

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

### **REGULAR MEETING**

**July 21, 2010**

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, July 21, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Claudia Blackburn, Director, Health Department; Ms. Janice McCoy, Health Protection Coordinator, Health Department; Ms. Bev Dunning, Director, Extension Service; Mr. David Miller, Budget Director, Finance; Mr. Dale Miller, Current Plans Manager, Metropolitan Area Planning Department; Mr. Bob Lamkey, Director, Public Safety; Mr. Jim Weber, Deputy Director, Public Works; Ms. Kim Ratzlaff, Assistant Director, Human Resources; Mr. Robert Parnacott, Assistant County Counselor; Mr. Ray Bale, Director of Finance and Support Services, Aging; Ms. Adrienne Byrne-Lutz, Director of Children and Family Health, Health Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Angela Lovelace, Deputy County Clerk.

### **GUESTS**

Ms. Deb Voth, President, Rainbows United  
Ms. Pauletta Raines, 9206 Westlawn, Wichita, Kansas  
Mr. Kevin Fish, 11962 Rolling Hills Ct., Wichita, Kansas  
Mr. Larry Turner, 7502 Reflection Rd., Wichita, Kansas  
Mr. Patrick Jonas, President, Cerebral Palsy Research Foundation  
Mr. Dennis Arnold, 11515 Kinney Lane, Wichita, Kansas  
Mr. Dave Kemp, Vice President of Technical Services, Cerebral Palsy Research Foundation  
Ms. Nancy Vannerson, 1401 W. River Blvd., Wichita, Kansas  
Mr. Dean Dreher, 2121 N. Old Manor, Wichita, Kansas  
Ms. Sam Schrepel, 326 N. Madison, Wichita, Kansas  
Mr. Greg Thomas, 6821 S. 143rd E., Derby, Kansas  
Mr. Steve Logue, 6841 S. 143rd E., Derby, Kansas  
Mr. Nick Thomas, 2627 S. Santa Fe, Wichita, Kansas  
Mr. Robert Kaplan, 430 N. Market, Wichita, Kansas  
Ms. Kathy Raney, City Administrator, City of Rose Hill  
Mr. John Bode, 1754 Tiara Pines, Derby, Kansas  
Mr. Jason Wojteczko, 2801 Bottom Bush St., Derby, Kansas  
Mr. Ron Wolf, 8401 S. Hydraulic, Haysville, Kansas  
Ms. Renee Doyle, 15639 E. 71st St., Derby, Kansas

## **Regular Meeting, July 21, 2010**

Mr. Grant Glasgow, 435 S. Broadway, Kansas  
Mr. Don Kobiskie, 13919 E. 71st St., Derby, Kansas  
Ms. Susan Bannon, 11825 E. 1st St. N., Wichita, Kansas  
Mr. Jack Bannon, Jack Bannon Family Landing Cattle Company  
Mr. Brad Mohr, 7555 S. 143rd St. E., Derby, Kansas  
Ms. Marlene Yardley, 13607 E. 71st St. S., Derby, Kansas  
Mr. Paul Brackeen, 11821 E. 79th St. S., Derby, Kansas  
Mr. Roy Schott, 1131 Dry Creek, Derby, Kansas  
Mr. George Laliberte, Division of Aviation, Kansas Department of Transportation  
Ms. Betty Roberts, 14800 East 71st Street South, Derby, Kansas  
Mr. Charles Kanaga, 2118 Country View, Derby, Kansas  
Ms. Audrey Temaats, 7601 S. 143rd St. E., Derby, Kansas  
Mr. Justin Carlgren, 1607 Warren, Derby, Kansas  
Mr. Scott Montgomery, Trustee, Rockford Township  
Ms. Kathy Sexton, City Manager, City of Derby  
Ms. Cheryl Bannon, 321 N. Valley Stream, Derby, Kansas  
Mr. Robert Moran, 1219 Armstrong Avenue, Derby, Kansas  
Mr. Robert Collins, 4576 S. Walnut, Wichita, Kansas  
Mr. Paul Schmidt, 6911 S. 143rd St. E., Derby, Kansas  
Mr. Gary Sanders, 7800 S. 143rd St., Derby, Kansas

### **INVOCATION**

Led by Commissioner Unruh

### **FLAG SALUTE**

### **ROLL CALL**

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

### **PRESENTATIONS**

## Regular Meeting, July 21, 2010

### A. PRESENTATION TO EXPRESS APPRECIATION AND GIVE AN UPDATE ON SERVING INDIVIDUALS WITH CHALLENGING BEHAVIORS. APPOINTMENT

**Ms. Deb Voth**, President, Rainbows United, greeted the Commissioners and said, “It is a privilege to be here with you today. I would like just to take a moment to express my personal thanks to the county for your continued steadfast support of children with disabilities in our community through your early and encouraging commitment of Rainbows United this last year. I thank you on behalf of the 3,000 children and their families who we will serve this year. Under our current system, children birth to three are able to receive early intervention services in their home at no cost to their families. These services include: speech, physical therapy, vision, hearing and 12 other required services. Rainbows is fortunate to provide these services here in Sedgwick County.

“We hear over and over again from experts, as well as families, how important it is for our children to get these services early and how the families need to be supported in these early years of facing new and unknown challenges. These interventions help shape a more successful future of these children and their families. While we appreciate what has been done in Kansas, the children with special needs in our community remain in need. In Kansas, the Medicaid waiver for developmental disabilities does not provide funding for anyone under the age of five. Children with developmental disabilities are only eligible for the waiver at five, but the waiting list is 4,000. Families wait for years for funding, for it to come to them to help them care for their child. Currently, that wait time for a family is four years. Families must often coordinate many resources to help them get their services, which allow them to help their child be successful.

“This last year, family support funding, which is the main funding support for families with children, was greatly reduced and funding for respite care for families was eliminated entirely. These are services that help keep families together, that allow parents to work and to be a part of the community. In Sedgwick County alone, the family support funding that was cut by the state dropped from funding 250 families to 85 families for 2010. Just think about a 66 percent cut in funding to families who are, at most, getting \$2,500 a year to help them keep things together, to help them pay for diapers, child care, what other kind of services that helps them to keep their child successful with them in their home and remain in our community.”

“An example of this would be our Camp Woodchuck, a nine-week summer camp serving children with disabilities between the ages of 5 and 21. We typically serve more than 100. We're close to that this year, but we still have openings. And the reason there are families who can't partake of this is

## Regular Meeting, July 21, 2010

because many of them lost their family support funding so they don't have the resources to pay for their child to come. Parents use this camp because they are working during the day. They just need a break sometimes, or they need time to do things with their other children and families. Rainbows provides a sliding fee scale. We've worked with United Way of the Plains to secure funding through them and other resources, but the fact remains that we cannot provide quality services for families if we don't have funding. So children come to the camp for fewer hours, or only certain days, or not at all and probably sit at home without much stimulation the rest of the time. We want to serve more children, provide them age-appropriate activities and in a space environment but the gap remains for these children.

“Sedgwick County has funded \$100,000 annually towards training and support for those working with individuals with challenging behaviors. I want you to know this is a valuable and effective investment on your part. It allows agencies such as Rainbows to be more successful and effective in serving children with developmental disabilities and extreme behaviors. Thank you for seeing the need and for doing something about it. There are many stories, both joyous and sad, about the many challenges that families face in providing for the basic needs of their children, many of which you and I took for granted when our children were young.

“Though there are many difficulties surrounding us in our economic environment, I am appreciative that we are here in Sedgwick County with a government who sees that supporting those who cannot help themselves is a priority. I'm thankful, too, to be surrounded by other providers who coordinate support and encourage each other in our daily mission of serving individuals with developmental disabilities. There are two other people who will follow me and are part of the ACT (Advocate in Communities Team) and Pauletta Rains is the next presenter and she's a parent of an adult.”

**Chairman Peterjohn** said, “Welcome to the Sedgwick County Commission.”

**Ms. Pauletta Raines**, 9206 Westlawn, Wichita, greeted the Commissioners and said, “I am here representing my daughter who is a client at KETCH, the Kansas Elks Training Center for the Handicapped. Rebecca is one of those success stories that early intervention, and training and support can prove that they can be successful members of the community as well. In 1989, I found myself living in Wichita as a single parent with a special needs daughter. We were both students; Rebecca attended Northwest High School, and I was a student at Wichita State University and worked a part-time job.”

“After graduation, I really wasn't sure what should happen next, and for the next year, my daughter sat at home without a great deal of stimulation and things went downhill. And I, taking the advice of one of her special education teachers, I investigated some of the agencies that are available here in Sedgwick County. She has lived, and worked and received services over a period of years since then from Arrowhead West here in Wichita and also in Medicine Lodge, Kansas. She moved for a

## Regular Meeting, July 21, 2010

period of time to Denver to live with her dad and attended a school there. She lived in northwest Kansas in our hometown of Colby and received services from Developmental Services of Northwest Kansas, but when she moved back to Wichita in 2001, we became associated with KETCH, and since then she has really blossomed. She has mastered just about every work group training opportunity at KETCH, and at the present she has, for the past two and a half years, served as a receptionist and a clerical aide in the administrative offices at KETCH. She absolutely loves it.

“Right out of high school she received the vocational evaluation, and they said that her highest skills were in reading and language skills, she could alphabetize and she did very well, and they said if you could find her a job in an office, that would probably be the best match for her skills. It took 15 years for someone to give her a chance, and it was at KETCH. Today she is 37 years old, she lives in her own apartment, she travels to work every day on the bus; she knows all the bus schedules like the back of her hand. She does her own shopping, her own cooking, her own housekeeping. She is a registered voter, and if it were not for the training and the support that she's received, I don't believe I could have provided that by myself. I am not sure how successful she would be. The budget situation in the state is a reality that none of us really wants to think about too much, but we have to. So she has been working with vocational rehabilitation to branch out to find another job in the community and just started another part-time job at Big Lots.

“So while she loves that job at KETCH, and she really wants to stay there because she likes that work, she also has some other options. And she is successful and she proves to be a good advocate, not only for herself, but for other clients who need to branch out and reach out for more independence. So I really thank you, as a parent, for stepping up and filling that budget gap that happened last year. We fully expected her to lose her services, and I'm so grateful you hung in there with us and that you provided these services for her and for the Sedgwick County clients that would have lost their services as well. With that, I will say thank you very much and turn it over to Kevin Fish.”

**Chairman Peterjohn** said, “Welcome to the County Commission.”

**Mr. Kevin Fish**, 11962 Rolling Hills Court, Wichita, greeted the Commissioners and said, “Thank you very much. Again, I think they did a wonderful job of sharing. One, Pauletta, as a family that is facing many of the challenges that we have come and shared with you over the years. We appreciate, one, that the County Commission not only has provided leadership over the last many, many years in providing the CDDO (Community Development and Disability Organization) and funds that are needed, but are willing to come and hear firsthand, many of you visited our agencies and witnessed all the supports that have been offered. We are here today as part of the Advocate in

## Regular Meeting, July 21, 2010

Communities Team, ACT South Central Kansas, a team that works together to advocate for people with disabilities. We are made up of DD (developmental disability) providers, parents, guardians, community members who just want to help in that effort, to make sure people with disabilities have the support they need. ACT has been an active voice for the last six or seven years, but never more important than in this last year. Our service system has endured many cuts over the last couple years, but through the leadership of Sedgwick County CDDO, we've been able to manage many of those cuts without having to impact many families' lives. And in this last year, we weren't so lucky, and we did have a lot of people who endured massive cuts.

“The losses are shared, that Deb shared earlier, are devastating to families. Agencies who function on so little have little to cut, and programs and services for those we serve are being cut and reduced to the point where they become unsafe. Through the CDDO support, some of that budget gap was restored. ACT members spent the entire session educating legislators, advocating for revenue development and against further cuts, as well as assisting parents and guardians in advocating for themselves. In the end, a tax package was passed that prevented additional cuts and restored some of the already lost dollars. This did not restore the millions that were lost through the state grant funds for those who don't qualify for Medicaid. It did not eliminate the waiting list of thousands and does not address the challenges that are facing agencies with continued growth. The reality is, unless our economy improves, we will be hit with cuts again over the next year. The state's budget is almost dependent upon the extension of the Federal Medicaid Assistance Percentages, FMAP, created through the stimulus efforts, so our concern and advocacy efforts are far from over.

“The state's service system has been compared to pigs at a trough; there is no doubt that the system is dependent on state revenue, but they also forget that the state Constitution promises these supports, and this is how the state has chose to provide those. We are not pigs at a trough; we're talking about serving people. We are talking about Kansans. We're talking about children, seniors, students, individuals with disabilities. They are neighbors, friends and families. Our families are truly blessed to be in Sedgwick County, and as Pauletta did a wonderful job of explaining, we have a wonderful service network right here in Sedgwick County.”

**Mr. Fish** continued, “We've got a team that works together, provides the best services, and because of that success, we're drawing a lot of people to Sedgwick County. People who are coming looking for these types of services and supports. And, again, it is through your leadership that we are able to provide that sort of support network. As we continue to grow, we know that we are going to need continued support and we greatly appreciate your continued effort. We hope that we can depend on you in the future for your support and leadership. We know that together we do wonderful things, and the families that we serve are those who are living results of that. So, again, thank you for your efforts and for taking time to hear us today.”

**Regular Meeting, July 21, 2010**

**Chairman Peterjohn** said, “Thank you. What is the will of the Commission? If there are any questions or comments...”

**MOTION**

Commissioner Welshimer moved to receive and file.

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 Peterjohn	Aye

**Chairman Peterjohn** said, “Thank you. Next item.”

**B. PRESENTATION OF A CERTIFICATE OF APPRECIATION FOR EXCELLENT SERVICE AND DELIVERY FOR THE H1N1 INFLUENZA VACCINE FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

**Chairman Peterjohn** said, “Hello, Commissioners. Earlier this year, I received a letter from Dr. Jason Eberhart-Phillips, who is the State Health Officer with the Kansas Department of Health and Environment (KDHE), and in this letter he sent comments concerning the H1N1 challenge and problem that we faced in the last year. And the letter, along with this plaque expressing their

## **Regular Meeting, July 21, 2010**

appreciation to Sedgwick County, wanted to thank Sedgwick County's skill, dedication and compassionate commitment to your communities and having helped meet the challenges of the 2009 flu pandemic. This effort, the single largest vaccine delivery program in Kansas history, was delivered without a significant hitch, and the good doctor wanted to thank Sedgwick County's leadership, our willingness to partner, your can-do spirit and helping immunizing over 600,000 Kansans in just over three months. That is a tremendous logistical effort, and the good doctor also goes on to want to thank local health departments for, not only doing such a good job inside the state, but compared to our peers in other states, we exceeded national reporting averages of H1N1 dosages administered on a weekly basis. So on behalf of the Kansas Department of [Health and Environment] Education and the State of Kansas, I am going to present to Claudia Blackburn this plaque of appreciation to display and turn the podium over to her.”

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, “Thank you. I know you have a packed meeting and I appreciate your taking a few minutes to recognize us and to pass on this recognition from KDHE. As you know, the H1N1 pandemic was a historic event for us, and I think it was a time that you can really see the investment that you made in Sedgwick County employees pay off. All of our preparedness training, our leadership training, it all paid off with excellent performance. Warren Bennis, who is a scholar and organizational consultant said that, ‘Good leaders make people feel that they are at the very heart of things, not at the periphery.’ Everyone feels that he or she makes a difference to the success of the organization, and when that happens, people feel centered and that gives their work meaning. And I believe that our Incident Commander, Janice McCoy, who really coordinated and led the response, along with the command staff and all the people behind her here who designed and implemented the response and engaged partners, staff, county and Health Department, and community staff, elected officials, and hundreds of volunteers really demonstrated leadership during this process, and I’d like to give Janice just a minute to recognize the staff that really assisted the most with this process. Janice.”

**Ms. Janice McCoy**, Health Protection Coordinator, Health Department, greeted the Commissioners and said, “I just wanted to say, and I will take up as little time as possible, that certainly the experience we had late last year, to be recognized for it is humbling, to say the least. We just feel that it’s part of our job, and many of us in this group have prepared for that over the years, and many of these people have not. We just dragged them in and said, you have the leadership capabilities and we believe that you can do it, and they said, give us our duties and we’ll step up and give it a try. And they did a wonderful job and it certainly did require all of us to come together to have the success we had in the county in taking care of our community and giving out the vaccines

## Regular Meeting, July 21, 2010

that we did. So I wanted it take the opportunity to recognize the Incident Command staff and Key Unit Directors that were able to attend today; not all of them are here.

“So who we have, who is not here, is our Chief of Operations, Seth Kunkle; and our Chief of Finance, Bill Farney, who of course has been ill, he is not here. We have our Chief of Logistics, which is Curtis Kirkpatrick; our Chief of Planning, who you know as Health Promotion Coordinator, but she was outstanding, Becky Tuttle; and then I think that's all the chiefs we have left. Oh, of course we had our liaison who made sure the information ran freely between the Incident Command staff, and leadership and other organizations, Dan Dean; and then our Key Unit Directors, first would be Sonja Armbruster, who was over our private physicians and made sure our private providers were able to get the vaccination they needed to take care of their patients. And we have Adrienne Byrne-Lutz, who took care of the Harry Street Clinic, which did a fabulous job in taking care of that, and ran it very efficiently.

“Our operations, Aaron, what was your title? I'm sorry, Deputy Operations Unit Director, Aaron Davis, and he made sure that all the immunizations over the school located vaccine clinics, private providers and mobile clinics were being taken care of. And he made sure that they were ran very efficiently and did a very good job. That's Aaron Davis. And then of course school located vaccine clinics and the partnerships we had with all our schools, which ran by Pamela King-Burns back here, and she did a wonderful job and they truly loved, the feedback from the schools was extremely positive. That's really good. Then Cindy Burbach, Director of Epidemiology and Disease Investigations. So just to recognize one would not be enough, and just to recognize these few is still not enough. Of course we have people who were volunteers and just making sure that we were a cohesive unit, taking care of all the components that it took to carry out this very large, historical event. Thank you. We want to thank KDHE for the appreciation and thank our community for supporting us.”

**Chairman Peterjohn** said, “Thank you. Commissioner Norton.”

**Commissioner Norton** said, “Well, it is nice to get recognition from the state, but truthfully, the citizens of Sedgwick County should be the most appreciative as the public health system worked, and worked very efficiently. Margaret Mead once said, ‘[Never doubt that] a small group of dedicated [thoughtful, committed] people can change the world,’ and we're looking at a small group of very dedicated public health professionals that garnered the support of a lot of community volunteers and worked countless hours to make a difference in our community. You know, several years ago, we worked very hard as a Commission to build that capacity in our community. We had a pretty disparate public health system and we worked hard to support what you do every day to make sure that public health is that kind of hidden thread that runs through our community, that not

## Regular Meeting, July 21, 2010

everybody knows about, that's working every day for the public welfare and public health. We honor you today for that and congratulations on the recognition. We appreciate you, every one of you. That's all I have."

**Chairman Peterjohn** said, "Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, Janice, you and Claudia and your Incident Command staff, you all did an outstanding job protecting our community against a virus that was a really big scare for everybody, and gave us a lot of security that we had a public health department that could function in an emergency and do it well. Thank you very much."

**Ms. McCoy** said, "Thank you."

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

**Commissioner Parks** said, "I wanted to add to all of those accolades that I appreciated you going out into the smaller communities and all around the area of Wichita that was very much appreciated, especially those elderly people that couldn't drive into Wichita as easily as they could other locations. Thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. With my other Commissioners, I also want to add my congratulations to what was a great effort by our entire Health Department. Claudia and Janice get a lot of the up-front recognition, but I know that a lot of people were supporting your effort and a lot of volunteers supported your effort. You had a kind of a reception to honor those volunteers here a while back and that went very well, but to have this sort of recognition from KDHE is well deserved. We appreciate your efforts on behalf of Sedgwick County citizens. Thank you."

**Ms. McCoy** said, "Thank you."

### **MOTION**

Commissioner Norton moved to receive and file.

Commissioner Unruh seconded the motion.

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

**Regular Meeting, July 21, 2010**

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

**Chairman Peterjohn** said, “Thanks everyone from the Health Department, appreciate it. Next item.”

**NEW BUSINESS**

**C. PUBLIC HEARING REGARDING THE 2011 SEDGWICK COUNTY BUDGET.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “Last week I presented to you a recommended budget for the year 2011. We reminded each other of our mission to assure quality public service that provided for the present and future well being of citizens of Sedgwick County, and our goal continues to be to allocate resources for basic and essential services.

In that budget, we had went into some underlying foundation. First of all, we are in strong, stable financial condition, and for citizens that means steadfast consistency, dependable, sustainable service. We have proposed no tax increase and no reductions in needed services, and we intend to use reserves for our short-term solution for a short-term problem. It is important today, Mr. Chairman, Commissioners, to hear from the public and I would suggest you open the public hearing and do so.”

**MOTION**

Commissioner Welshimer moved to open the public hearing.

Commissioner Parks seconded the motion.

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

**VOTE**

## Regular Meeting, July 21, 2010

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

**Chairman Peterjohn** said, “We are now going to call and open the public hearing on the budget, on Item C, the proposed budget in 2011. The first name on my list is Mr. Larry Turner. Welcome to the County Commission.”

**Mr. Larry Turner**, 7502 Reflection Road, Wichita, greeted the Commissioners and said, “I’m a volunteer at the Sedgwick County Extension Office. I’m here this morning representing the Extension Council Executive Board. Our Chairperson, Carolyn Harms, is out of town and I am the Vice Chairman of the Board. I want to say publicly, we’re appreciative our Commissioners understand and demonstrate continued support for the work being done at the Extension Office. Each and every one of you has participated in the past in some of the activities that take place, and as a result of that and the efforts at Extension, we have developed a very, very strong education arm for the county. I realize that some county employees received a small salary increase last year. But since we received no budget increase, our staff did not get any salary increase last year. In the proposed 2011 budget, there is a one percent increase recommended, for which we are very grateful, but we have included a supplemental, a request of two percent or \$21,800. Without a salary increase for two years, we’re fearful of losing good staff to other employers. They deliver the educational programs, write grants to support these programs and improve the quality of life for the citizens and youth of Sedgwick County.”

**Mr. Turner** continued, “Our Director Bev Dunning, shares these educational programs with you each quarter. To recall a few, the Senior Health Insurance Counseling for Kansas, the military 4-H program at McConnell, the Plant a Row for the Hungry, the Family Nutrition Program, the growing of hay for horses and to sell, and most recently the g2g [Outside], got to go outside program to promote healthy lifestyles for families outdoors. Without qualified staff, we cannot provide these educational programs. We acknowledge the difficult choices the Commission must face during the budget time, and as in the past, Extension Council Executive Board and the staff take comfort in knowing that you will consider our request. Bev Dunning, our Director, is here. Should you have any questions, she and I will attempt to answer those.”

**Chairman Peterjohn** said, “Any questions for Mr. Turner? Commissioner Parks.”

## Regular Meeting, July 21, 2010

**Commissioner Parks** said, "I was going to ask you, you said you feared losing staff. Have you had any turnover because of wages or because employees go to another employer?"

**Mr. Turner** said, "I would have to defer to Ms. Dunning on that because I don't have those specifics and she is here."

**Ms. Bev Dunning**, Director, Extension Service, greeted the Commissioners and said, "No, we haven't, but we have some that are looking. And I'm fearful of that."

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

**Chairman Peterjohn** said, "Thank you. I'm going to point out the Chair should have provided a little bit of additional information, and I don't have any questions for either Mr. Turner or Ms. Dunning, thank them both for coming. Just procedurally, I am going to ask at the public hearings, everyone has five minutes, and we get past four minutes and 30 seconds, the Clerk's Office has a little notice here to give everyone a head's up. And so just because you have a chronologically gifted Chairman of your County Commission, we're going to take a break about 10:30 a.m., and depending on how long this meeting goes, I am going to take a break roughly every hour and a half thereafter so there will be a recess. So I just want to give everybody out in the audience a little bit of a head's up, in terms of procedurally, how we are going to go forward. The next person on my list, Mr. Patrick Jonas."

**Mr. Patrick Jonas**, President, Cerebral Palsy Research Foundation, greeted the Commissioners and said, "Thank you very much."

**Chairman Peterjohn** said, "Welcome to the County Commission."

**Mr. Jonas** said, "Appreciate it. Pat Jonas, President of the Cerebral Palsy Research Foundation (CPRF). I will not need your sign. I had the opportunity to visit with all of the Commissioners last week, and would like to have some of the folks that we serve with physical disabilities present on their own behalf some of the services that we provide that happen to be cut this year through **PB mill levy funding**, and we're hoping that the county will consider restoration. We do appreciate all the county does for us, we would like to be able to hear, starting with Dennis Arnold, who utilizes our placement service. And by the way, Mr. Arnold is working for us, but he's not quite found where he wants to be yet, so if the county is looking for a design engineer, this would be a great recommendation. Thank you."

**Chairman Peterjohn** said, "Thank you. Welcome to the County Commission."

## Regular Meeting, July 21, 2010

**Mr. Dennis Arnold**, 1515 Kinney Lane, Wichita, greeted the Commissioners and said, “Thank you for letting me share how CPRF’s job Placement [Department] program has helped me and can continue to help many others. Just over 10 years ago, I was a construction worker and personally proved that gravity will let you down if you give it a chance. So after my injury, and recovery and rehab, I attended college in Kansas City at DeVry and got my Associate’s in electronics and worked for a couple years at a robotics company, and determined that I would rather design products instead of support them, so I moved my family to Wichita, attended WSU (Wichita State University). After four years of thinking the math couldn’t get harder, I finally graduated, and so I began the job search. The job search, I knew that it was probably the worst job market it had been, I’ve heard, in two decades. But so after a couple months and a hundred applications with no response at all, I contacted my vocational rehab [rehabilitation] counselor and she referred me to CPRF’s job placement program. I was excited to find out that one of their job placement specialists had been a human relations expert at Boeing and one had actually ran a job placement agency, so I was excited for the help.

“The program started with in-class training, covering all the basics such as resume writing, networking, interview, mock interviews and the like. Then really the most important part of the program is the structured supported job search. This consists of three days a week in their computer lab where the staff shares leads with you, they made numerous phone calls and e-mails on my behalf trying to find that elusive engineering degree for a new grad [graduate]. The staff is not just going through the motions, they really do invest themselves all the way up to Pat Jonas, who has brought me here even to pitch me a job, so hopefully that works out. After about 400 applications and a couple of interviews, they actually placed me with an affiliate organization where I am receiving sufficient income and great insurance, it’s not quite where I want to end up. So they are still sending me leads, still supporting me trying to help me find that elusive job.”

**Mr. Arnold** continued, “Without this structure and support, I would be one of the ones sitting on the couch watching reruns. Anybody that has done a protracted job search knows that the support and structure is just essential. I thought getting through all the math was difficult, but the job search is worse. So I just want to thank you and I encourage you to support their placement program any way you can so they can continue to provide jobs for the handicapped in Sedgwick County. Thank you.”

**Chairman Peterjohn** said, “Thank you. The next speaker will be Mr. Dave Kemp. Welcome to the County Commission”

**Mr. Dave Kemp**, Vice President, Technical Services, Cerebral Palsy Research Foundation, greeted the Commissioners and said, “I represent two programs, one is the Posture Seating [Clinic] program at the Daniel M. Carney Rehabilitation Engineering Center and one is the therapy program that is

## Regular Meeting, July 21, 2010

also at the Daniel M. Carney Center. The, I'm going to, I have two clients that I would like to introduce. But first I would like to talk about what the posture seating does. It employs occupational and physical therapists. I am an occupational therapist that has unique knowledge in wheelchairs, seating and wheelchair design. The type of wheelchairs we do for people aren't like the the type you would put your grandmother in. These wheelchairs are used by very active people who have chronic disabling conditions. They depend on their wheelchairs for all their mobility and many times for their actual health themselves. They are very customized, individualized pieces of equipment, very expensive, and if they are not done correctly, they can be a problem.

“Wheelchairs can normalize tone of a child, can make a child accessible during play time, can keep a child and an adult from choking during meals, with the right setup can prevent pressure sores. As we know, the late actor Christopher Reeve died of a pressure sore, even with all his care. With the right setup, we can prevent pressure sores from ever happening. The average cost of the first hospitalization with the pressure sore was estimated at \$38,000. My job is to keep the pressure sore from happening, and if there is a pressure sore, I get, often times I get referrals from doctors and agencies that help with pressure sores and we actually help cure the pressure sore, keep the person independent, keep the person at their home, keep the person out of the nursing home. Anyway, if the chair is wrong, oftentimes the person is going to be in bed, and they are going to be, the bed is not a comfortable place like we think of it, it's a prison, and so that's what we try to prevent. I'm going to introduce Nancy Vannerson, who is a current client of ours, and she is going to come up and talk to you about her experience.”

**Chairman Peterjohn** said, “Welcome to the County Commission.”

**Ms. Nancy Vannerson**, 1401 West River Boulevard, Wichita, greeted the Commissioners and said, “In 2000, I suffered a spinal cord injury which allowed me to never walk again. I'm independent and I live in my own home and I depend on my wheelchairs for all my mobility. David was talking about pressure sores, so I'm here to talk about my pressure sore. Recently I was diagnosed with a pressure sore, and they happen frequently to people who have my condition. When you are sitting in a chair all day, you constantly have to adjust yourself or you will definitely end up with pressure sores. CPRF's seating program quickly diagnosed my problem and modified both my wheelchairs so that my sore healed. And believe me, this saved, as David told you, thousands of dollars in medical treatments and kept me independent and living in my own home. This program serves many people like me in Sedgwick County, and I'm very grateful that it is available to help us. Thank you very much.”

**Chairman Peterjohn** said, “Thank you. Next person I have on the list is Dean Dreher. And logistically, we'll hang on for a second here, just get things worked out.”

## Regular Meeting, July 21, 2010

**Mr. Kemp** said, "I am going to briefly talk about the therapy program that we have. The therapy program is at the Daniel M. Carney Center. Dean Dreher is here to talk about it. What we do, we serve a group of Sedgwick County people who have chronic disabilities, a lot of them live at the Timbers, which I'm sure you are all familiar with. We also serve people who live in the community at a very low cost. We keep, the therapy program provides very specialized weight training, gait training, standing, weight bearing, things you can't normally get at like, that you would get at any kind of a health club. These are specialized, individualized treatment sessions that are designed by occupational and physical therapists for people, and I'll let Dean Dreher talk about it. Dean is also a client of our seating program."

**Mr. Dean Dreher**, 2021 North Old Manor, Wichita, greeted the Commissioners and said, "The therapy department benefits me because it keeps my muscles in tone, and it keeps me mobile and it keeps me out of a nursing home. Thank you for your time."

**Chairman Peterjohn** said, "Mr. Dreher, thank you for coming down and speaking to us this morning. Sam Schrepel? Next person on my list, welcome. Welcome to the Sedgwick County Commission."

**Ms. Sam Schrepel**, 326 North Madison, Wichita, greeted the Commissioners and said, "Thank you."

**Chairman Peterjohn** said, "Apologize for mispronouncing your name."

**Ms. Schrepel** said, "Oh, that's okay. I received something in e-mail about the mental health pods for the county jail. Is that subject being reviewed today?"

**Chairman Peterjohn** said, "Well, it is part of the budget, so I think you are in the right place at the right time."

**Ms. Schrepel** said, "Okay. I didn't see anyone else in the group here, so I don't know whether I was at the right place at the right time. But I would like to speak up for the mental health pods that they are, as I understand, being implemented, putting together. I am a consumer of mental health services, and I'm also a member of NAMI (National Alliance on Mental Illness) and other support groups in the community, and I would like to speak about the importance of early detection, early, I'm trying to think of the word to say, but intervention with mental health situations. As I'm nervous now, if a policeman came to my house to talk to me about something, I would be nervous then and I would lose my ability to process problem solving. And I'm sure this happens for people that have

## Regular Meeting, July 21, 2010

done mistakes in their life, and have a policeman at their house and have a jail term looking in their face.

“If there can be early intervention, if there can be intervention with giving with the support systems, say through the different support systems, I am a member of Breakthrough [Club], I'm trying to think of the one that's up on 21st Street and I can't remember it right now, but if interventions can be processed with people that are in jail, they have a greater chance of not repeating them. And I would like to speak up for the need for the mental health pods they are trying to put together and I think they are important, because if a person gets help in the beginning, then they don't keep repeating the mistakes that they have. That's really the gist of what I wanted to say.”

**Chairman Peterjohn** said, “Thank you. At this time, that's everyone who is on my list who are interested in speaking on the 2011 proposed budget. I am going to continue to open it up if anyone has had any last-minute thoughts, if there's anyone who would wish to testify on this item before we close the public hearing. I will state for the record, again, that all of the Commissioners, our e-mail addresses are on the county website. You can put comments concerning our budget, there's places to make comments on county issues there. I urge folks to do so. We'll have another public hearing before we adopt the budget on the 10th of August, and that adoption is due the following day on August 11th, but we can receive letters, phone calls, and e-mail and any other forms of communication between now and then. At this point, seeing no one else proceeding to the podium, I am going to close the public hearing, and we're going to proceed to the next item.”

### **D. AUTHORIZE THE PUBLICATION OF THE MAXIMUM PROPERTY TAX LEVY TO FUND THE 2011 SEDGWICK COUNTY BUDGET AND SET THE FINAL PUBLIC BUDGET HEARING DATE FOR AUGUST 10<sup>TH</sup>.**

**Mr. David Miller**, Budget Director, Finance, greeted the Commissioners and said, “Before you today is a request for authorization to publish a notice of the final public budget hearing proposed to be held here in the County Courthouse Tuesday, August 10th at 9:00 a.m. The publication is required by state budget law, and it accomplishes two things as required by state law. First, the publication is the official notification of final public budget hearing, and must be published at least 10 days prior to that hearing. Second, and most importantly, it establishes the maximum budget and maximum property tax levy for all property tax-supported funds in the 2011 budget. The publication before you this morning is based on the recommended budget and will establish the maximum property tax levy at \$126,780,286, a decrease of \$26,635 from the previous budget year, and maintains the same property tax rate of 29.868 mills based on the estimated assessed valuation.

## Regular Meeting, July 21, 2010

I would be happy to stand for questions, and if there are none, I recommend you authorize the publication.”

**Chairman Peterjohn** said, “Questions? Commissioner Parks.”

**Commissioner Parks** said, “This being the last day up that we were going to reinstate any of these things that the people have addressed today, this would be the time to do it; is that correct?”

**Mr. Miller** said, “What this publication will do is set the maximum property tax rate. You could increase that maximum property tax rate, the effect of doing that would in effect increase not only the levy, but also the rate. Another option for the Commission to consider is you may be able to move money around from contingency funds to fund certain additional things you might consider as we continue to work through the next three weeks of the budget process.”

**Commissioner Parks** said, “Well this Cerebral Palsy [Research] Foundation has certainly been ravaged by the state budget issues and I would hope they would go back to them now that they have the one cent sales tax out there to work with and see if they can reinstate some of those things. And I would hope in the future we can move money around from some of the more flush programs or something to be able to help them out. I would like to see them to stay in communication with us about those two issues. Thank you.”

**Chairman Peterjohn** said, “Further comment?”

### MOTION

Commissioner Welshimer moved to authorize publication of the notice of public hearing regarding the Sedgwick County 2011 budget. Publication shall include a total budget of \$398,166,317, and a property tax levy of \$126,780,286. This is approximately equivalent to 29.868 mills based on the estimated assessed valuation.

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, “Got a motion and a second. Is there any further discussion? Commissioner Norton.”

**Commissioner Norton** said, “I just want to be sure the public understands that even though we quoted a mill based on the assessed valuation, if the assessed valuation comes in with any deviations, the mill could go up a couple hundredths or go down a couple hundredths. That mill is

## Regular Meeting, July 21, 2010

based on all the other calculations. We're really setting the dollar amount today and you'll back into the mill levy, estimated mill levy; is that correct, David?"

**Mr. Miller** said, "That's correct, Commissioner Norton. Today you're setting the maximum property tax levy, which is a dollar amount, which is equivalent based on the estimated assessed valuation to a mill levy rate of the 29.868 mills. As the Board of Tax Appeals continues to work through their process, it is possible that that estimated assessed valuation will change, which then will impact the rate. However, it will not impact the total dollar amount."

**Commissioner Norton** said, "Well it is a formula, which is the assessed value times the mill levy rate equals the mill levy."

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

**Commissioner Norton** said, "And if any one of those changes, that changes the equation. I want to be sure the public knows that that is not the final mill levy rate as of today. It is as of today, but if something changes, it could move a little bit."

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

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

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. As we're talking about this and the technicality of the motion and so forth, the emphasis I would want to make is that the property tax levy, in terms of dollars, is less in this budget than it was in the previous budget; is that correct?"

**Mr. Miller** said, "That's correct, Commissioner. The estimated assessed valuation that we received from the Clerk's Office is two hundredths less than the previous year. So as we hold the mill levy rate the same, that means we levy essentially less taxes."

**Commissioner Unruh** said, "I think the public is acutely interested in whether or not we're spending more money, or spending less money, or holding it level. And this is, for practical purposes, holding it level, but slightly less than last year. It is an indication as elected officials we're doing our part to live within our means and continue to provide our county services. Just wanted to highlight that fact."

**Chairman Peterjohn** said, "Commissioner Welshimer."

## Regular Meeting, July 21, 2010

**Commissioner Welshimer** said, “Well, to follow up with that, it is a mill and a half less than it was three years ago. We reduced the mill levy purposely by one mill in, wasn’t that in ‘09 that that took effect?”

**Mr. Miller** said, “Yes.”

**Commissioner Welshimer** said, “And then another half mill in 2010. And so maybe we’ll just get a small increment this year, but at least it’s down and we don’t expect it to go up.”

**Chairman Peterjohn** said, “Commissioner Parks.”

**Commissioner Parks** said, “I wanted to comment about the mental health pod also at the jail. The CIT, which I pushed, the acronym is Crisis Intervention Team, I think law enforcement in Wichita and Sedgwick County was a little bit behind in some of the other areas over the past decade or so in this venture, but I’ll tell you that law enforcement has stepped up and the Crisis Intervention Teams have been trained by the City of Wichita now, the county, and the smaller communities in the area, that are better able in the field to go out and identify these people that are mentally ill and not necessarily go to jail. They may go to another facility, so this is one thing that I certainly supported and pushed in earlier years to get this going and I think it is going to have an impact, positive impact, within the mental health community and our jail. Thanks.”

**Chairman Peterjohn** said, “I’m going to add my comments to my colleagues’, and appreciate their comments because, and also the public’s comments, because I think they’re all very useful and very valuable as we undergo this deliberation. We have a budget, when you add in the Capital Improvements Program as well as the operating budget; we are in the neighborhood of \$450 million, in terms of combined cost. The situation, as Commissioner Unruh pointed out, it is very unusual in recent history; one mill is going to generate less money next year than this year in Sedgwick County. Hope that sinks in a little bit. Last year sales tax revenue was down and it continues to be down. Our mortgage registration fees, which is not a huge source but it does provide a significant amount of funding, we’re looking at a drop of over 40 percent in net revenue. Since late 2008, we’ve had 17,000 layoffs in this community. That hurts. It hurts everywhere. We’ve got more discussions of perhaps other changes that may impact us and earlier this week we got the most recent unemployment figures.

“The good news is that unemployment in this community is one and a half percent below the national average. Bad news is that unemployment is one and a half percent above the state average here, so we can discuss whether the cup is half empty or half full if you look at the unemployment numbers. But I think they would like to see more people get put back to work, and this economic

## Regular Meeting, July 21, 2010

downturn is quite a bit different from anything we've had in the past that I can recall in my lifetime, and the recovery is much weaker and slower. You look at some sectors, economic sectors, and it's been very, very significant, in terms of the downturn. We also face some other interesting budget challenges and I continue to review the budget. I think we've got a budget that was proposed and extended last week was a great budget if we were in an environment where taxable assessed valuation was growing four percent, or eight percent, or six percent, somewhere like that. But we don't live in that environment. We're living in a very difficult environment. And I found it interesting, we've got jail fees we thought were going to go up and they haven't.

“We’ve got some unexpected fiscal surprises coming at us that we didn't anticipate. One will be up on Consent Agenda because we have more people taking advantage of our health insurance policy and that's going to be a \$700,000 hit. We had some discussion recently about a \$300,000 variance that showed up in our EMS (Emergency Medical Services) department. But we've got some hits that I don't know if the public is entirely aware of it; we are. There's kind of good news and bad news for county employees. The good news for county employees is they will receive an extra paycheck next year because there are 27 pay periods in 2011 instead of the normal 26. It's going to be a four percent across the board, almost four percent across the board increase. The bad news is it is one more check, and we're fortunate that we haven't had to do some of the things that other layers of government have had to do, in terms of furloughs or layoffs, but we are drawing down contingency and contingency reserves and that cannot continue forever.”

“Last week I went to a meeting across the street at City Hall where we had a report about how the Wichita-Valley Center Flood Control [Project] system is going to need additional spending on an extended basis going on in the future for the next 10 years. I'm going to be looking in the time we have between now and adopting the budget at spending that the county has. Obviously personnel is the biggest item, but it is far from the only item. We’ve got equipment purchases that we can perhaps defer, delay. We've got travel, we've got spending on training and seminars, and I know this is not pleasant, but some of the alternatives that are out there budget-wise are even more unpleasant. And we have to make every tax dollar scream before we spend it in the current economic environment that we're in.

“And I provide this because we are extremely fortunate to have the reserves that allowing us to operate and kind of hope that things are going to get back to ‘normal,’ whatever, you know, normal was before this downturn took place, and at the end of 2008. But there's no guarantees, in terms of what the future will hold, and I am going to be looking at all the areas where we're spending to proceed. So I am going to be supporting this motion. My intent, though, and I'll state this to my colleagues, you know, seven of the last nine years we've had technical adjustments that have been a fractional increase. We're talking about a few hundredths of a mill that have gone up. Two of those nine years it's gone down. I do not want to see any sort of an increase in property taxes, under any

**Regular Meeting, July 21, 2010**

circumstances, for any budget that I'm voting in favor of. So with that said, seeing no further discussion, please call the vote.”

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**E. PLANNING DEPARTMENT**

**1. PUBLIC HEARING VAC2010-12, CON2010-00004 AND ZON2010-00003  
COMCARE**

**VISUAL PRESENTATION**

**Mr. Dale Miller**, Current Plans Manager Metropolitan Area Planning Department, greeted the Commissioners and said, “Here for John Schlegel, he's on vacation. See if I can get the get the pictures up. Before you today are three applications that involve public hearings. One of the applications is the request for zone change from RR, Rural Residential, to SF-20. As you can see here on the map, there is an area outlined in heavy black, that would be the subject of the zone change. There is also the subject of conditional use request that would permit the expansion of a runway that is currently located north of this site where the arrow is indicating. There is an existing airport on the north side of 71st Street and part of the applicant's proposal is to extend this runway south across 71st into the 33 acre tract that is the subject of the zone change to SF-20. The third leg of the applications involve a vacation request for a segment of 71st Street that is located west of 143rd in the area that I'm indicating with the arrow. So those three cases are what you will be considering. We'll discuss zone change and conditional use first.

## Regular Meeting, July 21, 2010

“As indicated by this aerial photo, you can see the airfield that exists today on the north side of the runway, or road on the north side of 71st and runs north. There are some hangars located to the east and some hangars located to west of the runway. The applicants are wanting to rezone the area that’s in red and then extend this runway south into that, as we’ll see on a slide here in a minute. The Wichita Functional Land Use Guide Map depicts this area as appropriate for rural uses, and those are primarily agriculture uses and rural-based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County, and also for predominantly larger lot residential subdivisions. This area is also outside the projected 20-30 growth area of any of the smaller cities. As you can see here to the west, the gray is the Derby projected growth area, and then for reference to the east in the beige, or lighter gray color over here to the east is the City of Rose Hill. There’s an island piece of City of Rose Hill located here just off 75th, but the application area is not located inside anybody’s growth area at this point.”

“This is a depiction, a site plan, of how the applicants would propose to improve the south end of the existing airfield. You can see the existing air, the hangars located here that are on the north side of 71st. Those would be improved and additional hangars added. Then they would extend the runway south across 71st. This is the site plan they submitted for the 33 acres. If it’s rezoned to SF-20, they would develop approximately 18 lots, and the runway would be located in that area. They would have a cul-de-sac street that comes south off the vacated portion of 71st Street, come down, angle to the east and then end in the cul-de-sac. This would allow for homes to be built that would have ready access to the runway and to also taxiway further north to their facilities that are on the north side of 71st. They have a fueling station in the main part of the runway, or the airfield activities located north of 71st.

“Here is an aerial showing the extension, if this is approved, there’s 71st street, they would extend south. This area is the 33 acres that’s under consideration for rezoning. The application does have significant protest totaling 44.56 percent. Those are the folks located within the thousand feet shown by the green outline. The properties in blue are properties that also filed protest but are outside the thousand foot notice that is used to calculate the 20 percent. Given the fact we have 44.56 percent protest, that will require a three fourths majority vote on the part of the County Commission to approve this request. We had a number of protests turned in that the area was too large to fit in on the previous maps, so we are using this map to show all the additional protests that are in blue that were turned in for this particular application. The protest doesn’t change because of the larger area, it is still the 44.56 percent, it is just these are all the folks that submitted protests.

## Regular Meeting, July 21, 2010

“This is actually standing on 71st Street looking south at the 33 acres that would be improved with the homes and the runway extension. This is existing runway on the north side of 71st Street. You can see some of the hangars and facilities that are already in place on the north side. This is standing at the intersection of 143rd and 71st Street looking west. The hangars there are on the right, and to the left towards the trees is private property developed with single family home. This is the site standing on 143rd looking east, I'm sorry, looking west at the 33 acres, and this is the property immediately west of the 33 acres on the south side of 71st that the property owner there is not part of the application. This is the house that's on the southwest corner of 143rd and 71st. This is the house that is immediately south of the previous house on the west side of 143rd. They back up to the 33 acres that are being considered for the zone change. And then down on 75th looking north, this is as close as we could get to showing the southern end of the application area, but this is looking north so you are south of the application area but you're looking north from 75th Street. And some of the homes that are on 75th Street and this is some of the homes located north of 71st and west of 143rd that are part of the existing airfield or located to the north. You can see a plane right there with their hangar.”

**Mr. Miller** continued, “So what you're being asked to consider for this particular, these two sets of changes are the zone change from RR to SF-20, a conditional use to allow the extension of a private airfield. The Metropolitan Area Planning Commission (MAPC) considered these requests and recommended approval 12-0-1 to recommend approval subject to the 10 recommended conditions in the staff report. The vacation case, which is the third portion of this application, is to vacate the portion of 71st Street, and initially it was this entire length that's shown here in the black area, however, since the application was turned in, the property owner at this point has withdrawn their signature to the request so that reduces the area, the length of 71st that's up for consideration to just the area from this point west to the west side of the applicants' property. So the area east here would not be under consideration today and would remain open as a public street. There's the aerial depicting how it's currently developed. You can see the airport to the north here and then the 33 acres to the south. There are objections to the vacation case and they are shown here in pink. Unlike a zone change, there's not a percentage that triggers a super majority vote, so a vacation case can be approved or denied with a simple majority by the County Commission.

“One of the factors to consider in this is 75th Street, which is down here a half a mile of 71st is in place. It is somewhat atypical if you looked at the county at large to have a half mile line road like 71st or 75th Street. You can see here it goes back clear to 143rd Street and goes east to 159th, so if a segment of 71st were vacated and someone needed to get around, it would be likely that 75th Street would be the closest east/west street to the people in the immediate area to go east or west from their locations using 75th Street. We had a number of people speak at Planning Commission; I believe there were 28 people that spoke. There were representatives from the City of Derby, City of Rose Hill. We also had input from county folks such as Fire, Sheriff, EMS, Public Works, I

## Regular Meeting, July 21, 2010

believe there were representatives from those departments here today if you have specific questions about how any of these impacts, how any of these activities would impact their ability to deliver services. Your responsibility with the vacation application is to determine if the vacation will cause the public to suffer any loss or inconvenience and that no public rights will be injured or endangered. And with that, I'd try and answer any questions."

**Chairman Peterjohn** said, "Questions for our Planning staff at this point? I would like to begin. We do have information from McConnell indicating that they do not have a problem with any of the three items that are on our Agenda concerning this airfield at this point in time, is that correct?"

**Mr. Miller** said, "That's correct. They provided four recommendations as part of the vacation application, and those four recommendations were included in the conditions of approval if the vacation is approved."

**Chairman Peterjohn** said, "Remind me again how the Metropolitan Area Planning Commission voted on this."

**Mr. Miller** said, "They recommended approval 8-4-1."

**Chairman Peterjohn** said, "For which? For all three, or just..."

**Mr. Miller** said, "No, this was for, the vacation was eight in favor, four opposed, one abstained."

**Chairman Peterjohn** said, "Okay, and the zoning case and conditional use were..."

**Mr. Miller** said, "I believe that was 12 to 1, 12-0-1."

**Chairman Peterjohn** said, "With an abstention?"

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

**Chairman Peterjohn** said, "On the other two cases?"

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

**Chairman Peterjohn** said, "Any further questions for staff before we open? Commissioner Parks."

**Commissioner Parks** said, "Yes. If you could go over just briefly, I don't need a lot, but just for the public to know what the 10 conditions were, if you could just do those briefly."

## Regular Meeting, July 21, 2010

**Mr. Miller** said, "The 10 conditions for the conditional use?"

**Commissioner Parks** said, "Yes."

**Mr. Miller** said, "Okay. Those were that the property be developed in general conformance with the approved site plan. That operation of the heliport manufacturing or assembling vocational training, office, retail uses and any other use not permitted by right or by the conditional use in the SF-20 zoning district are not permitted. The airport may be used for sky diving and hot air ballooning activities as outdoor recreation and entertainment, which it is today. Development and use of the subject site in accordance with all federal, state and local rules. Any on-site sewer systems used in the application area shall meet Sedgwick County standards. No building permit shall be issued until the on-site sewer system is improved or approved."

**Mr. Miller** continued, "No building permit issued until all private roads are constructed to Sedgwick County standards. Applicant shall obtain any rural water district taps prior to the issuance of building permits. All utilities located underground. And if the vacation is approved, then it will be subject to the same 10 conditions. If Zoning Administrator finds violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Zoning Code, may, with the concurrence of the Planning Director, may declare the conditional use is null and void."

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

**Chairman Peterjohn** said, "Seeing no further questions or comments for staff, I am going to now open the public hearing, and basically repeat, we're going to operate on a mode similar to the mode, the operation that we did for the budget hearing and every speaker will be given five minutes. Since the hour is getting close to 10:30 a.m., before we get started on the public hearing, I'm going to call a brief recess and we'll come back here at 10:30 a.m. Before I do that, let me, a modest mistake at my end, I am going to recognize the County Counselor and ask him to walk us through what the laws are and why we are in a situation where we've got, it was mentioned and alluded to, why we've got simple majority for the vacation, or vacating a portion of the street part of this case, and then we've got a four fifths, or a super majority, required for the conditional use and the zoning change? Counselor Euson?"

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "Thank you, Mr. Chair. Most of the action you take on a daily basis, you approve payments, you approve grants, you sometimes create districts; most all of that is done on a majority vote basis, so in your case, three votes are usually sufficient to take whatever action is required by the statutes. There are a couple statutes, and zoning statute is one of them, that can require more than three votes in a certain case.

**Regular Meeting, July 21, 2010**

And so in this case, you have a protest of over 20 percent of the owners of land within a thousand feet of the application area. And when you have that, then in order to overcome that protest, it takes four votes of the County Commission. When you, according to state law, when you want to overturn the recommendation of the Metropolitan Area Planning Commission; that also requires four votes, at least in the initial hearing. So in this particular case, in both the conditional use and zoning case, you are required to have four votes to approve, four votes to deny. And of course there could be a de facto deal, but that's the requirements of the state statute, unlike the state statute that has to do with vacation of roads, that is a simple majority and there is not a requirement in that statute for anything more than a simple majority, so three votes in favor would be sufficient to approve a road vacation."

**Chairman Peterjohn** said, "Thank you. We are going to take that break since the hour is getting close to 10:30 a.m. and we'll come back here at 10:35 a.m. We are in recess."

**The Board of County Commissioners recessed at 10:26 a.m. and returned at 10:40 a.m.**

**Chairman Peterjohn** said, "I am going to call this meeting back to order, and we're going to open the public hearing. Since we had a vote to open the public hearing on the budget, I think we probably ought to do the same for this one, too, so I'm going to ask that we please call the vote for opening this public hearing. I guess I should, excuse me, I am going to make a motion that we'll open the public hearing and see if we have a second."

**MOTION**

Chairman Peterjohn moved to open the public hearing.

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 Peterjohn	Aye

**Chairman Peterjohn** said, "Now going to open the public hearing on Item E, and basically the provision for the public hearing is to talk about the vacation in general as a specific budget item, but

## **Regular Meeting, July 21, 2010**

I'm going to broaden it to give everyone the opportunity if they want to talk about other aspects of the entire issue, whether it's the conditional use or the zoning change, and everyone's going to, everyone who signed up to speak will have five minutes. I want to begin by giving the applicants the first bite at the apple, and ask them to go to the podium and state their name and addresses. Also mention that if any of you have written testimony, we welcome written testimony to be included in the record if you have it, please bring it forward so we can include it. If you have enough copies for all of us, that's fine. If not, we can have copies made and will be distributed to all the Commissioners. With that housekeeping items brought up, I'm going to recognize the applicants at this time. Please state your name and addresses for the record, gentlemen."

**Mr. Greg Thomas**, 6821 South 143rd Street, Derby, greeted the Commissioners and said, "Good morning, Commissioners."

**Mr. Steve Logue**, 6841 South 143rd Street, Derby, greeted the Commissioners and said, "Thank you also for your time."

**Chairman Peterjohn** said, "Welcome to the County Commission."

### **VISUAL PRESENTATION**

**Mr. Thomas** said, "Thank you, sir. I just wanted to go over what we are going to cover today. We are going to cover Cross Winds Aviation, the residences and hangars out in that area, some of them you've already seen, the conditional use and zoning change, 71st Street vacation and Kansas aviation and what we see as the future. This is what the airfield looked like in 2001, and I think the previous picture you saw was closer to this look. The picture you saw earlier was not the look it is today.

It was established around 1960, it is currently the home of 53 aircraft. There's nine residential lots on the field, six are currently built on. The tax base, the 80 acres, which we call the airfield, includes private residences is \$2.2 million. This is just an example of some of the houses, or the houses that are built on the field, and an example of what you will see in the newer development coming down the line. This was a hangar that was a shop that was built in the sixties, I believe. We just totally remodeled it on the outside, put new insulation and everything, we're preparing it for a new customer for a maintenance facility; it's 76 by 90 feet. This is what the newer hangars are looking like, and you'll see off to the side some of the older hangars are full of airplanes, but as we replace hangars and we add new hangars, they're modern, up to date, all concrete in front of them.

"Cross Winds Aviation was established in September 2003, and we know most that nine out of ten businesses fail. This business has been around for seven years and has been profitable every year except the first three months. KDOT (Kansas Department of Transportation) has invested \$402,000 in this public use airport. They'd help take care of the runways, the lighting, and it centers around,

## Regular Meeting, July 21, 2010

their priority is safety. And I believe we've got a representative from KDOT here today. Private citizens have invested over \$2,000,000. This doesn't count Cross Winds. This is private citizens that have built residences and hangars because they can build hangars on our field and then we allow them to sub-lease to other tenants. So restoring this airfield has been a total community effort to get it to back to this point. Some of the things that happen out there for the community, there's Angel Flights. We never know when and where these are happening, but this is where air transportation for medical treatments that are not available locally and for other compassionate purposes for the benefit of the community."

"One of the things that we are heavily involved in is called Young Eagle flights, and this is where we introduce kids to aviation and we fly, and some of the people sitting in this audience help us do it, 30 to 45 kids every quarter, most of them graduate through the STARBASE (Science and Technology Academies Reinforcing Basic Aviation and Space Exploration) program through McConnell, and then come out to our field for their first introductory flight after they've studied aviation. And all the time, the fuel, the planes and everything is donated by the pilots.

"Cook Airfield expansion will bring this airfield to an official community airport status with 3,500 foot runway. You've all seen the KDOT handout previously e-mailed to you. I did not hit you with it again today, so won't go over that. It allows for exponential business growth on and around the airport, and folks, this does create jobs. We talked about losing jobs in Sedgwick County, having an airport in the community does create jobs. It allows for 18 more residences to be added to the airfield, and this means a larger tax base when we add those 18 residences. This is what the airfield looks like today with newer runway, the lighting system.

"Identified to the left is what we plan on dedicating to the county, a 35 foot right-of-way in case in the future there is ever needed a street going south on the west side of the runway off of 71st Street. The other red line is where we plan on putting the 1,000 foot runway extension to improve the runway safety and allow larger plane access. And just let me know if I'm going too fast. The preliminary plat on the conditional use and zone change has been approved. There is no construction on 71st Street other than the runway. SF-20 will allow us to maximize the land use per current county codes. The drainage plan, the preliminary drainage plan, has been approved. Our covenants spec [specify] aerobic treatment systems, which are modern day treatment systems, and one thing that we do in our covenants is we also spec all the residents to plant buffalo grass. This requires less water and fertilizer to be used throughout our properties.

"This is a map of the area with the way the streets look at there. It is our understanding that the primary fire support comes off of 63rd and Rock, and that's the blue routes, and we will not be

## Regular Meeting, July 21, 2010

cutting them off by vacating a small portion of 71st Street. It is our understanding Derby's primary route, if 71st Street's vacated, even through we've never seen them come down 71st Street, would be down to the south along 79th Street, and of course Rose Hill could come in from the east. This is where the runway lies and approximately how it would look after it is extended; the 3,500 feet. And the red line could be the future arterial street because we have 71st Street in place, and I say future because one of the handouts I give you is a definition of an arterial street, and also has Derby's 30 year plan, which does not define 71st Street as an arterial street. It doesn't even define 79th Street as an arterial street, so we find it hard how you can define 71st Street as an arterial street. The other thing this builds in is something we don't have now for our pilots, which is about at 1,300 foot safety zone without a street in front of it."

"Now some have asked us to try to loop around the property, but the problem that lies there is we do not have a safety zone, and we put a street right in front of the runway again, and that's the reason we are shying away from it. First responder time has not changed, the hill will be eliminated; this is the intersection of 143rd and 71st, and we believe this saves lives. This allows the county to improve the roads where the most residents live and that's down on 79th Street, and it helps feed those residents into the community of Derby and Rose Hill. We look at this as a win-win situation because, eventually, the right roads should get paved in the county as funds come available. It adds infrastructure to Sedgwick County, and Rose Hill and surrounding areas at no cost to them. Expands the tax base exponentially. When we bought the place it was valued at \$145,000 on your tax records in 2003. It has went to \$2.2 million today, and by vacating, we're estimating if we build the same type of residences we'll add another \$5 to \$6 million, and this is residential lots only. Has nothing to do with whatever type of businesses come into the area. 71st Street maintenance costs will go down. All of the utility easements will remain in place; nothing will be built on 71st except the runway per the plat.

"It allows Sedgwick County to grow now instead of waiting 50 years down the road. In 50 years we have the terrain to go under the runway if it's ever needed and 71st becomes an arterial street. Two hundred and six cars a day use this quarter of a mile and, as we said, we can build an arterial street around it. Some have said Rockford Township voted against it; Rockford Township has never voted against it on record as far as we know. And provision three of this allows the county to get the road back should the airport ever cease to exist. I'm going to let Steve talk for a minute about some of the potential. We're down to three slides left."

**Mr. Logue** said, "I would just like to bring up the fact that the aircraft that we have right there for starting a business, because we're all about wanting to make jobs, and wanting to create a better organization. Well the larger aircraft we're talking, we're not talking jets, there's not jets going to come in here. One of the stipulations that McConnell said they do not want to have jets. Okay, we agree with that. We're not going to have an ILS (instrument landing system) approach, meaning when they come in for an ILS approach, in case they can't see the runway when they come in and

## Regular Meeting, July 21, 2010

they're in the clouds, they'd have to be in a holding pattern, which would be in McConnell space. We've agreed that that will never happen. Of course, our airport does not qualify for an ILS approach because you have to have so many feet clear of the runway. We would have to tear down every building on the left side, or on the west side of the airport just for that to happen, so that's not what we're trying to do here. We're wanting to be a better place to put jobs."

"We can also look for an ambulance service, hopefully to come in there, to medivac [medical evacuation] people out of there or transport patients all over the country. A vo-tech school, one of our dreams has always been a place to make a vo-tech school to teach kids how to fly, how to work on airplanes. Young adults, I might not just say kids, but young adults, and everyone that could go there. We presented that opportunity to both Rose Hill, Mulvane and Derby. Three years ago we talked to them about things like that. We're still interested in pursuing those things to teach kids. Air charter service, I mean, the amount of jobs that could be created on that airport is just unlimited. That's why we...next slide. This right here is a slide coming right out of AOPA (Aircraft Owners and Pilots Association) saying Kansas is the number one supporter of aviation. And I'm not going to read it to you, but that's what it is telling you right there, number one supporter.

"And looking in our future, I just read in our newspaper this morning, 6,000 jobs may be in jeopardy at Beech [Hawker Beechcraft]. I hate to see that, I don't want to see that. That's aviation, and we want to show them that we're supporting aviation. This runway extension will permit some of Beech aircraft to land there. That's one of the things that we're looking at, because their King Airs, and their like 10 to 12 passenger airplanes could land in there. This gives them another opportunity to see there. Next slide. We are the air capital of the world. Right there, number one export, this right here, Boeing, any of our aircraft, number one export in the world of business right there bringing in revenue."

**Mr. Thomas** said, "This is taken right off of your Sedgwick County website."

**Mr. Logue** said, "Yeah."

**Mr. Thomas** said, "Our question to you: is Sedgwick County tired of supporting aviation jobs? And we're going to close, this car, and I repeat, this car is going to be flown into Oshkosh this year, the largest air show in the world."

**Mr. Logue** said, "And I'd like to bring something up on this car. A long time ago people thought we didn't need all these roads cause we had horse and buggies. And some people in Derby, they referred to the future. What has the future got to bring? Well this car is the future, and that car is

## Regular Meeting, July 21, 2010

only about \$200,000, and I'll tell you there's going to be people, and you've got to have a runway to land them on, and you've got to have a runway to take them off on. This will be an excellent way for Derby, and that road coming on 71st Street gets named airport road because you're going to the airport. This is not the end of the road, this is the destination that you're going to, and that's what I wanted right there."

**Mr. Logue** continued, "I did want to point out on this here map right here, all the green on that area right there, those people are either neutral or don't have an opinion in it. The light color shows that that's the protest people that protested this area on this right here, but the majority of that property, 60 percent of that property is owned by two individuals or two groups of people, so it's not like it's that many people, and for the big picture of it, it looks like it's a very small percentage. We realize that what we're doing will affect each and every one of us some for the benefit of the greater use. My closing statement is, all morning long I've sat here and watched the things being presented to you, programs being presented to you that need money. And very needed programs that need money, all those programs need money. We are presenting a program to you that will help you get more tax base, and money coming back in here and jobs, so that's my closing statement."

**Chairman Peterjohn** said, "Thank you. Questions for the applicants at this point? If not, I'm going to, we're going to change this around just a wee bit, because normally I have been introducing people by name, but I understand some of you out there maybe changed the numbers and I'm just going to call out numbers, so I'm also going to say that we've got, requesting that everyone limit their comments to five minutes. We have an awful lot of people here, and one of the things that I used to do when I was a lobbyist up in Topeka, was that if I was testifying in front of a committee and someone else was also testifying on the same legislation and on the same side as I was, sometimes my most effective testimony was to say I agree with the previous speaker, and my name and organization is, and I agree with the previous speaker and I sat back down, and that is an option. It's not required of anyone, but that is an option for everyone, so there's no need to repeat testimony but we want to hear from each and every one of you. But I want to emphasize that there's no need for repetition, and if I've been repetitious, I apologize. And I see no questions for the applicants so we're going to proceed with the public hearing, and number 1, please come to the podium and state your name and address for the record, please. Welcome to the County Commission."

**Mr. Nick Thomas**, 2627 South Santa Fe, Wichita, greeted the Commissioners and said, "Thank you. I appreciate you letting me switch numbers. I've got to go take a test here. Anyway, I am a private pilot and aircraft owner. I currently house my airplane out at Cook Airfield, and I am a current resident of Sedgwick County, student at Wichita State University, studying industrial engineering and mathematics. There are a number of things that I would like to say today, but I

## Regular Meeting, July 21, 2010

have it narrowed down a bit. I'd like to briefly discuss the economy of Sedgwick County, the history of 71st Street and how the vacation of a small portion of 71st Street will aid to the airport and the surrounding communities. We are all very aware that Sedgwick County is fueled by the aviation industry. In fact, the aircraft manufacturers in Sedgwick County employ nearly 44,000 people. In a recent article in Aircraft Owners and Pilots Association Magazine [[AOPA Pilot](#)], the author states that airports all across the country are being closed. We have seen this ourselves in Sedgwick County with the closing of Hamilton Field in Derby."

"This poses a major threat to general aviation in the United States. If airports are being closed, than enthusiasm towards aviation will likely decline. If and when this happens, we can easily conclude that there will be a drop in aircraft manufacturing. Unfortunately for us back here in Sedgwick County, we are producing 60 to 70 percent of the world's aircraft. But many of us have already seen the effects of this declining industry. When asked about Wichita's aviation industry, Representative Raj Goyle told KAKE news, 'It can take decades to build this industry, but just a few years to destroy it.' Here in the air capital of the world, it only makes sense for us to support general aviation, for general aviation supports many of our families in Sedgwick County.

"Now I'd like to briefly discuss the rough history of 71st Street. At the June 17th MAPC meeting, Butch Harness, who lives at the corner of 71st Street and 143rd, right out there by the airfield, stated that he would like to see the road closed because of the number of deaths that have occurred at this particular intersection. Local students know this intersection as the hill and it is often a challenge to try and ramp the hill. Greg didn't say this today, but in his past presentations at MAPC said that since he and Steve have owned the airport, they have witnessed one death and several accidents on the hill. Since we have failed to fix the current conditions of the road, I feel it is in our best interest to ensure the safety of citizens, to close this intersection, thus preventing future deaths. Now many may argue that closing this road isn't safe due to the response time of emergency services, but isn't it convenient that 75th Street is one of the few county roads that is not a mile section? In fact, 75th Street lies just one half mile south of 71st Street, and having 75th Street at this location allows for only a slight change in emergency response time. Emergency vehicles would only have to deviate one mile around 71st Street. When asked at the June 17th MAPC meeting if he had driven 71st in an emergency vehicle lately, Chief Walter Rooney simply responded, 'No I have not.'

"Lastly, I would like to discuss how the expansion of the runway across 71st Street would provide for the surrounding communities. We have already talked about the decline in aviation manufacturing. Allowing Cook Airfield to expand will create an enthusiasm for aviation in this area and will allow many airplanes to call Cook Airfield home. We all know that Sedgwick County's economy relies very heavily on the idea of more airplanes, but I do not want to dwell on this, rather I would like to focus on the safety of the airport. Many of those opposed to the runway expansion are neighbors to the airfield and claim that the airplanes are noisy and not safe. We cannot dwell on

## **Regular Meeting, July 21, 2010**

the noise factor, as that is a very opinionated comment, but we can discuss the safety issues. One local neighbor to the airfield made a comment at the Derby City Council meeting last week that a Cessna 172 only needs 1,600 feet to take off.”

**Mr. Nick Thomas** continued, “And although this may be true, let us consider the current runway at Cook Airfield. The current length is only 2,500 feet, and this gives a pilot who is traveling at 60 miles per hour a 900 foot window to decide whether or not to abort a takeoff. I’ve done the math, and if a pilot were in this situation, they would have a matter of 10 seconds before reaching the end of the current runway. By adding another 1,000 feet to this runway, we could eliminate the majority of the current safety issues. Many neighbors are concerned about low flying airplanes, but what they do not realize is that it is very difficult as a pilot to land on 2,500 feet. In this case, it forces a pilot to make a lower approach to land. Can I ask for just 30 more seconds? I’ve got just a little bit to...”

**Chairman Peterjohn** said, “You’ve got 30 more seconds.”

**Mr. Nick Thomas** said, “Okay. I honestly feel that the neighbors who are concerned about safety should be comforted about the idea of having more runway at Cook Airfield. I would like to conclude by asking you to put yourself in other peoples’ shoes. Consider the Sedgwick County resident recently laid off from Spirit AeroSystems. He and many others in this county rely on aviation, can I finish up?”

**Chairman Peterjohn** said, “Just go, yeah, I’ll let everybody finish their sentence.”

**Mr. Nick Thomas** said, “Okay, and airports to host these airplanes. Consider the family that has lost a son or daughter on the hill. I, myself, have lost a close cousin in a car accident and I would hate to see any family have to go through that. Consider the neighbors of the airfield who are concerned about their safety, and the pilots as well, who are also concerned about their safety. Finally, let us consider people like Mr. Wojteczko who stated his case at the MACP meeting. Mr. Wojteczko is a current Sedgwick County resident, but due to the lack of space is forced to leave the county to house his airplane. Ladies and gentlemen, we live in the air capital of the world, yet we are forcing aviation enthusiasts to leave this county so that they can fly their airplanes. As you can see, allowing Cook Airfield to extend their current runway across 71st Street will not only benefit the pilots but the citizens of Sedgwick County as a whole. And thank you for letting me go over.”

**Chairman Peterjohn** said, “Thank you. Number 2. Welcome to the County Commission.”

## Regular Meeting, July 21, 2010

**Mr. Robert Kaplan**, 430 North Market, Wichita, greeted the Commissioners and said, "I appear on behalf of Mr. and Mrs. Jack Bannon, Jeanette, Randy Mohr, Bradley Mohr, Mr. and Mrs. Goodwin. I ask that my comments be accepted on behalf of all those who are here in opposition, because we stand in opposition to the zoning change, to the conditional use and to the vacation. Prior to getting into my remarks, and I realize the urgency, the very few minutes, but I have two tasks here today, Commissioners, and I have to address them both. In addition to opposing the application and making the comments that I can regarding why the vacation specifically ought to be denied, I also have to make a record. In the event that this case finds its way into the District Court or finds its way into the appellate court system, those decisions by the judge are generally made on a review of the record before the Commission, so it's important that I make a record, in addition to making my objections, and so you have to indulge me on this one point.

"The application that you are hearing today on the vacation is not the application that was heard by the Metropolitan Area Planning Commission. It is not the application that was filed. It is essentially a new or different application. It's not for a closing from 143rd Street to the west for 1,255.83 feet; it is a closing for a lesser amount because now it can only commence at the west line of the Mohr property. I filed the appropriate statutory objection on behalf of Randy and Jeanette Mohr, filed it with the County Clerk, provided the County Counselor with a copy; that statutorily prevents the Commission from closing that portion of the road from 143rd west to the west line of the Mohr property. Statutorily, you cannot do that. Mr. Miller explained that, that is no longer part of the application. Now it's Mr. Euson's opinion that you can grant a partial vacation, that is, that you can grant the vacation from the west line of the Mohr property to the west for that remaining 1,255 feet.

"I discussed this with Mr. Parnacott. He said that that has been the practice of the Commission. Reason I'm telling you this, I know that you are going to rely on your counsel. I expect you to rely on your counsel, so I am not making a legal argument necessarily for the benefit of this Commission, but it's very important that I have it in the record because I can find no authority, and no authority has been given me, that allows the Commission to amend, or modify, or act on less than the application that has been presented, and you are acting on something other than the application that has been presented. We do it in zoning cases all the time. We allow amendments to lesser zonings, but that's done by statute. The state zoning code specifically provides authority for that fact and it's statutory in zoning cases. Here, I'm talking about the vacation, and that's governed by an entirely different statute which has no such provision, so I make that point for the record."

## Regular Meeting, July 21, 2010

**Mr. Kaplan** continued, "As far as this Commission is concerned today, you sit in two separate capacities. You sit in the capacity of determining the public interest as a legislative body, and you have a right to do that and an obligation to do that, but you also sit as a quasi-judicial when it comes to making the findings that are required by statute, the findings of no endangerment of private rights, the findings of no loss or inconvenience, an extremely broad standard, to the public; those findings you make in a quasi-judicial capacity, and those are findings that the court can review, so you sit and make legal findings in addition to your public interest findings. I think, in the public interest area, it is almost impossible to refute the evidence in this record that there is endangerment to public rights. Thirty seconds, I've used my five minutes? May I have an additional, at least, two minutes at least?"

**Chairman Peterjohn** said, "I see assent, proceed, counselor."

**Mr. Kaplan** said, "I'll do it very, very quickly. Let me just cover the two points. In the public interest you've got a record, you've reviewed the record, you know the cases well or better than I do. You cannot refute the public record; EMS opposition, Sedgwick County Sheriff opposition, Sedgwick County Fire Department opposition, Public Works doesn't favor it, there isn't any question. All these folks here that are here in opposition oppose it. There isn't any question that they can't surmount the standard that you can't make the finding if you find public inconvenience. Tremendously difficult standard. Now I look for resolution in this matter. I'm going to skip the rest of my speech, and I spoke to Mr. Logue, and I spoke to Greg, and I spoke to these gentlemen. We tried to find a compromise by gating 71st Street, by running road south of 71st Street, by running a road south of 71st around to the south perimeter of their south property and then running it east.

"I've looked every way I can to try to find a way to compromise this matter and to resolve it, keeping 71st Street open and allowing the expansion of the runway, and everybody could win on that. These gentlemen, it's their decision, they are not interested in discussing any compromise, they want 71st Street closed, and even if there is a way to leave 71st Street open and still have their runway. They have no interest in the discussion of that compromise, and so there's nothing that I can do further with that, but I suggest to you that as a legal matter, as a quasi-judicial body, you are unable to make the statutory findings, you can make them, I don't think they'll stand up, because public loss, public inconvenience, public endangerment, endangerment or damage to private rights, those are very, very difficult standards which are very, very difficult to surmount and they're not possible to surmount in the face of this record. Thank you."

**Chairman Peterjohn** said, "Thank you. Any questions for Mr. Kaplan? Commissioner Parks."

## Regular Meeting, July 21, 2010

**Commissioner Parks** said, "Mr. Kaplan, is it my understanding that some of your clients initially supported this project?"

**Mr. Kaplan** said, "Mrs. Mohr, Commissioner Parks, I think that Jeanette Mohr will speak to that. I went down, I'm a late arrival; I was not in the Planning Commission hearing, I was retained after the Planning Commission hearing. I've been in this case only a few days. I did go down to see Mrs. Mohr, later found out that she had signed the petition for vacation. Talked to Randy and Jeanette Mohr, and I'm going to let her, if she's here, or let Randy Mohr explain. They have told me, I was not there, Commissioner, and I can't comment. I don't know what the discussion was, except they told me they were misled in their signing of it, and that what was told them was not actually what they were signing. They didn't have an opportunity to review or read it. They were very angry about it. I prepared the objection for their signature, went over it with them, they signed it and I filed it."

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

**Chairman Peterjohn** said, "Commissioner Welshimer."

**Commissioner Welshimer** said, "Mr. Kaplan, are you speaking for or representing the Sheriff or the Public Works Department..."

**Mr. Kaplan** said, "No."

**Commissioner Welshimer** said, "...or the county, or the EMS, or the fire department?"

**Mr. Kaplan** said, "No, ma'am, obviously, I'm not. I'm only reciting, Commissioner Welshimer, what I have read in the record and in the minutes and as you know. I did hear part of the testimony at the Planning Commission. No, I'm not representing them. Nor am I representing the City of Derby. But I do believe, ma'am, that I do have the right to refer to the record here before this Commission and to recite from the record what I have read in the record about the position..."

**Commissioner Welshimer** said, "You do."

**Mr. Kaplan** said, "...of those agencies."

**Commissioner Welshimer** said, "You do. But I just, you're, you know, coupling these all together so I wanted to be sure about that."

## Regular Meeting, July 21, 2010

**Mr. Kaplan** said, “No. They're quite capable of speaking on their...I represent, I was careful about that, Commissioner. I represent, actually, only those folks whose names I've put in the record.”

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

**Chairman Peterjohn** said, “Thank you. Number 3. Welcome to the County Commission. Please give us your name and address.”

**Ms. Kathy Raney**, City Administrator, City of Rose Hill, greeted the Commissioners and said, “Thank you very much. Office address is 125 West Rosewood, home address is 629 East Showalter. Thank you for your time today. I come before you today on behalf of my governing body, the City of Rose Hill, and appreciate the opportunity to speak on the items that you are addressing today in regard to Cook Airfield and its expansion. A little bit of information about the growth of Rose Hill and our Comprehensive Development Plan. As Rose Hill grows north and west, and now abuts Sedgwick County, in fact in the map that you are looking at we actually abut in two areas, where our industrial park is and then north where we have a new subdivision, Rockwood Falls, that is along 63rd, 170th Butler County, so I just wanted to make that clear that we do have two areas that abut Sedgwick. We feel it is essential to protect our current and future development, and on July 6th of 2010, the governing body of Rose Hill approved the amendment of our Comprehensive Development Plan, including a proposed area of influence study area into Sedgwick County to 127th Street. This expanded area of influence study area would enable us to safeguard our community as we naturally grow to the west. Cook Airfield lies within that amended comp [Comprehensive Development] Plan study area, which will be considered by the Metro [Metropolitan] Area Planning Commission tomorrow morning.

“We, as city and county officials, share a common goal of providing the best for our citizens, while fostering successful working relationships with each other. Rose Hill truly appreciates the great relationships that we have with the City of Derby, the City of Wichita, Sedgwick County, Butler County and all of our neighboring communities. A recent successful joint endeavor was the completion of the four-lane roadway expansion between Rose Hill and Derby, that being 63rd Street, 170th. Travelers can now safely move between our two communities, and there was a great deal of investment by at least Sedgwick County, Butler County and the City of Rose Hill in the expansion of 63rd. With a population of just over 4,000, Rose Hill provides a valuable work force for Sedgwick County businesses and industry. We know, however, that we cannot compete with many retail and entertainment venues outside of our own community. However, if Rose Hill can thrive and grow, we will be a winner, as will Sedgwick County and her communities. Our success, we feel, is your success. In order to thrive and grow, Rose Hill must grasp viable economic development opportunities.”

## Regular Meeting, July 21, 2010

“The expansion of Cook Airfield is one such opportunity. An expanded airfield would be an asset to our residential growth, our growth in our school district, and our industrial park. The commitment of owners Greg Thomas and Steve Logue is illustrated in the true extreme makeover that has occurred at Cook Airfield. They are passionate about aviation, as are many of the fine folks that are in this room today. Therefore, as adopted by a resolution of support on July 19th, 2010, the governing body of the City of Rose Hill supports the proposed vacation before you today of 71st Street, and voices their commitment to aviation related business and industry that continues to be the backbone of economic development in our area. Thank you.”

**Chairman Peterjohn** said, “Thank you. Number 5.”

**Commissioner Parks** said, “I had a question.”

**Chairman Peterjohn** said, “Oh, I’m sorry. Any questions or comments? Commissioner Parks.”

**Commissioner Parks** said, “Was that a unanimous vote by the Rose Hill City Council?”

**Ms. Raney** said, “It was four to zero. We had one, one of our council members was absent, so it was four to zero.”

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

**Chairman Peterjohn** said, “Thank you. Any other questions? Thank you.”

**Ms. Raney** said, “Thank you for your time.”

**Chairman Peterjohn** said, “Number 5. Oh, I’m sorry, 4. Okay, it’s number 4. Welcome to the County Commission.”

**Mr. John Bode**, 1754 Tiara Pines, Derby, greeted the Commissioners and said, “I am a resident of Derby at 1454 Tiara Pines, and I also am president of a electronics manufacturing company in Derby; we’re headquartered there. Little known company in the area, however we do business throughout the country, throughout the world. We are the prime vendor for the U.S. government for time display electronics. We supply every agency of the U.S. government from the CIA (Central Intelligence Agency) to the USDA (United States Department of Agriculture). Every U.S. military installation in the world uses our products, as well as most Fortune 1000 companies, universities, hospitals and others.”

## Regular Meeting, July 21, 2010

**Mr. Bode** continued, “We currently enjoy a long-term contract with the U.S. government valued at \$250,000,000 and we’re currently seeking additional contracts. As we speak, we have employees in the air around the country en route to our customers, so you can imagine I’m certainly pro the aircraft industry. When I talk about the aircraft industry, I’m talking about airports. Airports are part and parcel to the aircraft industry. You can’t have one without the other. So, any case, I just have a few points here I’d like to cover. People in businesses are often displaced when construction projects are undertaken for the private good, and this includes highways, arenas and airports. However, with the proposed Cook Airport expansion, no businesses or homeowners are being displaced or asked to move, to my knowledge, and this is actually the perfect time to be expanding an airport. Unlike some communities that’s having to displace entire housing tracts; there’s much out there.

“This is the time to be planning, and was mentioned earlier, Rose Hill is making it a part of their plan, their future. I’d like to have seen that with Derby, but that just did not happen with Derby. Derby really did not plan for an airport expansion. And I’m certainly aware that this may represent some minor inconvenience for some of the residents in that area that’s affected by this, whatever, one block closure, this road or whatever it is, but there’s also inconveniences by many people, particularly our company. We use aircraft, they’re based in Sedgwick County and Butler County. It would be nice to be able to base some of the smaller aircraft closer to our area, but I’m not sure if that will happen or not, but at least if it was expanded it may be an option for us. I have a great deal of respect for our leaders of the City of Derby. Doesn’t mean I agree with everything they do, and this is one of those cases.

“You’ll hear the City of Derby leaders say they support the aircraft industry, but their actions tell a different story. They’ve recently closed the only airport in Derby, Hamilton Field, and now they’re opposing an expansion of an airport outside of their jurisdiction, outside of their area of influence, for whatever reason. I never worked at an aircraft factory in my life, but as a Sedgwick County resident I’ve benefited from the aircraft industry my entire life. This is from the labor of thousands of people in this industry, and I’m here today to support the aircraft industry in Sedgwick County and the airports, which are a necessary component of that business, and that’s it. Do you have any questions?”

**Chairman Peterjohn** said, “Thank you. Any questions? Thank you very much.”

**Mr. Bode** said, “Thank you.”

**Chairman Peterjohn** said, “Number 5. Welcome to the County Commission.”

## Regular Meeting, July 21, 2010

**Mr. Jason Wojteczko**, 2801 Button Bush Street, Derby, greeted the Commissioners and said, “I do want to apologize that I’m in uniform, I do have to get back to work. I would have loved to have dressed up like everyone else. I’ve been in the Air Force for 19 years, been stationed at McConnell Air Force Base since 2001. I can frankly say that when I moved to Kansas, wasn’t too thrilled. I love the Denver and Colorado Springs area that I was at before here, but I can tell you that I have come to love Kansas, and I love the small towns, and I love the lack of traffic and I love the cost of living; I love this area. That being said, I recently spent one year in Korea away from my family for the purpose of being able to choose my next base, and what I did was come back to McConnell. I want to retire here. I have 19 years in, my wife and I plan on retiring in this area, and this is where we want to live. I’ve been a, I’m a commercial pilot. I’ve been flying for 18 years. I own two high performance aircraft that are down in Wellington, and the reason that they are down in Wellington and I am in Derby is there is a lack of hangar space and there’s a lack of runway at Cook Airfield that allows my insurance premiums to be reasonable if I was to base my aircraft at Cook. If we were to expand the runway to the 3,500 foot range, my insurance company would allow the rates to be reasonable, and it would allow me an opportunity to buy some land at Cook to build a hangar.

“The Kansas Department of Transportation finds it important that community airports are 3,500 foot. There is a goal to make Cook 3,500 foot based on what KDOT’s recommendations are. This is that opportunity. This does not cost you anything, and you’ve got two owners that are willing to make that happen today. It’s already planned via KDOT and we’re in tough times, but you’ve got some people that are going to make it happen in struggling times. I say we take advantage of it. For me, the convenience is, you know, I heard earlier that there is a lack of convenience for people out there. I see only convenience of the closure of this road. I see myself being able to live close to my airplanes. I see myself retiring in the area and having the closest airport to McConnell Air Force Base as a convenient place for me to live and allow me the hospital services and the shopping opportunities that are at McConnell for me as a retiree. I can also say that many of the people that fly out of Cook or have airplanes based there are military people themselves, and I’m asking that you support those military people that want to live close to McConnell Air Force Base. This is the closest public use airport to McConnell.

“I did listen in a little earlier, you guys were talking about taxes and your tax base being low; this costs you nothing. This is about an opportunity for you guys to get an increased tax base in your area of authority and it’s not going to cost you a dime. Allow these people to continue on with their dreams and goals and you guys will make money off of it. I want to conclude by quoting Winston Churchill. He said, ‘We’re out of money, so now we must think.’ We’re out of money, we must think. You’ve got two people willing to do the thinking and the hard work for you. All you guys have to do is sign the line and make it happen. Thank you.”

**Chairman Peterjohn** said, “Thank you. Questions or comments? Commissioner Parks.”

## Regular Meeting, July 21, 2010

**Commissioner Parks** said, "Sir, don't apologize to me for being in uniform. I want to thank you for your service to our country."

**Mr. Wojteczko** said, "Thank you, sir."

**Chairman Peterjohn** said, "Seeing no further, thank you very much. Number 6. Welcome to the County Commission."

**Mr. Ron Wolf**, 8401 South Hydraulic, Haysville, greeted the Commissioners and said, "I'm a resident of Sedgwick County for over 60 years. I've flown off of Cook Airfield over 30 years. I'm a single engine pilot, commercial, correction, multi-engine limited centerline thrust prop pilot. I've had commercial ground school and instrument ground school. I knew the previous owners, Raymond and Pauline Shocky since 1951 until their death. I've tried to be a good neighbor to the surrounding area for that period of time. Us pilots are safe, or try to be safe. We do not aim at houses, we do not do anything to jeopardize our pilot license, and we want to land at a safe airport. A thousand more feet on an airport would be much safer. I still fly off that airport full power because of the fact that it is a short airport for twins. I've seen the closing of other airports in the area, Riverside has just been sold. I don't know what Mr. Eck is going to do with that airport, but I see the demise of the airports in the nation at a rate of about one per year closing of an airfield. These individuals have maintained the property, improved the property, along with KDOT, hard surface runways, new runways, taxiways, new hangars, great investment in time and dollars. And I think general aviation airports will take the pressure off of [Wichita] Mid-Continent Airport, ICT, and take the pressure off Jabara, which is all predominately jet traffic. And that's about all I have to say, I tried to keep it brief."

**Chairman Peterjohn** said, "Thank you. Questions or comments? Seeing none, thank you for coming to the Sedgwick County Commission."

**Mr. Wolf** said, "Thank you, sir."

**Chairman Peterjohn** said, "Number 7."

**Ms. Renee Doyle**, 15639 East 71st Street, Derby, greeted the Commissioners and said, "I am here to voice my opposition of the closing of 71st. I have previously worked as an emergency dispatcher

## Regular Meeting, July 21, 2010

for police, fire and EMS for nearly 20 years. I can tell you first hand of giving someone CPR (Cardiopulmonary Resuscitation) over the phone while waiting for EMS to arrive; seconds can seem like minutes, receiving a call from a child who is distraught over someone breaking into their house while their mom and dad are at work saying help me or crying.

“The closest EMS station is Medic 21 who shares a building with Derby Fire #2 at 1401 North Rock, which is approximately 71st and Rock. EMS, I am sure, would like to respond with the most direct route to an emergency. Going around to a section of road or unlocking gates, as we have heard, will happen if 71st is closed. Needless to say, if we had a medical emergency while an airplane was arriving or departing. The possibility of a large field fire, along with the Kansas winds, can cause significant damage. Large field fires can spread into structure fires such as a house or a barn. If all the water were exhausted by units, where do they go to get water? Rose Hill, or the rural water tower at 127th and 71st?

“As for the roads, I’ve heard, well I would not go down them. Well some of us live on those roads and must go down them. I can tell you that closing this road will not make 75th any safer. All the roads in this area are in desperate need of repairs. They are passable at this time. What will happen when the snow moves in and the stiff north winds blow? We all know the road will be impassable. I’ve heard of a gentleman from the township speak about receiving death threats over the road, and how if it were closed it would take out approximately 12,200 feet of him to maintain. These roads have not been maintained. Yes, there have been several accidents, and yes, speed could be a factor. However, I can tell you if the roads were maintained, some of these might have been prevented. Obviously, if the township was doing their job the streets would not be an issue. Last but not least, please remember, seconds do save lives.”

**Chairman Peterjohn** said, “Thank you. Questions? Comments? Thank you for coming to the County Commission. Number 8. Welcome to the Sedgwick County Commission.”

**Mr. Grant Glasgow**, 435 South Broadway, Wichita, greeted the Commissioners and said, “I represent the property owners of the Rose Hill Industrial Park, WN Enterprises. Our goal is to promote industry, economic development to the surrounding area, and we feel that the Cook Airfield also supports economic development with the expansion, so we are very, very strong supporters of this expansion and think it will benefit the Rose Hill Industrial Park and industry in the area.”

**Chairman Peterjohn** said, “Thank you. Any questions? Thank you. Number 9. Welcome to the Sedgwick County Commission.”

## Regular Meeting, July 21, 2010

**Mr. Don Kobiskie**, 13919 East 71st Street, Derby, greeted the Commissioners and said, "I live at 13919 E. 71st Street South, which just happens to be on the end of this dead end that would be created, three-quarter mile long, and I'm right adjacent to the red area. I appreciate what the EMS person just said when seconds count, the police are only minutes away, and I want to give them as much opportunity to respond as possible. What I see this being is an interest between personal interests of the residents, special interests of the airport and community interest. The Derby commission saw that they had had issues with the way Buckner became a major arterial part of their community, and on the 12-2-0 vote, I believe it was, made comment that they just didn't think that they could make comment at this time and approve that. And I see it as a potential problem in the future because right now 206 cars travel that road every day. Even though I hear it's terribly unsafe and poorly maintained, yet there is a four-lane street one mile north, there's a two-lane paved street a mile south, and yet 206 vehicles, for some reason, travel this terribly unsafe and poorly maintained road every day.

"I don't think Boeing is going to be affected by this closing, or whether the airport exists or not there. It is a general aviation airport, and so it would potentially affect Cessna or Beechcraft, it definitely wouldn't affect Bombardier. The previous Commissioner that represented my area made a comment that, before he was voted out, that he made a decision, and he knew it was an unpopular decision, but he was going to make it anyway. I voted against that Commissioner for the reason that he inhibited my individual liberties, which are guaranteed by my Constitution, and so that was my statement concerning that. I don't think this is the tax boom that has been proposed here. KDOT has already sunk \$402,000 into this project already, and I'm sure will be asked for more to expand this runway.

"I've asked the Sheriff's Deputies at the pervious commission planning committee whether they would patrol this dead end, and I've seen them come down there probably once or twice a day going along 71st Street. He indicated to me that they probably would not patrol it anymore. We've had trash dumped along that section of road. We have had burglaries hit the homes adjacent to mine, and that concerns me greatly, that that would be an opportunity for those kind of items. There was a mention about an air car of \$200,000. I don't know of too many people that are going to be investing that much into a car. There might be a few people, I don't know. That just does not seem right to me. And the KDOT representative at the previous committee meeting indicated that, when these personal jets were supposed to come online that the skies would be blackened with jet aircraft, and that did not happen. I think we need to look at serious expansion and not just figurative or potential expansions. Thank you very much."

**Chairman Peterjohn** said, "Thank you. Questions? Thank you for coming to the County Commission. Number 10. Welcome to the Sedgwick County Commission."

## Regular Meeting, July 21, 2010

**Ms. Susan F. Bannon**, 11825 East First Street North, Wichita, greeted the Commissioners and said, “This concerns me greatly. The [Colonel James] Jabara Airport was built long, long time ago. I’m 63 years old, 63 years old. I was a kid. It wasn’t until just recently that anything built around there. They finally got the spinal hospitals and so forth. How long did it take? Wichita went west, Wichita went north, Wichita went everywhere but that way. That’s what you’re gonna [sic] do out there. It’s exactly what you’re gonna do out there. Jabara still has farm ground to the north. To the south if you go far enough you get into Tallgrass East, but it’s a long way south. There’s farm ground to the east. There’s surgical centers, like I said, to the west. Rose Hill is a bedroom community. It’s beginning to pop with planned Derby shopping center on 71st Street at Rock Road and 71st. Rose Hill will expand and it will expand that way unless you thwart it. If you stop these roads, you’re hurting everybody who owns property out there. Because I’m a real estate broker; I know. That’s gonna down that properties tremendously. What a vicious, awful thing to do to somebody.

“Rose Hill said, they said that they’ve been talking about even paving some of 71st Street. So has Derby. We just sold on one mile east and a mile north, I just sold some property two, two and a half years ago to Leewood Homes. They paid \$7,500 an acre to put in nice, big, beautiful homes. Those are gorgeous out there. They’re on 63rd Street. You can go out there and look at them now, there’s two of them. They’re gonna build more. Alright, that road, it goes south a ways of 63rd and I’ve got 120 acres, my sisters and I own 120 acres cattywompus to that. Leewood Homes said they would be interested in looking at that when they’re through with this for probably \$10,000 or more and acre. But look what happened at Jabara. What do you think’s gonna happen out there? What are you gonna do to us people? And for what, for a special interest group?

“I, I can’t understand this. They had a chance to buy some property. They goofed it. They didn’t buy it. They could’ve gone north. They don’t plan well, or they’d a gotten that property. They’d of had the money and they’d of gotten that property, but they want to close a road? Any time you close a road, anywhere where you’ve got places for sale and you block opportunity to get there, access, you hurt those people that are living there. You’ll hurt the value of that land. And for a small special interest group where a lot of them are gonna come in and leave? They’re not gonna go into the Rose Hill town and spend money. They’re gonna come here and they’re gonna leave. They’re gonna come and leave. Come and leave. Instead of having the taxes that those big homes would provide. It doesn’t make any sense to me.”

**Ms. Bannon** continued, “You’re gonna stop expansion. You know what it did to out there at Jabaras. And you can say, well, they can build a little bit north of 63rd and go west that way. There’s high power lines. Do you know of anybody that wants to build under high power lines or very close to them? It doesn’t work. And you look at, they say they’re gonna sell all these places and have these wonderful, wonderful homes. What 16, 18 of them? As opposed to all of them that

## **Regular Meeting, July 21, 2010**

that 120 acres would provide and up there and some land further south? You'll get more taxes there. Look at Benton. Benton has struggled. Struggled and struggled. They still can't make it go like they'd like. But this one's gonna go? Just whim wham buoy? I don't think so. If you vote for them I'll be very disappointed. Very disappointed and I'll suffer, just like the rest of the people out there. We'll suffer economically, we'll suffer every way. Thank you."

**Chairman Peterjohn** said, "Thank you. Questions?"

**Commissioner Parks** said, "Just wanted to clarify the address."

**Chairman Peterjohn** said, "Ma'am? Commissioner..."

**Commissioner Parks** said, "Was that 11825 East 1st Street, was that your address?"

**Ms. Bannon** said, "I'm sorry."

**Commissioner Parks** said, "Your address was?"

**Ms. Bannon** said, "11825 East 1st Street North. I'm sorry. I'm a little nervous. I probably didn't make that too clear."

**Chairman Peterjohn** said, "That's Wichita?"

**Ms. Bannon** said, "Yes, sir. I live in Wichita."

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

**Ms. Bannon** said, "But I own some property out there. And I just, I just pray that you do not pass this."

**Chairman Peterjohn** said, "Thank you. Number 11. Welcome to the Sedgwick County Commission, sir."

**Mr. Gerald Jack Bannon**, Jack Bannon Family Landing Cattle Company, greeted the Commissioners and said, "I'm a, had been a real estate broker, you know. And a auction for over 50 years, and I'm the father of the little lady that was just here. I'm glad to be here and I don't want to take up a lot of your time."

**Chairman Peterjohn** said, "Please give us your name and address, sir, for the record."

## Regular Meeting, July 21, 2010

**Mr. Bannon** said, “Yeah, my name is Gerald Jack Bannon, known by Jack Bannon everywhere in the past, and I’m sure pleased to be here, and glad to see you folks. But what she was saying is sure true. I got 215 acres of the Jack Bannon Family Landing Cattle Company that comes right up to the corner of this property. And at this time, that altitude there is a little bit higher than the property we got. And Sedgwick County planning and zoning and people, not planning and zoning, soil conservation people, they have entered into a program with me to build terraces there, and water ways, and take care of the water that’s coming off there. We now get, the water comes right across the road. Comes right across the road, there’s no grader ditches. They just come right across the road over onto that field, and they come back down, they run across south east there oh, well, to 75th Street. That’s where it empties. The land lays along the north side of 75th and along the east side of 143rd and is on the south side of 71st. And that’s where it’s at, but we will get a lot of, we got a lot of trouble now with that water.

“When they talk about if they do these things, anywhere you put a hard surface down anywhere the water, when it rains the water’s gonna [sic] come off of that real fast. Well we’re already having trouble with that, and we can’t hold it, and the soil conservation people will tell you if they talk to them, they’re not here, but I’m still involved in that deal. We can possibly control the water on our place if the township road can take the water that’s already there. And they can’t do it, it’s coming across there. But when they talk about building up above there and putting 18 homes up there and paved, there’ll be a lot more water there, and water is a problem. There’s no doubt about it. By the way, I was in World War II, three and a half years, I’ll just tell you that, and I don’t want you to, but that did happen. That’s been a long time ago. But folks, the highest and best use for this land at this time is development. Now, it’s ag[ricultural] land at this time along there but if this thing happens then the highest and best use will always be ag. And that’s the way it will be. You need access wherever you’re at. Please think about it. Thank you.”

**Chairman Peterjohn** said, “Thank you. Just a comment for questions. Commissioner Parks.”

**Commissioner Parks** said, “I just had a comment. Thank you for your service to the country, but I wanted to add, ask at this time, and I know, I was going to wait till the end to ask all of the questions, but I think this is a good time to ask a question of our County Engineer, if this were cold mixed, would their ditches be graded to where there would be actually drainage off of this?”

**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “Commissioner, any time we do a cold mix road we re-grade the ditches, but we would have to survey that to make sure the water would have a place to go. Just cleaning out a ditch, sometimes the water would stand

## Regular Meeting, July 21, 2010

in the ditch, so I couldn't say one way or the other right now, but you do build a road from the bottom up, and drainage is the most important thing to get rid of when you're building a road."

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

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

**Mr. Bannon** said, "Thank you very much."

**Chairman Peterjohn** said, "Number 12. Welcome to the Sedgwick County Commission, and please give us your name and address, sir."

**Mr. Brad Mohr**, 7555 South 143rd East, Derby, greeted the Commissioners and said, "That makes it a half a mile south of Cook Airfield. Seeing how we just talked about cold mix roads, the way we're doing some of the additional roads that were blacktop and that, they need today go look at the one that they've done from 63rd to 71st. It's falling apart. I don't know what happened, whether the mix didn't get thick enough on the east side. It's fell apart a bunch, looks terrible, and it's getting dangerous. I oppose this closing. I've talked to these two fellows many times and I've had the experience of untruths. I'm not going to go into that. But it's, what they're wanting to do is for their benefit only. They talk about, you know, building for the community and everything. Well, I haven't seen anything that I need out of their expansion. If they make that airport runway longer, that shoves them bigger planes farther south taking up over all them homes to the south and east. And I don't think that's a very smart idea. So I oppose this closing. I oppose the whole thing they got going because of the way they've treated me and I'm going to end it with that."

**Chairman Peterjohn** said, "Thank you. Questions? Commissioner Parks."

**Commissioner Parks** said, "I'm going to make a comment about our county road crew that puts in cold mix. I have quite a few in my area that review and go over every, at least all those, at least once a month and they're holding up very well. If there's a problem with some of them somewhere else, it may not be a county road. Thanks."

**Mr. Mohr** said, "Well I will request, Mr. Parks, that you go look at that one mile. It's falling apart."

**Commissioner Parks** said, "I've driven that, this area quite a bit in the last couple weeks."

## Regular Meeting, July 21, 2010

**Mr. Mohr** said, "I bet so. What did you think?"

**Commissioner Parks** said, "Well, I'm going to say what I think at the end of the program. Now I don't know exactly where you're talking about on 63rd, but the road in front of your house is terrible."

**Mr. Mohr** said, "You know where I live then, evidently."

**Commissioner Parks** said, "Yeah. I think it could use a cold mix, myself."

**Mr. Mohr** said, "That would be fine. But if you're going to do it like you did on 143rd between 63rd and 71st, I'm going to be against that. It is not holding up. And maybe sometime you come by the house, we'll go down there and look at it."

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

**Mr. Mohr** said, "I'd appreciate that."

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

**Mr. Mohr** said, "Alright."

**Chairman Peterjohn** said, "Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I'm going to have to drive that one more time too. I haven't had a problem at all driving down there. Makes it pretty quick trip from 63rd to 71st, but I do want to assure you that when things like this come up in our hearings that our Public Works Department Director is sitting here and you can be sure that it will be looked at."

**Mr. Mohr** said, "Thank you very much, Gwen."

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

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

**Chairman Peterjohn** said, "Number 13. Welcome to the Sedgwick County Commission. Please give us your name and address."

## Regular Meeting, July 21, 2010

**Ms. Marlene Yardley**, 13607 East 71st Street South, Derby, greeted the Commissioners and said, "I am on 71st Street directly to the west of where the road would be closed. The reason I am here today is I oppose the closing of the road. I agree with all the statements that everybody else has made today also, but for me and my family, personally, this will put us on a dead end road, and I grew up on a dead end road, so I already know what that looks like living out in the country. And I know that you see an increase of people trying to break in, and trespass and destroy property when there's not somebody there to, you know, driving by. With the road open today, you have a lot of traffic going by on a regular basis. In fact, since I've lived out there, I've had my house broke into already one time and I fear that if it's a dead end road it's going to happen again.

"We also have people who periodically drop trash out on the road and I think that if it's a dead end road, again, there's not as much traffic so people are more apt to go out there and dump their junk; that they think that they need to dump in the country because people out in the country don't care. And we do care, and we don't like that trash out there. Also, I know that sometimes you have problems with people stopping on those roads and partying. And again, those are safety concerns that I have for me and my family and any of those that will live there if it's a dead end road. We talked about, people talked about inconvenience. Obviously, that's going to be a large inconvenience for me and my family. We, and my daughter is starting school at Rose Hill in the fall, and so now that's gonna [sic] require that we go out of our way two and a half miles every time we go that direction. Additionally, we have planned my, I have family who live about a half a mile east of 143rd, and have planned for my daughter to ride the school bus with her cousins, again from a safety standpoint. You know, it's just one of those things that, you know, as your kid starts school, you want to be aware of. And so that's potentially going to affect that."

"Also concerns about drainage has been talked about today. Have some concerns about that and how that will affect our property. And then just the last comment I would like to make is people have talked about the safety of that road and the concern with the hill at 143rd and I just question that that's now all of a sudden a concern when we could have put up four-way stop signs years ago, and that's one of the big points that I've heard people during this conversation talk about. So I just wanted to add that to that."

**Chairman Peterjohn** said, "Okay. Thank you. Questions?"

**Ms. Yardley** said, "Thank you."

## Regular Meeting, July 21, 2010

**Chairman Peterjohn** said, "Thank you. Number 14. Welcome to the Sedgwick County Commission."

**Mr. Paul Brackeen**, 11821 East 79th Street South, Derby, greeted the Commissioners and said, "Thank you. I would like to have the vacation approved. I would also like to express my opinion on the expansion of the Cook Airfield vacation of 71st as a business owner of Derby. Additionally, I own two shopping centers in Derby: one on K-15 and one on Rock Road. I feel this makes me uniquely qualified to address the City Manager's concerns from Derby about the effect the vacation would have on retail shopping. Additionally, I would like to address safety response times and noise. I believe all those are nonissues, leaving only the indisputable economic benefit this decision has on Sedgwick County. Although I value the patronage of retail shops, I recognize that this service sector wouldn't be here manufacturing, i.e. aircraft jobs that are so prevalent in the air capital.

"As a Derby business owner and chamber member, I have not been approached about my opinion on the subject. However, it is my understanding that Derby's opposition is based heavily on the proposition that the project closes a main arterial road for the benefit of just a few people. I would argue that that is far from an arterial road, has no negative economic impact, but most importantly, it benefits the vast majority of Sedgwick County residents that have some connection to aircraft manufacturing. The impact of your vote is far greater than just closing a road and expanding an airport. This vote is a community voice to openly support aircraft; building small aircraft and aircraft parts, repairing, maintaining and attracting private and business planes to our area because the access to a community airport. According to Cessna, small aircraft will be key to developing the next generation of pilots who will be needed to fill the pipeline for the aviation industry in the decades ahead. You can support this aviation future by supporting the expansion of a local community airport."

**Mr. Brackeen** continued, "Inconvenience. We are talking about a section of road that has 206 cars per day, not even meeting the definition of a collector street, and it is not included or addressed on Derby's published Comprehensive Plan or 2030 Transportation System Improvements as noted this morning on their public website. Please note that Madison 79th is an arterial road that does not go through to Haysville, yet has no effect on Derby's economy. Likewise, I would say that the vacation of 71st Street, when 75th is available as well as the paved arterial roads of Patriot, or 63rd, or Madison and 79th will have no negative effect.

"Safety. Derby City Council indicated the last meeting that the Sedgwick County fire and EMS would be relocating from 63rd and Rock. If that is the case, then the County Commissioners do not feel the automatic response from both Derby Fire/EMS located at 71st and Rock and Rose Hill

## Regular Meeting, July 21, 2010

Fire/EMS located at 71st and Rose Hill Road are inadequate, then the new placement of the fire station could address that. Otherwise, we currently have three fire and EMS departments responding to calls in this designated area. If the emergency is on the east side of the vacation, Rose Hill will arrive first. And likewise up on the west side of Derby, who would arrive first. In either case, the current location of Sedgwick County EMS would take a four-lane paved 63rd and would not be affected by the vacation of 71st.

“Noise. We live in Kansas. There are inherent sounds that disturb some people's peace, but they are the livelihood of others. Such is the farmer's tractor keeping me up at the midnight hours, or the chickens crowing at the crack of dawn. We're an aircraft community. The distant sound of planes means we don't hear the sounds of crickets chirping in our factories and small businesses. The sound of peace to me is hearing the afterburners of the B-1 Bombers when they were here and flew directly over Derby for their touch-and-go landings, never risking safety or wrecking into houses as some would have us believe. Besides, who among us doesn't get goose bumps or hair that stands on our arms when they fly over the Wichita River Fest[ival] or the Super Bowl?”

“In conclusion, the main factor to be considered is economic impact. The greatest single economic impact on the air capital of the world is to make a statement with your vote, to approve airport expansion to a community airport because we are an airport community. This would include the hundreds of small businesses in Sedgwick County that manufacture small plane parts, accessories. Small businesses are the ones that pull communities through the economic hard times. Consistently in history, when we have a recession, it is the small businesses that turned it around. Without these businesses, we would not need New Market Square, or Target, or any other service sector business because manufacturing is what ultimately supplies the tax base and wages for people to shop at the service sector businesses. Thank you for your time and considerations.”

**Chairman Peterjohn** said, “Thank you. Questions? Thank you very much. Number 15.”

**Commissioner Parks** said, “Switched with number one.”

**Mr. Roy Schott**, 1131 Dry Creek, Derby, greeted the Commissioners and said, “Good morning. “

**Chairman Peterjohn** said, “Good morning, although you're just barely under the gun with that good morning.”

**Mr. Schott** said, “Just barely under the gun. My name is Roy Schott. I live at 1131 Dry Creek in Derby. I've been a lifelong resident of Derby. I've had an airplane stationed on Cook field since 1969, so I've had a lot of experience with the airport and the current owners. I'm here to support the vacation request. I know a lot of people have their opinions about what this means to them, but to me, it's an element of safety, both for people on the ground and in the air. The airport was allowed

## Regular Meeting, July 21, 2010

to deteriorate in years past to the point where it became almost unusable. In about, oh, I'm going to say about 2000, before Steven and Greg bought the airport; the runway was full of potholes. It was an asphalt runway, but it was just barely, might have been a cold mix runway, I don't know, but it was in bad shape. It had, the west side of the runway had deteriorated so bad that the airplanes were literally using the east half of the runway to take off and land.

“And the runway runs north and south, so we only had about a 15 or 20 foot section of runway that was usable. These guys came in, they, with KDOT’s help, they managed to resurface the runway. A couple years later, we got taxiways and lighting, and now we're able to have a full use runway. It's usable year round, daylight, night hours. It's wonderful. Obviously, this has improved the safety of the airport for the people operating in and off the airport. One of the issues that we currently have is that when we approach the runway from the south for landing, or if we take off to the south, we have to cross over 71st Street, and it's probably, I'm going to guess, about 100 foot off the end of the runway. So in landing, when we're landing to the north, we often go over top of traffic, and as you can well imagine, we probably have maybe a 30 or 40 foot altitude clearance over traffic because we're so close to the south end of the that runway. Extending the runway to the south would add enormously to the safety of that element. The traffic would no longer be routed directly underneath us; it would be further to the south. And I think in all regards, they were talking about extending it as well as widening it, so in every regard it would enhance the safety of operations on that airport.”

**Mr. Schott** continued, “On days like today where it's hot and it's humid, aircraft performance declines dramatically. So a normal airplane that will take 500 or 600 feet to take off may take a thousand. And an aircraft that takes 1,500 feet to take off may take 2,200 or 2,300 feet, so it adds another element of safety to extend that link to the runway to allow those aircraft to perform even in marginal conditions. All of the factors concerned, I think safety is the one element that I think we need to consider and I think supporting the vacation request to eliminate that road and to extend the runway would do a lot to enhance the safety operations of the airport, so I urge you to consider that. Thank you.”

**Chairman Peterjohn** said, “Thank you. Questions? Thank you. Number 15. Welcome to the Sedgwick County Commission. I’m sorry, 16. I may have misspoke there.”

**Mr. George Laliberte**, Division of Aviation, Kansas Department of Transportation, greeted the Commissioners and said, “Heard our name bantered around by a number of people who have gotten

## Regular Meeting, July 21, 2010

up to speak and so I felt it was important to get up and let you know that we're here. We're interested. We're here to speak neither for nor against the proposals that are on the table, but rather to ensure that you understand the importance of Cook Airfield to the aviation community in the Wichita area. Wichita has in excess of 600 general aviation aircraft, much more than any other community in Kansas needless to say, and that would be expected. There have been some pressures on aircraft owners in this area. It's been mentioned earlier that Hamilton Field is closed. Also we just saw Maize Field closed not long ago. Riverside was in question because of the action by the owners not able to maintain that. And of course, as we know, that has been bought and is going to be maintained as a general aviation airfield. But it's airports like Cook that allow small aircraft to avoid getting into the high-speed, high-congested areas of Mid-Continent and Jabara. A lot of business aircraft, Mid-Continent with the commercial aircraft there. You can get into a situation where you have slow moving aircraft trying to combine with high-speed aircraft and it becomes a safety issue.

“We have given grants to Cook. They mentioned \$402,000. I would have to agree with that. That sounds like the right figure, although I didn't bring it with me. Those grants were to enhance primarily safety. They talked about the condition of the runway before these gentlemen took it over. They came to us, requested a grant to overlay that runway. We gave it to them and they did an excellent job. We gave them a grant to add a parallel taxiway which took taxiing aircraft off the runway, which is a safety issue. We gave them a grant for lighting to ensure that aircraft could land safely at night. These are all just issues that we consider critical when you're talking about supporting as many aircraft as what are supported out there. And at the Department of Transportation we're primarily interested in safety, and aviation is simply one more mode of transportation that we support, in addition to rail, and buses and highways.”

**Mr. Laliberte** continued, “And we see these small airports as being essentially, if you will, allow me the analogy of being off-ramps into communities, because without the airports, you can't get into the National Airspace System. You can't get to places beyond the local area that you can arrive to using your automobiles. So aviation is critical. It's the only way you can get places quickly if time is of the essence. And to have something like Cook Airfield in your backyard, we see in the Department of Transportation, as a real benefit to the community. So like I said, we're here, I'm here neither to support nor work against what they're trying to do, but Cook Airfield is important to the aviation system in Kansas.”

**Chairman Peterjohn** said, “Thank you. Questions? Number 17, please. Good afternoon. Welcome to the Sedgwick County Commission.”

**Ms. Betty Roberts**, 14800 East 71st Street South, Derby, greeted the Commissioners and said, “I own the property on the northeast corner of the intersection at 143rd and 71st Street, and the maps that were presented in the presentation to start with are inaccurate because it does not show that

## Regular Meeting, July 21, 2010

portion of the intersection is opposing the closing of 71st Street, for whatever that's worth to you. You're being tasked with a decision about closing part of 71st Street. That is basically for the benefit of one entity: Cross Winds Aviation. There is 200 and some cars that go by there every day. In addition to that, that's just the cars, there's hundreds of people; every car doesn't have just one person in it. No one is opposing development of any type. It's just the manner that it's achieved. Closing the road has become a standoff. It's as though if you don't close the road, there's not going to be any development in the area. What kind of balance is that?

“The Metropolitan [Area] Planning Commission’s obviously not too legitimate when they said they're concerned with safety. After the meeting, when they were given the opportunity to ask about a very simple, inexpensive solution to the problem of the speeders and the hill, not a one of them opened their head to ask what it was, so that's a facade. They could care less about the safety of that. The only people concerned about the safety of that area are the residents in the area. 143rd and 71st is basically a comfortable rural residential light agricultural area. It's not a resort. There's no hotels, no restaurants, no impressive scenery, no mountains, no lakes. There's nothing there to entice frequent twin-engine aircraft that merit requiring the closing of the road. Are you going to close the road for one or two that may or may not ever show up there? There's no market to demand it at this point in time.”

**Ms. Roberts** continued, “Other important factors. Emergency response does not have to have a designated x painted on a runway. Helicopters can use any part of that airport they need to in an emergency situation. It's the law. They talk about taxes. Every year since 2005, Cross Winds’ taxes have been less. They have paid less every year, and it is continuously decreasing. So what is this about going to be such a great tax benefit if their taxes are going down? Something is wrong with this. The vo-tech comments are misleading, although they're technically correct. As was verified by the superintendent of Rose Hill schools, the vo-tech was casually mentioned at a dinner that Cross Winds paid for when they invited the local people in the community when they were trying to get support from them. The president of vo-tech and the program in Butler County had never heard of it at all until asked about it before the Planning Commission meeting. There's not going to be any assembly plant at this time. Cessna approached them about it. They got into a hassle with Cessna. Cessna said sorry, we'll just have to go someplace else. It's not there at this point in time that it's going to be done. And by the way, the runways, I've seen 130s; cargo C-130's land on runways much less than what is already in existence there. I just came back from my fourth tour in Iraq and Afghanistan, and then there's a fifth one pending. So runways and the length of them, if they're a decent pilot, are not a subject of question about the capabilities of the area.

## Regular Meeting, July 21, 2010

“What are you going to do? There’s one other thing nobody even has tried to address, and is ignoring it pretty well cold. You’re going to be really popular when you become a drug runner’s dream come true. What’s more perfect than an airport with a long, private lighted runway? No tower, no attendant on duty any time, no radio tracking, has an unmanned fuel station available 24 hours a day, no full-time security in a wide open residential farmland area. What could be more perfect than being able to land, refuel and take off with no flight tracking? Primary problem with closing the road at this time is it’s simply a poor community and a business endeavor. Cross Winds doesn’t have to do anything they insinuated they were going to do. Are you hoping in 20 or 30 years maybe some of this will come to be? Have you investigated the funding requirements for operations of airports? Jabara can’t even sustain itself. It has to be subsidized by Wichita international all the time. How long is the subsidy going to last for Cook Field?”

“Is the Kansas Department of Transportation unlimited in the amount they give to them? What are you going to do when the free money dries up? There’s no mention of any kind of a requirement for performance bond to provide jobs. There’s nothing from anyplace about a bonding company; no letter of commitment from a private or commercial financial source, no irrevocable letter of credit from a stable, or commercial financial institution, or even a private bonding company. There’s nothing required from any acceptable source with a satisfactory Standard & Poor’s rating of any kind that will ensure that there’s ever anything gonna [sic] be done there. With no performance, there’s no reason for anybody, Cross Winds or anyone else, to say, sorry, not going to do it. It’s a bad decision at this time to close the road.”

**Chairman Peterjohn** said, “Thank you. Commissioner Parks.”

**Commissioner Parks** said, “I just wanted to confirm the address on that.”

**Ms. Roberts** said, “14800 East 71st Street South is where my residence is. I own 120 acres there on the northeast corner.”

**Commissioner Parks** said, “Okay. Thank you.”

**Chairman Peterjohn** said, “Thank you. Number 18. Welcome to the Sedgwick County Commission.”

**Mr. Charles Kanaga**, 2118 Country View, Derby, greeted the Commissioners and said, “Thank you very much, Commissioners. I appreciate the opportunity here to visit with you, give you a little background here. My parents moved to Derby in 1929...”

**Chairman Peterjohn** said, “Give us your name and address first, please.”

## Regular Meeting, July 21, 2010

**Mr. Kanaga** said, “2118 Country View drive in Derby, Kansas. K-a-n-a-g-a. I'm sorry. I didn't hear you.”

**Chairman Peterjohn** said, “That’s fine.”

**Mr. Kanaga** said, “And that since that time, some of us have been there. So I want to relate to you military background we’ve got. My oldest brother went into first draft in 1941 after Pearl Harbor. Next brother joined the Navy. Next brother joined the Air Force and I joined the, the Army Air Force and I joined the Air Force. So I appreciate these guys here that own the facility out there and thank them for serving our country. I have lined out several of things here that has already been talked about. I’ve got to give a little background on myself so you know where I'm coming from. After returning home from the military service, I returned to my home in Derby. We had about 200 people at that time and Derby was growing rapidly. I wanted to get involved in that. I became a member of the Derby Planning Commission and later Derby [City] Council. I spent seven years in the early formulation of Derby's growth. I volunteered to chair the committee to start the formal developers agreement for future expansion of Derby. We used the Derby City Engineers. We contracted with Campbell and Castle Engineering firm in Wichita and worked with the Wichita-Sedgwick County Metropolitan Area Planning Commission; I referenced Jack Gailbraith, we became acquainted with there.”

**Mr. Kanaga** continued, “Over the years we worked with MAPC to establish a three year, or three mile boundary between towns. I have worked for an architect and engineering firm and studied to be an architect. I feel that I am as qualified as some of the members on the Derby board in making their decision. This petition, they mention two points. The first point was vacating a 1,255 feet of roadway just west of 143rd, and the second point in that petition was the volume of traffic and I want to start with the...let's start with the road count. I learned in college that there are more than two kinds of road counts. And a road count is a device staked out on a road; when the device is tripped, it's registered. The only thing it gives you is movement. It could be a truck, a cow, a trailer, or a car, or most anything is going to trip it. And I wanted to know what time of day was it put out, how many hours and where was it placed? A road survey is a sign set up advising that the count is up ahead. Technicians will ask the intended directions of the vehicle and this is a true road count, folks. They know where they're going, what they're doing.

“I sent an e-mail to the City of Derby asking for the breakdown of where the counters were placed. There was a reply. I'm quoting here now, ‘When Derby City officials have referenced 2,000 cars per day on 71st Street, we have been referring to both a city traffic engineer's count between Rock Road and Webb Road as well as the county's count between Webb and Greenwich Road.’ This traffic, that's the end of quotes. Then start other quotes; ‘Traffic count was taken on the township road unpaved between 127th and 143rd Street, which was only 206 vehicles.’ The question you must ask yourself is will 200 cars, more or less, keep the City of Derby from prospering, and the marketplace

## Regular Meeting, July 21, 2010

suffering any kind of a business loss? How do we know that the 206 vehicles, where are their destinations? So we took a closer look at what they had referenced here and that we don't know how many people on the Derby Planning Commission and the Derby Council were asked to give their opinion on what the information was they was going to act on. I don't know and we don't know whether they had a voice in this decision on what they presented to Sedgwick County, and the, can I have 30 seconds?"

**Chairman Peterjohn** said, "Please finish your sentence at least. Don't leave us hanging."

**Mr. Kanaga** said, "Thank you. Abraham Lincoln put it pretty well when he represented a railroad company that was wanting to put bridges across the Mississippi. And the people that run the barge and stuff down in Mississippi protested that. So his comment was to the court, do the people have a greater right going east and west on 71st Street, I'm going to paraphrase that, or the people going north and south with their runway? I think they have that liberty and God thank these guys for representing our country. Thank you very much."

**Chairman Peterjohn** said, "Thank you. Question, Commissioner Parks."

**Commissioner Parks** said, "I think this is an appropriate time to make this comment about the road tubes that are out there. I live in the country on a dirt road and I can guarantee you that during my time as police chief, and when the cities of Valley Center and another community I served, when the tubes went out, it was kind of like a network of phone calls to the neighbors like the surf's up. Well the tubes are up, so you go run over them extra times, so I don't have too much count or confidence in some of those rural tube counts. I, too, think the best way to do it is to sit out there and observe it. I did observe it for about an hour. Saw one car on 71st Street. Thank you."

**Mr. Kanaga** said, "I spent 32 years out there with my biplane going to and from Derby, so I know there's not that much traffic out there. It'll shake your car apart."

**Chairman Peterjohn** said, "Thank you. Number 19. Welcome to the Sedgwick County Commission."

**Ms. Audrey Temaat**, 7601 South 143rd Street East, Derby, greeted the Commissioners and said, "Thank you for allowing us all to speak. I live at 5546 North Meridian Avenue in Wichita, but I own property south of the airfield at 7601 South 143rd Street East. First of all, I wanted to state that I'm very disappointed in the way that this whole thing started in that I had issues down on my property and had to be, had to frequently be down there during the time that the signs were supposed to be up allowing everyone to be notified that there was an issue or that this was even a

## Regular Meeting, July 21, 2010

planning idea in progress, and not once did I see a sign down there at all, and I was down there several times.

“So just for the record, whoever is supposed to put signs up for an issue, they need to make the sign, they need to have a sign that's identifiable, that's readable and that is stable in the wind, rain, what have you, because I learned late in this whole process that this issue was even going on and it just needs to be addressed for future situations. Okay. To go on here, I bought that property to get away from the city and my plan is to build out there and have a nice property of my own. It's 10 acres. Not that big, but good for me. But the reason I go out there, or I want to be out there, is because of the peacefulness of it. Now everyone says, oh, you know noises is based on who is talking, but something that you guys, that everyone needs to realize is that when planes take off to the south and it's summertime, first of all, in summertime you're inside. You don't spend time in your house. When planes take off in the summertime toward the south, like the gentleman earlier had said, the planes don't operate at their high peak performance in warmer weather, so they're going to gain altitude slower. So what's going to happen is when they come across that land, and across my land and across those homes to the south of me, they're going to be a lot lower to the ground, which concerns me, one, for noise, and two, for safety. So I think that those things need to be thought of from here forward, you know, in your decision process.”

**Ms. Tema** continued, “Safety, if the airport is, if the runway is expanded, the safety on the landing and on the takeoff is a concern for me and my property, and the question goes then into cost. Do I need to carry more insurance because somebody may land on my or crash on my land, God forbid? But it's something that we all need to think about if this does expand, as homeowners. Do we need to think about insurance on that end? When you think about the other people, and these issues have been addressed, of the concern for others is the safety issue because of the emergency response time. And something that needs to be noted as well is, you know, they call it the hill, the dangerous road, well when I bought that property in '06, that sign at 71st Street South facing south, as you come north on 143rd, the sign was faded pink and it was hidden half behind some evergreen trees that were there. Now the trees are gone now, but at the time I called the city to tell them about the sign that it was a danger zone there. I said the sign is faded pink, you can't hardly see it, somebody needs to get out here and get it fixed. And it took over four weeks to get that sign changed and I called three times. So my point is, we can't blame some of these wrecks, all of them, on the road. It could be driver, it could be inexperience, it could be road conditions, it could be a lot of things. But to blanketly [sic] say it's a dangerous road isn't necessarily true.

“The last thing is growth. When you think about the growth of these communities and you think about what happened with west Wichita, northwest Wichita, I mean, that was all farm ground when I lived out there and now it's just exploded. Well, if we close this road, it's going to inhibit the opportunities for the growth out there for smaller homes, for development, things like that. So you

## Regular Meeting, July 21, 2010

know, the folks that are for this are wanting me to compromise my investment in that property for their benefit and I'm not willing to do that. So I ask that you vote against closing the road. Thank you."

**Chairman Peterjohn** said, "Thank you. Questions? Thank you. Number 20. Welcome to the Sedgwick County Commission."

**Mr. Justin Carlgren**, 1607 Warren, Derby, greeted the Commissioners and said, "Thank you, Chair and Commissioners. I apologize. I was misinformed. I thought there might be coffee and donuts here today, and I could sure use a donut right now."

**Chairman Peterjohn** said, "Well, I..."

**Commissioner Welshimer** said, "We could too."

**Chairman Peterjohn** said, "...think there's some Commissioners who would agree with you in that sentiment."

**Mr. Carlgren** said, "I'm a Derby resident. I have been for the past six years. I want to also, as Mr. Parks said, I would like to thank Captain Greg Thomas and Chief Master Sergeant Logue and Tech Sergeant that was here earlier for their service that allows us all the right to stand before you here today and talk before you. There's a lot of reasons for and a lot of reasons against. I just want to say I'm absolutely a hundred percent for this. I support aviation. I work for Yingling Aviation. I've seen the growth in general aviation in the past three years. Cessna has currently released the Skycatcher, which is the reason for it is the growth of the general aviation back, like in the '60s, when it was prominent. I hope to see it grow even more so in the future. The expansion of the runway gives pilots, student pilots, owners of aircraft alternative means and other areas to land. It's highly important. It is a community airport.

"I have something I'd like to read real quick and then I'll be finished up. Thursday I received a mass e-mail from the Friends of the Airport and it says, I quote, this was sent to over 40 people, 'I know it is windy, but if anyone is out flying this afternoon, and you happen to notice a four-door Lincoln Town Car parked off the road or in a field in the vicinity of the K-50/Derby/Cook area, please call Mike Campbell,' and it gives his phone number, 'It is his 88 year old father-in-law. The missing gentleman lives four miles south of the airport. They think he may have went out after gas or out to look at some of his property. He's been gone all afternoon. The Sheriff has been notified also.' I went out to the airport shortly after seeing this e-mail and I was accompanied with three other groups of guys out there in a concerted effort flying around looking for this gentleman.

## Regular Meeting, July 21, 2010

“I called the Sheriff's Department and was getting ready to get the aircraft out. The Emergency Services actually physically called me on my phone and said we found him down in Coffee County, appreciate everybody looking. Folks, this could have been any one of your family members. It is a community airport. Anybody that doubts it just look at this as an example. None of us that went out there expected any sort of payment, we did it because we're good stewards of the community, and the airport is a good steward of the community. Thank you for your time.”

**Chairman Peterjohn** said, “Thank you. Questions? Thank you. I got a little bit out of sorts on numbers. I think I had you, Mr. Carlgren, as number 21, and I thought we were at 20, so...”

**Mr. Carlgren**, said, “Yeah, I was 20. I can't count very well. I'm sorry.”

**Chairman Peterjohn** said, “Okay. I called 20 and 21. Is there a Mr. Montgomery here? I thought you were number 20, but that's okay. If you've got 21, not a problem.”

**Mr. Scott Montgomery**, Trustee, Rockford Township, greeted the Commissioners and said, “Hello.

Glad to be here. Not really.”

**Chairman Peterjohn** said, “Well give us your name and address.”

**Mr. Montgomery** said, “Scott Montgomery, 15010 East 108th Street South, Mulvane, Kansas. I am the often misquoted Trustee of these crummy roads, and I just am here to state the facts. The facts are that the township has never been presented any petition, officially been presented a petition, nor has the township ever made a motion, or voted on the approval, or disapproval, or whatever of the road closure. I personally, as Trustee, have the opinion that the road closure would enable, I live at the end of the dead end road and I think that's the safest road because I don't have traffic flying by. With young children, I don't have to worry about that. So I don't understand why that would cause a problem.

“The road, 206, or give or take several hundred cars crossing that road, township roads are just, most of township roads that I am in charge of maintaining, whatever, might get a third or maybe half that traffic so the maintenance of that road is a very difficult road because of the amount of traffic that happens on it. So closure of that road would help minimize traffic, there in turn help better maintenance of it, or less deterioration of which I have records that show that that road has been maintained several times in the past, whatever, several months. The only thing I have to say is, I figure I don't know if this is a place for opinions, but this is the air capital of the world, and we are in the United States of America. And as far as I know, it's all about one person's, or many people's, dream and it's a matter of free enterprise. It's the ability to help others to make a statement, to be the future; to know and be the future, and that's all I've got.”

## Regular Meeting, July 21, 2010

**Chairman Peterjohn** said, "Thank you. Questions? Commissioner Welshimer."

**Commissioner Welshimer** said, "I was just thinking with another \$6 million in valuation on the tax rolls, you have a mill levy that would be affected by that. That would give you more money for road maintenance, wouldn't it?"

**Mr. Montgomery** said, "Yes, ma'am."

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

**Chairman Peterjohn** said, "Let me ask you this. Since this issue arose, how many township meetings have you, you mentioned your township has not taken a position, but how many meetings has your township had since this issue arose?"

**Mr. Montgomery** said, "Three, I believe."

**Chairman Peterjohn** said, "Three. Okay. Seeing no further questions, thank you."

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

**Chairman Peterjohn** said, "Number 22. Welcome to the Sedgwick County Commission."

**Ms. Kathy Sexton**, City Manager, City of Derby, greeted the Commissioners and said, "The Mayor, Dion Avello, gives his regrets for not being here. We do have with us a Council Member, Jim Meidinger, in the front row there in the yellow shirt and Council Member Cheryl Bannon. And also, I would note we had a couple other council members and citizens here earlier but had to go. I also want to mention that Rhonda Cott is in the room and she is the Chamber President. Rhonda is right over there. Yeah. I just mention that because I think you all did receive a letter, our Derby Chamber of Commerce took a position in opposition to this, but knowing the late hour and the long day, Derby Chamber decided not to speak today.

"A couple of points I would like to make that certainly the City of Derby does recognize the value and the importance of the aviation industry on the area's economy, but some points I think we should point out, from the city's perspective, for you all to help you all determine the loss and the inconvenience to the public, which is essentially your role today. First, Derby is in the process of widening 71st Street, and in town it's called Meadowlark Street, and that's about a three quarter mile long project of widening that from just east of Rock Road to our city limits. So that project is going to cost millions of dollars and it was certainly developed because of the retail center, because of the

## Regular Meeting, July 21, 2010

increase in traffic on that road and because of the housing that has occurred and been built on that road out east.

“So we did count 3,700 cars on 71st Street per day, traffic per day near Rock Road, which gives you a sense of the level of traffic in the retail center, as well as commuters and such. And 2,000 cars a day out towards Greenwich, which was right outside the city limits in the county on the paved section. So certainly Derby's perspective is one of long-term growth and planning. It is not about 200 cars a day on an unimproved township road, because the issue is much bigger than the actual point of closure; it is about the closure of a section line road. Substantial new residential development and commercial development to some extent are expected along the 71st Street corridor east of Rock Road and that, too, will add traffic. Closing this road would likely adversely affect the appreciation of properties, the value of the properties along 71st Street South between Cook Airfield and Derby, the effect of which would become apparent as development along the roadway is delayed or dominated by less intense uses. Such reduced values would have a corresponding adverse effect on the county's tax base, as well as the city's, if you assume that the sum of those properties some time would request annexation by the city.”

**Ms. Sexton** continued, “Closing the road also could complicate and increase the cost of infrastructure and utility extensions needed by property owners as development occurs. And certainly we know that some users, drivers use 63rd Street and 79th Street for travel, and certainly that's appropriate as was mentioned earlier, maybe, I'm not sure if it was mentioned yet today or not. On 79th Street, there is a train that goes across about every 27 minutes I'm told. It's a very heavily traveled railroad crossing on 79th, so it certainly is not a practical solution to, for future urban arterial. You all know that section line roads in the county, some are maintained by township now, some are county, but often eventually become city arterials or urban arterial streets and so eliminating that is really hampering to any city, certainly the City of Derby's growth.

“Essentially, I think, too, erecting that man-made barrier would affect the growth and development of the southeast quadrant of the county for some time, and certainly affect traffic patterns. We do also agree with the public safety arguments that have been in the record and the other previous hearings that Sedgwick County Sheriff, EMS and Fire District, in terms of that closure would reduce their ability to serve these areas. And I think it's important to note that Derby Fire [and Rescue Department], we do have an automatic aid agreement with your fire district in the county, and that means that Derby Fire responds at the same time as the county fire station at 63rd and Rock Road, which as you know is in process of, in the future, of being moved. Couple other points; essentially that we do think that looking 20 to 50 years down the road is very, very important to community planning. Derby has doubled in land mass in the last, since 1992 and in 25 years has doubled in population, so to be thinking long-term is absolutely critical. Private development in Derby averages \$30 million a year. So I really encourage you not to make a decision based on

## Regular Meeting, July 21, 2010

economic development for a \$5 or \$6 million total valuation prospect in what could take 10 or 20 years to build those 18 homes and hangars. I do appreciate your time.”

**Chairman Peterjohn** said, “Thank you. Any questions? Commissioner Welshimer.”

**Commissioner Welshimer** said, “Kathy, I'm a recently new member on the Greater Wichita Economic Development Board. My understanding is that most of the people that we try to lure into Wichita to bring jobs here, one of the questions most of them have is how far to the nearest airport. And, now, that's not qualified as to how big that airport should be or if it's to be used for their purposes. I'm wondering, have you surveyed your Chamber people to see how many of them use air transportation in and out of Derby? Or would, I mean, you know, how many of your business people are interested in having an airport that serves the Derby, and Rose Hill and Mulvane area?”

**Ms. Sexton** said, “I have not done a survey. No, ma'am.”

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

**Chairman Peterjohn** said, “Commissioner Parks.”

**Commissioner Parks** said, “I guess mine was along the same area. What airport do you consider the Derby airport for small aircraft?”

**Ms. Sexton** said, “Well, the City of Derby does not claim to have an airport. As you know, airports and municipal owned airports are common in farther remote areas, and certainly those are important to get people to, say, [Wichita] Mid-Continent Airport for international travel, interstate travel, that kind of thing. But, I think, as was mentioned earlier, some people talked about closure of the airport in Maize or the old Hamilton Field. I mean, these are not the same level of airport that a lot of people think of. These are really small little airstrips that some may or may not have a paved runway. So we're talking some pretty small planes here. So, no, Derby does not claim to have its own airport. Is that the question?”

**Commissioner Parks** said, “Yeah.”

**Ms. Sexton** said, “I hope I responded...”

**Commissioner Parks** said, “That's if somebody was going to fly in for a meeting in Derby in a small craft and, where would you suggest that they go, or if you had a Derby airport, or one that was close? I didn't know.”

## Regular Meeting, July 21, 2010

**Ms. Sexton** said, “Well, there are several that are close. Certainly Cook is close, and if they have that small of planes, they could certainly use it, but Wellington is close and others. It's really not a question we're asked very much.”

**Commissioner Parks** said, “Okay, thanks.”

**Chairman Peterjohn** said, “Seeing no further questions, thank you. Number 23. Welcome to the Sedgwick County Commission.”

**Ms. Cheryl Bannon**, 321 North Valley Stream, Derby, greeted the Commissioners and said, “This is my eighth year on the council. I'm a realist. People in Derby will tell you that. I like to stick with facts. I've heard about Hamilton Field this evening. Derby didn't close Hamilton Field. Hamilton Field closed Hamilton Field. They did it for growth. You'll now find senior housing addition there, a very nice senior housing addition. We didn't even annex them until after the airport itself had closed. Second fact. Shortest distance between two points is a straight line.”

**Ms. Bannon** continued, “If you look at your map, the straight line between Rose Hill and Derby, be it a marketplace, be it some of our colleges, be it activities, anything you want to go to, the quickest way to get form Rose Hill to Derby in the future will be 71st. Right now, 63rd is paved, it's wider, but straight line speaks for itself. The ILAS [ILS] approach, in case anyone isn't as familiar with that, that's no instrument landing. It goes into the question Ms. Welshimer and Mr. Parks just asked about an airport. This airport will only in the future, per McConnell's request, have visual type landing. If you've got a bad day, plane that requires instrument landing is not going to be able to land there. So even if you can get a little larger plane, you're not going to get some of what I would consider more business aircraft in there. We even have some businessmen in town who have publicly stated they will not be moving their airplanes for that reason. They have to be able to fly good weather, bad weather, doesn't matter.

“The flying cars. Yep, that one is going to probably be a reality. However, when I step back and look at it, with air traffic control issues we already have, I see that being a problem. And if you're really supportive of the aviation industry in Sedgwick County, are you going to support a vehicle made back east that's a car or are you going to support the commercial aircraft that millions of people fly on and it's made in Sedgwick County? The vo-tech center at the airport, the Sedgwick County Commission has spent a lot of money in Jabara's training facility. I personally don't see, unless you guys have deeper pockets than we all know about, I don't see that happening again on the south end of town, or the south end of the county. There's some good works being done at Cook Airfield and I think that will continue without this vacation. New pilots are trained, some air ambulance. Again, because of the weather situation, your air ambulances can only land, excuse me, good weather.

## Regular Meeting, July 21, 2010

“Your decision this day will affect the growth of Derby for the next 50 years. You, as well as I, know that the decisions we make weekly or monthly don't just have short-term effect. They have long-term. Someone down the future will look back and say, why on earth did they do that and look what a mess it's put us in. If this decision to close this piece of road is made today, that's what's going to happen in the future. Because we currently have a job in Greenwich. Goes up, you go over, up and around. We all know it's there. We all know that we would like to fix that so that it could be a more thoroughfare road. Needs to be done. By doing this, you're going to be creating the same situation that has to be fixed down the road.”

“Derby itself would not have passed this resolution against this vacation if we truly believed that this growth is a small somewhat limited airport because of the ILS, because it is a nonattended facility. It's basically more of a recreational general business. It's not going to be a business aviation facility, much as we might like to have one, that boat sailed for our area anyway. We didn't think it was going to be viable. The facts don't prove that it will be as far as the business aviation that we would like to have. We passed a resolution unanimously against this vacation. Wasn't done lightly. It was done with a lot of thought. Derby and Sedgwick County can all be supportive of aviation, but it should not be at the loss of use or access by our citizens. The decision you make today is going to change things for the future. It's a benefit for many, or a benefit for a few, but a loss of use and it will affect many up to thousands in the future. I thank you and I would stand for any questions.”

**Chairman Peterjohn** said, “Thank you. Questions? Seeing none, thank you.”

**Ms. Bannon** said, “Thank you.”

**Chairman Peterjohn** said, “We've just got, according to my list, a few more people and my intent is to get the testimony in for everyone and then we're going to take a break, recess for lunch, so let's, number 24? Welcome to the Sedgwick County Commission, sir.”

**Mr. Robert Moran**, 1219 Armstrong Avenue, Derby, greeted the Commissioners and said, “I'm a retired military, retired from the Kansas Air National Guard in 1995 and stayed because I like it here. My present occupation is as a corporate pilot, so I'm familiar with most of the aspects of aviation because I do that for a living. What we have here is an unusual circumstance in today's economy. We have an airport that's actually trying to grow, most or actually closing. Is the survival of Derby Cook field tied specifically to this airfield extension? I would suggest yes. And one point

## Regular Meeting, July 21, 2010

that I would like to make early on is this is not a private airport. This is a public use airport that is available to any aviation operation across the United States.

“Some would characterize this as some sort of private flying club simply for the sole use of maybe rich benefactors or occupants of the land out there. It is not. It's a Kansas airport that has grown under the stewardship of Cross Winds Aviation. You've seen the slides so you can review the economic growth that has happened since 2003 when Greg and Steve took over the place. You've seen slides on the tax value, the number of aircraft based there, and have seen pictures of the facility improvements and expansion under their stewardship. I can't quote Churchill, but I'll quote Kevin Bacon from a movie. He says, 'These are the facts [of the case] and they're [they are] indisputable.' We have seen an increase in activity in the Derby area at Cook field.”

**Mr. Moran** continued, “We're not trying to become another Jabara, and we'll never be something as complex as Wichita. We're looking for a specific market, type of airplane to fly in and out of there. We know that Mid-Continent is primarily commercial. We know that Jabara is a lot of professional and corporate. We're looking for a place for general aviation to land and be successful. Now 3,500 feet is not a number that they arbitrarily picked out of their hat. It's a common use number based on insurance companies that feel comfortable in flying larger airplanes in and out of airports. It also meets the requirements for a community airport. Right now, they have an airport community. The next step is to try and develop it into a community airport that serves all the surrounding cities as they grow.

“Some would characterize the owners as devious. I would suggest that they have demonstrated the experience, they have the experience, they have the vision, they have the commitment to make this project happen. Since I've moved my airplane from Wellington to Cook field in 2003, there's not been one single promised improvement that has not happened under their guidance, and I think that's remarkable. What we have here is developed a public use airport community with no cost to the county. They've done it all on their dime. Sure, they've taken advantage of grants that are available to the aviation communities, but they're available to everyone and dispensed to everyone.

“Some would characterize them as special interests. Well, we heard the real estate faction talk about the loss of property values that they might experience in the sale of 120 acres that they own. Boy, why is their financial gain any more important than the financial development and increased tax base which will happen relatively quickly here at Derby Cook ? So what's next? They're attempting to become a community airport, not just an airport community, and the runway extension is essential. We've looked at the economic impact but there are intangibles. There's a quick reference to Angel Flight. I'm an Angel Flight member and we do that to support people on the medical missions. It's not air ambulance and it's all volunteer. Based on the size of my airplane, it's about a three and a half hour trip for an Angel Flight, typical Angel Flight trip. If we had a longer runway

## Regular Meeting, July 21, 2010

and could support faster airplanes or larger airplanes, certainly we could fly more Angel Flight trips out of the Cook Airfield.”

“In terms of safety, recently we had an accident on the west side of town, and I won't speculate on the cause of that. But I do know as a pilot operating out of Cook field, with my airplane, I can operate safely, but there's a very thin margin in making an effective decision. A longer runway would allow a pilot time to make a decision to either reject the takeoff or continue the takeoff. So the runway length is essential in order to improve the safety. It's not so much the landing distance and one lady referenced landing a C-130. I've ridden on my share of Hercs [C-130 Hercules] and it's a specially designed airplane not available to the civilian community, so you're not going to be able to find bigger airplanes that can operate with that performance capability out of the present 2,500 feet at Cook.”

**Chairman Peterjohn** said, “Thank you. Questions? Seeing none, thank you. Number 25. Welcome to the Sedgwick County Commission. Good afternoon.”

**Mr. Robert Collins**, 4576 South Walnut, Wichita, greeted the Commissioners and said, “I've been a resident of Wichita since 1973. I have literally surfed the crest wave of being involved in aviation. I've worked at Cessna, I've worked at Boeing, I've worked at Learjet, I worked at Boeing again. I'm now retired from Spirit, so I've seen the rise and fall of aviation in this town. I've been involved in it. I'm a flight instructor. I've seen the fall or defeat of Cook field to what it was, what it evolved to, from having had in excess of 350 Cessnas tied down there. I've seen these two gentlemen making an effort to improve that. I know that the people that live in the area around the airport many times are opposed to an increase in traffic, the pain of closing of roads. I want to speak I'm in support of these gentlemen's effort to improve this airport. Thank you.”

**Chairman Peterjohn** said, “Thank you. Questions? Seeing none, thank you very much. Number 26. Welcome to the County Commission.”

**Mr. Paul Schmidt**, 6911 South 143rd Street East, Derby, greeted the Commissioners and said, “I'm one of the residents that have a lot there on the airport, that was part of the airport. Just built a new house there in the last year, and we'll be paying you guys substantial amounts of taxes here

## Regular Meeting, July 21, 2010

coming up. My main thing for this is obviously I'm for it. Definitely pro. The main reason I have is for safety. Out of everybody here, a bunch of people have already iterated about safety and I think one thing that I'd like to put out there would be you drive along in your car along the road and you pull over on the shoulder when you have a flat tire or your engine goes out, a belt breaks or whatever. Well, unfortunately, in an aircraft you don't have that option to just pull over."

**Mr. Schmidt** continued, "If you're landing, coming in for a landing or taking off, you need all the space that you can get. So I look at the extension of a runway kind of like a shoulder along a road. And another safety item would be with it being there and being a little bit longer, would be if somebody from one of the surrounding airports, Mid-Continent, Jabara or anybody around, anybody passing over have an emergency and if your engine you only have so much distance to make it to, so if there's an airport there that, say, 3,500 feet, you can get your plane down there, yeah it's safety. And that would definitely be an improvement for the neighborhood in my opinion, and I feel that it would just be, all around, a lot more safe. When I was looking to build and be close to an airport, I was wanting to be within 10 miles of a small airport and I talked to these gentlemen here, well it's been over what, about a year, year and a half ago now. And I also looked at Benton, which is in a different county and was looking to building over there. And I really liked the small, close-knit group that was over here and all the neighbors and the people around when I came over and looked, and so consequently, I decided to build at Cook.

"Now, for the expansion to the south with runway and houses, I can imagine what the taxes and revenue would be on that compared to what the ground is now, because of the houses and hangars that will be built there, and the planes that will be bought and stored there. So there would be a, I would think Sedgwick County, that it would be a natural input on funds for when times are short right now. And just the main thing is safety. So I appreciate it and I kind of go along with everything everybody said for the con, for the pros, I'm sorry. I appreciate you're hearing us. Thank you."

**Chairman Peterjohn** said, "Thank you. Questions? Seeing none, at this point, I'm down at the end of my list. If there is anyone else who has not had a chance to speak on this issue that wishes to speak at this time, even if they did not sign up, I'm going to give you, this is your last opportunity. Seeing, is there one more person? Okay. Come on up to the podium, please. Welcome to the Sedgwick County Commission. Please give us your name and address for the record."

**Mr. Gary Sanders**, 7800 South 143rd Street East, Derby, greeted the Commissioners and said, "I'm just south of the airport and I would just like to express my thoughts about closing 71st Street.

## Regular Meeting, July 21, 2010

I'm opposed to it. Some of the things that I have noticed just over, since these gentlemen have bought the airport, recently last Friday, we talked about faster planes and slower planes. Friday evening, I watched a slower plane take off and a faster plane take off right behind it and flew right over the top of it, less than 50 to a 100 foot over the top of this slower plane right in front of my home. I've noticed a lot more of this acrobatic type activity around my home. One of the owners of the airport, I spoke with him about his stunt flying over my home just within the last two or three weeks. I know that there's a lot of home built planes there, a lot of experimental planes that are at the airport that have never been there before."

"We have a lot of pilots that are not very respectful of the residents that are in the area. They fly very low over our homes and I believe that this is a safety issue that we should not have to put up with. By extending the runway south closer to our homes and my neighbors' homes, you take away that area of safety that we've always had and I don't believe that that is a good idea. And the closing of 71st Street will basically give the pilots in this area a green light to fly very, very low over our homes. There's no one out there that's watching what's going on. The FAA (Federal Aviation Administration) is not in that area. The owners of this airport should be the ones to have to police what goes on out there. They are people that are basically breaking the rules in the area. I don't feel as though that the airport is being run very professionally. I don't feel as though that in the future it will be run very professionally by the owners that we have today. Thank you."

**Chairman Peterjohn** said, "Thank you. Questions? Commissioner Parks."

**Commissioner Parks** said, "I tried to get a map of everybody that e-mailed me and that was on the list of where in relation to the airport you were and kind of starred those. Where are you in relation to the airport? How many miles?"

**Mr. Sanders** said, "I'm about three quarters of a mile south, straight south of the airport on 143rd Street. I'm on the east side of the road."

**Commissioner Parks** said, "Could we maybe give him a pointer and have him show that on the map there?"

**Mr. Sanders** said, "I would be basically right in this general area, right here on the east side of the road."

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

**Chairman Peterjohn** said, "Commissioner Welshimer."

## Regular Meeting, July 21, 2010

**Commissioner Welshimer** said, "Hello, Mr. Sanders. I think you called me on the issue and you said that one of the owners was flying too low over your house."

**Mr. Sanders** said, "Yes."

**Commissioner Welshimer** said, "I did contact them. I had not gotten back to you, but my understanding is that I think there was someone else in your neighborhood or in the general area there who asked the owner to take some aerial photos of their property."

**Mr. Sanders** said, "Right."

**Commissioner Welshimer** said, "So I don't think it was something to irritate."

**Mr. Sanders** said, "Well, let's say when they're doing figure eights at 300 to 500 foot over your home and you have no idea why they're doing it, it makes you wonder. And if something does go wrong at that altitude, basically the neighbors down below are the one that will pay the price along with the pilot. And like I said, it's not a professional way to fly and it should not have been done."

**Chairman Peterjohn** said, "Thank you. Now I'm going to go back to my previous comment that I'm about to close this public hearing unless there's someone else who has not had the opportunity to testify and would like to do so."

**Commissioner Parks** said, "I would like to ask, are the applicants going to stick around for the other two items also, and we could ask questions of them?"

**Chairman Peterjohn** said, "Well..."

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

**Chairman Peterjohn** said, "Okay."

**Commissioner Welshimer** said, "After lunch, are you going to have them respond to any of this or..."

**Chairman Peterjohn** said, "Well if there are questions, I was going to close the public hearing portion of this right now, and we're going to take on, we're going to have to take up the first item, which is the vacation request that's part of this public hearing, but we've had testimony that covered the vacation as well as the general side of it. But I'm hopeful that the applicants are planning to stick around and they both are nodding their head in affirmative, so but my stomach is telling me it's a little bit past lunch time, and I do think we need to take a break so. And we've just

## Regular Meeting, July 21, 2010

lost Channel 8, so if by any chance they're still broadcasting; streaming video, and obviously we've got members of the news media who are here. I think we're going to take a recess for an hour and come back and, after we close the public hearing, I'm going to first close the public hearing and..."

**Commissioner Welshimer** said, "Mr. Chairman, would that give me any chance to ask questions if the public hearing is closed? I guess it would if we..."

**Chairman Peterjohn** said, "You can, in terms of asking questions of staff that's, staff and I assume there'll be other folks. The applicants are planning to be here so, and if some of the folks who testified earlier, if we think of some things I don't see any reason why we can't ask questions after lunch."

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

**Chairman Peterjohn** said, "We are going to be in recess until 2:00 p.m."

**The Board of County Commissioners recessed for lunch at 1:02 p.m. and returned at 2:02 p.m.**

### 2. **VAC2010-12 – REQUEST TO VACATE A PORTION OF A SECTION LINE ROAD; GENERALLY LOCATED WEST OF THE 71<sup>ST</sup> STREET SOUTH AND 143<sup>RD</sup> STREET EAST INTERSECTION. DISTRICT 5.**

**Chairman Peterjohn** said, "I'm going to call this meeting back from recess, and at this point, before we get started back on Item E, I'm going to recognize our County Counselor, Rich Euson, give him the opportunity to clarify where we stand on some legal things before I make my ex parte comments. Counselor."

**Mr. Euson** said, "Thank you, Mr. Chairman. Just wanted to remind you, this doesn't come up very often, but you do have the ability to deliberate quasi-judicial matters in a private setting if you choose to do that. And so just a reminder that there's really no formalities associated with that, as there are motions for Executive Session, so in the event that that is something that would assist you in sorting out these three cases, just wanted to remind you that you may do that."

**Chairman Peterjohn** said, "Thank you. Boy, and I expected to see my board lit up up here, and there isn't a single light. Anyone want to jump out and provide the first...you know I've, in terms of ex parte communications, I want to state for the record that I've had folks get in touch with me, and I've had meetings with both folks who were in support of and in opposition to the item, the vacation of 71st Street South today. And I've continued to receive e-mails and communication from folks in that regard. I think Commissioner Norton's light was next."

## Regular Meeting, July 21, 2010

**Commissioner Norton** said, "I've had similar conversations, and I think that the key is that I've made no determination before today, before it went into the public hearings, so I've kept an open mind to both sides and to the people that have either e-mailed me, called me, or had face-to-face meetings. So I think that's the whole idea of explaining ex parte, and I'm still very neutral on the decision making process until I hear from my colleagues. That's all I have."

**Chairman Peterjohn** said, "I'd agree with that sentiment. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. I'd also want to say that I've had contact with folks who are both in favor of this and opposed to it, both face-to-face contact and with lots and lots of e-mails. But that's the extent of my contact, so I just wanted to put that on the record."

**Chairman Peterjohn** said, "Commissioner Parks."

**Commissioner Parks** said, "I also want to be on record that I had ex parte; a couple of phone calls and many e-mails. Unlike my other colleagues, I believe that I started turning down the face-to-face meetings, and so to be fair to everyone, I declined to meet with anybody on this subject face-to-face, so I just wanted to make that for the record."

**Chairman Peterjohn** said, "Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I've had the same thing. I think I've talked to many of the people in the room. I've had lots of e-mails. I have met and visited with the applicants, actually a couple of years ago I went down to look over the project and that prompted me to support the paving of 143rd from 63rd to 71st last year, and now this year we're paving 63rd up to 55th, we're paving 143rd from 63rd to 55th, so that will be two miles of paved road coming down to this area. And I'm contemplating my plans for next year to look at the paving of 143rd from 71st to 79th. That's all I have."

**Chairman Peterjohn** said, "Okay. Well at this point in time, comments and...I would point out that we had a lot of testimony this morning, and by my count it was very balanced, in terms of proponents and opponents. Commissioner Unruh."

## Regular Meeting, July 21, 2010

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Just an opening comment, include all my thoughts as I go along, but I just wanted to make the comment, there were several testimonies today that folks were wondering about our commitment to aviation, and I would just want to say that, no matter what the decision is on this particular issue, I think Sedgwick County government, and Sedgwick County Commissioners have clearly demonstrated their support of aviation in South Central Kansas. We have a considerable investment in aviation training at the new National Center for Aviation Training (NCAT). We support industrial revenue bonds for our aviation partners. We offer, when appropriate at the right time, various incentives for development of the aviation community and we partner with our aviation communities in Sedgwick County on many different projects. So I just want to make it clear that that issue, in my mind is, shouldn't be influenced by this vote, because we definitely support our aviation industry. That's all I have.”

**Chairman Peterjohn** said, “Thank you. Commissioner Parks.”

**Commissioner Parks** said, “Well, I did drive this road a couple of weeks ago, a couple of times in fact. I thought of other things and I did go to Legal and ask them if there's a possibility of a crossing for a taxiway, and realized that this has never been done before, but I did ask that question as some compromise, but I see here that they do need the 3,500 feet. It is a public airport. I really like the idea of the medivac and the Angel Flight being able to come in there and have another, if for some reason Jabara or other facilities are closed, to have very seriously injured people, or people who are in financial straits to be able to get out of there and get to specialized medical care. That weighs heavily on my decision. I see the increased value of buildings going up out there; the tax base going up, and this company is doing that without putting their hand out to the government, you know, and that's refreshing these days not to have them saying something for us anyway. I know KDOT's participating, but it's refreshing for them not to come to a city in Sedgwick County or Sedgwick County saying, hey we want a big tax break, or we want some cash to put into this.

“Quite frankly, Rose Hill has unanimously said that they support this. I think both towns would positively want to claim this airport as being near their town. I think, from hearing the testimony today, that this would be an asset to both their communities. I do think that closing down this road is going to cause some hardship to a few people, but we have to look to the greatest good for the greatest number of people on these things. I live on a dirt road in the county also. And there are some times like last week, when the guy hit my mail box post at 70 miles per hour, that

## Regular Meeting, July 21, 2010

I wish I had a cul-de-sac. But if I would be able to have that paved up to that cul-de-sac on a cold mix; that would even make it better. So I think there's some possibilities down the road if this does come to fruition."

**Commissioner Parks** continued, "When I was there, and drove this, I saw well maintained grounds, well maintained buildings; it was a sharp looking airport. I really think that whatever they do it's going to be a class act out there. Majority of the people here today, I tried to keep track of pro and con on this, or anti on this, and I think we had more pro then we did anti, but the majority of the anti, of course we have the City of Derby who's thinking about 30 to 50 years down the line of getting, I guess, this thoroughfare through there, and we have land investors out there. Now, if I were an aircraft owner, maybe I would think that this was a more valuable piece of property out there. The people that have their property to sell, quite frankly, might have a bigger value for those people that owned aircraft.

"I was trying to make sure that I got all my topics in here that I had written down during this. I did have a couple of questions of the applicant. And how public would your accessibility to this airport? Would you, do you have to, and maybe the gentleman from KDOT would be better to answer if we want someone neutral to answer that. But if you want to go to the microphone, yes, I would like to know just if, for instance, I have somebody that comes in and wants to work on a specialized piece of my equipment and I'm nearby at a farm or something, or I'm nearby in the area of Derby or Rose Hill, they're coming in from out of state and they said, hey, where's the nearest airport? What kind of facility, can they land there with their flight plan?"

**Mr. Logue** said, "Sir, to answer your question how public is our airport, it is open to anybody who flies in the world. It's a public use airport. It's privately owned, but it is open to the entire world if they can get their plane here and they can land on our field."

**Commissioner Parks** said, "And the FAA has all those, all that information..."

**Mr. Logue** said, "Yes sir. It's..."

**Commissioner Parks** said, "...that they put out to the..."

**Mr. Logue** said, "...it's kind of, when you start looking at how it's publicized around the country, it is a little confusing, because originally the FAA tied it to Rose Hill. Some documents, GPSs (Global Positioning Systems) and things like that, tie it to Derby, but it is listed as a public use airport. All the aeronautical charts show it as public use. They show 24 hour fuel service there so a pilot can come in at night, any pilot that can get on 2,500 feet now, can come in and fuel up any time of the night. The residents out there cannot prohibit someone from landing at 1:00 in the morning and fueling their plane, because it is open to the public 24/7."

## Regular Meeting, July 21, 2010

**Commissioner Parks** said, “And it certainly can be used for emergency landings like we had in northeast...”

**Mr. Logue** said, “Yes, sir. We’ve had two emergency landings in the last three months, I believe, that we know about. One was a Beech aircraft [Hawker Beechcraft] Flying Club plane, and the one from Newton, I guess, wouldn’t necessarily be classified as emergency; he had to come down quick for weather.”

**Commissioner Parks** said, “As we know last night, they just had some turbulence in Kansas that injured several people on a commercial. So the 3,500 foot would then accommodate larger aircraft for public safety issues for the landing of the aircraft there?”

**Mr. Logue** said, “Yes, sir. Any time you have a longer runway it’s going to be safer and it will accommodate some larger aircraft. And George from KDOT, or even Mr. Moran, who’ve flown a lot more aircraft than I have, could probably get into the specifics of those aircraft that could come in there, but we’re talking something like the Beech King Air could land on 3,500 feet.”

**Commissioner Parks** said, “And...”

**Mr. Thomas** said, “One of the things, too, if this is extended, and I’m going to refer to Gary, the person that testified about the flying over his home and things, if this extends, you normally have, like at takeoff you have a downwind, a crosswind, and a base leg, but when you’re taking off you go downwind and if you go left turnout, like most people end up doing a left turnout. We have a left-hand traffic pattern there, so everything is traveling in the left, unless for some reason the wind changes and we have to switch up. But a left-hand traffic pattern, by making this runway longer, right now his house does lay, I just found out where he lived when I found out I was flying over his house, by the way, and I’ll get into that in one second, making a left-hand turn out of there would actually take you, if you just make an average left turnout, you’re going to actually fly over his house. By extending the runway longer, that turnout is not going to be right over his house. It’s going to be farther down on that regular turnout. Not to say that it still won’t fly over his house sometimes, but the normal traffic pattern will be out farther. I would like to touch base on that thing, about saying that I was out doing aerobatics.”

## Regular Meeting, July 21, 2010

**Mr. Thomas** continued, “I’ve got a [Piper] Cherokee 6. A Cherokee 6 is not aerobatic. I was doing turns. I was at 2,100 feet, which is actually 700 feet above ground. Because it’s 21 plus, it’s above ground. So I was at 700 feet, I was circling around there. At no time was I below that. The FAA contacted me on that incident, and I clarified it with them. It is really hard to see what distance is when you are looking up. It’s even hard for me as a pilot to look up and see how low the clouds are, because if I’m going to go flying, to see how low they are. I usually have to call the weather to find that right there. I want to touch base on one other thing about planes flying past each other being dangerous.

“We have safety meetings constantly out there, and we do police our pilots, and talk to our people and do things like that to address the safety issues, but when you’re a mile and a half to the side, and you have a smaller airplane taking off, and then you have a larger airplane taking off, it is customary to pass to the right side and to climb over them to get away from them, if you are in that procedure. So one person saying, from looking from a long distance, were they really on top of each other, or were they to the side? It’s hard to understand that unless you really look at that and try to figure it out. I’m not an expert, I can’t even figure out how high it is, I mean, I’m sure that other people can’t figure it either, but our main process is being safe. Does that answer your question, sir?”

**Commissioner Parks** said, “Yes, it does. I had another question, whichever one would be available or knowledgeable on that, the VFR (visual flight rules) rules, I’m not really clear on that. What’s going on with visual flight rules and being able to land on that airport with visual flight rule only?”

**Mr. Thomas** said, “We’re what’s called an uncontrolled airport, which means our pilots are talking on 122.8 frequency, they’re following visual flight rules. So when they are like 10, 5 miles out, they’re reporting their position if they’re coming in from the south or from the east, and they report the position they’re at, their intentions, what runway they intend to land on and how they intend to approach into the traffic pattern. Now Steve said it’s a left-hand pattern. So all pilots that are flying out there know that when a pilot approaches and he says, I’m going to go on a left downwind for 1-7, which is the prevailing runway, that pilot is going to fly to the north, up the east side of the airport, make a left turn and make a left turn and land. Now, for instance, Augusta is on that same frequency, so Augusta pilots, they operate under the exact same rules, and they’re talking to our pilots as we’re coming past.”

## Regular Meeting, July 21, 2010

“Now if you’ve got a pilot that is coming in from the west through Mid-Continent, over McConnell, Jabara, what’s going to happen is they’re going to have to be on with Wichita Approach, which is a different frequency, and they’re actually talking to an air traffic controller who is controlling their route into our airport, and once they get visual observation of the airport, then that controller will release them to go ahead and land. A lot of times they take our pilots right over the top of McConnell, but if there’s operations going on at McConnell, our pilots spend more fuel flying around and get vectored around and back into our airport.”

**Commissioner Parks** said, “Okay. And would you access your property from 71st Street? You’d continue to access that property from 71st Street?”

**Mr. Thomas** said, “Yes, sir. It could be accessed on the west side from 71st Street. We have tenants that are really, I mean, they’ve got a complaint too, because some of them will be turned down 71st Street to get to their hangars and to get to their property, but they will have access from 71st Street coming in from the west. And also 143rd and 71st now from the east.”

**Commissioner Parks** said, “Okay, that’s all the questions I had of you. I did have a...”

**Commissioner Welshimer** said, “I had one question.”

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

**Commissioner Welshimer** said, “When the MAPC presented the map of how this was going to be platted, they have you bringing a road from 71st down through your project to the south and on around into a cul-de-sac at 143rd, so do you want to, I mean, I understood that you want to stop that street and not come around to 143rd, so if we approve this today, we may be approving having you bring that on around. Is that your intention, or do you want to...”

**Mr. Logue** said, “On around...”

**Mr. Thomas** said, “You’re talking about approving bringing 71st Street on around?”

**Commissioner Welshimer** said, “No, bringing your gravel road around to stop at 143rd in a cul-de-sac.”

**Mr. Thomas** said, “Yes, ma’am, that’s the intentions. And where that came from is because, in

## Regular Meeting, July 21, 2010

that development, it's an airpark development, and that will also serve as a taxiway. So when we set down in informal meetings with Sedgwick County planning and other people involved in traffic, they did not want to put public traffic off of 143rd looping through when there were planes taxiing."

**Commissioner Welshimer** said, "Alright, so that's okay. Alright."

**Mr. Thomas** said, "Yes. We might put a gate there at 143rd."

**Commissioner Welshimer** said, "Alright, thank you. That's all."

**Chairman Peterjohn** said, "Commissioner Parks."

**Commissioner Parks** said, "I just wanted to share a little bit of an experience, it was talked about training out there today. Short story from the high school that I attended and the small community that had a relatively new airport; what grew out of that was Civil Air Patrol, and then the seniors, if they had all the other required requirements could take a ground school and, of course that was back during the height of Vietnam. And a lot of the pilots came out of there and went on to various branches of service and had that ground school experience when they entered the service. And I just think, thinking back on that small airport in a small community, how the industrial administration from those companies used that, and I think that has to be considered, and is a plus to having an airport in that region that we, that there's not another one immediately close to Rose Hill or Derby. Thank you."

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

**Commissioner Unruh** said, "Thank you. I have a couple questions, so if you guys want to move back over there. How far away is the Augusta airport that you..."

**Mr. Thomas** said, "I can't answer that exactly, and Skip you may know better than me, but I'm guessing, as you fly, six to seven miles, but that's just a guess, that's not fact. I know driving there and going up, it takes me at least 12 minutes to get to Andover, and then it's going to take another two or three minutes past west of Andover, so I'm guessing, again, 15 to 20 miles."

**Commissioner Unruh** said, "Alright, and how long is their runway?"

**Mr. Thomas** said, "Again, it's a guess, but I think around 5,000 to 6,000, 5,500 feet. Bob, do you know? [Inaudible] Oh, Bob says 3,800 feet."

## Regular Meeting, July 21, 2010

**Commissioner Unruh** said, "Okay, so that's 3,800 feet, and Jabara airpark, how long is their..."

**Mr. Thomas** said, "Bob."

**Mr. Logue** said, "Five thousand."

**Commissioner Unruh** said, "Okay, so in the area we've got a couple of other small airports that are long enough to accomplish what you all are after, I mean, within 10 miles or 15 miles, whatever, is that correct?"

**Mr. Thomas** said, "Yes, sir."

**Commissioner Unruh** said, "Okay, just wanted to see what was available, if you guys were the only one, or if there were other alternatives. First of all, I want to say from all the testimony today it appears that you all have done a wonderful job of bringing that airport up to speed, put a lot of your own money in it, and I know a lot of your own blood, sweat and tears. And we all congratulate you for that. I mean, it's great to see entrepreneurs get out there, you've got to work hard and you're making it work. If the road was not closed, you could continue your operation the way it is?"

**Mr. Logue** said, "Yes, sir. But let me add to that right there. It can continue the way it is. It won't increase jobs there, it won't increase revenue for you to, how many jobs can we get there? It's going to limit the amount of people, the airplanes that can land there. Shops, I've explained shops will not take up a shop there because they cannot get airplanes in there to work one. The bigger airplanes that you're talking about, the twin engine airplanes, they make a lot of money working on those kind of airplanes when there are two engines. They kind of double their income that way. Yingling has 90 employees working on smaller aircraft out there. Now grant you, they do work on some jets and stuff out there. We're not after Yingling's business and Yingling knows that."

**Mr. Logue** continued, "We're looking at the piston engine aircraft, working it there, and so we want to be a part of the community. We don't just want to set out there and be an airpark where we just land airplanes and nothing. We want to be a valuable part of the community, because if

## Regular Meeting, July 21, 2010

we don't have that, eventually we'll end up on the chopping blocks of two cities growing around us and saying there's no room for this little old teeny tiny airport right in the middle of this, because once you start growing houses all the way around it and doing that it does become a safety issue. I landed in an airpark down north of San Antonio; there's chain link fence and somebody's back yard on both ends. I mean, it is seriously bad, and it was scary, but I don't want to see that happen out here."

**Commissioner Unruh** said, "And under your current operation activities that could continue, at least for a while. The growth that you're talking about, and I'm not trying to be contrary, I'm just trying to understand, but all the growth you're talking about growing around there would tend to make somebody believe that keeping 71st open is a good idea, if it grows all the way around there like you just described. So I'm just trying to see, then, if you're going to have that development, you guys can keep operating, the necessity to close the road..."

**Mr. Logue** said, "I guess I would..."

**Commissioner Unruh** said, "...that's what we're trying to evaluate. It would not, the road staying open would not prohibit you from doing your residential development south of the road."

**Mr. Logue** said, "No, it wouldn't, but my suggestion to you sir is the road, even if we close it, it still goes around it. Because the majority of the people live on 75th Street, so if you take the road around, the new road, if you put a new way around 75th Street, it would service more people than it would even if you did on 71st Street. But it would be no more than, it would be less of a loop around the end of our runway going around down 75th Street, which would move that danger zone, or that safety zone, from the end of the runway clear out of the picture, and it would also be no more than we have up at Jabara going around the end of the runway. So I would say to you that that loop around the end of the runway would be just a half a mile farther south."

**Commissioner Unruh** said, "Yeah. I understand that, so I've got the picture. I'm just trying to see, I mean, I would not want to do something that would put you all out of business."

**Mr. Logue** said, "Alright, I understand."

**Commissioner Unruh** said, "But we have to weigh, you know, what is the impact of closing a section line public road. And, you know, in my district, we've got a lot of roads running east and west, and they're getting paved, one by one, going clear into Butler County. And Butler County

## Regular Meeting, July 21, 2010

seems to be partnering up, picking them up on their side of the line, and I would be real hard pressed to close a section line road in my county, or in my district, and that's not really the right way to think. As a Commissioner, I need to think county wide and what's going on all the way across the county, but just a couple questions and comments, because I know, even if we close that road, you all are not going to be picking up commercial flights, you're not going to be picking up jet aircraft, you're not going to be doing instrument flights, because you said that would cause people maybe to go into a holding pattern and interfere with McConnell or something."

**Mr. Logue** said, "I would like to bring that up, though, they can make an instrument approach like, people do it all the time, they'll make an instrument approach especially when the clouds are, let's say, 2,000 feet. If you're flying above that, you're on an instrument flight path. Okay, the clouds are at 2,000 feet, I can fly an instrument approach into Augusta, and what that does, it gets me down through the clouds, and they know that the cloud base is 2,000 feet, so they can break out of the clouds at 2,000 feet and just fly right over to Cook, cancel their approach, fly right over to Cook and land. The only time it's going to be critical in instrument approach is when they can't come into Cook is when that ceiling is down below 1,200 feet. I mean, they can't get in there; they can't shoot the approach into there when we're talking bad weather, a lot of people's not going to go anywhere when it's bad weather anyway, they shouldn't be doing that, but not in light aircraft, should not be tackling bad weather. That's just a, that's not a good sign."

**Mr. Thomas** said, "Sir, may I address something? On any given weekend when the winds not blowing 30 mile an hour we probably have 50 commercial operations for the weekend, or average 18 to 25 per day."

**Commissioner Unruh** said, "Okay, I might have used the wrong terminology. I meant planes carrying..."

**Mr. Thomas** said, "We have 15 probably to 25 commercial flights per day."

**Commissioner Unruh** said, "...people; that pick up people..."

**Mr. Thomas** said, "Yes, every time the Air Capital Drop Zone takes off, that is a commercial flight."

**Commissioner Unruh** said, "And they're carrying passengers for..."

**Mr. Thomas** said, "They're carrying up to four passengers, yes, sir."

## Regular Meeting, July 21, 2010

**Commissioner Unruh** said, “And that’s paying customers on...”

**Mr. Thomas** said, “Paying customers, 100 hour inspections, just everything, and I can’t quote the part, the FAA reg [regulation], or the FAR (Federal Aviation Regulations), but it is a commercial flight, and that plane is maintained under commercial maintenance rules.”

**Commissioner Unruh** said, “Okay, alright. Well, thanks for the correction.”

**Chairman Peterjohn** said, “I’m going to ask a couple questions. First on the nomenclature, just for the record, when you guys throw about ILS, give me the full name...”

**Mr. Thomas** said, “Somebody correct me if I’m wrong, but I think it stands for instrument landing system.”

**Chairman Peterjohn** said, “Okay, because, could you clarify for me some comments earlier? There were some comments that you would be flying in on a visual basis, but there’d also be night landings. Now, you can do visual at night?”

**Mr. Thomas** said, “Yes, sir.”

**Chairman Peterjohn** said, “Okay, and that’s not a, you don’t do instruments at night for that, I mean you can do visual at a night time landing?”

**Mr. Thomas** said, “Yes, you can have both operations in the day time or night time. Now we will not have an ILS at anytime into Cook Airfield, but we have a lot of night flights in.”

**Chairman Peterjohn** said, “Okay.”

**Mr. Thompson** said, “We actually have a PAPI (Precision Approach Path Indicator) system, which shows you red over white, actually gives you a glide slope and everything right into the runway and that’s setting on the north end of our runway to land to the south.”

**Chairman Peterjohn** said, “Okay. So that would work great if you’ve got a south wind, but if you’ve got a north wind, you’d be coming in and landing from the south, correct?”

**Mr. Thomas** said, “Yes, sir. The majority of the operations though, probably 80 to 85 percent are, your prevailing winds, so most of the planes are landing to the south.”

**Chairman Peterjohn** said, “Okay.”

## Regular Meeting, July 21, 2010

**Mr. Thomas** said, “That’s why some airports have dual PAPIs, but if an airport just has a single PAPI it’s always on the prevailing wind side.”

**Mr. Logue** said, “But we also have a dangerous area north of the airport with lots of trees and stuff and that’s the reason the PAPI system is sitting there; to get us over those trees at night time when you’re coming in there.”

**Chairman Peterjohn** said, “Well, I’m thinking there are some trees south of the airport at the south end of that 33 acres, am I...”

**Mr. Thomas** said, “Yes, sir. There’s a fenced road to the south, and pending the outcome of everything, we will probably be taking at least 200 feet of those trees out; not the whole fence row, because they lie on the 33 acres of our property opening up another safety issue.”

**Chairman Peterjohn** said, “Because I’ve, like Commissioner Parks, I’ve driven that area twice and taken a look at the roads, and 71st Street South is not the type of road that I’d like to drive on very often. Those of you who do so on a more regular basis, and I certainly, the number of cars I saw on the times I was driving there, and these were both during the day time, so I could kind of look around and I stopped on a couple of occasions and, you know, sometimes when you’re out and about driving you get people who’ll come out and kind of check you out, and I kind of welcome that actually, because I think it’s very...”

**Mr. Thomas** said, “Yes, Sir.”

**Chairman Peterjohn** said, “...it’s a good sign, in terms of the neighborhood, neighborliness, and I’ve met some good people that way. But the times I was out there I didn’t meet anybody, and on my trips out in and around driving 63rd Street, and 79th Street, and 71st Street, and 143rd and East 127th, and even getting out over to the Butler County line before coming back, my district’s on the other side of the county.”

**Chairman Peterjohn** continued, “So this was an area that I certainly haven’t spent much time in until this case appeared, but I wanted to point out the fact that driving in those areas, and I noticed the comment from the citizen about how we’ve got some other roads in that area that don’t flow through. And I’ve got some in my district that are the same way, and some that start and stop, and in fact I can think of one area where we’ve got a small private airport that abuts a section line, an unpaved section line road. I was going to just clarify, and I very much appreciate

## Regular Meeting, July 21, 2010

the fellow from KDOT coming in to kind of basically state where they were and acknowledge the grant. Is any of the plan that you have going forward as the applicants depending on receiving and additional grants from either the state or federal government?"

**Mr. Thomas** said, "The development project depends on no grants. We will apply no later than September 30th for a grant to help out with the runway extension, and that's a 75/25 cost share. The last estimate we had on that project was in the \$300,000 range and so we would be coming up through the development process paying our 25 percent, and if we got the grant, KDOT would be paying their 75 percent. If that grant fell through, we would immediately, when we were allowed to vacate the road, we would put in a grass overrun and a turf overrun, and take the ditches out right in front of the runway, so if a plane overruns the runway on takeoff or landing, they would just roll right out into the grass instead of hitting a ditch, and we would go to work on that immediately, despite any grant money."

**Chairman Peterjohn** said, "Thank you. Commissioner Welshimer."

**Commissioner Welshimer** said, "You were saying that you could stay doing what you're doing without extending your runway, but we had some testimonies from some pilots, and I think we had some e-mails from your pilots' association, and the testimonies were indicating that it would be safer if your runway was longer, and so that would mean you would still have that problem of needing to extend your runway."

**Mr. Thomas** said, "Yes, ma'am."

**Mr. Logue** said, "Yes, the longer runway is going to make it safer all the way around. And there is some grass runways within the whole United States that land big, big airplanes. I mean, jet airplanes even land on grass airfields in places. So the extension, even if KDOT dried up and went away and didn't have any money, we would put the lighting ourselves, and we would get the grass runway in there. And so you would have 3,500 feet, just part of it would be grass if it had to be, which would make it safer. Because the overall goal is to make it safer."

**Commissioner Welshimer** said, "Okay. Well, I'm impressed that KDOT has funded you, and Cessna has sent us an e-mail saying it will help them sell airplanes. Rose Hill is supporting you, township Trustee, McConnell has approved your plan. Okay, I just have, I want to ask a question of our Public Safety Director. I want to get a little more understanding of the EMS problem."

**Mr. Bob Lamkey**, Director, Public Safety, greeted the Commissioners and said, "Good morning Commissioners, Bob Lamkey, Public Safety Director."

## Regular Meeting, July 21, 2010

**Chairman Peterjohn** said, "I hate to correct you, but it's good afternoon."

**Mr. Lamkey** said, "It is good afternoon, it just seems like morning."

**Commissioner Welshimer** said, "I'm no road expert so, but when I'm driving down there on those, I call them washboard roads, that's what we called them when I was a kid and lived on one of those roads here, it just tears the devil out of my car. And so I take it pretty slow when I'm driving on those roads until I get out on the pavement. Having 79th paved and 143rd paved all the way up to 63rd gives, seems to me like we make up for time on a paved road, where it might work better. I can't imagine an ambulance with a patient in it..."

**Mr. Lamkey** said, "One of the things..."

**Commissioner Welshimer** said, "...going down that road. Anyway, I just want your thoughts on the EMS situation, and I might mention also, if you'll verify for me, that we haven't decided where we're moving that fire station from 63rd and Rock, and so that is a matter of decision making for the future. It could go east and help this area out. It could go west and get closer to Oaklawn and areas like that, so that's just a decision we haven't made yet, but would you address the time loss for the ambulances?"

**Mr. Lamkey** said, "Sure. Let me, in thinking this through, let me say a couple of things if I may. One, Public Safety folks like all the options that they can have, and so any response option that goes away is something that we always think about. But my obligation as your staff member is to provide you with facts as they currently exist. To service this area from a first response perspective from our fire department, 63rd Street would be the opportune street that they would to, to get to the east side of where this proposed airport is, and so from an initial response from Sedgwick County Fire District, there would be no degradation of response to this area."

**Mr. Lamkey** continued, "From an EMS, and from a secondary response with the City of Derby, there would be some degradation, in the sense that our ambulances at 71st Street and Rock essentially, and so a straight shot is there. Right now, to get on to other side of where the proposed airport is going down 71st at the speeds that are, and certainly it is not necessarily the preferred road, but our CAD (computer-aided dispatch) system would, at this particular point based upon the road speeds, direct us down that road. Typically it would take us six to seven minutes to get on the other side of where this proposed airport is as it currently is configured, and that will change to somewhere in the vicinity of 9 or 10 minutes."

## Regular Meeting, July 21, 2010

“Now I must also add that that for EMS is considered a rural response area. Our response time parameter for rural response is 90 percent in 16 minutes or less, and so the service to that area would be essentially the same, in terms of meeting our standards, as it is to other rural areas. And so there would be a degradation of response from EMS to the, just the area just on the other side of that process, assuming that we went down 75th Street as well. And so, in its totality, there would be some slowdown, but again, there are lots of values that are playing in this process that you need to consider in this process.”

**Commissioner Welshimer** said, “So you don’t think that the paving of 79th and 143rd in...”

**Mr. Lamkey** said, “I would expect if those streets are unpaved now, we certainly would look at those streets in our CAD system. You would get higher street speeds, and it certainly may facilitate an equally quick response. But without having looked at it, we’d end up going a mile south which, two miles, a mile south...”

**Commissioner Welshimer** said, “Well 79th is paved now...”

**Mr. Lamkey** said, “...is yeah, it’s a mile south...”

**Commissioner Welshimer** said, “...but if we paved, if we paved 143rd down to 79th, we’d have paving all the way around. It seems to me it would make up for that time that you’d have to slow down on those bad roads.”

**Mr. Lamkey** said, “I haven’t had an opportunity to look at it, but certainly, as I said, a direct response is best, but again, the response to that area today and in the future will be within EMS’s response time. And it just really affects those folks that are just on the other side of the proposed airport, so...”

**Commissioner Welshimer** said, “Right, so we’re within the norm.”

**Mr. Lamkey** said, “We’re within our norms, well within our norms.”

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

**Chairman Peterjohn** said, “Let me ask a question since you’re at the podium, Mr. Lamkey. My recollection is we have a mutual aid agreement with the fire department with Rose Hill Fire Department...”

**Mr. Lamkey** said, “Yes.”

## Regular Meeting, July 21, 2010

**Chairman Peterjohn** said, "...and Derby both."

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

**Chairman Peterjohn** said, "I just wanted to get that into the record and make sure my memory wasn't playing tricks on me."

**Mr. Lamkey** said, "No, you are absolutely correct. If we had an event, a significant event out at that area, the first response, the initial response, would come from our fire department, and we'd get support. We have an automatic aid agreement with the City of Derby, which means that they would automatically deploy. We have the same relationship with Rose Hill, so we have good mutual relationships providing service in that area from all the partners in that area."

**Chairman Peterjohn** said, "Commissioner Parks."

**Commissioner Parks** said, "Something that Commissioner Unruh said a little bit ago about the development and the housing could still go in south of there, it wouldn't be the same as if, and I liken it to the people at High Point in my district. The people at High Point Airport walk out their back door and within a minute can be at their airplane and taxiing onto the runway. I'm not going to say they're going to take off in five minutes, but in the best part of five minutes you can be back from your back door to in the air, depending on how long it takes you to facilitate that particular thing. And on another matter, I just, I think if we're going to, I would rather than to pass notes have somebody that wants to rebut ask a Chairman to do that. Thank you."

**Chairman Peterjohn** said, "Well, Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. For Greg and Steve, you have to go slow with me, because I'm still, on the commercial flights that we talked about, I'm still trying to process that because you're still just going to have single engine planes, and it's still going to be 2,500 foot airway, and that's what you've got now, but I'm just trying to think about 25 to 50 commercial flights per day. Those are single engine planes that somebody's getting on it and they're flying to Denver or somewhere?"

**Mr. Thomas** said, "No. When you load up skydivers, that's a commercial flight."

**Commissioner Unruh** said, "Oh these are skydivers?"

## Regular Meeting, July 21, 2010

**Mr. Thomas** said, "Skydivers, yes sir. I'm sorry if I didn't clarify that or if you misunderstood me, but on any given day, on the weekend and some evenings during the week, but on the weekend especially, they fly up to 25 loads, and that's a commercial flight every time they take off."

**Commissioner Unruh** said, "Okay."

**Mr. Thomas** said, "And they have to follow all the commercial regulations under the Federal Aviation Regulations to maintain that plane and haul those skydivers. The pilot that flies that plane is a commercial pilot. One of the gentlemen that testified earlier, Jason, I can't even pronounce his last name, he is one, used to be one of the commercial pilots that flew their plane."

**Commissioner Unruh** said, "Okay. Well that helps me understand then, because my concept of a commercial flight was different than a skydiving activity. And then, shifting gears a little bit, and my response about you could still do the residential development, I realize that if the road wasn't close, you wouldn't run the runway over there, but would you have space on your current footprint to add more hangar space that folks, if they did live south of the road and wanted to have a plane they could just hop on their Moped and go across and get their plane out of a hangar? I mean that's a possibility I suppose?"

**Mr. Thomas** said, "Yes, that would be a possibility. We have area for more hangar space on the field, and we have identified more hangar space through our first conditional use change, because the airport never existed as a conforming airport before we took over, so our first conditional use that we did, back in '04 I think was when it was finished, identified a lot of hangar space. But as far, if you're asking about residence, no we don't have more room on the field for residence because we try to maintain the integrity of a crosswind runway which adds a safety factor to the field."

**Commissioner Unruh** said, "No, I was just thinking about more hangar space. If somebody did develop south and wanted to have a plane on your facility but could get there conveniently, so..."

**Mr. Thomas** said, "When you talk hangar space that's an issue in itself, because we cannot build hangars and compete with airports like Jabara and Mid-Continent that don't pay property taxes. We can't build hangars and charge what we need to get the property taxes paid on them."

**Commissioner Unruh** said, "I see."

## Regular Meeting, July 21, 2010

**Mr. Thomas** said, "And that's why most of the new hangars are private hangars where the customer just wants their own hangar, and they lease land and build their hangar on our field. But when you do the math, it's a 20 year payoff to get your hangar paid for."

**Mr. Logue** said, "One thing about the charter service, sir, there could be potential charter airlines in there. Because just like the Pilatus, the Pilatus holds 15 people that can get in and out of..."

**Mr. Thomas** said, "Ten."

**Mr. Logue** said, "...ten people that can get in and out of that airstrip all the time, it does hold potential to being able to get a charter air service in there."

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

**Chairman Peterjohn** said, "Further comments, or discussion, or questions? Commissioner Norton."

**Commissioner Norton** said, "I will start out with Steve and Greg. First of all, I admire your entrepreneurial spirit in what you've done to Cook Airfield. Regardless of how this all comes out today, I think it's wonderful what you've done to take a community area, and engage in it and bring it up to the level it is now. I'd also like to say that I support aviation and there's been comments that maybe we're not as supportive of aviation as we should be, and I agree with Commissioner Unruh. I mean, voting to build a \$48 million aviation training center for this community is a pretty big step that says you care about aviation, so anybody that might think that, this Commissioner anyway, has not been supportive of aviation has got it all wrong, and I'll be willing to engage you personally eye-to-eye if you'd like to talk about it."

**Commissioner Norton** continued, "I also want to talk about how soon you could get this done, if it's going to maybe take grants with KDOT, and of course they've struggled with money. I think they've got some coming but that's not going to come for two or three years with the new Comprehensive Transportation Plan, and that could even be wrecked in the next couple of years depending on what the revenues look like. How soon do you think you'll be putting in a new airstrip, getting the paving done and doing all the ground work?"

**Mr. Thomas** said, "If you're talking about paving, sir, the earliest that we could be paving would be July 1 of 2011, if we were approved for a grant. If you're talking about just extending

## Regular Meeting, July 21, 2010

the runway, we could start that process just as soon as MAPC cut us loose with the approved plat plan, so two different things there. We can have a 3,500 foot runway without having a 3,500 foot paved runway. And the question has been asked of us, could we hold off for a year? Yes, we could hold off for a year to do it, but we would like to start as soon as possible. It just improves the safety of the airport.”

**Commissioner Norton** said, “Okay, so the grant funding is important but you could go ahead and do the minimal requirements to get the landing strip longer...”

**Mr. Thomas** said, “Yes, sir. We...”

**Commissioner Norton** said, “...right now?”

**Mr. Thomas** said, “...would fix 71st Street and put culverts in underneath the turf runway, and fix it so we had an immediate safety overrun right off of our pavement and onto turf. And we would do the ditching required to make the drainage right and plant it to buffalo grass and roll on.”

**Commissioner Norton** said, “Okay. I think that’s all I’ve got of Greg and Steve for right now. Is Kathy Sexton still here? Kathy, could I...”

**Ms. Sexton** said, “Yes, sir.”

**Commissioner Norton** said, “Kathy, would there be any movement or thought process about making a municipal airport for the south east quadrant of our county?”

**Ms. Sexton** said, “By the City of Derby?”

**Commissioner Norton** said, “Or, and the City of Rose Hill, and Mulvane and that area. Is there any thought process of maybe expanding that, putting a small tower there, making that more than just a community airport, but a municipal airport?”

**Ms. Sexton** said, “You mean making Cook field a municipal airport?”

**Commissioner Norton** said, “Yeah.”

**Ms. Sexton** said, “I can’t speak for Rose Hill, but no, there’s no plans or discussion for that by the City of Derby.”

## Regular Meeting, July 21, 2010

**Commissioner Norton** said, “Even in your 30 year vision thought process of what’s next?”

**Ms. Sexton** said, “I’ll tell you what, Commissioner, I was trying to relay that a little bit earlier. I mean, this is a highly developing area. Certainly the City of Derby, and if you look at the growth of the City of Derby over the last several decades, you see a doubling of our land mass already. I think a lot of people want to live in the portion of the county. It’s a beautiful area, lots of trees, and creeks and horse ranches, and I think, if you look at our numbers, you’ll see an awful lot of building permits, housing permits being pulled over there, It has been and will be. So no, I mean, it’s a 20 minute drive to Mid-Continent, it’s not very far to Wellington or Augusta airports. I don’t see that airports are particularly something that you can build houses up close to. I mean dense houses like a city, I’m not saying you can’t have an airpark, but if I’m following you’re question right, no, I don’t see that as particularly needed. If I were Dodge City would I want an airport to get the local cattleman out across his thousands of acres, you know, to get a crop duster business going, you know to get people into Mid-Continent Airport to take interstate travel, international travel, absolutely. But we are a suburb in a place that is served very well by several other airports so I don’t think we really see that as a particular need for taxpayer dollar investments in a municipal airport for Derby.”

**Commissioner Norton** said, “Okay, Derby’s growth moving east or moving west?”

**Ms. Sexton** said, “Mostly east and north at this point in time. We certainly believe there will be additional growth in other directions as well, but our primary growth area is right in this line along 71st, absolutely.”

**Commissioner Norton** said, “Okay. Thank you. David Spears, 206 cars has been talked about. What is the number that usually triggers paving of a road? Taking it from the township, making it, looking at it to pave it because of the traffic flow?”

**Mr. Spears** said, “We don’t have any one particular number that we look at, Commissioner. A lot of times it’s with things we see that are developing and we’ll do it. A lot of times it’s the calls that we get from the citizens in the county. I will tell you the average paved road in Sedgwick County gets 2,500 cars a day, but we have cold mixed roads under 100 cars before.”

**Commissioner Norton** said, “Is this particular road now, it’s in Rockford Township, but it borders Gypsum Township, too, is that correct, or am I wrong there?”

**Mr. Spears** said, “I’d have to see if that...”

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

## Regular Meeting, July 21, 2010

**Commissioner Norton** said, “And Rockford Township has been charged with maintaining it, even though it’s split between Rockford and Gypsum, is that correct?”

**Mr. Spears** said, “We have a map that shows every township and every county line road. I did not bring that with me, and there is an agreement. Yes, either one township or the other will maintain it, it’s not half...Jim has it. Thank you.”

**Mr. Jim Weber**, Deputy Director, Public Works, greeted the Commissioners and said, “One of the few things I actually have today. The section of 71st from Greenwich over to the county line is all maintained by Rockford Township.”

**Commissioner Norton** said, “But it is, borders Gypsum...”

**Mr. Weber** said, “It borders Gypsum, but that whole stretch from, again, from Greenwich over is maintained by Rockford. And at Greenwich it becomes a county road going west.”

**Commissioner Norton** said, “Future accessibility, Dave, what is your opinion of 75th, 79th, obviously 63rd is in pretty good shape. Does it look like there is a problem with closing a road that is a, that moves us from east to west?”

**Mr. Spears** said, “Well, I think there’s always a problem with somebody when you close a mile line road. Somebody is going to have a problem with it. We’ve looked at 75th, what it would cost to pave it for a mile between 127th and 143rd would be about \$410,000, and hot mix would be about \$850,000. We, you know, I don’t know what a good compromise would be to keep the road going through.”

“Up at Jabara they, when they extended the runway there, they relocated a road to the north, and you can relocate a road. I was hoping that this road, 71st, and I haven’t brought this up, could be relocated without going clear down to 75th; maybe halfway down which would be like a quarter of a mile. So then people aren’t out that much but, here again, I think that would hurt their safety zone on their runway, and they wouldn’t like that. But if you look right now, there’s no...the safety zone is the same right now on 71st. You’d have the same situation if we sort of, I had a map made, if we went like this [inaudible] could be a just a possibility if you build a gravel road there and dedicate that to the public and let the township maintain it. Just food for thought.”

**Commissioner Norton** said, “Thanks, Jim. Is Kathy Raney still here?”

**Commissioner Parks** said, “When was this done? David, when did you do this?”

## Regular Meeting, July 21, 2010

**Mr. Spears** said, "We thought about it yesterday and that actually came to me this morning."

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

**Mr. Spears** said, "I had them make a map just in case we wanted to talk about that."

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

**Commissioner Norton** said, "I can't..."

**Ms. Raney** said, "Good Afternoon."

**Commissioner Norton** said, "Which way is Rose Hill growing, east or west?"

**Ms. Raney** said, "Rose Hill, right now, is growing north and west. But I would say that we have more options for growing in all directions than, say, Derby does. Because we have a lot of open land all around us."

**Commissioner Norton** said, "Industrial park's on the west though, so..."

**Ms. Raney** said, "It is on the south west corner of 79th and county line road."

**Commissioner Norton** said, "Okay so, and your most recent large housing development is on the west side, is that correct?"

**Ms. Raney** said, "Yes, it is."

**Commissioner Norton** said, "So your movement is toward Sedgwick County?"

**Ms. Raney** said, "It has, yes, but north we do have a lot of nice subdivisions north also, a large subdivision north."

**Commissioner Norton** said, "Moving up Andover at Rose Hill Road?"

**Ms. Raney** said, "Right."

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

## Regular Meeting, July 21, 2010

**Ms. Raney** said, "You're welcome."

**Commissioner Norton** said, "Can I keep going here?"

**Chairman Peterjohn** said, "You're on a roll."

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

**Chairman Peterjohn** said, "Keep rolling."

**Commissioner Norton** said, "I'd like to compliment both Derby and Rose Hill for having foresight to think about their future growth and which way it's going to go, and what's important to them. I think that's critical. And as I look at Mulvane and Derby had conversations about growing together and what that was going to look like around Rock Road, and as two communities start growing towards each other, I think there needs to be a conversation about putting an impediment in between. Now that impediment is no different than a rail corridor. It serves a huge purpose of transportation in a different mode. So I guess I want to challenge us to think about a long-term thought process that's no different between where a road and a rail hit, and what do you do with it? Well I had that dilemma in Haysville and we built an overpass, or an underpass, so that rail was not impeded by traffic flow on your main arterial, and traffic flow didn't impede the rail traffic that offered up 30 rail trains a day. So thinking strategically, I think the conversation is not about do the citizens that live there win, or does the entrepreneurial spirit of aviation win, but how do we make both of them win?"

"And I think, with KDOT here that has a dog in the fight, we need to be talking about putting a runway over an area of road that's going to link two communities in 20 years that has a groundwater that's 38 feet below the ground so that, unlike in my district where you can't dig down five feet without hitting water, you could actually go under the runway. And if you want to talk strategically about aviation and allowing this to happen, it may be that we all need to put our heads together and figure out how strategically we link these two communities with an airport in between that can serve some industrial growth and promote aviation all at the same time. So for me it's about a bigger conversation that thinks 30 years in the future, that doesn't allow an impediment to growth between two communities or impede on the citizens to live their life out there, both ways. So I don't know how we have that conversation, but I'm concerned about the law of unintended consequences if you go either way. Because either way, somebody is going to lose and I'd rather try to strike a win-win situation.

"My final thought is, I have a little bit of a problem with the MAPC dealt with this as a full

## Regular Meeting, July 21, 2010

vacation of the whole road, and I've talked to Legal, and unlike a zoning case, we have a hard time throwing it back to them, but I have a little bit of a problem that they voted to suggest one thing to us, but that was at a time but now we're looking at a partial vacation, because we have to keep part of the road open. Because that changes the dynamic of, maybe what the MAPC would have looked at and thought about as they dealt with it, because it's a different scenario. So I don't know how we have that conversation but that concerns me a lot, too. So with that, that's my thoughts. I would, I'm one to believe in a win-win situation and I think there's a way to maybe have that conversation. Now, we're talking about paving 75th Street. If that's \$400,000 and we think that that's a necessity you could put that \$400,000 into paving 71st.

"The truth is, I've always believed that 71st Street should run unimpeded from Rose Hill to the county line at Kingman County. And I've been very adamant that we should put a crossing on the Ark [Arkansas] River and the Big Ditch that links Rose Hill, Derby, Haysville, Clearwater and Kingman; Kingman County. That would connect the whole south side, much like we have an ability with K-96 to go from county line to county line on the north side. We have nothing like that on the south side. So, is that expensive? Yeah. Is it thinking of the future? Absolutely. Two of the largest, the two largest small cities are Derby and Haysville, and obviously there's an impediment there connecting two of their main streets. 71st and Meadowlark is a main thoroughfare in Derby and 71st Street in Haysville is Grand Avenue. So if you think strategically 30 years from now, we need to maybe think different about this is just about an airport. It's about the future growth of that whole area."

**Chairman Peterjohn** said, "Commissioner Parks."

**Commissioner Parks** said, "Talking about future growth and limited development, and how things would limit development, and stop housing, and commercial areas and things, let me remind you that some 60 years ago that there were two communities that had a little Love [Field] Airport and little Meacham Field, and they said we want to build an airport. Now where do you think DFW is? It's in the city grapevine, it's not in Dallas or Fort Worth. They had the vision to go out and do that. Now I'm not saying that is going to be a DFW, but I'm saying that this would enhance this area, I think, to commercial development, and it would enhance everything around there. I don't think it would stifle it. You have roads go around airports all the time. Thanks."

**Chairman Peterjohn** said, "At this point I'd like to throw out just a general comment, because I very much appreciate the comments of everyone who spoke this morning, and I thought there were some great comments from folks who were on differing sides of the issue, and I appreciate the comments from the bench this afternoon. I, 71st Street South, thinking about Commissioner Norton's comments, and we're going to have to figure out a way to change the geography a little bit, because Clearwater is a little bit further south than 71st Street. But I understand the

## Regular Meeting, July 21, 2010

sentiment, and I agree with him that improving transportation options around the county is important, and of course the big challenge is getting across the river at another location. And that's going to be, I don't know whether 71st or where you might want to go in that regard, but having said that, I think the discussion here has been very helpful because a lot of issues were raised. I know there were, some of them were raised over at the Metropolitan Area Planning Commission, and my vote is going to try and reflect the fact that looking at the growth patterns that are there, and I appreciate the getting the opportunity.

“Not too long ago I had a chance to meet with folks from the City of Mulvane and the City of Derby to discuss their growing patterns and the fact that they seem to be growing together and towards each other as part of their long-term plan. And even though their long-term plan that they presented to us a couple, at that time, did not extend as far east as the airfield, I think it was a good opportunity to get a better understanding of how they are going to grow towards each other, and I think finding a common point, as Commissioner Norton would put it, I hate to use the word impediment with government and growth in that sense, but they've got to come up with a mutually workable relationship with each other, and I think both cities have been doing so. But having said that, we're looking for some opportunities for growth and it's already been mentioned the fact that we are facing some challenging economic times. And I, in fact when we've got a leading employer who had jumped in and we've got more discussions in the paper today, in terms of where the aviation industry is going, those are important arguments that are certainly going to reflect on my mind, in terms of economic growth when I get ready to cast my ballot. I don't see any other lights up here. Oh, Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, this is my district, and I'm really between a rock and a hard place here, but I think the public will benefit from the expansion of the airport and the proposed development. I think the safety of the area will be improved by eliminating a potential for accidents that could occur by planes taking off and landing near traffic, and by providing additional runway for pilot and passenger safety. Safety has been a big factor in all the conversation that we've had here today. The area is not within 20-30 growth area of any city, if additional development occurs, there's an available half mile road, 75th Street South, and I think we've had some other suggestions of what to do. And as far as what Commissioner Norton suggested, that runway going across that road is going to be part of a KDOT project and, seems to me, we could address that, though that could change in years to come when we decide what we want to do with that area of county. The additional travel time due to rerouting of the traffic to other streets in the area isn't significant, and while emergency response times may increase in individual cases, the response times, if the road is vacated, will be well within the county standard for response times in the unincorporated area. So, Mr. Chairman, that being said, I would like to make a motion.”

**Regular Meeting, July 21, 2010**

**MOTION**

Commissioner Welshimer moved to approve the vacation of 71st Street, that the Commission finds that proper notice has been given and that the public will not suffer any loss or inconvenience, and that no private rights will be injured or endangered.

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. On an issue like this, where we are exercising quasi-judicial determination on this issue, I think it’s probably appropriate that we all express clearly what our findings are as we understand them. So mine is that that there are other airports in the community and in the area that can serve with longer runways so this would not be essential in that regard. I’m finding that development can occur, whether it’s the development that’s proposed by the applicants, or the development between Rose Hill and Derby, that it’s not necessary to close that road for that development to occur. I think that the current operation can continue with the road open. They’ve done a great job, and I don’t see where this will significantly hamper their current operation. The closing, I find, will be a loss and an inconvenience to the surrounding citizens, and I see that closing it would impact future growth, it will increase emergency response time and it will increase and complicate safety issues. So those would be my findings, and in light of that, I will not be supportive of the motion.”

**Chairman Peterjohn** said, “Any further comments? Seeing none, please call the vote.”

**VOTE**

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

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

- 3. CON2010-00004 – A CONDITIONAL USE TO AMEND CON2004-00014 TO ALLOW THE EXPANSION OF AN EXISTING AIRPORT; GENERALLY LOCATED SOUTH OF 71<sup>ST</sup> STREET SOUTH AND WEST OF 143<sup>RD</sup> STREET EAST. DISTRICT 5.**

**MOTION**

## Regular Meeting, July 21, 2010

Commissioner Welshimer moved to take the recommended action.

Commissioner Parks seconded the motion.

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Mr. Euson, this requires a super majority, is that correct?"

**Mr. Euson** said, "Yes, sir. This requires four votes to approve."

**Commissioner Unruh** said, "I feel relatively strongly about the road closing, that it's not the right thing to do. I don't have an objection to the development. Okay, I'll deal with that. That's all I had, Mr. Chair."

**Chairman Peterjohn** said, "Okay. Well, Commissioner Norton has some thoughts, and he's always provided good wisdom and insight for me, so help us out here."

**Commissioner Norton** said, "Rich, explain to me, the vote has now...the vacation is okay, so now we have to allow the conditional use to let the airstrip move forward after the vacation of the road, is that correct?"

**Mr. Euson** said, "Yes, the vacation has been approved and the purpose of the conditional use is to permit an airport in that zoning district."

**Commissioner Norton** said, "Okay. Well, I still believe that it was not appropriate to vacate that road, but now that we've vacated it, it looks to me like we need to allow this to move forward so I will probably vote to allow the air strip. It is against my better judgment, because I think there is a better way to solve this problem, but it's obvious that we've already moved this forward and to vacate the road for no other good reason does not make sense to me at all. I probably need to continue to think about it, because I still don't have a firm belief that this was the right thing to do at this time without further discussion about what the future would bring and how we make sure the traffic flows properly. No different than if you gave into a rail corridor and blocked off a whole area of traffic flow between communities, you wouldn't want to do that with an airport."

**Chairman Peterjohn** said, "Commissioner Parks."

**Regular Meeting, July 21, 2010**

**Commissioner Parks** said, “Well, I’m going to be in support of it. I know that we got some, I got an e-mail this morning from Jack Pelton from Cessna Aircraft supporting it, and yesterday Hawker Beechcraft had possible moves; I think we need to press on and get it done just as soon as possible as one of the people at the other hearing said, we are the air capital and we need to reflect that. Thank you.”

**Chairman Peterjohn** said, “Going to jump in on this item. Regardless of what had happened earlier, would we stand for or against this conditional use if this was the only item coming before us today? And I think the answer to that question is that we would, at least I would certainly be supportive of the conditional use. We need to grow and create an environment for expanded economic construction and potential for growth in this community, and I think the conditional use would stand on its own, in light of the fact that it had no votes cast against it at the MAPC. There was only one vote for a person who had a conflict and they abstained; there were 12 votes in support of it. I think this issue stands on its own merit and I will be supportive of it. Is there any, seeing no further discussion, please call the vote.”

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**4. ZON2010-00003 – ZONE CHANGE FROM RR RURAL RESIDENTIAL (“RR”) TO SF-20 SINGLE-FAMILY RESIDENTIAL (“SF-20”); GENERALLY LOCATED SOUTH OF 71<sup>ST</sup> STREET SOUTH AND WEST OF 143<sup>RD</sup> STREET EAST. DISTRICT 5.**  
**MOTION**

Commissioner Welshimer moved to adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to SF-20 Single-Family Residential (“SF-20”); subject to platting within one year; direct staff to prepare the appropriate Resolution after the plat has been approved and authorize the Chairman to sign the

**Regular Meeting, July 21, 2010**

Resolution.

Chairman Peterjohn seconded the motion.

**Chairman Peterjohn** said, “We’ve got a motion and a second. I would only add that my comments on this item are the same as the comments on the item that immediately preceded it. Seeing no further discussion, please call the vote.”

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**F. RESOLUTION TO AMEND POLICIES IN THE SEDGWICK COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.**

**Chairman Peterjohn** said, “I’ll tell you what, before we get started on this, I think we’ve been at this for a while. Let’s take a five minute recess. Give everybody a chance to...”

**The Board of County Commissioners recessed at 3:19 p.m. and returned at 3:26 p.m.**

**Chairman Peterjohn** said, “I’m going to call this meeting back to order, and let’s get back to Item F. Angela, please call...”

**Ms. Lovelace** said, “Would you like me to re-call Item F?”

**Chairman Peterjohn** said, “Please re-call the item.”

**Ms. Lovelace** said, “Item F; Resolution to amend policies in the Sedgwick County Personnel Policies and Procedures Manual.”

**Ms. Kim Ratzlaff**, Assistant Director, Human Resources, greeted the Commissioners and said, “This Resolution is to amend five policies in Sedgwick County’s Personnel Policies and Procedures Manual. The first is policy: 4.303 Initial Probation. The revision extends initial

## Regular Meeting, July 21, 2010

probation when the employee is placed on disciplinary probation or a performance improvement plan during their first year. The extension covers the time period remaining on the performance improvement plan or the disciplinary probation that's documented. The second, 4.505, is our policy Violence in the Workplace. This revision has been made so that we comply with changes in the Kansas law. This allows, when licensed, concealed handguns in vehicles on our parking lots and garages, when they're parked in our parking lots and garages. The policy still prohibits employees from carrying a weapon in their vehicle when using vehicle for county business. Of course, this change does not apply to our Public Safety commission positions. The third, 4.902: Tuition Aid Program. We've clarified that the tuition aid would apply to credits that would be transferrable within the guidelines of North Central Association of Colleges and Schools, and we slightly broadened the definition of technical training. We're very pleased to say we've moved to an electronic, or automated, form process so we've removed some of the paper requirements. However, we still require employees to describe how the course is related to their future at Sedgwick County."

**Ms. Ratzlaff** continued, "The last two policies are related to our employees' compensation. Policy 4.2000: Maintenance of the Compensation Plan, we added to the definition of range reallocation, by stating in the definition that a range reallocation is when the job content changes. We also clarified the definition of market adjustment, which is based on market study of positions or a class of positions that are significantly different than comparable occupations in the community or comparable municipalities. The fifth policy, 4.2001 is Wage and Salary Administration. We added a statement to clarify that the Fire District #1 would follow the promotional and merit procedures in their standard operating policies, and again noted that the range reallocation and market adjustment definitions. Please note a slight technical change from when we talked last week. The Chairman requested that several of our acronyms that we had noted in the compensation policies be spelled out and we have made that revision in the revised policies. These policies have been reviewed with the County Counselor's Office, the Division of Finance, the County Manager, of course Human Resources, and I met with each of you last week. I'm available to answer questions. Thank you."

**Chairman Peterjohn** said, "Questions? I'm going to recognize Commissioner Parks."

**Commissioner Parks** said, "Just a quick one on the violence in the workplace. A licensee, under the Kansas law, can they get out in our parking garage and then place their weapon in the trunk at that point and then be okay? Is that the way that you assume that this is reading, or..."

**Ms. Ratzlaff** said, "Probably."

## Regular Meeting, July 21, 2010

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

**Ms. Ratzlaff** said, "Probably, as long as it's concealed, and it's licensed and concealed, it's still okay."

**Commissioner Parks** said, "And this doesn't try to trump HR (House Resolution) 214 or any federal law then, about retired police officers?"

**Ms. Ratzlaff** said, "No."

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

**Chairman Peterjohn** said, "Let me follow up, because speaking in a hypothetical manner, if the county is paying reimbursement to an employee who is using their own private car, would this prevent them from carrying a concealed weapon at all times, or only when they're involved in driving their vehicle for county business? Because reading the language on this, I have a concern that this may be broader. That in effect, if you're receiving reimbursement for the county this would basically ban you from being able to carry a legally concealed weapon at any time in your own personal vehicle."

**Ms. Ratzlaff** said, "If you're using your personal vehicle for business, for county business, we would not expect a weapon in the car."

**Chairman Peterjohn** said, "Well, okay, so..."

**Ms. Ratzlaff** said, "So in that regard, Commissioner, Chairman, you're right; it didn't change much. But because the state law broadened it just slightly that if a concealed licensed weapon is contained in a vehicle in our parking garage that would be acceptable. But if that's the case, we're understanding they're not using that vehicle for county business."

**Chairman Peterjohn** said, "No, I'm just, I'm trying to think this through, but if I understand what you're saying is that a county employee who is receiving reimbursement would not be able to carry a concealed firearm in their vehicle at, from the way this is written...okay, so it would be just in the course of their work duties for Sedgwick County. I think I've got the clarification that I needed."

**Regular Meeting, July 21, 2010**

**Ms. Ratzlaff** said, "Correct."

**Chairman Peterjohn** said, "Thank you. Seeing no further comments or questions, what is the will of the Commission?"

**MOTION**

Commissioner Unruh moved to amend the Sedgwick County Personnel Policies and Procedures Manual.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, "Motion and a second, Commissioner Norton."

**Commissioner Norton** said, "It might be good for the record, and I know we're not being taped but we are being videoed, we did get briefings on all of these, and although the discussion here was not very profound, certainly we got a lot of information on what the changes would be from Kim, at least I assume everybody did because I sure did, so although we didn't have a long conversation here there's been plenty of scrutiny on these particular policies. That's all I have, Mr. Chair."

**Chairman Peterjohn** said, "Seeing no further discussion, please call the vote."

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**G. SETTING OF HEARING DATES (4) FOR POST-ANNEXATION HEARINGS (CITIES OF COLWICH, KECHI, PARK CITY, AND VALLEY CENTER).**

**VISUAL PRESENTATION**

## Regular Meeting, July 21, 2010

**Mr. Robert Parnacott**, Assistant County Counselor, greeted the Commissioners and said, “These are the hearings that we need to set for four of the remaining sets of post annexation hearings we’re going to have in 2010. I’ll come to you next week with a post annexation hearing date for the City of Wichita and there’ll be one a little bit later for the City of Valley Center, but we have four cities here that we’re going to talk about real quickly, and we’re going to recommend these hearing dates. Your backup might reflect a hearing date of August 18th for Colwich and Kechi, however that meeting has been cancelled, it is my understanding, so we want to move that to the same day that we’re having the Park City hearing. Those are all going to be small annexations, not a lot of controversy so far as we can tell because we’ve sent out our prehearing questionnaires and only got one response to one of the Park City annexations. To briefly go through the maps, the Colwich annexation basically is the Andale Farmers Co-Op location, plus some of the right-of-way. You can see that in the red, kind of in the middle of Colwich. And then one residential property down to the south and west.”

“We sent out three notices and didn’t get any responses back from the landowners here, service plan seems fairly standard, so I don’t see any controversy with this annexation. So unless you have any questions, I’ll move on to Kechi, which again was only one parcel. We sent out one questionnaire, did not get a response back from the land owner, so they apparently seem to be satisfied with their services. Again, a fairly standard service plan, so I don’t see any controversy here. Park City, however, has two annexations. And [City of Park City Annexation Ordinance No.] 694 [-05] has about seven, I’m sorry it had five landowners who we sent notices to and we did get one response back, a landowner who’s right at the corner of 93rd and Broadway, this corner parcel right here, had some issues about drainage, road maintenance and had one comment about police response times. The city has followed up with her and I believe they’ve resolved any concerns that landowner had. We’ll know more when we have the hearing of course, whether she shows up and testifies, and whether the city has to have further response, but we believe that will be a fairly short hearing as well.

“This is the other Park City annexation, and in this case it was, I believe, one landowner involved. The other parcel I think had been annexed, or had not been annexed by some reason, but we ended up sending out one notice only and did not get any responses, so we see this as a non-controversial annexation as well. This is the first of the three Valley Center annexations that we’re going to be hearing and we’re going to recommend this be set on August 25th for hearing and we’ll send notices out for that purpose. This was one parcel, sent out one questionnaire to the landowner, did not get a response back. Don’t believe this is going to be controversial. This one will be a significant hearing. We sent out, we had about 100 parcels involved, we sent out 100 notices, got about 20 responses back.

**Regular Meeting, July 21, 2010**

“We had concerns primarily about their siren and street light plan. In their service plan, they had promised street lights based on a plan developed for the city as a whole. We understand that they may not have that plan available for the landowners to look at. Same thing with the sirens, they were supposed to evaluate the placement of their sirens and have a plan available and we’ve been told the landowners requested the plan and couldn’t get a copy of the plan. There’s also some comments we received back from landowners that the police response times, fire response times, and level of services for road maintenance, those kinds of things, were not quite as good as they were prior to the annexation, so we’ll have a significant number of landowners, I think, come testify at that hearing, and we’ll recommend that that be set on August 25th by itself in combination with the other two Valley Center annexations.”

“The final Valley Center annexation is this one, it’s a little parcel right there. I think it’s somewhat around 77th east of Meridian, or north of 77th. In any event, three landowners involved, no responses received, it appears to be noncontroversial as well. So sorry to have abbreviated that, but I know we’ve had a long meeting already, and we can give you, certainly, a much more detailed briefing at the time of the hearing. At this point, I would certainly recommend that you approve the notice of hearings for Colwich, and Kechi and Park City for September 1st and then we’ll do the Valley Center annexations on August 25th.”

**MOTION**

Commissioner Norton moved to approve the notices of hearing.

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 Peterjohn	Aye

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

**Regular Meeting, July 21, 2010**

**Commissioner Welshimer left the Board of County Commissioners meeting at 1:30 p.m.**

**H. FY 2011 AREA PLAN.**

**Mr. Ray Bale**, Director of Finance and Support Services, Aging, greeted the Commissioners and said, "I'm here today to present to you the 2011 Area Plan. This document outlines how we manage the programs that are funded under Title III federal funds under the Older Americans Act. I ask that you approve the document and authorize the Chair to sign. I'll answer any questions."

**Chairman Peterjohn** said, "Questions? What is the will of the Commission?"

**MOTION**

Commissioner Unruh moved to approve the FY 2011 Area Plan; authorize the Chairman to sign the application and other related documents necessary to complete the grant process, including the notification of grant awards.

Chairman Peterjohn 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 Peterjohn	Aye

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

**I. HEALTH DEPARTMENT**

- 1. ADDITION OF A .5 PT NURSE PRACTITIONER (ARNP) TO THE MATERNAL AND INFANT PROGRAM STAFFING TABLE TO IMPLEMENT THE MARCH OF DIMES GESTATIONAL DIABETES**

## Regular Meeting, July 21, 2010

### PROGRAM.

**Ms. Adrienne Byrne-Lutz**, Director of Children and Family Health, Health Department, greeted the Commissioners and said, “Three months ago a grant application to the March of Dimes was presented for funding to support a part-time nurse practitioner who would manage pregnant women with diabetes in our maternal and infant prenatal clinic. We have received the March of Dimes award for \$32,000 for July 1st through June 30th of 2011, with two optional one-year annual reward with decreasing funding for years two and three. The difference in funding for years two and three will be subsidized out of the prenatal clinic’s trust account. This part-time nurse practitioner position will not only allow us to increase our care of diabetic moms, but also decreases the time for entry into prenatal care for services delivered by our nurse practitioners.”

**Ms. Byrne-Lutz** continued, “Managing the care of these patients will decrease complications for the moms and babies, reduce the number of pregnant moms having to be referred to specialized care because of not being able to manage their blood sugar levels and will also reduce the development of Type II Diabetes possibly later in life. We believe this is an important addition and enhancement to our prenatal program and services and recommend that you approve this staffing table adjustment. Be happy to answer any questions.”

**Chairman Peterjohn** said, “Any questions? What is the will of the Commission?”

### MOTION

Commissioner Unruh moved to approve the staffing addition and authorize the Chair to sign any necessary documentation.

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, “Commissioner Parks.”

**Commissioner Parks** said, “I will certainly be in support of this. I would like to ask that this program also be monitored in, not in terms of names, I know that HIPPA (Health Insurance Portability and Accountability Act) can’t have the names, or provides the laws that we can’t know the names of the people that are being served, but I would like to see if the parents of the baby are citizens or not. Thank you.”

**Ms. Byrne-Lutz** said, “Thank you, Commissioners.”

**Regular Meeting, July 21, 2010**

**Chairman Peterjohn** said, “Seeing no further discussion, please call the vote.”

**VOTE**

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

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

- 2. AGREEMENT BETWEEN WESLEY MEDICAL CENTER (WMC), WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION, INC. (WCGME), THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE – WICHITA (UKSM-W) AND THE SEDGWICK COUNTY HEALTH DEPARTMENT TO PROVIDE A NON-HOSPITAL SITE CLINICAL SETTING FOR MEDICAL STUDENT RESIDENTS DURING THEIR OBSTETRICS AND GYNECOLOGICAL MEDICAL ROTATION.**

**Ms. Byrne-Lutz** said, “The Health Department has a long standing relationship of over 30 years with Wesley Medical Center’s OB/GYN (Obstetrician/Gynecologist) residency program. The residents provide direct guidance to the prenatal clinic’s nurse practitioners, provide the bulk of the care for the Health Department prenatal and post-partum women. The residents also provide additional care to women as their pregnancies progress and as the need arises. Before you is an agreement to continue this relationship from July 1st, 2010, through June 30th, 2011, with an option to extend for another year. The annual cost is \$37,000 and will be paid from the program revenues. I recommend that you approve this agreement and authorize the Chairman to sign. Be happy to answer any questions.”

**Chairman Peterjohn** said, “Any questions? If not, what is the will of the Commission?”

**MOTION**

Commissioner Unruh moved to approve the Agreement and authorize the Chair to sign the Agreement and any related documents.

Commissioner Norton seconded the motion.

**Regular Meeting, July 21, 2010**

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 Peterjohn	Aye

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

**J. PUBLIC WORKS.**

- 1. RESOLUTION AUTHORIZING THE ESTABLISHMENT AND INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN AFTON TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT 3.**

**Mr. Spears** said, "This resolution will establish stop control on 63rd Street South at its intersection with 231st Street West. Afton Township officials requested the control due to sight restrictions on two approaches to that intersection. Based on a field review by Public Works and the township's desire to control the 63rd Street South traffic due to signing patterns along 231st Street, it was agreed to control the 63rd Street South approaches. The township officials also indicated that 63rd Street South carried less traffic than 231st. I'd recommend you adopt the resolution."

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Chairman Peterjohn seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
--------------------	-----

**Regular Meeting, July 21, 2010**

Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

**2. APPROVAL OF THE “AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS” WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 803-S ½ Q THRU U: 135<sup>th</sup> STREET WEST FROM US-54 TO K-42. CIP# R-303. DISTRICT 3.**

**Mr. Spears** said, “In Item J-2, we request your approval of the Authority to Award Contract and Commitment of County Funds, Form 1309 for the Kansas Department of Transportation. This will authorize KDOT to move forward with the road project on 135th Street West between K-42 and US-54. The project is designated as R-303 in the Capital Improvement Program. The low bidder was Cornejo and Sons at \$4,135,487.98. Sedgwick County’s matching local share is \$893,000. I recommend that you approve the Form 1309 and authorize the Chairman to sign.”

**Chairman Peterjohn** said, “Questions or comments for Mr. Spears? Seeing none, what’s the will of the Commission?”

**MOTION**

Commissioner Unruh moved to approve and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye

**Regular Meeting, July 21, 2010**

Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

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

**K. CONSENT AGENDA**

- 1. Request for approval of an increase in budget authority for Fund 611.**
- 2. General Bill Check Register of July 7, 2010 – July 13, 2010.**
- 3. Payroll Check Register of July 3, 2010.**

**Mr. Buchanan** said, "Commissioners, you have the Consent Agenda before you and I would recommend you approve it."

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, "Commissioner Parks."

**Commissioner Parks** said, "For sake of just getting it on record here, the number one item, request for approval to increase in budget authority for Fund 611, Mr. Manager just briefly tell the people what that is."

**Mr. Buchanan** said, "We're asking for an increase of funding for this program because we have had more people, Commissioners, we have had more of our employees either sign up for health insurance or have their families sign up for health insurance, and that's a direct result of what is occurring with the economy."

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

**Regular Meeting, July 21, 2010**

**Chairman Peterjohn** said, "I'd also like to follow up, Mr. Manager, \$700,000 that that's going to come from is coming from county contingency funds, and if so, which fund in particular?"

**Mr. Buchanan** said, "There is a line item that's called contingency and it will come from there."

**Chairman Peterjohn** said, "The largest contingency fund that the county has. Okay. Seeing no further discussion, please call the vote on the Consent Agenda."

**VOTE**

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

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

**L. OTHER**

**Chairman Peterjohn** said, "I'm going to throw out and go through the normal discussion that I provide weekly and I'll try and do it very quickly since the hour is so late, in terms of our population inside the Sedgwick County Jail. The number is down slightly from this time last week at 1,544 people. We had, according to the early morning report, 297 people out of county. It was a light night, in terms of people being booked yesterday with only 89. We had available beds open of 85, and of the people as classified by, within the jail system, we had 455 that were maximum security, 494 medium and the rest were unclassified. Of those, there are 147 who are in Work Release. I provide those figures because of the ongoing challenge and the effort to get additional information. I would say that the CJCC (Criminal Justice Coordinating Council) data subcommittee met last week, and going over to get more information and provide it to us on a more real-time type basis, and progress is being made, and I hopefully will have some items to bring before the full CJCC and eventually bring before this entire Commission. Exploration Place continues to have a exhibition on bodily functions and I think that might be of interest, especially for boys of all ages, and I don't see any other lights up here. I think we need to...Commissioner Parks."

**Commissioner Parks** said, "Very quickly, remember it's hot out there. Make sure if you're leaving your cars and you have children in the car that you just shouldn't do that. Attend to

**Regular Meeting, July 21, 2010**

them, and if you have elderly neighbors out there, make sure you're checking on them. Know who your neighbors are, be able to be a good neighbor and check frequently on them, and be a good neighbor. Take care of each other. Thank you."

**Chairman Peterjohn** said, "I notice that we've got a Fire Agenda meeting and at this time I'm going to make a motion that we recess the County Commission meeting and call the meeting of the Fire District No. 1."

**The Board of County Commissioners recessed into the meeting of the Fire District #1 at 3:51 p.m. and returned at 3:55 p.m.**

**Chairman Peterjohn** said, "We are back on the Board of County Commission Meeting, and seeing no other business, unless anyone else has an item, we were on, I believe, Item L, 'other.' I'll entertain a motion to adjourn; in fact I will make that motion."

**MOTION**

Chairman Peterjohn moved to adjourn.

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 Peterjohn	Aye

**M. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 3:56 p.m.

**Regular Meeting, July 21, 2010**

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

\_\_\_\_\_  
**KARL PETERJOHN**, Chairman  
Third District

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

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

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

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

ATTEST:

\_\_\_\_\_  
**Kelly B. Arnold**, County Clerk

APPROVED:

August 25, 2010

**Regular Meeting, July 21, 2010**