

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 26, 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 26, 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; Ms. Sheena Lynch, Senior HR Project Assistant, Human Resources; Lieutenant Steven Hillman, Fire District #1; Mr. Sherdeill H. Breathett, Senior Economic Developer; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Patricia J. Parker, Assistant County Counselor; Mr. Clinical Assistant Director, Comprehensive Community Care; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. Joe Thomas, Senior Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Doug Young, Manager of Field Communications, Westar Energy.
Mr. Dave Yearout, Wichita Towers, LLC.
Ms. Lilly S. Turner, 603 Russell, Mulvane, Ks.
Mr. Herb Phillips, 14100 E. 8th St., S., Mulvane, Ks.
Mr. Troy Turner, 13511 E. 95th St. S., Mulvane, Ks.
Mr. Richard Sandborn, 301 N. Market, Wichita, Ks.
Mr. Dave Lewinsky, Black and Veatch.
Mr. Lloyd Humbolt, 10200 E. 127th St. S., Mulvane, Ks.

INVOCATION

The Invocation was led by Pastor Bruce Thomas of Glenville Baptist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES: Regular Meeting, March 5, 2008

The Clerk reported that all Commissioners were present at the Regular Meeting of March 5, 2008.

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

MOTION

Commissioner Welshimer moved to approve the Regular Meeting of March 5, 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.”

RETIREMENT

A. PRESENTATION OF RETIREMENT CLOCK TO STEVEN HILLMAN.

- **STEVE HILLMAN, FIRE LIEUTENANT, FIRE DISTRICT #1, WILL RETIRE APRIL 1, 2008 AFTER 24 YEARS OF SERVICE.**

Ms. Sheena Lynch, Senior HR Project Assistant, Division of Human Resources, greeted the Commissioners and said, “We are here today to recognize the contributions and services of Steve Hillman. Steve is a fire lieutenant with Fire District 1 and will retire April 1st, 2008 after 24 years of service.”

Chairman Winters said, “Steve, let me just move around here on this side. Step right up, closer to

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the microphone here. Steve, on behalf of the Board of County Commissioners and the citizens, we have this certificate of recognition that we would like to give you. And then we would also like to present this clock to you.

And again, more on behalf of the citizens of Sedgwick County than even the commissioners or the staff or those colleagues of yours in the fire department, we value at Sedgwick County every single employee that provides public service to our citizens, but we also believe that there is a special recognition due for the employees who work towards public safety and keeping citizens safe and at times must risk their lives to make sure that citizens can enjoy the safety that we all deserve. So it's with special gratitude that we always recognize our firefighters and our sheriff's officers and those others that are involved in public safety.

So with that, we wish you the very best in retirement. We thank you for the service that you've given. We certainly appreciate any friends, colleagues, and family that are here today to share with you in this retirement. But congratulations on your retirement, we wish you the very best and we would give you an opportunity just to say a word, if you would like to do that."

Lieutenant Steven Hillman, Fire District #1, greeted the Commissioners and said, "Just briefly, you know, I think back when I hired on and I applied for the department and how excited I was and then Chief Curmode had enough faith to promote me to lieutenant and that was another exciting time, but this retirement thing, I'm kind of looking forward to it too. And you know, I've worked with so many good people over the years, not just the fire district people, but EMS and sheriff's officers. And you know, most of the calls we run, it's kind of a joint effort on everybody's part and I appreciate everything that they've done for me and I just can't say enough about them. Thank you."

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

Chair Pro Tem Norton said, "Clerk, go ahead and call the next item."

PUBLIC HEARING

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B. PUBLIC HEARING AND A RESOLUTION PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION TO HUSKERHAWK LEASING, LLC.

Mr. Sherdeill H. Breathett, Senior Economic Developer, greeted the Commissioners and said, "Article 11, Section 13 of the Kansas Constitution provides that the board of county commissioners may, by resolution, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitution. Small businesses, as you know, really benefit from this type of benefit, as well as incentive.

Huskerhawk Leasing and North American Aviation is located at 7330 North Broadway, near Valley Center. They started the operation in 1992 and the manufacture . . . they manufacture composite tooling for the aerospace industry. Their sales have increased 1.4 million from 2005 to 2.5 million in 2006 with a substantial increase in 2007.

The increased business positioned them to expand their facility. The expansion resulted in the organization hiring ten additional employees in 2007. They expect to hire an additional 20 more over the course of the next ten years. Cost/ benefit analysis that was performed at Wichita State University shows a very positive return of 4.2, far above the minimum standard of 1.3. Their operation appears fiscally strong and will continue to spur economic growth throughout Sedgwick County for years to come. We recommend that you approve the agreement and authorize the Chairman to sign. I will answer any questions, I will attempt to answer any questions you might have at this time. The owners, Rodney Gerlach and David Roberson are here to try to answer any questions you might have as well."

Chairman Winters said, "All right Sherdeill, just a couple of brief comments. Could you explain just a little more about that cost/ benefit ratio? I know that we're probably familiar with it, having dealt with that, but could you talk just a little bit about the formula and what that really means to Sedgwick County."

Mr. Breathett said, "It's basically the return on investment that we invest, as far as the tax is concerned, that as we exempt these particular organizations, and they of course invest in buying product and real estate and things to that effect, as well as hiring employees, that the overall return in that, we set a standard between the city and the county as well at 1.3 as a minimum. And anytime we get a company that is above that, it's that much more return or benefit for our particular county."

Chairman Winters said, "All right, thank you, and then one other question of clarification. Today

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we are going to have a Fire District meeting, which will be after our regular commission meeting, where we'll sit as a fire district and there's an agenda item on there. Can you just go ahead and explain to us what that agenda item is in the fire district."

Mr. Breathett said, "Well, where they may be exempt for other taxing for schools and other property, things to that effect, the Fire District, we will also from the standpoint of what the amount would be for taxing for the fire protection, they will sign an agreement to pay that to receive the fire protection, in addition to this exemption, which is a good thing."

Chairman Winters said, "All right, thank you very much. That's helpful. Commissioners, I'm not sure exactly who was next, but I think you, Commissioner Welshimer."

Commissioner Welshimer said, "You say that they've had profits from their business."

Mr. Breathett said, "Yes ma'am."

Commissioner Welshimer said, "And is this just the existing property that they're wanting an ad valorem tax exemption on? They're not building a new building?"

Mr. Breathett said, "They did expand their operation, yes ma'am, they did, for 2007 they built a new building that is currently on their facility, about 10,000 square feet."

Commissioner Welshimer said, "But they want the exemption on everything, or just that building?"

Mr. Breathett said, "For everything, it's to cover everything."

Commissioner Welshimer said, "Everything?"

Mr. Breathett said, "Yes ma'am."

Commissioner Welshimer said, "Does that include personal property?"

Mr. Breathett said, "That is the . . ."

Commissioner Welshimer said, "Machinery, equipment and so on?"

Mr. Breathett said, "That is correct. And as far as the machinery is concerned, because of what the

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governor has signed, that is not so much of an issue, particularly with this one, just primarily the real estate.”

Commissioner Welshimer said, “I’d like to ask the county manager. Is this something that we . . . I mean, how many other companies have we done this for, after the fact or whatever?”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “We do probably five or six a year, would you say?”

Mr. Breathett said, “That’s about correct.”

Mr. Buchanan said, “That are located not within . . . these are companies that are not located within a city. Located only in county jurisdiction, so for business expansion we try to work with the company to ensure that they take advantage of what had been provided for exemptions through the state legislature so that we have strong economic conditions here. And this is one of those good companies that happens to be located in the county.”

Commissioner Welshimer said, “Okay. How long a period is there for?”

Mr. Breathett said, “For ten years.”

Commissioner Welshimer said, “Ten years?”

Mr. Breathett said, “Yes ma’am. And I do have a correction on that too, commissioner. It is for the expansion portion of it, the 10,000 square foot expansion.”

Commissioner Welshimer said, “It’s not for all?”

Mr. Breathett said, “No ma’am it is not, my mistake.”

Commissioner Welshimer said, “Okay. All right, thank you.”

Chairman Winters said, “Is that it, commissioner?”

Commissioner Welshimer said, “Yes.”

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

Commissioner Parks said, “That will probably ease my superintendent of schools question from

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Valley Center a little bit. I just got an e-mail from him this morning. Were these notices mailed out in a timely fashion to the school districts and all?"

Mr. Breathett said, "That is correct, yes sir."

Commissioner Parks said, "Okay. I didn't know if he had any other comments. I do know that at times the school district gets whammed pretty good on these, some of these things. But this is in addition to, and the school district will still be receiving the tax off of the original building. I do know North American Tool. They're a good company. As far as ecology and good for the community, it's a good company and I think with all the millions we give to other companies, this is a very small part but a very important part for North American to be able to get this, so I do appreciate their company and it's good for the north end, it's good for revitalization in some of that north corridor."

Mr. Breathett said, "And if I might add to that, commissioner, the unique thing is that once they do come back onto the taxes in ten years, that you're looking at a company that's going to have more employees and a much stronger operation that's going to be a tremendous benefit and asset to our community."

Commissioner Parks said, "There may even be more growth beyond what there is now."

Mr. Breathett said, "Exactly, that is what we've noticed."

Commissioner Parks said, "Thank you."

Chairman Winters said, "All right, we do need to conduct a hearing, at which we will allow the public to speak at, so at this time I would open the public hearing and if there is anyone here in the audience who would like to speak to this agenda item, it's agenda Item B on our agenda. Is there anyone here who is here today to speak on agenda Item B? All right, seeing no one, we'll close the public hearing and limit discussion to the commission. Commissioners, any other questions? I think we're ready for a motion then if there are no questions."

MOTION

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Commissioner Parks moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

PLANNING DEPARTMENT

C. MAPD CASE NUMBER CON2007-34 – SEDGWICK COUNTY CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED “RR” RURAL RESIDENTIAL; GENERALLY LOCATED ON THE WEST SIDE OF 127TH STREET EAST, SOUTH OF 95TH STREET SOUTH.

Chairman Winters said, “Thank you. Commissioners, before John starts his comments, commissioner, I would like to acknowledge that on March the 14th I was visited by two Westar employees who came to my office and talked to me about this item for a few moments. I want to assure you that I have not and will not decide on this case until all the information has been presented, but I have had conversation with two Westar employees about this. Commissioner Welshimer.”

Commissioner Welshimer said, “I have had the same. I’ve had conversations with Westar representatives in my office and I’ve been contacted by proponents and opponents.”

Chairman Winters said, “Okay, thank you. Commissioner Norton.”

Commissioner Norton said, “I was in the same meeting with Chairman Winters and just would like to put it on the record that I have had contact.”

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

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Commissioner Parks said, "I've had brief contact with Commissioner Welshimer."

Chairman Winters said, "Okay, thank you. All right, John, proceed."

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning, Department, greeted the Commissioners and said, "For this case, Westar Energy is seeking this conditional use for a 300 foot galvanized steel lattice, guy wire supported tower. You can see the location for this site, just to the southwest of the intersection of East 95th Street South and South 127th Street East. It's a ten-acre site and the tower would be located exactly in the middle of that ten-acre site."

The zoning code permits wireless communications facilities over 65 feet in height in the Rural Residential zoning district only as a conditional use and that's why this is before you today. The site is within the City of Mulvane's zoning area of influence and therefore the application was considered by the Mulvane Planning Commission, in addition to the Metropolitan Area Planning Commission.

The applicant is indicating that they need this facility in order to provide radio service for their service vehicles out in an area that currently they don't have very good radio communication with those trucks. And they've indicated in their application that they have looked at other existing towers within the vicinity and decided that their best option was to pursue this 300 foot tower at this location.

You can see from the zoning map that's before you now that the entire surrounding area is all rural residentially zoned and looking at the aerial, you can see the land uses in the vicinity of the tower site. It's primarily agricultural in nature, with a scattering of home sites in the vicinity of this tower.

As I stated, the tower is proposed to be built in the middle of this ten acre site. You can see the site plan in front of you now, with guy wires supporting it out from the tower. It will be surrounded by a fence. The site will also contain a 500-gallon propane tank and generator to provide emergency power, and there will also be a 12 by 16 prefabricated concrete equipment building on the site.

Because the ten-acre site is large enough to accommodate this facility, none of the zoning ordinance screening provisions come into play, so they're not required to do that by the zoning code and they

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are also anticipating that they'll be able to meet all federal aviation administration requirements in terms of hazards to air navigation. There is the Cook Airfield is a little over three nautical miles from this site, off to the east and the Olson Aerodrome, which is a private landing facility, is about a half-mile from this site.

As I stated, this is required to be heard by the Mulvane Planning Commission because it's within their zoning area of influence. That meeting was held on October 11th. We did, staff did receive a number of phone calls from surrounding property owners prior to the Mulvane Planning Commission meeting. People are registering with staff their opposition to this proposal. And at that planning commission meeting there were a number of individuals that spoke in opposition to the proposed tower, expressing their concerns with potential depreciation in the property values and oppositions to the 300-foot tower because of the visual impacts it might have on their homes or future homes that they were planning to build. There was also some discussion at the Mulvane Planning Commission about the Westar's use of other existing towers within the neighborhood and after all that discussion then the Mulvane Planning Commission voted to recommend denial of this conditional use by a five to three vote. And that denial by the Mulvane Planning Commission impacts your vote today. An approval of this request by Westar will require a unanimous vote by the board.

The case then went on to the Metropolitan Area Planning Commission to be heard at their October 18th meeting. There again, staff had gotten a number of calls from neighbors in opposition to the proposal and there are a number of people that spoke in opposition to this at the MAPC meeting.

After the hearing, that testimony from both the applicant and the neighbors, the Metropolitan Area Planning Commission voted by a 9-3 vote, and that's a correction in the original staff report that was sent to you, to recommend approval of this request subject to the staff conditions that are listed in your agenda backup report.

We have received a number of valid protest petitions to this proposal and you can see from the map before you that about 44% of the notification area has . . . we've received valid protest petitions from about 44% of the area covered by the notification area, so that normally would be a factor in your vote, requiring a super majority, but with the Mulvane Planning Commission denial recommendation, that's the more stringent requirement.

This case was originally scheduled to be heard by you back in December, but at the applicant's request it was deferred so that they could work on the owners of some of the towers in the vicinity and they have been making an effort to try to work things out with those tower owners. They've

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also . . . Westar has also conducted two independent feasibility studies, technical feasibility studies, this tower location, and both of those have come to the conclusion, very similar conclusion that from Westar's point of view this particular location best serves their needs.

So with that, you have a recommendation from the MAPC for approval of this request and you have a recommendation from the Mulvane Planning Commission for denial. And with that, I'll be glad to take any questions."

Chairman Winters said, "All right, John, I have one question for clarification. In some cases, the commission has the availability to send this back to the Metropolitan Area Planning Commission for review. And if the only thing involved was the number of protest petitions, that might be an answer here but would anything change if our decision was to send this back to the planning commission for review?"

Mr. Schlegel said, "It would not affect the denial recommendation by the Mulvane Planning Commission. That would still, even if you sent it back to the planning commission, when it came back it would still require a unanimous vote."

Chairman Winters said, "Okay, thank you very much. Commissioner Welshimer."

Commissioner Welshimer said, "Well if the Mulvane Planning Commission denied this request, can you give me your best reason that the planning commission had for overturning that?"

Mr. Schlegel said, "For the Metropolitan Area Planning Commission recommendation? Well I think they based it on what they were hearing both from the applicant and the testimony of the neighbors and I think, in balance then, I would surmise that they felt that the applicant's arguments supported their recommendation."

Commissioner Welshimer said, "So no specific, technical reason or physical reason?"

Mr. Schlegel said, "None that I recall that were stated as part of that discussion."

Commissioner Welshimer said, "Okay, thank you."

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

Commissioner Parks said, "I guess this question would be for John and then I had two for Westar people, I imagine. John, did you get FCC written documentation about this tower, this 300-foot tower was that close to those airstrips?"

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Mr. Schlegel said, “No, we have not received any documentation . . . did you mean the FTC or the FAA?”

Commissioner Parks said, “Excuse me, FAA.”

Mr. Schlegel said, “No, we have not received any kind of correspondence from them. Our presumption would be that they would have to meet the requirements of the FAA before they can get their approval. And they’ve indicated that they’re aware of those regulations and are ready to meet those.”

Chairman Winters said, “All right, well before you ask your other questions, we are going to ask for comments and then when they make their presentation you can certainly answer [sic] questions. Are there any other questions of John? Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. John, how . . . this is in the Mulvane growth area. How far is Mulvane from this site? Do you have a . . .?”

Mr. Schlegel said, “This map probably best shows how . . . it’s the relationship of the site both to Mulvane and the City of Derby. You can see the outline of those two cities off to the west. The Mulvane zoning area of influence does extend over to 127th Street.”

Commissioner Unruh said, “Okay, so . . . but it looks like the site is actually closer to Derby.”

Mr. Schlegel said, “Yes, it is closer to the municipal limits of Derby but it’s within Mulvane’s zoning area of influence.”

Commissioner Unruh said, “All right, thank you. That’s all I have.”

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

Commissioner Welshimer said, “Where on that map is 77th and Greenwich. That would be Cook Airfield, right?”

Mr. Schlegel said, “77th would be, I presume there? Pardon? That’s 79th. Okay, 77th up here and Greenwich would be . . .”

Chairman Winters said, “Back to the west.”

Mr. Schlegel said, “Back over here.”

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Commissioner Welshimer said, “Okay, about two miles. 143rd, I’m sorry, 143rd and 77th. 71st?”

Mr. Schlegel said, “So it would be up in this vicinity.”

Chairman Winters said, “All right, does that answer your question, commissioner?”

Commissioner Welshimer said, “Yes.”

Chairman Winters said, “All right, thank you. At this time, this is not an official public hearing, that happens at the Metropolitan Area Planning Commission, but it has always been this commission’s tradition to listen to citizens who have and want to speak to the commission on issues such as this. So we will allow citizens to speak and we’re going to try to limit comments to five minutes and I would ask the applicant if they have a presentation or anyone else who is here in support of this application to begin and then those of you who are in opposition, we will turn to you and give each of you five minutes if you wish to speak.

So with that said, is there anyone here from Westar, the applicant, who wants to speak to the commission on this? Yes, please come forward and give your name and address for the record.”

Mr. Doug Young, Manager of Field Communications Department, Westar Energy, greeted the Commissioners and said, “And for introduction we have a number of people here to be able to answer any questions that you might have concerning this project and anything that’s been given to the commission for drawings or anything like that. First David Hulinsky, he’s with Black and Vetch and he’s the one that did the coverage analysis that we were requested to do. He’s a licensed PE in the state of Kansas. My boss John Wertz, Bob Herlahy is with SSC, Selective Sight Communications and he works with the company we contract to construct our towers. He’s in the zoning department with SSC.

Mr. Sherman and Ms. Schuler I believe you know. They’re with Westar Energy. Matt Armfield, he’s a representative in our real estate department, helps us in acquiring the property that we have and the process that went on there. Rob Hartman is with PEC. He’s the one that helped us in preparing the application for the conditional use permit and prepared all the drawings that you have concerning the site. And then Randy Reynolds, also with our real estate department who was in contact with the landowners and involved with the selection of the property that we have chosen.

As was pointed out in the beginning, the reason that we have asked to build a tower at the location we have is that we have a need for radio communication coverage in the area of Derby and Mulvane and, well, as you gentlemen know, Mrs. Welshimer, that our communication system is critical to

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our operations. We're not public safety people, but any time public safety is at a site, especially fire department, the gas and electric company is there to respond to remove power, remove gas service and we need to have communications to be able to provide that service to the community. During storm restorations, ice storms, tornadoes, the electric company is always there, trying to restore power. We need to have good communications in order to provide that service to our customers, to restore the service that we are giving to them, to be the best that we can be at doing that.

And another issue is the safety of the people that we have out in the field. If they don't have good communications with one another or if they can't request help when they need it, they're putting their life in a dangerous position and we'd like to be able to provide that to them, being able to do their job.

As I said, we have poor coverage in the area that's south of Wichita and the areas of interest, what you have is Derby. We also have seven transmission lines that go in and out of the substation in Derby. We have the substation down south by Belle Plaine and then one east of that in Udall. We have wholesale customers that we provide power to, the City of Mulvane being one and then the Butler County REC being another, so we have a lot of interest down there in being able to keep our system up and running and our communication system allows us to do that.

When we started this project, the way we selected the site that we did was again, we identified the area that we didn't have coverage. Our coverage maps showed us where that place was. By using the coverage maps, just started selecting sites that would be a good location to build a tower that would provide us the radio coverage we needed. And once we had selected some sites, we went out to landowners and tried to acquire some land.

And this location is one location we can build a tower, one radio site that will fill in a major part of that gap, especially for the area of interest that we have at this time. We looked at other sites, but they just did not meet that need. And the other thing this site provides us is it is a high elevation in the county and will allow us to use microwave to bring in the phone lines or whatever service we need at that radio site and allow us to improve our reliability. We have had issues with the phone companies and the service we get from them, and we would like to bypass that to keep our system up and running.

At the planning commission meeting, we presented the coverage maps that we had. You saw those a moment ago and as part of that process, we did an analysis of towers that were in the area. I did a search on the FCC website for towers in that area, and it showed up a number of towers and I did analysis using those sites but none of those covered as well and wouldn't do the job that this one

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site would do for us. Now the tower that we've been asked to study, located by Rose Hill, did not show up on that SCC search. So at the commission, at the planning commission meeting they asked us to do an analysis of using that tower. We were told by the tower owner at that time, or the representative anyway, that the tower could be increased to a height of 300 foot.

I contacted the manufacturer of the tower. I was told that the tower was constructed to be a 220 foot tower, extended to 240 foot for the present owner and it could not go to 300 foot without major modifications to the existing structure and without knowing what the foundation was like is not going to know whether it would be possible to do that or not.

So in our analysis, we did a coverage analysis based on that tower being at an elevation of 240 foot. And with that said, I'd like to have Mr. Hulinsky come up and present his analysis of what he found in using the two towers, the one that we proposed to build by Mulvane and Derby and the one tower at 240 foot southwest of Rose Hill."

Chairman Winters said, "Just a second before you start. Commissioner Parks."

Commissioner Parks said, "I believe something that you brought up stimulated this question. Will this tower in the future be used for commercial service for phone service and wireless?"

Mr. Young said, "That's part of the county's wireless planning requirements is that we'd have to make the tower able to support at least two carriers and yes, we would do that."

Commissioner Parks said, "Okay, thank you."

Chairman Winters said, "Yes, please give your name and address for the record if you would."

Mr. David Hulinsky, Black and Veatch, greeted the Commissioners and said, "Thanks Doug, and then again as Doug had mentioned, I'm here to show our finding from the radio assessment between the Mulvane site and the Rose Hill site and present what we've found.

Again, I'm David Hulinsky with Black and Veatch. I'm with the telecommunications division and first of all, just who Black and Veatch is and our telecommunications division from a qualifications and experience, we're primarily . . . we engineer and design and we're a builder of telecommunications infrastructure. I mean, we've got a significant amount of experience dealing

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with wireless sites and communications, such as currently we've done over 27,000 wireless sites, 23,000 miles of fiber networks and have significant experience doing mission-critical facilities. And we've got over 40 years dealing with electric utilities as far their telecommunication requirements and reliability concerns.

As far as wireless and microwave networks, our telecom division we do site infrastructure design which would include the tower design, structural analysis, as well as we do wireless design which includes coverage, propagation, you know it's the assessment of what degree of accuracy we think a site will receive, as far as radio coverage. We do PATH analysis and inner-modulation, which is interference with other carriers when you have a co-located site. We do site zoning and we're very familiar with the FCC rules and regulations.

So with that, Doug has provided a background of Westar system and I've also handed out and distributed hard copies of the presentation for you guys to make notes on as you wish. But the first slide here represents the background and Westar's existing mobile radio system. It consists of five sites in the Wichita area and it's a Motorola Smart Zone system, so we took that into account. And so what we've done is we use software modeling in order to provide the coverage of what the existing system now provides. And what you see in blue is where coverage is and wherever you see white, there is no coverage. So it's a pretty easy model to read. Blue means coverage, white means no coverage.

And so working with Doug, we're able to identify what is their most concerns of improving their coverage in the Wichita area and so you'll see an outline, a polygon outline that identifies that area. And as Doug had mentioned, it included the Derby, the Mulvane, the Udall, Belle Plaine and Clearwater areas because of their infrastructure that is there now. And so by identifying this targeted area and by righting the existing coverage, we have found that there is currently 93 square miles that does not have coverage in this area, so that's pretty significant for a 323-square mile area.

And so what we were tasked to do is there were two potential solutions. There was the Rose Hill site, which is the existing site owned by Wichita LLC and the Mulvane site, which is the potential new site to be built by Westar Energy if proven feasible.

Now our approach to doing this assessment, again we assessed the existing radio coverage, but then we also identified the radio coverage gaps, which was that 93-square miles that does not have coverage. And then we compared this coverage between the Rose Hill and the Mulvane sites. Now there are two different systems that we took into consideration. There was the vehicle mobile radios, which are radios installed in the line crews trucks and then there's portable radios and the

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portable radios require two to four times the signal strength that vehicle radios do. Well, why do they use portable radios? The portable radios, such as an ice storm and there's power line outages significant enough to where Westar would call in adjacent utilities to provide support in order to bring these lines on also, so with that, they need means of communication. There's not enough time to install these vehicle mobile radios in the adjacent utility line trucks. What they do is they hand out portables. So with these portables, communication is of the essences, not only for operational efficiency, but as Doug has alluded to, life safety issues, coordination issues."

Chairman Winters said, "Commissioners, that's been five minutes, but I'm going to . . ."

MOTION

Chairman Winters moved to approve the Black and Veatch representative time to conclude this PowerPoint presentation.

Commissioner Norton seconded the motion.

Chairman Winters said, "Is there a second to that?"

Commissioner Welshimer said, "How much more time does he need?"

Chairman Winters said, "Well, I'd say to get through all of these pages, but I would hope it would be five minutes or less."

Mr. Hulinsky said, "Right, I'll expedite it, sure."

Chairman Winters said, "All right, we have a motion to allow the Black and Veatch representative to conclude this PowerPoint, we have a second. Any discussion? Seeing none, Madam Clerk call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "And so if you could, kind of pick up the pace, that would be good sir."

Mr. Hulinsky said, "Yes, okay, thank you very much. The next slide that I've got showing here is our assessment data. We did take into the existing configurations that Westar does have, it is based on their current radio system. We've taken into account height of antennas, transmitter power, the signal strength as well as the losses as expected due to mechanical and environmental reasons.

So in looking at the Rose Hill, the Mulvane radio coverage and this is based on vehicle radio coverage, for the 323 square miles, Mulvane provides 42 square miles of additional coverage than Rose Hill. And what you see there in pink, and I've also got a board on an easel, what you see in pink represents coverage and where you see white is not coverage. So you can see Rose Hill, around the Derby, Mulvane and Udall areas there's significant white represented. So again, 42 square miles of additional coverage provided by Mulvane.

Now when we take the existing coverage into account, what we've done is we've got the existing coverage, which is approximately 230 square miles and then we overlaid the new coverage on top of that. So with Rose Hill provides 61 square miles of additional coverage and you'll see Mulvane provides 72 square miles, so the difference is when you account for the existing coverage, it's still 11 miles of additional coverage for the Mulvane site.

The other thing that we want to take into account was the portable radios, as I alluded to. Adjacent utilities come in, they hand out these portable radios, communications is important. Again, same area, 323 square miles, Mulvane provides 99 square miles more of additional coverage than the Rose Hill site. So for portable radio use, which requires a two to four time signal strength, Mulvane definitely provides more coverage.

Last slide, the recommendation, what we did is from our software configurations and modeling, what we did is we'll let the numbers speak for themselves, so based on that, the recommendation definitely is the Mulvane site. It significantly improves the radio coverage for the targeted area. Again, it provides 11 miles of additional coverage, 99 square miles additional coverage for portable radios which is a 30% increase in coverage.

One other thing we'd like you to consider is if the Rose Hill site is selected, Westar Energy will require an additional site to pick up those areas, so that's the thing that we're facing. So with that, I'd like to leave any closing remarks or comments for Doug."

Chairman Winters said, "We've got a question for you, sir. Commissioner Parks."

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Commissioner Parks said, “Back on your schematic on page six, very good explanation of your system there, but it doesn’t give me a band width. What frequency range are you in?”

Mr. Hulinsky said, “900 megahertz.”

Commissioner Parks said, “And you’re having . . . you’re needing 100 watts of power with a 900 megahertz system? That should talk quite a ways. Thank you.”

Chairman Winters said, “All right, any other questions of this gentleman? Commissioner Welshimer.”

Commissioner Welshimer said, “You say there’s 93 square miles that’s not getting service?”

Mr. Hulinsky said, “Right.”

Commissioner Welshimer said, “That you wouldn’t get with radio.”

Mr. Hulinsky said, Right.”

Commissioner Welshimer said, “Are they getting cell phone service there?”

Mr. Hulinsky said, “Well the utility, for their operations means, for communications between themselves, they use the primarily use of communications is mobile radios.”

Commissioner Welshimer said, “But there is cell phone service there, so I mean, in an emergency you can be reached by cell phone if your radios didn’t reach.”

Mr. Hulinsky said, “That could be correct, but with mobile radios, it has to be continuous lines of communication, because you’re doing line coordination. There’s life safety issues, so you have to have a steady stream of voice communications. Life safety is of essence when you’re coordinating whether the lines are energized or not.”

Commissioner Welshimer said, “Okay. Well I’m confused on why the radios don’t work, if a cell phone does.”

Mr. Hulinsky said, “Well Westar Energy, as we alluded to, only has five sites right now. If you look at commercial carriers, they have significantly more sites, so Westar is only asking for one additional site at this point in time, where is if you look at the commercial carriers, they have a

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significant more sites in that area.”

Commissioner Welshimer said, “Okay, thank you.”

Chairman Winters said, ‘All right, thank you. Did Mr. Young have a concluding remark or does anyone else from Westar wish to speak.’”

Mr. Young said, “The only thing I’d like to add . . .”

Chairman Winters said, “Come to the microphone please, and this would be conclusion.”

Mr. Young said, “Again, thank you Dave for the presentation. But I would like to add that we were asked to have this study done by a second engineer. We had a study, I did a study, we had another engineer that is a licensed P.E. in the State of Louisiana do a study and it was felt that he had too many interests because he was associated with the company that we have install our towers, so we had a study done by a third, independent firm. We’ve never done work on our wireless system with Black and Veatch before. I didn’t know they did communication service before they did this study for us. And again, the study showed the same thing, the tower that we would like to build is a better solution to our coverage problems than building on, or adding a site to an existing tower.”

Chairman Winters said, “All right, thank you very much. We have a couple of questions. Commissioner Welshimer, or was that light on from before? Commissioner Parks.”

Commissioner Parks said, “This is just a quick, simple question. Are you planning on strobes on this 300-foot tower, or the red lights?”

Mr. Young said, “The county’s recommendation and requirements is a dual lighting system, which is a high intensity flashing white light during the day and then a red strobe at night. And to answer your question earlier, concerning FAA studies, we did do a study on this location to make sure it was practical to proceed with trying to acquire land at that site, and the FAA’s studies came back and said we were not in violation of anybody’s airspace. They did have concerns about the private

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airstrip, because they don't do studies for that but . . . well, one of the planning commission commissioners in Mulvane was a private pilot and his comment was he didn't see that would be an issue, considering how far it was from the airstrip."

Commissioner Parks said, "I was thinking about housing that was close and at night a white strobe, but you clarified that with the red strobe at night, so thank you."

Chairman Winters said, "All right, thank you Commissioner Parks. Thank you very much Mr. Young. Is there anybody else here who wants to speak in support of this tower at this time? Seeing no one, is there anyone who would like to address the commission in opposition to this conditional use? Yes, please come forward. We've got a gentleman over here. Could I see a show of hands of how many people would like to speak. Okay, we've got four or five. Thank you."

Mr. Dave Yearout, 924 N. Main, Representative of Wichita Towers LLC, greeted the Commissioners and said, "On behalf of Wichita Towers LLC, the owner of the tower at Rose Hill, which is one of the towers that was requested to be looked at and the only one that was. There is a 490 foot tower on 71st Street at the turnpike in Haysville that's available. The top of that tower is available. It is both structurally capable of handling everything that is being proposed in this tower site near Mulvane. It's available. The landowner is willing to rent it. It's structurally capable of handling everything that they have talked about putting on the new tower and they have refused, at this point, to consider that at all. In fact, the report that you received did not include that, even though that site was discussed in December with the representatives from Westar.

The question was raised earlier about why the MAPC made the recommendation they did which is in contradiction to what Mulvane did. In my opinion, I was at that meeting, it was primarily because Westar heavily played the card that they were a public utility and this was a public service and the planning commission's recommendation and action was because they were accommodating a public utility. They were ignoring, in our opinion, your policies, your plans, your requirements in our regulations and the work and effort that was done over the last ten years in establishing the policy for Wichita and Sedgwick County in particular a conditional use is not supposed to be approved if there is available space on existing or approved wireless communication facilities or structures that can be utilized to meet the applicant's needs.

It's our opinion that if a true engineering analysis was done with the radio frequency, now this is as proposed, at the top of the 490 foot tower that already exists and is available at Haysville, not only would the entire area be covered, but all the other additional space that is identified in the Black and Veatch report would be covered as well and it would completely fill the gap.

The best way to look at that is from the original map that was provided in the coverage analysis that

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was done in the original presentation to the planning commission, where they showed and this is not a color copy, but I believe you should have this map in your packet, their existing coverage, which identified sites west of Wellington, north of Atlanta in Cowley County, north and west of Andover in Butler County and another one that appears to be far out in the western reaches of Sedgwick County and results in a hole that they've talked about and identified as part of this proposal.

The Haysville location, while maybe not quite as centered in the gap, does have additional height and by additional power and additional directional support from antennas, can adequately fill the gap. In fact, each one of the tower rings you can see is not a circle but is in fact, in many cases, directionally directed based on what they do with the antennas. Our presentation a number of months ago on another tower in another part of this county addressed the fact that these kind of radio frequency analysis, particular done with software can be manipulated based on the power of the system and the use of directional towers, it's our opinion that that's what is being done here.

Claim was made that at the meeting of the planning commission, and I was the representative that made the comment about the Rose Hill tower to the officials from Westar that it could be extended to 300 feet and I said 'that's not true'. I said there is a height difference in the ground elevation between the Rose Hill site and this location and that should be taken into account and I assume that the Black and Veatch report does that. But again, they fail to take into account and do an analysis on an existing tower which your regulations and your policies state should be done that does exist in Haysville, within the area to be served, that adequately covers this, that has 190 additional feet of height. And as anybody that's involved in with the radio business or communication business knows height is golden. The higher you can go, the greater the coverage you can get. That opportunity is available. It's our opinion that's part of the basis that was why Mulvane said 'No, you've got other opportunities that exist'.

We will continue to see a pursuit of this tower or another tower unless this board simply says no, follow the policies that Wichita/ Sedgwick County planning and zoning regulations has adopted that says we're not building new towers until existing tower space that is already in place has been utilized or can no longer be utilized. That is not the case on the tower site in Haysville. It is available. We are more than willing to do that. There has been . . . I was not party to that, but there has been a verbal communication with Westar representatives regarding the Haysville site and some discussion about what it would cost to go on that."

Chairman Winters said, "Mr. Yearout, how much longer do you need?"

Mr. Yearout said, "I'm just about done."

Chairman Winters said, "Okay."

Mr. Yearout said, "In my opinion, based on what I was told by the owner of Wichita Towers, the

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conversation ceased once they found out they'd have to pay rent and Westar said they don't pay rent. Wichita Towers also manages other buildings and rooftops and inquiry was made about that and they said there will not be any other users of a tower if we get one built, irrespective of what the policies may say. And I back that up by the fact that Westar currently has a rather significant tower sitting at Central and 135th that nobody else is able to use because Westar says that space is not available. It is structurally capable and lord knows there are holes in telephone communications in central part of Wichita that could be filled. In my opinion, this action should simply be to deny the request and tell Westar to follow the policy of the county and use existing space."

Chairman Winters said, "All right, thank you Mr. Yearout. We have a question for you. Commissioner Unruh."

Commissioner Unruh said, "Thank you Mr. Chairman. Mr. Yearout, I missed I think perhaps the beginning of your comments but who do you represent or what's your status?"

Mr. Yearout said, "I'm here on behalf of Wichita Towers, LLC. They own the tower at Rose Hill. They also own the tower at Haysville."

Commissioner Unruh said, "Okay, well that helps me understand. Thank you."

Chairman Winters said, "All right, thank you. Any other questions? All right, thank you Mr. Yearout. Other speakers who would like to speak in opposition. Yes, please come forward. And I think there's a chair over here, sir, if you want to move on over here by the podium there's a chair back there. You could just wait on it and then be ready when she's done. Ma'am if you'd give your name and address please."

Ms. Lily S. Turner, 603 Russell, Mulvane, Ks., greeted the Commissioners and said, "Westar Energy wants to build a communications tower on the ground which is on the southwest corner of 127th Street East and 95th Street South and it is owned by Humbolt Trust. I protest this application. I own the land that is directly north and directly east of the proposed property for the tower. I inherited the ground that is directly north. Ever since I can remember, I've had a dream of building a house facing southeast on the southeast corner of that ground. Whether I choose to build it for my retirement or in 30 years or maybe never, I don't want my view from the front window of my dream

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home to be a tower, a propane tank or a big building.

I also own the 160 acres to the east, which is the homestead where I grew up my whole life. I chose to buy this ground from the estate after my mom passed away. My dad, Clifford Humbolt, built this farm by making his dream a reality. He would not want anything that would deface the ground in any way to be. I know my dad's been gone twenty-plus years but I hold him in my heart and his ideas and ways in my heart.

Westar Energy stated once there would not be microwave frequencies on this tower that we found out there would be. They out and out lied. On top of lying, they have torn apart the respect, support and love that is between family members and friends.

If this tower was meant to be, it would have been 100% okay from the very start. I want to mention the animals too that we have on the farm. They'll be around this tower and rather it's proven or not that there can be some kind of future harm after so many years of being around this tower. You know, I should have a choice on whether I want that or not, and my choice is no tower.

My son Troy lives on the farm. He takes care of it and works on it and I hope we don't have to see the tower."

Chairman Winters said, "All right, thank you very much ma'am. Next speaker."

Mr. Herb Phillips, 14100 E. 8th St. S., Mulvane, Ks., greeted the Commissioners and said, "I own, along with my brother, the southwest quarter of the southwest quarter section 14-29-2E, which is the little blue square, diagonal from the tower site on the map, and we inherited this ground and look at it as a place of possibly in the future we could put in a housing development there and we feel that a tower in that location is going to reduce property values.

You know, there's been a lot of talk here lately about casinos and such going to Mulvane, which is going to increase that area's property value and, you know, am I going to be able to get \$250,000 houses on that property or is it going to be \$70,000 houses. I think a tower is going to impact that and I'm against having it there.

Another thing I wanted to bring up and no, I'm not an electrical engineer, I know a lot about radio. The area that they show in their map of coverage there for the Rose Hill tower, there's a lot of holes in it really close to the tower and that doesn't seem to make much sense to me. Thank you very much."

Chairman Winters said, "All right, thank you for your comments, sir. Anyone else want to speak? Yes, please come forward."

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Mr. Troy Turner, 13511 E. 95th St. S., Mulvane, Ks., greeted the Commissioners and said, “My house, my farm, it’s mere feet outside the 1,000 foot circle. My mom does own it. The issue that I have is the two corners on the quarter section that we own, the tower actually covers about 50 acres of our real estate. Both those 160 acres, there’s about 65 acres in the flood zone and you take off the 50 acres that this circle is going around, and it comes to about 180 acres. Well there’s 320 acres, so that’s over half. I’m asking you not to help discriminate against our land, over half the issue on the value, you can’t build or do anything with the flood zone if you take the corners away. That’s our most valuable piece of property on both quarter sections. This is both on the top of the hill.

You asked earlier about Mulvane. Some of the reasons why Mulvane voted this down is because they have an ordinance for mono-poles only, no guy-wire towers. They did put one up at the corner of K-15 and 95th Street about ten years ago and they had such a dispute over the guy-wires and stuff on that tower, that’s why Mulvane passed that ordinance. Also, there are different places that the Humbolt Family Trust can actually put it. They own three quarters, 360 acre tracts one mile north in Derby. They also own three quarter sections one mile south and the City of Mulvane, at the city of Mulvane, when Westar said there was not going to be any microwave frequencies on the Mulvane agenda, then they came to the City of Mulvane and they said that there was going to be microwave frequencies on this tower.

Also at that deal, the very first site that was chosen, it’s in the Mulvane minutes, was a mile south of the site that’s planned to have the tower now. It is also located in Butler Rural and Electric Corporation’s field of influence. I asked Butler Rural and Electric to be here today, but they voiced concerns because this is a year of contract negotiations with Westar to buy energy from Westar to Butler County Rural and Electric. That’s why none of the representations from Butler Rural and Electric is here today.

I’ve also been in contact with Steve Lowe and Greg Thomas, the owners of Cook Airfield. They have talked to the FAA and they do not agree with this issue. I’ve been in contact with them and they said that they were going to e-mail some of you commissioners on this deal. Ms. Olson’s Aerodome, nobody ever even contacted her or whatever until the Wichita Area Planning board that we went to and she’s against it. There’s quite a few neighbors around that they do not want to look at this issue. They’ve been living there for ten, fifteen years and they don’t want their houses and their ground devalued and I would ask not to build this tower in this area because the Humbolts can actually take this piece of property and move it and have the whole 1,000-foot circle on their

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property and they would not be disturbing anybody else's land issues, their own base of depreciation, the lattice design and everything is, you know, it's actually against the rules in Mulvane. Mulvane had a couple of good points.

The Westar guys said that the Mulvane City Council had a couple of people that flew airplanes. One agreed with the tower being too close to the aerodrome and the other one said as long as you went to the west after taxiing off you wouldn't have to worry about it. I ask you to please go over this and choose to the laws and the regulations that have been set forth and you know, kind of go with . . . you know, in Sedgwick County you've only moved two towers in Sedgwick County and one of them was for the College Hill area and you know there's been quite a few neighbors and I just hope that you vote with the people and concerning of this issue of the neighbors and the surrounding pieces of property.

You know, there's a couple of other things like the microwave frequencies, there's been several lies been told. I've also asked for the documentation of this issue a couple of times. I did get the first engineering thing from the first meeting that was supposed to be, I do believe, in October but I never received anything about the new one to the issue of the engineering."

Chairman Winters said, "Mr. Turner, are you about done, or do you have some more?"

Mr. Turner said, "I'm done, I'd just ask you to vote in favor of the neighbors and the policies that are set forth."

Chairman Winters said, "Thank you very much sir. Anyone else like to speak on this issue? Yes. Please come forward to the microphone. Please give your name and address for the record."

Mr. Richard Sanborn, 301 N. Market, Ste. 700, Wichita, Ks., greeted the Commissioners and said, "I live across the street north of Troy Turner. In your staff presentation, there was a figure given of 44%, the fact is 100% of the persons entitled to statutory written notice about this application oppose it. That's Mrs. Turner and Mr. Phillips, no one else.

Under the Federal Telecommunications Act of 1996, not only is co-location required, but today is the first time Westar has ever admitted that fact. In all their other public and private discussions, they've consistently told everybody that this is their tower and their tower alone for their exclusive use. Oh yes, they would let the Sheriff use it.

Well, only one mile to the east of there there's a rural water district tower. If they have a concern about that area for their VSH radio coverage they can put an antenna on there and it's not up to the rural water district. They have to require access. They have to give them a reasonable price. That's federal law, the uniform on the United States for nearly 12 years.

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I haven't heard anybody mentioned what I've learned at the Storm Spotter meeting that was sponsored in part by Sedgwick County on March 7th about the danger from ice falling from towers and how it's part of their presentation from National Weather Service. They had films of the falling ice from towers, up there by Hutchinson, hundreds of pounds of ice at once. Simply stated, not only do you have a rule that requires co-location and not only has that been the policy, the regulation of the MAPC in the county, since at least 20 years that this kind of thing has been in controversy, but this is a matter of whether against our will we're going to have somebody there, this applicant who is not being a good neighbor. We'd like to have somebody, if we're going to have a neighbor over there that we can trust, that will be straight up with people. And this just doesn't look good.

I didn't see anything, you know, in any of the staff reports about the other alternatives. In fact, the staff member at the MAPC said 'Gee, we didn't know about the Rose Hill tower', 'Gee, we didn't know about the tower at Haysville'. Westar has on their own property, it was built within the last two or three years another tower at 87th and Webb. I don't know if that's on their report or not. I was told in the early part of February from the Westar representative myself, 'Oh yea, we'll get you the engineering report'. I received it on Good Friday after then. It was dated February 20th. That's not good faith. We've seen some applicants here that can say anything. We found out today for the first time, oh well, we had another engineering study from an engineer licensed in Louisiana. We were told 'we'll give you all the engineering studies'. You know, we just found out about that one today.

And any presumptive good faith to which this application is attended is not supported by the law, it is not supported by their course of conduct. They haven't shown a need. We're in an area that has no DSL coverage. This is not Westar service area. Their service area, I believe, only goes down to what, 71st Street. They could have had this as their service area, way back when, 50, 60, 70 years ago, whenever their predecessor was doing business. They didn't want it. If they need this for their transmission lines, when the fact is they don't own any of those transmission lines. This is all the Butler Rural Electric's area. They could have been a good neighbor".

Chairman Winters said, "Mr. Sanborn, that's been five minutes. Do you need more time, or can you conclude?"

Mr. Sanborn said, "I can only ask you to deny this application, or in the alternative to send it back and get more staff study, require the applicant to produce all the documents that they've mentioned. And this is a public utility and under SCC law they're a common carrier. This common carrier has until today said 'No, this is for our exclusive use and ours alone'. I don't know what else I can add, but I appreciate the opportunity to be treated fairly by everybody, the applicant and the board of commissioners. Thank you."

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Chairman Winters said, "All right, thank you sir. Is there anyone else in the audience who would like to speak on this issue? Anyone else? All right, we're going to . . . yes, come on forward sir. Will this be the last one or is there anyone else? All right, sir, please come forward, give your name and address for the record."

Mr. Lloyd Humbolt, 10200 E. 127th St. S., Mulvane, Ks., greeted the commissioners and said, "Mr. Reynolds come to my house some time back and wanted to put this tower in that area. He wanted to put it on my home place. I said 'do you want to lease it' and he said 'no, we want to own it'. I said, well this farm has been in the family for 120 years. I've lived on this farm for 82 years now, except the time I spent in World War II. And I said 'Mr. Reynolds I said I've got a farm across the road, would you like to look at it?' and he said sure. He looked at this farm and it's up there on this little pasture, grass, and he said well we like that. I said well we can make a deal there I'm sure. I said I don't see no quorum there.

So I go down and I tell Larry Turner what was going on and he said if you don't want it, send them over to my house. I'd like to have it. So I go down to his mom, Lily Turner, talk to her. She had no opposition to it whatsoever, she said. So I go and stop at Caesar Phillips, he owns the 40 and Caesar said it's yours, if you want to put a tower on it put it on there, I don't care.

So I worked with Mr. Reynolds here and I don't see no quorum why they've got any opposition to them. It ain't a hurtin' none of them. I own the land around it. Like he said, I own some more farm, but when he wanted to put it on the home place I said 'no, I don't want it on the home place'. It's the family farm, it's been here forever almost and I said I want to leave it here in one piece for the kids when we get done with it. I got three boys and they're all farmers and we farm quite a bit of ground down there. We farm for some of these landlords, but if you guys can see a reason not to put this in there, I'd like to have you tell me why you don't want it. Thank you."

Chairman Winters said, "All right, Mr. Humbolt, thank you very much for your comments. Anyone else want to address the commission on this? All right, we will stop the public comment portion of this meeting and limit conversation to the commissioners and staff. Commissioners, any thoughts or comments? Commissioner Unruh."

Commissioner Unruh said, "Thank you Mr. Chairman. John, could you help me understand a couple of comments that were made that this is against the rules or I think some even said it was illegal. Just make a comment to that, to help me understand that please."

Mr. Schlegel said, "Well Dave Yearout was correct in stating that the wireless communications

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facilities plan that was adopted both by Wichita and Sedgwick County and which policies of which have been incorporated into the unified zoning code do strongly encourage co-location of communication facilities on existing towers. The whole objective there is to try to minimize the number of towers that have to be built. It's a great policy, a great goal to pursue, but it's really difficult to implement, because the regulations allow where an applicant can demonstrate that it's not economically and technically feasible to co-locate on an existing tower, it allows them to request a new tower or a conditional use or administrative approval or whatever kind of approval for an additional tower.

From a staff point of view, it's really difficult to sort out those arguments. I mean, you can have endless debates about what's economically and technically feasible in terms of co-location and we really do not have the technical expertise and we don't have the budget to hire the technical expertise to get all that sorted out. What we have to rely on is the type of study that was commissioned by the applicant and submitted as part of the testimony heard at the planning commission and then you heard also today at this meeting.

If there are tower owners that feel that they have towers that would supply the coverage that's needed by the applicant, then what would be very useful would be for those tower owners to step forward with the information that's needed by the applicant to make a decision about whether or not they should co-locate on one of those existing towers or build their own tower.

And I think in our review, what we've done is we've given certain presumption of validity to the arguments presented . . . to the technical studies given by the applicant, without any type of evidence to the contrary being supplied by other tower owners. Again, it's a great policy. It should be in the code. We should be encouraging co-location, but it's really difficult to sort out that economically and technically feasible argument."

Commissioner Unruh said, "Well thank you, that's helpful to me. Mr. Chairman, may I ask another question?"

Chairman Winters said, "Yes you can."

Commissioner Unruh said, "Perhaps maybe I need to ask somebody from Westar, but could somebody tell me about two claims that were made that a 490-foot tower in Haysville is usable and then secondly, I think somebody indicated there's one at 87th and Webb and can you just tell me about why those won't work."

Mr. Schlegel said, "That would probably be the applicant would probably be able to do that."

Mr. Young said, "Well the tower at Haysville, we were told about that after the planning

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commission meeting and I had an analysis done by the person, the engineer from Louisiana and it didn't provide the coverage to the south like this tower does. As Mr. Yearout pointed out earlier, the elevation is an issue and that 490-foot tower is at a lower elevation than the one we're proposing to build. So that, it just doesn't do the coverage that our proposed tower does. And as I understood it from the planning commission meeting, the tower of interest was the Rose Hill tower, so all of our analysis and presentation here is associated with that. I didn't include the tower at Haysville because, again, I thought it wasn't anything contingent on that and the one engineer was showing us basically the same results as what we're getting from this third study which is it wouldn't cover."

Commissioner Unruh said, "All right, well you have had engineering investigation and documentation about it being inferior to the site you want. Is that what you mean?"

Mr. Young said, "Yes sir. And then the tower at 87th and Webb, that is not our tower. I don't know what tower it is for sure. We don't own it. If it's been built in the last two years, I'm the manager of the wireless communication system. I haven't built a tower at that location."

Commissioner Unruh said, "Okay. Just a couple of quick questions. There aren't any health or safety issues with the tower itself. I mean, it doesn't propose . . ."

Mr. Young said, "Well that's the reason we're buying the ten acres of property. That tower could lay down flat and it will still be on our property. Our normal practice is to lease that property back for like a dollar a year to the previous owner and let them use it however they want to. If there's a safety concern, we could build a fence around the site."

Commissioner Unruh said, "All right. And have you planned screening or anything like that? I mean, this tower is going to be real high, but I mean just for normal visual perspective, are you planning screening?"

Mr. Young said, "No screening. There will be a wire fence around the pad site itself where the building and generator is, but nothing else."

Commissioner Unruh said, "And it sits several hundred feet back from the road."

Mr. Young said, "It will be the height of the tower at minimum back from the road."

Commissioner Unruh said, "Thank you. That's all I have Mr. Chair."

Chairman Winters said, "All right. Commissioner Welshimer, did you have a question?"

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Commissioner Welshimer said, “He answered my question.”

Chairman Winters said, “Commissioner Parks.”

Commissioner Parks said, “That answered a lot of my questions too, but I just wanted to . . . the name of the firm in Louisiana that did your first engineering study.”

Mr. Young said, “His name was Al Sinopoli and I can’t . . . Blue Wave or Blue Streak was the name of his company.”

Commissioner Parks said, “Okay, thank you.”

Chairman Winters said, “All right, is that it commissioner? Thank you Mr. Young. Well you know this is a challenging case and I, you know, got a little bit confused myself when talking about the different engineers that were involved and I know that an engineer in Louisiana, if he’s got the right information in front of him, can make as good a recommendation about a project as if he was sitting right here in Sedgwick County.

But I think what, in a sense, was impressive to me is this study that Black and Veatch has done as a disinterested, evidently non-vendor of Westar whose come forward and done it looked to me like a pretty thorough analysis and said that this was the best location to obtain the objectives that Westar was trying to present, so this Black and Veatch study to me was put together very well and it was presented in a manner that a non-technician such as myself could understand it and it looked to me like it was impressive. Commissioner Norton.”

Commissioner Norton said, “I need to address John. John, does it appear that the Mulvane rules and regulations governing towers are more stringent, more restrictive or different than Sedgwick County’s in general?”

Mr. Schlegel said, “I’m not familiar with Mulvane’s regulations so I don’t know how to answer that.”

Commissioner Norton said, “Well there was some reference that they had a tower at some other location and they didn’t like that and so that they kind of changed their rules and regulations. Now that’s anecdotal, you don’t understand it, but that sounded to me like they added on or layered on restrictions for their jurisdiction that are different or more restrictive than maybe we have in Sedgwick County or other jurisdictions.

How close is the Derby jurisdiction to this? If this site had gone a little further north, it would have

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been in Derby's jurisdiction."

Mr. Schlegel said, "My recollection is 95th Street would be the dividing line between the Mulvane and Derby zoning areas of influence."

Commissioner Norton said, "So just across the street . . ."

Mr. Schlegel said, "127th Street is the eastern edge of the Mulvane zoning area of influence."

Commissioner Norton said, "So a little north and you would have gone into Derby's."

Mr. Schlegel said, "Correct."

Commissioner Norton said, "If you had gone east, then it would have been just in Sedgwick County's jurisdiction. Is that correct?"

Mr. Schlegel said, "Correct."

Commissioner Norton said, "That's all I have right now."

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

Commissioner Welshimer said, "Well this is my commission district. I represent Mulvane, so I'm very concerned about this. This is a difficult situation, both sides of the issue. This is not land that needs a use. It's already agriculture and so the land has a use. I don't know if . . . I don't feel that it's been proven that there's not an alternative to this. I question that.

44% protest on file, there's only two neighbors to be notified so that would be 100%, wouldn't it?"

Mr. Schlegel said, "Say that again, I'm sorry."

Commissioner Welshimer said, "The protests, we were told that there were 44% of the neighboring properties that are within the notification area that are opponents."

Mr. Schlegel said, "Correct."

Commissioner Welshimer said, "And so are you adding . . . you're adding the . . . Mr. Humbolt, the proponent, in there."

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Mr. Schlegel said, "Right."

Commissioner Welshimer said, "But that's not 44% against. That would be more than that, wouldn't it?"

Mr. Schlegel said, "Well, the property in which it's located is also within that notification area and you can see on the map in front of you the . . ."

Commissioner Welshimer said, "So Mr. Humbolt would have . . ."

Mr. Schlegel said, "He is not protesting."

Commissioner Welshimer said, "I see, okay. But the only two other neighbors, other than Mr. Humbolt were against . . . opponents."

Mr. Schlegel said, "Correct. All the other neighbors were opposed."

Commissioner Welshimer said, "And I do have the situation of the Mulvane Planning Commission recommending denial. I question the existing tower potential. I'm not totally convinced of that. And I guess the Westar has made it clear that this 490 foot tower is not economically or technically feasible. With all the towers around, I'm concerned about whether or not a neighborhood that is not ready for this and not willing to accept this, whether the good of the whole area outweighs it. So that's my thoughts."

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

Commissioner Unruh said, "Thank you Mr. Chair. First of all, early on when folks were declaring their ex parte communication, I didn't say anything because I haven't been involved in any communications with anyone, but at this point I am prepared to go ahead and be supportive of this application. I recognize and understand that the folks who are in the near vicinity will feel like perhaps that they're tranquil, pastoral, suburban lifestyle is being violated and invaded. I can recognize that and appreciate it, but it seems like for the utility to provide the service that it needs in the area, service that either in the host sale or the retail level, it seems like they're providing for all the folks in the area, but this is something they need to continue to provide service for their customers and support for their . . . safety and support for their technicians who are out in the field. And as it's been said in some of the testimony, you know this is also an issue of reliability when

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they are trying to provide those services.

In light of the fact that we've had subject matter experts present evidence that this is the best location to provide the coverage they're after, I think it's also persuasive. I am going to be supportive of it, although I recognize the objections of the landowners in the area. But I do have one question, Mr. Chairman, perhaps of you. In your district, isn't there an area called Power Lakes Estates out west of town, about 215th Street that's got about three big, big tall towers and they have a very affluent housing community that's right in the shadow of those things, around some lakes and so forth. So I mean I guess it's just kind of a response to some of the people that are worried about property values, because there's at least one location with a bunch of towers that's a very affluent housing district. So, I don't know, it's just kind of an anecdotal comment. Anyway, that's all I have Mr. Chair."

Chairman Winters said, "All right, well thank you. I don't know that I have a response, except there are several areas in my district in western Sedgwick County that does have towers on them and they, one, there's several towers quite near the community of Colwich and Colwich continues to be a growing city with new housing developments clearly within eyesight of those towers, so you know, I would think that the towers in the Colwich area have blended in as well as they could be expected and to my knowledge they have not hindered any development in Colwich.

At this time, I would agree with Commissioner Unruh, I think I'm in a position to support this and just on a couple of brief reasons, one I think this report from Black and Veatch and the presentation today was very understandable and it came to a very direct conclusion. Also, the recommendation of the staff and the recommendation of the Metropolitan Area Planning Commission to approve and I think they laid out their findings on page 63 of our backup very well and I tend to agree with that. So this is one I believe that even though it does have a lot of intricacies about it, I think I can support this. Commissioner Parks."

Commissioner Parks said, "Many times, we look to the commissioner in our district that may be more studious or may be more connected with people in that district, and I was . . . that's why I had a short conversation with Commissioner Welshimer on this. However, I've learned more today about some policies and I think that the reason we have policies is to try to follow those. I think this is dangerous if we go against the policies and maybe we need to look at those policies. Maybe we need to revise those if they're twelve years old. I would hope that Westar would have an alternative and if this doesn't pass that they would come back to us with something, because I do realize that it's important for all those people in the field to be safe, that they have to have that communication. And I think, with just a few modifications in this study, that they could certainly come back with something favorable. Thank you."

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Chairman Winters said, “All right, thank you very much. Any other questions or comments? Seeing none . . .”

MOTION

Commissioner Unruh moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and adopt the Resolution.

Chairman Winters seconded the motion.

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

VOTE

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

Chairman Winters said, “And Mr. Euson, if I’m correct, since this required a unanimous vote, then this approval of conditional use has been denied?”

Mr. Richard Euson, County Counselor, said, “It has the effect of denial, yes sir.”

Chairman Winters said, “All right, thank you very much. John, thank you. Thank all of you who are here today for this presentation of this conditional use case. Madam Clerk, will you call the next item. Commissioners, . . . just a moment. Do you want to take a five minute recess?”

Commissioner Norton said, “Yes.”

Chairman Winters said, “All right, we’re in recess for five minutes.”

The Commission went into recess at 10:40 a.m. and returned from recess at 10:47 a.m.

Chairman Winters said, “All right, I will call back to order the meeting of the Board of County

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Commissioners March 26th, 2008. Madam Clerk, would you call the next item.”

NEW BUSINESS

D. RESOLUTION APPROVING THE CITY OF WICHITA, KANSAS’ CORRECTIVE ACTION TO APPROVE THE 100% 15-YEAR PERIOD OF NEIGHBORHOOD REVITALIZATION AREA PROGRAM REBATES FOR THE EATON PLACE COMMERCIAL CONDOMINIUM.

Ms. Patricia J. Parker, Assistant County Counselor, greeted the Commissioners and said, “When the City of Wichita assembled the financial package for the Eaton Place in 1998, they used a variety of financing tools, and a neighborhood revitalization program fund was one of those tools.

When they approved the financing package in December of 1998, they approved a 15-year, 100% tax rebate on the commercial portion of that property. The city normally grants these rebates for five years and at 75%. However, in this case they approved a 100% rebate and added an additional ten years.

For some unknown reason the minutes of that meeting failed to record this action. The county has collected and paid the rebates for the five years at the 75%. In order for the county clerk and the appraiser, who administer the program, the fund, in order for them to pay the additional rebates, the city needed to clarify and basically re-approve or ratify their action that was not recorded in the minutes of those meetings.

The resolution before you recognizes the corrective action that the City of Wichita took in late December 2007. By approving this resolution, you are empowering county personnel to administer those rebates for the additional years and authorize the county to pay into the Eaton Place Neighborhood Revitalization Fund the additional 25% not previously paid during the first five years, the rebate amounts for the tax years 2006 and 2007 and set up the process to capture the remaining years’ rebates. Again, it’s important to note, this is not a new rebate program. This is merely implementation of the one they approved in 1998.

Now the total amount of the county’s portion to be paid into the fund to bring it current to date is \$11,592.15. That’s accounts for the additional 25% that was not paid for the years 2001 through 2005, and that amount is \$4,222.99. The amount for the 2006 and 2007 rebates that were not captured comes to \$7,369.16 and those two figures make up your 11,592.15.

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Now there's an estimate based upon the 2007 mill levy and that's why it's only an estimate, as to future years 2008 through 2015 and that amount, the total amount to be paid from the county's portion into that fund would be \$29,485.10. So the total amount would be \$41,077.25 but the amount that has to actually be paid to bring it into current status is the 11,592.15 and the remaining 29,000-plus will be paid over the next few years, from 2008 to 2015. So with that background, I would ask that you adopt this resolution."

Chairman Winters said, "All right, thank you Trisha. A question and a comment. Question is that you mentioned a couple of times that the minutes failed to show this action and whose minutes were those?"

Ms. Parker said, "Those were the City of Wichita's minutes."

Chairman Winters said, "Okay, so it's the minutes of the City Council meeting."

Ms. Parker said, "Right. They failed to record that action and because they failed to record it then the county clerk and the county appraiser didn't know about the additional years and the amount to be captured in that rebate, so when it came to their attention and it came to their attention because the fund stopped getting checks, so they said . . . contacted us and said 'what's the problem' and we've researched and they researched and they found where the . . . for some reason, it didn't get recorded. Now we know . . . we absolutely know it did take place because memories of those city council members who I've talked with recall absolutely that action being taken and additionally the minutes of August of 1999 of the city council meeting when they discussed Eaton Place related project they refer back to their action that they took, to this action in 1998. So there's plenty of evidence that it actually did occur."

Chairman Winters said, "All right, thank you. Mr. Manager, do you have a comment?"

Commissioner Welshimer left the meeting room at 10:53 a.m.

Mr. William P. Buchanan, County Manager, said, "The only comment that we would have is what I recall also and I believe the council people from the City of Wichita did visit with Sedgwick County Commissioners about this and we kind of all agreed that that was (*inaudible*)."

Chairman Winters said, "All right, thank you. Then and I guess my other comment is just to catch us back up and get us current, \$11,500 does not seem to be a significant amount of deal. Commissioner Parks."

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Commissioner Parks said, “The property will go back on the tax rolls in 2015 or 2016 then?”

Ms. Parker said, “That’s when the rebate will end, yes.”

Commissioner Parks said, “Thank you.”

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

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

Commissioner Welshimer returned to the meeting room at 10:54 a.m.

DIVISION OF HUMAN SERVICES- COMCARE

E. AGREEMENT WITH WICHITA CHILDREN’S HOME (WCH) TO DEVELOP A COLLABORATIVE PROJECT TO PROVIDE MENTAL HEALTH SERVICES FOR SERIOUSLY EMOTIONALLY DISTURBED CHILDREN RESIDING AT WCH.

Mr. Tom Pletcher, Clinical Assistant Director, Comprehensive Community Care, greeted the Commissioners and said, “Before you is an agreement that we have with the Wichita Children’s Home for them to provide some office space for us in which to locate one to two case managers so that we can deliver services to children with a serious emotional disturbance who are currently

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residing at the Wichita Children's Home.

In the past year, we've redesigned some of our service delivery to really try to regionalize those services. This gives us an opportunity both to directly . . . to really concentrate on that midtown area and also to provide services to those youth who are in the children's home.

We already have children who are on our caseloads that reside at the children's home. This helps us to be able to provide timely and efficient access to them. We would ask that you approve the agreement and authorize the Chairman to sign."

Chairman Winters said, "All right. Are there any questions of Tom on this issue? Commissioner Unruh."

Commissioner Unruh said, "Thank you Mr. Chair. There's no financial implications?"

Mr. Pletcher said, "Thank you for bringing that up. That was in my notes and I passed right over that. This is just an agreement similar to what we have with the school district, where they provide space, we provide the services. There is no exchange of money or expectation for that."

Commissioner Unruh said, "Very good."

Chairman Winters said, "All right."

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

F. CONTRACT WITH RUGGLES AND BOHM, P.A., FOR DESIGN OF LINDEN STREET IN PRAIRIE BREEZE ESTATES ADDITION.

Mr. James Weber, P.E., Deputy Director, Public Works, greeted the Commissioners and said, "In Item F we're requesting your approval of an agreement with Ruggles and Bohm for engineering design services for the paving of Linden Street in Prairie Breeze Estates. The project is located on the north side of 39th Street South between Rock Road and Webb Road. You approved a petition from the landowners requesting this project several weeks ago.

The cost of this work will not exceed \$7,200. All costs of the project will be paid by the benefited property owners in Prairie Breeze through special assessments. We request that you approve the agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Winters said, "We have a motion and a second. Jim, remind me one more time the location of this."

Mr. Weber said, "It's the north side of 39th Street South, between Rock Road and Webb Road, about a half mile east of the airbase."

Chairman Winters said, "All right, very good. We have a motion and a second. Are there any other questions? Seeing none, call the vote."

VOTE

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

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

G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MARCH 20, 2008.

Mr. Joe Thomas, Senior Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "There are two items for consideration that resulted from the meeting of the Board of Bids and Contracts of March 20th."

**1) LICENSE AND MAINTENANCE RENEWAL FOR ONBASE IMAGING- DIVISION OF INFORMATION & OPERATIONS
FUNDING: DOCUMENT MANAGEMENT**

Item one, license and maintenance renewal for OnBase Imaging for the Division of Information and Operations. The recommendation is to accept the quote from Cutting Edge Solutions Incorporated in the amount of \$90,377.

**2) TEN-FOOT OFFSET MOWERS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item two, ten-foot offset mowers for Fleet Management. The recommendation is to accept the low bid meeting specifications from Wichita Tractor Company, option number one, in the amount of \$11,478 each for a total cost of \$45,912.

I'll be happy to answer questions and recommend approval of these items."

Chairman Winters said, "All right, thank you Joe. Are there any questions?"

MOTION

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

Chairman Winters 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 Joe. Next item."

CONSENT AGENDA

H. CONSENT AGENDA

1. One Drainage/Utilities Easement for work in a recently platted portion of Sedgwick County.
2. Two Temporary Construction Easements for Sedgwick County Maintenance in various locations. District #3.
3. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project 624-16-1385; bridge replacement on 23rd Street South (Pawnee) between 151st and 167th Streets West. CIP# B-415. District #3.
4. One Temporary Construction Easement and one Easement for Right-of Way for Sedgwick County Project 624-16-1385; bridge Replacement on 23rd Street South (Pawnee) between 151st and 167th Streets West. CIP# B-414. District #3.
5. MAPD Case Number VAC2007-00031 – Sedgwick County request to vacate a portion of a road intersection site distance (triangle)

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easement; generally located on the southeast corner of 13th Street and 127th Street East. City of Wichita three-mile ring. District #1.

6. Plat.

Approved by Public Works. The County Treasurer has certified that taxes for the year 2007 and prior years have been paid for the following plat:

Huskerhawk Addition

7. Easement to provide public utilities in the Wichita-Valley Center Floodway located near 47th Street South and Hoover Road.
8. Amendment to the Agreement with Wichita State University for professional consultation services related to juvenile justice and adult community corrections.
9. Order dated March 19, 2008 to correct tax roll for change of assessment.
10. **General Bills Check Register(s) for the week of March 19 - 25, 2008.**

Mr. Buchanan said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

Chairman Winters said, "Thank you. Is there questions or is there a motion to approve the consent?"

MOTION

Commissioner Parks moved to approve the Consent Agenda as presented.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “That brings us to the conclusion of our regular meeting agenda. Before we discuss ‘other’ we do need to have a Fire District Meeting and an Executive Session. But at this time I will recess the Regular Meeting of the Board of County Commissioners, March 26th, 2008.”

The County Commission recessed into the Fire District #1 meeting at 10:59 a.m. and returned from recess at 11:03 a.m.

Chairman Winters said, “I’ll call back to order the meeting, regular meeting of March 26, 2008. We do need an executive session, but before we go into that executive session, does any commission have any other business we need to discuss? Commissioner Parks.”

I. OTHER

Commissioner Parks said, “I just wanted to say that the Wild will be at the Britt Brown Arena on April 1st . . . or excuse me, April 5th for another home game. This is our professional football. And also 81 Speedway is gearing up for the year, so you can take a variety of racing action if you’re a Nascar fan or a racing fan, please go out and take a look at that. I think you’ll find that’s a very economical and entertaining venue at 81 Speedway. Thanks.”

Chairman Winters said, “All right, thank you. Anyone else have any comments? Commissioner Unruh [sic].”

Commissioner Welshimer said, “Well yesterday we had a staff meeting. We made most of that staff meeting. We took up the issue of new voting machines and additional voting places. Voter Coalition members were here and they asked for 20 more locations of polling places and seemed to think that we could get by with even one machine. We came to the conclusion that we were looking at about \$200,000 to accommodate that. I think the coalition stood firm on the idea that we need to do this to be sure we don’t run into problems with the general election in November, but the Election Commissioner seemed to think we had that problem under control and there was no action taken, no conclusions drawn other than we did take no action. I wanted to report that.”

Chairman Winters said, “All right, thank you very much. Commissioner Unruh.”

Commissioner Unruh said, “Thank you Mr. Chair. I appreciate Commissioner Welshimer’s recap

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of that discussion. I mean, I think it's important that our citizens know that we have seriously investigated and heard reports from different folks who have responsibility for voting, and so I appreciate you reminding us of that, letting our folks know. I just wanted to say that I was out of the neighborhood the last week or so. I had the opportunity to visit some missionary friends in Spain and so, as we came back home, we had a great time but as we came back from that visit, reminded me of what the poet said about the man 'whose heart hath nere within him burn, as home his footsteps he had turned, from wandering on a foreign strand', and we weren't gone in a war or anywhere else, but we were out of the country and I'll tell you, U.S.A. is a good place to live. And so that's my patriotic speech for today, Mr. Chair."

Chairman Winters said, "Well, thank you very much. We're glad you're home."

Commissioner Unruh said, "Thank you."

Chairman Winters said, "All right, seeing no one else wishing to speak, we do need to have an executive session this morning."

MOTION

Commissioner Norton moved to recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation, potential litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:35 a.m.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Winters said, “We will recess now into executive session.”

The Board of Sedgwick County Commissioners recessed into Executive Session as 11:05 a.m. and returned at 11:36 a.m.

Chairman Winters said, “All right, I’ll call back to order the meeting of March 26th regular meeting. Madam Clerk, let the record show that there was no binding action taken in Executive Session. Commissioners, you have anything else? Seeing nothing, Rich you have anything?”

Mr. Euson said, “No sir.”

Chairman Winters said, “Mr. Manager?”

Mr. Buchanan said, “No sir.”

Chairman Winters said, “This meeting is adjourned.”

J. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:37 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Commissioner
First District

Regular Meeting, March 26, 2008

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2008