

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

### **REGULAR MEETING**

**June 11, 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, June 11, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Jo Templin, Director, Division of Human Resources; Jean Gray, County Treasurer Office; Michael D. Pepoon, Assistant County Counselor; Mr. Gary Curmode, Fire Chief, Fire District #1; John Schlegel, Director, Planning Department; Mr. Chris Chronis, Chief Financial Officer, Division of Finance, Mr. Marty Hughes, Revenue Manager, Division of Finance; Mr. David Thompson, Chief Deputy, Sheriff's Office; Mr. Tim Kaufman, Deputy Director, COMCARE; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS**

Ms. Mary Corrigan, Tri-Ad Program

#### **INVOCATION**

The Invocation was led by Pastor Doug Barker, Central Christian Church, Wichita

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES**

Regular Meeting, May 28, 2008

**Chairman Winters** said, "Commissioners, you have had an opportunity to review the minutes. What is the will of the Board?"

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**MOTION**

Commissioner Welshimer moved to approve the minutes of the Regular Meeting of May 28, 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."

**PROCLAMATION**

**A. PROCLAMATION DECLARING JUNE 15 – JUNE 21, 2008 AS “WORLD ELDER ABUSE AWARENESS WEEK.”**

**Chairman Winters** said, "Commissioners, I have one Proclamation for your consideration this morning.

**WHEREAS**, seniors are valued members of our community and it is our collective responsibility to insure they live safely and with dignity, respect, and as independently as possible with the support they need; and

**WHEREAS**, elder abuse is most often defined as any act that harms a senior or jeopardizes his or her health or welfare; and

**WHEREAS**, elder abuse is grossly underreported because the elderly who are being abused find it difficult to tell anyone, and are usually ashamed and sometimes afraid; and

**WHEREAS**, all our residents should watch for signs of abuse, such as physical trauma, withdrawal, depression, anxiety, fear of family members, friends, or caregivers; and

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**WHEREAS**, we are all responsible for building safer communities for seniors in our area, and wellbeing of our seniors is in the interests of all, and further adds to the wellbeing of Sedgwick County and Kansas communities; and

**NOW THEREFORE**, be it resolved that I, Tom Winters, Chairman of the Board of Sedgwick County Commission do hereby proclaim June 15th - 21st, 2008, as

**‘World Elder Abuse Awareness Week’**

and encourage all in Sedgwick County to recognize and celebrate the accomplishments of the seniors in our community.

Commissioners, that’s the Proclamation. What is the will of the Board?”

**MOTION**

Commissioner Norton moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “And we have with us, I’m not sure. We have a couple names here. I’ll let you introduce yourself.”

**Ms. Mary Corrigan**, Tri-Ad Program, greeted the Commissioners and said, “Tri-Ad is a local coalition of law enforcement agencies, including Wichita Police and the Sedgwick County Sheriff’s Department, local aging organizations, like the Department on Aging, and older adults and other concerned citizens.

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And we thank you very much for this formal recognition of 'Elder Abuse Awareness Week'. I would like to take a minute to let you know that in Sedgwick County, it is estimated that there are about 7,000 cases of elder abuse each year, but only 500 of them get reported.

As you heard in the Proclamation, underreporting of elder abuse is a significant problem. During 'Elder Abuse Awareness Week', the Tri-Ad is sponsoring a number of activities that I would like to just briefly highlight.

This coming Friday there is a program out at the Spiritual Life Center that's focused specifically on financial abuse. Whether the abuse is physical, emotional or financial, in nature, I would like you to know that it does translate into that devastating psychological and emotional impact, but also can be fatal.

We do know from studies that have been done that death rates for people that are victims of elder abuse, be it physical, psychological or financial elder abuse, are much higher in the six to twelve month period after that abuse has taken place. So awareness is very important.

This coming Sunday, through local churches, we're spreading the word, it is kind of the official international 'Elder Abuse Awareness Day' this Sunday. We have a coloring contest for children through the YMCA, taking place right now, looking at images of aging and trying to spread the word to our younger children.

Next Friday there is a major event at Botanica, with a number of booths, kind of a 'Senior Safety Fair', if you will. We'll have a balloon launch at 11:45, that will be kind of hosted by Nola Foulston at that time.

The other thing I would like to mention briefly, and then I have some ribbons about elder abuse awareness that I'd like to pass out, is that, I know myself, when I've done talks to my students and they hear the phrase elder abuse, they tend to think that, oh, isn't that something that happens in those bad nursing homes and we should close them down? Elder abuse, yes, does take place in nursing homes, but what we're really talking about here with those 7,000 cases, these are our neighbors, our friends, our family members, living in our community.

Sometimes the abuser is a stranger, but oftentimes very, very sadly, that abuser is the family, the friend, the neighbor. So we need to be very aware that this is a significant problem in our society, and I think, again, the Commissioners for the formal recognition of 'Elder Abuse Awareness Week'.

And again, I would like to share with all of you, maybe I could get Stacy to help me pass these out, just some little purple ribbons that we're going to try to encourage people to be wearing over the next week to promote awareness.

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**Chairman Winters** said, "All right. You can just bring those on up. And Mary, why don't you introduce the folks that are with you this morning?"

**Ms. Corrigan** said, "We would be happy to. Stacy Nilles is a member of the Tri-Ad Program with the Sedgwick County Department on Aging, also have Jennifer West here today, and she is with Catholic Care Adult Daycare Centers, also with us today, I'm really pleased to introduce, Mr. Don Strong, he is really, I would tell you, the driving force behind the Tri-Ad Program.

He's employed by the South Central Kansas Mental Health Association, and they have been really the sponsoring home for the Tri-Ad Program for a number of years, and really deserve our community appreciation for, as I say, being the driving force to keep awareness on this important issue.

**Chairman Winters** said, "All right. We thank all of you for being with us this morning as we learn more about this week. Commissioner Norton?"

**Commissioner Norton** said, "Dr. Corrigan, I'm glad you stopped by today and advocate so well for our community for seniors issues and mental health issues in that community.

The truth is, that both ends of the spectrum, the young children that we talk about that are abused, and elders are such vulnerable populations, and need advocates, because through neglect, through not connecting with society, they are very vulnerable, and we need to make sure that we understand that there's a tremendous issue out there with that.

Every day it seems like I'm reading an article in the paper where there's some kind of a scam, and it's targeted towards seniors that are lonely and take the phone call and get wrapped up in some kind of financial difficulty, and that's abuse as far as I'm concerned. That's taking advantage of a vulnerable population. So I support the Proclamation, I thank you for being here and serving in an advisory capacity for the County."

**Ms. Corrigan** said, "Thank you. My pleasure."

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

**Commissioner Welshimer** said, "Well, also is there a phone number that someone can call?"

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**Ms. Corrigan** said, “Absolutely. On the purple ribbons that were passing out, back side, and I would maybe go ahead and read this into the record for those that might be listening, two particular numbers that you might call if you’re at all concerned, and I would stress that a person does not need to prove that there is abuse taking place, if you simply have suspicion that an older person is being mistreated in some way, and the two numbers I would highlight, one is for the Tri-Ad Council, and that number is area code 316-685-1821, extension 235, and the other number is the Kansas Department of Social and Rehabilitation Services, Adult Protective Services line, which is toll free 800-922-5330.

And, again, I would stress to anybody here today, or anybody that’s watching this by TV, it is not your responsibility to try and prove that something is taking place, just if you have suspicion that a situation maybe involving a neighbor just doesn’t feel quite right to you, please let one of these two sources know and they can go about the process of formal investigation.”

**Commissioner Welshimer** said, “Thank you.”

**Ms. Corrigan** said, “Thank you.”

**Chairman Winters** said, “All right, thank you, Mary, again for being here. Thank all of the rest of you for your work in this area.”

**Ms. Corrigan** said, “Thank you.”

**Chairman Winters** said, “Thanks. Madam Clerk, would you call the next item?”

### **RETIREMENT**

#### **B. PRESENTATION OF A RETIREMENT CLOCK TO JEAN GRAY.**

- **JEAN GRAY, AUTO LICENSE SUBSTATION MANAGER, COUNTY TREASURER’S OFFICE, WILL RETIRE JULY 1, 2008 AFTER 27 YEARS OF SERVICE.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, “This agenda item recognizes the long-term contributions in public service of Jean Gray, who is a Substation Auto License Manager, and has been with the county for 27 years. It is also to wish her well in her retirement effective July 1st of 2008, and she is joined today by Ron Estes, County Treasurer, Joe Hillman, Auto License Manager and other coworkers and family members. We want to wish her well.”

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**Chairman Winters** said, “Jean, step right on up here close to the front. We certainly appreciate those who have come today to celebrate this retirement with you, and it is my privilege, on behalf of the County Commissioners, to give you just a token of our appreciation for the work you do.

One of the things that I think about the Treasurer’s Office, and then even specifically the Auto Tag Department; you all probably touch our citizens personally face-to-face one-on-one more than almost any of our other departments.

Lots of folks come in to buy tags, lots of folks want it to work well, and we’re very proud that we think it does work well, and it is because of people like you and the others that work there. So as a token of our appreciation, we would like to give you this certificate that recognizes today, and then this clock, which we hope will remind you of the pleasant times of your experience with Sedgwick County.

But, again on behalf of the Board of County Commissioners and the citizens that you’ve helped make sure they have the proper registration and tags on their cars, thank you very much for your 27 years.”

**Ms. Jean Gray**, County Treasurer’s Office, greeted the Commissioners and said, “Thank you.”

**Chairman Winters** said, “Would you like to make a quick comment?”

**Ms. Gray** said, “A quick one.”

**Chairman Winters** said, “Sure, go right ahead.”

**Ms. Gray** said, “Thank you, Sedgwick County, for the privilege of working for this great organization. I have enjoyed every minute. Now there’s been some minutes that maybe not quite so pleasant, but I always tell people that I probably waited on everybody in Sedgwick County at least once in the 27 years I’ve worked here. I’ve worked all three substations, and the main downtown office, and it was my privilege and honor.

I have two daughters that are raising their children here. I have five grandchildren. My husband and I were born and raised in Wichita, Kansas, and lived here all our lives.

I do want to leave two things with you and the citizens of Sedgwick County, two verses that I would like to read.

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One is Psalms 3:5-6:

*Trust in the Lord with all your heart and lean not on your own understanding. And always acknowledge him and he shall direct your path.*

Jeremiah 29:11:

*For I know the plans I have for you, declared the Lord, plans to prosper you and not harm you, plans to give you hope and a future.*

Thank you.”

**Chairman Winters** said, “Thank you. And congratulations on your retirement.”

**Ms. Gray** said, “Thank you.”

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

### **PUBLIC HEARING**

#### **C. PUBLIC HEARING TO CONSIDER MULTIPLE PETITIONS FROM LANDOWNERS FOR THE INCLUSION OF THEIR PROPERTY WITHIN THE BOUNDARIES OF SEDGWICK COUNTY FIRE DISTRICT #1.**

#### **POWER POINT PRESENTATION**

**Mr. Michael Pepoon**, Assistant County Counselor, greeted the Commissioners and said, “We are here today to conduct a public hearing to consider the various petitions for inclusion of certain lands into our fire district. There are nine petitioners and ten parcels that are being asked to be included in the fire district.

I will pull up a map here. That’s the map that we will be attaching to our Resolution, adopted this morning. This shows the various parcels, some up around Colwich, and then the south side of Maize, another four down in the Garden Plain-Cheney area, all these parcels in the western portion of the County. State Statutes provide for the process of people being able to petition into the fire district.

It also, let me see here, I have done something wrong, I’m like Parnacott, this is new territory for me here. State Statutes provide that if the properties in question are within the fringe area of the city, it takes a three quarter majority vote on the part of the County Commissioners for inclusion and also requires you to look at various factors.

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You can see these properties in the Garden Plain area and this particular map, part of Morton Township and Grand River Township are within the fringe areas of Garden Plain, one at least, a couple within the fringe area of Cheney. And the last map here in the Colwich area, you can see that all the properties affected, all of them within the fringe area, City of Colwich and also within Maize, one within Andale, I believe. All of them are within the fringe area of the city. As I said, it takes three quarters majority part on the part of the Commission to adopt this Resolution.

Statute also requires you to look at various factors, statutes provide that you look at the size and population of the cities, growth and population of business and industries of the city, extension of set city boundaries within the past ten years, probability of growth of the cities towards the territory during the ensuing ten years taken into consideration, natural barriers and other reasons which might influence growth toward the territory, and the willingness of the cities to annex the respective territories. So those also are the areas the petitioners are asking to be included.

Recommended action today is for you to open the public hearing, accept comments, close the public hearing and adopt the Resolution that's before you this morning. And this Resolution would become effective after 30 days of publication, assuming there are no protests during that period of time. Chief Curmode is here, present this morning, along with Bob Lamkey, he can also answer any questions about the fire district or these properties that the fire service provide to these properties."

**Chairman Winters** said, "All right, very good. Mike, as to your information, these petitioners have voluntarily come seeking this addition?"

**Mr. Pepoon** said, "Yes. These are all, statutes provide for this. There's very little likelihood if, there was a protest, it would be just one of the petitioners changing their mind. These are all voluntarily petitioned to be included in the fire district."

**Chairman Winters** said, "All right, very good. Commissioners, if there's no questions of clarification at this time I will open the public hearing. Is there anyone in the room this morning who wishes to address the Commission on item number C? Is there anyone who wishes to address us on item number C? All right, thank you. I will close the public hearing. I do have a quick question for Chief Curmode."

**Mr. Gary Curmode**, Fire Chief, Fire District #1, greeted the Commissioners.

**Chairman Winters** said, "Chief, as far as you're concerned, operationally and in coordination with 911, you will make sure that 911 folks are advised that the proper time and operationally you're prepared to respond to these properties with Fire District #1 equipment?"

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**Mr. Curmode** said, “Yes. As soon as, if you approve of this, we will get this immediately on the CAD.”

**Chairman Winters** said, “All right, very good. Commissioner Norton?”

**Commissioner Norton** said, “I am going to be supportive, but this is in Commissioner, most of it, or I guess all of it in Commissioner Winters district. We have had some consternation over the years between Colwich and Andale and where we’re sited there. Some of the township is not in the fire district and some is, is that problematic at all Commissioners Winters? I just want to make sure that I understand it.”

**Chairman Winters** said, “Park Township is not in the fire district of the township that, not Park Township, its Union Township in which Colwich is located is not in the fire district. That was really the purpose of my question to Chief Curmode, is that operationally, between the station that is located in Andale and the one located at Maize, you are going to be able to respond in this area? Then on the other end the new station near Garden Plain is going to be kind of right in the heart of that territory also.”

**Chief Curmode** said, “Yes, Commissioner, that’s correct. Just might want to say we have 83 different parcels of homeowners that have petitioned to come into the fire district in Union Township over the past several years. Also we have a lot of interest once that station is built out west from areas that were not in the fire district that might petition in also. So I think it is pretty exciting.”

**Commissioner Norton** said, “I just know that’s been ongoing conversation for several years, and I want to be sure that the whole Commission understood that had been problematic. It looks like this may be part of the solution to some of it.”

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

**Commissioner Norton** said, “No.”

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

### **MOTION**

Chairman Winters moved to open the public hearing, accept public comment, close the public hearing; adopt the Resolution and authorize the County Clerk to publish the same according to law.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Mike, and thank you, Chief. Next item.”

**PLANNING DEPARTMENT**

**D. PLANNING DEPARTMENT.**

- 1. MAPD CASE NUMBER ZON2008-00020 – ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL FOR A SELF-SERVICE STORAGE WAREHOUSE; GENERALLY LOCATED 650 FEET WEST OF THE INTERSECTION OF TYLER ROAD AND MACARTHUR ROAD. DISTRICT #2.**

**POWER POINT PRESENTATION**

**Mr. John Schlegel**, Director, Planning Department, greeted the Commissioners and said, “In this case the applicant is applying for this rezoning on his property which is just a little over 6/10ths of an acre, an unplatted tract, you can see its location facing on Macarthur Road just to the west of Tyler Road. The applicant owns a total of about six and a half acres, which is this entire piece that I am pointing to at this time.

And so this is an additional portion of his property that he is seeking the general commercial designation for. He’s already got it for this portion of his property facing along Macarthur Road on which he’s already developed some storage units. This would be an extension. He wishes to extend what he’s already built on that parcel onto this, the application area just to the west of that.

His single family home exists on this piece down here. If I go over to the aerial, I think you can see, get a better picture of what were dealing with. This is his home here and accessory buildings. These are the storage units he’s already built, and these are the ones, this would be the property where he wants to extend that particular use. These are self-storage service warehouses that are made available for people from the surrounding area.

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As you can see on the aerial photo, the surrounding areas characterized by agricultural use and some single-family development along Tyler Road. The property on the north side of Macarthur Road here is zoned SF-5. I'll go back to the zoning. However, this is Mid-Continent Airport property, and also part of the Mid-Continent Industrial Park. Currently undeveloped, but the future prospects for that land is for industrial purposes.

Property to the south and to the west is all zoned SF-20, is owned by the applicant and developed with his own single-family residence as I've already mentioned. Since the majority of the property that surrounds this property is residential in character and in zoning, screening would be required along both the south and the west property lines, and the capability setback standards for the site would require 25-foot building setback along those property lines.

The MAPC heard this case at its meeting on May 8th, and it was approved as a consent item. There was no one there to speak either for or against it. And we have received no communication from any of the neighbors regarding this. The MAPC recommendation was unanimous to approve the request, subject to platting within one year. And that is the recommendation of the Metropolitan Area Planning Commission. I will be glad to take any questions."

**Chairman Winters** said, "Thank you. Are there any questions of clarification for John? Commissioner Norton?"

**Commissioner Norton** said, "Well, this is in my district. I've heard no protests, had no phone calls. It is contiguous to some buildings they'd already put in a few years ago, so at this point I'll support it because I haven't heard a word from neighbors or whatever. It appears that they have screening and meet all the conditions of the re-zoning and the siting that I'm going to be okay with it."

**Chairman Winters** said, "All right. Very good. Well, this, again, is not the official public hearing. The official public hearing is held in front of the Metropolitan Area Planning Commission, but it is our normal routine to ask if there is anybody here in the room who would like to address the Board of County Commissioners on this particular zone change, so at this time I would ask, is there anyone here who wishes to address the Commission on this zone change? All right, seeing no one moving to the front, we'll assume that there is no one here at our meeting. Commissioner Parks, do you have a comment?"

**Commissioner Parks** said, "I was just going to say on the last, the one that you had up there, the last one on your presentation, the very last one on the presentation that you had there, Butler County is quite a ways further over than what it might indicate there. Isn't that correct?"

**Mr. Schlegel** said, "Say that again?"

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**Commissioner Parks** said, “Butler County, where it has Butler County along the edge there?”

**Mr. Schlegel** said, “I hadn’t even seen that. We’re not even close. I am not sure why that’s on there. That’s interesting.”

**Commissioner Parks** said, “Wanted to make that clear.”

**Mr. Schlegel** said, “Not sure why that was put on there.”

**Chairman Winters** said, “Are there any other questions of John or Commissioner Norton? Seeing none, I think we’re ready for a motion.”

**MOTION**

Commissioner Norton moved to adopt the findings of the Metropolitan Area Planning Commission; approve the zone change to GC General Commercial subject to platting within one year; direct staff to prepare an appropriate Resolution after the plat has been approved and authorize the Chairman to sign the Resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

- 2. MAPD CASE NUMBER DER2008-00004 – AMENDMENT TO ARTICLE III, SECTION III-B.2.C(4), ARTICLE III, SECTION III-D.1 AND ARTICLE III, SECTION III-D.6MM OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE REGARDING VEHICLE STORAGE YARDS AS A CONDITIONAL USE IN THE RR RURAL RESIDENTIAL ZONE DISTRICT. ALL DISTRICTS.**

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**Mr. Schlegel** said, "Let me begin this one by having you recall a case that I brought before you in January of this year. It would have been the party bus case, where the applicants were seeking general commercial zoning because they wanted to be able to store buses on their property where they lived, which is not a permitted use, nor a conditional use currently under the zoning code in a rural residential zoning district.

During the discussion about that case, it was suggested that perhaps we would want to amend the zoning code to allow for vehicle storage yards as a conditional use in rural residential zoning districts, so you directed us at that time to go ahead and draft up a text amendment to the zoning code that would do that, and that's what we are presenting to you today, is the text amendment which if you go to the Resolution that's attached to your agenda report, it lists then the vehicle storage yards that would be allowed as a conditional use within the rural residential zoning district. And then it goes on to list eight supplemental regulations that would need to be considered when that conditional use was being reviewed.

Just quickly to review some of those, those regulations would require that only lots developed with a residence as the principal structure are eligible for the conditional use. As far as the location goes, the storage area, the vehicle storage area, it would have to be located behind the property's principal structure and no vehicles could be parked on, or driven over any wastewater treatment systems.

In terms of the area that would be allowed for vehicle storage yard for sites that are two acres or less in size, the maximum would be 11 percent of the properties total square footage, and for sites that are greater than two acres, the storage yard could not exceed 10,000 square feet total.

The vehicle storage yard would not be, could only be used for the storage of licensed and operable vehicles, and in no case be used for any kind of mechanical work, although what we are presenting to you today would allow for what we're calling non-mechanical servicing of vehicles, and that would be things like changing windshield wiper fluid or light bulbs and so forth.

Would require minimum setback from any existing homes of 20 feet, would require that storage area and driveways leading to the storage area be an all weather surface, would require visual screening of the storage yard from any contiguous residential zoning, and cites the lighting and noise compatibility standards that are already outlined in the zoning code. And with that, I will be glad to take any questions about this proposed text amendment."

**Chairman Winters** said, "All right. Thank you, John. John, could you talk to us about any, I know when we had this case before us, we seemed to think that this was a pretty workable solution. Was the Metropolitan Area Planning Commission in agreement with that?"

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**Mr. Schlegel** said, "Thank you for bringing me back to that. I neglected to tell you that. They did review this at their meeting on May 8th, and they were unanimous in their approval of this, in recommending approval of this proposed amendment. There was one person that spoke in favor of this amendment at that meeting."

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

**Commissioner Norton** said, "I'm going to be supportive of this. I think it's a pretty good solution to forcing those individuals that might have this business to go through the whole process of changing the zoning forever, which leads to a lot of other things. Conditional uses can be a lot more restrictive. These are just the beginning conditional uses that you've applied. Commissions and zoning folks can change those conditions and add on or subtract, is that correct?"

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

**Commissioner Norton** said, "So we can make it even more restrictive depending on the applicant and the case, and where the land is located and what the neighbor's protests might be. We could make it much more restrictive for that applicant. We can also limit the number of years. If we change the zoning, that stays for a long time. Conditional uses can have a sunset is that correct?"

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

**Commissioner Norton** said, "So we've set in motion a way for this to happen without the zoning changing, and being able to sunset if it doesn't work out too well, is that correct?"

**Mr. Schlegel** said, "That is correct. This requires a case by case review by the Planning Commission and the County Commission of each one of these, each conditional use."

**Commissioner Norton** said., "And if a time limitation of five year, ten year happens, then at some point that conditional use will come back before us to review, and understand whether we want to continue it or not?"

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

**Commissioner Norton** said, "Okay."

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

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**Commissioner Parks** said, "Since January I've had a few calls on this. Some of the others that have been affected by this law over the past few years have contacted me, and one person in particular built \$120,000 shed to store his vehicles in, his commercial vehicles, and although we can't go back and correct things that happened in the past, I am going to be supportive of this.

This is a way it works, people that want law changes bring it to our attention, bring it to the attention of the Metropolitan Area Planning Commission, and this is a way the system works. So I would encourage anybody that is faced with an issue like this, if they would let us know that they would like to see a code change or something else, that's the way the democracy works in this country. Thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. I appreciate the way that Commissioner Norton kind of walked through the logic of doing this. I'm going to be supportive. I think this is good policy that provides property owners reasonable use of their property and protects neighbors and seems like this changes something that is, will be good policy, long term. I will be supportive."

**Chairman Winters** said, "All right, thank you. And I guess my only comment would be to echo that, and, again, I appreciate Commissioner Norton's kind of going through the process of conditional use because my interpretation of that is that we have now added this to our code, but that does not necessarily mean that every two acre or five acre tract of property is going to be acceptable to park vehicles on. It means that the Metropolitan Planning Commission will review that, we'll review that and make a decision. So, again, not every place is going to be a great place. Commissioner Norton?"

**Commissioner Norton** said, "I will be glad to make the motion, but one last comment. We always worry about unintended consequences with our actions. And with this more restrictive kind of thing, the unintended consequences, even if they happen, we can go back and revisit it a lot easier and say, oh, we didn't see that coming, were going to cancel the conditional use because you violated some of the stipulations. Is that also correct?"

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

**Commissioner Norton** said, "And with zoning, it gets to be a lot harder than that. So those unintended consequences of something, maybe, that comes up in the future or that we haven't thought about, will much easier be rectified with the conditional use than they ever would be with changing full zoning. So if there's no other comments, I move we take the recommended action."

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**MOTION**

Commissioner Norton moved to adopt the recommendation of the Metropolitan Area Planning Commission to amend the *Wichita-Sedgwick County Unified Zoning Code* to permit Vehicle Storage Yards as a Conditional Use in the RR Rural Residential zone district; approve the Resolution and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you very much John. Next item.”

**NEW BUSINESS**

**E. RESOLUTION ADOPTING A TAX INCREMENT FINANCING POLICY TO FACILITATE ANALYSIS OF THE FINANCIAL IMPACT OF PROPOSED TAX INCREMENT FINANCING DISTRICTS TO SEDGWICK COUNTY.**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, “The action before you is a Resolution that would adopt a new County policy concerning tax increment finance, which we commonly refer to as TIF. TIF financing is a tool that is available to cities in the State of Kansas to fund developments that are in areas that are sorely in need of development, commonly referred to as blighted areas.

There are provisions in State law that allow for TIF financing to be used on other special purpose projects as well, but the original purpose of TIF districts and the commonly recognized purpose of TIF districts is to ameliorate slums and blighted areas.

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The districts can only be used in the state of Kansas by cities, and once again, TIF is a financing tool and only a financing tool. Providing TIF funding to a project doesn't enable the city to take any actions that it is not otherwise authorized to take. It merely provides a way of paying for those actions.

The way of paying for actions with TIF funding is to take property taxes on the increases in assessed value in the development district from the city that is creating the district, and from the County and the School District, and apply those property taxes to the city's project.

In other words, what a TIF district is doing is diverting tax revenue that has been levied by the County and the School District for their own operations to pay for a project that is approved and undertaken by a city. It is also diverting city taxes, of course, also. Under State law, counties and school districts have only one opportunity to review and either approve or oppose the creation of a TIF district that will take their tax revenue.

That opportunity is provided at the very start of the entire process under which a TIF project is undertaken. The County has never had a policy addressing how it will perform those evaluations, nor has it had anything that clearly articulates to cities that wish to create a TIF district what the County's expectations are for information that the County will need to make an effective evaluation.

Under State law, the only reason that a County can oppose the creation of a TIF district is upon a finding of adverse impact, that is, the creation of a TIF district will have an adverse impact on the County, and thus the County's taxes should not be diverted to pay for that TIF district.

The State law does not provide any guidance on what constitutes an adverse impact, so over the years there has been some discussion back and forth, as you would expect, some differences of opinion from time to time in this County and in other jurisdictions about just what constitutes a valid adverse impact that would be sufficient for a county to oppose the creation of a TIF district.

What we're trying to do with this policy is establish some clear guidelines, both for us and for the cities so that we're all on a level playing field. We all enter into these projects, these endeavors, knowing what the expectations of the County's governing board are for the TIF district.

Let me read to you what the policy statement is that we are proposing to make, and then tell you a little bit more about what the policy goes on to provide. The policy statement says:

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*It is the policy of Sedgwick County to support city efforts to eliminate blight and promote redevelopment of sub standard areas by allowing the diversion of County tax revenues to TIF districts when such actions are shown to create no adverse impacts.*

In other words, Sedgwick County is going on record with this policy clearly stating its support for TIF districts when there is no adverse impact created on Sedgwick County. That has been, over the years, that has been a concern of the cities that wish to create TIF districts whenever the County raises questions about the TIF districts.

Is the County really just trying to find a way to kill off city endeavors? Well, we are not doing that. We support those efforts with this policy. We do go on to provide a definition of what constitutes adverse impacts for purposes of the Sedgwick County's evaluation of TIF districts that might be created by cities in Sedgwick County.

Those adverse impacts include the potential loss of tax revenue that would hinder the future delivery of County public services. The fact that the proposed project is economically feasible without County funding support, the fact that the proposed private equity funding is insufficient to effect default risk, in other words, if the developer that is benefitting from the TIF financing has no skin in the game, when the project goes south, as all of these projects do at some point or other, the developer has nothing to cause him to want to work to make the project successful, he can just walk away because he's not got any skin in the game. We want to make sure that the developers are fully invested in projects that the County is going to support with its tax dollars.

Fourth, that the costs to the County government are greater than the benefits to the County government. And finally, that sufficient data or notification was not provided by the city to enable County staff to adequately review the proposal for TIF district.

Once again, the State law provides the County a very narrow window of opportunity. We have 30 days from the time the city adopts a resolution creating a TIF district to review the proposal for the TIF district and to take formal action to oppose that if we should determine that there is an adverse impact. That's a very narrow window. We want to make sure we are not spending the preponderance of that 30 days waiting for cities to deliver information to enable an adequate analysis.

We go on in the policy to specify a series of data requirements, elements of data that the County needs in order to determine whether or not there are adverse impacts created by a TIF district. And we go on in the policy and say what the expectations are for the forms of analysis that staff is to provide on every TIF district proposal. And under this policy the staff is to give a report of their findings to the Commission within that 30 day window of opportunity so the Commission then can make an informed judgment about whether or not it wishes to oppose the particular TIF district.

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I will be happy to answer any questions about the policy. I would note that it has been sent to every city in Sedgwick County. It was the subject of discussion, brief discussion at a SCAC meeting about six weeks ago, and there has been very little feedback and no adverse feedback coming from any of the cities to the proposed policy. If there are any questions, I would be happy to try to answer them. If there are no questions, I would recommend that you adopt the Resolution and this TIF policy.”

**Chairman Winters** said, “All right. Chris, I’ve got two quick questions. One, again, you indicated that a copy of this was sent to all of the cities in Sedgwick County?”

**Mr. Chronis** said, “Yes.

**Chairman Winters** said, “And the response has been, I think, a couple may have called, but...”

**Mr. Chronis** said, “The Community Development Director received a phone call from one small city administrator asking a question. And at the SCAC meeting, that I mentioned, there were two or three questions from a couple of cities as well.

**Chairman Winters** said, “But we have not had a great deal of response from them?”

**Mr. Chronis** said, “No.”

**Chairman Winters** said, “Second question is, if a proposed TIF district didn’t fit the County’s criteria and the County opted to then take that position, can the city go ahead with creating a TIF district but one just in which the County does not participate, but the School Board and city want to participate in that, can they go ahead with that?”

**Mr. Chronis** said, “That is not allowed under State law, as I understand it. However, the city can undertake the project, it can do everything that it proposes to do with the TIF district. It simply can’t divert County and school taxes to help pay for that project.”

**Chairman Winters** said “But the city could do that on their own if they wished to do that themselves”

**Mr. Chronis** said, “Yes.”

**Chairman Winters** said, “I guess I did have one last comment, then. You were talking about the private equity and the fund and having some skin in the game and then you made some comment such as the productees, when they go south, and all of them do sometime, well, there are some successful TIF districts ...”

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**Mr. Chronis** said, "There are many successful TIF districts, but they are not without problems. A TIF project, the rehabilitation of a slum or blighted area is by definition, a high risk project. It is something that wouldn't get done, ideally, wouldn't get done but for the public investment. It is too high risk for a developer to undertake the project on his own, and so because they are high risk, they always encounter problems of one sort or another."

**Chairman Winters** said, "But you didn't mean to indicate they are all bad?"

**Mr. Chronis** said, "No, absolutely not."

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

**Commissioner Welshimer** said, "I think these adverse effect, number one through five, how we would determine adverse effect, some of those are difficult to prove, aren't they?"

**Mr. Chronis** said, "There is a certain amount of subjective thought that goes into it, yes. I would agree with that."

**Commissioner Welshimer** said, "The other thing is, I am not sure that all of the TIF agenda items from cities have come to us over the 30 days, I mean, do we hear every one of them?"

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "What typically occurs is, we are notified that a TIF district is created and then we have 30 days to respond. What happens is, either Chris or I or Irene come around to the Commissioners and suggest to you whether you want it on the agenda or not. It doesn't require a review of us, it only requires affirmative action when you are opposing the TIF district. So if we remain silent, it automatically moves forward. We don't normally review those at a public meeting."

**Mr. Chronis** said, "Under the law the County takes no action in that 30 day..."

**Commissioner Welshimer** said, "I understand that."

**Mr. Chronis** said, "...window, then consent is assumed."

**Commissioner Welshimer** said, "I understand that. I'm just concerned that maybe we all haven't had an input into this. Maybe whenever a city does adopt or give a TIF to a project within that 30 day period, within time for us to make a decision, at least by our staff meeting."

**Mr. Buchanan** said, "We can do that. I can assure you, Commissioner, that the last several, I mean, the last several years that we visited Commissioners about those, any TIF district that's come forward, most of them, not most of them, all of them have come from the city of Wichita."

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I think it should be pointed out that we have sat, Chris Chronis and I have sat with the City Manager and their Economic Development people, talking, and John Schlegel, talking about this TIF policy and negotiated much of that with them over the past several months.”

**Commissioner Welshimer** said, “Okay. Well, that’s just something I would like to be done.”

**Mr. Buchanan** said, “We can do that.”

**Commissioner Welshimer** said, “I feel like I need more information on it in a timely manner. Thank you.”

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

**Commissioner Parks** said, “I would also ask for expanded information at staff meetings. But I have, maybe a legal question, more than anything else, of Rich Euson, on the adverse effects in the policy, the number one, about the loss of tax revenue. Being able to determine whether it would hinder the future delivery of public services being so vague, do we have a standard that we can gauge by or and I don’t know which staff member wants to answer that or not, but is that unconstitutionally vague, Counselor, in your opinion?”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “No, in my opinion, it is not. And I would guess Mr. Chronis would have to address this, but I would guess that this policy would allow Mr. Chronis to bring you information in regard to that statement.”

**Commissioner Parks** said, “Okay. Along that line, when your evaluating the criteria, the staff shows the facts and makes recommendation to us?”

**Mr. Chronis** said, “I would expect that is what would happen, yes.”

**Commissioner Parks** said, “I didn’t read that in here anywhere, but the Commission could disagree with staff and have that latitude?”

**Mr. Chronis** said, “Absolutely.”

**Commissioner Parks** said, “The State Legislature, the spirit and intent of this was to take a slum or blighted area and improve it. And I just think that we all need to be thinking about that when any of these projects come along. Thank you.”

**Commissioner Welshimer** said, “I have one more.”

**Chairman Winters** said, “Okay. Commissioner Unruh?”

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**Commissioner Welshimer** said, "I just have one more question?"

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

**Commissioner Welshimer** said, "Wasn't there some legislation on TIFs this year from the State Legislature having to do with parking garages?"

**Mr. Chronis** said, "I don't know. I think I know this, there are some introduced every year, I am not aware of any that passed. There very well may have."

**Commissioner Welshimer** said, "My understanding is that parking garages have been included in the TIF, and then the land, we're not using TIF for land is that correct, to pay for the land, just for the structure?"

**Mr. Chronis** said, "I'm venturing into the County Counselor's territory here. But that's okay, I am a better lawyer than him any way."

**Commissioner Norton** said, "Is that on the record?"

**Commissioner Unruh** said, "Whoa."

**(LAUGHTER)**

**Mr. Chronis** said, "As I understand the law, the cities can use TIF funding to pay for essentially any public improvement or public action other than a building that will be used for private purposes. So the city can, and I believe Wichita has, used TIF funding to do land acquisition, and make that land available to a developer, but the City cannot, and to the best of my knowledge has not used the TIF funding to construct the building on that land that the city acquired."

**Commissioner Welshimer** said, "Okay. Well, we might check and see, but I think there is some legislation. At least I was told that in a meeting yesterday that the TIFs now apply also to a parking garage, which is a structure."

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

**Commissioner Unruh** said, Thank you Mr. Chairman. Well, first of all, I want to say that I am going to be supportive of this policy. It seems like it's very rational, well thought out and I think a policy is better than no policy, which is where we've been operating. So this is a step in the right direction.

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The, some of the consideration of the adverse affects, I think, are somewhat vague, but I don't know how else you can make those, because they are kind of a case-by-case and to have a very objective criteria for each one of these is nearly impossible to establish.

I'm happy, I'm satisfied with the way the policy is laid out and gives at least some points of consideration and lets the communities in Sedgwick County know that we're going to scrutinize these as they come to us and we have some standard by which to do that. The question, however, I have Chris, is should we approve a tax increment financing district and say it meets our criteria, we still expose at least some degree of change in those plans as it goes forward, is that correct?

I mean, there's nothing, I mean if it's a long-term plan and most of these are, between the time that we give our approval of it and the time that the plans actually come, a lot of the variables change between the approval and the actual doing of the improvement."

**Mr. Chronis** said, "Statutorily, a TIF district lives for 20 years. And the work that is undertaken in the TIF district is pursuant to a development plan that is adopted by the city after adoption of the TIF district itself. That is, first the city says were going to create a TIF district that has these boundaries. That's the action that the County can consider in this policy.

Then following creation of the district, the city adopts a development agreement or a development plan for actions to happen within that district. And the development plan specifies what specific improvements are going to be undertaken and how they're going to be paid for.

That is, how much public funding is going to be used to pay for them. That development plan is not something that the County has a voice in. And it is not something that is only or can only be adopted once and then not changed. A development plan can be revised at any point during the 20 year life of the TIF district and more than one development plan can be adopted during the 20 year life of the district.

Additionally, if the TIF improvements are funded with debt that is secured by the TIF revenues, the TIF district lives beyond the 20 years until those bonds are fully matured or redeemed. So, in theory, if a city sells debt near the end of a 20 year life of a TIF district, if it sells debt funded with TIF revenues, then effectively its bought an extension of the life of that TIF district.

That has happened, to my knowledge, once in a City of Wichita TIF district. It has happened elsewhere around the State. It is certainly possible. It is not terribly common."

**Commissioner Unruh** said, "So the County's exposure to any financial loss is really limited to the extension of the diverted taxes?"

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**Mr. Chronis** said, “Well, that certainly is a risk. But I think the point that you may have been trying to get to it, is that at the time the County is acting to determine whether or not there’s adverse impact, under this policy the County is evaluating the information that has been provided by the city and making a determination.

And it is possible, it will continue to be possible for the city to change its mind, if you will, to go in a different direction with the TIF district after the County has taken its action. So we could, in theory, we could perform an analysis of information provided by the city and say, yes, there will be no adverse impact created by this TIF district, proceed.

And then six months or a year or five years later the City could do something entirely different that, had we analyzed it at the time or had we been able to analyze at the time, we would have determined, indeed, did create an adverse impact on the County. By then, it’s too late for the County to have a voice in the decision under State law.”

**Commissioner Unruh** said, Thank you. I think I mean, that helps me understand. I guess this whole idea of TIF district financing, underscores the fact that we have to have trust with our other governments.”

**Mr. Chronis** said, “Absolutely.”

**Commissioner Unruh** said, “And that good decisions will be made about developers who will come into a blighted area to rebuild it. We want to be part of that one way or another. I think this helps in some way define our position and gives us some leverage, I guess, as cities think about creating these districts. Still going to be supportive even though this doesn’t give us all security we might otherwise like.”

**Chairman Winters** said, “Thank you. Commissioner Norton?”

**Commissioner Norton** said, “This has been a complicated subject for many, many years. And just some of my thoughts, most of these TIF districts come out of Wichita. We get very few out of the small cities, is that correct?”

**Mr. Chronis** said, “To date, there’s only been one proposed by one of the smaller cities, and that was by Maize, last year you may recall.”

**Commissioner Norton** said, “Right.”

**Mr. Chronis** said, “There was some discussion, by Park City, of creating at least one TIF district. We haven’t seen anything on that one yet, though.”

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**Commissioner Norton** said, “Okay. TIF indicates that you’re going to take the money generated from the increase in value of the property taxes and roll it back into the infrastructure for the defined area, is that correct?”

**Mr. Chronis** said, “You’re going to roll it back into the projects that are done in the TIF district, whether those are infrastructure or something else.”

**Commissioner Norton** said, “Okay. It would be taxes that would not be collected other than generated from the increase in property values of that particular area or TIF district, is that correct?”

**Mr. Chronis** said, “Yes.”

**Commissioner Norton** said, “So we don’t lose any revenue that we already have. We just lose revenue that could possibly come from that development happening in a free market format, is that correct?”

**Mr. Chronis** said, “Yes.”

**Commissioner Norton** said, “Okay. Just some things that we, I don’t think we’ve considered in all this. Maybe it is in there. But I’ve read it two or three times.

A discussion of what we do with raw land that might be considered blighted or have difficulties being developed in an area that’s underserved or blighted. We obviously, the Maize one that came before us, there was a discussion about G, is that blighted area or is that just raw land that’s close to a place that they’d like to develop? So I don’t know that that was covered in here.

It’s hard to describe disadvantaged land, land that maybe has been left for too many years in an area. We know its raw land, but it still has a difficulty and would add to the economic impact or the vitality of an area even though its raw land and it might not look like it is blighted. We think of blighted as old buildings, bad infrastructure, something that needs to be cleaned off and started over.

I’m not so sure that land can’t be blighted just because of the juxtaposition to properties that are in decline. I think we need to have some discussion sometime about that. I don’t know if it’s today. But that worries me.

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The other thing is the economic impact. We always worry about the economy in our community. Sometimes the economic impact and the good that it will bring to a certain area outweighs, maybe, the small adverse effect to the County. I think those ancillary effects that good economic development can have outweighs what we think of is the adverse effect, which is the loss of some revenue that might not ever be generated.

I think we always need to worry with the viability of a project, but the vitality of the area. And we have some areas that are in decline in our community that have the chance to be revitalized and I think that's important.

Which leads me to the next two things. We deal with TIFs in this policy, but there are other mechanisms, like TDDs and neighborhood revitalizations that also might need some scrutiny and some look at that we didn't include in this policy. Now, maybe we keep this pure to TIFs, but transportation development districts takes some revenues and repositions them and so do neighborhood revitalization kinds of things.

I mean, there's some State Statutes that control that. I didn't see them included in this policy. Maybe you could try to keep it pure to TIFs. But those are revenue diversion kinds of policies that will also, we'll have to make decisions on, I assume. So we need to think about that.

The last thing I have is, this does not change that the final determination of go, no go, falls on the County Commissioners, is that correct?"

**Mr. Chris Chronis** said, "Yes."

**Commissioner Norton** said, "This isn't going to be a we get a memo that said staff reviewed it and made the recommendation and it didn't finally, the final determination was not with the five County Commissioners, is that correct?"

**Mr. Chronis** said, "The action under the law, the action that has to be taken to oppose a district if a district is to be opposed, is a formal action by the governing body of the County."

**Commissioner Norton** said, "So the final decision will always be will be adverse effect to County revenues and generation in the future be more important than the economic development and vitality and revitalization of an area that might not happen otherwise. That's the two ends of the spectrum, would that be correct?"

**Mr. Chronis** said, "Yes."

**Commissioner Norton** said, "Okay. That's all I have, Mr. Chair."

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

**Commissioner Parks** said, "I certainly don't want to seem like this is a debate. But it's a good discussion. In some of the statement that have been made, we assume that the old buildings or the blighted buildings would be replaced or wouldn't be replaced, and I think that it's a charge to this Commission and future Commissions to take care and really study TIFs as they come in, each one on its own merit because I think that I see a chipping away of the tax base.

This has to be compensated somewhere. If we do chip away the tax base, where do we make it up? The residential ad valorem taxes that go back on the taxpayers is where that would have to be made up and I just think we need to be really careful in dealing with this. Thanks."

**Chairman Winters** said, "Okay. Commissioners, any other questions or comments?"

**Commissioner Welshimer** said, "Just one."

**Chairman Winters** said, "Yes."

**Commissioner Welshimer** said, "Number two under adverse effect, proposed project is economically feasible without County funding support. It makes me think of the Arena development. The Arena neighborhood development. And you know, we spent taxpayer dollars putting up an arena down there that creates an economic boom, you might say, for that area. So I'm wondering if that would provide an economically feasible situation without TIF. Is that going to qualify under those circumstances? Am I making myself clear?"

**Chairman Winters** said, "No. Is that a question?"

**Commissioner Welshimer** said, "Yes. I mean under the, that is one of the adverse effects of situations that were going to consider, and I think the Arena itself provides the economic stimulus for that area to develop. But were just adding the TIF on top of that. Is that something that fits in with what we're looking at in policy?"

**Commissioner Norton** said, "I would answer that, in effect, that I think I agree with the comment that Commissioner Parks just made, in that every individual TIF is really going to have its own life. I mean, we are going to need to look at each of them, but now at least there's a set of criteria that we can use in that determination.

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Because I personally don't think that this adoption of this policy should be considered that the County is now opposed to every TIF. Because I don't think we are going to be. I think we're going to support some. I think there are going to be some that we've heard about or seen and they don't fit this criteria and we're going to have a reason to say, no, this one doesn't work. But I don't think we can make those decisions until we see the plan for each one."

**Commissioner Welshimer** said, "That's true. But when adopting the policy, then, when we do address these TIF issues, we do need to consider the guidelines that we have adopted."

**Chairman Winters** said, "Right. And I'd say that's one of the things that we will have the discussion about and revolving whether this fits the guidelines or not. It's going to be a subjective decision that we all are going to have to wrestle with"

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

**Chairman Winters** said, "Commissioner Parks, I believe your light was on first."

**Commissioner Parks** said, "I just wanted to state on the blight issue. You know, the State Legislature has been trying to determine what blight has been for six years or so, since it was brought up at State Legislature level. Does this mean a \$2 million building that is to be torn down, an \$18 million building to be replaced in there, I'm just using some figures, does that mean that the \$2 million was in fact blighted and, you know, I think that raises more questions and gets back to, I take each one of these on its own merit. Thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. This seems helpful to me at this point to restate the policy statement of what were approving. It says:

*It is the policy of Sedgwick County to support City efforts to eliminate blight and promote redevelopment of substandard areas by allowing the diversion of County tax revenues to TIF districts when such actions are shown to create no adverse impacts.*

That's the basis of this discussion. I mean, that's the policy were going to be voting on, the base policy. I'm willing to be supportive of it."

**Chairman Winters** said, "All right. Commissioners, other questions or comments? Commissioner Norton?"

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**Commissioner Norton** said, "I think it's important that we have a benchmark to look at on these kinds of issues, a filter to put it through to give us more information. We have a staff that can do a lot of analysis and work with these kinds of things. Once they bring it to us, we're going to have to make the determinations.

I don't think it takes out of the mix that there may be times when you look at it, you see staff recommendation, you weigh out the adverse effects to revenues to the ongoing vitality of a certain area and you go one way or the other depending how important you think.

I agree with Commissioner Welshimer that on face value, you would hope that the Arena would make all of the difference to Downtown. But is it going to make all the difference fast enough to do the kinds of revitalization we'd like to see happen? Would there have to be other incentives? I would hope not. I would hope the free market would see the validity in that and jump on it without any other kinds of incentive.

We know that we need to save the Downtown, we need to push that forward and maybe the Arena is a great catalyst or maybe it's not going to be. I think we'll see that in the next two years as we, it's getting completed. Then we'll have to make some determinations.

I agree with what you said, though, Commissioner Welshimer. When we made that decision, we hoped that was going to be the catalyst. It wouldn't require more. It's going to come before the City Council, it's going to come before the School Board and before us to try to weigh that out, figure it out, understand the free market and how it's going to affect this community. Then make some decisions.

It would be nice to have a policy in place that kind of guides us, gives us a filter to look through, gives us good information when it comes time, other than saying, gee, you got a month to just weigh in one way or another on some anecdotal information.

I think that's why I'll support this. But it's still going to come down to what is right for our community at the end of the day and a decision we'll make and I can guarantee you, at the end of the day, whatever we do will make somebody unhappy. That's the one thing good about this policy. It's going to guarantee that. That's all I have, Mr. Chair."

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

### **MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**F. GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR THE EDWARD BYRNE DISCRETIONARY PROGRAM GRANT IN THE AMOUNT OF \$447,174 TO BE USED TO ENHANCE EXISTING RECORDS MANAGEMENT SYSTEM IN THE DISTRICT ATTORNEY'S OFFICE.**

**Mr. Marty Hughes**, Revenue Manager, Division of Finance, greeted the Commissioners and said, "I'm filling in for Jeannette Claire from the District Attorney's Office this morning as she's out of town on County business. On April 4th of this year, District Attorney, Nola Foulston, was notified by Congressman Tiahrt's Office that a Congressional Mandated Grant had been earmarked for her office.

More recently, the District Attorney's Office received specific instructions regarding the application process for these grant funds. The funds have been allocated specifically to improve, expand and/or enhance upon the District Attorney's existing records system.

This award will provide funding of \$447,174 over a three-year period for equipment, records management software, professional and technical services and staff necessary to enhance and improve the existing process. It is the intent to automate and streamline many separate manual processes in the Adult Criminal Division Records Center.

Certain basic elements and operational needs have been defined. One key factor is to work in concert with Just Wear and On Base to existing products within the District Attorney's records operations. On Base has many automated and time saving features that can be capitalized upon to streamline the records management process.

Features include work flow, automated key word indexing, OCR and ICR search capabilities, electronic bates numbering, electronic reduction and electronic duplication of reports to provide defense counsel.

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The advantages of an electronic interface are extensive. Some of which include reduced movement of paper within the office, expedited receipt of law enforcement reports and the paperless system of providing discovery to defense counsel. In order to obtain maximum efficiencies, the project will utilize three third-party software to accomplish many of the automated functions referenced above.

The ideal product would interface with On Base, Just Wear, Laser Fish and bring all three products into a comprehensive and cohesive records management system with minimum human intervention. The grant project budget includes temporary additional, addition of two staff, one a records manager and one an office specialist for scanning during the grant period. A staffing table additions will be requested at the time of the award. I recommend your approval of the grant application and would be glad to answer any questions about the grant process.”

**Chairman Winters** said, “All right. Thank you, Marty. Are there questions? If not, what’s the will of the Board?”

**MOTION**

Commissioner Welshimer moved to approve the Grant Application and authorize the Chairman or his designee to submit the Application through the Justice Department Grants Management System; accept the Grant Award Agreement containing substantially the same terms and conditions as the Application; and approve establishment of budget authority at the time the Grant Award documents are executed.

Commissioner Parks seconded the motion.

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

**VOTE**

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

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

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**G. GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR THE EDWARD BYRNE DISCRETIONARY PROGRAM GRANT IN THE AMOUNT OF \$402,457 TO BE USED TO REPLACE MOBILE VIDEO RECORDERS USED IN SHERIFF'S OFFICE PATROL VEHICLES.**

**Mr. David Thompson**, Chief Deputy, Sheriff's Office, greeted the Commissioners and said, "This is also an omnibus appropriation secured by Congressman Todd Tiahrt to be used towards Sheriff's technology. This grant will be administered through the Federal Offices of the Bureau of Justice. It is not a competitive grant. The funds have already all been allocated for the Sheriff's Office. We will be using these funds to replace all of the mobile video recorders and upgrade them to a standardized digital system. We currently have MVRs in all of our patrol cars, but most are the original VHS units we bought when they first came out.

We did start switching a few years ago to a digital format. But it has not proven to be as robust as we need for a department our size. We're also going to use some of this money, because we're using it for mobile video, to improve the portable units used inside the Detention Facility when we have to respond to incidents inside the Facility. It will be both for our patrol cars and for use inside of the Detention Facility.

It is a three-year grant and what were hoping is by the end of the third year, well have all units replaced to one single product. I am willing to answer any questions. I have Lieutenant Parham who is our Lieutenant over the Special Projects here to help me. I would ask the Board to approve the grant application and authorize the Chairman or his designee to submit the application through the Justice Department's grants management system and to accept the grant award agreement containing substantially the same terms and conditions as the application. And approve establishment of budget authority at the time the grant awards are executed."

**Chairman Winters** said, "Thank you, David. There are a couple questions. Commissioner Norton?"

**Commissioner Norton** said, "Dave, what happens to the equipment and the technology as it comes out of the units?"

**Mr. Thompson** said, "There's three possible options that we can do. We've not decided how to approach it. One, it can be included in an RFP as trade-in to try to reduce the overall cost. The, another option, it can be sold on Gov Deals to return the money. The other is, if its viable, we may look at asking the Commission if you wish to offer to any of the smaller departments in Sedgwick County that doesn't have these units. It is good equipment. It's just not working for us."

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**Commissioner Norton** said, "Okay. I guess that's where I was going with that. If we think that it's not going to have much value as negotiations or resale, maybe we look at giving them to small departments around the County that would have need."

**Mr. Thompson** said, "I'm sure they would like to have some."

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

**Commissioner Parks** said, "That answered one much my questions also. I do know that the units this those cars are getting old. They've had a lot of maintenance trouble with those and performances, problems with those in the car and I'm pleased to hear that you're going to at least replace some of those in the jail also. Thank you."

**Chairman Winters** said, "All right. Thank you. Any other questions or comments? Seeing none, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman or his designee to submit the Application through the Justice Department Grants Management System; accept the Grant Award Agreement containing substantially the same terms and conditions as the Application; and approve establishment of budget authority at the time the Grant Award documents are executed.

Commissioner Parks seconded the motion.

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

**VOTE**

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

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

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**DIVISION OF HUMAN SERVICES - COMCARE**

**H. AMENDMENT TO THE AGREEMENT WITH URBAN LEAGUE OF KANSAS, INC. TO PROVIDE GROUP AND INDIVIDUAL PSYCHOSOCIAL REHABILITATION AND ATTENDANT CARE SERVICES.**

**Mr. Tim Kaufman**, Human Services, greeted the Commissioners and said, “Marilyn Cook is away on business. The amendment before you amends the current contract with Urban League of Kansas that provide individual and group psychosocial services as well as attendant care services to children with serious emotional disturbances. The amendment increases the current contract cap by \$29,000. The reason for this increase is twofold.

Last year, this current year is the first full year that Urban League delivered these services on our behalf. In a positive way, they’ve delivered services more quickly and more efficiently than we believed. They’re able to meet an increased demand. We do have increased demand from children.

Their performance has allowed us to have them deliver more services so we need to increase the contract cap to finish out this current year. I will be back next week again representing COMCARE to do new contracts for the following contract year. The State contract year is the contract year that we follow for contracts with our providers.

I’ll be back next week for the 2009 State Fiscal Year Contract. This closes out 2008 fiscal year. I would be happy to answer any questions you may have. The recommended action is authorizing the Chair to approve the agreement.”

**Chairman Winters** said, “All right. Thank you. Are there questions of Tim about this agreement with Urban League?”

**MOTION**

Commissioner Norton moved to approve the Amendment and authorize the Chairman to sign

Commissioner Parks seconded the motion.

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

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**VOTE**

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

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

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

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

**I. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE TOWNSHIP SYSTEM. DISTRICT #3.**

**Mr. David Spears**, P.E., County Engineer/Director, Public Works, greeted the Commissioners and said, "It is standard procedure that after a road is constructed with in a platted sub-division, in accordance with County standards, that road is then assigned to the township road system."

In this particular case, Saratoga and Saratoga Court, both located in the subdivision of Bluegrass Estates Addition, will become the responsibility of Illinois Township. The Illinois Township Board was informed that this Resolution would be on the County Commission Agenda by letter dated May 20th. I recommend that you adopt the Resolution."

**Chairman Winters** said, "Thank you. Commissioners, are there questions of David?"

**MOTION**

Chairman Winters moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

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**VOTE**

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

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

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 5, 2008.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of June 5 results in four items for consideration today. First item:

**1. MEMBERSHIP RENEWAL – COMCARE & CDDO  
FUNDING – COMCARE ADMINISTRATION**

The recommendation is to accept the quote from the Association of Community Mental Health Centers of Kansas Incorporated in the amount of \$35,863.86. Item two:

**2. CM-B GRAVEL- PUBLIC WORKS  
FUNDING – R175 PREVENTIVE MAINTENANCE FOR 2008**

Recommendation to accept the low bid from Lafarge North America Aggregates for an initial purchase of \$54,750.00 and execute contract pricing for one year with two one-year options to renew. Item three:

**3. FURNITURE & INSTALLATION FOR DEPARTMENT ON AGING  
RELOCATION – FACILITIES DEPARTMENT  
FUNDING – AGING CONSOLIDATED FUNDS**

Recommendation is to accept the quote from John A. Marshall in the amount of \$127,947.41. Item four:

**4. CISCO EQUIPMENT AND MAINTENANCE – COMCARE  
FUNDING –CDDO OPERATIONS II**

And that recommendation is to accept the low responsible bid from SKT in the amount of \$9,663.78. We'd be happy to answer questions and I recommend approval of these items."

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**Chairman Winters** said, “Thank you, Iris. Commissioners, are there questions or comments about the recommendations of the Bid Board? Seeing none, is there a motion?”

**MOTION**

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

Commissioner Unruh seconded the motion.

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

**VOTE**

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

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

**Ms. Baker** said, “Thank you.”

**Chairman Winters** said, “Thank you, Iris.”

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

- 1. Payroll Check Register for May 30, 2008.**
- 2. General Bills Check Register(s) for the week of June 4 – 10, 2008.**
- 3. Order dated June 4, 2008 to correct tax roll for change of assessment.**

**Mr. Buchanan** said, “You have the Consent Agenda before you. I would recommend you approve it.”

**Regular Meeting, June 11, 2008**

**MOTION**

Commissioner Norton 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
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Commissioners, that completes our Regular Agenda. But before we move on, I would like to acknowledge that we do have a visitor in our meeting room this morning. Tyler Cluff is here, he is with Scout Troop 727, which is a west side group. Tyler is working on his communication badge and is working towards his life scout honor.

We’re kind of sorry that you had to sit here through a TIF discussion about tax increment finance districts, which we hardly understand, but that was kind of a not all that exciting discussion. But welcome, and we are glad you’re here and we wish you best success on your scout pursuits.

All right. Commissioners, we do need to have a Fire District meeting and an Executive Session and our ‘Other’ discussion, but at this time I would like recess the Regular Meeting of the Board of County Commissioners, and as soon as I can find the right page, I’d like to call to order the Meeting of the Board of County Commissioners sitting as the governing body of Fire District #1, Regular Meeting, June 11, 2008.”

**The County Commission recessed into the Fire District #1 Meeting at 10:35 a.m. and returned from recess at 10:44 a.m.**

**Chairman Winters** said, “I will call back to order the Regular Meeting of the Board of County Commissioners. Commissioners, we do need an Executive Session, but before we go into the Executive Session, is there any other business that we need to discuss? Commissioner Welshimer?”

## Regular Meeting, June 11, 2008

### L. OTHER

**Commissioner Welshimer** said, "Well, just shortly. In consideration of the increasing activity around the Coliseum site, Commissioner Parks and I are researching the potential for the Coliseum area to determine its highest and best use. And when we have something to consider, we will give you a report."

**Chairman Winters** said, "All right. Thank you. Anything else Commissioner?"

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

**Chairman Winters** said, "All right. Commissioner Parks?"

**Commissioner Parks** said, "Well, along that line, I had on my 'Other' agenda also, I wanted to clear some confusion. When you hear the term Coliseum in the discussion about possibly tearing it down or demolished or anything like that, a lot of that discussion is centered around the Britt Brown Arena. The Coliseum Complex, and I know people use that those synonymously, but the Pavilions are not in any kind of a danger to be demolished.

In fact they're going to be enhanced with some of the money we have replaced for showers and painting and other things that were derived from the one cent sales tax for the total Arena project.

Also, June 14th is Flag Day and in my district, in Veterans Park in Valley Center from 9:00 to 10:00 A.M., there's a recognition of Flag Day, and I would urge all Sedgwick Countians to proudly fly their American flag if they have one.

Third thing that I have is budget hearings that they're ongoing. We've had several departments that we have been listening to their request. If you're a citizen out there and want to chime in on that or give your opinion on that or have an issue that you would like to see funded or not funded, please contact us. I know that during this time, it is busy for us, but we want to hear from the constituents.

One of the things that was on the Bid Board today, I want to bring up and a final thing here, that our buying rock is up 30 percent. That's just due to fuel costs and that's an essential government service. We need the AB rock or the CM rock for the road projects. Those are certainly going to take priority in my budget process. Thank you."

**Chairman Winters** said, "All right. Thank you, Commissioners. Anything else? We do need to have an Executive Session."

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**MOTION**

Commissioner Norton moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims in litigation and legal advice, hence the Board of County Commissioners return to this room from the Executive Session no sooner than 12:05.

**Mr. Buchanan** said, "Isn't it 11:05?"

**Commissioner Norton** said, "I'm sorry, 11:05."

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "We're in recess."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 10:45 a.m. and returned at 11:07 a.m.**

**Chairman Winters** said, "Welcome back to the meeting of the Board of County Commissioners, June 11, 2008, let the record show there was not binding action taken in Executive Session. Commissioners, is there other business to come before the Board? Mr. Euson? Mr. Manager? We are adjourned."

**M. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:08 a.m.

**Regular Meeting, June 11, 2008**

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

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

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

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

\_\_\_\_\_  
**KELLY PARKS**, Commissioner  
Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

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

APPROVED:

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