

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

AUGUST 13, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, August 13, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. Daryl Gardner, County Controller; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Kenneth W. Arnold, Director, Capital Projects Department; Mr. Craig Andersen, Hearing Coordinator, Appraiser's Office; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.

INVOCATION

The Invocation was given by Mr. Pete Morris of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, July 23, 1997

The Clerk reported that all Commissioners were present at the Regular Meeting of July 23, 1997.

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Chairman Winters said, "Commissioners, you've had an opportunity to review the Minutes, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Minutes of July 23, 1997, as presented.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Mr. Daryl Gardner, County Controller, greeted the Commissioners and said, "I certify that there are funds available for those items that we have identified on today's agendas requiring expenditure of funds. A list of those items have been provided to you previously. Do you have any questions?"

Chairman Winters said, "Thank you. No questions. Thank you Daryl very much. Next item."

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PUBLIC HEARING

A. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION CREATING A LATERAL SEWER DISTRICT WITHIN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (BRIDGEFIELD ADDITION).

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, “For your consideration this morning is a public hearing authorizing the creation of a lateral sewer benefit district within a portion of the County known as the Bridgefield Addition. This is located generally just east of 127th Street and South of Central, abutting the K-96 project where it joins the Kansas Turnpike.”

SLIDE PRESENTATION

“Before you on the screen is a map depicting the plat which indicates that there are 79 lots within the proposed benefit district. The petition that has been filed with the County Clerk requests that each of these 79 lots be assessed on an equal basis for the proposed lateral sewer district improvements. On the screen before you now is the Bureau of Public Services estimate of costs of this project, which on the line shows total bond issue in blue is \$281,392. When divided by the 79 lots, the estimated principal cost per lot would be \$3,562 and if assessed over 15 years and a level payment of 8%, would be approximately \$520 per year. Statute requires that the public be given the opportunity to address the Commission at a public hearing prior to consideration of the Resolution which authorizes the district. In addition, this property is located within the limits of the City of Wichita, Kansas, and statute requires that their consent be obtained. That consent has been obtained during the platting process, so they have agreed that the County may provide sewer service to this area. Jim Weber and I are available to answer any questions you might have prior to or at the conclusion of the public hearing.”

Chairman Winters said, “Thank you Joe. This is known as the Bridgefield Addition, is that correct?”

Mr. Norton said, “That is correct.”

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Chairman Winters said, "At this time I will open the public meeting. If there is anyone here in the audience who would like to speak to the Board of County Commissioners considering a lateral sewer district in the Bridgefield Addition, now is the time to come forward and speak. Is there anyone here in the audience who wishes to address the Commission on our Item A? Seeing no one, we'll close the public hearing and reserve discussion to staff and Commission. Joe?"

Mr. Norton said, "If you wish to proceed with this project, the Resolution is before you and we would recommend your adoption."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

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PLANNING DEPARTMENT

B. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0741 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED EAST OF BROADWAY AND NORTH OF 54TH STREET SOUTH (5620 SOUTH BROADWAY).**

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "That is actually 56th Street South. Could I have the first slide?"

SLIDE PRESENTATION

"We're talking about the property that is outlined with black tape. This is 56th Street and this is Broadway. At 56th Street is a commercial intersection. Years ago, this property was rezoned to General Commercial, all but this quarter acre, which is part of the W. J. Stevens plat, but was left as residential. You can see how currently the General Commercial line to the south does line up. This is now in the same ownership though and the applicant is asking to rezone that property from the Single-Family category, which allows only residential use to the General Commercial and included in the commercial tract. The remainder of that lot, as I said, has been zoned for a number of years. It has a variety of commercial uses on it today including auto sales, auto repair, lawn mower repair. There is a smoke shop on Broadway. This particular acre has just remained vacant and has been mowed over the years until recently when there were some cars that were parked on it as part of the auto repair business and there were complaints turned into County Code Enforcement. County Code Enforcement determined that the zoning was not proper for commercial.

"So the request came in for General Commercial. The uses in the flesh colored area are residential, along 56th Street to the south of this tract there is a home and further to the east along 56th Street there are homes and I'll show that to you in a minute. So that area is residential. Staff recommended approval of General Commercial. We recommended approval subject to the applicant submitting an instrument that would guarantee access control for just this lot in question for the General Commercial, along this alley. There is a paved alley here between there and the next residential property and also access control along the 65 feet of lot width for the area that is being requested for rezoning.

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“That would guarantee that there wouldn’t be access that would be immediately adjacent or across the street from residential, but the access to the property would be where the property is commercial and commercial across the street. Because the requested use is for open storage, open storage according to the Unified Zoning Code that was approved in March of 1996, is subject to solid screening. So while there is today a chain link fence along these property lines, that fence would have to be replaced with a solid screening fence to meet code requirements. If you’ve read the minutes of the Planning Commission hearing, there were three or four people who spoke. For the most part, three of them I think, said that their chief concern was with screening and if this property is going to be screened and not just fenced with this chain link fence, then they didn’t have a problem with it. We explained to them and the Planning Commission that it would be a requirement for open storage uses. Even if this wasn’t open storage, the fact that there are open storage uses visible mean that this property, if it was zoned General Commercial, would have to provide screening. So that will be a requirement and the idea of no access was to make sure that the screening would be continuous along that alley and along the street right-of-way right there.

“There was also one speaker at the Planning Commission hearing who expressed concern about possible ground water pollution from fluids that would escape from these automobiles that were waiting for repair. That is really a Health Code issue that is outside of the zoning case because we already have car repair uses and lawn mower uses that are allowed on this tract and in many parts of the City. The Health Department has looked at that issue in the past and I think they do monitor it, but they don’t consider that to be a serious problem in the community. But they can monitor it and I think it is your perspective whether or not this one additional piece of quarter acre of land would be rezoned or not. The rest of this property would still be used for those kinds of commercial uses.

“The staff recommended approval subject to this instrument that would guarantee access control and the Planning Commission’s vote was nine to zero to recommend approval subject to that instrument also. This is the aerial photograph and you can see this is where the autos have generally been stored. There is law mower open storage here and I think this is the building where the lawn mower repair operates. This is 56th Street and the home directly to the south. This is the paved alley I was talking about. In the back over here is a home occupation lawn mower repair business or a small engine repair business. There is a yard, which is part of this house over here, and there are homes further east along the street.

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“We’re looking now at the corner of this lot. This is the north south alley I was referring to and this is 56th Street residential over on this side. You can see the fencing that has been placed, which would have to be replaced with solid screening if this property was going to be used. Now we’re looking at the yard area, side yard of the home that is across from that alley. Looking east down 56th Street, homes on the north and south. This is on the south side of 56th Street and just a little bit east of the tract in question and this should be directly south of the lot that is in question. Again, we’re looking at the 56th Street frontage. There were some complaints about parking and storage that has occurred in the right-of-ways over the years in this area and in general this area should be monitored by Code Enforcement in terms of clean up activities. We had a representative of County Code Enforcement there and put him in touch with the people who were down there at the Planning Commission meeting to deal with those concerns. That portion of the tract is over here where you are across from Commercial Zoning. We’re back to the aerial photograph and the zoning map again. I’ll try to answer any questions you have.”

Chairman Winters said, “Thank you Marvin. Commissioner Hancock has a comment or a question.”

Commissioner Hancock said, “Marvin, the parcel that is under consideration for the rezone, that would be the only part that would be screened?”

Mr. Krout said, “Based on the Planning Commission’s recommendation. Yes, that is true. The requirement for screening is if you are adjacent to or across the street from a residential district and you have open storage uses, then you have to provide solid screening. So unless you would make that a special requirement of this case, and you could do that, then the screening would be limited to just that area. Basically, they would have non-conforming rights to continue to use the property to the west without screening.”

Commissioner Hancock said, “Okay, thank you. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you. I see no other questions at this time. At this time, we will open the meeting to any person who would like to speak to the County Commission regarding this zone case, whether it be in support or in opposition. Anyone here who would like to address the Board of County Commissioners on our Planning Department Item B-1? Is there anyone here who would like to address the Board of County Commissioners on this item?”

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“Seeing no one, we’ll close the public comment and reserve comment to staff and Commission. Commissioners, any other questions or comments on this item?”

MOTION

Commissioner Hancock moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to applicant dedicating by separate instrument complete access control along 56th Street South and along the east property line where adjacent to the alley for that portion of the lot being rezoned; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until all conditions have been complied with.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, “I would comment that the Metropolitan Area Planning Commission’s recommendation was to approve the zone change. Next item please.”

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- 2. CASE NUMBER SCZ-0703 - PLATTING EXTENSION TO JULY 24, 1997 FOR PROPERTY BEING REZONED FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF 21ST STREET NORTH, WEST OF MAIZE ROAD.**

Mr. Krout said, "Commissioners, this involves a tract of land that is outlined in black tape. The County Commission approved the rezoning of that tract to, at the time, Light Commercial or Limited Commercial in the new zoning code, subject to platting within one year. That was about a year and a half ago. Almost immediately after the rezoning, this property went into litigation and so the platting was held up. There was an extension of time requested and granted for six months, until this summer. We understand now that the litigation has been resolved. The property is about to close on property, the whole 200 acres north and west of Maize and 21st Street in this area is now being planned for development. A plat will be submitted shortly. The applicant is asking for an extension of the platting deadline to January of 1997 on the rezoning of the commercial portion of their development area, which includes the black taped area for Limited Commercial. The staff recommended approval of this request for the extension."

Chairman Winters said, "Thank you. Commissioners, any additional questions or comments?"

MOTION

Commissioner Gwin moved to grant a platting extension for SCZ-0703 to January 24, 1998 provided, however, that, should a plat of this property not be recorded by that date, the zone change shall be considered denied and closed.

Commissioner Hancock seconded the Motion.

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

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VOTE

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

Chairman Winters said, "Next item."

DEFERRED ITEM

- C. CASE NUMBER DR 97-6 (PORTION OF) - PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE CONCERNING STANDARDS FOR PLACEMENT OF MANUFACTURED HOMES AND OTHER "CLEAN-UP" AMENDMENTS; AND PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS CONCERNING MINIMUM LOT SIZE FOR EXEMPTION FROM PLATTING, DEVELOPMENT RIGHTS AND OTHER "CLEAN-UP" AMENDMENTS.**

Chairman Winters said, "Before Marvin starts on this, I would like to make a comment and confer with the Commission for just a second. Today's agenda item does call for us to open up for public comment, but as I remember our action on July 23, was we took all the public comment, we close the public meeting and we indicated very clearly at that time, that we were not going to take any additional comment. So unless some Commissioner has a strong feeling then we need to talk about that. I think when we left on the 23rd, I think we were pretty clear that we had taken all the public comment that we were going to take."

Commissioner Gwin said, "I agree. That's the way I recall it Mr. Chairman."

Commissioner Miller said, "I agree."

Chairman Winters said, "All right, thank you. Marvin, if you would reframe this issue for us."

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Mr. Krout said, “Well, I was accused of giving an overly long presentation last time and it was probably true.”

Chairman Winters said, “We remembered it though, we didn’t forget.”

Mr. Krout said, “Let me just say that there are two major sets of issues in front of you this morning. One has to do with the Unified Zoning Code and the proposal would require that throughout the County, someone wanting to place a manufactured home that does not meet the requirements for a “Residential Design” manufactured home, which is a double wide unit on a permanent foundation, that has a pitched roof and similar materials to site built homes. Anyone wanting to put any other kind of manufactured home on a lot would require a zone change to the manufactured home zoning district. That would go into effect immediately was the Planning Commission’s recommendation. The other major change has to do with the Subdivision Regulations. Today, in Subdivision Regulations, you have two different sets of rules for different parts of the County. Part of the County, if you are developing five acre to twenty acre lots you have to plat. Those are the areas today that are closer to Wichita and the other cities. The other, more rural portions of the County, with a little bit of an exception, those areas today are exempt from platting. Developments can occur without requirements for platting. There are some requirements for right-of-way, for making sure that homes are out of floodway easements, but the requirements for platting are not there and five acre lots can be divided so building permits can be obtained without going through the platting process.

“The recommendation of the Planning Commission on the subdivision issue is to extend the requirement for platting of five acre lots up to twenty acre lots throughout the County, to be on a County-wide basis. On the issue of manufactured homes, the Planning Commission recommended that that change take place immediately. On the issue of the subdivision exemptions, the Planning Commission recommendation was that if lots had been officially recorded as a division with the current intention of developing and selling that land, that that division of land would be exempt from platting for what we call the five-year grace period. Even after that time, if someone had acquired a lot, they would be able to be exempt from platting. But if the owner was holding two or more contiguous lots in that division after five years of time, then those lots would have to plat after that five year period. So they recommended a grace period for the subdivision exemptions, but that the manufactured home rules would go into effect immediately. I’ll try to answer any questions that you have.”

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

Commissioner Schroeder said, "Marvin, three weeks ago when we thought we were ready to make a decision on this, I was leaning in favor of. I'm not so sure today. We had one individual who has a problem and I understand there may be another that you sent us the other day regarding some telephone line issues, those kinds of things. Tell me about the small cities and their areas of zoning influence. Give me a brief synopsis of what is the situation there and why the Planning Department is recommending not to do that."

Mr. Krout said, "That's not part of this package today."

Commissioner Schroeder said, "You told me that last time I think. We're not going to consider that today?"

Mr. Krout said, "That's right. The Planning Commission, let me explain just briefly, that the Planning Commission at their hearing divided out the issue of whether or not any of the small cities who requested their zoning area of influence to be expanded or new and expanded subdivision restrictions, thought those issues should be dealt with on a separate track. They had a separate public hearing a couple of weeks ago and they are continuing in the form of a dialogue with those small cities to try to understand their problems better. So that issue was separated out. Those requests for extra jurisdiction were separated out from these other questions about manufactured homes and subdivision rules and will be coming to you at a later time. As far as these rules, we had 11 of the 19 small cities who did provide some kind of written or verbal testimony and they all have endorsed these proposals."

Commissioner Schroeder said, "Okay. Thank you."

Chairman Winters said, "Thank you. I'll make a couple of comments I guess. I'm going to continue to support both of these initiatives as they've come to us from Metropolitan Planning for several reasons. Probably a couple of the key reasons is that we have had a number of public hearings on this issue. Metropolitan Planning has talked about this a couple of times. They have taken these hearings out into the rural areas to get input from the small cities around the County. It is my understanding that virtually all of the small cities that were involved in this process think that this is a good move and will benefit their communities. So I think we've heard from small communities and we've heard from Metropolitan Planning and they are both citizens who are supportive of this."

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“As we look at the manufactured home segment, I know it has been said that one individual has got one problem and so there is no reason to look at this. I agree that we shouldn’t look at this because of one individual who has developed a problem. But I think that problem that has happened there to me means that it is time to address this issue on a more thorough basis. We do have regulations that will pertain to this situation in the southern part of the County, in the southeastern part of the County, we’ve got these rules in place. What I would like to do is extend them so the same thing would have to happen in the southern part of the County would have to happen all over. I think one of the things that I think we see evolving in Sedgwick County as far as development is concerned, we have these regulations close in to the City of Wichita. They are much more stringent. Even as we go to the subdivision rules concerning platting, the closer in we get to Wichita, we’ve got these in place.

“Well, Sedgwick County is changing and we say in the more rural areas of Sedgwick County, well, it is true, there are areas that are farther away from the City of Wichita but I’m not sure how more rural they are. They are being developed at a fairly good clip. There are a lot of either new single homes going in or small developments going in all over Sedgwick County. There almost isn’t any place now that doesn’t have the potential to have somebody do some developments. So I think as we look at how those developments happen I don’t think folks can just skirt out from underneath what are the regulations that we want to see in place when we are closer to major cities. We want things to be done properly and in order. I believe that the farther away we get out into the County, we still need to have those things done properly and in order. We’ve got neighbors who live on the Kingman, Sedgwick County line. We still have neighbors who are going to be affected by what people do. If we live in the far northwest corner or the southwest corner, they are still neighbors. They still need to have some protection for how a neighborhood develops. So, I’m going to be supportive of both of these issues. But I clearly think there are two separate issues here and we can certainly discuss them. I believe Commissioner Hancock was next.”

Commissioner Hancock said, “Thank you Mr. Chairman, I agree with you. I promised some folks that I would set down and run through some scenarios on what all this means, both the zoning and the platting recommendations that we’re talking about. I’m not sure what the process would be concerning what it takes to get something done in the unincorporated area of the County. I’m still concerned about that. I know now certainly that it costs money. That aside, I would just like to know what it looks like in terms of time and so forth. Unfortunately, I’ve been preoccupied with some other difficulties that have occurred within the last week and I didn’t get to that.

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“Today I’m going to support the changes that are proposed and then I’m going to go back to Marvin and talk about some of the proposals that they have made to me concerning platting. That is the aspect of it that I’ve been most concerned with, that side of that, that process. I don’t want to limit development in the unincorporated areas of the County. I do want to see some sort of controls though and some reviews by responsible individuals. I’ve contended over the years that individuals have brought us what they consider plats, which are not, which are simply tracts of land that have been surveyed and iron pins put at the various corners and then simply ask staff and the engineering department what do you want from me to get approval. We end up in effect doing the engineering for them. Now the proposal before us, those who are opposing this, is that they are proposing changing how they do business. They are promising to do more of the engineering.

“I have here a proposal by a developer in north Sedgwick County and I think this is from Mr. Yearout and I want to tell you Marvin, that I have never seen anything so ridiculous in my life. This is two quarter sections of land that are absolutely being destroyed by the lack of proper planning. I have never seen anything like this in my life. This is absolutely absurd. They managed to put one half mile street in a quarter section and put 32 lots on that thing and I don’t believe any one of them are the same size as the other. It is absolutely crazy.

“The other one, most of the lots are in a flood plain. Yet they are going to sell these things and try to put an improvement someplace on that lot that is not in the flood plain. That is ridiculous. I’ve gone through that in my area of the County for eight years now and I’m not willing to tolerate it any more and I wouldn’t ask any other Commissioner to tolerate it any more. I am going to support it today and then I’m going to go back to the folks who I promised that I would go through some scenarios and I may come back with some amendments later on. I would like to see how this functions. It has worked pretty good in my neck of the woods down there in south Sedgwick County and we’ve got a better handle on some of the platting down there where we have had such a difficulty in the past. Fair warning, I may come back and ask that you change some of the things. Marvin and Dave have suggested some kind of a plan concerning affidavits in the event of sale, so that people would be notified. I have even been contemplating developing a brochure to hand out to folks concerning what it is going to take to live in the county. We look at Sedgwick County as an urban county and relative to other counties in the State of Kansas, it is, it is fairly urban. But when you consider that we do have a large agricultural component just off the top, we have more agricultural and single family farms than any single county in the State of Kansas.

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“We’re always in the top ten of all the feed grains, including wheat, sheep, and dairy products in the State of Kansas. So we have an agricultural component to deal with but yet more and more we find folks who are going out into the unincorporated area to live. That I do not want to deny folks, but I want some controls, yet I want them to have the freedom of being to be able to do what they wish to do. I’ll be coming back to you with some proposals. Marvin has suggested some things. Some of the folks who have been opposing this have suggested some things to me that I want to incorporate that would help them and make it a little easier for them to continue their businesses and continue to develop in the unincorporated areas but yet with more control and little bit more responsibility. Thank you Mr. Chairman.”

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

Commissioner Miller said, “Excuse me Mr. Chairman, I believe my light was on first.”

Chairman Winters said, “Okay, I’m sorry I didn’t catch it. Go ahead.”

Commissioner Miller said, “Thank you. I was one Commissioner that was really struggling with this issue the last time it was on our agenda and in the interim time, I have come to some conclusions. First of all, when I think about the equitability issue and the discriminate issue that has been talked about and tossed about I need to be quite up front that I am one individual that certainly or my frame of mind is not such that I’m saying that stick houses are better than mobile homes or manufactured housing. Instead, I have removed that issue and I have started to look at being able to zone appropriately within the unincorporated areas of the County. That brings me to a larger issue that we as a County have looked at but have chosen not to necessarily deal with it yet and that is agricultural zoning. When I look at this proposal, I see it as a very small piece of moving in the direction of ag zoning, of actually getting into the unincorporated County and looking at how this type of zoning impacts upon this over here and what the total picture is going to look like down the road. In continuing with my theme of progression and being a progressive Commissioner on a progressive Commission, then I would have to be able to be in favor of a proposal that I feel is moving us in that direction. Thank you Mr. Chairman.

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

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Commissioner Gwin said, “Thank you Mr. Chairman. I too, like Commissioner Miller was uncertain a few weeks ago. I appreciate the deferral because it obviously gave us the opportunity to gather more information, to do the reading and the contemplation that is necessary in an issue like this. One of the things I would point out is that in the map that has to do with the placement of manufactured mobile homes in this County, the darker areas are those areas where you currently have to have a public hearing before that can occur. Not too long ago an incident or an application or subdivision question came up in my district, in the far northeast part, outside the dark area. A subdivision was planned wherein manufactured mobile homes would be placed and the neighbors, and there are neighbors, said ‘we have no say.’ Unlike a zone change where they are able to come up and discuss it, their protests do matter as to how we handle the request, in that incident they could give their input, but it really had no weight. They had no say so over what was obviously going to affect their neighborhood. It is not a concise compact neighborhood like those of us who live in the city are used to, but it is their neighborhood.

“Talking to a number of those residents, they made me understand how important it was that when there is a change to be brought about in your neighborhood, how important it is that they do have a say. Changing the zoning on this issue will in fact give them that say that they currently do not have in a number of parts of the County. So I know it came to the table because of one incident, but in the interim I know of at least one in my district and maybe yet another where the people who live there have encouraged me to approve this zoning amendment so that they do have a say in their neighborhood and what affects it. I will be supportive of that.

“On the subdivision regs, I too, like Commissioner Hancock have some concerns about over regulating and making life difficult on individuals. So I am very interested in what amendments you may propose. I am prepared to support it today for a number of reasons as Chairman Winters cited. That it has to do with the orderly planning and growth of this County and as we grow, and we are seeing the growth, not within the major city of this County but in and around the small cities and spokes out from them. I don’t expect that to change and I think we need to understand ahead of time what is happening and to be prepared for the growth. We’re probably a little behind the curve on this but I would be supportive of the subdivision regs and be happy to help Commissioner Hancock, however I can, in making sure that if amendments are necessary that we bring them back to you. I appreciate that.”

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Chairman Winters said, "Thank you. Commissioner Miller I agreed with what you said, but I wasn't sure if you had indicated your agreement with both parts of this."

Commissioner Miller said, "Yes, with both parts."

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

Commissioner Schroeder said, "I don't disagree with wanting to make development in the County for lack of a better word, done in a more proper way. My problem is going from five to twenty acres. I agree with Commissioner Hancock on a lot of what he said. People need to be more responsible. After I got this yesterday or the day before from Marvin, this is unbelievable what this person has set out to do. On the other hand, like I said three weeks ago, I was leaning toward it and probably would have voted for it. After given time to contemplate it, I talked to a few people and the concern seems to be the use of their land, the size necessary to do what they want to do and I guess I'm just having some heartache with the issue of going from five to twenty acres and that is the part that really bothers me. If there was a way to separate these out I would be better off probably. I know that is not doable, but that seems to be my hand up right now is the acreage issue. I know we've got a lot of problems and I've heard the stories from the Commissioners about the platting process, the neighborhood involvement, the way some of them are done, the non-involvement of government to make sure that it is done right. I just don't agree with going from five to twenty acre lots for platting. So that is where I am at right now."

Chairman Winters said, "Thank you. I would probably concur that that is probably if I had a question, that is probably the biggest part where it is. I think we need to remember that people need to know that it doesn't mean that they have to have twenty acres to build a home in rural Sedgwick County. What it means is you have to have it platted which means you have to have a review process of what you are going to do and what it is going to be. I can understand that part of the concern."

Commissioner Hancock said, "You can have as little as 40,000 square feet in the parks."

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Chairman Winters said, "Right, you can still build on as little as an acre if you've got the right percolation for a septic system. Commissioners, I think we're ready for a Motion and what I'm hearing to this point is a Motion that would be supportive of what the Metropolitan Planning Commission has recommended and sent to us. I'm prepared to make such a Motion."

MOTION

Chairman Winters moved to approve the amendments to the Unified Zoning Code and the Wichita-Sedgwick County Subdivision Regulations as recommended by the MAPC and 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 W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	No
Chairman Thomas G. Winters	Aye

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

NEW BUSINESS

D. RESOLUTIONS (TWO) REGARDING CREATION OF BENEFIT DISTRICTS.

Mr. Norton said, "For your consideration today on this agenda item is the creation of two benefit districts under the County's Charter Resolution #53, which was adopted earlier in the spring, dealing with the creation of Benefit Districts and areas which overlap or are included by the City of Wichita or other incorporated cities in the County or do not contain platted property."

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1. RESOLUTION CREATING A BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (21ST STREET NORTH FROM WICHITA CITY LIMITS TO K-96).

“The first is a benefit district proposed to be created along 21st Street North from basically the city limits of Wichita between Webb and Greenwich Road over to the interchange of K-96 highway.

SLIDE PRESENTATION

“The map before you now, outlined in red, indicates the proposed boundaries of this benefit district. You will note that it includes property north of 21st Street both east and west of Greenwich Road. There is a residential proposed subdivision called Regency Lakes Addition, which is toward the left area of the map in the small platted parcels. The remainder of the benefit district are basically commercial properties. The Greenwich Business Park Addition, the Manhattan Addition, which is now proposed to be for a theater complex, and the Kensington Gardens Addition cemetery area. The County has received a petition signed by 100% of the properties which are proposed to be within the benefit district. The total cost of the improvement is approximately \$2,400,000. Now this item takes a little bit of discussion because the proposed improvement is the upgrading of 21st Street to in essence a four and sometimes five lane urban standard street from this proposed benefit district area, which would include left turn lanes and accel and decel lanes abutting the commercial property.

“This project is included in the 1998 CIP Program of the County to do the four lane improvements at County at large costs. What has been added to this project are the accel decel lanes and the left turn lanes which will benefit the development along 21st Street. The proposal is that 5% of the cost, which represent the costs of those accel decel lanes and the left turn lanes would be accessed against the property abutting 21st Street on the north on a per front foot basis for the commercial property and an equal per lot basis for the residential area. Moving this project into 1997 so that the development of those road improvements can be completed to coincide with the opening of some of this commercial property as it develops so we will not be out there tearing up the road after the commercial properties have completed their construction. We’ll do it before they are done and at the same time they are under construction.

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“Mr. Spears informs me that by accelerating this project into 1997 there is no proposed replacement for 1998 so it will have no impact upon the overall cost of the CIP other than possibly moving it forward may save on cost due to inflation in that regard. So on the screen before you are two columns, the total cost and the amount to be assessed, which is 5% or \$120,000 to the benefit district. This would have an impact in that residential area of a total principal cost per lot of \$37 per residential lot and outlining there what the cost would be in the approximately front foot basis for the commercial properties in the area, the Manhattan Addition would bear about \$3,000 of the cost, Kensington Gardens about \$21,000. The small lots in the business park about \$5,200 and then the large lot about \$2,100.

“The statute does prescribe also that since a portion of this benefit district is located within the City of Wichita we get their consent and they have done so in the platting process for this commercial area. No public hearing is required by the statute. You may wish to receive public comment. Otherwise Mr. Weber is here and he or I will be available to answer any questions you may have on this proposed benefit district.”

Chairman Winters said, “Thank you Joe. Does this call for any public comment?”

Mr. Norton said, “There is no statutory requirement for a public hearing.”

Chairman Winters said, “Is there anyone here today who would like to speak to us, realizing that we are not required to, but is there anyone here in the chamber who would like to address the Commission regarding our Item D under New Business, creation of a benefit district? I see no one in the audience who wishes to speak to this item.”

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

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VOTE

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

Chairman Winters said, "Next item."

- 2. RESOLUTION CREATING A BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (DIAMOND ADDITION).**

SLIDE PRESENTATION

Mr. Norton said, "The Diamond Addition is located in the southwest portion of the County, west of the City limits of Wichita and south of MacArthur Road between West Street and Ridge Road as depicted on the map before you near the Oatville area. The County has received a petition signed by the owner of the property in the proposed benefit district which is a large unplatted tract for commercial usage. The petition requests the creation of a benefit district and the construction of paving and drainage of a suburban standard street within that benefit district to allow access to that tract. The petition requests that 100% of the costs of the improvements be assessed to this unplatted tract and those costs are now before you as estimated by the Bureau of Public Services to be in the amount of \$60,000, which is spread over 15 years at 8% and would provide for an approximately \$7,000 annual cost for this road on commercial property. Again, statutes do not require a public hearing. Mr. Weber and I would be available to answer any questions you have about this project."

Chairman Winters said, "Can someone tell me how long this road is?"

Mr. Norton said, "I think it is a thousand feet."

Chairman Winters said, "Okay."

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Commissioner Gwin said, "Has the conditional use been granted on this parcel? Has that already occurred?"

Mr. Norton said, "Yes."

Commissioner Gwin said, "Okay."

Chairman Winters said, "All right. Commissioners, any questions or discussion? I'll make the same request. If there is anyone here in the audience who would like to address us on this issue, this would be the time that they could do that. Is there anyone here who would like to address the Commission on our Item D-2? I see no one here who wishes to speak. Commissioner Hancock."

Commissioner Hancock said, "Jim, this is the one off of MacArthur and goes to the rock crushing facility?"

Mr. Jim Weber said, "The dirt work is in place now, it was done privately. But this is an old platted street right-of-way, that was platted as part of Oatville that accesses the rock crusher that has been put in place by the **Burkamp** Construction Company. This would be to the south of MacArthur."

Commissioner Hancock said, "They are spreading specials on this? This is their method of financing that private road?"

Mr. Weber said, "It is not a private road. They have privately put the dirt in place. It will be a public street. The asphalt is what is in this project."

Commissioner Hancock said, "I see. Do you know if the intention then is to eventually abandon the rock crusher and develop the area?"

Mr. Weber said, "My understanding is that is basically a permanent operation down there."

Commissioner Hancock said, "It is pretty unusual. I know it is a public street, but it is only for one use, it goes to the rock crusher. I'm sure Joe has looked at it."

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Mr. Norton said, "It fits the statutory guidelines and is a public thoroughfare. The public could utilize that street on adjoining sides. At this point in time there is no one out there to access the costs and the property owner is going to bear 100% of the cost. It might also have some environmental impact of keeping some of the dust down and so forth."

Commissioner Hancock said, "Okay, thank you."

Chairman Winters said, "Thank you. Are there other questions or comments?"

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much Joe. Is that the last item for you?"

Mr. Norton said, "Yes."

Chairman Winters said, "Thank you very much. Madam Clerk, would you call the next item?"

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E. DISCUSSION REGARDING SOLID WASTE DISPOSAL.

Ms Irene Hart, Director, Bureau of Community Development, greeted the Commissioners and said, "We've been working on the solid waste issue for well over a year and now we're on the down hill slope and moving toward a resolution and finishing up of some of the important decisions that need to be made to bring this issue into its next phase.

SLIDE PRESENTATION

"The issue of solid waste is one of the essential purposes of local government. It is in regard to the health and safety of the public. It is one of those issues though that we are not only citizens of Sedgwick County when we work on this issue, we're also citizens of the State of Kansas. We're in a partnership with the State, the Kansas Department of Health and Environment, and that whatever we do needs to be approved and needs to be adopted by the State. So in some ways our flexibility is constrained, but it is one of those issues where we are members of a larger community that extends outside of Sedgwick County. What we do effects not only residents of Sedgwick County but surrounding counties and indeed the whole State.

"Over the period of the last year or so, we've talked with thousands of people. We have had a wealth of information. The more we talked about it the more information there is and sometimes it is difficult to get your arms around the critical issues that need to be brought forth and a decision made. In trying to figure out how we can frame this discussion, it reminded me of, since I spent so many years in Aging and dealing with nutrition programs, this reminds me of an effort where the Commission would be planning for a dinner for 500,000 people October 1 of the year 2001. You are the ones who are responsible for planning the dinner and making sure it comes out right. If we had only five or ten people we could just have a pot luck. People could do what they wanted to and be assured of having a meal that they would be satisfied with. But we are working with at least 500,000 people. Two of the parameters that you know are that everyone must be able to come and eat and too, everyone must be able to share in the cost. You know that of those 500,000 people, there are groups of people who have different tastes. Some want a traditional burger and fries, that's what we are going to have. Others are on special diets. Some are intrigued by new foods. They saw a picture of one or had a sample of one and they are really interested in maybe that's what we ought to have on our menu that day. Some are hardy eaters and some aren't and they don't want to subsidize those people who are.

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“Some have difficulty paying their share and some don’t care what the dinner is as long as it is ready on time. Going on with this, you can tell I get quite taken with it. Not only are there people with different tastes, you are deciding a menu now for a dinner that is going to occur four years from now. The critical question is what decisions have to be made now to ensure a successful dinner in four years? For example, right now do we need to decide are we going to have a vegetable for dinner. Well, that sounds like a reasonable kind of decision. What will the vegetable be? Well, let’s look at that a little further. Let’s for example say corn. Now will that be canned corn, frozen corn, white corn, yellow corn, corn chips, corn muffins, corn on the cob, creamed corn. Shall we buy it by the pound, the ton, or the crate? Whose garden will it come from? Will we grow it ourselves, buy it wholesale, retail, will we contract for gardening? Who is going to serve it? How large are the servings going to be? Where is it going to go on the plate and how much does it cost? So do we really need to decide corn today or is that something that can be worked out over the next four years?

“Again, that is just a vegetable question. You all are concerned with not only what we eat, the logistics of how that dinner is produce, how it is prepared, how the food is transported, what happens when the food arrives, where will the dinner be held, and will it cause indigestion ten, twenty or thirty years after the dinner is held? What I would like to do now is to begin to frame the issue and the decisions that you all will need to be making on September 3.

“What I would like to do is start with the waste stream itself, because what we are talking about and what you’ll be deciding are the issues regarding the entire solid waste management system, not just one element of that system. To the left side of the recycle box is what I’ll call the waste stream management. It is a lot of stuff that happens on the front end regarding yard waste, construction and demolition debris. It all has to do with management of the system. On the right-hand side are more traditionally what you would see from your front door or your curb side and how the trash is handled from that point on. Let me explain that a little bit. Let me give you a better example of that. On the left-hand side we are talking about waste system management. That is household hazardous waste and small quantity exempt generators. It also has to do with hazardous waste disposal. We’re talking about composting and construction and demolition debris, storm debris, what do we do with batteries and old refrigerators? What kind of public education do we have, and that is one element that continues through the whole waste stream. What do we do with used oil? All of these are special kinds of waste that are part of the solid waste management system, but we don’t commonly talk about them when we talk about the general household management.

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“On the right-hand side of that waste stream, we are looking at both commercial operators, commercial choices and residential choices. We have a number of options and every element of that right-hand side of the waste stream. How the generator prepares the material to be disposed of. There are a number of options on how it can be collected. Again, options on processing and options on disposal, a local regional landfill, a distant regional landfill. In some cases, such as medical waste, it goes to a special incinerator. Construction and demolition debris can go to a special facility. But general trash or general waste that needs to be disposed of, we generally have two options, the local regional landfill or the distant one.

“On the residential side, this is the one that we’ve been given more conversation in the media, it effects more individual people. We’ve talked about a number of options for the generator. Throw it all away. There is what I’ll call a blue bag, just to describe a process of limited sorting. You can sort out your recyclables and put them on the curb and sort them and put them in a drop off box. In collection, now a packer truck is what normal people would call a trash truck. There is an option of having one truck go down the street that just picks up trash. You can have a trash truck that also collects recyclables. You can have two different kinds of trucks. But interwoven in that whole collection element are the options of should we use a free market system, should we just contract and get one hauler County wide, should we create a utility, should the government be involved, should we franchise by district in the County? So every one of the options that we have are further fragmented by those kinds of characteristics.

“Again, there are processing options and again disposal options. Now you have had a great amount of input. You have had input from the Solid Waste Committee, which has given you informed technical kinds of recommendations and information. We have had thousands of people go through the community discussion process and we’ve had individuals contact us and provide information regarding values and preferences. We’ve had a number of different proposals, some formal, some informal, some still waiting out there to be presented, such as from the City of Wichita, from private companies, from retired engineers that have given you new technology kinds of proposals. There have been surveys conducted and you have that information. You have had information from your staff and your consultants regarding policy analysis, fiscal analysis, how other communities have handled this issue, what the laws and regulations are and information about the industry itself.

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“You’ve done your own individual work. You’ve gotten information from friends and neighbors, from people in the elevator and from people at church. You’ve done field trips. You’ve done individual research and you’ve asked questions, questions, questions. So how do we begin to get all that information in a manageable form so that we can make decisions on it?”

“What I am proposing to do, after conferring with each of you, is to focus discussion on the critical and pivotal issues, ones that will establish direction for resolving the remaining issues. Let me give a couple of examples and let me go back to my meal preparation example. If you make a decision on whether the meal will be cooked on site, that is a pivotal decision. Then we will know what else needs to be done. If you make the decision that the meal needs to be catered, then we have other arrangements and other elements that lead from that decision. If you make a decision that the meal is going to be boxed and simply distributed at the time of the dinner, that means that we have other decisions that lead us to, that tells us what kind of transport we have to use, what kind of cleanup, what kind of silver ware. But those kinds of critical pivotal decisions give us direction for resolving the rest of the problems.

“The pivotal issues seem to be essentially three. What are the policies and principles regarding waste reduction? Should it be mandatory? Should it be voluntary? Should it be curb side? Should the generators sort it? Should it be sorted at a facility? The second issue is how will we dispose of whatever is left over, whatever is not recycled, reused, what do we do with what’s left? How will it be paid for? How will that final disposal be paid for? How will the collection system be paid for? Those elements on the left hand side of the waste stream. How do we pay for household hazardous waste disposal and planning and getting rid of refrigerators? Those determine, after conferring with you, that those are the critical issues. We’ve talked about this and given the amount of time that is left before September 3, this is what the consensus that you’ve come to. Today is August 13. We have essentially three weeks before September 3, the final day you will meet and talk about your decisions. We propose that today we talk about the waste minimization issue. Next Wednesday, we’ll talk about disposal options and present you with information regarding the various disposal options and on the 27th, we will talk about financing. That should give us plenty of time to bring back information that, I’m sure there will be questions that will arise from this, give us time to get information back to you before you make a decision on September 3. I’d be happy to take questions now, or what I could do is Susan Erlenwein is prepared to discuss the waste minimization.”

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Chairman Winters said, "Okay, proceed."

Ms. Susan Erlenwein, Department of Environmental Resources, greeted the Commissioners and said, "I'm here to talk about waste minimization, which is a polite way of saying reducing the amount of trash we throw away every day. If we look at waste minimization, there are many ways that one can reduce trash. One could simply purchase products that have less packaging and therefore you have less material to throw away. You could remove your names from mailing lists and that would produce less junk mail at your house so therefore you have less trash. Also, companies have incorporated many ways of minimizing waste through their processing. Many people are already looking at ways to reduce the amount of waste they produce. What we really need to do is look at the amount of material that we are throwing away. What is in our trash?"

"A study that was performed at Brooks Landfill over six years ago produced these numbers. At 1,500 tons of trash being thrown away every day at Brooks Landfill, these were the percentages of materials being thrown away. As you know, my department will redo this study over the next year and I'm sure these numbers will change somewhat from the new study. If you can see here, the large area, the red area, over 33% of what is being thrown away is paper. Two other large areas are construction material and yard waste and wood material, the blue area and the green area. Other materials, such as glass and metal and food waste and plastic are much lower in volume. So if we really want to look at waste minimization and what we can reduce from our waste stream, we need to look at these larger pieces of the pie. Paper, construction, yard waste, are some of the larger pieces. That is exactly what the Solid Waste Committee did when they were looking at recommendations to the Commission.

"One way of reducing waste is to ban some of this material from the final disposal facility. A ban on construction and demolition debris has been recommended by the Solid Waste Committee. This was equivalent to approximately 250 tons of waste every day being deleted from the final disposal facility. So that was a large piece of the pie that we just looked at. One reason this works out well in waste minimization is the fact that this material can be taken to other facilities. Construction and demolition landfills do not have to meet the strict criteria of the Subtitle D landfill which receives all municipal solid waste. That's because construction and demolition debris, brick, wood, rubble material, is inert and would not contaminate the ground water.

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“Therefore, the construction of a demolition landfill does not require a liner under it. It is cheaper. The people who produce this type of waste could take it to this landfill at a lesser cost than taking it to a municipal solid waste facility. Therefore, it would work out both for the producer of the waste and the facility itself. It really deletes a lot of the material.

“Another ban that has been recommended by the Committee is on yard waste. Again, it was a large piece of the pie. The yard waste we are referring to is specifically grass and leaves. This material can be handled in numerous ways. I, as a producer of grass and leaves at my house, could simply mulch the material. I could get a special blade for my mower or buy a mulching mower and that could help. Some people complain that well, my grass is different and it doesn't work well with a mulching mower. You can compost the material at home. I know some people don't have a garden, they don't need the compost material. Maybe their neighbor does not need that material, so what's the other option left? Well, the option would be to haul it yourself to a compost facility and there is a business already in place in town and another business that wants to start up to take this material. Or I could pay someone to haul the material for me. There are haulers in town who said they would come by your house and pick up the yard waste for approximately \$10 a month. Again, this takes away 250 tons a day.

“So we started with 1,500 tons a day. With these two bans, now we're down to 1,000 tons per day of material. The Committee also looked at specific waste. We have household hazardous waste. There is a facility in town that will receive material. The Committee recommended that it stay open longer hours and in the past month that has taken place. They also recommend a permanent site that is more accessible to the public. The current site is on the south end of town and many of the public are not even aware of where it is located. So they want to look at household hazardous waste and how to deal with that material. How can we deal with hazardous waste generated by small businesses that currently go to the disposal facility? Tires, white goods, bulky waste, all of these need special area at a permanent facility so that when people bring them out there, they can be dropped off at those locations. Maybe agricultural waste can be dealt with in the future for pesticides that are produced by farmers. All of this and many more are the things that the Committee has looked at and they wanted to find ways to reduce the waste stream.

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“These aren’t as large a percentage as what we just talked about, but another thing we really need to look at, in addition to the bans and specific waste, is recycling. This is something that the Committee has done. When you look at recycling, it is not just easy enough to say we need to recycle, we need to look at all components of recycling. What do I, the producer of the material, do with it? What do I have to do? Do I have to sort it or keep it together? How do we change collection or do we change it at all? How is the material processed and finally, importantly, markets are very important. Recycling markets are a commodity market. They do fluctuate throughout the years. Sometimes the markets are very high, in 1995 for example. You could receive \$200 a ton for newsprint. Now, you’re lucky if you can get any money for it. So it is a commodities market. We have time between now and when this is implemented in four years to find good markets for the material. It could be economic development to try to bring businesses into our area. So we need to look at the markets for all of this.

“I would like to address what the producer can do with the recyclable material. I, as a producer, could do what you see on the upper left and just put all the material in my trash can as I do today without any separation. This material would be taken to a special building, called a mixed waste facility, because all of it is mixed together. I could receive about 250 tons per day of recyclables. The problem with this system is that since it is all mixed together, I have a very low quality. It is very good on I, the producer of the trash, because I have to do nothing different. I just throw it all in the can, one truck comes by and picks it up. The upper right one, where you see the blue bags and the green bag for yard waste is slightly different. I have to do some work as a producer of the recyclables. I must separate out the recyclables and put them in some sort of colored or clear bag to make it different from the other material. The yard waste I could put in some sort of a Kraft bag. One truck comes by and picks up all of this material. It is taken to the mixed waste processing facility and the blue bags are then sorted by hand as was the yard waste. There could be some contamination from this. Again, I have about 250 tons per day of recyclables but it is a much better quality than what I just talked about. As the previous one, it is one truck. Lower left-hand corner of the overhead shows another method that I can use with the trash can and a cart set beside it. Two trucks would have to come by my house, one to get the trash and another to get the recyclables from the cart. Some people use this system today but they hire out for an extra fee for a hauler to come by and pick up the recyclables. The amount of material could be less, 100 to 225 tons, but it is a higher quality.

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“One of the reasons that the amount of material is less than previous is because on the other two systems we have people sorting by hand and they can pull out some extra material that we did not set aside in the bags or that they pulled from your trash cart.

“The last one, the bottom right-hand diagram is your drop off boxes. We currently have drop off boxes around our community, 15 of them. We have around 12 tons per day received from these boxes. The Committee did look at this as an option of increasing the number of boxes and the Committee looked at 40 boxes around the community. One of the reasons they did not go with this is because if you notice the second number, 40 tons per day, that is how much we could receive if we increase the number of boxes. So if you look at the quality it would be good, but the quantity of material is quite less. It is something that we have heard quite a bit of in our discussion groups is we want it to be easy. The community wants it to be convenient for them to recycle. That is another thing the Committee looked at when recommending we have some sort of a processing facility and curb side recycling.

“Speaking of the processing, we need to get the material from your home to the facility. That is pretty simple, it is collection. You have a trash truck come by and the first two options I mentioned just have one truck. Either you have all the trash and recyclables mixed together, which I mentioned is lower quality or you have the blue bag system, you still have one truck. It comes by and picks up the material. With the curb side recycling in a special container you need the truck that you see at the bottom, a separate truck coming by and picking up the recyclables. You would have two trucks coming up and down the road. As Irene mentioned in her presentation, there are many ways you could handle collection. Right now we have the free market system where I can call and pick whoever I want to come and pick up my trash. Or you can change that to a franchise system. That is something that needs to be determined in the future. Do we leave this the same or do we change it?

“To look at the whole system combined with the material recovery facility, I produce the trash at my house, I have my separate recyclables in a cart. Two trucks come by and pick it up. The trash truck takes it to the disposal facility. The recycling truck would take it to a MRF and then that MRF separates the material and the final material goes to the markets. Currently in Wichita we do have a material recovery facility and since it is already in place, the cost we used to do this process included developing one from scratch, because we can't rely on that facility being in place in four years. It should be however, and our price would be even lower than what was predicted. But in this situation, we have a complete system of I produce the trash, I separate the recyclables, and it has two trucks.

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“Another way of doing this is what is known as the blue bag system, the mixed waste processing facility. One truck comes by the house and picks up all the material. The truck takes it to the mixed waste facility. You have more sorting at this point by the people at the mixed waste facility, that pull the blue bags out, sort them into recyclables. One of the advantages this has is as the markets fluctuate, as I mentioned it is a commodities market, so as they change, you are able to pull more material out. For instance, if the market for aluminum is higher, you see a large chunk of aluminum there, you pull it out and can recycle it. Again, the material can be separated in this way and even the yard waste can be included in this process. Yard waste can be pulled out and sent to the composting facility. The recyclables are pulled out and sent to markets and then other trash is sent on for final disposal. In some communities where they have a mixed waste processing facility it also it the transfer station so it is one building does it all.

“Another thing to look at in reducing the amount of trash produced, and this is something recommended by the committee is volume-based trash rates. Right now, there is no incentive to recycle. If I want to recycle at the curb site I have to pay more to have that extra truck come by and pick up the material or I have to go to a drop off box and drop off the material. It is something that we’ve heard time and time again, it’s not convenient. We want convenience and we want an incentive to recycle. This gives an incentive. Plainly put, the more trash you produce the more you pay. That is why I have two sizes of trash containers here. Some communities do this by the size of the container. I can get one size, a large container and if I get that container I must pay more. I get a smaller size container and pay less, but I don’t pay at all for the material I put out to be recycled. Therefore, the more I recycle, the less I put in the trash can, the less I pay. So this works out well for many communities around the nation. Some of them have had problems where people figure out more ways of stuffing trash into a smaller container. You go through this system. Seattle in fact has gone to where they weight the containers for the actual weight that is in it but it becomes very complicated and very expensive. I’m not recommending that we go that extreme. In any case, volume-based trash rates, some communities use stickers on bags. You have to buy a sticker and put it on the bag and they don’t pick it up unless you have that sticker on it to prove that you paid that price. So there are many ways to do this and it is something that if the Commission wants to look at it, the committee is willing to look at it in more detail and figure out how to do it.

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“In the end, if we reduce the amount of waste through bans, through volume-based trash rates, through education to businesses to show them how they can minimize the waste, our facility, whatever we pick in the end, will be better off because we as a community are producing less waste. Then the price would be lower for disposing of it. That is the end of the overheads. As Irene mentioned, she or I would be happy to answer any questions you might have on the overall system or on waste minimization.”

Chairman Winters said, “Okay, we’ve got some questions. Commissioner Schroeder.

Commissioner Schroeder said, “Susan, the issue of recycling, putting out recyclables in a box divided up as opposed to the blue bag concept, and I’ve heard other communities are having problems with correctly dividing up those materials and they still have problems when it comes to the separations, where people have to go through and properly separate it once it gets to the facility. That is why I’ve always liked the idea of the blue bag system. Also, you’re telling me here that we get more tonnage that way. We get more of it out of the landfill though it may not be as clean, we get more of it out of the waste stream that way. I like that. It also keeps us from sending more of the trucks down the street, which do more damage to the streets. I had a call from a contractor whose done a lot of construction in this community and is probably one of the big three construction contractors in this area and says that will do more damage to streets, it is noisier, it is more congested to have all those trucks running up and down the street. So that is something that we need to think about. What I’m saying is I like the mixed waste processing the best if I were to choose one. Still, having a little bit of concern regarding a transfer station versus a landfill here locally as opposed to using a landfill somewhere else. I think it is up on us to make it as easy as we possibly can for the user, the citizen, the taxpayer, rather than to try to penalize them and force them to do things. You and I talked about that Irene and we have time to discuss that.

“Another issue I have is the household hazardous material. Are we in the process any way addressing the disposal of that? Are we still asking people to go to a facility to get rid of that or is that something that could be picked up at the curb also?”

Ms. Erlenwein said, “Right now the people have to take it to the disposal facility, the household hazardous waste facility. It would be nice if that facility could be set at a permanent site, whatever is decided for the year 2001, to make it more convenient. There is a grant that has been submitted to the State to have a pilot program of picking up household hazardous waste from houses to see how that would work.”

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Commissioner Schroeder said, "To see if you would get more of it."

Ms. Erlenwein said, "Right. I'm not sure if that grant has been approved yet, but there is a grant that has been submitted to the State from a business here in our community to see about picking it up at the household. It would be interesting to see how that will work."

Commissioner Schroeder said, "I really like that concept. If it worked, I think it would be great. I think the experiment will tell us a lot there."

Ms. Erlenwein said, "I think so."

Commissioner Schroeder said, "Those are just some concerns that I've had and I wanted to make you aware of what I was thinking. Irene reiterates to me that whatever we do in the next few weeks, we have got four years to decide what kind of corn we're going to serve. That's the way she puts it. We're going to decide that we're going to have corn, but then we're going to decide what kind. So that's fine. I don't know how many of us will be here when that happens, because that is a long time down the road. You're going to have to educate a lot of people."

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

Commissioner Schroeder said, "I do have a concern about how we decide to ask the consumer to minimize the waste stream. Make it as easy as possible without having to penalize them in order to get that process done. The education aspect I think is going to be very important and yet one of the toughest to do probably."

Ms. Erlenwein said, "You're right, some communities have had problems with this and we're trying to learn from those communities. The ones that have done blue bag systems for example, Chicago has had some problems with that because they started up with four huge facilities at once, very costly. What they discovered in the first six months of the blue bag system, they collected more recyclables than in the previous 5 ½ years of a drop off box system. So the convenience of people being able to do it at their house without having to drop it off was very obvious in Chicago."

Commissioner Schroeder said, "Very good. Thank you."

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Chairman Winters said, "Commissioner Gwin."

Commissioner Gwin said, "Thank you. Susan, the Solid Waste Committee didn't recommend a blue bag system to us did they?"

Ms. Erlenwein said, "They looked at four different types of processing facility, combinations with what the generator would do and it was a very close vote for number one and number two on processing. Number one was your material recovery facility or MRF, with number two just five points behind was your mixed waste processing facility with the blue bags. Then the others were way down the list. So those two were very close."

Commissioner Gwin said, "You indicated that it would take two trucks to use a MRF appropriate, one to pick up the trash that hadn't been separated by the producer and a second one that would pick up the recyclables. Are there not trucks that are built that would pick up both?"

Ms. Erlenwein said, "Yes, there are trucks that are built where the trash goes in one area and they have bins for the recyclables. What the waste haulers have discovered however is that you are going along and you're picking up trash and recyclables and all of a sudden some of the recyclable bins fill up and you still have a capacity for trash or vice-versa. So they don't have a full load and they end up going to the facility with a partial load of something because you can't keep on going down the road and now you have the cost of the time involved in going to the facility and the mileage and then coming back. There are trucks like that but they really don't work out as well as they originally thought."

Commissioner Gwin said, "The other question that occurs to me is that since we are using a free enterprise system for collection in this community, I think that makes us not compare well in trash rates to other communities that have franchised that service. There are neighborhoods, however, who have homeowners associations or whatever who have come together to bid those services and so if you live in a particular neighborhood, your homeowner's association has gone out to a number of haulers in this community and asked for bids or asked for proposals, and it is my understanding that those neighborhoods pay considerably less for their trash to be collected than those of us who have not done that."

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

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Commissioner Gwin said, "Did the committee discuss at all how you would teach or how you could get neighborhoods to come together who are not as well organized or who don't have homeowners' associations so that they too could maybe reap the benefits of this kind of savings?"

Ms. Erlenwein said, "Yes, the committee is very strong on education. That on any of this, in minimizing the waste or as you say for getting cheaper rates, you just have to go out and educate the public and let them know that this option is available. I think a lot of people don't even realize that this option is out there."

Commissioner Gwin said, "I think that's right. I learned that just within the last little bit as one of those people who lives not in one of those organized neighborhoods, that one is very intriguing. I'm also interested in the pick that you all did several years ago, was before a lot of us talked about mulching and keeping the grass at home. Do you expect that in this pick the percentage of yard waste will diminish as opposed to a few years ago?"

Ms. Erlenwein said, "I think so, because we do have a company in town that will take the material. More people are composting or mulching at home and something you have to realize about that pick was done over six years ago was it was a one time pick just one week. What we are planning to do is do a week long pick every other month so we can see how it changes throughout the season. That other pick was done in July and you would expect the yard waste to be high. So I think as we go through this pick we'll find that numbers vary quite a bit due to people's practices and the fact that we are doing a year long study."

Commissioner Gwin said, "Do you think that the change may be in the attitude of some of us over these last several years will greatly affect the 250 tons per day that you and the committee anticipate would be diverted from the next disposal facility?"

Ms. Erlenwein said, "I think it will lower that number somewhat, but I don't think it is going to lower it greatly."

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

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Chairman Winters said, "Thank you Commissioner Gwin. I'd make a couple of comments. One, I certainly want to thank the Civitans Club and the Riverside Homeowners Association. Last night, I spent some time with them talking about this issue and had a very good discussion for over an hour. Again, as you all know who have visited with citizens about this, know that incineration was certainly at the top of the list of what they wanted to talk about. I think it is important to remember that wherever there is an incinerator involved you've got a couple of real problems. One is there has to be a landfill involved with the incinerator and that landfill basically has to be able to take hazardous waste. There is no such landfill in the State of Kansas at the present time. So citizens need to remember that incineration is not the end all. There is a landfill involved. It becomes extremely expensive to do the incineration process and you have a real air quality problem. There are lots of folks who believe that you can't get all of the dioxins and the PVCs out. So I think we need to keep remembering that the community is going to think about that. I certainly appreciate the opportunity to visit with the Civitans Club.

"To spend just a second or two on the blue bag system. I think there are some real merits to that system. I think there are certainly people on our staff that think that has some validity and there are some people on the Solid Waste Committee that like that system. If you would walk through with me for just a moment, what the system that we're doing now, most of the haulers who are providing curb side collection have a small container, a couple of feet by a couple of feet, which they place all of the recyclables that are going to be collected. When the recyclable truck comes to the curb to pick it up, the driver of the truck picks that up and sorts it right there. It is at the very beginning process and if it gets mixed up, it is because that driver threw it in the wrong container and if he throws very much in the wrong container then he will probably be looking for other work. He's got the box, he takes the glass out and he takes the newspapers out and he does the sort right there. You compare that with a system that requires a new facility to be built, to take a trash truck inside and if you're using the blue bag system, the blue bags with the recyclables get right in there with whatever else got thrown in. They go inside a building on a tipping floor, dump the trash out, then have folks in there picking the blue bags out of mixed waste. That becomes very expensive manpower wise and you often times get blue bags that have been right up next to who knows what in the trash truck that has a real contamination problem. Plus you have to think about the facility that you've constructed, which has to be a pretty large facility to not impede the flow of trash trucks coming in and dumping on the floor.

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“I encourage the thought on those kinds of processes, but if somebody really thinks that is something that we should investigate, then I think somebody needs to go look at one. You need to go see what is actually happening in there.”

Ms. Erlenwein said, “I’ll volunteer to go to the one in California.”

Chairman Winters said, “I know, you want to go to California to look at a success, and there are some successes out there, but there are a lot of dirty MRFs, material recovery facilities, that separate through trash that have been closed because they were so expensive and the return was not there. If you think about recycling and the terms of Susan’s first chart, talking about the bans. If we consider the bans on construction and demolition debris, bans on yard waste, we’ve hit a big component of the material that can be easily gotten out of the waste stream. Then what is left, we need to be very certain that we don’t build a system that is so expensive that it really is no place in the cost benefit ratio that makes getting a small percentage out of the system.”

Ms. Erlenwein said, “That’s right. I think both systems have advantages and disadvantages. The mixed waste processing you have one truck, which means lesser collection costs, but you have sorting on the end at a processing facility and the lower quality. On the MRF you have two trucks going up and down so you have higher collection costs but higher quality material in the end.”

Chairman Winters said, “That’s right. The process that I have observed is once your recyclables get mixed up it becomes very expensive to sort them back out. A key I think is to keep them separated at the very beginning. Susan, a couple of other questions and one that I don’t need an answer on today, but it is something I’d like to explore with you and the staff in relationship to the City’s proposal that they are going to discuss with us. They have talked about in the proposal that our plan calls for a \$38 a ton tipping fee over a twenty year period I believe. They make reference that this does not include any money for recycling. I believe that is not correct so somehow we need to work on getting the numbers right. I know the numbers aren’t going to be the same, I know our number in talking about a system other than a local landfill is going to be higher than a local landfill, but at least we need to have as good as numbers as possible. Has anybody addressed that issue yet of the \$38?”

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Ms. Erlenwein said, "The \$38 is for the processing facility and MRF, building it from scratch and also for the transfer station. It was a combination price and it was listed as both. It definitely included increased recycling."

Chairman Winters said, "So there is definitely a recycling component in here. In fact, at that cost, it includes a material recovery facility."

Ms. Erlenwein said, "Yes."

Chairman Winters said, "Building a brand new building. So if that was eliminated from a discussion, this \$38 number would look different than it does."

Ms. Erlenwein said, "Right, it would be a lower number because we wouldn't have to build a building, we would use the current company."

Chairman Winters said, "Okay. Well, as we continue to analyze the City's plan that they would like to discuss with us, I'd like to get that different number in my mind or the number that we can be closer on in comparison with doing an equal task. I know when we add back in some other things, such as hazardous waste and education, that might not be in there but I need another number to think about."

Ms. Erlenwein said, "Okay, in what I handed out two weeks ago, the report from the committee, there were tables in there and one of the tables is just final disposal options without processing, table 2. The transfer station would be \$34.85 without the processing."

Chairman Winters said, "Okay, \$34.85. Would you maybe, could you just send a note over to Joe Pajor at the City and just so he'll know that number. I don't know if that will effect or influence any one but we need to try to be talking about as close as comparable as we can."

Ms. Erlenwein said, "All right."

Chairman Winters said, "Any other questions or comments? Susan, would you review one more time when we are going to take public comment on this issue?"

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Ms. Erlenwein said, “Yes. Public hearings start a week from today, the 20th as soon after 9:00 a.m. as possible. Then August 26, a Tuesday night, at 7:00 p.m. out at the Zoo and then September 3, 9:00 a.m., at the Wednesday Commission meeting. So we have three opportunities for public comment.”

Chairman Winters said, “Okay. I think the Commission tried very diligently to receive public comment throughout community deliberation process and through the Solid Waste Management Committee and trying to visit with citizens, but we still are interested in community input in this process. I encourage anyone that has a question or comment that they want to share with the Commission to consider attending one of these public meetings. Commissioners, any other discussion at this time? If not, I’d take a Motion to receive and file Irene and Susan’s report.”

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, “Thank you Susan. Thank you Irene. Next item.”

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F. RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ENTER INTO A SUBLEASE AND OPERATING AGREEMENT WITH EXPLORATION PLACE, INC.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "We have prepared a Resolution which is in your agenda back up which would authorize the Chairman to enter into a sublease and operating agreement for Exploration Place. By way of background, to tell how we got to this point, on the overhead I have shown a series of documents and agreements that deal with this and what they do is they provide a mechanism by which the County is able to finance its \$20,000,000 commitment to this important project. It also provides a mechanism by which the City contributes its land at Second and McLean. First of all the City and the County's Public Building Commission have entered into a ground lease for a period of 50 years. That has been signed and that is in place. The effective date is June 1 of this year.

"Beyond that, the County's Public Building Commission and the Sedgwick County have entered into a lease that was approved by you on July 9 of this year. That lease is a 25 year lease and obligates the County to pay the bonds that will be issued by the PBC. It requires the PBC to lease the land and any improvements to the County during that period of time. At the end of that lease period the County can continue to have a relationship in regard to the ground lease or at that time the County can merely turn that over to the Public Building Commission which can continue for the remaining 25 years under the ground lease.

"Now to get to the operating agreement, which is before you this morning, we are proposing that you enter into a lease with the Exploration Place, Inc., which is a nonprofit entity, which has been formed to operate and maintain this facility. The highlights of this sublease are that the Exploration Place is required to construct and operate the facility and to fund all costs that exceed the County's contribution, which is being financed through the lease to provide maintenance and repair of property and improvements, to provide and pay for property and casualty insurance, to pay for any special assessments, to provide annual accounting to the County, and to perform the County's lease obligations and to perform the obligations of the PBC under the ground lease. The County's obligations are primarily to grant Exploration Place the exclusive authority to operate and maintain the improvements. Mr. Frick is here, he is the Chairman of Exploration Place Incorporated. He is available for comments. I believe Mr. Norton is here also and I'm available for your questions as well."

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

Commissioner Schroeder said, "Rich, just one question. If for some reason this would fail, the County is not responsible for any debt incurred by that organization in any way, all we are responsible for is the building itself, finding a new tenant, or something to that nature, right?"

Mr. Euson said, "That is correct. Our obligation is to repay the bonds under the terms of the lease between ourselves and the Public Building Commission."

Commissioner Schroeder said, "Otherwise that is it, that's all the involvement we have."

Mr. Euson said, "That's correct."

Commissioner Schroeder said, "Okay."

Chairman Winters said, "Commissioners, are there other questions or comments?"

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you Rich. Thank you gentlemen for being here. Next item."

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G. CONTRACT MODIFICATION NUMBER TWO WITH J. C. SANDERS CONSTRUCTION FOR THE EVIDENCE STORAGE FACILITY. CIP #PB-243.

Mr. **Kenneth W. Arnold**, Director, Capital Projects Department, greeted the Commissioners and said, "This contract modification is in the amount of \$990 to provide some additional open wire petition for the security of that facility and to change some hardware out. Would recommend you approve it and authorize the Chairman to sign."

MOTION

Commissioner Schroeder moved to approve the Contract modification and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

Commissioner Hancock said, "Mr. Chairman, one question. When is that project scheduled to be complete?"

Mr. Arnold said, "As soon as we put the new entry door in, there is a new pedestrian entry door that will be added to the front of the facility. That is scheduled to start at the end of this month. As soon as that is completed the Sheriff will finish the alarm work and be ready to move."

Commissioner Hancock said, "Thank you."

Chairman Winters said, "Thank you. Any other questions or comments? Seeing none, call the vote."

VOTE

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

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Commissioner Schroeder said, "I have one question. Ken, we've talked about the modernization and the technology of this Commission meeting room, where are we at on that process?"

Mr. Arnold said, "The specifications are being finalized this week and we'll put it out on the street Friday for bidding."

Commissioner Schroeder said, "How long will that process take?"

Mr. Arnold said, "About 30 days before the bids come back and we have them analyzed and evaluated for you."

Commissioner Schroeder said, "So we are talking maybe 60 days before we get somebody actually in?"

Mr. Arnold said, "I would think we would have somebody onboard within probably five weeks is our intent?"

Commissioner Schroeder said, "Five weeks, okay, thank you."

Chairman Winters said, "Thank you. Thanks Ken. Next item."

H. RECOMMENDATION TO THE STATE BOARD OF TAX APPEALS THAT A FURTHER TAX REFUND BE GRANTED IN THE MATTER OF THE APPLICATION OF ROGER AND RACHELLE WILSON FOR RELIEF OF A TAX GRIEVANCE IN SEDGWICK COUNTY, KANSAS.

Mr. Craig Andersen, Hearing Coordinator, Appraiser's Office, greeted the Commissioners and said, "This property is a mobilehome where the square footage was overstated. For the 1992 tax year, this property was not on the tax role so there was no refund. For the 1993 tax year, the refund would be \$18.08. I'd be happy to answer any questions."

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MOTION

Commissioner Schroeder moved to make a recommendation for a further tax refund.

Commissioner Miller seconded the Motion.

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

VOTE

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

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

I. RESOLUTION RELATING TO EXTENSIONS, ADDITIONS OR SUBSTITUTIONS IN STREET LIGHTING EQUIPMENT TO BE FURNISHED BY KGE. DISTRICTS #2 AND #5.

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item I is a Resolution prepared by KGE for modifications to street lighting in Sedgwick County. The Resolution calls for the removal of two high pressure sodium street lights and the installation of two other high pressure sodium street lights at various locations. The two lights to be removed are at 207 West Elm in conjunction with the construction of the new jail. One new light will be installed at the corner of Wooddale & Harry. The other new light will be installed at K-53 and Broadway. The increase in compensation paid by the County to KGE will be \$368.82 per year. This will make the annual compensation to KGE for street lights, \$97,932.59. Recommend that you adopt the Resolution."

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MOTION

Commissioner Schroeder moved to adopt the Resolution

Commissioner Miller seconded the Motion.

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

VOTE

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

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

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 7, 1997
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the August 7 meeting of the Board of Bids and Contracts. There are seven items for consideration.

**(1) ENGINEERING BUILDING - BUREAU/PUBLIC SERVICES
FUNDING: CAPITAL PROJECT**

"Item one, construction of the engineering building for the Bureau of Public Services. It was recommended to accept the low bid of Dondlinger & Sons Construction Company, in the amount of \$3,839,000.

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(2) JUMPSUITS - SHERIFF
FUNDING: SHERIFF

“Item two, jumpsuits for the Sheriff and the adult detention facility. It was recommended to accept the low total bid of Robinson Textiles, in the amount of \$7,895.45. There is a complete tabulation which follows.

(3) REMODEL HVAC SYSTEM - BUREAU/PUBLIC SERVICES
FUNDING: CAPITAL PROJECT

“Item three, remodel of the HVAC and heating system for the Bureau of Public Services for the Munger Building. It was originally recommended to accept the negotiated bid, however, after additional discussion we would like to recommend that we remand this to the Board of Bids and Contracts for additional discussion.

(4) NETWORK MODULAR FURNITURE - INFORMATION SERVICES
FUNDING: INFORMATION SERVICES

“Item four, network modular furniture for Information Services. It was recommended to accept the proposal, which is number three, from Media Recovery in the amount of \$23,443.86. There is a very thorough summary attached.

(5) STREET IMPROVEMENTS - PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS

“Item five, street improvements for the Bureau of Public Services, this is for the Diamond Addition. It was recommended to accept the low bid of Asphalt Construction in the amount of \$42,395.

(6) BITUMINOUS SURFACING - BUREAU/PUBLIC SERVICES
FUNDING: CAPITAL PROJECT

“Item six, bituminous surfacing for the Bureau of Public Services. This is project 614-E½ 33, W½ 34. It was recommended to accept the low bid of Ritchie Paving in the amount of \$2,002,389.65.

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**(7) SANITARY SEWER IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

“Item seven, sanitary sewer improvements also for the Bureau of Public Services, the Bridgefield Addition. It was recommended to accept the low bid of Nowak Construction in the amount of \$182,962.

ITEMS NOT REQUIRING BOCC ACTION

**(8) MEDICAL BILLING SERVICES COLLECTION - ACCOUNTING
FUNDING: ACCOUNTING**

**(9) TIRES - MOTOR POOL
FUNDING: MOTOR POOL**

“There are two items that do not require action at this time. Those proposals and/or bids are being reviewed. Those include medical billing services for Accounting and Emergency Medical Services and Tire for the Central Motor Pool. Happy to take questions. Would recommend approval of the recommendations by the Board of Bids and Contracts.”

Chairman Winters said, “You are recommending approval for all except for Item 3?”

Mr. Muci said, “Yes sir, that is correct. Number three we’ll return to the Board of Bids and Contracts.”

Chairman Winters said, “Okay. Commissioners, are there questions or comments?”

MOTION

Commissioner Gwin moved to approve the recommendations of the Board of Bids and Contracts and to return Item 3 to the Board of Bids and Contracts.

Commissioner Hancock seconded the Motion.

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

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VOTE

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

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

CONSENT AGENDA

K. CONSENT AGENDA.

1. Right-of-Way Instruments.

One Easement for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project No. 618-34; Central between Greenwich Road and the K-96 Bypass. CIP #R-224. District #1.

2. Section 8 Housing Assistance Payment Contracts.

<u>Contract</u> <u>Number</u>	<u>Rent</u> <u>Subsidy</u>	<u>Landlord</u>
V97043	\$294.00	Brian D. Shepherd
V97045	\$192.00	Brian D. Shepherd
V97046	\$284.00	Brian D. Shepherd
C97047	\$375.00	Brian D. Shepherd

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

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94081	\$222.00	\$248.00
V94069	\$166.00	\$162.00
V94028	\$463.00	\$000.00
C97047	\$375.00	\$12.00
V892040	\$324.00	\$13.00
V97002	\$313.00	\$000.00

4. Order dated August 6, 1997 to correct tax roll for change of assessment.

5. Plat.

Approved by the Bureau of Public Services. The County Treasurer has certified that taxes for the year 1996 and prior years are paid for the following plat:

Dillon 12th Addition

6. Consideration of the Check Register of August 8, 1997.

7. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970444	Facilities Management	Transfer
970445	Personnel	Transfer
970446	Corrections-Youth Svcs.	Transfer
970447	Corrections-Youth Svcs.	Transfer
970448	Information Services	Transfer
970449	Information Services	Transfer
970450	Noxious Weeds	Transfer
970451	Aging	Supplemental Appropriation
970452	Aging	Transfer
970453	Aging	Supplemental Appropriation

Regular Meeting, August 13, 1997

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970454	Aging	Supplemental Appropriation
970455	COMCARE-Robert Woods Johnson Grant	Transfer
970456	COMCARE-Crisis Svcs.	Supplemental Appropriation
970457	Corrections	Supplemental Appropriation
970458	Capital Projects	Transfer
970459	Capital Projects	Supplemental Appropriation
970460	Capital Projects	Transfer
970461	Diamond Addition-Street	Supplemental Appropriation
970462	21st Street North-East City Limits of Wichita to K-96 Bypass	Supplemental Appropriation

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "As you just removed that item from the Board of Bids and referred it back to the Board of Bids, we need to make an adjustment on the Consent Agent Item 7, budget adjustment request, number 970444, facilities management. This is a transfer of funds to accommodate that project as is 970459. I would recommend that you approve the Consent Agenda with the exception of those two budget adjustment requests."

MOTION

Commissioner Gwin moved to approve the Consent Agenda with the exception of 970444 and 970459.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, August 13, 1997

VOTE

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

Chairman Winters said, “We do need to have an Executive Session today, so at this time I am going to recess the Regular Meeting of the Board of County Commissioners.”

The Board of Sedgwick County Commissioners recessed to the Sewer District meeting at 10:55 and returned at 11:02 a.m.

“At this time, I’ll call back to order the Regular Meeting of the Board of County Commissioners, August 13, 1997.”

L. OTHER.

MOTION

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 50 minutes to consider consultation with Legal Counsel on matters privileged in the attorney client relationship relating to pending claims and litigation, legal advice, and personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 11:50 a.m.

Commissioner Schroeder seconded the Motion.

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

Regular Meeting, August 13, 1997

VOTE

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

Chairman Winters said, "We are recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:02 a.m. and returned at 1:00 p.m.

Chairman Winters said, "I'll call back to order the Regular Meeting of August 13, 1997. Let the record show Madam Clerk that there was no binding action taken in Executive Session today. Is there other business to come before this Board? This meeting is adjourned."

M. ADJOURNMENT

Regular Meeting, August 13, 1997

There being no other business to come before the Board, the Meeting was adjourned at 1:00 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

MELODY C. MILLER, Commissioner
Fourth District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1997