

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

NOVEMBER 25, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, November 25, 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. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Kevin J. Bomhoff, Director, Community Developmental Disability Organization; Ms. Linda Leggett, Deputy County Clerk; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Anita Nance, Interim Director, Department on Aging; Mr. Bill Farney, Assistant to the Director, Community Health Department; Mr. Marvin Krout, Director, MAPD (Metropolitan Area Planning Department); Mr. Jim Weber, P.E., Director, Sewer Operations and Maintenance; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Colonel Mike Gould, Commander, 22 ARW/ CC (Air Refueling Wing).
Mr. Scott Whinery, Division Vice President, Waste Management of Wichita.
Mr. Milt Pollitt, Chairman, Solid Waste Management Committee.
Mr. Harold Burtnett, Owner, S. S. Express Sanitation LLC, 4120 S. Broadway.
Mr. Jim Spencer, District Vice President, BFI (Browning-Ferris Industries), 2745 N. Ohio.

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.

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CONSIDERATION OF MINUTES: Regular Meeting, November 4, 1998

The Clerk reported that all Commissioners were present at the Regular Meeting of November 4, 1998.

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

MOTION

Commissioner Hancock moved to adopt the Minutes of November 4, 1998.

Commissioner Gwin seconded the Motion.

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

VOTE

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| 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."

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 and Sewer District Agendas. I am available for questions if there are any."

Chairman Schroeder said, "Thank you, Becky. I see no questions. Next item please."

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APPOINTMENT

A. APPOINTMENT.

1. RESIGNATION OF DAN CARNEY FROM THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "This resignation request has been received, and we ask that you accept it."

MOTION

Commissioner Hancock moved to accept the resignation.

Commissioner Winters seconded the Motion.

Chairman Schroeder said, "Discussion?"

Commissioner Winters said, "Mr. Chairman, I've asked Kevin Bomhoff to make a couple of comments about Dan Carney's service. Dan is a long time member of that Board and I've asked Kevin to make a comment about that."

Chairman Schroeder said, "Do you want to take the vote first?"

Commissioner Winters said, "Sure, that will be fine."

Chairman Schroeder said, "Call the vote."

VOTE

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

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Mr. Kevin J. Bomhoff, Director, Community Developmental Disability Organization, greeted the Commissioners and said, "Mr. Carney was first appointed to what was called the Mental Retardation Governing Board in 1974. He served from 1974 to this date. He certainly saw a great many changes during that period of time in terms of the investment that Sedgwick County makes to its citizens with developmental disabilities. The name change alone, from Mental Retardation to Physical and Developmental Disabilities Advisory Board, says a lot right there in terms of how we look at folks and what we do. Certainly, the changes recently from primary responsibility for County mill dollars and the dissemination of those dollars as grant funds to the transition to where now the County has really, through the de-evolution of services from the federal, state and now to the local level, organized a network of community service providers, decides who receives services, and is in charge of the quality assurance for those services.

"Mr. Carney had a great deal of leadership to contribute during that time. Also in his personal life, has made a great many contributions, primarily to the Cerebral Palsy Research Foundation and other areas in his leadership there. It is a loss to us but he, I believe, thinks he has served long enough and is ready now to move on to some other things. We're very pleased with our new appointment, which is the next item."

Commissioner Winters said, "Thank you. Mr. Chairman, I did want to take the opportunity to really thank Dan Carney for all of his years of service. I think he has been a stable factor on that board and done much good for that group. I just want to take a special opportunity to say thank you to Mr. Carney."

Chairman Schroeder said, "Very good, I appreciate that. I had the opportunity to serve with Mr. Carney on this Board for almost eight years and Kevin, he was very instrumental in making sure that procedures and organizations were taken care of and procedures were followed. He also had a personal interest in it, which was nice to see. With his background in business, he obviously understood the spending of dollars and especially tax dollars. Back then, it was the governing board, which at that time, we actually did make determinations, how much an organization would get in a way of tax funding. Then that changed later on and they became advisory. It is a very important board to this community and will always will be. Mr. Carney, as Commissioner Winters said, did make quite a contribution to that board and to this community. We really appreciate that. Thank you for doing a little background on that, too, Kevin. Commissioners, any other comments? Thank you very much. Next item please."

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2. RESOLUTION APPOINTING JAMES DINKEL (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

Mr. Euson said, "We have prepared a resolution that would appoint Mr. Dinkel to fill the term of the vacancy just created, to end on February 28, 2001. This is a 15 member board to which each Commissioner has three appointments. The Resolution is in proper form and we ask that you approve it."

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

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

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| 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 I think Mr. Dinkel is here with us to be sworn in. Good morning. Please come forward and someone from the Clerk's Office will swear you in."

Ms. Linda Leggitt, Deputy County Clerk said, "Please raise your right hand and after I administer the oath just say 'I do swear'. I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Sedgwick County Developmental Disabilities Advisory Board, so help me God."

Mr. James Dinkel said, "I do swear."

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Chairman Schroeder said, "Congratulations. Mr. Dinkel, I hope we didn't scare you off with all that talk about your predecessor, but you do have some big shoes to fill and I know you'll do a great job. I know Tom and the rest of us really appreciate you taking the time to volunteer to serve on this board. It is a very important board and you've got some great staff to work with, let me tell you. There are some wonderful board members there, too. I think you'll do very well and I really appreciate you serving. Thanks for coming. Next item please."

PUBLIC HEARING

B. PUBLIC HEARING REGARDING TRANSFER STATION REGULATIONS.

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Last week I presented the draft of the transfer station regulations. A copy of these regulations has been available to the public who contact my office. They can also receive a copy by looking at our web site on the Internet. We have also given a presentation to the Metropolitan Area Planning Commission, last Thursday, and I received comments from them as well as from the general public. It would be appropriate at this time to open the meeting to receive additional input from the public. Thank you."

Chairman Schroeder said, "Thank you, Susan. At this time, unless there are any comments from the bench or staff, we'll open up the Commission meeting to public hearing, recognizing the fact that we are limited to five minutes. When you do come up, please state your name and address. At this time we'll open up the meeting to public hearing. If anyone would like to be heard on this item, you're welcome to come forward and speak to us. Please come on up."

Mr. Scott Whinery, Waste Management of Wichita, Division Vice President, 4330 West 31st Street South, said, "I had the opportunity to sit on several of the Solid Waste Planning Commission meetings and, overall, I thought that the committee did a very good job. If you look through this draft, you'll see some things that really make sense over and above what the state requirements are. There were a couple of issues, though, that my company, and I think we have some other haulers in the area, were concerned about. That main issue being regulation to ban C and D (construction and demolition) waste from transfer stations. It is my understanding that this proposed regulation was initially brought about before the decision on Brooks Landfill to close was made. At that point, that made sense to try to divert that debris away from what was, at that time, a limited landfill space. Now that we've gone to these private sector transfer stations, and my company would like to be one of those that would build one in the County, I'm concerned that with this ban on C and D waste it is going to divert all that waste stream into whatever party can afford to build a C and D site."

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“What we would like to see is, basically, just fair and open market competition. Being a hauler, as long as we are disposing of the waste in a proper facility it is my feeling that as a company, we should be able to control that waste stream and where it goes. For example, my company that doesn't have a large market share here, if we have to divert all that waste stream and maybe send it to a competitor site, we may not have the volume to warrant building a transfer station. That is our concern and I think the smaller haulers in the area also feel the same way and have that same concern, that you need to be able to go out there and basically shop and get the best rate for disposal to have as many options open to you, just as the people in the County do. Otherwise, if we narrow this down to possibly one site, we all know what is going to happen then. The rates will be controlled, possibly, by one party.

“Now we do have a couple of C and D sites right now in the Sedgwick County area. Those sites have very limited life. A couple of sites don't meet some of my, our company regulations, while they meet County or State regulations, so we can't use those sites currently. I think one of the concerns from the Committee was that we would like to see this material recycled, which much of that material can be recycled. For the record, Waste Management wants to recycle material if there is an open area to recycle this material. Certainly, if it was cost effective, that is where we would take the material to. I think what we're trying to do is build a regulation here before we have a recycling facility or before we have these options available. Maybe at some point in the future there does need to be a regulation saying that if there is recycling available you must recycle this material if it is within the County. Certainly we would go forward with that and want to do that. Until that time, we would like to see, once again, this disposal have our company have the option to take this disposal to whatever site that meets both state and federal and county requirements.”

Chairman Schroeder said, “Questions? Commissioner Hancock.”

Commissioner Hancock said, “Thanks for coming today. Would it be less expensive, if we did not do a C & D, if we allowed construction and demolition into the normal waste stream and you took it wherever you eventually take it, would it be cheaper for the construction industry and the demolition industry, or more expensive?”

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Mr. Whinery said, "Well, it is hard to answer that question right now because we don't have all that information. It depends on what site it would go to. Obviously a subtitle D site would be a little more expensive, obviously, or if you had to transfer the material. I'm not saying that we don't have a C and D site here in the County. What I'm saying is that let's let the people that are buying the service decide where they want to go. Obviously, if Waste Management is going to haul it to, let's say, our landfill in Topeka and someone else had a C and D site here, the construction company is going to call up and whatever company they feel like doing business with that can give them the best rate is where he's going to go, most likely. That's what I'm saying. I'm not saying let's control it or where the cost is going to be. Let's let the consumer decide just like we do in every other issue. It is no different than buying a car or anything else."

Commissioner Hancock said, "I know volume is important in this in that it adds up to dollars. Believe me, you need to be able to make money doing this business. This is not a charity organization, I understand. But if C and D was allowed in the waste stream, would it be less expensive? You may not be able to answer this one either, it is probably the same question in a different way. Would it be less expensive for the average homeowner, the consumer?"

Mr. Whinery said, "No, I think the way that we get the best price is by having open competition and let the consumer, just like a construction company, call around and say hey, Waste Management, I need an open top for a remodeling job for my house, what's your quote, BFI what's your quote, and so on. Let the consumer decide."

Commissioner Hancock said, "In other words, if they can establish a C and D landfill here or not, you are wanting the option."

Mr. Whinery said, "Right. Once again, my concern and I guess this is all hypothetical, but if I were to pull out a large portion of my waste stream right now, which is C and D, my company is going to look at the dollars and cents of this. They may say, well, you don't have enough volume to warrant building a transfer station if that waste stream is forced out. At some point in the future, hopefully, we'll grow, and that may not become as big an issue and, possibly, three or four years down the road, Waste Management may want to build a C and D site here also. At this time, we're not prepared to do that. All I'm saying is that I need to have the flexibility to move that volume where I need to in the interim. Certainly, if someone comes in and makes us a good quote on C and D waste, we'll certainly look at that, too. As a private company, we've got to look at all of our options. All I'm asking is that we keep all these options available and we don't regulate where this waste stream goes, other than to a certified site."

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Commissioner Hancock said, "Okay, thank you, Scott. Appreciate the answer to those questions. Thank you, Mr. Chairman."

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

Commissioner Winters said, "Thank you. Scott, do you and your company have an opinion on the one time licensing fee and/or versus a per ton host fee? I'll preface that by saying I'm not exactly sure which one of those that I think would work the best, so I'm interested in what you think about the licensing fee versus an ongoing per ton host fee."

Mr. Whinery said, "I'm supposed to be limited to five minutes and I have about ten issues."

Commissioner Winters said, "I'm sorry. If you're not done with your issues."

Mr. Whinery said, "No, I'm saying that there are several of them and that is one of them I want to address also. I would like to answer that question. I guess, once again, in this market it is somewhat different than many markets where we have one company that controls a very sizeable portion of the waste stream. If we go to an annual licensing fee, and I think they've thrown out a number there of approximately \$38,000, well, obviously, the more volume that you have the more that cost is defrayed throughout those volumes. The smaller transfer station operators are obviously going to pay, basically, more in licensing fees than what a larger transfer station operator. I think, while the dollar figure doesn't sound outlandish, I don't think, compared to what I've seen in other markets I think it would be probably fairer across the board to maybe look at a per ton rate based upon the tonnage of what's in the market, which we have a pretty good feel for. Then maybe break down that same amount of dollars, but break it down on maybe a host type fee on a per ton type basis, to make it equitable for everybody in the market."

Commissioner Winters said, "Okay, thank you. Mr. Chairman, I'm sorry. I didn't mean to interrupt in his presentation. So if he needs a few more minutes."

Mr. Whinery said, "No, I'm just basically taking questions on that issue."

Chairman Schroeder said, "All right. Commissioners, do you have any other questions? Scott, do you have anything else to add?"

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Mr. Whinery said, "Just one final closing comment. Overall, and I've met with these people a couple of times that wrote up these regulations and I think that their heart is in the right place. The other issue I would look at, though, is the acreage and some of the landscaping. I'm not saying, we want the site to look clean and nice but you are talking about an enclosed building for the most part. All of these things are nice, to have the 500 foot zone away from any other property and have a 100 foot buffer zone. All those things are going to do, though, is to add to the cost. As we add it to the cost of the transfer station, initially, as a company we're looking at a figure of maybe around a million dollars. With all this added land and some different things, we may be looking at two million dollars. As we build up and add all these little add-on regulations, the cost increases and that cost will eventually be carried on to your constituents. So, once again, we're talking about basically a metal building that is enclosed. To have a 15 acre site to handle what is probably going to be, for our company, maybe anywhere from 500 to 1,500 tons per day, I think is a little extravagant. Again, you'll have to make that final decision. It is just adding on to our cost of building this particular facility. That's all the comments I have. Thank you."

Chairman Schroeder said, "Thank you, Scott. Commissioner Hancock."

Commissioner Hancock said, "I'm sorry, I've got one more. We're going to make you the center piece of the whole meeting today. One other question. In the discussions of the committee, you mentioned a while ago, smaller companies having small transfer stations and that is something that I would prefer to see more of them and smaller ones around the community so that consumers could use them, too, from time to time. No one likes a landfill in their neighborhood but where I live the landfill is so far away all the trash ends up in the neighborhood. Anyway, in your discussions and thinking, did you consider a per ton fee up to a maximum, with close to or equal to the licensing fee that they're suggesting?"

Mr. Whinery said, "We could certainly look at that. Are you talking about, now, how are we going to recoup that cost?"

Commissioner Hancock said, "Maybe a combination of both. We've suggested a licensing fee verses per ton. The smaller ones could pay the per ton fee up to a maximum of what the large companies are going to pay, that \$37,500."

Mr. Whinery said, "I think as you read through this draft document, there is also some verbiage in there that they would like to see based on what we can charge and it has to be the same fee. So we would have to make an addendum in this draft, unless I'm misinterpreting that. I believe that's what it says, is that everybody has to charge you the same fee, so you'd have to make a change on that issue also."

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Commissioner Hancock said, "That's why they don't put me in charge of the numbers, I never get it. Okay, thank you, Scott. Appreciate it."

Chairman Schroeder said, "Thanks, Scott. Next speaker."

Mr. Milt Pollitt, Chairman, Solid Waste Committee, said, "Very briefly, over the past five or six meetings that the committee has had, why, we have proposed these recommendations. The staff provided us with, not only what the state of Kansas requires, but its research on many other states and what their similar requirements were. We sorted through all of that with the idea in mind that the final transfer station facility would be as nonrestrictive for the operator as we could reasonably consider and still be environmentally sound and serve the County as we all intend for it to do. The draft that you looked at last week, most all of the recommendations of the committee are incorporated into that draft and at its meeting a week ago Monday, the committee again reaffirmed their support for the draft as presented to you.

"On the issue Mr. Whinery raises about construction and demolition waste, of course the fundamental thing that the committee has always looked at through the years that it has been operating has been an environmental protection for the environment, as well as an efficient operation and a minimization of the waste that had to be finally deposited in somebody's landfill. As part of that, why, one of the largest components of solid waste that is received now is construction and demolition waste. It is a material traditionally from construction sites and from demolition operations on existing buildings. It is material that does not typically present a health hazard to those that would want to recycle it and much of the material, as Susan and her group, when they did the various studies at the landfill, determined, why, a lot of very clean, reusable, recyclable materials were being deposited. So based on the figures that her study provided, as well as national figures, about 15% roughly of the total weight would be construction and demolition waste. We think that is obviously a big percentage of the 40% figure that the community hopes to reach in a few years.

"I'm a construction contractor and when Ritchie had their C and D transfer station out by their sand pit there on West Street, why, our company deposited maybe 40 or 50 roll off boxes full of material there, partly in the spirit of keeping it out of the landfill, Brooks Landfill, and partly to save the \$5.00 a ton difference that there was. They were charging \$21 a ton and the landfill fee was \$26 a ton. We understand that there are business entities in the city that plan to provide construction demolition landfills, the permitting processes is significantly less for owners than it is for a subtitle D landfill.

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“The committee was, at its last meeting, why, we heard from Mr. Whinery and his position regarding this as he has stated today. The committee, I think, would not wish, at this point, to recommend any deletion of construction demolition waste, as far as it being banned. We think there are plenty of opportunities for it to be reused and those things will be done as we progress toward the 2001 time period, why, facilities will begin to develop and we think it is an important part of the waste stream that should not have go to the landfill. So that would conclude my comments on that issue.”

Chairman Schroeder said, “Okay, thank you, Milt. There are some questions or comments. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. Milt, let me run the question of licensing fee versus a per ton fee by you and get the committee’s input. There has been, I think there is some concern up here, that smaller transfer stations would be harmed by paying the same fee that the larger one would and maybe that a per ton fee would be more equitable in that regard. Talk to me a little bit about how the committee came to licensing fee instead of a per ton fee.”

Mr. Pollitt said, “We initially did not delve into the issue of the licensing fee. That was something that the staff dealt with and added to the draft. We, I think were rather surprised that the fee was that high. I think you’re right that if, for instance, one company would build a landfill in a location, say, somewhere around the Brooks Landfill that would be designed to handle two thirds of the waste that will be coming and another transfer station in the south part of the city might be designed to handle a third of it, if their fees are the same, then obviously there is a burden on the smaller operation. So, there would be numerous ways of making that equitable and one would be a fee per ton. The committee has not really discussed this in a committee session, but that would be something that would come quickly to mind.”

Commissioner Gwin said, “Okay. The second issue, or the other issue that I would like you to address is the issue of the site requirements that Mr. Whinery discussed and the size of the site that the committee has recommended, acreage and buffers and landscaping and those kinds of things. Did the committee feel strongly about those requirements?”

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Mr. Pollitt said, "Yes, they do. Of course, many of those recommendations were I think, by the consultant that you had working with the Environmental Department. Susan also made field trips on a couple of occasions and found some sites that were rather small that were in, basically, in good condition, good neighbors, and found others that weren't. The one that we visited at Olathe was in an industrial area and had a relatively minimum acreage. I think, as I remember, it was ten acres and a limited amount of landscaping but it fit right into the area that it was in. I believe there is a clause in the regulations that would allow some deviation from those strict requirements if the proposed transfer station operator would present a design that they felt would meet the requirements of the community, I don't think that most of those things could be altered if a good plan was presented."

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

Chairman Schroeder said, "Thank you. Milt, thank you. Any other speakers on this item?"

Mr. Harold Burtnett, Owner, S.S. Express Sanitation, said, "I guess all my questions really have been answered. I just wanted to come up here to introduce myself, in case you don't know who I am, and try not to echo too much of what has been said. I think this is an excellent first proposal anyway. Without echoing too much, my main concern is the more you want to put in this landscaping and everything around here, of course, it is going to be more expensive to contract. I think that was my main concern. I had a concern about the C and D myself. To my understanding the places that are taking it right now may not be to the capacity by the time this thing starts. I have a concern about that. I think you've answered most of my questions. Just keep up the good work."

Chairman Schroeder said, "Thank you for being here but Commissioner Gwin has a question of comment for you, Harold."

Commissioner Gwin said, "I expect, before we adopt this, that we'll make some amendments to these regulations. I wouldn't be surprised to see us do that. Understanding that we might do that, what would be the best way to contact you and others and to let you know of the changes that we might be proposing before we adopt it. Do you have some suggestions for us?"

Mr. Burtnett said, "To contact the haulers? You can contact me. I've got the title of President of the Wichita Independent Hauler's Association."

Commissioner Gwin said, "Then you would be willing to look over them before we make our final adoption?"

Mr. Burtnett said, "Yes."

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Commissioner Gwin said, "That's all I needed to know. Thank you."

Chairman Schroeder said, "Next speaker on this item."

Mr. Jim Spencer, District Vice President, BFI Waste Systems, 2745 N. Ohio, Wichita, Kansas 67219, said, "In regards to these regulations, I'm also a member of the Solid Waste Management Planning Committee, so I've had a hand in at least looking these over and being able to make comments. We've worked closely with Susan and her group in submitting our problems that we had with the first couple of drafts that came out. Mainly, there was some definition problems and things like that which have been cleaned up since then.

"I would say that BFI supports these regulations as they have been written. In regards to the C and D waste issue, I'm not sure that it is a real issue anyway. I think economics is going to drive this. I cannot imagine that a hauler is going to transfer their C and D a hundred, a hundred and fifty miles, wherever it may be, to a distant landfill, when we know that the cost to transfer trash through a transfer station that distance is going to be probably \$38 a ton. When you can put it in a C and D landfill in our local community here, you could build a new one and do it for probably \$25 a ton, give or take a couple of dollars, so there is going to be an economic reason to keep the C and D waste in a C and D landfill and not transfer it. So I am not sure it is a great big issue to worry about. The environmental side of it is that the Solid Waste Management Committee felt extremely strong about keeping it out of a subtitle D landfill and not wasting the air space in a subtitle D landfill. That is kind of where that came from. Again, I think it is going to be driven by economics and not driven by this regulation per se.

"When you are talking about the licensing fee, you can argue either side of the issue. Some things to keep in mind is what is the licensing fee going to be used for? It has been explained to me that it is going to be an inspection, to cover the cost of the inspections and the licensing that is actually going to be taking place. So then we have to ask ourselves, 'is there going to be a significant difference on inspections between a 200 ton a day transfer station and a 700 ton a day transfer station?' I can't answer that, but the facility is going to be basically the same. It is going to be a building where the trash is going to be dumped on the inside of it and an inspector is going to have to come in and make sure that all the laws and regulations are adhered to. So is there a great difference between a large facility and a small facility, I'm not sure. We can live with either a host fee that would come out to equate to these numbers or a flat annual fee of \$37,500 a year. I think either one is livable, we just have to ask ourselves is there a significant difference in inspection costs between one facility and another. I'm not sure what the answer to that is.

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“I guess those would be my main comments. BFI, again, has worked very closely with the County and its staff and they have accepted our comments and tried to work them in as best as they could so the result is a regulation that I support as it is now written.”

Chairman Schroeder said, “Okay, thank you, Jim. I see no questions. Thank you. Next speaker on this item? If there are no other speakers, we’ll close the public hearing at this point and limit discussion to bench and staff. Commissioner Winters.”

Commissioner Winters said, “Thank you, Mr. Chairman. Just a couple of quick points. I think it is good that maybe this is a time to have a re-discussion about C and D, construction and demolition debris, and maybe even put in yard waste and clippings and material in the discussion. Back when we were really talking about this issue, The City of Wichita had talked about this in conjunction with the fact of saving valuable landfill space at Brooks Landfill.

“When we started talking about this issue, I think we talked about it in terms of really having a new system that is different than the current system, but a new and different way to think about solid waste after Brooks closes in 2001. One of those would be to keep as much material out of the waste stream as possible. Our intention was to not transfer any material that didn’t need to be in a subtitle D landfill. If there was a way to handle it without being in that type of a landfill, we’d figure out how to handle it locally, how to handle it here in Sedgwick County. One of the difficulties that we’ve had in the past concerning yard waste is we never knew, was it banned or was it not? We went back and forth with the previous operators several ways on whether it was going to be banned or whether it wasn’t going to be banned. Then what that does is then that prevents the business community from stepping up and saying, yeah, we know it is going to be banned, so we’re going to figure out how to take care of it. Well, if that decision changes in a couple of months, then what do you do?

“I think this is a good time in this discussion to kind of reemphasize the fact that our long range plan calls for the banning of construction demolition and yard waste. If we stand firm on those issues, then I believe that business will step to the forefront and there will be ways to handle those kinds of materials that don’t have to be in a C and D landfill. I do share the concern and I understand Scott Whinery’s position and Harold’s and wondering how this is going to happen and how this is really going to come about.

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“I’m not sure I can say today how it is going to come about, but I know that if there are businesses out there contemplating starting either a C and D fill or a C and D site to recycle that material, if they hear us wavering on this subject then they’ll say ‘well, do we go ahead and make this commitment or do we not?’ I think we need to stand firm and say we’ve had this discussion and we talked about it for a long time, a year or so ago on these bans, but as they fall into the regulations for the transfer station, I, for one, certainly think we need to just stand firm on that ground of the commitment that we’re not going to put things in the waste stream that can be out of there. For that one, I’m going to be supportive of these regulations.

“I would like to, I think, though, ask staff to help at least me get a clearer understanding on this host fee per ton rate versus the licensing fee. Maybe, if somebody could do an analysis of talking about showing me the comparison of dollars, what one versus the other means, what this difference between, what’s the money really going to be used for. If it is inspections, how are we going to delineate between large facilities and small facilities. I don’t need that answer this morning, but I think I do need some kind of an analysis about this host fee versus a licensing fee.”

Ms. Erlenwein said, “We can do that for you in the future.”

Commissioner Winters said, “Okay. Mr. Chairman, that’s all I have right now.”

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

Commissioner Gwin said, “Thank you, Mr. Chairman. Commissioner Winters, when I talked about maybe amending these regulations, I never considered amending the bans that we’ve indicated that we were going to impose. The Solid Waste Committee has told us repeatedly that those bans are important to them. They are certainly important to us and in our goal of reaching waste reduction numbers. I would never consider making those changes. I, like you, am interested in the costs and licensing or inspection fees or whatever. I do appreciate the argument about what the purpose of the fee is, whether that fee is really for inspections or whether it is for their right to work here, their right to be a transfer station. So I am interested in learning more about those numbers and if they are reasonable, if it is equitable, quite frankly how it compares to what other communities charge those businesses. Then, too, I feel pretty strongly about the site requirements imposed and want to make sure, however, that we don’t inhibit businesses’ ability to be successful by imposing unreasonable requirements in that regard. I support the bans. I am not willing to change those at all, but I would be interested in talking about a couple of other issues before we finally do adopt these regulations. Thank you.”

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Chairman Schroeder said, "Thank you. Susan, I had a change to talk to you and Jennifer the other day and at that time I expressed to you concerns regarding the host fee, the per ton fee versus the licensing yearly fee. I still, in my mind, think that we really do need to look at that a little bit harder. I think the per ton fee might be a fairer way to assess that licensing fee. But I know that you are going to do that. How soon do you think you could have that back to the Board?"

Mr. William Buchanan, County Manager, said, "In discussing this issue about when it would be appropriate to adopt these rules and regulations, in visiting with the Attorney's Office, we decided that a recommendation to you had been a couple of weeks and now we think we want to delay it even one more week until December 16."

Commissioner Gwin said, "Susan won't be here on the 16th. She's been an integral part of this so I think she should be here."

Chairman Schroeder said, "We'll figure it out."

Mr. Buchanan said, "It appears it will be some time . . . the next meeting would be the 22nd."

Chairman Schroeder said, "Back to my original question, can you get that kind of information to us so that we can mull that over and talk to the concerned parties about those differences?"

Ms. Erlenwein said, "Yes, we can."

Chairman Schroeder said, "Great, thank you. Commissioner Hancock."

Commissioner Hancock said, "I think there might be some concern, I never thought of it this way before and some of the speakers got my mind in gear, but \$37,500 fee is \$721 a week. I just asked Tom if we were talking about . . . what kind of a ton rate we were looking at. For some reason \$1.25 sticks in my mind Susan, I don't know where I picked that bit of information up. Anyway, if my calculations are right, it would take about 576.8 tons at a \$1.25 to equal that \$721."

Chairman Schroeder said, "How many tons Bill?"

Commissioner Hancock said, "It is 576.8 tons. That just seems like that prohibits small transfer stations. I told you I wasn't good at numbers. Anyway, that is one of the reasons why we may want to talk about it a little bit more. It is not time to get into it now."

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Chairman Schroeder said, "I think you know what our concerns are now Susan. I think you've had a chance to talk to all of us and we've heard from folks here today in the Commission meeting room and we all seem to be heading down that same path of concern. That will give us a target to look at and some issues to discuss. I appreciate that. Commissioners, do you have anything else you want to add to the discuss? Susan or Jennifer, anything else?"

Commissioner Hancock said, "One other thing. In going through the proposed regulations, I just want to say to everyone, thank you very much. They're really, as a proposal, I think it's wonderful. They did a wonderful job. A lot of things in my whole lifetime I wouldn't think of to protect the community and make sure it is fair and equitable. I really appreciate the work that Susan has done on it and the committee and all the input they've had from other folks. We'll still work on it a little bit more and try to make it the best it can be. Thank you, very much."

Chairman Schroeder said, "Very good. Thank you. Our recommended action was to open public hearing and receive public comment and close the public, which we have done and had some great discussion on this issue. Before we go on to the next item with McConnell Air Force Base under new business, we need to take two Off Agenda Items, kind of some housekeeping items."

OFF AGENDA ITEMS

MOTION

Commissioner Hancock moved to take up Off Agenda items.

Commissioner Miller seconded the Motion.

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

VOTE

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| 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. The first item is an appointment to the Valley Center Township Board. Mr. Euson, do you have that?"

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Mr. Euson said, "Commissioners, we've prepared a resolution that will fill a vacancy in the Valley Center Township Board due to the death of the Trustee. That vacancy is proposed to be filled by Gloria Crossman, who is the wife of the member who is off that board due to his death. That term would be until the second Monday in January of 1999. It is necessary so the township can continue its duties during the month of December and into the first part of January. We recommend it for your approval."

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

MOTION

Commissioner Miller moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

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| 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. The next is waiver of policy to hire a Chief Financial Officer at Range 32, Step 10. Mr. Buchanan."

Mr. Buchanan said, "Commissioners, the Agenda Item pretty much covers that topic. As I've told you and visited with you, we want to make an offer on this position for Mr. Chris Chronis from Columbus, Georgia, and would ask that you waive the policy."

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MOTION

Commissioner Hancock moved to waive the policy.

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. Now, back to our Regular Agenda. Next item please.”

NEW BUSINESS

C. PRESENTATION REGARDING MCCONNELL AIR FORCE BASE PEDESTRIAN BRIDGE.

Colonel Mike Gould, Commander, 22 ARW/CC, greeted the Commissioners and said, “Thanks for having me today. I’m the commander of the 22nd Air Refueling Wing out at McConnell. As the host unit there, the 22nd Wing, my job as the commander of that unit is to ensure our readiness. That is our ability to conduct our air refueling and airlift mission world wide. It is also to oversee the modernization of our equipment and our facilities. Finally, the biggest portion of my mission and what I do day to day is take care of our people. That’s what I’m hear to talk to you about today. Taking care of our people is a top priority. Specifically, the project I want to talk to you about is a bridge over Rock Road to ensure the safety of our people.

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SLIDE PRESENTATION

“This is what I want to avoid right here. The only way for our folks to get from our housing area over to the main base is the one entrance out by the main gate. Right now, a pedestrian, a child on a bicycle or walking, an airman, a parent, anybody trying to get across that road takes their life into their own hands. To avoid an accident like that, this is what we propose is a bridge that goes across the road. These photos right here are from the bridges out on 135. I’ll show you some more about our specific proposal as we go along.

“Wichita in the 50's was a quiet little place. We were kind of tucked out there in the southeast corner of town and there wasn't a lot of activity. Rock Road, back then, was a two-lane road and over here in the right is where our housing area, and you can see on the left just basically the one main thoroughfare into the base. It wasn't much of a challenge to get across there. But over the years, with the development up and down Rock Road between Derby and Wichita, there has been lots of increased development and the road has widened. We have approximately 590 units, 2,500 people who are geographically separated from our main base.

“This will illustrate a little bit of the scope of our problem. Now, here's the housing area and here is where we do our mission. The runways are out here. But we have a clinic, a brand new shopette, beautiful new commissary and exchange, swimming pool, arts and crafts, Emerald City, which is our big combined club, and the golf course, and all the work places where everybody does their business from day to day. Because of the increased traffic along Rock Road and, like I say, the only access being right up here at the main gate, we have a challenge on our hands.

“As a result of the tornado back in '91, we have been very fortunate at McConnell. In fact, if you travel to any other air force bases, you'll really understand what I mean. But Emerald City out here is a state of the art wonderful facility for our people. We're about to renovate our Chapel and make it a world class facility. We have a beautiful memorial walk. The shopette just opened, a gas station and convenience store. Our medical clinic is one of the best in the entire air force and our people have trouble getting over to it.

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“The population, as you know, here in Sedgwick County has skyrocketed over the last 50 years. Along with that has come the increased traffic on Rock Road. It is four lanes, speed limit right outside here is 45, but about a half mile down the road it increases to 55 and we all know that the traffic keeps at a pretty good pace going through here. With the turn lanes, we have six lanes right here at the main intersection. Traffic count has increased about 235% in the last 35 years. In addition, we have just spent about \$240,000 to put in a walking, jogging, bike trail that is highlighted by these yellow lines that really connects everything on the base. Our new pedestrian bridge proposal that I’ll show you here in a moment is to go in right here at 31st Street, where it would connect from the southwest corner of the housing area right into the jogging trail and it would allow access to all these facilities I’ve showed you. Literally, we finished about a month ago completing this jogging trail. Like I say, it is a good network to get all around the base.

“The pedestrian bridge here, we’ve hired a contractor, consultant actually, Gossen Livingston. They’ve finished their preliminary design to about the 15% level and the estimated cost is pretty firm at 1.28 million. This is just a picture here, to close this, of our display of the very first KC-135 ever built. We have that out there, as you drive by the base you can see it. What we want to do is allow access to our people to get over here to enjoy the facilities and keep them . . . right now in fact we have almost 300 people deployed all over the world. Just this morning I spoke via a video phone to some of our troops over in Saudi Arabia who are gone not only through Thanksgiving but they’ll also be gone through Christmas. Their number one concern as I spoke to these folks was their families. We are trying to hook the families up so they can talk for a couple of minutes maybe face to face with these guys. It is the families I’m concerned about and this project is extremely important to us.

“The first chart, I think you have here, is the initial design. This just gives you a little bit of a picture of the scope of this thing. It is important that you know, well, first of all, I should have told you up front, I’m not here to ask for money. It is important that you, as the County Commissioners, know what it is you’re going to see here, hopefully shortly, growing across Rock Road. This will have spiral ramps on either side. It will be anchored in the housing area on base property on the east side, will span the entire road, and then be anchored again on base property on the west side of Rock.

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“The next picture here, if Scott can put this up for me please, will give you a little bit of an idea what it will look like. It will be covered with a mesh-type of thing with a roof over top. We’ll have security on either side. Right now our housing area is not secured 100% of the time. We do have to have a gate, a means of controlling access from the housing area back into the main base. But this is what you’ll be looking at. Just to give you an idea of where we are with funding, Senator Roberts, I visited with him in Washington a while ago and he is very interested in this as a quality of life and a safety project. He has committed to work towards military construction dollars for the 1.28 million to build this. He says it may happen as early as this fiscal year but more than likely it will be ‘00 when he actually gets it inserted. We have it in our five year defense plan right now and that makes it easy for a congressional insertion.

“We are short right now approximately \$90,000 of design money. Like I said, this design that you’re looking at is at about the 15% to 20%. The \$90,000 will take it to 100% design so that it is ready to advertise. The Secretary of Transportation at KDOT, Dean Carlson has committed to helping us with the remaining \$90,000 for funding. So everything seems to be coming together. This is an update for some of you, I know, but others I just wanted you to see the scope of the project and what it is we’re working on and, again, I thank you for giving me this opportunity and I look forward to answering any questions you might have.”

Chairman Schroeder said, “Thank you, Colonel. There are some questions. Commissioner Hancock.”

Commissioner Hancock said, “Thank you, Mr. Chairman. Colonel, I just want to say I think it is a great program. It’s been needed for some time. I have, in the past, I have heard stories about this a few years back and I was probably a little opposed to it because I didn’t think it was necessary but as the base continues to develop and we look forward to even bigger things, we might as well get ready for the future and get on with this program. I think it is great. I’ve got to tell you a story. I probably shouldn’t tell you this on television and stuff.”

Chairman Schroeder said, “Do you want to think about it for a minute?”

Commissioner Hancock said, “I just want to tell you that the location of this, I thought it might be up by the entrance, but the location of this is great. I can tell you, that is the most efficient place. When I was in grade school I used to visit some kids that lived on base. I didn’t live on base but there is a drainage way that runs under the fence and that is how we got from our houses to the swimming pool, was just under the fence and bypassed everybody. The location is great. The kids will love it.”

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Colonel Gould said, "I think you're right. Initially, when I took over command, it was scoped to be down by the main gate. It helped us from a safety standpoint but this location, I think, is going to work out a lot better."

Commissioner Hancock said, "I just want to tell you that we appreciate the investment in the community that the air force is making and let us know how we can be of assistance."

Colonel Gould said, "Thanks, sir."

Chairman Schroeder said, "Colonel, thank you, again, for being here today. I think it is a great project. I know we've talked about this off and on, you and I and your predecessor and I have talked about this. It is something that the base desperately needs to protect its families and its members of the air force. With all that has happened in the past and who knows what will happen in the future, as congress looks at bases and the need for certain bases, crowding at this base is essential to us. To make sure that we do not crowd this base out. We had a proposed housing project just south of McConnell off of Rock Road and as housing becomes a problem and the base grows and the population grows around the base, then that becomes a problem for you folks and for us, for our economy and for the jobs that you provide here. I appreciate your comments, Commissioner Hancock, because the base is a very influential part of our economy and how we take care of our folks here. I think it is a great project and it's also a good safety project as you pointed out in your presentation.

"David and I attended a luncheon out at the base with you and some others from the Friends of McConnell and it was a great luncheon. It gave us an idea of what you are looking at. I'm very happy to see that Pat Roberts has stepped forward with the funding and elated that KDOT, Dean Carlson, has decided that they could pick up some of the design costs. I think that is a great partnership. I guess our part in this will be to help you with the project, as you cross over Rock Road, to make sure that everything is done properly in regards to our resolutions and the right-of-way and easements and utilities. I know Dave will be very helpful, as will his staff. So, if you need anything from us, please contact Dave or myself and we'll try to make sure that we get this project expedited."

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Colonel Gould said, "I appreciate that. Secretary Carlson and I spoke yesterday and I mentioned that I was coming down here. He just wants to ensure that we have buy-in all the way around and it looks, from your comments and the cooperation that we've been getting, we're there. We're pushing hard. I'd like to see this done soon. The worst fear is that somebody would get run over there and killed or injured real bad and then you know we'd be building a bridge. We don't want to wait for that and name it as a memorial. We want to get this done and do it right. Thank you, very much, for your help."

Chairman Schroeder said, "I appreciate your persistence. Thank you for coming today and making the presentation. Thanks for being here."

Colonel Gould said, "You bet. Have a great Thanksgiving."

Chairman Schroeder said, "You too, thank you. Commissioners, should we just receive and file this information?"

MOTION

Commissioner Gwin moved to receive and file the report.

Commissioner Miller seconded the Motion.

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

VOTE

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| 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."

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D. CONTRACTS (18) TO PROVIDE INCOME ELIGIBLE HOME CARE SERVICES AND CONTRACTS (15) TO PROVIDE SENIOR CARE ACT SERVICES.

1. INCOME ELIGIBLE CONTRACTS.

- ! ASSOCIATED HOMECARE**
- ! CRAIG RESOURCES, INC.**
- ! DOUGLASS HOME HEALTH**
- ! FRIENDLY ACRES, INC.**
- ! HEAVENLY HELPERS, INC.**
- ! HOME HEALTHCARE SERVICES**
- ! HOSPICE, INC.**
- ! INTERIM HEALTHCARE**
- ! KELLY ASSISTED LIVING**
- ! MT. HOPE HOME HEALTH**
- ! PRIME HEALTH**
- ! PROACTIVE HOME CARE, INC.**
- ! SAINT RAPHAEL SERVICES**
- ! SENIOR SERVICES**
- ! STAFF BUILDERS**
- ! SUNFLOWER SUPPORT SERVICES**
- ! TOPEKA INDEPENDENT LIVING RESOURCE CENTER**

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! WICHITA LIFELINE

2. SENIOR CARE ACT CONTRACTS.

! VIA CHRISTI-HOME HEALTH, INC.

! VINTAGE PLACE OF EL DORADO

! ASSOCIATED HOMECARE

! CRAIG RESOURCES, INC.

! DOUGLASS HOME HEALTH

! FRIENDLY ACRES, INC.

! HEAVENLY HELPERS, INC.

! HOME HEALTHCARE SERVICES

! HOSPICE, INC.

! KELLY ASSISTED LIVING

! MT. HOPE HOME HEALTH

! PRIME HEALTH

! PROACTIVE HOME CARE, INC.

! SENIOR SERVICES

! SUNFLOWER SUPPORT SERVICES

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Ms. Anita Nance, Interim Director, Department on Aging, greeted the Commissioners and said, "The Income Eligible and Senior Care Act programs have proven to be very vital in assisting older people to remain safe and independent in the community. Income Eligible and Senior Care Act services are offered to consumers in Sedgwick, Butler and Harvey Counties via 33 providers. Presently, there are approximately 550 consumers receiving personal care, home maker services, in addition to case management services through the Income Eligible and Senior Care Act programs. I recommend that you approve the Income eligible and Senior Care Act contracts for the 1999 program year."

Chairman Schroeder said, "Thank you, Anita. So we are taking up both the Income Eligible and Senior Care Act contracts in one recommended action?"

Ms. Nance said, "Yes."

Chairman Schroeder said, "Okay, Commissioners any discussion?"

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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| 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, Anita. Next item please."

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E. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Mr. Bill Farney, Assistant to the Director, Community Health Department, greeted the Commissioners and said, "Doctor Magruder is in a meeting with the City Manager across the street so he is unable to attend today and sends his apologies. I don't have a formal presentation for you but, going through the monthly report, there were a couple of items that kind of stood out to me.

"The first is the pertussis outbreak, which is still technically defined as an outbreak but the numbers have dropped off pretty dramatically. The last couple of months there haven't been but two cases. The other thing that really got my attention was the household hazardous material program, which seems relevant considering the conversations we've had earlier this morning. October was the busiest month we've ever had. There was an ad campaign which was apparently was very successful. The month of October we collected more material than we had in the entire year of 1991, which was the inception year of this program. A couple of success stories there. The program and the advertising campaign itself. With that, I'd entertain any questions that you have."

Chairman Schroeder said, "I think we have one question. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. I'm sorry, I didn't write your name down. Your name?"

Mr. Farney said, "Bill Farney."

Commissioner Miller said, "With an F?"

Mr. Farney said, "Yes."

Commissioner Miller said, "Mr. Farney, I have one comment and then a question. The comment is that I'm glad that the new Healthy Start initiative is guaranteed of a second year of funding. I think that is something that I've been very concerned and interested in from its inception of even in the grant form and now to the consortia stage of building a coalition of individuals within our community to really work at preventing certain high risk symptomatic things from happening in our communities.

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“The second is, in looking at this report, and maybe this would be referred to Dr. Magruder, but we always have and for some time we’ve been talking about the pertussis outbreak. I’m looking at the epidemiology history, basically, here in Sedgwick County and that is the history of certain outbreaks of diseases within our county. With the pertussis, in reading it, and you said it is kind of coming to its end, it looks as though, I have a question of how important is it for Sedgwick County to indeed really look into the future and try to project and figure out just when we may be on the cusp of an epidemic. It’s been brought to my attention that Sedgwick County does not have a resident epidemiologist, is that true?”

Mr. Farney said, “Yes, that is correct. That is a subject that were Dr. Magruder here, he would be able to answer much better than I. That is something that he has indicated in the time that he has been here that is very important for this community. We don’t have a good epidemiological program. That is something that he sees as probably our primary mission and that’s something we really need to do something about. If you asked him that question next month, you would get a much stronger response because that is something that is very near and dear to him.”

Commissioner Miller said, “Well, once again, it was brought to my attention. It just only makes sense that Sedgwick County, being as large and somewhat urban that we are, that indeed we would have that type of a resource available to us. I think it would enable us to do even better in terms of preventing these types of epidemics.”

Mr. Farney said, “The program that we have right now is very much reactive and a true epidemiological program, a true program, would be much more proactive. That is something that he very much wants to put more resources into.”

Commissioner Miller said, “I will address that with Dr. Magruder also. Thank you.”

Chairman Schroeder said, “Thank you. Other questions Commissioners? If not, what’s the will of the Board?”

MOTION

Commissioner Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

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VOTE

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| 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, Bill. Appreciate you being here.”

F. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD) MONTHLY REPORT.

Mr. Marvin Krout, Director, MAPD, greeted the Commissioners and said, “Trying to remember what happened in October. It seems like a while back. I can tell you that back in October we had 35 new applications in the current plans division and that raised our total through October to 518 applications that we normally take in. That was more than we took in in all the previous years, so we are still running well ahead of the development activity in our department compared to the past year.

“In addition to their normal cases, the Planning Commission in October had their public hearings on tattoo parlors and body piercing facilities. You may have read that they made recommendations, they were to send back to the City Council, who sent them back to the Planning Commission, who sent their recommendations back to the City Council. The City Council did approve some special locational restrictions in the unified zoning code that justify inside the city limits.

“The Planning staff also consulted with County staff about the transfer station regulations that you were discussing this morning. Then, just last week, the Metropolitan Are Planning Commission was briefed and provided comments that you should also have, based on their review of the proposed regulations.

“In the land use and research division, work on the Comprehensive Plan has continued. We’re still doing a lot of technical work and trying to develop those projections to the year 2030. In fact, we’re revising some of the employment projections based on new information that was provided, based on looking ahead at demographics and the effects of aging on what will be the participation rate of people. Will they work when they are older and what will that mean in terms of employment? All that translates into land use, land use for different kinds of jobs. So that is part of our job.

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“We also prepared and mailed out a news letter that highlighted that citizen survey that you’re familiar with. We now have a mailing list of people interested in the Comprehensive Plan of about 500 people and continues to grow up. So I think we’ll have a lot of involvement as we continue in that process.

“In transportation planning, we spent quite a bit of time in October reviewing the technical information that was prepared by Hooper Willis Ratcliff, the consultants to KDOT in this northwest freeway study that has been ongoing. The steering committee for that study had a meeting just a couple of weeks ago and you’ll probably be hearing more about that. I think a public meeting is scheduled in December on that issue of traffic improvements in the area north and west of Wichita’s current limits.

“We also received late word about a program from the Federal Highway Administration that would sponsor a grant program to look at some special innovative pilot projects. So we prepared, not a grant application, but what they called the letter of interest that we would be interested in filing grant applications. So, we did post off to them real quickly two letters of interest. One would look at this issue of ozone in the community, the possibility that we are increasing in terms of our levels of ozone to a point where we may reach the point of not being in attainment with the new standards that were set recently by EPA. We’re trying to get ahead of the game there, working with the Health Department on this and looking at voluntary programs to try to reduce ozone. So we don’t have a lot of experience in this area. We thought it would be useful to look at Wichita and Sedgwick County as a case community in terms of what programs have worked in other communities that would be especially effective and feasible in this particular area.

“The other issue is a follow up of a Kellogg corridor management effort that has been underway. This is actually a letter that we submitted jointly with KDOT to ask for money to do certain intersection improvements and frontage road widenings and other similar improvements to try to improve access and safety in those portions of Kellogg that are not programed in the next few years to be improved to freeway standards or are already freeway standards. Based on the City Council’s recent decision about Kellogg improvements, that means that primarily these kinds of improvements if this program were funded, would happen out in the unincorporated area west and east of the city limits. So we’ll let you know whether or not. We’ll hear in the next month or so whether or not FHWA (Federal Housing and Welfare Administration) has said we like your letters of interest and we now would like you to submit a grant application. If they do, we’ll be coming to you before we submit the grant application and to the City Council. That probably summarizes some of the activities over October and I guess I’ll stand to answer any questions.”

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

Regular Meeting, November 25, 1998

Commissioner Winters said, "Thank you. Marvin, I think the public hearing on the Northwest Bypass study group is going to be next Wednesday's, December 2. I guess the question is, or maybe not a question, but a request is for you or David perhaps to contact the consulting firm and ask how they plan on advertising that meeting. I know that it will be at the Extension Office. I think it is from six to nine and it is kind of an informational meeting with various groups set up in parts of the big room to answer questions, one on one. We need to make sure that the consultant is getting the word out on that."

Mr. Krout said, "That's a good point. I think that didn't happen to everyone's satisfaction for their first public hearing, so that's a good idea. Dave, I'd be glad to do that."

Commissioner Winters said, "Okay, very good. If there is any kind of problem with the holiday coming, we won't be back here until Monday and that's almost too late for us to get involved with figuring out how they're going to get something advertised. So if you could do that. On the Comprehensive Plan again, one of the questions and this is more of just a comment, I'm still interested in how we are going to continue to think about commercial development on mile line roads in the County. I keep hoping that the Comprehensive Plan and those working on it will come up with some good ideas and suggestions. You've heard me ask about the Comprehensive Plan several time, so you know I'm anxious. I know you guys are very busy with the work you're doing, but as a person who didn't know much about Comprehensive Plans and heard a lot of negative comments, I think they're a very good tool. I think if there is a way we can help refine our current plan, I'm sure anxious to get that on the road."

Mr. Krout said, "We'll do that. That particular issue is one that seems to come up from time to time. I think that what we're seeing and hearing in the development community is that they're wanting to get ahead of the game a little bit and not get caught up in the situation where the roof tops are directly adjacent to where they're asking to zone for commercial development. In a sense, that's what the County did back 50 years ago in setting the zoning pattern of commercial zoning out at the intersections three miles out from then the city limits, so that if you consulted a zoning map at least you would know to expect the commercial development was going to happen. It is happening in a little bit of a different way now but we are seeing that property owners are looking ahead and trying to set the pattern, not just because it will be easier to obtain zoning but also because they, in many of these cases, own the adjoining land and they feel like they want to establish for the residential end that, they want to develop themselves next to it, let people know in advance what to expect and not be caught by surprise. But the whole issue, I'm sure, is going to be debated as we go forward."

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Commissioner Winters said, "All right, thank you. One last point. I see in the paper that the City Council is going to be receiving some information from their engineering folks on the recent flooding in west Wichita sometime in December. That certainly has a great deal of interest for me also. So if you could kind of help me keep apprised of what kind of comments, recommendations, the city engineering department is going to be talking about, I'd like to keep in tune with that."

Mr. Krout said, "Right. As I understand, the Public Works director is going to do a briefing for the City Council on December 8. He will have some more answers about what happened out there, what kind of storm was this and what do we think the problems were. He also is going to be recommending to the Council that they hire a consultant to look at the whole Cowskin basin, which as you know is still 90% agricultural and a lot of the run off came from the agricultural land, not just from urban development. I think there is recognition that we need to look at this on more of a water shed at least in that particular basin, which is somewhat unique."

Commissioner Winters said, "All right, thank you very much, Marvin."

Chairman Schroeder said, "Anything else?"

Commissioner Winters said, "Just one thing. I did appreciate your attending the alarm meeting last Saturday, the Alarm Group Association of Rural Mayors met last Saturday and Marvin was on the program and did a very good job. Appreciate that."

Mr. Krout said, "Thank you."

Chairman Schroeder said, "Any other questions or comments? Marvin, thank you. Entertain a motion."

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, November 25, 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, "Thanks, Marvin. Next item please."

G. BUREAU OF PUBLIC SERVICES.

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH RITCHIE PAVING & CONSTRUCTION, INC. ON SEDGWICK COUNTY PROJECT - TARA FALLS ADDITION, PHASE I; STREET AND DRAINAGE IMPROVEMENTS. DISTRICT #5.**

Mr. Jim Weber, P.E., Director, Sewer Operations and Maintenance, greeted the Commissioners and said, "In Item G-1, we're requesting your approval of modification of plans and construction, number one, to our contract with Ritchie Paving on Phase I of the Tara Falls Addition street paving project. The contract will increase by \$14,013.80 due to variations in planning quantities from actual field measurements. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of recommended action."

Chairman Schroeder said, "Thank you, Jim. Discussion on this item? If not, what's the will of the Board?"

MOTION

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

Commissioner Hancock seconded the Motion.

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

Regular Meeting, November 25, 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."

2. AGREEMENT WITH SAVOY, RUGGLES AND BOHM, P.A. FOR DESIGN AND STAKING SERVICES FOR SEDGWICK COUNTY PROJECT - THE ESTATES AT SHADYBROOK; STREET IMPROVEMENTS. DISTRICT #1.

Mr. Weber said, "In Item G-2, we are requesting your approval of an agreement with Savoy, Ruggles and Bohm, P.A. for design and construction staking services for the Estates at Shadybrook street project. The cost of the design work for this project will not exceed \$10,770. All costs of the project, again, are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

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

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**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' NOVEMBER 19, 1998
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, “You have Minutes from the November 19 meeting of the Board of Bids and Contracts. There are just two items for consideration. Both were tabled for review.

**(1) WIRELESS COMMUNICATION SERVICES - VARIOUS DEPARTMENTS
FUNDING: VARIOUS DEPARTMENTS**

“Item one, wireless communication services for various departments. This, I might note, is a cooperative project between the City of Wichita, Wichita State University, Wichita Public Schools, and Sedgwick County.

**(2) WATER TENDER FIRE TRUCKS W/PUMP - FIRE DEPARTMENT
FUNDING: FIRE DEPARTMENT**

“Item two, water tender fire trucks with pumpers for the Fire Department. I would recommend you approve the Minutes provided by the Board of Bids and Contracts. I’ll be happy to take questions.”

Chairman Schroeder said, “Thank you, Darren. Discussion on this item? If not, what’s the will of the Board?”

MOTION

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

Commissioner Gwin seconded the Motion.

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

Regular Meeting, November 25, 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."

CONSENT AGENDA

I. CONSENT AGENDA.

1. Right-of-Way Instruments.

Four Easements for Right-of-Way for Sedgwick County Project No. 809-J, K, L; Tyler Road between 29th and 53rd Streets North. CIP #R-217. District #4.

2. Application for License to Retail Cereal Malt Beverages.

| | |
|-----------------------|--------------|
| <u>Applicant Name</u> | <u>d/b/a</u> |
|-----------------------|--------------|

| | |
|--------------------|----------------------|
| Sharon F. Anderson | Bud's Bait & Burgers |
|--------------------|----------------------|

3. Order dated November 18, 1998 to correct tax roll for change of assessment.

4. Plat.

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

West Berry Addition

5. Consideration of the Check Register of November 20, 1998.

Regular Meeting, November 25, 1998

6. Budget Adjustment Requests.

| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|--|----------------------------|
| 980600 | Finance General | Transfer |
| 980601 | Sheriff | Transfer |
| 980602 | Sheriff | Transfer |
| 980603 | Sheriff | Transfer |
| 980604 | Sheriff/Detention | Transfer |
| 980605 | Emergency Management/ Finance General | Transfer |
| 980606 | Animal Control | Transfer |
| 980607 | Election Commission | Transfer |
| 980608 | Election Commission | Transfer |
| 980609 | Human Resources | Transfer |
| 980610 | Corrections | Transfer |
| 980611 | Aging - PD | Transfer |
| 980612 | Court Trustee | Transfer |
| 980613 | Aging | Transfer |
| 980614 | Aging-Income Eligible | Supplemental Appropriation |
| 980615 | Aging | Supplemental Appropriation |
| 980616 | Aging-Transportation | Transfer |
| 980617 | Aging | Supplemental Appropriation |
| 980618 | Aging - CDT Grant | Transfer |
| 980619 | Capital Projects | Transfer |
| 980620 | 1996 Capital Projects | Transfer |
| 980621 | Capital Projects | Transfer |
| 980622 | Estates at Shadybrook - Street | Supplemental Appropriation |
| 980623 | Estates at Shadybrook - Street | Supplemental Appropriation |
| 980624 | Various - Streets | Supplemental Appropriation |

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

Regular Meeting, November 25, 1998

MOTION

Commissioner Miller moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. At this time, we will recess the Regular Meeting of the Board of County Commissioners."

The Board of Sedgwick County Commissioners recessed to the Sewer District Meeting at 10:23 a.m. and returned at 10:45 a.m.

Chairman Schroeder said, "I'll call the meeting back to order, the Regular Meeting of the Board of County Commissioners. Other business?"

J. OTHER

MOTION

Commissioner Hancock moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and personnel matters of non-elected personnel, and will return no sooner than 11:02 a.m.

Commissioner Gwin seconded the Motion.

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

Regular Meeting, November 25, 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. We are in Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:49 a.m. and returned at 11:14 a.m.

Chairman Schroeder said, "We're back in session. Let the record show that there was no binding action taken in Executive Session. Mr. Euson, do you have something to add?"

Mr. Euson said, "Commissioners, while in Executive Session, we discussed a worker's compensation claim by an employee by the name of Thomas Richardson, who sustained a permanent partial impairment to his body as a whole, which has been diagnosed in the amount of 10%. Under the worker's compensation law, that converts to the sum of \$14,466.56. We would ask for authority to settle in that amount."

Chairman Schroeder said, "Thank you. Discussion on this item? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to settle the workmen's compensation claim of Thomas Richardson for the sum of \$14,466.56.

Commissioner Gwin seconded the Motion.

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

Regular Meeting, November 25, 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, Rich. Mr. Manager, anything else? Commissioners, any other items? If not, we're adjourned."

K. ADJOURNMENT

Regular Meeting, November 25, 1998

There being no other business to come before the Board, the Meeting was adjourned at 11:15 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