

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

### **REGULAR MEETING**

**AUGUST 20, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, August 20, 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; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Daryl Gardner, County Controller; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Kenneth W. Arnold, Director, Capital Projects Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Tom Pollan, Director, Emergency Medical Service; Ms. Deborah Donaldson, Director, COMCARE; Mr. Harry J. Hayes, Director, Bureau of Human Resources; Mr. Scott McBride, Director, GIS Department; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Ken Williams, Chief Director, Purchasing Department; Ms. Cecile Gough, Administrator, Department of Corrections; Mr. Fred Ervin, Director, Public Relations; and Ms. A. Karen Casto, Deputy County Clerk.

### **GUESTS**

Mr. David Robbins, 2412 Gary, Park City, Kansas  
Mr. Paul Miller, 430 Waverly, Wichita, Kansas  
Ms. Margaret Miller, 43010 Averly, Wichita, Kansas  
Mr. Dean Frankenbery, 1602 West 61st North, Wichita, Kansas  
Ms. Susan G. Saidian, 7610 Foster Street, Wichita, Kansas  
Mr. Bryan G. Jaax, 11915 East 109th North, Wichita, Kansas  
Mr. Dan Wendell, 11601 East 77th Street North  
Mr. David Franks, 3001 East 2nd Street North, Wichita, Kansas  
Mr. Lane S. Burchett, Executive Vice President, Plaza Environmental Technologies of  
Oklahoma City  
Ms. Linda L. White, 404 Courtleigh, Wichita, Kansas  
Mr. Michael C. Mays, 644 North Pershing, Wichita, Kansas  
Ms. Erica Rosen, 1932 East Country View, Derby, Kansas  
Mr. Dewey Sanders, Route 1, Valley Center, Kansas  
Ms. Meribeth Claassen, Box 127, North Newton, Kansas  
Ms. Orpha Parish, 2034 Countryview Drive, Derby, Kansas

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Mr. Bruce Bodecker, 1945 Northwest Butler Road, Benton, Kansas  
Ms. Bobbie Greenup, 8746 North Greenwich, Valley Center, Kansas  
Mr. Don Skokan, 5825 Memphis, Wichita, Kansas  
Mr. Don Grunke, 27 Highpoint, Valley Center, Kansas  
Mr. Brett Heinrich, Counsel for Waste Management of Kansas, Topeka, Kansas  
Mr. Howard Johnston, Waste Management of Kansas, Topeka, Kansas  
Mr. Tim Lower, Waste Management of Wichita, Kansas  
Mr. Charlie Sedlock, Perry, Kansas  
Ms. Janet Rhodes, 1320 North Yale, Wichita, Kansas  
Mr. Paul Rhodes, 1320 North Yale, Wichita, Kansas  
Mr. Blaine Bodecker, Benton, Kansas  
Mr. Bill Taben, 7430 North 193rd East, Wichita, Kansas  
Mr. Ernie Mendoza, 6825 North 127th East, Wichita, Kansas  
Ms. Barbara Yarnell, Executive Director, Wichita Festival

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES: Regular Meeting, July 30, 1997**

The Clerk reported that all Commissioners were present at the Regular Meeting of July 30, 1997.

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

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**MOTION**

Commissioner Hancock moved to approve the Minutes of July 30, 1997, 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, "Next item."

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Mr. Daryl Gardner**, County Controller, greeted the Commissioners and said, "I certify that there are funds available for the items we have identified on today's Agenda requiring expenditure of funds. A listing of those items was provided to you previously. If you have any questions, I'd be happy to answer them."

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

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**AWARD PRESENTATION**

**A. PRESENTATION OF PLAQUE TO THE SEDGWICK COUNTY GEOGRAPHIC INFORMATION SYSTEMS (GIS) DEPARTMENT FOR ITS MAPPING TECHNOLOGY SUPPORT OF THE 1997 RIVER FESTIVAL.**

**Mr. Harry Hayes**, Director, Bureau of Human Resources, said, “A couple of things I’d like to say before we have Barbara Yarnell, the Executive Director of the Wichita Festival, make the presentation. One of the first things the County Manager told me when I was hired last year is that I’d have to give up playing golf, so I changed my ties. Seriously, what the Manager and the rest of the senior staff did impress upon me was that in working at Sedgwick County, we have to be prepared to be out of the office. That Sedgwick County was not a non-participating member of the community. The Manager indicated that it was this government’s obligation to establish, maintain, and nurture partnerships, as well as foster two way communication with citizens and other units in the community of which the Wichita Festival is.

“This morning, as I’ve indicated, I’m joined by Barbara and Scott McBride, which is the GIS Director. She’d like to recognize the GIS Department for their mapping technology support during the Wichita Festival, which seems to be something that not too many of us would be aware of. Barbara, if you’d take it away.”

**Ms. Barbara Yarnell**, Executive Director, Wichita Festival, said, “As you know, we had to move 22 out of 92 events last year, so getting the geographical information was very important to us. In all seriousness, on behalf of our Board of Directors and the staff of Wichita Festivals, Inc., we really thank you very much for your help with the mapping. I think it helped a lot, certainly our visitors from out of town and I think our own Wichita and Sedgwick County citizens in finding where we put everything this year. I would like to present this plaque to you Scott and thank you very much.”

**Mr. Scott McBride**, Director, GIS Department, said, “I appreciate it very much. I’d like to acknowledge Chris, he did all the hard work. I’ll take all the credit. It was a great group of people to work with and we really appreciate working with River Festival and it was a lot of fun.”

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**Ms. Yarnell** said, "Again, on behalf of the Board of Directors and staff of Wichita Festivals, I have your Commission plaque also, and I'll just leave it in the office. Thanks for every thing."

**Chairman Winters** said, "Thank you Barbara. We appreciate all the work the Festival Committee and the Board does. You've got a great event and we're glad that we can help in at least a small way. Thank you. Next item."

### **PUBLIC HEARING**

#### **B. PUBLIC HEARING REGARDING SOLID WASTE DISPOSAL OPTIONS.**

**Ms. Irene Hart, Director**, Bureau of Community Development, greeted the Commissioners and said, "Today is the first of three public hearings that you'll be holding regarding solid waste management in Sedgwick County. The next two hearings are August 26 at 7:00 p.m. at the Zoo in the Education Building, and September 3, at 9:00 a.m. here in the Commission meeting room. The purpose of the hearing today is for you to receive comments and advice regarding the decisions that you'll be making on September 3 regarding solid waste management systems here in Sedgwick County."

**Chairman Winters** said, "Thank you very much Irene. This is the time that we have designated for public hearing. As Irene has explained, we are in the process of making long range decisions for this County and your Board of County Commissioners certainly want to hear from the public. As you come forward to speak, please give your name and address for the record. We do have a timer today and we are going to limit discussion and comments to five minutes. So if you hear the buzzer go off, I will probably say something and then we would like you to conclude your comments as quickly as possible. Remember also that we're going to take public comment at two other times. Could I see a show of hands of how many people who are here this morning who intend to address the Commission? If everyone could hold up their hand who intends to speak. Okay, thank you very much. At this time, I will open the public hearing and we will begin comments. Will the first person please come forward?"

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**Mr. David Robbins** said, "I own a home at 927 Silverdale in Wichita and own a house also in Park City, Kansas, at 2412 Gary. Chairman Winters and Commissioners, my concern is the trashing of the Sedgwick County Comprehensive Development Plan by the City of Wichita. It makes it very difficult to do any long range planning when all of a sudden we go from the Kingsbury proposed site for the future landfill to Furley. We have a MAPD and MAPC that we spend \$1,500,000 a year on that is supposed to prevent this kind of problem from happening.

"Based on what has happened, I think the small cities should be given planning and zoning responsibilities within their area of influence. I think if the City of Furley would have been notified about the proposal of the City of Wichita to put a landfill in there, that would have become public knowledge and would have prevented a lot of these problems. I would like the GIS section to check the K-96 corridor from the City of Maize to the Meridian Interchange to see if there have been any changes of ownership of that property within a half mile on either side. What I'm concerned about is when governments operate in the dark and without public knowledge, people can take advantage of that. Some people use computers to get out there and find medallions, why not take advantage of this to enrich yourself. So the potential is there when actions are taken like this.

"The center regional council of government that has been proposed by the City of Wichita has no legal basis. I find that as an opportunity to usurp the authority of the Sedgwick County. I strongly support the City, County, State form of government that we presently have and you Commissioners have been elected by the majority of the people of the City of Wichita, also the small cities in the County and the County residents. You are the leaders of Sedgwick County.

"The Brooks Landfill leaks. If another landfill is built at Furley, it is going to leak. The cheapest and most economical siting for any future landfill in Sedgwick County is the Kingsbury site. The Kingsbury site will probably leak, but we've already got the recovery wells that are going to be mandated and also the treatment plant. It doesn't make any sense to create two separate locations to have to treat the contaminated ground water. I appreciate your time. Thank you."

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**Chairman Winters** said, "Thank you Mr. Robbins. We need to move about as quickly as we can, so I'm going to ask that you please refrain from showing any kind of reaction. I know there are some speakers that you are going to agree with and there are some speakers you are not going to agree with, so we need to restrain ourselves from any kind of public reaction. Thank you. Next speaker."

**Mr. Paul Miller**, 430 Waverly, Wichita, said, "Thank you Mr. Chairman and Commission members for giving us the opportunity to present our views. We all are concerned these days about the immediate needs for a local landfill, for a transfer station, an incinerator, or any exotic thing that we've got, but we really need to be concerned about what we are throwing away. We're throwing away too much trash. Each year we're throwing away more trash than we did the year before. The citizens of Sedgwick County are throwing away more than the national average of trash. We need to direct our attention toward reduction and this of course means education. So whatever you do, I hope there is a budget for education."

"The people must be made aware of the consequences of ever increasing piles of trash. We can't throw something away. There is no away today. It all has to go someplace. A simple thing to do is just try to apply in your every day life anything that you can do to save materials. Your proceedings here impress me today. You printed on both sides of the paper. You've saved half the paper. We could do that lots of places. We do it with books and newspapers all the time, why not do it in other things in life. This is good."

"Recycling and composting are the next steps in education. I was pleased to read in this mornings Wichita Eagle that a material recovery facility was the first item that the Solid Waste Management Committee recommended to you. Recycling, let's reuse the materials and save on our national resources and use organic waste to save making new fertilizer and soil conditioners. But to make this thing work we need to look at the end use. We need to use the recycled products generated. I suggest their first step would be that this Commission could ask your purchasing department to take a look at everything you buy and see if you're getting recycled content in that. Wherever practical, you should be using recycled materials. Your parks and highway department could certainly be using compost that is going to be generated. This is part of the problem. Just recycling doesn't do it, you've got to use the products to close the loop. You've got to budget funds to do this and you can achieve it. Some communities have reduced their trash by 40% to 50%. This is fairly common and yet we're increasing ours. So again it is a matter of education."

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“Any system that is dependent on a high volume of trash is wrong. A landfill sometimes is looked upon as an income generator. I don’t like that. Cities with incinerators are finding that those are income generators. They have to have a certain volume or the incinerator won’t work. We need to look into the current income, this year’s income, to see what we can do. We need to talk about what is the longer range, how do we take care of our trash needs? I’d like to see Sedgwick County take care of its own trash needs but if we lose sight of the fact that we’ve got less income when we have less recyclables, we’ve lost the whole argument. So for that reason, I think that the suggestion of the Committee to have first a material resource recovery facility and next have a transfer station is going to reduce the cost because you won’t have as much to transfer. You won’t have as much to transport. You won’t have as much to carry to some distant landfill. This is a first step in a matter of reduction. That is what we really need to face. Thank you.”

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

**Ms. Margaret Miller** said, “I also live at 430 Waverly. I want to keep my remarks just as short as possible and I have two main points. One is that we should never lose sight of our goal, which is to have less trash and that landfills will always eventually leak. So we need to find some other solution. This is bad not only for us but very bad for the future as we found out. As a member of, probably some of you know I’ve been working on this issue for about ten years, and I feel now we have a whole new change for a new start. That we can do better. I just want to mention briefly why I voted for a clean MRF (Material Recovery Facility), and a transfer station of the Solid Waste Management Committee.

“I believe that the sorting at the MRF of clean materials which people can provide, and this is of course a matter of education, which they haven’t had too much of so far, is an ideal situation. If you talk to the people at Weirhauser, you’ll find out that they need clean materials for things to be saleable. If they’re mixed up and dirty, they aren’t saleable. The second reason I believe that not having an expensive new landfill will encourage waste reduction. I just can’t help but believe that if we had an expensive new landfill, people are going to want to put stuff there to pay for it. I think that is something that we have to consider seriously. Third, that we are very happy that the County is considering these two solutions. That the City did not do this in the time that they were in control and we need the trash reduction and we need the system that the Solid Waste Management Committee suggested. Thank you.”

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

**Mr. Dean Frankenbery**, President, Wood Recycle and Compost Center, Wichita, Kansas, said, "We are an alternative disposal facility for yard waste and all types of wood waste. We were not intended to be a competitor to the Sedgwick County - Wichita Landfill. However, it appears at this point that we are. We started with the City in 1993 and with Joe Pajor and his group. There was a series of articles in the paper concerning yard waste and wood waste and Commissioner Kamen was very expressive in his comments about what needed to be done.

"We started working with the City to see if we could develop a disposal site that would take this 20% of items out of the current landfill. In doing this, I was told that if we would go ahead and get the equipment and permit the facility, that the City would ban those things. We started out in June of 1995, we were to have our first ban. That was delayed until January of 1996. It came up again in mid '96 and in '97, January 1 it was supposed to be enacted again. Once the City received their extension for Brooks Landfill all of a sudden recyclables and yard waste bans were no longer important. I was told by Commissioner Kamen that they just could not afford to take this revenue stream out of the City's coffers to ban this type of material.

"The Solid Waste Management Committee has, in their report, suggested that you ban these items effective January 1, 1998. We encourage you to look at that very closely. This is the right thing to do. Last week the City of Wichita presented their plan for a new landfill. They talked about a lot of things. They talked about a \$19 tipping fee and then they said the first year, and then they said at the very end that they would have to look at volume based trash and recyclables and possibly banning yard waste at a later date.

"My experience with the City is that they don't always deal in good faith. They tell you one thing and then they go a different direction. I encourage you to go along with the plan the Solid Waste Management Committee has developed and ban those items at this time and do the right thing. Thank you."

**Chairman Winters** said, "Thank you sir. Next speaker."

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**Ms. Susan Sadian** said, "I'm a member of the Solid Waste Management Committee and I can cut my presentation shorter by saying that I agree with what the Miller's have said about removing the incentive for increased tonnage in any plan that you have. Any plan that you approve should have real incentives to reduce the amount of solid waste that is produced. It is going to be inevitable but we will have tons that must go for final disposal so it is appropriate to use some of those funds for solid waste related items but I think at some point there may be some government subsidy of the collection and the disposal aspect of solid waste management. The reason I say that is that as long as there is an opportunity for somebody to be making money on the disposal and collection aspect, somebody may be trying to do it and you'll never have the real incentives that you need to reduce the total number of solid waste tons.

"I could go with the City's plan if the following were true: there were no questions that remained about the effect of any limestone formations on whether that would effect the integrity of the landfill, no questions remained about whether there were voids or whatever those gaps there are with the limestone formations that would affect the integrity of the landfill barriers. If the geology were comparable to that of the distant landfill site, all of which are Subtitle D landfills themselves anyway. I don't particularly cotton to this notion of keeping our problems here or not making our trash somebody else problem, we're all citizens of the State of Kansas, all pay taxes to the State to support KDHE (Kansas Department of Health and Environment). KDHE is there to look out for us, where ever our trash goes. I think we stand a better chance to be hit with cleanup costs if we have a local landfill than we do with a distant landfill. I believe if we have a local landfill, those cleanup costs would start sooner than if we have a landfill where the geology is as close to perfect for a landfill as there is. I don't believe there is such a thing as a perfect landfill. I also think the citizens who benefit from any landfill here, if we do decide to go with one, need to understand the impact on those who would be adversely affected and stand ready to help them. I think there would have to be give on both sides of that issue. I'm not saying that I'm in favor of a landfill, but ultimately if that is what happens, it has to be handled very carefully.

"I also think there has to be mandatory recycling with a long term commitment to aggressive public education. I have friends who don't recycle and they tell me I'm not going to unless you make me and you better make it easy or I'm going to complain a whole lot. That is an issue for education, but we don't have voluntary adherence to traffic speeding laws or to paying our taxes. It is not that hard to recycle, as a new recycler I can tell you that.

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“I read Randy Brown’s commentary that appeared in Sunday’s paper in which he drew comparisons between the drinking water controversy and this one. He stated in part that water can either be cleaned up to environmental standards or it can’t be, but can we trust the government to do it. He concludes, I think, that we can. I’m not to that point yet. I admit I’m one of the cynics on this issue. My cynicism stems from a lack of trust based on what the City has done in the past. Don’t get me wrong. The City has done some very fine things and I’m proud to be a citizen of the City of Wichita, but even this plan that they’ve submitted is much better thought out than the one that they had originally submitted, but I’m still uneasy about it.

“Leaks were occurring at Brooks over a number of years and the City staff were asked by various people if there were leaks there. My understanding is that the responses ranged from denial of the leaks existence to maybe they were only little leaks, it’s only methane gas, it’s not outside the parameter of Brooks yet so it is not officially a leak. Finally, KDHE comes in to make the City clean it up. I guess it isn’t a leak until you are ordered to clean it up, but that is not the way it is in my house. The City did not even consider participating in discussions regarding a regional landfill. I’m getting this second hand, please understand. If the City has some correction on that, you should listen to whatever their explanation is for that. At the time that these discussions were coming up, that was when the City’s expenditures of the tipping fee were not under any scrutiny at all and they needed to have continued increased tonnage and needed the income stream from Brooks. The City staff also came to one of our meetings to discuss an increase in the tipping fee. Our Committee wanted to know how exactly the money from the tipping fee was spent. Ultimately we did get some information, but one thing was clear, the City was free to spend the tipping fee proceeds as it saw fit. A staff person told our Committee, we could buy the City all new police cars if we wanted to. I don’t think they were going to, but the fact that they had that power creates a conflict of interest that is not going to help to ultimately reduce the number of tons that go for solid waste disposal.”

**Chairman Winters** said, “Ms. Saidian, your five minutes are up if you could just wrap up here.”

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**Ms. Sadian** said, “The last item that affected how I feel about the City being in control of this is the Furley purchase itself. Others who have purchased land for landfills announced their intentions to the people that they are going to buy the land from. They say we want to put a landfill here. Yes, there is the public cry, but they work through it and they buy it and everybody knows from the get go what is going on. I don’t think that is what happened with Furley and I think unless there is joint administration by the City and the County, any type of final disposal option that is administered here in Sedgwick County we are going to be revisiting this issue constantly and there is always the potential for conflict of interest. Thank you.”

**Chairman Winters** said, “Thank you very much. Next speaker. Let me remind you that we’re going to try to limit it to five minutes and I will attempt to interrupt and then you need to come to a conclusion.”

**Mr. Brian Jacks**, 11915 East 69th, said, “I am one of the two members on the Solid Waste Management Committee from the Furley area, to make a correction of Mr. Ferris’ statement Monday. Also, there are 21 members from the City of Wichita on the Committee. Just to set the record straight, there was a statement made Monday that the City staff is trying to work with people real well. That I know of, the City staff or City Council has never requested to meet with our community in Furley. Contrary to popular belief, we, as a community, do not want a regional landfill either.

“It has been suggested that we need to have a landfill to stockpile this natural resource. Mrs. Miller stated earlier that Weyerhauser wants very clean recyclables. How can we mind landfill refuse to recycle or whatever when we want to clean now and when it goes into a landfill it is going to be filthy. I cannot see the reasoning in that.

“The City’s plan calls for new technology incubation. The corporate rule of thumb is they are setting away \$100,000 a year, corporate rule of thumb is it takes \$100,000 to support the salary, benefits, whatever, of one good R & D person for a year. That does not include the facilities or equipment. Furthermore, most new technologies that are coming around the bend today are going to produce steam or ultimately electricity. Steam being the easiest and cheapest. Where are we going to sell steam to in Furley, Kansas? As a business person, if you’re going to make a thirty year investment in a facility, how hard are you going to pursue a new technology that will make that facility obsolete before it is paid for?

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“That is the ultimately goal. To develop new technologies that will solve our problems rather than pile it on top of the ground 95 feet high. That is almost as tall as the building that we are in today. Don’t kid yourself, a Subtitle D landfill is still a pile of trash with a baggy underneath it. It will look just like Brooks. You can’t see the liner underneath it. Brooks doesn’t have one but you won’t see it on a Subtitle D landfill. It is still an ugly pile of trash. A 23 foot fence will not stop trash from blowing for several miles across the country.

“Talking about new technology, there is a lot of new technology out there that have not been proven out yet. They are right around the corner. My suggestion, as far as a transfer station versus a landfill, a landfill is a 30 year commitment, a transfer station is in essence a lease contract. It is a temporary contract that we can use until we can develop the new technologies that are coming to bear. Pyrolysis is not proven, neither are liners. In the near future, I believe that some of the new technologies will be more cost effective. They will be proven out to work.

“From what I see in the City’s proposal is very much the same as what has been done for the last 10 or 15 years, pretty much status quo. It does little for household hazardous waste. The City has a full-time household hazardous waste program right now, but they have not told us, they have not told anyone. They don’t even have a sign out front yet that you can find the place. It does very little for recycling. Their proposal will attract 40 tons a day of recyclables. At 1,000 tons per day land filled, that is 4%. It provides for a dump that will look very much similar to Brooks.”

**Chairman Winters** said, “Mr. Jacks, if you could come to a conclusion please.”

**Mr. Jacks** said, “I will. It will be 20 to 30 feet higher than Brooks is presently today. It reminds me of a quick little story. The husband and wife were getting Thanksgiving dinner together and the wife had the turkey cut in half and the husband says honey, why do you do that? She says well, it’s because mom did it. Why did she do it? They called mom up and said well, it was because grandma did it. They called grandma up and said grandma, why do we always cut the turkey in half. It’s because the pan wasn’t big enough for the whole turkey. Are we going to keep doing the status quo just because we’re used to it and that’s the way we’ve done it in the past or are we going to look for a better way. Thank you.”

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

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**Mr. Dan Wendel**, said, "I live at 11601 East 77th North. I've been trying to put some numbers together and I'm awfully confused with the plan the City came out with the other day. I looked on the cover of their proposal and they talked about \$22 a ton for landfill, \$38 a ton for transfer station, a thousand tons a day and I calculated that out and it comes to a little over \$5,000,000 in savings. Then they have another place back in here where they're talking about \$28.18 a ton it could get up to. When I calculate that out, it is only about \$3,000,000 some in savings. They were talking about \$7,000,000 to \$9,000,000 the other day. I guess I'm not calculating right. I need to know how to do that. Can somebody help me with that?"

"The next thing I was looking at on this plan the other day, they talked about \$2,100,000 to take care of the landowners. They are talking about the landowners just around the dump and down Greenwich Road to 254. There are probably 30 to 40 landowners out there. It took \$4,000,000 some to be four or five out here a year ago, I'm not sure how far that \$2,000,000 is going to go. When Greg Ferris was asked about it he said well, we're going to sell some of these houses or buy some of the houses and sell them to people who will want them and take a little loss on them, but not that big a loss. I'm sure that George Laham can probably find some blind, deaf, people who can't smell to sell these houses to. They'll probably recoup some, but what are they going to do with the rest of it. I guess we can take it, like Greg said, out of that savings he calls because the landfill is cheaper, but is it really a savings when you haven't collected the money yet? I think it is money we don't have yet.

"What about the roads, \$600,000 for a road from 85th down to 254. I think we need shoulders on that road because the ditches are awful deep and has anybody considered an interchange at 254? It is being turned into a four lane right now, it hasn't yet. I guess we've always had two lanes there, but when the trash trucks back up because there is no interchange, I guess we can just keep on going on the two lanes, we're not used to the four lanes yet so I guess that will be fine. But if we do put an interchange in, I guess that can come out of the savings that we're talking about or money that we don't have yet.

"Then we get up to the landfill itself. I ran into a little thing here in the federal register, it says something about the EPA makes notice that it is clear that every part of a landfill will eventually degrade and break down. It talks about having to put a new cover on it after so many years it has been closed. It talks about having to put new wells down because they deteriorate. We're talking about, we've got an insurance policy that they're going to buy on this thing.

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“After the landfill is closed, they have to keep renewing that insurance policy every year, where is that money going to come from? Who is going to take care of these costs? We’re not talking about, you know I can’t figure out here how long we’re talking about. Are we talking a hundred years, a thousand years? How long are we going to keep that trash in there and we have to keep these liners maintained and how are we going to maintain the liner? Is it going to be like a liner on a baby where we can just slip a new one in there when it goes out? I think Tom asked about the moth balls the other day and was told that these moth balls really don’t make it leak but Phillips, who makes those liners, has got some information in some of their literature that some of the chemicals in moth balls do attack these liners. They are bound to leak someday. The consultant the other day, he had a little remark that two guys from the City said no they don’t leak, but the consultant worded it a little differently and we got him on camera and I wrote it down so I wouldn’t mess it up. I think his name was Tom Brown. ‘These landfills don’t leak that much.’ That is on camera. Everybody can watch that film again if they want to. So I think that we need to look at what we are doing up there and maybe the landfills will leak and maybe it is not cheaper to put a landfill in. We’ve got a lot of costs that weren’t associated in that report. Thank you.”

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

**Mr. David Franks**, 3001 East 2nd Street, Wichita, said, “I would like to address three considerations as the new solid waste system is being assembled. First, there seems to be a lot of public support for recycling as part of the system. One concern that has emerged is that there might not be a market for recyclable materials. Interest in recycling has already proven to be a market for us. Many products are packaged in recycled materials to some extent and new products manufactured from recycled materials have appeared on the market. A number of companies have discovered the PR value of using recycled materials. Perhaps Sedgwick County could join with other governments in the Midwest to publicize their commitment to recycling to coordinate efforts to sale recycled materials and to develop or attract business that use recycled materials. If recycling is shown to be a public interest at the municipal or county level, as it is now seen as an individual concern, its strength as a market for us will increase. Much of our household trash consists of chip board and numbers 4, 5, and 6 plastic, which are recyclable in some cities. With regional cooperation, it might be possible to develop a market for them here or cause manufacturers to use more universally recyclable materials in their processes.

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“Second, the County has dismissed pyrolysis as a viable option because it is considered to be an experimental technology. I did a pyrolysis experiment in chemistry when I was in high school so I guess that is true. However, pyrolysis is a predictable chemical process. In fact, it is no more experimental than landfill technology, which are subject to the laws of chance rather than to the laws of chemistry, but which is favored by the County. I would rather see the County spend my money on an actual solution, which I consider pyrolysis to be, rather than on a proven risk, which is dependence on a landfill regardless of where that landfill is. Is there not any grant money or seed money available for development of a pyrolysis plant? Perhaps one could be developed in cooperation with the university system. They get a lot of private money for engineering projects.

“Third, I hope that the new solid waste system will charge for trash disposal by weight or volume and not charge for recycling. My wife and I throw away about half or two thirds of a cart full of trash every month and recycle actually more than that by weight. We already subsidize other people’s children by way of paying property taxes and I see no reason why we should pay as much as a large family to dispose of our trash and do our recycling. Further, as much as 10% of our trash and recycling, which consists of cans, bottles, wrappers, and fast food containers, cigarette butts and packages and spent butane lighters, is thrown into our yard by inconsiderate passers-by. Additionally, a large part of the County’s solid waste burden is to do over packaging for convenience. To address these issues, I suggest a County wide, one cent per container tax on all carry out restaurant, deli, snack food, vending machine purchases, liquor and cigarettes. Revenue from this tax would be used to subsidize the solid waste system. This would help compensate those of us who do not carry out as much food as our yards would indicate and those who carry out a lot of food would have lower trash rates as well. Purchases made by non-residents would increase the benefit to County residents. Thank you.”

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

**Mr. Michael Mayes**, 644 N. Pershing, Wichita, said, “I attended the meeting Monday when the City gave its proposal to the County Commission, or a portion of it. One thing I did notice just from sitting before the meeting started was that sort of like even when they were considering building the Walmart on Rock Road, the people in any community don’t want their community disturbed no matter what it is, whether it is a Walmart, a landfill, or whatever. I’m sure when Brooks was built, some of the residents in Furley didn’t mind sending their trash to Brooks.

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“Even though I understand, because nobody wants their community disturbed, but when I worked for a couple of farmers in Sterling when I was in college and there is a lot of waste and smell and stuff in producing beef, whether it is pork, chicken, or beef, and the farmers would call it the smell of money. The residents nearby that didn’t derive any profit from that called it foul. I think that we should really consider when we’re talking about how to dispose of our waste, first of all, I think recycling should be a large part of that. Along with that, whether we send our trash via a transfer station, it is still going somewhere, it is going to somebody’s community. I think that we should try to look at this in a new way, take more of a Polly Anna attitude towards it and seeing it as an opportunity instead of a problem.

“I’ve been working for months in my community trying to develop ways of dealing with the trash and using it to unite the community in which I live. I think I have come up with some ways where we can make recycling more effective also while reducing the cost of recycling. I think if anything, if it is legislated that you need to recycle, people are going to resist to a point. I think when you make it beneficial to them to recycle, they not only do it more zealously but with a benefit to them. I have some suggestions that I would like to share with whomever would like to listen about not only recycling but reducing the cost of being able to benefit the community through our trash seemingly problem, which I view an opportunity.

“In closing, I’d like the people of Furley, of which I know none, but I know that just being a citizen, and I wasn’t here when Brooks was built, but whether it is trash that we’re talking about today and tomorrow it will be something else, but we all need to stop and think about that, be it the County, the City, the State, the country, the world. We are all a member on this planet and there are a lot of things we don’t want done, but sometimes we have to just bite the bullet and look at a bad situation and make it an opportunity instead of seeing it as just a problem.”

**Chairman Winters** said, “Thank you very much Mr. Mayes. Next speaker.”

**Mr. Lane Burchett**, Executive Vice President, Plaza Environmental Technologies of Oklahoma City, said, “We have followed the process here in Wichita with considerable interest for quite some time. I’m here to address a number of things but I’ll be very brief.

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“As one of the previous gentlemen was talking about pyrolysis and new technologies, the new technologies are available. One of the most exciting things is that those technologies normally produce marketable products. That alleviates somewhat the initial expense. You will not spend more money on the new technology that you will a landfill over the life time of the landfill.

“With the new EPA regulations that gives the communities liabilities on those things for 30 years post closure, as to what the laws are now and what they might change them to, is simply an open check book. Obviously, a landfill doesn’t leak too much. But the EPA has also determined that landfills are the greatest cause of ‘greenhouse gases’ in the nation in the form of CO2 and methane. Our answer to that is to simply eliminate landfills. Landfills were designed as a temporary process when they were initially started. Of course with the development of environmental awareness, we become more and more aware that they are not the most cost effective of safe things that we can do with the waste.

“One thing I particularly wanted to address was the liners. Yes there are chemicals that will cause them to leak. They will leak. The technology is available to answer the problems. Thank you.”

**Chairman Winters** said, “Thank you sir. We appreciate your coming to Sedgwick County this morning to share your information. Next speaker.”

**Ms. Erica Rosine** said, “I live at 1932 East Countryview in Derby. I am here to ask you not to approve a landfill for reasons of health, environment, and future expense. I can’t imagine that rational minds would actually consider putting a 95 foot high pile of trash in the middle of a housing area and a main agriculture area. What is going to happen when the wind blows or there is a tornado? Will there be trash everywhere? Who is going to pay for the damage to the properties involved? Is there going to be a 95 foot high fence around this ten story pile of trash? Adjacent crops will be ruined by birds, rodents, and debris, not to mention air pollution. I am asthmatic and I know about air pollution because I lived in the Los Angeles area for nine years. We moved here to Kansas for a better quality of life and I appeal to you not to take that quality of life away from the children that reside in the area which the landfill will be put in if it is approved. In twenty years, my generation is going to have to pay for the cleanup of this landfill? I see this landfill as a quick fix to a problem that can be dealt with in different ways.

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“I request that you approve the recommendation of the Solid Waste Management Committee. Why not try a transfer station or recycling? There are other landfills in Kansas that are already built that are far away from housing areas that we can use. In the near future, my generation will probably come up with safe incineration and so why commit ourselves to a twenty year plan. I’m sure that many of you wonder why somebody from Derby cares so much. It is because Derby was also an area that could have been used for this landfill and I thought about how that would affect my life. I don’t think anybody deserves a pile of trash on their lawn like a landfill. There is a book that I’m certain the Wichita Chamber of Commerce is proud of called the Visions of the Heartland by Howard English. I quote from the first paragraph, ‘Wichita, all American city.’ Now are we going to have to change this to read, Wichita, all American city, we throw our trash in the lawns of people who life in the rural Sedgwick County. Thank you.”

**Chairman Winters** said, “Thank you very much. That was very good. We appreciate you coming. You thought about that quite a bit. Thank you very much. Next speaker.”

**Ms. Linda White** said, “I live at 404 Courtleigh, and you may remember that I’m the one that is building a house within a mile of the proposed landfill. I wanted to give you an update on our building progress. We’ve been building this house for three or four years and it continues to be a never ending story of all the problems that we’re having. Last Thursday, we were going to put in a ground source heat pump system for heating and air conditioning and to do this we had to dig a 5 ½ foot pit, 50 feet square. We dug two of them. In the process of digging these 5 ½ foot deep pits, immediately upon the shovel picking up the dirt and pulling it out, water started filling up in the bottom of these holes. I realize we are almost a mile away from the proposed landfill, but I can see where it is going to be from where we are digging these pits. The water started filling up and now after five days of sitting there with the nice straight sides, the dirt and the clay are starting to fall in on the floor. The sides were nice and straight when he dug them, but there is enough water seeping through the sides of these dirt walls that they are falling in. So I encourage you to keep listening to us saying there is a lot of ground water out there. It is not a nice flat clay structure that will keep water from moving around. There are fissures, there are all kinds of things going on down there. I don’t know what they all are, I just know that I have now, in a house that was never designed to have a sump pump, we have two sump pumps working about 24 hours a day and I have pits that are falling in on themselves that are only 5 ½ feet deep. Thank you for listening to me.”

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**Chairman Winters** said, "Ma'am, could you tell me what your address is?"

**Ms. White** said, "In the city?"

**Chairman Winters** said, "No."

**Ms. White** said, "Oh, in the County. It is 8000 North Webb Road."

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

**Mr. Dewey Sanders** said, "Thank you for giving our people this opportunity."

**Chairman Winters** said, "Mr. Sanders, state your name and address for the record."

**Mr. Sanders** said, "I'll just scratch the surface a little bit. I too had an opportunity to read the City's proposal."

**Chairman Winters** said, "Just a second. Dewey Sanders for the record. We need your name and address."

**Mr. Sanders** said, "Dang, you know that. I'm Dewey Sanders from Gobbler's Knob, located at Route 1, Valley Center. I come down here as the main turkey to present to you the view from Gobbler's Knob. Now I think we've got it figured out.

"I, too, had the opportunity to read the City's proposal and to be quite frank, I hadn't read anything quite that far fetched since I had tried to read Alice in Wonderland. I never got through it. I like to deal with realities. In that report, I find some contradictions of some rather silly things and you've read it and you've probably spotted them too, so we'll not go into those, but quite obvious. The color of my hair gives me a license to go back in history because I lived it. Twenty some years ago another landfill was proposed in our community. The land was acquired in the same devious manner that this proposed landfill now has been acquired. An engineering firm came in and made an assessment of the location and they said you couldn't find a better place in the United States to put a landfill. It was ideal, impermeable clay, there was no water there.

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“They got their permit and they went into operation. About seven or eight years later we closed them down. They now are still pumping water out of the substrata trying to clean up that area and my question is if there was no water down there, where is this water coming from?”

“Now those of us that lived in that area, we knew there were two water wells on there that the old farmer used to supply household and stock water when he resided there. All the geology maps showed us that there was a dry hole down there, oil exploration. But those people said there were no wells on the place. Now, let’s go back again to the City of Wichita. You people probably know how many, I don’t, I’ve heard of several landfills in this city that have been abandoned. They go in and they start one and they dump junk in there and whenever they get in trouble, they cover it up and they go over and try another one, just about like mama’s old cat does. They’ve done that time and time again. They fouled this one up here. They are proposing to move over and try another one. They are just bound and determined to foul up another area. Now, when you go hire somebody to do a job, you just don’t say Bill I’ve got a job here and if you want to do it and Bill says hey, I can do this and I can do that. Talk is cheap. Let’s look at the record. You don’t hire anybody for an important job until you check into what their past history has been. Anybody can say they can do anything and they will do thus and so. But if you want to know what kind of a person you are dealing with, go back and see what they’ve been doing. Why do we force our school students to study history? So we don’t make the same mistake we made back then. These folks have made mistake after mistake after mistake and they are wanting to make another one. I think the Solid Waste Management Committee’s proposal is a good sound proposal. It is a temporary thing but we’re taking care of the issue until we decide what we are going to do on a permanent basis. I’ve got a whole bunch more but I know you’ve heard enough. Thanks for the time.”

**Chairman Winters** said, “Thank you very much for being here Mr. Sanders. Next speaker please.”

**Ms. Mary Ruth Clossen**, said, “I currently live in North Newton, Kansas. My husband and I were in the school system. He was an administrator and I was a teacher for over 30 years and as we bought an 80 that happens to be on 85th Street, directly across from this proposed landfill. We bought it just about the time the chemical dump was in so we’ve been through the battle once already. We have put natural native grass and a pond and several things and our family has enjoyed it for many years as a place to retreat and enjoy ourselves.

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“The problem I was concerned about is that during that time an acre of this land was given to the Marine Avenue Church for a cemetery where we attended at the time. It is also where my husband was buried two years ago and I’m very concerned. We thought at the time that this was peaceful country and that we could go there and enjoy it. We’re very concerned about what a landfill across the road would do to that area and to that cemetery. I really don’t know what they would do at that point in time. Thank you. I’m against the landfill.”

**Chairman Winters** said, “Thank you very much for being here ma’am. Next speaker please.”

**Ms. Martha Perish** said, “I live in Derby and I’m here, Margaret and Paul have said most of what I would say so I’ll just say that I agree with what they have said. I am also a concerned citizen for responsible government. I request that you approve the present recommendation of the Solid Waste Management Committee. Thank you.”

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

**Mr. Bruce Bodecker** said, “I live at Rural Route, Benton, Kansas, which is in Butler County, but I have property in Sedgwick County and farm some farm ground near the proposed site. The first thing I would like to establish is Betsy Gwin’s definition of insanity and that is doing the same thing over and over and over again and expecting a different outcome. I put together a baggie this morning. I went through my trash and put some material in here and put it in a baggie. Do you guys want to handle this? If I throw it to you will it break? I did some calculations. I took 320 acres of surface areas, top and bottom 95 feet high, with a 60 mill liner. I took 1,000 tons a day times 365 days time 30 years and that gives you the volume of the material and divided that out to get pounds per square feet, per milliliter of the landfill liner. I did the same thing with that baggie. That baggie has about ½ pound of material in it, I figured if I stomped it in there I might get two pounds or three or four, I don’t know. The baggie is 1.15 milliliter thick and divided that out. That baggie is 15 times more substantial than the proposed liner of the Furley site. So either we need to divide the plastic by 15 to make it equal or put 15 times more material in the bag. I thought that was kind of a neat idea. The object of that is that the only primary difference between the old Furley chemical waste site and the proposed landfill site is that liner. That’s it. That’s all. It will leak, it will not stop it. That is insanity by Betsy’s definition.

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“Twenty seven years ago I was in college and my parents called me and said somebody has bought a piece of property and going to make a landfill out of it. In 1977 it was permitted. In 1982 it was closed. It took the Governor of the State of Kansas, John Carlin, it took the Attorney General’s Office of the State of Kansas to do the investigation to bring that thing to a close. It didn’t just close because it leaked or because contamination was found. It took hours and hours and hours and years of work and I don’t need any more of that. I’ve had enough. It is still in mediation today. It is insanity to allow that to happen again to anybody. Doing the same thing over and over ahead and expecting different results. Where are those people who are responsible? Mel Gray was the Secretary of KDHE that signed the permit and said this thing would last a long time. About a year, two or three later, he was in Salina giving a speech and he was saying how terrible the landfill was and what a mess it was and how it should never have been permitted. Somebody from our community stood up and said Mr. Gray, let me remind you that you are the State official who signed the permit. He was a coward.

“Gene Miles was the developer. He still develops properties in Wichita. He bought the property, he put it together. He’s still in business. Wichita industry, I’m sure you’ve received letters from Wichita industry explaining to you how much money they will save if you have a new landfill in our community. Those same types of letters were written and developed and I got to read a few of them, encouraging the Furley hazardous waste site at that time. How much glorious money they would save if they didn’t have to ship their material to some place else. Let me tell you, none of those people wrote a letter telling me they were sorry that the landfill leaked. That I had to spend hours and our community had to spend hours to help clean it up. Not Gene Miles, not Mel Gray, and not Wichita industry. They didn’t spend a dime, they didn’t send any experts to hold our hand and tell us what all these complicated procedures were going to be. They did not care. Wichita industry had the use of this facility for five years and it has been almost twelve years since the thing closed. They haven’t gone out of business. They are doing good. Their prosperity is still in Wichita without this site. Insanity, don’t let it happen again, we don’t need it.

“Now the similarities. I have a couple of kids in college. I had to call them and tell them some land was bought by somebody they want to maybe going to produce another landfill. The new proposal is a modern high tech landfill. It’s the best, it’s going to be perfect.”

**Chairman Winters** said, “Mr. Bodecker if you could come to a conclusions please.”

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**Mr. Bodecker** said, "I've got about two pages."

**Chairman Winters** said, "We need it in about 30 seconds."

**Mr. Bodecker** said, "I will do that for you sir. Let me tell you, having consumed the better part of my adult life fighting a landfill, this mega dump is evil. It diminished America's greatness. It is insane. Drive a wooden stake into its heart and kill it. Do not let its blood upon the soil or the water or the air of the place called Furley. Do not let its blood contaminate the hand of this Commission, because it will never wash away. Any questions?"

**Chairman Winters** said, "No sir. Thank you very much Mr. Bodecker."

**Mr. Bodecker** said, "There's more here but maybe I can get you next time."

**Chairman Winters** said, "We've got two more public hearings. Next speaker. Please come forward."

**Ms. Bobbie Greenup** said, "I live at 8746 North Greenwich Road. Monday afternoon Mr. Ferris stated that the City of Wichita would probably receive trash from Harvey County, Sumner County and other surrounding counties. The City was a low bidder for Pratt County's trash, which they have received out at the Brooks Landfill. I believe they also receive trash from other counties on that site. Will the City then want to create a mega dump to pay for the additional needed road repairs for the trash trucks coming from Newton in Harvey County and from other surrounding counties? Two ladies from England were our guests last week. They were appalled that the City had purchased farm land for a landfill. Molly and Lynn told us how fortunate Americans are to have the available food that we do at low prices. They were particularly impressed with the bread from the bread machines. They also told us that in England, that would be Aldershot, where they live, there is an incinerator, a type of incinerator. I told her that incinerators had not been considered seriously because of the air pollution. She said, oh my, our government wouldn't permit an incinerator in the middle of a residential area if it were causing air pollution. Yet she said that is where the incinerator is, the type of incinerator they have and that it is producing fuel to heat the homes in that area. She didn't know if there was ash or not, that's been a concern, but I expect to receive additional information from Great Britain in regard to the type of incinerator that they have and I will provide it to you when it comes."

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“They were also impressed by our cemeteries and remarked that we put our graves farther apart than they do in England. Then they said we will have to be cremated because our family did not purchase land years ago so that we would have a place to be buried. Thank you for holding these public hearings and listening to our comments.”

**Chairman Winters** said, “Thank you ma’am for being here. Next speaker. Is there anyone else who wishes to speak? Please come forward.”

**Mr. Don Skoke** said, “I live at 5825 Memphis, which is in Bellaire. I am concerned that the Sedgwick County Solid Waste Planning Committee has recommended building a transfer station and sending the non-recycled trash to a distant landfill. In my opinion, the current reality is that there is not a better answer than a landfill for 50% of our waste stream and since a waste stream is composed chiefly of Wichita trash, it would make good environmental and economic sense to site any local or regional landfill in Sedgwick County. I support the local Sierra Club policy on solid waste management, which includes elements of the National Sierra Club policy on solid waste, that indicates that waste should be managed as close to the point of generation as possible. The management plan should include in priority order waste reduction, reuse, recycling, materials recovery, composting, and land filling. The local policy calls for banning yard and wood waste, diverting construction and demolition debris to a designated site, establishing a volume based program of trash collection along with curb site recycling and improved drop off sites, finally banning all hazardous waste from the landfill. The local Sierra Club policy also indicates that the city, county, should not consider transfer stations and hauling to distant landfills which removes local control and responsibility.

“Additionally, I would like to make three observations. The first one, in a paper presented to the WSU Regional Assembly on Solid Waste Management in February of 1996, Ronald Hammerschmidt, Director of the Division of Environment for KDHE cautioned us that the ‘no landfill option does not exist.’ He also indicated that, ‘except for uncertainties regarding long term landfill capacity in south central Kansas and the current lack of Subtitle D landfill in northwest Kansas, the State appears to have good long term landfill capacity.’ The thing that I noticed there is that we don’t have landfill capacity in south central Kansas and Wichita and this area is one of the largest population centers in the State of Kansas.

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“The second point is that we have the assurance from Bill Bider, Director of Bureau of Waste Management, KDHE, who because of the present day safeguards for landfills, believes the health of people living near landfills is protected. I quote from the Wichita Eagle. Also, ‘if a landfill does ultimately leak you will catch it early in the process and not let the plume get away from you.’ I think it is probably fair to say that you can’t compare this kind of landfill a Subtitle D situation with the Brooks Landfill in terms of siting and technology.

“My last point and most importantly. We should realistically only need to landfill 50% of our current volume of solid waste. My understanding is with the new plant and new jurisdictions, that the County will have the authority to control the volume and content of solid waste entering the landfill through such mechanisms as volume based trash collection, curb side recycling and improved drop off sites. Keeping toxics out of the landfill will prevent toxic leaches and a pay as you throw program should be an additional incentive for reduction. I don’t know that much about the governments of this but I read in the Eagle where Mr. Buchanan says that this was kind of a unique experiment that we were involved in here. It seemed to me that part of that experiment would be that the City operates the landfill and the County has the control over it. Thank you.”

**Chairman Winters** said, “Thank you sir. I have a question. Are you familiar enough with the Sierra Club’s policies that if there were in comparing two landfill sites, one to be kept locally that was in say a fair to a good environmental situation, geology situation, as opposed to one that is distant, let’s say an excellent environmental situation, would they still be supportive of that local landfill option? Do they have some mechanism to weigh that?”

**Mr. Skoke** said, “I don’t know that I could say. I do have copies of the Sierra Club policy and I think you received them also. In that local policy that the Sierra Club developed, there were elements from the national in it and I don’t think it would specifically address that as to whether on that is moderately safe locally versus one that is absolutely safe somewhere else. My interpretation would be that they would feel that you should control your own waste locally.”

**Chairman Winters** said, “Thank you very much sir, I appreciate that. Next speaker.”

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**Mr. Don Grunkey** said, "I live at 27 High Point, Valley Center, Kansas, but I own land on 69th Street between 127th and 143rd. First of all, I want to say that I am very much in favor of your transfer station policy, except I think we should start calling it a transfer station sorting station rather than just transfer because the public isn't educated enough to know that that is the point where we sort out the recyclables if you can't do it at the curb side. I am also concerned that if we have to go ahead with some kind of a landfill that we are just totally disregarding Kingsbury. We've had Mr. Delamater, a respected engineer around here, his opinion is that Kingsbury is geologically as suitable as the area around Furley under consideration. If we are going to go with a new liner, why don't we put the liner in at Kingsbury because Kingsbury already has fences in place, already has the highways in place and already has the monitoring wells in place. So I think that we're not giving Kingsbury enough consideration. Thank you."

**Chairman Winters** said, "Thank you sir. Next speaker. Is there anyone else in the room who would like to speak? Please come forward. Could I see a quick show of hands? Is there anyone else or are we getting close to the end? We've got four or five more. Okay, very good."

**Mr. Tim Lower** said, "I'm the Division President of the local hauling company for Waste Management of Kansas, Incorporated. You may know that Waste Management Incorporated is a leader in the solid waste industry in this country. We design, construct, and operate both trash incinerators, transfer stations, and Subtitle D landfills. I am here this morning along with some other represents of Waste Management to let the County know that Waste Management stands ready to assist in the final disposal option that is selected by the County. Whether that is a transfer station MRF, to a state of the art Subtitle D facility, or whether that is the design, construction and operation of a state of the art Subtitle D landfill in Sedgwick County.

"Waste Management is already a resource for the State of Kansas. We have over 18 counties in Kansas utilizing our Subtitle D facility in Topeka, Kansas, Rolling Meadows Landfill. Transfer stations are a growing fact of life for many large cities throughout the country and for several cities in the State of Kansas. As a member of the Solid Waste Management Committee I have seen first hand good people struggle with the issues confronting our community with respect to solid waste management. I have witnessed the education of new members to the industry of solid waste and recycling.

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“I know several of the strongest opinions from the committee as a whole were that we must move faster in the areas of yard waste composting, construction and demolition waste debris and recycling. I believe the Committee’s recommendation of a transfer station MRF hinged greatly on the Committee’s collective belief that this would move the community to more quickly implement efforts to conserve resources. In addition, I believe a chief concern of the committee was the minimization of the risk with contamination of ground water. We discussed the issue of indemnification multiple times in our meetings. I have brought with me today copies for each one of the Commissioners of Waste Management standard indemnification policies. It is nothing that is new and it is nothing that is written up just for this community. We utilize it throughout the country in areas that we have both landfills and transfer stations. Again, we operate over 150 landfills throughout the United States. Not one landfill that we have designed, constructed, and operated had leaks identified with it.

“Other Kansas municipalities and counties have sought and welcomed the protection of the indemnification that Waste Management can offer and that we have offered through Rolling Meadow Landfill. Included in some of those counties are Ellis, Geary, Marion, and Morris counties. I know from our Committee members too that several members had questions about issues that due to time constraints were not addressed. The County has before it a very difficult decision. One with no easy answers or choices. One the Commissioners may still have unanswered questions on. Even a selected option of either a transfer station or a local landfill will require more in-depth knowledge of the particular proposal before a final decision can be made. That is why I am here today along with some other representatives of Waste Management is if the Commission has any, can have the opportunity to ask questions of the industry leader as to some of the issues that they still have questions on. In conclusion, Waste Management wants to be a resource to this community just as we have for the State of Kansas and other 18 counties in Kansas and to the Board of County Commissioners. We would readily respond to Sedgwick County request for proposal for the design, construction, and operation of a transfer station, recycling facility, or for a local state of the art Subtitle D landfill. We would assist the County in identifying and investigating potential sites in Sedgwick County for a Subtitle D landfill. No other entity can provide the level of risk minimization through indemnification that Waste Management can. The guarantee of a corporation with \$16,000,000,000 in assets. Again, we have offered it throughout the country. The courts have said that it will stand. Myself or the other representatives will gladly answer any questions you might have. I thank you for the opportunity to speak.”

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**Chairman Winters** said, "Thank you Mr. Lower. I think we do have a couple of questions. I'd like to begin by saying you do have 18 counties that are now currently using your facility in Shawnee County? Can you tell me about the geology of that area just briefly, and I'm not talking about a detailed analysis, but to the best of your knowledge."

**Mr. Lower** said, "I have another representative here who might be able to answer that question. He's been the manager for that facility."

**Chairman Winters** said, "That would be good. If he would come forward, I'd like to ask a couple of questions about that. If you could come to the microphone sir. Please state your name and address for the record."

**Mr. Howard Johnson** said, "I'm from Topeka. I have operated the site at Topeka for approximately 14 years."

**Chairman Winters** said, "Could you briefly describe the geology of that area? One of the things that we've talked about here is water, how close water is and what the surrounding terrain is like. Could you describe that facility?"

**Mr. Johnson** said, "We have approximately 350 acres there. The site was permitted as it was a rock quarry in 1979. We have designed the facility. It has forever had a leak collection system. The geology is of shale with two members of limestone being removed it still has the base of the landfill is called a silver lake shale. It is 25 foot of impermeable tight shale. It was excellent geology from the start and that is the reason we chose that site from the previous owner who had a rock quarry there. We've had monitoring wells since day one, in May of 1979. We've had leak collection systems during that period."

**Chairman Winters** said, "How deep are those monitoring wells? How deep do you go to get to water?"

**Mr. Johnson** said, "We have had no less than three hydro-geo studies from most of the major companies over a period of time. The depth of the ground water is about 80 feet below the base. The wells are very deep. Some of the wells have been decommissioned and we're forever upgrading the base of the landfill with Subtitle D we've changed the bases and that required new wells."

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**Chairman Winters** said, "And the surrounding terrain, what is that?"

**Mr. Johnson** said, "It is all farm land. It is all basically large farms, very little residential that is not associated with farming."

**Chairman Winters** said, "Okay, thank you. Mr. Lower, you may want to talk about this for a minute. One of the things that I think all of us are concerned about is the cost issue. We're continually, I think I'm concerned, that one of the negatives that we continue to hear about of a transfer system is that we'll make it so expensive that our major haulers particularly will have to look for another alternative and thus it will disrupt the system that we have here in Sedgwick County. We know that in a transfer situation, we've got the cost of the tipping fee at a regional cite and then we've got the transportation cost, then if we add on cost for public education, cost for household hazardous waste, some kind of recycling, if that's in there, then we'll begin to get a price that you or your competitors can't live with and you'll look for another alternative. Do you have any response that you could help us with on that or is there someplace else that we could think about or have some discussion with waste haulers about are we going to drive this cost too high for you?"

**Mr. Lower** said, "I think as Waste Management, we really want to work with Sedgwick County, the City of Wichita, if they're involved, but I think what it comes down to is you really need to get firm numbers on proposals for a transfer station or a local landfill and know that those numbers are going to exist when it comes time to start implementation of the program, whether it is in 2001 or 1999 or whenever it may have to be."

**Chairman Winters** said, "Thanks. I guess I want you and all the haulers both large and small to know that this is a major concern of ours of how far the costs go. Commissioner Miller."

**Commissioner Miller** said, "Thank you Mr. Chairman. Mr. Lower, you made the statement that there are many transfer stations around the nation and how would you build the scenario for the public who is here in the audience and also that is viewing right now, how would you build a comparative or profile that would compare Sedgwick County to some of these other cities or counties around the nation who have chosen to go with a transfer station? What is the profile?"

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**Mr. Lower** said, "I can tell you there are cities of all different sizes. There are cities who transport as much or more than what Sedgwick County produces in daily volumes in trash and they export their waste to other distant landfills. I think as our industry grows, people are looking at the fact that there are more suitable sites in other areas of the country. It may not be in your back yard but maybe in someone else's. There are communities that transfer smaller volumes as well as larger volumes. The design of a proper transfer station depends upon the volume that you are going to be putting through there. I don't know if that answers your question or not."

**Commissioner Miller** said, "What I'm getting at, I can recall the days when New York City or an eastern city that is very populous would put their trash on rails for the most part and ship them who knows where. I can recall those sites and those are very visual sites. Is that the typical type of city that chooses a transfer station? Is it because they are so populous that they don't have access to land nearby or what makes the cities or counties do this?"

**Mr. Lower** said, "I think there are several factors involved in making people determine to use a transfer station. Some of it is due to the density of the population and the land that they have available for a landfill or a transfer station. Others because they don't have any suitable geological areas so therefore they can transport it out. We do operate a rail system for the city of Seattle, Washington. They transfer that many miles on rail. We also transfer some in St. Louis and Chicago areas a couple of hundred miles. About what we are looking at proposing if we were to get it from here to Topeka. The distances again, it depends upon where the ultimate facility is at. Those are some of the reasons why communities look at it. I think another key aspect is obviously one that we offer and believe sets us apart is the indemnification issue, the fact that it is no longer your risk as to what is going to happen with that waste stream down the road and in the future."

**Commissioner Miller** said, "Okay, so it leads into another question. You want to validate that statement? It is no longer our risk?"

**Mr. Lower** said, "I believe we can and I've got copies here of our standard indemnification statement. What we have done for many other communities is on top of the indemnification statement say we will pledge the assets of our corporation, which is \$16,000,000,000 in assets, that we will never have to come back and clean up or go back on another community, that we've said that we're going to be responsible for this waste."

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**Commissioner Miller** said, “That is a question that I know I’ve heard from both the City’s perspective and I’ve also heard it from the County and from individual residents within the County, where if you’re looking at it from an ownership perspective where you say we need to be able to deal with this challenge here locally as opposed to shipping it somewhere else. When you ship it somewhere else you’re still shipping it to a landfill and I keep hearing that landfill more than likely is going to leak at some point in time. So hence comes the question of liability and that is where I am hearing and I asked you to validate it and you have, how it is that we would deal with that issue.”

**Mr. Lower** said, “Again, we’ve operated landfills since 1969 and those that we have constructed, designed, and operated, none of those are leaking. I do have legal counsel here if you would like to ask him with regard to some decisions on indemnification and its applicability.”

**Commissioner Miller** said, “I would like to address some questions to counsel, thank you.”

**Mr. Brett Heinrich** said, “I’m a lawyer for Waste Management. I live in Napierville, Illinois, but my responsibility for Waste Management is the Midwest including the State of Kansas.”

**Commissioner Miller** said, “Mr. Heinrich, my question would be, is it theoretically possible for trash that is being shipped from one county into another landfill site, the liner leaks, it is a regional site, you have X community, and Z vendors that are bringing trash there. How is the liability spread? Have you had to address this question and if so can you tell us what the outcome was?”

**Mr. Heinrich** said, “I’ve had experience in landfills for the last seven years trying to decide proportionate costs between generators and landfill operators, et cetera. As Tim said, we currently don’t own, operate and construct from the beginning a landfill that has a problem, but we have inherited some problems from landfills that were closed that we bought as part of an acquisition, so I have been actively involved in that scenario. If the government contacts the owner operator of the landfill they are asked then to sit down and propose remedy and proportion costs. The indemnification provision that Tim spoke about allows the switching of responsibility from a community such as yours to, in this particular case, the owner of the landfill, which would be Waste Management of Kansas.

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“The corporate guarantee is also available to pledge the \$16,000,000,000 publicly traded Management Inc. as an additional backstop, if warranted by this community to preserve the intent and the promises in that indemnification.”

**Commissioner Miller** said, “So it sounds as though the decision making is and being able to tailor the type of indemnification package would rest within the County.”

**Mr. Heinrich** said, “Right.”

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

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

**Commissioner Gwin** said, “Thank you Mr. Chairman. Are you all currently responsible for the hazardous waste site near Furley? This may be a sore subject, but I am getting to a question.”

**Mr. Lower** said, “I don’t consider it to be a sore subject. Waste Management is, through our subsidiary Chemical Waste Management. As Mr. Bodecker spoke earlier, that facility was actually approved, constructed, and designed by a previous owner, similar to what Brent was talking about, a facility that we purchased and we’ve inherited it. I guess one of the positive things for us is we spent \$30,000,000 cleaning up that facility.”

**Commissioner Gwin** said, “What I was trying to get to, is have you gone back upon any of those producers of any of those chemicals or anything else that are in that site?”

**Mr. Lower** said, “I don’t know the answer to that.”

**Commissioner Gwin** said, “But you’ve spent how much of your own money?”

**Mr. Lower** said, “Thirty million is the current tally that I’m aware of since we’ve owned the facility. I don’t believe we have operated it very long at all. We have spent \$30,000,000 in cleaning that facility up.”

**Commissioner Gwin** said, “Brent, do you know if you have had to go back on any of the producers?”

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**Mr. Heinrich** said, "I have not been involved in that landfill at all. I can tell you on my experiences though, that indemnification agreements that have been executed by our predecessors that we have acquired with their customers, we have honored and we have recognized and even though they weren't drafted by us, they were drafted by say the generators, say General Motors, a small hauler we bought, hauled to a landfill and that landfill started in the '70s or early '60s and has a problem. Those indemnification agreements have been recognized in courts of law."

**Commissioner Gwin** said, "Okay, thank you. Tim, another question, on time frames. You said that Waste Management would be ready to participate, whether it is a transfer station to a distant regional landfill, whether it is to design, construct, and build a regional landfill here. What kind of time frame are we talking about? What is your experience? How long from the go to . . ."

**Mr. Lower** said, "I think you need to get started within the next six to twelve months because it is going to take a three year period. Obviously you want to design something that is appropriate and have the opportunity to build it correctly and gear everything up for the operation of it."

**Commissioner Gwin** said, "So that three years would be for either option, either to transfer it or . . ."

**Mr. Lower** said, "Well, the transfer station obviously wouldn't take that long, a disposal facility is already in operation. But if you want to build a facility, even with a transfer station for the size to handle a thousand tons per day, you are probably going to want a year's time frame at least to get that up and operational."

**Commissioner Gwin** said, "Okay. I visited Rolling Meadows with members of the subcommittee and I think one thing we didn't discuss and I don't know whether Howard needs to come back or you are familiar enough with it too, but Tom asked about the geology. I'm interested in the topography of the land. Can you describe the topography?"

**Mr. Lower** said, "Howard did a little bit, but it is mostly farm ground around it. There are a few homes around the parameter of it. Actually, new home construction has come up even though they know there is a landfill they built some pretty nice homes."

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**Commissioner Gwin** said, "Is the land flat like Sedgwick County or is it hilly?"

**Mr. Lower** said, "I'd have to leave that with Howard. We do have an aerial photograph that we could provide."

**Commissioner Gwin** said, "Howard, could you come and clarify that for me? I think that is one of the main differences visually that I saw in that site versus a site here in Sedgwick County."

**Mr. Johnson** said, "What was your question?"

**Commissioner Gwin** said, "The question was, the topography of the area where Rolling Meadows is, is it flat, is it hilly, tell me about it."

**Mr. Johnson** said, "It is very hilly. The top soil is very shallow on all the tops and obviously all the silt has washed to the bottom of the hills. It is very hilly in all of that area of northern Shawnee County. We're almost on the line. We're at 73rd and the County line is at 94th. So we're up pretty close to Jackson County and I do have a tape that I brought with me that I'd like to leave. It shows the topography. It shows from ground level the farm community. The lay of the land. Our permits do require that we match that existing topography, that we don't exceed that so we don't become a nuisance in the future."

**Commissioner Gwin** said, "So what you are taking then is a rock quarry and you are reclaiming it and bringing it back to the topography of the existing hill sides that have not been mined."

**Mr. Johnson** said, "Exactly."

**Commissioner Gwin** said, "If I drove by Rolling Meadows would I know it is there. I mean driving up the highway that is beside it, could I look over and see a trash hill or a trash mound?"

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**Mr. Johnson** said, “You could recognize it coming from the north currently, but in probably a few months you will not, probably by Thanksgiving. Coming from the south you would not see it. You would see an entrance that looks like a development area. Coming from the north currently we are peaking out that particular cell so you would see some activity there that would indicate the operation. I also have an aerial view that includes all the neighbors property. It is a photograph that I’d very much like to leave with your community to take a look at that.”

**Commissioner Gwin** said, “Thank you for answering those questions for me.”

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

**Commissioner Schroeder** said, “My questions, I have two of them. One of them, you said you have 150 landfills that do not leak, is that true?”

**Mr. Lower** said, “Over 150, of the landfills that we have designed, constructed, and operate do not currently leak.”

**Commissioner Schroeder** said, “How many of that 150 have you designed and constructed?”

**Mr. Lower** said, “I don’t know if we know the particular number of that?”

**Commissioner Schroeder** said, “I think that is kind of important when you say you have 150 and I’m just curious. The other is the issue of indemnification. Mr. Euson, in a court of law, is it automatically assumed by the judge that the indemnification is accepted and there is no question as to the liability of any given community producer of waste or the one who is burying the waste? Is that just accepted in each case or is that something that a judge makes the determination on, whether the indemnification of a community is held because we have a paper signed that says we have that agreement?”

**Mr. Richard Euson**, County Counselor, said, “It is certainly not an absolute. It is going to depend upon the terms of the contract that supports it. So it is only if there is some defect in the contract, some defect in the consideration, then there may be some defect on the indemnity. In other words, it would not operate independently like a policy of insurance for instance.”

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**Commissioner Schroeder** said, "It is not automatic."

**Mr. Euson** said, "Not in my opinion."

**Mr. Heinrich** said, "Could I add one clarification if I could on the indemnification? The courts have held that if it is a clear unambiguous indemnification and ordinarily there is a presentment if the scenario that we are all talking about happens, there would be a presentment to us saying there is some liability or potential here, we want you to honor the indemnification. At that point, we will honor the indemnification. If there is no question about it and there won't be any question about it here, it won't go to a court of law, because you won't challenge our stepping into your shoes, which is basically the legal vehicle of what an indemnification does. If there is a challenger or a defect or it is something that happened in 1959 and it was an indemnification that didn't contemplate this, there may be some litigation about it."

**Commissioner Schroeder** said, "For instance, if you have a new Subtitle D landfill with two liners, leach system, pulling out everything that shouldn't be in there and for some reason it leaks, pollutes a farmer's land down stream from it, that farmer files suit against any and all communities who dump trash or solid waste into that facility, does he or she not have that right to go to court and say I feel like, or maybe it is a group of property owners that want to sue that community, the City of Wichita, if you will that is located here because my land has been polluted. The trash is coming from the Corporate Limits of the City of Wichita, those kinds of things. It sounds like it is just a perfect fail safe. I don't know if it works that well, that's the question I'm trying to get to. I don't think it is a turn key deal. I think there is still a great possibility that the courts may not grant the indemnification rights. That possibility still exists, does it not, that somebody can file suit?"

**Mr. Euson** said, "It is a possibility and surely if there is a lawsuit we're going to get sued. Our contract goes to the Waste Management Systems and the adjoining land owner is not going to go immediately to them, they are going to go to us and the other generators of course. We, in turn, would go to the person who gave us the indemnity and rely on that. So yes, we're going to be involved in the litigation."

**Commissioner Schroeder** said, "Okay, I guess the point I was trying to make is that it is just not a total fail safe."

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**Mr. Euson** said, "It is not a total fail safe Commissioner Schroeder, but indemnities are generally upheld by the courts if they are made in good faith and part of a basis of a bargain for a contract."

**Commissioner Schroeder** said, "Okay. The other question I have is how old are most of these new landfills that Waste Management has created itself? What are the ages of these?"

**Mr. Heinrich** said, "It varies. I would say we've probably got some landfills we created and still maintain from the early '70s, all the way up through Subtitle D. So we have landfills under the Subtitle D program that we are still operating in the country and some before Subtitle D."

**Commissioner Schroeder** said, "And those before Subtitle D have not shown any contamination."

**Mr. Heinrich** said, "We don't have exact numbers, but it is our understanding, yes sir, they do not leak."

**Commissioner Schroeder** said, "Okay."

**Chairman Winters** said, "Thank you. Commissioner Hancock, do you have anything? Any other questions of these gentlemen?"

**Commissioner Gwin** said, "We could probably be here all day with them."

**Chairman Winters** said, "We maybe could. I appreciate very much gentlemen that you've come from out of town. We appreciate very much your being here today."

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

**Chairman Winters** said, "Commissioners, I would just as soon proceed on with the public hearing and then take a break, is that all right? Next speaker. Is there anyone else who would like to speak? Please come forward."

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**Ms. Janet Rhodes**, 1320 N. Yale, Wichita, said, “I don’t know a lot of the numbers and a lot of the scientific and all that about what is going on. All I do know is that our family is very conservative about our trash. We visit the dump regularly. We are aware of what is in the dump. We are aware of things that should not be in the dump being in the dump. Perfectly good items that someone could use. Things that could be recycled. We compost all of our food. We don’t catch our grass clippings. We wash out and reuse plastic bags until they have holes in them and can’t be used any more. We’re careful about what we put in the trash. We use disposable diapers, okay? But even with the use of disposable diapers, we only fill half of our trash container each week. Sometimes there are seven people in our family, when we are all together. So even with that we only fill half a trash container a week. So one of my concerns is I don’t want to pay for everybody else’s trash to be transferred somewhere else or to be dumped. I want to use that money to raise my daughter. That is one of my concerns.

“Also, this seems like a really big issue for the area and I’ve been wondering why it hasn’t been put to a vote of the community at large. So just a few thoughts. Thank you.”

**Chairman Winters** said, “Thank you ma’am. Next speaker.”

**Mr. Charlie Sedlock** said, “I’m here representing Hams Companies and that lady with that young daughter should have been allowed to go first. Having one about that age and talking about a serious issue that is going to affect the County and those future generations, it is appropriate that the little one was here. You guys have an incredibly important task that you are well aware of and some important decisions here. What I’m here to let you know as a representative of Hams Companies, we are interested in helping the County and the City out down here. We operate a landfill north of Lawrence, Kansas. We’re located in a rural area. It is an agricultural area. There is also some mining that goes on. We’re also a rock mining company, limestone. We have excellent geology at our site. We have a shale member that we mine down to. It is approximately 140 feet thick. It is highly impermeable. I can sit up here and I can talk about our environmental insurances which we provide you which we do to all our customers. We can indemnify you. We can talk about all of those things. But the best thing for you as a client of any landfill is good geology and a good operator. In 25 years, Ham may not be around and in 25 years Waste Management might not be around and in 25 years BFI may not be around. However, the waste will and the geology will. So those are some points that are very important for you to keep in mind.

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“All sites are not created equal, as you guys know with sites around here as well as sites around the rest of Kansas and we’re finding the sites around the rest of the Country. There are transfer stations popping up and have popped up all over the Country for a few reasons. Subtitle D regulations are extremely expensive, extremely selective, and it also have some of the symptom of people saying not in my back yard. A combination of those have created transfer stations that operate any where from five and six tons a day to 5,000 tons a day. They run from Washington, Kansas in north central Kansas, to the extremes of New York and San Francisco, where transfer stations were going up 25 years ago.

“We have a life expectancy at our site, while serving a number of communities in Kansas, around 200 years. If we’re to add the Sedgwick County waste stream, we would still be in the 100 year life expectancy. We have about 400 acres. We mine it and then fill it and bring it back up to the topographical heights. You had questions on the topography of the other sites. In an area that is extremely hilly, we are just next to an alluvial area. We raise up approximately 300 feet starting with our shale base and then some limestone components and a few other shales we move out of the way before we start our landfill foundation. What we will essentially be doing is mining down that hill and building that back up.

“Will you be able to notice a landfill in 20 or 30 years of driving by it. Of course you will. It is going to be flat, there’s going to be grass, there won’t be many trees. You are going to have gas extraction systems. You put caps on a landfill, you don’t plant trees, it will destroy the caps. A landfill is going to be there for a number of years. Waste Management, ourselves, BFI, are all trying to find new and interesting ways of utilizing a landfill afterwards for parks and so forth. It is a serious civil engineering project. It is a commitment for decades if not longer.

“I’ll mention some of our counties. Right now we’re serving Douglas, Jefferson County, Dickinson County, Nebraska City, Tarkhill, Missouri, Marshall County, Brown County, Osage County, Franklin, Riley County, Washington County, the City of Emporia, Lyon County. All those folks have gone through similar issues like yourselves and determined that a transfer station is flexible in its disposal site. It is flexible for recycling and it is a way to find the best site in Kansas or inter-state for their waste. While I like some of the goals of the Sierra Club in dealing with waste locally, I also think that we’re all tied together geographically and also through aquifers, that everybody has cousins, relatives, throughout Kansas, throughout the Midwestern area. We can all be effected by ground water contamination.

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“So it is very important for folks to know where their waste is going and worry about it. If you have any questions or anything, that’s fine.”

**Chairman Winters** said, “We do have some questions. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. Mr. Sedlock, you mentioned the other counties and communities who are using your landfill outside of Lawrence. I’ve heard recently or speculation that if the people who live in Douglas County or in Lawrence decide that they don’t want trash coming in from Sedgwick County that they can pass an ordinance of that they’ll add a surcharge or that they’ll do something to keep trash coming from as big a community as ours, because it will impact their long term usage of that. Are you aware of whether or not the courts of this land would give a community that kind of control to say what trash comes and goes from their landfill?”

**Mr. Sedlock** said, “I’m not aware, but the landfill is actually located in Jefferson County. It is not under the auspices of Douglas County or the City of Lawrence, not in their jurisdiction. We do have local post fee arrangements with our county and Douglas and Jefferson County split those to maintain roads. They understand that Subtitle D is very expensive and without a certain client base, their waste fees would be extremely expensive to have a Subtitle D landfill to only handle 100 or 150 tons. They went through that exercise and they’ve seen the feasibility of it and the expense of it and have already looked at that. There may be some speculation or rumor mongering going around about that, we’re not aware of it.”

**Commissioner Gwin** said, “If we were to construct a landfill here in Sedgwick County, do you have knowledge as to whether or not that would soon become a regional landfill? In your opinion, would it be cost effective for other counties or communities to use this landfill other than just Wichita or Sedgwick County?”

**Mr. Sedlock** said, “It is sheer speculation, what I’ve seen from other Subtitle D municipal or county owned facilities. I’ve seen it in Reno County and with the City of Salina. Outlying counties have all petitioned them to use that landfill because it is very expensive.”

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

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**Chairman Winters** said, "Thank you. I just have one follow up. Every time you get a new customer at your landfill, and I assume that you continue to do that, either counties or cities, is there a fire storm in Jefferson County of folks saying no, don't bring any more trash to Jefferson County?"

**Mr. Sedlock** said, "No. We're the largest taxpayer in Jefferson County and they enjoy the revenues and income that it brings into the County. We're also the largest employer in the County. Our headquarters has been there about 50 years. We are a local employee owned company. Our profits go back to the employees and go back to Kansans."

**Chairman Winters** said, "All right, thank you very much. We appreciate you coming today. Next speaker."

**Mr. Blain Bodecker** said, "I live at 19400 85th Street North, Benton, Kansas. I have only about two remarks. One of them is it is amazing all the landfills go out in the country. There are nothing but farmers and very few houses. So remember we're just the opposite out there, we've got just a few farmers and lot of you people coming out there and building your houses. Thank you."

**Chairman Winters** said, "Thank you sir. Next speaker. Please come forward."

**Mr. Paul Rhodes** said, "I live at 1320 N. Yale here in Wichita. I thank you for the opportunity to speak today and also I thank someone for encouraging me to come down and speak. I really didn't want to be here. As a matter of fact, I do believe we have bigger problems than trash, but this is worthy of some attention. Just a little background. I'm a very small business man. I'm kind of a jack of all trades, do mostly construction work. My wife spoke earlier about how we try to reuse things and I helped build Brooks Landfill, I'm proud of it and I hope we can make a ski resort out of it or something when it is cleared up."

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“I asked to attend the regional trash conference back in February. I’d just like to recap. I think a lot of good things have been said here and I’m not going to belabor them. What I learned from the consensus there was that trash is a problem and also what I heard from the last gentleman is that trash is also a resource. Incinerators are not popular. That was very clear. There is very little trust between government and citizens and between governments of different communities. I hear quite a bit of talk about the legalities. I’m sure it is only going to get worse. One thing that was very clear there was recycling and reduction is a remedy of choice. Most everybody there agreed to that. A man from the Sierra Club and I found it a little bit almost humorous when he said, I just came back from Zimbali. He didn’t say he was on a safari, I would put that in there. He said they don’t have a trash problem in Zimbali. Trash is a product of affluence.

“No one really wants a landfill in their back yard. I believe there is going to be a landfill in Wichita. We’ve heard quite a bit of discussion on that. I think it is a matter of what we want to invest in it and what kind of control we’re going to have over it. The other thing that was from the consensus was education is necessary. People talked about that a lot. We’ve had a ‘token’ education program, but I still don’t think it is really being addressed. The solution has to make economic sense. Everybody understands that, that’s a reality. I believe there is quite a bit of resources in trash that we’re not extracting. There was also the consensus that we need to detour throwing trash away by raising tipping fees. We’ve done that. I don’t understand the particulars of where the money is going, but one of the things that I think is imperative whether we go transfer station, landfill, that money needs to be clearly earmarked. Right now, we have a dollar per ton that is going to KDHE. I believe there are people who really want to do more with grants to try to get more people recycling, reusing, that we need a large percentage, I’d say 10 to 15% of the trash collected to be focused in that endeavor.

“I’m not particularly supportive of the Furley Landfill and I know there has been a lot of discussion about that today. But I do believe that it is a reality that there is going to be a landfill. I would like to send some of my trash to the gentleman who spoke last. I think he is running a responsible operation there and I think we may have to consider moving some of the trash. But as soon as we lock into a transfer station and we send our trash somewhere else, all of a sudden we’re going to be dealing with one, we’re sending our dollars somewhere else, and I buy most of my stuff locally. I believe in supporting your local government and your local economy, keep it in the County. I think there are resources we can tap.

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“We don’t know what is going to happen with that company. It sounds like a good one. It sounds like a good site. I’m concerned about the geology but I believe there is going to be a landfill in this town and I believe there are going to be incinerators and there may be several of each and I don’t think there is anything that any of us can do to stop it.”

**Chairman Winters** said, “Sir, if you could just come to a conclusion, that’s been five minutes.”

**Mr. Rhodes** said, “The other thing that I’d like to say is that we lose the economic benefit, I hit that. But I think we also lose our dignity. The young lady from Derby that spoke about the landfill, we’re a large community and we need to keep our trash as close as we can and we need to recycle it and it handle it responsibly. If not, we’re going to lose our dignity and our dollars. I think this is all I have to say. Do you have any questions?”

**Chairman Winters** said, “No. Thank you very much sir. Next speaker please. Next speaker. Anyone else who would like to speak please come forward.”

**Mr. Bill Tabor** said, “I live at 7430 North 143rd East. To start with, I don’t want the dump. Yes, we need to get rid of our trash. I think there are lots of alternatives that you could consider. I hope that you are considering. I heard Mr. Winters on KFDI the other day. I bought my home out there in the country when I retired out of the military so that my family and my grandchildren would have a clean environment. I’m a half a mile from your proposed dump. Everyone tells me, or I hear the reports, that it will not bother my wells. My water well isn’t even 20 feet deep and I’m half a mile from it. This is all verifiable. I had a young man call me the other day from some group that someone has hired and asked me about it. To show how some people don’t even consider or think of it, when I bought my place, there was a young man that came out to test my water because I bought it on a VA loan. He said I’ve got to test your water source. Fine, where do you want to test it from? He said, from the source. So I went out and took the manhole cover off of my well. He looked and said oh man, we can’t approve this. I said, why not? He said, well, it’s a hole in the ground. Where in the hell do you think water comes from? The good Lord puts it down here and we take it up. So he took a sample and I waited. I did not get any results.

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“I called down to the Health Department and this same young man said we lost your sample. Government is what I’m trying to tell you, they lose things. I worked for them for 26 years. So he came out and took another sample. He called me up and said sir, I cannot imagine that hole in the ground putting our pure water, but he said it did, 92% pure water. You are threatening to take that away from my grandkids.

“Another thing is, I’m thinking about what I’m going to smell because this land where you are putting it is flat. We’ve heard several proposals here that have places where we can dump our trash that is topographically and geographically sound. I know it is big money. You’re politicians, whether you want to admit it or not. It is money, but it is behind the scenes and in front of the scenes. That is what is going to take control of this whole thing. Please think of us and our money because the first time that I get trash on my place or I get contamination a half a mile from your dump, I’m going to be finding somebody else and a lawyer who will come back and talk to you. That’s not a threat, that’s a promise that no one has said anything about. But that is one that I think as Commissioners for all of us, and Mr. Winters made a remark the other day on the radio which I appreciated, he said that you five members are representative of the entire County, which is the City and everything. What we’re asking you is, we elected you, we would like for you to consider our feelings, look at our money that we’ve invested out there and believe me, have you looked lately at all the new homes that have gone up. The thing that bought this dump proposed area was money. Money and lies and deceit. It was already done, and I’m a half a mile away, before I even knew it was going to be there. Now you think I wouldn’t have talked to somebody about that? Because I guarantee you, after wearing a uniform for 26 years I’m not afraid to talk to anybody. That’s the reason I’m here today. I’ve read all these lies and I’ll tell anybody to their face, as I’m telling you, they’re lies. Because the reports came out that the water level was below shale, it was 160 foot deep. You can all come out and taste my water, it is 20 foot deep. Do you have any questions of me?”

**Chairman Winters** said, “Sir, I don’t see any. Thank you very much for being here. Is there anyone else who would like to address the Commission? Anyone else in the meeting?”

**Mr. Bernie Mendoza** said, “Will there be times for questions later?”

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**Chairman Winters** said, "This is not a question and answer session sir, this is a time for us to hear from you. If you would have questions that you would like addressed, I'm sure that if you would address the Commissioner from your District or myself if I don't happen to be that person, I'd be glad to get you in contact with either ourselves with answers or our staff. But this is not a session where we are going to respond to questions. This is not a question and answer session. But we will be glad to make sure someone gets with you and listens to your question. Have you made a comment yet? Then why don't you come to the microphone then. Give us your name and address and what your concern is."

**Mr. Mendoza** said, "I live at 6825 North 127th East. I want to take just a moment of your time. I just hope that we do not go along with the thinking of the two commissioners on the City that come up and at one time they talked about getting some of our drinking water from underneath the dump. Now that kind of thinking, in my opinion, is not very bright. That's all I have to say."

**Commissioner Gwin** said, "Mr. Mendoza, did you have a question? Was there something you wanted to know?"

**Mr. Mendoza** said, "I just wanted to get that across. Also, the question I would be is how many of these transfer stations and where would they be located at. That is one question. I hope some are located in Wichita."

**Chairman Winters** said, "Okay. Thank you very much sir. Is there anyone else in the audience who would like to speak? Anyone who hasn't spoken previously who would like to speak? At this time then we are going to close the public hearing for today. Let me remind you that there are two other public hearings scheduled. One is next Tuesday on the 26th at 7:00 p.m. at the Sedgwick County Zoo. It will begin at 7:00 and we'll take the same format. Then we have one scheduled for September 3 here in this room, same format again. If I see no other questions or objections, I think we're going to take about a ten minute recess. We're in recess for ten minutes."

**The Board of Sedgwick County Commissioners recessed at 11:30 a.m. and returned at 11:40 a.m.**

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**Chairman Winters** said, “We’re back from recess. So if those of you in the room could please have a chair, we’ll restart our meeting. We have just concluded the public discussion on solid waste. Madam Clerk, would you call the next item please.”

### **NEW BUSINESS**

#### **C. DISCUSSION REGARDING SOLID WASTE DISPOSAL OPTIONS.**

**Ms. Irene Hart**, Director, Bureau of Community Development, greeted the Commissioners and said, “Last week we identified the three key issues which need to be decided on September 3. The first was how do we minimize waste. The second one is how will we dispose of what is left over and third, how will the system be financed. We presented information last week on waste minimization. This week, our solid waste team will provide information about disposal options. Our community has been widely and deeply involved in the discussions regarding the pros and cons of the various disposal methods. One aspect of the issue has not been widely discussed and that aspect is called flow control. It is a legal aspect which is only developed within the last five years, but it drastically affects how a community designs and operates a solid waste management system. The member of our team who is most knowledgeable about the flow control issue is Alison McKenney Brown of our Sedgwick County Legal Department. She will start off our presentation today with some discussion about this flow control issue. Next I’ll return and discuss applying these legal aspect to our disposal option and particularly the option of incineration. I’ll also try to provide some insight into why the Solid Waste Management Committee did not recommend incineration to you. Last, but not least certainly, Susan Erlenwein, Director of the Sedgwick County Department of Environmental Resources, will provide thorough information about the four disposal options originally considered by the Committee and some of the factors the Committee considered in arriving at their recommendation to you.”

**Ms. Alison McKenney-Brown**, Assistant County Counselor, greeted the Commissioners and said, “What I have been asked to talk to you about is flow control. What flow control is, it is a term used to describe the processes developed for either forcing waste to be deposited at a solid waste disposal facility or keeping waste out of a solid waste disposal facility. Both of those ends of the spectrum are important, because they determine the size of the waste stream for which a waste disposal facility or a waste disposal process for ridding the community of waste, how big that disposal facility must be.

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“At a minimum, a waste stream must be large enough to cover the cost of disposing of the waste. At the maximum, are the community values for limiting that waste stream. Encouraging recycling, keeping out waste from other communities, keeping out waste from other states, how large do we want to allow that waste stream to be.

“To help us make that decision, the courts have been very active in the past, probably since 1991. Basically, the major decision that has been made is that waste is a product of inter-state commerce. Whether it actually ever gets out of the state or out of the community, that is not important. It is a product of inter-state commerce and therefore it is controlled by the United States Constitution Commerce Clause, or as we say a dormant commerce clause, which says you may not as a state or a municipality interfere in the inter-state transport of commerce.

“Many communities have been impacted with the same decision that we’re making here in this community in the near future. That is, what is it that we can do and what is it that we want? Once a Subtitle D landfill is built, the cost of it is so incredible, it is a huge investment for a community that the community needs to be sure that they are going to get enough waste deposited there to cover the costs of either the private business, their investment in it, or if it is a municipality, make sure that the bonds that are issued can be paid off. There has got to be a minimum waste stream sent there. Some communities have ingeniously decided that they would pass ordinances or resolutions mandating that anyone living within the jurisdiction must send their trash to their local waste disposal facility, be that an incinerator, a transfer station, or landfill. The U.S. Supreme Court has struck that down. State and local governments may not pass those types of ordinances. So if we have some type of waste disposal facility that needs a waste stream of a certain level in order to insure that we can support it financially, there is no way that a government entity can pass a rule saying this is where that waste is going to come from.

“On the flip side of that coin, other communities have built a landfill hoping that it would last for 30 to 40 years or built an incinerator hoping that it would last, or even a transfer station, hoping it would last for a certain number of years. But because of the expense involved, other communities have begun to ship their waste to these waste disposal facilities, shortening the life of them. Those communities have tried to pass ordinances or resolutions keeping waste out of those waste facilities in order to lengthen the life of them and therefore protect their local environment.

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“Those laws have been struck down. Basically, if there is a waste disposal facility, if waste comes in and wants to go there from New Jersey, from Minnesota, from wherever, it can go there. That will of course impact the length of time that that waste disposal facility, its life span.

“So how do you as a governing body make a decision on how to choose the best option for dealing with the size of waste stream and how do we ensure that we are going to get a waste stream? Basically that is an unknown factor. Until something is actually built and people either decide for economic or other reasons to use it or not to utilize it, it is very hard to tell what the size of the waste stream will be. That’s about all I was going to say about flow control. If anyone has any specific questions, I’ll try to answer those.”

**Chairman Winters** said, “Yes we do. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you Mr. Chairman. Just one quick question. We had two parties here earlier who testified concerning solid waste and these were both private enterprises who ran Subtitle D landfills. Can they name their price and then so can they then restrict the flow based upon price and can they contract to different customers at different prices? Would that effectively effect the flow?”

**Ms. Brown** said, “What they do as a private business in their pricing is as long as their pricing is not set up to keep in state trash or out, out of state trash, as long as the impact on both is the same, then they can set their own prices. The other thing is they are private business and as a market participant, they have certain flexibility that the government cannot dictate. So if they set, for instance they have a small community where it may cost more for them to accept waste than from a large community, those are their business decisions and they will dictate that as the business but not fortunately, or unfortunately, depending upon which side of the coin you are on, the local governments in those areas don’t have the authority to tell them what that would be.”

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**Commissioner Hancock** said, "If the City of Wichita builds a landfill someplace in the County or the County decided landfill and then they choose to contract with someone to operate it, they yet remain the owners, much like Brooks is today. If private industry would site a landfill here, the public side of it would have to contract with anyone for practically the same price who came down the pike whereas the private side would not have to sign that contract?"

**Ms. Brown** said, "There is a legal concept that is being developed as we speak. There were two cases in the second circuit in 1996 that were decided and that is called market participant theory. If a municipality owns the trash, or the municipality owns a waste disposal facility, they may have more authority to dictate how that occurs, how the trash will go into their facility and that type of thing. That is such an ambiguous area of law right now that I am not going to tell you it will work or it won't work. However, municipalities who actually own their own waste disposal site may have more authority to dictate those types of things. However, if it was obvious that they were making their decisions based upon in state and out of state, that would be interfering with the commerce clause and very likely would not hold up under judicial scrutiny."

**Commissioner Hancock** said, "Okay. Thank you Alison. Thank you Mr. Chairman."

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

**Commissioner Gwin** said, "I guess just a follow up then. A municipality currently has less legal authority to either force to or keep out that a private industry would, is that right or is that wrong, or are they both restricted?"

**Ms. Brown** said, "Public entities, they walk a little bit finer line because they are a public entity. However, the party owning the business is going to have more authority than a local government. So, just as an example, if the County Commission wanted to pass a county wide restriction on solid waste and say we're only going to accept solid waste into a locally built landfill that is created within Sedgwick County, that couldn't happen."

**Commissioner Gwin** said, "We couldn't do that."

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**Ms. Brown** said, “No, you could not do that. If the City of Wichita happened to own a landfill and say as a market participant that we’re going to allow waste in just from this area for these reasons, that I’m sure would be contested and what the outcome would be in the courts I’m not going to hazard a guess. Like I said, that’s a brand new area and that particular thing has not really been determined at this point. If I had to make a statement at this point, my statement would be anything that tried to control the flow of waste is not going to stand up under judicial scrutiny.”

**Commissioner Gwin** said, “Again, if there were another landfill built in this County and the County Commission said to protect the life of that landfill we’re going to pass a resolution that only trash generated in Sedgwick County can go to that landfill it would be overturned instantly?”

**Ms. Brown** said, “Yes.”

**Commissioner Gwin** said, “Or if I also built an incinerator in this County, for instance, and the County Commission passed a County wide resolution that said that all trash generated in Sedgwick County must go to the incinerator, equally illegal?”

**Ms. Brown** said, “Equally illegal.”

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

**Chairman Winters** said, “Thank you. Thank you Alison.”

### **SLIDE PRESENTATION**

**Ms. Hart** said, “One of the standard responses from the Legal Department when we ask about a certain scenario, it is yeah, well it depends. This aspect of flow control, which is controlling the flow of trash is so new that there are some things that we can generally assume, but there may be some tweaking around the edges some new ways of handling something but it has not been supported yet in court. So what we’re doing now is trying to make decisions based on what we think we know after four or five years of court cases. The view 15 years from now may be a different view, but right now we’re dealing with a new area of law that does not have a lot of track record. What we do know, let’s supply this idea of flow control to incineration.

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“As you know, there is a lot of community interest in an incinerator. It appears to be a highly efficient way of dealing with trash once and for all. Many people have had experience in burning their own household trash. The Solid Waste Management Committee studied incineration over the source of their work. They went to Tulsa for an in-depth study of the incinerator there and soon after that they eliminated an incinerator as a viable option mainly for three reasons. One reason is technical and Susan Erlenwein will get into that later on. The other two are cost and the lack of flow control. The lack of the government’s ability to ensure that trash will flow into an incinerator. What I’ll try to do is to address the last two, the cost and the flow control.

“In studying incinerators, the Committee found that the cost of construction, and this is construction only, for an incinerator that would handle the volume of Sedgwick County waste ranged from \$142,000,000 to over \$240,000,000. The lower cost was essentially a bare bones incinerator the higher cost more toward the \$240,000,000 side was a waste to energy plant. You can convert what you burn into steam or electricity. This construction cost, plus the cost of operating the facility equally a tipping fee of approximately \$95 a ton. Now \$95 a ton is well over 200% higher than the next viable option. I believe the proposals that the City of Wichita received last year included one proposal to haul trash to Utah disposal. Have a transfer station and haul it for disposal in Utah. I think that was \$65 a ton. So it would cost most more straight up cost to tip in a local incinerator than it would be to haul our trash to Utah. So let’s combine this cost, a \$95 tipping fee with the aspect of flow control, or more accurately, the lack of flow control.

“I must admit the only way I understand this well enough to explain it is to do it in very simple terms. I’d like to ask Susan to put up our first generic model. Now that is pretty simple, that’s not rocket science. I have a carton of trash, a can of trash, I put it out, it’s collected, and the collector takes it to the disposal. That is about as generic and as simple as it’s going to get. Okay, now let’s look at this generic model then, factoring in costs in a free market environment like we have here in Sedgwick County. So I’ve got my can of trash and I put it out on the curb. My hauler charges me \$12 to \$15 a month for collection and disposal. Now if those costs go up or I think those costs are too high, I have options. Some of those options are I may contract with another hauler. I may find out that is less expensive. I may get together with the folks in my neighborhood and we may go out for bid and come up with a less expensive option. I may haul it myself. There are a number of options that I have if I think the cost of collection is too high.

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“Okay now my hauler has the trash and they are ready to take it to disposal. Remember under flow control or lack of flow control, my hauler can take the trash any where they want to go. They will usually take it to the place where it will cost them the least, where their business cost is the lowest. So if the cost to unload this trash, say at the incinerator at \$95 a ton is too high, then the hauler has options. The hauler may say it would be cheaper if I built my own Subtitle D landfill and I’ll just take it to my own landfill or I at \$95 a ton, it would be cheaper to take it to Utah or it would be cheaper to take it to northeast Kansas, most any place else it would be cheaper, or I could just dump it along side the road. So the haulers have a number of options once the cost of doing business at your \$142,000,000 incineration facility is too high. Even though they have those options, we still have a \$142,000,000 investment in that disposal facility and we’re still making payments on that incinerator. So if we own the incinerator, what are our options to make sure that we can keep making our payments. Well under flow control we can’t make the haulers use that incinerator. We’ve been studying how other communities, who have incinerators, have handled this issue. In several cases, the Supreme Court ruling came after the incinerators were built and in operation. When the Supreme Court struck down the flow control regulations haulers and their trash flowed to less expensive options. Several municipal solid waste incinerators have since been moth balled. They’ve gone out of business.

“We also studied how communities organized their solid waste system to make it work. It involved eliminating the free market system and have local government or a utility assume control of the entire system. This is how it would look if we did that in Sedgwick County.”

**Commissioner Schroeder** said, “Irene, before you go on to that, you had an arrow up there with self haul. Is there not some health or city or state ordinance that says that a residence is required to have trash service?”

**Ms. Hart** said, “I think they have to have access to. The answer was that they have to have access to or they can haul it themselves as long as they do it every two weeks.”

**Commissioner Schroeder** said, “Is that a state law?”

**Ms. Hart** said, “State and local law.”

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

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**Ms. Hart** said, "I'm going to use the term 'we' as local government because it wouldn't all fit on there. We as local government or we as a local utility that we may create. First we have our carton of trash, or the homeowner sets it out on the curb. Now we can franchise the hauler. That means we own the trash routes and we determine what hauler is going to cover what route. So the homeowner does not have a choice of who their collector is. They take the one that has the franchise for the route that they're on. The other option and sometimes they are used in combination is that we hire staff, we buy trucks, and we ourselves collect our trash with our own employees, so we still have control of this trash. If this is the case, then we need to set up a billing department so we can bill the customer for this service. We've looked at utilities of similar size. We estimate it would take 25 to 35 personnel at a cost over a \$1,500,000 to set up a billing department so that we could provide billing services to the residents of the entire County.

"Now how are we going to pay for this because remember we have the monthly payments on the \$142,000,000 incinerator. Well, we can charge the customer the entire cost of the operation. So that we can recover the \$95 a ton tipping fee, the cost of operating and building that facility, the collection costs, and the administrative and billing costs, or we can lower that cost by subsidizing that \$95 with property taxes or with other fees. All of this means that we get in the entire business from collection to processing to billing to disposal so that we can support our \$142,000,000 incinerator investment. This system has worked well in communities where government has always controlled the system, but that is not the system that we have here in Sedgwick County.

"Committee to summarize the issues of flow control and cost as it relates to an incinerator, two of the major reasons why the Solid Waste Management Committee eliminated incineration from their consideration was the cost, the \$95 a ton, and the lack of the flow control to ensure that the incinerator would bring in the revenue to pay off the investment that we've made. I'd be happy to try to answer any questions on that aspect and why from those perspectives the Committee perhaps rejected the incinerator. There were some other technical reasons and Susan can cover those. But the cost and the fact that government would have to get into the business and control the system were two major reasons why that was not a popular item."

**Chairman Winters** said, "Thank you. We do have a question. Commissioner Schroeder."

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**Commissioner Schroeder** said, "Two issues. Irene, it would be interesting to get the details and the facts as to why the City of Wichita went out of the trash business. That has been some time ago but it would be interesting to find out what transpired in that event. The other is and I told you earlier that I'm getting a lot of questions about why not incineration. In most cases with incineration does the incinerator come first before the user of the power and the steam or whatever is supplied or is that done in tandem. Have most of those been set up together where they find a user for the energy source. Do you know how that usually is done?"

**Ms. Hart** said, "I'm going to go out on a limb here and try to answer a technical question. Susan will no doubtfully correct me. The minimum cost of the incinerator we talked about was \$142,000,000. That is a straight up burn the trash incinerator."

**Commissioner Schroeder** said, "Is that for 1,500 ton capacity?"

**Ms. Hart** said, "Yes. The higher end is if you are going to convert that trash into some kind of energy. My understanding is that no one would go into that level of expenditure without having a partner on board ready to buy that energy from them. That's about the limit of my knowledge."

**Commissioner Schroeder** said, "No, that's fine. I just keep getting the questions and I don't have the perfect answer for the issue of incinerator other than the two standard ones that it is awfully expensive and there have been cases where we have had pollution."

**Ms. Hart** said, "It seems to make sense. People burned it, I remember when I was a kid, my neighbors burned their trash."

**Commissioner Schroeder** said, "Did you like that smell?"

**Ms. Hart** said, "I remember it because it would go away with the south wind and the back yard burned up and that sort of thing. I think it makes sense. You just get rid of it. You handle it once and it is gone and maybe you can make something out of it and reclaim the energy that was in that trash. But the cost of doing so and the lack of ability to make sure that you have a steady stream of fuel or trash into that facility just makes it unworkable in this community where the options are so much less expensive."

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**Commissioner Schroeder** said, "Well you have a front end problem and a back end problem. The back end problem is that you still have I think 25% of the total original volume to deal with. You have an ash you have to landfill somewhere and some of that or possible all of that would be polluted with metals and leads and et cetera."

**Ms. Hart** said, "That is one of the issues that Susan will no doubt address."

**Commissioner Schroeder** said, "Thank you. I appreciate the information."

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

**Commissioner Gwin** said, "You mentioned \$95 a ton tipping fee. Is that based upon \$142,000,000 or the \$241,000,000?"

**Ms. Hart** said, "Now we're getting out of my realm. Susan? It's kind of a mid way number."

**Commissioner Gwin** said, "Okay, because that's a big range in construction costs so I just didn't know where the \$95 was. So that's about mid way."

**Commissioner Schroeder** said, "Can I follow up on that?"

**Commissioner Gwin** said, "Sure."

**Commissioner Schroeder** said, "That's 1,500 tons and our projections are for more than that until hopefully recycling takes hold and we reduce the tonnage that goes in, but we certainly would never ever build any facility to handle 1,500 tons. We would build something that would handle more, would we not? Regardless of whether you do a transfer station, landfill, or incinerator, once you do it people are going to know about it and it becomes a regional center, you're going to get a greater volume I would think."

**Ms. Hart** said, "If the costs were lower than any other option. Now a neighboring county may have a Subtitle D landfill where the cost to just take and dump your trash is a whole lot less."

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**Commissioner Schroeder** said, "But it is kind of like buying gas today. I don't know too many people who drive across town to save a little money on gas any more like they used to. For convenience sake, I think you are going to find a lot of people unless the differences are this much, that are going to drive a great distance with their loads, unless your a commercial hauler or somebody like that who can afford to do that and put that in part of your operations and pass those costs on to your customer. I am trying to get some of these questions answered that I've been getting and I'm not quite sure how to field them all."

**Ms. Hart** said, "Let's have the expert try to address some of those."

**Chairman Winters** said, "Commissioner Gwin has a comment."

**Commissioner Gwin** said, "I'll wait."

**Chairman Winters** said, "Go ahead Susan."

**Ms. Susan Erlenwein**, Director, Department of Environmental Resources, said, "Final disposal options that have been considered by the Solid Waste Management Committee include incineration of the waste, new and developing technologies, a landfill and transfer stations. Now I'll address all of these and the advantages and disadvantages of each of these systems.

"First I'd like to show the national trends for land filling, recycling and incineration. As you can see from this bar chart, this is a national survey that was done by a BioCycle magazine. The red bar shows landfill materials. You notice on the left, 1990, about 80%, just over that, or our national trash was land filled. The blue bar shows that less than 10% was recycled and less than 10% was incinerated. By 1993, you see the number of landfills dropping. Part of this is because of the Subtitle D regulations that have been mentioned where you have more expense in developing landfills. Now you are starting to get more regional landfills. Notice the blue bar on the left, recycling. It increased and you had a slight increase in incineration. By 1996 the bar graph on the right, you see the number of landfills have dropped dramatically. Notice the blue bar for recycling has increased. The national average of recycling right now is 25%. The green bar shows incineration at about 10%. So 10% of our national trash is incinerated and over 80% of those incinerators are east of the Mississippi River. This gives you an idea that recycling keeps increasing and landfills keep decreasing.

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“First let’s talk about new technology. New technology includes turning waste into ethanol or the pyrolysis of burning the waste and having a slag material left over. Our Committee has heard from companies talking about new technology. We’ve seen videos from companies. We have developed a subcommittee on new and developing technologies who have visited a local technology group. They’ve looked at these groups and are intrigued by them. You can see advantages to new technology. The possibility of eliminating most of the waste so you have very little left over. You can have the capability of producing energy from this trash just like incinerators do and it could be a very long term solution. I think that is what intrigues most people is getting rid of the waste and a long term solution sounds good for the whole community.

“You also have draw backs to new technology, disadvantages. Even though we have some blue prints that show that companies can do this and there are many pilot programs out there, we have seen nothing offered to us that can handle 1,000 to 1,500 tons of trash per day that are currently in operation. You have some pilot programs that are working with 10 tons of trash a day or maybe up to 100 tons of trash a day, but there are none in operation to handle our volume. So because of that, and they are only pilot programs, you have uncertain costs. What will the costs be? Irene just mentioned the cost of incineration. We are uncertain of the costs of new technology at this time. KDHE has mentioned that permitting process is questionable. We could develop this and present it to the State and the State would then have to develop a new permitting process for that particular technology and this could take a number of years.

“Brooks Landfill will close in October of 2001. So whatever decision we make has to be in place by October 2001. It is doubtful that the new technologies could be in place by then, but that is why the Solid Waste Management Committee is investigating this and would like to have some land set aside for whatever disposal option is chosen to have new technology there so we could help them in this development.

“Incineration, as Irene mentioned, this is the burning of trash. A trash truck would go into a warehouse type building. They would deposit the trash inside the building. The trash is then scooped into the burner area where it is burned at a high temperature. The advantage is that the majority of the trash is totally destroyed. As Commissioner Schroeder mentioned, you still have some left over. That gets into the disadvantages that I’ll get into in a little bit. A small area of land is required and can be in an industrial area. A lot of incinerators are 20 acres or less.

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“Because it is a warehouse type building, it fits in nicely in an industrial area, especially if you have the ability of producing energy. You want a source nearby that will use that energy. So again, an industrial area works out very well for incineration. Additional advantages, less potential for polluting the ground water than a landfill. It is an enclosed building. You are dumping the trash on a concrete floor and burning it. Therefore you really don’t have the groundwater pollution situation that you face with a landfill. You maintain the local responsibility and control. Everything is happening right inside your community.

“It also has disadvantages as well. You still have to dispose of the ash, which may be hazardous. This is what Commissioner Schroeder referred to. When you burn the waste, picture a fireplace and logs in a fireplace and after you burn it you still have an ash left over. When you burn the trash, you have 25% left over by weight, 10% by volume. So if you burn 1,000 tons a day you still have 250 tons of trash a day to dispose of. If this ash is tested to be hazardous, it must now be disposed of in a hazardous waste landfill. We do not have a hazardous waste landfill in Kansas, which means we would be exporting it to another state. If it is not tested to be hazardous then you still need a local landfill somewhere or a regional landfill to dispose of that ash.

“Federal regulations constantly change. Tulsa has seen this. When the Solid Waste Management Committee went down to Tulsa and they looked at the incinerator they were told that when the incinerator was built it met all the federal regulations. Since then, you had the new Clean Air Act and the regulations have changed. They are facing \$23,500,000 retrofit to bring their incinerator up to new federal standards. They’ve not made the decision yet as to whether they will do that or actually close their incinerator. Irene mentioned that some incinerators have closed because of the costs. That is one of the things that has happened, not only has trash moved away from the area, but as new regulations come on line you have new expenses that can not be handled by the volume of trash that is going into the incinerator.

“Another disadvantage is the incinerator is expensive. As Irene mentioned, \$95 a ton or \$19.40 per household per month. This is quite a bit more expensive. In fact, if you were to look at a yearly amount, this would be \$19,000,000 more expensive than a transfer station every year. So it is quite a bit of expensive to our community to just do an incinerator. Then you have the flow control problems that have already been mentioned and you can’t guarantee the flow going into the incinerator. You would have to change business as we know it today.

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“Local landfills. We’ve heard from people today saying the advantage is it maintains local responsibility and control. You have the trash going into the Subtitle D landfill and I’ll have a diagram in a minute to show what that means. The local responsibility ensures it is in your community and have the trash going into it. Perhaps you can control what is going to it. Relatively inexpensive compared to the other options. Approximately \$20 a ton or \$13 per household per month. So of all the options, this is the least expensive for the actual tonnage and household costs.

“Disadvantage. It requires a large area of land. As we know, the City of Wichita is looking at 320 acres in the northeast part of the County along with the over 1,000 acres for buffer area. So it takes a very large area of land. If you recall, I just mentioned incineration is 20 acres or less. So you have a large area. You have a greater potential for contaminating the ground water. There is no guarantee on the liner system. In fact, EPA has said that sooner or later the liners will leak. When that happens, depending upon the depth of the ground water, you have a potential for contamination. The area surrounding the landfill may be negatively affected. Depending upon the topography around the area, the closeness of residents to the area, you could have a negative impact.

“To show you a diagram, this is an idealized diagram of northeast Sedgwick County. The red area that you see is a trash area. Horizontal is not to scale, but vertical is. You can’t do both on the same diagram. I can’t show 320 acres and get you the vertical scale. The City is proposing 95 foot tall above the surrounding area and as we know the area is flat around this proposed landfill. They’ve done many boring into the ground water and as you’ve heard from the residents today, the depth to ground water can vary. I’ve seen a six foot down to ground water in the area. The northwest corner of the City’s land is 17 feet. Some of the main area that they are looking at for the spot for the landfill is around 30 feet. So you have 30 feet from the surface of the ground down to the main water level. You have 60 feet from the surface of the ground down to consolidated rock. The City’s plan is to dig down 20 feet into this area and have a ten foot clearance between the bottom of the liner and the ground water level. The liner consists of gravel, a plastic layer, and then two feet of consolidated clay. So if there is a potential leak in that liner system you have ten feet before you reach the ground water level. As I mentioned, this is idealistic. You’re going to have a different slope than what you see here on this diagram.

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“Transfer station. It is a warehouse. The transfer station can be in an industrial area, 20 acres or less for the volume of trash that we are looking at. You could have a garbage truck go into the area, dump the trash inside the building. It would then be front loaded into either a semi-truck or a train and then be transferred to a distant landfill. The advantages, a small area of land required. Like I said, less than 20 acres. Since is it a warehouse type building, it does fit in nicely into an industrial area. Less potential for polluting the ground water than a landfill. You are dumping the trash on a concrete floor inside a building. You would have to have a system for any run off from rain to be collected into the regular system. You do not have the potential for ground water contamination.

“It can be short term or long term. This has been very important to the Solid Waste Management Committee. If you are interested in new technology and developing new technology, if you have a transfer station with a warehouse type building it could be used for other things once you abandon that building. It can be sold and you’re only looking at 20 acres. It is not as long term a commitment as a landfill where you have a large hole in the ground. You are committed to it longer and when the landfill closes, by law you must monitor it for 30 more years after the last piece of trash is deposited in the landfill. So landfill is a very long term commitment compared to a transfer station which could be short or long term.”

**Commissioner Schroeder** said, “Susan, what happens after 30 years?”

**Ms. Erlenwein** said, “Well, it depends upon whether the law changes between now and then. Just like you had the Clean Air law change. From the liner, the bottom of the landfill down to the ground water level is 140 feet. From the same up out because it is hilly, you are looking at 100 feet, they, in this particular case, can build a little bit higher, so you may have 20 more feet here of trash. The other landfill that you just heard about would be the same level as the ground around it. They can’t go higher. Instead of the 140 feet you would have 80 feet. To compare that to northeast Sedgwick County, having the diagrams side by side, same data point. Here’s the trash and horizontal is not to scale, it is going to be wider than this. You have 95 foot high here and 100 foot here. You can see this more readily because it is flat around it. Here you have the hills. It has been quarried out with the rocks so you are putting the trash in the quarry so you are reclaiming the land.

“Ten foot from the bottom of the liner to the ground water, 140 feet from the bottom of the liner to the ground water. This is shale, this is shale. You are comparing apples to apples, it is the same type of rock.

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“Now to help us compare one landfill to another, whether it is a distant landfill or a local landfill, the State of Kansas developed a chart. I know this may be hard to see. The Commissioners have a copy of it. The State has an evaluation criteria for looking at any landfill site. You look at the geology and hydrology of it. What kind of material is on the site? What is the ground water flow? What is the depth to the ground water? What is the water quality in nearby wells? What is the existing geologic data, do you have to do more work? What is the impact on the neighborhood around it, visual impact on the roads and the neighborhoods around this landfill? The number of people living near the landfill or on the site you are proposing or within a one mile radius around it. Projected use of the site when it is closed. Vegetation and wildlife, traffic impact, there are many issues that need to be considered in picking a landfill whether it is a site for a local landfill or a regional landfill, I would suggest that we look at all of these items when making a determination.

“That is it for the formal presentation. I’d be happy to answer any questions you might have.”

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

**Commissioner Schroeder** said, “Susan, in that situation where you have a quarry that you use as a landfill. If it were to leak, what would be the cause of that, a vein of rock or something? I don’t know what the history is of those, how well they work or don’t work in some cases and in different areas.”

**Ms. Erlenwein** said, “It depends on one area from another. For example, the chemical waste management site, they had weathered limestone in that area with voids and they also had gypsum. Limestone and gypsum are readily dissolved by water. So if you have a geology with fissures of different rock moving through it, the shale, any chemical can run as a conduit along those fissures and get down to the ground water. Same with any rock. It depends upon whether you have any cracks, any fissures, any limestone zones that might help act as a conduit to take that water from the landfill down to the ground water level. As you saw from the one diagram then, if you look at the assumption that sooner or later a liner will leak, you need to look at the geology underneath that liner.

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“Is it good enough to keep that leach water with the chemicals in it from reaching the ground water area. So you need to look at the type of rocks, such as the shale, and is there any other rock or fissures cutting through it. Ten foot down to ground water versus 140 foot, you have more leeway with 140 feet to have less of a possibility of contact.”

**Commissioner Schroeder** said, “So if for instance a transfer station was selected and locations are chosen to take the trash to, do we know all that ahead of time, the geology of that rock? Whether it has fissures that may run through them so we feel comfortable with where our trash is going?”

**Ms. Erlenwein** said, “That is correct. With Subtitle D landfills, they have already done that.”

**Commissioner Schroeder** said, “They’ve done that. My other question is on closed landfills. Like for instance when Brooks closes. They monitor that for 30 years, that is not Subtitle D, but if it were and it had a leach system, does that system run forever? Does somebody actually make sure that it is drained properly? I’m looking beyond the 30 year point, which seems maybe ridiculous to some people, but it is still a problem that is going to be there.”

**Ms. Erlenwein** said, “The law states that you have to monitor for 30 years and it is what happens after that which is always the question of how the laws will change between now and 30 years from now as they have changed in the past. I would imagine you would still be pumping out the leach material from the top of the liner.”

**Commissioner Schroeder** said, “So that would be that municipalities responsibility to make sure that it continually happens as long as we’re here.”

**Ms. Erlenwein** said, “To keep from polluting the ground water.”

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

**Ms. Erlenwein** said, “That’s a definite possibility.”

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

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

**Commissioner Gwin** said, “Thank you Mr. Chairman. Susan, Irene gave us the reasons that the Solid Waste Management Committee eliminated incineration as an option. Their recommendation to us was a material recovery facility and transferring what isn’t recovered to a distant regional landfill. Can you cite the reasons then that they didn’t select a local landfill?”

**Ms. Erlenwein** said, “Many of the members felt that if we had a landfill locally it would end up being in the northeast part of the County, since that was such a prevalent option on the table. They considered that and they considered the fact that the City would dig down to within ten feet from the ground water. That the liner would possibly leak, as even the City’s consultants said, and with only ten foot rom the bottom of the liner to the ground water, that it was not enough protection. They felt that the geology in our County was not as suitable as the geology in other counties. The Solid Waste Management Committee did take a field trip to other Subtitle D landfills. They went to the landfill north of Lawrence and one in Topeka and looked at those. They were quite impressed with the terrain and the topography of the area. In that case, you were reclaiming ground that had already been mined, that you have hills in the area and that the trash would be filling into the regional topography. If you look at Sedgwick County and Brooks Landfill, you are creating a hill in a very flat area.

“They also looked, because you are creating a hill and it is above the area, you have more potential for blowing trash. Especially a 95 foot high landfill and a 20 foot fence around it, trash will blow over that fence. So now it is impacting a larger area. They looked at the fact that you have residents near the area in the northeast that would be negatively impacted. You would have to change the road system in that area. And even though you have a cost greater for a transfer station up front of transporting it, they looked at the long term cost for our community. That once you have a landfill you have to monitor it for 30 years after it is closed. Therefore, you have this long term commitment. Look at the cost our community is paying now for ground water contamination down town, north of Wichita, Brooks Landfill, that when you start having the pollution, who knows how many years you will be cleaning it up and how much cost will be involved in that. So they were looking toward the future and long term costs. As the companies mentioned earlier, they have the capacity to take our trash. For one case, for approximately 100 years, it could take 1,000 tons a day. So you have that potential for regionalization. That is something that the State of Kansas has stressed is that counties need to work together and regionalize the trash.

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“That we are a state community so when you transfer your trash to another community, you’re not so much dumping on them if they want the trash. They already have a regional landfill in place. Both of the companies mentioned they are already taking trash from many other counties. So you are looking at a state wide program versus one county taking care of its own problems. That’s the way it used to be. We used to have not only one landfill in every county but numerous landfills per county. Now you see counties pulling together to have one regional landfill. In some cases it is because they produce so little trash that they can’t afford to build a Subtitle D landfill by themselves, so then you have nine counties pulling together, one county has the landfill and all the others ship to them. So you are seeing a change at how trash is handled throughout the country, in 1988 there used to be over 8,000 landfills nation wide. Now there is under 3,000 landfills nation wide. So the whole nation is changing in how they dispose of their trash.”

**Commissioner Gwin** said, “That was important. I knew they had eliminated that as an option, as well as the incineration. I just needed it to be said, the areas, the things that they considered. Thank you Mr. Chairman.”

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

**Commissioner Miller** said, “Thank you Mr. Chairman. Susan, I need to talk a bit about new technologies from this committee’s perspective, just how important the development those types of technologies is and will become. I think that, I know that I heard at least one other Commissioner, when we originally decided to take back the planning portion of solid waste management in our County. At that time we’re saying well surely there is a different way of dealing with our solid waste problem than landfilling. I’m still at that point, but yet that seems to be the pondering of conversation, discussion and decision making that we are at. That is deciding to landfill, but where would the landfill be sited. Would it be sited here locally or would it be sited at a distance. When I think about in the future what it is that we are going to be asked to do with our solid waste, then come to mind those high tech viable possibilities. From a really viable point looking at and deciding on how much money or time it is worthy of putting into these options, just what was the Solid Waste Management Committee perspective?”

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**Ms. Erlenwein** said, "The Solid Waste Management Committee has heard from numerous companies. They've come and presented to the Solid Waste Management Committee to show them that this is an idea that we have for instance on pyrolysis. It is very intriguing because as you say, people don't want to go through this again in 30 years. They look at the future of their children and grand children and in fact, when we heard this process, we heard here we go again. We went through this in the '60s, we're doing it again now, do we want to go through this again in 30 years, so that's why I think people like the idea of incineration or new technologies. They look at it as maybe we can get rid of the trash once and for all. That is intriguing to the Solid Waste Management Committee. They would like to investigate more in the way of new technologies. As I mentioned before, the problem is when you ask these companies can you show us one that is in operation today that handled the volume of trash that we have, well no, but there is a pilot program at a certain university. There is a pilot program someplace else. They are not quite there yet. But they might be there in three years or it might be five or ten years down the road. I think whenever we decide what we are going to do, we need to consider, can we switch to a new technology in that five or ten years when it is developed or are we stuck with a system that we pick now until it is done with in 30 years."

**Commissioner Miller** said, "Surely. And that would be something that I'm hopeful as a Commission that we are certainly keeping very close to our decision making is can we make that switch if indeed that type of technology does become very viable in the future. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Susan, I'd like to talk about cost for a minute and then maybe send you away with an assignment. There are lots of issues that we've been talking about here from the geology of the site near Furley to the neighborhood to all kinds of things. For a lot of people in this community, it is coming down to a matter of dollars and cents. With the proposal that Councilman Ferris and Kamen have put out, they are saying that the difference in cost is going to be \$9,000,000 a year more expensive for the community for a transfer station. I hear some of our staff say informally, that we believe that is high, we believe it would be half of that. I visited with an elected from the City yesterday. He says he believes that is conservative, he believes it will be more than \$9,000,000 a year. Is there any way that you can get with Joe Pajor at the City and Tom Brown, their consultants, and somehow agree on some kind of number that you believe is a firm number and have their support on that number?"

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“Because I want to be able to say to the City Council or the Mayor, this is the number that you agree on, this is the number that we agree on, we agree on this number. Now we need to see if the cost benefit ratio is there so we can seriously consider it, instead of having this nebulous \$9,000,000 hanging out there.”

**Ms. Erlenwein** said, “If you look at numbers we had previously prepared and presented, the local landfill tonnage, without recycling, just the plain straight vanilla landfill.”

**Chairman Winters** said, “Right, because our number does include the construction of a new facility, a new material recovery facility.”

**Ms. Erlenwein** said, “If you look at just the landfill at \$19.31 a ton, and if you look at a transfer station, again without the MRF, at \$34.85 a ton, the yearly distance is about \$5,500,000.”

**Chairman Winters** said, “Do you believe anybody at the City agrees with those numbers? Do you think Joe Pajor or Tom Brown, the technical people, agree with that?”

**Ms. Erlenwein** said, “I know the City’s number. I don’t have it off the top of my head, but I believe it was higher than \$19.31. It was still \$19 something. I think it is comparable numbers if you have City’s report, you might have the tonnage.”

**Chairman Winters** said, “Mr. Manager?”

**Mr. William Buchanan**, County Manager, said, “The County has entered discussions with the City over the past several months attempting to do exactly what was suggested, to land on a number which we could agree on and we can’t and I think we’re real close to that. Next week in part of the financial discussion, we will be able to define that a little better than we can today. I’m not disagreeing with anything that Susan has said, but we were in the process of continuing to try to do that.”

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**Chairman Winters** said, "Next week we will continue discussion and it will be on finances. I'd like to hear back, if Susan gets her numbers and we believe the difference is going to be \$5,500,000 difference. We know that the transfer station is going to be a more expensive option, but I'd like to hear . . . the City believes, Tom Brown of Burns and McDonald's believes, that the number is X and here is where we are apart. Somehow, if we could just get to the point where we're talking about something that is as concrete as it can be, I'll feel more comfortable in the discussions I have with other elected and I think we'll all feel like that is an important number as we try to weigh this decision. Whether a more expensive solution is the best thing for the community or whether the expense is so high we need to stick with a bottom dollar."

**Ms. Erlenwein** said, "As the Manager mentioned, various departments within the County have been working with departments in the City on assumptions of what assumptions did you use or how long you are going to pay it off, what percentage increase. Those discussions have been doing on to come to a middle ground."

**Chairman Winters** said, "Well, that is good. Even next week when you give you presentation, if you could even include what some of their numbers are. Because I would rather hear them from us and out here in front of everybody and discuss what they think the right numbers are as opposed to having them in telephone conversations saying no your numbers are off."

**Ms. Erlenwein** said, "You're just a week early."

**Chairman Winters** said, "Okay. All right, are there any questions of Susan or Irene at this time? Good report."

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**MOTION**

Chairman Winters moved to receive and file.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Commissioners, we have about half a dozen more items, does anyone want to break for lunch or should we work right on through? Keep on going. Madam Clerk, call the next item."

**D. BUREAU OF COMPREHENSIVE COMMUNITY CARE.**

**1. AGREEMENT WITH UNITED METHODIST YOUTHVILLE, INC. TO ENABLE COMCARE TO PROVIDE SERVICES FOR YOUTHVILLE CLIENTS ON A FEE-FOR-SERVICE BASIS.**

**Ms. Deborah Donaldson**, Director, COMCARE, greeted the Commissioners and said, "This is a new agreement that we've not had before. This is the group that is the foster care contractor on the privatization effort of SRS. This is a contract where they will pay us to provide certain services to the folks that they serve. I'd be glad to answer any questions."

**Chairman Winters** said, "Commissioners, you've heard Deborah's report."

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**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

- 2. CONTRACTS (FOUR) WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE:**
  - a. CASE MANAGEMENT AND FLEXIBLE FUNDING FOR ADULTS WITH SEVERE AND PERSISTENT MENTAL ILLNESS**
  - b. AN INTENSIVE SUPPORTED HOUSING PROGRAM FOR ADULTS WITH SEVERE AND PERSISTENT MENTAL ILLNESS**
  - c. SPECIALIZED GROUP HOME PLACEMENT FOR ADULTS WITH SEVERE AND PERSISTENT MENTAL ILLNESS WHO HAVE BEEN DISCHARGED OR DIVERTED FROM STATE PSYCHIATRIC HOSPITALS**

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**d. ATTENDANT CARE TO ADULTS WITH SEVERE AND PERSISTENT MENTAL ILLNESS**

**Ms. Donaldson** said, "Commissioners, these four contracts are in the same situation as several contracts we had last week, where it is 90 day funding with the ability to go ahead and extend to a full year once we have the State contract negotiated and signed. The first contract is for case management and flexible funds for adults with a severe and persistent mental illness. This is a renewal of that particular contract and it is funded through State funds. The second contract is an intensive supported housing program and that program provides apartments where there is on site support staff and they have training and social activities available for folks. These are people who need a more intensive level of support in their housing arrangement. Again, this is State funded. The third contract is a specialized group home placement. This is a situation where we actually purchase group home beds from the Mental Health Association and we focus on their use for individuals who are discharged or being diverted from the State hospital. We've found this to be very helpful. The last contract is for attendant care which we have found, they handle the adult attendant care program, which we found extremely vital in terms of helping keep people out of hospitals. I'd be glad to answer any questions."

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

**Commissioner Miller** said, "Thank you Mr. Chairman. Deborah, I just have a question in regards to SSI benefits. If I recall, welfare reform is going to directly impact some of these benefits?"

**Ms. Donaldson** said, "It potentially could. I think that we'll find a greater impact in terms of the population we serve that is not as disabled as to what is typically served by this contract. But I believe that certainly individuals we serve will be impacted, but it will be individuals who have started functioning or do not have as serious a disability."

**Commissioner Miller** said, "Okay. I just needed to know how it would impact us locally here, because I now there will definitely be a decrease in the number of individuals who actually receive this benefit. Thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Any other discussion? You've heard Deborah's report, what's the will of the Board?"

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**MOTION**

Commissioner Hancock moved to approve the Contracts 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, "Thank you. Next item."

**E. AGREEMENT WITH WICHITA STATE UNIVERSITY (WSU) WHEREBY SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE WILL PROVIDE FIELD INTERNSHIPS TO WSU TRAINING PROGRAM STUDENTS.**

**Mr. Tom Pollan**, Director, Emergency Medical Service, greeted the Commissioners and said, "I have before you an agreement with WSU as stated. This is an annual agreement, so it will go for one year for two EMT classes and one MICT class. I would recommend your approval and allow the Chairman to sign."

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**F. AGREEMENT WITH THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA MEDICAL PRACTICE ASSOCIATION TO PROVIDE MEDICAL SERVICES TO JUVENILES AT THE DIVISION OF YOUTH SERVICES.**

**Ms. Cecile Gough**, Department of Corrections, greeted the Commissioners and said, "We are requesting renewal of the professional services agreement with the University of Kansas School of Medicine - Wichita Medical Practice Association. This is a renewal agreement with an expansion to allow our SCYP residents, which is the Sedgwick County Youth After Care Program residents, also be available to have these services."

**Chairman Winters** said, "Thank you Cecile. Any questions or comments Commissioners?"

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**MOTION**

Commissioner Miller moved to approve the Agreement 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, "Thank you Cecile. Next item."

**G. CAPITAL PROJECTS DEPARTMENT.**

**1. CONTRACT MODIFICATION NUMBER ONE WITH PROTECTION SYSTEMS, INC. FOR WORK RELATED TO THE COURTHOUSE SECURITY SYSTEM. CIP #PB-290.**

**Mr. Kenneth Arnold**, Director, Capital Projects Department, greeted the Commissioners and said, "This modification is involving the installation of two proximity carburetors as part of the new system that is being involved for the courthouse in the amount of \$2,689 to be funded within that project. I'd be happy to answer any questions and would recommend your approval."

**Chairman Winters** said, "Commissioners, any questions or comments?"

**Regular Meeting, August 20, 1997**

**MOTION**

Commissioner Gwin moved to approve the Contract modification 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

**Mr. Arnold** said, "Thank you Commissioners."

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

**2. CONTRACT MODIFICATION NUMBER THREE WITH MARTIN K. EBY CONSTRUCTION COMPANY, INC. FOR WORK RELATED TO THE PARKING GARAGE EXPANSION. CIP #PB-315.**

**Ms. Stephanie Knebel**, Project Manager, Capital Projects Department, greeted the Commissioners and said, "This agenda item is a request for contract modification number three for the parking garage expansion. The total of this contract modification is \$24,931 and includes several items. I can go into detail on those. Otherwise, I would recommend approval. I'm available for any questions."

**Chairman Winters** said, "I suppose the first question is, this is still in the budget of the original project?"

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

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**Chairman Winters** said, "Are there other questions or comments Commissioners? Seeing none, what's the will of the Board?"

**MOTION**

Commissioner Gwin 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	Absent at vote
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**H. POLICY WAIVER TO ALLOW HIRING AN ASSISTANT COMPUTER TICKETING ADMINISTRATOR AT UP TO RANGE 20, STEP 6.**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "We are coming to you today with this request for the waiver for the following reasons. Come September 2, due to the fact that our Assistant Ticket administrator was offered and accepted a job operating the Select-A-Seat system in Salt Lake City, and that our Ticket Administrator is scheduled for abdominal surgery on September 2, we would have nobody left to operate the third largest Select-A-Seat system in the country, with eight separate users. The challenge was to maintain the level of service to our customers, possibly improve it if we could, but at the same time keep an eye on what our costs are. I think we solved that with the candidate that we are talking about. The learning curve is basically going to be flat.

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“He has operated the Select-A-Seat system with Arkansas State University. He has worked for Wichita State University, so he has ties to the community. He has actually imposed and installed some of the upgrades that we have planned for the system that can be tricky. We are looking to improve our system and as you know, we have continued to expand the number of users and amount of ticket volume that this system has been supplying. We request your approval to go ahead and hire this individual so we can continue to maintain our services.”

#### **MOTION**

Commissioner Schroeder moved to approve the policy waiver and hiring level.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, “Now our person who is leaving, that is Dee Dee Hill? She’s going to Salt Lake City?”

**Mr. Nath** said, “Yes.”

**Chairman Winters** said, “And that is where the Olympics are going to be?”

**Mr. Nath** said, “Yes, 2002, she already knows that we are going to have her phone number and everybody is invited to stay at her house.”

**Chairman Winters** said, “Is that the Winter Olympics that will be there in 2002?”

**Mr. Nath** said, “Yes.”

**Chairman Winters** said, “That sounds like a great opportunity.”

**Mr. Nath** said, “I think it is a great opportunity.”

**Chairman Winters** said, “Tell her to remember us. Commissioners are there other comments? Seeing none, call the vote.”

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**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. Next item."

**I. BUREAU OF PUBLIC SERVICES.**

**1. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE ATTICA TOWNSHIP SYSTEM. DISTRICT #3.**

**Mr. David C. Spears**, P.E., Director/County Engineer, greeted the Commissioners and said, "It is standard procedure that after a road is constructed within an unplatted residential development in accordance with County standards, that the road is then assigned to the township system. In this particular case, 191st Street West Circle, which is located north of 21st Street North, will become the responsibility of Attica Township. Recommend that you adopt the Resolution."

**MOTION**

Commissioner Miller moved to adopt the Resolution..

Commissioner Gwin seconded the Motion.

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

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**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."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH DONDLINGER & SONS CONSTRUCTION CO., INC. FOR SEDGWICK COUNTY PROJECT - BUREAU OF PUBLIC SERVICES - ENGINEERING/ADMINISTRATION BUILDING; SEWER IMPROVEMENTS CIP #PB-296. DISTRICT #2.**

**Mr. Spears** said, "Item I-2 is a modification of plans and construction for the sewer improvements for the Bureau of Public Services Engineering Building, designated as PB-296 in the Capital Improvement Program. This project has been constructed and is ready to be finalized out. There will be an increase of \$3,500 due to variations in planning quantities from actual field measurements. Recommend that you approve the modification and authorize the Chairman to sign."

**MOTION**

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

Commissioner Schroeder seconded the Motion.

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

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**VOTE**

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

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

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 14, 1997  
REGULAR MEETING.**

**Mr. Ken Williams**, Assistant Director, Purchasing Department, greeted the Commissioners and said, "I was told to make this short and fast."

**(1) FIRE PROTECTION SYSTEM - JUDGE RIDDEL BOYS RANCH  
FUNDING: CAPITAL PROJECT**

"The first item we have is fire protection for the Judge Riddel Boys Ranch. This recommendation is to accept the low bid of McDaniel Company in the amount of \$18,300."

**(2) SECURITY SERVICES - COMCARE  
FUNDING: COMCARE**

"The second item is security services for COMCARE. It was recommended to accept the low bid of Force-1 Security in an annual amount of \$145,000."

**ITEMS NOT REQUIRING BOCC ACTION**

**(3) SUPPORT FOR COOLER - JUDGE JAMES RIDDEL BOYS RANCH  
FUNDING: CAPITAL PROJECT**

**(4) DISPOSITION OF REAL PROPERTY - 51ST & MERIDIAN - LEGAL  
FUNDING: LEGAL**

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- (5) **CELLULAR & PCS PHONES - VARIOUS DEPARTMENTS**  
**FUNDING: TELECOMMUNICATIONS**
- (6) **TWIN ENGINE TURBINE AIRCRAFT - SHERIFF**  
**FUNDING: SHERIFF/MOTOR POOL**
- (7) **MEDICAL BILLING SERVICES COLLECTION - ACCOUNTING**  
**FUNDING: ACCOUNTING**

“Item three is support for the coolers at the Boys Ranch. It was recommended to table indefinitely for review. Disposition of real property, recommendation is to table indefinitely for review. Cellular and PCS phones, recommendation is to table indefinitely for review. Twin engine turbine aircraft for the Sheriff’s Department, table indefinitely for review. Medical billing services collection for accounting, table indefinitely for review.”

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

**MOTION**

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

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, “Thanks Ken. Next item.”

**Regular Meeting, August 20, 1997**

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

- a. Road Number 791-CC, Owners: Carlton Scott Jones and Sheila A. Jones, located in the Southwest Quarter of Section 25, Township 29 South, Range 3 West, more specifically located on the east side of 231st Street West and north of 111th Street South. Viola Township. District #3.
- b. Road Number 606-14, Owners: Joseph F. Scheer and Carla solid waste. Scheer, located in the Northeast Quarter of Section 20, Township 26 South, Range 2 West, more specifically located on the south side of 53rd Street North and west of 183rd Street West. Union Township. District #3.

The following tract of land was granted by Easement for Right-of-Way to construct a new public road in an unplatted subdivision at no cost to the County. This Easement was requested to correct an Easement that was previously filed on Film 1686, Page 0615.

- c. Owner: George solid waste. Clark, dba Clark Land Co., Inc., located in the Southeast Quarter of Section 18, Township 25 South, Range 1 West, more specifically located west of 103rd Street West (Maize Road) and north of 101st Street North. Valley Center Township. District #4.

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**2. Floodway Reserve Easement.**

The following tract of land was granted by Floodway Reserve Easement at no cost to the County. This Easement were requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

Owners: Joseph F. Scheer and Carla solid waste. Scheer, located in the Northeast Quarter of Section 20, Township 26 South, Range 2 West, more specifically located on the south side of 53rd Street North and west of 183rd Street West. Union Township. District #3.

**3. Right-of-Way Instrument.**

One Temporary Construction Easement for Sedgwick County Project No. 817-G through N½ J; Meridian from the north city limits of Wichita to the south city limits of Valley Center. CIP #R-169. District #4.

**4. Section 8 Housing Assistance Payment Contract.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>Landlord</u>
C97044	\$228.00	Brian D. Shepherd

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94063	\$194.00	\$204.00
V95130	\$222.00	\$205.00
C95133	\$298.00	\$164.00

**Regular Meeting, August 20, 1997**

**6. Plat.**

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

Belle Terre South Addition

**7. Order dated August 13, 1997 to correct tax roll for change of assessment.**

**8. Consideration of the Check Register of August 15, 1997.**

**9. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970467	County Clerk	Transfer
970468	County Clerk	Transfer
970469	Finance General	
	Central Services	Transfer
970470	COMCARE-Operations	Transfer
970471	COMCARE-Administration	Transfer
970472	Asset Forfeiture	Appropriation Reduction
970473	Federal Asset Forfeiture	Supplemental Appropriation
970474	District Court	
	Byrne Grant	Supplemental Appropriation
970475	HOME	
	Housing Rehab	Supplemental Appropriation
970476	Temporary Notes	
	Series 1996-1	Supplemental Appropriation
970477	1997 Series A	
	Bond Issue	Supplemental Appropriation

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<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970478	Temporary Notes Series 1997-1	Supplemental Appropriation
970479	PBC Bond Issue 1997 Series B	Supplemental Appropriation
970480	Public Services Engineering Building	Supplemental Appropriation
970481	Auto License	Transfer

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

**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "We have no Fire District or Sewer District meetings. We had scheduled an Executive Session, but it is not an urgent matter and I think we can postpone that due to the lateness of the hour. If there is no other business to come before this Board, we're adjourned."

**Regular Meeting, August 20, 1997**

**L. OTHER**

**M. ADJOURNMENT**

**Regular Meeting, August 20, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 12:41 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