

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JUNE 3, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, June 3, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Jennifer Reschke, Assistant County Counselor; Ms. Kristi Zukovich, Assistant to the Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; Mr. Gary Curmode, Chief, Fire Department; Ms. Sherri Fountain, EMS; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Louanna Honeycutt Burress, Administrative Officer; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Mr. Rod Henricks, Plant Manager, Uhruh Fabrication, Wichita, Kansas
Mr. Chris Steincamp, Attorney, Depew and Gillen
Ms. Mary Little, Insurance Women of Wichita

INVOCATION

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

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: **Regular Meeting, May 13, 1998.**

The Clerk reported that all Commissioners were present at the Regular Meeting of May 13, 1998.

Chairman Schroeder said, "Commissioners, you've received the Minutes of the meeting, what's the will of the Board?"

Regular Meeting, June 3, 1998

MOTION

Commissioner Hancock moved to adopt the Minutes of May 13, 1998.

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 Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item please."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

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

Commissioner Winters said, "Thank you, Becky. I see no questions. Before we go on to the next item, I want to introduce a guest in our audience today, former Lieutenant Governor Tom Docking. Welcome, glad to have you here today. I think you'll make all the difference by being here. We appreciate you being here today. Thank you. Next item please."

Regular Meeting, June 3, 1998

PROCLAMATION

- A. PROCLAMATION DECLARING JUNE 1998 AS "Kansas Business Appreciation Month."**

PROCLAMATION

WHEREAS, the businesses of Sedgwick County are vital to our state's economic development health and are keys to a prosperous future; and

WHEREAS, those businesses provide the most important components of growth as their expansion accounts for the majority of new jobs created for the citizens of Sedgwick County and

WHEREAS, public awareness of the contributions made by Sedgwick County businesses is the key to sustaining a healthy business-community relationship; and

WHEREAS, the citizens of Sedgwick County are grateful to the businesses of Sedgwick County for their generous contributions to the quality of life we all enjoy;

NOW THEREFORE BE IT RESOLVED, that I, Mark Schroeder, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim June, 1998, as

"KANSAS BUSINESS APPRECIATION MONTH"

in Sedgwick County, and urge all citizens to recognize local businesses and their employees for their outstanding contributions to our state, and to join in this important observation."

MOTION

Chairman Schroeder moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

Regular Meeting, June 3, 1998

VOTE

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

Chairman Schroeder said, “Today, we have Louanna Burress, one of our own, to accept the Proclamation. Welcome Louanna.”

Ms. Louanna Burress greeted the Commissioners and said, “As I’m sure you’re aware, the Governor of the State of Kansas has declared the month of June as Business Appreciation Month in the State. In keeping with that, we’ve done the same thing in Sedgwick County. I know that you realize but perhaps some of the public is less aware of, but we have many many businesses that quietly go about the process of developing our economy and making goods and services available to the residents of our community. Earlier this week, I had the opportunity to visit Unruh Fab Incorporated, which is located in Sedgwick County just south of Sedgwick in the northern part of our County.

“Steve Brown, who is the President of Unruh Fab had invited myself and Rich Olson with the Kansas Department of Commerce and Housing up to visit with him regarding incentives that are available in the area. We got to tour the facility and I was extremely impressed. The company builds those trailers that haul plate glass and mirrors and keep them from breaking. I’m sure you’ve seen those. It is one of the most productive manufacturers of these types of trailers in the United States and it is right here in Sedgwick County Kansas. I invited Mr. Brown to join us this morning to accept the Proclamation. He had a previous commitment but he suggested that his plant manager, Mr. Rod Henricks join me and Mr. Henricks is here this morning and I would like to introduce him and have him join me in accepting the Proclamation.”

Chairman Schroeder said, “Thank you. Welcome.”

Mr. Rod Henricks said, “I prepared a little blurb on the company that Louanna can hand me. We’ve been manufacturing truck bodies and semi-trailers for about 25 years so we’re an overnight success story that two decades to get to. We have seen a lot of growth in our industry within the last five years and we are anticipating a lot more growth in the coming five years.

Regular Meeting, June 3, 1998

“We manufacture a unique windshield racking system that EPG has started using. We have 700 vehicles in their fleet all across the United States. This system has been applied to Safelite Auto Glass as well as some of the other major distributors of windshields. So an Unruh product is in every state except Hawaii at the present time. We’re increasing our production capabilities and we plan to invest significantly in the next year and we’re also proposing a 50,000 square feet addition to our plan for 1999.”

Chairman Schroeder said, “Wonderful news, glad to hear it. I think there are some comments up here. Commissioner Winters.”

Commissioner Winters said, “I just wanted to make a quick comment. Louanna, I appreciate your bringing a Sedgwick County small business in for this Proclamation today. There are just hundreds or maybe thousands of small businesses from one or two people up to some significant sizes that are still really classified as small business that we never hear much about. They just quietly go about being successful and having a good product and good people working. So I think it is very appropriate that you’ve brought a small business person today to participate in this Proclamation. Small business is just absolutely the back bone of any community or county and it is very important that we try to be as helpful as possible as local government. Again, Louanna, thank you. Thank you sir for coming and representing your company. I’m not familiar with it but I like to think I know a lot of businesses in this County, but again there are a lot that are out there doing a good job and providing people employment. We certainly appreciate it. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Next item please.”

AWARDS RECOGNITION

B. INSURANCE WOMEN OF WICHITA PUBLIC RELATIONS AWARDS.

! PARAMEDIC OF THE YEAR: SHERRI FOUNTAIN, MICT, EMERGENCY MEDICAL SERVICE

! OFFICER OF THE YEAR: JEFFERY HENNINGER, DEPUTY, SHERIFF'S DEPARTMENT

Regular Meeting, June 3, 1998

- ! FIREFIGHTER OF THE YEAR: TONY MARCEAU, DIVISION CHIEF, FIRE DEPARTMENT**
- ! CITIZEN AWARD FOR BRAVERY: CHARLES THRONSON, EMERGENCY MEDICAL SERVICE**

Ms. Kristi Zukovich, Assistant to the County Manager, greeted the Commissioners and said, “This morning we’re going to take an opportunity to celebrate success. We have many many professionals in our organization who do great things every day. Today we’d like to recognize four of our public safety employees who were recently honored by the Insurance Women of Wichita. Mary Little of the Insurance Women of Wichita is here to tell you a little bit about the program and then we’ll introduce you to our award recipients.”

Ms. Mary Little said, “I’m a member of the Insurance Women of Wichita. I just want to tell you a little bit of background history about us. We’re part of the National Association of Insurance Women. We’ve been around for 60 years, maybe probably you’ve never heard of us before but we have been around a long time. Like I say, we’re part of the National Association. We’re a non-profit, non-union association of people employed in any area of insurance.

“Our object is to promote insurance education, to support the professional advancement of the industry, and to cultivate fellowship within the association to strengthen its members. We do a lot of things in the community. We have been involved in several areas. We have local, state, and national and regional levels and we meet once a month all year on the third Monday.

“We started this public relations award about 15 years ago honoring some of the public service people. I think our first nominee was Jack Schrader for his arson activities from the Wichita Fire Department and it has just grown since then. Now we’re up to we award six each year at a public relations breakfast which is held in May during our National Association Women’s Week. Besides this, we do a lot of other activities in the community. We conduct an essay contest in May on drinking and driving awareness. Each year we host and conduct a Christmas party for the Womens Crisis Center. We provide insurance related classes to our members. We have to have 24 hours of credit to keep our license in our industry. So we offer those education classes. We can’t do this alone. We have a lot of support from the local insurance companies and from the Wichita Independent Insurance Agents. We have a lot of help. Like I said, we do a lot of activities in the community. We formally had what we call Safety Town, which was at the River Festival, and various activities in the community.

Regular Meeting, June 3, 1998

“I can’t really tell you how we got started doing this award but to us public relations is the telling of good deeds well told. We thought that public service needed to hear this so we started out this a long time ago and it has grown to what it is today. We appreciate this opportunity to tell you about it.”

Ms. Zukovich said, “The first award recipient was unable to be with us today and that is Division Chief Tony Marceau of the Sedgwick County Fire Department. I’m going to read in part their nomination so you’ll understand why they were worthy of these awards. ‘Chief Marceau has dedicated 20 years to improving the Sedgwick County Fire District to be the top department in the State of Kansas. He worked his way up the ranks of Firefighter, Lieutenant, Captain, Division Chief, Fire Marshall, and Operations Chief. He was one of the original members of the hazardous materials team in 1978 and the joint team between Sedgwick County and the Wichita Department started in December of 1981. As Fire Marshall he directed the efforts in getting all of the fire investigators and inspectors certified as State Arson Investigators. He also began the tedious process of getting the Uniform Fire Code, the 1994 edition, into high gear so that it would be approved by the Board of County Commissioners in 1996. Tony formulated the Fire Department’s Honor Guard in 1978, which still exists today and he is also very involved with the Benefit and Relief Association. It is for this reason that the Sedgwick County Fire District has nominated Tony Marceau for the Firefighter of the Year.’ Chief Curmode is here to accept and say a few comments for him.”

Mr. Gary Curmode, Chief, Sedgwick County Fire Department, greeted the Commissioners and said, “Thank you, Kristi. On behalf of Chief Marceau, I’d like to accept this award for him and for the men and women of the Sedgwick County Fire Department. He is very gratified and very happy about the award. But what kind of goes along with his background, he is completing his last final today and tomorrow. He graduates Saturday and he couldn’t miss or he wouldn’t graduate. This kind of goes along with again the strategic values Sedgwick County and the Fire District to complete ongoing education. Thank you very much on behalf of him and his family.”

Chairman Schroeder said, “Thank you, Chief. I would like to say that I know Tony would have been here today if he could have. I don’t think a lot of people know that Tony took an early retirement due to a medical problem received in the line of duty, an injury to his knee. I know he misses the fire service. That was his life. That was his family’s life. Commissioner Gwin and I were at the Insurance Womens breakfast honoring these people. Tony accepted the award and between himself, his wife, his brothers and his father, they have over 105 years of service to emergency services in Sedgwick County and I think that says a lot for Tony and his family. I sure wish he could have been here today. Chief, please extend our heartfelt thanks to him and his family. Thank you.”

Regular Meeting, June 3, 1998

Ms. Zukovich said, "The second award is for the Sheriff's Department Officer of the Year and that is Deputy Jeffery Henninger. He has been with the Sedgwick County Sheriff's Department for four years. In March of this year, Deputy Henninger was at the Juvenile Intake and Assessment Center on official business. While he was there, he happened to come into contact with a juvenile in custody. The series of events that occurred previously that day at the Intake Center led Deputy Henninger to ask the juvenile about his knowledge of residential burglaries. The young man proceeded to describe what he knew about an extensive burglary operation and he further identified the operation's ringleader. The juvenile was subsequently turned over to the Sheriff's Department and Wichita Police Department Detectives assigned to investigate this series of residential burglaries. The investigation which developed as a result of Deputy Henninger's diligence and dedication to duty culminated in the arrest of the ringleader who was charged with three counts of burglary, four counts of theft, and one count of aggravated burglary. He is also a suspect in 11 additional burglaries. Of significance and importance is the fact that this investigation also led to the seizure of a target list which identified 72 residences to be burglarized. Deputy Jeffery Henninger."

Deputy Jeffery Henninger said, "Good morning. I would like to once again thank the Insurance Women of Wichita for this recognition. I'd like to thank the Commissioners as well, the Sheriff and his staff, for continuing to maintain a positive work environment for County employees that allows us to go out and excel in our positions. I thank you for that."

Chairman Schroeder said, "Thank you. Appreciate your hard work. Congratulations."

Ms. Zukovich said, "The third award for Paramedic of the Year was given to Sherri Fountain of Sedgwick County EMS. On the morning of December 3, 1997, Sherri's husband, Jeff, responded in the Arlington ambulance to an overturned vehicle on an icy roadway just outside of Arlington. Jeff attempted several times to call Sherri on the radio so she could respond. She did not answer. As Jeff pulled up to the scene, Sherri's silence was explained. Her Blazer had overturned on the icy roadway pinning her to the ground. Rescuers lifted the burning vehicle and pulled Sherri to safety."

Regular Meeting, June 3, 1998

“She was transported to Hutchinson Hospital and then to Wesley Trauma Center, arriving with vital signs nearly incompatible with life. Physicians offered little hope for her survival. Family members and fellow paramedics from around the State joined together in prayer and support for Sherri. Three spinal fractures and extensive hemorrhage threatened her life. A five hour surgery stabilized her skeleton but the questions were would she be able to walk, would she ever be able to resume her career. Sixteen days later, Sherri walked in the hospital hallway. Through rehab and physical therapy, she pushed herself to regain loss motor skills. She reviewed her EMS protocols and did map studies while she was hospitalized. Sherri returned to full time EMS work on March 29, 1998, just 100 days after her nearly fatal accident. While Sherri’s commitment in providing competent and compassionate care to the citizens that she serves merits this award, it is her tenacity and fighting through this adversity that is an inspiration to her fellow paramedics. Sherri Fountain.”

Ms. Sherri Fountain said, “Good morning. As she told you, I’m lucky to be here. When I was first hired by Sedgwick County as a Paramedic, I felt very lucky to be able to work here. It is a fine County and a wonderful EMS service. In December, I had the misfortune of having a little accident in another County and I learned how committed the services, the EMS department, fire departments, and the law enforcement, as well as the Commissioners are to the health and safety and well being of the citizens of Sedgwick County. I thank God I got to Sedgwick County, Wesley Medical Center took care of me. To the Womens Insurance Group of Wichita, I’m very proud to receive your award. It is a high honor to me. To the County Commissioners, I’m very proud and happy to work with people that are so committed to the citizens of Sedgwick County and I thank you all.”

Regular Meeting, June 3, 1998

Ms. Zukovich said, “The final award is the Citizen Award for Bravery and this year it was also presented to a Sedgwick County EMS employee, Lieutenant Chuck Thronson. On Sunday, April 26, Lieutenant Thronson and his partner Jane Young were dispatched to an apartment complex near 31st and Broadway for a report of a woman on fire, unable to walk. Their location at the time of the call was near the emergency address and they arrived prior to the Wichita Fire Department. When they turned into the parking lot, smoke could be seen pouring out of a window in a ground floor apartment. Lieutenant Thronson was out of the ambulance before it completely stopped while bystanders told him there was a lady in the apartment that was burning and that she was unable to walk. Lieutenant Thronson ran to the door of the apartment, stopped for a split second and then kicked the door in. Dark smoke exploded out of the doorway and then Lieutenant Thronson dropped to his knees and yelled into the apartment. He was answered very quickly by a woman’s voice. Looking into the room, all he could see was very black rolling smoke with about one foot of clean air along the floor. Lieutenant Thronson crouched down low and continued to communicate with the woman inside. He moved toward her, guided by her voice. She continued to answer him and raised her right arm. The glow of the fire showed a silhouette of her arm making it possible for him to find her. Lieutenant Thronson grabbed her and with determination was able to pull her out of the room. Advanced life support was administered immediately and within 12 minutes from the time of arrival on the scene, the patient was in route to the hospital. Lieutenant Thronson met the crisis with immediate action and responded, putting his own life at risk to save the life another. Lieutenant Charles Thronson.”

Lieutenant Charles Thronson said, “Thank you very much for this recognition. I’m very flattered. I’m also very honored. As always, I’m proud to represent Sedgwick County EMS. Thank you.”

Chairman Schroeder said, “Thank you. We appreciate it.”

Ms. Zukovich said, “We have over 600 public safety employees working as Sheriff Deputies, Detention Deputies, Paramedic, Firefighters, and Emergency Dispatchers at Sedgwick County. The four recognized today represent only a fraction of the many fine things they do every day. Thank you.”

Regular Meeting, June 3, 1998

Chairman Schroeder said, "Thank you, Kristi. I would like to extend my congratulations on behalf of the Board. I know we all appreciate the valor and commitment to your job and to the community. Without you folks, this community would not be the safe place that it is for us to live, work, and play, and to raise a family. Without you folks there, life would not be the same. Your commitment is very gratefully accepted as part of a wonderful society in which we live in that we can have people like you serving us and you do it in such a capacity that it is overwhelming. We really appreciate all that you do for us and we know it is a tough job from time to time as was told to us today, but again, thank you. We hope you keep up the good work and we'll do as much as we can to support you in that effort. Thank you all for being here today. Next item please."

CONTINUED BUSINESS

C. DISCUSSION OF SOLID WASTE OPTIONS FOR SEDGWICK COUNTY.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You just heard four instances how Sedgwick County government delivers democracy to people's door steps. That is exactly what those find folks who were up here at the podium have done. Part of that process of delivering democracy seems to me that sometimes values become in conflict. If you recall, we had a discussion with Professor Nalbanian some time ago from the Kansas University who talked about these values that are in conflict. The value of individual property rights versus that of social equity, those issues that are good for us all versus efficiency, versus representative government. In this process of solid waste discussion, we've had these values at conflict and today I think we're at a point where they will be resolved or at least expressed and we can move on.

"In our attempt to deal with this issue, we've also talked about the goals of the Solid Waste Management Plan. It was to protect the health and safety of the citizens of Sedgwick County as of primary importance. It seems to me that the discussion over the last two weeks or month or so has been about that and certainly we've not been in conflict over that. We have been in conflict about different ways in which to do it, but certainly the primary importance was the health and safety of our citizens.

Regular Meeting, June 3, 1998

“We have attempted to ensure that the citizens of Sedgwick County were in the process in this decision making process. We extended that ourselves to allow that to happen. With this plan, we will improve and update the Sedgwick County solid waste system and I think that’s true. We’ve imposed upon ourselves a goal to move forward and to make a decision about how we’re going to operate the solid waste system, the transfer station. We’ve talked in the past about market regulator and what the County can do. We can define criteria for the final disposal or originally than subtitle D and provide environmental regulations. We can do that as the regulator. We can define the criteria for facility locations, design, operations, aesthetics to protect neighborhoods and ensure uniform levels of customer service. As a regulator, we can define health and safety criteria which we’ve stated. Finally, we can define the system that provides the maximum protection to the citizens of Sedgwick County for short and long term litigation and economic risks.

“As a participant, we can do all that also. But we also can determine a fixed rate for the gate pricing. That rate can include extra fees for program funding, although that is somewhat limited. Substantially reduces the amount of protection to Sedgwick County for short and long term litigation. Those are the decisions that have been at your feet for the last several weeks. It is time for that discussion to occur and we’re here to answer any questions that might help in that process. Otherwise, I’ll take my seat.”

Chairman Schroeder said, “Thank you, Mr. Manager. Commissioners, would anybody like to open discussion on this topic?”

Commissioner Hancock said, “I will, Mr. Chairman. Thank you. This has been for me a tough decision and I’m not sure I’ve made it yet. I know we met out east here, on Woodlawn at a workshop with some consultants to discuss this issue and learn more about it a month or so ago. Then we brought it to the bench a couple of weeks ago and both times, somewhat facetiously, I have suggested scenarios that we might want to approve and haven’t yet to hear any discussion from the other Commissioners. At this time, I would like to hear from the other Commissioners as to what they’re feeling and what they feel is the best way to go. It is more than just a logical decision. It has been one based on some things that have been important to me. I have talked to some of you, not all of you, concerning my concerns. The Manager, I’ve talked to, and some of the folks have been to see me. We have a collection system here, this is the front end of our system, the collection system, where individuals have the opportunity to chose a hauler that they feel can do the best job for them and the best price. One of my concerns throughout has been we have small haulers. We have people who have gone out and made the investment. For a smaller hauler, that may be, it sounds like a lot, and it is a lot for them, a half million or million dollars, and then operate under a set of rules set by the City of Wichita and they have done that successfully. They’ve prospered. They have worked in competition with the large haulers and they have made a niche for themselves.

Regular Meeting, June 3, 1998

“Many of them have done it by just providing unique individualized services that some of the larger companies don’t do. That isn’t good or bad, it is just different. The large companies provide very good service also. But in the end, they’re able to prosper and survive and get the job done under the rules that they were born under. My concern was that we would come along as Sedgwick County and as the solid waste managers of the future and change the rules. For some of those folks not because they fail at doing their job, not because they weren’t efficient, not because they weren’t competitive or worked hard, simply because they weren’t able to function under the new rules and they would eventually go out of business. That was my concern. The other thing is the competitiveness of it.

“I’ve always been concerned about our ability to establish a competitive market where the collections would be made at the best possible price for the consumer. That is important. Thirdly, the ultimate destination, we’ve had some concerns and I have to be honest, this is an issue that has been brought up by other Commissioners that I have latched onto and that is we refuse to site a landfill in Sedgwick County simply because we felt it wasn’t a very good site to put it in. We felt like it created many of the same hazards that we’ve seen at the Brooks Landfill and pose many of the same dangers that we are now experiencing there as a result of a certain amount of failure. It wasn’t anyone’s fault. We did things differently. The City did things differently back in those days. But we just didn’t want to take a chance because of the nearness of the water table and the lack of a good geological place here in Sedgwick County. So the third concern for me to make sure that wherever it goes, citizens have demanded that we be responsible to a certain extent. I want to make sure that those people who are responsible for transporting and disposing of solid waste in Sedgwick County do so responsibly and do it in a better way than what we could do it here in the County. Those were my three concerns. Protection for the consumers as far as price, protection for the small haulers, that they have a level playing field, and protection for the environment as was our original concern.

“I suggested a couple of things. Originally I suggested that we own the land, the building, and contract everything from collections, would be on their own. They would be maintained as they were in the past. That we contract the operation of the building and the transfer station and from there, those people would contract the hauling and the ultimate disposal. I also suggested that we not own anything and lay down a rule that whoever would operate the transfer station couldn’t be a hauler. So I’ve thrown those two things out and I haven’t heard any responses. I have heard some private responses from time to time but I would like at this time, I’m the guy who is going to be going one way or the other on this. I’d like to hear the arguments concerning those two scenarios and possibly a third option would be to simply act as a market regulator as the Manager described and what the advantages and disadvantages are for the folks out there and how those would address my concerns.”

Regular Meeting, June 3, 1998

Chairman Schroeder said, "Okay, thank you, Commissioner. Appreciate it. Other comments? Commissioner Gwin."

Commissioner Gwin said, "I guess I'll follow up. I think Commissioner Hancock expressed the differences in the whole range of choices that we have. I think what I see in staff's range of decision making or ranges of their conversations indicates too that there are lots of choices here. As we have found through this whole process, there are advantages and disadvantages to each of those. To this point, I expect after today's decision, we will continue to work on the choice that we deem is in the best interest of this County.

"When the Manager pointed out the Solid Waste Management goals, one of the first thing you remember is that inclusion was important to us. Not only have we included comment, input, from the public, we've also gotten a lot of input from staff and those people who know a great deal more about this solid waste system than we know. I think we're getting pretty good at it in a pretty short period of time by simply having to do it.

"Secondly, I think that one of the things that we committed to do is to improve and update the solid waste system in this County and with the help of the Solid Waste Committee we finally have established a waste minimization goal for this County. We want to reduce the amount of municipal solid waste that goes to any disposal site. I think that is an important part of this process too. We have established bans for the future site that are important and that need to be enforced. Who knows, some communities do finally get to the point of banning recyclable materials and demand that people recycle and make the best utilization of our resources though we've not made that decision yet.

"Finally, when it comes to protecting the health and safety of the citizens, I don't know if that is the final one, but it certainly is important and whatever decision we end up making today I'm comfortable that this Board will keep that in mind. This is a big, solid waste is a big industry and we know that. We know that there is lots of money to be made in it. For some, the struggle is more difficult than for others, but there is a lot to be made. From the public standpoint and from those of us who take the cart to the curb and waive goodbye to it, we've not made a very big commitment to this industry or this solution. We seem to be content that if I put it in the cart and I lug it to the front yard, it will go away and I really don't care who takes it or why. We've also learned however that a majority of the cost of this process has to do with the cost of collection. That's where most of us pay for what happens next.

Regular Meeting, June 3, 1998

“I had suggested a long time ago that if we weren’t prepared today that I think the day will come when we want to look at franchising segments of this community so that individual companies or individual companies coming together would be able to bid those neighborhoods and allow some reduction in cost to the people of those areas. I understand that we’re not there yet. I just think that is a thought, as Commissioner Hancock has said, it is one of those things you throw out to see if anybody will pick it up. Several of the ideas I’ve noticed Bill that you and I have had no one has bothered to pick up so we’ll leave them lay there and move on.

“Commissioner Hancock is right that when we decided early on that there was not an appropriate site in Sedgwick County for a landfill, we decided for a number of reasons based upon the consideration that we are to make or any other County Commissioners having to make to do with environmental reasons, population density, air traffic, a whole litany of decision making processes. Through those processes, we decided that Sedgwick County is not an appropriate site for another landfill. On the ultimate destination site however, there are many County Commissioners in this State who have determined that there is an appropriate site in their County for a landfill. They made that decision based upon the same criteria we considered. That their environmental aspects are more positive than ours, that their population density is less than ours, that air traffic obviously has to be less than ours. They went through the whole process too that we did. Based upon those decision making skills and the guidelines from the State, many counties in this State that do have regional landfills that are subtitle D compliant and they are willing to accept the solid waste that Sedgwick County produces. So I’m going to be . . . and because of federal law, I can’t be overly directive as to where the trash goes, but I am going to place a lot of confidence in the decision making processes that other County Commissioners have made in this State and maybe in others as to where landfills are acceptable.

“I have always, and I think I said early on, that my goal would be for government to own as little as possible. The reason I said that has to do primarily with the financial implications and the capital outlay. At most, I think I would be willing to own the land and proceed from there was where I was originally. Having to talk to legal counsel however, I am pretty confident that we can set guidelines, criteria, define systems, and come closer to ensuring success by being a market regulator. I believe that we have all the authority we need to assure that there are rules established for Sedgwick County and that any company who wants to own and operate a transfer station in Sedgwick County must comply with those rules. I believe those rules can include the obligation that that operating company enter into a contractual agreement that talks about performance and goals and outcomes. That way, the private sector, who is in the business of making money and being successful in this business, who knows better than I do how to do that, could in fact ensure that they are successful.

Regular Meeting, June 3, 1998

“I also believe that as a market regulator we can assure that the rates are the same. I don’t believe we can tell a private company what to charge but I believe in our guidelines and our criteria that we could establish that we could assure that there would be equitable treatment. I will stop for the time being and get some more input. But I do want to go back to some input from a citizen who suggested that private profit driven enterprises are more likely to operate efficiently than government agencies. Therefore, it would be in the best interest of County taxpayers to let private enterprise run the trash disposal service. I think that is where I am today. Thank you.”

Chairman Schroeder said, “Commissioner Winters.”

Commissioner Winters said, “I was going to answer some of Commissioner Hancock’s questions but maybe I ought to wait until he comes back. I’ll start with a little bit, probably about where I was last week and some of the things I said last week. I still have as an objective to have as much a win win situation for both all of the haulers and the County as much as possible. I think we’ll be a lot more successful if we work in partnership with both the small haulers and the large haulers as we attempt to arrive at our goal. One of our main goals and objective is reduction in the waste stream. We have, as a critical part of our plan, some bans and restrictions of material that we no longer want in the waste stream. I think one of the ways we meet that objective is to work with all the haulers as opposed to having someone eventually ending up in a major lose situation. So what I have done and again as I try to look at this what I call the more privatized side of it as opposed to the public utility. It is almost easier for me to describe what I see as the public utility and how that would work and in describing that public utility then I come up with some major problems. If those problems could be addressed then I might feel more comfortable about that.

“But the way I see a public utility or a much more controlled operation working is that Sedgwick County, we, would decide that there is going to be one or two transfer stations in the community. We would put out a request for proposal for bids for either whatever part of it is, whether it is just building a building or whether it is on our land or whether they build the building and buy the land. We’ll put out a request for proposal and we’ll take the low bidder. The low bidder then will have the opportunity to operate the County’s transfer station. But if we take one company as the low bidder, then we’ve got some folks who are losers.

“We are unique in the type of haulers that we have here. We have two major national companies and then we have a host of smaller companies. So somebody who wants to have a transfer station is not going to be able to have one. Then as they begin to look at how they are going to make their operation grow and be viable and subsist, they’re going to look at alternatives to the County system.

Regular Meeting, June 3, 1998

“Well now, they really have no alternative to the current Brooks Landfill because the Brooks Landfill is so cheap. It is inexpensive. It has a low tipping price and there is nobody else in town to develop a system that would beat the Brooks Landfill price, so everyone uses Brooks. Even if a company may own landfills in other parts of the State or in a nearby state. So everybody goes to Brooks. Once that price though of the transfer station climbs above what it is at Brooks, then it gets to the point where major haulers have other options. They don’t have to use a system that is planned for and designed by Sedgwick County. So I see that if we have a system out there that we’re trying to support and make sure that if we put out a request for proposal to build one, 1,500 ton a day transfer station or two, 1,000 ton a day stations, we’ve got to make sure that there is trash flowing through those transfer stations in order to make them viable. How do you do that?”

“Well, one thought that I have is then we’ll be tempted to subsidize those transfer stations to bring the price of them down so again, like Brooks is today, they become the only real economical option that haulers have. Well, how do we subsidize it? Well, either we subsidize it with ad valorem taxes, subsidize it with a solid waste fee, but some way I feel that we’re going to end up needing to subsidize a system to make sure that the trash flows through that. So then I have a great deal of difficulty with that. As I explore the public utility side, that’s what pushes me back to the more privatized side is just my concern about how that would work. I think if we had a more privatized side, we have the benefit of having two major haulers in town and a group of smaller haulers and I think competition can play a role in the transfer station here in Sedgwick County. If companies, individuals, have a desire to build a transfer station I think we need to have in place a program where we can sit down with them and negotiate with them what it is that we need to see help us meet our goals and work with them to locate facilities here and not try to push them into some other area, some other county, where they could then really in a fact not abide by any of the goals and objectives we have, mainly the reduction of the waste stream. If there was a transfer station located in another county, what happens to the bans that we think are important. Well, if we know that the State of Kansas is one of the few states in the nation that does not ban yard waste from landfills. We think, as a group of Commissioners, that it is extremely important that we take that on at a local level. Well, in anticipation of trying to . . . if a larger hauler or any hauler says well, I could go to a landfill or a transfer station in another county close by to Sedgwick County, be competitive economically with the transfer station and avoid the bans, then we’ve lost one of our goals of trying to eliminate what’s in the waste stream.”

Regular Meeting, June 3, 1998

“So I guess, Commissioner Hancock, I think as far as consumers are concerned, I believe we are going to have some protection for them in a couple of facts, one that we are going to be able to meet our objectives and I think it is their objectives, reducing the waste stream. We’ll be able to work in partnership with companies to do that. In my vision, this is a market friendly system. By that, I mean the competitive markets of the free market enterprise are going to play a role in what the costs are going to be. As far as the environment is concerned, just as we have wrestled with whether Sedgwick County is an appropriate place to have a landfill, I’m sure that there are Commissioners and regulators in other counties who have struggled with that. If they have come to a conclusion that they have a viable place for a landfill, I think that is a decision they need to make locally in their communities. The small haulers is a tougher question. I’m not sure that I have a great answer for that. We did hear from BF at the public hearing that said once they establish a price, that they will charge that price to everyone. They’d be willing to enter into an agreement that it would only go up by the amount of the consumer price index over a number of years. So I think that playing field will try to be as level as possible. Being in small business is never easy. It is tough work and constantly you have to be ready to come up with more innovative, creative, and more efficient ways as you compete against large businesses. I think if we put in some kind of artificial component into the market, specifically looking at smaller haulers, I think we made something else of the market, not letting it take its free action. Then I think you’ve got what I believe is not the best situation. I guess as I look at the public utility and how it would work, that brings me back to thinking that the best side is to privatize this. Thank you.”

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

Commissioner Miller said, “Thank you, Mr. Chairman. I am going to try to be as brief as possible and it is majorly due to having a pretty clear view of what I would like to see happen. In thinking back to the times that we had, I don’t know if we called them focus groups or the forums that we conducted as a County and listened to people talked and how they asked us to be responsible and particularly remembering what the Solid Waste Committee asked of us is to be responsible in our decision making. When I think of the choices that are before us today, one being a market regulator and then the other being a utility, it prompts me to believe that a responsible Commission would look very seriously at being a utility. Not to dwell on that any longer because I’m still in the process of listening to comments and I haven’t necessarily heard anything new this morning but we are in the process of making a decision and I know it is important for us to continue to sound things and form and hopefully then come to a consensus decision.

Regular Meeting, June 3, 1998

“I will respond to comments that were made by both Commissioner Gwin and by Commissioner Winters. The first one, Commissioner Gwin, you were concerned with financial implications and capital outlay. It seems as though it is your belief in privatizing it a private company would be able to build and operate this efficiently because they are profit driven and that it would not tax the consumer to the degree that a public entity, such as Sedgwick County, if we were to bond and build or purchase property and build the building that for whatever reason that that would dully tax the consumer. I’m going to do this in a dialogue because I need to make sure that I’m understanding correctly. I don’t see it that way. I see it as irregardless if a private company builds property, the facility operates it, that they are going to be paid back and price their tipping fees such that they are able to recoup that investment. Vice versa, the same with Sedgwick County. If we are to build and operate something or contract it out for another individual or company to operate it, we’re going to recoup that investment or attempt to by a tipping fee. So where am I getting lost in that thinking?”

Commissioner Gwin said, “I think you’re right, the pay back is always based upon the tipping fee. The risk that I see in public ownership, however, is that we cannot guarantee the tonnage that we would need to pay that back. A private entity, who owns and operates that transfer station, the risk is on them. I guess it is a matter of financial risk rather than it is the cost of the facility and those pay backs. Maybe I didn’t express it that way.”

Commissioner Miller said, “Okay. So you basically place it in a liability or risk factor.”

Commissioner Gwin said, “The risk of being able to ensure the tonnage to pay it off.”

Commissioner Miller said, “Okay. Then, Commissioner Winters, I heard this last week also. You’re vision of a public utility I think probably for me it raises the scenario that we’re going to have a public utility, such as a electric company or a water company and that Sedgwick County residents are going to get their public utility bill in the mail. We’re going to run it and run it efficiently. I don’t think we do business that way here in Sedgwick County. I think that there are safeguards that would preempt us, that would corral us into doing it differently. I would call that business as usual when you think and talk about a public utility. I would think that as a utility, and under the umbrella, there was a schematic and I believe it is available for us to view if we would like to see it, there are many options, as Commissioner Gwin had mentioned. There are many options and decision lines in being able to develop exactly what this utility would look like. So when you say that if it is contracted out to private companies, ultimately, that the private company would not have the incentive to necessarily run it efficiently. Maybe you didn’t say that but what you’re saying is that if it is private that they do have an incentive to run it efficiently. If it is public, that we would not be able to do it in the same manner.”

Regular Meeting, June 3, 1998

Commissioner Winters said, “What I think I tried to say is that if we have what I refer to as a public utility, that is somehow controlled, owned, or operated by Sedgwick County, that if a hauler has significant volume to support their own transfer station and don’t want to go through the public system and they decide to pursue that avenue, they then would not need to adhere to what we think are important parts of the program. That would be basically the bans. If they could collect whatever and if they’re going to a transfer station or someplace beyond our control, we’ve lost part of our real objective. So my comment was not about they would operate efficiently or inefficiently, I just think we could work in partnership with them as trying to let them operate their business as they best see fit for their operation and then meet some of these goals in our plan.

“You bring up a good point though. We might be getting hung up a little bit, you and I, on this public utility concept. I went back over some of my notes from some of the workshops we’ve had and you and I may not be as far off as I had originally thought because the term public utility is what we’ve hung on this big control County owns and operates the whole deal. I’ve heard you kind of question that a little bit I think in your mind so I hope we’re not getting hung up over the term public utility.”

Commissioner Miller said, “Good, I think we’ve clarified that. But Commissioner Winters, I still believe though that up under that umbrella of utility, it is just a designation that allows us to do different things, contract for one. But you still would be able to invite the private companies to bid and designate and that was the other thing . . . when we talked about low bidder, you almost made that a dirty word too because it sounds as though they are not going to give us good service out there. Let me give you an example of the Detention Facility. We took the low bid, if I recall on that. Am I correct Mr. Manager? We negotiated somewhat in that bid and I thought those specs were pretty darn tight. In other words, I think we are getting our money’s worth out of that. I think if we are building specs, criteria, that would request of a private company just what we feel is going to efficiently run this, what would be the difference? I think we have the latitude to do that in a utility.”

Commissioner Winters said, “What I envision, my idea of the private side, is to do exactly that. Put out the issues that we want to be sure that are covered and then we just let anybody participate that wants to. Well, we’re not limiting it to one company who gives us the lower bid. We’re saying if anybody wants to build, as long as you can meet this criteria, you’re going to treat customers fairly, you’re going to be open so many hours, you’re going to adhere to our solid waste plan that we have in place. If you want to follow all of these and you want to take the risk of building a transfer station, then I’d like to say okay. What I see the public utility side, and not trying to put a bad connotation on low bidder, but on the public utility side is you get a low bidder who may do an excellent job but then we eliminate everybody else. That’s what I don’t want to do.”

Regular Meeting, June 3, 1998

Commissioner Miller said, "What I keep coming back to is we have the latitude and the decision making under the utility umbrella to allow for more than one company to exist and to compete literally is what I'm saying."

Commissioner Winters said, "That is certainly one of my issues I think."

Commissioner Miller said, "I'll sit back and listen again."

Commissioner Hancock said, "I've got a question. Under the market regulator, I've been sitting there waiting so long, I almost forgot my question. Under the market regulator scenario, lets say we set up a certain amount of regulations. One, I am assuming that we can set up some regulation and two that they are enforceable once they are set up and the operation is in business. How does that work? Who enforces it? Let's say for example that we require that if you're going to be in business and you have a transfer station, I guess you could charge any of the haulers coming to you what you wanted, different rates. But if we encourage consistency, in other words, lets say you have two transfer station, like those two up there on our monitor. One of them is owned by ABC company and the other is owned by XYZ company and they're in competition and they're in competition to get solid waste, that's their business. They want the most they can get. They set their tipping fees respectively and then but yet XYZ company over there decides we could do a little better if we charged some of these independent guys or the big guys that they are not too happy with but are kind of stuck and mad at the other guys a little bit more. Is there anything that we should be concerned with there?"

Commissioner Winters said, "I guess I'll take a quick stab at that. We heard BFI say that they're going to establish a price. We're not going to have much to do with what their best price is. Then they said that they would enter into an agreement with us and I would anticipate through negotiation process we would come to a whole bunch of things we want to agree on. Among them, BFI has said that we will guarantee that we will charge everybody the same, we won't play favorites and we'll only raise this base price at the rate of consumer price index for a period of years. Now, so I said to them, well what will you do if somebody else comes to town and wants to build a transfer station, they said fine, let them do that. They'll establish their price at whatever it is and then there will be an element of competition in the market."

Commissioner Hancock said, "That was a trick question. What happens after our agreement runs out. Lets say that it changes ownership for example and we have a transfer station established and they say we're not going to abide by those rules. Sue us if you have to, but we're going to collect trash. It's our trash. What handle do we have that what we want as a regulator will get regulated. Where is the enforcement on it?"

Regular Meeting, June 3, 1998

Commissioner Winters said, "One of the places that I look is the Kansas Department of Health and Environment (KDHE). Now I don't know how much real power they have and they've certainly been in the forefront of the news. But they license transfer stations every year. The transfer station is a yearly renewable license. I would say that if we have an operator in this town who is not living up to the regulations of renewing their license that we contact KDHE and say these people are not operating a transfer station in accordance with our plan. Now I see Susan in the back saying that transfer station aren't regulated yearly. Susan, do you now how long those licenses are for? They are a one year permit for a transfer station. So every year you've got to submit to KDHE to get a new permit for your transfer station. I think if we're setting up here as the Planning Commissioners for the Solid Waste Plan for Sedgwick County and it is time to renew and we say look, XYZ company is not operating a transfer station, maybe we could prevent them from getting a license. Then if they want to go through that process, then that would be something they would have to deal with."

Commissioner Hancock said, "I hate to keep picking on XYZ company, but let's say that they say we've got ABC and XYZ and ABC is doing 600 tons a day and XYZ is doing 600 tons a day, they are going of maxed out and we chose not to renew that one license, what happens? It is their building, their land, and they say we're not going to haul trash and live under this scenario. What happens then?"

Commissioner Miller said, "I'll chime in because you've brought up an excellent point and it does happen."

Commissioner Hancock said, "It is pretty far fetched but there has to be an answer. I want to know if there is one or there may not be one."

Commissioner Winters said, "I guess the only thing I would say is to think that, you've have to think that people are basically dishonest and not trust worthy. I don't necessarily think that's the case. I think if you have businesses in your community, you can count on a certain number of them wanting to do things the way that they need to be done. That's where I come back to this continuing to do a win win and work as partners with the private side as opposed to trying to eliminate all but one company. I think if we eliminate everything except our County facility, then I think we will have difficulty in working those partnerships. If somebody, five or ten years from now, decides they're not going to mow their grass and pick it up right and are only going to be open four hours a day, I got to believe that there is going to be competition out there that will save the day."

Regular Meeting, June 3, 1998

“If somebody goes out of business one day, I just feel that through some kind of measures, people can put something together pretty quickly. I remember in a time when we were kind of working with the City there was some comment that they may close Brooks on a moments notice. We had a whole group of people in a scenario about how fast we could have a transfer station in operation, not knowing what they were going to do. I don’t think we’re looking at months and years to put some kind of a temporary operation in place. I think we would be looking at a matter of days.”

Commissioner Gwin said, “The other issue that I would raise about that is that this is not a community that only produces 100 tons of trash a day. I could see where you would be concerned about a company going out of business or unable to pay the freight if we had such a minimal tonnage of trash on a daily basis. We currently have 1,500 tons a day. Even with our best efforts, and certainly we need to pursue those, even with our best efforts that is not going to go down a big amount. We hope for all of the reduction we can get, but you have to factor in growth. We are still growing. I don’t see anything in the near future that would indicate that we’re not going to grow and prosper. So it would seem to me, with that growth, that it will be a real profit center for private companies to be able to operate one of these and to be prosperous in that. So I don’t, like I said, if the tonnage were low, 100 tons a day or something, maybe I’d be concerned that wouldn’t be enough for them to continue. But I would think that anyone who wants to put his money up or their money up or anything else to invest in a transfer station is going to invest in it understanding that there will be growth. The need will always be here, as long as a human being is alive, trash is going to be produced. It is a guarantee. There will be people alive in this community for a long long time and they will continue to produce trash. I think the business decision that someone makes to an investment in ownership and operation of a transfer station is going to be based upon what today’s tonnage is and what they see in the future. So I’m pretty comfortable Bill. I know the worst case scenario, but I really don’t see it. I don’t see the tonnage ever being so low here that these companies can’t be successful. I’m sorry, Mr. Chairman.”

Chairman Schroeder said, “That’s all right. I’ve been pretty quiet and I’ve been listening to everything everyone has said. First of all, I want to say that I don’t want to confuse dishonesty with smart business practice and I think I heard that a while ago. If a business decides it is not healthy for them, they’re going to stop doing it, whatever it is. Tom, and I respectfully agree with some of what you’re talking about and respectfully disagree with others, because I think a lot of what you are trying to do is based upon some large assumptions that these people are going to do what you want them to do. With what I want to do, I know there are some risks. They are calculated risks.

Regular Meeting, June 3, 1998

“I know that if we have a transfer station of our own and the private sector may have another, that yes, there is a chance that we will not have the volume of trash that we would like but at least we control some of the destination of that trash to a landfill that is responsible. I don't think anything would eliminate one of these large contractors that you've been talking about from doing what you're saying and taking that trash out of town and including yard waste. You cannot tell those people to leave the yard waste in Sedgwick County and recycle it. Once it becomes their trash, they make take it to a landfill in Butler County or Harvey of southeastern Kansas where it is cheaper to dispose of. I'm saying that just because we would like them to do it doesn't mean that we can.

“I'd also like to say that I think the difference between KDHE and Sedgwick County regulations are far different. I don't think I can impose upon KDHE to impose my regulations upon any transfer station outside of health and environmental issues. Like I don't like the way they're running it, they painted it the wrong color, they don't pick up trash on a regular basis, they don't dump it soon enough, whatever the case may be. The place is not the way I'd like to see it run. I think that is up to us to deal with them. I don't think KDHE is going to get involved in our business outside of what they're required to do by law. I don't think we can impose our County regulations upon KDHE to enforce unless they are environmental issues.

“I've come one side closer to the middle and when we started this out, we were talking about owning two transfer stations, buying the land, building the buildings and contracting those out. Where I'm at now, I would like to at least own one transfer station, contract that out, and allow at least maybe one other private sector entity to build another transfer station if they wish and if there is competition, there will be competition. But any way you look at it, I cannot satisfy the four big companies and the small haulers. I've got Hamm, Herzog, BFI, Waste Management, and I keep hearing that somebody is going to lose. Well, in the private sector, as it has been said, it's a tough game and some do lose. But I cannot satisfy all four of those who are going to want a piece of this business and the small haulers who may want to put together their own transfer station. There are five possibilities. I would sure like to see the private sector be a partner with us. I think we can. However I think by controlling one transfer station, I can control the destination of some of that trash and refocus myself on where we originally were a year ago and that was to protect the environment and try to control trash hauling fees or tipping fees at the gate and therefore help the consumer.

Regular Meeting, June 3, 1998

“I also have to say that it was reported in the editorial section of the paper that I was a proponent of the public utility. I am not. I’m just suggesting that we lay down some basic ground work and I’m not really interested in being a utility as such. That was discussed between you and Commissioner Miller. Also, 90% of transfer stations in the country are owned by the communities who have them. I’m trying to decide in my mind why we would want to be in that 10% category. Why we are different from anybody else. I haven’t heard a convincing argument yet.

“I asked staff to put together this diagram to show me and others how you lose control over the operations and trash and how we protect our environment. As you can see, it goes from one extreme to the other. I’m still in the public owns the land and building area. I might be able to go to land only, depending upon how that’s done. But I have a desire to not only allow the private sector to be a part of this in a partnership, but a desire to protect the consumer and the environment the best way I can and I think I can do that in one of those two categories. I don’t think I can do it in the market regulator as well as I could in the other. I still don’t really consider a utility, where the public owns the land and building, but that is the way it has been presented over the last couple of weeks. I’m looking for some control and I’m like Commissioner Hancock, I hope nothing ever happens that would put us into a difficult situation, but I think the possibility exists. That if we had total ownership and operation of all the transfer station in the County, that if one or both of them or the one who owns both of them decides that this is no longer a market they want to be in and they close their business overnight, I think we’d be hard pressed to get that facility away from them in 30 days. I think we’d be hard pressed to convince the public that we’re doing the right thing by sending trucks to other counties with their trash and increasing their monthly rates by a tremendous amount. I just don’t want to see us get into a chaotic situation where we don’t have the control we ought to have. At least, if we had one transfer station of our own and we contracted the operations of that out, we could sustain ourselves until that problem was corrected. I think we can also help control the market. I think we can control prices in some ways. I’m not willing to risk everything on the fact that I think the business community or these operators are going to do everything just right. I’m not willing to take the risk that KDHE will enforce all of our regulations outside of environmental issues. So I’ve come a distance from where I used to be but I’m still not at the market regulator yet. I’m still having problems with that because I think there is too much risk. I have not yet been convinced that the risk is worth taking. My concerns are more on the environment and protecting the consumer rather than to just try to get four large businesses that work in this community to take care of transfer stations. We are going to have losers. We are going to have at least one to three losers or two to three losers in this process. I don’t think we can satisfy all of them and I’m not going to try to satisfy all of them. I still don’t think the market regulator is going to keep all the yard waste and that material that we want banned from landfills in Sedgwick County out of other people’s landfills in other counties. I think that is something we need to think about also. That is just for discussion. There are quite a few lights on here. Commissioner Miller, you had your light on first.”

Regular Meeting, June 3, 1998

Commissioner Miller said, "Thank you, Mr. Chairman. I need to now attempt to understand. You stated it loud and clear and I hear you but the question of utility was brought up and before you leave Mr. Manager, I'll need you to probably comment. But it was brought up last week, it has been questioned. It seems to me that we attempt to volley back and forth of trying to understand just what a utility is. I've spoken with Susan Erlenwein and Susan, you might want to come up to the podium because we haven't heard from you recently. Just what is the definition of a utility? It is here in front of us but I've heard two other Commissioners, Commissioner Hancock and Commissioner Winters refer to it. I've referred to it. Chairman Schroeder doesn't want anything to do with the status of a utility it sounds as though. So where are we?"

Ms. Susan Erleinwin, Department of Environmental Resources, said, "My understanding of the definition of utility is that the County would be taking on the responsibility to provide the service of a transfer station. That does not mean that we would have to build one. We could subcontract out for any private company to do that job for us. Many people get confused with utility and they think of their monthly water bill or electric bill. We would not be setting up a billing agency. The customers would still be billed through which ever hauler they chose to pick up their collection. So that would not change. It is just a matter of who provides the service. We would take on the responsibility. We could do it or subcontract for someone else to provide that service for us."

Commissioner Miller said, "In listening to the comments that Chairman Schroeder just made of where he is at in terms of being able to own possibly the land, the building, operate a transfer station. Would that fit under that umbrella of utility?"

Ms. Erlenwein said, "Yes, that would fit under the umbrella. You could own the land or the land and the building and subcontract out the operation of that or simply contract with some private company to do it for you."

Commissioner Miller said, "Do we have to tag, and this is just for conversation and for clarity, do we have to designate utility?"

Ms. Erlenwein said, "Not that I'm aware of, no. We had talked about these options prior to the term of utility ever being brought forth. That was brought forth by outside counsel so you may want to address that."

Regular Meeting, June 3, 1998

Mr. Chris Steincamp, Attorney, Dupew and Gillen, said, "I think that as far as your question about public utility, that is I think more of a short form way to make a reference to public ownership or public responsibility for the operation, similar to what Susan was discussing. Basically, if you want to become a public utility then your obligation is that you as a County agree to be responsible for the transfer station. It is not necessarily that you agree to own it or anything. It is agreed that the County as an entity is responsible and they will either do it through their own personnel or they will contract with others to fulfill that function."

Commissioner Miller said, "Okay, thank you."

Chairman Schroeder said, "Commissioner Winters."

Commissioner Winters said, "Maybe this is close to concluding for me, I don't know. But just to respond just briefly. Chairman Schroeder, we have worked on this for a long time. If this had been a real easy decision, we would have made it back in April I think when we first started talking about it. I realize that there are a lot of differences. I don't know that I would really classify what we have as a philosophical difference but I am not trying to satisfy the needs of four companies. I am really trying to let the free market privatize side work. I think by letting the privatized side with some regulations about what we want to see happen, I think we can have a better result than if we absolutely try to own, buy, control, run, operate and have the County in the process, whether we contract with someone or whether they are County employees. I think the private side can do the job and I'm still going to be supportive of that."

Chairman Schroeder said, "Okay. I want to make myself clear. I don't want to operate it. I don't want to use employees to run it. All I'm saying is that I think we need to have one facility within our control via a contract with a private operator to give us that security that I think we need. That's where I am having a problem and I think I've told some others is I have all the faith in the world being a small business man myself and being pro-business, but I see a responsibility on our part here to stay involved in this process to the extent that we keep some control. I know you can have some control through regulation, but I don't think that's enough. That's my argument. I just don't think it is enough. As I tell Jerry Frantz day in and day out, I was brought up that way in the last year and a half that we needed to have that element of control. I know we've shifted our mind set back and forth in this but I'm still there. I do have great concerns about the small business sector of this business here of waste hauling. We just had a Proclamation about local business and I want to do everything we can to maintain that level playing field for them. I don't want to see those 250 people lose their jobs or else have to go to work for a larger company under different scenarios. I have a problem with that."

Regular Meeting, June 3, 1998

“I’m going to give you a personal example of why I have a concern about just letting the big ones, if you will, try to hash this out. That is a personal experience of my own. A trash service, I had BFI and I put my trash can out on the curb on the yard, right by the curb. I come home in the winter when there is snow on the ground and slush out and it is in the middle of my driveway. I call them three or four times, we’ll take care of it. It is never taken care of. So the last time I call, I say I’m going to change my business. They say why. I tell them and they said okay. That was it. It is those kinds of things that worry me and bother me that some don’t care and others do. The next company that we went with was a small local business, Lies Trash Service and my wife made the phone call and said do you have these deals like the bigger ones do where you get one free month if you start with us. He said no Ma’am, all we offer is just good trash service. Let me tell you, it is one of the best in the City or the County. You can’t get that from anybody else. If you want your trash can here, they’re going to put it there when they’re done. If you want them to haul off this, they’re going to haul it off. They’re not going to charge you extra and they’re not going to have a fit about it. It’s just been wonderful. I’m not saying that all of them are like that and I may be a rare instance, but I don’t think so in some ways. I don’t want to do anything to get ourselves in a position where that market becomes a market controlled by one, two, or three or maybe one large company. I think that may be coming some day. That is why I want to see the small hauler stay in business and let them grow in this community. If I can nurture their growth, I’m going to do it. I want them to grow. Someday they’ll become one of those large companies maybe. It is a hard business to break into and you said it, Commissioner Winters, small business is tough. It is very tough. I don’t want to make it any tougher on those folks than I have to. That is an issue that we haven’t talked about much today is whoever operates one of these transfer stations is not a hauler but that was discussed the last time around. Commissioners, I feel very strongly about that protection of the environment and the community and I think the way to get that is to stay in the process somehow. I don’t have all the answers and I surely won’t tell you that I do. I know there are risks on both sides, but I think to take the risk of protecting the environment is better than other risks that we’ve talked about today. I think that is what our charge was when we took this away from the City of Wichita is that we wanted to protect the environment, limit the number of landfills, do some bans on what could go into a landfill. Commissioners, if a company decides to have a transfer station and they take that outside the County along with the yard waste, they’re going to put it any where they want. We can’t control it all. We can sure try. I was thinking at least with one transfer station, we can control the destination of some of that yard waste and some of the trash and therefore protect the environment to some degree. For what that’s worth. Commissioner Gwin.”

Regular Meeting, June 3, 1998

Commissioner Gwin said, "Thank you Mr. Chairman. We've talked about enforcement and how you make people behave appropriately as the attorneys in this County who work in County Court know that is not always easy. But we do and I like the Chairman, I'm not going to count on KDHE to mind our business. We do have a local health department that has a lot of authority as far as health and safety of the citizens of this County are concerned. I certainly plan to use them. We do have criteria or conditions that we can impose on Conditional Use Permits that would satisfy I think some of our concerns. As I said previously, I believe we can legally enforce contractual agreements that we would enter into with private business. One of the things I've learned about publicly owned transfer station is that a lot of communities own them but a lot of those communities also collect the trash. They are in the trash collecting business. So they can guarantee the tonnage will go to their transfer station and that way they are guaranteed that the tonnage will be enough to pay off the debt. We don't collect trash here and boy I don't want to get in the business of collecting trash. The City did it for years and smartly got out of it. I think acting only as a market regulator, that we have the ability to control through existing regulations of the Health Department conditions that we would impose under a Conditional Use Permit, contractual agreements, that would be reasonable and enforceable by law, and we don't ask the taxpayers to assume an economic risk of paying off a transfer station. I am still concerned that if the taxpayers own and build a transfer station that the competition who does in fact control where the trash goes will use another site and we would end up constantly supplementing the operation of that transfer station to keep it competitive. It's a financial risk I just don't want the taxpayers to have to take. So despite the discussion, I think it is healthy, I am prepared to support the majority opinion of this Board, but my preference is still the market regulator. If I'm not on the winning side of this Motion, I will certainly support and work to make it a success. But my preference still is as a market regulator."

Chairman Schroeder said, "Commissioner Miller, you have your light on but I want to respond very quickly to Commissioner Gwin. You're right about there is a financial risk and I agree with you. That's what I said earlier, I have calculated that into my thinking that yes, there is some kind of a financial risk but it is small. According to our staff, \$3,000,000 to build a transfer station. But there is what I think is a larger one and that is the environmental risk. I would like to try to control the destination of some of that trash. But as I told the Manager yesterday, I said, you know whatever we do, if we would end up with the ownership of a transfer station and at some point in the future this community or this Commission decides that we don't need to own one, you can always sell it. You can always lease it. You can do whatever you want with it. I'm still worried about some of those risk factors that I had said earlier. I appreciate your comment about the financial issues too. Thank you. Commissioner Miller."

Regular Meeting, June 3, 1998

Commissioner Miller said, "If there are no further comments, I am prepared to make a Motion and it may fail for a lack of second, but I want to put a feeler out there as to where we are at this point in time."

MOTION

Commissioner Miller that the Board of County Commissioners direct County staff to prepare and return for formal approval an addendum to the Sedgwick County Solid Waste Management Plan identifying the ownership and operation of all transfer stations located within Sedgwick County as that of a public utility allowing for County regulatory and contractual authority to the maximum extent legally permissible.

Chairman Schroeder said, "We have a Motion, do I hear a second?"

Commissioner Hancock said, "I'm not sure I understand the Motion."

Commissioner Miller said, "We might want legal to define and we might want to addend it."

Commissioner Hancock said, "Did you say that we were going to own the building and land?"

Commissioner Miller said, "No, it doesn't give any detail as to whether we are going to own the land, building, or anything, it just simply says plan identifying the ownership and operation."

Mr. Richard Euson, County Counselor, said, "The question before you is the option of a public utility and the Motion as made does not specify whether it is land only, land and building or strictly a public utility that contracts out."

Commissioner Hancock said, "I got that."

Commissioner Miller said, "Is there anything you would like to add Jennifer Reschke?"

Ms. Jennifer Reschke, Assistant County Counselor, said, "If you have any questions, I'm available. I just want to clarify earlier it was stated that Chairman Schroeder was discussing allowing for private ownership would be considered a utility. A utility really contemplates in our opinion can the County control and not allowing for separate private ownership as opposed to a combination of public and private ownership although there would be private involvement, operation per say for example, that's a third option."

Regular Meeting, June 3, 1998

Commissioner Miller said, "Did we all understand that?"

Chairman Schroeder said, "Let me try to clarify that. So if the County owned a transfer station and contracted the operation and there was another private sector entity that owned another transfer station and operated it, we would still be considered the utility?"

Ms. Reschke said, "No, that would be a third option. We're allowing for both public ownership and private ownership but as far as the word utility goes, that is not what we contemplate as a utility."

Chairman Schroeder said, "Okay, very good. Thank you. We still have a Motion on the floor by Commissioner Miller, does anybody want to second the Motion?"

Commissioner Hancock said, "One more clarification here. Based upon this motion then we still would make a decision, let's consider that they, or our board there, would still need to make a decision along that spectrum on one of those options?"

Commissioner Miller said, "Jennifer or Rich, do we?"

Commissioner Hancock said, "As that is written."

Mr. Euson said, "One of the four options under public utility Commissioner? Yes, you would."

Commissioner Hancock said, "Okay, thank you."

Chairman Schroeder said, "I have a Motion, do I hear a second?"

Commissioner Miller said, "I would need to choose one then is what you are stating in order to formalize the Motion. I would choose utility only, to subcontract with a private company."

Commissioner Gwin said, "And the County not own anything?"

Commissioner Hancock said, "A utility only, subcontracting, okay."

Commissioner Miller said, "Do we need to make that decision right now?"

Commissioner Gwin said, "Because the other says the public owns the land only, public owns the land and building, public ownership and public operation. I need to know whether I could support the Motion based upon an ownership."

Regular Meeting, June 3, 1998

Ms. Reschke said, "Your question is?"

Commissioner Miller said, "Under the subtitle of utility only, the question is do we need to define . . ."

Ms. Reschke said, "No, you do not need to specify for the purpose of today's Motion any further."

Commissioner Miller said, "But under that subtitle could the County own land or property, under utility only? Because on the other two it specifically says public owns land only, public owns land and building. Under utility it doesn't designate anything. Do those carry? I would think that they do, but do those carry under utility only? Can we own the land and or the building and or both?"

Ms. Reschke said, "Yes."

Commissioner Miller said, "The options are still open. Okay."

Commissioner Gwin said, "In my attempt to understand whether or not I could support the Motion, I guess I need to know your saying utility only and you're not prepared to make a decision as to whether or not we own land or building."

Commissioner Miller said, "I'm prepared to own the facility. That is my personal preference."

Commissioner Gwin said, "Okay."

Chairman Schroeder said, "Does anybody want to give it back? I still have a Motion on the floor, do I have a second on the Motion? Commissioner Miller, it fails for a lack of a second. I'm going to try a Motion here and you can do whatever you want to me."

MOTION

Chairman Schroeder moved that the Board of County Commissioners direct the County staff to prepare and return for formal approval and addendum to the Sedgwick County Solid Waste Management Plan providing that Sedgwick County shall own at least one transfer station in Sedgwick County allowing for regulatory and contractual authority to the maximum extent legally permissible and allowing private sector to participate.

Chairman Schroeder said, "If anyone wants to make an amendment to that they can do it. Fails for lack of a second."

Regular Meeting, June 3, 1998

Commissioner Gwin said, "I have another one. I can try another one."

MOTION

Commissioner Gwin moved that the Board of County Commissioners hereby direct County staff to prepare and return for formal approval an addendum to the Sedgwick County Solid Waste Management Plan identifying the ownership and operation of all transfer stations located within Sedgwick County as private, allowing for County regulatory and contractual authority to the maximum extent legally permissible.

Commissioner Winters seconded the Motion.

Chairman Schroeder said, "Discussion?"

Commissioner Hancock said, "I have one question. Before I'm going to vote on this, I want someone who is a lawyer, preferably knows and maybe even has a little experience. I want someone to stand up and tell me that we can regulate this process to the degree that would reasonably meet some of our expectations. If I can't get an answer for that question, I'm not going to vote for this Motion."

Mr. Chris Steinkamp, Depew & Gillen, said, "I think that your question is a fairly broad question but I'll try to answer it as well as I can. I think that you can regulate the operation of a transfer station if it is privately owned to meet a number of very reasonable expectations to protect the health and safety of the public as well as deal with issues as far as destination and those sorts of things. I think that is not a carte blanc ability. There is certainly going to be limits on how far you can go, but certainly you can impose some reasonable regulations on the way a transfer station is operated in the event that it is privately owned."

Commissioner Hancock said, "Can we put regulations on them with reasonable expectations that would somehow eliminate unfair economic advantage, a business advantage, or would we want to? Or would you not even care to comment on that? Let me put it this way Chris. If a private company owns a transfer station then what keeps them from sitting tipping fees that are so outrageous for other folks that they run them clear out of business? Can we regulate that?"

Mr. Steinkamp said, "Well, let me fall back to what Commissioner Winters said a minute ago. I think that BFI has essentially volunteered to make an agreement that they will adopt equitable charges. Obviously, you can enter into a contract with anybody to provide those sorts of equitable charges. I think that there are some limits on your ability to otherwise regulate it."

Regular Meeting, June 3, 1998

Commissioner Hancock said, "Stop right there, don't go any further. I have a question concerning that agreement. We can say that we're not going to recommend to KDHE that they be licensed for next year because they are charging poor old Joe Blow his tipping fees at \$80, I know that's outrageous but I want to make it clear, and they are charring the folks that they like doing business with \$20 a ton. So we enter into an agreement with them that said they can't do that, you've got to charge everybody the same?"

Mr. Steinkamp said, "That would certainly be one alternative."

Commissioner Hancock said, "And it is enforceable?"

Mr. Steinkamp said, "Certainly."

Commissioner Hancock said, "By suing them?"

Mr. Steinkamp said, "Certainly it would be enforceable in a court of law. Another possibility for enforcing those sorts of things is when KDHE looks at the renewal of any permit that they've issued for a transfer station, they're going to go to the Solid Waste Authority for the County and ask is this entity, who is permitted now, meeting the expectations of operating in a proper manner, et cetera, et cetera, and you have the opportunity to provide comment to KDHE at that point also."

Commissioner Hancock said, "What if we do, is there any chance whatsoever that the lawyers at the Kansas Department of Health and Environment would say look, this is free enterprise, you can't set tipping fees. That's what you're trying to do Sedgwick County."

Mr. Steinkamp said, "There is always that chance that KDHE may come back with that sort of response. There again, it depends upon how you've gone about trying to enforce the equitable treatment and the system that you've adopted to provide for that."

Commissioner Hancock said, "Forget all the details. Don't qualify it. If you have to, I guess not answer. Can we regulate tipping fees or put into place any other mechanism to guarantee that who owns the transfer station doesn't wipe out everybody else?"

Mr. Steinkamp said, "I believe that you can adopt a system requiring them to have equitable tipping fees so they cannot be predatory essentially."

Commissioner Hancock said, "Has anybody ever tried to do it before?"

Regular Meeting, June 3, 1998

Mr. Steinkamp said, "Yes, I think people have done it."

Chairman Schroeder said, "Can I follow up on that Commissioner Hancock."

Commissioner Hancock said, "Lawyers, I love you guys. Thank you Chris."

Chairman Schroeder said, "Let me ask this question. Mr. Euson, what would prohibit the transfer station operator from giving his hauling a better price than others? Say he charges everybody else a certain price of \$60 a ton and he charges himself \$40 a ton, can they do that?"

Mr. Rich Euson, County Counselor said, "I think what Mr. Steinkamp is saying is that you could establish equitable rates across the board of different kinds of waste and if I understand him correctly that they would be equal for each category for waste and that can be done."

Chairman Schroeder said, "Say Bob's transfer station gives Bob's hauling a better deal on tipping fees than all the others and all the others are at the same level, can he do that?"

Mr. Euson said, "If I understand Mr. Steinkamp correctly, I'll let him explain his own answer, but I think he is saying that you can contract that and you can ensure that."

Chairman Schroeder said, "Can you determine where the waste goes from this? Can you tell them you want it sent to a certain landfill that is Subtitle D, does not leak, does not have problems? I'm seeing heads going both ways."

Mr. Euson said, "I think we've said in the past that we can establish under health and safety regulations standards that are above Subtitle D standards as long as they are reasonable in terms of health and safety regulations."

Chairman Schroeder said, "Well, that is a question. You could have a Subtitle D landfill that has problems but it meets Subtitle D requirements. Could we require for instance that all trash coming out of Sedgwick County through this transfer station or these transfer stations goes to a rock quarry with 150 feet of rock underneath it?"

Mr. Euson said, "I believe we've said we can."

Regular Meeting, June 3, 1998

Chairman Schroeder said, "We can do that. Do you think we would end up in court if we asked BFI who became the major player in this to do that? Do you think a company would say no, I'm not going to make the best deal that way because I have a landfill that I want to build in another County that is close by. That's why I'm talking about this. A lot of ifs whether this would work or not. That's my problem is do you ultimately have control of that commerce which is that trash and where it ends up."

Mr. Euson said, "Clearly, you do not have as much as you do with a public utility."

Chairman Schroeder said, "Okay, thank you. Thanks, Chris. We have a Motion and a second. Further discussion? If not, Clerk call the vote."

VOTE

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

Chairman Schroeder said, "Thank you. At this time we will take a ten minute recess."

The Board of Sedgwick County Commissioners recessed at 10:55 a.m. and returned at 11:07 a.m.

Chairman Schroeder said, "I'll call back to order the Regular Meeting of June 3, 1998. Madam Clerk, next item please."

Regular Meeting, June 3, 1998

NEW BUSINESS

D. CONTRACT MODIFICATION NUMBER ONE WITH SALINA PLANING MILL, INC. FOR THE SHERIFF'S ADMINISTRATIVE OFFICES.

Ms. Stephanie Knebel, Project Manager, Capital Projects Department, greeted the Commissioners and said, "This agenda item requests your approval to increase our contract with Salina Planing Mill and increase it in the amount of \$1,883. We have an existing contract with Salina Planing Mill for \$187,378 and this covers all the case work throughout the jail, all of the cabinet work, mailboxes, storage areas, pod officer work stations, this change order requests a minor modification in the Sheriff's administrative offices. I request your approval and am available for questions."

Chairman Schroeder said, "Thank you. Discussion on this item?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Next item please."

Regular Meeting, June 3, 1998

E. BUREAU OF PUBLIC WORKS.

1. INTERLOCAL AGREEMENT WITH CITY OF VALLEY CENTER FOR PAVING IMPROVEMENTS ON MERIDIAN BETWEEN 77TH STREET NORTH AND THE BNSF RAILROAD TRACKS. DISTRICT #4.

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Works, greeted the Commissioners and said, "Item I-1 is an interlocal agreement between Sedgwick County and the City of Valley Center regarding the construction of roadway improvements on Meridian between 77th Street North and the BNSF railroad tracks. Sedgwick County will pay Valley Center \$5,438, which is approximately one half of the cost of construction for the improvements. Recommend that you approve the Agreement and authorize the Chairman to sign."

MOTION

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

Chairman Schroeder said, "Next item please."

Regular Meeting, June 3, 1998

2. RESOLUTION RELATING TO EXTENSIONS, ADDITIONS OR SUBSTITUTIONS IN STREET LIGHTING EQUIPMENT TO BE FURNISHED BY KGE. DISTRICT #3.

Mr. Spears said, "Item E-2 is a resolution prepared by KGE for modifications to street lighting in Sedgwick County. The resolution calls for the modification of street lighting in Sedgwick County. The resolution calls for the installation of 15 high pressure sodium street lights along Ridge Road from 17th to 21st Street North. The increase in compensation paid by the County will be \$3,330.90 per year. This will make the annual compensation paid by the County to KGE for streetlights \$111,056.20. Recommend that you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Winters 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 Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

Regular Meeting, June 3, 1998

3. RESOLUTION RELATING TO EXTENSIONS, ADDITIONS, OR SUBSTITUTIONS IN STREET LIGHTING EQUIPMENT TO BE FURNISHED BY KGE. DISTRICT #3.

Mr. Spears said, "Similar to the previous item. Item E-3 is a resolution prepared by KGE for modifications to street lighting in Sedgwick County. The resolutions calls for the installation of one high pressure sodium street light along 151st Street West at the Kansas Southwestern Railway crossing and the increase in compensation paid by the County will be \$264.80 per year. This will make the annual compensation paid by the County to KGE for street lights \$111,321. Recommend you adopt the Resolution."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you, David. Next item please."

F. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 28, 1998 REGULAR MEETING.

Mr. Ken Williams, Assistant Director, Purchasing Department, greeted the Commissioners and said, "We have four items for your consideration this morning."

Regular Meeting, June 3, 1998

**(1) CM-E CHAT - BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES**

“The first item is CM-E chat for the Bureau of Public Services. The recommendation is to accept the only bid of Bingham Sand & Gravel for the chat and delivery in the amount of \$42,000.

**(2) PERSONAL COMPUTER HARDWARE & SOFTWARE - DISTRICT COURT
FUNDING: DISTRICT COURT GRANT**

“Item two is personal computer and software for District Court. Recommendation is accept the sole source bid of Gateway 2000 in the amount of \$16,712.

**(3) OFFICEVISION, E-MAIL & CALENDAR GATEWAYS - INFORMATION SERVICES
FUNDING: INFORMATION SERVICES**

“The third item is Officevision, E-mail and Calendar Gateways for Information Services. The recommendation is to reject all proposals.

**(4) BACKHOE/LOADER - MOTOR POOL
FUNDING: MOTOR POOL**

“Item four, backhoe and loader for the Motor Pool. The recommendation is to accept the low responsible bid of Wichita Ford Tractor in the amount of \$47,188.08 with trade-in and 5 year extended warranty. That is the report of the Board of Bids, would ask for your approval.”

Chairman Schroeder said, “Thank you. Discussion on this item?”

MOTION

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

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 3, 1998

VOTE

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

Chairman Schroeder said, "Thank you. Next item please."

CONSENT AGENDA

G. 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. The Director, Bureau of Public Services, requested these Easements as a condition of receiving a Platting Exemption on an unplatted tract.

- a. Road Number 785-I, Owners: Richard A. Reese and Ladeane M. Reese, located in the Southwest Quarter of Section 16, Township 26 South, Range 3 West, more specifically located on the east side of 279th Street West and north of 53rd Street North. Sherman Township. District #3.
- b. Road Number 783-U, Owners: Daniel G. Masterson and Shari L. Masterson, located in the Southwest Quarter of Section 17, Township 28 South, Range 3 West, more specifically located on the east side of 295th Street West and north of 47th Street South. Afton Township. District #3.

2. Right-of-Way Instrument.

One Easement for Right-of-Way for Sedgwick County Project No. 639-30-690, Bridge on 83rd Street South over the Arkansas River. K.D.O.T. Project No. 87-C-3094-01. CIP #B-219. Districts #2 and #5.

Regular Meeting, June 3, 1998

3. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C98025	\$252.00	5	Helms Rental Properties

4. 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>
C862008	\$222.00	\$185.00
V72016	\$245.00	\$207.00
V96059	\$210.00	\$207.00
V97042	\$290.00	\$293.00
V96062	\$100.00	\$112.00

5. Contracts (two) with Tomorrow's Dreams, Inc. and Advantage Home Care, Inc. to provide Developmental Disability Registered Community Service Provider status.

6. Applications for License to Retail Cereal Malt Beverages.

<u>Applicant Name</u>	<u>d/b/a</u>
Houn Le	New China Restaurant
Charles N. Pearson	4 Amigos (Rodeo)

7. Order dated May 27, 1998 to correct tax roll for change of assessment.

Regular Meeting, June 3, 1998

8. Plat.

Approved by the Bureau of Public Services. The County Treasurer has certified that taxes for the year 1997 and prior years are paid for the following plat:

Tara Falls Addition

9. Consideration of the Check Register of May 29, 1998.

10. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980262	Information Services	Transfer
980263	Emergency Communications	Transfer
980264	Corrections	Transfer
980265	Corrections Juvenile Justice	Transfer
980266	Detention Facility Expansion	Supplemental Appropriation
980267	Special Highway Improvement	Transfer
980268	Special Highway Improvement	Transfer

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

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, June 3, 1998

VOTE

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

Chairman Schroeder said, "Thank you. Any other business to come before this Board? If not, we're adjourned."

H. OTHER

I. ADJOURNMENT

Regular Meeting, June 3, 1998

There being no other business to come before the Board, the Meeting was adjourned at 11:12 a.m.

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

MARK F. SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998