

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 5, 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, March 5, 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; Mr. Rich Euson, County Counselor; Mr. Mark Masterson, Director, Department of Corrections; Ms. Marilyn Cook, Director, Comprehensive Community Care; Mr. Robert Parnacott, Assistant County Counselor; Mr. Dave Rush, Director, Kansas Coliseum; Fire Chief Gary Curmode, Fire District #1; 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. Mark Soler, Executive Director, Center for Children's Law and Policy.
Mr. Walt Chappell, 3165 N. Porter, Wichita, Ks.
Mr. John D. Wong, Hugo Wall School, W.S.U.
Mr. Robert Kaplan, 430 N. Market, Wichita, Ks.
Mr. Larry Walker, 8810 N. Janis, Valley Center, Ks.
Mr. Barry Harrold, 4020 Palos Verdes, Valley Center, Ks.
Mr. Timothy Waller, 8856 N. Jacobs, Valley Center, Ks.
Mr. Lee Parker, 150 N. Main, Wichita, Ks.
Ms. Linda Waller, 8865 N. Jacobs, Valley Center, Ks.
Dr. Greg Waller, 8865 N. Jacobs, Valley Center, Ks.
Mr. Everett Ryan, 5347 W. 81st St., Valley Center, Ks.
Mr. Ken Miwihan, 735 W. Hoover, Valley Center, Ks.
Ms. Mary Minihan, 7325 N. Hoover, Valley Center, Ks.
Ms. Sharon Carpenter, 5225 W. 77th St. N., Valley Center, Ks.
Mr. Wendell Chance, 5715 Solar Valley Cr., Valley Center, Ks.
Ms. Elizabeth Chance, 5715 Solar Valley Cr., Valley Center, Ks.
Mr. James West, 445 Keith, Valley Center, Ks.
Mr. Brent Ray, 6400 W. Glenda, Valley Center, Ks.
Ms. Sheila Reyes, 6400 W. Glenda, Valley Center, Ks.
Mr. Richard Walkup, 8759 Janis, Valley Center, Ks.
Mr. Alan Tigard, 8041 N. Hoover, Valley Center, Ks.
Ms Debra Parks, 8005 N. Hoover, Valley Center, Ks.

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Mr. Joe Shaffer, 8700 N. Janis, Valley Center, Ks.

Mr. James E. McPheeters, 8825 N. Jacobs, Valley Center, Ks.

GUESTS (cont'd)

Ms. Cindy Mollohan, 6520 W. 86th St. N., Valley Center, Ks.

Mr. Rocky Littlejohn, 6520 W. 86th St. N., Valley Center, Ks.

Ms. Kathy Collins, 6014 Solar Valley Cr., Valley Center, Ks.

Mr. James Johnson, 8221 N. Hoover, Valley Center, Ks.

Mr. Barry Arbuckle, 5565 N. St. Clair, Valley Center, Ks.

Mr. Cheryl Nordstedt, 7 Valley Olaks Ct., Valley Center, Ks.

Mr. Brad Stout, Adams and Jones, Chartered.

INVOCATION

The Invocation was led by Pastor Rick Hopper of New Spring Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES:

Regular Meeting February 12, 2008
(Should read February 13, 2008)

Regular Meeting February 20, 2008

The Clerk reported that all commissioners were present at the Regular Meetings of February 13th and February 20th, 2008.

Chairman Winters said, "Commissioners, you've had an opportunity to review the minutes. What's the will of the board?"

Commissioner Welshimer said, "Mr. Chairman, I'd like to make a correction to the minutes. Apparently, in the process of transcription we couldn't make that correction in . . . where we were talking about . . . let's see, I'm not sure, page 58. We have 'at this point it's questionable because of funding and the state is not as well off as we are' it sounds like. And I think I said we are not because I'm not considering us as we are. Just changed the meaning and I would like to add the word 'not' that we are not."

Chairman Winters said, "Would it be appropriate since we don't have those in front of us that we

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just defer that action.”

Commissioner Welshimer said, “We can do that.”

Chairman Winters said, “And then we can review that and slip this to another date. Which date did you have the question about?”

Commissioner Welshimer said, “February 13th.”

Chairman Winters said, “Or February 12th?”

Commissioner Norton said, “It’s the 13th.”

Chairman Winters said, “Oh, another mistake. February 13th. Well, let’s just take action on the meeting of February 20th then and give us a chance to look at those . . . that portion in question.”

MOTION

Commissioner Welshimer moved to approve the Minutes of the meeting of February 20th, 2008 and defer the approval of the minutes of February 13th, 2008.

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, “Next item.”

PRESENTATION

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DEPARTMENT OF CORRECTIONS

A. PRESENTATION REGARDING THE SELECTION OF SEDGWICK COUNTY BY THE CENTER FOR CHILDREN'S LAW AND POLICY TO PARTICIPATE IN THE DISPROPORTIONATE MINORITY CONTACT ACTION NETWORK.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "On December 12th, you may recall that Sedgwick County received notification that we are one of four areas in the country selected in a highly competitive process by the John D. and Katherine T. MacArthur Foundation to participate in a new action network to reduce the number of disproportionate . . . the disproportionate number of minority youth in the juvenile justice system.

Since the announcement, we've entered into an agreement with the Center for Law and Policy and began working. This morning, the Chief Executives for this project, Mark Soler to my right and Lisa Garry in the red in the front row are here from Washington D.C. for a site visit. I'd like to introduce Mark Soler to you and ask him to say a few words about the project and answer any questions you might have. Mark."

Mr. Mark Soler, Executive Director, Center for Children's Law and Policy, greeted the Commissioners and said, "I just wanted to say a few words about the initiative that Sedgwick County will be involved in. The problem that we seek to address is easy to describe, although harder to address. It's easy to describe, generally across the country, about a third of the adolescents in the United States are children of color, about two-thirds of the adolescents who are locked up in this country are children of color. And so there is something that concerns us a great deal about the way the juvenile justice system operates.

This past week, there was a report from the Pugh Foundation that indicated that one in nine young black men between the ages of 20 and 34 is behind bars right now. That is a matter of great concern for our communities and for our young people. The MacArthur Foundation is very concerned about this issue. The president of the foundation is personally concerned about this and I've talked with him half a dozen times about it. And at his direction, the foundation has launched a major juvenile justice reform initiative called Models for Change.

Ultimately, the foundation will be putting in approximately \$100,000,000 in grants throughout the country to try to reform juvenile justice systems. Of the many areas that the foundation is going to support, the one that the president of the foundation is most interested in is reducing racial and ethnical disparities effecting children of color.

The Models for Change initiative focuses on four states: Pennsylvania, Louisiana, Washington and

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Illinois but because the DMC issue is so important, the foundation has created a DMC action network and has set aside another set of funds for additional states to work on this issue. We had a selection process last summer and we had more than 25 applications from around the country. Sedgwick County emerged as one of the top four and I will say emerged as the top candidate that applied.

Working on racial and ethnic issues is very difficult. Many jurisdictions around the country have tried to do it. What impressed us so much about Sedgwick County's application was that many things have been done here that are exactly the right things to do to address these issues. We felt that Sedgwick County was actually far ahead of many counties that came in, counties from California and some of the more populous states that have been working on these issues for a while. We were very impressed with what Sedgwick has done, but there's still plenty to do.

And in order to help that along, the foundation has committed to provide a minimum of \$100,000,000 a year to Sedgwick County to work on these issues. Some of that will go to the Department of Corrections, some of it will go to the African American Coalition to form a partnership and to be engaged on this. The foundation has told us that there is a promise of additional funds down the line to help spread the model practices that are going on in Sedgwick County to other counties in the state, so we are very pleased to be here.

We've had a good meeting last night with the African American Coalition. We'll be meeting with the key committees today. We'll be taking a tour of the detention facility and seeing other things that we need to see here and we'll have a presence here over the next three years at least, and we want to make Sedgwick County a model, not only for Kansas but for the rest of the country."

Chairman Winters said, "Well Mark, thank you very much for being here. When our Mark Masterson indicated that you and Lisa, and welcome Lisa, I'm glad you're here in Kansas, when Mark advised us of your trip to Kansas, I particularly wanted to have you on our agenda for just a few moments. And commissioners, if you remember, I traveled to Washington in November of last year with District Court Judge and State Representative Melody Miller and visited with a number of people from around the country, including Mark and Lisa, on this very issue.

So I want to express to you the commitment that our commissioners have to participating with our Mark Masterson and his department, our district court judges I believe are very engaged and are committed to working on this issue and I know that you've met State Representative Melody Miller,

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who is gaining a very wide reputation in Topeka, our state capitol, in legislative issues and she started her career on this very bench and served with us for a number of years and I continue to tell the story that until Melody Miller was here, I had no idea what disproportionate minority contact even was. But she has done, I think, an excellent job for our commission and our county. But please be aware if there's anything that our commissioners can do to assist you, we want you to know that we are fully engaged in this process."

Mr. Soler said, "Thank you very much, Mr. Chairman."

Chairman Winters said, "All right, thank you. Commissioners, are there any other questions or comments? Commissioner Norton."

Commissioner Norton said, "Just a quick comment. We're glad to have you in our community. You know, Sedgwick County Commission has been very involved in juvenile justice reform as it comes from the state. Mark Masterson has been a leader in legislative kinds of things. This commission has continually put extra prevention funds into the programs that will help juveniles, all juveniles stay out of our system, but certainly we recognize that the minority community is disproportionately represented and we have to work on that.

Truthfully, we've built the infrastructure, with new facilities that really show the community that we're interested in solving this and making our youngest citizens full participants in our community. And we've also been very active in the racial diversity conversation that our Visioneering group has brought to the community. And that is just another piece of trying to understand this disproportional contact.

I applaud Chairman Winters for entering us into this larger, national conversation with the MacArthur Foundation because it's really hard for local jurisdictions to go it alone because there are huge issues nationwide, statewide that effect us locally and we need to be a part of that greater conversation too and this gives us the opportunity to do that, I believe. So we look forward to working with you and having you back in our community. I think we're going to move this rock up the hill."

Mr. Soler said, "We're looking forward to it. There are 12 jurisdictions around the country that are part of the network and a major part of it is exactly what you said, it's learning from each other. And so we expect . . . we're having a meeting in June. We'll have another meeting in September, on the east coast. There will be representatives from Sedgwick County and there will be an

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opportunity for people to share experiences and share the lessons that they've learned. And I think what you said about infrastructure is very important. Sedgwick County also has the infrastructure on this issue. There is a detention screening instrument, there are alternatives to detention, the data collection has been going on for ten year, we've looked through all the data that's available, all the things that need to be in place to make progress our end place, so we regard this as a very rich opportunity to do great things here and then to tell the world about it."

Commissioner Norton said, "Thanks for being here."

Chairman Winters said, "All right Mark, Lisa, we hope you have a good trip to Kansas. Thank you for being with us this morning. Madam Clerk, call the next item."

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING POLLING SITES FOR THE 2008 ELECTION CYCLE.

Chairman Winters said, "If Mr. Walt Chappell would come forward, and as he comes forward I would remind everyone that our policy is that if any citizen would like to address the Board of County Commissioners, if on the Monday the week before you wish to do that, you need to contact the County Manager's office and you will be placed on the agenda, for five minutes. So Mr. Chappell, please give your name and address and limit your remarks to five minutes."

Mr. Walt Chappell, 3165 N. Porter, Wichita, Ks., greeted the Commissioners and said, "I'm very glad to be here today. It's interesting to see that I followed a very nice presentation on racial diversity. I noticed from some of the latest statistics that the jail has 46% minorities in the inmate population. It's a very big issue, not only here in Kansas, but of course across the country. And tomorrow I'll be testifying in Topeka on Senate Bill 610, which as to deal with racial profiling, so this is very good that you bring this up.

My purpose in being here today is to talk about polling sites and you all know we had 208, we're down to 63 in Sedgwick County and it is presenting a major problem. As a candidate for the state

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legislature, I personally am interested in making sure that Republicans and Democrats both have a chance to come to polls and cast their ballots for the candidates of their choice, so it's very important that we bring this before you today. 2006 election showed major disparities in the number of people who actually were able to cast a ballot. When you look at the data from the handouts I provided, and hopefully you have these in front of you, if you would choose to look here at page two and three of your handout, you'll see that there is a large difference between districts. The range is between 1,500 votes cast in District #103, up to 7,500 votes cast in District 100. So as you look at those districts that have larger voter turnout, it becomes a major comment, how do we get that many bodies through one polling site on one day.

When we were out campaigning in 2006, we hit 2,000 . . . 5,000 doors actually, knocking on doors, talking to people. They didn't know where to vote. They didn't know how to get there. Many of the folks were older, had gone to a polling site they'd had for years, were confused about where the new site was. How to get an advanced ballot was like talking a foreign language. We have a problem and we need to solve it.

When we look at it from the national election point of view, we find that in the district that I ran in, District 91, there are actually 2,300, almost 2,400 people fewer than voted in 2006 as voted in 2004's national election. When we look at the data countywide, that's 63,000 fewer voters. So you can see that having problems in 2006, we didn't get enough people through the polls, we're going to have a major problem this coming year with the presidential election.

So what I'm asking for is simply this, I would like to ask that the county commissioners hold a workshop, and we have it on the agenda sometime here in the month of March, we invite the Election Commissioner Gale to come and work with us, and find a solution. This isn't rocket science. It's very simple. We're asking for approximately 20 more polling sites in the county. That would bring up to 83 and put those polling sites where we need them most, where the most number of people come to vote on a regular basis. We can see those patterns. That's in the data and if we use that information, do a factual analysis, we'll be able to come up with an idea of how to place those sites, make sure the people are able to get in there.

The other thing I would like to share with you is the problem of the electronic voting machines. We have the tail wagging the dog, in the sense that the electronic voting machines were put in for ADA, so that people with a handicap could have a chance to vote without having to work on a paper ballot. The fact is that trying to put all of the voters through those voting machines is part of the problem, because it takes an extremely long time for each machine to be cast a ballot and to be able

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to reset it for the next voter. And so consequently lines are long. What we found in my district was that people couldn't even find a parking place. When they came before work, at lunch, and after work the lines were so long that many people just gave up and went back to work or went home.

We don't need that. This is America. We depend on a democracy to elect our officials, so I ask you please, today go ahead and set an agenda for your workshop, invite Commissioner Gale, lets figure this out and solve it. I thank you for your time. I'll stand for any questions."

Chairman Winters said, "All right, thank you Mr. Chappell. I think that the Board of County Commissioners do have concerns about this. We spent some time yesterday at our regular staff meeting in fact talking about this issue and I would think that we would be open and receptive to having a more informal dialogue and discussion with you and some of the folks that are concerned about this issue. Mr. Buchanan, you and I visited about perhaps right after this meeting that you could have someone begin a discussion with Mr. Chappell and others out in the hall and talk about some preliminary meeting agenda and then talk about some possible times. I think we may be thinking about even a regular staff meeting timeframe, and just devoting some time to do that."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "We're prepared to do that."

Chairman Winters said, "Commissioners, does that sound acceptable to you all? All right, well Mr. Chappell, thank you for being here. And Mr. Buchanan will have a staff person that you can have some discussions this morning about planning that."

Mr. Chappell said, "Thank you so much. Thank you commissioners, appreciate it very much."

Chairman Winters said, "I'm sorry, Commissioner Parks."

Commissioner Parks said, "I was just going to . . . I don't have any questions for Walt, but I was going to say that open dialogue and communication is the key to having more or better voting places. Even though Mr. Chappell is in my district, there is one person that gives me more input than he does on these voting issues and that's a gentleman from Sedgwick. And I talked with him the other day and finally got to the point to where he realizes now that there's more than just one day to vote and we've been doing a lot of things to improve that.

You can sit in the comfort of your own home and get advanced ballots. You can go to the super centers. I've even talked with the Department on Aging on some of the people in Sedgwick to get a bus up there on that, if they want to vote on the voting date, to take them to Valley Center and back and that's one of the things that, economically, it would be better to do that.

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In discussing things with him, it seems like over the years that some people have expanded on the voting issue and made it more of a social event, like whose going to bring the coffee and donuts at 10:00 when we vote and so some of those things, the ideas behind that have become very expensive and I know that these polling places that have been eliminated have reduced the cost. But just in saying that, I wanted to get that on record that I have been working with people in my district to do that and thank you, Walt, for coming in.”

Chairman Winters said, “All right, Mr. Chappell, Bob Lamkey, the guy right over there is going to be your contact. If you want to start meeting with him, we can start the process this morning.”

Mr. Chappell said, “Thank you so much.”

Chairman Winters said, “Thank you. Next item.”

DONATIONS

DIVISION OF HUMAN SERVICES- COMCARE

C. DONATIONS.

1. DONATION BY PAUL AND VALERIE MORENO OF BOOTS, VALUED AT \$2,000 TO CENTER CITY, COMCARE’S HOMELESS PROGRAM.

Ms. Marilyn Cook, Director, Comprehensive Community Care, greeted the Commissioners and said, “COMCARE is very thankful for a donation of 59 pair of boots that were donated by Paul and Valerie Moreno. The couple receives the boots that are used from the red ring . . . Red Wing, that’s not easy, Shoe Company. They then disinfect the boots, they refurbish them, the sort them by sizes and deliver them to COMCARE’s homeless program. The boots are sturdy and they’re warm and they’re especially helpful for our clients who get day jobs or manufacturing jobs, because they have steel toes in them. We want to thank the couple and ask that you authorize the Chairman to sign a letter of appreciation to them.”

Chairman Winters said, “All right, thank you. Commissioners, you’ve heard that. What’s the will of the Board?”

MOTION

Commissioner Unruh moved to accept the donation and authorize the Chairman to sign a Letter of Appreciation.

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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, "Next item."

2. DONATION FROM FAMILY PRESCRIPTION SHOP OF NEW CLOTHING ITEMS VALUED AT \$1,000 TO CENTER CITY, COMCARE'S HOMELESS PROGRAM.

Ms. Cook said, "Commissioners, this is another donation and the story behind this is that Mick Tramberger, who is the owner of the Family Prescription Shop, has been serving COMCARE's clients for a number of years as a pharmacist. Last year, the Family Prescription Shop won the bid to build and operate a pharmacy at COMCARE's Community Support Services program and its really been wonderful for us, because our clients can leave their appointment with the medical provider and then pick up their medications while they're there, as a number of our folks do have transportation problems. But prior to having a pharmacy on site, in one of our buildings in programs, Mr. Tramberger had been delivering medications to our programs, especially our Center City Homeless program for a number of years.

And when he did that, he noticed that a number of our consumers and clients didn't have warm clothing all the time, didn't have hats and gloves. So Christmas, a couple of years ago, he donated some new clothing items and then decided he was going to continue to do that, so he now has boxes in his two pharmacy locations where he asks for donations of new items for persons who are homeless. He's collected new clothing, such as sweatshirts, flannel jackets, hats, gloves, socks and he has donated them to our homeless program and deliver them to our program during the cold

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winter months. He's also, in addition to that, raised some money to purchase even more items, ones that weren't originally donated. We appreciate his kind spirit and his kind heart and we ask that the Chairman sign a letter of appreciate to him as well."

Chairman Winters said, "All right, Marilyn. Two very appreciated and significant donations here on both of these items. We just can't express our appreciation enough. Commissioners, are there any other comments? If not, what's the will of the board?"

MOTION

Commissioner Welshimer moved to accept the donation and authorize the Chairman to sign a Letter of Appreciation.

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
Chairman Winters	Aye

Chairman Winters said, "We will certainly get those letters off, but if you see either of these folks, you might just express again the commissioners' appreciation."

Ms. Cook said, "Thank you."

Chairman Winters said, "Thank you. Commissioners, before we start in the public hearing, I would like us to take a brief off agenda item discussing the recent Boeing Tanker issue."

MOTION

Commissioner Norton moved to consider an off agenda item."

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

POWERPOINT PRESENTATION

Chairman Winters said, “Commissioners, I would like for us to take just a moment to really, I guess do two things, talk about our dissatisfaction with the Air Force selection of the tanker that is being constructed by Air Bus and demonstrate in some way our support for the Boeing Company. And it just is becoming more and more apparent that the best value for the taxpayers and the best value for the United States of America would be this Boeing contract.

You know, in trying to think what it is that we can do, I’m not sure I have an exact solution yet, but what I would like for us to consider doing is directing staff to begin to prepare a resolution that we could act formally on at next Wednesday’s meeting that puts some of these issues in front of us all in an official way and one that then we can have an official policy regarding.

The second thing is I would like to begin contacting counties in other parts of this country. And Kristi, I believe we’ve got a map prepared that just shows the impact that Boeing facilities have across the United States. And as you can see, that is significant. And we have contacts with some counties and I would like to contact various counties around the United States and say ‘do you want to join with us’ in some kind of action or comment or whatever or if you are already doing something to support the reversal of this contract, we want to join you.

So again, that’s not very specific, but I think it’s important as a board of county commissioners we make a few comments on this issue. So if you have comments, I know we have a very long, busy morning ahead of us, but if we could take just a few moments, we would certainly do that. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. You know, I appreciate your initiative in bringing this to our attention. This is not an insignificant issue. This is something that I believe is

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critically important, not only to south central Kansas, but also to our entire country. And so I'm going to be very supportive that we proceed with this, even though we're not quite sure where it might end up. But we need, I believe, to do something to clearly express our interest in the issue and our dismay and . . . at the choice that was made. It's totally un-understandable, if that's a word, to me how we could choose someone to build an American aircraft to support our armed forces and the primary supplier of all that is not an American company. But it's critically important to our economy. I think it's critically important to our defense and I think it sends a real message to our citizens that that's the wrong message about how we're going to support one another, develop jobs here, keep our economy strong and keep our defenses strong. So I realize that there must be some reasons that a decision was made otherwise, but from what I've seen, what I've read, what I've understood, it does not make sense to me, so I think we need to take action. I appreciate you leadership. That's all I have."

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

Commissioner Parks said, "Well I'm not going to belabor a lot of issues that other commissioners are going to bring up. I'm just waiting to hear, be anxious to hear what the Air Force has to say about why they made this decision and I will be listening to that and I would encourage all of our citizens to do the same thing, is listen to that and then take action, call your congressman and senators and express your displeasure. Thanks."

Chairman Winters said, "Thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well I'm in full support of the idea of a resolution. And in trying to join forces with the other counties in the other parts of the United States. I think that's a good idea. We need to move along in a timely manner and be heard on this issue, as it effects our county probably more than any other. And it's our economic health that we're endangering with this type of thing and this could be happening in future contracts and if that starts, then we're in big trouble here, so we need to get right on it I would say. Thank you."

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

Commissioner Norton said, "Well the whole decision really flies in the face of the things that we've been working on very hard here and, in some cases, we've taken a little heat locally for trying to work on workforce development and job training to create the best scenario to keep this economic engine driving here. And you know, it's all about jobs and working class families, and this flies in the face of all the things that we're trying to do in Sedgwick County.

You know, we've engaged in GWEDC, which is an economic development driver, to bring jobs

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here, to keep aviation successful. We've lobbied with the state to help us put money into technical training just for aviation. We've stepped up and looked at the Jabara Training Center, which is all about aviation and creating jobs and the best scenario here. We've looked at economic vitality and you know, we're kind of in a bubble a little bit right now. I mean, not everybody is getting the American Dream in Wichita, but we're so much better than the east and west coasts, and it's these kind of deteriorating decisions that hurts Washington State, that hurts Kansas, that hurts some other places around our nation, and if you see the dots on the map there that Commissioner Winters has brought up, it affects a lot of communities, other than just Wichita.

So I think working families should be insulted by our own military leaders saying that they're going to have it built overseas and anything that we can do to help the cause a little bit I think we've got to do. But truthfully, it flies in the face of so many decisions we've made in the last two or three years to try to keep Wichita and Sedgwick County and south central Kansas the engine for aviation research and aviation training and aviation manufacturing and then to have our own country say 'well, all that work you've done is not too important, we'll do something else and we'll leave you kind of hanging' and that's not right. And I sympathize with Washington State, because they're losing a heck of a lot more jobs in this deal than Wichita, Kansas but it is still a blow to us. Boeing has been very important to this community for a lot of years and I think it's an insult of the highest level. Thank you Mr. Chair."

Chairman Winters said, "Thank you."

MOTION

Chairman Winters moved to direct staff to draft a resolution expressing our dissatisfaction with this contract award and our support for the Boeing Company, and that we begin contacting counties and cities across the country and asking them to join us in this expression of dissatisfaction.

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

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Chairman Winters said, "Commissioners, thank you very much. Madam Clerk, would you now call Item D."

PUBLIC HEARING

D. PUBLIC HEARING REGARDING THE PETITION FOR INCORPORATION OF THE CITY OF WEST VALLEY.

POWERPOINT PRESENTATION

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This matter comes to you, started with a petition that was filed with the County Clerk on December 19th, 2007. On January 8th 2008, as per statute he was required to report to you that the petition met the statutory requirements. He did that on that date. He then set the hearing date for today. You were required to set that hearing in a place convenient for most of the inhabitants of the area to be incorporated. We checked with the inhabitants and their representatives and they felt that this was an appropriate location, so you went ahead and set the hearing for this place. The hearing was to be within 30 to 90 days from the date of filing the petition. This date falls within that timeframe, so you've met that statutory requirement.

The statute requires you to provide notice in a variety of ways. You were required to publish notice in the official county newspaper. We did that. We also published notice in the Wichita Eagle and the Ark Valley News. You were required to send notices to cities and planning commissions within five miles of the area being incorporated, to the state director of community development in the Department of Commerce, and to city clerks and city planning commissions, and I think we've covered all the people you were required to mail notice to and all those notices went out. We were also required to post notices in three public places in the area being incorporated. That was done as well, so all the notice requirements were met at least 15 days prior to the date of the hearing, as required by statute. So you've met all the statutory procedure requirements to lay the basis for this hearing.

We've also provided you a notebook of materials that would be part of the record. We've supplemented that with some additional materials that came in a little bit later. We also received materials last night that I have that I can distribute to you later. The conduct of the hearing is up to you to determine the most appropriate way to conduct the hearing, so at this point unless you have other questions for me, I can turn it over to you and you can open the hearing."

Chairman Winters said, "All right, thank you very much Bob. Before we do open the hearing, we could just run through what I believe we've agreed on as the procedure and then commissioners, if

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we have any discussion about that, we can take care of that.

I have asked Dr. John Wong from the Center for Urban Affairs and Studies at Wichita State University to make just a few comments at the very beginning. Then we will hear from the petitioners, those who are requesting this action take place. They are represented by an attorney, Bob Kaplan, and we will beginning with him. He has requested 30 minutes and we will do 30 minutes. Is Sheila Reyes here? Is that you? And Sheila has requested 30 minutes and it says that some of you have relinquished some of your time to her. So of the folks that are in the room now, who all is here in favor of this? If you would please stand, please stand if you're here in favor of this. All right, are there some of you who would relinquish your time to Sheila and then you then not speak? Okay, Sheila it looks like you're . . . everybody can be seated. So then, after Bob Kaplan, Sheila wil have 30 minutes to discuss. Then anybody else, we're going to limit you to five minutes.

Now I want to make sure that we hear what folks have to say and that's why we've given Sheila and Mr. Kaplan this 30 minutes. But if we all took 30 minutes or if we all took five minutes, we would probably be here for a long time. So if somebody has said something that you've already indicated, there is nothing wrong with saying 'I agree with so-and-so'. But if you have something to add, please do that.

After all of those who have spoke who are speaking in favor, then we'll turn to those who are in opposition. I believe Valley Center is here and again, we'll give Valley Center the time that they feel they need and then anybody else that's in opposition would be limited to five minutes.

We will not be making a decision today. The process that we have talked about is that for two additional weeks we will take additional comments. So up until March 19th if anyone wants to give additional comments, they can send those to our county counselor's office and those comments will be added to our file. The tentative date now established for us being back and having this on our agenda would be April the 2nd, but again if there needs to be some flexibility, we could do that.

Commissioners, does that sound like an acceptable plan? All right, very good. We'll start off, and I will open the public hearing and ask Dr. John Wong if he would make a few comments. Please and this is for everyone, please . . . do you have some stuff to hand out? Just give it to the manager right there. Please give your name and we need your address, as you begin to speak.”

POWERPOINT PRESENTATION

Dr. John Wong, Interim Director, Hugo Wall School of Urban and Public Affairs, W.S.U., greeted

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the Commissioners and said, "Okay, there are some handouts circulating. I think I kind of underestimated the demand. There's about 30 there, so I'm sure there is not enough for everybody, but if anybody wants it feel free to e-mail me and I'll be glad to get that to you if you want to make it bigger or if you didn't get a copy of it, so I'll be glad to do that. So I'm just going to make some general comments, in terms of the issues of creating new cities.

So without further ado, I'll get started and I'll just try to zip through this handout here and folks can kind of peruse it at their own speed later. Okay. Where's the keyboard? Okay, the first slide here is a little bit of background information and I think may be surprising to some people. There are in fact over 87,000 distinct governments in the United States. There are in fact almost 20,000 cities in the United States. That may or may not be surprising to you but I think what may be surprising to some folks, that if you look at the Kansas column, if you look at the various types of governments, Kansas is in the top ten in every one of them, except school districts and school districts it would have been in the top ten also before consolidation in the 1960s.

The reason that's somewhat surprising is certainly by land area or by population, Kansas isn't anywhere near the top ten on any list and if you look at the number of cities, the U.S. Bureau of Census recognizes 627 cities in the State of Kansas, which is 8th out of the 50 states.

Within Sedgwick County there is approximately 20. That's a little bit less surprising, because it is one of the more populated counties in the state, but I think what this reflects and it's somewhat ironic, because I think most of us would agree, people from this part of the country, if you were to characterize their orientation towards government, government is probably not one of their favorite entities. So it's kind of an enigma that you're in a part of the country where government is not overwhelmingly popular but you have so many of them.

But I think the answer to that is if you have a distrust of government, probably one of the simplest ways to address that is to create a lot of them and make sure you keep it close to your pocket, so you can keep an eye on them. So I think that's a reflection of that, so there are a lot of governments within Kansas generally, and specifically within Sedgwick County. There are 89 separate governments within Sedgwick County.

Okay, the next set of slides basically lays out some information about the objectives of local government. Number one, an important objective of local government is efficient resource allocation. When you're using taxpayers' money, you want to make sure that you use taxpayers' money wisely, because it is the money of the taxpayers.

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Second, appropriate distribution of burdens and gains, what we're talking about in the context are people paying for what they're receiving or are other people paying for things they're not receiving or are people not paying for things they are receiving. So a number of issues there, in terms of equity, in terms of making sure that the folks are generating the costs or actually paying for it.

Lastly, the major mission of local governments is to provide specific goods and services to residents in an efficient and responsive manner. And again, that's why we have different types of governments, because depending on the service that's involved, it may be incumbent on a different types of government to deliver that.

Okay, a little bit of a review from probably we've seen this in high school government or perhaps high school history. Just a review of this debate, in terms of whether it's better to have a few big governments or a whole lot of smaller governments, okay. So it goes all the way back to the origins of the United States in terms of the Federalist debate. The Federalist view that was essentially espoused by Alexander Hamilton called for the centralization of power. And the reason Hamilton supported the centralization of power is if you centralize power, in other words, you have few large governments, you have more efficiency because you can take advantage of economies of scale and also you have a more consistent government. You don't have to worry about citizens worrying about a whole bunch of set of rules to memorize because you have fewer sets of rules to deal with. So the benefit of having fewer governments is you have a more efficient government and you have a more consistent government.

But that doesn't come without a cost. The Anti-Federalist view, which was espoused by Thomas Jefferson, favored a diffusion of power. Jefferson suggests that a diffusion of power is important because it promotes responsiveness to people and it also encourages participation of the citizens. The more governments that you have, the closer they are to the people that they're governing.

So the problem that you have to reconcile here and you notice on the slides you have your scales of justice here, is it's not unambiguously one is better than the other. It's a tradeoff. You would rather have efficiency, consistency, responsiveness and participation all at the same time, but you can't. You get more of one set, you get less of the other and vice-versa. So that's what you're wrestling with in terms of creating cities or not creating cities. Which of the two sets of values are more important in that context.

So just a little bit of background in terms of those two views, in terms of what we're balancing. First of all the issue of people/ government proximity, effective people/ government feedback can produce better services for the same expenditures than could be obtained in the absence. The closer government is to the people, the better understanding they have of what they want, which it makes

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it easier for them to actually deliver it to the people.

However, government fragmentation can also undermine understanding of citizens and interfere with citizen participation in government. Harkin back to about 20 years ago, when I first starting working at the university and had an office across the street at city hall and then a citizen came up to the front door and said, 'I have a beef with the county, who do I need to see?' I said 'well it's the blue building across the street'. And what did they proceed to do? They walked into city hall anyway. So I think the more governments you have, you do have some issues in terms of confusion, in terms of who is responsible for what.

The issues in terms of centralized government, number one, the more centralized government is the better off it's able to match the benefits and burdens within its boundaries. In other words, to make sure that the people who are using the services are the ones paying for it.

Second, it takes advantage of economies of scale, because a lot of things, if you're building large infrastructure or whatnot, if you're building a water treatment plant, it doesn't matter if your treating water for one person or 100,000 people, you still have to build a plant.

Third, it requires only one administrative structure. The more governments you create, the more administrative overhead you're going to have to go along with that. Also, it's less likely to be innovative and less efficient in the productive process in terms of delivery of services because governments are very much like businesses. They compete with one another for citizens, jobs, employers, a number of things. So if you have one government, they're like a monopoly, they really don't have an incentive to be efficient.

Lastly, it's also unlikely to benefit from competition. As I mentioned, if you have smaller governments, you get a diversity of ideas and then it creates kind of new views on things. So it is a tradeoff in terms of centralization. There's good aspects to it and there's also downsides to it. Now the flipside in terms of decentralized government. It does provide a means by which the levels of consumption of public services can be tailored to preferences of subsets of society. If community 'a' isn't to your liking, you have a choice between 'b', 'c', 'd' and 'f' so the more communities that are in an area, the most choices citizens have in terms of matching their taxpaying and their service delivery needs and wants.

Second, by promoting increased motivation over time and providing competitive pressures induce local governments to adopt the most efficient techniques of production. Well, if you have a choice, well if I'm not getting what I want from my city, I'll go petition them and say 'this is what I want'. If they're not willing to give it to me, I can walk with my feet, which is a form of voting also and move to another community, whether it's for a school district or for other types of services, citizens can have that option at their disposal.

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Lastly, decentralized government provides a system of local governments that provides an institutional setting that promotes better citizen decision making by making more explicit recognition of the cost of public programs, because you can trace it back to that specific government and see exactly what you're getting for what you're paying.

One of the biggest issues in terms of governance and proximity to one another is something we in economics call externality for spillovers, because one of the things that make delivery of government services very inefficient is that the people that are receiving the services aren't paying for them. So in many cases what happens is that winds up cheating the people that are paying for it, because they're not getting their proportionate share of the services, because other people are using it and not paying for it.

So a spatial externality occurs where the distribution of the costs and benefits of services don't match up. Non-residents either pay for a part of the costs or enjoy part of the benefits of the government service. Spatial externalities cause government's choice about taxes and spending to be inefficient, because there's not a match between . . . it's not like when you go to the grocery store. You know what you're getting for, you make the decision whether you want to pay that price or you don't, because what you're paying isn't matching up with what you're walking out the door with.

If there's a spillover of costs, residents underestimate the true cost and demand, so too much of the good or service, whereas a spillover benefits causes residents to underestimate the true benefits and demand too little. So you either wind up with too much of something or too little of something, because what you're paying doesn't match what you're actually getting.

Kind of a big rule that you want to think about in the context of making a decision in terms of the creation of the community is that in a lot of cases I think the decision is presented inappropriately. You know, is it better with it or without it? I don't think that's the question. The question you need to ask yourself when you're making a choice, when you're making a choice that means you are giving something up. So the important thing to keep in mind is when you're making a choice, the cost of that decision is what you're not doing in the alternative. So when you choose 'a' over 'b', it's not whether you're better off with 'a' or without 'a'. It's are you better off with 'a' or whatever the alternative to 'a' would have been, 'b', 'c' or 'd' or 'e' or whatever the other options are. So the cost of your decision is what you're giving up, not whether you're better off with that or without that particular choice that you've made.

So something I always talk about in class is the TANSTAAFL doctrine. I'm sure you've heard it

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before. It is an acronym. It stands for 'There Ain't No Such Thing As A Free Lunch' and I think that's the issue that we're talking about right here. So a lot of cases, I think commissioners you're well aware, if taxpayers had their druthers they would ask you to deliver infinite services with zero taxes. And as we all know, that's totally irrational and not possible, and the danger that you get yourselves into is if you want something for nothing, probably the most common result of that in the long run is you're going to wind up receiving nothing for something.

The last section of the presentation that I'm going to talk about, the slide basically shows a little comparison in terms of the number of local government employees in the Wichita metropolitan area, compared to about ten peer communities in the Midwest. We're talking about Oklahoma City, Tulsa, Colorado Springs, Omaha, Des Moines, Kansas City, Springfield and Little Rock. So what I did was I tabulated some information in terms of the per capita number of employees in the Wichita area compared to these peer communities. And what this trend basically shows is that Wichita has approximately 20% more local government employees than these ten peer communities in the Midwest. And again, that's probably not surprising given what we showed on the first slide, with the large number of governments. So one of the costs of having a large number of governments is you're going to have a large number of government employees. Obviously that's going to drive your tax costs up, because there is a lot of duplication in that context because every time you create a government, you're going to create a set of government employees that goes along with it.

And this slide basically shows a comparison. I have like I think 20 communities in Sedgwick County on there. It shows the city mill levy from 2005. It was the most recent information that I had and if you look, the City of Wichita has a mill levy of about 32, which is in fact lower than all of the second class cities, except one. And then, if you compare that to the third class cities, Wichita actually has a lower mill levy than ten out of the thirteen third class cities in Sedgwick County. So what's the moral of the story in this slide. It's the issue that I've talked about with economies of scale. If you're delivering services over a larger population, it is much cheaper to deliver it over a larger population base than a smaller one, so that is a consideration when you're creating local governments because local governments, if they're small, tend to be very expensive. Again, but that's counterbalanced with the fact that they do have the option of being more responsive because they are closer to the people, in terms of tailoring the goods and services that they're delivering.

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Okay, the next two sets, I'm sure they're factors that everyone is aware of. It's the statutory guidelines in terms of the requirements for specific incorporation of a new city. And I just leave them in there for your thought, in terms of what is at issue here. And then I'm going to skip forward to a couple of cases . . . and the bottom line right here, I'm not going to give you a recommendation one way or the other, because it is a weighing and balancing of interests.

But what you want to keep in mind in this context, according to the Kansas Supreme Court, the incorporation decision is a legislative decision. Which means, for the most part, the county commission as a legislative body, by definition what they decide is in fact correct because you are given discretion, you are the lawmakers. The law that you make is in fact legally defined as being correct. But within that context, what's good for the community depends on what you define as being the priorities of the community. Are you weighing on the side of efficiency and consistency in terms of fewer governments, or are you weighing on the side of responsiveness and participation in terms of the creation of more government? So that's what you're weighing and balancing in terms of deciding what's the appropriate decision for the community.

So the last thing that I want to leave you with is I'm going to tell you a story about cows. It's Kansas right, cows are kind of important in Kansas and I think this kind of epitomizes what's at stake and the context of creation of communities. It's based on an article from Science magazine in 1968 and it goes something like this. It's called the tragedy of the commons.

The tragedy of the commons develops in this way. Picture a pasture open to all. It's to be expected that each person will try to keep as many cattle as possible on the commons. As being a rational being, each herdsman seeks to maximize his gain. Explicitly or implicitly, more or less consciously he asks 'what's the utility to me of adding one more animal to my herd. The utility is one negative, one positive component. The positive component is the function of the increment of one animal. Since the herdsman receives all of the proceeds from the sale of the additional animal, the positive utility is nearly plus one. The negative component is the function of the additional overgrazing caused by one more animal. Since however the effects of overgrazing are shared by all of the herdsman, the negative utility for any particular decision making herdsman is only a fraction of minus one.

Adding together the component parcel utilities, the rational herdsman concludes that the only sensible course of action for him to pursue is add another animal to his herd and another. But this is the conclusion reached by each and every rational herdsman sharing the commons. Therein is the tragedy. Each man is locked in a system that compels him to increase his herd without limit in a world that is limited.

Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes the freedom of the commons, freedom in the commons brings ruin to all. So what this

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is suggesting is there is only so much space available, even though that's probably not the first thing on the mind of people in Kansas compared to people in New York. But there is a limit to the amount of land that's available. The more cows that you put on the land, the more the grass is going to be eaten up. If all the grass is eaten up, it's not only the individual owner of the cow, but all of the owners in the community that are going to be negatively affected by that.

So in conclusion, the things that you need to keep in mind here are cities and suburbs have a mutually symbiotic relationship. Cities are typically places of work. Suburbs are typically places to live. Without a place to work, there's no reason for a place of residence. But on the other hand, without a place of residence, there's really no reason for a place to work. So the dilemma that we're facing is on the one hand if you have a one-size-fits-all situation, everybody has probably encountered that. You buy something where it says one-size-fits-all. What does that effectively mean? It doesn't fit anyone. But on the other side, you can't custom tailor everything so that everybody has their own unique size or their own unique government. So you have to find some happy medium inside, in terms of reconciling that.

And we want to promote freedom, but it goes back to the issue with the cows. The limit to my freedom to swing my arm is the tip of your nose. You can do whatever you want with your arms, as long as what you're doing doesn't negatively affect someone else. When you're negatively affecting someone else, then it's a relative question. At some point, your freedoms end because you're potentially infringing upon someone else's.

So the last thing I'll leave you with is by definition the choice you're making is a political one, but there are economic consequences to that decision, so when you're making that decision, what I would encourage you to do is to make sure that you take into consideration those economic consequences. Thank you."

Chairman Winters said, "Dr. Wong, thank you very much for your presentation. We will now proceed with the hearing and Mr. Kaplan will be the next presenter."

Mr. Robert Kaplan, 430 N. Market, Wichita, Ks., greeted the Commissioners and said, "I have the privilege this morning, commissioners, of representing the petitioners in this matter. Prior to beginning this presentation, I want to repeat two comments that I made earlier at an informal planning commission session that we had on this matter from which you received correspondence from the chairman of the planning commission, Mr. Mitchell. The first you're very, very well aware of and I'll not speak to it, except to tell you that House Bill 2747, which you're all acquainted with, will be dispositive if enacted and signed by the governor, will be dispositive of any pending

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annexation proceeding if it becomes law in its present form.

Secondly, the point that I really want to make, is that while House Bill 2747 if enacted in its present form will be dispositive of the pending annexation proceedings, it will not be dispositive of the petition for incorporation. And I think that that's a relative distinction that I want to make clear, because these folks what their community and the belief that most people are going to have on the surface, without investigating it and without hearing about it and without studying it, says 'well, we're just wanting to do an end run around the annexation'. That's what this is all about and that's going to be the first thought that's going to come into your head. If there were no annexation, there would be not petition for incorporation. That's not true.

First place, keep in mind that the petition for incorporation preceded the resolution for annexation. In other words, the petitioners, my clients had requested by petition, it's been modified and supplemented and I worked very hard with Mr. Parnacott and Mr. Don Brace and they worked by hard with me in meeting all the statutory guidelines, but the first petition that was filed was prior to the resolution by the City of Valley Center. Now did Valley Center discuss annexation prior to that? They maybe did. They're in phase eight. They've completed seven phases but that's item number one.

Number two, and this is an important distinction, because I don't want to go through this this morning with the belief that all we're trying to do is avoid annexation. It's much, much more than that. The annexation that's pending, the phase eight annexation by Valley Center only affects and only includes about four or five of the households that have petitioned for incorporation. So statistically keep that in mind. I've got some 70 plus petitioners, 300 plus inhabitants. Of that number, four or five are included if the annexation proceeds. That's all, so the remainder of these folks came in with the intent of forming a community and not directly to the annexation. Now, is the annexation an issue? Certainly it is, but it's not the annexation itself that's the predominate issue. It's the effect, the residual effect of what happens with the annexation. It's not being annexed, it's the effect of the annexation and the restriction that such an annexation would place on the lifestyle of those folks who want their own self determination who want their own rules of conduct for the lifestyle they now enjoy.

Now here, important point, keep this in mind also, and can't be really disputed, Valley Center cannot operate under a double standard, okay? Rules and ordinances that are made and actions that are taken by the City of Valley Center can't be segregated, they can't be bifurcated, you can't say

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'well we're going to apply those only to the present corporate city limits'. We're not going to apply those to these new folks out in the rural area that we just annexed. You can't have a double standard. And ordinance is an ordinance, a policy is a policy. It's going to affect these people who are going to, as a result of, if there is an annexation, I don't want to dwell on it too much because I've got more important things to talk about, but it's going to affect them in the sense that what happened, you all know what happened, you've got a lot of land use experience, the uses that they presently enjoy they become non-conforming, do they not because they're not going to comply with most of the ordinances. I'm not going to sit here and read an ordinance book. They keep horses, they've got goats, they've got cow, they've got fowl, they've got ducks, they've got barns, they've got windmills, etcetera, on and on and on. They've got big areas. They've got five acre tracks. Now what happens to that lifestyle? And what happens when they want to expand their uses? I mean I can't grandfather a horse. When that horse dies, can I go buy new animals and be within the ordinance of the City of Valley Center who says I can't do that? I've got non-conforming uses which I'm going to lose, so there goes, in a large part, there goes the lifestyle because that's what we have.

These people are not city dwellers. They're not urban dwellers. They're country dwellers and they enjoy that country lifestyle. And you basically destroy that if you do not allow them to incorporate and seek their own destiny, with their own government, with their own mayor who will live in the area, with their own counsel who will live in the area, and they will be able to design their own ordinances and their own laws to accommodate their existing lifestyle. Now that should not require further explanation.

I did have a PowerPoint slide. I used it at Planning. I don't know what happened to it. Mr. Parnacott kindly offered to get it over here so we could use it, but I've got some photos and at the conclusion of my presentation if you'll take a look at them, I'll just give you a few snapshots of the area. I think most of you are probably familiar with the area. You may have driven it, you've looked at it so I don't want to belabor those things that you already know.

The thing that I don't understand and I have serious difficulty with this, there are objections to this incorporation. Some of those objections come from cities within the five-mile ring. We know that Valley Center is here to object. That's fine. I was given a similar package to what was given the commission. Cities such as Mulvane and Sedgwick, philosophically objecting our own planning commission, by a close vote but nevertheless but never the less by a majority vote, objecting and recommending denial. Why? Because the perception, it's more than a perception I guess, but what they're saying is, philosophically . . . the planning commission didn't have an opportunity to look at this case. I was called by John Schlegel. I was invited to come up, said they might have some questions. We made no presentation. My clients made no presentation. There were really very, very few questions and they voted six out of ten to recommend denial. Why? Because of a concern that incorporation impairs and limits the ability of a neighboring city to expand. It's a philosophical

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theory where they say that by allowing one community to come into existence, another community is limited in their ability to expand.

Now, here's my problem. Every community, every incorporated city in this state, whether it's the city of Wichita, Kansas, Kansas City, Kansas, Topeka, Colwich, Bentley, Sedgwick, you name it, they're all incorporated. How did they come into being? They did exactly what we're seeking to do. But now they come in and say 'you can't do this' because if you do this then we can't expand. Well, it's exactly what they did. What are we doing, what are we seeking here that every other city has not done? We can't have an incorporated city without an incorporation. So the thing that we are being, if you will, criticized for is the same thing that everybody else has done.

Now, the more meaningful question I think is that if this is approved, and I know this has got to be a question on your minds, if this is approved, do we know what we're doing? Do we know how to go forward? Do we know how to put a city in place? Do we know the statutory procedures? Do we know how to budget? Do we know bookkeeping? Do we know franchising? Do we know our mill levies? Do we know where we're going to get our revenues? Now I am not an expert in that area, but I knew, I knew from the commencement of my retention in this case that those were going to be very, very important issues. If we give you your city and we approve it, do you guys know what you're doing?

And so we went out and we retained the services of a local lawyer who practices nothing but municipal law and has been through this exercise who is guiding us and will continue to guide us. And he's here and that's Mr. Lee Parker and I'm going to ask Lee Parker to address the commission for a few minutes and use his five minutes, simply to assure this commission that if approved that we know that we need a city clerk, we know we need a budget, we know that we've got to enter into . . . we've got to . . . he will take over, basically, from me if approved and walk this group through the mechanics and the formation of the city and the first meeting and the charter ordinances and all that. So please, in considering this case, don't dwell on the fact that if you approve it we're going to flounder. We're not going to flounder. We've already looked at it. We've hired the expert. We know the process. Mr. Parker has been through it. He's done it successfully. He was involved in Bel Aire and other communities and I'm going to have him speak to you because I know that that otherwise is going to be a big void in your mind is do they know where they're going with this? Yes we do. Yes we do and we've already considered those possibilities.

Now you know there are other benefits and there are benefits to Sedgwick County, Kansas from this incorporation that perhaps you've thought about and perhaps you've not. For instance, Fire District #1, I don't have the statistics, I haven't gotten that far with this, if approved we've got a lot of work to do. I've not talked to fire district. I understand, I am advised and I've not independently verified

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this, Ms. Welshimer or gentlemen, I've not independently verified it, I understand the fire district is shrinking. All right, why? Because of the expansion of cities and local departments. Valley Center has a fire department, largely a volunteer department, but a fire department. We are now dependent on SCFD and we are very comfortable with the Sedgwick County full-time fire department and we want to stay in the SCFD district. These folks prefer that to being brought into the Valley Center Fire District. That helps the fire district because that prevents more shrinking.

The same is true, the same is true of a other services, even down to the township. Grant Township, Park Township, they struggle. You know what their mill levies are. They don't have a lot of money. They maintain roads. It's a benefit to the townships, the Grant Township, that we continue to pay mill levies to the township and they continue to maintain roads. And if we're not incorporated and if ultimately all these folks are annexed at some phase, phase eight, phase nine, phase ten, whatever it is.

What about services? We don't have yet . . . I talked to Mr. Miller out at Valley Center, we don't have yet a services plan for the phase eight. There is a services plan for phase seven, which has been accomplished and I am told, and I can be corrected by anyone here on behalf of Valley Center, but I am told that it will be basically the same services plan. And services plans generally, if you've looked at very many of them, I've been in a few of these cases, I've litigated annexations, I've been to the appellate court on annexation . . . not as much as I've done land use, but I'm not a neophyte either. I've been involved in these cases in the past. Services plans are generally rather scant. They do provide that we will provide the services, by petition and by special assessment.

Now we've got some unique problems out here that have to be looked because of the topography because of the geography of this area and I'm not going to have the time to go through all these ten factors, and because we were granted an extension of time, I am going to address them and I do have material that I am going to submit in writing, but part of West Valley lies west of the Arkansas River Floodway. Now I'm not an engineer. I don't know the costs, but if you want city sewer to that area, you're going to have to cross that floodway. Now I've not looked into this yet, but you're not going to have, I don't believe, you're going to have natural flow, gravity flow. You're going to have to put in holding stations and you're going to have to put in pumps and I may be corrected by Sedgwick County Public Service, he's sitting right here, but I think it's not an easy situation to cross a river, water maybe because it's under pressure and you pump it. Sewer is not under pressure

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and ordinarily not . . . cross a river with this. I'm not saying it can't be done, I'm saying who picks up the cost of doing it? The residents. Who picks up the costs of streets and street lights, and a lot of these folks live on five acres of ground. You realize, and I don't have the numbers. It's way premature for that, but stop and think what are the special assessments going to be on a tract as large as five acres for infrastructure services? They're going to be horrendous. They'll be horrendous on five acres. Street lights, you want curb and gutter and you've got five acres and all that frontage and you've got to pay for curb and . . . you can't do that. It's not going to happen and they're not going to petition for it simply because they can't afford it. They're not going to be able to.

Another big matter, I was up here . . . oh gosh, the Bentley development, two years ago, three years ago, I don't recall, but we had a lot of difficulty. I think the commission has difficulty with it. I think the City of Wichita had difficulty with it. Certainly the water district had . . . everybody had difficulty with it because we're now in the equus beds area and we're working on private septic systems, and we're working on private water wells. And you had a letter from the City of Wichita saying 'oh my goodness, they're going to harm the equus beds. They're going to pollute the groundwater. We've got out there now, stop and think about it, we've got out there now 70-plus private sanitation systems, 70. There is no way that KDHE, staffed as they are and the wonderful work they do, can really regulate and monitor and keep tabs and keep an eye on 70 private lagoons or septic systems in one area. It's too much.

So where is the advantage? The advantage is that we go to a house lagoon. We go to a community lagoon. And that community lagoon is permitted by Kansas Department of Health and Environment. It's regulated by Kansas Department of Health and Environment and KDHE has one environmental system to look at instead of 70. It's got to be helpful. It certainly can't be hurtful.

There are a number of those things, I could stand here for another 30 minutes and enumerate matter after matter after matter. So I appreciate Dr. Wong's comments about weighing the benefit versus harm and the various communities one to another and weighing the factors, but there is another factor and that is the benefit to Sedgwick County and the benefit to the township and the benefit to the fire district. And those benefits result from incorporation because we stay with the present services and clean up the area.

I don't know, as I say, I don't know if you have the planning commission's minutes or not. I don't think that I got them, but I would just simply caution this commission, that was a very abbreviated meeting. There was no presentation and even at that, one vote less and it would have been a tie vote, a five to five vote. And they really do not have any detail and did not have and we weren't asked to make a presentation, so I don't know how much emphasis ought to be on that decision. That was basically an invitation, come ask a few questions. I didn't really get any questions.

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We will, if approved, be able to set our own charter ordinances. We will be able to set our own levies. We know the franchise money, franchise fee money, utility franchise fees that we're going to have to depend largely on that for our mill levies and for our budgeting, I'm going to leave all of that to Mr. Parker and I repeated it once, but I just want everyone to understand here that we're not going forward blindly. We didn't come in, just say give us a city and we'll figure out what to do. We know what we have to do and we have the expert and we have the consultant necessary to guide these folks through it. I'm not that guy, but Mr. Parker is. He exclusively does municipal law and he's been through it and he knows the drill and I've met with him a number of times and some of my clients have met with him and they know what they've got to do.

I appreciate the fact and I'm not going to dwell on it, the first thing I was going to do, Mr. Chairman, was ask you to defer this matter to see what happens with 2747 and to give us an opportunity to submit some additional material, which we're in the process of working on and you've taken care of that, so it's not necessary that I go into that. I don't know how long I've been up here but let me just make a couple of general comments and I'll take questions.

I'm just not, as I said earlier, I'm just not sure why what we're proposing seems to have taken on an aura of being so novel or innovative, it's not. It's the same thing everybody has done. There's nothing new or different about it. We're saying 'well, it's precedent setting'. What's precedent setting about it? Every city that is a city is incorporated, every incorporation, Colwich, Sedgwick, Mulvane, Bentley, did they all set precedent? I don't think so. They just simply followed the statutes, did what they wanted to do to give them self-determination.

Now we've got a few folks where we did make a mistake. We've got one gentleman who said he was included, didn't want to be included. There was an error in a legal description. I can't pronounce his last name, I don't know if he's here or not, it's S-E-Y-B. That gentleman wrote a letter, John. I talked to him on the phone. He's talked to several people. We have assured him if this is not approved he has no problem. If it is approved, we will see that he is removed from it and properly de-annexed. Some of the other letters that I was provided, along with the package that went to the commission, were people concerned about change and what's going to happen and can we afford it and they want to keep it the way it is. They simply do not realize that even after incorporation, they will still have county fire protection, which they like, they will still have county police protection through the Sheriff's Office, which they want. They will still have county code enforcement, through Mr. Wiltse's office. Those things are not going to immediately change, and those concerns are not well advised concerns, but I do think that there are benefits to the county in maintaining those governmental services.

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Philosophically, and I'll finish with this I think, as I say, I don't know how much of my time I've used but you've got a lot of people to hear from and I'll sit down here in just a moment, but I think it's worth considering and it is a little bit philosophical perhaps, but why has the state embarked on and the legislators, the seven or eight or nine of those folks who have introduced and brought forward House Bill 2747. What has happened here, what has happened in the counties and in the local governmental units to induce the state to take a position to introduce a bill that says 'enough'.

You're going to annex only with the consent of those who want to be annexed. Why? The why is, I went through this two or three years ago, with an annexation in Haysville and we went to litigation on it, it was set aside at the trial level. It was reversed at the appellate level. Those folks, nevertheless, went en masse to the legislature two or three years ago, whenever it was.

There has been a lot of lobbying for modification of the annexation statute. And what I fear is going to happen, I'm kind of a local guy, I like to see things happen on a local level. I like to see us have our own self determination on a local level and I would like to see less state control. But what's happened here, if we continue to aggressively annex, and bring folks into communities where their lifestyles are so dissimilar to the lifestyle of the folks in those communities that they hadn't ought to be there, there is going to be more and more legislation and the state is telling us and is going to tell us who we can annex and who we can't. And not only does this bill provide for a ballot and a vote of the folks to be annexed, it's retroactive.

I don't know what it's going to be in other jurisdictions, but it's made retroactive, not just goes to the future, and I know you have the bill and I know you'll be studying it and looking at it, but you know we embark in a rather dangerous situation here, when we cannot handle and do not handle our own self determination, somebody else is going to do it for us. And that's what we've got with the state legislature, and you know, I can't say that I'm an advocate of that bill. I'm an advocate of that bill in this case only because it probably serves the interests of my clients, and I've got to do everything I can for my clients and that's got to be agreed and if the bill passes, then that's the end of this annexation in its present form because they're sure not going to vote for it. If they were going to vote for it, they wouldn't be here.

Now that's basically the heart of my comments. I am going to assemble that additional information, Mr. Chairman. I appreciate the additional time. I know we've got statutory factors to deal with.

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I'm going to address them. Mr. Wong addressed many of them and I've got some speakers here are going to address some of them. I will be submitting written material.

I would like, if I may, just approach the bench. These are just some snapshots. My PowerPoint, I don't know what happened to it and I didn't bring it. That's just a few snapshots."

Chairman Winters said, "All right, does that conclude your presentation, Mr. Kaplan?"

Mr. Kaplan said, "It does."

Chairman Winters said, "All right, thank you. We've had a request to take a short break, so we're going to do that. I know we can't hardly do it in five minutes, but we're going to try to start at 15 minutes till 11 by that clock at the back of the meeting room, so that's about eight or nine minutes. What we're going to do at the beginning of that is some of you indicated you would relinquish your time to Sheila Reyes and so to get you on the official record, I'm going to ask the six of you or whoever wants to relinquish their time to come up, state your name and address and that you're relinquishing your time. So if you would be prepared for that when we return from our recess. We are taking a short eight or nine minute recess."

The County Commission when into recess at 10:37 a.m. and returned from recess at 10:48 a.m.

Chairman Winters said, "I will call back to order our meeting of March 5th, 2008. We're in the midst of having the public hearing, concerning the petitioners of potential West Valley. I've been advised that there are a couple of folks that really need to leave because of some kind of commitment and Sheila Reyes, could you direct . . . do you know who those are that need . . . are there very many that just have to leave?"

Ms. Sheila Reyes, 6400 W. Glenda, Valley Center, Ks., said "There's a few but I would like to let them . . ."

Chairman Winters said, "Okay. We will go ahead and do that. So if you're in a place where you've got to leave, we're going to listen to your comments at this time and then, as you know, we're not going to make a decision, so how many are there here that really need to get out of here for a prior commitment. All right, if you two gentlemen would come to the podium please. If you'd come on over and get ready when he's done. Again, give your name and address for the record and you have five minutes."

Mr. Larry Walker, 8810 N. Janis, Valley Center, Ks., greeted the Commissioners and said, "Throughout history, the creation of cities has been an effort to improve the services available to the

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citizens. In fact, this is not the case. In this instance, I request the formation of West Valley is one of maintaining our lifestyle and the services we have now.

Not so many years ago, Park City and Bel Aire came to this commission, different commissioners same board, seeking to become a city. They were blocked and opposed vehemently. Our request is no less. We currently are self-sustaining and our water and sewer functions, our water quality rivals anything that is in the county and without the addition of chemicals

Most of our properties are, as we said, five acres used for livestock, poultry and recreation. My grandkids and their four-wheeler love the five-acre lot. Our fire service is a fully paid, accredited department, thanks to you. We have excellent personnel that respond. The option, should we be annexed by Valley Center, is a volunteer department and while I hold a great deal of respect for volunteers, if I've got a lion that loose, I want the paid lion tamer.

Our roads are well maintained, usually during snowstorms, better than what the city's are. Our police protection is provided by SCSO and couldn't be happier. And what do we lose by becoming our own entity? Nothing. What we'll lose by not, everything we hold important and the way we live our lives. To deny this request will ultimately result in our annexation by Valley Center and a loss to our way of life. Thank you."

Chairman Winters said, "Thank you, Mr. Walker. Next speaker."

Mr. Barry Harrold, 4020 Palos Verdes, Valley Center, Ks., greeted the Commissioners and said, "I'm in the seventh addition of Valley Center's annexation. They annexed my home and about 100 more about three years ago. In the three years, we've paid almost 125 to \$150,000 in tax money and the only thing that we get is our roads graded. Our roads were well maintained by the City of . . . by the Township of Valley Center. Now, you get them graded on a two-inch snow. They waste the money coming out. Two inches of snow is going to melt in two days. Police force, there is no police force. They come out two or three times a week, they drive through, that's all you get. Valley Center does not need to go any further west than they already have. They can't support the homes there that they've already annexed. They don't have an adequate police department, they don't want to add to their police department. I would like to see the commission to vote to let West Valley become a township [sic]. I would like to be de-annexed from Valley Center and be part of that if that would ever be possible. Thank you for your time and I hope that you'll stop Valley Center right where they're at so they can't go any further west. Thank you."

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Chairman Winters said, "All right, thank you very much sir. All right, did we take care of the urgent needs of folks that needed to leave? Mr. Waller? Is there a Mr. . . yes, are you on a tight time schedule?"

Mr. Greg Waller, 8865 N. Jacobs, Valley Center, Ks., greeted the Commissioners and said, "I would like to get the kids home. I can stay for the rest of the meeting if you would like."

Chairman Winters said, "Okay, well come on ahead then. Pull it right down to you"

Mr. Timothy Waller, 8865 N. Jacobs, Valley Center, Ks., greeted the Commissioners and said, "And I live in the area that wants to be West Valley. In Scouts, I learned that my rights end where another's begins and it seems like Valley Center is trying to destroy my rights. My mom says that even a small voice can be heard, so please hear my voice."

This is me, my dog and my go-cart. I like my dog and she likes my go-cart. She's like to chase my go-cart. She runs along beside me and really enjoys it. If we are annexed into Valley Center, we can no longer be able to take my dog and do this with her. I am asking you to let us be the city of West Valley. Thank you."

Chairman Winters said, "Thank you very much."

Ms. Linda Waller, 8865 N. Jacobs, Valley Center, Ks., greeted the Commissioners and said, "I'm also for the petition for West Valley. Thank you for letting me speak today. I'll try to make this as brief as possible. It's my understanding that some of my neighbors have stated that they would prefer things to remain the same. Well so would I, however the City Council of Valley Center has made it very plain that that will not happen. So I would like to speak with you today about how annexation by a city or any city would affect us. By granting us our petition, you'd help us preserve our lifestyles."

This, by almost any city standards, would be considered an eyesore and most cities have ordinances against this type of structure and would have to be torn down. But let me tell you what this really is. This is my son's imagination. It is a fort when he's fighting Indians. It's a pirate ship when he's fighting on the high seas. It's his secret cave when he's a foreign spy and it's a rocket ship when he goes to the moon.

We bought our house in the country to avoid all the entanglements of the city ordinances. My

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family's particular lifestyle requires us to be gone for various periods of time in the spring and the summer. We own six acres of land. It is impossible for us to keep that amount of land mowed to four inches. We don't let our dog run free all over the place, but we do let her run with our child. We don't own horses or cattle, but let's face it, with skyrocketing food prices, raising a steer at some point may be in order at some point.

Valley Center's Council has stated that they wanted more businesses and housing developments. Where are those establishments going to go? Obviously, zoning will come into play and we will eventually lose our land to those establishments.

We are not 'trailer trash'. We are simply a group of people who like to preserve our lifestyle. Please, we are appealing to your sense of fair play. Grant us our petition. Instead of telling my son to tear down this eyesore, tell him to enjoy his trip to the moon. Just be home in time for supper. Thank you."

Chairman Winters said, "Thank you."

Dr. Greg Waller, 8865 N. Jacobs, Valley Center, Ks., greeted the Commissioners and said, "I live in one of the planned annexation areas, part of hopefully West Valley at 8865 North Jacobs. I thank you for allowing me to speak today. I'm here today to implore with you, indeed I'm here to plead with you to please vote in favor of the formation of West Valley.

Let me be quick to say that I really do not want this change, but it seems to be our only defense against the attack being waged against our homes, our lifestyles and even our pocketbooks by the City of Valley Center. I'm sure that most if not all of those who are favoring the formation of this new town would gladly give up if we had any other protection against annexation, but we do not appear to have any other hope. Our backs are against the wall. You as elected representatives are our last hope.

It's interesting that Mr. Wong made the comment about the excessive number of cities in the State of Kansas. It's interesting also that Kansas is one of the few states remaining that allows unilateral annexation. Perhaps the reason we have so many cities is because more people have had to do this to defend themselves against annexation. You are certainly aware that we have several cities within Sedgwick County that meet that criteria. This is no new precedent. This is something that others have had to do.

Consider with me if you will our state song, 'Home On the Range'. We sang it from our childhood, each dreaming that we might someday realize the dream of having a home in the country. At last, after investing our sweat, our blood, our very lives, we achieved this goal, only to have it threatened by the unjust monster of unilateral annexation. If this unjust practice is allowed to continue

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unchecked, there will be no home on the range left. Home in the suburbs is not our state song. It just won't cut it, nor was it ever our dream.

Is unilateral annexation unjust, you might ask? After all, it is legal. It is still legal in this state and a few others but over 45 of our great 50 states have laws against it. As has been previously stated, our own house of representatives is debating the issue right now and may soon restrict the practice in Kansas. But sadly, the wheels of legislation turn slowly, perhaps too slowly to protect us from the attacks of the Valley Center City Council, who by the way wrote to the legislation in opposition to this bill.

Our own schools and even naturalization classes for new citizens teach us that one of our basic rights is the right to choose where we will live. Yet unilateral annexation allows people we have never even elected to take that right away from us. We have chosen to live in the country. Yes, unilateral annexation is legal in Kansas but that does not make it right. Surely each one of us would agree that slavery is wrong, and also unconstitutional but remember that it was legal for many years. Lest I be misunderstood, the point I'm trying to make is just because something is legal today doesn't make it morally right. I'm urging you to make the right decision in this case, to do what is morally right. It's not morally right to allow what Valley Center is planning to do to us.

State after state has realized how unjust annexation is. How sad it would be if Kansas were the last to recognize these violations of basic human rights. Let me simply say that some of the greatest, most heinous violations of human rights that have ever occurred have been legal at the time. Don't make us wait for the wheels of justice to turn slowly in Topeka. Take action. Help us to fight against this today.

In Dr. Wong's presentation, he told the story about the cows and the herdsmen. I want you to realize that the greedy herdsman who wants to put in the extra cow is the City Council of Valley Center. They are the ones who are reaching out trying to grab as much as they can, and they can't even care for what they've grabbed already. The not only have an aggressive annexation plan, but they have a totally unrealistic view of their responsibilities.

I've spoken with many of the unfortunates who have already fallen prey to annexation. One of them spoke to us this morning. Here's what they say. They say the city has put in a few street lights, but no other changes. Oh I forgot to mention they nearly doubled our taxes. We have our

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own street lights, thank you. We have our own water and septic systems. At a recent city council meeting, plans were discussed for a new medical clinic which Dr. Horne is planning to build. This is going to be a lovely, brand new, multi-doctor facility of which any city might be very proud. But what will the good doctor do with his sewage? The city council plan calls for him to use a sewer lagoon. What I'm telling you is not anything against Dr. Horne, but that the city can't even provide basic services for a beautiful, brand new medical facility in an area that they annexed years ago. What hope do we possibly have of ever realizing any services from this city? Please, we beg you as our representatives make them take care of the area that they've already annexed before they come after us.

In their letter to the house of representatives, Valley Center City Council mentioned the social aspects of banning together for common protection and services. We don't want their protection. We want you to protect us from them."

Chairman Winters said, "Dr. Waller, excuse me, Dr. Waller that is five minutes, so if you could . . ."

Dr. Waller said, "Thank you, I'll conclude quickly. I've worked with government facilities and government officials literally all over the world and I've never seen anything like the arrogance that we face in Valley Center. They will not even listen to our complaints when we make complaints to them. They don't listen to their own constituents, why should they listen to us? That's why we're appealing to you. You are our representatives. You are the officials that we have elected. We're begging you to save us from those that we did not elect.

Let me close by saying this simply, Wichita is known as the Cowtown. Wouldn't it be a sad thing if someday unilateral annexation made Wichita 100% urban. One of the city councilman has been quoted as saying that anyone who buys a small tract of land in Sedgwick County should expect to be annexed. We didn't expect that and if that's not your view, as a county commission, if it's not your plan to have this county one day be 100% city, then you need to stand against this. You need to help us to fight against what we consider is very unjust. Thank you."

Chairman Winters said, "Thank you. At this time I would like for Lee Parker to come back and Mr. Kaplan indicated that Mr. Parker had some comments and would do it within the five minute timeframe, so if Mr. Parker would please come to the podium."

Mr. Lee Parker, Attorney, 150 N. Main, Wichita, Ks., greeted the Commissioners and said, "I have for the last 28 years I think been representing local units of government, including spending several of those years in an office I think across the hallway from my good friend John Wong at Wichita State.

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I remember . . . it was mentioned Bel Aire, I remember attending the celebration party with my then law partner Pat Connolly, who was the first city attorney of Bel Aire, as we celebrated the night that Bel Aire actually became a city and noting what it took to . . . at first hand, what it took to roll up the sleeves after the celebration and move on into making that happen. I've been retained by Mr. Kaplan to work with the group at West Valley, to go on ahead once they have gotten the authority to become a city, to go on ahead and allow them to move forward in an orderly fashion to do those things that cities do and be and function as a city.

I need to tell you that I know that in all of your minds there's questions of exactly what should be taking place here and now and I've got to tell you that unlike with the corporation, when you get down with the city, first time that they can really go on ahead and move forward is after there has been an election and there has been a mayor and five council members elected and they will start sitting as a governing body.

What would normally happen at that point is they would start ratifying ordinances and contracts, contracts for services and those kind of things, ordinances, rudimentary ordinances by which they would operate, the newspaper, those kinds of things. Also work to ratify franchise agreements that would bring about franchising funds within the city to allow it to operate. The other thing is that quite frankly they would start undertaking in the summer, just as you do, a process of setting a 2009 budget based upon a mill levy, as you have for the operation of the county but it would rather be for the operation of the city. All of those things start to come about. You have to put together a set of books, a budget and have a city clerk and a city treasurer to go on ahead and deal with those finances, just as in all of the other cities.

I need to tell you that that's a process that they would go through and start to function, as I said, after the election just as all other cities function here. The one difference that Mr. Kaplan noted is that they would, with those in Valley Center, is they would be functioning as a city of the third class, which is still part of the township system, as opposed to Valley Center being a city of the second class, which is exempted from the township system and they would also be seeking fire protection and law enforcement protection through Sedgwick County, as other cities have done historically and still do.

With that, if you have questions about how that might be undertaken I'd be happy to answer those questions. But I'll really probably be part of the process after they start to become a city."

Chairman Winters said, "All right, thank you very much Lee. I do not see any questions at this time. Thank you.

Now, several of you indicated you would relinquish your time to Sheila Reyes, so if there are those

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of you who would like to do that, would you please, so we can note that you are here and you will be on the record, would you please come to the podium and say, I . . . give us your name and your address, and then just say 'I relinquish my time'."

Mr. Everett Ryan, 5347 W. 81st St. N., Valley Center, Ks., said, "I relinquish my time."

Chairman Winters said, "Thank you very much sir."

Ms. Sharon Carpenter, 5225 W. 77th N., Valley Center, Ks., said, "And I also relinquish my time."

Chairman Winters said, "Thank you."

Ms. Mary Minihan, 7325 N. Hoover, Valley Center, Ks., said, "And I also relinquish my time."

Chairman Winters said, "Thank you."

Mr. Ken Minihan, 7325 N. Hoover, Valley Center, Ks., said, "I also give my five minutes."

Chairman Winters said, "Thank you very much."

Mr. Wendell Chance, 5715 Solar Valley Cr., Valley Center, said "I give my five minutes to Sheila."

Chairman Winters said, "Thank you very much sir."

Mr. Elizabeth Chance, 5715 Solar Valley Cr., Valley Center, Ks., said, "I also give my five minutes to Sheila."

Mr. James West, 445 Keith, Valley Center, Ks., greeted the Commissioners and said, "I relinquish my time."

Chairman Winters said, "Thank you."

Mr. Brent Ray, 6400 W. Glenda, Valley Center, Ks., said, "And I give Sheila my time."

Chairman Winters said, "Thank you very much sir. All right, Sheila, you have some supporters here and I think this has been an efficient way to do that and come to the podium, introduce yourself and we clearly want to hear your comments. We're going to set the timer for 30 minutes, but we

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want to hear everything you have to say.”

Ms. Sheila Reyes, 6400 W. Glenda, Valley Center, Ks., greeted the Commissioners and said, “Boy, I hope I am not up here for all the five minutes those people gave me. I’ll try not to be redundant and hit on issues I know that other people are speaking on. I want to thank you for giving us this opportunity to have our voices be heard. Not very often is it that government entities come through like this and allow people to have an opportunity to pursue their dream.

I’d like to start off by telling you a little story, although this is my story about my home and my life. It’s not unique to the rest of the folks in this area. I purchased my property in 1986. I grew up in Wichita my whole life and I was ready for a change, a little simplicity and peace and quiet. I didn’t have a lot of money and I found just the right spot. Wasn’t much there, five-acre lot and I had to make payments on it. I paid \$250 down on that land and that’s all I had.

I put a single-wide mobile home out there and that mobile home served my family well for a lot of years and I was proud of it. I worked hard, I planted trees, I added a driveway, I added a 30 by 40 garage and I had dreams out there. Oh I was so happy. A lot of improvements to that land, just little by little as I could afford it and I had to work hard for my money, very hard. I have two kids, one is going to college at W.S.U., almost ready to get this degree, my daughter is still in Valley Center High School. Times have not always been easy, but I have a lot of memories at that place.

My dad, who is now deceased, bought me my first chickens and helped me build my chicken coop out there and every day when I go out to feed those chickens I think of him and I have to laugh because I remember I was kind of aggravated at him at first, but you know I’ve actually grown to love them.

Now in 2001 times were a little bit better for me and I decided that I loved my area so much that I built my home out there, a brand new home. I worked hard. I had to use my own budget. I was the general contractor for that home, and it may not be much to anybody else, but boy, I sure worked hard for it and I earned every dime. I put a lot of blood, sweat and tears into that home. And I love where I live and I love the simplicity and I made that home for my family and I wanted to stay there till retirement. And I budgeted for a lot of things. A lot of times you cannot budget for all the expenses you have, tax increases, sales tax increases, and I’m willing to pay my fair share of taxes and I sure do, believe me. I pay more in taxes than my son makes a year. Sometimes that’s hard to take.

But the bottom line is that was my dream and I did it a little bit at a time, twenty years worth. I stayed, I loved that area and I made an investment in an area that’s not . . . a lot of people probably wouldn’t have invested in, but I would not have built that home in 2001 had I known that I may be part of a city and city ordinances that would change the way that I live out there. It was just totally

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not fair. I was appalled because I worked my whole life to get away from it and I was very happy where I was at and that's why I did what I did and I'm very proud of my home and I think Sedgwick County is pretty proud of it too, because my appraisals keep going up pretty good every year and I don't mind paying taxes and I don't think anybody else here does either. The issue is paying taxes and not receiving a whole lot for it. I mean, you want the best that you can get for your money, which is what I did with my home. That's why I did a lot of the work. That's why I was a general contractor, because I needed to make use of every dollar that I had.

I also want to tell you that I don't spend a lot of time in the city of Valley Center. I made an effort to support their grocery store, Leeker's, I think they're very personable. I went out of my way, because I work at 6200 South Ridge Road, close to Haysville, I have plenty of opportunities to stop along the way, which is more convenient, but I made every effort and I still make every effort to support that. The only dealing that I have in town, to date, are with my daughter's school. She has school functions, or I'll make an effort to run to Leeker's. Other than that, I really don't have any. And I don't have any ill feelings towards Valley Center. I just am not happy about the ordinances and the ways of life that we have to change and the increase in taxes and the lack of services that would be provided.

Which kind of brings me to where we are right now. We're currently maintained by county services, fire, law enforcement and EMS. Our roads are maintained by the township. All of our homes in this area are served with water by privately owned water wells and septic tanks or lagoons. If the homes are not total electric, homeowners rent or purchase propane tanks for their fuel, which by the way is outrageous. I'm pretty cold blooded, so my heating bills are pretty high. We're happy with these services. Sedgwick County services are excellent. Never hear a complaint about the Fire, the EMS, the Sheriff's Officers. Their response time has always been very quick and I've had to use them. I want to tell you that we would like to keep those services, if we're allowed to be a city of the third class. We can see nothing wrong with that. We're very happy.

When you think of a city, a lot of things come to mind: development, businesses, streetlights, public places, but if we're allowed the opportunity to become a city of the third class, we don't want to be like the other cities. There's no mandate that you have to have those, I don't think. We want to be able to preserve the quality of life we know and that we chose when we moved out there. And although our lifestyle may be different than what other communities except as normal. It's no different than people gathering and living around golf courses because they enjoy that. It's the same type of situation. We enjoy the country life. We enjoy our animals. Some of the folks out

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here enjoy the racecars and they have spare parts around and sometimes cars. I've got a couple in my driveway.

We feel we are citizens with similar desires and similar lifestyles and we truly pray for an opportunity to ensure that quality of life and services at an affordable and reasonable rate. We're not trying to get out of paying taxes. Everybody knows we have to pay taxes, but we want the most for our money and we feel that maintaining those services from Sedgwick County, we can do that.

In the proposed area of incorporation, the industrial and business base is very similar to Bel Aire's, which is not very much, actually nothing for our case. The only growth we plan is by request only. And we also wish to keep our expenses minimal for the taxpayers in this area. We feel that we, as a community and a city of the third class, can work together for the betterment of the taxpayers in this community and do it better than any other governmental agency that's close to us, any other city. We can look out better, we know better what our desires and what our needs are and we're used to working on a budget and we know what we can afford. We don't want to spend money wastelessly. I want to take a moment to point out that the city administrator for Valley Center stated in the Metropolitan Area Planning Commission a couple of weeks ago that the entire proposed area for incorporation is in the target area for annexation by the City of Valley Center.

So, our alternative to becoming a city of the third class and keeping our services and lifestyles as close to our current style of living is to be annexed into the City of Valley Center eventually. If that happens, it will truly change all of our lives forever and I don't see any economic benefit from that happening. We would lose Sedgwick County Fire Department to a Valley Center volunteer fire department, which off of their website currently only employs one full-time person, from 8 to 5, I believe. The rest are volunteer, on-call. This is a big issue and would be a very costly move, not only for homeowners in the annexed area, but also to the Sedgwick County Fire Department, which will lose funding for all the homes that are annexed into the City of Valley Center.

And this is not just for the City of Valley Center. This is countywide. Every time an annexation from a city of the second class happens, Sedgwick County Fire Department loses money but they still respond and aid those cities that took that funding from them. They've been there many times. They're a highly efficient and reliable entity. We trust them with our homes and our lives. How can a protective agency like that expect to maintain their high level of operation with continued funding costs unless it is passed on to the remaining taxpayers of that area. The residents of the proposed incorporation have been told by their insurance companies that if they are serviced by a volunteer fire department, their homeowner's insurance rates will increase. There are absolutely no

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fire hydrants in the proposed area for incorporation and the closest water main for city is one and a half miles to the eastern point of the proposed incorporation area. That's a long way. There's people who have been annexed by Valley Center that still don't have water and if they do, I can't imagine what the cost is going to be. I have not seen a plan to install these services, nor have I seen the costs for the homeowners for any properties to be annexed by the City of Valley Center, and as I said, the cost will be substantial.

In addition, there will be different emergency numbers that we'll have to teach our kids to call. Instead of calling 9-1-1 for everyone, if we're annexed into the City of Valley Center there's different phone numbers for fire and for police and our small kids will have to learn the difference.

There are many issues with Valley Center's volunteer fire department and water supply. I'd like to refer to an article published in the Wichita Eagle on February 27th, 2008. In that article David Caston, Company President for Barton Solvents was quoted, 'Years ago, when we bought this facility, 1979, there was nothing around us' he said, 'there was an industrial park, but over the past 30 years homes have been built closer to the plant. There isn't adequate water for fire suppression, the roads aren't what they should be for an industrial park, the bottom line is we need more room'. My position, Valley Center cannot take care of the current residents, businesses and roads. How can they possibly take care of more? Our safety is truly at stake here.

There's also the position of township losing money to maintain the roads. How do the townships recover the revenue lost unless there's a tax increase for the rest of the taxpayers in the towns affected? There's also the streetlights issue. I'm not going to go into that. Someone else has already hit on that, but it would . . . if I have to install streetlights . . . if I have streetlights in front of my property, it totally changes my atmosphere.

There will also be an increased mill levy for the proposed incorporation, which would be very nominal. We believe that we can be very, very efficient with our money. We believe that a nominal mill levy will take care of the basics and we can grow from there. The increase for being annexed into Valley Center is substantially higher and I think you have those numbers in your booklet and I'm not going to dwell on that. I believe the difference is somewhere around 20 mills.

If we're allowed to become a city of the third class, we are positive that we can better serve those citizens more efficiently and economically, with their best interests in mind. The cost of governmental services by Valley Center, if annexed, is obviously excessive. The increase in the cost of government services would not provide better services for any citizens in the proposed city of West Valley. We are people with similar desires and similar lifestyles, with a desire to preserve our rural lifestyle that we handpicked for our families. I do want to make a comment on the cities and other government committees have voiced their opposition to the incorporation of another city

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in Sedgwick County. I know they fear taxpayers and homeowners in their immediate areas will band together. There are currently many communities fighting the unilateral annexation and this is a huge issue for the state. Taxpayers believe that they are truly being taxed without being represented.

People are individuals with different desires and personalities and lifestyles, which should be respected. Individuals should not be forced to live a lifestyle because someone else wants them to. I'd like to quote a couple of items from Mr. Patrick Hughes. And for those that don't know, Patrick Hughes was retained by Sedgwick County to answer Park City's threat to annexation, a portion . . . to answer Park City's threat to annex a portion of the Kansas Coliseum complex. Mr. Patrick says, 'In most of the annexations, the county is a mere bystander, it must sit back and watch while cities exercise their annexation powers inappropriately. In circumstances where the county has a voice, where it has a role to play, it has been consistent, annexations should be done with full consideration for the proper growth and development of the area and for providing government services that development requires, not merely to lay ahold of additional land and additional tax dollars'.

He also says for an annexation to be appropriate it must be about something other than expanding the city's boundaries or increasing its tax base. It must be a bona fide and in good faith effort to provide city services to annexed property. He further says 'as to the proposed costs of government services, it's clearly excessive when we compare it to the meager substitute services to be provided by the city. Residents, while . . . I sorry, I lost my spot . . . Another quote from Mr. Hughes 'here's the point, as landowner the county will have the greater tax burden, but get worse governmental services, longer law enforcement response times, burdens of additional fees, inferior and expensive street maintenance, simply in order to underwrite the cost of Park City of providing its existing residents with a library, swimming pool, newspaper and government services. Our community feels exactly that same way. We hope that these comments truly reflect your position, and hope that we are as important to you as the Sedgwick County . . . we hope that we are as important to you as the Kansas Coliseum complex is to the Sedgwick County Commission.

We do look to you, as an entity, Sedgwick County Commission. We have no other entity to belong to. When I first started asking questions, I asked 'who represents us? We live in the county, surely somebody does.' I got no answers. Valley Center has Valley Center's council, each city on the

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metropolitan . . . has a representative on the Metropolitan Area Planning Commission and we, as Sedgwick County residents, who do we go to? Well, I think my answer is right here. You five people right here, you people are the ones in power of the entire county. You have the opportunity to make things right and as far as I'm concerned, we belong to you, Sedgwick County. That's where I live at. That's the taxes, the mill levies I pay to my entities and we want to keep those. We think we have the best, the greatest service. But we also feel like we need to band together to become a city of the third class, to ensure that our lifestyles, our home lives are protected.

In conclusion, I'm just asking you to give careful consideration to the petition for incorporation for West Valley. And although it's not the annexation itself we're fighting, but the result that annexation will hold in our lives. We'll have substantial increases in mill levies with no benefit. We'll change from the rural lifestyle we chose to be mandated by somebody else's lifestyles who may not allow clothes lines.

I want to keep our level, our high level of protective services that we currently have in Sedgwick County and there's no doubt in my mind that all these people in this room today and ones that could not be here, I believe that we can work together as a city of the third class and a community and we can do better for ourselves than anyone else can for us. We know the value of a dollar. We know how hard it is to earn.

I want to reiterate if our petition is denied, the alternative will surely happen. Valley Center will gobble us up and our tax dollars and we will receive nothing in return. We'll pay taxes for a lot of years before receiving any services and we'll always be last on the list and never receive equal services provided to current residents of Valley Center. But if we're allowed to incorporate, we can become first on that list and stay there, but the true, best interests of citizens in this community in mind.

One last thing I'd like to say, and I want to tell you, I'm proud of all these people. It's hard to get up here and speak. I'm not a professional speaker and I hate getting in front of crowds, but I think everyone of these people who showed up here today, I'm so proud of them for taking a stand and for banding together and to realize that their passion is my passion too. It's amazing and I'm so proud to be in a joint effort with them and I know that this can be nothing but good.

One last thing I'd like to say, the fire district mill levy is 18.482. This comes from Bob Parnacott, by the way and if the entire proposed area for incorporation were annexed into Valley Center and removed from the fire district, the loss of revenue for that fire district would be \$30,656. Quite a

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sum. That's all I have."

Chairman Winters said, "Thank you very much. The next speaker please. Is there anyone else? Yes, please come forward. Please give your name and address and you're limited to five minutes and pull that microphone right over in front of you. There you go."

Mr. Richard Walkup, 8759 Javis, Valley Center, Ks., greeted the Commissioners and said, "I'm glad to be here to speak in my behalf today and I'm going to try to be as short as possible, because a lot of issues have already been spoken to. I moved into what would be West Valley, if we're successful, 20 years ago. And there's been a slow change throughout the area, but generally speaking it's a lifestyle I wasn't used to in the beginning, but I've grown to love it and I certainly hope we don't have to make the changes that Valley Center would require.

We and our neighbors have septic systems and water wells and as has been said before, the water is terrific, I think it is, a little hard but it's very potable. If my memory serves me, in the proposal West Star was suggested as the supplier or power for our area. Right now, we are being supplied by Sedgwick County Cooperative and this is about the cheapest power in Kansas I think and I would not like to lose that.

Finally, my family and I have resided in the Midwest for . . . well, all my life and we've lived in three different states, adjacent states, and I hate to say this but Kansas has the highest property taxes of any of the states that we've lived in. And I've been retired for 14 years, my wife's retiring this month and I would hate to have to face the increase in property taxes and the other expenses that this annexation would befall us. That we're going into what's supposed to be our Golden Years and it doesn't look like . . . they're going to be a little tarnished. Commissioners, I urge that you support the incorporation of the West Valley project. Thank you."

Chairman Winters said, "Thank you sir. Next speaker please."

Mr. Alan Tigard, 8041 N. Hoover, Valley Center, Ks., greeted the Commissioners and said, "And my support in West Valley can most simply be stated as maintaining the rural residential life and freedom for which I moved to the country. The City of West Valley proposes to maintain that rural lifestyle and freedoms.

I enjoy target shooting of both rifle and pistol and shooting skeet with shotgun. I have shared this

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with friends and fellow church members for many years. They cannot shoot guns in town. They come to the country to have the freedom to show their children how to handle firearms safely and to enjoy, with family and friends, one of the great American rights. Five acres is the size of an entire city block. I live on a seven-acre lot. Why would I be forced to live by the same rules as someone living on a fifty by one hundred lot in town. I leave portions of my property in native grasses to encourage wildlife. I have Jack Rabbits, Cottontails, a Red Tail Hawk, an owl, ducks of all kinds, pheasant, quail and birds of all sorts that come on my places. Why should I be constrained to live by the same rules and maintain my property the same as the person who chooses to live in a 50 by 100 lot in the middle of the concrete city. I live in the country.

I live in the country, and I want to maintain that freedom and lifestyle, donkeys, horses, cows, chickens, geese, these are the animals I hear when I walk outside. I didn't hear those when I lived in the city. The chuckle of the pheasant, the call of the quail, the quack of ducks and the screech of a hawk and the hoot of the owl, these I hear when I walk outside. I didn't hear these when I lived in the city. The ability to legally step outside my backdoor and shoot a gun, a place to invite people out to also enjoy this American right, this I have when I walk outside. I didn't have that when I lived in the city. I live in a rural city by purposeful choice. The City of West Valley is created to protect the rights and freedoms and rural lifestyle which I moved to the country to gain. If I must live in a city, then let it be a city in which my American dream, rights and lifestyle are a foundation. Thank you."

Chairman Winters said, "Thank you sir. Next speaker please."

Ms. Debra Parks, 8005 N. Hoover, greeted the Commissioners and said, "I'd like to thank the chair, the commissioners for agreeing a time limit extended to let people, to the 19th I believe you said of March to comment, for those who could not be here and if those are watching by TV today and could not be here for work relations, whatever, please put your information into letter form or e-mail form and state your case.

I previously have e-mailed a letter of my concerns to the commissioners, so I won't reiterate that to save time. The one comment that I would like to make to you would be very simply, from my childhood a little church song. We learned a song in church in Sunday school. This is the church, this is the steeple, if you open the door, there are the people. Yes a church is a building. You can point to any church in any town in Sedgwick County and say 'that is a church' but actually what gets done in the church is the work of the people in that church. By proposing to live in the city of West Valley, we as those residents would maintain a lifestyle that we enjoy now. As the previous speaker just spoke, he enjoys shooting guns in his seven acre area. Well I have a horse. As neighbors, he is considerate enough to know how much that noise scares my horse, calls me and allows me to put the horse up or at least be out there when he enjoys his activity. Yeah, I freak out a little bit about the noise, but you know, he has his property, I have mine. I enjoy my concerns.

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We as a community work together in our community that we have now, and that's not to say that would stop if we get annexed, but that some of the same activities that we now do get to enjoy would. As I referred to in the letter, one of the things that concerns me is continuity about animals.

If I should convince my husband that I could be allowed to have more pets, that would be restricted because of how the laws are in the books. Right now, I have as many I think as I can financially afford, but if we became a city I would have to get a kennel license, more expense to me, just because I wanted to enjoy another animal or have my animals existing enjoy another of their species.

With these comments, I would ask you to please consider the other comments I made in my letter, everyone's comments that have been made today and that you might hear by the 19th and please consider letting us have our lifestyle as we enjoy it now. Thank you very much for your time."

Chairman Winters said, "Thank you very much. And again to remind folks that may be listening, Ms. Parks was correct, we are going to continue to take written comment up until March the 19th and that should be sent to our county counselor's office. Yes sir, please continue."

Mr. Joe Shaffer, 8700 N. Janis, Valley Center, Ks., greeted the Commissioners and said, "Here for the proposal of West Valley Center. I have two different e-mails here from other folks that could not be here today. I know you've heard a lot of this, I don't want to retouch . . . I'll just touch on some highlights I thought was interesting.

We've lived in this area for 35 years, since '89. They built a home. One of the things that they've said here, that they can't afford the increase in taxes that Valley Center is proposing to change. Valley Center said they'd put in streetlights. They said they don't want the streetlights. They like to be able to see the stars. I don't know how many of you go out in the county, but that's probably one of the few things I truly do enjoy out there, going out there and just . . . I can walk out my door, turn off my porch light and look straight up. It's great, so if you live out there, you understand it.

Most of the houses out there are on unplatted, five-acre lots. We all enjoy those. Most of us have at least five acres. The people directly across the street from me are on one-acre lots. We all like them. We all like what we have out there and we truly do enjoy them out there.

Something else they said here, that they like their grandkids to come out, ride the go-carts, play with their horses, their dogs. Basically, one of the things that they said here, they'd like to preserve their way of life that they have right now. I have to be in complete compliance with that. I'm the same way, I like what I have, I like my five acres. They would take great pride in being what they call West Valley Center. Me too, I would like that.

From the other gentleman that we got an e-mail from, he's asking to please approve the intended

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incorporation in order to maintain a sense of community and our country way of lifestyle. I have to completely agree with that. Thank you very much for your time. Have a great day.”

Chairman Winters said, “Sir, do you know . . . those e-mails, were they sent to the county, or were they sent to you?”

Mr. Shaffer said, “They were actually sent to . . .”

Chairman Winters said, “Well if you want to give those to Mr. Parnacott right behind you, we’ll make that part of the file, if you’d like.”

Mr. Shaffer said, “That would be great, thank you very much. Thank you for your time.”

Chairman Winters said, “Thank you. Next speaker please.”

Chairman Winters left the meeting room at 11:45 a.m.

Mr. James E. McPheeters, 8825 N. Jacobs, Valley Center, Ks., greeted the Commissioners and said, “Doctor was talking about the fact that a lot of times you have a situation where the people of the city would like to not have to pay taxes but would have the services. That of course, in what we’re talking about today, it’s the flip side. Valley Center would like to have all the tax money, but provide no services.

As I was looking at this, and it’s obviously not a prepared speech, but it would appear that if the county commission had contracted with someone to provide asphalt and we had a centralized government that said you have to buy asphalt from ‘xyz’ company, well ‘xyz’ company would never come and deliver that asphalt to you, but would come by every once in a while and say ‘you on a list and some time we’ll get it for you’. At some point you would say, as a reasonable people and a representative, you would want to say let’s take a look at that company. How come we’re not getting those services? Would it be reasonable to continue to work with those people? Probably not. If at some point in time they said ‘oh, you really want asphalt? Well, we’ll give that to you, but it’s going to cost you more money than you can afford to pay’. You would at some point say ‘this does not make any sense, this is not a reasonable decision’.

All we’re asking is that, as the county commission, you take a look at this and see that we would be in that same situation with no services and if we ever did, in the foreseeable future, get those, we could not afford them. It is not a reasonable decision for you, as a centralized committee, to force us to become part of Valley Center.”

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Chair Pro Tem Norton said, "Next speaker, please step forward and state your name and address."

Chairman Winters returned to the meeting room at 11:47 a.m.

Ms. Cindy Mollohan, 6520 W. 86th St. N., Valley Center, Ks., greeted the Commissioners and said, "I apologize in advance, I'm battling allergies and I may be coughing a little bit, so I brought my water up with me.

You know, I lived in Valley Center 16 years prior to where I live now and we bought this place in January of '06 so I've been there about 24, 26 months and I didn't know what I was missing. When I lived in Valley Center, at the time that was the right thing to do in my life because we had children growing up. They all attended Valley Center schools. My mother graduated from Valley Center High School. My two brothers and my sister graduated from Valley Center High School and my folks still live in Valley Center, on Ash Street.

All three of my children graduated from Valley Center High School and they're now grown and living on their own. And they all, during the years, had extracurricular activities, such as sports and 4-H and this and that, and living in town, man, it saved me a lot of gas money and running around, so that was a good time when I lived there.

However, some of the reasons I chose to live where I do now, it's a more laid back lifestyle, as a lot of people have said already. We don't have the traffic like living in the city. We don't have the noise, the trains. Oh my gosh, when I go into town to visit my folks, in ten minutes four trains come by. It's annoying. I'm so used to not hearing them now.

Our neighbors, they're not right next door, they're not right on top of us and that's great. Disturbances and crime, oh man, they're almost non-existent out there. You don't have to worry about someone stealing the bicycle out of your backyard or doing damage to this, that and the other because it's almost non-existent out there.

We don't pay excessive taxes right now because we do have our own utilities: water, sewer, electric, gas. And I have the five acres and I can mow when I want to mow. I try to keep it nice and mowed all the time but sometimes I just can't. There are other people out there that let it grow for their native wildlife and things like that and that's fine with me. I like the gravel roads. If we had paved roads, there would be so many people speeding by and, you know, that would be bad on the small children that do live in that area and animals and there would be law enforcement out there all the time. We just don't need that.

And I do have hobbies that require a large lot than the standard city lot. I do shop and I do eat in Valley Center occasionally, so I do spend my money there. However, I don't need or want to be

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annexed, because I won't be using their pool, their library, their schools anymore. My grandchildren don't even live in the Valley Center school district. Besides, not to mention that it would be very, very costly, if not impossible for the city to bring water and/ or sewer across the Big Ditch or the floodway.

Some of the cons were being annexed, forced to pay our taxes, which I've already said. Freedom, some would be taken away. Society has already taken away a lot of our freedom. We don't need any more taken away. I won't deny to be incorporated into a city of the third class, the taxes I would be forced to pay, as a result of being annexed by Valley Center eventually, I may very well have to put my property up for sale and move, because they chose to pave our streets and put street lights and this and that and the other, five acres I don't think I could afford that anymore and that would be a shame.

Our roads would be poorly maintained . . .”

Chairman Winters said, “Ma’am, ma’am, up here to the front, that is five minutes. So if you could come to a conclusion, we would appreciate that.”

Ms. Mollohan said, “All right, in closing, I ask you to preserve our quality of life we currently enjoy, no bothers, no worries. We want to keep intact our rural living with the option of owning and housing larger animals, such as houses . . . horses, large dogs, goats, chickens and pigeons to name a few. We can also ride our ATVs, go-carts without having to load our equipment up and go somewhere out in the county and find some place to ride them. The enforcement that we get now . . . or the services I should say from law enforcement, fire and emergencies we're extremely happy with, or at least I am. The township take care of our roads and they do a very, very good job of maintaining them. I could do without the hustle and bustle of city life. I moved out here to get away from that. I love the laid back rural life and I'm asking you to please consider our current standard of life. Let us keep our uncomplicated rural life.”

Chairman Winters said, “Thank you. Ma’am. Could you give us your name one more time?”

Ms. Mollohan said, “Cindy Mollohan.”

Chairman Winters said, “Thank you. Now it is approaching 12:00. We have extended our broadcast time on KTPS, so Commissioner Parks, do you have a comment you want to make now before 12:00 noon or are you . . .?”

Commissioner Parks said, “I just wanted to make sure if the people were watching, that were

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watching on KPTS, Beverly, Carolyn, Ray and Ervin, all of you that are watching out there, there will be a time during this that it will be cut off and you won't be able to see that. I will get the communications in video form so that you can see that, either later on next week or early next week, but I know you're out there watching. These are a couple of elderly people that weren't able to make it in today and had certain handicaps that they had, so I just wanted to make that announcement."

Chairman Winters said, "Right. So now we will be on the air for another yet and again, if anybody wants to see or review any part of this meeting, it will be on-line by the end of the day, so people will be able to do that.

All right, are there other speakers? Do we have anybody else in the room? Yes sir, please come forward. Give your name and address."

Mr. Rocky Littlejohn, 6520 W. 86th St. N., Valley Center, Ks., greeted the Commissioners and said, "Mr. [sic] Wong in his presentation earlier made a couple of points that . . . one of the ones right on the front page here it says, 'appropriate distributions of burdens and gains'. This is the number one problem that we're having with this issue. I've attended a number of Valley Center City Commission meetings. Over and over and over we've told these people that we don't want to be part of their city, okay. A lot of people think that we've gone into this determining to be a city, just because it was the thing to do. That's not the case.

You guys have received numerous letters from people prior to this meeting and prior to, you know, knowing what was going on here, that they didn't want things to change. I went out and pounded doors for six hours yesterday in our area urging people to get to this meeting. Of everybody I talked to, I talked to one person who was in opposition, and outright opposition. I talked to several people that just didn't understand the issue at hand. They said, 'we don't want to change'. Nobody out there wants the change. That's what this whole incorporation is about. It's not about building a better tomorrow or whatever. It's about keeping what we have right here in the here and now. You know, at the city commission meetings for Valley Center, they talk about their legacy and what they're leaving to their kids and their future, you know, but they don't care about our future.

They blatantly told us that they're smarter than we are, that they know more about what I need in my life and what I need around me and the structure that I need than I know. You know, I mean they're not going to relinquish this area. They've also now determined that they think they're going to go to 101st Street, clear over to Tyler and clear back down to the bridge. This is simply a ploy to grab more land and more tax dollars. That's all it is, you know. I mean, and it's ridiculous. I think the state legislature now has maybe addressed this problem and it's not just Valley Center that's been doing this. You guys have been dealing with this unilateral annexation for how long now? You know, enough is enough. These guys are not aggressively annexing. They're predatorily

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annexing.

It's amazing to me. I was real naïve when this whole process started. I thought that when you bought property somewhere and you were in an area and you were happy, that you had some say what went on around you. But that's not the way it is. They say 'you have tax dollars, we want them, we're taking them and there's nothing you can do about it'. Well hopefully you guys will send a message to these people that there is something you can do about it.

What's been discussed here and just like the Metropolitan Planning Commission, you know their take on it was 'well, what if we let this happen?' You know, if you'd have asked me six to eight months ago do we need a new city, I'd have said 'no'. But do I think we need a new city? Yes. Do I think we need five new cities? Yes. Do I think we need a hundred of them? Yes, if that's what it's going to take to stop these people, and I'm pointing at councilmembers from the City of Valley Center, if it's going to take that to stop these people, then that's what we need. They're taking away our freedoms. They're taking away our liberties and we have no say in what happens. Well, I'm here to tell you guys, we do have some say and I hope that you guys will give us that voice to tell them that. Thank you."

Chairman Winters said, "Thank you sir. Are there any other speakers for the petitioners? Yes, come forward please."

Ms. Kathy Collins, 6014 Solar Valley Cr., Valley Center, Ks., greeted the Commissioners and said, "And I want to thank you again for listening and hearing what we have to say, because a lot of this is about a voice today, a voice and a lifestyle. These are two critical factors that can be affected by the decisions that are made.

If we can establish our own town we will be able to have a voice on what is done, how it's done and by having this voice it is going to be vital that the individuals who govern us or make decisions for us understand the needs of the rural community. There are certain freedoms and rights that we are allowed due to the fact that we live in this rural setting. These rights and freedoms may not be appropriate for the city setting. By establishing our own city, we can regulate and protect these freedoms. And that's really all I have to say, so thank you very much."

Chairman Winters said, "All right, thank you. Are there other speakers here that are in favor of this petition? Yes sir, please come forward."

Mr. James Johnson, 8221 N. Hoover, Valley Center, Ks., greeted the Commissioners and said, "I moved out there because I don't like to spend 30 to 45 minutes every day working on my yard. I've got two kids. They want to raise livestock. You can't do that in the city. I've got a car that belongs to a buddy of mine that's an heirloom to him. As soon as Valley Center takes over, they can come and make me move that car. Excuse me, I get real nervous talking like this.

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I don't want these people telling me what I can and can't do. I've been to their meetings. They don't have any respect for us. They say 'get up, talk to us, let us know how you feel about this'. Then they sit there and ignore us. I mean, we're wasting our time trying to talk to them. That's why we're here speaking to you. Please, help us out here. If you guys don't help us out, basically, we're screwed. That's all I have to say."

Chairman Winters said, "All right, sir, thank you. Are there others? Any other speakers who are here to speak in favor of this petition that has been presented to the Board of County Commissioners? All right, is there anyone here who wishes to speak from Valley Center in opposition to this? Yes sir, please come forward, give us your name and address and we've been pretty flexible with timeframes so we will be flexible with you, sir."

Mr. Barry Arbuckle, City Attorney, Valley Center, Ks., greeted the Commissioners and said, "I've been the city attorney for about 25 years now. The history of the annexation effort of Valley Center, this isn't something that we've just started within the last two or three years. You have in your packet that your staff has presented a history of that and I think it goes back according to the graphs you have you can see as far back as 1995 we were aggressively annexing on a year to year basis, and on the most part those early efforts occurred south of the old town of Valley Center and most recently they've occurred to the east of Valley Center. Virtually all of our new development has occurred east of the Valley Center proper, the old city limits of Valley Center.

We're in a situation now where our growth to the east, including growth that we expect fairly soon, will butt us up against Park City to the east and we will be within about a half a mile, or maybe a quarter of a mile of Wichita to the south, so as far as our growth possibilities they're severely limited if not going to be completely curtailed to the east and will certainly be curtailed to the south by Wichita. So the only directions that Valley Center really has to grow is to the west, southwest or perhaps to the north so that's really the only two directions we can go at this time, or in the near future at least.

The middle tract of this proposed West Valley area, the middle tract, some of those properties butt up against Valley Center. I think that Mr. Kaplan said about four of those properties were within our annexation effort, on this latest effort. So if you look at the way, on your graphs, the way that area is configured, that area has the potential if it were to even meet up and become contiguous, that area has the potential to virtually block most of the west side expansion of Valley Center, Kansas and it wouldn't be something that would be a few years out. It would be almost immediately because it's so close to the western edge of the present and contemplated western expansion of Valley Center. So I think that's something to take in mind, is to look precisely where this West Valley area is and as you can see, it virtually butts up against us in certain areas and along a north/south line, covers a great deal of our potential western expansion.

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In this presentation today, and I'll try and keep it short, I would like to focus on two areas because I think we kind of lost sight of what the commission has to do, which is follow the state law in this area, and there's specific state law that says what you are to consider in making this decision. And there's a statute involved and it's . . . I believe it's 15-121, even though that's not an exclusive listing of the factors you are to consider, those are the listing of factors that the legislature came up with. Now that's to say that if there are other factors that are critical, important and in this case you could consider that, but the (*inaudible*) factors are set out by your staff in a memo that you have, and basically there are eight factors that are involved in all incorporation decisions and then there are six factors involved if the proposed incorporation is within five miles of an existing city, which this is because it's clearly within five miles of Valley Center. So you basically have about 14 criteria to look at, the last six of which deal with how this incorporation would impact Valley Center, Kansas.

I'd like to address two things and I would like to address the willingness and the ability of Valley Center, Kansas to annex this area or consider annexation of the area and provide services and finally close by discussing the statutory factors, which again have been covered by your staff, so there's no reason for me to spend a lot of time in that area.

As I said earlier, this is simply the latest step in a series of annexation efforts in Valley Center would not have considered a petition or annexation of this area if the staff had not believed that we had the willingness as a council to annex this area and the ability to provide services. This manner was first brought before the council I believe back in August when it was learned that the citizens of West Valley wanted to at least make their approach and make their appeal to the Sedgwick County Commission. The Valley Center, I think by unanimous vote, voted to allow them to make that effort and so we put off that vote in August to give them a chance to make that presentation, which they've just done.

But again, if the council commission [sic] should later deny that incorporation, it would be the intension of the Valley Center Commission, with them being advised of that, they would I'm sure take that matter back up and reconsider that ordinance that reconsider whether or not they want to annex this area, at least the area immediately adjacent to the present city limits of Valley Center, those four lots or those tracts that are part of the latest annexation effort.

So yes, we do have a willingness and would consider that ordinance, if you should deny incorporation and we believe we have the ability to provide the services as requested. Valley Center is in the process of expanding its sewer plant. We are in the process of expanding the police

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force. We have what we think is a good water delivery system. We contract with the City of Wichita, deliver water and like all of those things, water, sewer, even streets, those aren't things that are forced on the citizens. In virtually all cases that I've been involved with in annexation, no one has been forced to build a street. No one has been forced to hook up to the city sewer, the city water. The way that happens is the people in an area or a developer decides and gets together and decides we would like to have this city service. So they come to the city, they petition for the service and always, without fail, the city does provide that service and only that service that they've requested. And so, if in the future these citizens would want city sewer system, it would be available. Granted, we would have to make these crossings that Mr. Kaplan has talked about, but we're aware of that and chances are they wouldn't bear all of that cost. We would build a line that we would anticipate would service communities and areas to the west of the Big Ditch. We've done that on the east side of town, we built a major water line a few years ago that we knew would serve more than one area, one community that was about to be developed and so the city took some of those costs and accepted those costs as the price of over-billing the line so we can serve other communities. We didn't pass that all along to that developer. We spent several hundred thousand dollars to oversize that line and build that water line.

So again, we have the ability to provide the services, as petitioned for, and if they're not petitioned for then they're probably not going to be provided until that should occur in those areas. The same way with the streets, only if there were a petition for streets would that be moved upon. Streetlights are something that can be done with . . . again with petition and wouldn't be that expensive, but we would provide those items as requested.

With respect to the factors, getting to the second area, with respect to the factors this commission is to consider in the question of incorporation, there are eight factors, as I mentioned earlier, you are to look at and your staff has done an excellent job in Section A of your brochure, Section A, page 1 through 4, of setting out that criteria that you are to look at. And I would simply point out some of these things that to me argue incorporation isn't a very wise idea in this case.

This is not a situation like we had in Park City, where we had an existing community which was an improvement district that had been in existence for a number of years, many, many years. I don't know how long Park City existed, but I would guess probably 60 or 70 years by the time that matter came before the commission.

Likewise with Bel Aire, we had a large community with a number of residences, no businesses but a large number of residences that had been established for many, many years. I think that area began in the fifties and it wasn't until 40 or 50 years later that area was allowed to incorporate, but those situations, those two situations I think are clearly different than what we have here today, which is a community of a very few people with virtually no business presence and I think that situation is very different than what you had when you considered the Park City incorporation and the Bel Aire

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corporation, I think Bel Aire being the most recent.

But at any rate, in going through those factors, this is a very sparsely populated area. As Mr. Kaplan points out, the only natural boundary that might be a factor would be the Big Ditch. Frankly, I don't see that as a natural border or a natural burden to the City of Valley Center being able to serve that area, 77th crosses through that area and is a major east/ west road and that's the one that the fire department and the police department would get access to and service this area. Again, as I stated earlier, this is virtually 85% of it I believe is unplatted land. There is no presence of a business or commercial development. It's been a very slow-growth area. You have the new housing construction, I believe over periods of the last 30 years, and in the '90s the indication was we had about 40 new homes built in that area, the most recent decade from 2000 to 2007, the indication is we've had about 16 houses built, so if anything there appears to be a slowing of growth of residences in the area of new homes. That would indicate again if anything is slowing the growth in this area, not logically an expansion of an area that would be benefited . . . would benefit from having a new city formed.

With respect to the city services, I think the best and only argument that's been made is the factor number seven, which has to do with the analysis of the cost/ benefit services provided in this case. That seems to be the strength of the argument and the gist of the argument, but again that's one of the eight factors and virtually all new developments in Valley Center, Kansas and throughout the country as far as I know, one of the prices for having a sewer and city water is that you pay for that. That isn't something that any government entity provides for free. When you buy that house, you pay the developer for it, or when you buy that house you're subject to special assessments to have that and that's all that these people would be asked to do if they requested that service.

The last factor I would like to mention, factor number eight, indicates what's the affect on the adjacent area and obviously the effect on Valley Center, as I stated earlier, if this were allowed to be incorporated, this area, we would virtually be hamstrung from moving to the west in the very near future. And if you look at the map of the county, I believe our western-most town from that location, besides Maize which is somewhat to our southwest . . . is Maize, which is somewhat to our southwest and except for that we can go a considerable distance west, but for this proposed incorporation.

The last factors you're to consider are the factors as to how this would affect Valley Center, Kansas, again that's been addressed by your staff. And I would ask you to take a look at that summary and we would incorporate the comments made by your staff, because I think those comments are on point and would be the same thing that I would say and all of those factors would seem to be adverse to the interest of Valley Center, Kansas to allow this corporation to occur. So it's Valley Center's position that yes, we are willing to move forward and consider annexing property and

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supplying those services as it was demanded of us, that is those utility services, and we feel that the statutory factors clearly argue against incorporation of this area. Thank you.”

Chairman Winters said, “Mr. Arbuckle, thank you. Are there others in the audience who would like to speak in opposition to this petition today? Yes, please come forward.”

Ms. Cheryl Nordstedt, 7 Valley Oaks Ct., Valley Center, Ks., greeted the Commissioners and said, “I’m also a member of the Valley Center City Council, however my comments today are a reflection of my own opinions and do not reflect opinions that have been vetted or approved by the city council.

I do regret that there is so much misinformation about the dreadful things that would occur to the citizens petitioning for incorporation if they were to be annexed by Valley Center. By in large, our rural residential ordinances parallel those of the county, and so if the county says you can have horses, then we will say you can have horses. Mr. Kaplan has tried valiantly to make the point that the request for incorporation is not about annexation, but I’m not sure that he’s totally in touch with his consti . . . with his clients, because each one of them has spoken about the need to resist annexation.

I would say to you, as county commissioners, that even if the legislation were to pass in Topeka that banned any further unilateral annexation, that you still should not allow the incorporation of a separate city of West Valley. Although I grew up in Sedgwick County, went to Wichita State, taught in the Wichita Public School System, I had a mid-life timeframe where I lived in the Chicago area, and for 28 years I worked in suburban Cook County. Now if there are a group of county commissioners that is known for making decisions based on the specific interests of specific individuals and not necessarily the good of the whole, it is the Sedgwick County Commission . . . I’m sorry, it is the Cook County Commission and that has been true for generations and generations, so I hope you will not imitate that.

Cook County has approximately the same number of square miles as does Sedgwick County and has well over three times the number of separately incorporated cities, however up there they’re referred to as villages, villages of 120,000 people I find a little humorous myself. This leads to absolute chaos in terms of city planning, people living and working in the suburbs. You have the opportunity as county commissioners in being much more thoughtful in guiding the development for the future. We have people that would tell us that we’re making decisions for what we want to be right now, but as leaders you know that decisions that are made now are not for today, they’re for tomorrow and for 50 years from now and for 100 years from now.

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In suburban Cook County, you can drive six miles and have gone across five different township . . . or city jurisdictions, it's very difficult to find addresses and one of the things I always like to comment about is that if you have a car wreck on a particular intersection, you can lay there and bleed and die while the various responding officers decide whose jurisdiction they're in. Now if it's mid-day maybe everybody wants to claim the jurisdiction so they can get themselves tied up and don't have to take another call, but if it's near shift change, you're in real trouble because they all want to go home and nobody wants to claim you as being in their jurisdiction, so it gets very difficult when metropolitan areas are developed without careful planning and without careful thought to the future. So I would urge you all to not allow the incorporation of West Valley."

Chairman Winters said, "Thank you very much, ma'am. Is there anyone else who would like to speak, in opposition to this petition? We're getting close to the last chance. All right, I see no one. Is there anyone else that we've missed, because I want to make sure that we're very open here and hear everybody that wants to be heard? All right, thank you. At this time, I think it is appropriate, Bob am I correct, that we should close the public hearing?"

Mr. Parnacott said, "Yes, except for the purposes of keeping it open for two weeks for written comments."

Chairman Winters said, "Right, and for any discussion that the commissioners may want to have today or in the future, but we will close the public hearing part that we did today, and again we will keep open for two weeks anyone who wants to submit and any kind of comments. I might acknowledge that Bob Fettke was here today. That's Bob leaving in the back. Bob is with the Kansas Department of Commerce here in Wichita and he will be reporting back to them on the notes that he's taken today. Bob, thank you for being at the meeting."

Commissioners, does anybody have any comments at the conclusion of the meeting? Again, it is not our intension to take action today, but to take two weeks of additional written input, and then tentatively have this on our agenda for April the 2nd. Commissioner Parks."

Commissioner Parks said, "Yes, in an event to hit some high points, I would like to . . . and forgive me for reading this, but I wrote some notes down quick, I want to thank all the people that came here today. That, in my 33 years of government, I've never had neighbors and township people turn out like this at a meeting in this magnitude. By the way, the people that are in this township, I might put a little asterisk on there, voted for me 8 to 1 in my neighborhood, and I thank you for that."

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I don't look at this as only a request for a new city. It's a plea for my friends, neighbors and constituents to be heard, to have liberties and to receive justice. When contemplating what to say so others could understand, I'd like to compare this to a potential condemnation of property and the demolition of such, and you may think 'well, that's not the same thing'. Well, if the people in this area are forced to move, it would have the same devastating effect.

Abuse of annexation is not local to Sedgwick County and I've thought about saying something about this. I know we've talked about House Bill 2747 but this is not a unique situation to Sedgwick County. The House Bill 2747 came out of Shawnee and Johnson Counties, where you have also metropolitan areas and other small communities, not necessarily county seats in those areas that want to . . . in essence, as I've heard my colleagues here say, land grab for things.

And there's a reason that this bill is in there, is because we have one . . . and I heard nine states mentioned earlier, I believe that to be four that align us in those kind of situations, where they allow the unilateral annexation and I think the state is working to do that.

I did want to respond, just quickly, to Dr. Wong. It says that Kansas was eighth in the number of cities. Man, I believe the tenth amendment to the Constitution allows the states to be different and I think this shows the objective of the petitioners. It parallels the idea that they don't wish to change their lifestyle and they want to be different. I think Kansans just in general are that way.

The services that Mr. [sic] Wong brought up, water, I don't want that point to be missed. All this area has water. They have in many cases better than City of Wichita water when it's analyzed, so there will be things that we'll study on this and I want my colleagues to study all the information, and I think that, you know we give a pledge of allegiance. When we stand up and give that at the first of each of our meetings, whether it be at the City of Valley Center or the county or whatever government unit that we serve, the Boy Scout that spoke here, they say the pledge of allegiance And at the end it says 'liberty and justice for all'. I really think that we need to think about the liberty that we can provide these people and the justice that we can provide these people. Thank you."

Chairman Winters said, "All right, thank you Mr. Parks. Commissioners, are there any other comments? Commissioner Welshimer."

Commissioner Welshimer said, "Well, just one, I want to thank everyone for being here today and for participating in the way government works on a local level. You had very well planned presentations, very full of information. I think you got your point across very well, quite a number of good speakers and I thank you for that."

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Chairman Winters said, "All right, and also on behalf of all the county commissioners, thank you all for being here. It was a very orderly public hearing. Bob, do we need to do something else?"

Mr. Parnacott said, "We probably should give the contact information for mailing in any comments. It would be on our website but you could also mail it to: the Office of the County Counselor, Sedgwick County Courthouse, Room 359, 525 North Main, Wichita, Kansas, 67203."

Chairman Winters said, "And would you give them the number of the County Counselor's Office phone number if anybody has a question."

Mr. Parnacott said, "The phone number would be 660-9340."

Chairman Winters said, "All right, thank you. And it would be best, if you have information, to contact the county counselor's office. That way your document will be in the official file, as opposed to one of us commissioners sending it the wrong way."

Someone in audience said, "I've got a question. Does an e-mail count also?"

Chairman Winters said, "Yes, it does. An e-mail will be entered into the file. That's correct, isn't it Bob?"

Mr. Parnacott said, "Yes, and if you'd like I could give my e-mail address. It's rparnaco@sedgwick.gov."

Chairman Winters said, "Right, and you can get all those addresses on the website also. All right, we are going to move on to the next item. So commissioners, we'll pause just a moment while the room clears and decide what our next objective is."

Commissioner Welshimer said, "Lunch."

Chairman Winters said, "Well, we only have about . . . we have an off agenda item on the purchase of that property and then we have two . . . four items that should be pretty quick. So do you want to . . .? Mr. Manager, would you suggest that . . . I mean, we have only one item and Mr. Euson, we have only one item that's going to take any amount of time and that's the purchase of that property. Should we go ahead and do that right now?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "I don't know if Brad Stout is here."

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Chairman Winters said, "I saw him. Oh, there he is."

MOTION

Chairman Winters moved to consider an off agenda item.

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, "Brad, you're up."

OFF AGENDA ITEM

CONTRACT WITH JOHN M. WHEELER AND CHERYL L. WHEELER FOR THE PURCHASE OF PROPERTY ASSOCIATED WITH INTRUST BANK ARENA.

POWERPOINT PRESENTATION

Mr. Brad Stout, Adams & Jones Chartered, greeted the Commissioners and said, "County staff is always helpful and a pleasure to deal with and they've advised me today to try and keep my comments brief, so I shouldn't take more than an hour, hour and a half. My name is Brad Stout, I'm representing the county and I'm here today to ask you to consider a contract for the purchase of some property at the southwest corner of Washington and Waterman. There are some additional agreements and I'm also going to request that you give the Chairman authority to sign all contracts necessary to complete that transaction.

Let me begin with a brief overview of the transaction and then I'll talk briefly about some of the things I think would encourage you to adopt it or to consent to it and then be available for questions I assume.

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Right now, there is a tract of land that you have on your material, outlined in green, and as a result of a project to widen those streets, the county needs to acquire . . . and widen the streets to allow better access to the arena, the county needs to acquire everything that's north of the blue line and east of the blue line, so we're widening Waterman over here . . . or excuse me, Waterman over here and Washington over here. The Washington side is about 25 feet and the Waterman side, it narrows down to about five feet. The problem we have is that the strip of land is improved with a portion of the two buildings that are also on this lot. If we were to condemn the property, you would need to necessarily have those buildings removed.

Here's the agreement we've worked out. The county will agree to purchase the property for \$1,000,000. The county's appraiser has appraised the property at \$900,000, the appraiser specially retained to appraise it for this situation. That appraisal is not . . . that is a condemnation appraisal. The owner of this property also has property that is adjoining it and sits . . . it fronts off Mosley, which is to the west, so the condemnation appraisal would necessarily include valuing all his property before and then valuing the remainder that we would leave him with after and the difference is \$900,000.

We purchased this tract for \$900,000. We then immediately turn and sell to the landowner, resell to the landowner everything south of the blue line, south and west of the blue line. The landowner acquires that property back, plus the obligation to remove the building from that portion of the property that we will require in order to improve Washington and Waterman.

As in any condemnation case, the county would be required to pay this landowner relocation benefits. We anticipate the relocation benefits would be substantial. We've agreed to pay relocation benefits in this case of \$200,000 so the total tab is \$1,200,000. When the landowner buys the property back, he will be purchasing it back for \$200,000. The net difference then is the county would be out of pocket \$1,000,000. In addition, the agreement requires that the landowner put \$185,000 in escrow in order to guarantee their performance in removing the building.

So I'm standing before you asking you to spend \$1,000,000 to do this project. Is this a good idea? And in this case the only way to consider this to be a good idea is to compare it against your only alternative. Previously, I've heard some comments that give condemnation a bit of a black eye, and it's true, it's an abrupt tool to use, and that would be the only tool you would have available in order to complete this job that was kind of thrust upon you when the citizens decided we want an arena.

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If you were to condemn the property, we've been looking at condemnations in the arena area, that the increase from the amount that we appraised it at to what was actually awarded would run anywhere from 8 to 37%, with the average being 27%. At 27% over the value of the . . . or over the appraised value of this property, would place it at 1.1 million dollars, \$1,125,000 plus you would also pay relocation. The landowner has suggested the relocation costs could exceed, as I mentioned before, perhaps twice as much as we're paying. So it would be reasonable, although we would oppose it, it would be reasonable to assume that in condemnation the county might pay as much as a million five in relocation benefits in the cost of this property.

In addition, the county would end up with this corner lot, a small lot, and they would have the obligation to scrap the building. In this transaction, we pay the landowner only slightly more than what we've appraised for it. The landowner assumes the obligation of repairing the buildings and the landowner stays in business. We accomplish some things that we would not be able to accomplish if we used only the blunt instrument of condemnation.

The net result of \$1,000,000 would be substantially less than we could reasonably expect to spend in condemnation. I'm trying to . . . I believe that's all the comments I have. Well, let me back up, the additional agreements that will be required to be signed, at closing we'll buy the property, then we'll sell the property back. We will also have an easement and give the landowner an easement to come on our property and remove his building. And the landowner will then give us an easement that if the building is not removed within 60 days, the county has authority to go onto the tract, remove the buildings altogether, remove all personal property and clear the lot, so we are insuring the project will go forward. Any questions, I guess?"

Chairman Winters said, "Well Brad, I think you've done a very good job of explaining it and just let me recap to see if I understand. You have handled all of our condemnation cases that we've done for the arena project."

Mr. Stout said, "I have."

Chairman Winters said, "So you're very familiar with the outcomes and the results we've had."

Mr. Stout said, "I have."

Chairman Winters said, "And your suggesting that this is \$1,000,000 out of county pocket but we would have the potential from the experience that we've had to make this a million five cost to the county if we go through the condemnation process."

Mr. Stout said, "I think that's a reasonable assessment."

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Chairman Winters said, "And in making this agreement with the owner of the property, this is a business that's going to be able to stay in business."

Mr. Stout said, "That is correct, and that's one of the primary, moving concerns that was addressed in this transaction."

Chairman Winters said, "All right, well commissioners, even though parts of this may seem like it's going back and forth both ways, it would appear to me that this is a contract and an agreement with a business owner that Brad has worked out that appears to be very reasonable. Commissioner Norton."

Commissioner Norton said, "Is this arena monies that will be used in the purchase? There's no ancillary monies anywhere? It's all part of the arena sales tax money. Is that correct?"

Mr. Stout said, "That's correct. This is all a result of the arena project and that's my understanding where the funds are coming from. Correct."

Commissioner Norton said, "Okay. And at this point the business wants to stay in business and he is good with this alternative to be able to keep himself in business and use the partial of the building he already occupies. Is that correct?"

Mr. Stout said, "That is correct. That is my understand. In fact, they're represented here today, so we can tell them, 'move your building in 60 days' or we'll be in and moving it for you. And we are doing this transaction and we are going through this complicated mess more or less at their request."

Commissioner Norton said, "Okay. Well just two general comments from me. One of them was that I was not warm to including this whole Waterman, Washington intersection and corridor is part of the arena project. But we did that, got past it months ago and I think we need to move forward on finishing up the project, so I think this is a good alternative, even though I was not warm to that being part of the original project.

The second part is I was not warm on imminent domain and condemnation and this gets us to a place where I think you're trying to work it out with a business and do an arm-length transaction that both parties can agree on that keeps a business whole and gets the county what they need to continue this project. So I'm going to be in favor of moving forward today. I don't want to hold the project up any longer than we necessarily have to."

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

Commissioner Welshimer said, "Well, I just want a little more clarification on the process here. Once we, the county buys the property, we then sell back that part which we do not need."

Mr. Stout said, "That's correct."

Commissioner Welshimer said, "And we receive that payment all in one closing."

Mr. Stout said, "That's correct."

Commissioner Welshimer said, "The time we pay and then we receive. And then the people who own the property now are going to have to perform."

Mr. Stout said, "That's correct."

Commissioner Welshimer said, "And move the buildings away from the property we have purchased."

Mr. Stout said, "That is correct."

Commissioner Welshimer said, "And they have 60 days to do that."

Mr. Stout said, "Well 60 days from closing."

Commissioner Welshimer said, "From closing, yes. And if they do not do that, then we go into condemnation?"

Mr. Stout said, "No ma'am. The transaction is as follows, at closing we buy the entire property and then sell the remainder. At the closing also we provide an easement to the landowners that would allow them to come on that narrow strip of property that we just purchased and they can do that immediately so they can begin working on it. They can work on it, begin working before closing because it is their property. After closing it is ours, so we're giving them an easement to get those things done."

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Also at closing, they will be signing another . . . or they will be providing the county with an easement. These easements are attached to your materials as exhibits F and G. The second easement arises in 60 days, and it says, paraphrasing, if they have not removed the buildings to our satisfaction at that time, then we have the right to go on their property, a right which we would otherwise have to acquire through condemnation, and remove the building entirely if we think it necessary and remove any personal property if we think it necessary. What the transaction is intending to do is to avoid the process of condemnation all together. Now admittedly, the contract is going to be required . . . is going to be dependent upon them performing as they agreed, but most contracts are. In that second easement is as strong a way to enforce it as we have available to us.”

Commissioner Welshimer said, “But the purchase price that we’ve paid for it, they have paid us back.”

Mr. Stout said, “Right, the \$200,000.”

Commissioner Welshimer said, “Yes, they’ve purchased that property, so it’s still theirs, so if we go in and take the building down, that’s at our expense.”

Mr. Stout said, “That’s correct, except that \$185,000 will be placed in escrow at closing and that money will only be paid to the landowners if they successfully complete the removal of the building within the 60 days. If they don’t, the county receives the money back and that would be used in part to defer the cost of them going on and demolishing the buildings.”

Commissioner Welshimer said, “But regardless of any type of performance or non-performance, they retain the purchase of the property in the end, that they purchased from the county.”

Mr. Stout said, “That is correct. And the county retains that small strip, needed for the road improvement project.”

Commissioner Welshimer said, “Okay, thank you.”

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

Commissioner Unruh said, “Thank you Mr. Chairman. Brad, appreciate the effort you’ve put into making this clear to us. However, I do have one question of clarification. The document says the escrow amount is \$150,000.”

Mr. Stout said, “I’m sorry, did I . . .?”

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Commissioner Unruh said, "Which is just sort of a detail."

Mr. Stout said, "Did I say 185? I'm sorry, I am in error. It 150."

Commissioner Unruh said, "All right, thank you. I appreciate that clarification. While I have the floor, I guess I'll further say that I'm going to be supportive of this, for the reasons that you have already expressed and the fact that we can go forward with the arena project, we can avoid condemnation, we can do it for less expense than we have . . . recent history has indicated we get in a condemnation process. The property will stay on the tax roll, and I think that's a good compromise to accomplish that, in light of the configuration of the property and what we need, so all those, I think, are good, legitimate reasons for us to go forward. But I just want to congratulate you and the representative for Mr. Wheeler that you've been able to come to this sort of agreement and move forward and I think it's good work for the citizens of Sedgwick County, so I'm going to be supportive and thank you."

Chairman Winters said, "Thank you, Mr. Unruh. Commissioner Parks."

Commissioner Parks said, "I think the traffic engineers and the police officers, traffic enforcement will also thank you. But I wanted to get one thing just on the record real quickly, arena sales tax money is being used and then when they buy it back, that money goes back into the arena fund, as a reimbursed item."

Mr. Stout said, "That's correct. That's my understanding, yes."

Commissioner Parks said, "Just for the record. Thank you."

Chairman Winters said, "All right, thank you. Commissioners, are there any other questions of either Brad or Mr. Euson?"

MOTION

Commissioner Unruh moved to approve the contracts and authorize the Chairman to sign all the necessary documents.

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	No
Chairman Winters	Aye

Chairman Winters said, “Thank you Brad. Thank you for bending around our time schedules today. Commissioners, I know we’re late in the day, but I think we can finish in 15 minutes and we have 15 minutes more of air time. Madam Clerk, call the next item.”

NEW BUSINESS

E. SPONSORSHIP AGREEMENT RENEWAL WITH PEPSI BOTTLING GROUP FOR ADVERTISING SPACE.

Mr. Dave Rush, Director, Kansas Coliseum, greeted the Commissioners and said, “I’ll show you fast on this. It’s a standard marketing agreement with Pepsi Cola, which will give them the pouring rights at the coliseum, up until November, 2009. At such time, that SMG will be putting it all together with the pouring rights downtown and so it’s just a standard marketing agreement.”

Chairman Winters said, “All right, thank you Dave. Is Pepsi the current provider?”

Mr. Rush said, “Yes, they are.”

Chairman Winters said, “So this is not a change in providers then.”

Mr. Rush said, “No.”

Chairman Winters said, “All right, commissioners, you’ve heard that. What’s the will of the Board?”

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MOTION

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

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."

PUBLIC WORKS

F. PUBLIC WORKS.

- 1. PROJECT AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF WICHITA FOR CONSTRUCTION OF A FRONTAGE ROAD ON THE SOUTH SIDE OF US-54 BETWEEN 119TH STREET WEST AND 135TH STREET WEST AND RECONSTRUCTION OF THE INTERSECTION OF US-54 AND 135TH STREET WEST. DISTRICT #3.**

Mr. David C. Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "In December of 2005 Sedgwick County entered into an agreement with KDOT and the City of Wichita to participate in the design and construction of a new frontage road on the south side of US-54 between 119th Street West and 135th Street West. Since that time, we have been able to expand the project to include improvements at the intersection of 135th Street West and US-54 that include turn lanes and full signalization. This project is in our CIP designated as R-314.

The City of Wichita has agreed to split the local share of the project funding with Sedgwick County. This new agreement with KDPT outlines the responsibilities of KDOT, the county and the city for

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various aspects of the project.

Under the new agreement, the local partners will contract for design, acquire right-of-way and relocate affected utilities. KDOT will contract for construction and manage the project. The total project cost is estimated to be 4.9 million dollars. KDOT will provide 67% of the funding up to a KDOT contribution of \$3,283,000. Wichita and Sedgwick County will each pay sixteen and a half percent of the project costs up to \$808,500 each.

Wichita and Sedgwick County will be allowed to use the value of right-of-way purchases and design fees as a credit against the local share. The use of this as they call it 'soft match' will allow us to go forward with the project without requesting any additional funding despite the fact that the project has increased in scope and cost.

This agreement will replace the agreement approved by the Board of County Commissioners in December of 2005. If you approve this new agreement, we will ask that you cancel the old agreement in the next agenda item. We request your approval of the agreement and authorize the Chairman to sign.”

Chairman Winters said, “Thank you David. It sounds like this is a good deal, an expanded project but it’s not going to cost us any more money.”

Mr. Spears said, “That is correct.”

Chairman Winters said, “All right commissioners, you’ve heard his report. What’s the will of the board?”

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

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

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Chairman Winters said, "Next item."

- 2. CANCELLATION OF AN AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A FRONTAGE ROAD ON THE SOUTH SIDE OF US-54 BETWEEN 119TH STREET WEST AND 135TH STREET WEST. DISTRICT #3.**

Mr. Spears said, "This item is related to the previous item. KDOT has asked that we formally cancel this project, the agreement dated December 14, 2005 after we approve the new agreement, which we just did. We request that you approve the cancellation agreement and authorize the Chairman to sign."

MOTION

Commissioner Unruh moved to approve the cancellation of the Agreement and authorize the Chairman to sign.

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, David. Next item."

- G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON FEBRUARY 28, 2008.**

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of February 28th results in six items for consideration today."

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1) 2008 BM-1 OVERLAYS- PUBLIC WORKS
FUNDING: PUBLIC WORKS

The first item, 2008 BM-1 overlays for Public Works. The recommendation is to accept the low bid from APEC Kansas Incorporated in the amount of \$243,474.

2) WORKSTATION FURNITURE FOR THE NEW FIRE STATON #32, AND FIRE DISTRICT HEADQUARTERS- FACILITIES DEPARTMENT
FUNDING: RELOCATE STATION #32

Item two, work station furniture for the new Fire Station #32 and Fire District headquarters for Facilities Department. Recommendation is to accept the bid from John A. Marshall in the amount of \$68,630.83.

3) HOME INVESTMENT PARTNERSHIPS PROGRAM- HOUSING OFFICE
FUNDING: HOUSING OFFICE

Item three, home investment partnerships program for Housing Office. The recommendation is to accept the low bid from New Windows for America for all four homes at a cost of \$77,085.

4) INTRAVENOUS SOLUTIONS & ADMINSTRATION SETS- EMERGENCY MEDICAL SERVICES
FUNDING: EMERGENCY MEDICAL SERVICES

Item four, intravenous solutions and administration sets for Emergency Medical Services. The recommendation is to accept the low bid from Midwest Medical Supply in the amount of \$53,378.98.

5) FITNESS EQUIPMENT- FIRE DISTRICT
FUNDING: FIRE DEPARTMENT

Item five, fitness equipment for the Fire District. Recommendation is to accept the overall low bid meeting specifications from Mid-States Fitness Equipment Incorporated in the amount of \$25,815.

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6) CISCO BUNDLED ATM/ IMA ROUTERS- DIVISION OF INFORMATION & OPERATIONS
FUNDING: NETWORKING & TELECOMMUNICATIONS

And item six, Cisco bundled ATM/ IMA routers for the Division of Information and Operations. And that recommendation is to accept the low complete bid of Insight Public Sector in the amount of \$21,257.38.

Would be happy to answer any questions and I recommend approval of these items.”

Chairman Winters said, “Thank you. Commissioners, any questions regarding Board of Bids and Contracts? Seeing none, what’s the will of the board?”

MOTION

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

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.”

CONSENT AGENDA

H. CONSENT AGENDA.

- 1. Amendment to the Contract with Behavioral Link, dba Pyxis, to provide group and individual psychosocial rehabilitation and attendant care services.**

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2. **Amendment to Sedgwick County Developmental Disability Organization's Affiliate Agreement with House of Hope Inc. to add Wellness Monitoring to the Agreement.**
3. **Affiliation Agreement with Afford-A-Care, Inc. to allow direct billing to Medicaid and receive payment from Sedgwick County for services provided through eligible individuals through August 31, 2008.**
4. **Sponsorship of the Wichita Art Museum in the amount of \$27,500 to fund the exhibition: *Evolution: Five Decades of Printmaking by David C. Driskell.***
5. **Payroll Check Register for February 22, 2008.**
6. **Order dated February 27, 2008 to correct tax roll for change of assessment.**
7. **General Bills Check Register(s) for the week of February 27 – March 4, 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, what's the will of the board on the consent agenda?"

MOTION

Commissioner Unruh moved to approve the Consent Agenda as presented.

Commissioner Welshimer 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, "Chief, we're just about done. Could you hang around and visit with me just a minute after the meeting?"

Fire Chief Gary Curmode said, "Be glad to."

Chairman Winters said, "All right, commissioners, we have completed all the agenda items. We're at the 'other' portion after a long meeting. Does anyone have anything they'd like to say? Commissioner Parks."

I. OTHER

Commissioner Parks said, "I'd just, to wrap this up real quickly, I just wanted to say that Bob Lamkey and all of the department heads with Public Safety were hailed by everyone at this meeting this morning, this hearing, and I wanted to thank them. The EMS, the Sheriff and the Fire Department all received accolades from the people in this area, so thank you."

Chairman Winters said, "All right, thank you. Is that all? Nobody else? We are adjourned. Woops, we're not adjourned."

Commissioner Norton said, "It's not anything important. I just wanted to say thanks to Max Weddle for hanging through all of this. He's an appointee on a couple of our boards, but everybody else cleared the room and left and Max stayed around. I don't know if he fell asleep towards the end, but thanks for staying around Max. Yeah, last man sitting."

Chairman Winters said, "All right, with that then, we are adjourned."

J. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 12:55 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2008