

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JULY 30, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, July 30, 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. Rich Euson, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Paul Rosell, Chief Deputy, County Clerk's Office; Mr. Douglas King, Records Manager, County Manager's Office; Mr. Scott McBride, Director, Geologic Information Systems; Ms. Kristi Zukovich, Assistant to County Manager; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Deborah Donaldson, Director, COMCARE; 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

Ms. Myrna Hudson, Adult Services Coordinator, Wichita Public Library
Ms. Annie Hay, Local Historian, Wichita Public Library
Ms. Mary Ann Khoury, Sedgwick County Alcohol and Drug Abuse Advisory Board
Dr. John Wong, Associate Professor, Wichita State University
Mr. Terry Smythe, Baughman Company
Mr. Terry Pullman, 14724 East Siefkes, Wichita, Kansas
Mr. Richard D. Randall, 371 Hillsdale Drive, Wichita, Kansas
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.
Mr. Milt Pollitt, Chairman, Solid Waste Management Committee
Mr. Paul Hagemeyer, Consultant, Allied Environmental Consultants
Mr. Bill Keltner, Consultant, Allied Environmental Consultants

INVOCATION

The Invocation was given by Mr. Bob Bruner of the Christian Businessmen's Committee.

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CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

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

Chairman Winters said, "Thank you. I see no questions. Thank you. Next item."

APPOINTMENT

A. RESOLUTION APPOINTING MARY ANN KHOURY (COMMISSIONER SCHROEDER'S APPOINTMENT) TO THE SEDGWICK COUNTY ALCOHOL AND DRUG ABUSE ADVISORY BOARD.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "This advisory board is a ten member board, of which the City and the County each have five appointments. This appointment is Commissioner Schroeder's appointment due to a resignation. The appointment would expire on May 31, 1999. We have prepared a Resolution for your approval and it is in proper form."

MOTION

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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Chairman Winters said, "I believe Mary Ann is in the audience today. Mary Ann, if you would please come forward, the County Clerk will swear you in."

Mr. James Alford, County Clerk, said, "Please raise your right hand and repeat after me.

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge duties of the office of Wichita Sedgwick County Alcohol and Drug Abuse Advisory Board."

Ms. Mary Ann Khoury repeated the oath.

Mr. Alford said, "Thank you very much."

Chairman Winters said, "Thank you very much Mary Ann. Thank you for doing that. If you'd like to say a couple of words, we'd be glad to have you do that."

Ms. Khoury said, "I want to thank you and especially Commissioner Schroeder for the opportunity to continue in something that I think has been left undone. I appreciate it very much."

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

PRESENTATION

B. PRESENTATION OF TWO CD-ROM COPIES OF SEDGWICK COUNTY BOARD OF COUNTY COMMISSIONERS MEETING MINUTES, ONE COPY TO WICHITA PUBLIC LIBRARY AND ONE COPY TO WICHITA STATE UNIVERSITY.

Mr. Paul Rosell, Chief Deputy Clerk, County Clerk's Office, said, "This project was entered into quite a while back. I hope you all know the strong commitment that James Alford, the County Clerk has in automating and computerizing the office. This is one step that we needed to complete that was started before we came on board. We really appreciate the help of IKON Office Solutions.

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“The Sedgwick County Clerk’s Office and the County Records Manager, Doug King, have worked hard with IKON and have produced four copies of the Board of County Commissioners meeting minutes on a compact disc of CD-ROM. It is a pretty good process. We get seven years onto three compact discs. Doug King will be up here in a minute to speak to you about how much data this is that we’ve reduced to three compact discs. Once set of three discs shall be retained by the Sedgwick County Clerk, James Alford, one set of three discs shall be retained by the Sedgwick County Record’s Manager, Doug King, and this will enable both of our offices and help us in our mandate to provide public access to these minutes under the Open Records Act. One set of three discs will then be donated to the Wichita Public Library today and one set of three discs will be presented to Wichita State University. Merna Hudson, the Adult Services Coordinator, with the Wichita Public Library and Amy Hay, Local Historian at the Wichita Public Library are here to accept the Wichita Library’s copies. Associate Professor John Wong of Wichita State University is here to accept another set of three discs for the Wichita State University. I think now I’d like to let Doug King say a few words and maybe the recipients.”

Mr. Douglas King, Records Manager, County Manager's Office, said, “Thank you Paul. I think I last appeared before you on this project in January 1996. It has taken us quite a time to accomplish. We’ve learned a lot. IKON learned a lot. It is really more complicated doing a project of this nature than it is doing a lot of private business records.

“These sets of CD-ROMs each have more than 46,000 pages of County Commission minutes, which really reports the business of the County organization. Placing a set at the Wichita Public Library makes them widely accessible to the public, more accessible really than being in the Clerk’s Office because the library is open longer hours, weekends, and evenings. There are librarians there to help the public use these records. Then the set at Wichita State University is intended to facilitate research and urban affairs on the County organization and that part of the project really grows from conversations I had in the fall of 1995 with Dr. Wong. I think that is certainly a project that is a first for the County organization and I don’t know a lot of County organizations that have really done something of that nature to facilitate research in an organization. That just sort of gives a little up date on it. At this time, if the recipients will come up.”

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Ms. Merna Hudson, Adult Services Coordinator, Wichita Public Library, greeted the Commissioners and said, "I'd just like to express our appreciation to the County for taking the lead in our community and using technology to make the local history records available to more people through this use of technology. Thank you."

Mr. John Wong, Associate Professor, Wichita State University, greeted the Commissioners and said, "I'd also like to thank the County for making this information available. It will be an invaluable research tool for students, faculty, and staff alike. I think the nice thing about undertaking this task is no matter what you do, you can't make history any shorter. The sooner you get going on the process I think the more expedient it is. I would encourage the County to pursue more projects like this. Thank you."

Chairman Winters said, "Thank you all very much. Thanks for being here. Thank you for doing this project. Madam Clerk, would you call the next item."

AWARD PRESENTATIONS

C. PRESENTATION OF 1997 NATIONAL ASSOCIATION OF COUNTIES ACHIEVEMENT AWARDS.

Chairman Winters said, "Commissioners, each year, the County is involved with the National Association of Counties in presenting some of their most effective and creative programs to be judged by a National Association to look at their merits and see if there are possibilities for information sharing among counties and to see effective things that counties are doing. This year, there were three County projects submitted for awards. Two of them have received the award for winning as having an effective and creative program. The first of those is in the Geographic Information Services, which submitted a digital plat insertion program into the Information Technology category. The other was the Department of Aging award for a Neighborhood Connection Program in the Human Services Category. I believe that Scott McBride and is Doug here? If you'd both come forward. Scott, if you would just give us a thumb nail sketch of the idea that you submitted and what that is about."

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**1. DIGITAL PLAT INSERTION PROGRAM
GEOGRAPHIC INFORMATION SYSTEMS DEPARTMENT
SCOTT MCBRIDE, DIRECTOR**

Mr. Scott McBride, Director, Geographic Information Systems, said, "The idea is simply taking plats on a diskette that the developers, engineers, and local companies have made and putting them directly into our system, eliminating the need for us to go back and do that same work over again. Might I just add, that while I received this award, the bulk of the credit really belongs to those local engineers, surveyors, and architects, who have voluntarily participated in this program. We very much appreciate that. While we will take the award, we do not want to overlook expressing our gratitude and appreciation to them, because they are the ones that really make this program work very effectively. Hopefully we can, through gaining these efficiencies, provide better service to them, so they will be a benefit to them as well."

Chairman Winters said, "Thank you very much Scott. Doug, would you like to say a couple of words about this Department on Aging Program that was submitted?"

**2. NEIGHBORHOOD CONNECTION PROGRAM
DEPARTMENT ON AGING
DOUG RUSSELL, DIRECTOR**

Mr. Doug Russell, Director, Department on Aging, said, "Thank you Commissioner. The Neighborhood Connection Program is a public private partnership with Senior Services, Inc., here in Wichita. AARP did zip code mailings that said, hey folks, we've got lots of members, any of you want to help people who need help in their home. One hundred and some people came out of the walls and said yes, we want to help. So what Senior Services does is connects people who have needs over the age of 55, who have health needs and need services like mowing or transportation, snow shoveling, a number of things, they connect them with these people who said yes, we'd like to help. The simplicity of the program is the beauty of it. It finds people who otherwise wouldn't know that people needed help, puts them into the system and lets them help their neighbors. It can be replicated nationwide and that is why we were really pleased with it. The real award goes to those 108 and growing people who are doing this job."

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Chairman Winters said, "Thank you very much Doug. I would say to Doug and to Scott both, and to your respective staff that you work with, congratulations. We're very proud of the fact that when County Departments win some recognition and acknowledgment from your peers all across the country. Good work. I'm sure there is a plaque that goes with this, but I don't happen to know where it is, so somebody will get that to you in the next couple of days. Thank you very much. Madam Clerk, next item."

PLANNING DEPARTMENT

- D. CASE NUMBER SCZ-0740 AND DP-227 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND ASSOCIATED PRAIRIE POND PLAZA COMMERCIAL COMMUNITY UNIT PLAN, LOCATED AT THE NORTHEAST CORNER OF U.S. HIGHWAY 54 AND 143RD STREET EAST.**

SLIDE PRESENTATION

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This Planning item concerns 20 acres. It is the area outlined in black tape at the northeast corner of 144rd Street East in the east side of the County, and Kellogg U.S. 54. This tract is zoned SF-20. Everything in that kind of flesh colored tone is SF-20, which is the County's Suburban Residential Zone, which allows residential lots no less than 20,000 square feet in size. The white areas that are platted and partially developed are other lots that have been developed, platted and developed more recently or are in this case here still yet to develop. Those are additions with the various names of Springdale, southeast and southwest of this tract, and that zoning is the SF-6 category because water and sewer were available and it was platted and so those were permitted to have the more urban lots.

"The request for this tract, for this 20 acres is Limited Commercial, along with a Commercial Community Unit Plan. The Commercial Community Unit Plan (CCUP) is now required in the County's Zoning Resolution for any commercial rezoning under single ownership of more than six acres, so this fits into that category and the Community Unit Plan (CUP) allows for special restrictions to be placed on the parcel so that it can be made more compatible with surrounding development and deal with excess traffic and other issues.

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“Let me point out also on the zoning map, that all of this area is residential with the exception of the southwest corner of that intersection, which was zoned some years ago and then platted for General Office Use.

“This is the aerial photograph. I wanted to point out that some of the people in the Springdale, very nice neighborhood to the south of Kellogg, there is a frontage road along here and there is a strong row of evergreen trees between the frontage road and the main line of Kellogg. So in our slide, you won't be able to see the development to the south that is across from Kellogg, although they certainly feel they are impacted as you will see by the proposal. You can see the older development has occurred. The development on smaller lots. This is the Park East neighborhood to the north, also SF-20 developed with larger lots. This area is in the process of developing further to the east. The property to the east is an 80-acre estate currently. Further to the east, this is the tract you may recall we had a commercial CUP and zoning approved for about 45 acres, called the Belle Terre CUP, that extended to just beyond this point, which is 159th Street and the County line, and residential development is expected to occur to the north. This tract is all undeveloped to the north and west.

“The staff recommended approval of the Limited Commercial Zoning and the CUP. This was the original CUP as it was submitted to the Planning Commission. It had and it still has at this time six parcels, two large parcels, this is a pond, a reserve area which would be a drainage area for the entire development to capture the runoff before it would go under Kellogg. There was a frontage road that was proposed and there was access that was proposed at the quarter mile line. The staff had a number of changes to recommend to the Planning Commission and to the applicant and by the time of the second hearing the applicant had agreed with all of those changes, which basically include no access at all on Kellogg. This is in concert with the current KDOT (Kansas Department of Transportation) people who came to you several weeks ago about managing access along Kellogg. So the plan is not to have any access except perhaps at half mile lines and this is a quarter mile line. So access would be limited only to 143rd Street at the mile line. Kellogg frontage road jogs so that it will be a better intersection, less congestion at the intersection of 143rd Street, so there would have to be a reserve platted here. There was a special deep set back established along Kellogg and the possibility that there would have to be widening in the future. The staff also recommended that some of the parcels that were closer to residential use be limited to the Neighborhood Retail as opposed to the Limited Commercial District.

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“The Neighborhood Retail District has a lesser list of uses. It does allow general retail uses but is limited in size and scale of businesses and also does not permit some of the more intensive uses as Limited Commercial. We recommended that parcel three, parcel two, and parcel six, originally should be limited to that Neighborhood Retail category and that would leave the two parcels for the intersection, four, five, and parcel one, a large parcel, that would still be permitted for limited commercial uses. The applicant did in his CUP list some uses and you have them in your staff report. Uses that would still not be permitted in the Limited Commercial District if this was approved. There are also some special landscaping design restrictions. There would be a requirement like all Commercial CUPs for a masonry wall along the north side and the east side and there would be a requirement for trees every 40 feet along that wall, which is the basic minimum requirement of the City Landscape Ordinance which was agreed to be applied to this tract along with some additional landscaping. That is basically the CUP as it was presented the second time to the Planning Commission, with the changes.

“Initially the applicant didn’t agree with all those changes and at the Planning Commission’s first hearing. There was substantial opposition in April. The Planning Commission deferred the item for a six week period and asked for the applicant and the neighbors to try to get together and see if there was some common ground dealing with this tract. There was an attempt that was made. It was not successful. The six week period did result in the applicant coming back to the Planning Commission at the second hearing and agreeing with all the staff recommendations. The neighbors still felt that these proposed uses were not appropriate and not compatible in this area. You have the minutes from both of those hearings. Neighbors indicated their concern with traffic congestion. This is a large parcel, twenty acres, and the potential of almost a quarter million square feet of floor area that could be retail uses and that could generate as many as 15,000 cars per day. I think the concern was with how will the 143rd Street and Kellogg interchange work and won’t this overload Kellogg. Also a concern was expressed about how this may result eventually in the closing of the median on Kellogg because of the addition of traffic that would affect property owners to the south where they now have access at that quarter mile line to Stagecoach Drive. Their left turn access from the east might be cut off someday. Your County Engineer, Jim Weber, indicated that Kellogg was really a problem that had to be dealt with regardless of what uses are approved on this tract and those questions about access and medians are issues that are going to have to be addressed in the future regardless of what happens on this tract.

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“There were other concerns expressed about crime. That as you introduce more intense uses that you may bring more crime to this area. There was testimony about devaluation of property and there are a couple of letters of written testimony that was offered at the Planning Commission hearing from appraisers who indicated that these commercial uses would devalue the nearby residential property. There was a general concern with the change of the current suburban residential character that is predominant in this area and there were also some concerns expressed about drainage. Again, on drainage, the engineer did indicate that because of the County’s requirements for retention, because of the existence of a pond there to accept that storm water, and because of the existing constriction in flow under Kellogg to the south, that drainage in terms of flooding and more drainage problems should not be an issue with this case and would be reviewed as part of the drainage plan.

“The Planning Commission took two votes at the second hearing. At the first vote, it was a Motion to approve subject to the staff recommendations but subject also to including parcel one with the restriction of Neighborhood Retail uses, which would have meant that only parcels four and five would be Limited Commercial uses and the rest would be limited to the Neighborhood Retail uses. The staff indicated to the Planning Commission in the discussion just previous to that, that in terms of where could they go if they were looking for further compromise. One would be to reduce this parcel along with the others that were closer to residential to Neighborhood Retail uses. The second would be to have a stronger form of buffer of some kind, especially on the northern edge where it abuts the single family uses. That wasn’t part of the Motion, but the requirement to make parcel one also limited to Neighborhood Retail uses one. I would say that Neighborhood Retail uses is probably still more intensive because it allows retail uses than most of the uses that were permitted in the Belle Terre CUP to the east, which were restricted to specifically prohibited General Retail Uses, except near the corner of 159th and Kellogg. It is more limited than the Limited Commercial uses which would be permitted on parcels four and five. That Motion failed and the vote was six to eight.

“Then following that Motion, there was some more discussion and then there was a Motion to deny the request and that Motion was approved by a six to five vote. I think that in the discussion that the Planning Commission had before their vote, there was discussion about the strong neighborhood opposition and I’ll show you a protest map again in just a minute. There was a concern that the buffers which were proposed were not adequate. There was concern about traffic and there was reference to the potential for devaluing the residential properties.

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“Let me go back to the protest map and show you that the red areas are the areas within the 1,000 foot radius of the tract. Within that area, there were 71 property owners who filed protest petitions. The red areas indicate those protest petitions. That area adds up to just short of 63% of the area within that radius. That triggers, along with the Planning Commission’s recommendation for denial, either one of those triggers a requirement for four votes of the County Commission to override and approve this zoning request. In the larger area, which includes the red and the blue area, we received a total of 183 protest petitions.

“Let me show you the slides very quickly. We are on the southwest corner of the intersection, where that General Office zoning was proposed. We’re looking across Kellogg and catty-corner to the north and the east. This is a little bit of a raised site right here at Kellogg, raised above the elevation of both Kellogg and 143rd Street. That is the site. You can see in the background the homes to the north. Now we’re on the northeast corner of the site and we’re looking back to the south and the west. You can see the hedge row that is between the frontage road of the residences of Springdale to the south and Kellogg. Then this is the area further to the west. There is that Office zoned tract and a lake and then homes that back up to that lake. Again, we’re on the tract and we’re looking a little bit more to the west. This would be Kellogg and this would be the vacant tract to the west across 143rd Street. Now we’re looking from the site in question to the north. This is 143rd Street on the left-hand side. This is the first home and second home that back up to the 20 acre site. Now we’re looking along that north property line to the north and the east and the homes that back up to it. Some are fenced and some are not. Some have more and some less landscaping. Now we’re looking from the tract to the east and this line, the back line, where you see those heavy evergreen trees, they represent the eastern boundary of the tract. This low point in the middle is where that reserve was for the drainage pond. So there is a strong evergreen row on the east side, a little bit less so on the north side. We’re looking now south and here is where behind the row of trees are the homes of Springdale and the frontage road. This is the drainage pond about the middle of this section. Now we’re looking from Kellogg. This is the tract in question and this is about the mid point of that 20 acres. This is the quarter mile point where there is an opening now that provides access to these property owners to the east on the north side of Kellogg and also that opening provides left turn access to Springdale to the south off the screen. So this is the boundary line, the east line of the tract and the boundary between this 20 acres and the estate to the east. That was this line that we were looking at and that was the opening on Kellogg that we were looking at. I’ll try to answer any questions that you have at this time.”

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Chairman Winters said, "Thank you Marvin. I have a couple of questions. One, on that vote, what happened to the three people on that vote. There apparently were 14 people there at one time and then there was 11. Did somebody have to leave the meeting?"

Mr. Krout said, "Well, it was a long hearing and sometimes people need to run to the restroom after that. So I guess a few of them thought it was over but there was a little more discussion and it was a little bit confusing and three of them had left and were absent for the second vote."

Chairman Winters said, "Okay, secondly, on the protest petitions, in looking at that area immediately to the north of this site, it looked like in the protest area there was 100% appeared to be protest petitions filed. Are those all residences or is that undeveloped lot?"

Mr. Krout said, "No, that is all residential. I could go back to the aerial photograph if you want to see it, but that area has been developed for a long time."

Chairman Winters said, "So it was just inside the protest that everybody had signed that protest, is that correct then? To the north in that one development?"

Mr. Krout said, "To the north."

Chairman Winters said, "Okay, that is the only question I have. Does anyone else have any questions or comments of Marvin? Seeing none, we are going to open the public hearing up to folks who would like to address the County Commissioners. To begin with, I would like to ask anyone that is here to support this zone change, if there is anyone here, applicant or others to support, would they please come forward to address the Commission."

Mr. Terry Smythe, Baughman Company, said, "We are here on behalf of the property owner, which in this case is Property Management Corporation out of Wichita. I just kind of want to summarize some of the issues that Marvin has addressed on this particular piece of property. The entire ownership that goes out to the section line is 20 acres. The actual land within the CUP itself is 17 acres. The actual property that we can develop within the CUP, once you separate the drainage pond out, the street right-of-way out, and the other reserve on the corner, we're limited down to approximately 13 acres. So it is considerably less than 20 acres. The square footage requirement that Marvin indicated is still true, but we're down to 13 acres, now 20 acres, so I wanted to paint a clearer picture of that."

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“We did at the Planning Commission meeting agree to limit a lot of the uses that could occur in the Limited Commercial Zoning. If you look at the CUP, there are 35 uses that we eliminated out of the Limited Commercial districts. As it stands now, the two parcels on the corner of 143rd and Kellogg are the only two that could have those Limited Commercial uses. So that is the property that we agreed to Neighborhood Retail. In summary, it eliminates a lot of the larger users. Large restaurants, you really can’t have any box users, the Walmarts, the K-Marts. It gets you down to more of a retail scale type development. We feel that is appropriate out there now.

“The request for the Commercial Zoning, if you look at the Comprehensive Plan, it is in compliance with the plan. That is evidenced in your minutes of the Planning Commission meeting, so we feel pretty strongly that this is where we need to be in the future. The Community Unit Plan, the landscape ordinance and requirements of the zoning ordinance all are designed and approved to help buffer and mitigate properties from each other. That is why they are there in existence and we agreed to all of those things. The CUP that is out there today is another example of how you have tried to mitigate any potential problems. We have agreed to a number of things, again in the County, that apply to City property, landscape ordinance is one of them and sign ordinance is another one of them. We fully realize that in a couple of years this property will be in the City. Things are changing out there very fast and we just know it is going to be there so we are agreed to do those things to help mitigate any potential problems out there.

“As the slides indicate, this site is well buffered. The homes on the south side of Kellogg, they are buffered by some dense evergreen trees today. The property owner to the east has a very mature row of evergreen trees. A majority of the homes to the north are buffered by deciduous and evergreen trees. There are a few houses down along 143rd Street that could add some more trees and we feel that the landscape ordinance and the zoning ordinance will allow that to be mitigated with concrete walls and additional landscaping and we’ve agreed to those.

“Drainage was an issue that was briefly mentioned at the Planning Commission meeting. As you know, in the County or in the City we cannot, as engineers, design a piece of property that does not honor pre-storm conditions. The pond that is out there today operates that way and we have permission from not only KDOT but from the State to allow the pond to be used as a drainage detention pond. So I do not believe, from an engineering standpoint, that drainage will be a concern.

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“Road improvements, again, those are issues that are discussed at the platting. If you look at the CUP, we’ve notched out all the appropriate street right-of-way for 143rd as well as Kellogg that is needed. Those will be guaranteed at the time of platting so if there is any left turn movements or right turn movements or a deceleration lane that is required off of 143rd Street, we fully realize that those will come up at the platting stage and we agree to those things.

“One point of clarification I want to repeat one more time is that along Kellogg, we’ve dedicated a frontage road. At the far east end of our property today there is an access point that allows this piece of property access to Kellogg. That appears to have been a property recently with indications from people that this may cause a lot more traffic left turn movements. As long as a year ago, I met with KDOT to discuss that access point. A year ago, KDOT was comfortable with it. They didn’t see it as a problem. In a year’s period of time, things have changed. We fully realize that after all the discussions and a lot more study that has occurred along Kellogg, that the access point could cause a problem. So we have agreed to give up our right to that access point. We will have no impact on that left turn movement today.”

Chairman Winters said, “Mr. Smythe, how much more do you have?”

Mr. Smythe said, “Two minutes at the most.”

Chairman Winters said, “Okay, go ahead.”

Mr. Smythe said, “As far as the property values and crime. I’ve been doing this for a number of years and I’ve never seen any hard evidence that there will be an increase in crime or that there will be a decrease in the property values. You’ll get comments from both sides, but I’ve never seen any hard evidence either way. If a development is done properly, it doesn’t occur. The same thing could be said for residential property.

“We have professional staff’s recommendation for approval and we agree with that. We’ve agreed to a number of issues that apply to the City that we will take to the County. Again, we’re comfortable on that. We kind of base this after a lot of discussions with Planning staff on the Belle Terre south development that was recently approved a half mile to the east on Kellogg. We think we have matched that if not exceeded that in many cases. We’re trying to use that as an example.

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“It has taken Marvin a long time to get me convinced of that, but I truly believe that we are where we need to be on this piece of property. We agree with all the staff comments. I will try to answer any questions for you if you have any. Mr. Ed Brausa, the Vice President and General Counsel for Property Management Corporation is here in addition to answer any questions. We do have a letter from an interested buyer for a piece of property out there. There was some discussion about whether this is truly speculative zoning, like the Belle Terre south one is. There is some. Anytime you do rezoning, there is some speculative zoning, but we do have a buyer that is interested in some property out there today. We could produce that letter if you care to see it.”

Chairman Winters said, “Okay, thank you very much Mr. Smythe. I see no questions at this time. Thank you for your presentation. Is there anyone else here who would like to speak in support of this application? Anyone else who would like to speak in support? Seeing no one, could I see a show of hands of those who would like to speak in opposition? How many of you here today would like to speak in opposition? All right, fine. If the first speaker would please come forward.”

Mr. Terry Pullman, 14724 E. Siefkes, Wichita, said, “I’m one of the homeowners in the area that would be affected by this rezoning if allowed. You only saw three hands raised in response to this request because prior to this meeting, we discussed amongst ourselves and agreed that rather than having 15 or 20 of us speak only three of us would speak. So we would ask your understanding and tolerance if any one of the three speakers exceed the five minutes allotted. It will ultimately save time and we would ask your understanding to let us go beyond that five minutes.”

Chairman Winters said, “Okay, we were a little flexible with the applicant so I think we could be flexible with you. I think we do appreciate the fewer number of people and I’m sure you can get all the points. I just hope you don’t go on for ten or twenty minutes, but we’re going to set the timer for five, but we’re going to be flexible sir. I think you’ve done a good thing.”

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Mr. Pullman said, "Thank you. As stated, this parcel has been zoned Single Family Residential for years. My wife and I knew it before we bought our house and most of the area homeowners knew it before they bought their homes. All of us relied on it. That parcel had been zoned Single Family for years when Property Management Corporation bought it. They knew that fact. They knew that not only was it zoned Single Family Residential, but it was surrounded by existing single family residential developments and other land already zoned Single Family Residential. Notwithstanding that, they bought it any way and they are trying to rezone it. That just amounts to speculation and in my business, that amounts to assumption of risk. They didn't need to buy that particular bit of land, they did. On Kellogg, between 143rd East and Webb Road, there are eleven separate parcels of land, each conspicuously posted for sale and they have been for years, that are already zoned Limited Commercial, Light Commercial, or Commercial, and those eleven parcels of land that have already been for sale for years, the Property Management, for whatever reason, chose to not pursue, comprise of approximately 768 acres. They didn't want any of those, they took this. They assumed the risk, they are speculating. They are speculating arguably at our expense, the homeowner's expense.

"If the Commission denied their request to rezone, Property Management Corporation does not necessarily have to suffer because of their speculation or assumption of the risk. Before these matters ever came up to this hearing and for a long period of time, there has been an outstanding offer from a local area resident in our area to repurchase this land from that corporation at a fair market value. They know it, they don't want to do it because they think they can make more money, more profit, out of a commercial development.

"Property Management Corporation apparently believes that the highest use for this land is commercial. That unfortunately is a self serving statement. I will agree that their quickest potential for a fast profit is to have this land rezoned Commercial and develop it commercially. The homeowners do not agree that it is indisputable that the highest or best use for this land is commercial. We feel it is residential. They claim that residential development would be stagnated in that 20 acre parcel of land because of its proximity to a high traffic flow area like Kellogg.

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“Well, just historically, and if you are familiar with some of the east side development, that doesn’t hold much water. Tell that to existing homeowners at Ox Point, which is located at Webb and 29th, really close to K-96. Tell that to the owners at Shady Brook, which is located really close to the Turnpike at 143rd East and Central. Tell that to the owners at Springdale East, who is one of the immediately affected areas here. The owners of White Tail on 13th by K-96, and the owners at Springdale Estates, one of the parcels in the developments really affected by this rezoning request. To say that their homes don’t have value because they are in close proximity to a high traffic area, because this parcel of land doesn’t have any value kind of flies in the face of the logic of the people who have bought these homes and have spent lots of money. It flies in the face of that logic. To grant the rezoning request on this 20 acre parcel of land and make it commercial would adversely affect, contrary to what the representative has said, it would adversely affect the residential property values in that area. Prior to the meeting, I prepared and handed out to you folks, and I trust you have them in front of you, a little hand out from Pat Isham. She is a local Realtor with 20 years or more of experience in the local residential real estate market. Her statement quite simply is that if commercial property comes in residential values go down. That is it in a nut shell and that is what she is saying in her handout. You can read that at your leisure, that’s what it says. We also believe that if this property is allowed to be rezoned commercial our residential values will go down. Their representative said he doesn’t believe that. That’s fine, but we don’t want him gambling with our values. I don’t think that is really appropriate. He wouldn’t want us gambling with their values. We don’t want him gambling with our residential values. It is not a risk that we’re wanting to take.

“As Mr. Krout stated, there were 183 protest petitions filed against this rezoning. Of those homeowners within 1,000 feet radius of this proposed rezoning parcel, almost 63% opposed this. Development directly to the north of this proposed parcel for rezoning, Park East, 100% of the homeowners in that development opposed this rezoning request. As the maps that were previously put up show, on 143rd East, on the west side, between Kellogg and Central, there are 160 acres of land that are currently zoned Single Family Residential. Maybe it is a poor statement, but if you allow this property to be zoned commercial, it would be a foot in the door that would almost guarantee that those 160 acres on 143rd, would ultimately go commercial as well. This 20 acre parcel would be the first domino. The falling of those dominos would cause those 160 acres to become commercial because that would probably then be limited to that because of a decrease in property values. The continuation in the falling of the dominos would also decrease the property values of the residential properties in the area.

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“There have been some comments about crime. We don’t have any hard statistics about that. I don’t think anybody really tried to keep those statistics. Common sense says that if you allow rezoning to commercial there will be an increase in crime in the immediate area. No one can say how much, but historically and by using common sense, crime will follow commercial development. Crime will follow this commercial development if you allow the rezoning. We’re talking possibly auto theft and burglary, vandalism, residential burglaries, and hopefully not, but probably, more serious crimes. No one wants more crime in their neighborhood. Your vote today is going to tell us if you want more crime in our neighborhoods. We hope your vote is no on the rezoning.

“On the property tax revenues question, and this is a little bit speculation because we don’t know how many parcels would be built on this parcel or how many houses could be built on that 160 acres. Property tax is based on the appraised or fair market value of property. Commercial is at 25%, residential is at 11.5%. On this 19 or 20 acre parcel, assume that a residential developer could put 15 homes on that area, at \$125,000 each. That is probably a lot number both for the price of the home and the number of homes, but let’s just assume that. That would generate an assessed tax base of \$215,500 from which the taxes would be computed on the mill levies. For an equivalent tax base to be generated on the commercial property, that would have to be over \$860,000 of commercial value. On the likely developments, if this is allowed to be rezoned, do you think that is really going to happen if you put a car lot in there or a convenience store or a dry cleaner or a liquor store? We don’t. We think the County will ultimately make more money as far as tax revenues by keeping this area single family residential and ultimately keeping that 160 acres on the west side of 143rd Street residential. You will make more tax revenue that way than you ever will by allowing it to go Commercial.

“For the homeowners in our area, and there are a lot of homeowners in our affected areas, we feel that the highest use for this land is to keep it Single Family Residential. It is also our belief that for the County tax revenue purposes, the highest use for this land is to keep it Single Family Residential. For these reasons, we respectfully request that this commission deny the rezoning request. Would there be any questions?”

Chairman Winters said, “Yes Mr. Pullman, there is I believe. Commissioner Hancock.”

Commissioner Hancock said, “You referred to 160 acres, are you talking about the 160 acres that is on the northwest corner of the intersection of 143rd and Kellogg?”

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Mr. Pullman said, “Starting at the northwest corner, yes sir. From Kellogg going north to Central. Then on the west side of 143rd, there is a 160 acre parcel of land. The southern 80 acres is owned by Lusk Development Corporation. It is currently listed as single family residential. The northern 80 acres is currently owned by I believe Thomas Reiber, that is also zoned single family residential. That could easily be developed into a beautiful residential area of at least 300 to 400 homes.”

Chairman Winters said, “Commissioner Gwin has a question or comment.”

Commissioner Gwin said, “Thank you. One of the things that I am interested in. We, not long ago, approved a zoning change for the parcel at 159th and Kellogg, having to do with Belle Terre. That development as it comes south toward Kellogg. I don’t remember that we got any protests at that time. Do you all feel that what we did there has any impact upon you, or have you even considered it as a problem?”

Mr. Pullman said, “I personally am not intimately familiar with the details of that approval. Just from what has been said this morning, I understand that it has more limitations upon its use. That it is a higher use of more an office park type complex and things like that. The uses that we are looking at include possibly as I have said, liquor stores, dry cleaning, convenience stores, things like that. I think there is a world of difference between an upscale office complex and a 7-11, all difference to 7-11's.”

Commissioner Gwin said, “In the uses that can be used on Light Commercial, the applicant has requested, there are many of those in that area not permitted in Neighborhood Retail. Do you know how you and I guess I won’t ask you to speak for all your neighbors. How would your feelings be of zoning to Neighborhood Retail and not Light Commercial? Do you feel any differently? Neighborhood Retail would permit banks, ATMs, general office, medical service, personal care services, general retail. Is that still unacceptable?”

Mr. Pullman said, “That would still be unacceptable. My perspective is that no one can give a 100% guarantee that what is said today can’t change tomorrow. There is no certainty. Because of the lack of certainty, commercial development is something that we don’t want on that parcel.”

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

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Chairman Winters said, "Thank you very much Mr. Pullman."

Mr. Pullman said, "Thank you for your attention."

Chairman Winters said, "You bet. Next speaker. Again, state your name and address for the record. We are going to set the timer for five minutes so we'll know when five minutes has passed, but we're going to be flexible with that."

Mr. Richard D. Randall said, "I live in Park East at 371 Hillsdale Drive. I have lived there 39 years today. It was July 30, 1958, that we moved from east Wichita out to Park East into our new home. We have stayed there. I'm an attorney, retired about five years ago. We're planning to stay there as long as we can stay in our home and take care of our acre of ground. I will try to stay within the time limits. I won't say a lot. One thing I did want to kind of give you a view of the history of this area, why people like us moved out there back in the fifties. The Springdale Lakes Estate addition was platted in the last 1940s and was developing rapidly from that time. Our area was platted in 1952 by Claude Lamb and we have 45 or 46 houses on one acre or more in Park East and 20 acres was left unplatted at that time although it was zoned Single Family Residential. We have always appreciate the area out there, the eastern part of Minneha Township. It started developing very slowly. It was pretty much a pasture when we went out there. We were about the tenth house in Park East in 1958. Now it is full of trees. It has nice topography. We have a good view. There are many things about the area that we like, even the deer coming through our back yard, which has been increasing since other areas have been sort of cut off with the Northeast Expressway.

"A particular type, I would say, of person came out into the area. Most of us were either business or professional executive type people and we have appreciated the neighborhood for that reason. Also, it was a pretty area, lots of room and good access, nice homes, most of them well kept. There was no crime. We've never had any crime at all in our area. In recent years there have been a few thefts, mostly from people who came in to work in the area. We don't have people coming into the area, a car hardly ever comes in. We're sort of tucked away up on top of the hill there. Very few people even know that we are there. You can only see a few houses at the south end, which would be the north border of this tract that is the subject of the rezoning application.

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“I will say that the opposition to commercial development on this 20 acre tract is just universal in our area. We just aren’t the type of people that want that. As you know, Kellogg has a lot of commercial development on it from Augusta in to the County line, but it stops at the County line at the present. There is no commercial development from the County line to the Turnpike underpass, which is the City limits, about a mile and a half to the west.

“Why do we oppose commercial development there so strongly? Part of it is that we would like to preserve a mile or so into Sedgwick County from being just a commercial strip development like we have in so many areas. The Belle Terre area is a low area and it will be easy to sort of hide that, if not hide it, at least it will not be conspicuous. The 20 acre tract in question is elevated and you will be looking up at it and it will be very difficult to reduce the visibility of it. It will just be a dominant feature in that area. I think our area is unique. We have two old developments, 40 years or more old. To put between them 20 acres of commercial development just seem unnecessary and not wise. There will be some development along there I suppose. We know about Belle Terre. We hope that it will not be the kind of commercial development that will degrade the area.

“We do not need commercial development in our area to serve the people who are there. As you know, along 143rd Street, the development now is pretty solid from Harry clear to 21st and it will fill in rapidly. We believe that our property values will be hurt somewhat. We know that the environment will change. The access will be really complicated by the entrances on 143rd Street. It is a very restricted street that crosses the Turnpike at the north end and the bridge is narrow. There is now a stop light right at the end of the incline from the bridge. We’ve had accidents there. We’ve had lots of accidents on Kellogg. It is a dangerous spot. I’m not going to take a lot more of your time. Let’s just say that the position out there is very strong. There is no way that we can be reconciled to commercial development on that particular tract. Particularly in view of the Belle Terre tract which is just up the road between a quarter and a half a mile. Hope that you will vote to decline to approve this application and I thank you very much for hearing us out.”

Chairman Winters said, “Thank you Mr. Randall. We appreciate you being here. Next speaker.”

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Mr. Don Harp said, “Good morning Commissioners, I live at 1111 S. Stagecoach in the Springdale East Addition. I have tried to type it out. I’m going to try to talk fast so that I don’t take much more of your time. Some of the pictures that I want to hand out and some other information that I will cover.

“People are moving out of Wichita and into the country for country living. None of us picked houses next to malls and I don’t believe you received any calls from any of us asking you to build one. We’re moving into the country to get away from the City and we’d like to keep it that way. To bring up an association. Timber Lakes Addition at Harry and 143rd East, last year purchased a small tract, probably six or seven acres at the amount of \$77,000 for a small tract. The reason was that they heard that somebody was looking at it commercially. Not all of us are luckily enough to belong to a homeowners’ association with that kind of money or we would have purchased it and kept it out. I think it is interesting that we can go three miles east or west and be in any city, whether it be Andover or it would be Wichita. We don’t need an extension of the City. You might also realize that a lot of us use Central and a lot of us use Harry, we don’t use Kellogg. So as a neighborhood hub it is not going to happen, especially with the opposition against retail to begin with. A lot of people don’t plan on fraternizing with it.

“One of the articles I handed you is from the Kansas Department of Transportation. I have had many lengthy conversations with all of them up there. With the Director, with the Director of Operations and with the staff attorneys both at the Attorney General’s Office and at the staff meeting at the KDOT. Mr. Smythe stated that he would be happy to put it in writing. It is pretty clear in the second law that you can put anything in writing and the State will do whatever they want to do to that State highway. They can change it. They can alter it. You can put in a frontage road. Later, according to Vicki, they can request that a connection be made at that quarter mile section and you already have a frontage road. If they will do their study and their study shows that the traffic is backed up for the right turn lane for 143rd, they will access it and the State will do it. It doesn’t make any difference what Mr. Smythe says, what we say, or what you say. They will access it for the safety of the traffic and the flow of the traffic. According to Vicki, that is the basic law right there that they can pretty much do whatever they want within the range of that highway. So to tell us that you are going to fix it so that we will never be in jeopardy of making a left turn out of Springdale East is an unfair assumption. The Kansas Department of Transportation can block it off right now if they want to. They just have no traffic reason to do so. By putting the commercial on the other side of the street you are opening that up.

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“Very briefly, on that subject, I would like to address Commissioner Gwin’s question. All the houses on the east of 159th are another county. There are no houses south of Kellogg. There are very few houses north. When you are 1,000 mile radius of a construction, you probably didn’t get many people who even knew about it or could do anything about it. Here, most of us didn’t know about it until the people got the letter that live within 1,000 feet and that is when it mushroomed, okay. That is probably why you didn’t get much opposition to Belle Terre. But with that approved over there, we don’t need any more.

“Moving along, the main concern is that with the traffic it will increase if the mall is successful. If it is not, then it creates an eyesore for all those people coming into Wichita down the major highway with vacant buildings, broken windows, broken glass. As Mr. Smythe stated both in our meeting and in the Planning, he can state the businesses but after it is zoned commercial, for the right to survival, he can change them into whatever he wants and that was in his own words. With the large amount of traffic, the closing creates a lot of different problems. We have doctors, attorneys, and firemen that live in that area and if that was blocked off with a concrete wall, people would have to go 3.1 miles around back roads and turns and different streets to get back to 143rd and Kellogg. If somebody’s child is hurt, they have to go three miles away to head for the hospital. In addition to that, my wife operates a licensed business out of our home as a child photographer. The clientele of 1,689 visit that house at least four times a year, each one of them. That’s a lot of traffic coming down that street. If you came down that street but now you had to drive three miles out of your way to get back to where you came in, how many times would you keep visiting that business?

“Moving along, on the other is that we’d like for you to know that out of that 183 petitions there are six home additions that we did not get to. We are not used to organizing this type of situation so we had some breakdowns but there are six home additions that no petitions were passed through. You will find that most of those people are opposed to this also.

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“In addition to that, I guess I don’t understand some things, but Mr. Weber stood up at the Planning meeting and told us that the storm sewer was more than adequate to handle this. The pond that you are talking about seeps water constantly underneath Highway 54 and into the lakes of the Country Club Estates. Country Club Estates hasn’t done a study and they don’t have an engineer. These are people who have lived there for twenty plus years and they are telling me now that since you opened K-96 there is a six inch increase of the water flow over the damn. They have also told me that there is gasoline and oil in their lake occasionally that comes from Highway 54 through the seepage. This seepage is pretty much a consistent thing. In addition to that, we’re told that storm sewer is more than adequate, forget the eight inch rain, come out some time when there is a two inch rain and you will find that the storm sewers are not adequate already. If you would like you could talk to Tom and Cecilia Miller at 15236 Castle Drive, the Kaufman’s at 1200 Sagebrush and about eight other people who get flooded from the storm sewer every time it rains more than a couple of inches. In addition to that, the only thing that I would add in closing is that in the Planning meeting, Mr. Smythe was asked and he said it best when he was asked about the results of the community meeting. They simply do not want us there. That is plain, that is simple. You can’t say the traffic, you can’t say the sewage, you can’t say the property value, it is all of it. We do not want it. I have a couple of small children. One of them is studying social studies and government now. He asked me why we had to come down here and talk to you if government represents the people. That brought me back to government of the people, for the people, and by the people. The people in District Five and one are asking you to deny it. Thank you.”

Chairman Winters said, “Thank you Mr. Harp. Is there anyone else who wishes to speak on this item? Is there anyone else who wishes to speak on this item? Last call. All right, we’re going to limit discussion to staff and Commission. To those folks who were here speaking against this, I think all the Commissioners clearly realize that there were sixteen people or more who spoke at the MAPC hearing so I think you probably did do a good thing by consolidating all of your efforts into a couple of speakers. I think that is good.

“Marvin, I have a couple of questions. This is a pretty difficult case I believe because there are no clear answers. I am going to ask a couple of questions from the prospect that it would appear to me that development along Kellogg is going to happen. It is a major thoroughfare and major trafficway. What does the Comprehensive Plan say about these mile line intersections? I know that the Comprehensive Plan is not the Bible that can’t be looked at and changed, but what have we traditionally said about mile line roads?”

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Mr. Krout said, “Well, the Plan indicates that any mile line road intersection can be appropriate for commercial development. That commercial development should be clustered at those intersections in general and not stretched all of the mile line roads. That it is appropriate at any one of the intersections. It does talk about Kellogg in specific and says that it recognizes that Kellogg is largely commercialized throughout Sedgwick County and even outside of Sedgwick County and indicates that it is where more and larger scale commercial uses do belong. So if you look at the Comprehensive Plan and you look at most of the vacant acreage that is left on the map which is part of the Plan along Kellogg, we have designated for commercial uses even though it does stretch along the whole miles and in some cases recognizing that it is somewhat of a traditional pattern along Kellogg. That Kellogg has more traffic capacity. It is properly planned with access and it has improved as needs come along, but Kellogg is the appropriate place for larger scale and more commercial development.

“I can’t tell you how many hearings that I have been to where people a mile or two miles off of Kellogg have said put that commercial down on Kellogg where it belongs. So the Plan does indicate that Kellogg is an appropriate place for commercial development like this.”

Chairman Winters said, “How about at the intersection of 143rd and Kellogg? Are there traffic control signals? Are there stop lights at that intersection?”

Mr. Krout said, “There are signals. They’ve been recently installed.”

Chairman Winters said, “They are fairly new.”

Mr. Krout said, “Right.”

Chairman Winters said, “I guess the last question I have is concerning other commercial property available along that stretch of property. I don’t know how much that concerns me, I know there is no way to measure is there adequate commercial space available perhaps, but are there lots of signs of commercial property for sale along there to your knowledge?”

Mr. Krout said, “There are a number of properties that are vacant or unimproved that are for sale to the west of this site. Traditionally, commercial development will follow residential development. Sometimes it does take years until that property becomes right for development.”

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

Commissioner Gwin said, "I want to follow up on the Chairman's last question as to other parcels along Kellogg. Have those parcels been rezoned or are they to be marketed as single family, are you aware of that?"

Mr. Krout said, "The properties that are up for sale, to my knowledge, are commercial zoned already. They have been for years. We haven't had any recent rezonings in this eastern portion of Kellogg with the exception of Belle Terre CUP."

Commissioner Gwin said, "Right. On the Belle Terre, and that came up earlier, a discussion about that and I need to remind myself about that CUP that we did. Didn't we limit, pretty narrowly limit the uses on that rezone to general office or something like that?"

Mr. Krout said, "It was a large tract. It was split up into three sections, divided by Four Mile Creek and one of its tributaries. The corner of 159th and Kellogg had traditional limited commercial uses, and that was about 10% of the total. The larger tract, the interior tracts, were limited to what I call medium density uses. General retail was specifically not permitted. Retail uses were not permitted on those larger tracts. They were limited to office use, nursing home, apartments, hotel, and similar medium density uses."

Commissioner Gwin said, "Okay. Then Belle Terre is being developed from Central south to Kellogg so there aren't any existing homes yet that about this change in zoning."

Mr. Krout said, "That's right. It was all one ownership and the developer is trying to develop these both in some . . ."

Commissioner Gwin said, "My point being though that by the time that residences get developed to the south, those people will be buying those sites knowing what is proposed to the south of them, is that correct?"

Mr. Krout said, "Yes."

Commissioner Gwin said, "Okay, thank you."

Chairman Winters said, "Commissioner Schroeder."

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Commissioner Schroeder said, “Marvin, I’ve listened to all the testimony today from both sides of this. We’ve gotten all the information in the mail from you and from residents and I’ve mulled this all over. Again, the property on the south side that is in question is on the north side zoned single family at this time?”

Mr. Krout said, “Yes.”

Commissioner Schroeder said, “I guess what I’m doing is I’m thinking out loud here. For some reason, the developer thought that was an appropriate zoning for that or somebody did, I don’t know how many years ago this was zoned.”

Mr. Krout said, “Probably 50 years ago.”

Commissioner Schroeder said, “Okay. I know that times change just as today a lot of people don’t want to locate on a corner or an intersection because of the difficulty of getting in and out of it. Just as Kellogg has changed and become to some people a commercial thoroughfare. But on the other hand, when you do already have residential development in those areas, I think we have a duty to try to protect them in certain areas, understanding that there are plenty of other areas up and down all major roadways that probably you could put in commercial and it wouldn’t affect any residents. This is one of those issues of compatibility with one another. I know it is a difficult one but I’m trying to weight the strengths and weaknesses of this proposal against what those people who will have to live against this property think. That is where I get a little bit concerned about the idea of rezoning this. I don’t know, I’ve got some ideas on this. I guess I need to listen to more of what the other Commissioners have to say and any follow up you might have, but I’m having a real difficult time of changing this zoning to something else other than what it was originally intended for understanding that that is a very old, it was zoned years ago. But I don’t think the intent is any less for those people who live there. That is the part that I’m having to weight between development in that area and how these people perceive their lifestyle and what their intent for that property was and their intent was when they moved in. It is one of those situations where you wish the developer would have developed it out all the way to Kellogg as they did on the south side of the street. I’ll have more later to talk to you about. Thank you.”

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

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Commissioner Miller said, "Thank you Mr. Chairman. Marvin, on the southeast corner, which looks like it is primarily agricultural right now, at least undeveloped. It is zoned Single Family also? Southeast I believe."

Mr. Krout said, "This would be Springdale."

Commissioner Miller said, "Then it is north. It is north and west."

Mr. Krout said, "North and west? Yes."

Commissioner Miller said, "So it is Single Family?"

Mr. Krout said, "Yes, that is the 160 acres that they were talking about between 143rd and K-96 basically and that is all undeveloped and it is all currently zoned single family, which was in a way a holding zone. Everything was zoned at one time and then requests come in over time to change the zoning. The Comprehensive Plan indicates it would be appropriate to have at least a portion of that area zoned commercial to the west of 143rd."

Commissioner Miller said, "Is it agricultural now?"

Mr. Krout said, "Yes."

Commissioner Miller said, "Okay. We were talking about signage, in terms of Realtor signs that are saying commercial lots for sale. Where would we see those up and down or adjacent to this property? How close in proximity?"

Mr. Krout said, "I don't think that there are any on the north side of Kellogg. I don't think there are any for sale signs, but further to the west."

Commissioner Miller said, "Okay. Thank you."

Chairman Winters said, "Thank you Commissioner Miller. I guess I would say a couple of things and right now I know that as people live in areas particularly along major streets, time does change and we move on. I can appreciate the speaker, Mr. Randall, who has lived out here since the fifties, you certainly get comfortable with how your neighborhood is."

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“Again, as developments grow and as cities grow, I think we have normally seen commercial developments happen on major mile line intersections. So I’m going to say that I’m kind of leaning toward thinking that a zone change is appropriate here, but I’m certainly going to listen to the two Commissioners whose district this is in because they certainly know their areas much better than I do. I’m just looking at it from a perspective of an opportunity to develop a piece of property and what could be its highest and best use considering where it is on the mile line intersection road. That is a perspective that may not be shared by everyone so I’d certainly be interested if people have a different opinion, that’s going to be important to me. Commissioner Hancock.”

Commissioner Hancock said, “Thank you Commissioner Winters. I share some of the similar thoughts. I know a couple of folks have mentioned already that commercial does follow residential. It is very rare indeed where commercial will locate expecting residential to catch up. I listened to, I’m not sure I follow the logic that was given to us about crime increasing in a commercial area. Without statistics, it just seems to be common sense, well, it is really not common sense for me. I’m not sure that that follows also. I want to be sure to note that considerations in zoning cases are never based on the tax revenue. It is not a consideration for the Commission. It is not calculated and it isn’t considered. We try to determine what the most appropriate use for that particular property is. What concerns me is we have two older subdivisions, Springdale Lakes and then one north, Park East. Both of those subdivisions have been there a long time. I have to say that changes are inevitable in time. Things will change out there and they are changing rapidly now. It is a very high growth area, especially along Kellogg and Central. So when I look at this, I can appreciate the feelings of folks who live in the area and their desires, but I think that the expectations of the corridor between the County line and the Turnpike overpass expectations that it will always be nothing but residential is probably an expectation that is not reasonable. At some point, there will be commercial development there. I’m not sure this is the particular area that I would associate with commercial development based upon the longevity of the two neighboring developments. I know, and that is why asked the question about the 160 acres to the west, that I’m not sure if we do not put commercial development along that point, I’m not sure where I know that I would put commercial development in that particular area. Maybe we don’t want a solid corridor of commercial development, but beginning at the County line and going west, there is going to be some. It may not be solid, but there may be some. So I think it is an unreasonable expectation for us to conclude now that we should base our decision that no commercial development should be along Kellogg.

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“I have strong opinions about commercial development and its intrusion into the neighborhood. There should be certainly some buffering that goes into residential use from the more commercially developed areas. So this particular zoning case, I’m not sure the buffering is going to be there. So I’m going to continue to listen and I pretty much know how I feel about this zoning case, but I can be persuaded one way or the other. Thank you Mr. Chairman.”

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

Commissioner Schroeder said, “Marvin, if you don’t mind, I’d like to ask you a couple of questions. You and Betsy discussed a while ago the permitted uses by right. Can you tell me what those are again for the record?”

Mr. Krout said, “In the Limited Commercial or the Neighborhood Retail?”

Commissioner Schroeder said, “The Neighborhood Retail.”

Mr. Krout said, “The Neighborhood Retail District will permit most general retail uses but limits the size of any individual business to 8,000 square feet. It will allow a restaurant but can’t be a fast food and it can’t be more than 2,000 square feet, which pretty much limits it to a sandwich shop kind of operation. It will allow banks. It won’t allow big box stores or even a supermarket size store. It won’t permit those. Those are allowed in limited commercial. It won’t allow a service station, a convenience store with gas pumps, it won’t allow vehicle repair and any of the heavier uses that are permitted in limited commercial. But it will allow the typical uses you would see in what we call a strip center as long as those individual uses don’t exceed 8,000 square feet each.”

Commissioner Schroeder said, “The neighbors have basically said they don’t want any kind of commercial type development and the speculators or the people who want to develop this property have not indicated exactly what they would be willing to do if less than what they originally proposed, which was I think a dealership if I’m not mistaken. Wasn’t that the original proposal?”

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Mr. Krout said, “Originally, they thought that could be a permitted use in Limited Commercial. It is, but only with a specific plan for a specific user and so that is really not part of the consideration today. Although someone could come back, they would have to go through this same process to request that change.”

Commissioner Schroeder said, “Thank you.”

Chairman Winters said, “Thank you Marvin. Commissioners, other discussion?”

Commissioner Gwin said, “Mr. Chairman, let me tell you a few of the concerns that I have about this. I tend to concur in part with what Commissioner Hancock said, that in putting the Comprehensive Plan together we do, this County, this City, and most cities in this County, do want commercial development along major arterials and at intersections. We don’t want the mid mile. We don’t want them to intrude upon neighborhoods. That is the case. In the Comprehensive Plan, I am pretty well confident that this parcel and the Kellogg corridor indicates that it be developed with commercial uses, whether it is Neighborhood Retail, General Office or whatever I guess is yet to be seen. Also, we have other plans and policies that we consider and we were told when we were developing this plan several times that it is just a plan and that we can change it or whatever. I’m not suggesting that we change where we think commercial development ought to be. But we have other parts of our plans and policies that talk about buffers and transitional uses that are specifically intended to protect existing residential neighborhoods. I, with the exception of some setbacks and a masonry wall, I don’t see much of an effort to comply with those in this plan.

“One of the things we have to consider is how the removal of the restrictions will detrimentally affect nearby property. That is one of the things that we really have to be concerned about. As I mentioned earlier, the masonry wall along the north and the east is nice enough, but no other buffer or land use is suggested. We do have the written opinions of a couple of qualified real estate appraisers who indicate that commercial use along residential or abutting residential properties can affect the value of those properties. I was in the real estate business for ten years prior to this job and I can tell you the demand for properties that back up to commercial property is minimal. Yes, you can sell them, but they are certainly going to sell for less than property that is closer to the interior of the neighborhood or farther removed from that.

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“Detrimentially also has to do with all the properties north and south and potentially east and west will be affected by the traffic generated from this site. That stop light put in at Kellogg and 143rd is nice, but it is not an all know all see aspect. I don’t think it is going to solve all the problems. I have already talked a little bit about conformance to the Comprehensive Plan or other plans and policies being utilized by the County. Yeah, it is probably compliant to the Plan, but I think we have others that I am concerned about that it does not comply with. I also made a note about the impact of the proposed development on community facilities. This has more to do with traffic I think that probably anything else. We all expect that Kellogg is going to continue to carry more traffic. That is the way this world is going to be and I don’t think that matters whether this parcel develops as commercial, light commercial, neighborhood retail, general office or residential. Kellogg is going to carry more traffic. I guess my concern has to do with we know that KDOT wants to limit cross traffic onto Kellogg. So I think what we have to be concerned about in this case if that is the case, all the traffic is going to dump out onto 143rd Street. Certainly, at this time, 143rd Street isn’t prepared to carry a big amount. We do have the problem going north on 143rd Street of that turnpike bridge. That is going to be a problem expanding Central because that bridge is so narrow and the roadway is narrow. We have a real construction dilemma there. But the size of the parcel is 20 acres and if limited commercial zoning were given, we could have up to a quarter million square feet of building area permitted. That is possible. When you have a quarter miller square feet of building area, you know you are going to be generating some traffic. Whether it is in one big building or in small buildings. Currently, I think we have less than 2,000 car trips a day on 143rd. This would certainly generate considerably more than that. I’m concerned about what it does to 143rd. I don’t think I would be comfortable approving the zone change without a study, I guess I have the applicant pay for it, to show how or if 143rd could accommodate this kind of traffic.

“Another thing, I think we need to consider is the length of time that the subject property has remained vacant as zoned. As far as I know, this parcel has been vacant as long as I can remember. I didn’t speak earlier, but I thought to myself, when my family moved here in 1949 I know that Springdale was developing. My dad was in the real estate business for 40 years and dad sold a lot of properties out there. I remember this. I don’t know that anything has happened to it. I don’t find anything in the minutes or anything in the records that shows that the applicant has tried to market it for sale under its current zoning use. Certainly I’ve made a note of the neighborhood opposition and it is considerable. But the neighbors need to understand that case law in this state say that your opposition is not the only matter we should consider. It is part of it. We can’t base our decision solely on your opposition.

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“We’ve got to hear all the information and we have to make our judgement based upon a myriad of facts and not just your opposition. But I appreciate on a personal note your presentation this morning, the fact that you all have gotten together and are here in an organized fashion and made your arguments distinct and to the point. From this personal Commissioners’ standpoint, it is much more effective and I encourage others to do that when they come before us. I think it gets to the point. It cuts to the chase and it helps us get on with our business.

“Your comments obviously indicate your concerns with the permitted uses in Light Commercial and even the permitted uses in Neighborhood Residential. The traffic and other problems. Your adjacency to this parcel. The applicant mentions something about Belle Terre to this and that is why I wanted to kind of go back and remember that parcel. I do see a difference. I see several big differences. The biggest of which is that residential property does not currently exist adjacent to the zone change in Belle Terre. As I asked Marvin to remind me, Belle Terre is developing from Central to the south. So when the developers get ready to develop their corner with light commercial or their general offices of whatever, that zone change is in place. Those people who buy those properties will buy them abutting those different zone uses knowing full well what is going to be there. They are not going to be surprised at a later date. So I see a great deal of difference between what we did at the request of that property owner and this one. I see them completely different as well as the uses that we permitted in the Belle Terre zoning case as opposed to this one. I guess what I’m saying is that given some of those reasons, I would be able to, I think I’ll make a Motion and we’ll see if we get a second and more discussion on it.”

MOTION

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission and deny the zone change and Community Unit Plan.

Commissioner Schroeder seconded the Motion.

Commissioner Gwin said, “I thank you for the second. I just wanted to make sure that we had a Motion on the table. If there is further discussion or other reasons why to support or not to support my Motion, I’d be happy to hear those.”

Chairman Winters said, “Commissioner Schroeder.”

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Commissioner Schroeder said, “Betsy, the reason why I tried to second your Motion is I’ve listened to the testimony on both sides and I have listened to you and the other Commissioners and I do have some concerns. One is the suitability of the property for which it has been restricted. There are a lot of parts up and down Kellogg that have developed with commercial use and there are some strong residential neighborhoods along the highway also. I think this one, this tract of land that we are talking about is along the highway also. I think this tract land that we are talking about is deep enough, just as it is on the south side of Kellogg to accommodate residential if it need be and accommodate an internal road system. I also think that the limited amount of information that we got from the applicant today that they haven’t shown us that there would be any public safety or health issues that would be improved or gained from this change. I am just having problems with this whole issue. The applicant has failed to show us that they would have any hardships if we didn’t do this. That’s why I asked Marvin, what are some of the other uses that are allowed by right under Neighborhood and he gave us those uses. The Planning Department did recommend approval but the Planning Director himself, as reading through the notes, said that this was not totally consistent with the surrounding area, the surrounding neighborhood. That in itself I think says a little bit. I just have some basic problems changing the zoning and for one, it is not in the character of the surrounding neighborhood. Well, with that I’m just going to let it go for now unless there is more discussion later then I may add to that.”

Chairman Winters said, “Thank you Commissioner Schroeder. I really didn’t try to cut you off with your second, but when I heard Commissioner Miller speak, I thought that might give an indication of what her opinion of the Motion was. Marvin, if I’m correct, this kind of a Motion would only take a simple majority to approve what the recommendation was from the MAPC, which is a denial. If we would change that to support, it would take at least four Commissioners up here to support a zone change to this Light Commercial. Just trying to set up here and do the math on what we are hearing up here. I tend to think in this case I would be supportive of the zone change. In other cases I think that have come before us in the future I’ll continue to be supportive, but I clearly hear two Commissioners who are right there on this case, so that is important to me and they certainly have voiced their opinion in this Motion. Commissioners, does anybody else have discussion? I guess, as I sit here and complicate how I’m going to vote on this. I think my vote will be a vote in the affirmative to support the Motion, it will be at the fact that the two Commissioners who have seriously studied and considered this, I value their opinions. I still in the future am going to continue to be supportive of Commercial development on mile line intersections if it is appropriate. If it is right to do.

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“I’m certainly not changing my opinion about how development should be done. Commissioners are there other discussion before we call the vote on this Motion?”

Mr. Richard Euson, County Counselor, said, “I do have a question for Commissioner Gwin. Was it your intent to include your reasons as findings in your Motion together with the findings of the MAPC?”

Commissioner Gwin said, “Yes sir, the things I spoke about before I made the Motion?”

Mr. Euson said, “Yes.”

Commissioner Gwin said, “Yes sir, do I need to go back and do that.”

Mr. Euson said, “I think that might be appropriate if you could amend your Motion to include those reasons as findings.”

Commissioner Gwin said, “Thank you Mr. Euson.”

AMENDED MOTION

Commissioner Gwin moved to include the reasons previously stated, as well as the findings of fact of the MAPC, and deny the zone change and Community Unit Plan.

Commissioner Schroeder seconded the Motion.

Mr. Euson said, “Yes, I think that is clear.”

Commissioner Schroeder said, “Just for the record, I agree with the findings that Commissioner Gwin was referring to in her discussion. This is a difficult case. This is a very difficult case. This is a developing area, but I think with the information that we have gathered here and with the findings that Commissioner Gwin and myself have presented, I don’t have a problem denying the zoning. It is one of those tough jobs that we have to do but it is not very often that we get them quite like this. I just wanted to make it clear that those findings were on the record.”

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Chairman Winters said, "Thank you. We have a Motion and then the Motion has been amended to include the findings that both Commissioner Gwin and Commissioner Schroeder talked about in their statements about their position and opinions. Commissioners, I think I am going to vote against the Motion but I clearly understand your reasoning. This is a tough one for me too and I might change my mind by the time the vote gets to me."

Commissioner Gwin said, "May I say Mr. Chairman that I understand that. As I have said, Kellogg isn't going to be just open land. We know that as this County continues to grow to the east probably a lot having to do with K-96 opening and development, we are probably going to see more of these kinds of things come to us. I think the warning I want to give to the developers or people who propose to bring zone change requests to us is that they better be able to work with the existing neighborhoods. They better be able to do their best job to protect, to buffer, to use transitional uses, those kinds of things that minimize the impact of these Light Commercial or other zone change requests on the nearby neighbors. They must do that or I'm just not going to be able to . . . well, there other might be other reasons too but that is certainly one that I want to see them do. They need also to be aware of the traffic that they are going to be adding. I think those things are very important as we see changes out there. They are to me. Thank you."

Chairman Winters said, "Thank you. Commissioners, other comments?"

Commissioner Schroeder said, "Don't ask again."

Chairman Winters said, "No more asking for questions?"

Commissioner Gwin said, "Just call the vote."

Chairman Winters said, "Madam Clerk, call the vote."

VOTE

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

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Chairman Winters said, "Commissioners, thank you. It was a good discussion. The action is that we will take the findings of fact of the Metropolitan Area Planning Commission and deny the zone request. Commissioners, as a point of order here, I think we have two more items concerning bonds and notes. We'll take those and then we'll take a short break before we start on the solid waste discussion. Madam Clerk, would you call the next item?"

NEW BUSINESS

E. RESOLUTIONS (TWO) REGARDING BONDS AND NOTES.

- 1. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$9,625,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES A, 1997, OF SEDGWICK COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.**

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "As you may recall, on July 9 of this year, you authorized solicitation of bids for \$9,625,000 of General Obligation Bonds and \$1,950,000 of Temporary Notes. Those bonds are to be issued to finance 22 special assessment projects in the County's Road and Bridge Improvement Program for 1997.

"A little note before we discuss the bids. You should have received a packet from the Manager which has several items in it, the first of which I want to discuss is the colored one that has Fitch on it. This is a little deviation from years past. In the past, the County has rated its bonds with Moody Investor Service and Standards and Poors. In addition this year it was suggested that we rate the issue with Fitch Investor Services. Moody and Standards and Poors I'm pleased to report have reconfirmed their ratings of AA-1 by Moody's and AA by Standards and Poors, which have been the prior ratings of the County and we are very pleased with those.

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“At this time, Fitch was also requested to rate and they have rated the County AA+, which is the next highest to AAA rating, which very few municipal issuers in the United States have. In so doing, they have prepared a lengthy report, which I think you will find of interest. I would like to highlight a couple of things under the paragraph on the first page called Outlook, which may be important to the citizens of the County. It states, ‘Sedgwick County’s ratings reflect the county’s sound financial management and operations, moderate debt burden, the area’s continued economic diversification, and the sizable presence of the aviation industry within the county’s economic base.’ Later on they say that, “Although airplane manufacturing maintains a dominant economic presence in the county’s economic base, diversification, particularly in the health, services, and trade sectors, has occurred over the years. Sound financial operations are aided by conservative budgeting and solid financial management.’ I think that is a pretty good summary of how they view the County’s financial position in applying this rating to the County’s debt.

“The next information you have should be a tabulation of the bids received this morning. On the General Obligation Bond issue, there were six syndicates that submitted bids, Hutchinson, Shockey, Erley out of Chicago, George K. Baum out of Kansas City, Smith Barney out of Chicago, Merrill Lynch out of New York, Harris Trust and Savings Bank, the head of the syndicate out of Chicago, and UMB Bank out of Kansas City and now regionally Wichita head of syndicate. I’d like to point out in the UMB Bank syndicate were also bids submitted by nine investment banking firms including Nations Bank, Stifel Nicolaus & Co., Inc., which also have offices here and then Harris Trust and Savings Bank account there were 16 syndicate members that also include Commerce Bank here in Wichita and Ranson and Associations.

“The low bid was submitted by the syndicate headed by Harris Trust and Savings Bank with a net effective interest cost to the County of 4.589%. It is an excellent interest rate. You can tell that the next lowest bid, submitted by George K. Baum was 4.59% interest rate, so this is a very good interest rate. As a comparative factor, we thought last years rates were very good at 4.95. This is 36 basis points below where we were last year at this time. This will achieve debt service savings for you not only in the next coming year but for the life of this fifteen year issue.

“You also have a copy of the winning bid and the debt service schedule and we have furnished that to your Finance Department and they are busily calculating these factors into your budget. There are two actions required on the bond issue we’d like you to do.

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“One is to award the bids to the syndicate headed by Harris Trust and Savings Bank of Chicago and to adopt the Resolution authorizing the issuance of the bonds. We anticipate that this closing would occur on August 26.”

Chairman Winters said, “Thank you Joe. Commissioners, you’ve heard Joe’s report, are there questions or comments?”

MOTION

Commissioner Gwin moved to award the sale of Bonds to the syndicate headed by Harris Trust and Savings Bank and 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, “Next item.”

- 2. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$1,950,000 PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES 1997-1, OF SEDGWICK COUNTY, KANSAS; FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS OF THE COUNTY; AND PRESCRIBING THE TERMS AND DETAILS OF THE NOTES.**

Mr. Norton said, “The next item concerns a similar matter on the issuance of Temporary Notes for the County in the amount of \$1,950,000.

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“Again, the County has received ratings on this issue from the three investment companies that we talked about before. Moodys rated this issue MIG 1, which is their highest rating. Standards and Poors rated SP1+, their highest rating and Fitch rated F1+, which is their highest rating in short term financing.

“The bid tabulation sheet that you have received shows a syndicate headed by United Missouri Bank, which included Commerce Bank and Country Club Bank of Kansas City, submitting a net effective average rate on the short term notes for 16 Capital Improvement Programs currently under way of 4.14%. This is an 18 month short term financing. Again, for comparative purposes, last year’s rate was 4.48%. So we are about 35 basis points below where we were last year. It reflects not only the strong credit of the County but a favorable interest rate climate at this point in time. Again, we would recommend that you award the sale of the notes to the syndicate headed by UMB Bank and to adopt the Resolution authorizing the issuance of the notes.”

Chairman Winters said, “Thank you. Commissioners, you’ve heard Joe’s report on this item, what’s the will of the Board?”

MOTION

Commissioner Gwin moved to award the sale of Notes to the lowest bidder and 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

Mr. Norton said, “Thank you very much.”

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Chairman Winters said, "Thank you Joe. At this time, we're going to take a short recess and when we come back from this recess we'll start the presentation on solid waste."

The Board of Sedgwick County Commissioners recess at 10:55 and returned at 11:00.

Chairman Winters said, "I'll call back to order the meeting of the County Commissioners, Regular meeting July 30, 1997. Madam Clerk, would you call the next item."

F. PRESENTATION OF THE RESULTS FOR COMMUNITY DISCUSSION II CONCERNING SOLID WASTE MANAGEMENT PLANNING IN SEDGWICK COUNTY, KANSAS.

Chairman Winters said, "Thank you very much. Before we get started on these two items, I would kind of preface what we're going to be doing now is we're going to hear reports from two different groups. We're going to hear a report from community discussion that has taken place earlier in December and January and then a community discussion that has just concluded in fact this past weekend. We're also going to hear a report from 28 folks who have intently worked on this project for over a year. Sometimes the conclusions are going to be similar and sometimes they're not. I think what we've engaged in here is a real attempt to do a democratic process by involving as many folks in this community as possible. When you involve a lot of citizens it is often not a clean and pretty process but often can be one that takes some real struggle. I think as we begin this process over the next thirty days you are going to see that. We've challenged both of these groups from the beginning to come out with a preferred future for Sedgwick County. There weren't any other preconditions. There were no other instructions except to try to look at what would be a preferred future. We've asked citizens and we've asked the experts, so these next two items are going to be hearing from citizens and experts. We will begin Kristi with your presentation."

Ms. Kristi Zukovich, Assistant to the County Manager, greeted the Commissioners and said, "This morning we have a report for you about the results of the second series of community sessions. In this round, we actually had the goal of defining the options available and considering the pros and cons and developing a system. Letting folks understand that it is a solid waste system."

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“I’d like to give a little bit of background in the purpose of deliberation. In other communities, when they are asking folks to come and have deliberation over an issue, it is really asking citizens to participate in discussions of the issue by providing some information to them so they can understand a little bit more clearly the issue while at the same time using their personal values and ideas and then trying to come to some kind of a consensus or idea of what they can live with. This is different than a lot of what we hear in government as far as bringing folks together and talking about issues. It is usually more a town meeting or a public hearing and in those arenas only a few people get to speak whereas the discussion process that we are going to talk to you about today really involved fewer people in smaller groups so everyone gets an opportunity to share their ideas and hear others perspectives.

“If you will recall, we were here to discuss the summary of the initial round of deliberation that was held in January about the solid waste issue. That initial round was more of a fact gathering and an opportunity for folks to come to the table to share their ideas, their values about how they felt about the solid waste issue. There were some key points that came out and of those were recycling, public education on the issue, land use, a long term solution, cost, and then pay as you throw. Those were some of the key points. These were helped to define the options that we have used now in this second round so it is kind of a continuation of our efforts from the initial series.

SLIDE PRESENTATION

“We had actually three goals in our second round of community discussion. We’ll call it CD2 as it is abbreviated there. We also expressed these to the participants of the process. The first was to inform about the solid waste system, the components and the options. Again, it is trying to have folks understand we’re talking about a system from when the trash leaves your curb to where it is finally disposed of and the options that are available within those and the pros and cons of each.

“The second part was to encourage citizens to participate in a decision making process where they have to hear conflicting points of view and perspectives and try to make some difficult choices. Then the last piece was to have them to give us some feedback on these different options so we could hear how they perceive the options available.

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“We also indicated to the groups that you would be the recipients of this information, the summary would be coming to you but this was not the only piece of information that you would be using to make your decision. In addition to the communities ideas, you will also receive today the report from the Solid Waste Planning Committee, which is a more in depth technical analysis. Then also, you will and have been receiving, other information and research about the options that are available in our community and other communities as well. All of this is designed to assist you in making informed decisions about this issue.

“Our process again was a small group process so it was designed for folks to have a greater opportunity to have their voices heard. We had small groups of ten to six people. They met for anywhere from one hour to one and a half hours, just a one time meeting. They were open to anyone in Sedgwick County and again, it was an opportunity for them to hear other folks perspectives about should happen with our solid waste. When we started this process we wanted to again get as many people involved as possible. So we used a variety of ways to inform the folks that we were doing this. We have numerous contacts in the small cities. We have existing community networks of neighborhood associations. We have established groups being civic groups or business groups. We also utilized a church mailing to over 300 churches in our area. We provided a newspaper insert, which you have seen as well. This was included through a newspaper circulation as well as provided free at area Kwik Trips for folks to pick up. We used a television ad to encourage participation and we had numerous media news stories on the topic. In this process, we were able to do this because we had some help. We had internal and external facilitators or people to go out and run these meetings, because getting folks together in groups of six to ten takes a lot of meetings and we had 19 internal and external folks, people who don't work for Sedgwick County but were willing to come and give their time to facilitate and run the meetings for us.

“We went out to 65 different locations throughout Sedgwick County. That was both in the City and in the smaller cities as well. We had 1,270 interested individuals in the process who met again for a one time meeting, sometime between the period of June 16 through July 26. Again, we went almost every where within Sedgwick County. Just to give you a little indication of what the participants looked like, 75% were City residents. We had a split of 54% male and 46% female, 76% married, 24% single, we had a high degree or more educated folks in that they have at least some college or technical school, 82%. We had a great number of folks over the age of 40 who were interested in participating in the process. You see the split of ethnicity of 88% Caucasian, 8% African-American, 1.5% Hispanic and American Indian and .3% Asian and .7% specified as other.

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“In the materials that we provided through the newspaper insert and through our meetings, we actually had four components that we had the participants look at; separating your trash, collecting your trash, charges for your trash, and then final disposal. Again, designed to let folks understand that it was not just to focus on where do we put it as a final source, but all of the other pieces that go into this.

“When they came to the meeting, the individuals had some tasks that we asked them to do. The first one is that we had them to read certain sections of the newspaper insert. That was kind of their study guide as we worked through the process. As they looked at the different options and the pros and cons of those options, we actually asked them to consider the impact of each of those options on people who live in other areas. In other words, just don’t necessarily think of your particular situation, because we’re trying to come up with a community solution, but consider how these options will impact rural landowners or business or perhaps low income folks or elderly or the youth. What is the impact that these are going to have on people either now or in the future.

“They were asked to individually rate the options then on a five point scale. They were individually asked if they would be willing to pay more for any options and to indicate which if any. Then once they had that information completed they had their group discussion. Where as a group they had to come up with some recommendations, up to three, with an I can live with it type of an attitude.

“The options that we provided to them under separating your trash were: all trash mixed together, which is the current system; the separation of grass and leaves; separation of construction and demolition debris; separation by type of recyclable; and then separation by mixed recyclable. Under collection of your trash components again there were five options: the current system, which the private companies are the haulers; the second, the private companies with neighborhoods doing negotiations with their haulers; franchising by some method; utility or publicly owned and operated. The charges for your trash component again involved the current system then four volume-based options between cart size, stickers, using special bags or less frequent collection. We did indicate to the folks that the less frequent collection, while though it is not currently something that we can do at this state, it was an option that numerous people had brought up as something that we should consider. Then the last component, the final disposal, which involved incinerator, local land fill, and transfer station to a regional disposal site.

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“Again, as I indicated, we asked folks in these meetings to complete their individual sheet and give us their individual preferences and then came up with some group recommendations, which we’ll call their group preferences. This first set of graphs I’m going to show to you, these are the individual preferences as we’ve compiled them. The first piece that I would like to have you understand as we look at the next group graphs is the legend that we’ve used here. The yellow is the indication of when people said they liked it a lot on a five point scale. The red is the do not like that is the other extreme, which is the five on the five point scale. Then the green bars are what people indicated they could live with. Again, that is what we’ve asked folks to come to the table and come up with what they could live with. So the could live with were actually the ones, the twos, and the threes combined.

“In this particular graph of separating your trash, you’ll note that the grass and leaves, construction and demolition, and then by type of recyclable, were by far the higher in what folks could either live with or what they liked a lot, with mixed recycling being dropped off just a little bit. This I think indicates, as you can tell, the current system being lower, indicates that there is that strong trend as well toward recycling.

“On the collection of their trash, again it is the same scale, the one extreme, the five extreme, and then what folks could live with. People tended to like the current system we have where haulers are private companies and then moved down just a little bit on the neighborhood negotiations as the next possibility and then some closeness with utility and franchise. You might note that on the do not like side of this on the red bar, it tends to go up higher as we look towards having a little bit more government involvement as you go through the list there across.

“On charges for your trash, again the higher piece was on the cart size. It is something that people understand. We currently have carts, it is just that they have the understanding that one could be smaller than the other and so that was something they liked as far as a volume-based idea but also sticking with the current system because it is something they are familiar with. As you see we get into the stickers, the special bags and less frequent, it is something that they are probably not as familiar with and may take a little more effort than what they are accustomed to with the carts.

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“On the final disposal, the incineration came out as the highest on what they would like a lot and what they could live with, with land fill as the next and transfer station falling behind that. There was a lot of discussion about incineration in many of the groups, both those held in the City and outside of the City as this being something that we should do to consider how are we going to make changes for our future so we don’t have to continue revisiting this issue. I think this has a lot to do with that need for a long term solution that folks have in mind.

“Again, this is just a summary of the graphs so that you can see what the top three recommendations under each of the four components for separation of your trash, collection, charges, and final in the order that they were identified. As we said, we also asked them to come up with as a group their recommendations after hearing others perspectives in their small groups and then come up with things that they could live with. You will note that in these their top three recommendations are a little bit different than what their ideals were as individuals. Specifically in the first one their recycling by type stayed in there, the grass and leaves stayed in, but we were back to all trash mixed together, which was not one of the options that was identified as a preference by individuals. So it expanded, the scope expanded a little bit from when folks became a little bit more of hearing others perspectives and hearing their ideas, then we tended to see a little bit broadening of what people could live with under groups versus their individual preferences. Under collection of your trash, that was altered a little bit between franchises indicated by groups versus utility by individual. The charges for your trash remained the same as the top three recommendations. The final disposal remained the same as well.

“After we had some communication with other facilitators looking at the materials and the data we received, it is pretty evident that folks are strongly interested in recycling in some way so that we can reduce the waste stream that we have. Also, that they liked moving toward that long term solution, which I think is indicated strongly by that incineration number that is indicated. A couple of the pieces that they also indicated to us is that we had such a volume of information and such a limited time of a one time meeting and one hour to review all of this that sometimes people felt like it was difficult to thoroughly understand the options that were available and to make necessarily well informed decisions. They had their ideas and they had their perspectives, but at the same time, they indicated there was a need for more time to understand the options. Also that they wanted more information and facts.

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“Although we can try to provide folks with some information and try to get them to understand the issue, there are still that pieces that folks don’t understand. I think as we continue and try to do some public education to explain the components and the options and what we need to do as a community that these are pieces that we can help to bring that along. I am available if you have any questions.”

Chairman Winters said, “Thank you Kristi. A very thorough presentation. Let me just specifically thank you and the other members of the team who participated in a community discussion. I know that you were leading the way. I know that Michael Pisciotte and Carlota Ponds did a great deal of work on this project and we know how much time and effort you put into it. You had assistance from a number of other folks in the County and the facilitators and the citizens. This was a big undertaking. I think we learned a lot, probably learned some things we would do differently if we did it again. Just as a thank you, you all did great work, everybody that was involved on the staff in that process and the volunteers. Commissioner Gwin.”

Commissioner Gwin said, “Just a follow up really. I’ve lived here for a long time and this is the first time I can remember government going to such an effort to include the public in a very tough decision. I don’t mean just a few people, but there are thousands of people who have now participated in this community discussion one and two. I can’t recall in that kind of format where they are talking to one another that this has ever happened in this community. I’ve seen hundreds of people at public forums or at town meetings. I’ve seen others at meetings where someone stands up front and lectures and maybe takes questions or lets the people talk. I have never seen one that so completely goes to where the people are, lets the people talk to one another, and not be lectured to, but let the people talk to one another and lets them express their values and to start to get an understanding of this difficult decision making and the fact that it is not easy. I again want to commend you and Michael and Carlota and others who helped make this happen. The facilitators were absolutely an integral part of this and we couldn’t have done it without them. But if there is ever a model of what community decision should be and could be, I’m going to keep pointing to this one over and over again. I think this is extraordinary. As I said at my press conference Monday, I’m not surprised to see that they came out with a different preferred future than the Solid Waste Planning Committee. I keep getting calls. I keep hearing from people about incineration and I’m not at all surprised to see that it is the recommendation that came from these discussions. As you and I talked the other day, it may be that if that is the case and the Commission wants more information, we’re going to need a workshop on what that means.

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“Maybe the Solid Waste Planning Committee can help us because they have eliminated that option. It certainly is a real exercise in how you get the citizens really involved in this process. I want to thank you.”

Ms. Zukovich said, “Thank you. One point I’d like to make and you indicated that the Solid Waste Planning Committee as you know had eliminated the incineration is that we did not take it off the table as part of the discussion until folks were actually comparing three options and so while actually it came down with two that the Solid Waste Planning Committee had, it is a little bit different arena of what we compared so that I think could have a little bit of difference in the outcome.”

Commissioner Gwin said, “I’m sure it is the time and the information and the knowledge that has a lot to do with different answers. I mean I fully expected that. If all the people in the community discussion two had spent as much time around a table and in committee meetings and subcommittee meetings that the Solid Waste Planning Committee has done, they very well may have come up with a different answer too. I’m not surprised. I fully expected to see incineration came out if not the top, very close to it, because I still get comments, letters from people indicating that their concern and one of values that you showed was a long term solution. Of course right next to that is cost and we know the cost of traditional incineration is very expensive. My point I guess in saying anything is just that I commend the process and I commend those of you who may this process work specifically. Thank you. Thank you Mr. Chairman.”

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

Commissioner Hancock said, “Thank you Mr. Chairman. I just want to add to what Commissioner Gwin has already said. As the Commissioners know and by now others have been informed over and over again, I have been the cynical one considering this discussion process. I have been impressed from the very beginning at the results and at the technique utilized by the staff. Kristi, your people are to be commended for that. The design was outstanding from the beginning and certainly that helped and you have given us some thought and some consideration. I think that we’re changing. You know, elected officials are traditionally viewed as making political decisions and by definition we always will. It is our jobs and I’m proud of it. But sometimes and more and more and some of the media have finally caught on to what we are talking about. Those political decisions are based upon community values and not always political expedience.

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“I think that is what this discussion has been about. You’ve given us information that will help us together with the information that the Planning Task Force will give us, that we can make value judgements about what this community is willing and want to do based upon their preferred future. That’s new as far as I know. It is the way of the world now though and more and more governmental units are making decisions based upon values and not so much on political expedience. But don’t forget that all of our decisions will be political just by the very nature. That’s what we do. Again, thank you. We appreciate what you’ve done. You’ve made a believer out of me if nothing else. You’ve changed my mind, so thanks again.”

Chairman Winters said, “Thank you very much Kristi. Do I have a Motion to receive and file this report?”

MOTION

Commissioner Schroeder moved to receive and file.

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, “Call the next item.”

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G. PRESENTATION REGARDING THE SOLID WASTE MANAGEMENT COMMITTEE'S RECOMMENDATIONS FOR SOLID WASTE PROCESSING METHODS AND DISPOSAL OPTIONS TO BE INCORPORATED INTO THE SOLID WASTE PLAN FOR SEDGWICK COUNTY, KANSAS PURSUANT TO K.S.A. 65-3405.

Ms. Irene Hart, Director, Bureau of Community Development, greeted the Commissioners and said, "What I would like to do is take a few minutes to talk about and to review with you the purpose of the Solid Waste Management Committee. We've heard it referred to as the Solid Waste Planning Committee, the Solid Waste Management Committee, the Solid Waste Committee, it is all the same folks. Every solid waste planning authority, which is every county or collection of counties in the State of Kansas, is required by State law to have a Solid Waste Planning or Management Committee. The law says their duties are to prepare the Solid Waste Plan for your consideration, to annually review and revise the plan, and to establish goals. Now in Sedgwick County you have also added to their charge to provide advice and guidance to the Commission on solid waste issues. The Committee is formed through the basis is in State law. State law established 30 members as the maximum number of people to be on the solid waste committee. The committee should include a broad range of stakeholders. That is people who are interested in the process from a wide variety of perspectives. The law prescribes that there are a specific number of members who represent different sizes of cities within the County. It also specifies that we have representatives from the unincorporated area, the general public, citizen organizations, from private solid waste management industries that operate in the County, from private industry and from the private recycling industry. It also provides that you can appoint any other people that you think are appropriate to that committee.

"At the time the County reassumed responsibility for solid waste planning, a 19 member committee was in existence. The Commission advertised and accepted application for appointment and expand the committee to 30 members. Applications were received from nearly 70 different individuals. In working with you, and I was the staff person who worked with you to appoint these additional 11 members, I found that you generally selected people who seemed by their applications to be independent thinkers, people who did not represent an organization or any other group and who appeared to be open minded about the decisions to be made. Eleven persons were appointed and to my knowledge, in considering all the people that five elected officials would know, maybe only one or two of the applicants was even known by any of you.

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“Additionally, we found that since we absorbed the old committee and appointed these additional new ones, the terms of all 30 committee members originally expired June 30 of this year. Since they were right in the middle of the planning process, this Commission simply reappointed all of the current members to a term that would end at the end of this year. So we took the committee members that were appointed by all kinds of other folks, added some, and allowed them to do their work.

“Who are the members of this committee? There is a farmer, small business owners, waste haulers, retirees, retired engineers, a graduate student. We had environmental scientists, we had people who worked for the railroad and in sales. We have environmental activists. The majority of the members live within the City of Wichita, but they reside all across the County. We had people with large families and people with small families. We had a very diverse group of individuals.

“Since last October, three of the 30 members have resigned, two due to job changes and a third moved to another county. In general, I would estimate that since October, committee members have contributed over 1,500 hours in developing the Solid Waste Management Plan you considered last March and in developing the system recommendations which you will be hearing about shortly. Some of the committee members are here today, including the Chairman, Milt Pollitt. I would also like to extend thanks to County staff who assisted the Solid Waste Committee in arriving at their conclusions. Joe Brunk from County Public Services, Bob Neier from the Extension Services, Jack Brown from the Health Department, and Susan Erlenwein and her staff who coordinated the overall activities of the committee.

“We have here today Susan who will be presenting the committee recommendations. Also, the consultants and engineers that we have been using from Allied Environmental Consultants. I have asked Susan to present the recommendations of the committee and afterwards, Milt Pollitt, the Chairman, will have a few comments. Thank you.”

Chairman Winters said, “Thank you Irene.”

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, “The Solid Waste Committee has been working very hard since March and as you know in March, the Kansas Department of Health and Environment additionally approved the Solid Waste Management Plan for Sedgwick County.

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“The final approval is based on selection of the final disposal option and financing for that option. The committee has worked, as Irene said, many long hours and finally we’ve come up with a report that looks like this, which is a recommendation to the County Commissioners and Irene has copies that she will hand out to you right now.

“This report contains information that the committee has been working on. There is a large appendix in the report. This appendix has the background information and decision matrices that the committee members used in making their final selections. The committee looked at an overall total solid waste management system and all the components for that system. They looked at what requirements we might have of the producers of trash. Should we have requirements of the collection of trash, should we change that at all? They considered if we should process any of the material to remove recyclables and finally they looked at final disposal of the remaining material.

SLIDE PRESENTATION

“In looking at these recommendations, they considered values. I have an overhead here to show some of the values that the committee considered. One of the values that they looked at was cost. Not just the cost of tonnage, which is something that we constantly hear, what is the price per ton. They also looked at the cost for the home owner and the cost to the businesses. They looked at customer convenience. Should we have something be convenient, such as you just keep things the way they are today or do you have requirements such as separating recyclables out from the rest of the trash? What about the ability to implement, should it be mandatory or voluntary? Then the ability to enforce. If you have something mandatory, can you enforce what you just implemented? So they looked at all these aspects and would the public accept whatever they came up with. Also they considered the environment. Not just the environment now but the environment in the future. So these were values that the committee looked at when reviewing the different components of the total solid waste system.

“Now, I would like to present some of the results from their recommendations. The first recommendation that the committee has is to ban yard waste from a future disposal facility. When referring to yard waste, we are talking about grass and leaves. The yard waste comprises about 16% of our total waste our 250 tons per day of waste going to our disposal facility. A ban on this material would reduce the volume of material going to final disposal.

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“What would a person do then with their yard waste? There are many options. I, as a home owner, could decide to mulch my grass. I could compost the material. I could haul the yard waste to a compost facility and there is a compost facility already in operation in town. Or I could pay someone else to take that material to the compost facility. So there are options out there for an individual to manage their own yard waste. So that is one of the options is to ban yard waste, specifically grass and leaves from a future disposal facility.

“Another recommendation from the committee is to ban construction and demolition debris from a future disposal facility. Again, this comprises about 250 tons per day of waste going to our current land fill. Construction and demolition debris may be handled by construction and demolition land fills. A construction and demolition landfill does not have to meet sub title D requirements. Those are the federal requirements that say that a future landfill must have liners and leach collection to protect the groundwater from leaching materials. You would not expect this in typical construction and demolition debris. You have wood and bricks and rubble material. Therefore, a construction and demolition land fill does not have to meet those requirements. It is less expensive to build and the tipping fees therefore should also be less expensive for this material. The committee was concerned about home owners and disposing of projects, extending a room on a house or remodeling, that this material would be allowed in a final disposal facility. We are primarily looking at the large construction projects.

“Another recommendation by the committee is to develop some sort of volume-based trash rates. Now volume-based trash means that a person who throws away more waste is charged more than a person who throws away less waste. The exact method of developing this is yet to be determined by the committee. Should the Commissioners want to head in this direction, the committee would pick an exact method by January 1, 1998. There are many methods to do this. Kristi mentioned some that the public discussion groups looked at such as various cart sizes or stickers on bags, or buying special bags. So that is something that would have to be developed. They highly recommend that because one way of doing this is if you pay more for your trash, your recyclables would be free and therefore that encourages people to recycle more and throw away less trash, so that is a recommendation.

“The committee has also looked at recycling. They are very pro recycling and would like to have some sort of processing facility. They did not want to keep systems the way they are today. They did look at that, not changing anything, keeping our current system. But what they really want is some sort of processing of the materials to gain more recyclable material.

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“When they looked at the processing options, they narrowed it down to four final options and I have overheads to try to explain these options. These are presented to you today in the order of preference by the Solid Waste Planning Committee. The first order of preference is for a material recovery facility where the recyclables are separated out. What that means is that I, as a producer of trash, would have a trash cart and I would have a recyclable container with the recyclables separated by type, glass, paper, plastic. This material then would have to be picked up by two trucks, a trash truck would pick up the rest of the waste and a recycling truck would come by my house and pick up the recyclable container. Then this material would go to disposal. The trash truck would take it to final disposal option and the recycling truck would take it to a material recovery facility which only receives recyclable material. Then that material is separated out and sent to market. This system has advantages and disadvantages as all systems do. A material recovery facility is already present in our town. Prices that are given indicate that if we had to build a material recovery facility from scratch. If this current material recovery facility is here in four years when we implement this program, the prices he would give them would be less since it is already in existence. This requires more sorting by the producer of the trash. We would have to separate out our trash from the recyclables. Also, this requires two trucks going up and down your road instead of one truck. So that just gives you some of the positives and negatives. Another thing is yard waste. If there is a yard waste ban, you don’t see yard waste in any of these pictures. If there was a ban it would not be picked up by either truck. That means that I, as the producer, would have to handle it or pay for a third truck to come by to pick it up and take it to the compost facility. This ranked highest. This was the number one choice by the committee members. Table one in your booklet shows this option and the prices and the tonnage related to it.

“Option two was a mixed waste processing facility with separated recyclables. This differs from a MRF that we just looked at in the fact in that it can receive all the materials. So I as a homeowner may have my cart or trash can and then I would put my recyclables in a clear bag or blue bags to show that they are different from the rest of the trash. Then I could have my yard waste in a Kraft bag. All of this material could be picked up by one truck coming by my house. The blue bags could be separated as to types, such as plastics in one bag, glass in one bag, paper in another. The truck then would take it to the mixed waste processing facility where we would have sorters there to pull the blue bags and the yard waste bags out of the rest of the flow and separate them out. If you have recycling markets fluctuating as we often do they could pull more recyclables out of what is not in the blue bags, but of course these have been mixed with the rest of the trash so they will have contamination.

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“After the mixed waste processing facility works with the material and sorts it you have the blue bags being separated out and the materials going to market. The yard waste going to a compost facility. The other trash would be delivered to final disposal option. The advantage of this system is that you have one truck going up and down your road and you might be able to pull out more trash from the mixed material. However, disadvantages, you have more contamination than at a material recovery facility known as a MRF.

“The third option picked by the committee is a material recovery facility with co-mingled recyclables. This is similar to the first option except in the fact that I have my trash can with my waste. My recyclables I do not have to do as much work as the producer as to separate them out by type. The materials like paper and plastic can be mixed together. That is why it says co-mingled recyclables. Again as a producer I have to handle yard waste on my own in this situation. The next step is that you again have two trucks coming to pick up the material. The trash truck would pick up the waste from the cart and a recycling truck to pick up your mixed recyclables and then that material is then taken by the trash truck to the disposal facility and by the recycling truck to the MRF. Then it is sorted and the materials go on to the market. Again, the quality of the material would be somewhat high, just like the other MRF we talked about in the first option. If you mixed glass in this scenario and you could have contamination from broken glass getting into plastic or paper, so glass is always handled separately because of the contamination factor.

“Finally, the fourth option for processing of waste is a mixed waste processing facility with co-mingled recyclables. This was down on the list in the voting. This leads to the highest contamination of recyclable material. Basically, what you have in this scenario is all of your trash is put out in the cart the same way it is. There is no sorting by the producer of the trash. One truck comes and picks up the material. It is very easy on the producer. One truck is coming to pick it up but it is going to be very expensive to sort all of this material out at the waste processing facility. Also, you have contamination because all the recyclables have come into contact with the other material. So you have a lower quality of recyclables and that is why it rated low with the recycling committee. Again, the mixed waste processing facility we separate out the recyclables and they would be sent to market. Yard waste could be sent to a compost facility and other trash to a disposal. So this can handle the yard waste going through the facility. However, it is high contamination.

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“So that is the different scenarios the committee looked at for recycling. They do want to have processing prior to final disposal. They did look at the current system where there is no processing and really liked one of these systems.

“The next step that the committee looked at was the final disposal options. As you can see here on final disposal, the committee started out considering incineration, new and developing technologies, local land fills and transfer stations. As you pointed in committee discussion, the committee did eliminate incineration. The reason for that is the committee did study it. They went on a field trip to the incinerator down in Tulsa and they looked at the overall price of incineration. It is very high to incinerate the trash. The tonnage price is extremely high and if you remember one of the values that they considered was cost. Also, incineration has been changing through time. There were a lot of incinerators built back in the eighties. About 10% of our nation’s trash is incinerated right now. Most of those incinerators are east of the Mississippi. Once you incinerate your trash, you have something left over, ash. Think of it as a fireplace. You are burning a log, but you have to clean out the ash from the fireplace after that. You have an ash left over from the incineration so you still have material that has to be buried. In fact, 25% by weight of the material that goes into the incinerator comes out as ash and has to be buried. That ash has to be tested for hazardous components to see if there is anything that went in there, like paint or any other material, batteries, could have added toxic materials to the ash. If it is toxic then it has to be handled in a special hazardous waste landfill. So they looked that and the fact that as you burn material there is a possibility of air pollution.

“Now recently there is a new clean air act that became stricter and incinerators that are already in place have to upgrade to new federal guidelines. In fact, Tulsa is facing that dilemma right now and having to upgrade their incinerator spending over \$23,000,000 to do that. Considering those factors, the Solid Waste Committee decided that incineration is not for our community at this time.

“We also looked at new and developing technologies. They had a special session where companies came in and talked to them about new and developing technologies and have been in contact with these companies. In fact, by your direction, we developed a subcommittee on new and developing technologies. They have been looking into such things as plasma torch. They have been investigating it. In fact, they agreed that some of these have merit perhaps on a new disposal system we need to set aside ground for new and developing technologies.

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“However, KDHE (Kansas Department of Health and Environment) has made it clear that at this time it would be hard to get any new and developing technologies permitted in the State of Kansas. They do not have the criteria that they would have to review it. It would take a much longer time than we currently have before Brooks Landfill closes.

“So that leaves two remaining options, local landfill and transfer station. The next overhead is the results of the committee voting on these two options. The committee on a scale of one to six voted on if they wanted a landfill or transfer station. One was highly preferred, six was strongly opposed. The landfill is given in green and transfer station is given in red. The overall vote showed a majority of the people wanted a transfer station not a landfill. As you can see on this graph over on number one, the highly preferred, you have the red bar, the transfer station having more votes than the landfill. What is interesting is looking over at numbers six, the strongly opposed. Green landfill you had many more committee members strongly opposed to that and just a couple of committee members strongly opposed to a transfer station. So you can see by this chart that not only did the transfer station have a preference but also on the strongly opposed end more of the committee members were strongly opposed to landfills than a transfer station. That’s the last overhead.

“The committee had many discussions on transfer stations and landfill and all of the different processing options. They voted in private. We did not ask them to justify their votes. We did however have discussions where the committee members discussed how they felt about processing and these different options. Many comments were made for and against both transfer stations and landfills. It definitely was not a unanimous vote. The committee members stated many reasons for their decisions. Some of the reasons given for transfer stations was the fact that it is safer for the environment. You are talking about a warehouse with a concrete floor where the trash is dumped in it. It is pushed into either a rail car or a semi truck and then taken to a distant landfill. The distant landfill that we have looked at by committee on our field trips are geologically safer than what we have in our committee and that was another pro transfer station and anti landfill by the committee members. They felt that our County was not geologically suited for a landfill considering the groundwater contamination that has already been found in our County.

“Pro landfill also looked at the fact that subtitle D regulations have liners, leach collection and monitoring wells so if the liner did leak, you would be able to detect it with the monitoring wells.

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“So every side had two stories, a pro and a con. The committee members did look at cost. Landfills are less expensive than a transfer station. So that is a positive for the landfill. They also looked at the fact that a transfer station, being a warehouse building takes up about 20 acres. It could be located in an industrial area whereas a landfill takes up a large acreage area. It changes the landscape of that area. Since they are interested in possible new technologies in the future, a landfill is a long term commitment. Once you have built it and start filling in the cells. After it is closed, you have to monitor the landfill for thirty more years. A transfer station could be shut down and the building could be used for something else since it is basically a warehouse style building. These are comments I heard committee members make throughout the discussions. As I already mentioned, we did not ask them to justify their votes and it was a private vote. In your handout you have some of these things that I just mentioned and even more in the detailed discussion.

“In addition to the processing and the final disposal recommendations, the committee had some additional recommendations. One of those is once final disposal and our processing is selected they’d like to have a chance to look at that and see if they want to add any extra criteria to whatever the final disposal option is, such as landscaping design, buffer zone areas to protect the neighbors from the final disposal option. They would like to have the chance to look at that one more time. Also, they looked at possible locations for drop offs of material at the final disposal option. If we had a landfill or a transfer station, the home owner goes in there and they happen to have white goods, like a refrigerator, it would be nice to have a spot where the refrigerator could go specifically. If they had yard waste and there is a ban on yard waste, instead of turning them away and having them dump it on the road side, it would be nice to have a location there that could handle the yard waste or tires or any other materials. So they have a recommendation for whatever the final disposal option is of having locations for these drop off sites.

“Finally, there are certain programs that are paid for by today’s tipping fees. They would like to have these considered in a future disposal option. Programs such as your household hazardous waste programs are currently paid for by the tipping fees. We could look at public education which is paid for by the current tipping fees. So they would like these and other programs that are listed in your handout to be considered in the final disposal option.

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“Now the committee, as I said, spent a lot of time on these as you can see from the appendix. They went through many decision matrices and made a lot of decisions. They were not easy. The votes were not unanimous, but I think they’ve done a great job and I would like to thank them for their hard work. In fact, I’d be willing to answer questions, but before I do, Milt Pollitt is here and he’d like to say a few words.”

Chairman Winters said, “I think Commissioner Schroeder had a quick question.”

Commissioner Schroeder said, “No, it is discussion. Go ahead.”

Ms. Erlenwein said, “Milt would like to say a few words and then I would be available for questions.”

Chairman Winters said, “Okay.”

Mr. Milt Pollitt said, “Commissioners, I’m the Chair Person of the Solid Waste Management Committee. I was looking around to see what other members of our committee are here and there are three others that have been very active, very vocal, and excellent participants. Susan Saidian, Jim Spencer, and Karen Gale and I want to thank them for taking time to be here today. Susan’s report was very thorough, very accurate, as to what the committee decided and what their recommendations are. Unless you have questions later I won’t add any more to that. It certainly represents what was decided.

“A little bit on the committee. We, as Irene reported, there were 27 of the members left during the final days of deliberations and throughout the time since last October, I would say the attendance has averaged somewhere around 20 at the later sessions we probably had 22. Which given that we were meeting quite often, I think that is a very high percentage for a volunteer committee and I want to tell all of them I’m very proud of the way that they conducted themselves. We had very civil meetings and I think the proceedings went very well. I also at this time want to thank the County staff and the consultants that were of tremendous help to the committee. We couldn’t obviously have done all this without their help. Irene Hart and Susan Erlenwein, Jack Brown, Joe Brunk, Bob Neier, AEC Consultants (Allied Environmental Consultants) that are here, Paul Hagemeyer and Bill Keltner. So that really concludes my remarks and I’d be happy at a later time here to answer any questions you may have of me. Thank you.”

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Chairman Winters said, "Thank you very much Milt. I certainly want to extend our thanks to everyone on the Solid Waste Committee, particularly to you Milt for the guidance that you gave, but to all of the other folks who volunteered their time and effort. We certainly want to thank them and Irene who was a team leader and Susan who spent a number of hours with this group. We certainly want to thank you and I know that there are more staff people that were involved and we certainly want to express the hard work up to this point. The hard work is not quite over. I think we'll probably wait for the applause later on in the process. I've got some comments that I want to say about the process that we go on from here but perhaps it will be best if we have a little discussion first and then we can talk about that. Commissioner Schroeder."

Commissioner Schroeder said, "Susan, there are three points that I want to talk about. Overall, I appreciate the presentation. Good job. I appreciate all the good work that you've put into this project. The one thing that stands out most in my mind is that this is going to be, regardless of what we do, let me rephrase that. If we do anything to change the process that people now go through in order to dispose of their trash it is going to be a change in lifestyle. I think we need to be cognizant of the fact that it is pretty easy for us today to once a week run out, put the trash can out at the curb, which is a change in lifestyle too, if you recall when that started. They used to come into your back yard to get it, let the dog out and chase the dog down the street. Now we are going to the next step and that is to actually deal with the issue of solid waste. I just want you to know that I'm very cognizant of the fact that people's lifestyles will change and I think all of us will be. So that is going to be a major concern of mine is not the fact that something will be different, but how it is that we are going to require people to dispose of their trash. The level of difficulty if you will. I want us to be very careful of that issue.

"The other is yard waste. I think it is going to be upon us to make sure that a consumer or a producer as you call them has easy access to finding somebody to take that yard waste away, that it is not a difficult process. That it is one just as easy today as picking up a phone and hiring somebody to do that. If you just simply ban yard waste from a landfill, that is the right thing to do, but to not provide for the disposal of that in such a manner that it doesn't end up on County and township roads is something that I know your task will include."

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Ms. Erlenwein said, "In fact, when the committee considered customer convenience, that is one of the things that they did consider and we have heard from waste haulers in our area who said that they will, for a fee, pick up the waste. That was the third truck coming by. So it would pick up yard waste and take it to the facility."

Commissioner Schroeder said, "And as we go through the process, I would like to know what you think that estimate will be to do a weekly or biweekly pickup of that."

Ms. Erlenwein said, "Initial numbers we had from one hauler was \$10 a month for a nine month growing season, that would be \$90 a year."

Commissioner Schroeder said, "So you just add that on to your total calculations of what your trash bill would be. Okay. We had an interesting conversation, I think it was the Manager and I that talked about the composting issue in a community staff meeting where the community provided these composts, made them available, and had them like took a K-Mart parking lot one Saturday a month and sold these or made them available. I think that is a great process, but to go one step further, if you are talking about people recycling whatever they can that they produce. Yard waste, as you said, is a major contributor to the waste stream. If it is a major contributor to the waste stream, maybe we need to provide a way that people can buy those chippers at a price that is somewhat reasonable. Either you do it by a quantity purchase, either people come to you or we set up system that we know how many people would like to buy one and put down a deposit. I don't know what the deal is or how it would work, but not everybody can afford a \$500 to \$1,000 chipper to try to dispose of their branches and those kinds of things up on their own property."

Ms. Erlenwein said, "Currently what the committee is looking at is just grass and leaves and not the branches."

Commissioner Schroeder said, "Oh, okay. I didn't realize that."

Ms. Erlenwein said, "So right now, the recommendation is just grass and leaves. As you were mentioning, there are companies that make compost bins that have been offered at a very reduced price. I think what you were talking about referred to our weight by some people to pick up one of these. There are many ways to approach the topic and I think education is right up here with approaching the topic so that people realize what they can do and what their options are."

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Commissioner Schroeder said, "Very good. I guess I didn't realize that they were excluded. I assumed yard waste is yard waste."

Ms. Erlenwein said, "Well, because of the trouble with branches. Now that is something they are still going to look at in the future is should we or should we not have branches. Right now, it is just leaves and grass."

Commissioner Schroeder said, "Some of us that have fire places, you can dispose of those branches pretty conveniently during the right times of the year but then probably would suggest that those pollute the air and that may not be a good idea. But it is a concern of mine and I just wanted to make sure that we make yard waste disposal just as convenient to do as the others."

Ms. Erlenwein said, "I think that is a very good concern."

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

Commissioner Gwin said, "Susan, I don't know if this a question for you, maybe it is more of a question for Milt. There have been questions raised lately about when this committee started its task. I don't know how long you've been on the committee but I think it is several years, that the committee seemed to be headed for as a final disposal option, a local landfill. Now the committee's recommendation by the numbers I have in front of me is a quite high number the recommendation now is a transfer station to a regional landfill. Can you help me understand at all how the committee, why it changed, how it changed, what made you think differently, other than us, we're being blamed for it."

Mr. Pollitt said, "I think some recent events have contributed significantly to the gradual change in the committee. I am speaking specifically of the contamination that was discovered at Brooks Landfill and then later the subsequent additional contamination that has been discovered and the problems that presents. Then all of the discussion in the last week or two about using the cleaned contaminated groundwater for drinking water I think really that had an impact on the decision that the committee made. There are other factors, but I think over a period of time it has been evolved towards more in favor of a, of course it still has to go to a landfill, but more of an environmentally sound landfill and that also became more and more of an issue in our committee discussions. I think those are some factors that caused that change and added to it or perception or feeling."

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Commissioner Gwin said, “Thank you. Appreciate that. Susan, I have a question for you. Milt talked about the more environmentally suited landfills and I don’t remember where it was, but you gave me information not too long ago that suggested that there are fewer and fewer landfills in this country over the last few years. Can you talk to me a little bit more about that and why you think that has happened?”

Ms. Erlenwein said, “Back in 1988 there were over 8,000 landfills in the nation and more recently the number is under 3,000 landfills. The reason for that is you have subtitle D regulations put out by the federal government that says that new landfills that are in existence or you build adjacent to an existing landfill, must have a liner system, which is where you have the clay and plastic and gravel layers. It must have monitoring wells and leach collection for any leaking material. That causes new landfills to be much more expensive than the old landfill. They had kind of a drop date that if you landfill is still in existence after this date, you will have to monitor it for thirty years after you close that landfill. So quite a few landfills closed before that drop date because they didn’t want to be stuck with 30 years of monitoring. Then because of that, with all these landfills closing, you started getting more and more regional landfills where people would take their trash from several areas. It used to be you had not only one landfill, but you had a couple of landfills per county. Now you see counties grouping together to have one landfill and doing a regional effort and taking the waste to that one landfill. In fact, the Kansas Department of Health and Environment recommends a more regional approach to solid waste management.”

Commissioner Gwin said, “One of the things the committee mentioned too was the environmental suitability. Landfills that the committee visited in northeastern Kansas for one, I don’t know if they got to the southeast part of the state or not. I’m assuming the committee considered those more environmentally appropriate than siting one here. For what reasons?”

Ms. Erlenwein said, “They looked at the local situation where you have fairly shallow ground water from ten to forty feet beneath the surface. You have landfills in the northeast part of the State where the groundwater may be a hundred feet or deeper. You have rock layers in the northeast part of that that were very impermeable to material moving through a very tight rock as opposed to what we have here. Obviously with the amount of groundwater contamination we have in our County, it is easy to move through the layers.

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“You have a situation and especially one landfill that you looked at which is an old quarry, where they are reclaiming it. So you have the rock that has been removed and you still have over a hundred feet of rock under that and now you have a situation of putting material in that hole in the ground to build it back up to previous level. In our area, you can only dig down so far before you hit ground water and therefore you start building your trash mound above the surface layer instead of digging down in it. In fact, one landfill that they looked at said that they have a requirement that the height of the landfill cannot be a certain height above the surrounding terrain. That would be very difficult for us to perform in Sedgwick County. That is some of the things that they saw on the field trip and talked to people running the landfill. It may have helped also influence their decision.”

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

Chairman Winters said, “Commissioner Miller.”

Commissioner Miller said, “Thank you Mr. Chairman. This is probably more of a commentary, then it will probably need a comment from either you, Mr. Pollitt, or Susan. Understanding that the committee has chosen as their number one choice for disposal a MRF, and a clean MRF is what I’d call it, one where you would separate your items, clean them, and then you would have two trucks that would come by and pick up your trash and the other would pick up your recyclables. Also, not knowing or clearly understanding the market for recyclables at this time, what type of a challenge does that present to Sedgwick County in terms of being able to insure that if we do decide this is the direction that we would go and me, being one that is in favor of recycling, that those recyclables market place would stay in tact? I know that they are here, but that is a volatile area.”

Ms. Erlenwein said, “Yes it is and there are no guarantees for markets. It is a commodities market. It does rise and fall. We can look at the fact that a couple of years ago in 1995, it was a very high market. You were getting over \$200 a ton for certain papers where now you can hardly give it away. The market cycles in about a six or seven year cycle. When we developed the prices for building the material recovery facility or a mixed waste processing facility, those prices did not include making money at all. There was no revenue coming in from selling the material. If you did have high markets then you could receive revenue from the material. That could help offset the money being spent. But since you cannot guarantee it, we had no income coming in from the selling of the material in the prices that we developed. Just to get the worst case scenario.”

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Commissioner Miller said, "So those costs reflect the worst case scenario."

Ms. Erlenwein said, "The same I mentioned with the material recovery facility, that is to build one from scratch. Since there already is a facility here in town, we did not want to assume it would still be here in four years. So we had the worst case scenario in case we had to build one."

Commissioner Miller said, "I do have a follow up. Likewise, understanding that there is no given for a recyclable market or for a market of recyclables here, I believe that it will develop. But land filling from a distance, or a transfer station, what type of guarantees do we have that indeed whoever we would chose to ship our trash to would welcome it on a continuing basis once we've invested the monies to do a transfer station here."

Ms. Erlenwein said, "Approximately a year ago, the City put out for bid for transfer stations and they had five good bids from that from companies and locations who were interested in building a transfer station, hauling the material to a distant landfill. We, as a committee have looked at what is out there and what is available for landfills and transfer stations on one of our field trips. Communities have large landfills and they have told us that they could take our waste in addition to what they are already receiving for another 50 years. Then you could have the question what happens in 50 years and that could be a question if you build a local landfill, the same answer. You are sooner or later going to fill that up. Incinerators, a lot of people look at those as a long term solution. You can have to spend millions of dollars to replace burners. So I don't think there is anything that is an absolute long term solution that you won't have to do something in the future. You won't have to retrofit. You won't have to replace parts. You won't have to come under new federal guidelines as they change. So no matter what option we pick I think years in the future we will be working with this problem again. Thank you."

Mr. Pollitt said, "On the issue of the transfer station and the amount of material that they would receive. When the City took their bids, they asked for prices per ton for like 500 tons a day and 750 tons a day and on up to 1,500 tons a day. I think expecting that the lower quantities might result in a higher price per ton, that was the case but only very slightly. So as far as being a deterrent to recycling by using a transfer station, it should not be. Because the less we send the less we have to pay. That which we can recycle would not add to that total."

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“Also, the current situation on the markets. Using the drop off boxes as an example. BFI is getting paid currently to pick up and transport the material to Weyerhaeuser, Weyerhaeuser neither is charging BFI to take the material nor are they paying BFI for getting the material. The term that they use is that in the current conditions they are able to move the materials without a substantial loss to their company. So we are sort of in a neutral position right now. That is what Susan is explaining that if a facility like that or there are many other smaller recyclers in the community, that could perhaps handle the clean MRF materials without having to construct a facility. So that is an option also for us to consider.”

Commissioner Miller said, “Thank you.”

Chairman Winters said, “Thank you. One of the questions as I have gone out and spoke on this a number of times, probably the first question that comes up is why not incinerate. Susan, I know that you have addressed that a little bit in the presentation today but I know that our consultants are here. Would it possible to ask one of them to just make a brief comment about incineration again? And maybe if they feel like you’ve addressed it adequately then that would be good. And thanks Paul. I don’t mean to have caught you off guard, but if you could make a few quick comments I would appreciate it.”

Mr. Paul Hagemeyer said, “Certainly, I’m with Allied Environmental. There were several issues that the committee spent an awful lot of time discussing. Air pollution was one of them associated with the incinerator. There are several different varieties of incinerators that are available in use today. Over the past two or three years, the numbers of incinerators in the nation have dropped by ten to fifteen percent. Construction of new facilities of this type is down quite a bit over the past five years because of new regulations and increased costs. The committee did take a look at surrounding issues such as air pollution. Very many people see that an incinerator is a clean way to dispose of trash. As Susan has pointed out a bit ago, there is still residual ash that is remaining to be disposed of. There is also a particulate matter that comes out the stacks that can affect the air.”

Chairman Winters said, “Do you have any knowledge of current cost to construct incinerators?”

Mr. Hagemeyer said, “Yes, in fact Bill Keltner has pulled some of those costs together.”

Chairman Winters said, “Okay, if Bill could share that with us.”

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Mr. Bill Keltner, Allied Environmental Consultants, said, “You bet. Basically, we have worked with a major consulting firm across the United States and got some data from them, back up data. Basically, overall costs for construction of a facility in the Sedgwick County area here would be in the general range, it is quite a broad range, but it would be initial cost of \$140,000,000 to \$240,000,00. Almost 30% of that is in the air pollution equipment involved. Basically what that involves then and that gives you, everybody likes to go back to a cost per ton, we have advised that that is a very difficult concept to compare, but in that regard, you’re talking in the range of about. Well, the operation and maintenance cost then on top of the initial construction cost of hundreds of millions of dollars, would be in the \$27 to \$40 a ton just for operational cost of the facility. If you used the waste to energy concept in which you would try to get some revenues back through the sale of steam or electrical energy. The annual revenue that could be expected in the Wichita-Sedgwick County area are only in the . . . it’s less than \$5.00 to a little more than \$9.00 per ton of waste delivered. We have a wealth of electrical energy from Wolf Creek and things like that at this time. If you are putting energy back into the grid why they only have to pay for what they call their avoided cost, which is a very low amount.”

Chairman Winters said, “Bill and Paul, I would ask you as you observed the committee over the period of this time, are you satisfied that taking the incineration question off the table at this time is an appropriate decision for this day and the environment we are in now?”

Mr. Hagemeyer said, “Yeah, I believe so. Mr. Chairman, the committee did spend an awful lot of time deliberating the incineration issues from the pollution side, the cost side. I believe the minimum cost per ton that they examined was \$65 per ton category, which is approximately three times as much as landfill, where a transfer station is about 1.5 times relatively. One of the issues they also looked at is one that I am sure you are going to end up having to face and that is the fact that when the tipping fee or the tonnage fee gets that high, you have a serious issue with flow control. With collectors of waste being given some incentive to take trash elsewhere. You don’t want to necessarily build a facility and not have the income to fund it.”

Chairman Winters said, “So the real bottom line is once you build a facility it is difficult to track the trash at a price that you are going to have to pay to make it pay for itself.”

Mr. Hagemeyer said, “That’s right. It might need some subsidy or something.”

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Chairman Winters said, "Thank you. I appreciate your comments on that. Commissioners, I guess just a couple of wrap up questions unless this sparks some other discussion. We've heard where we are to this point through the community deliberation and discussion process. It is now my understanding that we are going to continue on with public hearings and opportunities for the public to comment. The first one of those will be on August 20, at our Wednesday morning meeting. We'll take comments from the public. Then on the evening of August 26, we're going to have a public hearing where we will take public comments from the public. Then on September 3, if the plan holds true and we're trying to make sure that happens, we'll also take public comment on September 3. Hopefully, if we see our way clear, we'll be making a decision on that day. We're also going to be involved in some work shops among Commissioners and staff and we continue to hope to have discussions on Wednesday morning. We're going to be discussing what really makes sense with recycling. We've had some options purposed by the Solid Waste Planning Committee. I think that is very valid.

"We are going to continue to learn more about landfills. We need to understand everything we can about them. The City is doing some detailed studies on landfills now. I would anticipate that we want to ask them what that is. We'd like to have them tell us why landfills seem to be high on their priority list. We'd like to know if they believe they can get one permitted at Furley and how long that would take if they think that is important. They do have a vested interest in landfills and I think it is important that we hear from them so we can learn as much about that as we can.

"Then there are a number of questions that I think we're all going to be asking. We're going to be asking them in parallel of both the landfill and the transfer station. Where are we going to locate it? What is the traffic access, transportation system involved around it? Are the neighbors going to welcome it? What about noise and air pollution? What about taking care of our own problem instead of shipping it to someone else and what is going to be the environmental impact?

"Randy Brown had an article in the Sunday paper where he outlined approximately those questions. I want to continue to ask them concerning a transfer station and a landfill. In his article, he said he hoped there were powerful and convincing answers to be arrived at. I'm not sure there are going to be powerful and convincing answers. I use, kind of as an example, the City's question about what to do with once contaminated water underneath the landfill.

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“If I look and think about that with my intellect, I know that I can see the scientific proof and the reasoning that that could be safe water. But when I think about it with my heart and my stomach, it makes my stomach crawl to think about drinking water that has come out from underneath Brooks Landfill. So even in the process, there was no clear existing evidence of what to do in that situation.

“As people have their minds made up in this instance, it is probably going to be very difficult to come to those kinds of concrete conclusions. I’ve learned from being a Commissioner, and I think Buzz Merit has probably put it in words that would describe my feeling when he says, democracy, whether it is representative or participatory, cannot be in the process. It involves a complex balancing of personal values, special interests, personal interests, instinct and both informed and uninformed decisions and opinions. I would hope as the newspaper continues to monitor us that they would continue to be a positive force in helping this community come to a good conclusion.

“Before I conclude, I want to say just a couple words about perhaps what I’m going to be looking at and why I am going to be looking at it. I had several informal conversations with Mayor Knight in December of 1995 and early in 1996. This was in the time when they were making the decision whether to expand on Kingsbury or not. I listened and discussed with the Mayor several times and my original thought was we needed to build on the Kingsbury site. It seemed like it was reasonable and seemed good. The Mayor was very intent that that was not a good environmental site. He named the reasons why you would select a landfill site. In that process, we talked about well if you can’t do it in one place, can you shift it from one environmentally poor site to another environmentally poor site. That didn’t make much sense but we talked about that. We talked about how you protect your neighbors. Any of us, any of you, would you want a landfill in your back yard? We have to address that question. How do you go about protecting neighbors? How do we go about preventing a bitter battle? How do we go about preventing controversy that is going to tear the community from one side to the other, particularly when we have things going really so well in Wichita, Sedgwick County. We’ve got a positive economic growth going on. We really do have a number of positive aspects.

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“One of the things that he and I agreed on at the time is that you start looking for options. What are your options? And you know that if you don’t have any options, then you know you are going to do something. You’ve got to figure out what it is. I still think in this case there are some options and I think we need to explore them. I went away from those conversations with the Mayor and that was before we had reassumed the responsibility of solid waste management and my intention was to help find options. One of those is a transfer station to a regional site. When I say a transfer station to a regional site, that does not mean that I would ever consider going to Butler County or Harvey County or Sumner County and buying a tract of land and trying to develop a landfill that we could use. But I have traveled, some with the Solid Waste Committee and some on my own to a number of regional sites.

“Susan mentioned the one in Shawnee County. It is a large rock quarry where they are going back in and filling that rock quarry with solid waste. Their permit requirements from the Kansas Department of Health and Environment require that the highest point in that landfill has to be five feet lower than any hill in the surrounding two mile radius. So that property, in fifty years from now, I think is going to be better property than it is today. It is going to fit back into that community. The same thing with the regional site in Douglas County. Huge mining operation. They are going back in to fill up this hole with solid waste. Same thing in Crawford County. The State of Kansas and the federal government want these old abandoned strip pit mines reclaimed so they look like the environment in the surrounding areas. So when I think about using a regional landfill, I don’t think about shifting our problem to somebody else’s problem. I think it is about shipping our solid waste into a facility that is going to reclaim the land. I think if we consider a transfer station, we put on these add on items, like ban on yard waste and I could certainly take a close look at any kind of organic material. Ban on construction and demolition debris. Take away this disincentive to recycle. Try to improve recycling.

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“I think we have a real opportunity to change the system from one that is based upon the need for volumes to one that is based on minimization. We can always have the landfill option. I don’t know that any of us are ready to say today that we’re not going to consider this landfill option. It is there, it will always be there, but is this the time we want to think about doing something else in our community? Is this the time we need to think about do we want to build another Brooks Landfill? I know we will build it with new technology, it will be much better than Brooks, but do we want another Brooks Landfill or Chapin Landfill in this community? I think that is going to be one of the things that we struggle with here over the next thirty days. I think it is going to give County Commissioners an opportunity to govern in kind of a consolidated manner. I didn’t say we need to consolidate City and County, but I believe that each one of us knows we represent all the constituents in this County, all 432,000 of them. This issue passes over city boundaries. It doesn’t matter where the city boundary is, this decision is going to affect everyone, whether you live in Wichita or whether you live in Mount Hope. It is a wide spread problem. I think we’ve got an opportunity to really deal with it and thinking about how a consolidated government would work. What would it look like? How would it perform? I think we have an opportunity to perform in that kind of a function. So the next thirty days are going to be kind of trying. We’re going to be on lots of issues. If anyone else any comments, we’ll talk about that. If not, we’ll close the discussion and take a Motion to receive and file the report from the Solid Waste Management Committee.”

MOTION

Commissioner Hancock moved to receive and file.

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

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Chairman Winters said, "Thank you very much Susan, Milt, and all the rest of you for being here. Before we call the next item, Commissioners, we've got four or five more items. We do need to take an Executive Session today. Do you want to take Executive Session at this point and get some lunch while we work on the Executive Session or do you want to move right on through the agenda?"

MOTION

Commissioner Miller moved that the Commissioners recess into Executive Session for 45 minutes to consider consultation with Legal Council on matters privileged in the attorney client relationship, relating to pending claims and litigation, potential litigation, legal advice, and personnel matters of non elected personnel and that the Board of County Commissioners return no sooner than 1:30 p.m.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "We are recessed into Executive Session for 30 minutes."

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:45 p.m. and returned at 1:50 p.m.

Chairman Winters said, "Let the record show that we are reconvening the Regular Meeting of the Board of County Commissioners, July 30, 1997, after an Executive Session. Let the record show that there was no binding action taken in Executive Session. Madam Clerk, would you call the next item?"

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H. BUREAU OF COMPREHENSIVE COMMUNITY CARE (COMCARE).

1. CONTRACT RENEWAL WITH DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR A TITLE XIX CERTIFIED MATCH SYSTEM AGREEMENT.

Ms. Deborah Donaldson, Director, COMCARE, greeted the Commissioners and said, “This first item is an Agreement with the State which is our Certified Match Agreement. Those dollars are the dollars that we use to match and pull down federal dollars in our Medicaid program. I’d be glad to answer any questions.”

Chairman Winters said, “Commissioners, you’ve heard Debbie’s report, are there any questions or comments? If not, what’s the will of the Board?”

MOTION

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

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, “Next item.”

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- 2. CONTRACT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE - WICHITA, MEDICAL PRACTICE ASSOCIATION, TO PROVIDE THE PROFESSIONAL SERVICES OF LYLE BAADE, PH.D. TO COMCARE.**

Ms. Donaldson said, "Commissioners, Doctor Baade provides supervision to one of our PH.D. Psychologists who is working towards licensure. Would recommend approval of this Agreement."

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

- 3. AGREEMENT WITH JOHNSON COUNTY MENTAL HEALTH CENTER FOR COMCARE TO PLAN, OVERSEE AND OPERATE SERVICES TO DEAF AND HARD OF HEARING CLIENTS IN SEDGWICK COUNTY.**

Ms. Donaldson said, "Commissioners, this is a Contract with Johnson County Mental Health where they provide money to us to help support our deaf and hard of hearing services."

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“These dollars are used for a staff position, which is an MSW, a Master level social worker, who is also himself deaf and hard of hearing and very familiar with that culture, who keeps that program viable. I’d be glad to answer any questions.”

Chairman Winters said, “Thank you. I see no questions. Commissioners, what’s the will of the Board?”

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

Commissioner Schroeder said, “Thanks for waiting around for that Debbie.”

Chairman Winters said, “Next item.”

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I. DEPARTMENT ON AGING.

1. SUBMISSION OF FISCAL YEAR 1997 (FY97) AREA PLAN REVISION TO KANSAS DEPARTMENT ON AGING.

Mr. Doug Russell, Director, Department on Aging, greeted the Commissioners and said, "The item before you is a housekeeping item to move some money from 1997 to 1998 so we don't lose the federal funds. We are moving \$7,000 in meals and \$12,000 will be moved from CDC, who is out of business, to Mennonite Housing for 1998. Be happy to answer any questions."

MOTION

Commissioner Schroeder moved to approve the FY97 Area Plan revision and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

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2. SUBMISSION OF APPLICATION TO KANSAS DEPARTMENT ON AGING TO IMPLEMENT THE FISCAL YEAR 1998 SENIOR CARE ACT (FY98 SCA) PILOT PROGRAM.

Mr. Russell said, "Commissioners, this item is to approve an application and contract, which is the same piece of paper to the State to get \$72,000 in additional Senior Care Act money from the State as one of two pilot programs. We will be the urban program in Sedgwick County. I'll be happy to answer any questions."

MOTION

Commissioner Gwin moved to approve the FY98 SCA Pilot Program and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

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3. AGREEMENTS (12) FOR CLIENT ASSESSMENT, REFERRAL AND EVALUATION.

LEVEL I AGREEMENTS

- **DORLAN BALES**
- **GAYLE CLOUD**
- **MARY CORRIGAN**
- **JAYLYN ELLIOTT**
- **SUSAN GURLEY**
- **CYNTHIA MCLEAN**
- **PHILIP OLIPHANT**
- **IRVIN PENNER**
- **GERALDINE VARGO**
- **DELPHA VINCENT**

LEVEL II AGREEMENTS

- **JAYLYN ELLIOTT**
- **IRVIN PENNER**

Mr. Russell said, “Commissioners, this begins year three of the nursing home pre-assessment screening program. Level one is for folks over the age of 60 and level two is for MR, MI clients across Harvey, Sedgwick and Butler Counties. We do these screenings before a person can be admitted into a nursing facility to find out if it is appropriate. I’d be happy to answer any questions.”

Commissioner Hancock said, “These listed below, are these clients?”

Mr. Russell said, “No, they are qualified assessors.”

Commissioner Hancock said, “Okay, I was wondering why we would list clients.”

Chairman Winters said, “All right, if there are no other questions, what’s the will of the Board?”

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MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

- J. INTERLOCAL SERVICE AGREEMENTS (TWO) WITH GARDEN PLAIN, KANSAS AND CLEARWATER, KANSAS CONFERRING AUTHORITY UPON SEDGWICK COUNTY CODE ENFORCEMENT TO PROVIDE CERTAIN BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING CODE ENFORCEMENT SERVICES WITHIN THE JURISDICTIONS OF THOSE CITIES AND ESTABLISHING PERMIT FEES AND FEES FOR THE LICENSING OF CONTRACTORS.**

Mr. Glen Wiltse, Director, Code Enforcement Department, greeted the Commissioners and said, "The Agreements that I have before you are for our Department of Code Enforcement to offer electrical, plumbing, mechanical, and constructural permit inspections and with these Agreements, we receive 50% of all the permit fees that are assessed within the jurisdiction. I would recommend the signing of these Agreements."

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MOTION

Commissioner Schroeder moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

Chairman Winters said, “Any additional discussion? Commissioner Gwin.”

Commissioner Gwin said, “Thank you. Glen, do the communities come to you and ask for this or do we go out and solicit?”

Mr. Wiltse said, “These have been brought to us in the past. Just in the last couple of weeks, I’ve talked to one other community. I’m not sure. I’ve offered them the service, now whether they will come back to us or not I’m not sure.”

Commissioner Gwin said, “Okay, just curious. Thanks. Thank you Mr. Chairman.”

Chairman Winters said, “Commissioner Miller.”

Commissioner Miller said, “Thank you Mr. Chairman. Glen, could you give me examples of what type of code enforcement services are done?”

Mr. Wiltse said, “This agreement only takes into effect the construction side of code enforcement, which would be the inspection of new houses, remodels, commercial projects, electrical systems, plumbing, those types of things.”

Commissioner Miller said, “Just a follow up with Commissioner Gwin’s question. Is this fairly typical or not?”

Mr. Wiltse said, “We have seven other cities within the County that we have the same agreements with so I think we have a total of nine I believe right now.”

Commissioner Miller said, “Is it our goal to do this within every . . .”

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Mr. Wiltse said, “We would offer that service to anyone within Sedgwick County. In the communities that I have talked to, they seem to like it. It is kind of a revenue to them plus it gives them the assurance that whatever is being built is being built according to codes and with adopting this resolution, they adopt our building codes, plumbing, electrical, and all of the licensing requirements with that.”

Commissioner Miller said, “So under our current building code, just as our zoning code, does it spread into the jurisdiction of the smaller cities if this interlocal agreement is not intact?”

Mr. Wiltse said, “It does the building, but not the zoning.”

Commissioner Miller said, “Not the zoning.”

Mr. Wiltse said, “This is strictly the construction side of our codes. Most of the communities have their own zoning requirements and a lot of them will have their own zoning inspectors and nuisance inspectors.”

Commissioner Miller said, “Okay, very good. Thank you. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you Commissioner. Commissioners, we have a Motion to approve the Agreements, any other discussion? Seeing none, call the vote.”

VOTE

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

Chairman Winters said, “Thanks Glen. Next item.”

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K. APPROVAL OF AN ESTIMATE FROM KGE FOR EQUIPMENT RELOCATION IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 628-815; INTERSECTION IMPROVEMENTS AT MACARTHUR ROAD AND WEST STREET. CIP #I-46. DISTRICT #2.

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item K is an approval of a proposal by KGE to relocate their overhead lines and poles at a cost of \$115,000 in connection with the intersection improvement project at MacArthur Road and West Street. This project is designated as I-46 in the Capital Improvement Program. The lines are not located in the public right-of-way. Recommend that you approve the relocation and cost estimate."

MOTION

Commissioner Hancock moved to approve the estimate.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Mr. Spears said, "Thank you."

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

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**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JULY 24, 1997
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the July 24 meeting of the Board of Bids and Contracts. There are five items for your consideration.

**(1) PAPER TOWELS - BUREAU/CENTRAL SERVICES
FUNDING: BUREAU/CENTRAL SERVICES**

"Item one, paper towels for the Bureau of Central Services. It was recommended to accept the low bid of Southwest Paper for \$15,890.

**(2) CERTIFIED MAILING FORMS - SHERIFF
FUNDING: SHERIFF**

"Item two, certified mailing forms for the Sheriff Department. It was recommended to accept the sole source bid of Moore Business Solution Direct. They hold the patent for these particular items and that price is \$13,390.

**(3) WINDOW BRICKING - JUVENILE DETENTION
FUNDING: JUVENILE DETENTION FACILITY**

"Item three is window bricking for the Juvenile Detention Facility. I will note that the original solicitation went out and no bids were received. We negotiated with Dwayne's Masonry for \$30,000.

**(4) FIRE STATION #31 - CAPITAL PROJECTS
FUNDING: FIRE DEPARTMENT**

"Item four, Fire Station #31 development, Capital Projects and the Fire Department. It was recommended to accept the low negotiated bid of Neely Construction, subject to a budget adjustment, that is a negotiated price for \$97,970.

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- (5) **PERSONAL COMPUTER HARDWARE/SOFTWARE - INFORMATION SERVICES**
FUNDING: INFORMATION SERVICES

“Item five, personal computer hardware and software for Information Services. It was recommended to accept the low bid of Computerland with an additional computer, because the prices were so good for a total of \$17,528.54.

ITEMS NOT REQUIRING BOCC ACTION

- (6) **SANITARY SEWER IMPROVEMENTS - BUREAU/PUBLIC SERVICES**
FUNDING: SPECIAL ASSESSMENTS
- (7) **CASE DOCUMENT IMAGING MANAGEMENT - DISTRICT COURT TRUSTEE**
FUNDING: DISTRICT COURT TRUSTEE

“There were two items which did not require action at this particular time, sanitary sewer improvements for the Bureau of Public Services, Bridgefield Addition, and case document imaging management for the District Court Trustee. Those bids and or proposals are being reviewed. Will be happy to take questions and recommend approval of the Board of Bids and Contracts.”

Chairman Winters said, “Thank you. Commissioners, are there questions or comments? If not, what’s the will of the Board?”

MOTION

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

Commissioner Hancock seconded the Motion.

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

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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

M. CONSENT AGENDA.

1. Right-of-Way Instruments.

- a. Two Easements for Right-of-Way and nine Temporary Construction Easements for Sedgwick County Project No. 618-34; Central between Greenwich Road and the K-96 Bypass. CIP #R-224. District #1.
- b. One Easement for Right-of-Way for Sedgwick County Project No. 831-Z; Rock Road between 79th and 87th Streets South. CIP #R-235. District #5.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V96079	\$214.00	\$210.00
C96073	\$241.00	\$191.00
C95129	\$345.00	\$345.00
V96063	\$324.00	\$146.00

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V96066	\$354.00	\$175.00
V93028	\$178.00	\$275.00

3. **Agreement with Michael Grbic to provide on-line access to Sedgwick County's electronic data.**
4. **Consideration of the Check Register of July 25, 1997.**
5. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970410	Finance General	
	Corrections	Transfer
970411	Legal	Transfer
970412	Sheriff-Detention Facility	Transfer
970413	Election Commission	Transfer
970414	Personnel	Transfer
970415	Appraiser	Transfer
970416	Information Services	Transfer
970417	Information Services	Transfer
970418	COMCARE	Supplemental Appropriation
970419	COMCARE	Supplemental Appropriation
970420	COMCARE	Supplemental Appropriation
970421	COMCARE	Supplemental Appropriation
970422	COMCARE	Supplemental Appropriation
970423	COMCARE	Transfer
970424	Capital Projects	Transfer
970425	Capital Projects	Transfer
970426	Capital Projects	Supplemental Appropriation
970427	Road and Bridge	
	Sales Tax	Transfer

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

MOTION

Commissioner Schroeder moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Is there any other business to come before this Board?"

Mr. Buchanan said, "We just received the bids on the PVC for the Science Center and the low bid is from Merrill Lynch at 5.1235%."

Commissioner Gwin said, "How come we couldn't get interest rates as low as we did this morning?"

Mr. Bob Rogers, Assistant County Manager, "First of all they are longer, the time period on them was 20 to 25 years. Second of all, they are revenue bonds instead of general obligation. Although we have the same bond rating with the County, they are revenue bonds technically and so we don't expect to get quite as good a rate. Those are excellent ratings."

Commissioner Gwin said, "I know, I think 5% is incredible."

Mr. Rogers said, "The Exploration Place is the first one and Public Services Building is the second one."

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Commissioner Gwin said, "Okay, great."

Chairman Winters said, "Is there other business to come before this meeting? At this time the Regular Meeting is adjourned."

O. ADJOURNMENT

Regular Meeting, July 30, 1997

There being no other business to come before the Board, the Meeting was adjourned at 2:13 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