

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 13, 2000

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, September 13, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Betsy Gwin; Commissioner Bill Hancock; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Ms. Dorsha Kirksey, Director of Housing and Community Services, Department on Aging; Mr. Randy Partington, Management Intern, County Manager's Office; Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department (MAPD); Mr. Dave Barber, Chief Planner, Land Use and Research, MAPD; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Jarold D. Harrison, Assistant County Manager; Mr. John Nath, Director, Kansas Coliseum; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Ms. Stephanie Knebel, Senior Project Manager, Facility Project Services; Ms. Iris Baker, Director, Purchasing Department; Mr. Rich Euson, County Counselor; Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; and, Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Jack Brown, Division Director, Environmental Health Department.
Mr. Gary Wiley, Consultant, Professional Engineering Consultants.
Mr. Russell L. Mills, 343 N. Market, Wichita, Ks.
Ms. Margaret Miller, 430 Waverly, Wichita, Ks.

INVOCATION

The invocation was led by Mr. Bob Bruner of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

Chairman Winters said, "Next item."

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CONSIDERATION OF MINUTES: Regular Meeting, August 16, 2000
 Special Meeting, August 29, 2000

The Clerk reported that Chairman Winters was absent at the Regular Meeting of August 16th, 2000 and that all Commissioners were present at the Special Meeting of August 29th, 2000.

Commissioner Gwin said, “Mr. Chairman, because of my vacation, I haven’t had a chance to review those. I’d ask that you defer those until I can have a chance to read them.”

MOTION

Commissioner Gwin moved to defer approval of the Minutes of the Regular Meeting of August 16, 2000 and the Special Meeting of August 29, 2000 for one week.

Commissioner McGinn seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Next item.”

YOUR COUNTY SERVICES

A. DEPARTMENT ON AGING.

Chairman Winters said, “Every week we take just a few moments at the beginning of our meeting to

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highlight some of the activities of either a particular department or some activity that a department is involved in. Today we're going to hear from the Department on Aging and we have Dorsha Kirksey here."

Ms. Dorsha Kirksey, Director of Housing and Community Services, Department on Aging, greeted the Commissioners and said, "Happy to be here this morning to talk to you a little bit about one of our favorite events of the year, which is Senior Expo 2000. Our mission in the Sedgwick County Department on Aging is to assist older adults and persons with disabilities in maintaining an independent lifestyle, their choice of lifestyle. We've proposed to do this through education, advocacy and services. So, in keeping with this, one of our longstanding methods of accomplishing those things is Senior Expo.

"Senior Expo, it began way back in 1986 and at that time it was at the Wichita Mall. We had approximately 700 participants and 30 exhibitors at that time. Our purpose for Senior Expo, then and now, is to inform area seniors about services and the opportunities that are available to them.

"Today, we're still concerned with informing our seniors regarding the wide array of social and health services that are available to them in our community. But we also want to emphasize the positive aspects of aging. We do that by showcasing recreational opportunities and turning Senior Expo into a real event, complete with exciting locations, live entertainments and an expanded group of exhibitors. We're proud to say that this year as many as 2,500 seniors are expected to attend Senior Expo 2000, which will be held on Thursday, September 28th, from 9 a.m. to 3 p.m. It will be held again this year at three locations. Those locations are Botanica, the Wichita Gardens, the Mid-America Indian Center and new to Senior Expo this year is the Old Cowtown Museum. So, we welcome them to Senior Expo this year.

"Parking, again, is available at each of the sites and there's also trolley cars that will run all day between each of the sites. So, people can come, park at one location, catch the trolleys and go visit each of the locations. There will also be a handicap accessible van available all day long to take people between each of the locations.

"This year's theme for Senior Expo is 'What a Wonderful World' and so, in everything that we've done with Senior Expo this year, we've tried to emphasize the diverse nature of the senior community in our area. So, in keeping with that, Senior Expo 2000 will feature more than 100 exhibitors. We've grown a lot. Those exhibitors range from pet, craft and music stores, to health and travel opportunity makers. Lunch is available at each site. Always a big hit are the Indian tacos, at the Mid-America All Indian Center. Lunch is also available at both Old Cowtown Museum and Botanica. Everybody can come and

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eat lunch for about \$5.00 or less. So, it's reasonably priced.

"There's also a wide array of entertainers at each site. We have something for everyone this year. Some of the really popular entertainers we've had in the past that are back this year are contemporary singer Vicky Albright, and the WSU Madrigals. We invite everyone to come and see those entertainers and more. As always, the fashion show is a big hit and it's held at the Mid-America All Indian Center immediately after lunch. Again this year, it is MCed by Channel 12's own Cindy Close. So, we're excited about that again this year.

"We are just so excited about Senior Expo 2000. We really can't wait. We just invite all seniors to just come out. Make a day of it and enjoy everything that we have to offer at Senior Expo 2000."

Chairman Winters said, "All right, thank you, Dorsha. We've got a couple of questions or comments. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. I couldn't help, Dorsha, that you kept looking at me during the presentation. I don't know if there was a message there or not. And then I picked up on the seminar on the positive aspects of aging. I'm going to try to go and figure out why I should be happy about where I'm at right now.

"Could you possibly give us a phone number if folks are more interested on this. I think it's very gratifying that we're out there educating a certain segment of our population about the services that we have. Often times we sit here and we know the services and we just assume everybody knows what our plans are and what programs we have. What number could they call if they need further information?"

Ms. Kirksey said, "They can call our information and assistance division at 383-7824."

Commissioner Sciortino said, "Say that number one more time."

Ms. Kirksey said, "383-7824."

Commissioner Sciortino said, "That's great and good work. I'm real happy we're doing this. Thank you."

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

Commissioner Gwin said, "Thank you, Mr. Chairman. It's always the senior members of the Commission who asks questions about the Department on Aging I've noticed. Carolyn doesn't qualify for discounts yet. I know the Department on Aging is active in this, but we do have community sponsors or partners in putting this on. Can you give them a plug?"

Mr. Kirksey said, "Yes we do. We have a number of sponsors, in addition to Sedgwick County's Department on Aging. Of course, each of the locations are sponsors: Botanica, the Wichita Gardens, Old Cowtown Museum, and the Mid-American All Indian Center. Also partnering with us are KFDI Radio, KWCH Channel 12. We welcome this year Capital Federal Savings and the Wichita Eagle. And then we also have returning J.P. Weigand and Sons. Wesley Medical Center is this year's hospital sponsor, but the three hospitals, Via Christi, Riverside and Wesley rotate that sponsorship each year. So, this year it's Wesley Medical Center."

Commissioner Gwin said, "Wonderful. Well, I knew we had to have other partners to help make this as successful as it is and has been. So, thank you to those folks and to your department, too. Thank you, Mr. Chairman."

Chairman Winters said, "Thank you. Dorsha, thanks very much for the update. We wish you the best. Hope it's a great, successful event. We certainly appreciate all the work that the Department on Aging does on this project. Thank you very much. Commissioners, do I have a Motion to receive and file this report?"

MOTION

Commissioner McGinn moved to Receive and file.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

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Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next Item."

PUBLIC HEARING

B. PUBLIC HEARING REGARDING APPLICATION TO BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT.

Mr. Randy Partington, Management Intern, County Manager's Office, greeted the Commissioners and said, "This morning I was going to give you information on Local Law Enforcement Block Grant. Sedgwick County received notice from the Bureau of Justice of Assistance the availability of a Local Law Enforcement Block Grant in the amount of \$48,031. A matching requirement of 10% by the County or \$5,336 is required. A local law enforcement block grant advisory board convened on Tuesday, September 5th to review proposals from various County departments. The advisory board was chaired by Commissioner Sciortino. Other members of the advisory board were Gaylon Davis of USD 259, Ellen House of the Judicial Court, Mike Keller, the Vice President of Programing at Big Brothers / Big Sisters, Undersheriff Gary Steed and District Attorney Nola Foulston.

"The advisory board recommends full funding of all six of the requests submitted. Those requests were from the Courthouse Security Services. They requested the purchasing and installation of five security cameras at the Historic Courthouse and Munger Building. These cameras would complement the current cameras and monitors being installed in that same area. Their program would cost \$14,262.

"Regional Forensic Science Center had two projects that they proposed. The first one was to purchase a PCR workstation, a Horizontal Attenuated Total Reflectance accessory (HATR), microscope digital imaging sytem and fund a scholarship for forensic medical investigative training. Their project would cost \$10,000 for all of these pieces of equipment.

"Their other project was to provide technical support to the District Attorney's Drug Court by providing drug test panels at the Regional Forensic Science Center. For \$2,730, which they requested, they would

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be able to do 200 drug test panels.

“The Sedgwick County Sheriff’s Department also had two requests. Their first one was for \$14,575. This was to upgrade the smart box, which is the brains of the target system at the City/ County firearms range. The system is out of date and is no longer produced, so they are having trouble finding parts. The berm, or hill of dirt, that is behind the range that stops the bullets is eroding and they need to hire an engineer to find a way to fix that problem.

Their other project is for \$9,300. For this amount they would purchase a server for the Detention Facility’s document imaging. The facility has outgrown its current system, so the Division of Information and Operations is recommending the Power Edge 4400, which should last for several more years.

“The District Attorney also had a project for \$2,500. With this amount they would purchase educational and training materials for the Domestic Violence and Child Abuse Unit. This will assist the office in an effort of crime prevention and aiding services to those at risk.

“If you have any questions about this, I will try to answer.”

Chairman Winters said, “All right, thank you, Randy. Commissioners, any questions for clarification? It’s my understanding that we do need to have a public hearing to receive comment from the public. All right, at this time I’ll open the meeting to public hearing as it relates to the Bureau of Justice Assistance on the availability of local law enforcement block grants for the total amount of \$48,031. Is there anyone here at the meeting today who is here to comment on this item? Is there anyone here who wishes to comment on our Item B concerning this U.S. Department of Justice grant? Seeing no one, we’ll close the public hearing then, and limit comment to staff and the Bench. Randy?”

Mr. Pardington said, “I would recommend that you direct staff to go ahead and submit this grant application by September 22nd of this year.”

MOTION

Commissioner Gwin moved to direct staff to submit grant application.

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Commissioner Sciortino seconded the Motion.

Chairman Winters said, “Commissioner Sciortino, you were at the meeting where the various groups were talking about this and this is in accordance with what they all indicated was appropriate?”

Commissioner Sciortino said, “Yes, it’s in full compliance and I got to learn how to spell some brand new technical words.”

Chairman Winters said, “All right. We have a Motion before us. Any other discussion? Seeing none, call the vote.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Thank you, Randy. Good job. Next item.”

PLANNING DEPARTMENT

C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER ZON2000-00031 - RESOLUTION REGARDING ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "SF-20" SINGLE-FAMILY RESIDENTIAL, LOCATED 1/4 MILE NORTH OF 53RD STREET NORTH ON THE EAST SIDE OF TYLER ROAD, MAIZE, KANSAS.**

POWERPOINT PRESENTATION

Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department, greeted the Commissioners and said, “This is a request, as indicated, for SF-20, Single-Family Zoning, which means that the minimum lot size is 20,000 square feet for single-family residences. The site is currently zoned ‘RR’, Rural Residential, which has a minimum lot size of 2 acres. The site is approximately 76 acres in

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size and it's located north of 53rd and east of Tyler, as indicated on the site plan here. This is the aerial. 53rd, Tyler. This is an existing sand pit that's in operation. The application area and then the area around that, other than the sand pit operation, is all Agricultural Use and is zoned 'RR', Rural Residential as well.

"This is a copy of the proposed development plan. The Commission reviewed, back in 1998, a Conditional Use for this same piece of property for sand extraction. At that time, as part of the Conditional Use, they are required to submit a redevelopment plan. The proposal that you see here is very similar to the redevelopment plan that was submitted with that original 1998 Conditional Use Permit.

"As I understand it, today most of the north lake is completed and they're working on the south lake and expecting that to be done in approximately 3 years. This did go to Maize, for their planning commission to review, and they recommended approval.

"Might run through the rest of the slides. This is a view looking from Tyler to the east, back at the application area as the sand extraction is underway. Just equipment that's on the site today, as part of their sand extraction operations. This is looking north on Tyler. There is a home to the north of the application area. Actually it's northeast, and there are some homes along Tyler a little further straight north. The roadway here is the roadway that runs along the north property line and goes back to one of the homes that would be located northeast and there are other homes back behind the trees there. This is the home that's to the northeast. This is looking east. It's difficult to get to that location, so we had to use a telephoto lens. South, from the sand pit, we're looking back towards the existing sand pit operation that is on 53rd Street today. To the west, agricultural activities. Northwest, and back to the aerial and the site plan.

"Planning staff recommends approval, subject to the condition found on page 3 of the staff report, that they get with the Health Department and conform to whatever recommendations they have, with respect to on-site services. The conditions of finding are in the staff report as well. Be happy to answer any questions."

Chairman Winters said, "Okay, thank you, Dale. Commissioner Gwin has some questions."

Commissioner Gwin said, "No I don't."

Chairman Winters said, "I mean McGinn then. How about you. I'm sorry."

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Commissioner McGinn said, "Thank you, Mr. Chairman. I think I have some questions for Jack. I see he's in the audience. This area out here, in my opinion, is sensitive groundwater area. So, I'm always going to be concerned about septic tanks in this area. I guess, first I'd like Jack to explain what they've looked at in this area, as far as maybe to go a little over and beyond just the normal siting of septic tanks."

Mr. Jack Brown, Division Director, Environmental Health Department, greeted the Commissioners and said, "Well, you're right. This is an area that, as it sits right now, could not comply with our current standards. In order for this particular piece of property to meet the requirements that we would set, we would need to . . . I think right now, the distance from soil surface to ground water is very shallow, 4 or 5 feet. I'm just guessing on that. That's what I've been told. You're looking at raising those lots about five feet with some soils that would be conducive to the use of septic systems. Certainly, you couldn't bring clay or that type of material in. Also, you're probably looking at some compaction standards and perhaps, in fact, I'm sure we would have some kind of siting standards in regard to where septic systems would be located, in proximity to those sand pits. So, there would be quite a few things that would need to be done to take away that sensitive groundwater type of situation that you have there right now.

"I'm pretty sure we've done these in other locations over the years. Each site is a little bit different but we certainly have some standards that they would have to meet. The site doesn't meet those now. I'm positive."

Commissioner McGinn said, "I know this has been a kind of ongoing concern of some people. We are finally getting some dollars to do some testing where septic tanks are located in developments. Are we looking at that?"

Mr. Brown said, "Yes, the problem that I know of right now, in terms of this testing, are access issues, resolving those. But we have a number of sites that have been nominated for . . . if you're referring to the Kansas State University studies, that's in process but has not been finalized."

Commissioner McGinn said, "Well, this area is, I believe, not going to be serviced by the new sewer plant. We continue to have development in those areas. So, I think we need to know more about septic tanks and I think there are newer and more improved ones, much more improved ones out there that maybe we ought to be looking at for the rural areas, in these type of areas."

Mr. Brown said, "I would agree. I'm sure that once, if we get a plan that we're working with, we can apply some of those newer concepts."

Mr. Brown said, "Okay, thank you, Jack."

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Chairman Winters said, "Commissioner Hancock."

Commissioner Hancock said, "I'm sorry to keep you. You said 'new'. Is the Health Department currently working on some new technology, as far as septic on-site sewer systems?"

Mr. Brown said, "One thing we've looked at, we haven't implemented yet, we are still working with an owner I mentioned to you a number of months ago, was the drip irrigation type system, the mound systems, some of those alternative systems that we've seen. We certainly . . . we've used some of those in the past and, as we get into situations like this, if the desire is to develop those sites, we need to be looking at different types of systems. Those are two that come to mind is the mound system and drip irrigation."

Commissioner Hancock said, "How about the systems that take care of small communities?"

Mr. Brown said, "That we haven't looked at and that's been an issue with the State, as I recall, in terms of NPDES discharges and those types of things and operation and maintenance. But we have not been asked to look at any of those recently. It's been more of these special systems to meet special conditions and circumstances."

Commissioner Hancock said, "Well, I can remember, some time ago, I looked at . . . I discussed with you lagoon systems. I was out near Clearwater over the weekend and, coming back, I noticed that there was a subdivision out there that had been developed and completed and everybody had a lagoon. They're nice little square lagoons. I know that, in talking to you, you suggest that anyone who would like something other than a square lagoon or a rectangle, whatever the case may be, can bring a plan to you. My response has always been, why doesn't the Health Department put some on the shelf and offer them? Are there any plans to do any of that?"

Mr. Brown said, "We can do that. Generally, what happens are space considerations and often we end up putting lagoons side by side and it just turns out that that takes up less space or works better but, certainly, we could offer that. That's just something that could be on the table. We just haven't had the demand for that. But you're right, there are a lot of these subdivisions that still have the same type of square lagoon and they seem to work the best, because of the way they were originally designed but they certainly could be made in different sizes."

Commissioner Hancock said, "Well, evaporation is evaporation. I don't think it makes any difference what shape the thing is. I think it would be a little more pleasing to look at. That was what I was after,

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some time ago. I just think the Health Department needs to take the lead and the initiative in developing a new kind of technology and new style of on-site sewer systems. I don't know anything about them, Jack, and I've been on the Health Department's case for a number of years to do something about this and I don't get any response."

Mr. Brown said, "Well, the cost is another thing. Like the drip irrigation system I mentioned earlier. That's going to be done in lieu of a lagoon and when you get into alternative systems and alternative construction standards and things like that, there can be extra expenses involved and that's another consideration that homeowners take into account when they make a decision. So, that is a factor."

Commissioner Hancock said, "We could help you with that but we don't really see a lot coming out of the Health Department in this regard. We just kind of keep doing the same old thing and complaining about the same old things, as far as . . . lagoons are great and they work fine. What's been the problem is that we've complained about how they look, aesthetically, and the amount of space required to do one. It just seems that five acres is just a lot of ground to require for one of them and you need that much space. I don't disagree with that, to do one. But the technology's out there to reduce that lot size and, in so many cases we have, that when we create these five-acre subdivision, we don't create a very good subdivision that's efficient and workable. We create a lot of rural blight. The lagoons have a lot to do with that. I just wish that the expertise available at the Health Department would coalesce into some kind of a plan of what we could do to change how we do on-site sewers in Sedgwick County."

Mr. Brown said, "Well, I agree. We have met with the K-State people and we have been looking at changes in traditional septic systems and lagoons certainly can follow, but they just haven't, at this point but I'm certain that we can do whatever needs to be done to address those concerns."

Commissioner Hancock said, "Thank you, Jack. I appreciate it. We digress from our mission here. But I appreciate your answering my questions. Thank you very much."

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

Commissioner McGinn said, "I guess I want to tie in a little bit to what Commissioner Hancock said, but a little bit differently, not on lagoons. We had K-State come and talk to us about alternative systems. There are better systems out there and they do cost more. Well, I kind of see it as, if you want to live in the country, that's the price you pay. I really do hope that we pursue looking at those, so we can improve

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sewer systems that are out in the County. The final thing I had is, just from reading the background material, that they'll have to fill the site and the nearest lateral field can't be fifty feet from the water's edge. We will have Health Department out there, at this time, making sure that all this is taken care of?"

Mr. Brown said, "Yes, I mean, when we do the inspections that's part of the process."

Commissioner McGinn said, "Thank you, Jack."

Chairman Winters said, "Thank you very much. This is not a public hearing but it is our custom to take comment from the public. If there is anyone here who would like to address the Commission concerning this zone change, our Item C-1, this would be the time. Please come forward. Give your name and address for the record and you're limited to five minutes."

Mr. Gary Wiley, Consultant, Professional Engineering Consultants, greeted the Commissioners and said, "I'm representing the applicant here today. I would just like to help answer some of the questions about the ground water and the proposals for taking care of the site. I looked for Jack earlier this morning. I missed him coming in. I did have a report prepared by Allied Consultants to do the bores. We've done four bore holes on the site. The water table ranges from six and a half to eight feet on July 21 of this year. It is our proposal . . . we're proposing 18 lots on this 76 acres. One for about every four acres of land. It would be our proposal to fill these lots somewhere between four and five feet. The material that these lots would be filled with will come from the site. It will actually be the material that's excavated, kind of the overburden material from the south pond, when it starts going. So, we can comply with all of the requirements of the ten-foot separation from the top of the ground to the ground water. We will comply with all of the Health Department regulations. If something new comes up, we're more than willing to look at that. Be happy to answer any questions that you might have."

Chairman Winters said, "All right, thank you. Mr. Wiley, I see no questions. Thank you very much. Is there anyone else who would like to address the Commission on our Item C-1? Anyone else? Seeing no one, then we'll limit discussion to staff and Commissioners. Commissioners, questions or comments."

MOTION

Commissioner McGinn moved to Approve the zone change, subject to platting within one year, and adopt the Resolution.

Commissioner Hancock seconded the Motion.

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Chairman Winters said, "I think Dale mentioned that this was unanimously supported by the Maize Planning Commission and MAPC. All right, any other comments or questions? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

- 2. CASE NUMBER SCZ-0798 - RESOLUTION REGARDING ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "LI" LIMITED INDUSTRIAL;**

AND

CASE NUMBER CON2000-00037 - RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A RECYCLING PROCESSING CENTER WITH OUTDOOR ACTIVITIES.

POWERPOINT PRESENTATION

Mr. Miller said, "This application and its companion have been here before. In fact, this is the ninth meeting that will have been held on these two particular applications. It can get pretty confusing. So, what I'm going to try to do is do this chronologically, so that you can follow along with how we've gotten to where we are today. Perhaps the simplest way to do that is for me to run through the slides first and give that and then go through the recommendations because of that.

"The application area, as you can see here, is the area just west of where the word Derby is. It's this area in here. This area right here is the part where recently you approved a Conditional Use for 12 acres for a solid waste transfer station. That was the companion application to this particular one. This gray area is approximately 14 acres of 'GI', General Industrial Zoning, that was granted a number of years ago for

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a Construction and Demolition landfill and is in operation today or it may be in closure. So, the entire site that was applied for included all this area here. However, when we get to the recommendations, you'll see that what's being recommended for approval is a much smaller area.

"This area here is where Derby's waste water treatment plant is located today. Up here is the site of the weigh station and headquarters for the C & D landfill from the previous case. Here's the aerial. There are large lot homes located to the south. Arkansas River is here. There's a nursery and landscape operations to the north and then, because this aerial's three years old, Derby is over here. There is a subdivision, as you can see, here in proximity to the application area.

"This map is real important in that the green area is identified on this map as the 100-year floodway. The area in between the green area and this dashed line here is identified as the 100-year flood fringe. When you combine both of those you have the 100-year flood plain. The reason that's important to make those distinctions, is when we get to the recommendations, the MAPC made one recommendation, Derby's made another one and then they revoked the original recommendation, and so to get a real flavor, it's important to recognize those distinctions.

"There is a 63% protest on this application. As the protest came in, they applied to both the Conditional Use for the transfer station and for this particular rezone and Condition Use. Because of that there is a 3/4th majority requirement to override that protest.

"This is the application area, or site plan as the applicant has provided. Here's the transfer station, the twelve acres that they're indicating. This is what he was showing, at the time, as the floodway and he was showing the composting area here and a drop-off point up here that would be outside of the flood fringe area and the composting would take place in this area here, which would be in the flood fringe. This is the old C & D landfill. Access is off of 91st and Buckner. This is the drainage plan that was submitted and a detail of the transfer station site. This is a view of the area, looking northwest, across the area that would be part of the flood fringe and floodway and composting area, if approved. Looking west, southwest towards the river and the creek. This is back northeast, towards Derby's waste water treatment plant. Some of the recycling equipment that he has out there. The old C & D landfill. Creek to the south. Northwest again, back towards the river. That's the end of the slides there.

"Again, the applicant is requesting permission to rezone this property to 'LI', Limited Industrial and have a Conditional Use Permit to operate a recycling processing center. Mostly what he's interested in is the

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composting aspect of recycling. He currently has a operation down there where he takes brush and trees and stumps and those kinds of things, puts them in a tub grinder, grinds them up and then windrows them for composting.”

“As I mentioned, there were multiple hearings. The initial hearing that Derby had on December 16th, their original recommendation was to approve the request. It was subject to conditions in the MAPC staff report. But it was also subject to not removing any trees that provided screening for nearby or adjacent properties, no composting in the 100-year flood plan. So, none of this area inside this dashed line here would be available, under their recommendation, for composting or recycling activities. They also wanted a covenant that there would be no correctional facilities on the property and that testing of ground water and soil would be conducted by an appropriate agency.

“On January 13th, the MAPC heard this and recommended similar conditions, in that there would be . . . trees that provide screening couldn't be removed, but they said no composting would be permitted in the floodway. So, they left the front flood fringe open for composting. No correctional facilities. There would be testing of the ground water by appropriate agencies. They also wanted this area where the material that is awaiting composting would be dumped in an area outside of the 100-year flood plain. Then they wanted the 100-year floodway marked, as directed by Sedgwick County Public Works.

“Then the County Commission heard this request and you wanted some more clarification on what Derby actually meant, whether they meant floodway, flood fringe, flood plain. So, we went back down there and on December 16th they reversed their original recommendation of approval and recommended denial. Their denial was based on neighborhood opposition, drainage concerns, pollution concerns that might come from the composted material, and from neighbors testifying that material that is not composted is burned and that there is quite a bit of smoke that hangs over the area when they begin that burning process.

“So, with that then, staff then put together a revised staff report, which was sent to you with this particular application. There were two recommendations. One was conditions of approval for a Conditional Use and the other one was the Protective Overlay for the 'LI' Zoning, the Limited Industrial Zoning.

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“In summary, those recommendations were for the Conditional Use that the composting/ recycling only occur on the area identified on the approved site plan, that the activities be subject to all applicable local, state and federal regulations and that no operations would begin until those permits are acquired. That they submit a drainage plan to County Public Works for review. That material on the site be confined and stored so that it doesn’t blow while it’s awaiting composting. There would be an outright prohibition on outdoor burning, unless the applicant were to come back for a Conditional Use for a solid waste incineration permit. That’s a separate category in the zoning code today and, as we read it, that definition fits the burning portion of their activities. So, that would take a separate Conditional Use and separate public hearing. That the ground water be tested as appropriate and that the 100-year floodway be marked, as requested, and that the zoning and the Conditional Use Permit be approved, but only for the area that is outside the 100-year floodway. If it’s approved for rezoning, that it be restricted to the flood fringe area.

“I think that’s the main points here. Again, Derby is now recommending denial. MAPC is recommending approval. Staff is recommending approval, subject to those conditions and there is a protest.”

Chairman Winters said, “All right, Dale, thank you very much. That is a kind of complicated procedure with all of those different aspects in it. Commissioners, any clarification questions? I think I am going to open it up for anyone who would like to comment. Does anyone have a question of Dale before we do that? Commissioner Hancock.”

Commissioner Hancock said, “Dale, concerning the burning, and that was reported to us. I presume the applicant has agreed to stop burning? Are you aware of anything going on there?”

Mr. Miller said, “He’s here and I think he could speak to that.”

Commissioner Hancock said, “Okay.”

Mr. Miller said, “The only other thing I probably should add is, typically when you have a recommendation for denial by the small city planning commission, that that usually requires a unanimous vote, but since they originally recommended approval, and then changed their mind, the way the code is

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written, it doesn't take that unanimous requirement today."

Chairman Winters said, "All right, thank you. Commissioner Hancock, anything else?"

Commissioner Hancock said, "Let's go ahead and get other comments."

Chairman Winters said, "All right. Again, this is not an official public hearing, but it is our custom to take public comment from interested citizens on this type of zoning case in front of us today. So, if there are those who would like to speak to us, address the Commission, this would be the time to do it. I guess I'd ask if there's anybody here in support of this zone change, if they would come forward first. Please give your name and address for the record and we'd like to try to keep our comments in a five minute time frame."

Mr. Russell L. Mills, 343 N. Market, Wichita, KS., greeted the Commissioners and said, "I'm an attorney and represent the applicant, Derby Recycling and Transfer Station, LLC. As you've been advised by Dale, this is a zone change request with a request for a Conditional Use to continue our composting operations, which we've been conducting since 1996, with prior approval by the County.

"This is a land use issue and the zoning code that we have in Sedgwick County sets out criteria that we're to look at in determining whether or not to approve a zone change request. I have provided you, in my handout, a copy of those criteria that you're to look at in making that determination. I've also provided you a breakdown of how those criteria apply, as far as we believe they apply to our property. Finally, in my handout, I've provided to you a breakdown of the criteria as your staff has broken those criteria down. As you can see, one of the criteria is the recommendation of staff. Obviously, from your review of that, you can see that staff and from listening to Dale this morning, you can see that staff recommends approval. So, that element of the criteria is squarely on our side.

"We need the 'LI' zone change for a number of reasons. Two of the most important, we believe, are so that we can assist the operations of the transfer station which you folks approved a few months ago, I believe. We need to be able to put up a shop building and we want to put up an indoor recycling center on the property. We can't do either one unless there is a 'LI' zone change.

We believe those two facilities will compliment the transfer station facility. We're going to have to be able to work on trucks and trailers and equipment that are involved in the transfer station operations and without a 'LI' zone change, we can't even construct a building to do that. So, we believe that it's real important that the 'LI' zone change be approved for those reasons.

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“Also, we do desire to continue to compost on this property. We believe that’s important. That’s an important part of the solid waste plan. We’re one of only two large scale composting facilities in the County and unless the Conditional Use is approved, we’ll only have one large scale composting facility in the County.

“So, we believe that this facility is very important to the solid waste plan and to the people and to recycling in Sedgwick County. To review the criteria with you briefly, it is our position that the character of the neighborhood is industrial. You have a C & D landfill. You have a transfer station. This property was an old landfill. You have the sewer treatment plant to the north. You have a nursery and you have an industrial portion of the City of Derby all in that location. We believe the neighborhood really is industrial. The property, as I’ve told you, is a former landfill so it is not suitable to a ‘RR’, Rural Residential use. We submit that no one is going to build a house on top of a landfill. It just isn’t going to happen.

“The next criteria, we believe the property will not detrimentally affect nearby property. As you can see in the aerial photographs, there is a subdivision across K-15 Highway. K-15 goes by our property. The railroad goes by our property and then over on the east side of K-15 is a subdivision. Houses have continued to be build. We do not believe that it’s, in any way shape or form, has been detrimental to the property.

“The property, another criteria, this property has remained vacant, as zoned, forever and it will continue to be so unless this requested application is approved. The next criteria, we believe the recycling that we’re going to be doing on this property, both indoors and outdoors, is beneficial to the health and welfare of the people of Sedgwick County.”

Chairman Winters said, “Mr. Mills, that’s been five minutes, but I want to hear everything that you’ve got to say but I’d like for you to try to wrap it up as soon as possible. We need all your information.”

Mr. Mills said, “The next criteria is ‘does this requested zone change conform to the comprehensive plan’ and if you look at the recommendations and the review of the criteria by your own staff, they say that it does comply with the comprehensive plan.

“The next criteria is the impact upon the community facilities. That will be negligible. So, we believe, again, that falls on our side. We do have a few residents that oppose our application. While there’s a 63% protest, we believe that there is just a handful of people who are actually complaining about this site.

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You have to understand there has been solid waste activities at this property since the 70s. And since we've had the property we've had no, absolutely zero, complaints of any kind, whether it was burning or anything else, until our application for the transfer station was filed. Again, the final criteria is the recommendation of your staff and as I've already said, that's a recommendation for approval.

“So, when you look at all the criteria that you're required to look at, we believe that all of the criteria falls squarely on the side of the application and we believe, for those reasons, that the application should be approved and we would request that you do so. If you have any questions, I'd be happy to answer them.”

Chairman Winters said, “All right, there is a question. Commissioner Hancock.”

Commissioner Hancock said, “Thank you. Mr. Mills, I turned my light on just as soon as you said burning. Are you proposing that burning should be allowed?”

Mr. Mills said, “Well, right now there is a burn permit at this location, okay, that we obtained through the KDHE (Kansas Department of Health and Environment). I have provided to the Solid Waste Committee, recently, a tape of a . . .”

Commissioner Hancock said, “We've seen that. We've seen the incinerator.”

Mr. Mills said, “That's what we would like to do for two reasons. About 40% of your waste that comes into a C & D landfill is wood waste. That wood waste could be burned. We would save a tremendous amount of space in our C & D landfill. Right now it just gets buried in its present form. That would extend the life of our C & D landfill. It would also allow us to have, essentially, a smokeless burning of the stumps that we burn right now. Now, that will be for a time down the road, when we will come before you again, but we do believe that we don't have any opposition to any recommendation that Dale has made, but we will need to be able to compost, so that we can recycle the yard waste and the wood waste and we will need to have this in the future, need to be able to burn in this combustor that's smokeless, so we can get rid of the large stumps. Our grinder, you saw a picture of it in the . . .”

Commissioner Hancock said, “I hate to interrupt, but let's just cut to the chase, I just assume that when you do composting, you would take the wood waste, put it in the tub grinding and take the chips and compost them. I didn't know you were going to burn them.”

Mr. Mills said, “And we don't. The problem is . . .”

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Commissioner Hancock said, "All of it. You say 40%. I would assume 100% of it would be tub ground and then composted."

Mr. Mills said, "No, what we compost right now is grass, leaves and the smaller wood waste but when you get a large stump, unfortunately, the grinder that we have will not grind these huge, large stumps. So, we need to process them in some way. So, what we're forced to do right now is to burn these stumps in the burn permit area that we have permitted, take the ash, mix it in with the compost and process it that way. That's what we're forced to do right now because we really don't have the equipment to grind these huge stumps."

Commissioner Hancock said, "I've been hearing that there is a problem with the open burning right now. You say you have a KDHE permit to do that. So, the neighbors who have been complaining about the burning are wrong to complain? They're unhappy with that. Are they wrong to complain? They don't have any right to, is that what you're saying, cause you have a permit."

Mr. Mills said, "No, anybody has a right to complain if they want to. I'm not saying they don't have the right to."

Commissioner Hancock said, "They have the right to complain, but are they wrong in doing so? Let's put it that way?"

Mr. Mills said, "Well, it's our position, and we know we have heard no different from the KDHE or anyone else, that our application is still in full force and affect. However, having heard these concerns, now, because of this application, for the first time, and we have not heard any complaints about smoke until the transfer station application was filed. Having heard those, we went out, we found this piece of equipment that I've provided you the tape of. We're trying to address that issue. We're willing to address that issue so that there won't be any smoke, or very little."

Commissioner Hancock said, "Are you seriously considering buying it?"

Mr. Mills said, "Yes."

Commissioner Hancock said, "Or leasing it? It's available for lease I understand."

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Mr. Mills said, "Yes. Oh, absolutely."

Commissioner Hancock said, "Let's put it this way. Are you going to do that?"

Mr. Mills said, "Sure. It makes sense for us for two reasons, as I said. We're going to save a lot of space in our C & D landfill that way, plus we'll be able to process the stumps in a way that will be probably more acceptable to our neighbors in the area."

Commissioner Hancock said, "Okay, thank you, Mr. Chairman."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Mr. Mills, you say you presently have a KDHE burning permit?"

Mr. Mills said, "Yes."

Commissioner Sciortino said, "Haven't you also been notified that they're rescinding your permit, effective October 1st?"

Mr. Mills said, "Not that I'm aware of, no."

Commissioner Sciortino said, "That's what I had heard. That the Health Department notified you, because KDHE asked them to and that your permit was going to be rescinded as of October 1st."

Mr. Mills said, "If that's true, maybe Jack can speak to that. I, personally, have not received any information in that regard."

Commissioner Sciortino said, "And you haven't heard anything that that was coming down the pike or anything? You have no knowledge at all that that might be happening to you."

Mr. Mills said, "The only thing that I had heard was that they were reviewing our application. Okay. I mean, our permit and that's all that I knew. As far as I know, it is still in full force and affect today."

Commissioner Sciortino said, "I believe that's true. I believe it's in force until October 1st of this year. That's all."

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Chairman Winters said, "Thank you. Thank you, Mr. Mills. Is there anyone else who would like to speak in support of this item on our agenda this morning? Is there anyone else who would like to speak, either in support or in opposition to this particular item? Please come forward."

Ms. Margaret Miller, 430 Waverly, Wichita, KS. , greeted the Commissioners and said, "Some of us from the Solid Waste Committee were down there Monday morning and I hesitated to speak because I'm speaking only for myself and not for the committee but I'm the only one here who was on that trip, so I thought I should maybe tell a little bit of what I saw down there."

"We saw extensive evidence of burning. They've been burning quite a while I think. We saw a little evidence of grinding, but very little. I should ask Mr. Mills, but it seemed to me it was probably a fairly new thing. I personally think, I'm pretty opposed to burning. I think we should use these resources. I know these big grinders that will grind a big trunk or ball of a tree are expensive but I think that's kind of part of doing business, maybe, that he should be thinking about that. But I thought, what I heard Monday morning was, that he indicated that he wanted to keep on burning, as he's mentioned here and put the ash in with the compost and so on. But there wasn't much evidence of composting so far. But maybe he doesn't have the permit for that. I'm not sure about that. Susan, I'm sure, can tell us the state rules and so on but I just wanted to tell you what I saw down there. That I, personally, don't think we should approve a lot more burning. Thank you."

Chairman Winters said, "All right, thank you, Margaret. Is there anyone else here who would like to comment on this item before the Commission? Anyone else like to share their ideas with the Commission on this item? Seeing no one, we'll not take any more public comment. We'll limit discussion to staff and the Bench. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I appreciate the concerns and the backup material. I appreciate the fact that Derby went back and had to revisit this again. We had a really thick packet of information, as you would understand, from various hearing. I appreciate the concerns that the protesting neighbors bring forward. However, we do have a list of criteria that we are to consider when it comes to land use issues and this is a land use issue."

"I think that when it was here before me I was prepared to support it, but sent it back in deference to some of the questions that seem to be unanswered. I believe that when you have a facility that is surrounded by Industrial Use, that that land is best suited for other Industrial Use. It's currently zoned Rural Residential. I can tell you, I wouldn't build or buy a house located at that site. I don't think any thinking individual ever would. So, I believe that restricting it to Rural Residential is certainly inappropriate."

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land use. It will never be used for Rural Residential property. It's just not going to happen. It has always remained in that zoning case and I don't see that changing.

"It does conform with the Comprehensive Plan. I think the roads need to be improved to comply with our transfer station guidelines, so I expect that will happen. Like I said, I appreciate the opposition of the neighborhood to some of the ongoing activities, and I too have concerns about continuation of burning of materials that I would hope would be a part of a recycling/ composting facility. I think, with the exception of the floodway, that this site does make sense for some composting uses. I would encourage the applicant to stop burning and find ways to recycle the materials that come to him, so it can be done in a more environmentally friendly manner. Finally, I could support this and do support this, besides the reasons I've given, based upon the recommendation of the Planning Department staff and the Planning Commission. So, I could support this today but, obviously, want to here from my colleagues."

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

Commissioner McGinn said, "Well, I think the fire and smoke from the neighbors is certainly a concern. But I have a little different concern with the location of this so close to the flood plain, floodway, and I guess, I'm sure Jim could give a better definition of that, but it seems to me, in all reality, the definition of a flood plain varies from flood to flood. So, it doesn't always stay within the lines that are determined by engineers. So, the discomfort level that I have is with that and that it's so close to the river. You're going to have grass clippings that are full of nutrients that can, non point source, get into the river. If you have a flood, we're going to have all that type of thing in the river, too. So, my biggest concern, I guess, especially with all the awareness of the pollution problem that we have in the Arkansas River, I guess I don't want to compound that problem. So, I think there's probably better places to have composting centers. Thank you."

Chairman Winters said, "All right. Thank you, Commissioner. Commissioners, other comments? I think this site is unique in several respects. I think I'm going to be supportive of moving forward with approving this zone change and get on with this process. Commissioner Hancock."

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Commissioner Hancock said, "Yes, Mr. Chairman. Thank you. I'm going to be supportive of it but I'm going to talk . . . I think that the applicant needs to understand it's been a difficult process. I agree that, I think Mr. Mills mentioned that the landfill has been there since the 70s. It's probably been there since the late 50s and 60s. I've hauled my own trash there many times when it was a landfill. I can't think of any other use for this, except for some of the ideas that area being proposed. But the fact of the matter is, the applicant has not been a very good neighbor and has not cooperated with the neighbors and it doesn't cost, I know things are expensive these days, but it doesn't cost a whole lot to be a very good neighbor. It doesn't cost a whole lot not to bother your neighbors with things.

"The applicants makes many of the same arguments that I would make, in looking at this application and deciding in my own mind, after reading the staff report, what to do with this. He makes many of the same arguments that I would make to myself in going through it and listening to what people have to say. But the fact remains, the applicant has bothered the neighbors over there and has made life somewhat miserable for them and has worried them. I would suggest that the applicant clean up the act or the KDHE will probably be around to see him, I suppose. I don't know. Otherwise, I cannot think of a really good reason to deny this that would allow us to do so. Thank you, Mr. Chairman."

Chairman Winters said, "All right, thank you. Are there other comments or discussion?"

MOTION

Commissioner Gwin moved to Approve the zone change; and approve the CUP, subject to platting within one year; and adopt the Resolutions.

Commissioner Hancock seconded the Motion.

Chairman Winters said, "Mr. Euson, we have a Motion for approval. Maybe you need to review with us, just for a moment, what position we're in with regards to the protest being filed and Derby's recommending denial. What position are we in now with the Motion?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "The Derby Planning Commission originally recommended an approval of this and after it did that, it went to the MAPC. Because the MAPC took action on it, the Derby's subsequent disapproval really does not have any legal effect on your voting requirement."

Chairman Winters said, "So, this does not require a unanimous vote?"

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Mr. Euson said, "It doesn't require a unanimous vote from that standpoint, but there is a 60% protest petition, and because of that, it does require four votes in order for you to approve it. So, your options at this time are either to approve it by that super majority vote, four votes, or return it to the Planning Commission."

Chairman Winters said, "Okay. Commissioners, are there any questions on that? Are there any other questions or discussion on the Motion? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	No
Commissioner Ben Sciortino	No
Chairman Thomas G. Winters	Aye

Chairman Winters said, "All right. The count was three to two. Can you explain to us what happened? Where we are? I guess we know what happened, but explain where we're at."

Mr. Euson said, "Sure. You have a failure to approve, which means this is the final action in this matter. The protest required you to have four votes for approval. You don't have those four votes, so that's really the end of your action."

Chairman Winters said, "All right, thank you very much. Commissioners, this is the end of the Planning Commission part of the meeting. Thanks very much, Dale. Oh, we've got one more. Call the next item."

3. LETTER OF SUPPORT FOR CITY OF WICHITA GRANT APPLICATIONS TO KANSAS DEPARTMENT OF COMMERCE AND HOUSING FOR A PLANNING GRANT FOR THE MCADAMS NEIGHBORHOOD, AND IMPLEMENTATION GRANTS FOR BOTH THE HILLTOP AND DELANO NEIGHBORHOODS.

Mr. Dave Barber, Metropolitan Area Planning Commission said, "The City of Wichita is proposing to submit three grant applications to the Kansas Department of Commerce and Housing for funding under the Metropolitan Community Capacity Building Grant Program, for 2001. One of the three applications

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is for a planning grant to help hire a consultant to prepare a neighborhood revitalization plan for the McAdams neighborhood, which is bounded on the east by Hydraulic, on the west by Mosley, on the south by Central and on the north by 17th Street. This particular area has been identified by the City as being a high priority area for neighborhood stabilization and revitalization.

“The other two implementation grant requests are to assist with implementation of the Hilltop Neighborhood Plan and the Delano Neighborhood Plan. As you know, the Hilltop Neighborhood Plan was recently adopted by the City Council and the County Board of Commissioners in August. The Delano Neighborhood Plan is scheduled for adoption in January. Both of these implementation grants would be utilized to help develop a not-for-profit community development corporation, which would then be eligible for private and public sector funding. Also, the grants would be used to implement the goals of these particular plans. Particularly, land building acquisition, relocation strategies and perhaps some design work on neighborhood improvements.

“All three grants are consistent with the City’s Neighborhood Revitalization Plan, adopted in 1998, and also with the City/ County Comprehensive Plan, recently adopted both by the City and the County.

“The grants do require a match from the City. In the case of the two implementation grants, which are in the amount of \$10,000 each, there’s an equal cash match required of the City of Wichita. In the case of the McAdam’s plan, the grant amount would be \$15,000 and that is proposed to be matched through the staff resources of the MAPD in the amount of \$5,000. There is no financial commitment from the County with respect to these three applications. However, it is requested that we receive a letter of support from the Commission to accompany the City’s grant applications to the KDCH.”

Chairman Winters said, “All right, thank you, Dave. Commissioners, are there questions or comments on this issue?”

MOTION

Commissioner McGinn moved to Authorize the Chairman to sign a letter of support.

Commissioner Gwin seconded the Motion.

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There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Thank you very much, Dale and Dave. I think we need to take just a short break here. That concludes our Planning Department’s agenda. The next item is an item regarding curbside recycling and pay as you throw. That will take a bit. We’re going to be in recess for just five minutes.”

The Board of Sedgwick County Commissioners recessed at 10:20 a.m. and returned at 10:29 a.m.

Chairman Winters said, “I’ll call the Meeting back to order. This is our Regular Meeting of September 13th, 2000. Madam Clerk, will you please call Item D.”

NEW BUSINESS

**D. DISCUSSION REGARDING CURBSIDE RECYCLING AND PAY-AS-YOU THROW;
AND RESOLUTION REGULATING THE COLLECTION OF SOLID WASTE AND
RECYCLABLE MATERIALS.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “The item before you this morning is the adoption of a resolution that would put into place the implementation of the elements of the Solid Waste Plan. We’ve been talking about solid waste since 1996. At that point you appointed

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a citizens' committee to review their recommendations and suggestions and design a plan of how operations should work. We've had community discussions with about 1,100 folks and another 1,200 or 1,300 folks again a second time, talking to just citizens, Sunday school groups, granges, people from small communities, about what their desires and wishes were regarding solid waste.

“We also took two different surveys, in the last several years, regarding solid waste issues. The conclusion of all that work by the citizens' committee and the recommendation of the staff to you and your essential approval of those included four elements. Well, included more than four elements, but included some major elements and the four major elements are that it was necessary to have a transfer station to transfer our solid waste out of Sedgwick County. It was the conclusion of those discussions, that committee work, your work, professional engineers, that sites in Sedgwick County were not suitable for a landfill and that we were to remove our trash from our community to an existing landfill some place else that was permanent.

“We also, as a second element of that, was a whole need to reduce the waste stream. The waste stream, going to Brooks Landfill, right now is comprised of lots of materials that can be reused, or diverted to other appropriate ways of disposal. There's the whole issue of construction and demolition materials. This is an important element of what's in our municipal trash currently and could easily be put some place else much less expensively and more appropriately.

“The issue of the third element was leaves and grass and that those, leaves and grass, grass clippings that we receive from our lawn and the fallen leaves, could be used and used as has been for centuries, mulched, could be put into compost and reused in this community and doesn't clog up, again, the waste stream.

“And the final and the fourth element is the recycling. Recycling and pay-as-you-throw, and we'll use those terms together, because the concept of recycling is we take the goods and materials from our residential use, we put them back into the economic stream, back in to be reused: newspapers, plastics, cans. It's healthy and good and the right thing to do. Pay-as-you-throw involves the concept that once all those systems are in place that customers then who reduce their waste significantly, or some, can then benefit economically, personally benefit by paying less because they're throwing away less.

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“So, those are the four elements of the concepts that were in place. The foundation of the plan was a reduction of the waste stream. We pretty much agreed upon those elements. Staff brought to you a plan, six weeks ago or so, that would have us implement all those elements at the same time. Now, there are two ways, several ways, but there are two major ways in which change can occur. One is absolutely, all at once, hold your nose, swallow the castor oil, and get it over with and get it done. There’s another way in which it can be done and that’s certainly incrementally. What we know from our own internal education process and project management is that incrementally works better. That, in fact, you can control the elements that are going to be implemented in a way that is easier and makes more sense and you can accomplish the same thing, over a longer period of time, and get the same things done.

“We’ve listened, in the last six weeks or so, last several weeks, to stakeholders who came to you at public hearings. Who suggested that this be, some who said right away and some who suggested implementation and some who said just make sure it’s done and gets done and accomplished. We’ve listened to citizens who’ve called us and have called you. We’ve certainly listened to the haulers and heard their operational concerns about how they would suggest that this process be implemented.

“So, after listening to those, we have a different recommendation than doing it all at once. That recommendation today is out of the four major elements: the transfer station, construction and demolition, leaves and grass, and recycling and pay-as-you-throw, is that we do half of them. The transfer station and the C & D, construction and demolition, beginning October 10th, 2001. So, half the plan would be accomplished at that point.

“In this proposal we know how much garbage flows into, how much trash flows into Brooks Landfill now. We will know in the next year, between now and 2001, October, how much trash flows into Brooks. And once the transfer station opens two major things will have occurred which, I believe, we need to monitor for a year, at least a year. That is the construction and demolition will no longer be part of the waste stream that goes to the transfer station. We know that the private sector has talked about construction of C & D landfills. We know that the City of Wichita is talking about, contemplating whether to construct a . . . open a construction and demolition landfill themselves. We know that those goods and materials will no longer be part of the waste stream going to the transfer station. But we don’t know how much of that. We don’t know what the real affects will be and I think we need to monitor that. We need to monitor it for a while, because we have ebbs and tides in the construction business, home construction, all kinds of construction.

“The other element that we need to pay attention to in that year is that commercial, professional commercial lawn care folks are still going to be in the business and we know that some of those, maybe all of them, but some of those are not putting their grass and leaves in the municipal waste stream because

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it costs too much. Professional composting, wood recycling, ones that we know for sure, is charging somewhat less than the landfill. When the transfer station is in place, we know that that cost per ton at the transfer station is going to increase. We don't know quite exactly how much, but we have a pretty good idea, thirty-six, thirty-seven, thirty-eight dollars, somewhere in that neighborhood. There will be an even more economic incentive for the commercial professional lawn care people to divert their waste, yard clippings, grass clippings and leaves, from the transfer station to the professional composting places.

"We also know this. So, for at least a year, and I'll talk about specific dates in a second, we think we need to monitor how much material goes into the transfer station. This will give us an idea about how effective those programs were. It will give us some opportunity to monitor and correct and adjust if we have to any operational processes. It will allow us to do that.

"I want to talk about leaves and grass just a bit more. I'm proposing that we implement the bans on those. The bans are currently for 10-10-01, October 10th, 2001. I'm suggesting that we move the bans to January 1st, 2003. It is about thirteen and a half, fourteen months from the operation of the transfer station. Now, why would we pick that date? Well, it's not a part of the growing season. It seems to me, in having experienced this in another community in which I've worked and lived, that if you institute it not in a growing season, you can at least attempt to start adjusting habits, not in the middle of the process, but at the beginning of the process. There's not a lot of leaves or grass around January 1st. The growing season here doesn't begin . . . Some people in our office suggested they've mowed their grass in February, but mostly it starts in March or April. This will give an opportunity for the haulers to educate their customers. It will give us a chance to do a lot of education. Because you've heard, you've read in the paper, Commissioners, concern about education and it struck us that, in fact, the education process for leaves and grass are equally as important.

"We know that once the ban occurs, about 40% of trash customers will want some sort of service. We think that they'll need some additional service. Now, that may or may not be a good thing for garbage companies. But it is adjusting, it is having people's lives disrupted in a way that they think that they're going to need to pay more money. We know that communities all over the country who have instituted this sort of a program, we know that 35%, 40% of the customers pay to have their grass and leaves hauled away. In about two years it drops to about 10% or 15%. That people find a different way to do it. That people find alternatives. They mulch, they compost in the backyard, they figure it out.

"If we proceeded for 14 months after the transfer station opened, a fourteen month education program

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about composting and mulching and we've had some tests and pilot programs. We've had one. We had a report a couple of weeks ago about that. And people seem to be successful in their concept of mulching and the test programs that show that the ideas of composting make sense and people are using it. If we had an opportunity to educate citizens of Sedgwick County in a way that's different than we have in the past, the effect that 40% whom we think will run out and spend money to have that stuff hauled away, may be reduced and maybe their lives won't be affected as much, if we provide them an opportunity for them to learn what alternatives are. I think that's a good thing. So, our recommendation, my recommendation to you is that we begin that program January 1st of 2003.

"Recycling and pay-as-you-throw is the fourth element, is the fourth concept. Now, recycling and pay-as-you-throw are inexplicably tied because the pay-as-you-throw concept is to provide different sizes of containers or different opportunities for customers to spend different levels of dollars, different prices for different levels of service. You and I don't pay the same for water because we use different amounts. I do not pay the same for electricity because we use different amounts. So, they are tied together and this would provide an economic incentive for folks to begin to have that economic incentive to reduce theirs into the waste stream.

"I think December 1st, 2002 makes sense to me to begin requiring recycling. January 1st, 2002 with a final implementation of . . . excuse me, December 1st, 2002 begin recycling and that it would be completed by July 1st, 2003. Haulers have told us it is going to take . . . some have different routes, some want to do it all at once, but it would be in their interest to have about a six or seven-month opportunity to implement, so that this section of town could go first, and this section of town could go second. We think that that makes sense, to allow that to occur during that period. Again, the point is that we would monitor the transfer station and the trash that goes into the transfer station for a little over a year. We would implement these dates that get us to where we want to be July 1st, 2003.

"Now, part of the plan for recycling that has been brought to our attention, which we think we can incorporate in this following manner, that the same techniques and the same issues surrounding yard waste, surround recycling. That people's behaviors and attitudes about that process need to be adjusted. We can just implement it and have people react or we could give people an opportunity to succeed. We could do some education. We could encourage. We could show them why this makes sense and why it's the right thing to do. We know that in the surveys, folks have said to us on a couple of different occasions, about 53% or 54% have said, from time to time, that they would be willing to recycle, even at a higher price. Even if they had to pay some more. What I'm suggesting is that we institute the mandatory subscription, people can choose or not choose recycling and that that would become mandatory for all residents in the incorporated area December 1st, 2002, unless 50% of the citizens recycle. This, too,

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would get us close to what our total goal is in reducing the waste stream. By having 50% reduce voluntarily, choose to recycle, would significantly increase the amounts of recycling and reduce the flow into the stream.

“We believe by giving education a chance, by allowing that to occur, will help reduce the anxiety, if you will, of citizens if they’re required to do it. It will reduce the anxiety and certainly increase people’s awareness and we would hope that after that education process, they would voluntarily subscribe for that service. Garbage companies, the trash haulers today do offer that service and they’re willing to continue to take more customers.

“You have before you two resolutions. One will have to do, if you approve these resolutions, if you agree with these recommendations. One of the resolutions before you that was sent to you is the recycling, is the resolution that we are taking up today and the amendments to that resolution we’ve prepared for you on a sheet that looks like this and recommendations would be to delete the requirement that recyclables be picked at the same time as solid waste collected. Now, I haven’t talked about that but we’ve heard from the haulers that they would like that amendment added to the solid waste resolution.

“The staff has no objection to this. The reason it was put in was if you have a hauler in your neighborhood and it’s coming down on a Wednesday, wouldn’t it be nice if the recycling came on the same day? And that makes perfect sense, when communities franchise because you have less disruption to the neighborhood. But we have plenty of disruption to our neighborhoods now. In my neighborhood, I’ve tried to pay attention to this the last several weeks and it’s not even my neighborhood. It’s my block. We have four different haulers that come. So, it is a matter of convenience for haulers or the citizens but I don’t know that it has any effect on my neighborhood whether another truck comes another day or the same day. I would suggest that that’s one that we can easily adjust, if and when . . . it allows business to plan the way they want the plan. If communities want to franchise or make resolutions that say that everyone has to be on the same day, then it allows those communities to take care of their local problems and we’re not imposing restrictions that local governments could do.

“The other two changes in front of you are the recycling requirements and what happens to recycling. The yard waste ban will have to be an Off Agenda item and that one I would recommend you do that after you adopt this resolution but that’s part of it.

OVERHEAD PRESENTATION

“Just to recap, 10-10-01 is the date when the transfer station will be up and running. It will be up and

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running before that, but the Brooks Landfill will have closed and that will be the primary way in which we will dispose of our trash and that C & D, Construction and Demolition materials will be banned from the waste stream at that point.

“A year later, one year later is 2002, will give us an opportunity to review the affects of the bans on construction and demolition and the affects of the economics, the difference in economics for the professional lawn mowing services, the professional lawn care services and what that is. From 2001, this is only thirteen and a half months later, recycling would begin the process that some neighborhoods and some people would have the opportunity to start recycling curbside, and some of those folks then would be mandatory subscribers. 2001- 02 will be beginning the . . . January 1st, 03 will be the beginning of the bans on yard leaves and grass. We know that that affect won't take place until these months here because not much grows in January and there's not a lot of leaves, if the leaves haven't been picked up by then, then you have some other problems. So, we know the growing seasons should be done and the plan will be in complete operation in July 1st, 03. That's about twenty months from the beginning of the plan to the end. That's a relatively, . . . that's less than two years. That's incrementally making change in this community from a significant change in the community, the way we handle our . . . dispose of our trash.

“That's our recommendation. And I would recommend that you adopt the resolution with the proposed amendments and that you would take up the Off Agenda item to ban the yard waste, grass clippings and leaves, January 1st, 2003.”

Chairman Winters said, “All right, thank you for the report, Mr. Buchanan. I do want to remind folks that today is not a public hearing. Two weeks ago we took public comment on this very issue and we really had very good response from the public that time and what we've been doing is adjusting the public comment since then. So, today's discussion is going to be limited to the staff and the Commission. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. Let me start by saying that I really appreciate some of the encouraging phone calls and notes I got after my comments of two weeks ago. If you were paying attention, you know that I spoke about prompt implementation of all these programs, as of October

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10th, 2001 and then promptly went away on vacation. In my heart I believe that that's still right. But while I was on vacation, I looked at . . . tried not to think about this but I couldn't help it. My analogy is that implementing these changes are kind of like putting a puzzle together. If I had all the pieces, I could put the puzzle together when I wanted. What struck me was that this was like putting a puzzle together with several hundred people, or several thousand people, however many you may want, holding one piece each. So, it is a much more methodical process and much more dependent upon when the other people place their piece, than if I could do it all by myself. And I don't control all the pieces of the puzzle, I realized. Which is, for a control freak like me, a little distressing, but you deal with it.

"The industry people have come to see me, as Mr. Buchanan indicated, and I think they've spoken to each of us. And they indicated, from their standpoint, it really isn't feasible to do what I expressed I wanted to do two weeks ago. That there are logistics, that there are difficulties. That they've got to be able to phase this in for it to work for them. I'm a little disappointed with that news and I supposed that a lot of folks would be, too. But when I think about the business aspect of it, I guess I understand that.

"I believe that this community is ready and willing to get on with it. I think, at this point, our ability is only limited by the business aspects that help us implement these changes. So, it appears to me that I'm going to have to compromise on what I truly want to happen and that compromise only is based upon the time line, not the elements.

"I still believe very firmly in recycling and pay-as-you-throw and I'm willing to give this community a chance to step up and to be more actively involved in voluntary recycling, before we implement a mandatory subscription program. If all of our surveys, and they do, and all of our community groups, and they did, tell us that recycling is important to this community, then I'd like to see folks demonstrate that to me. The mandatory subscription is a way to move us forward and most successful communities do that but, I guess I'd agree. I'd like our community to step forward and say, 'You know what, before you make me pay for something I don't want to pay for, let me demonstrate to you that I understand what the right thing to do is'. So, I believe strongly in curbside recycling in the incorporated areas, more drop-off boxes in the unincorporated areas and pay-as-you-throw. And the reason I believe that, or one of the reasons I believe that is that I believe that's the way that I, as a property owner, can best control my costs because the more I divert, the smaller container I have for my waste that I can't recycle, the more reasonable my costs are going to be. I can control what I pay, like I control the amount of water I pay, how much long-distance I use. I have some ability to control what my costs are. And that's a good thing.

"I believe in the grass and leaf ban. I wish it could be implemented sooner. I can deal with those things

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in my own yard, if I think differently, if I mulch mow, if I compost and let me tell you, I think County government needs to be a part of that change in the process. I've visited a lot of communities. A number of us have, where the communities underwrote the cost of new mulching blades for its citizens. Where the communities underwrote the costs of composting cages for their people and then gave them classes on how to use them. I can deal with leaves and grass in my own yard. I don't have to transport them. I don't have to pay anybody to move them and I sure as heck don't want to have to pay to transport them to a distant landfill. So, I believe in those. And I believe in them too because they're just plain old the right things to do. Just the right things to do. Recycling, reusing the resources we have here, without transporting them some place else.

“You know, I guess what's been lost in this whole process, I think the most important step we took is that Sedgwick County is going to be out of the landfill business and I think that's . . . I mean, we've lost sight of this huge step that we've taken and it puts us in line, quite frankly, with the other progressive communities in this country who have said, 'You know what. It doesn't make sense to have more and more landfills in each of our communities but we should select a regional landfill that is environmentally appropriate to handle our municipal solid waste and we should do that only and until a new technology is avail to us to better dispose of municipal solid waste'. And by making this leap and by joining other progressive communities throughout this country we will, over time, be saving ourselves, we won't be around to have to pay for it, but our children and our grandchildren, the huge millions of dollars of cost of monitoring and cleaning up yet another mess in this community. So, I think we need to keep in sight, through all of this, we've made a huge step and that is that we are out of the landfill business in this county, now and forever. And so, I'll compromise on the time line and implementation but I still feel very strongly about the changes and how positive they will be for this community. Thank you, Mr. Chairman.”

Chairman Winters said, “All right, thank you. I guess I'd make just a couple of comments on my thoughts. This was not my original time line schedule at all. I really still do believe that, tied very closely with transfer station operations, we need to have a major focus on reducing, reusing and recycling. They just need to go together. Before I talk about that, Commissioner Gwin, I would agree with you on the landfill issue and one of the things . . . this Monday morning I had an opportunity to hear Dr. Bill Hardgrove, from Kansas State University, report on the KSU lagoon water quality study that has been brought about by all the issues concerning hogs and I have thought, for some time, that there is a connection between landfills and the problems we have with large animal confinement. He had a very detailed program, had a lot of statistics, had all of the backup material but in the end, this is my summary of his presentation. He of course did it much better. It becomes a site specific issue. And if you put a hog lagoon in the wrong place, you've got high risk. Now, when I look at Sedgwick County, that computes

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not only to hogs but it computes to landfills. So, I'm, again, comfortable with where we're at.

"Now, back to this time line. To me there are two issues that the community is dealing with and we're involved in. One is the transfer to the transfer station concept and the other is implementing these reducing, reusing and recycling programs. There are so many people in this community that expect this system to fail that I think we need to make sure that it succeeds. And right now the best way that I think I see for it to succeed is if we go through the hurdle of the October 10th, 2001 closing of Brooks and starting of the transfer station and we make sure that all of the hiccups or all of the procedures that need to be changed are changed and that that system works and I agree with the Manager and the staff's recommendation that we can see what's working with that system and then bring on the other elements of the aspect, so the two do not get confused. So, as there's a problem here or there, it's not 'well, recycling caused the problem or the transfer station caused the problem'. We'll know what the issues are. We'll know how to address problems along the way and we'll be able to correct them if we get . . . and I had one call yesterday and the gentleman was talking about the KIS principle. Let's 'keep it simple'. So, as I continue to think about that, I think that is important. I think we need to do the best that we can to insure success and so I'm going to say, again, that this was not my original time line. I was, again, Commissioner Gwin, share your thoughts about I hope that we'd all be in gear quicker than this time line but I'm . . . as I continue to think about it, I think this time line makes sense. So, I guess I'm interested to hear others comments. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman and I appreciate your comments, as well as Commissioner Gwin's. You guys have been at this for a long time. And in the last couple of weeks a lot has happened and a lot's been going on and there's been a great deal of discussion and as I was preparing my thoughts last night, I started going back and thinking about when I was pounding the streets and knocking on doors and talking to people. And we talked about the elements of the solid waste program and the message then was the same message that I get from folks that call me today. There are many people in this community that want to be good stewards of our land and of our County. They told me they

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wanted to recycle and they wanted it more convenient and I agreed with them 100%. They wanted to decrease the amount of waste we produce in this community and I agreed. And I want everybody to know that I'm dedicated and committed to these goals. But I feel strongly that citizens should be given the opportunity to succeed first. If our survey indicates that 53% of the people would pay more to recycle, then why is only 10% doing it? To me, I just think there is a great education disparity and an opportunity to do a better job.

“My calls were approximately 3 to 1 against instituting mandatory recycling, not because they don't want to recycle. The reason given, almost every time was, 'I'm already recycling and taking it to a drop-off bin, why do you want to penalize me for that?' And I started thinking about some success programs and one in particular, one is in Dallas, Texas. The EPA told Dallas, Texas 'you need to reduce your waste stream by 25% or there's going to be some heavy penalties and fines'. My brother lives down there, so I had to call and ask. I said 'how did they do that?' Did they do that by mandating it to all of you. I know you are all good recyclers and everything. And his reply was, 'no, they just made it more convenient'. They did it a little bit different. Instead of having just drop-off boxes at the Dillon's stores, they have them in their neighborhoods. They have them at their schools. Neighborhoods pitch in to make sure they stay clean. So, they've made it more convenient. They do it other ways, blue bags and those types of things. But everybody understood, if we don't voluntarily go forward, step up to the plate and do a better job in our community as far as keeping our environment sound, that they knew that they would face heavy penalties.

“I guess, one other thing that I wanted to say is that we've heard a great deal about how this whole solid waste issue has been drug out. And I'd like to set the record straight. We are right on track. We don't have control over the current solid waste program but we know where we're going October 10th, 2001. We have a plan in place and it is a responsible one that is sensitive to the needs of the citizens of this community. I also want to thank the Solid Waste Committee and staff. I know they have worked a great deal. They've had to work with the plan they've had. They've had to change it from time to time. I know that that's taken a great deal of extra time at things they would like to do otherwise and I also want to thank our Manager, because he has worked awful hard this last week trying to see if we had some consensus somewhere. So, thank you.”

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Chairman Winters said, "All right, thank you very much, Commissioner. Those are very good comments. I don't see any other lights on. I would just, I guess, be curious to know what your thoughts are on this time line. If you would like to make comments, that's fine. Or, just the comments on the time line would maybe be appropriate. Commissioner Hancock."

Commissioner Hancock said, "Thank you, Mr. Chairman. Mr. Manager, let me try to clear it up a little bit. Are you saying on October 10th, 2001 that C & D, construction and demolition items be banned from the waste stream to the transfer station and that the commercial grass operations, they also be banned from the waste stream to the . . .?"

Mr. Buchanan said, "If you take no action, construction and demolition materials will be banned October 10th, 2001. So, you don't have to do anything about that. That's already in a resolution about the transfer station. I'm suggesting that the marketplace will naturally select out the commercial lawn services. So, I'm not recommending that we ban it, because I'm not so sure how you would enforce that. I think the marketplace will do that naturally."

Commissioner Hancock said, "Then fallen leaves and grass, that ban will go into affect January 1st, 2003."

Mr. Buchanan said, "Yes. And that action to do that would take a special Off Agenda Item, because that's already in a transfer station resolution."

Commissioner Hancock said, "And that's what we got this morning."

Mr. Buchanan said, "The County Counselor's office has provided that and it's some place."

Commissioner Hancock said, "Always on the job. And one month prior to that date, December 1st, make available or, I guess, say to our haulers at that point we request you begin offering those services at your own pace to be completed July 1st, 2003."

"I guess if I was a person out there who chose to start recycling and had pay-as-you-throw, that program, that I could request that and it would be up to my independent hauler to decide whether it's available to

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me or not.”

Mr. Buchanan said, “Right.”

Commissioner Hancock said, “Okay. There are some other items. Are we ready to talk about those, in the resolution?”

Mr. Buchanan said, “If I may make a suggestion, that the resolutions that are prepared by the County Counselor’s Office, at least this one, be approved and then you can deal with other separate resolutions, other amendments as you so choose.”

Chairman Winters said, “This Motion concerns the time line, basically.”

Commissioner Hancock said, “But the first item doesn’t.”

Commissioner Gwin said, “That’s true. You want to talk about that?”

Mr. Buchanan said, “You can do it anyway you want. You can bundle them all in one Motion.”

Commissioner Hancock said, “For the folks who are out there, these little trash cans remind us every week that we still have this object to deal with. It’s up there all the time, so let’s get done with it.”

Mr. Buchanan said, “Or you could do it in one, in case there is some differences of opinion.”

Commissioner Hancock said, “Well, let me throw them out there for discussion. Unless someone else would like to go ahead and talk about the time line.”

Chairman Winters said, “Commissioner Sciortino, do you have a comment about the time line or anything else or none?”

Commissioner Sciortino said, “No, I’m going to maybe have a small comment if a Motion is made and seconded but the time line that I just heard the Manager present I’m very comfortable with.”

Chairman Winters said, “All right, thank you. Okay, Commissioner Hancock.”

Commissioner Hancock said, “Okay, thank you. We have before us today, not only approving these

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concept within the framework of the resolution, there are other aspects of the resolution that I'd like to discuss and see if there is any support for changing. The first one is, of course we have agreed within the Motion, that we are changing the . . . deleting the requirement that recyclables be picked up at the same time as the solid waste. We've changed that already. That was the first item.

"The second item is on Section 24-183."

Commissioner Sciortino said, "Give me just a half a second, Commissioner. Do you know what page that is, by any chance?"

Commissioner Gwin said, "201 in our backup."

Commissioner Hancock said, "Let me go to that. That would be probably better. Page 201 is 24-183, there. Item number three and this says, 'a list of vehicles owned or operated by the applicant in the collection of solid waste or recyclables, including vehicle make, color, year, cubic yard capacity, Kansas license plate number and empty weight'. I'd like to delete that item. That would require a change in our code, Mr. Manager, if I understand that correctly, or maybe Rich can answer that?"

Mr. Buchanan said, "The current code, as I understand it, already has many of those provisions in it. So, you are welcome, if you delete it from here, that only means that that won't be required in 2001. It is still required now, unless we go back and amend that resolution, too."

Commissioner Gwin said, "Can you tell me why you would like that deleted?"

Commissioner Hancock said, "Because I can't get an answer as to why it is even required."

Commissioner Gwin said, "Okay."

Commissioner Hancock said, "I mean, I'm trying to make this as simple . . . I put myself in the place of the independent hauler and it just seems like a requirement that's onerous . . . I just don't understand why it's required."

Chairman Winters said, "Well, as the fees are mentioned, it is so much a flat fee and then so much per vehicle after that. I don't know why we need to know the color of the vehicle."

Commissioner Hancock said, "It's a flat fee and not so much per vehicle, isn't it? Maybe I'm mistaken on that."

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Commissioner Gwin said, "Why do we need item 3?"

Ms. Susan Erlenwein, Director, Environmental Resources Department said, "The fee is \$25.00 per company and \$1.00 per vehicle, so we at least need to know the number of vehicles that the company has. The current resolution includes some of the information that's there. Not color. That would not be necessary."

Commissioner Sciortino said, "Or license plate number. There's no reason you need a license plate number, but you do need a list of the number of vehicles."

Ms. Erlenwein said, "We do need the list of the number of vehicles."

Commissioner Hancock said, "You're going to give them then that number of stickers to go on those vehicles."

Ms. Erlenwein said, "That's correct."

Commissioner Hancock said, "That's correct. So, why are we doing this? Why don't we just say that if the individual hauler comes in and says 'I have 14 vehicles', we 'say give me 14 more dollars and here's 14 stickers', done."

Commissioner Sciortino said, "I think maybe to verify that they aren't putting the sticker on a private pickup truck or . . ."

Commissioner Hancock said, "I mean, are we going to move these stickers around, I mean, from vehicle to vehicle? Is that what we're trying to prevent?"

Mr. Buchanan said, "Certainly, that wouldn't happen."

Ms. Erlenwein said, "This was just a mechanism to determine the number of vehicles for the stickers."

Commissioner Hancock said, "So the question still goes, why do we need to do this? I think it's really just a lot of information to give to us."

Chairman Winters said, "Okay, have you got another one? I didn't hear much response on that one."

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Commissioner Hancock said, "Okay. It gets worse. Section 24-188. That is on page . . . I think what I'm looking at is on page 202. Item number 2 there reads, 'proof that the collector has obtained a general comprehensive liability/ automobile insurance policy protecting the collector from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with this license which provides coverage of not less than \$300,000 for bodily injury and property damage per occurrence or in the aggregate'. Why do we care? That is a business decision that they have to make. It has no affect on us whatsoever."

Commissioner McGinn said, "Does it have an affect on us, Susan?"

Commissioner Gwin said, "Does it have an affect on us and if Susan couldn't answer, does Rich answer?"

Ms. Erlenwein said, "We were adding this for protection for the citizens to make sure that the vehicles were insured for liability. When I talked to the haulers, they encouraged this, to say that it's good to know that each of them has to pay insurance. We did not have any negative feedback from the haulers when we discussed this with them and this is modeled after what other communities are doing."

Commissioner Hancock said, "This is modeled after what?"

Ms. Erlenwein said, "What other communities have in their resolutions."

Commissioner Hancock said, "Well, you know I really don't care what other communities have in their resolutions. Okay, moving on, I guess. This is in Section 24-190. In this case it is page 202 and it's section B. 'Each collector licensed pursuant to the Article shall maintain accurate and complete records of the service provided to each residential customer, the charges to such customers and payments received, and any underlying records, including any books, accounts, invoices, route sheets or other records necessary to verify the accuracy and completeness of such records'. What we're saying here is they need to maintain those records. Wouldn't they, automatically, and why are we asking them to do that for us?"

Mr. Erlenwein said, "One of the concerns we heard from especially the small hauler organization, was

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to make sure that there's an even playing field among the haulers. That we receive appropriate information that, if I have to provide recycling or volume-based rates, to make sure the other company is also providing these services. This gives us a mechanism to determine what services they are providing and to be able to check the records, in case some accusations arise in the future, one hauler to another."

Commissioner Hancock said, "If we do this, you ought to change our name to the IRS, if we're going to go in and audit these folks. Is that what we're saying? Are we going to provide an auditing team to go in and audit these folks?"

Mr. Buchanan said, "It is not our intention ever to audit them. It is our intent, however, when there is a complaint by one hauler, saying that 'I'm providing the service and my competitor is not', there are several ways in which we could do that. We could follow a truck around, or we could ask them, or we could verify it by their business records. This, we thought, was the easiest way in which to do that."

Commissioner Hancock said, "No discussion. Okay, we can go on down to item f-4 and f-5 and f-6. I won't bother to read them, but I suggest that we take those out also."

Commissioner Gwin said, "Well, wait a minute. I think we . . ."

Commissioner Hancock said, "The reason is, I don't think any of those . . . that's our business."

Commissioner Gwin said, "But I think we need 5 if we're going to . . . particularly need 5 if we're going to say that we're going to impose mandatory subscription unless 50% of the residential customers in the incorporated areas are recycling. We wouldn't know that unless we got that information from the haulers."

Commissioner Hancock said, "Couldn't we do a poll?"

Commissioner Gwin said, "Would they tell . . . I guess we could but . . ."

Commissioner Hancock said, "We did this poll right here and they told us how many were recycling. Couldn't we do a poll and not require the haulers to keep records for our information and our convenience? We are the ones that want to know. They don't care."

Commissioner Sciortino said, "Well, we could, except that in order to verify it, instead of just taking somebody's word, we sort of do need 4 and 5, so that we can get to the percentage and have some degree of authenticity if somebody questions 'we did get to 50%, we didn't get to 50%', instead of us just

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saying, 'well, we asked the haulers and they told us'. This would give us some backup material to verify that it was accurate. That's the only reason I think, maybe 4 and 5 sort of need to be in there. I don't know if all the other ones need to be in there, but maybe they do."

Commissioner Hancock said, "Okay. Well, those are my suggestions to remove from the resolution. If it's not the will of the Board to remove those, then that's fine but I just think some of these are information that we're asking one, for our convenience, two, it's not our business and three, an awful lot of work for some of the haulers."

Chairman Winters said, "Thank you for your comments. We'll see what response we get. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. I'm going to take a stab at this and see where I get. On Section 24-183, number 3 I could agree with decreasing or condensing that, probably right after 'vehicle make' and put a period."

Commissioner Sciortino said, "This is on the color and the make?"

Commissioner McGinn said, "Yeah, just right before color, put a period."

Chairman Winters said, "Could I make a suggestion? None of these . . . I mean, these are significant to Mr. Hancock, or he wouldn't have brought them up, but none of these really change the material purpose of the resolution. Would it be appropriate that we could proceed on and we could ask the Legal Department, along with Susan, to come back with either some information about this . . . I hate for us to start rewriting these from the Bench, saying let's take out these words and put a period here and do all that. I think part of that may be appropriate. I certainly appreciate Commissioner Hancock's desire to have this be as simple for everyone as could be and people don't need to be going through this extra work, but, I don't know that right here this morning we could reword this resolution."

Commissioner Hancock said, "This is the resolution I thought we were approving today. It isn't as if I haven't brought these up to the staff. I just haven't gotten the response that I wanted, so I thought I'd bring it to you guys."

Commissioner Gwin said, "On item 3, Commissioner Hancock and McGinn, I could put the period at the end of the sentence, 'a list of vehicles owned or operated by the applicant in the collection of solid waste and recyclables' period."

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Commissioner Sciortino said, "Yeah, I could do that, too. I could be comfortable with that. I don't need to know what kind of make it is."

Commissioner McGinn said, "I disagree on number two, on insurance requirements. I think two things there. One is, it's protection of citizens in our community and I understand it is a business decision but it also puts all haulers on the same playing field. Being in situations where people don't have insurance, and you end up taking it up. I know that's a whole different deal but I would, personally, prefer to leave that in there. And then, the final comment, I just wanted to say is I think 4, 5 and 6 could be important information that we need, as we move on down and share with people whether we succeeded in different programs or not. That's all I had."

Chairman Winters said, "All right. So, Commissioner McGinn would agree to changing this one. I think I could agree with that, on the equipment list, but leave the others. Commissioner Gwin."

Commissioner Gwin said, "Yes, that's kind of where I am. I think . . . I appreciate Commissioner Hancock's concerns and we've discussed some of them but, understanding that the information that I think our Environmental Management folks need and our Solid Waste Committee needs to assure we're getting to the numbers we want to and we're making some headway here, I hope those are the only reasons why some of these rather onerous sounding requirements are here. But I have a little trepidation but then I think I have an underlying reason of why the information is important to us and the suggestion I made on 24-183, 3 I can support and I think I can support leaving the others as they're written in the resolution."

Chairman Winters said, "So that would mean one change."

Commissioner Gwin said, "Yes, sir, from me."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "I support the change that's being suggested."

Chairman Winters said, "And leaving the others in?"

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Commissioner Sciortino said, “And leaving the others in, yes, sir.”

Chairman Winters said, “Okay. Commissioner Hancock, you’ve got part of one done. Anything else?”

Commissioner Hancock said, “That’s it. Are we ready for a Motion?”

MOTION

Commissioner Gwin moved to Adopt the Resolution as presented in the Agenda backup materials, subject to the following amendments: in Section 24-183, item 3 read ‘a list of vehicles owned or operated by the applicant in the collection of solid waste of recyclables; we delete the requirement that recyclables be picked up at the same day as solid waste is collected (Chapter 24 Article 7, 24-160C1); that we change the effective date of the resolution as follows: for recycling requirement and solid waste fees and recyclable collection fees, the resolution shall take effect on December 1st, 2002 only if less than 50% of the residential customers residing in the incorporated areas are then voluntarily participating in a curbside program with their solid waste collector and if the recycling requirement, solid waste collection fees and recyclable collection fees become effective on December 1st, 2002, then enforcement of those requirements against licensed solid waste collectors shall begin on July 1st, 2003.

Commissioner Hancock seconded the Motion.

Chairman Winters said, “Commissioner Sciortino.”

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Commissioner Sciortino said, “Thank you, Mr. Chairman. Mr. Buchanan, I want to thank you and I want to thank, personally, your staff, Susan, Irene and everyone else for the efforts that you have put into developing this modified plan. It’s gratifying to me to now have a program that I sense we can all support and that we can now focus more readily on our stated objective of reducing our waste stream by 40%. I am especially pleased that we are going to educate our residents before implementing any mandates. I thank you all very, very much.”

Chairman Winters said, “All right, thank you. Commissioners, we have a Motion on the floor. Is there other discussion? Is there any other discussion? Seeing none, Madam Clerk, would you call the vote.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “All right, now we need to take up an Off Agenda Item to, as we plug in this requirement concerning the bans of yard waste.”

OFF AGENDA PROCLAMATION

MOTION

Commissioner Hancock moved to take an Off Agenda Item.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye

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Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Mr. Buchanan said, “Mr. Chairman, Commissioners, you have before you a resolution prepared by Legal staff. They’ve worked overnight to make sure this got into your hands. This resolution amends the current resolution and it establishes the effective date for the ban of yard waste at the transfer station. To accomplish what I have recommended earlier this morning that date being January 1st, 2003, we would need to amend that resolution. Therefore, I am recommending that you adopt this resolution.”

Chairman Winters said, “Thank you. Commissioners, you’ve heard that and we’ve had discussion about that, but now we need to take action on this. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. Just a housekeeping thing. I’m comfortable that the date is correct in the actual resolution, but in the material here it says April 1st, 2000.”

Mr. Buchanan said, “There was a confusion in the middle of the night. You have before you a resolution that says ‘January 1st, 2003’. It matters not what the announcement says.”

Commissioner Sciortino said, “Okay, thank you.”

Chairman Winters said, “All right. Is there other discussion on this Motion? All right, any other discussion? Seeing none, Madam Clerk, call the vote.”

Commissioner Hancock said, “We need a Motion.”

MOTION

Commissioner Sciortino moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

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Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much, Mr. Buchanan. Next item."

E. AGREEMENT WITH WICHITA REGIONAL GROUP OF THE EARLY FORD V-8 CLUB OF AMERICA FOR USE OF SEDGWICK COUNTY PARK OCTOBER 1, 2000 TO HOLD A CAR SHOW.

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "This is about the sixth year that the early Ford V-8 Club of America has asked to use Sedgwick County Park. We've coordinated the dates with the park's superintendent. Will be subject to receipt of a certificate of insurance and we would recommend your approval."

Commissioner Sciortino stepped out at 11:32.

MOTION

Commissioner Gwin moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent
Chairman Thomas G. Winters	Aye

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

F. KANSAS COLISEUM.

1. AGREEMENT WITH WICHITA JEEPS MOTORCYCLE CLUB FOR RENTAL OF BLEACHERS.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This is our standard agreement for the rental of certain equipment that we have. In this case it's bleachers. They're doing an enduros type race at their little track on North Broadway. We recommend approval."

Chairman Winters said, "Thank you. Commissioners?"

MOTION

Commissioner McGinn moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

2. AGREEMENT WITH NETVISION TECHNOLOGIES, INC. FOR ADVERTISING RIGHTS.

Mr. Nath said, "This is our standard agreement. In this case it's a barter agreement with Netvision. If

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you recall, back in January, prior to going on sale with Elton John. The day we did go on sale we had just a tremendous amount of demand for tickets. Something like 500,000 Internet hits to try to buy tickets by the Internet. What this agreement has allowed us to do is it has improved our Internet ticket selling capability. Last Saturday we went on sale with Dixie Chicks, Creed, Joan Biaz at the Orpheum Theater, as well as all the events that are still on sale at the Kansas State Fair.

“What Netvision has done is reworked our interface into the Internet so we could sell tickets. As it worked out, Elton John we sold about 8% of the house by Internet. For Dixie Chicks, we sold 35% of the house and it allowed those people to take advantage of that convenience, stay at home and buy your tickets over the computer. It worked out real well. We recommend approval.”

Chairman Winters said, “Thank you. Commissioners, you’ve heard the report. What’s the will of the Board?”

Commissioner Sciortino returned at 11:34.

MOTION

Commissioner McGinn moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

Chairman Winters said, “Any other discussion?”

Commissioner McGinn said, “Just wanted to know how quick Dixie Chicks sold out.”

Mr. Nath said, “Well, it was a little bit different than Elton John. Elton John went out in 40 minutes but everyone was buying the maximum of eight. Dixie Chicks we had a lot more transactions because a lot of people were just buying two. So, it took an hour and a half. We did, just Saturday morning, about \$500,000 in business.”

Commissioner Sciortino said, “Now we have Creed or something else coming down the line or something.”

Mr. Nath said, “Creed. Right.”

Chairman Winters said, “All right, thank you. Commissioners, we have a Motion. Any other

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discussion? Call the vote please.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

G. DIVISION OF HUMAN SERVICES.

- 1. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES-DIVISION OF HEALTH CARE POLICY, AND WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION TO PROVIDE A PSYCHIATRY RESIDENT PROGRAM AT COMPREHENSIVE COMMUNITY CARE (COMCARE).**

Ms. Deborah Donaldson, Director, Comprehensive Community Care, greeted the Commissioners and said, “This first item is an ongoing contract that we have with the State that provides funding for residents to provide services at COMCARE and they also receive training. The amount of this program is \$63,653.77 and that equates to probably 1.2 full-time positions within COMCARE to provide those services. I’d be glad to answer any questions.”

Chairman Winters said, “All right, thank you. Commissioners, are there questions or comments?”

MOTION

Commissioner Gwin moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

2. AMENDMENT TO CONTRACT WITH FAMILY CONSULTATION SERVICE FOR IN-HOME FAMILY THERAPY SERVICES.

Ms. Donaldson said, "Commissioners, this amendment allows Family Consultation Services to use part of their contract money with us to provide some in-home family therapy training for their staff and other individuals that might be interested. They would be bringing someone to the community to do that. The amount of that move, the dollars would be \$6,675. Be glad to answer any questions."

Chairman Winters said, "Commissioners, are there questions? If not, . . ."

MOTION

Commissioner Gwin moved to Approve the Amendment to Contract and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

3. AGREEMENTS (FOUR).

- ! ARROWHEAD WEST, INC.: RESIDENTIAL AND ADULT DAY SERVICES**
- ! MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS: CASE MANAGEMENT AND FLEXIBLE FUNDS**
- ! MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS: COMPEER SERVICES**
- ! BREAKTHROUGH CLUB OF SEDGWICK COUNTY: PSYCHOSOCIAL REHABILITATION AND RELATED SERVICES**

Ms. Donaldson said, "Commissioners, we have four agreements. The first one is with Arrowhead West. They provide residential and adult day services for a group of our consumers. That amount is \$85,102.39. Those are State dollars.

"The next is with the Mental Health Association and this provides some flexible funding for their case management program, to help that succeed. That's \$37,500. Those are State dollars.

"The third contract is the Mental Health Association. That's the Compeer program which provides matches for adults and children who have serious mental illness, providing mentoring and support. That is \$66,926. Those are State funds.

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“And the fourth and final agreement of this group is with Breakthrough Club and that provides a range of services, including psycho-social, money management for adult consumers, flex funds for the case management and also the TAP program, which is the Transitional Age Program which provides services for individuals ages 16 through 24 with serious mental illness. The amount of that contract is \$215,890 and those are State funds. I would recommend your approval.”

MOTION

Commissioner Gwin moved to Approve the Agreements and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Next item.”

4. AGREEMENT WITH FINNEY COUNTY, KANSAS TO PROVIDE JUVENILE DETENTION SERVICES.

Ms. Donaldson said, “Commissioners, this particular agreement allows us to use beds at Finney County. There’s no guarantee and we have no financial obligation if the beds aren’t used. If, in fact, we do use the

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beds we are able to negotiate a per diem rate of \$115.00 per day and if we actually use more than five beds, it will be \$100.00 a day. I'd be glad to answer any questions. Would recommend your approval."

Chairman Winters stepped out at 11:38.

Commissioner Gwin said, "Let me get this straight. The per diem rate is \$115.00 a day, unless we have five or more juveniles there."

Ms. Donaldson said, "That's correct."

Commissioner Gwin said, "And it's \$100.00 a day if we have over that."

Ms. Donaldson said, "The more we fill, the cheaper it is."

Commissioner Gwin said, "Have we contracted with Finney County before? Do you know? I know this isn't your bailiwick but . . ."

Ms. Donaldson said, "I guess we have in the past."

Mr. Harrison said, "I believe we have in the past."

Commissioner Gwin said, "Okay, thank you."

Chair Pro Tem McGinn said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chairman. Debbie, just for clarification, I think . . . I just want to make sure. It's \$115.00, but if it's over five, meaning six, is it \$100.00 a day, meaning retroactively for all six."

Ms. Donaldson said, "For all six is my understanding."

Commissioner Sciortino said, "Oh, okay. So, if we sent six at one time, we'd get it at \$100.00 a day, but if we sent four today it'd be \$115.00 until we get to that number six and then it goes back, from that day forward, it goes down to \$100.00 a day."

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Ms. Donaldson said, “That’s my understand.”

Commissioner Sciortino said, “Okay.”

Chair Pro Tem McGinn said, “Are there any other questions? What’s the will of the Board?”

MOTION

Commissioner Sciortino moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Absent

Chair Pro Tem McGinn said, “Thank you. Next item.”

Chairman Winters returned at 11:42.

**5. AGREEMENTS (TWO) PROVIDING DEVELOPMENTAL DISABILITY
COMMUNITY SERVICE PROVIDER STATUS.**

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! **RAINBOWS UNITED, INC.**

! **THE ARC OF SEDGWICK COUNTY**

Ms. Donaldson said, "Commissioners, these are two agreements with two of our providers on the Developmental Disabilities side. One is with Rainbows United, Inc., and these are direct funding contracts, which these are the only two we really have in our area right now. And, for Rainbows this is funding for Connecting Point, which is information referral for home-based therapy and parent training, early intervention and therapeutic child care. The amount of that is \$519,800 and those are State funds. Be glad to answer any questions."

Chairman Winters said, "All right, thank you. Commissioners, questions or comments? What's the will of the Board?"

MOTION

Commissioner Gwin moved to Approve the Agreements and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "How many more items do we have here? Oh, we've got quite a few, don't we. I think we need to take a five minute recess. Sorry to stop you right in the middle, but we're going to be in recess for just five minutes."

The Board of Sedgwick County Commissioners recessed at 11:43 a.m. and returned at 11:52

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a.m.

Chairman Winters said, "I'll call back to order our Regular Meeting of September 13th. Madam Clerk, call the next item."

6. AGREEMENTS (15) WITH COMMUNITY SERVICE PROVIDERS.

- ! **AGAPE SERVICES**
- ! **ASSIST, LLC**
- ! **CONSUMER DIRECTED SERVICES, INC.**
- ! **EPIMELOS ASSOCIATES**
- ! **HART MEDICAL EQUIPMENT**
- ! **HEAVENLY HELPERS**
- ! **HORTENCIA GRANADO**
- ! **INDEPENDENT LIVING RESOURCE CENTER, INC.**
- ! **INTERIM HEALTHCARE OF WICHITA, INC.**
- ! **KANSAS TRUCK EQUIPMENT COMPANY, INC.**
- ! **LETICIA ALDRETE**
- ! **PROACTIVE HOME HEALTHCARE SERVICES**
- ! **STEVE MALLERNEE, INC.**
- ! **TAYLOR DRUG**
- ! **TOMORROW'S DREAMS, INC.**

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Ms. Donaldson said, "This particular item provides provider status for 15 groups or individuals. Would you like me to read those into the record?"

Chairman Winters said, "Why don't you just read them in, yes."

Ms. Donaldson said, "Okay. Agape Services, Assist, LLC, Consumer Directed Services, Inc., Epimelos Associates, Hart Medical Equipment, Heavenly Helpers, Hortencia Granado, Independent Living Resource Center Inc., Interim Healthcare of Wichita Inc., Kansas Truck Equipment Company, Inc., Leticia Aldrete, Proactive Home Healthcare Services, Steve Mallernee, Inc., Taylor Drug, Tomorrow's Dreams, Inc."

Chairman Winters said, "All right, thank you. Commissioners, you've heard the names of those agreements. What's the will of the Board?"

MOTION

Commissioner Hancock moved to Approve the Agreements and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

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7. CONTRACTS (15) PROVIDING CARE ASSESSORS.

LEVEL I

! DEBBIE MCCLENNAN

! AILEEN VAUGHN

! KATHRYN COIT

! DORLAN BALES

! GAYLE CLOUD

! NORMA FRY

! JODY LUJAN

! KYLE JONES

! JAYLYN ELLIOTT

! CINDY CRANGLE

! WILMA LOGANBILL

! MARY CORRIGAN

LEVEL II

! AILEEN VAUGHN

! IRVIN PENNER

! JAYLYN ELLIOTT

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Ms. Dorsha Kirksey, Director, Housing and Community Services, Department on Aging greeted the Commissioners and said, “These contracts cover client assessment review and evaluation, or care assessments, for people who are seeking nursing home placement. These are State funds. I’d be glad to answer any questions.”

Chairman Winters said, “All right, thank you. Commissioners, questions or comments?”

MOTION

Commissioner Gwin moved to Approve the Contracts and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Next item.”

8. AMENDMENT TO AGREEMENT WITH KANSAS DEPARTMENT ON AGING AND KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PROVIDING NURSING HOME PRE-ASSESSMENTS IN SEDGWICK, HARVEY AND BUTLER COUNTIES.

Ms. Kirksey said, “Commissioners, this amendment is to the contract between the Central Plains Area Agency on Aging, which covers the tri-county area of Sedgwick, Harvey and Butler Counties. It allows our office to perform training and to be reimbursed for that training by the State. I’d be glad to answer

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any other questions.”

Chairman Winters said, “All right, thank you. Commissioners, questions or comments?”

MOTION

Commissioner McGinn moved to Approve the Amendment to Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Next item.”

9. GRANT APPLICATION TO KANSAS HEALTH FOUNDATION FOR FUNDS TO EXPAND THE COMMUNITY SERVICE COORDINATION PROGRAM FOR THE YEAR 2001.

Ms. Kirksey said, “Commissioners, this grant application is for service coordination. It’s for \$24,650 from the Kansas Health Foundation to maintain and expand that community service coordination program where individuals are able to go out into a person’s home and help connect them with services.

“I’d also like to clarify, on the recommended action, I’ve been told that all we recommend is that the grant application be approved. It’s not necessary for the Chairman to sign on this one.”

Chairman Winters said, “All right, very good. Commissioners, you’ve heard that report. What’s the

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will of the Board?"

MOTION

Commissioner Sciortino moved to Approve the Grant Application.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you, Dorsha. Good job on the Senior Expo promotion this morning, too. Next item."

H. AMENDMENTS (FIVE) TO THE 2000 CAPITAL BUDGET.

- 1. REPLACEMENT OF WALK-IN COOLER/FREEZER AT JUDGE RIDDEL BOYS RANCH (CIP #1996 OR6).**
- 2. CONSTRUCTION OF AN ADDITION TO THE TRUCK GARAGE AND A NEW EQUIPMENT STORAGE SHED AT THE PUBLIC WORKS WEST YARD (CIP #1999 PB367).**
- 3. ROOF REPLACEMENT FOR THE JOB READINESS TRAINING BUILDING AT JUDGE RIDDEL BOYS RANCH (CIP #2000 PB455).**

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- 4. BOILER REPLACEMENT FOR THE MUNGER BUILDING (CIP #2000 PB317).**
- 5. REMODEL OF THE SHERIFF'S DEPARTMENT 3RD FLOOR (CIP #1999 PB314).**

Ms. Stephanie Knebel, Senior Project Manager, Facility Project Services, greeted the Commissioners and said, "Presented for your consideration this morning are five amendments to the year 2000 Capital budget. Each of these five projects have been further in design and development. Each of these projects are going to cost more money than what's currently shown in the Capital budget. Funding sources have been identified for each of them. Each of the Departments have been briefed and all understand why the project increases are occurring. I request your approval and I'm available for questions."

Chairman Winters said, "All right, thank you. Commissioners, anyone have questions or need more details about any of these projects?"

MOTION

Commissioner Hancock moved to Approve the CIP amendments.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

I. SELECTION OF ONE VOTING DELEGATE AND TWO ALTERNATES FOR THE

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KANSAS ASSOCIATION OF COUNTIES 25TH ANNUAL CONFERENCE.

Chairman Winters said, "Commissioners, the Annual Conference of KAC is in November of this year. We need to select voting delegates and alternates. Any suggestions? I do plan on attending the conference."

MOTION

Commissioner Sciortino moved to nominate Chairman Winters as delegate, Commissioner McGinn as first alternate, and Commissioner Gwin as second alternate.

Commissioner McGinn seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Lisa, I don't know if your office has that form or not, but will you please check and make sure that somebody notifies KAC of that action."

Ms. Lisa Davis, Deputy County Clerk said, "I certainly will."

Chairman Winters said, "Next item."

J. PUBLIC WORKS.

1. AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR INSPECTION OF BRIDGE PIN AND HANGER SUPPORT SYSTEMS

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ON SEDGWICK COUNTY PROJECT NO. 628-4-4625; BRIDGE ON 39TH STREET SOUTH BETWEEN 343RD AND 359TH STREETS WEST. CIP# B-401. DISTRICT #3.

Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "Item J-1 is an agreement with the Kansas Department of Transportation to do in-depth ultrasonic inspection of pin and hanger assemblies on the bridge located on 39th Street South, between 343rd Street and 359th Street West. This inspection program began in 1988 and will continue into the future, as we monitor these bridges. The cost will be shared by both parties at an 80/20 split. Sedgwick County's share will be \$1,041.52.

"We recommend that you approve the agreement and authorize the Chairman to sign."

MOTION

Commissioner Hancock moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH CONSPEC, INC. ON SEDGWICK COUNTY PROJECT – KANSAS COLISEUM PARKING LOTS "A-1" AND "W¹/₂ D". CIP# R-234. DISTRICT #4.**

Mr. Weber said, "Item J-2 is a modification of plans and construction for the Kansas Coliseum's parking

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lots A1 and the west half of D, which are designated as R-234 in the Capital Improvement Program. This project has been constructed and is ready to be finalled out. There will be a net decrease of \$34,503.10 due to variations in plan quantities from actual field measurements. We recommend that you approve the modification and authorize the Chairman to sign.”

MOTION

Commissioner Hancock moved to Approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, “Next item.”

- 3. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A., TO PROVIDE DESIGN ENGINEERING SERVICES IN CONJUNCTION WITH SEDGWICK COUNTY PROJECT NO. 815-S½ T, U; WEST STREET FROM THE SOUTH CITY LIMITS OF WICHITA TO 47TH STREET SOUTH. CIP# R-248. DISTRICT #2.**

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Mr. Weber said, "Item J-3 is a contract with Professional Engineering Consultants to provide design engineering services to Sedgwick County for the widening of West Street to four lanes between the south city limits of Wichita and 47th Street South. This is designated as R-248 in the Capital Improvement Program. Total cost for these services will not exceed \$309,864. We recommend that you approve the agreement and authorize the Chairman to sign."

Chairman Winters said, "All right, thank you. Commissioners, questions or comments? Commissioner Hancock."

Commissioner Hancock said, "Wouldn't you know it. Jim, I'm really pleased that this project is coming up. I do want to urge PEC to take a look at that drainage in the area. It is, as you know and you're familiar with it intimately, that all goes out into a field and through a neighborhood and then to the creek. That really needs to be looked at in conjunction with this project because I know we're going to improve the drainage along there and it's just going to get worse, downstream somewhat. I'd really encourage everyone to look at this. We are working currently with Councilman Gale in doing some work down there to help alleviate some of the problems that exist right now. But, when you do this project, just really take into consideration the drainage and maybe our newly created drainage department will have something to say about that."

Mr. Weber said, "Well, as the acting drainage department we're aware of that problem and have spent quite a bit of time already with PEC discussing that issue and making sure that the contract is built so that we can take care of that properly and we've had some discussions with developers of new plats adjacent to West Street down there and we certainly want to try to improve the situation."

Commissioner Hancock said, "Well, let's solve it. It's just one of those situations where we're doing a road project and let's just . . . I think the drainage solutions will come almost . . . they just will not be adjacent to the railroad. They'll be out there and so, you just really need to take that into account, from MacArthur south at least. Thank you. Thank you, Mr. Chairman."

Chairman Winters said, "Okay, are you ready to make a Motion?"

MOTION

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Commissioner Hancock moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

- 4. RESOLUTION DESIGNATING BRIDGE WEIGHT REQUIREMENTS FOR ALL BRIDGES WITHIN SEDGWICK COUNTY, KANSAS; PROVIDING PENALTIES FOR VIOLATIONS OF WEIGHT RESTRICTIONS; AND RESCINDING ALL PREVIOUS DESIGNATIONS OF BRIDGE WEIGHT POSTING REQUIREMENTS FOR ALL COUNTY BRIDGES WITHIN SEDGWICK COUNTY; KANSAS. ALL DISTRICTS.**

Mr. Weber said, "Item J-4 is a resolution which updates the bridge weight posting requirements for all County maintained bridges. The basic changes are a direct result of the construction of new bridges in 1999. We have a total of 650 bridges of which 148 are currently posted, four are closed, and 498 are open. Open low limit bridges are defined as those bridges that can handle any Kansas legal load. As far as posted bridges are concerned, in 1985 we had 318, and as of this date we have 148, which is a significant reduction in the number of posted bridges over a 15 year period of time. As a matter of

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information, this year we are constructing nine new bridges by contract. Another ten with our own bridge crew. This resolution designates bridge weight posting requirements for all of our bridges in accordance with the procedures outlined by the Kansas Department of Transportation. Therefore, we will remain eligible for federal funds. We again recommend that you adopt the resolution.”

Chairman Winters said, “All right, thank you, Jim. Commissioners, are there questions or comments about the bridge resolution?”

MOTION

Commissioner Gwin moved to Adopt the Resolution.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 31 AND SEPTEMBER 7, 2000 REGULAR MEETINGS.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “I’m here on

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behalf of the Board of Bids and Contracts to submit accepted proposals for consideration of approval. The items that you have encompass two separate meetings. The first meeting was August 31st of 2000.

**1) FILE SYSTEM- DISTRICT ATTORNEY
FUNDING: DISTRICT ATTORNEY**

“The first item is filing system for the District Attorney’s Office. The Board of Bids recommends you accept the proposal of Ames Kompres in the amount of \$34,150 with preventative maintenance agreement and file dividers as needed. This was the only proposal that met the specifications that were outlined.

**2) WALK-IN FREEZER AND COMPRESSOR- FACILITY PROJECT SERVICES &
JUDGE RIDDEL BOYS RANCH
FUNDING: FACILITY PROJECT SERVICES**

“The second item is a walk-in freezer and compressor, which is for the Facility Projects Services and the Judge Riddel Boys Ranch. Recommend you accept the only bid received from Sunflower Restaurant Supply in the amount of \$37,890.

**3) REMODEL 3RD FLOOR SHERIFF’S DEPARTMENT- SHERIFF & FACILITY
SERVICES
FUNDING: FACILITY PROJECT SERVICES**

“The third item was remodel of the 3rd floor Sheriff’s Department, part of a Facilities project. Recommending the acceptance of the low bid of Bauer and Son Construction with an alternative number one in the amount of \$159,900.

ITEMS NOT REQUIRING BOCC APPROVAL

**4) LOCKBOX RECIEPT HANDLING SERVICES- TREASURER & DIVISION OF
FINANCE
FUNDING: TREASURER**

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“There was one item in that meeting that was tabled and that was a lockbox tax receipt proposal.

“The second meeting, held September 8th of 2000 has three items on that agenda.

1) **RETROFLECTOMETER- PUBLIC WORKS**
FUNDING: PUBLIC WORKS

“First item is a retroflectometer for the Public Works. The Board of Bids recommends you accept the only bid received from Flint Trading Company for \$16,455.

2) **SOFTWARE MAINTENANCE & UPGRADE- INFORMATION & OPERATIONS**
FUNDING: DIVISION OF INFORMATION & OPERATIONS

“The second item is software maintenance and upgrade for Information and Operations. The Board of Bids recommends that you accept the sole source bid of Information Builders for \$116,632.

3) **LOCKBOX RECEIPT HANDLING SERVICES- TREASURER & DIVISION OF FINANCE**
FUNDING: TREASURER

“The third item on that agenda was a lockbox tax receipt handling services for the Treasurer and the Division of Finance. The Board of Bids recommends that you accept the low proposal of Intrust Bank for \$35,236.

“Be happy to answer any questions. I have a few folks here that can answer questions also.”

Chairman Winters said, “Okay, thank you, Iris. Commissioner Sciortino.”

Commissioner Sciortino said, “Iris, on that last one when you were talking about the lockbox receipts, our backup material says that it was moved to table this item indefinitely for review.”

Ms. Baker said, “It was since been review. The first meeting, the first agenda of August 31st it was tabled, then was reviewed and presented last week.”

Commissioner Sciortino said, “Okay, so now it’s recommended to . . .”

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Ms. Baker said, "Accept it. Correct."

Commissioner Sciortino said, "Okay, thank you. That's all I had."

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

Commissioner McGinn said, "I guess, down here at the bottom of Item 1, that's the sole source for picking, that you did. I just wanted more information on that. I guess 20 gauge steel is more important than support on the back of the panels?"

Ms. Baker said, "Correct. We had requested that for additional integrity and strength. Only one of the contenders submitted a proposal meeting those specifications."

Commissioner McGinn said, "Okay, thank you."

Chairman Winters said, "All right, Commissioners, other questions or comments? What's the will of the Board? I think we can take both of these at once."

MOTION

Commissioner Gwin moved to Approve the recommendations of the Board of Bids and Contracts.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

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CONSENT AGENDA

L. CONSENT AGENDA.

1. Right-of-Way Agreements.

- a. One Floodway Reserve Easement and One Easement for Drainage for Sedgwick County Project – Four Oaks Addition; near 127th Street East and 37th Street North. District #1.
- b. Two Temporary Construction Easements for Sedgwick County Project No. 811-B-2423; Bridge on Ridge Road between 109th and 11th Streets North. CIP# B-389. District #4.

2. Section 8 Housing Assistance Payment Contracts.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V2043	\$228.00	4	Sunflower Gardens
V2044	\$150.00	4	Sunflower Gardens
V2067	\$215.00	2	Village Green Apts.
V2068	\$170.00	2	Village Green Apts.
V2075	\$375.00		Richard W. Volkman
V2077	\$166.00	5	William Favreau
V2079	\$217.00	4	Sunflower Gardens
V2080	\$152.00	4	Sunflower Gardens
V2081	\$260.00	4	Sunflower Gardens

- 3. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.**

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V99055	\$217.00	\$000.00
C98044	\$310.00	\$260.00
V99014	\$306.00	\$323.00
V99087	\$282.00	\$449.00

4. Plat.

Approved by Public Works. The County Treasurer has certified that taxes for the year 1999 and prior years are paid for the following plat:

South Hedgewood Estates Addition

5. Agreements (11) with Arrowhead West, Inc.; Catholic Charities, Inc., Adult Day Services; Cerebral Palsy Research Foundation of Kansas, Inc.; Dream Catchers; Eleanor Dockers Case Management LLC; Envision; Goodwill Industries Easter Seal Society of Kansas, Inc.; Kansas Elks Training Center for the Handicapped, Inc.; Res-Care Kansas, Inc. Life Choices; Rise; and Zachary House, Inc. to provide developmental disability community service provider status.

6. Notice of Public Hearing on November 8, 2000 regarding a petition for annexation presented by the City of Maize.

7. Application for License to Retail Cereal Malt Beverages.

Applicant Name

d/b/a

Merlyn Duane Oblander

Big Events LLC

8. Orders dated August 30 and September 6, 2000 to correct tax roll for change of

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assessment.

- 9. Payroll Check Registers of August 31 and September 1, 2000.**
- 10. General Bills Check Registers of September 1 and September 8, 2000.**
- 11. Budget Adjustment Requests.**

Mr. Buchanan said, "Again, I need to talk about two issues. One is the Consent Agenda and the other is a technical error that we've discovered on the resolution that you approved previously today.

"First, let me recommend that you approve the Consent Agenda and if it would meet with your approval, I would want to talk about that glitch that we've discovered."

Commissioner McGinn said, "I just have a little typo change, if it's necessary. Maybe it's not necessary."

Chairman Winters said, "On the Consent Agenda?"

Commissioner McGinn said, "On 1-b there's three bridges between 109th and 11th Street. That ought to be 117th Street."

Chairman Winters said, "It's 109th and 117th Street North, not 11th Street North. With that change, is there a Motion to approve the Consent Agenda?"

MOTION

Commissioner McGinn moved to Approve the Consent Agenda as presented.

Commissioner Sciortino seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

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Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

M. OTHER

Chairman Winters said, “Under other business then, Mr. Manager, is there other business that you’d like to bring up?”

Mr. Buchanan said, “Yes. You amended the Solid Waste resolution and after the vote was taken and I stepped out, it was discovered that what you adopted was not what was intended. I apologize for that. Yesterday, working with the Attorney’s Office, it was my responsibility to make sure that it was clear and succinct. It was not and that’s why that error occurred.

“The recycling program was intended to mean, not just curbside recycling, but recycling recycling and would include the use of drop-off boxes, or if people went to . . . got in their cars and deliberately took directly to Weyerhaeuser their materials, they too would be included in the 50%. They will be harder to count, but we believe that there are ways in which to do that that are statistically significant ways to do that and are prepared to defend their inclusion. We believe that this was the fair way to do it, not just for curbside, but for others who are currently participating, as you have heard from time to time, who are currently participating in recycling programs, for their numbers to increase and to be included in this process.

“Therefore, I would make the recommendation that the amendment read as follows, ‘For recycling’ . . . and if you have the paper in front of you, it may be easier to follow. ‘For the recycling requirement and solid waste collection fee and recyclable collection fees, the resolution shall take affect on December 1st, 2002 only if less than 50% of the residential customers residing in the incorporated areas are then voluntarily participating in a recycling program. I’m striking the words curbside and the phrase ‘with their

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solid waste collector'. I would recommend that you approve the amendment to the amendment."

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

Commissioner Gwin said, "I have a question about the amendment to the amendment. So, I think one reason we talked about curbside and incorporated was because that's where curbside recycling was going to be available. Now I'm thinking is, as we've amendment this to talk about recycling programs in general, how do we know we're going to be counting just those folks who live in the incorporated areas? I mean, if we're counting drop boxes, I don't know where those people are . . . I don't know if that word needs to be in there, is what I'm saying."

Commissioner Hancock said, "Well, the goal is to reduce the waste stream by 40% in 2003. It's easily measured by understanding what the waste stream is in the year following the instituting of the transfer station. We have a year to measure that, what that volume is. We begin recycling it becomes really easy just to subtract one from the other. We'll know whether we've achieved a 40% reduction volume going to, eventually the landfill. And that was our original goal. We didn't talk about recycling. We didn't talk about composting. Those are all elements of that ultimate goal. And it goes back to the question that I asked earlier. Why are we even counting? We just want to measure the tons. I mean, we could have said we're going to put it on the moon, we're just going to reduce our flow to our ultimate destination of a landfill. That's what our goal was originally. We're just using the tools of recycling, composting, so forth and so on, prohibiting things to go in there as tools. That's what we're doing. But our goal is to reduce the stream."

Chairman Winters said, "All right, Commissioner, I'm not sure you got an answer yet, Commissioner but, Commissioner McGinn."

Commissioner McGinn said, "Well, I would think that we already, Waste Connections already knows how much we're recycling now in the bins. 'X' amount of pounds. They know how much their picking up those drop-off boxes."

Commissioner Hancock said, "David Lies doesn't know."

Commissioner McGinn said, "Okay, I'm talking about drop-off bins. We need to have them find out what they're picking up on the curbside, too. I think you'd be able to tell whether they're increasing or not."

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Commissioner Hancock said, "I don't think they're weighing them."

Chairman Winters said, "Yeah, they are."

Commissioner Hancock said, "Are they?"

Chairman Winters said, "They know how much they're getting out of their drop boxes. The question . . . Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. I'm going to go ahead and support what the Manager's recommending here because I know the goal was to try to figure out if 50% of the residents would get behind doing something voluntarily. I'm confident the staff is going to figure out, through the drop boxes, what type of subscriber equivalence that might be. I think, Commissioner Gwin, we're going to have to make some assumptions that if a drop box is located within the incorporated city limits of a city, that probably the overwhelming majority of the people going to that drop box are living inside the city limits. It may not be exacting, 100% accurate but I think, for figures in trying to come up with equivalent residential customers, it probably would be acceptable."

Commissioner Gwin said, "And, . . . I'm sorry, it's just the clouds are just clearing. And also, if we have to implement mandatory subscription, we would do so only to folks who live in the incorporated areas because that's the only place where we provide curbside, correct? So, that's the reason why we're looking at . . . Okay, thank you. It's clear."

Chairman Winters said, "I will support this change, too. My original intention was that it said what it says. It said we're going to try to get 50% of the people involved in curbside recycling and I hadn't really thought about then, what about those others that are recycling now, under their own mechanisms, without subscribing to curbside. And I'm willing to try to find out what that number of folks is. So, Mr. Euson, what do we need to do, procedurally, now?"

Mr. Euson said, "If this weren't a resolution that was required to be enforced, I'd say something else but I think what you really need to do is you need to take two actions. You need to rescind the Resolution you passed as Item D on your Regular Agenda and the second item should be to enact a resolution in accordance with the Manager's recommendations. Two separate actions."

Chairman Winters said, "Okay. Commissioners, that's the recommended action."

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Commissioner Gwin said, “To rescind ‘D’ . . .”

Mr. Euson said, “The motion to rescind the resolution that you enacted as Item D on the Regular Agenda.”

Commissioner Gwin said, “Okay, I made the Motion and Commissioner Hancock made the second. Does that have to . . . any of us who supported it can rescind it. Correct?”

Mr. Euson said, “Yes.”

MOTION

Commissioner Gwin that we rescind the resolution previously adopted in Item D of today’s Agenda.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Commissioner Gwin said, “Would it be appropriate, Mr. Chairman, for me just to go back and read this Motion with the corrected amendments in it?”

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Mr. Euson said, "It would be the best."

Mr. Buchanan said, "That would be the best way to do it."

MOTION

Commissioner Gwin moved to Adopt the Resolution as presented in the Agenda backup materials, subject to the following amendments: delete the requirement that recyclables be picked up at the same day as solid waste is collected, Chapter 24, Article 7, 24-160C1; change the effective date of the resolutions as follows; For the recycling requirement and solid waste collection fees and recyclable collection fees the resolution shall take affect on December 1st, 2002 only if less than 50% of the residential customers residing in the incorporated areas are then voluntarily participating in a recycling program; if the recycling requirement, solid waste collection fees and recyclable collection fees become effective on December 1st, 2002, then enforcement of those requirements against licensed solid waste collectors shall begin on July 1st, 2003; and in Section 24-183, application for license, item 3, be changed to read 'a list of vehicles owned or operated by the applicant in the collection of solid waste or recyclables.

Commissioner Sciortino seconded the Motion.

Chairman Winters said, "Then, just for clarification, and someone can correct me if I'm wrong, as shown as discussion in these Minutes, the reason we have done this is to, as we work towards this 50% we're expanding that to make sure we try to include everyone in incorporated areas that are recycling, curbside and otherwise. Any other discussion? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Is there other business to come before the Regular Meeting? Seeing none, this meeting is adjourned."

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N. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:21 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

CAROLYN McGINN, Chair Pro Tem
Fourth District

Regular Meeting, September 13, 2000

BETSY GWIN, Commissioner
First District

BILL HANCOCK, Commissioner
Second District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 2000