

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**May 30, 2007**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, 30, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. Ron Holt, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Irene Hart, Director, Community Development; Mr. John L. Schlegel, Planning Director; Ms. Misha Jacob, County Manager's Office; Ms. Terry Howard, Election Office; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS**

Mr. Brad Snapp, Wichita  
Ms. Mary Clark, Appointment  
Mr. Ronald Marnell, Appointment  
Mr. Darrell Leffew, 9908 Brierwood, Wichita

#### **INVOCATION**

Invocation led by Mr. Brad Snapp of Wichita, KS

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **APPOINTMENTS**

##### **A. APPOINTMENTS.**

- 1. RESOLUTION APPOINTING ARNOLD E. NICHOLAS (COMMISSIONER PARKS' APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

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**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, we've prepared the Resolution of Appointment, this is for a term to end in May of 2001 and I recommend you adopt it."

**MOTION**

Commissioner Parks moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "And Don Brace is here to administer the oath for Mr. Nicholas."

**Commissioner Winters** said, "Is Mr. Nicholas here?"

**Commissioner Norton** said, "No."

**Chairman Unruh** said, "Okay, we will do that at another time then. So at this time we will call the next item please."

**2. RESIGNATION OF EDDIE DRAKE AS ROCKFORD TOWNSHIP CLERK.**

**Mr. Euson** said, "Commissioners, I would ask that you accept this resignation at this time."

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**MOTION**

Commissioner Norton moved to accept the Resignation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**3. RESOLUTION APPOINTING MARY CLARK (COMMISSIONER WELSHIMER'S APPOINTMENT) AS ROCKFORD TOWNSHIP CLERK.**

**Mr. Euson** said, "Statutes permit the Boards of County Commissioners to fill vacancies in Township Offices and this will fill the vacancy just created. This is for a term to end in January of 2011 and I recommend that you adopt this Resolution."

**MOTION**

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "And Mary Clark is here and Sedgwick County Clerk, Don Brace, will

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administer the Oath of Office.”

**Mr. Don Brace**, County Clerk, said, “How are you? Please raise your right hand.”

*“I, Mary Clark, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Rockford Township Clerk, so help me God.”*

**Ms. Mary Clark** said, “I do.”

**Mr. Brace** said, “Congratulations.”

**Ms. Clark** said, “Thank you. I want to thank you for giving me the opportunity to learn and to grow within the Township and, hopefully, I’m going to do a very good job. I’ve planned on it and I get to know my community more, so thank you very much for this opportunity.”

**Chairman Unruh** said, “Well, thank you. We have a comment before you leave. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well Mary, thank you for taking this appointment, I appreciate it very much and I know it will keep you very busy.”

**Ms. Clark** said, “Well, thank you very much, I appreciate it.”

**Chairman Unruh** said, “Thanks again, from the entire Board, we appreciate your service. Madam Clerk, next item please.”

**4. RESIGNATION OF MORRIS DUNLAP FROM THE WICHITA/ SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.**

**Mr. Euson** said, “We have received this resignation also and I would ask that we would accept this resignation.”

**MOTION**

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Commissioner Norton moved to accept the Resignation.

Commissioner Winters seconded the motion.

**Chairman Unruh** said, "Before we call the vote though, I would just want to say, Mr. Dunlap was my appointment to the Metropolitan Area Planning Commission and he served with a great deal of energy and passion for this job, he cares a lot about our community and took positions of leadership on the MAPC and he's well known by many in the community because he has been involved in a lot of things. So, we are proud of his service and sorry that he is resigning but he has the potential of leaving now that he's moving into his retirement. We regretfully accept his resignation and thank him for his service. We do have another comment from Commissioner Parks."

**Commissioner Parks** said, "I would just like to echo Commissioner Unruh's praise of Morris, I've known him for a long time and he has served that area well, in both of our areas and in fact the whole county and region, so, thank you Morris."

**Chairman Unruh** said, "Thank you. Madam Clerk, call the vote."

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**5. RESOLUTION APPOINTING RONALD MARNELL (COMMISSIONER UNRUH'S APPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.**

**Mr. Euson** said, "Commissioners, this Resolution will fill the vacancy just created by you and this term is until August of 2011, I recommend that you adopt the Resolution."

**MOTION**

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Chairman Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And Ron Marnell is here and County Clerk, Don Brace will administer the Oath.”

**Mr. Brace** said, “Good morning Ronald, how are you today? Please raise your right hand.”

*“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, to faithfully discharge the duties of the Office of Wichita/Sedgwick County Metropolitan Area Planning Commission, so help me God.”*

**Mr. Ronald Marnell** said, “I do.”

**Mr. Brace** said, “Congratulations.”

**Mr. Marnell** said, “Thank you. I want to thank the Commission and personally thank Chairman Unruh for his confidence in me. I served prior on the County Commission, as many of you know, and have enjoyed that very much. It takes up a lot of time and keeps me off of the golf course, which I’m not very good at, so, it’s a great public benefit for the grass out there. Thank you very much.”

**Chairman Unruh** said, “Thank you for your willingness to serve Ron. I know that you’ve been in

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this position on a MAPC Board for quite some time and have served in various positions and serve as Chair of the WAMPO Committee now and we appreciate your service to our community and you came highly recommended from several organizations in our community and they also appreciate your leadership, so thanks for your service.”

**Mr. Marnell** said, “Thanks very much.”

**Chairman Unruh** said, “Madam Clerk, call the next item please.”

### **CITIZEN INQUIRY**

#### **B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ISSUE OF THE ARENA RE-VOTE.**

**Chairman Unruh** said, “Okay, Mr. Leffew, you’re on. While you’re handing out your hand-outs here, I guess I would remind you that we have rules of our Commission that say you have five minutes to speak and so we trust that you will abide by that time restraint and we’ll ask you to state your name and address.”

**Mr. Darrell Leffew**, Wichita, greeted the Commissioners and said, “I am here to talk about the Arena Project. I voted yes on November 2, 2004, but I was lied to. So my wife, Andrea, and I became involved with a group seeking a public hearing and a re-vote. That is what we are asking for today, a public hearing and a re-vote.

While doing our research for today, we read the minutes of the Sedgwick County Commission Regular Meeting from July 14, 2004. That is before the arena vote, the vote that passed. We found in those minutes the following quote from a County Official, and I’m quoting here;

‘We would ask for a vote in November of this year and we would then go to the Legislature in the spring and say to the Legislature, we have an affirmative vote by the public, would you give us the authority to raise the sales tax? Now this precedent has occurred in two other counties, two different times, for two different projects. We think it’s an appropriate way to do it, we think it is the way that makes sense, but I personally believe this will be an easier sell with the Legislature if you go to them with an affirmative vote of the public rather than to go to them and say give us the opportunity’; end of quote.

Now, Commissioners, that sounds like a plan to do something, but a reasonable person might

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consider it a little underhanded. That same County Official went on to say, and I 'm quoting again;

'But we've asked the business community to take an active role, as you know local governments cannot advocate for these kinds of issues, we can spend tax-payers dollars or we can spend money contributed to us to educate people about the wisdom, but we can't ask them to vote yes. In a political campaign, there are clearly two components of doing a campaign, one is the advocacy role, clearly you need to ask someone, will you support this; and the other is education, but those two things need to be combined and meshed into very thoughtful ways and whole campaign strategy. So we think it's appropriate for the business community to raise the funds, hire an agency or hire whomever they need to hire to run that campaign and we think that's critical to this effort. We'd ask the business community for advice to the Board of County Commissioners in developing the wording of the ballot question.'

Commissioners, again, a reasonable person might find this more than questionable.

In the same meeting, a Commissioner is quoted as saying;

'So we need to get some direction from the Board of Commissioners, that is the ideas of a plan', and I'm quoting here, 'I don't believe that we are setting anything in firm concrete, but we think it's important that we have a unified voice from Sedgwick County as we move forward in our discussions with principally the City of Wichita in talking about this venue and then more importantly with those others in the community who are supportive'.

Commissioners, a reasonable person might get the impression that the County Commission of July, 2004, might have been up to something.

Now, it is our understanding that state law generally required County Officials go to the State for approval first, then to the voters. State Senator, Les Donovan, expressed to me by phone earlier this year that he felt it had been done backwards. Also, it is our understanding that state law requires counties to stay neutral in an election issue but it would appear that was not followed. Isn't it true that at least two County Commissioners on the Board in July, 2004, assisted in supportive endeavors? We would also think that the United States Constitution would come into play on these issues.

We are a country of laws, if you manipulate these laws, if you ignore these laws, you are not serving the people you represent. Before we know it, we'll be destroying voting records, government will be meeting secretly and we the people won't mean anything. With all due respect,

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we urge you, in the strongest possible terms, vote today, vote now for a public hearing and a re-vote. Thank you.”

**Chairman Unruh** said, “Thank you sir. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well, I was going to wait until we got through the meeting, and under the subject ‘Other’, but I think I’ll bring this up now. There is still a lot frustration and misunderstanding among the public on the implementation of our plans for the arena. Mr. Holt, when can we expect the parking study to come back?”

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “We are working with the Walker Consultants and the City of Wichita and have plans for them to be here in June with a draft report. We’re looking at a date around the middle of July to have a public meeting to give a opportunity for the public to weigh in on what that draft report indicates.”

**Commissioner Welshimer** said, “So it will be just on the parking consultant’s report?”

**Mr. Holt** said, “That’s right.”

**Commissioner Welshimer** said, “I’d like to suggest that we combine the issue that was just brought up by Darrell and invite city people, the downtown people who promoted the site for where the arena is now, the Commissioners and Legislators and have a public hearing, a big one, and air this out. I think we need to get everything out. I don’t know that the result will be that we can put it on a ballot because I don’t think we can put something on the ballot that is a Legislative matter and the arena now is authorized by State Statute. We can’t undo State Statute, the Legislature has to do that.

I’ve had several people come into my office and we’ve looked at every statute that is involved with this, we’ve looked at past minutes, we’ve looked at the wording on the ballot that people voted on back in ’04. We don’t, so far, no one has come up with a way that we can put this back on the ballot. But I do think that we need to have a public hearing and if there is information that we have not had up to this time that could come to the floor. I would like for us to think about it this week and maybe make a decision on this at our next meeting.”

**Chairman Unruh** said, “All right. Thank you, I guess the Manager will take that under advisement and talk to Commissioners and see if there is any consensus for that.”

**Commissioner Welshimer** said, “Okay, thank you.”

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**Chairman Unruh** said, "Any other comment Commissioners? Commissioner Parks?"

**Commissioner Parks** said, "I would like, I don't know if I would want to call it a public hearing or not, but I think an informational meeting would be good. And if those people could have some kind of an orderly presentation, I think that we're voted on and elected to listen to the people. I think that the meeting would be good in some fashion, but like I said, I don't know if legally if we could call it a public hearing or not but I think we need to listen them. Thank you."

**Chairman Unruh** said, "Thank you sir. I don't see any other requests to speak. I am...."

**Mr. Leffew** said, "Commissioner, may I address the Commission?"

**Chairman Unruh** said, "No sir, you may not. I will rule you out of order, you had your five minutes and we have heard this line of reasoning now for several weeks from several different individuals and so I don't know that there is any more to add. We will consider Commissioner Welshimer's request about adding that to the public hearing later, but at this time, we're not going to initiate a public hearing or engage in debate. So thank you for your request, but I am going to deny the request."

**Mr. Leffew** said, "All right, thank you"

**Chairman Unruh** said, "The remainder of my comment that I was initiating was simply that the last speaker appealed that we were a country of laws and it seems that in the American system, we have votes and we abide by the vote and that vote was taken and now we are proceeding with the results of that ballot. If we re-vote every issue in which we disagree, there is no end to it. And that goes for not only issues of public concern like an arena, but it also goes for individual issues, or individual races. I mean we could be re-voting Presidential races from the last two or three times when they were so close, we could be re-voting State races, we could be re-voting Commission races.

I think our country says, we put an issue before the people, we do the best job that we can to educate, give people the opportunity to debate, and when the votes taken, we proceed with that. In this particular instance, we not only proceeded, we're almost to the end of the tax collection period, we've acquired property, we've spent money, we have done what we've been approved to do by a vote of the people of Sedgwick County, and I just, don't how much further to say it, so I just suppose I will end my remarks right now.

I don't want to, in anyway, say that folks cannot continue to voice opinion., Mr. Barfield has

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spoken, Mr. Peterjohn has sent us information, Mr. Die has spoken, Mr. Todd has spoken, Mayor Dee Stewart has spoken, Mr. Leffew has spoken, all of these individuals have spoken together, or in concert about this issue and I am fully aware of their position and I think, I'm trying to make my position clear. We've had a vote, 89,000 people, approximately, voted for this and we're moving forward with it.

But anyway, that's my editorializing and so I'll stop there and before we move to the next item, I'll just see if any other Commissioners want to speak."

**MOTION**

Commissioner Welshimer moved to accept and File.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**PUBLIC HEARING**

**C. PUBLIC HEARING REGARDING THE 2007 EDWARD J. BYRNE JUSTICE ASSISTANCE GRANT: PUBLIC SAFETEY TECHNOLOGY.**

**Ms. Misha Jacob**, County Manager's Office, greeted the Commissioners and said, "I am here today to present to you the 2007 Edward J. Byrne Memorial Justice Assistance Grant. This grant, commonly known as the JAG Grant is the primary provider of criminal justice funding to state and local jurisdictions. It supports all components of the criminal justice system.

Currently, the City of Wichita and Sedgwick County are classified as disparate jurisdictions,

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according to the Bureau of Justice Assistance, and therefore these two jurisdictions together receive funding for the JAG Program in one lump sum. This can be then, divided through a Memorandum of Understanding between the City and the County.

The total amount of 2007 available funds for both jurisdictions is \$466,495. This amount has been agreed to be spent 50/50 between the City of Wichita and Sedgwick County, making Sedgwick County's 2007 share \$233,247. Today, in addition to asking you to accept staff's recommendation to accept this grant, we will also ask you to conduct a public hearing to accept any public comments as is required by the U.S. Department of Justice for this specific grant.

The JAG Grant allows funding for a variety of programs including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs and planning, evaluation and technology improvement programs. Therefore, we receive requests from five departments for this funding, including the Department of Corrections for \$67,529; Courthouse Security for \$12,600; the District Attorney's Office for \$75,900; Regional Forensics Science Center for \$51,000 and the Sheriff's Office for \$45,075, that makes the total 2007 request \$252,104.

After these requests are submitted, they go, they are available to an internal Advisory Board for review comprised of County staff. This Advisory Board met on Thursday, May 17, and consisted of Commissioner Kelly Parks; Bob Lamkey, Director of Public Safety; Dave Thompson from the Sheriff's Office; Ann Swegle, Chief Administrative Attorney for the District Attorney's Office; Greg Cox, Project Manager for the District Courts; Linda Boughman, IT, Project Manager for DIO and Marty Hughes, the Revenue Manager. These members then reviewed these requests and prioritized them and submitted the proposal for the distribution of funds, which is before you today.

So I want to take just a few minutes to kind of outline what those recommendations are by this Committee and to give you a brief idea as to what some these departments are spending this funding on.

For the Department of Corrections, we have equipment related to the State Mandated Information Systems to replace aging and non-compliant technology items needed in order to effectively interface with the State Mandated Information Reporting System. Total for 2007 is \$54,402.

For Courthouse Security, we have cameras and equipment for the judge's compound, the Historic Courthouse and the Munger Building to replace outdated equipment utilized by security services as well as create camera-monitoring capabilities for the judge's compound, which currently has none. This total is \$12,600.

For the District Attorney's Office, we have vendor labor hours for the mainframe data conversion to prepare for the migration of CICS data from the mainframe to the DA's new case management

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system. You will remember that during the 2007 budget, you approved funding to purchase the Prosecution Case Management System for the District Attorney, but this request did not, this funding did not cover conversion cost, so this is what this funding would be used for. Total for the District Attorney is \$76,185.

For Regional Forensic Science Center requested funds for the technology acquisition project to enhance and add analytical and forensic capabilities to their center. Total of \$51,000.

And the Sheriff's Office actually had two requests this year. The first is for records electronic filing. Prior to 1987, the Sheriff's office had all of their files done on paper and these files now need to be converted to electronic form because they are still in use. The Sheriff's Office estimates that there's approximately 1.2 million individual files that needs to be converted. So this request is not only for equipment but also for the overtime for clerical support to scan all of these items into an electronic forum.

The second request made by the Sheriff's Office is for four digital vehicle-recording units. In 2005, the Sheriff's Office selected a new digital in-car system to replace their existing VHS systems that they have in their cars. They had planned to do this replacement over a five-six year period, however, some of the VHS units are already starting to give out before they had anticipated, so that is what this request is for. So the total for the Sheriff's Office for 2007 is \$39,060.

At this time, Commissioners, it is staff's recommendation that you open the public hearing and receive any public comments as well as accept the internal Advisory Board's recommendation for the 2007 JAG Program funds. I would be happy to answer any questions if I can."

**Chairman Unruh** said, "All right, thank you Misha. Before we open the public hearing, Commissioners, are there any questions of Misha? Seeing none, at this time I will open the public hearing and ask if there is anyone who wants to speak to this 'Byrne's Justice Assistance Grant'. Must have done a great job Misha, no one wants to speak. I see no one wanting to speak or asking to speak so at this time I will close the public hearing and restrict comments to the bench. And Commissioners, do you have any comment or questions at this time? Commissioner Parks?"

**Commissioner Parks** said, "As I served on this committee, I saw very good technology come through this program, request for the technology improvements and having dealt with the Edward Byrne Grant system myself over the past some 20-years or so, I think it's a good process and we've

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completed everything that we needed to up until this time, I think this serves not only Wichita and Sedgwick County, but the outline areas and the DA's Office, and it'll certainly help for, the technology will help in the Criminal Justice system and streamline that a little better. I was proud to serve, too, on that committee and at any time that we need a motion to accept this, I will certainly make a motion."

**Chairman Unruh** said, "All right. I don't see any other requests to speak and I think that we're all in favor of receiving assistance and spending it wisely, so I think we're ready for the motion."

**MOTION**

Commissioner Parks moved to approve the Grant Funding and authorize the Chairman to sign all necessary documents.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

- D. MAPD CASE NUMBER CON2007-00012 – SEDGWICK COUNTY CONDITIONAL USE TO PERMIT A 32 SQUARE FOOT SIGN (COUNTY) ON RR RURAL RESIDENTIAL ZONED PROPERTY; GENERALLY LOCATED WEST OF 63<sup>RD</sup> STREET EAST (WOODLAWN), APPROXIMATELY 2,300 FEET NORTH OF**

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**109<sup>TH</sup> STREET NORTH. DISTRICT #4.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Planning Director, greeted the Commissioners and said, “Those of you that served on the Commission in 2005 will recall the request by this applicant for a conditional use at that time for a limited group residence, this is the ‘Youth Horizons’ case from 2005.

They have submitted this application to amend that conditional use that you granted in 2005 to allow for the placement of a 32-square foot ground sign at the property entrance. The site you can see on the graphic in front of you is a 20-acre site zoned rural residential along Woodlawn, between 109<sup>th</sup> Street North and 117<sup>th</sup> Street North.

You can see from the aerial photo that I’ve put up that the surrounding land uses, they are all zoned rural residential and are characterized by, mainly by farmsteads and large lot residential tracks and agricultural use of the land.

The site plan that I have put in front of you shows where the sign would be placed at the entrance to the property off of Woodlawn. The arrow is indicating where the sign would be placed.

And this is a rendering of the sign and what it would look like. What they are proposing is 32-square feet of sign, it’s made out of formed cast concrete with a letter height of 10-inches with square footage for the letters totaling 12-square feet. It is to be lit indirectly with the overall height of the sign at 8-feet and the sign itself being at 7-feet.

This is a recent photo of the entrance as it currently stands, and this would be at the approximate location of this proposed sign. Again, the entrance road going into the property, you can see the new group residence being built there and there’s another shot of the group residence now being built.

At the MAPC meeting on May 3, the Planning Commission voted to approve the request subject to the applicant, the conditional use to permit the 32-square sign. There was one citizen that was present at that meeting that spoke in opposition and we have received no additional protests since that time. And with that I will be glad to take any questions.”

**Chairman Unruh** said, “Commissioners, do you have any questions for Mr. Schlegel? We have a couple here, Commissioner Welshimer?”

**Commissioner Welshimer** said, “The citizen that spoke in opposition, what was the concern that they had?”

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**Mr. Schlegel** said, "Well, he was recalling back when the original conditional use was heard, that he felt that the neighborhood was pretty unanimous in its opposition, which wasn't exactly true. But that was his recollection because there were, at the initial public hearings at the Planning Commission, a lot of people that spoke against the conditional use for the limited group residence."

**Commissioner Welshimer** said, "But he wasn't opposing the size of the sign?"

**Mr. Schlegel** said, "He was opposed to the sign altogether, his recollection was that statements were made by the applicant 'that you wouldn't even know that this was here', and he objected to the sign being placed there, as calling attention to the group residence."

**Commissioner Welshimer** said, "And did they testify that you wouldn't even know that it was there?"

**Mr. Schlegel** said, "No, I don't think that was an accurate recollection of what really happened. I think what, well, my own recollection was that, because of the nature of the group residence, they felt, I think what they were trying to characterize this is a., something that would fit into the neighborhood and not really be that noticeable."

**Commissioner Welshimer** said, "Okay, thank you."

**Chairman Unruh** said, "And I might say that was my recollection also, that it would not be disruptive or create some, substantially change the character of the neighborhood and that was the context of that, of those comments to my recollection also."

**Commissioner Welshimer** said, "The sign would pretty much change that, wouldn't it?"

**Mr. Schlegel** said, "My opinion would be no, that it would not, because it is very much like the type of sign that you would find at the front, at the entrance to any type of residential sub-division. I don't know that there are any of these types of signs out in that area at the moment, but I think that it's very residential looking in character, it would be typical for what you would find at the entrance to most any sub-division."

**Commissioner Welshimer** said, "Okay."

**Chairman Unruh** said, "And sub-divisions can erect a sign of this size?"

**Mr. Schlegel** said, "Correct."

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**Chairman Unruh** said, "By right?"

**Mr. Schlegel** said, "Yes, this would be a typical size for a residential sub-division."

**Chairman Unruh** said, "Thank you, Commissioner Parks?"

**Commissioner Parks** said, "Being in the 4<sup>th</sup> District and adjacent to Commissioner Unruh's district, I haven't been contacted by anybody, I just wanted to make sure that there was nobody here today in opposition to this and would like to remind the neighbors that may be watching or may, just for the record, that this is a conditional use and if things aren't how they seem to be, they can certainly come back to any number of Boards and make a complaint on the conditional use that is not being met."

**Chairman Unruh** said, "I don't see any other request to speak right now and this is not a public hearing, but as according to our typical practice, we do ask if there's anyone who wants to speak to this issue when we have a zone change. All right, I don't see any body moving, so, Commissioners are there any other questions of Mr. Schlegel?"

**Commissioner Parks** said, "How far off the roadway is this proposed sign?"

**Mr. Schlegel** said, "You can see it on the site plan. It will be adjacent to the right-of-way, I don't know the precise set-back of that sign from the right-of-way, but it's relatively close."

**Commissioner Parks** said, "You wouldn't see any, Mr. Spears, you wouldn't see any right-of-way problems here with this sign, from the structure or anything that you might have planned for ditches or widening or anything on this highway?"

**Mr. David Spears**, PE, Director, County Engineer, greeted the Commissioners and said, "No sir, we have no plans to widen that road at this time."

**Commissioner Parks** said, "Okay, thank you."

**Chairman Unruh** said, "Is that all?"

**Commissioner Parks** said, "That's it."

**Chairman Unruh** said, "And this was approved by the MAPC, thirteen to one?"

**Mr. Schlegel** said, "Correct."

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**Chairman Unruh** said, “All right, thank you. Any other comment or question Commissioners? What’s the will of the Board?”

**MOTION**

Chairman Unruh moved to approve the conditional use to permit the proposed 32 square foot sign; adopt the findings of the Metropolitan Area Planning Commissions, and authorize the Chairman to sign the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Next item please.”

- E. MAPD CASE NUMBER DR2005-35 – RESOLUTION AMENDING THE UNIFIED ZONING CODE TO ADD THE PROPOSED CORRIDOR PRESERVATION PLAN OVERLAY DISTRICT (CP-O) FOR THE PROPOSED NORTHWEST BYPASS IN WICHITA AND SEDGWICK COUNTY; THE GENERAL LOCATION OF THE PROPOSED CP-O CONNECTS K-96 TO US-54 WEST OF THE CITY OF**

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### WICHITA. DISTRICTS #3 AND #4.

#### POWER POINT PRESENTATION

**Mr. Schlegel** said, "You'll recall that last year, I brought this item before you to create a overlay district for the northwest bypass. This was done in response to a request from KDOT for local governments to find ways in which to help them preserve the right-of-way for the proposed northwest bypass. It was presented to you back in the February 8, 2006 meeting and at that time I requested that you defer it because we had just received information at that time that KDOT came out with some revised cost estimates for the acquisition of right-of-way and we wanted to find out more about what exactly those revised costs estimates meant in terms of the northwest bypass moving forward as a project.

And you will recall the meetings that were held with KDOT through the summer and eventually, I think, that it was determined then that the project would continue to move forward with KDOT, acquiring right-of-way with the funds that were available, making strategic purchases as they could with what they had available.

At that time, they were also moving forward with revising or making, moving along with the design for the facility so they had better, more accurate drawings of the right-of-way that would be needed for the right-of-way. So we have been, we waited to bring this item until we had those better drawings available and what I've done today is put this item back on the agenda for you to consider sending it back to the MAPC so that the MAPC can hold another public hearing based on the revised right-of-way drawings that we now have from KDOT. That revised right-of-way drawing includes not only the portion that you had considered last year, which goes from K-96, near the City of Maize, down to US-54, Goddard, but also a portion of the project that extends westward along US-54, west of Goddard.

The idea here would be that the MAPC would hold another public hearing for people to review the revised overlay district based on the more current KDOT drawings. So the recommendation is that you send it back to the MAPC for that new public hearing on the new overlay district."

**Chairman Unruh** said, "Okay, we have a couple of questions and I believe that Commissioner Winters was first."

**Commissioner Winters** said, "Thank you. John, I am going to be supportive of your requested action, but I certainly would like to have the Commissioners get this back in front of us so we can discuss this as soon as possible. I know KDOT is anxious and I don't know what kind of time frame you are looking at. Do you have an idea when this might be back?"

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**Mr. Schlegel** said, "Well, we'll schedule it, if you take the requested action today, we'll schedule it for the public hearing in front of the Planning Commission as soon as possible. I would imagine that could happen in the second meeting in June and then we'd have it back before you in July."

**Commissioner Winters** said, "Okay, thank you very much."

**Chairman Unruh** said, "Thank you. Commissioner Parks?"

**Commissioner Parks** said, "I think several of those items that Commissioner Winters brought up, I would echo and just say that before we get anymore houses built in this area, we probably need to do this as soon as possible. Thank you."

**Chairman Unruh** said, "Commissioner Welshimer?"

**Commissioner Welshimer** said, "Is this historically, normally does the County do this for the State when they are planning a highway?"

**Mr. Schlegel** said, "No, the, Sedgwick County has not done this before, this is a new thing for us here, locally. Now, according to KDOT, other jurisdictions within the State have done similar types of efforts to try to help them preserve right-of-way for major highway facility."

**Commissioner Welshimer** said, "Would they have the authority to do that, without us?"

**Mr. Schlegel** said, "KDOT? They have the authority to go in and purchase or take it through eminent domain. They are moving forward with money that was allocated for right-of-way acquisition. But what I think they discovered, late last year, was that they, as they updated their cost estimates, is that they really did not have enough money to be able to purchase the right-of-way. So what they are looking for is for us to make an effort locally to assist them in reserving that right-of-way, so that as money becomes available in the future for right-of-way acquisition, you know, homes and business have not been built near the right-of-way, as designated."

**Commissioner Welshimer** said, "Is this a condemnation procedure?"

**Mr. Schlegel** said, "No, actually what it is, all that it would do is create a local review procedure, very similar to a conditional use type review, that would alert us, the local units of government that choose to adopt this overlay district, and also would alert KDOT that somebody's plans to move forward with building something where the right-of-way is."

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**Commissioner Welshimer** said, “A zoning type procedure?”

**Mr. Schlegel** said, “Yes, and then if we’re not able to reach an accommodation with the person that’s making that proposal to build something within the right-of-way, then it would alert KDOT to the need to move forward with purchasing that right-of-way.”

**Commissioner Welshimer** said, “Okay, thank you.”

**Chairman Unruh** said, “Any other questions Commissioners?”

**MOTION**

Commissioner Winters moved to return the request to MAPC for a new public hearing.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you John. Next item please.”

**NEW BUSINESS**

- F. RESOLUTION AUTHORIZING THE APPLICATION FOR AN EXPANSION OF SPECIAL-PURPOSE FOREIGN-TRADE ZONE #161A AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK**

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**COUNTY TO EXECUTE AND SUBMIT THE APPLICATION TO THE U.S. FOREIGN TRADE ZONES BOARD.**

**Ms. Irene Hart**, Director, Community Development, greeted the Commissioners and said, "I'm going to make a long story out of a simple approval because I want to tell you what a Foreign Trade Zone is and I'm going to give some examples in case we have some businesses listening who it might strike a cord with them and see if a Foreign Trade Zone is to their advantage.

A Foreign Trade Zone Program was created by the U.S. Government in the 1930's to facilitate international trade and increase global competitiveness at the (inaudible, technical difficulties) County staff in the 1980's. What a Foreign Trade Zone is, it's an area within the U.S. that is really outside (inaudible, technical difficulties), it has to be (inaudible, technical difficulties) point of entry, but it needs (inaudible, technical difficulties) foreign territory. If you import goods into that Foreign Trade Zone, it's still foreign territory, you don't have to pay duty, customs duty, until it comes out of that zone.

Now, while it's in a zone, the goods can be assembled, they can be tested, they can be inspected, manufactured, stored, repackaged, destroyed, processed, they can be manipulated in any, almost any manner, and I'll give an example. Perhaps I'm a manufacturer of lamps and I need to import some glass portions of that lamp from China, so they come into a Foreign Trade Zone, I can go into that zone, open the box, find out that half of them have been broken in transit, so I don't have to pay duty on those because they've been destroyed, there is some savings right there, whereas, if I had paid duty when they came in from San Francisco, I would have had to pay duty on the entire shipment and not had the opportunity to inspect it.

In that zone, I can also manufacture my lamps and if I wanted to ship those lamps onto Europe, then I would never have to pay duty on those lamps. What the purpose of the program is, is to create the jobs here in the U.S. and using Customs laws and tariffs and duties as a vehicle to help keep some of the jobs here in the U.S., even though it's technically built on foreign soil.

The advantages in having a Foreign Trade Zone or operating in a Foreign Trade Zone is that you can defer paying customs duty until it is absolutely necessary, until you put your goods into U.S. commerce, that you have tighter inventory control, you can import goods and store it there and then take it, if you need a whole container, store it there and then only pay duty as you take the goods out as you need. And then your goods aren't tied up awaiting inspection at a port of entry on the coast. They can be imported directly here, opened up in the customs, in the territory and not pay duty

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until they come out of the zone.

So, given all that background, County staff in the mid 1980's developed the Foreign Trade Zone application and Sedgwick County is the grantee for Foreign Trade Zone #161. We have a customs port of entry located at the airport, so within about 90-miles of the airport, we can establish Foreign Trade Zones, either general-purpose zones or sub-zones, and I will tell you about those.

The reason we continue to be a sponsor, the grantee of the Foreign Trade Zone is we view it as a way to reduce the costs of doing business for the local businesses. If they need to import goods and services, if they need to import goods, it's a way of saving them dollars on the bottom line and that would effect their business and keeping the jobs here in Sedgwick County.

Some Foreign Trade Zones, particularly those on the coast or near larger cities where there is major shipping coming in, they would own their own facilities, they'd own their own warehouses, they may own their own docks. Being in the center of the country, we don't do that and the County does not own Foreign Trade Zone property. Instead, we have designated to the warehouse facilities that are privately owned, would be the general purpose of the Foreign Trade Zones. But general-purpose Foreign Trade Zone means that multiple businesses can use that Foreign Trade Zone.

Our oldest one, and longest lasting one, since the 1980's, is on the south side of town. Several companies bring their goods in there, store them, manipulate them and then send them out into customs territory. We have a new one up north, hoping businesses in the northern part of the County will be able to use that one.

We have two special-purpose sub-zones. A sub-zone is a zone that's only one user. For example, a refinery, they import foreign oil, but it's just that company that's going to use that, manipulate there, send it out as gasoline or other kind of fuel. The other special-purpose sub-zone that we have is a pharmaceutical facility in McPherson, Kansas. That facility was formally known as Abbott Laboratories, and it's now known as Hospira, and they're the ones who have the application before you today on the agenda.

Now Hospira is a global company with 18 manufacturing locations, one of which is in McPherson, Kansas. They have 15,000 employees worldwide, so they have lots of choices and a number of places that they can go to manufacture their goods. But they are, as a leader in the development, manufacturer and marketing of medication delivery systems. So, it's the kinds of medicines and delivery systems that hospitals use to treat their patients, so there is pharmaceuticals, there is all kinds of medical devices that I can only imagine that they manufacture out of that facility.

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Which brings us to their application today. They want to practically double the size of their special-purpose Foreign Trade Zone in McPherson, almost 600,000 square feet. In McPherson, they employ 775 people with a payroll of nearly \$50 million each year. So, because we are able to offer them the Foreign Trade Zone designation, the special sub-zone designation, they are able to make the McPherson facility a viable operation employing nearly 800 in McPherson County with a payroll of nearly \$50 million dollars. So that's one of the benefits of a special-purpose sub-zone.

The application you have before you, it's a Resolution and a letter that approves their request to double the size of their zone. A formal application will be sent to the Federal Foreign Trade Zones Board in Washington and what we are asking you to approve today is that the Letter or Transmittal, the Resolution and the approval for them to send in their application.

Now, with all that said, I'm not the expert on this, County staff member, Sherdeill Breathett, who's here to answer questions that I certainly can't answer, should you have them. He's the one that stands current, on current rules and regulations. This all operates under the Department of Treasury, so you can imagine that the rules and regulations are specific and change on a daily basis, so, it's good to have this Board responsible for it since we're the grantee, it's good to have dedicated staff to be knowledgeable about that endeavor.

So I would be happy to try to answer any questions you might have."

**Chairman Unruh** said, "All right. Thank you, Irene. I appreciate the tutorial, it was very helpful to me and I am sure it's helpful to many others that, these zones, they see goods, they don't escape paying any duty, they just don't pay that until it enters our domestic commercial market."

**Ms. Hart** said, "And it preserves the jobs here."

**Chairman Unruh** said, "All right, very good. You sounded very much to me like you were an expert and we appreciate Sherdeill being here though, for questions."

**Ms. Hart** said, "Well you haven't asked any questions yet."

**Chairman Unruh** said, "I'm anticipating that someone will ask a question. I don't see any requests for questions right now, it is pretty clear to me that this is an appropriate action for us. Commissioners, are there any questions?"

### **MOTION**

Commissioner Winters moved to adopt the Resolution and authorize the Chairman to sign

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the Transmittal Letter.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Irene. Next item please."

**G. APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE LOCAL ENVIRONMENTAL PROTECTION GRANT.**

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, "What you have before you is an ongoing grant that Sedgwick County has received for numerous years and what it is, is a water protection type grant, it is through Kansas Department of Health and Environment. We use this grant to staff two positions in our wastewater and water well program. Those positions, we do have to put in, have a 40% match, but we do that through in kind services of office space, vehicle expense, and then they also generate permit fees and that is how we come up with our match for this grant. We are requesting that you approve the application for the grant."

**Chairman Unruh** said, "All right, thank you. Commissioners, do you have any questions?"

**MOTION**

Commissioner Welshimer moved to authorize electronic submission of this continued Grant Application.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Glen."

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

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

**H. AGREEMENT WITH WESTAR ENERGY, INC. FOR RELOACTION OF LINES FOR SEDGWICK COUNTY PROJECT 622-803; FRONTAGE ROAD FROM 119<sup>TH</sup> TO 135<sup>TH</sup> STREETS WEST AND INTERSECTION OF 135<sup>TH</sup> STREET WEST AND US-54. CIP# R-314. DISTRICT #3.**

**Mr. Spears** said, "Item H is the approval of an Agreement with Westar Energy for the relocation of electric lines in connection with the Sedgwick County project at the intersection of 135<sup>th</sup> Street West and U.S. 54, designated as R-314 in the Capital Improvement Program, at a cost of \$55,000. The lines are in a private easement and we will require to pay for them as such, and I recommend that you approve the Agreement and authorize the Chair to sign. Will be glad to answer any questions."

**Chairman Unruh** said, "Commissioners, are there any questions of Mr. Spears? Commissioner Welshimer?"

**Commissioner Welshimer?** "These are Westar's lines?"

**Mr. Spears** said, "Yes ma'am, they are a private utility, our lines."

**Commissioner Welshimer** said, "They are on private property?"

**Mr. Spears** said, "It's in an easement that they purchased, a private easement, it's not public road."

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**Commissioner Welshimer** said, “It does have an easement?”

**Mr. Spears** said, “Yes ma’am. We checked that and also surveyed to make sure that it is in the private easement and not in the public right-of-way.”

**Commissioner Welshimer** said, “And it’s our purpose for moving them? It’s why we pay for it?”

**Mr. Spears** said, “Our purpose? We’re moving it to make room for, we’re making a large intersection there with signalization....”

**Commissioner Welshimer** said, “Okay.”

**Mr. Spears** said, “....and we’re getting KDOT funds to do that.”

**Commissioner Welshimer** said, “Okay, thank you.”

**Chairman Unruh** said, “Any other questions?”

**MOTION**

Commissioner Winters moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Unruh

Aye

**Chairman Unruh** said, "Thank you David."

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

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

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 24, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of May 24<sup>th</sup> results in one item for consideration today.

**1. Road Improvements—Public Works Funding—Preventive Maintenance Roads-07.**

The first and only item, road improvements for Public Works. The recommendation is to accept the low bid from Brown & Brown Inc., in the amount of \$889,293.75. Would be happy to answer any questions and I recommend approval of this item."

**Chairman Unruh** said, "All right, we do have a question Iris. That's about the shortest Bid Board that I've had since I've been here. Have you been taking vacation?"

**Ms. Baker** said, "No, just very busy."

**Chairman Unruh** said, "Well, we do have a question. Commissioner Parks?"

**Commissioner Parks** said, "Staying with my usual format about asking questions with Bid Board, even though it is a short one here. The companies that are represented here, are they Kansas companies, local companies, where are they from?"

**Ms. Baker** said, "You know David, go ahead."

**Mr. Spears** said, "They are both Kansas companies. Brown & Brown is out of Salina and I just might mention, this is the first time that we have used this process, we are very excited about it, as engineers, we don't get excited about a lot of things, but this is a new process, we have observed it in operation in other counties, it started last year. And what it does is, as you know, if we have lots of cold mix roads out there that are, been there for a while and are experiencing a slight bit of rutting now, and we've never had a way to recycle them.

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This is a new process that will recycle the top one inch of that and also add a small thin layer of rock to it and will let us preserve those cold mix roads until such time that we get enough money to build a hot mix road there. And that's always been one of our problems. We're doing about 23 miles this year."

**Commissioner Parks** said, "Thank you."

**Chairman Unruh** said, "Thank you David. Any other questions? What's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Recommendations of the Board of Bids and Contracts.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Iris. Next item."

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

**1. Plat.**

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Approved by Public Works. The County Treasurer has certified that taxes for the year 2006 and prior years have been paid for the following plat:

**Bentley Farms Second Addition**

- 2. Two Easements for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project 805-J;K;L; recondition roadbed plus 6' bituminous surfacing on 119<sup>th</sup> Street West between 29<sup>th</sup> and 53<sup>rd</sup> Streets North. CIP# R-254. District #3.**
- 3. Agreement with Thomas County for access to Sedgwick County's Motor Vehicle Tax Estimator Application.**
- 4. Waiver of policy to hire a Trade Specialist III, B220, at 10% above the minimum pay for this position.**
- 5. Waiver of policy to hire a Senior Purchasing Agent, B325, at 18.7% above the minimum pay for this position.**
- 6. Resolution stating findings made by the Board of County Commissioners at the post-annexation hearing held on May 16, 2007.**
- 7. Resolution authorizing disposal by destruction of Election Office voter and elections record from 1992-2005.**
- 8. Resolution authorizing disposal by destruction of tax statements from 2003 (DISP 2007-06-33).**
- 9. Resolution authorizing disposal by destruction of County Treasurer Daily Balance Registers for 2001 (DISP 2007-05-35).**
- 10. Request conversion of one Temporary position to FTE, Fiscal Associate, B114.**
- 11. Letter of notification to terminate the Contract with the International City Management Association Retirement Corporation (ICMA-RC).**
- 12. Letter of notification to terminate the Contract with ING Life Insurance and Annuity Company, dated October 21, 2002, under the State of Kansas Deferred Compensation Plan Group Contract Number CD0575 effective January 1,**

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**2003.**

- 13. Order dated May 23, 2007 to correct tax roll for change of assessment.**
- 14. General Bills Check Register(s) for the week of May 23 – May 29, 2007.**

**Mr. Holt** said, “I would remind you that there is only 215 days left on the 1%-30 month arena sales tax. You have the Consent Agenda before you, I recommend your approval.”

**Commissioner Parks** said, “Mr. Chairman, I would recommend that we remove #7 from the Consent Agenda for discussion.”

**Chairman Unruh** said, “Is that a motion?”

**Commissioner Parks** said, “That is a motion.”

**MOTION**

Commissioner Parks moved to remove #7 from the Consent Agenda for further discussion.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Mr. Euson, now that we have taken that action, do we go ahead and do the Consent Agenda first or do we deal with item 7 first?”

**Mr. Euson** said, “I heard the motion as being to remove item 7 for discussion, so I think it would be appropriate to have discussion on item 7 to determine what you want to do with it and then return to the remaining items.”

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**Chairman Unruh** said, "All right, thank you. We will have discussion on item #7. Commissioner Parks would you like to speak?"

**Commissioner Parks** said, "Yes. In looking over this Consent Agenda, I did see that the Election Office was wanting to destroy some records from '92 to 2005. Some of these records will be kept electronically but some of the paper and other things, when I discussed this with Mr. Gale, seem to think that the State law does allow him to do that.

However, I just would feel more comfortable if we could scale that back to maybe 2002 for them right now. Perception in a lot of things is that we may be trying to hide things in government, although I don't believe that's true, I believe that Mr. Gale has done a good job in his office and I'd just feel better if we had those records destroyed ten years at a time and not have those records that are within five years old to be destroyed in case there was ever any question or any review that was requested by anybody for anything. That's just my point and I welcome any opposite opinion or points on that. Just for discussion."

**Chairman Unruh** said, "All right, thank you. Commissioner Winters?"

**Commissioner Winters** said, "Thank you. Just one brief comment. For everyone to remember that the Election Commissioner does work for the Secretary of State, so he's working under their direction and not necessarily ours. But I would, if you have a motion, or if you have a suggestion about what records should be destroyed, I'd certainly support that whatever it is."

**Commissioner Parks** said, "Well, I could certainly approve it and make a motion to put it back in if we change 2005 to 2002 on that."

**Chairman Unruh** said, "So that would be a ten year span?"

**Commissioner Parks** said, "It would be a ten year span."

**Chairman Unruh** said, "I don't have any objection in doing that and I don't see Commissioner Gale in the..."

**Commissioner Winters** said, "Terry is from the Commissioner's Office."

**Chairman Unruh** said, "Oh, I 'm sorry, pardon me. Would you like to please speak and tell us the rationale for 2002 to 2005 or what we should know here?"

**Ms. Terry Howard**, Election Office, greeted the Commissioners and said, "What we have done is

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we have gone through our records and according to the retention periods that have been set by statute and also by the Kansas Historical Society and gone through them and this is the records that we feel are past the retention that we are required to keep. That's why there's a, you know, we went through 2005."

**Chairman Unruh** said, "So according to statute or whatever, we are keeping hard copies of everything we are required to keep and 2005 would be getting into the time period and that further back where we're not required to keep them, is that correct?"

**Ms. Howard** said, "That's correct. There are different retention periods for different items and so that's why you'll see some things that we are retaining. Some things are only kept for six months and other things have a 22-month period, some things are five years, it all depends on the statutes that address those particular items.

**Chairman Unruh** said, "Will this create, if we accept the suggestion that we go from '92 to 2002, will that create a particular burden on your office?"

**Ms. Howard** said, "The only thing is that we don't, do we go with what the Historical Society and what the State Statutes have gone or do we go with what you're recommendations are? We would need to know that."

**Chairman Unruh** said, "Okay, thank you. We had a, Commissioner Winters was first."

**Commissioner Winters** said, "Well Terry, and I think I'm going to ask the question just a little bit different. If the Commissioners today decided to change this from 1992 to 2002, that wouldn't cause a significant problem in your office or Election Commissioner Gale's Office, most likely, would it?"

**Ms. Howard** said, "It wouldn't, no. It would be more of the Records Department."

**Commissioner Winters** said, "Yea and then if at a later time, if Commissioner Gale was here and wants to come back and talk to us, he can, but I certainly don't have a problem with supporting that."

**Chairman Unruh** said, "Thank you. Commission Norton?"

**Commissioner Norton** said, "I don't have a problem supporting it, other than, I guess two reasons, number one, I think if we have problems with retentions of State documents, which voting is a State, then we should try to change the statute that's on the books.

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If we really believe strongly that there should be longer periods of retention on certain documents, whether it's voting records, because there is lots of different kinds of voting records, and if we have an ability to do that, I think we should make it a Legislative priority and change the system instead of trying to usurp this. I would hate to think that on a free and independent system that we start getting involved in election voting and election retention and everything. That's done by another whole entity other than County Commissioners. And I would hate to think at some time we have an opposite view point, let's destroy more records. I think we need to stay out of that debate both ways and let the system work.

Now, I don't think it makes a bit, much difference today if we hold off three years, but it's probably not going to be the whole gamut of records anyway, it's probably only going to be selective records that would fall in that category, is that right, Terry?"

**Ms. Howard** said, "Well, to 2002, I was looking at what these, yea, it would be just portions of them. But there are some that change that are, you know, expand that time period too, so then. But, yea, we could accommodate that."

**Chairman Unruh** said, "So the requirement is, we must keep certain records for certain length of time, but we can keep them as long as we want."

**Ms. Howard** said, "That's correct."

**Chairman Unruh** said, "Okay, so, all right."

**Commissioner Norton** said, "I guess my next question would be, if we take action to hold that, can the Secretary of State trump that and go 'No the law is the law, we're going to dispose'? Who has jurisdiction over those records? Rich?"

**Mr. Euson** said, "Commissioner Norton, I do not know the answer to that question. I'm going to guess that it's up to us to retain those records, but I will need to find out for sure. Great question. Could I find out and let you know?"

**Commissioner Norton** said, "Yea, that's okay with me."

**Commissioner Parks** said, "And maybe we should just leave item 7 for four weeks or so until we can get something....."

**Commissioner Norton** said, "I support that too."

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**Commissioner Parks** said, "There ya go."

**Chairman Unruh** said, "Okay, well we have a question or comment from Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I think you've all answered what my question was, but I would imagine the statute would say that we may, but we're required to keep them for the required length of time but we may keep them longer if we wish."

**Mr. Euson** said, "For the minimum of the retention."

**Commissioner Welshimer** said, "Yea, so, and I think, there may be other occasions when we'd want that to be up to us. But I think what we are saying here is that, item #7 is what we want a Commission approval on. In other words, you don't destroy those until we have all agreement to that. Everything else is just as it has gone in the past. Isn't that what we're talking about?"

**Chairman Unruh** said, "I'm not sure. I mean my understanding of this issue is that we're required to keep records for a certain period of time, depending on the record, and I'm certain that Commissioner Gale is not recommending that we destroy anything that we're required to keep."

**Ms. Howard** said, "That's correct."

**Chairman Unruh** said, "We may keep them longer, and in this sort of purging process he's just asking us to get rid of those that we are not required to keep. Our question is, because of certain political issues right now, shall we only destroy those that are '92 to 2002? I mean, it seems like that's the nuts and bolts of our issue. And I'm willing to do that, I'm real flexible on this. I don't suppose it makes a whole lot of difference if we approve it today or next week or whatever, if we need to talk about it some more. I think, Commissioner Norton?"

**Commissioner Norton** said, "Well, for me, certainly, the issue of openness is being handled right here by having the discussion about it. I have never, or would I ever, been involved in looking at records and determining whether they need to be kept or not kept based on somebody's idea that maybe there is some flawed issue in the voting records. I think there's great scrutiny put together to try to make sure that there's accountability and, you know, I'm not going to be running over there everyday trying to determine whether folks that are charged with that everyday to understand the

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records are doing their job. There's got to be some checks and balances and I think that just by having this discussion, and Commissioner Parks talking to Election Commissioner Gale, kind of sets in motion the idea that we want the records kept properly and disposed of properly when the time comes."

**Chairman Unruh** said, "Okay, thank you. Commissioner Winters?"

**Commissioner Winters** said, "Thank you. I would support just holding this item off and Commissioner Parks can get together with, or if somebody else wants to, with Commissioner Gale and determine exactly what your comfortable with and we can move on whenever that happens. I suggest that we just pull this completely off."

**Chairman Unruh** said, "All right. Well, in order to this properly, do we need to vote on that, Mr. Euson? Do we need to vote, I mean, it's off for discussion, now do we....what's our next step?"

**Mr. Euson** said, "You've already voted and had the discussion and I think you could entertain a motion for all items on the Consent Agenda with the exception of item 7."

**Chairman Unruh** said, "Is that what you would like to do Commissioner Parks?"

**MOTION**

Commissioner Parks moved to approve the Consent Agenda with the exception of #7..

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Unruh

Aye

**Chairman Unruh** said, "All right, Terry, thank you for being here and helping us through this. We are at the end of our agenda and we don't have Executive Session or Fire District Meeting,

### **K. OTHER**

**Chairman Unruh** said, "Commissioners, so now are there other items of community interests that you would like to talk about? I don't see anybody asking to speak. Here we go, Commissioner Parks?"

**Commissioner Parks** said, "Just wanted to say that there is a car show, June 2, in Valley Center, from 4:00-9:00 on Saturday, it will be a big event. Had 125 cars there last year, anticipate more this year and there is also a swap meet, automotive swap meet with that, where you can bring your inexpensive merchandise to swap with the other car enthusiasts at that location. As we had said one time earlier, the car swap meet at the Coliseum is not junk, it's inexpensive auto memorabilia.

In that, the thing also, we're working with a few farmers in the western edge of District 4 and over in Commissioner Winters' district also. Have got some flooding issues and we will be meeting with some of those farmers next week and some of the people that were affected by the flooding in those areas. Just wanted to tell them that, stand fast and we'll get there just as soon as we can. Thank you."

**Chairman Unruh** said, "All right, thank you. Well, I would just mention the fact that this Thursday evening, County Commissioners are hosting a dinner for the Mayors of all of the communities, municipalities and Sedgwick County, looking forward to that and continuing our dialogue and strengthening relationships with the Mayors in Sedgwick County. So we are looking forward to that event.

But that's all that I have to report on and Commissioners, I don't see anyone else asking to speak, so we are adjourned.

### **L. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:21 a.m.

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**BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

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**DAVID M. UNRUH**, Chairman  
First District

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**TIM R. NORTON**, Commissioner  
Second District

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**THOMAS G. WINTERS**, Commissioner  
Third District

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2007