

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

### **REGULAR MEETING**

**AUGUST 28, 1996**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, August 28, 1996, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Melody C. Miller; Commissioner Betsy Gwin; Commissioner Paul W. Hancock; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Stephen B. Plummer, County Counselor; Mr. Lewis R. Rogers, Assistant County Manager; Ms. Alison McKenney-Brown, Assistant County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Steve Gilbert, Forensic Administrator, Regional Forensic Science Center; Mr. David C. Spears, Director, Bureau of Public Services; Mr. John Nath, Director, Kansas Coliseum; Ms. Louanna Honeycutt Burress, Administrative Officer, Department of Housing & Economic Development; Mr. Daryl Gardner, Controller, Accounting Department; Mr. Darren Muci, Director, Purchasing Department; Mr. Doug Roth, First Deputy District Attorney; Mr. Harry J. Hayes, Director, Bureau of Human Resources; Ms. Mary Ann Mammoth, Personnel Director; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

#### **GUESTS**

**Ms. Doris Smith**, Sedgwick County Mental Retardation/Physical Disability Advisory Board

**Ms. Mary Henley**, Sedgwick County Advisory Council on Aging

**Ms. Joan Buenten**, Senior Computer Operator, Sedgwick County Information Services

**Mr. Duane Sanders**, Route 1, Box 210, Valley Center, Kansas

**Mr. Gary Wiley, P.E.**, Professional Engineering Consultants

**Mr. Jim Snook**, Bob Bergkamp Construction Company

**Ms. Helen Watson**, 3937 South Baehr, Wichita, Kansas

**Ms. Anita Eck**, 3721 West 37th Street South Court, Wichita, Kansas

**Mr. Jeff Watson**, 3824 South Baehr, Wichita, Kansas

**Ms. Ellen Nofire**, 4605 West 37th Street, Wichita, Kansas

**Ms. Cheryl Reser**, 3933 South Eisenhower Court, Wichita, Kansas

**Mr. Joe L. Norton**, Bond Counsel, Gilmore and Bell

**Mr. Eldon Titus**, 6200 Nancy Lane, Wichita, Kansas

**Mr. Thomas W. Blake**, 6201 Jackson Boulevard, Wichita, Kansas

## **Regular Meeting, August 28, 1996**

### **INVOCATION**

The Invocation was given by Mr. Chuck McCoy of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Ms. Becky Allen-Bouska**, Finance Director, greeted the Commissioners and said, "You have previously received the certification of funds for today's regular agenda. I am available for questions if there are any."

**Chairman Winters** said, "Thank you Mr. Chairman. I see no questions. Thank you very much. Next item."

### **APPOINTMENTS**

#### **A. APPOINTMENTS.**

- 1. RESOLUTIONS (2) APPOINTING BEVERLY GUTIERREZ AND BRUCE KOUBA (BOARD OF COUNTY COMMISSIONERS' APPOINTMENTS) TO THE COMMUNITY CORRECTIONS ADVISORY BOARD.**

**Mr. Stephen B. Plummer**, County Counselor, greeted the Commissioners and said, "The first items you have in front of you are two Resolutions. The first is appointing Beverly Gutierrez and the second appointing Bruce Kouba to the Community Corrections Advisory Board. Those are County Commission appointments. I recommend you adopt the Resolutions."

**Regular Meeting, August 28, 1996**

**MOTION**

Commissioner Schroeder moved to adopt the Resolutions.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Chairman Pro Tem Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. Is Beverly or Bruce here this morning? Okay, thank you very much. Madam Clerk, call the next item."

**2. RESOLUTION APPOINTING DORIS SMITH (COMMISSIONER MILLER'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL RETARDATION AND PHYSICAL DISABILITY ADVISORY BOARD.**

**Mr. Plummer** said, "The next Resolution you have appoints Doris Smith to the Sedgwick County Mental Retardation and Physical Disability Advisory Board. That is commissioner Miller's appointment. I recommend you adopt the Resolution."

**MOTION**

Commissioner Miller moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Chairman Pro Tem Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. Is Doris Smith here? Doris, would you please come up. Since there are two different Boards, can we swear them both in at the same time?"

**Ms. Susan Crockett-Spoon** replied, "Yes."

**Chairman Winters** said, "Doris, if you'd just come on up, we're going to take another appointment and then we'll swear two of you in at the same time. So if you'd stand right there, it would be fine."

**3. RESOLUTION APPOINTING MARY HENLEY (COMMISSIONER MILLER'S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

**Mr. Plummer** said, "Third is a Resolution appointing Mary Henley to the Sedgwick County Advisory Council on Aging. This is Commissioner Miller's appointment. I would recommend you adopt that Resolution also."

**MOTION**

Commissioner Miller moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Chairman Pro Tem Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. Is Mary Henley in the audience? If you would please come forward. Madam Clerk, if you would please swear these folks in for their positions."

**Ms. Crockett-Spoon** said, "If you'd raise your right hand and repeat after me.

*I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duty of the Office of, Ms. Smith, Sedgwick County Mental Retardation and Physical Disability Advisory Board, and Ms. Henley, the Sedgwick County Advisory Council on Aging. So help me God."*

**Ms. Smith and Ms. Henley repeated the Oath.**

**Chairman Winters** said, "Commissioner Miller."

**Commissioner Miller** said, "Thank you Mr. Chairman. I just had a couple of notes that I wanted to make before Mrs. Smith and her husband Wendel walks out and Mrs. Henley walks out. You both will truly be assets on these County Boards. I am appreciative that you have decided to serve for us. Thank you again."

**Chairman Winters** said, "Yes, thank you very much. We do appreciate it a great deal when citizens serve on advisory boards. It is very, very important to us. So thank you again. Madam Clerk, next item."

**Regular Meeting, August 28, 1996**

**RETIREMENT PRESENTATION**

**B. PRESENTATION OF RETIREMENT CLOCK TO JOAN BUENTEN, SENIOR COMPUTER OPERATOR, INFORMATION SERVICES.**

**Ms. Mary Ann Mamoth**, Personnel Director, greeted the Commissioners and said, "It is my honor this morning, on behalf of the Board, to present a retirement certificate to Joan Buenten from Information Services. She will retire September 1, 1996, after six years of service. She was hired on March 26, 1990, as a computer operator and was promoted to Senior Operator on February 21, 1993.

"Joan has three children in Wichita and three in New York. She will spend time with them and many grandchildren. She is planning to travel more, now that she has time to do so. Joan is Chair of the Missions Committee at her church and serves on the Hope Team with outreach to the congregation. She tape records text books for WSU for visually impaired students and will expand the time that she can give to these projects. She is training to be a care giver to AIDS patients with Care Coordination. She says she is planning to give more time to sewing and gardening, reading, and just hanging out.

"Joan has always worked for Information Services while employed at Sedgwick County. She describes her period of employment as, 'my position as Senior Computer Operator has been a time when I was challenged to use my knowledge and experience. I was fortunate to have co-workers who were supportive and good employees and team players. I will miss the times we worked together to a common goal to get the work done.'

"We want to congratulate her on her retirement."

**Chairman Winters** said, "On behalf of the County Commissioners and the citizens of Sedgwick County, we appreciate the work you've done for us. From the report that Mary Ann read just now, it sounds like you are a very active citizen in our community. We're proud of that. We're proud to have folks like you working for Sedgwick County. We wish you the best in your retirement."

**Ms. Joan Buenten** said, "Thank you very much. It has also been a matter of pride for me to be able to say to people, I work for Sedgwick County. Now I'll have to say I worked for Sedgwick County. And I never expected so many people to show up."

**Regular Meeting, August 28, 1996**

**The audience laughed.**

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

**DONATION**

**C. DONATION OF HISTOLOGY EQUIPMENT BY THE HONORABLE GREGORY L. WALLER TO THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER.**

**Mr. Steve Gilbert**, Forensic Administrator, Regional Forensic Science Center, greeted the Commissioners and said, “In July, the Honorable Gregory L. Waller donated a large amount of histology laboratory equipment for our use. We feel very appreciative about this, due to our age and our stage in development, this is going to be an asset to our success in the future. So we have prepared a letter of recognition for the Judge, hoping you would review the letter favorably and sign the letter.”

**Chairman Winters** said, “All right, thank you very much. Commissioners?”

**MOTION**

Commissioner Miller moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Hancock seconded the Motion.

**Mr. Gilbert** said, “I’d like to point out, Mr. Chairman, that this donation was in the name of his wife, Dr. Mary Waller.

**Chairman Winters** said, “Very good. Commissioners, we have a Motion, is there any other discussion? Seeing none, call the vote.”

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**CITIZEN INQUIRY**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING SOLID WASTE PLANNING.**

**Chairman Winters** said, "Thank you very much. Duane Sanders, if you would come forward please and give your name and address. This is the Citizen Inquiry portion of our meeting and we do allow citizens to address the Commission. To get on our agenda, you need to notify the Manager's Office a week before our meeting. You're limited to five minutes and please give your name and address for the record."

**Mr. Duane Sanders** said, "I live at Route 1, Box 210, Valley Center, Kansas, 67147, and if you go there, you will find yourself high atop Gobbler's Knob. I appreciate the opportunity to come here this morning and I thank each of you. I hope that our people have not been real abusive. I know we're very concerned and we've spent a great deal of time on the telephone, and writing letters and notes, whatever. I have been before you folks before under dire circumstances and because of my limited ability and vocabulary, I'll probably have to reiterate what I have said before. **HELP!**"

**Commissioner Schroeder** said, "I remember you."

**Commissioner Miller** said, "Oh goodness."

**Mr. Sanders** said, "I'm just as sincere as I was last time. We find ourselves between a rock and a hard place. I can't understand those folks that rule across the street. That's a problem for me, plus a lot of other people. In Lincoln Township, where this proposed site is, there are 465 people, according to last head count."

### **Regular Meeting, August 28, 1996**

“Now this is not just Lincoln Township people who are concerned here. Roughly 2,000 people have signed petitions and our petition states simply as a citizen who resides in Sedgwick County request the Sedgwick County Commission rescind the agreement with the City of Wichita that gives up the County’s authority for solid waste management.

“I’m proud to say that one of these petitions has the signature of Todd Tiahr. Take them up to the Clerk please. We’ve got a problem that has to be solved and I’m thankful it’s not my obligation. As I read the papers, I find that the City calls themselves the Air Capital of the World. High-tech city, on the cutting edge of technology, if you please. But when we come to disposal of trash, ladies and gentlemen, I swear to you that we are operating in the horse and buggy days. Technology has been developed over the years. I’m sure it isn’t necessary to dispose of our trash in this manner. We refer to this City as the River City. Upstream at a point, not too far from here, trash is dumped at the edge of the river. At a point not too far downstream, is effluent from the sewage plant is dumped in the river and we have bathtub races in between.

“We’ve got the Keeper of the Plains. Surely, those eyes are shedding some tears with what has been done to the environment in Sedgwick County. Not only just the people who live around them, like I said, there was roughly 2,000 other people. I’ll have to refer to some notes here, I’m terrible with names. We have people with letters after their names and I’m proud of those folks. All I can put after mine is R.F.D. Professor Robarchek, he’s a professor at Wichita State University. Professor Robert Burg has served in that capacity at Wichita State University. That gentleman joined forces with us twenty years ago when the hazardous waste dump was being established. Then, yesterday I guess it was, Dr. Darrah, physician, testified. That lady is opposed to dumping trash in the ground.

“These people are highly educated and understand it much better than an old hick from the sticks like I am. I don’t know a lot, but I’ve got just a little bit of horse sense or I wouldn’t have gotten to this stage in life. It seems absurd to me that your constituents are going to decide whether they will let you vote on an issue. The laws of Kansas grant you the obligation, if you please, to take care of this matter. I would be the last that would ever criticize the County Commission for giving oversight of the landfill to the City. I just feel sure, had I been sitting in your chair at that time, I would have made the same decision you did. I’m not about to say it was a bad decision. I think at that time it was good, but time changes things. It’s definitely changed me.

## **Regular Meeting, August 28, 1996**

“I hope that this thing will go back in the hands of those who the State declares should have it. We’ve got 115,000 people in Sedgwick County that has had no representation in the decision making at this point in time. You are the folks who can take care of us. We can’t do it by ourselves. It’s just like last winter when I came to you. We’re powerless, but you have the power. Susan how’s my time?”

**Chairman Winters** said, “You are out of time Duane.”

**Mr. Sanders** said, “Okay, I thank you kindly. We urge you, we implore you, we beg you, take charge!”

**Chairman Winters** said, “Thank you Mr. Sanders. We appreciate very much you being here. All right, thank you very much. The Clerk is going to call the next item, which is a zoning case, CU-403. I want to be sure that anyone that is here for that case has a place in the room. So if any of you who are involved and want to hear us talk about solid waste, it’s going to be at least an hour before we get to the solid waste issue. There’s a meeting room down the hallway that you’re certainly welcome to sit in and monitor our proceedings in here on television and then come back when we do the solid waste. I want to make sure that any citizen that is here for the zoning case has access to the room. Okay, Madam Clerk, call the next item please.”

### **PLANNING DEPARTMENT**

#### **E. CASE NUMBER CU-403 - CONDITIONAL USE PERMIT AUTHORIZING ROCK CRUSHING, THE STORAGE AND RECYCLING OF CONCRETE AND ASPHALT AND EXCAVATION OF A BORROW PIT, LOCATED SOUTH OF MACARTHUR, EAST OF THE WICHITA-VALLEY CENTER FLOODWAY.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, said, “I was hoping maybe the room was going to empty out a little bit more, but apparently not. Yesterday, at the City Council, we were talking about communication towers that USD259 wants to install at school sites in the city limits. I told the Council that if NIMBY’s (not in my back yard) were rated on a scale of one to ten, landfills would be a ten, communication towers were probably a two. I guess your job this morning is to figure out where rock crushers go on that scale.

## **Regular Meeting, August 28, 1996**

### **SLIDE PRESENTATION**

“The black outline tape is the area that we are talking about. It’s 56 acres, it’s unplatted, it’s undeveloped land and it is 900 feet to the south of MacArthur Road. This is the site we are talking about. This is MacArthur Road and this is West Street. North south railroad tracks, active tracks. This is the Wichita Valley Center floodway, the Big Ditch. This track is 900 feet south of MacArthur Road and just borders on the east side of the Big Ditch and is west of West Street. The track is zoned Light Industrial. All the purple area and the grey area also is Industrial Zoning. If we had a map to show you the north side of MacArthur running all the way up to Pawnee and all the way down to 47th Street with one exception along the Big Ditch and about a half a mile north of here is zoned for mobile home park. All of the area including all the area that is known as Oatville both north and south of MacArthur is zoned Light Industrial. Now I’ll give you a little bit of history about that but I think it is important for you to understand that that whole corridor has been zoned for many years and has been planned for many years for industrial use and industrial development. The application is a conditional use permit. There are two separate purposes that are being requested here. One is the operation of a rock crusher. A rock crusher is actually a grinding machine that converts large chunks of concrete and asphalt from old paving into smaller aggregate that is recycled and reused on new paving projects. The second requested use is the excavation of clay from a seam that is underground in this area apparently to a level of about twenty feet. Excavation of clay for separate construction purposes unrelated to the rock crusher. The applicant is Bergkamp Construction Company. They have an office and contractor’s yard which if it appeared on the map would be about a quarter of a mile north of MacArthur on the east side of West Street and so this is a convenient location for them. It’s also convenient in terms of the Interstate access that’s supported and so their requesting these two separate purposes in this conditional use request. Bergkamp would be leasing the land from the property owner and the property owners’ ownership includes the area to the north of the application extending to MacArthur Road. So to know that area it looks like it was platted and was platted years ago probably with the intention of residential uses. It’s undeveloped today and I’ll show you slides in a minute.

“Getting back to the zoning and how and when it was established. Zoning was established and this was part of the three mile ring where the County established zoning in 1958. If you look and the notes and minutes and the land use studies that were done at the time by the County, they indicated that this area was appropriate for industrial development based on the railroad and based on some existing uses that were in that area.

### **Regular Meeting, August 28, 1996**

“At the time on the north side of MacArthur there were a few scattered homes in Oatville since that time zoning additional homes were established because up until recently the Counties zoning code even in industrial districts did permit residential uses. In the City ordinances for many years residential uses were not permitted to establish industrial uses. So this area has continued to develop on the north side and there are quite a number of homes now on the north side of MacArthur in the Oatville area with residential but back in 1958 the area was identified for industrial, it was zoned for industrial. All of the County adopted plans since that time have indicated the corridor was appropriate for industrial development.

“To get an idea about the uses in the areas..this area is undeveloped..this is a home of the owner..this is all the property ownership and this is the portion that is being leased. The access to this track would be by Broad Street which is not in today but there’s a dedicated right-of-way from that old plat and one of the conditions agreed to by the applicant and recommended by the Planning Commission is for the paving of about 900 feet of street to the Counties pave standards of Broad Street to this proposed use. This is the Big Ditch..this is the proposed borrow pit and rock crushing and stock pile area undeveloped land zoned industrial. This is the residential area of Oatville and the owners who are protesting, although, we have heard that there are also people who live west of the ditch both east and west of Hoover who have concerns about this request. Other uses in the immediate area, this is the County’s Maintenance Yard, which I said is about a quarter of a mile south. It looks similar to the use that you might be seeing if you approve the conditional use for the rock crushing. So if you went directly north from this use about a quarter of a mile, that’s where the rock crusher would be. This gives you an idea about the character of some of the surrounding land. I’m sorry, this is a little bit dark, but this is a picture of what a rock crusher looks like in case you were curious. I think the applicant has some additional photographs that he may want to share with you. This is back to the aerial photograph and the zoning map. I’ll try to answer any questions that you have.”

**Chairman Winters** said, “Okay, thank you. Commissioners, does anyone have a question of Marvin at this time?”

**Commissioner Miller** said, “I do have a couple of questions. Marvin, one was regarding the number of houses that are actually located in the Oatville area. Do you have that?”

### **Regular Meeting, August 28, 1996**

**Mr. Krout** said, "I'm guessing, but I would say about 30 houses. We don't have an accurate aerial photograph. There are certainly people here in the Oatville area that could give you a better count than I can. There are about three north south streets that each have ten to twelve houses on them maybe."

**Commissioner Miller** said, "Okay, that's the only question I have Mr. Chairman."

**Chairman Winters** said, "Okay. Thank you very much. Thank you Marvin. At this time, is there anyone, the applicant or anyone in support of this application? This would be the time for them to address the Commission."

**Mr. Gary Wiley, P.E., Professional Engineering Consultants,** said, "I'm representing the applicant. I would like to clarify one thing. The application area is actually being purchased by Mr. Snook. It will be owned by Mr. Snook and Bergkamp Construction Company. It is not a lease agreement."

"I would like to say that we're in complete agreement with all the 21 conditions of approval that the Planning Commission imposed as well as the new proposed condition that Marvin brought up regarding the runoff, as suggested by the Health Department. I won't go over everything that Marvin has just very greatly presented to you in our behalf. I would say that when Mr. Snook came to me originally, about this site and the conditional use for the proposed uses, the first thing we did was go to the Planning Department, sit down and meet with the Planning Department staff and input in the conditional use that you see today based on some of their proposed suggestions. We then filed the case and we're here today asking for approval."

"The borrow pit area, as you can see, there was some major drainage coming to this site, and we have offered that to the County as temporary detention of storm water runoff. So that sometime in the future, once the borrow is excavated from that area, then the County could use it for detention of storm water. I think that's about all I would have. I know Mr. Snook is here and would like to speak to you. If there's any questions that I might answer at this time or after Mr. Snook talks."

**Chairman Winters** said, "Okay, Mr. Wiley, I see no questions of you right now. If the applicant would like to address us, this would be a good time for him to do that."

### **Regular Meeting, August 28, 1996**

**Mr. Jim Snook** greeted the Commissioners and said, "I'm with Bob Bergkamp Construction Company. Throughout this whole process, we've tried to comply with all the requirements and all the restrictions that have been placed upon us. Marvin has done a good job of explaining exactly throughout the scenario with what exactly needs to happen through the permitting process that we're trying to go through.

"I went to a town meeting down in Oatville last Monday night, a week ago, I think it was the 19th of August. I invited myself pretty much, but I had a few people that worked for me that had some fliers that they were organizing to try to come up and to address some of their concerns in their meeting. At that point in time, I decided that I would go ahead and try to attend that meeting and I called Mrs. Eck and Jeff Watson and told them I would prefer about five or ten minutes of their time to maybe shed a little light on exactly what is going on, to inform these people, the neighbors, a little more so they don't get a tainted view at that point in time with what they were going against. At that point in time, I had some photos that I think Gary gave to Melody here. I got up and I talked to them and I said well, we'll talk about whatever they wanted to talk about.

"There are three main issues, the noise issue, the dust issue, and the truck traffic issue. We addressed those and with the photos that I have there and that were present at that meeting, we tried to show that the dust that comes from this plant is controllable. It doesn't take care of itself. There are responsibilities on myself through the requirements with our conditional use that we have to do some things and we will do those types of things. The noise level, you've got a copy of the noise level report that's out. On the truck traffic, I told these folks that there could be no trucks a day, there could be ten trucks a day on MacArthur Road, there may be a hundred trucks a day. Marvin has addressed that with the percentage of increase on all that. At the close of the meeting, I made an opportunity for those folks, if they wished to have a small group, a select handful of the neighbors to go down and look at our operation. If they would care to go down and look at it in operation, I'd be happy to take four or five of them down there, if they selected them and I was going to be out of town for a couple of days and then on Thursday was when I was going to be ready to go do that. The folks didn't call. I think some of them have been down there to see our existing crusher plant and they didn't take me up on that.

"But this plant will not operate, this is a recycle operation, and this plant, even with the timing that we've asked for and the restrictions placed upon us on the working hours, we won't be in this plant every day, crushing from seven to seven or whatever the restrictions are.

### **Regular Meeting, August 28, 1996**

“This plant, as a matter of fact itself, won’t even crush in Sedgwick County this coming next year. We’ve got a project with Coss Construction up in McPherson County and this crusher will recycle Highway 135 and it will be sitting at about Moundridge, Kansas. This comes in and as we bring it around, it’s the same crusher, it’s a portable crusher, we’ve got it set up in Derby right now. We’ll take it up to McPherson County when we get ready to start that job in February and the truck traffic will mainly be associated with this area is going to be when we’re bringing raw materials in prior to its crushing. There is a site on the picture there. There’s a picture showing the stockpiled concrete. There’s a picture showing the screening process. There’s a picture there showing how we take care of the dust with the spray system and everything in that. With that, if you guys have any questions of me, I’ll be more than happy to answer them or that concludes my case.”

**Chairman Winters** said, “Thank you Mr. Snook, I do have a question. Mr. Wiley had indicated that you were in agreement with the provisions, the conditions that have been placed and the one additional one that Marvin had mentioned. Do you concur with that? You’ve looked at all these . . .”

**Mr. Snook** said, “We’re in complete agreement with all of them along with the additional filtration pond if the Health Department so requires.”

**Chairman Winters** said, “Okay. Some of them are kind of strenuous, but you are in agreement with them?”

**Mr. Snook** said, “Yes, we are.”

**Chairman Winters** said, “Okay, thank you. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. Mr. Snook, another question I guess. You recently were considering a crusher or some sort of facility in an area that was not zoned light industrial up northeast.”

**Mr. Snook** said, “That’s true.”

**Commissioner Gwin** said, “And the zoning was not as appropriate. What happened to that request?”

**Mr. Snook** said, “I withdrew it.”

**Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "And your reason why?"

**Mr. Snook** said, "Because of the simple fact that it was a little farther from the highway. Some of the opposition. We were a lot closer to some of the neighbors there than we would be here."

**Commissioner Gwin** said, "And again, it was not zoned light industrial."

**Mr. Snook** said, "It was not zoned light industrial. I think it was rural residential if I'm not mistaken."

**Commissioner Gwin** said, "I believe that's right. I just wanted to reiterate that or to remember that, because you deemed it inappropriate after you looked at it again and visited with the neighbors because it was not currently zoned light industrial."

**Mr. Snook** said, "That's one of the reasons yes, along with staff's comment at that point in time. I don't think Marvin's staff supported it at that point in time either."

**Commissioner Gwin** said, "Yes. Well I appreciate your reconsideration of that and your willingness to take on, as the Chairman says, it's an onerous responsibility."

**Mr. Snook** said, "There are a lot of restrictions in those conditions, there are several."

**Commissioner Gwin** said, "You also called it a recycle operation. Does that mean you just take up roads as they are being reworked and grind down the material?"

**Mr. Snook** said, "Roads and parking lots. The stuff that we're crushing right now, the material we're crushing right now is K-15 between Derby and Mulvane on that reconstruction process. The Department of Transportation, the County, the City, KDOT, and several of the townships and everything, use the product which we will be producing, whether it be crushed asphalt or crushed concrete."

**Commissioner Gwin** said, "Okay. And the sound levels that were taken, were those at your plant?"

**Mr. Snook** said, "Those were at the existing plant down in Derby."

## **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "All right. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Mr. Snook, I see no more questions. Thank you very much."

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

**Chairman Winters** said, "Is there anyone else who would like to speak in support of this application? Applicant's agent or others speaking in support of this application? All right, seeing no one, we will listen to citizens who would like to speak in opposition. Could I have a show of hands of how many people are here who plan on speaking this morning? All right, thank you very much. Would the first person please come to the podium? Please state your name and address for the record. Try to limit your comments to five minutes, but we certainly want to here what you have to say."

**Ms. Helen Watson** said, "I reside at 3937 South Baehr, Wichita, Kansas. Mr. Chairman and members of the Commission, I reside in an original platted land called Oatville. This area lies directly north of the proposed site being considered for a cement and asphalt crushing facility. My house lies within 1,000 feet of the proposed site. I can easily see the grasses at that site from my front porch. In this residential area are 28 homes, an active church, the old town hall, all lying within 2,040 feet of the proposed site. The MAPC staff report of July 25, failed to even mention this residential area, which we believe will be adversely affected by this facility through one; the additional traffic to damage North MacArthur Road and create further road hazards; by the air pollution of crushing cement and asphalt; three, the noise pollution from trucking material in and out of the facility; and four, possible contamination of our water supply.

"Mr. Snook indicated an estimate of a hundred trucks per day involved in the operation. The loaded weight of an N dump truck, which is a tractor trailer rig used in these kind of operations, is equal to that of 28 average sized cars. One hundred trucks, would therefore equal that of 280 cars per day. MAPC predicted the traffic volume on this area of MacArthur would reach its capacity of 10,300 average daily trips by year 2020. The last traffic count of this section was taken March 21, 1994, as recorded by the Sedgwick County Highway Department. With projection figures given, that count is estimated at 9,246 vehicles a day this year.

### **Regular Meeting, August 28, 1996**

“The capacity of 10,300 cars therefore being exceeded by 1998. It is difficult now, if not impossible, to enter MacArthur from our residences at Cessna shift change or when a slow-moving farm equipment is passing or when a train crosses a road 1,000 feet east of my home, with traffic backed up as far west as the big ditch. Trucks to this site, for the most part, would have to cross MacArthur road creating more hazards for vehicles traveling this road.

“It is acknowledged in the MAPC report that crushing of cement, creates more dust and a maximum allowance was given, yet we are told we are not to be affected by this air pollution blowing across our homes? In addition, they say the digging of 20 to a 25-foot deep crater will not create more dust. Are they going to man water pumps 24 hours a day, seven days a week, to prevent the excavation and stockpiles of cement and asphalt from becoming dry and creating dust? Another question in mind is what the use of 4,000 to 5,000 gallons of water a day and the filling of the excavation with ground water will do to the wells in this area of Oatville, where all the residents depend on wells for their drinking water and other household use.

“The site is desirable to the company due to its closeness to its office and the bypass. It would sit at our doorsteps and we do not feel that it would benefit our community to be inundated with more dust to impair our health, more traffic jams, a decrease in our property resale value and possible damage to our only water source. In closing, I would only ask that each of you, just for a moment, imagine yourself behind this podium and consider how you would vote if such a facility were to be placed across the field from your home. I thank you.”

**Chairman Winters** said, “Thank you very much. Commissioner Gwin. If I could have your attention please. If we would refrain from any sign of clapping or support, it would be greatly appreciated.”

**Commissioner Gwin** said, “Mrs. Watson, just a real quick question. You said you were one of the original owners, how long have you lived there?”

**Mrs. Watson** said, “Twenty-two years.”

**Commissioner Gwin** said, “Okay, thank you. That’s all I needed to know.”

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

### **Regular Meeting, August 28, 1996**

**Ms. Anita Eck**, 3721 West 37th Street South Court, Wichita, Kansas, said, "I don't live within the 1,000 feet guideline, but I don't think the dust is going to stop at my driveway. I live in over in an area just a little bit farther and there about 800 homes in that area. We appreciate Mr. Snook's job in presenting his facts. He was very polished and he did a fine job. Me, I'm not that way, I'm just a mother. I've got four kids. Their ages are eleven, eight, six, and three. I have been the PTA President at Oatville Elementary school for the past two years and the school has been failed to mention that it is in this area. It is about 2,000 feet southwest from the proposed site. Oatville Elementary was awarded a very high honor this year and we, and I say we, because it was not only the school, the staff, and the community, we won the Golden Apple Award, and it is a very prestigious award. One of the reasons residents move out here is because of the school.

"Right now we have 15 to 20 students at Oatville with asthma out of an enrollment of probably 305. Asthma is a chronic lung disease which causes breathing problems. Children will be exposed to dust while waiting for the bus in the morning. There is a bus stop right across from the site entrance where the kids will be picked up. They will also be exposed during the ride to and from school since windows are down approximately four months out of the year and during recess. Dust causes asthma attacks or episodes which in some cases can be life threatening. Asthma attacks causes millions of trips to the emergency room and lost days of work and school each year. At one time, the tobacco industry declared that smoking was not a cause for lung cancer. Mr. Snook stated that dust won't be a problem for us. Children, our family, our school, our homes, and our lives will suffer if he's wrong. Right now, one person benefits if this is passed. A whole community suffers if they're wrong about any one of our concerns. We were told that dust is not an issue.

"Well, I wanted to find out how much not an issue is. In talking to a person who works for a rock crushing plant in a position to know, I was told these things. Number one, it is very noisy. Number two, no matter what you do, there will always be dust. If you wet the piles down, the wind still blows the dust off the rock and eventually, whatever you wet will dry. Also, by chance if it is kept wet, it comes from the trucks coming in and out of the site. If one was put near their home, they would fight it tooth and nail to keep it from coming in. The property value would probably go down and if they were considering moving into an area where there was already a rock crushing quarry there, they would not move there. This is coming from a person inside the plant and knows. So how do you think we feel who are on the outside. Ask yourself, would any of you want to live within 1,000 feet, 2,000 feet, or even three quarters of a mile from one of these? If you wouldn't, then why would we?

### **Regular Meeting, August 28, 1996**

“Will a truck have to hit a school bus full of our children, or somebody lose an eye from a stray rock, before something is done? If you feel we’re over emotional, then stop and think, this is a very emotional issue. We can’t dump a quart of oil in our yard. We can’t pour paint or thinner in our gutters. We can’t use aerosol hair spray. All to be environmentally safe. Yet we can put something like this in the middle of a residential neighborhood and an elementary school 2,000 feet away without fully knowing the repercussions. I would feel a lot better if you favor on the side of caution and vote against it and not have to look back and say if we only knew. Thank you.”

**Chairman Winters** said, “Thank you ma’am. I see no questions. Next speaker please.”

**Mr. Jeff Watson** said, “I live at 3824 South Baehr, Wichita, Kansas. I would like to point out a few mistakes by the Wichita-Sedgwick County Department of Community Health in regard to another rock crushing plant operating at K-15 and 31st Street South. These mistakes are taken from a letter to the City Attorney and Law Office from Larry Jecha, Department Director, and Fred Spencer, Air Quality Technician, dated July 12, 1996. This is relevant to this case, because they will also be monitoring Bob Bergkamp’s operation. It states, in March 1993, zoning stated to that company, the rock crusher was not permitted and they gave them stipulations to continue operation. However, in May of ‘93, it says that company began operation, so I was wondering why did they have to send a letter stating the stipulations to continue if they hadn’t even started operating yet. On June 16, 1993, an annual inspection was done and no violations of the permit were found. Two months later, on August 4, 1993, they figured out that the rock crusher was not permitted in this zone. So again, two months after the fact, they realized they made a mistake. For three years, residents and businesses have been complaining and to quote Fred Spencer from page 2, paragraph 11 of that letter, ‘it is unfortunate that this type of operation is being conducted in close proximity to other business and residential properties. Although no violation of this permit has been observed, it is understood that the accumulative effects of this operation can and could cause adverse nuisance condition to occur on adjacent properties.’ Also, according to Fred’s picture, that rock crusher is the same age and type that Bergkamp Construction now operates in Derby, Kansas.

“Also, the entrance to the proposed site on Broad Street is directly across MacArthur from a designated school bus stop that has been established for four to six years. Two tenths of a mile west of the railroad tracks that creates a backup of traffic where a school bus could possibly get stuck on the railroad track or cars could get stuck on the railroad track during rush hour. There is no place to go once you’re stuck there.

### **Regular Meeting, August 28, 1996**

“The citizens of Oatville and their children ask for your help in stopping this operation before it begins, for our health, safety, and resale value of our homes. The stock piles and borrow pit will be sitting directly over the water table that flows southeast and will eventually pollute the ground water and three to four thousand gallons of water a day that they will use will reduce the amount of water available for residents of the area. Their map does not show the Oatville School or the 700 houses west on Hoover and MacArthur. There are approximately 100 houses west on West Street. There are 92 trailer houses in that one court and six or seven houses right north of there.

“The hours of operation that they are proposing are the same hours approximately that the school will be in operation. The pictures that they showed of the surrounding area, in the pictures it seems like houses are quite a way away, we’d like to remind everyone that cameras distort the distance. It’s a lot closer by the naked eye when you look at it. That’s all I have. Thank you.”

**Chairman Winters** said, “Thank you. I think there may be a couple of questions. Commissioner Gwin.”

**Commissioner Gwin** said, “Mr. Watson, I’m a little confused about the letter you cited, because I don’t have a copy of that. Where was that operation?”

**Mr. Watson** said, “It is operating on K-15 and 31st Street.”

**Commissioner Gwin** said, “Was that the Bergkamp operation?”

**Mr. Watson** said, “No, that’s another operation, but it will be monitored by the same people that monitor this one.”

**Commissioner Gwin** said, “Okay, but Dr. Jecha’s conversation didn’t have anything to do with the Bergkamp operation? But it did have to do with a rock crusher.”

**Mr. Watson** said, “Right. It seems like what this letter basically states is once they’re in there they can pretty much do what they want to and get away with it.”

**Commissioner Gwin** said, “That’s not true, but I appreciate you bringing that forward. I wanted to get some clarification on that because I wasn’t quite sure what area that was operating.”

## **Regular Meeting, August 28, 1996**

**Mr. Watson** said, "We feel it is relevant to this case because they will also be monitoring this operation."

**Commissioner Gwin** said, "Yes sir, I appreciate that. Thank you."

**Chairman Winters** said, "Thank you. I think there may be another question. Commissioner Miller."

**Commissioner Miller** said, "Thank you Mr. Chairman. Mr. Watson, where did you say the bus stop is located?"

**Mr. Watson** said, "The regularly scheduled, they show that entrance on Broad Street and Broad Street is on the south side of MacArthur. Broad Street on the north side of MacArthur is Sabin Street. For four to six years, it has been a designated bus stop and it is up to the bus driver's discretion whether to turn down that street or not. Sometimes they don't want to because it is hard for them to get back out on the street during rush hour."

**Commissioner Miller** said, "Whether to turn south on Broad Street?"

**Mr. Watson** said, "Whether to turn north on Sabin. They just have too hard a time getting back out on MacArthur once they turn in there."

**Commissioner Miller** said, "Okay, thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you very much Mr. Watson. Next speaker please. Is there anyone else who would like to address the Commission on this? Please come forward. Give your name and address for the record please and limit your comments to five minutes if you will."

**Ms. Ellen Nofire** said, "I live at 4605 West 37th Street, Wichita, Kansas. For the record, that's at the corner of Sabin and 37th Street, which is just two blocks north of MacArthur. I am an asthmatic. My step son is asthmatic. I have documentation here from the Kansas School of Medicine here in Wichita. They gave me four forms that talk about the effect of dust as well as industrial fumes. I would like somebody to tell me, especially Mr. Snook, of his operation and convince me that this rock crusher is not going to fill the air with industrial fumes. Trucks don't fill the air with industrial fumes? Industrial fumes are a major factor for asthmatic."

### **Regular Meeting, August 28, 1996**

“I’m sorry, I’m very emotional. If any of you have had or seen an asthmatic have an attack. Our lungs literally close up. We can’t get air. One dust particle can close off an entire lung system, one. It’s true, I live on a dirt street and when the wind blows, I stay inside. That’s all I have.”

**Chairman Winters** said, “Thank you. We have a question ma’am. Commissioner Gwin.”

**Commissioner Gwin** said, “Just real quickly. How long have you lived at your residence?”

**Ms. Nofire** said, “I bought my house two years ago. No one told me when we bought this house that it was an industrial zone. In 1958, when they zoned this light industrial, they had no idea. They allowed residents to move in there. Marvin said himself that they allowed residents to build their homes there. I would venture to say that most of the people that have bought those homes had no idea that something like this would come in.”

**Commissioner Gwin** said, “Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you ma’am. Next speaker. Is there someone else who would like to address the Commission? Please come forward to the podium.”

**Ms. Cheryl Reser** said, “I live at 3933 South Eisenhower Court, Wichita, Kansas. I don’t have a prepared speech, but I would like to ask that the aerial slide of the overall area be put back up.”

**Chairman Winters** said, “I think we could do that. Could you give your name again? I didn’t hear your name.”

**Ms. Reser** said, “Cheryl Reser.”

**Chairman Winters** said, “Marvin is right there, and he’ll help you.”

**Ms. Reser** said, “That’s what I’d like to show you.”

**Commissioner Gwin** said, “Marvin, show her the indicator so she can stay by the microphone.”

**Chairman Winters** said, “Stay right in front of the microphone.”

**Regular Meeting, August 28, 1996**

**SLIDE PRESENTATION**

**Ms. Reser** said, “Okay, the area of 30 homes they are talking about is right here. You saw the Broad Street entrance right here. This is where the bus stop is. There is also a bus stop in this vicinity. You see an area over in this vicinity is entirely residential. This is where the mobile home park is with the 92 mobile homes. This is also residential and in this vicinity I believe Anita said 700 to 800 homes and Oatville Elementary, you can’t even see it on this map. This is the elementary school which lies directly west and there is nothing in between these homes and this school to protect any of these residences, just open field. I just wanted to point out exactly what the area is because it wasn’t exactly clear in the Planning Commission report and I didn’t exactly get it out of all of the speeches and I wanted you to understand the area that you are looking at.”

**Chairman Winters** said, “All right. Thank you Ms. Reser. Can you tell me where you live?”

**Ms. Reser** said, “I live at 3933 South Eisenhower Court.”

**Chairman Winters** said, “Where is that located?”

**Ms. Reser** said, “Right there.”

**Chairman Winters** said, “Okay, thank you very much. Are there any other speakers? You can go ahead and turn the projector back off I think. Are there any other speakers? Is there anyone else in the Board room who would like to speak to this case CU-403? Anyone else who would like to speak? All right, thank you. We’re going to, at this time, limit discussion to staff and Commissioners. Commissioner Gwin.”

**Commissioner Gwin** said, “Question of the Health Department. Health Department representative?”

**Mr. George Huenergardt**, Environmental Health Supervisor, Wichita-Sedgwick County Health Department, said, “I’m with the Wichita Sedgwick County Health Department.”

## **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, “Good morning George, thanks for being here. One of the things that I heard consistently was the issue of dust and that impact upon people and having a sister who is asthmatic I understand how little it takes to affect her. Under the operations, it gives some limitations to the dust opacity. Talk to me about that and how you came up with those percentages and what the standard is there.”

**Mr. Huenergardt** said, “The standard for this type of rock crusher is 10 to 15% opacity. Opacity, I guess the best way to explain, if you were to look at a plume of smoke or dust and try to observe an object behind the plume, 100% opacity plume is one you couldn’t see through. A 20% would be one that your view would be 20% obliterated. So it is an EPA standard specified method that was designated under the clean air act and all states use opacity as a means of measuring dust. It is a visual observation. There is no machine that actually makes that measurement. It is, as we call it, a calibrated eyeball. The observers are certified by the State Health Department twice a year in order to have that certification to make that observation.”

**Commissioner Gwin** said, “Okay, so if there were complaints as to the dust on this site, would it be your department who goes out and looks at it?”

**Mr. Huenergardt** said, “Yes, it would. We do enforce the State air pollution regulation in Sedgwick County.”

**Commissioner Gwin** said, “Okay, and if from your observation you found that the opacity exceeded the 15%, what would your action be?”

**Mr. Huenergardt** said, “Then the notice of violation comes out of the State Health Department. Various penalties, there could be a monetary penalty, it depends upon how often it happens. The first violation notice would most likely carry forth an admonition that you’ve been found in violation and to bring it into compliance. After they bring it into compliance, we make another observation to confirm that it is in compliance and then continue to observe. We observe all asphalt plants, any kind of plant that puts out a plume of either dust or smoke, carbon particles. There are a number of businesses in Sedgwick County that we do almost daily drive-by observations on. Anytime we see a violation of opacity regulation, then we can have that notice of violation brought from the state. We don’t issue it, actually the state does.”

**Commissioner Gwin** said, “But you’re the ones who trigger it”

**Regular Meeting, August 28, 1996**

**Mr. Huenergardt** said, "Yes."

**Commissioner Gwin** said, "By your inspection."

**Mr. Huenergardt** said, "Right."

**Commissioner Gwin** said, "Okay. I think that's all I have of George right now."

**Chairman Winters** said, "Thank you. I think Commissioner Miller has a question of George, is that right?"

**Commissioner Miller** said, "Yes, I do Mr. Chairman. Thank you. How are you this morning? I'm going to take us to a different case George for just a moment, and it's not a case actually, it's just a complaint from some residents that live up at about 49th Street just to the east of Broadway. There is an asphalt plant that's due south I'd say about 750 feet, maybe even a thousand feet, am I correct?"

**Mr. Huenergardt** said, "I think it's less than that, of a residence you mean?"

**Commissioner Miller** said, "Uh-huh. Six hundred fifty feet?"

**Mr. Huenergardt** said, "It's within about 500 feet I believe of a residence."

**Commissioner Miller** said, "All right. This particular plant, and I recognize EPA standards and opacity, but I also like to be able to respect what an actual resident that lives within the area, that can smell the fumes, that can see the particles, that can walk out on their front porch and take either a cloth or their finger and rub across their deck and look and say, I know where this is coming from. We've had it tested before, the residue that was spuing from the plumes that were coming from this particular asphalt plant, and I do understand that an asphalt plant is not a rock crusher, first of all, I understand that, but yet they do still with industrial type fumes that come out and spue out from the particular machine. When it is adjacent to a residential neighborhood, I know that it's going to cause some problems. I've already heard from the residents that live up and around the 49th Street and Broadway asphalt plant. The EPA Standards are there, they are set, I recognize that, but I also know that beyond that, we need to be able to look at what it is that is impacting the persons that live in and around there.

### **Regular Meeting, August 28, 1996**

“If I recall, within the statement that you wrote me regarding this other site, you said that it is of some hazard but that we could not necessarily pinpoint the actual adverse contaminant if there were any at all within the residue that was spuing from there. In your honest opinion, George, do you think there are some concerns of residential neighborhoods that abut that closely to a plant that would spue those kinds of fumes.”

**Mr. Huenergardt** said, “It would be hard for me to make a judgement medically or anything like that. All I can say is that the standards that we enforce and that we must use to measure dust or noise or whatever, that these standards are health related standards. All air pollution standards are health related standards. All have a health relatedness factor. So as far as a judgement, I do know that if there is dust and the case you talked about, there is dust from that plant, it does not exceed the standards that are set. There is no doubt there is still dust at that plant. I would be hard pressed to say at this plant what a thousand feet will do to the dust, but I do know that anytime you have a . . . there are not zero emissions in other words. So I’m sure that people are bothered by that dust. The measurement we use, the law that we use, we have to go by the set standard and that’s how we make our determination.”

**Commissioner Miller** said, “Well thank you. Thank you for your opinion. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “George, would it also be your responsibility at the Health Department to measure the noise, the sound?”

**Mr. Huenergardt** said, “Yes. In this case, this is in the County, and we don’t have a County noise ordinance, but the City ordinance is to be used in this case. That’s not too unusual in a conditional use permit, in fact now, we almost always do apply the noise ordinance. So they will be held to the standard as if they were in the City.”

**Commissioner Hancock** said, “George, you know you and I have gone around and around on it, I guess me and the Health Department have gone around and around on a number of issues, because you’re regulatory. What’s the process, I know I attended the public meeting the citizens had and one of the questions that came up and I’m just curious about it myself. What is the nature of the authority that you have as far as a regulatory department to step in on cases like this and say to an owner that they’re in violation? Can you react to public complaints and go to the operator and deal with that operator and get something done?”

## Regular Meeting, August 28, 1996

**Mr. Huenergardt** said, "If they violate the standards that are set that we enforce."

**Commissioner Hancock** said, "The common question that evening was about all aspects of as far as runoff, the sound, and the dust, and so forth, and where can folks go when they feel that the applicants are in violation. Most of those things the Health Department, it would be your responsibility."

**Mr. Huenergardt** said, "Yes, it would be the noise, the dust, by virtue of the State air pollution regulation, noise by virtue of the conditional use permit condition. The runoff is a condition of the conditional use permit. Yes, in all those things, we would be the contact."

**Commissioner Hancock** said, "Okay, thank you George."

**Chairman Winters** said, "Okay, thank you. George, to follow up on that, clarify for me then, if there was a complaint of dust or any other item that you or your department would regulate, you would go make an inspection to see what was happening and if you found that they were not in compliance with one of these 22 conditional requirements, what would you then do?"

**Mr. Huenergardt** said, "The ones that we enforce, for instance if it would be the dust, that would come under the State regulation. We would start the proceedings on a State regulation violation. The noise, of course, we could cite it based on this conditional use permit, we would notify the owner."

**Chairman Winters** said, "And you would then notify Sedgwick County or the Planning Department or our Code Enforcement, that they were in violation of the conditions of their permit?"

**Mr. Huenergardt** said, "Generally, yes. We notify the owner and then anybody else who may have need to know or in case of a County Legal, if we need some help there in prosecuting, we always contact the County Legal Department."

**Chairman Winters** said, "Okay, well good. I think that's an important part to me in this case. There are 21 conditions placed on this site and as with all of these type of cases, it is important to me that the applicant or owner has agreed to these conditions, then it is important that someone sees that they're complied with. If they're not complied with, then we have got a chain back through the system to make sure that they become in compliance."

### **Regular Meeting, August 28, 1996**

“This is a pretty tough condition in here, any violation of the condition, will render the conditional use permit null and void. So I would think you and your staff, on the ones that, if we pass this, you’re going to be responsible for, have got a pretty important role. Thank you. Commissioner Miller.”

**Commissioner Miller** said, “Thank you Mr. Chairman. In regards to conditional use permits, I think that’s an area that certainly needs some exploration and I think there was some conversation during the meeting, the MAPC meeting, with this particular case that spoke to that issue and this does not necessarily regard the Health Department George. But Marvin, there was an area that you were quoted in saying that I think every time County Code Enforcement has been called in on a complaint, that they have followed up on those complaints. This job is becoming increasingly difficult. You can see 400 conditional uses in the County since 1958 and I think that County Commission needs to look at whether or not they have adequate resources to cover that territory. I know that in my district and probably other districts, there are what I would consider some areas, particularly dealing with sand pits, that it tends to be very difficult to terminate a conditional use permit once it has been established. Has there ever been a case that we’ve done that, Marvin?”

**Mr. Krout** said, “No, not to my knowledge. There has been a case where we’ve . . . that condition that would allow for termination of conditional uses, most of those conditional uses were approved before that condition was inserted into the conditional uses. So of the recent conditional uses, no, I don’t know of any that we’ve used that provision.”

**Commissioner Miller** said, “Okay, thank you. Thank you Marvin, Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioners, any other questions? Commissioners, I think that I’m going to be supportive of this change and I’ll just briefly outline a couple of reasons. I think staff has done a lot of work on this issue. I think that the entire area currently being zoned Light Industrial makes a difference to me. I think the natural buffers that are there are important. I think the applicant’s willingness to build another buffer on the north, I think their willingness to comply with the City’s noise ordinance, and I think this portion in here about the permit rendered null and void if these violations occur and the fact that it is consistent with the comprehensive plan of how we show development happening. Because of those reasons, at this point in the discussion, I think I’m leaning toward being supportive of this request. Commissioner Hancock.”

### **Regular Meeting, August 28, 1996**

**Commissioner Hancock** said, "Thank you Mr. Chairman. I think the Planning Department staff has made a fairly good case. I know that all of our consideration isn't always based on, and we can't generally base it on neighborhood opposition, although it is always a part of our consideration and a part legally in terms of legal definition of what we can deal with in our consideration. I think as you see here today that we have a tremendous neighborhood opposition to this particular plant being located just south of MacArthur and east of the floodway, it is difficult for me, based upon the neighborhood opposition, to be supportive of this operation. Knowing that there are other locations that could probably site this type of plant, and he could operate it probably as effectively as he can here south of MacArthur. I can't today be supportive of this. The citizens, they did their job very well. I know we deferred this another week to give folks time to get together and talk about this and I supported that and they've done a good job. I think they've done their part and I'm not sure everybody has listened to everybody but it's important that when we consider these cases, that we consider neighborhood opposition and the folks who live in those communities, that we listen to them and I know that we've had cases that were very difficult. Rarely do we have cases like this where so many folks are here to see up about this, so I can't support this today."

**Chairman Winters** said, "Okay, thank you. Commissioner Gwin."

**Commissioner Gwin** said, "Mr. Chairman, I believe I too will be supportive of this quest, this conditional use permit. I would like to cite a few of the reasons and some of them are obviously repetitive of the Chairman's. The suitability of the site as to the fact that it is buffered on two sides by a railroad and the floodway. The fact that it does in fact comply with the Comprehensive Plan. Most importantly, I think, that zoning in the area is and has been for a long time limited Industrial. The reason I asked the question about the change on the other request was because I wanted to hear Mr. Snook say that given neighborhood protests and zoning that is inappropriate that he did in fact change his mind and say I've selected the wrong site and I will go look somewhere else. I appreciate that there is neighborhood opposition, but that is only one of the criteria. The most important criteria to me is, is this land suitable for use for which it is being proposed. The answer to that question to me, along with all the other reasons why, is yes. I believe I'll be supportive of this request today. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Commissioner Miller."

**Regular Meeting, August 28, 1996**

**Commissioner Miller** said, "Thank you Mr. Chairman. I want to begin by saying that I am not opposed to the type of industry that the rock crushing plant is and represents. I know from prior experience within my district and within conversations and actual personal interviews with residents that live in close proximity to an asphalt plant, that the two are not compatible. So therefore, I will be voting against this conditional use request. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner Miller. Commissioners, we've had discussion, talked about this issue. These issues are never easy ones to deal with. I think I'm going to stay with my position and based on the fact that I think the applicant has indicated that he will make every attempt to make the dust and the noise issues as minimal as possible and this site to me looks like it would work."

**MOTION**

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the Conditional Use Permit subject to the recommended conditions plus the additional requirements as recommended by the Health Department; adopt the Resolution and authorize the Chairman to sign.

Chairman Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	No
Commissioner Melody C. Miller	No
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "At this time, we will take a ten minute recess. We will be in recess for ten minutes.

**The Board of Sedgwick County Commissioners recessed at 10:42 a.m. and reconvened at 10:58 a.m.**

## **Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Call back to order the Regular Meeting of August 28. We've been in a short recess and we'll call the meeting back to order. Madam Clerk, call the next item."

### **NEW BUSINESS**

#### **F. RESOLUTIONS (3) CREATING ROAD IMPROVEMENT DISTRICTS IN SEDGWICK COUNTY AND AUTHORIZING IMPROVEMENTS THEREIN.**

##### **1. TOWN & COUNTRY ESTATES**

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "This morning for your consideration are three road improvement projects creating road improvements and providing for levying special assessments for those improvements. There are three distinct types of areas so I think it is important for me to take those items separately and have discussions and action on them separately."

**Chairman Winters** said, "Our agenda shows that we're going to take one action, but we'll take each one of these separately."

### **SLIDE PRESENTATION**

**Mr. Norton** said, "I think that would be appropriate. The first is Town and Country Estates. This is an area of the County which is located generally north of 63rd Street between Woodlawn and Rock Road. On the screen before you is a general depiction of the area of the County. Before you now is a depiction of the area known as Town and Country Estates. There are several platted lots and several unplatted parcels. There was presented to the Bureau of Public Services, and filed with the County Clerk, a petition requesting the paving of the streets within Town and Country Estates. This is an existing neighborhood, not a new development, which is much the case when these items come before you and the petition was circulated by one of the resident property owners and presented to the County.

"The State law appropriate to this type of action provides that a petition is sufficient if it meets one of three criteria. Criteria one is that it is signed by the majority of the owners of record of property liable for assessment proposal. This is a numbers County; you count owners and a majority of the owners is sufficient.

### **Regular Meeting, August 28, 1996**

“The second criteria is the resident owners of more than half of the area liable for assessment and the third criteria is the owners of record, whether resident or not of more than one half of the area liable for assessment.

“In this particular case, the criteria one was the one that we found was sufficient, with respect to the petition. It was signed by 24 of 46 of the record owners of the property within the improvement district. This comprises slightly less than half of the area liable for assessment.

“The petition requests the paving of these streets and the Bureau of Public Services has prepared an estimate of cost. The all-end cost, which is the red line on the screen, total bond issue, is an estimate of \$189,407.63. The proposed method of assessment is equally per parcel. There are 26 parcels. There are 18 platted lots and eight unplatted tracts. The proposed method of assessment is to assess each parcel, regardless of size, equally for the amount of assessment for the road improvement. That results in a principal component of about \$7,285 which when spread over level assessments 15 years at 6% interest would result in an annual assessment of about \$750 per year or roughly \$62.50 per month.

“The law does not require that a public hearing be called prior to your consideration of a Resolution authorizing the improvements today. We’ve been made aware that there may be residents of the area in the audience that may wish to speak to this item if you so desire to receive their comments. Mr. Weber is here from the Bureau of Public Services. He and I are ready to try to respond to any questions you may have prior to receiving those comments.”

**Chairman Winters** said, “Okay, thank you Mr. Norton. I see no questions from the Commissioners. I think it would be appropriate that we take comments from the public. We’re going to take these three Resolutions individually. Is there anyone in the audience who would like to speak to the Town and Country Estates Road Improvement District? Please come forward. Please state your name and address for the record and you’re limited to five minutes.”

**Mr. Eldon Titus**, 6200 Nancy Lane, Wichita, Kansas, said “I’ve lived at my address since September of last year. In the year that I’ve lived there, the first part of the year, it was extremely dry and the dust and dirt was . . . it is kind of a clay rock substance that the road was made of and it was extremely dusty and impossible to keep your yards or your house clean.

### **Regular Meeting, August 28, 1996**

“Also, we’ve had a lot of rain lately and the roads have just washed out. I have pictures here if anybody is interested in looking at them.”

**Chairman Winters** said, “If you could just hand them to Commissioner Miller and we’ll hand them down and you can pick them up at the other end.”

**Mr. Titus** said, “Okay. It has washed roads out and we don’t have a whole lot of drainage in our ditch system and it has flooded a couple of houses out there, the basements. We feel like if it was paved, it would improve the property values out there and basically everybody is just kind of tired of putting up with the dirt.”

**Chairman Winters** said, “So you’re here in support of this.”

**Mr. Titus** said, “Yes.”

**Chairman Winters** said, “Thank you very much Mr. Titus. Thanks for being here. Is there anyone else in the audience? Please come forward. Give you name and address for the record please. You’re limited to five minutes.”

**Mr. Thomas W. Blake**, 6201 Jackson Boulevard, Wichita, Kansas, said “I’ve lived in this area for approximately twenty years. For the last twelve years, I’ve been trying to get something done with that road out there. Every time it does rain, we don’t get much action from the township grading it and the sand goes in the drainage ditch and I always have to get the Ford tractor out and drag it out and try to make it where we can drive back and forth out there. Ten years ago, we turned in a petition up here to the former Tom Scott with 100% signatures on it and no action was ever taken. We’d just like to have a decent road out there where we could drive decent automobiles up and down it without worrying about it. That’s it.”

**Chairman Winters** said, “Okay, thanks Mr. Blake. Thank you for being here. Is there anyone else who would like to speak to this road improvement district Town and Country Estates? Seeing no one, we’ll limit discussion to staff and Commission. Commissioners, you’ve heard the report. Joe, do you have anything else?”

**Mr. Norton** said, “We’ve prepared a Resolution that would authorize the creation of the District and assessments in the methods we discuss and would recommend your adoption of that Resolution.”

**Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Commissioner Schroeder has a question."

**Commissioner Schroeder** said, "I don't have a question, just a comment. Mr. Chairman, this was brought to my attention a few years ago by a couple of residents out there and I advised them at the time that they would have to produce this petition on their own to the County, which they have done. They have made what I think is a good attempt to include everybody in this process and to get everybody into agreement. Obviously, by looking at the plat, not everybody agreed. It was just almost a 50-50 split, but because of some of the problems and the complaints that I get regarding this road, although it is not a County road, I'm going to be supportive of it today and that I hope that it improves the property values and the general living conditions of the area. I appreciate the efforts that the residents have made there to make that a good community and a good neighborhood. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner Schroeder. I see no other questions. Joe has nothing else. Commissioners, what's the will of the Commission considering Town and County Estates road improvements?"

**MOTION**

Commissioner Schroeder moved to adopt the Resolution for the Town and Country Estates.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. Joe, proceed."

## Regular Meeting, August 28, 1996

### 2. HUCKLEBERRY ADDITION

#### SLIDE PRESENTATION

**Mr. Norton** said, “The next item is another Road Improvement District in Huckleberry Addition. This again is another existing residential area of the County. It is located generally near K-15 and Oliver, south of 53rd Street South and north of Meadowlark. On the map before you is a depiction of the area of the proposed benefit district. On the screen before you now is a map of the proposed benefit district. The area shaded in red represents those parcels in which owners have signed a petition requesting the improvement. In this particular case, criteria number two is the one that has been met. The owners of approximately 58% of the area within the proposed improvement district have signed a petition. The actual number of owners is less than 50% but the owners of more than half of the area have signed a petition. We’ve verified that with the abstracting company and the County records.

“The proposed improvement is the paving of Oliver Street from K-15 to Wild Plum Road. That is the area which is shown by a cross hatch on the map and the aerial project. This provides access to the development from K-15. As you may recall earlier, several years ago, the residential streets within this area were paved and assessments spread on that so they have hard surface roads within the area, but the access to K-15 is not paved at this time. Again, one of the resident property owners has circulated the petition and requests that this improvement be undertaken.

“The Bureau of Public Services has prepared an estimate of the cost of this project. Again, the line that is important is the total bond issue in red, approximately \$146,500 is the estimated total cost. When divided equally among the number of lots in the area, which is 63, regardless of size, this represents a principal component per lot of about \$2,325 which when spread over 15 years at 6% level debt service, is approximately \$294 per year. Mr. Weber and I would be available to answer any questions you have. Again, no public hearing is required but there may be residents here wishing to address the Commission on this item.”

**Commissioner Schroeder** said, “Do we have the numbers in our backup? Do we have copies of those? Okay, when you have a chance, could you get me a copy of this last one?”

**Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Okay, thank you. Commissioners, are there any questions of Mr. Norton? I see none. I would ask if there is anyone here in the board room today who would like to speak to the Road Improvement District in the Huckleberry Addition? Is there anyone here who would like to speak to the Commission regarding the Huckleberry Addition road improvement? I see no one. We'll limit discussion to staff and Commissioners. Joe, anything else?"

**Mr. Norton** said, "We have prepared a Resolution implementing the information we have presented this morning and recommend your adoption."

**MOTION**

Commissioner Schroeder moved to approve the Resolution for the Huckleberry Addition road improvement.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**3. CRESTVIEW COUNTRY CLUB ESTATES OVERBROOK SECOND ADDITION/PHASE 3**

**SLIDE PRESENTATION**

**Regular Meeting, August 28, 1996**

**Mr. Norton** said, "The third item for your consideration is Crestview Country Club Estates Overbrook Second Addition, Phase 3. This is an area located in the eastern portion of the County north of Central and east of 143rd Street East as depicted on the map before you. This is Phase 3 of a project. On the screen before you are outlines of this area of the County. You note that Phase 1 and Phase 2, which have already been authorized and the improvement undertaken, Phase 3 is a two-lot parcel of additional property desired to have street access for this. We have received a petition signed by the owners of these two lots, which are developers. It is a 100% petition.

"The Bureau of Public Services has provided an estimate of cost which again the total bond issue lined in red is \$16,180 approximately as the estimated cost. Divided equally among the two lots in the benefit's district or a principal cost per unit of about \$8,090 or \$833 per year spread on a level payment over 15 years. Would be available to answer any questions you may have."

**Chairman Winters** said, "Okay, thank you. I see no questions. Again, is there anyone in the audience who would like to speak to this road improvement district issue concerning Crestview Country Club Estates Overbrook Second Addition? Anyone in the board room who would like to address the Commission on this road improvement district? Seeing no one, we'll limit discussion."

**MOTION**

Commissioner Gwin moved to adopt the Resolution regard the Crestview Country Club Estates Overbrook Second Addition/Phase 3.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

## **Regular Meeting, August 28, 1996**

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

**Chairman Winters** said, "Thank you Mr. Norton, appreciate it. Next item please."

### **G. SOLID WASTE PLAN DISCUSSION.**

**Chairman Winters** said, "All right, thank you very much. Mr. Manager, if you want to go ahead. Might make just a brief statement in the beginning. I certainly appreciate all of you who are in attendance today to hear the Commission's discussion. A couple of quick points. I particularly appreciate those of you who were in the meeting room earlier and adjourned to one of our other board rooms and are watching on television. Your presence is important to us. We know that there are two other board rooms that are filled with people watching this discussion on television. I appreciate your willingness to give up your seats earlier. We did have a very important zoning matter on. Those people in that neighborhood certainly needed to have an opportunity to be in this room when that discussion was going on. During this discussion, this was not noticed as a public meeting, so we'll not be taking public comment today. We will be discussing this with staff and Commissioners. Mr. Buchanan."

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Two weeks ago, you asked that this be placed on the agenda and we had a discussion regarding this issue. Two weeks later, it is now back on the agenda. I thought it might be helpful, at this point, to have Alison McKenney-Brown review again for us some of the law and some of the differences between the planning process and what we're talking about today. We're talking about the interlocal agreement with the City of Wichita and the process of doing planning for solid waste and how that effects the actual collection and disposal of garbage, how that effects us, and have Alison do that again. Susan Erlenwein is here also, as an expert who helped with the presentation before. So if there are any questions, I think we are prepared to answer those. After Alison is finished, I do have a few remarks to help frame the issue."

**Ms. Alison McKenney-Brown**, Assistant County Counselor, said, "Thank you. I would like to briefly go over what we've spoken about on other occasions. There are two bodies of law at the local level that will impact solid waste disposal. The first body of law would be environmental law. That would include solid waste planning. The second body of law would be local government law. That would include waste disposal issues. The two issues are separate. Both at the local level, both types of law, both including the planning portion and the waste disposal portion, are done separate from each other."

### **Regular Meeting, August 28, 1996**

“They impact upon each other when KDHE takes the information from the local level generated as a plan and applies that when local governments or even private companies apply for licensing of their solid waste disposal methods. So KDHE is the ultimate decision maker as far as whether or not licensing of solid waste disposal methods will occur in the County. However, the only way that the law provides for allowing local input on what is appropriate for solid waste disposal methods is the solid waste disposal plan that occurs at the County level. Are there any questions?”

**Chairman Winters** said, “No, I see none. Thank you Alison.”

**Mr. Buchanan** said, “When we spend some time talking and reading about democracy, one of the elements that keeps popping up, and I had an opportunity to do this recently, is read about it and think about this whole process of democracy. The element that those people who are a lot smarter than me or a lot of us, who write these issues, the thread that goes through those books, the thread that goes through those articles, is that the element of democracy is that voices need to be heard. People need to be represented. That democracy breaks down when in fact people cannot affect the outcomes or the feeling that they can’t affect the outcomes. It also breaks down when they can’t hold folks accountable. It is obvious how this applies to the solid waste issue. There are folks in this community, in this County, who are disenfranchised because we entered into an agreement some years ago with the City. It was a good idea then. We had a plan, the City was in charge of garbage, which they had been, they had done a fine job. There was no reason not to be helpful and cooperative. They produced a product of getting rid of solid waste in a way that was effective and efficient. The plan was to expand Brooks Landfill, which made a great deal of sense, and we said go about developing a plan to do that. That was the solution three or four years ago. As you know, the solution is different today.

“I also know that by disenfranchising folks, by not allowing them at the table, by not having them represented is not in the best interest of this community. That’s not how you solve community problems. I also know that the best results are working together with the City. In fact, if we sat down and worked collectively, cooperatively, coordinated our efforts, collaborated with them, if you will, that the result would be better. That we would have a sense of community from us and from them and a sense of solution that I think could be politically acceptable. But it is not our intent to reinvent the wheel either.

### **Regular Meeting, August 28, 1996**

“A lot of work has been done. A great deal of work has been done by City staff, excellent work, and City consultants. A committee is in place. The committee has done, in the last week, I understand, has made great progress in dealing with several issues that are before them, that there are thirty or forty points that the state needs to deal with in the plan that are in the process of being dealt with by the committee. But the end result, I’m afraid, is going to be the same. There is no indication that the end result would be different. That in fact, there are groups of people, there is one fourth of this County, who doesn’t have a voice, who cannot hold you accountable, who cannot feel that they are in any way a part of the process.

“I would recommend that you consider, I would recommend that you send the City a notice today by Resolution, by affirmative vote, that you are going to cancel the inter-local agreement within thirty days as the contract calls for. Put them on notice that the process is beginning today and start that clock ticking. I think it does a couple of things for us. I think they are positive things. First, it gives us time, it gives us thirty days if the City so desires, to renegotiate that contract. It certainly allows it. It doesn’t prohibit that from happening. It has been suggested by Chairman Winters that it occur. We’re still waiting for their answer or they’ve told us they can’t answer until sometime in the first or second week in September.

“This puts them on notice that if that doesn’t occur, we are assuming that responsibility. It gives us an opportunity to consider what needs to occur with the committee. Do we in fact need to appoint more people? Do we need to figure out if there are other people that need to be added to the table with that committee that would add some assistance to them? It gives us time to think about whether we need to restaff the committee. Does that committee need a different set of eyes and how this needs to occur? It gives us thirty days to put into place a plan of how we are going to engage this community in a process of discussing this issue differently than we have in the past and to not only receive their ideas and suggestions, but to go to the table without a predetermined solution in mind so that we can in fact have a process that makes some sense.

“Those are some issues that we can certainly deal with in the next thirty days. We need to say that we do not intend, if it is your desire today to give the City thirty days notice, it would not be my intent to reinvent the wheel. We need the information that they have. It is in our best interest, this community’s best interest that we work on this together and would expect that cooperation and help. You’ve heard what I need to say and it is appropriate at this point for me to stop talking and answer any of your questions or to do anything that you’d like us to do.”

## **Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Okay, thank you very much Mr. Buchanan. I'd like to make just a quick comment on at least part of what I was involved with two weeks ago. At our meeting two weeks ago, Commissioners, you did request and I asked if I could visit with Mayor Knight for a couple of weeks to see if there was a couple of issues that we could address, mainly about how the County Commission could have a vote on the acceptability of a plan before it was presented to the Kansas Department of Health and Environment. We talked about the time line. We talked a little bit about community deliberation and hearing from lots of folks. We talked about reducing volumes of trash and a little bit about the committee.

"I was very pleased that Mayor Knight was very receptive to all of the comments that we talked about. He was very positive. I believe that he and I share the view that if there was some way that we could work together on this in a real partnership approach, which it would be the best option. He and I visited a number of times over the past two weeks. But as you know, at their Council meeting yesterday, they did not take action. Mayor Knight did bring up to his Council and I did not see all of this, but it is my understanding that he did bring up the discussion of how to include the County in the voting process on the acceptability of a plan that would be presented to the Kansas Department of Health and Environment. Their Council selected to address that two weeks from today. So that's kind of an update of what I've done in the last two weeks. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you Mr. Chairman. First, let me thank you for the shuttle diplomacy that you have exhibited. I think if there were awards locally for those kinds of things and local peace prizes for trying to work together, that the Chairman should certainly be a winner of that kind of award. He's worked very hard with the Mayor and he and the Mayor have a wonderful relationship. I think that it is important that it continue and his efforts have not gone unnoticed. I was more than willing to let you attempt to do what you had hoped would bring about a result that would suit us and a result that would make us all feel better and have a part of this.

"When the manager talked about democracy and I made notes to myself earlier about representation when Mr. Sanders was speaking and he talked about the people outside the City of Wichita and the hundred thousand plus that live out there. You have to understand, too, that the decisions I make also have to affect the citizens no matter where they live in the County because that's who I represent.

### **Regular Meeting, August 28, 1996**

“I obviously represent the people who live in the unincorporated areas of the east and far northeast Sedgwick County, but I also represent the interest of the people who live within the city limits of Wichita, city limits of Kechi, part of Park City, the city limits of Eastborough, I mean those are my constituents. So the decision I make today is not made or the action I hope we take today is not made just because of the residents near a potential landfill site have come screaming to my office. The decision I am looking at today has to do with balance. It has to do with responsibility and as Alison said, there are two bodies of law, the federal law having to do with the environmental side of things, down to the states, and the states, the legislature in its infinite wisdom decided that that body of law needed to be under the authority of counties to balance, if you will, the law that is written in this state that gives municipalities the responsibility of disposing of their waste and very strong and powerful rights in doing that. The action that I hope we take today will be to reaffirm the legislature’s decision in creating that balance. They did it not to choose sides, they did it not to cause a fight, but they did it because we need to be able to work together to balance the responsibilities and the powers of municipalities against the good of the whole of all of us who are involved in that area, who live in that area.

“I don’t believe that the action I hope we take today will prevent cooperation between the City and the County because we must, by virtue of these laws, continue to work together. This is not an issue that is singular to any of us. This is not an issue that is easy. So we will need all of our collective thought and reason and concern to find the solutions with which we are going to live in the future. We need, I believe this County needs, to be the leader in solid waste management. There are opportunities for us to succeed and we need to challenge ourselves to find those opportunities, to do things differently, not to repeat mistakes of our past and leave our children and our children’s children with yet another mess to clean up. I believe that we can find very quickly four mistakes that we’ve made that I think all of us regret and wish hadn’t happened. They are the examples that lead me to my strong feelings about this. The Brooks Landfill, why we ever site them by rivers one will always question, but that seemed to be the thing at that time. At the time, people said if anything happens, it will go in the water and the water will dilute it and it will go away. We were naive, were we not? The Gilbert and Mosley site and the 29th and Mead site, that at the time, industries really didn’t think much about being cautious and what that would do to the land or the water table or those kinds of things that effect all of us, but they did. Of course, for a lot of you in this room, the memory is much too recent of the Furley Hazardous Waste Site.

## **Regular Meeting, August 28, 1996**

“As I’ve told you at the community meeting, someone sent me a note that defined or made another definition of insanity, was to do the same things over and over again and expect a different result. So I am not telling you . . . I know you all know because it’s on the front page of the paper, my feelings as to my preferred future in this County, but that’s not saying that that’s what the committee’s preferred future will be. But what I am about today is to bring back the authority that the State Legislature originally granted to counties to create a balance and a harmony as we go forward to finding the solution. This is not for me, this is not a personal fight. I have no vendettas, that’s not a part of it. I believe that we should bring back the authority that was supposed to be ours. I am going to finish by making a Motion and then I suppose discussion on the Motion would be appropriate if I can get a second.”

### **MOTION**

Commissioner Gwin moved to send written notice to the City of Wichita that the County is canceling the interlocal agreement and that we also advise, by letter or facsimile, the Kansas Department of Health and Environment of the action taken today.

Commissioner Miller seconded the Motion.

**Chairman Winters** said, “We have a Motion and a second. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you Mr. Chairman. My thoughts, Commissioner Gwin, are probably not as organized as yours, but as you were talking I sat here and made some notes and I’m going to pass them along. I know since this issue first came to light back in January, I know the paper did a large layout of solid waste and the future of it in this County and what other counties are doing and what we can expect in the future, clear back on February 4. That’s when all this kind of started.

“On April 2, I suggested in a news conference, I was asked, how would you feel Commissioner Hancock, if you had the opportunity to deal with the issue. My answer was this, and because there was time to do it then, things have changed, but I would have liked to put together not our Solid Waste Committee, but a cross section of citizens to finally make the decision of what we were going to do in this community. I’m not talking about twelve or fifteen, but thirty.

### **Regular Meeting, August 28, 1996**

“Their job would be to utilize the County and the City as their staff to investigate the possibilities and come back with a solution and that we bind ourselves, both the City and the County, to accepting what they said. I think the solutions are easy. We’re not reinventing anything new here. Cities, counties, all over the United States have already done what we’re attempting to do but what makes it difficult is because some of those decisions that we have to make, make people very angry. The other thing is that some of the decisions are costly and both of those things are difficult to accept, I know, especially as an elected official, both those things are difficult for us to do. But when you put it in the hands of the citizens and you say to them ‘look, we need to find a solution and we need your help’, it can be done. It’s been done in other places and it’s been done very effectively. So my wish didn’t come to pass. I didn’t get my way, no one was listening too good back then, although the editorial staff at the Eagle thought it might be a pretty good idea, but I guess we’re in the minority. One of those things come up, you may be surprised. It became a campaign issue this year, that Sedgwick County probably didn’t have the courage to take on the issue. Believe me, we do have the courage to take on the issue if that’s what the wish is.

“I do want to clear some things up, some other random thoughts. Agreement. The City has always taken care of solid waste here in Sedgwick County. Sedgwick County has never been in that business and so in 1993, when we did this agreement with the City of Wichita, it was because statutorily we were required to do this or take the responsibility and take over the solid waste issue. It didn’t make any sense at that time and it wasn’t because we chose not to or we didn’t want to, it was because it didn’t make any sense. I want to clear that up. Second thing, recycling in the community. I’ve heard a lot of comments over the last couple of weeks through your letters and your calls. Recycling will grow in this community as it does in other communities, but it is not the ultimate answer here because there simply is not a market for it. No matter how much we wish it, we’re not going to wish a market here, there just has to be one here and economics have to be in place.

“Incineration. Incineration came up as an issue in 1984. I can remember the fight that went on back in those days. Nobody wanted incineration. Nobody wanted to pay for it. Nobody wanted the possible pollutants that occurred then. Technology has changed and it is also expensive to develop and it will take time, something the City of Wichita nor us will have right away.

### **Regular Meeting, August 28, 1996**

“Taking our trash to another location. In that February 4th article, The Eagle names a dozen locations that want our trash. None of them reside in Marion County by the way, if any of those folks in that county are looking on, it has never been my intention to take trash to Marion County. There are a lot of counties who have developed large landfills as a means of economic development for the counties. It seems foreign to us in our observation and based upon our experience here in this County, but not so unusual in some of those other counties. So it is a business and a business where they want solid waste and it is not a crime to send it there. Dozens and dozens and dozens of counties already do it throughout the state. It is an accepted way of being business.

“The cost. I suppose that’s probably the biggest consideration. It does cost more to transfer trash out of the County. It does cost a certain amount to develop a landfill. There is going to be a certain amount to operate a landfill. There are going to be fees involved in closing the old landfill and it will be higher than what we’re paying now, slightly over \$15 a ton. We know that. Transportation will cost something more than that. I’m not sure how much. My estimate from my own investigation based upon what I’ve learned from other counties, somewhere between \$30 and \$33 a ton. A lot more. A third more practically than what it is going to cost us to landfill here. But at some point in the future, we’re going to have to pay another fee to close the landfill that we’re proposing to open. So is that \$9 or \$10 a ton that we should be charging now that we’re going to have to charge in the future. If you take those dollars and close the landfill of the future, it probably all works out to be about the same folks. I don’t know, but that’s what I hoped the City would arrive at and send us those numbers and they’d be accurate numbers. In the four hearings that we’ve had in the past, I don’t think those numbers are as accurate as I wish they would have been. There was large range in what they might be, so I think that is a consideration. So based upon those thoughts, I’ve always considered a transfer station as my preferred future.

“On the other hand, I’ve always given the City an opportunity in its lead, to finally arrive at the right numbers and make the right decision based upon what its citizens want and what the cost may be and what the future may hold. I’m willing to continue to do that for a little while longer. So today, and it is difficult to do, because there are so many folks here, I’m willing to not vote for this Betsy simply because I want to give the City and opportunity to go ahead and give us the right numbers. Give them an opportunity to include us in the decision making process. I think they can do that. We have joint meetings with the City where we’ll each have veto power and I think if they chose to do that they could if they wanted to. Whether there is a legal basis for it, there is a local basis, a precedent for those kind of things. But I’m not willing to wait too long.

### **Regular Meeting, August 28, 1996**

“The notice is given that I want to see some facts and I want to see some figures and I want to see some reasons why the decision is going to be made if they ever make a decision and I won’t wait too long. Today, I think the timing is a little off. I want to wait a little while longer to see what the results are of our joint meetings with them and to see what their consultants have produced and their results and their findings. So I’m sorry, but I can’t join you today.”

**Chairman Winters** said, “Thank you Commissioner. Commissioner Schroeder.”

**Commissioner Schroeder** said, “Mr. Chairman, if you please. A couple of weeks ago when we took the vote on this, I voted that we give the Chairman the right to use some diplomacy to try to work this out with the City and as it said in the paper today, I don’t think that worked. I appreciate your efforts though Tom and I think the Mayor was trying to work with you, but he doesn’t answer for the entire Council. I don’t think their attitude is going to change is my personal opinion. I am like Bill, I like to see both sides be given plenty of time to work out details and differences, et cetera, but I don’t think time is on our side. As we know, I think we have less than 18 months or something like that on the current landfill and a few years ago we had plenty of times to work out these problems. Now we’re kind of at the eleventh hour I guess you could say. I took a lot of criticism for just allowing the City and the County to work this out two weeks ago. I told most of those people I talked to that I thought diplomacy was the right way to go on this and we needed to give them ample opportunity to go back and work with staff and maybe go through another discover process of what differently we could have done to work this out. Apparently that has not worked and I think we’re somewhat at a stall stage.

“If we have technology to send people to the moon, to blow up 100,000 people with one bomb, to kill cancer, I can’t believe we don’t have the technology to keep trash out of the ground. I think we’re at a time, at least in my life, that I don’t want to see my kids have to clean up a second landfill. The landfill now, I’ve heard the estimates are 25 million dollars to close that landfill down and to monitor it. The estimates I hear on this one are a 20-year life span. My guess it is going to cost at least double that to close it down. So whether you pay me now or you pay me later, the scenario goes, you can pay me a little bit more now for trash service if you do something differently with it, whether it is a transfer station or incineration or whatever, you can do that or later you can pay for it. Either way, you’re going to pay for disposal of that trash. I would prefer that we deal with it once and not twice.

### **Regular Meeting, August 28, 1996**

“So Bill, I appreciate your arguments, there are some good arguments, I think I’m somewhat vulnerable down in the southeast part of the County. There’s an area down there that the City had cited as a possible location. No particular area, it’s just a big green space on the map, but that’s not the only reason. I just think this community has come to a point in its life when we can no longer continue to just put trash in the ground with the technology we have available to us today. I for one will pay a little bit more for trash service. It doesn’t matter to me if I pay for it in my trash bill or if I pay it in my taxes. I’d rather get it out of here, one way or another, and do it one time, deal with it one time, handle it one time. I think the time has come that we need to bite the bullet and I’m just sorry that the City didn’t take this up sooner and deal with it in a more expedient way, but as the statutes say, it is the County’s responsibility. However, the manager put it very well, that we gave the City the opportunity a couple of years ago to deal with this problem. The time has come to make the decision ladies and gentlemen and today my decision will be to support Commissioner Gwin’s Motion. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you Commissioner. Commissioner Miller.”

**Commissioner Gwin** said, “Excuse me, no one ever applauds for anything Mark says, don’t do that. Don’t get him started.”

**Chairman Winters** said, “Thanks Betsy. Excuse us Commissioner.”

**Commissioner Miller** said, “That’s all right. Thank you Mr. Chairman. I’m going to be short and to the point and for those of you who have heard me speak sometimes, that’s probably good. I was originally on track with Commissioner Gwin’s Motion the last time we met and spoke on this issue and I’m still there. I have not wavered and have no intentions of doing that. I made the statement several times about Sedgwick County in different situations, that I believe this County is a progressive County. In fact, I know it is a progressive County and I know we have progressive Commissioners on board. They are progressive to work with and they’re progressive and insightful in planning for the County. I happen to agree with you, Commissioner Schroeder, when you say that when you think about technology, surely we have the vision to be able to think about and explore how it is that we can deal with trash without burying it. There are other options out there that we can deal with without siting another landfill at this moment. So I am definitely on board with the Motion as it has been rendered and will be supportive of it. Thank you.”

## Regular Meeting, August 28, 1996

**Chairman Winters** said, “Thank you Commissioner. Commissioner Hancock, I think I’m going to support Commissioner Gwin’s Motion also, but I want to say a couple of extra words because there are parts of it that I still want us to keep very clearly in mind. I agree with Commissioner Gwin completely that in this Motion does not mean that we want to prevent cooperation with the City of Wichita and the nineteen other smaller communities in the County and the citizens of the unincorporated areas. That’s not what this Motion is saying. Commissioner Gwin indicated that the County should take the leadership role in solid waste. I think solid waste is but one of the issues. I think we need to clearly be able to say that this County Commission is ready to deal with any issue that is a County wide problem. Or if it is a County wide service, if it is the delivery of a County wide service, or if it is dealing with a County wide problem, we need to be prepared to step up to it and I would see that this is one of those cases.

“As I am sitting here and thinking about and looking at all the people who are here who are I guess from the unincorporated part of the County, I’m thinking what do the citizens of Wichita think that this action that we’re going to take today means. Let me say about three or four real quick things. I think what this says is that Sedgwick County is committed to county wide planning. Second, personally, I am committed to waste reduction. I am committed to reducing the waste flow that goes into any landfill or any kind of disposal process. Three, I am committed that we not experience rate shock. Somehow we need to make sure that the solution that we come up with, whatever it is, is not something that becomes a major kind of burden for those on fixed incomes or those who do business in industry or any of the rest of us in this community. Fourth, I am committed to make sure that this doesn’t negatively effect City County relationships. This is a new era of County Commission that we have working in the courthouse today. I think we have every capacity to include a large number of folks in this decision making process including those who work for or are elected by citizens of the City of Wichita. So I have been very pleased with the response that I’ve had from Mayor Knight. I don’t think I mentioned earlier, the Mayor is supportive of the County having an active role in the decision making process. So from his standpoint, he has been more than supportive of making sure that all the citizens have a chance to speak. So Commissioner Gwin, I’m going to be supportive of your Motion, but I do not want this to be something that prevents any further cooperation or even prevents a continued dialogue in the next thirty days. Commissioner Gwin.”

## **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "Thank you. Mr. Chairman I appreciate your comments because it is absolutely necessary that we all continue to stay on the course and work together to find a solution. What I think this will do, this action today, is going to put a lot of pressure on the committee and the staff and on us to succeed. Mr. Manager, we're going to be handing you and Alison and Susan and the solid waste committee a very onerous task here of coming up with a plan quickly, that's acceptable to this community as a whole and that is acceptable to the Kansas Department of Health and Environment. We must do it. It has got to be done as quickly as we can do it. We have no time to waste. I will implore you to . . . I agree with Commissioner Hancock, the committee is a citizen's committee and that they're going to have to have all the information you can find them, every bit of legal and financial information that can be brought to light, so that they can in fact make a recommendation that the Department of Health and Environment and Sedgwick County as a whole, not as a government, but as individuals and people will be proud of. So I know I'm kind of handing you all something here that maybe you're ready to go with it and maybe you're not, but it's going to be quite a challenge. Certainly the information that has already been generated by those people or your counterparts across the street needs to be gone through and there are a lot of things we won't have to go through again. But I understand that I'm giving you quite a challenge and Mr. Manager, we're going to need a plan from you on how to proceed, how it's going to be done differently. I don't know if you have any thoughts about that yet, but we're certainly going to need that from you just as quickly as possible."

**Chairman Winters** said, "Thank you. Commissioner Schroeder."

**Commissioner Schroeder** said, "Mr. Chairman, if you please. Betsy, thank you for the comments. You don't have to shoulder all of this burden, I want to tell you. We're going to be right there shoulder to shoulder on this deal. Whatever comes out, comes out of this and I just hope that we do the right thing. I think we can. However, I want to say, and I appreciate the Chairman's confidence that we need to maintain open dialogue with the City. However, I do not want that dialogue to hinder or delay this process of solving this serious problem and I'm going to make that statement today because I'll stand by it. I want good cooperation from the City too, but I don't want it to cost the taxpayers. I think we can do this and I think they understand our position as well as we understand theirs, but I want us to be expedient in this. I want us to move on and solve this problem together if we can and I'll support you in any way in that process. Thank you Mr. Chairman."

**Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Thank you. Commissioners, any other discussion on the Motion? Any other discussion on this Motion? Does everyone understand the Motion? Madam Clerk, call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much. I think at this time, we're going to take a five minute recess and we're going to come right back here and decide how we're going to handle the rest of the meeting. We're in recess."

**The Board of Sedgwick County Commissioners recessed at 11:50 a.m. and reconvened at 12:00 p.m.**

"I'll call the meeting back to order. We've been on a short recess. I'll call back to order the Regular Meeting of August 28, 1996. Madam Clerk, call the next item."

**H. ALTERNATIVE CORRECTIONAL HOUSING TASK FORCE RECOMMENDATION.**

**Ms. Irene Hart**, Director, Bureau of Community Development, said, "What I'm presenting to you today are the recommendations of that task force. I won't repeat it again. First, let me say that I'm not an expert on this issue. We have people here who are experts, Ken Hales, other members of the task force are here. I can tell you what I think they said, but when it comes to details, they'll know those answers much more clearly than do I. First, a little history on these houses. Often times they are in shorthand called half-way houses. They've been in existence for a number of years, usually operated by nonprofit corporations by governments of one level or another. The issue that comes to your attention today really began three or four years ago as an entrepreneurial response to the overcrowding in the County jail. The private sector determined that there was a niche to provide private and privately funded alternatives to jail."

### **Regular Meeting, August 28, 1996**

“These privately operated homes require payment by the residence and there is not a public subsidy involved. So that is one key issue we need to bring to your attention. There is no public subsidy going into any of these private sectors, these entrepreneurial half-way houses.

“The issue began to surface, to be noticed in the public. Concerns were raised by neighbors of these houses. They had complaints about undesirable activity going on at the houses and within the neighborhoods. The courts had some concerns that the houses, many of them were not providing services as they were represented to the judges. Residents’ complaints and concerns surfaced from the residents in that they felt they were being taken advantage of. They had no protections in these homes. They had personal belongings that may be stolen. They were more or less at the mercy of whoever owned and was running those houses.

“The City and the County Commission, the issue leaders of Commissioner Miller and Council Member Joan Cole were appointed and they convened a task force. Task force members included Commissioner Miller and Council Member Cole as co-chairs, representatives of the neighborhoods, Koch Crime Commission, Wichita State University, both the District and Municipal Court, public and private corrections professionals, the Sheriff, the Chief of Police of the City of Wichita, alcohol and drug abuse rehabilitation professionals and the task force was staffed by City, County and SRS support staff. The task force began meeting in February of this year. They hoped it would be a 60 to 90 day endeavor and it has turned out to be longer than that. They met weekly through July. They held public hearings, they did research into other community practices, into the various laws and into the industry itself. Field visits were conducted and there was extended deliberation and fact finding.

“A mission statement was developed and I’ll read it. ‘To ensure the safety and quality of life for those individuals who reside in alternative correctional housing and for those individuals who live in the neighborhoods that house such facilities.’ So there was concern from the very beginning for not only the residents of the facilities, but the neighborhoods in which those facilities are located.

“The issues that were discussed, this turned into what sounded like a very simple situation to explore it, to figure out what to do about it and make formal recommendations. It turned into a process more like trying to stuff an octopus into a pillow case. The more you pushed on one side, the more something else popped up. The range and the variety of issues that were deliberated, it seemed like there was a new one every week. First the definition of the houses that we were talking about.

### **Regular Meeting, August 28, 1996**

“In some context, they were called half-way houses and in others they were group homes. Sometimes they were called front-ended correctional facilities, back-ended correctional facilities, rehab facilities. They had more names than I can possibly recount here. The number of the houses, nobody knew. It varied. Some were in appropriate zoning and others were in illegal zoning. Letters could be sent out to known houses and found out that they had moved and changed their name, had sold, had reopened under another name.

“Who resided in these facilities? It varied. If they were adults, they could be there for DUI, they could be there for not paying child support, they could be people who are in state custody. There was a wide variety of people who are living in these facilities. How did they get there? State courts may have sent them there. Municipal courts may have sent them there. They may be self referred. Maybe their attorney found them a location. Their probation or parole officer may have said here is a list of houses that we know of, contact them and get yourself a residency.

“Who regulated these facilities? Boy, there was a variety of those, not only in the life safety area, but the kind of programing they conducted at the homes. The regulations ranged from the State Department of Health and Environment on their food and lodging side, to their adult home side, the Fire Marshall’s Office, County Code Enforcement, City Central Inspection, the local Health Department, SRS, zoning requirements, it seemed like everyone had a little piece of the action depending upon how you identified these homes, but no one had responsibility for the entire program.

“Who owns these houses? The government owns some of them, both local and federal government, and some state government, nonprofit organizations and the private sector. So any regulation that you would come up with, any way of controlling some of the activities had to be viewed from how does this effect a government operation, how does it effect a nonprofit who may be there for reasons to help improve folks. Everything that was discussed, had to be looked at in a number of different perspectives.

“Where are the houses? Most of them are located in the City of Wichita. We have heard that there are a couple that may be outside the City in the County.

“The programming that is required. Well, the programming is variable. There is what they actually do, what they say they do, and what they should do. So that we had a whole range of answers to that question. We found that there were differences in perspectives. Some believe that prisons and jail are an artificial society.

### **Regular Meeting, August 28, 1996**

“If you want people rehabilitated and to work in the community as we know it, they need to be supervised and in a structured situation in the community where you expect them to operate. That it is part of the process that people should be in more of a community environment, and learn how to negotiate a community. There is also a perspective of neighborhood safety, both personal safety, family safety, and one’s own property.

“As the task force deliberated, cost, of course, became an important feature. Cost to the provider. These homes are a valuable component in the correction system and they did not want to eliminate this option. They wanted these homes to be there, they wanted them to be good homes, but they didn’t want to drive them out of business by putting on a number of regulations that would drive the cost up so high that no one could provide the service.

“The cost to the individual. Since these are self-funded, if you live there, you pay. You pay a certain rate per day. They needed to put enough regulations to provide safety and accountability but not so many regulations that the cost would be so high that it would be unreasonable or unaffordable to the people that you’re trying to serve. The cost to the public, both in dollars and to the social cost. All those were considered as the task force did its deliberation.

“The next is not district judicial systems, it is distinct judicial system. We found that the local, the municipal court system is separate and distinct from the district court, the state court system, which is separate and distinct from the federal system. What works in one may not work or apply in any of the others. That was another interesting . . . we gained a lot of knowledge on that.

“Authority, and authority varied. What is the authority of the operator who actually owns and operates one of these homes? If it is local government, such as Corrections Department, they have more authority than a private for profit operator. These private ones do not have custody of an individual. What is the authority of local government to regulate this business and who is responsible for the individual? Who is responsible for a resident in a particular facility? Is anyone responsible or does that vary according to how they got there or who sent them there?

“We found that the residents varied. They may be there on misdemeanors, they may be there due to felony charges, they may be there primarily because of an alcohol and drug related difficulty. They could be there not even having been convicted or any particular crime, or they may be there coming out of a state penitentiary.

### **Regular Meeting, August 28, 1996**

“So it is a wide variety of folks who are in these homes. The alcohol and drug abuse involvement, it may have been a factor in getting them involved in this system or it may not have. Should they have treatment or non-treatment, rehabilitation, simply a place to stay while one gets back on their own feet? That was yet another issue.

“The task force came up with four general recommendations. The first one, they came up with a definition that they are recommending to you of Correctional Placement Residence, rather than a half-way house or a front or back-ended or whatever they are, they want to call them Correctional Placement Residences. They do have them defined into two categories. One, where the number of residents is under fifteen and the other where the number of residents is fifteen or over.

“They are proposing a definition that says that one of the residences is a facility providing residential and/or rehabilitation services for people who are there, one, instead of being sent to prison, or, that they received a conditional release prior to a hearing or part of a local sentence of not more than one year; someone who may be at or near the end of a prison sentence; someone who may have received a deferred sentence and placed in community corrections; someone receiving alcohol or chemical dependence treatment; or someone under the juvenile offenders code. The last two, there will be a meeting of the task force again next month to further work on the issue of the children who are there under a juvenile offenders code and to further refine the language regarding alcohol and chemical dependence treatment. It is still a gray area as to what the difference is between a facility that is strictly alcohol and drug rehabilitation and one that may offer that service and have a number of offenders there. The legal definition or the definition that they have for these residents isn't clear yet.

“The second recommendation was to establish a regulatory board. Well, let's establish a licensing procedure. If one of these homes is operated by a unit of government, no license would be necessary. So Community Corrections would not need a license. If there is a federally operated home, then they would not need a license. Because both of these types of operations come under federal and state standards and certification and accreditation and that sort of thing.

“They're proposing a license period for one year. An applicant would make application to the City or the County depending upon where the house is located. The next step would be to contact an approved program auditor. That program auditor is an individual who would be certified by the governing body as being knowledgeable and can fill this role.

### **Regular Meeting, August 28, 1996**

“Then a license would probably be granted. Of course there are all kinds of conditions. They’d be granted if the following was completed satisfactorily. One, they brought in a health life and safety inspection from Code Enforcement or Central Inspection depending on their location. That they would have completed a program audit. That includes minimum standards and I know we’ve talked about minimum standards in the past. There are approximately twenty some minimum standards and that’s what the program auditor would be doing, helping make sure that the house is in compliance with the standards and offering technical assistance to get the applicants to that condition.

“Examples of minimum standards include 24 hour on-site supervision. That clean bedding is available and issue to a resident. That if a house offers food service, then the food service is licensed through food handling and that sort of thing. That there is accountability for the whereabouts of their residents at all times. That folks sign in and out, they’re not allowed to go at will. So it is a set of standards that affect both the conditions under which the residents are in the facility and that requires accountability that specify accountability and concern for the environment in which the facility is located.

“They would need to certify that the zoning for the facility is appropriate. There were standards developed for a criminal records check of the owner, operator, and supervisory staff so that you don’t get out of jail one day and open up a house and have all your compatriots come. So that there are some standards, some comfort of accountability of the person who is operating the facility. If they are saying they are offering alcohol or drug abuse counseling, that they have a license issued by the State Alcohol and Drug Abuse section.

“This time, we’ll establish the regulatory board. They recommend that such a board be established. It is a City and County board with appointments from each. It would have a broad-based membership and they recommended the types of folks who would be on that regulatory board. Their duties would be to regulate and oversee correctional placement residences and they would have a committee that would hear issues of appeal on the licensing aspects. So if someone did not receive a license, they would be able to appeal to the committee.

“Now the zoning. Their fourth recommendation was to amend the zoning code. First, they recommended adopting these new definitions of the correctional placement residences and they’ve changed the definition of a group residence, which would be group homes that weren’t correctional placement residences.

### **Regular Meeting, August 28, 1996**

“They recommend prohibiting correctional placement residences from multi-family residential, which is B zoning or less intensive uses. They recommend allowing in the neighborhood office district, as a conditional use, the facilities that are under fifteen residents. They would permit by right in the general office or more intensive district with conditional use required if they are within 750 feet of a residential area.

“Again, the task force will meet again later in September. They’ll be working on the definitions regarding the juvenile offenders and hopefully clarifying the proposed definition as it relates to alcohol and drug abuse facilities. There are other issues that remain to be resolved. There are some technical differences between the City and the County and how we operate statutorily and what kind of regulatory authority we have, our ability to regulate. There are some technical issues there. Of course the zoning issue is one that is still under discussion I understand from quite a few of the people involved, although the task force has given a preliminary recommendation. I would be willing to try to answer any questions if I can.”

**Chairman Winters** said, “Okay. Thank you Irene. I see no questions at this point. Commissioner Miller has asked . . . Elizabeth Bishop is here and to ask if she has any comments that she would like to make to the Commission. Commissioner Miller has offered that opportunity if you’d like to take a moment.”

**Mr. Elizabeth Bishop**, Wichita Independent Neighborhoods, said, “I would appreciate that. Thank you. I’m here on behalf of Wichita Independent Neighborhoods. Thank you Commissioner Miller for this opportunity. Bill Fox is the President of Wichita Independent Neighborhoods and is passing out a statement from Wichita Independent Neighborhood. It comes from the Community Action Committee. James Roseborough is the Chairman of that committee and he would be here doing this, unfortunately he is ill today, so I’m actually appearing in his place. I’ll go over this very quickly.

“WIN has, for a long time, been aware of the difficult issues involved with the placement of incarcerated individuals in group homes in residential neighborhoods. Since our goals are to help strengthen and develop all neighborhoods in the Wichita area, we have been very concerned about the impact one or several such group homes and neighborhoods struggling to survive as viable places to live and raise a family. We were pleased to be part of the task force that developed the task force and recommendations on how the community deals with the proliferation of alternative correctional housing. Our intention in that endeavor was not to simply complain about a problem but to be a part of the process of finding a solution.

### **Regular Meeting, August 28, 1996**

“The Community Action Committee and the Executive Committee of WIN have considered the recommendations of the Alternative Correctional Housing Task Force. We support the recommendations contained in the task force report, including the minority report which calls for a density requirement that would not allow two such facilities to be any closer than 1,200 feet. I believe that’s approximately two blocks. In addition, we ask that any such facility be located at least 1,500 feet from any school and that the inspections be increased from the recommended amount of once a year to twice a year.

“We want to thank you, all of you, for considering this issue and we want to especially thank Commissioner Melody Miller for her leadership in this area and we urge that you support the recommendations contained in the task force report along with the density requirement. I would be happy to answer any questions that you might have.”

**Chairman Winters** said, “All right Ms. Bishop. Thank you very much for being with us today. Commissioner Miller.”

**Commissioner Miller** said, “Thank you Mr. Chairman. Recognizing that approximately three weeks ago we did host a workshop where this very item was presented for discussion from the Commission staff to the Commissioners, each of the Commissioners were represented there. I believe Commissioner Hancock was absent at that time and I’m glad that you are going to participate in the discussion during this agenda session. What I would like for us to do is just simply discuss any of the concerns and questions that we carried over from the workshop setting and then I do have a Motion in mind that I will render at the end of that discussion. I just simply wanted to open it up. There are two issues that should not necessarily be addressed at this setting because they are still in the process of being worked on and those were spoken to by Irene Hart. One would be the issue of juvenile facilities, like SKYP or the Children’s Home, that house this segment of the population only they’re juveniles and they’re housed in that type of facility setting. That was a quiet issue in regards to our recommendation. The meeting has been set for September 19. Then the other issue that we can certainly discuss but I do understand and recognize that there are some definite challenges from the Commission with the proposed zoning changes.”

**Chairman Winters** said, “Okay, let me ask a question for clarification. Just in reading the newspaper this weekend, the City Council is going to address this again I believe the first part of October and so are they still considering this a work in process? Are they still plus and minusing different parts of this task force recommendation?”

## Regular Meeting, August 28, 1996

**Commissioner Miller** said, "I don't believe they are still plusing or minusing anything at this point. I believe what is occurring from a City perspective is that Council Member Cole had numerous requests from neighborhood organizations to bring this to them and then they had some responses to it and that's what she is accommodating along with the solid waste issue that they have pushed that forum or public agenda item from the 9th to the 16th and there are some other issues going on that she was asked to postpone it until October 1. But I need to remind the Commission that they have publicly discussed the half-way house recommendation once already so that when they come back to the table, they will primarily be rendering a decision."

**Chairman Winters** said, "Okay, thank you."

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

**Chairman Winters** said, "Commissioner Gwin."

**Commissioner Gwin** said, "Just a follow up on that and maybe Commissioner Miller, you can help me. I could understand where a number of neighborhoods would be interested in hearing the recommendations of the task force and like WIN, they may have some inclusions or maybe they want to incorporate the minority report or some amendments. Do you anticipate that when Council Member Cole completes her tour, if you will, that there could possibly be some additions, deletions, modifications in the recommendation?"

**Commissioner Miller** said, "In speaking with Council Member Cole, the recommendation will not change. What possibly will change is addendum requests that Council Member Cole would bring to the table. That is something that and I suppose that definitely does segment the decision making here, where the County can definitely begin to look at this as a proposal or recommendation, tune it to our needs from a County perspective and then go with it from there and that the City may very well do the same. I know that there are some challenges when it comes to the question of the proposed zoning changes. If they don't decide to go the route from zoning, and this is from Council Member Cole, then she will more than likely bring forward this challenge by way of a density clause. This would be for the City of Wichita is how she would tailor it. What I am requesting is that we as a County review the recommendation and not making a determination at this setting and actually adopt it as it is, because we would be adopting it in total. Instead, I would move that the report be referred to a committee for suggestions on methods for implementing the recommendations contained within the report that would definitely meet the needs of Sedgwick County."

## **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "Is that a formal Motion?"

**Commissioner Miller** said, "It can be. At this point, I was thinking that maybe there should be discussion before we actually do that."

**Commissioner Gwin** said, "Okay, I heard you say that and I just wanted to get clarification if we needed to second it."

**Commissioner Miller** said, "I believe there should be discussion before that's actually on the table. That was just to simply kind of quelling some questions or concerns regarding a definite adoption of the recommendation at this moment."

**Commissioner Gwin** said, "Then a follow up then. Well, we'll get back to that in a minute. As you are aware, Commissioner Miller and the other Commissioners, from the workshop and the discussion, one of the concerns I have is the zoning question. That is amplified by the fact that the list that we received of these types of houses states at the top that it is authority out of date. So it was very difficult for me to tell exactly where these facilities were although I did try to call a couple and visit with the people there about what they did and those kinds of things and learn a little bit about them. Then tracked the zoning of the particular residences that were listed. Obviously that wasn't easy when it says at the top, list if out of date, because I wasn't able to accomplish what I wanted. What I wanted to try to learn was if the zoning recommendation is enacted, what is the impact upon this community. How many people might be displaced, if you will, because the owners of those properties, I'm assuming they wouldn't be able to get zoning approved. As we know, zoning is a very difficult issue and with neighborhood opposition to a zone change, we know how difficult that can be to overcome too. So I still have concerns because I've not been able to get those answers. Assuming that a home is not properly zoned or is not in the zoning area as recommended, then how many people are displaced in case that zoning could not be changed? What does that mean to the correctional system as a whole?"

"Secondly, one of the things Irene said, there are some in these residences who have not been convicted of anything. Do I understand that to be true, they're just there because they chose to be?"

**Commissioner Hancock** said, "Maybe a diversion."

**Commissioner Miller** said, "I would have Irene to follow up on that?"

### **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "Would diversion be and they're not convicted of anything if they're in diversion correct? So they have to follow, go through those hoops before that can be off the record, is that correct? Okay. But what I'm getting at is that people don't just show up and say I've got a drug problem, I need to crash here until I get clean. That isn't the point.

"On the program auditors, are those individuals that the governing body would approve or those individuals that the regulatory board would approve? I don't recall that recommendation."

**Ms. Hart** said, "My assumption would be that they would be certified by the Regulatory Board, that would be my guess."

**Commissioner Gwin** said, "That's just a question for consideration."

**Ms. Hart** said, "To me, it is an innovative way of ensuring compliance without hiring staff to do it."

**Commissioner Gwin** said, "Then I am assuming that in the Regulatory Board, there are areas to avoid conflicts of interest on that Board."

**Ms. Hart** said, "Yes Ma'am. One could perceive conflicts of interest, but the Regulatory Committee would be limited to those entities where there would not be a conflict of interest. For example, Correction would have an ongoing interest and be a valuable contributor on such a board. There would be a conflict if they were in the business of regulating other facilities."

**Commissioner Gwin** said, "Like my specific target here is the for profit individuals, that they would understand what a conflict of interest is and whether or not it would benefit them financially to vote or to make certain decisions. I would hope in the formation that they would understand that."

**Ms. Hart** said, "The Board as proposed, would contain representatives of the court, law enforcement, more professional representation. The courts have already said that they believe it would be a conflict of interest for them to be on a regulatory committee, so those issues have been discussed."

## **Regular Meeting, August 28, 1996**

**Commissioner Gwin** said, "Okay, well I appreciate that. To get back to the slides you were showing under the licensing, it did indicate appropriate zoning and so obviously that continues to be . . ."

**Ms. Hart** said, "There are homes now that they believe are not in appropriate zoning. They are operating illegally. So even if there are no changes made in that area, there will still be a question of the ones in existence now."

**Commissioner Gwin** said, "I would be interested in knowing again and no one has been able to get it to me, how many people will be misplaced?"

**Commissioner Miller** said, "I don't think there's an exact answer at this point. Probably the major reason why, Commissioner Gwin, would be because this has not been adopted. So you don't know if they're going to step up to the plate and bat. They might just decide to sit it out and say this is too much, we can't do this, we're simply not going to play this game. I think the intent, and this was stated before, the intent is for some of those organizations to go away because they're simply not doing a good job of what it is that they should be doing. Those that are capable and want to meet these minimum standards and regulations, then I think will be an asset to the community when you think about correctional housing. So I don't believe we can give you a number of who will be displaced, simply a projection that yes, some of them will be displaced out of the community, out of the neighborhood and some of them will probably go away completely."

**Commissioner Gwin** said, "Some of the residences."

**Commissioner Miller** said, "Right, some of the facilities."

**Commissioner Gwin** said, "Those are kind of a list of the concerns that I have. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner. Commissioner Hancock."

**Commissioner Hancock** said, "Commissioner Miller said that she wanted to refer the recommendations of the task force to a committee, what committee?"

**Commissioner Miller** said, "The committee would be comprised of legal, myself, and probably someone from zoning, someone from corrections."

## **Regular Meeting, August 28, 1996**

**Commissioner Hancock** said, "What would their responsibility be?"

**Commissioner Miller** said, "Well, primarily it would be for legal to look at these recommendations, refer them back to the actual members of the committee and determine how it will fit into our zoning codes. Because there is a difference between their Central Inspection and our Code Enforcement. Those types of variations. Did you want to speak to that also?"

**Ms. Hart** said, "My sense would be that these are recommendations but how we could actually implement them may require some policy changes or some other kinds of changes and we really need to look at it from a County technical perspective to see how that could be done and bring those recommendations back to you."

**Commissioner Hancock** said, "Are there currently, if you know of, any of these facilities outside the City of Wichita?"

**Ms. Hart** said, "The Sheriff has mentioned on occasion that there may be one or two. I think there is concern that if the regulations in the City tighten up, will these people take substandard operations out into the County."

**Commissioner Hancock** said, "Well, they would have to have a situation where they could only go to a residence. If they built one, it would be controlled by the Health Department. They need services, they need water and they need sewer. I'm ready to get on with it. I'm ready to approve a Motion that we approve the recommendations we have so far without going to another hearing. I know Joan Cole expressed extreme concern that the County was moving too slow on this and that we weren't doing our part and I'm ready to go. We've talked about this since January. I was looking at the paper this morning and this came up in January. I'm ready to make a decision. I like the recommendations. I would make a Motion right now if I thought it would win that we accept these recommendations and go forward."

**Chairman Winters** said, "Well, it might not win."

**Commissioner Hancock** said, "I will say this, I don't want to hear from Joan Cole that we have shirked our responsibilities so far on this and we haven't done our part. My view has been since this came up that since judges and others are using this as a place to put people, then maybe they ought to get out of their office once in a while and go see where they're putting them."

### **Regular Meeting, August 28, 1996**

“If they don’t like where they’re putting them then do something about it. But it wasn’t too long ago that we didn’t even know these places existed. We’re trying to deal with it now, but I don’t want to hear from Council Member Cole again about how we’re not doing our part.”

**Chairman Winters** said, “I think maybe she misinterpreted something that she heard, because I saw that saying that the County was not interested in this issue and I disagree that. I think we are interested in this issue. So I think she maybe misheard something that we said or misinterpreted it.”

**Commissioner Hancock** said, “It didn’t sound like that to me.”

**Chairman Winters** said, “Well, it could be. Commissioner, I think if you’re ready to make the Motion then I think I could support a Motion. What I would have perceived here that there has been a larger task force about work for a number of months and what your suggestion is, is that we now focus that into a small group of County staff people to take a look at what this really means to us as County Commissioners.”

**Commissioner Miller** said, “Exactly.”

#### **MOTION**

Commissioner Miller moved to have the report referred to a committee to be designated for suggestions on implementing the recommendations contained within the report.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, “Commissioner Schroeder.”

**Commissioner Schroeder** said, “Beg your pardon, but does this include the zoning issue or not?”

**Commissioner Miller** said, “If we’re going to talk about the recommendations, then we’re going to talk about the recommendations as stated and obviously from a County perspective.”

### **Regular Meeting, August 28, 1996**

**Chairman Winters** said, "I would make a statement then as your committee moves forward and I would certainly support your continuing on the position. You've worked very diligently on this issue and I appreciate the work that you've done on this from our perspective."

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

**Chairman Winters** said, "I have to say right now that I have some serious reservations about the zoning aspects and I would hope that as we look at this from a County perspective, I would certainly need to have some additional information before I could support the recommendations concerning zoning. So I just make that as a comment that I hope would be helpful to your committee as you proceed on."

**Commissioner Miller** said, "Well thank you Mr. Chairman. I duly note those concerns, I really do. I believe that the task force in total has noted them. I am just very pleased that we as a County once again are showing that we are definitely moving in a progressive direction. We recognize that there are challenges that are County wide and include not only the largest city, which is the City of Wichita, but also the smaller cities that make up our County. We are able to put on our hats and look down the road and see how it is that these challenges will impact our quality of life for the citizens that reside within them. So my hats are off to the Commission for allowing me to move forward with this. I thank you."

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

**Commissioner Gwin** said, "Just real quick. Commissioner Miller you indicated that legal department, zoning, code enforcement, corrections, yourself, is there any others you feel you need to add, I'd encourage you to do so. We'll support the Motion of getting it to that group of people so that they can read the report and kind of bring back to us what this impact might look like as far as the County is concerned, I too, like the Chairman, have serious concerns about the zoning part of the report. But I believe I could support this review as far as the legalities, et cetera and how we would have to adapt to meet any of the changes."

**Commissioner Miller** said, "We'll do it, thank you."

**Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Okay, is there any other discussion on this Motion? I also would encourage you to include Correction on that committee and I think you did mention them. Any other discussion on this Motion?"

**Commissioner Schroeder** said, "Just quickly Mr. Chairman. Melody, thank you for working on this project, I appreciate it. Obviously it needed some leadership and we've been able to provide it through you. I appreciate it."

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

**Chairman Winters** said, "All right, thank you. Any other questions? Seeing none, call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "At this time, I would think I would like to suggest that we take up an off agenda item concerning the Wings contract. Then perhaps after that, we go into Executive Session. We've got about ten or twelve more items on the agenda."

**MOTION**

Chairman Winters moved to take an off agenda item concerning the Wings contract.

Commissioner Schroeder seconded the Motion.

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

## Regular Meeting, August 28, 1996

### VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. We have John Nath with us. John, would you like to visit with us?"

**Mr. John Nath**, Director, Kansas Coliseum, said, "The item before you is a newly renegotiated agreement with the Wichita Wings. What we did was meet with the new ownership at the conclusion of last season. We explored ways where we could offer a better product to the potential ticket buyers to the Wings games and some ways we could actually help each other by working together in the coming seasons. The result is a new three-year agreement with a one year option. Essentially, it is a four-year deal. We have inserted the issue of view states, which are very important to the franchise. We have inserted language which guarantees the Wings fourteen Friday and/or Saturdays during the playing year that was not in the previous agreement. The financial conditions basically remain the same except that we have changed the cap as to where they share revenues with us. It gives them a stable budgetary expense figure unless they do very well, then we will share in that excess.

"The box office will be designed that the Coliseum will handle local duties rather than in the past. What that will do is ensure consistent and effective services to the customers. In the past the Wings brought up their own people, sometimes there was a lag in service to the ticket buying people as they came up to the building.

"Settlements will be made on an event by event basis. What that mean is that we will remain current with each other throughout the year. We'll know exactly where we are at any point in time. The Wings will act as a marketing arm for the Coliseum, selling facility signage. They have the mechanism in place to do that. They do that as procuring their own corporate sponsors. They will do that for a commission for us. We win because we sell the signage. The advertiser wins because they get the vehicle in which to get their message to their customers. The Wings also win because they get commission on the sales.

### **Regular Meeting, August 28, 1996**

“Parking will be distributed equally between the Wings and the Coliseum at the start of the next season. Historically, the use of the Select-A-Seat ticket system has not been utilized by the soccer club. Historically, people have either gone to the Wings office or they’ve come out to the Coliseum the night of the show to buy tickets. We have a very effective ticket distribution system in place. The Wings will include that information in their advertising. The result will be making it more convenient for potential ticket buyers to get tickets to the games. As we all know, convenience is the name of the game today when you’re attracting customers. We recommend that this agreement be approved and I’m available to answer any questions.”

**Chairman Winters** said, “All right, thank you very much John. Commissioners, are there questions?”

#### **MOTION**

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

Commissioner Miller seconded the Motion.

**Chairman Winters** said, “John, in your best opinion this is a good contract for the Kansas Coliseum?”

**Mr. Nath** said, “Yes.”

**Chairman Winters** said, “All right, thank you. I know we heard from Mr. Phillips on the media and he appears to think it is a good contract for the Wings, would you agree with that?”

**Mr. Nath** said, “Yes sir. I think a win-win is the only way to approach it and that’s what we’ve done.”

**Chairman Winters** said, “Okay, thank you very much. Commissioners, is there other discussion on this contract with the Wichita Wings? Seeing none, call the vote.”

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much. Thank you John. Commissioners, I'm going to suggest now that we go into Executive Session for thirty minutes and then return. We still have ten or twelve items on the agenda, so we've got a bit more work to do today. Perhaps we can get the Executive Session and lunch out of the way."

**MOTION**

Commissioner Miller moved that the Board of Sedgwick County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and preliminary discussion relating to acquisition of real property for public purposes and that we return from Executive Session no sooner than 1:20 p.m.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**The Board of County Commissioners recessed into Executive Session at 12:50 p.m. and returned at 1:20 p.m.**

**Regular Meeting, August 28, 1996**

**Chairman Winters** said, "We will call back to order the Regular Meeting of the Sedgwick County Commission, August 28, 1996. Let the record show that there was no binding action taken in Executive Session. Also let the record show as we returned that Commissioner Mark Schroeder is not present. All right Madam Clerk, call the next item."

**I. RESOLUTION AUTHORIZING AND LEVYING AN EMERGENCY TELEPHONE TAX PURSUANT TO K.S.A. 12-5301, ET. SEQ.**

**Ms. Becky Allen-Bouska**, Director, Bureau of Finance, greeted the Commissioners and said, "You have before you a Resolution which has been processed every year regarding extension of the 911 telephone tax. Currently, we assess \$.75 per business line and \$.57 per residential line on every phone line in Sedgwick County for the purposes of funding Capital Improvements and running the telephone system downstairs for 911. I'm available for questions if there are any. I would recommend that you pass this Resolution."

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much Becky. Next item."

**Regular Meeting, August 28, 1996**

**J. RESOLUTION PROVIDING FOR THE REGULATION OF RETAIL SALES OF CEREAL MALT BEVERAGES IN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, AND AMENDING SEC. 4-31 OF THE SEDGWICK COUNTY CODE.**

**Mr. Stephen B. Plummer**, County Counselor, greeted the Commissioners and said, "This Resolution simply brings our County Resolutions in line with State law and basically the single change is it allows us to sell cereal malt beverages in this County on election days. I recommend you adopt the Resolution as presented."

**MOTION**

Commissioner Miller moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. For clarification, this then puts our County ordinance in compliance with the same way that the new State statutes read concerning the sale of mal beverages."

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

**Chairman Winters** said, "Okay, thank you. Any other discussion? Call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**Regular Meeting, August 28, 1996**

**K. AGREEMENT WITH CLEARWATER FALL FESTIVAL COMMITTEE FOR CONTROLLED ACCESS TO MAIN STREET IN CLEARWATER, KANSAS SATURDAY, SEPTEMBER 7, 1996, IN CONJUNCTION WITH THE CLEARWATER FALL FESTIVAL.**

**Mr. Lewis R. "Bob" Rogers**, Assistant County Manager, greeted the Commissioners and said, "Arrangements have been made with the Sheriff's Reserves for traffic control and a certificate of insurance has been received and approved by the County Counselor. Request your approval of the agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**L. AGREEMENT WITH INTER-FAITH MINISTRIES - WICHITA, INC. FOR USE OF SEDGWICK COUNTY PARK OCTOBER 6, 1996 TO HOLD A "CROP" HUNGER WALK.**

**Regular Meeting, August 28, 1996**

**Mr. Rogers** said, "CROP stands for Church Rural Overseas Program, before you ask me. This is a first request by Inter-Faith Ministries for the Hunger Walk at Sedgwick County Park. It is conditional that a certificate of insurance be received before September 21 for approval by the County Counsel. We request your approval and authorize the Chairman to sign."

**MOTION**

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

Chairman Winters seconded the Motion.

**Chairman Winters** said, "Bob, can you tell me if there will be under 10,000 people there?"

**Mr. Rogers** said, "No, I cannot."

**Commissioner Gwin** said, "Well, Mr. Chairman, if there are, they'll at least just be walking. They won't be standing in one spot. Wasn't that part of the problem?"

**Chairman Winters** said, "Well, I think as we think about people who use the park, I think we need to find out how many people they're going to invite to their event."

**Mr. Rogers** said, "I will make a note of that and pass it on to Jerry."

**Chairman Winters** said, "Thank you very much. We have a Motion and a second to approve the Crop Hunger Walk, any other discussion? Seeing none, call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**Regular Meeting, August 28, 1996**

**M. AGREEMENT WITH TEXACO REFINING AND MARKETING, INC. FOR OPERATION OF A SPECIAL PURPOSE SUBZONE AT THE TEXACO REFINERY IN EL DORADO.**

**Ms. Louanna Honeycutt Burress**, Administrative Officer, Department of Housing and Economic Development, greeted the Commissioners and said, "As you recall, several months ago we were approached by Texaco Refining and Marketing Incorporated. They came to us as grantee of Foreign-Trade Zone 161, and requested that we sponsor their application for a special purchase subzone at the El Dorado refinery. At that time, you took formal action to state that you would sponsor their application and shortly thereafter the application document was put together and was sent to the Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, D.C.

"That document has been filed and it is currently in the process of working its way through the bureaucracy which turns out to be a fairly arduous process and so in the meantime, while we're waiting for the application to be approved, which I'm certain that it will be in a matter of several more months, we need to go ahead and be making preparations for the activation of the Special Purpose Subzone. In order to be prepared when we receive approval, certain things have to happen. One thing that has to happen is that an operations agreement must be entered between the grantee, Sedgwick County, and the subzone operator, which would be Texaco Refining and Marketing. The operations agreement sort of nails down the responsibility of both parties and indicates who will do what, when, and how. Sedgwick County, as a grantee of a General Purpose Foreign-Trade Zone, must submit a report to the Foreign-Trade Zone Board each January and in the report we have to give fairly detailed information about what is happening at our general purpose site. In addition, if a grantee has a Special Purpose Subzone, that same information has to be provided about the Subzone. Now we have one Subzone currently, that is the Sanofi Winthrop Pharmaceutical firm in McPherson, that's known as Subzone 161A. Each year, pursuant to the agreement we have with Sanofee, they provide the information that we have to have for our report.

"Being a grantee of a foreign-trade zone does entail certain responsibilities. Even though you have an agreement with the subzone, it is the grantee that has ultimate responsibility to the Foreign-Trade Zones Board. Therefore, you have to give thought when entering into an agreement for a subzone, because we're ultimately responsible. The operations agreement that I'm bringing to you this morning is almost identical to the one we have with Sanofi Winthrop Pharmaceutical. They have agreed to give us reasonable access should we feel the need to pay a personal call.

### **Regular Meeting, August 28, 1996**

“It also specifies that they will provide us the information that we’ll need for the annual report. In addition, Texaco has agreed and pursuant to federal statute is obligated, to cover any out of pocket expenses that Sedgwick County would have regarding this Special Purpose Subzone. So we do not have to bear any cost of their operation and I think that’s important that you be aware of that and consider that.

“Also, in this agreement, they will pay the County an administrative fee of \$10,000 a year and that will cover some out of pocket expenses and in addition, will help defray staff costs in the work that I do on the foreign-trade zone project. That pretty well sums up what the agreement says. The County Counselor’s Office has reviewed the agreement and if you have questions, I will address those and recommend that you approve the agreement and authorize the Chairman to sign on your behalf.”

**Chairman Winters** said, “Thank you very much Louanna, I’m sorry we weren’t able to do this while we weren’t on the television this morning because I really do think the subzones are an important part of kind of a regional emphasis that we have and particularly when it comes to economic development. I think it is very good that we’re able to work with Butler County and McPherson County in putting together these subzones. So sorry we didn’t get you on TV this morning, but I think this is a good project. This may be a question perhaps Steve or for you Louanna. As we make these operating agreements, did we draw up the original agreement that we used with SanofiWinthrop up in McPherson? I guess I know I kind of reviewed it, but there are, as Louanna pointed out, we are responsible if something should go haywire. Steve, would you like to make a comment for me about that this does seem to be a good and type operating agreement for us?”

**Mr. Plummer** said, “We had an attorney back in Washington, D.C. draw up the first one for us. He does a lot of work in this area and yes it is a tight and proper agreement.”

**Chairman Winters** said, “So if one of the subzone operators would forget to count a billion gallons of oil, we could still go back to them?”

**Mr. Plummer** said, “We’ll have adequate remedies if that happens.”

**Chairman Winters** said, “Thank you. Commissioners, are there any other questions?”

**Regular Meeting, August 28, 1996**

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thanks for your work on this Louanna. Next item."

**N. INTERAGENCY SERVICE AGREEMENT WITH STATE OF KANSAS, DEPARTMENT OF COMMERCE AND HOUSING, TO ALLOW SEDGWICK COUNTY HOUSING AUTHORITY TO PROVIDE SERVICES AS A BACKUP AGENCY TO CONDUCT HOUSING QUALITY STANDARDS INSPECTIONS.**

**Ms. Hart** said, "The State Department of Commerce and Housing administers and monitors compliance for several federally funded housing projects throughout the state. This year, rather than doing the annual housing quality standards inspection themselves, they are proposing to subcontract out on a regional basis. We submitted a bid. Our region is about 15 counties. We submitted a bid to perform the inspections within our three county area. They did select an agency to handle the regional, all fifteen counties, but would like us to be a backup in our three county area. These are inspections which we do for our own housing authority. It will just add units and we would be paid for an initial inspection and a reinspection if we have to go back if it doesn't meet the standards. The contract period is for a year that began in July. We haven't done any yet, but it is a year beginning July 1, 1996. I'd be happy to answer any questions you might have."

## **Regular Meeting, August 28, 1996**

**Chairman Winters** said, "Commissioner Gwin."

**Commissioner Gwin** said, "Irene, the inspections are going to be done by the Housing Authority or Code Enforcement?"

**Ms. Hart** said, "Housing Authority."

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

**Chairman Winters** said, "Thank you. Commissioner Miller."

**Commissioner Miller** said, "Mr. Chairman, thank you. Irene, I know up under the financial considerations it says blank when it says costs. Is it per inspection?"

**Ms. Hart** said, "My copy on page two indicates that it is \$30 per unit inspected and \$25 for each recheck. It may be that there was a draft attached as backup."

**Commissioner Miller** said, "And we've done this in the past?"

**Ms. Hart** said, "We do these with our units now in the three county area."

**Commissioner Miller** said, "About how many do we inspect?"

**Ms. Hart** said, "Well 300 every year."

**Commissioner Miller** said, "Every year. Thank you."

**Ms. Hart** said, "Most of these are in apartment complexes, so each unit is not a complex, it is an individual dwelling unit."

**Commissioner Miller** said, "Okay. Thank you Mr. Chairman."

**Chairman Winters** said, "Okay, thank you. Any other questions? If not, what's the will of the Board?"

**Regular Meeting, August 28, 1996**

**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 Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**O. DISTRICT ATTORNEY'S OFFICE REORGANIZATION.**

- **ADDITION OF SEVEN TEMPORARY PROFESSIONAL EXEMPT POSITIONS TO THE DISTRICT ATTORNEY'S STAFFING TABLE**
- **RECLASSIFICATIONS**
  - **PARALEGAL, RANGE 19, TO EXECUTIVE ASSISTANT, RANGE 20, EXEMPT**
  - **JUVENILE COORDINATOR, RANGE 20, TO SENIOR JUVENILE COORDINATOR, RANGE 21, EXEMPT**
  - **ADMINISTRATIVE ASSISTANT, RANGE 18, TO RECORDS ADMINISTRATOR, RANGE 20, EXEMPT**
  - **SENIOR ADMINISTRATIVE OFFICER, RANGE 23, TO EXECUTIVE OFFICER, RANGE 26, EXEMPT**
  - **ATTORNEY, RANGE 25 (FOUR POSITIONS), TO SENIOR ATTORNEY, RANGE 27, EXEMPT**

**Regular Meeting, August 28, 1996**

- **REALLOCATIONS**
  - **DIVERSION COORDINATOR, RANGE 21, TO RANGE 23, EXEMPT**
  - **VICTIM WITNESS COORDINATOR, RANGE 19 (FIVE POSITIONS), TO RANGE 20, EXEMPT**
- **ASSISTANT ATTORNEY, RANGE 22, AND ATTORNEY, RANGE 25 (16 POSITIONS), TO NEWLY-CREATED POSITIONS OF STAFF ATTORNEY I, RANGE 22; STAFF ATTORNEY II, RANGE 23; AND STAFF ATTORNEY III, RANGE 24, ALL EXEMPT**
- **SENIOR ATTORNEY, RANGE 27, OUT-OF-STEP INCREASE FROM STEP 3 TO STEP 5**

**Mr. Doug Roth**, First Deputy District Attorney, said, “We’re asking you all to approve our reorganization plan for several different reasons. We are asking for reorganization and change in light of new job responsibilities and duties. We undertook a rather extensive examination of job duties and responsibilities of our attorneys and support staff here this past spring to make sure we could best utilize them. When we did that, we realized there were a number of attorneys and support staff that were performing responsibilities and duties outside their job description and actually were part of a job description in a higher range. So we’re asking to bring this in line with what their actual responsibilities are.

“The second thing we are asking to do is with some temporary positions, we’re asking to classify them exempt. These are primarily legal interns we hire from the law school that we’re asking that since it is a professional type position that we be allowed to bring them as an exempt position rather than a nonexempt position.

“The other question we need to address, keeping it brief, is a budget impact. This year there is presently projected approximately \$80,000 in salary savings and other savings which will more than cover the costs for this year. Next year, we represent to the Commission and to the Manager’s Office that we will delay filling positions and that type of thing to make sure that the cost for next year and next year’s budget, approximately \$45,000 will be met through our existing budget for next year as approved by the Commission several weeks ago. We will delay filling positions and that type of thing to ensure that there is sufficient salary savings within our budget so they will have zero impact on the budget outside of our office.

### **Regular Meeting, August 28, 1996**

“Last, I want to thank the Manager and his staff for working with us to make sure we could get this on as an agenda item for today since we’re asking that it take effect September 1. Are there any questions?”

**Chairman Winters** said, “Okay, thank you. Commissioner Miller.

**Commissioner Miller** said, “Thank you Mr. Chairman. I have a couple of questions, well one would just be a clarification. That would be for the word exempt. I do understand what it means but what does that give you the latitude to do with the position when you change it to an exempt position?”

**Mr. Roth** said, “One of the things it will allow us to do and it comes into question, is with the overtime, the requirement or the need to have employees work additional hours and not having sufficient funds in our budget to pay overtime or to give comp time. We’re finding in relation to these positions, that we are having to give them comp time, but when they come back, there’s even more work to do. It also involves, by changing them, this is part of the equation, but the other part was that they are also becoming more autonomous, they’re entering into some supervisory positions, supervising other personnel. So it is also compensation for that, and because of all those reasons, that’s also why we’re asking that there be a range increase with those individuals from, for instance, a range 18 or 19 up to a range 20.”

**Commissioner Miller** said, “Okay. Then with the monetary impact on the budget. I understand that it will not . . . well, I do understand that it will be found within the budget of the District Attorney’s Office for ‘97 and ‘98?”

**Mr. Roth** said, “It would be for funding year ‘96, this present year, and for ‘97. But for funding year 1998, it would not, although if you look at our budget, we routinely have salary savings or other types of savings that is returned to the County almost every year.”

**Commissioner Miller** said, “All right. Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you Commissioner Miller. Are there any questions? I guess Mr. Rath, the only one I have is the Commission has made a significant commitment to the District Attorney’s personnel funding for next year and I would anticipate this is still part of getting ready for that too, is that correct?”

**Regular Meeting, August 28, 1996**

**Mr. Roth** said, "That is correct. We are reorganizing lines of supervision and it is creating situations like I said that some people will be in different lines of supervision, different lines of responsibilities and this is part and parcel with that."

**Chairman Winters** said, "Very good. Commissioners, you've heard the report from the District Attorney's Office, are there other questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Miller moved to approve the reorganization plan as presented.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much. Thank you Doug. Next item."

**P. REVISION OF SEDGWICK COUNTY PERSONNEL POLICY 4.701 - SICK LEAVE.**

**Mr. Harry J. Hayes**, Director, Bureau of Human Resources, greeted the Commissioners and said, "You have before you the updated sick leave policy provisions. Included in this is administrative housekeeping, if you will, to bring our current sick leave policy up to date with recently passed federal leave laws. An executive overview would be an extension of sick leave benefits for the illness, injury, or disability of an employee's parents, spouse, to included common law, or legally claimed dependent. I am here to entertain any questions."

**Chairman Winters** said, "All right, thank you very much. Commissioners, you've had a chance to review this sick leave policy. We've talked about it previously."

**Regular Meeting, August 28, 1996**

**MOTION**

Commissioner Hancock moved to approve the revised policy.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**Q. SALE OF SURPLUS SOCCER CARPET.**

**Mr. Daryl Gardner**, Controller, Accounting Department, greeted the Commissioners and said, "The Kansas Coliseum is replacing its soccer carpet and the National Professional Soccer League has expressed a desire to purchase the carpet. The Purchasing Department has solicited proposals from other organization and regional arenas and has received no response from them. So I would recommend that we declare the carpet surplus and accept the bid from the National Professional Soccer League of \$7,000."

**MOTION**

Commissioner Gwin moved to approve the sale.

Commissioner Miller seconded the Motion.

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

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**R. BUREAU OF PUBLIC SERVICES.**

- 1. CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BURLINGTON NORTHERN RAILROAD IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 833-N; WEBB ROAD BETWEEN 13TH AND 21ST STREETS NORTH. CIP #R-218. DISTRICT #1.**

**Mr. David C. Spears**, P.E., Director/County Engineer, said, "Item R-1 is approval of a construction and maintenance agreement between Sedgwick County and the Burlington Northern Railroad for the road improvement project on Webb Road between 13th Street North and 21st Street North, designated as R-218 in the Capital Improvement Program. This agreement is to relocate and install new cantilever signals with flashing lights at Webb Road. The cost is \$73,578 and the Agreement has been reviewed and approved by our Legal Department. I recommend you that you approve the Agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Miller seconded the Motion.

**Chairman Winters** said, "Thank you. Is Webb Road open now?"

**Mr. Spears** said, "Yes, it is."

**Regular Meeting, August 28, 1996**

**Commissioner Hancock** said, "Haven't we had signals there before?"

**Commissioner Gwin** said, "Not cantilever."

**Chairman Winters** said, "Flashing signals."

**Mr. Spears** said, "Ridge is supposed to be striped this afternoon."

**Chairman Winters** said, "Okay, we have a Motion to approve the Agreement and authorize the Chairman to sign. Any other discussion? Seeing none, call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH RITCHIE PAVING, INC. ON SEDGWICK COUNTY PROJECT - 1996 BM-1 OVERLAYS. CIP #R-175. DISTRICT #5.**

**Mr. Spears** said, "Item R-2 is a Modification of Plans and Construction for the BM-1 Overlay project on Rock Road between McConnell Air Force Base and 71st Street South, designated as R-175 in the Capital Improvement Program. This project has been constructed and is ready to be finalled out. There will be a net decrease of \$66,770.48 due to variation in planning quantities from actual field measurements. I Recommend you approve the Modifications and authorize the Chairman to sign."

**Regular Meeting, August 28, 1996**

**MOTION**

Commissioner Hancock moved to approve the Modification of Plans and Construction 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 Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

**S. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 22, 1996 REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes from the August 22 meeting of the Board of Bids and Contracts. There are three items for consideration this morning."

**(1) ALUMINUM SIGN BLANKS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

"Item one, aluminum sign blanks for the Bureau of Public Services. It was recommended to accept the low total bid of Amsign Corporation, in the amount of \$17,011.25."

**(2) ROLL GOODS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

"Item two, roll goods for the Bureau of Public Services. It was recommended to accept the low total bid of Amsign Corporation, in the amount of \$14,093.56."

**Regular Meeting, August 28, 1996**

**(3) REFLECTIVE SIGN FACES - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

“Item three, reflective sign faces also for the Bureau of Public Services. It was recommended to accept the low total bid of Amsign Corporation, in the amount of \$16,910.75.”

**ITEMS NOT REQUIRING BOCC ACTION**

**(4) PARTITION WALL AT JUVENILE RESIDENTIAL FACILITY - CAPITAL PROJECTS  
FUNDING: 1996 CAPITAL PROJECT**

**(5) SIGN POSTS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

**(6) UNINTERRUPTIBLE POWER SUPPLY - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

“There are three items that do not require action at this time. The first one is a partition wall at the Juvenile Residential Facility for Capital Projects. It was recommended to reject the only bid received and resolicit at a later date. Item five, sign posts for the Bureau of Public Services, it was moved to table this item indefinitely for review. Item six, an uninterruptible power supply for Information Services. It was moved to table these two proposals indefinitely for review. Unless there are questions, I would recommend you approve the recommendations as presented by the Board of Bids and Contracts.”

**MOTION**

Commissioner Miller 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.

**Regular Meeting, August 28, 1996**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

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

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

**CONSENT AGENDA**

**T. CONSENT AGENDA.**

**1. Right-of-Way Instrument.**

One Easement for Public Utilities for Pinehurst Addition. District #1.

**2. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C96072	\$249.00	5	Cottage Grove
C96073	\$241.00		Sunflower Apartments of Andover
V96074	\$121.00	1	J & D Properties

**Regular Meeting, August 28, 1996**

- 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.**

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94063	\$286.00	\$275.00
V94100	\$417.00	\$217.00
V96004	\$93.00	\$48.00
V881015	\$182.00	\$182.00
C862010	\$195.00	\$96.00
V96049	\$260.00	\$223.00

- 4. Plat.**

Approved by the Bureau of Public Services. The County Treasurer has certified that taxes for the year 1995 and prior years are paid for the following plat:

Kuhn Co. Commercial 2nd Addition

- 5. Order dated August 21, 1996 to correct tax roll for change of assessment.**
- 6. Consideration of the Check Register of August 23, 1996.**
- 7. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960500	Information Services	Transfer
960517	Sheriff	Transfer
960518	Sheriff	Transfer
960519	Sheriff	Transfer
960520	Central Services	Transfer

**Regular Meeting, August 28, 1996**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960521	Finance General Lake Afton Park	Transfer
960522	Emerg. Communications	Transfer
960523	Corrections	Appropriation Reduction
960524	Information Services	Transfer
960525	Kansas Coliseum	Transfer
960526	Capital Projects	Transfer
960527	Road and Bridge Sales Tax	Transfer

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

**MOTION**

Commissioner Hancock moved to approve the consent agenda as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Absent at Vote
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Is there any other business? Anything else to come before this Board? Mr. Plummer? Mr. Manager? We are adjourned."

**U. OTHER**

**V. ADJOURNMENT**

**Regular Meeting, August 28, 1996**

There being no other business to come before the Board, the Meeting was adjourned at 2:07 p.m.

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

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

\_\_\_\_\_  
**MELODY C. MILLER**, Chair Pro Tem  
Fourth District

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

\_\_\_\_\_  
**PAUL W. HANCOCK**, Commissioner  
Second District

\_\_\_\_\_  
**MARK F. SCHROEDER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Susan E. Crockett-Spoon**, County Clerk

APPROVED:

\_\_\_\_\_, 1996