worked tirelessly to make sure that we took care of and honored Deputy Kunze, and took care of his family. This is one of the steps in that process."*

**MOTION**

*Chairman Dennis moved to approve the settlement.*

*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 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, "Does anything else need to come before the Board of County Commissioners today?"*

**Approved**

**ADJOURNMENT**

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