

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

### **REGULAR MEETING**

**February 13, 2008**

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, February 13, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Deputy County Counselor; Mr. Joe Norton, Bond Counsel, Gilmore and Bell, P.C; Mr. Dale Miller, Current Plans Manager, Metropolitan Area Planning Department; Sergeant Brenda Dietzman, Sheriff's Department; Mr. Bob Parnacott, Assistant County Counselor; Ms. Irene Hart, Director, Community Development; Ms. Annette Graham, Director, Department on Aging; Ms. Claudia Blackburn, Director, Health Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Greg Sevier, Chairman, Arena Sales Tax Oversight Committee.  
Ms. Nadine Stannard, P.O. Box 4476, Wichita, Ks.  
Mr. Alvin Neville, 14601 W. 77<sup>th</sup> St. N., Colwich, Ks.  
Mr. Richard Gronniger, 8733 W. 73<sup>rd</sup> St. N., Valley Center, Ks.  
Mr. Carl E Younts Jr., 6131 N. Hoover Rd., Wichita, Ks.  
Mr. Charlie Peaster, 9453 N. 135<sup>th</sup> St. W., Wichita, Ks.  
Mr. Calvin E. Kissick, 2541 Lake Ridge Cr., Wichita, Ks.  
Mr. Tom Kneil, 6110 Edinburg, Bel Aire, Kansas.  
Mr. Kendall Nicholson, 6410 N. Ridge Rd., Maize, Ks.  
Mr. Greg Ferris, 144 S. Bay Country, Wichita, Ks.

### **INVOCATION**

The Invocation was led by Reverend Cathy Northrup of First Presbyterian Church, Wichita.

### **FLAG SALUTE**

**Chairman Winters** said, "Reverend Northrup, thank you very much for being with us this morning. My wife Gerry and I have the pleasure of attending First Presbyterian Church and see Reverend Northrup on a regular basis, so thank you very much. Madam Clerk, call the next item."

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**ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, January 30, 2008

The Clerk reported that all Commissioners were present at the Regular Meeting of January 30<sup>th</sup>, 2008.

**Chairman Winters** said, “Commissioners, you’ve had an opportunity to review those minutes. What’s the will of the board?”

**MOTION**

Commissioner Welshimer moved to approve the Minutes of the Regular Meeting of January 30<sup>th</sup>, 2008.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Next item.”

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### PRESENTATION

#### A. FIFTH REPORT OF THE ARENA SALES TAX OVERSIGHT COMMITTEE.

**Mr. Greg Sevier**, Chairman, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "Here to present our report dated January 29<sup>th</sup>, 2008 which you have a copy of. Excited to be here to tell you that considering the concerns of many taxpayers, the tax was cut off on December 31<sup>st</sup> and we're going to collect enough money to do the pavilion renovations out at the Coliseum and do the arena project. So through December 31<sup>st</sup> revenue collections were approximately \$191,000,000. That includes revenue collections through November of '07. In January of '08 census report the county has collected another 7.3 million dollars and we've got one more month to go for December collections which will be received here in the next few weeks, so our next report will be the last report on revenues and from here on our primary focus is going to be on expenditures.

Page two of the report shows the revised estimates as of October 2007 that shows revenues that will be collected of approximately 205.5 million dollars and expenditures of a like amount. The arena expenditures are summarized on the bottom of page two of the report. Arena expenditures are \$35,000,000. Our last report, six months ago, they had been \$23,000,000 so the last six months there's been about \$12,000,000 worth of expenditures on the arena project. The majority of those expenses are in the category of arena construction.

Here to report as the chairperson that the revenues have been appropriately posted to accounts in the county for the arena project. Our committee has reviewed expenditure reports, has had access to all the documentation supporting those expenditures. We review a number of those expenditures in our meetings. County staff has been very open, very easy to get along with, provided us with everything that we need to complete our responsibilities and, to date, everything has gone smoothly and everything is documented. Everything is in good shape. Be glad to answer any questions that any of the commissioners have of our committee."

**Chairman Winters** said, "All right, thank you very much Greg. Commissioners, does anyone have a question about this report from the Arena Oversight Committee. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you Mr. Chairman. Greg, then by your estimation and the estimation of the committee, what we received through October plus November and December, we will hit the last revised estimate that the committee made."

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**Mr. Sevier** said, "Correct, because we're currently at 198,000,000 including the January receipt of just a couple of weeks ago, so there's only one payment left and it's been projected to be \$7,000,000 and no reason to think that we're not going to hit that target to get to the 205."

**Commissioner Unruh** said, "Okay, thank you. I would want to say that we once again, we want to express our appreciation to you and to the committee for helping be an extra set of eyes looking at this process and acting in some way as perhaps the conscience, the public conscience of this process, so we appreciate your work."

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

**Chairman Winters** said, "Thank you commissioner. Commissioner Parks."

**Commissioner Parks** said, "On page 11 of our worksheet, Greg, there's Kansas Coliseum work. That is of course the pavilions work that was 9.1 million. It ends up, the October estimate of . . . October of 2007 being a little over \$6,000,000. This has nothing to do with your committee, or your committee didn't have anything to do with that revision. Is that correct?"

**Mr. Sevier** said, "That's correct."

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

**Chairman Winters** said, "Anything else, Mr. Parks?"

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

**Chairman Winters** said, "All right, thank you very much. Commissioners, are there other questions or comments? Greg, I would just share the comments of Commissioner Unruh and thank you and the committee for the work that you're doing and again it's just good to have another set of professional eyes watching this process and we appreciate you and your committee work very much. Commissioner Welshimer has a question."

**Commissioner Welshimer** said, "Well I just want to clarify again for the public, sometimes there's confusion between the pavilions and the Britt Brown Arena, which we refer to both as the Coliseum, but that there are no funds from this account going to the Britt Brown Arena."

**Chairman Winters** said, "That is correct."

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

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**Chairman Winters** said, “Any other questions or comments?”

**MOTION**

Commissioner Unruh moved to receive and file.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	No
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Next item.”

**PUBLIC HEARING**

**B. PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE OF NOT TO EXCEED \$300,000,000 AGGREGATE PRINCIPAL AMOUNT OF SINGLE FAMILY MORTGAGE REVENUE BONDS IN ONE OR MORE SERIES OF SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS.**

**Ms. Irene Hart**, Director, Community Development, greeted the Commissioners and said, “I am not Brad Snapp. Brad is in Topeka this morning testifying before a senate committee about this very program, so he asked me to fill in for him. I’m assisted today by Chuck Bouilly from George K. Baum.

Today you have a public hearing to issue not to exceed \$300,000,000 in single-family mortgage revenue bonds. I’ll tell you a little bit about the program so that you can appropriately receive any public comment.

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The public notice was published on January the 18<sup>th</sup> as required by law. The official title of the program is the Kansas Local Government Statewide Housing Program. The bonds are co-issued by Sedgwick and Shawnee Counties. They provide for 30-year fixed rate mortgages of all kinds, FHA, VA, conventional. The program is available in 104 counties. There are 51 participating lenders from 195 branch locations statewide. In 2007 there were 3,120 first-time homebuyers living in 67 counties who took advantage of the program. They used almost \$281,000,000 of the bond issue last year. The average home loan is \$88,000.

Now even though Sedgwick and Shawnee County are co-issuers of this program, the taxpayers of Sedgwick and Shawnee Counties are not liable for any issues, they don't backstop these bonds at all. We've operated for over 20 years and we're the only issuers right now in the State of Kansas. So I'd recommend you open the public hearing and see if there's any comments. What the public hearing does is kind of set the stage for the . . . gives the blanket authorization for \$300,000,000 in bond issues and then we come back to you on a regular basis to issue tranches or chunks of money. But this establishes the \$300,000,000 authorization."

**Chairman Winters** said, "All right, thank you. At this time then I will open the official public hearing on our item B on today's agenda regarding this single-family mortgage revenue bonds. Is there anyone here in the audience who is here to speak to the commission on Item B? Anyone here to speak on Item B? Seeing no one, we will close the public hearing. Irene."

**Ms. Hart** said, "Thank you. If we could move on to the next item."

**Chairman Winters** said, "Do we need to take action on this one, or no action here?"

**Ms. Hart** said, "Receive and file comments."

**Chairman Winters** said, "Okay, is there a motion to receive and file this Item B?"

### **MOTION**

Commissioner Welshimer moved to receive and file these comments.

Commissioner Unruh seconded the motion.

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

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**VOTE**

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

**Chairman Winters** said, "Call the next item please."

**NEW BUSINESS**

- C. RESOLUTION AUTHORIZING AND PROVIDING FOR THE ESTABLISHMENT AND SUPPLEMENTING OF A QUALIFIED MORTGAGE CREDIT CERTIFICATE PROGRAM; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ELECTION NOT TO ISSUE \$5,000,000 OF QUALIFIED MORTGAGE BONDS, A NOTICE OF MORTGAGE CREDIT CERTIFICATE PROGRAM, MORTGAGE CREDIT CERTIFICATE MANUAL, COOPERATION AGREEMENTS AND OTHER DOCUMENTS RELATED THERETO AND IN CONNECTION THEREWITH; APPROVING THE FORM OF SAID MORTGAGE CREDIT CERTIFICATES; AND AUTHORIZING THE OFFICERS, EMPLOYEES, AND REPRESENTATIVES OF SEDGWICK COUNTY, KANSAS, TO DO AND PERFORM ALL THINGS NECESSARY, APPROPRIATE AND INCIDENTAL THERETO UNDER THE AUTHORITY OF THE K.S.A. 19-101 ET SEQ.**

**Ms. Hart** said, "What she said. This is the resolution that actually authorizes the establishment of the program. You had the public hearing in the last item. This one is the resolution that establishes the program. Joe Norton from Gilmore and Bell as county bond counsel has arrived and if you have any technical questions about the bond program, he certainly can answer those. I would recommend that you adopt the resolution and authorize the Chairman to sign."

**Chairman Winters** said, "All right. I would just like to ask Joe to come to the podium please. Joe, you have reviewed this document and all of the associated resolutions and everything appears to be properly done and in order?"

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**Mr. Joe Norton**, Bond Counsel, Gilmore and Bell, P.C., greeted the Commissioners and said, “That is correct, Mr. Chairman. One thing of clarification, this item is for the MCC, or Mortgage Credit Certificate program. Some individual homeowners, depending on their financial circumstances, may be better said to have the credit certificate as opposed to a mortgage loan. This reserves up to \$5,000,000 of the \$300,000,000 in the hearing for those particular first-time homebuyers in the MCC program. The next item talks about the bonds, which is Item D.”

**Chairman Winters** said, “So Item D then, the next item on our agenda is going to talk about the bonds themselves?”

**Mr. Norton** said, “That’s correct.”

**Chairman Winters** said, “And again, this whole program is in conjunction with our partnership with Shawnee County in doing a statewide first homeowners’ opportunity for a better loan rate on first-time homebuyers.”

**Mr. Norton** said, “That is correct.”

**Chairman Winters** said, “All right, thank you. Commissioner Unruh, did you have a question?”

**Commissioner Unruh** said, “I did but I no longer have that question.”

**Chairman Winters** said, “All right. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well just to clear things up, we have a lot of worries about mortgage loans today and just to verify, these are all fixed, this will be fixed loans at a competitive interest rate, a little bit easier for buyers to acquire these loans and buy a home.”

**Ms. Hart** said, “First I need to apologize. The comments that I made were for the next agenda item. That’s what happens when someone else fills in and doesn’t quite study up as much as they should.”

**Chairman Winters** said, “Well let’s just ask Joe if he would comment. And Joe, could you just give us a bit of a history about any problems or any associated events with this program and how long we’ve been doing it.”

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**Mr. Norton** said, “This program has worked very well, starting back in the 1980s and going through to the current time. As Irene indicated, there was about \$280,000,000 worth of first-time homebuyer loans last year. There’s still a little bit of that kind of trickling through on \$300,000,000 authorization. These are fixed rate obligations. They are to first-time homebuyers only, except for certain targeted areas where other non- first time homebuyers can do that. They are made through lending institutions. There is a compliance process, you have a compliance agencies that reviews all of these loans for compliance with the federal law and your guidelines and so to my knowledge, I mean there may have been some that aren’t paid, but this is not the situation you read about in the papers in Stockton and Detroit and so forth.”

**Chairman Winters** said, “And these are really . . . this is really a program that allows those lenders to participate, as well as the first-time homebuyers. I mean, if this wasn’t made available, lenders would not be able to participate.”

**Mr. Norton** said, “That is correct. You have an origination servicing agreement with a variety of lenders throughout the state and a first-time homebuyer who wants to get a loan, they go to that particular lender who has the guidelines that the program has established and they make the loans pursuant to those guidelines.”

**Chairman Winters** said, “And so it’s their money, I mean it’s the lender’s money.”

**Mr. Norton** said, “Initially, then they sell those loans to the program, they get reimbursed in monies, they can make another loan. That’s correct.”

**Chairman Winters** said, “All right, thank you. Commissioners, are there other questions? If not, what’s the will of the board on Item C?”

### **MOTION**

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Parks seconded the motion.

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

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**VOTE**

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

**Chairman Winters** said, "Next item."

- D. RESOLUTION AUTHORIZING AND PROVIDING FOR THE ESTABLISHMENT OF A LOCAL RESIDENTIAL HOUSING FINANCE PLAN; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 AGGREGATE PRINCIPAL AMOUNT OF SINGLE FAMILY MORTGAGE REVENUE BONDS (MORTGAGE BACKED SECURITIES PROGRAM), 2008 SERIES A, OF SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS, TO BE ISSUED IN NOT TO EXCEED TWELVE SERIES; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, ORIGATION AND SERVICING AGREEMENT, COMPLIANCE AGREEMENT AND OTHER DOCUMENTS RELATED THERETO AND IN CONNECTION THEREWITH; APPROVING THE FORM AND AUTHORIZING THE EXECUTION, DELIVERY AND SALE OF SAID BONDS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND REPRESENTATIVES OF SEDGWICK COUNTY, KANSAS, TO DO AND PERFORM ALL THINGS NECESSARY, APPROPRIATE AND INCIDENTAL THERETO UNDER AUTHORITY OF THE ACT.**

**Ms. Hart** said, "In summary, there are two programs under the single-family bond program. One are mortgage credit certificates and the other are the more traditional first-time homebuyer program. So today we are asking your approval of both of those, as described above."

**Chairman Winters** said, "All right, thank you. And Mr. Norton, I would just ask you again on this item you've reviewed all of the attached resolutions and the form and everything is done properly and in order?"

**Mr. Norton** said, "That is correct."

**Chairman Winters** said, "All right, thank you very much."

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**MOTION**

Commissioner Parks moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you. Next item."

**E. ADOPTION OF ARKANSAS RIVER CORRIDOR ACCESS PLAN.**

**Ms. Hart** said, "And this one is my item, I'm not filling in on this one. Some background on the Arkansas River Corridor Access Plan, a fellow by the name of Ken McCloskey at Kansas Wildlife and Parks who is a fish biologist had a belief that the Arkansas River was an underutilized asset for Kansans and set about figuring out how to make the river more accessible for recreational use. He met with stakeholder groups and local governments and engaged people along a 100-mile stretch of the Arkansas River, from Nickerson in North Reno County to Oxford, Kansas. He formed a coalition, obtained funding so that a study could be done of the river and potential access points. He convinced the City of Wichita to serve as lead agency and convince eight other units of government, including Sedgwick County, to participate in the study. A steering committee was formed, an RFP was written, consultants selected and after public meetings, technical meetings and extensive field work, a plan was completed last December.

Before I begin presentation of the plan itself, I'd like to establish a common understanding of the Arkansas River's unique status in south central Kansas and I'd ask Bob Parnacott, Assistant County Counselor, for his comments."

**Mr. Bob Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "I won't go into too much of the history, but essentially water law stretches back to our common law heritage from England and has been adapted in this country regarding navigable waterways, to place the title

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to the riverbed, the stream and up to the ordinary high-water mark of the banks in the sovereign. Before statehood, that would have been the federal government. Upon statehood, the title to the riverbed up to the high-water mark on the banks passed to the state. The Arkansas River is one of three rivers that we note have been bound by law to be navigable in Kansas, so that places the ownership of the river, again up to the high-water mark in the state. So that is the ownership issue.

Now we can talk about other issues. The access, the public has a right to use the river then, but they have to use public access points. They aren't entitled to cross private land to get to the river."

**Chairman Winters** said, "All right, Bob, is there any question then, as we think about navigable rivers, whether that navigation and whether that ability has anything to do with the particular location, let's say Sedgwick County or even Kansas, if a river is declared that, does it make any difference whether it's really an ability to have what we would traditionally think of as being navigable."

**Mr. Parnacott** said, "No. I mean, once it's been determined by law, and like I say, a portion of the Arkansas River that we're talking about is found to have been navigable in Kansas."

**Chairman Winters** said, "So wherever that river begins in western Kansas, Garden City or that area, as it flows through Kansas and Oklahoma, Arkansas, into the Mississippi, it's consider a navigable river."

**Mr. Parnacott** said, "That's my understanding."

**Chairman Winters** said, "And if it's a navigable river, then it's owned by the State of Kansas."

**Mr. Parnacott** said, "That's correct."

**Chairman Winters** said, "Commissioners, are there any questions of Bob? All right, thank you. Irene, did you have more then? Okay."

## **POWERPOINT PRESENTATION**

**Ms. Hart** said, "So essentially, the Arkansas River is a thoroughfare, it's a state owned thoroughfare kind of like a road. And what this plan does is describe the best places to put the driveways that would provide public access to that road."

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I think the purpose of this plan is best put by someone in one of the public meetings where they said this is a vision plan to guide placing future access points in the right location, providing the right type of access amenities and insuring the appropriate maintenance and enforcement are in place when the access point opens to the public. So that's the purpose and what I'll do is present the plan to you itself. Now these slides are provided by Larry Hoetmer from City of Wichita Wildlife and Parks, by the consultants to the plan and by our GIS department, so they're not mine.

The project partners included the Arkansas River Coalition, which is a volunteer advocacy group, the cities of Derby, Hutchinson, Oxford, South Hutchinson and Wichita, the counties of Reno, Sedgwick and Sumner and the Kansas Department of Wildlife and Parks. All these partners committed cash or in-kind services and served on the steering committee.

From a community development perspective, which is my perspective, the purpose of this plan is to utilize all our assets to make Sedgwick County a location of choice for both current residents and potential residents. The project vision as established in the plan is to establish the Arkansas River as a premium recreational amenity for the state and the region.

Now this is the only slide that was provided that shows the actual project area and I will use a pointer here. It goes from Nickerson in northern Reno County, along a 100-mile stretch, to Oxford which is on the borders of Sumner and Cowley County. It flows through the cities of South Hutchinson close to Mount Hope, through the city of Wichita, Derby, Mulvane and on in through Sumner County.

Later on, the data that I'm going to provide you will focus on the . . . where's my arrow, focus on the northwest part of Sedgwick County and the river as it flows north into the city of Wichita. There are two different . . . it's practically two different kinds of rivers. The characteristics north are much different than the characteristic as it leaves the city of Wichita.

It's difficult to see on this map, but the stretch between Hutchinson and Wichita has no rivers feeding into it, so it is really one of the drier parts of the river. South, through Wichita and south to Oxford there are a number of feeding streams that increase the water flow. The data that I'm going to show you will take place . . . has been obtained from an U.S. Geological Survey Flow Gauging Station. There are three on the river, one at Hutchinson, one at 53<sup>rd</sup> Street and one down near Derby. The data that I'll give you later on is from the Hutchinson Gauging Station, and the consultant believes it accurately reflects the conditions of the river south of there, 253<sup>rd</sup> Street.

Now as Mr. Parnacott said, the Arkansas River has been declared a navigable river. The ownership

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is vested in the state and that ownership extends to the ordinary high-water mark on either bank. It's not the flood level but there's a technical definition of that boundary line. They say a practical way to define that is to where the debris is located, not in high water, but in times of . . . not during times of flood, but during normal flow.

The objectives of the plan, the objectives were to locate approximately 20 river access points. That would make them approximately five miles apart, which is a fairly standard length, I understand of canoeing or a float trip. I am not a canoe-er or a kayaker, I am not a river user so I'm sure there are people here in the audience that have more expertise in that area than do I. A second objective was to create a functional recreational corridor. That's considering safety and maintenance issues. The third one was to identify access points that would remain stable over time. One of the reasons we selected the consultant that we did is because he was a hydrological engineer and could look at how the river moves and how you would design and build access points that wouldn't wash out during times of high water. They wanted to plan so that wildlife and other natural habitats would be protected. And that they say 'minimize problems for the landowners'. That would mean that appropriate access points would be from publicly owned land that were suitable for that purpose.

So in looking at those sites, evaluating different sites, they used several methods and took several factors into consideration. There were six public meetings at three different . . . well a total of six meetings at three locations along the river. They analyzed maps. They did actual field work and some of the pictures you'll see later on show that they did do field work in the depths of January last year, which was a very cold time. They took into consideration the hydrology, the ecology, how accessible the spot might be, the stream stability. They took into account public input and then came up with these optimum access points.

Now one question anyone might have, is there enough water flow for canoeing or kayaking and the answer is sometimes, it depends. And as I said, the river north is a whole lot different than the river south. This is difficult to see but it's a representative of several of the charts that are included in the plan. This particular chart is from that USGS, U.S. Geological Survey Gauging Station in South Hutch and it measures the mean water flow over a ten-year period of time and those were wet seasons, dry seasons, but it talks about cubic foot per second water moving, so that's the unit of measure that they use.

There are other charts from the other gauging stations are included in the plan, but this is an indicator of some of the data that will be there, the technical data. Another indicator, it talks about representative daily river flows and it gets pretty technical. Let me go on to the next one.

The third one is the USGS does a cross-section of the river, has plots which they measure the depth of the water and they can do cross-section at various levels of water flow. If it's a dry flow they can

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tell where the water channel would be. If it's a higher flow, they have more information. All that technical information, to summarize for my purposes, summarizes to me that the north section between Hutchinson and 53<sup>rd</sup> Street through March . . . from March to June, there's usually enough water in there to make it floatable for people of all skill levels, so March to June it's pretty easy and it's a good time to float. July to August it's easily floatable half the time and September to February they say it would likely not be an enjoyable trip, lots of dragging boats, the water flow is such that it would be difficult to float during that time.

The USGS stations have real-time water flow data that is available by the Internet and the consultant recommends that if there's a website established about canoeing or recreational activities on the river, that there be a site . . . that there be a link to that information. That way, before you go out and go canoeing, you'd find out if there's enough water or if the water is high during the flood season, it would provide a warning so that you would not be on the river during a dangerous time.

In selecting the access points, again they looked at how suitable, how easy it was to access the river from that publicly owned piece ground, stream stability, hydrology and the ecological sensitivity.

And the result is this chart that you can't see very well, but let me at least describe what they're talking about. This very fine print information, the left hand column . . . and of course in the plan it's a full page and its elaborated on, but at least let me show you the types of information that's there. In the left hand column is a number and they call that a river mileage and my understanding is they start counting miles from the Mississippi River. So if you're talking about an access point, it has a number on it, just like a highway marker would have a mileage marker. The second would be the name of the location. This column here would have the name of the access point location. The third one, where it says status, gives a . . . indicates whether it's an existing location or it's a potential location. The fourth one talks about the level of service and the type of access point and I'll get into that a little more in just a minute. The next one would be a priority, is this one that we really want to have or 'it's a good point, but it's too close to another one' or it's kind of a low priority. Then the last column, the landowner is identified and they're usually City of Wichita, State of Kansas or the particular county, City of Derby has some sites, City of Mulvane, Sumner County, Reno County, etcetera.

The consultant identified and designed several different levels of access points. A primary site, and I will walk you through that, the access would be here at the dock. There would be a boat ramp, there would be parking for boat trailers and cars, there would be restroom facilities, signs,

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information, lighting, water and electricity, trash receptacles and perhaps camping. That would be a primary or the big site. I believe there's one similar to this at 71<sup>st</sup> Street South currently on the river right now.

A secondary site would not be as fully developed. If your road comes along here, there would maybe be an access road with pull-through parking for vehicles and trailers. There would be restroom facilities and some signs and perhaps a concrete walkway down to the river.

The primitive site would essentially be . . . here would be a road that might be a pull-off that could hold up to maybe five cars and just a path down to the river where people would carry their boats and enter there.

Again, now this is another chart from the plan. It is a little easier to read, but it identifies the distance between these sites, the average 4.8 miles between the sites, two are longer stretches. One is from Yoder Road to Bentley Road, which is about a 24-mile stretch and the other long one is between Mulvane and Oxford, which I believe is about a 16-mile stretch. They say there's lack of appropriate land and . . . but it would be desirable by people of high technical ability to have such a long trip, but the one in Sedgwick County they're not recommending an access point between Yoder Road and Bentley Road and I'll go into that a little bit more here.

Our GIS Department put together a map for me that . . . and what we'll do is talk about the two sites that are identified in Sedgwick County's jurisdiction. Along this lower left hand corner of the map is K-96, here's the Bentley Road going north, and site number 782 is the old Bentley well fields. It's owned by the City of Wichita and it does have riverfront property. Site number 780 is a Sedgwick County site that is where a road dead ends to the river. The 782 is a high priority site, 780 is a low priority site."

**Chairman Winters** said, "Irene, can you hold it on that slide for a second? I'd like to ask a couple of questions here. I'm afraid you've got a lot more slides and we couldn't find this one when we came back. On that site number 782, that's really a pretty unique intersection there at K-96 and 151<sup>st</sup> Street or Bentley Road. The Wichita/ Sedgwick County Floodway has activity going on just immediately north of K-96. Are you telling me that by this map, the site that they're considering now is . . . it looks to me like at least a quarter of a mile or more north of K-96?"

**Ms. Hart** said, "Yes sir."

**Chairman Winters** said, "Because there is . . . 77<sup>th</sup> Street is right there, comes in, it's the east/ west road and as you exit off of K-96 to the north, you can make like a U turn right there and head east on 77<sup>th</sup> and there is water right there to the north of that that's part of the flood control way. That's not the access point that's being considered?"

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**Ms. Hart** said, “No sir. The one that the consultant is recommending is the city owned property north of there.”

**Chairman Winters** said, “All right, thank you.”

**Ms. Hart** said, “These are consultant recommendations, based on what it looks like on the ground. Now logistically, it may not be a good location, or there may be other locations that’s better.”

**Chairman Winters** said, “All right, thank you.”

**Ms. Hart** said, “The other location recommended by the consultant is site 772, which here’s the river, here’s 53<sup>rd</sup> Street. The yellow that you see is City of Wichita and they’re recommending this site as a high priority site. Now one of the things they didn’t identify was the issues about the levies and very faintly you can see some levies protecting the surrounding land from the over-flooding of the Ark River. So this is mentioned in the plan, but I think there’s quite a lot more research that would need to be done about who actually owns the land that the levies are on. I don’t think it is as desirable a site as they have proposed, due to the existence of the levies there so we’d recommend further review before that site was ever considered.

Now the plan identifies 14 other potential sites that are publicly owned or owned by church camps or others. They said more research was needed before they’d ever include them in a plan. That these other sites were higher priority, but they do identify 14 additional locations.

The plan also goes into some depth about education, information, emergency resources and enforcement. And what I’d like to do is to focus on the last two, related to public safety. This slide does talk about some of the issues about emergency responses on the river, how you access people or transport people . . . or rescue people on the river. The knowledge and the information that the public safety folks would need to have in order to do their job. It also goes into law enforcement and the need for a clear set of rules and regulations. Again, the responses, how do you do law enforcement on the river, but they’re recognizing that that is a significant issue.

Sergeant Brenda Dietzman of the Sheriff’s Office has been involved in these issues, has formed a work group. I believe she’s here today, yes there she is. If you have questions regarding enforcement on the river or any of these publicly owned access point, Sergeant Dietzman can help answer . . . can answer those questions.

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Now the plan also provides recommendations regarding two obstacles located within the city of Wichita. I'm not going to spend much time of them, but I'll note that there's quite a lot of information in the plan supporting the recommendations. These recommendations are creative and they're really kind of exciting.

The first obstacle or barrier is the bridge . . . the 21<sup>st</sup> Street bridge cross. There's a I believe seven-foot drop and there's an obstruction there. If you were sailing along, you'd be in for a big surprise. The second one is the dam at Lincoln Street and I've edited some of these slides, so it may not flow too well, but yes, there's another picture with the . . . it's two drops underneath Lincoln. And this is an example of one of the recommendations that they have. It's a way to channel the water so that you could have, for example, a whitewater type activity or a more technical activity. Another one would be a slalom course and they feel that this could be accomplished by a change in design of the riverbed itself, with structures poured and an expensive solution.

They do provide examples of facilities on similar type rivers and they also provide an economic benefit analysis. They've taken other prairie type rivers where this has been done, interviewed the jurisdiction and tried to identify what the cost/ benefit, economic benefit might be to that community.

The plan goes on and talks about additional kinds of amenities that are needed either with or without that kind of an improvement. You'd need portage around these dams, a way to park, visitor and observation locations. There are safety issues on the river, notifying people of these upcoming obstructions and they've made recommendations on what all should be done. The plan also contains quite a lot of information from those other communities, who to contact, how many visitors they have, what the economic benefits they derive from it.

So again, the plan is a . . . it's a vision plan to guide the placing of future access points and make sure that they're in the right location. If funds are raised by advocates, as on the Kansas River, there's a group called Friends of the Caw who do the fundraising, who build the ramps and then turn the facilities over to the unit of local government who can maintain and provide enforcement to them. So if funds are raised by advocates or by property owners, which are generally the cities or

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the counties or the state, to build an access point, this plan identifies the appropriate sites, the types of amenities, maintenance, education and public safety issues needing to be addressed. Our recommendation is that you adopt the plan and allow us to post it on the Sedgwick County website and I'd be happy to answer any questions you might have."

**Chairman Winters** said, "All right, thank you Irene. Commissioners, it would be my intension that if commissioners have any questions of Irene now that we could do that now. I know that there are a number of folks here in the audience who would like to address the commission on this and I think I sent around a note a couple of days ago indicating that it would be my preference that we do allow people to make some comments here. But if you have questions of Irene, this would be a time to do that. Commissioner Parks."

**Commissioner Parks** said, "I do. One question of Irene and then maybe if I could go back to Bob Parnacott if you would allow me to do that."

**Chairman Winters** said, "Okay, that would be fine."

**Commissioner Parks** said, "Go back to the 53<sup>rd</sup> and . . . the 53<sup>rd</sup> and the river slide, if you could do that. I have a question about if . . . what KWAP said about that particular one. There we go, right there. Okay, now down in this area, I don't know if you can see where I'm pointing, down in this area right here, can you see this on the screen? Down in this area right in here, the KWAP a few years ago when the flood control wanted to go in there and take out a sandbar for better efficiency on flood control. They said there were some Leased Terns down in there, so they're all right with the canoes going by this area, even though there are these Leased Terns in that area?"

**Ms. Hart** said, "I would imagine they'd have some concerns about that. I think Leased Terns nest on the sand itself and I think it's been protected somewhat. I think it's at least fenced off now. I don't go down there so I'm not sure, but I understand that it's been fenced off or protected during the nesting season. Now I haven't heard that they have . . . the steering committee accepted the plan. I don't see an official acceptance by the Kansas Department of Wildlife and Parks or what they might do with this information."

**Commissioner Parks** said, "That's just a thought that I had from that. A Leased Tern is a bird that nests on the sandbars pretty exclusively and it's an endangered species. I don't know if I used the correct term there but it's . . . there's not a lot of them in the world."

The other questions I had would be of Bob Parnacott, if he wouldn't mind. Who declared the

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Arkansas River navigable?”

**Mr. Parnacott** said, “The Kansas Supreme Court.”

**Commissioner Parks** said, “The Kansas Supreme Court and there was some case law on that then, and what years were they . . .?”

**Mr. Parnacott** said, “I can go back to at least 1911 and find a reported case that the Kansas Supreme Court has said that the Arkansas is a navigable river.”

**Commissioner Parks** said, “So has there been any challenges to that since, being that there’s massive changes since 1911 in the Arkansas River?”

**Ms. Parnacott** said, “I don’t think there’s been any challenges. It has come up in other context and I have not heard of any case that has backed away from that finding.”

**Commissioner Parks** said, “Okay. That was the questions that I had. Thank you.”

**Chairman Winters** said, “All right, thank you. Irene, I’ve got a couple of questions. You know, one of the things I think in visiting with some of the landowners in the area, the project originally started as kayaking and canoeing and then there was some mention made in publications, maybe even . . . I don’t know if it was more than the newspaper, but then associated it with hunting and fishing and kind of other activities. Is it canoeing and kayaking, or are there a lot of other or some other outdoor activities involved and what’s the intension of the organizers with that?”

**Ms. Hart** said, “The plan only calls for floating, so canoeing, kayaking. It does not call for walking trails or hunting or any other more active kinds of activity. Now it is a public thoroughfare.”

**Chairman Winters** said, “Right, I understand that, but in that case then it could be assumed that there are no I guess . . . I want to say beach activities or activities on the banks of the river, such as hunting or other activities.”

**Ms. Hart** said, “I don’t have an answer for that.”

**Chairman Winters** said, “But there are no walking trails, to your knowledge.”

**Ms. Hart** said, “Not . . . and this plan does not contain any trails alongside the river or activities on the banks of the river.”

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**Chairman Winters** said, "All right. The other question is help me understand Sedgwick County's involvement from the sense of what this agenda item is today, which is to adopt the plan. I would assume that if we adopt the plan, the Arkansas River Corridor Coalition will move on. I would assume that if we don't adopt the plan, the Arkansas River Corridor Coalition will move along with their plan. Am I correct there or what is our decision point today?"

**Ms. Hart** said, "I believe you're correct. I bring it to you for your adoption because we contributed to the . . . we shared in the cost of developing the plan. And I don't want to spend the money and then not bring it to your attention or not have you have the opportunity to respond to it."

**Chairman Winters** said, "All right, and then my last question for right now I think is the only . . . I guess the major point that is a county access point is on the 119<sup>th</sup> Street access point, as this 53<sup>rd</sup> Street access point is part of the Valley Center Floodway and the access point at 151<sup>st</sup> Street is actually technically owned by the City of Wichita and they're part of the flood control way."

**Ms. Hart** said, "Yes sir."

**Chairman Winters** said, "So there's one point in Sedgwick County, so to speak. All right. David Spears, do you have a remark about this?"

**Mr. David C. Spears, P.E., Director, Public Works,** greeted the Commissioners and said, "Yes, sorry Mr. Chairman. This is the first time I've seen this and I thought that access point was on 119<sup>th</sup> and Irene said there's a dead end there. I don't know if you all remember, but in our CIP for 2012, we were going to put a bridge in there at the request of the fire department. That's the old Holtman Bridge and that's a \$6,000,000 project we've got going in there. That wouldn't any longer be a dead end. I don't know if that makes any difference as to where they would access. But we are planning on putting a bridge in there."

**Chairman Winters** said, "But we would still own right-of-way there, because there was a bridge previously at that location, so do you know if your intensions are to purchase more right-of-way for the construction of that new bridge?"

**Mr. Spears** said, "I don't know but usually we do usually purchase some more right-of-way, yes."

**Chairman Winters** said, "Okay."

**Ms. Hart** said, "That could be an opportunity, if the county wanted to get into the access point business, the consultant gave that a low priority because you'd have to carry your canoe 500 feet across the sand to reach the water channel."

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**Chairman Winters** said, “All right. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you Mr. Chairman. Irene, early in the slide presentation you had a slide that had sub-topic there of liability. Could you either tell me what that said or show me again about who has . . .?”

**Ms. Hart** said, “It says an owner of land who directly or indirectly permits any person to use such property for recreation does not thereby assume responsibility for or incur liability caused by an act or omission of such persons. That’s not my slide and I’m sure Mr. Parnacott can explain that in English.”

**Commissioner Unruh** said, “Well, I guess I can read those words, but it says landowners do not pick up liability for any activity of users along these waters. Is that right?”

**Ms. Hart** said, “That’s correct and I believe it also talks about they’re not liable if it gets off the state property and onto their own property. If they fall into a sinkhole or something, it’s not the responsibility of the adjacent landowner.”

**Commissioner Unruh** said, “So a user breaks the rules and exceeds the boundary of the river, goes out on their ground and gets hurt, that’s not the land . . . okay. And liability then, for incidents on the river, is . . . it goes on a case by case basis then I assume, whose responsibility it is.”

**Mr. Parnacott** said, “Any liability issues associated with that would be just like any liability for public owned property, we’d have the Kansas Tort Claims Act which has a fairly broad exception for open recreational areas, so the chance of any real liability if an accident would occur would be pretty limited. There would have to be some sort of willful or wanton negligence on the part of the state or on the part of the governmental entities that’s involved to be held liable.”

**Commissioner Unruh** said, “All right, thank you. The access is presently available. I mean, citizens can go out and get on the river and float their boat and paddle their canoe now. It’s just that this is going to make it more updated and more convenient and promote use of the river. Is that . . .?”

**Ms. Hart** said, “It would promote the safe access points to use the points that were designed to be used for that, concentrate activity around those locations, which should aid law enforcement, maintenance, keep the litter picked up, not erode the banks of the river.”

**Commissioner Unruh** said, “And governance of this, who actually has authority for establishing

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the access points? I mean, ultimately that's up to whatever entity owns that access point, the real estate there."

**Ms. Hart** said, "Yes sir."

**Commissioner Unruh** said, "Okay. And this is not intended for use for power boats or is that a nonsense question? I mean, the river won't handle power boats in those places, will it?"

**Ms. Hart** said, "Well like I said I'm not a river person but my guess is that north of the city it probably would not be an enjoyable experience. South of the city of Wichita the water is deeper, it runs faster, there may be more opportunity for that kind of recreation."

**Commissioner Unruh** said, "Okay. Well the promotion of the river use and all of that, to me that implies not only just floating but I mean, are we talking people stop on a sandbar and have a picnic?"

**Ms. Hart** said, "They do that now."

**Commissioner Unruh** said, "Okay, so that's not . . . all right, that's the answer I'm looking for. They do that now. All right. Okay, well I think for now that's all the questions I have Mr. Chair."

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

**Commissioner Parks** said, "Kind of along these same questions, while Irene is here, if they stop their canoe and they have their game or whatever they brought with them to do their roughing it type of thing and they build a fire on that, that is not allowed down in there? Or have you . . . that has been one of the concerns that one of my constituents has called about. They're afraid that the canoe-ers will stop and build a fire adjacent to their property, which is some pretty tall grassland and native grass and they're concerned about the fire danger there."

**Ms. Hart** said, "I think it's always an issue of concern. That's one of the reasons the public safety workgroup has formed to try to figure out how to enforce it, what the education is, what kind of rules should be in place. It may be just unofficial rules on a sign at the access point, but at least some policies and some good stewardship."

**Commissioner Parks** said, "But those rules aren't in place at this time."

**Ms. Hart** said, "I don't know sir. I don't know what the rules are of river use."

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**Commissioner Parks** said, "I think it would be appropriate if I could ask the sergeant from the Sheriff's Department a question also."

**Chairman Winters** said, "Certainly, yes."

**Commissioner Parks** said, "Thank you for working on this, Brenda. I know that this is a touchy subject with being in the area of the Big Ditch myself and a lot of . . . whether it's shooting or setting fires or motorcycles or whatever is up and down the flood control there, is the road . . . are the road deputies, is road control prepared to get out and walk some of these areas that are like a half mile away from the river in spots to answer fight calls, fire calls, confrontational things with either landowners or other emergency type routine calls?"

**Sergeant Brenda Dietzman**, Sheriff's Department, greeted the Commissioners and said, "Absolutely. I mean, any time that we get a project like this, what we do is we take a look at it, we study it, we try to work with the organizers, landowners, people that are going to be using it and try to come up with the safest way on how to do things. I can tell you personally, in 18 years I've walked several miles of railroad tracks and rivers and things like that so, yeah, you give us good boots to do that."

**Commissioner Parks** said, "Okay. Now the safety committee has not formulated these rules yet, or have they?"

**Sergeant Dietzman** said, "No we really haven't and what we've done, and I can go over this briefly what we did, we met about . . . I would say about four or five months ago and what we did is we sat down, it was representatives from the Wildlife and Parks, EMS, fire, both city and county fire and what we did is we came up with some suggestions and before we had the meeting we actually did some research on some other similar projects in other communities to find out what their rules were, to find out what kind of information they had and different things like that. So some of the things that we came up with during that meeting is that we suggested to Wildlife and Parks when this starts to become developed and we have more people using it, we actually put like something akin to mileposts up along the river, so when somebody was floating down the river and they broke a leg or whatever, they could actually call in and say 'we're at river milepost 14' or whatever.

And we actually came up with a suggestion that the different mileposts in the different counties would be different colors so it would kind of help jog their memory a little bit better. We also talked about access points and how fire would get in to assist someone that was injured or that was having a medical emergency. We also talked about how sometimes people don't . . . you know,

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they may not know exactly where they're at. We actually have a system now with cell phone triangulation and using the cell towers and we can pretty much narrow down pretty close to where someone's at, so if they don't know exactly where they're at, our dispatchers would work on that and give us a pretty good location.

Wildlife and Parks also has an airboat right now that is currently out in western Kansas. And we're talking about bringing that into Sedgwick County and I think at this point the plan, and this isn't finalized or anything and obviously this is up to Wildlife and Parks, but it would be stationed at Cheney and it would be a little closer and that would be usable, even in the drier parts. If you have a little bit of water, we could use it. So one of the nice things that the fire department has talked about is that if we actually have built access points, they would actually be able to get into the river easier now because we have had in the past emergencies on the river, either medical . . . well the ones that I know about have been medical reasons, either accidents or like chest pains or something like that, so we talked about that.

We also, obviously one of the things and Irene touched on this, is the brochure and the website and make sure the safety information is up there and you know, suggesting different things that people take along with them. Obviously, a cell phone is extremely important, GPS would be even better for us and just to be prepared for the elements and what they might encounter out there."

**Commissioner Parks** said, "Thank you Brenda. That's all I have, Mr. Chair."

**Chairman Winters** said, "All right, thank you very much. I believe at this point we are going to take some comments. Could I just have everyone in the room stand who is in the room today and kind of let's say semi-opposition to this. Would all of those who are opposed please stand. All right, thank you. If you would go ahead and be seated. You know, I'm a bit conflicted with this. A big part of this is in my district, so what I'd like to do is since this is not an official public hearing, we're going to just limit comments to three minutes, unless we get into something. We've taken note of who all is here, how many are here in opposition. If all of you feel like you need to speak, we'll certainly hear all of that, but if you think there are three or four of you that can speak and kind of represent the others, then that would work also.

But help me, as I try to decide what I think about this project. Just try to help me to think about this river is owned by the State of Kansas and there's a lot of public access to the river now. I mean, there's points where people can get into the river at a public in a public way. So I'm just not sure how I balance this ownership of the State of Kansas and the public access. So if you have comments that are going to help me with that, I'd appreciate it. All right, who would like to begin

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and let's have a couple of speakers. Yes sir, come forward. Please give your name and address for the record and we're going to time you at three minutes."

**Mr. Carl Younts Jr.**, 6131 N. Hoover Rd., Wichita, Ks., greeted the Commissioners and said, "I'll try to make it three minutes or less. My name is Carl Younts. I live out at 61<sup>st</sup> and Hoover Road North. My land is kind of pie shaped, so the river wraps around my property. When I first moved out there, it was real peaceful and everything. And just to give you a little history and as time went on and housing started building out and more people started coming out and getting on the inside of the dike where they weren't supposed to be. I've had gates stolen. I had a fellow that . . . he did commerce fireworks, had a steel building out there and all locked up. They busted into it, took black powder, a bunch of different fireworks, about ten, twelve thousand dollars worth. Needless to say, I don't have him renting from me anymore.

But I've had a lot of trouble with ATV, four-wheel drives, they come up to the house wanting me to pull them out whenever they get out there. The water is about ankle deep most of the time out there behind my place and they try to go out across it and they get stuck. The county was supposedly rechanneling the river and hauling the sand out and they would park their equipment right out in front of the house. I'm a taxpayer. I own part of that equipment, so I'd keep an eye on it and a fellow tried to get me to pull him out of the river. He went out and stole the high loader from out in front of the house. I called in and he left it running. He got his four-wheel-drive out but he left it running out in the river and it was raining. I was a little worried about that.

Anyhow, we have Sheriff's patrol come out. I think the Sheriff's patrol right now is spread way too thin. And it's not their fault that they can't get out there. One time they were busy and we had an officer from Maize come over to help out. But the ATVs have even come in on the back and run across my front yard. We've had horses come across the front yard. So it's not just ATVs, four-wheel-drives, and horses too.

We had a public meeting at Linwood Park. Ms. Welshimer was there. And like you, they asked everybody against it to stand up and then all the canoe-ers and kayakers stand up. No canoe-ers or kayakers stood up. I don't think there's enough interest in this with the canoe-ers and kayakers just from the meetings I've seen. You saw it here. And I think that there's going to be a lot of money spent on this thing. I've worked as a camp host out at Cheney and I've seen what John Q. Public does. If you set up bathrooms, they're going to go in and tear them up. But the more access points

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you make, the more problems we're going to have.

They'll go in and turn the hot water on and leave it on and I heard them say a while ago that there would be camping. Not . . . they didn't specify where, but there would be camping at certain places."

**Chairman Winters** said, "Carl, that is three minutes. Do you have any final point you want to make?"

**Mr. Younts** said, "Well I just think that we shouldn't spend the money because we're not Colorado, Wyoming or anything like that. Thank you very much for letting me speak."

**Chairman Winters** said, "Thank you very much. Who else would like to speak and please come over this way and be ready to go if you would like to speak. Yes, come forward with your name and address please."

**Mr. Richard Gronniger**, 8733 W. 73<sup>rd</sup> St. N., Valley Center, Ks., greeted the commissioners and said, "My hats off to the Sheriff guys and police department and game wardens, but my main problem is poaching on the river and the Sheriff's Department, police department and game wardens, they really don't both know the laws on the river. Most of the people I deal with have guns and stuff like that and I just . . . you know, I just ain't got no use for poachers, people you know not having permission to enter the river. I have trespassing, I probably call in 30, 40 times a year on four-wheelers, poaching, dumping on my roads out in front. They probably know my name down there from me calling in, but anyway I appreciate you guys, but I'm against it 100%."

**Chairman Winters** said, "All right, thank you very much Richard. Next speaker please. Name and address for the record."

**Ms. Nadine Stannard**, P.O. Box 4476, Wichita, Ks., greeted the Commissioners and said, "I own property along the river at 53<sup>rd</sup> and the river, just north of that point where they're suggesting that there be an access. I also own land along the river, south of Mulvane. I am a sand and gravel producer and we have a mining project in both of those places and I'd like to call your attention to MSHA regulations of the industry. It is regulated and I can almost quote it verbatim that a mine notify MSHA, Mine Safety and Health Administration, within 15 minutes of a serious accident on

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mine property. Otherwise, the fines for not notifying them are horrendous. We must notify them within fifteen minutes if you know of an accident or should have known of an accident, of a serious accident.

Okay, what is a serious accident? What is should have known? Are we going to find ourselves having to put up surveillance equipment in order to monitor the river so that anyone . . . this includes trespassers, incidentally. If a trespasser should decide to come onto our property and get hurt, are we going to have to have surveillance equipment and 24-hour surveillance in order to monitor that kind of situation? To have access at 53<sup>rd</sup> Street would be too close, too easy for someone to get off of public property and onto private property almost unknowingly. How would they know? They have no concept of trespassing now, as evidenced by some of the Eagle reports that we've gotten, some of the Wichita Eagle. There is someone back here with one, I keep pointing back here, there is someone back here with an article from the Wichita Eagle where they have interviewed some canoe-ers who have gone along the river, gotten out of their boats, campfires, left their trash, would have spent the night if it hadn't been too cold.

These people obviously don't understand the concept of trespassing or they would never have told the reporter about it. To give added access to people so that they can intentionally or unintentionally get on private property is an unintended consequence that I don't think we want to pursue."

**Chairman Winters** said, "All right, thank you very much Nadine. That is three minutes and thank you for your comments. Next speaker please."

**Mr. Alvin Neville**, 14601 W. 77<sup>th</sup> St. N., Colwich, Ks., greeted the Commissioners and said, "Just real quick, you'd asked about the points with Sedgwick County. Was the one with Wichita Water Work, the dead end that they're talking about, is that the one they're talking about with the . . ."

**Chairman Winters** said, "No, the one I was referring to is 151<sup>st</sup> Street. The one on 119<sup>th</sup> Street would be a county property."

**Mr. Neville** said, "I was just thinking that there were two access points there off of 151<sup>st</sup> by the water works."

**Chairman Winters** said, "No, just one."

**Mr. Neville** said, "Okay. First of all, I guess you could have a lot of us leave the room if you started the canoeing at the dump and go south where there is more water. That would be pleasing to a lot of us. Just real quick, it would have been nice if all the property owners along the river would

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kind of been kept up to date instead of like last Monday all of the sudden we read about it in the paper and that.

Last year, we had a room full of landowners that all got together from points west, a lot of opposition through the ag committee, or the ag line. The hunting and fishing and all that is a real, major concern of ours. Once you open it up for the boats and that, there's duck hunters that have boats that float in shallow water that can come in. What's to stop them deer hunting and that through the winter? We had somebody coming in our drive, trying to go through our property this year wanting to put their boat in to go duck hunting. Well the river was froze, so that kind of eliminated that.

Whose going to patrol that through the wintertime with the hunting and that. You say it's not going to happen, but if it's open, they have a boat, they have access to the river. We have livestock that pasture along the river, everybody does to the west of us and that. The four-wheel situation in the summertime, they've got four-wheelers that have paddle tires, you know that can go through water and that. And just, real quick you know, whose going to really patrol the high-water line. You know, the way I picked it up today nobody really knows how that's defined and that. I'd just really like to see a lot of more work done on it or appoint other really starting east of us and going through downtown Wichita. You know, let them have their fun there.

We've just got a lot of concern about out in our area, our kids you know go on our property hunting and that and you know, right now I kind of know whose there and who isn't. If this is opened up, you know it's anybody's guess. The access point there at the bridge by the Wichita Waterworks is shut down right now. And just real quick, it was shut down years ago because of all the parties and that and there's people here that know more about that than I do, but there is no access point there. The gates are shut and that was the reason, is with all the problems. I appreciate your time."

**Chairman Winters** said, "All right, thank you. Is there anyone else who would like to speak? Yes, please come forward. Your name and address for the record please."

**Mr. Charlie Peaster**, 9453 N. 135<sup>th</sup> St. W., Wichita, Ks., greeted the Commissioners and said, "My property does not adjoin the river. Yesterday I attended a Groundwater Management Number 2 board and one of the things that the board is going to require the City of Wichita to do in regards to the recharging of the equus beds is to put floor meters, one at the Mt. Hope bridge, possibly one at the Bentley bridge and one at the Maize bridge, because their concern is was there enough water in the river to recharge the equus beds. Along with that, several of my neighbors who couldn't attend

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here today do have property on the river, along with Alvin and it appears to me this is a cart before the horse. You're fixing to adopt a plan that you don't know whether the Wildlife has approved this particular issue in regard to the wildlife along the river, which includes deer, geese, ducks, turkeys. All up there in my area, I've seen them all. And for you to approve this, in my opinion, before there's really been approval by all these other people and a plan on what's actually going to take place in regards to the use of the river and the emergencies that are going to occur on the river, is the cart before the horse. I appreciate your time. Thank you."

**Chairman Winters** said, "All right, thank you sir. Next speaker, please come forward."

**Mr. Calvin Kissick**, 2541 Lake Ridge Cr., Wichita, Ks., greeted the Commissioners and said, "I do own property along the river in Reno County and nearly bordering the river also at Sedgwick County. And my concern falls generally in the large sense that we're asking you and several entities in the state, as well as local cities to approve this plan. As it came out in the Wichita Eagle last week that they endorsed this and thought we ought to develop it.

At the same issue, buried in the back, is a report from the National Academy of Sciences saying that outdoor activities unfortunately are in a severe decline. Young folks are watching television and on the computer, so these activities while very active over the last 20 years, are in a decline unless people are using it.

Some of the . . . when we have a show of people that were interested, I can only recall two or three who were even kayaking. Someone reported that it's less than 200 people expected in the state of Kansas to actually do any canoeing and kayaking in the area and I'm concerned at the amount of money that I would have to pay as a taxpayer to support this kind of a plan.

Also in the cost that I don't think are being considered are some of the enforcement issues. I think the police and sheriffs and all the other agencies do need budgeting, additional manpower and the equipment to properly enforce the rules that would be in place on the river. One area not addressed at all I believe by the plan was cleanup for any pollution or any activities, picnics and so forth. I think that needs to be budgeted and added to the plan and also additional funding for safety issues. Someone gets hurt, how are we going to respond quickly to those type of things. I think that burden will fall on the local entities, the cities and the counties to have to take care of that either out of the

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existing resources which are already stretched, as we know.

The last area that I'm very concerned about as a landowner is the liability issue. I realize that the law would protect us if somebody trespasses or is injured on my property but the boundary point is not clearly defined and I believe that if this effort is going forward, we need to clearly define the boundaries between the river and the private property in some form during the entire length of this project. Thank you very much for the opportunity to speak to you."

**Chairman Winters** said, "All right, thank you very much Calvin. Are there others who would like to speak to address the commission? Yes sir, come forward."

**Mr. Tom Kneil**, 6110 Edinburg, Bel Aire, Ks., greeted the Commissioners and said, "At the risk of being lynched, I want to speak in support of the plan. I represent the Ark River Coalition and I guess I also wear another hat at times and that's with the local group of the Sierra Club.

I would say that my experience, the people who go out and organize floats are among the most responsible you'll find. In contrast to the woman who complained about the float trip on the river and trespassing, was reported in the Eagle, I knew the people who went. I did not join that group. These are extremely responsible people. They would not trespass. They were well within the high water mark, ordinary high water mark. The fact that they had a fire that was on a sandbar, there is no combustible material in the area, I would guess. As I say, I was not there, but I would guess that they cleaned that up and left no marks. That is the code of those of us who float the rivers, streams responsibly. I guess I speak in support of the plan, from the point of view of improving the amenities, improving the opportunity for local people to get out and recreate on the river. I see it as a tremendous opportunity, a tremendous resource to attract people to come in and settle in this area. I think it just helps in terms of bringing young people and young couples and families into the area for jobs when they can see that in fact there are things for them to do in the area, in a recreational sense.

I understand the concerns that some of the people have. The littering and four-wheel ATVs and the like, you're not going to find that amongst those of us who are in organizations like the Canoe Association, the Ark River Coalition, the Sierra Club and so forth. Those folks who get out and abuse the river, I'm as much against their doing what they do as the folks who have talked. But speaking for the people that I represent, we are very much in support of this and would like to see better access. Thank you."

**Chairman Winters** said, "All right, thank you very much Mr. Kneil. Certainly all comments are

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welcome at our commission meeting. Yes, please come forward.”

**Mr. Kendall Nicholson**, 6410 N. Ridge Road, Wichita, Ks., greeted the Commissioners and said, “I’d like to add a part of the trespassing issue. On my property at 6410 North Ridge Road, I bow hunt on my side of the dike, on farm ground. I can hardly bow hunt my own ground for the people that are already trespassing. I pay taxes in the area. I live in the country because I enjoy the country and I don’t appreciate people running me off my own ground.

The other thing is, I would like to invite any of you out to drive across 53<sup>rd</sup> Street bridge and image somebody starting a campfire at this time of year and it getting out of control with about a 20-30 mile an hour south wind and see what that did.

You know, for years I would call the Sheriff’s Department and they do a great job, I commend them for what they do, but out there by the time somebody gets out there, the person is gone, they’ve crossed the river, so I’ve started going down there myself. I have had guns pulled on me and people told me, ‘make us leave’. So, like I say, it’s a problem now and I only see it getting worse if this goes through. Thank you.”

**Chairman Winters** said, “All right, thank you for your comments. Is there anyone else? All right, thank you for all of your comments. At this time, we will discontinue public comment and even if you think of something else, we’re done with that part of the meeting now.

Commissioners, I’m not exactly still sure of what action we should take here, if any. And I am . . . I would at least offer the suggestion that we just receive and file this report today. That we not take an action to adopt the plan and that we not take an action to oppose the plan. It appears to me that there’s plenty going to happen, no matter what we do on this plan, and so that is just my suggestion. Commissioner Parks.”

**Commissioner Parks** said, “I did want to clarify something. I don’t want to muddy the water and I think that may be the route to go, on the receive and file. However, on Carl Younts property and Ms. Stannards property, I do happen to know that those are two that are also on the flood control. The Arkansas River goes into the flood control and there are signs adjacent to their property that the county has posted no trespassing. So I guess there’s a twist in there and there have been prosecutions in county court for people trespassing on there. It’s up to a \$500 fine. When Mr. Younts was up there, that popped into my mind and in fact where the access point is there are three or four signs, or were the last time that I stopped and looked at that area and didn’t trespass on it, there are some signs down in there that have been posted by the county. In fact, you can see some

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of the older signs that say ‘no trespassing by order of the Sheriff’. So those things, and Jennifer I’m sure can attest, that sometimes those cases do come to county court and are prosecuted.

I just think that we need to look at our own county code maybe and see what we need to do before we press on with anything definitive, yes or no, on this issue. And the rules not being in place, I would agree with the chairman. Thank you.”

**Chairman Winters** said, “Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well I can understand where nature lovers and Sierra Club and so on would like to see that cleaned up, beautified and so on. This may be an issue that will lead us to trying to solve some of the problems that you’re having there, but I do think that we need to solve those problems before we venture into a plan like this, and so I’d like to, you know, study the issue and see what we can do to alleviate some of those problems and add more law enforcement or whatever it is we need to do to correct these problems. It’s not only the land owners, but it’s public property that’s being violated and so that needs to be addressed first. That’s all I have.”

**Chairman Winters** said, “Thank you commissioner. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you Mr. Chairman. I am, I guess, a little bit conflicted on how to proceed with this also. However, I probably would be very . . . not very supportive, I would be supportive of adopting the plan as presented to us. It seems that we have partners that include five or six cities, state Wildlife and Parks, three counties, representatives from all those governmental agencies who have studied this. I’m assuming that there is some sensitivity to the issues that were brought up to us today. I mean, the people who planned this are aware of all these objections that we heard today. Is that right? However, they haven’t formulated a plan to deal specifically with all those issues, or is the feeling of the committee that we have laws in place and those laws just need to be enforced? I mean, what is their response to these types of complaints.”

**Ms. Hart** said, “The committee’s work was to identify suitable access points. They did identify other issues and those will be pursued . . . I hate . . . this sounds bureaucratic, in a timely manner. They will be investigated and we’ll continue to work with the Sheriff’s Office. And there are people using the river now. If they are using it inappropriately, if there are public safety issues, then we need to get on those and get them addressed now, so that is our plan.”

**Commissioner Unruh** said, “All right. Well it seems that the river is owned by the State of Kansas and by the citizens of the State of Kansas and it is . . . I think most people would say a valuable resource. It seems like this is a forward-thinking concept, so that we can have better access and use

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of this valuable resource, not only for the recreation of our current citizens, but for the ability to attract and retain young people, which is a high priority for all units of government and different committees that are working around here. So if the river is owned by the citizens and the access points are going to be owned by the citizens and there is an effort here to promote a community conscience in such a way that it's used appropriately and doesn't violate private property rights, which I am, in my judgment I'm a strong private property rights of the individual and I think we need to maintain a high sensitivity to that.

But I think this is a program that will enhance the quality of life for the citizens of Sedgwick County and this area at a very minimal cost to government. I think that we do need to continue to look at those ways to enforce the laws and the rules, regulations that are currently in place. From the descriptions that are given, I don't know that approval of this plan would make this situation any worse. I mean, it sounds from the description of the citizens here today, it sounds like this is not a good situation without any control, or without any governance, without any sensitivity to it. I'd suggest that once this gets in place that we may have greater control and greater enforcement if we allow a governed usage of the river and what I think is a valuable resource.

However, having said all that and expressed my support for the recommended action, I would agree that it appears this can go forward whether we approve it or not. But I would prefer that we have a motion to adopt the plan, but I'm also willing to sit back and let more details be developed before we have final approval. So the two commissioners who have the most constituency in Sedgwick County along this river, if they want to just receive and file at this point, I can be in favor of that, even though I think the concept is something we need to pursue and that's all I have Mr. Chair."

**Chairman Winters** said, "Thank you commissioner. Commissioner Norton."

**Commissioner Norton** said, "Well as I've looked at this over the years, I had a tendency to want to support this. I have to tell you, at least the part of the river that flows along the eastern edge of my district I've been very engaged in what is happening to those portage sites. There's a site at 71<sup>st</sup> Street, at the confluence of the river and the Big Ditch, there's some city property there, quite a bit of acreage that we're trying to make into a like a south Sedgwick County Park. I've talked about that for probably four years with my fellow commissioners. And truthfully, there's a portage site right now, a canoe launch site. And the difficulty is not that site. It is the problems that the landowners on the north side have talked about. It's the poachers and the hunters and the ATV riders and people that are illegally doing things right now. So while I think that the idea makes good sense. I've always said that we have this jewel that runs through our community that if used

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properly, if made attractive, that it could be used for great public purpose without being onerous on property owners that are close.

But unfortunately, that's the same thing that's true for our speeding laws and our use of drug laws and everything else. People won't follow the rules and that's what makes this so problematic for us as a community because if it was just about somebody wanting to take a float trip and enjoy something with their family, I think everybody understands that. That's a little recreation. There's nothing bad about that. It's not going to hurt anybody, but it's a few people that make it really bad for everybody. I understand. This particular piece of property at 71<sup>st</sup> Street and Brenda Dietzman knows all about it because we've been in a lot of meetings talking about ATVs that drive down in there and abuse that corridor and you're right. They don't understand where the edge of the river ends and private property or public property begins and it's been a problem.

The difficulty is the fine line between this is an amenity and this is an attractive nuisance. Because if people cross over and it's attractive but they become a nuisance to everybody and break the law, it's no longer an amenity.

I'm okay with deferring. I support generally the idea of improving the river, having some access points, making it more recreational for our community as we grow and try to offer all kinds of recreation, but I also understand the citizens on the north side that have some real reservations at what this could do to their way of life, the safety of their community.

Now I haven't had those complaints on the south side. We've had quite a few meetings with a lot of our citizens from that area that come and go and understand it. Their biggest complaint is not the portage, the archery range, the other things we're trying to do with that property, it's the illegal activity along the river and we're continuing to work on that.

I could probably just receive and file and look further into it, but generally I think it's a good idea to take this amenity that flows through the county and make sure that it's used to its highest and best use. Unfortunately, some citizens can't understand that and want to violate the law, as we try to move this forward, so I can hear more conversation, but I think I'm okay with receiving and filing."

**Chairman Winters** said, "Thank you commissioner. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you Mr. Chair, just one more comment. I just indicated I'd support a receive and file, on the assumption that we will pursue a more definite plan on some of the issues that have been brought up today. I don't want to leave the situation as it is because that is not acceptable either as maximizing the availability of what everyone considers a genuine public

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resource and we need to maximize that so we need to move that way, but also it's no good leaving it the way it is because we've got citizens with trespassers and those sort of things. This seems to me like a solution that will do both of those. That will help us use this as a resource for our people, but also provide some guidelines and rules to help solve some of the problems that our citizens are currently faced with. So I don't want to just go on and do anything, so if we receive and file commissioner, I hope that we send a clear message that we want to proceed with the concept. That's all I had."

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

**Commissioner Welshimer** said, "Well I just want to be sure that we, if we take such action, that we make this river area safer for everyone and that includes those that would be canoeing, those who want to use it for purposes of this plan. It sounds to me that there could be some risk there for that type of recreation and I think we need to solve some of those problems, so I would agree with the receive and file but I don't want to drop the issue. I think it's a good idea and we just need to be assured that it's going to be something that's going to make life better for everyone and not worse."

**Chairman Winters** said, "Thank you commissioner. I'm not sure which one of you was first. Commissioner Parks."

**Commissioner Parks** said, "Well Rich Euson and the Legal Department can certainly attest to the discuss that we've had in the last six months over who actually owns the Big Ditch. Part of this river runs through the Big Ditch. The people, some of the people that spoke today are on that. You know, that is the Big Ditch where the river is in the 53<sup>rd</sup> and 61<sup>st</sup> area. Those levies are there. I think we not only need to look at this, but if there are maps, additional maps that come out of this project that maybe another line needs to be added showing Wichita/ Valley Center Flood Control as part of the equation in this and we may need to look at our county code to see how that conflicts with some of the things that are going on there, because if they're canoeing in the Big Ditch, they technically could be trespassing there and that presents a dilemma for the Sheriff's Department. Thank you."

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

**Commissioner Norton** said, "I guess it would be interesting to also have some conversation with Wildlife and Parks and what their role, the state's role is in enforcement of actions that we don't condone. I think that's been part of the enforcement issue, that it's left to Wichita Police or Sedgwick County to try to chase ATV-ers and poachers down but it seems to me if the State of Kansas has some control of that, it's a navigable stream, that maybe they have some position in this that we need to find out about. I'm certainly not an expert in law enforcement on navigable streams, but maybe we need a little more information on that."

The other part of it is that I came to the conclusion about a year ago that we probably need some kind of conversation among commissioners about how we want to enforce ATVs that are tearing up property, that get on to the Big Ditch, that get onto the sandbars, that cross property and maybe strengthen that. Now I know one of the difficulties we have is that if you're fined through county court, we can fine but a lot of times that's not collectible, so it doesn't mean anything. The state has not granted us the ability to abate taxes or to take further action to collect those fines and everything so people can kind of thumb their nose at us.

And I think that's been one of the difficulties with some of the ATV folks. We can catch them. We can take them to court. We can fine them. And then they just kind of thumb their nose at the whole process, so maybe we need to look at our regulations for illegal use of ATVs on public property and strengthen that a little bit. I think we've heard some from our neighbors up north that that's problematic. And I know we had that at the 71<sup>st</sup> Street site down south that it became problematic trying to chase them down, figure out their access points as they tried to get on the property and everything. Maybe we need to take a look at that too. It's kind of an unintended thing that we've gotten into here, but maybe we need to do a little more due diligence on that particular piece of this. That's all I have Mr. Chair."

**Chairman Winters** said, "All right, thank you commissioner. Commissioners, is there a motion on this item?"

### MOTION

Commissioner Parks moved to receive and file the document.

Commissioner Norton seconded the motion.

**Commissioner Norton** said, "After we vote, I'd like to make a comment."

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**Chairman Winters** said, “All right, you’ve seconded the motion. Would you like to make it now or after?”

**Commissioner Norton** said, “I can. I think even though we’ve received and filed, I think it would be appropriate that maybe we took this up and did a little more analysis on it at a workshop, at a staff meeting. I still believe that there is some validity to being a part of what’s going to happen. And truthfully, the river is my . . . the whole eastern border of my district is the river, so I believe that I’ve got a pretty large portion. Commissioner Welshimer has the other side of it. I know the City of Derby is looking at a portage site at their Derby city yard and are ready to move forward on that. So maybe, even though we received and filed, that shouldn’t be ‘okay, wash our hands of it, we’re out, we don’t want to talk about it anymore’. Just the opposite, I think we need to open it up and make sure that we understand from county line to county line all the implications, all the unintended consequences and places where we can help in this process. I assume we’re going to still be part of the coalition, whether we put our stamp of approval on this or not.”

**Ms. Hart** said, “I think the purpose of that . . . the steering committee’s purpose is complete. There’s a plan here, a study that’s being presented, but I think as far as community development is concerned, the Ark River flows all the way through Sedgwick County. There’s a number of different jurisdictions. We’ll continue to work with the Sheriff’s Department and public safety to pull together and see if we can’t organize a better public safety response along the entire length of that river.”

**Commissioner Norton** said, “Well I don’t think our conversation about this ends today just because we’ve received and filed it. I think we need to come back and keep looking at it. I know Commissioner Welshimer and I will continue, because there’s a very nice stretch of floatable river that’s very pretty and pristine that has some wonderful amenities and uses on the south side anyway and I’m an advocate for making that part of recreation down south anyway. But I want it to be safe, I want it to be customer-friendly, I want it to be landowner-friendly all at the same time, and to just ignore it is not going to let that happen. We really need to continue to talk about it. So I’m okay with receiving and filing, but maybe we need to bring it back and look at it here in a couple of months and get more information.”

**Chairman Winters** said, “All right, thank you. Commissioners, we have a motion in front of us to

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receive and file this report. Is there any other discussion? Seeing none, Madam Clerk call the vote.”

**VOTE**

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

**Chairman Winters** said, “Thank you all who attended out meeting today. Commissioners, you want to take a five-minute break or do you want to plow right on through? Let’s keep going. Madam Clerk, call the next item.”

**PLANNING DEPARTMENT**

**F. MAPD CASE NUMBER DR007-00013 – AMENDMENT TO ARTICLE III, SECTION III-C.2(1)(b) OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE DEALING WITH OFF-SITE SIGNAGE IN NON-RESIDENTIAL COMMUNITY UNIT PLANS. ALL DISTRICTS.**

**Mr. Dale Miller**, Current Plans Manager, Metropolitan Area Planning Department, greeted the Commissioners and said, “Commissioners, this is a request that was made to the Metropolitan Area Planning Commission for them to consider an amendment to the Unified Zoning Code. Currently, the Unified Zoning Code has a blanket prohibition against the installation of off-site signage within

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a Community Unit Plan. As you know, a Community Unit Plan is an overlay zoning district that anytime a property owner is requesting Limited Commercial zoning or General Commercial zoning and their property exceeds six acres in size, they are required to also file a Community Unit Plan with that request for the commercial zoning. And once they do that, then the code says they cannot have an off-site sign located within a Community Unit Plan. And most Community Unit Plan, geographically, are located at the intersections of section-line roads. Nearly all of the intersections, the four corners there, typically have a Community Unit Plan.

The request therefore was to eliminate that prohibition and so staff prepared some language for you that's contained in your staff report and the Planning Commission recommended approval of that language. Because it is an amendment to the Unified Zoning Code, the city council and the county commission both need to approve that in order for it to be a uniform regulation within Wichita and Sedgwick County. The City of Wichita Council heard that yesterday and recommended approval but they added two sentences to the language that was in your agenda packet and we tried to give copies of it to the commissioners this morning so you'd have that at your seat. But basically, what it says is that if you approve this request, that on an individual, case-by-case basis applicants would be able to ask for the right to install an off-site sign in a Community Unit Plan. The new . . . but it would require planning commission review and it would require governing body approval before they would be able to get a permit.

The new language that was added by the council yesterday says that that sign, that off-site sign, needs to be installed within five years of the approval of the Community Unit Plan. However if it's not, they can come back and ask for extensions. The reasons . . . the logic behind that was there was a feeling that many of these commercial Community Unit Plans, the zoning goes into effect before there are any rooftops around and so property owners, residential property owners may or may not know that they're buying property where a billboard may be within view of them and that might make a difference on whether they buy that property or not.

And that this then basically would give them an opportunity to review it as the development goes, because oftentimes the commercial zoning goes in first and then the residential stuff comes later. And so that was the thought process by adding that and so currently the language that you're considering today would allow, on a case-by-case basis, with governing body approval, the installation of an off-site sign and a Community Unit Plan and then require them to install that sign within five years. If they don't, then they would need to ask for extensions or lose the right to install the sign. And with that I'd try to answer questions."

**Chairman Winters** said, "All right, Commissioner Welshimer."

**Commissioner Welshimer** said, "So the amendment allows the sign to be . . . the sign spot to be determined at the time the zoning plan is adopted. The time that . . ."

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**Mr. Miller** said, "It certainly could be specified, yes."

**Commissioner Welshimer** said, "And the residents would have no way to argue that point. I mean, there would be no decisions made. It would go up if it went up within five years."

**Mr. Miller** said, "the residents would have the opportunity to speak with respect to the Community Unit Plan zoning that goes in, but if they weren't around at the time that the zoning was being considered, then the sign would theoretically go up within five years and then the property owner would see the sign and know 'oh, there's already a sign there, if it affects me I'm going to go someplace else, if it doesn't then I'll buy where I intended to buy'."

**Commissioner Welshimer** said, "But the residences, what if they go in before that sign is put up? This is what I'm trying to relate to you."

**Mr. Miller** said, "Well if the residences were already there, then certainly they would be given notice, if they're within the notice distance for the creation of the Community Unit Plan and could come before the planning commission and . . ."

**Commissioner Welshimer** said, "And they could protest."

**Mr. Miller** said, "Yes."

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

**Chairman Winters** said, "Commissioner Unruh."

**Commissioner Unruh** said, "Thank you Mr. Chair. Dale, there's still a restriction against portable signs?"

**Mr. Miller** said, "Yes."

**Commissioner Unruh** said, "And there's still restrictions on size and height and that sort of thing."

**Mr. Miller** said, "Yes, all the other size limitation, spacing, height, all that would still remain."

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

**Chairman Winters** said, "We don't usually take comments on items such as this but I do see that

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former City Councilman Greg Ferris is in the room. Greg, are you here to speak to this item?"

**Mr. Greg Ferris**, 144 S. Bay Country Ct., Wichita, Ks., greeted the Commissioners and said, "I represent Clear Channel Outdoor, who initiated this process at the planning commission. Mr. Miller asked me to be here in case you wanted some additional information. I can make a short presentation or whatever. I know you've had a long meeting. I don't have a lot to say. It's certainly up to the will of the commission."

**Chairman Winters** said, "Well thank you. We're glad you were here this morning so you could be reminded of . . ."

**Mr. Ferris** said, "Oh yes, it brought back a lot of memories of a lot of different things."

**Chairman Winters** said, "Exactly, some of them in this room and some in your room. I don't know that I need a presentation. I have a question of Dale. Just Dale, from your just knowledge, this seems to be an item that might be more one that's of concern to the city council and from your perspective, there's no reason we shouldn't agree with this action that the city took yesterday, is there?"

**Mr. Miller** said, "No. It's always good when both governing bodies have the same regulation."

**Chairman Winters** said, "Okay. Very good. How about our sign guys that do our sign. Has anybody touched base with them? They certainly don't have an issue with this, do they?"

**Mr. Miller** said, "We've been in contact with Glen Wiltse's staff and he's aware of the language and in fact I made sure he knew today was . . . it was on the agenda today."

**Chairman Winters** said, "All right, and this is a case, since it was changed from what city council had originally done, it will take a four commission vote from our commissioners? All right, thank you. Commissioners, are there other questions that you have on this issue?"

### **MOTION**

Commissioner Unruh moved to approve the recommendation of the Metropolitan Area Planning Commission to amend the *Wichita-Sedgwick County Unified Zoning Code* to permit off-site signage in community unit plans only after governing body approval; adopt the Resolution and authorize the Chairman to sign.

**Chairman Winters** said, "And that would include the changes made at the city council meeting

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yesterday?”

**Commissioner Unruh** said, “That would include the changes by the city council in their meeting yesterday.”

**Chairman Winters** said, “All right, thank you. Is there a second to that motion?”

Commissioner Welshimer seconded the motion.

**Chairman Winters** said, “Thank you. Now that’s a proper motion. That’s all we need, Dale? Because we have included the language the city council inserted?”

**Mr. Miller** said, “Yes.”

**Chairman Winters** said, “All right, commissioners, are there other questions? Seeing none, Madam Clerk call the vote.”

**VOTE**

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

**Chairman Winters** said, “Thank you. Thank you for being here Greg. Next item.”

**Commissioner Norton** left the meeting room at 11:00 a.m.

**APPOINTMENTS**

**H. RESOLUTION APPOINTING MEMBERS TO THE SEDGWICK COUNTY STORMWATER MANAGEMENT COMMITTEE.**

- **CITY OF WICHITA – CHRIS CARRIER**
- **WHITEWATER RIVER WATERSHED DISTRICT – HARRY L. CLAYTON**

**Ms. Jennifer Magana**, Deputy County Counselor, greeted the Commissioners and said,

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“Commissioners, this resolution would appoint two members to the Sedgwick County Storm Water Management Committee and we’d recommend you adopt that resolution.”

**Chairman Winters** said, “All right, thank you. Commissioners, two appointees, Chris Carrier from the City of Wichita and Harry Clayton, Whitewater River Watershed District.”

**MOTION**

Commissioner Unruh moved to adopt the Resolutions.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Next item.”

**Commissioner Norton returned to the meeting room at 11:03 a.m.**

**NEW BUSINESS**

**I. RESOLUTION ESTABLISHING THE GRANT APPLICATION AND AWARD POLICY.**

**Ms. Hart** said, “County services are primarily funded by three sources: local sales and property taxes, charges for services, and operating grants and contributions. These grants and contributions comprise some years up to 20% of the annual county budget. Grant funding allows Sedgwick County to increase services without increasing local taxes and in a good year can bring in nearly \$40,000,000 in outside revenue.

Now examples of some of our grants are the Sheriff’s Office has an over \$500,000 grant for a two-

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year program Internet Crimes Against Children, funds two detectives and program costs. COMCARE has an \$800,000 grant from HUD to assist homeless persons transitioning into permanent housing. The Health Department has an over half-million dollar grant for Healthy Babies initiative. Emergency Communications has a nearly \$100,000 grant to convert police cars of 12 different local jurisdictions to an automatic vehicle locator technology. So it's a wide variety of services, a wide variety of departments.

Now every grant application commits Sedgwick County to specific activities, outcomes and expenditure of resources if the grant is awarded and accepted. To improve the process of effectively managing our grant applications and awards, a workgroup that included representatives from 15 different departments was formed. That workgroup worked for over a year to develop the policy presented for your consideration today.

The development of a policy we thought was going to be pretty easy, but it turned out to be more complex due to the wide variety of grant sources and their requirements, the nature of the grants, the need to streamline the process while maintaining accountability. In the old days, when a grant announcement came out, you might have several months to put together an application, get approvals, get all the support and get it submitted. Now days, the window of opportunity could be a few weeks and maybe even just a few days, so the need for streamlining the process while still ensuring accountability, is pretty important.

The proposed policy has seven different features that I will explain right at the moment. The first item is that it designates the accounting department revenue manager as the grants administrator for Sedgwick County and establishes duties and responsibilities for that position. That position is currently held by Marty Hughes, who is our grant guru and knows much more about the details of these grants than I think anyone else on staff.

Secondly, it establishes an electronic grant summary form to be completed by an applying department early in the application development process. Thirdly, it establishes a grants coordination committee appointed by the manager and staffed by the grants administrator that would be responsible for monitoring and reviewing these preliminary grant application plans. The electronic summary should expedite the review process and make for a quick turnaround but a broad county overview.

Fourthly, it establishes three different levels of grant application depending on the amount of funds requested or an amount of funds requested, or the amount of matching funds required, the impact on county staffing table and the need for a formal public hearing.

Now I have some examples of these three different levels of grant applications. Level one, one example might be the annual area plan by the Department on Aging to apply for service money

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from the State of Kansas for services to seniors. This year, the grant application totals over 2.6 million dollars. It requires a public hearing and matching funds. It would be presented to the commission, as it always has been, for formal approval and the public hearing just as you do now.

Level two might be exemplified by the Forensic Science Center's application for about \$60,000 to purchase a certain piece of laboratory equipment and training for use of that equipment. There's no matching money. There's no public hearing required. There's no affect on the staffing table, but it's over a \$25,000 threshold. In this case, on the level two applications, the county manager would sign the application and if it was awarded, it would come back to the commission for acceptance of the grant and the grant requirements.

A level three application might be one from Code Enforcement. They apply to FEMA for \$16,000 to use in community education and professional seminars related to adoption of the new floodplain maps. So under this policy, it's under \$25,000, there's no match required. The Code Enforcement director or the department head would sign the application and if it was awarded it would be brought to the commission for formal acceptance and approval.

So I want to emphasize that this new policy, the commission would continue to approve any legal commitment of resources. It's just the timing of that approval changes. All of these activities will be monitored and coordinated by the grants administrator, with the assistance of the grants coordination committee.

Fifth, the policy also specifies and clarifies action language for the agenda and procedures for review by Legal and Human Resources. It requires month reporting of the grant activity to the county manager and it provides for administration of the policy by the Division of Finance.

So in summary, the policy is designed to make effective and efficient use of county resources, to provide accountability, to assist departments on leveraging outside resources to provide quality public services, while still being flexible and easy to administer. I'd be happy to answer any questions you might have, but if they're hard ones, Marty can do it."

**Chairman Winters** said, "All right, thank you Irene. Commissioners, you have questions of Irene? It appears to be a method that would be efficient and perhaps streamline this process. If there's no questions, is there a motion to take the recommended action?"

### **MOTION**

Commissioner Norton moved to adopt the Resolution.

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Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Next item. Thank you Irene."

**DIVISION OF HUMAN SERVICES- DEPARTMENT ON AGING**

**J. FOUR AMENDED MULTI-PURPOSE SENIOR CENTER LEVEL I AGREEMENTS TO CHANGE PROGRAM OBJECTIVES.**

- **LA FAMILIA SENIOR COMMUNITY CENTER, INC.**
- **LINWOOD MULTI-PURPOSE SENIOR CENTER**
- **NORTHEAST MULTI-PURPOSE SENIOR CENTER**
- **ORCHARD PARK MULTI-PURPOSE SENIOR CENTER**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "This is a change in contract with four multi-purpose senior center level one contracts. There was an error on the initial contract that shows 25 special events as a requirement and that should be 20. A level two requires 25, but a level one requires 20. This is for the contracts with La Familia, Northeast, Linwood and Orchard Park senior centers. It is also an amendment for the Northeast Senior Center contract deleting goal and objective number three, which was written in error. So I would request your approval and be glad to answer any questions."

**MOTION**

Commissioner Norton moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Next item. Thank you Annette."

**HEALTH DEPARTMENT**

**K. HEALTH DEPARTMENT.**

- 1. GRANT AWARD IN THE AMOUNT OF \$6,250 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME- HEALTH EDUCATION/ RISK REDUCTION PROGRAM COLLABORATIVE PARTNERSHIP FOR HIV PREVENTION OUTREACH.**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, "Before you is an agreement with the Kansas Department of Health and Environment to receive \$6,250 for collaboration and HIV prevention outreach. The purpose of this project is to work with

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local agencies to reduce risk for HIV among high-risk individuals. Risk reduction is done by increasing awareness, skill building and counseling individuals about their HIV zero status.

This grant supports inter-agency referrals to assure that all of the barriers to reducing risk for HIV are addressed, including counseling for mental health and substance abuse and treatment for various diseases.

The grant also supports the education of women who are undergoing treatment for alcohol and substance abuse at the Women’s Recovery Center. We serve 240 women a year in six classes of 40 women each and it is a continuation of a project that we’ve been doing for a couple of years.

There is no match required. The grant period is January of ’08 through June of ’08 and I recommend that you approve this agreement and authorize the Chair to sign and I’d be happy to answer any questions.”

**MOTION**

Commissioner Norton moved to accept the Grant Award and authorize the Chairman to sign a Grant Award Contract containing substantially the same terms and conditions as the Award.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Next item.”

- 2. GRANT AWARD AMENDMENT OF \$223,811.18 FOR FUNDING OF PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE CONTRACT WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

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**Ms. Blackburn** said, “Commissioner Winters, I respectfully request permission to consider the next two agenda items together, because it’s basically the same presentation.”

**Chairman Winters** said, “That’s very good. Madam Clerk, would you call item three also.”

#### **3. GRANT AWARD AMENDMENT OF \$167,412 FOR FUNDING OF THE PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE PANDEMIC INFLUENZA PROGRAM WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

**Ms. Blackburn** said, “Commissioners, the next two items before you are two amendments to the Bio-Terrorism Preparedness and Response contract with the Kansas Department of Health and Environment. The amendments provide an additional funding for pandemic influenza, planning and public health emergency preparedness. It’s \$167,412 for pandemic flu and \$223,811 for public health emergency preparedness for December 1<sup>st</sup> of ’07 through August 8<sup>th</sup> of ’08. These grants support part of 21 staff positions and there’s no match required.

These funds have been used to support an all-hazards approach to emergency preparedness, public health emergency preparedness and response. They include staff training, planning, exercising the plans and facilitation of the pandemic influenza workgroup. Funding has been used in the past to purchase equipment, communication equipment, body bags for the Forensic Science Center, vaccine refrigerators, personal protective equipment, supplies for the Sheriff’s Department and the emergency management system, medical supplies, clinician handbooks and a whole variety of things that support preparedness and response. Along with that, we have supported staff with these funds and training and exercises.

In the future, with this new money, we will be focusing mostly on revising our plan and doing exercises. We’ll practice distributing medication to the community. We’ll practice receiving the strategic national stockpile and dispensing it and we’ll practice risk communication and various other things. So we’re moving away from purchasing a lot of things to more just focusing on our plans and our exercises. I would be happy to answer any questions. I do recommend that you approve these agreements.”

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**Chairman Winters** said, "Thank you. These agreements appear to be similar in nature from the Kansas Department of Health and Environment. On our Items #J-2 and 3, commissioners we can take those together or separately. Can we take them together, Jennifer?"

**Ms. Magana** said, "Yes you can."

**Chairman Winters** said, "Thank you."

**MOTION**

Commissioner Norton moved to accept the Grant Awards (Items J-2 and J-3) and authorize the Chairman to sign the Grant Award Contracts containing substantially the same terms and conditions as the Award, and approve establishment of budget authority.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Next item."

- 4. GRANT AWARD OF \$70,000 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO SUPPORT THE CONTROL OF TUBERCULOSIS IN SEDGWICK COUNTY.**

**Ms. Blackburn** said, "Commissioners, the agenda item before you is an agreement between the

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Kansas Department of Health and Sedgwick County for the support of the TB control program in Sedgwick County. This agreement provides \$70,000 to support a nurse and a case manager who are responsible for managing and treating people with active TB and providing directly observed therapy to people who are infected with TB but are not communicating the infection. They also evaluate contacts and provide therapy for those that are infected.

These staff members are part of a six member team that deliver TB services to the Sedgwick County citizens and we do expect an additional \$17,000 from Kansas Department of Health and Environment to support these two positions. In 2007, 575 initial evaluations were performed, resulting in 17 confirmed active TB cases and 230 infections. We do follow about 150 to 200 people a month through our TB program.

Last year, we received \$77,600 and this year the amount decreased by \$7,600. This includes \$5,000 for a pilot project for Quantiferon Gold, which is a test, a blood test that is more specific for tuberculosis than the test that we currently use and so as that moves to completion, we hope to be changing the way we do business and hopefully be treating a lot fewer people for TB infection, because we'll know whether or not they're really infected, so it's a good thing. I recommend approval of this request and I'd be happy to answer any questions."

**Chairman Winters** said, "Thank you. Commissioners, questions?"

**MOTION**

Commissioner Welshimer moved to accept the Grant Award and authorize the Chairman to sign the Grant Award Contract containing substantially the same terms and conditions as the Award.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Winters

Aye

**Chairman Winters** said, “Claudia, while you’re here and I don’t mean to catch you unawares, but could you give . . . I saw the article about Chicken Pox in the paper and with our Board of Health Department hats on us, can you give us just a quick update of that?”

**Ms. Blackburn** said, “Sure. We have 46 cases confirmed of Chicken Pox. We have some that are not confirmed. And we have outbreaks in three different schools. One of the schools the outbreak has stopped and we believe it’s because parents . . . the school nurse sends home a note to parents, recommending the action, which is make sure your child has at least two doses of Chicken Pox vaccination. And once that happens, then it seems that the outbreaks stopped in one of the schools, and hopefully will stop in the other two schools.

The school requires one dose of Chicken Pox vaccine for children in kindergarten through the third grade, and two doses are recommended for all children. We see in children that have had one dose of the vaccine, 15 to 20% of those children will still get Chicken Pox and so now we know that in two doses of the vaccine give 98% of them coverage. That means, if you get two doses of the vaccine, your chances of getting the Chicken Pox is only 2%, so two doses work. That’s what we’re advising the . . . you know, parents to get for their children and we believe that that will stop the outbreak.”

**Chairman Winters** said, “All right, so is this something that your department is working with the schools on?”

**Ms. Blackburn** said, “Yes, yes.”

**Chairman Winters** said, “All right, well thanks for your work there and if there’s other information that we need to have, will you just send us an e-mail and we’d be glad to have that.”

**Ms. Blackburn** said, “I’d just like to say one more thing. People think Chicken Pox is no big deal, but before we had the Chicken Pox vaccine, we had 100 deaths a year from Chicken Pox, at least 100 to 150 in the nation and lots of hospitalizations. And you can get skin infections, brain infections and pneumonia from complications of Chicken Pox and that’s in normal, healthy people so it really is something that we’d like to prevent.”

**Chairman Winters** said, “All right, well thank you very much for that update. Madam Clerk, would you call the next item.”

### **CONSENT AGENDA**

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**K. CONSENT AGENDA.**

- 1. Cancellation of Frequency Reconfiguration Agreement with Sprint-Nextel.**
- 2. Resolution authorizing disposal by destruction of Elections Voter Registration Application Cards, Registration Books – non-presidential, and political party affiliation statistics for the year 2002 (DISP 2008-05-55).**
- 3. Resolution authorizing disposal by destruction of Health Department WIC Charts for the year 2001 (DISP 2008-06-56).**
- 4. Resolution authorizing disposal by destruction of Treasurer Tag Office motor vehicle records and timesheets for the years 2000-2004 (DISP 2008-01-51).**
- 5. Resolution authorizing disposal by destruction of Treasurer Tax dailys, tax statements, terminated employee files (department copy) and timesheets for the years 1999-2006 (DISP 2008-02-52.)**
- 6. Resolution authorizing disposal by destruction of Regional Forensic Science Center Cremation Permits for the years 1992-2002 (DISP 2008-03-53).**
- 7. Request for Release of Funds and Certification for Mennonite Housing HUD Grant.**
- 8. Order dated February 6, 2008 to correct tax roll change of assessment.**
- 9. General Bills Check Register(s) for the week of February 6 -12, 2008.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “You have the consent agenda before you and I would recommend you approve it.”

**Chairman Winters** said, “Commissioners, before we have that motion, we’ve got a question. Commissioner Parks.”

**Commissioner Parks** said, “I just, in . . . very briefly, if the manager or I see Diane is in the room

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with Communications, the first item, cancellation of frequency reconfiguration agreement with Sprint/ Nextel, what was kind of the bottom line on that?"

**Ms. Diane Gage**, Director, Emergency Communications, greeted the Commissioners and said, "This was the first wave of re-banding that we did with Sprint over the last year and a half. They paid us approximately \$50,000, right close to that figure, to do all the re-banding that we did on the first go round, which is just basically touching a series of radios. And this is just to say that the job is complete and we've settle all the books with Sprint on this first go round."

**Commissioner Parks** said, "Okay, so there could be things coming later."

**Ms. Gage** said, "There are things coming later. We've got an agreement right now in process with them. There was one on the agenda back in December for the second wave, and that's the big wave that we'll have on the re-banding."

**Commissioner Parks** said, "I just wanted to make sure that those were still in the works."

**Ms. Gage** said, "Yes, this is the first go. We'll have the second go."

**Chairman Winters** said, "Anything else?"

**Commissioner Parks** said, "And on number five, the destruction of the records, is that through 2006 and Jennifer, maybe you'd be able to help me on this. If it is inclusive of 2006, if we're destroying terminated employee records, since the federal timeline is three years on that, is that approval, or is that a wise decision to make on that."

**Ms. Magana** said, "Commissioner, I believe what we're just destroying in those are the department copies, but those permanent copies are retained in Human Resources, so we are in compliance within the law."

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

**Chairman Winters** said, "All right, thank you. Seeing no other questions, Commissioner Norton would you make the motion."

### **MOTION**

Commissioner Norton moved to approve the Consent Agenda as presented.

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Commissioner Unruh seconded the motion.

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

### VOTE

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

**Chairman Winters** said, “Commissioners, that brings us to the conclusion of our regular meeting today. This is the time that we discuss other business of interest in the community. Does anybody have anything they’d like to bring to the attention of the commission? Commissioner Norton.”

### N. OTHER

**Commissioner Norton** said, “Well, all five of us were in Topeka for a day to participate in activities of the KAC and Chairman Winters may want to talk a little bit more about that because he’s on the KAC board, but we had good participation. We met with legislators twice. Some of us stayed for the KCCA connection with legislators and folks in the capitol and we got to talk about the issues that are important to Sedgwick County, as the legislators, our delegation and others try to move forward on what they’re doing.

We had a chance to hear from the governor and Steve Morris and Derrick Schmidt and Rush Jennings in Juvenile Justice and Joan Wagnon of the Department of Revenue, so we heard a pretty broad base thoughts on what’s happening at the capitol and I think we had a pretty good two days. Probably the only down side was traveling in the bad weather. Everything else worked out real good.

The second thing I’ve got and I want to just . . . we don’t need to discuss it today, but I’ve had quite a few citizens call about the annexation on the south side, which is in my district, the ribbon annexation that connected Mulvane to some casino sites and there’s some angst on the south side on that. I’ve assured them that we’ve all talked. I had a chance to talk with legislators because there is

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some annexation legislation going through the state. I didn't particularly like that annexation, but the idea of finding out whether it's legal or whether it just didn't follow the intent of the law is what's kind of being debated in Topeka right now and I'll update constituents as that moves along.

I would like to have more discussion, as some point, with the commissioners on those kind of annexations and are there any thoughts on testimony for legislation, as this moves forward in Topeka. I don't know if we have any ideas of changing or advocating for any changes in annexation laws, but the ribbon annexation down there has caused some angst in constituents and I want to be sure I recognized that and they understand that we are thinking about it, but that we may not take any action because it is a legislative issue. I would invite any commentary if there is any. If there not, we'll move on."

**Chairman Winters** said, "All right, thank you Commissioner Norton. I'm not sure which one of your lights came on first. Commissioner Welshimer."

**Commissioner Welshimer** said, "I'm not on the subject of annexation."

**Chairman Winters** said, "Are you on that subject? Go ahead."

**Commissioner Welshimer** said, "Okay, well I was impressed with the fact that the senate has a bill that would create a drug and alcohol detention facility or state prison under the state budget and remove the people that we have in our detention facility for those types of violations to serve their nine months or whatever their sentence is and move them into that facility. At this point, it's questionable because of funding and the state is about as well off as we are, it sounds like. But I think that that's a move in the right direction, and I think that eventually that might be funded and just might happen, so I'm hoping that we will consider that when we consider . . . we can put off for a little while longer the issuance of bonds for building a new jail. That was the highlight for me, but it was a great meeting and I think we got a lot of good information and a lot of good interaction with the senators and house members and I think it was very worthwhile."

**Chairman Winters** said, "Well I would agree with you. And people often ask why do you go up and spend time in Topeka and I think that's a perfect example of then having the ability to talk to some of those folks about something that they're thinking about, so I thought it was very good. Thank you for bringing that up. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you Mr. Chairman. I'd comment to Commissioner Welshimer's observation about the potential drug court at the state level, that's a great initiative. I hope they find a way to do that. Those individuals who are incarcerated in our facility for state

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offences related to drug misuse, it's the right thing for them to do and I hope that they will relieve us of that burden.

I want to make one comment also about Commissioner Norton's comments about the annexation. That is troublesome to us and those sort of annexations and brings to us a lot of response from our constituents. However, those communities that are following current law, we are somewhat powerless to respond to that. However, we have to be careful I think that legislation that is proposed to deal with those sort of issues don't throw the baby out with the bathwater. I mean, the current House Bill 2747 that one of your constituents is tuned in on and has written each of us I think, would virtually make it impossible for a city to do any annexation and I think that she probably is watching. She's going to be at the township meeting tomorrow, would want her to know that we're aware of that bill and are watching it, but we also don't want to totally make it impossible for a city to do normal consent type of annexation, so just my editorial comment.

The items that I wanted to talk about during this time, one is that we do have a township meeting tomorrow that our Public Works is hosting and our Director of Public Works David Spears organizes each year, so we're looking forward to being with those township officials tomorrow. However, we've got a little conflict during the lunchtime, because the Greater Wichita Economic Development Coalition has their annual meeting tomorrow also, so some of the commissioners will be there. We'll probably split our time, but try to be involved and sensitive to issues that are directly relative to Sedgwick County business.

I did want to make a comment about Sedgwick County Association of Cities meeting that was held last Saturday at the Sedgwick County Detention Facility. They went through their regular business of the primary purpose of the meeting. One was to tour the jail and the Sheriff provided for that. We had quite a few persons take that tour. But the conversation of the meeting proper dealt a lot with the housing fees that we have recently imposed as a county commission and asking the cities to participate in the cost of the jail in that way and some talk about how it's already had an influence on our population and conversation about the details of how that process was working. But I thought it was a helpful and healthy meeting, and in spite of the fact there's still some conflicts remaining, but it was a good meeting by the Association of Cities.

Lastly, I want to talk about the zoo. I guess our benefactor for the zoo tiger project was revealed in the paper today. We've been trying to keep that somewhat anonymous. Our donor said you don't

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need to talk about who is making the donation but it was in the paper today, so that being the case I'd want to say that I greatly appreciate and respect Don Slawson and Judy Slawson for their contribution to the Sedgwick County Zoo.

Although this is a facility that's owned by the citizens of Sedgwick County, individuals in our community who have a particular love for the zoo and want to see it be successful make sizable donations to make sure that we have the best facility available. And we are going to have a tiger facility now, in the next year or so. It's going to be an outstanding attraction, made possible by Don and Judy Slawson, for the main part. So we want them to know we appreciate them, we appreciate our zoo and encourage folks to take advantage of the great attraction in Sedgwick County. And Mr. Chairman, with that that's all I have."

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

**Commissioner Norton** said, "Just a comment, and I appreciate Commissioner Unruh's comment on annexation. The truth is, as a small city mayor, I understand that you have to have annexation rules and you try to follow those as a small city or a large city. Yet there are . . . the legislation that has come down can be abused a little bit and there's a balance between the intent of the law and what the law really tries to respect as far as annexation. And I don't know that we're going to be totally in that conversation. I did talk to some legislators, but I appreciate the balance that we have on trying to think about this issue, that cities have to have the ability to progress and grow and annex, yet there has to be some rights or individuals to step up and disagree with those annexations and I think that's a balance that we're trying to find right now. And hopefully, as the legislature looks at Bill 2747 I believe they'll come to some conclusions that will try to balance the right of cities to expand and the rights of the public to protest that. That's all I have."

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

**Commissioner Parks** said, "My comment is also about House Bill 2747 and it's not unique to Sedgwick County. Actually, this bill was born out of Shawnee and Johnson County and I think it does have some application in our local annexation cases that we've been looking at and either, you know state laws are born out of either abuse or need and I think that this committee is going to look and decipher those issues out of that and I commend that committee for taking that on."

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**Chairman Winters** said, “All right, thank you commissioner. Only two items I wanted to mention. One, this Saturday evening the Sedgwick County Fire Department Auxiliary is hosting their annual sweetheart dance and my wife Gerry and I plan on attending that and representing the commissioners there. And on Monday the 18<sup>th</sup> is President’s Day, which the courthouse will be closed and it will be a holiday. So commissioners, any final comments at today’s meeting? Seeing none, this meeting is adjourned.”

**O. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:31 a.m.

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

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

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

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

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**Regular Meeting, February 13, 2008**

**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2008