

## MEETING OF THE BOARD OF COUNTY COMMISSIONERS

### REGULAR MEETING

**April 7, 1999**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, April 7, 1999 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Bill Hancock; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Paul Rosell, Deputy County Clerk; Ms. Michelle Daise, Assistant County Counselor; Mr. Jack Brown, Environmental Health, Wichita/ Sedgwick County Health Department; Ms. Lynne F. Melton, County Appropriation Assistant Director of Aging; Mr. Bob Lamkey, Director, Division of Public Safety; Mr. Tom Pollan, Director, EMS; Mr. Doug Russell, Director, Division of Human Services; 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

Ms. Kathleen Gideon, member, Sedgwick County Board of Zoning Appeals.

Ms. Carolyn Smith, member, Sedgwick County Advisory Council on Aging.

Mr. Bernard Alberts, member, Sedgwick County Physical and Developmental Disabilities Advisory Board.

Mr. Jim Spencer, District Vice President, BFI Waste Systems of North America, Inc.,

Ms. Carol Miller, 2257 Manhattan, Wichita, KS, 67204.

Mr. Jim Breitenbach, P O Box 304, Valley Center, KS.

Mr. Marvin Krout, Director, MAPD (Metropolitan Area Planning Department)

### INVOCATION

The Invocation was given by Mr. Matt Benoit, Management Intern, Sedgwick County.

### FLAG SALUTE

**Chairman Hancock** said, "I'd like to say thank you for Matt, for being here today. We understand this is your last meeting here."

**Mr. Benoit** said, "That is correct."

**Chairman Hancock** said, "It's been a pleasure having you here."

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**Mr. Benoit** said, "The pleasure's all mine. Thank you. I appreciate it. It's been a great opportunity here."

**Commissioner Sciortino** said, "Good luck on your new career."

**Commissioner Winters** said, "Good luck on your new job."

**Mr. Benoit** said, "Thank you, very much. Appreciate it."

**Chairman Hancock** said, "Thank you for the invocation. Next item please."

**ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, March 17, 1999

**Chairman Hancock** said, "Commissioners, you have received copies of the Minutes for consideration. What's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the Minutes of the Regular Meeting of March 17, 1999.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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**Chairman Hancock** said, "At this time, I would like to take an Off Agenda Item, please."

**OFF AGENDA ITEM**

**MOTION**

Commissioner Gwin moved to take an Off Agenda Proclamation.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Mr. Fred Erwin**, Director, Public Relations, greeted the Commissioners and said, "We have one proclamation this morning. I would like to read it into the record at this time."

**PROCLAMATION**

**WHEREAS**, following exhaustive study and research that dated back to the 1940s, no one seems to remember, with accuracy, just how long Bill Bartel has covered city and county government. However, we do believe television was invented; and

**WHEREAS**, Bill Bartel, literally "set" the standard during his assignment as beat reporter for the Board of County Commission meetings. He wouldn't "sit" with the other reporters. Instead, he "sat" in his own chair on the front row; and

**WHEREAS**, it was reported on numerous occasions that Bartel used his strategic location to practice the art of "neck straining" to take a peek at very important documents of County Counselor, Rich Euson and County Manager, Bill Buchanan; and

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**WHEREAS**, there are further reports that Bartel was spotted passing notes to the manager. One allegedly read, “What did they say?” This note followed a short nap during the meeting. Funny! Every one else finds the meetings fascinating!

**NOW THEREFORE BE IT RESOLVED**, that I, Bill Hancock, Chairman of the Board of Sedgwick County Commissioners do hereby proclaim Wednesday, April 7, 1999 as

**“BILL BARTEL COMMEMORATIVE SEAT DAY”**

in Sedgwick County for his efforts to get up close and personal at the commission meetings. We wish Bill success in his new position and want him to know that we will always remember his unique ability to find his special “seat” in life.”

“I would ask that you would accept the Proclamation, and authorize the Chairman to sign.”

**MOTION**

Commissioner Gwin 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Mr. Ervin** said, “Commissioners, to accept the Proclamation is none other than Mr. Bartel, himself.”

**Mr. Bill Bartel**, County Commissioner Meeting Reporters, The Wichita Eagle, “Thank you, very much. The only thing I’ll say is that I always tell new reporters, ‘the one thing you have to learn is how to read upside down’. I know how to read sideways too, guys.

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“Thank you, very much. It’s been an emotional time, my family and I leaving. I appreciate this. I don’t get this way. I keep my personal life out of my business. You have my respect. I find you all to be, occasionally, cause trouble that I try to uncover and tell everybody about but I find you to be a respectful body who has always answered my questions. I’d like to tell you, of all of you, my best source has always been . . . No, I don’t think I want to say that.

“I wish you all well. Occasionally, I’ll come back, just to make sure that you all are doing a good job. Thank you, very much.”

**Chairman Hancock** said, “I don’t have any lights on, Bill, so I’ll speak to you myself. It has been a pleasure knowing you and having our events reported by you. It’s inevitable, I know, that sometimes there are disagreements. But most of the time, we’ve found, at least I have, your reporting to be honest and sincere and accurate. I think that’s, in my view, it’s the highest praise that a reporter can have. It’s been a pleasure having you around. Commissioner Winters.”

**Commissioner Winters** said, “I’d like to say something, too. I really think, early on, I read Buzz Merits book about media and public service and then, kind of personally, had the experience of being involved in a not to pleasant deal with the Kansas Association of Counties and went through a time when, you know, you really didn’t know if the media was on your side or not. You come to realize, they’re not supposed to be on your side or not. There’s really a kind of tension there. And I think it’s a healthy tension, that each of us know that what we do is public life, and what we do we better be ready to explain and have it open in full view. I think you go through various degrees of learning that. I think Bill Bartel never let us forget that. I think we had this healthy tension that’s good for public service. Bill, it’s been a pleasure knowing you.”

**Commissioner Gwin** said, “Bill, we’re going to miss you.”

**Chairman Hancock** said, “Okay, next item please.”

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APPOINTMENTS

A. APPOINTING RESOLUTIONS.

1. RESOLUTION APPOINTING KATHLEEN GIDEON (COMMISSIONER SCIORTINO'S APPOINTMENT) TO THE SEDGWICK COUNTY BOARD OF ZONING APPEALS.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Commissioners, this is a three year appointment to this five member board and it will expire in April of 2002."

Chairman Hancock said, "Thank you. What's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "I believe Kathleen is here today. If you'll come forward, we'll have the Deputy Clerk swear you in."

Mr. Paul Rosell, Deputy County Clerk, greeted the Commissioners and said, "Raise your right hand and say I do swear when I'm through.

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sedgwick County Board of Zoning Appeals, so help me God."*

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**Ms. Kathleen Gideon** said, "I do solemnly swear."

**Chairman Hancock** said, "Kathleen, it is expected to give speeches after swear ins."

**Commissioner Sciortino** said, "We don't know whether we should congratulate you or give you our condolences, but thanks for agreeing to serve."

**Chairman Hancock** said, "It's a big job, and there will be a lot of important questions come before you. Appreciate you time on the Board. Thank you. Next item please."

**2. RESOLUTION APPOINTING CAROLYN SMITH (COMMISSIONER GWIN'S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

**Mr. Euson** said, "Commissioners, this is a fifteen member board. These are four year appointments and this appointment will expire in February of 2003."

**Chairman Hancock** said, "Thank you, Richard. Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Gwin 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "I believe Carolyn is here, also, today. Come up to the podium. She's with her husband Harold. Is that correct? Nice to meet you."

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**Mr. Rosell**, said "Please raise your right hand and say 'I do swear' when I'm through.

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sedgwick County Advisory Council on Aging, so help me God."*

**Ms. Carolyn Smith** said, "I do swear."

**Commissioner Gwin** said, "Thanks, Carolyn. I know you're busy and I appreciate you fitting this into your very busy schedule. Harold, thanks for being here, too."

**Chairman Hancock** said, "Thank you for being here. Next item please."

**3. RESOLUTION APPOINTING BERNARD ALBERTS (COMMISSIONER GWIN'S APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, this is a reappointment to this Board, for a four year term to expire in February, 2003."

**Chairman Hancock** said, "Thank you, Richard. Commissioners, what's the will of Board on this Item?"

**MOTION**

Commissioner Gwin 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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**Chairman Hancock** said, "I don't believe Mr. Alberts is here today. Oh, you are. Okay."

**Commissioner Gwin** said, "Oh, yes he is. Come on up, Mr. Alberts, to the podium."

**Mr. Rosell**, said "Please raise your right hand and say 'I do swear' when I'm through.

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sedgwick County Physical and Developmental Disabilities Advisory Board, so help me God."*

**Mr. Bernard Alberts** said, "I do."

**Commissioner Gwin** said, "Mr. Alberts, thank you for your continued service to the County. I know you've been a long-term member of that board and the continuity and experience that you bring and that you keep there is deeply appreciated. Thank you."

**Mr. Alberts** said, "I really enjoy it very much. It's a very worthwhile board and I think we accomplish what we've set out to do. I hope."

**Commissioner Gwin** said, "I think you do, too, sir. Thank you.

**Chairman Hancock** said, "Thank you to all of you for coming today. It's a pleasure to have you and we do appreciate your time on these boards. We know that not everybody has time to give and I bet you don't either but you've made time and we appreciate that, for everything that you do. Next item please."

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**PLANNING DEPARTMENT**

**B. RESOLUTION REGARDING CASE NUMBER SCZ-0786 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY TO "LI" LIMITED INDUSTRIAL ON 16.8 ACRES;**

**AND**

**CASE NUMBER CU-512 - CONDITIONAL USE REQUEST TO PERMIT A TRANSFER STATION ON PROPERTY LOCATED NORTH OF 37TH STREET NORTH AND WEST OF WEST STREET.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "One case on your Agenda this morning and that is, hopefully, a zoning case and a Conditional Use case. We've written it so that the Motion can deal with both of these issues at the same time, although that is at your option.

**SLIDE PRESENTATION**

"The tract is outlined in black tape, on the map in front of you. It's a total of 16.8 acres. It's located on the north side of 37th Street North, 600 feet west of West Street. You see it's also about 1000 feet south of K-96 freeway. This is the Big Ditch, a major other feature. This is the City's current landfill site. I'm sorry, landfill site is right there and extends beyond to the north and you'll see better pictures in the aerial photograph.

"The request is for a Conditional Use for a transfer station, and solid waste transfer station. In the zoning code a transfer station can only be approved by Conditional Use, individual approvals and only in the Rural Residential District or in the Limited Industrial District, or the General Industrial District in the City or the County. Therefore, the request, this tract is now zoned SF-20, Suburban Residential District. The request is to rezone it to the Limited Industrial District and to also permit the Conditional Use Permit on this site for the specific use of the solid waste transfer station.

"The immediate land in the surrounding area is undeveloped and is zoned Single Family 20 also, to the north and the south and the west. This is one of the old corners of arterial intersections that was zoned almost fifty years ago by the county in a three mile ring outside of Wichita so all four corners of West and 37th Street are zoned in the Limited Commercial District, today. You can also see there's Limited and Heavy Industrial zoning to the south on West Street, south of 37th Street, for an asphalt plant which is in operation at that location.

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“The nearest homes, and you’ll see in the aerial photograph, are about a half a mile to the west and also about 900 to 1,000 to the east, across West Street. This is part of a large property, the Miller property, that extends over to the Big Ditch on that side of West Street.

“The aerial photograph gives you a better idea about the general configuration of the roads and the uses in this area. This is the interchange of K-96 and West Street and that is the access now, off K-96 to West Street and also trucks coming south, if they have destinations or origins from the northwest part of town, will come up West Street from 21st Street to the landfill site, today. This site is on the opposite side of K-96 from where the landfill operations are occurring today. This is the nearest home to the west and this is the home to the east, that property that I spoke of before. This is the asphalt plant. There’s also active sand pits operations in this area so there’s already quite a bit of heavy truck traffic that’s in this area. In fact, because of that truck traffic that has existed, West Street, which is a County road, paved two-lanes, is also paved to a special depth of pavement to withstand the heavy truck traffic loads that were already there and were anticipated in the future. So, it’s been built to a special standard.

“This tract, if I can go back, this tract is also a part of a previous Conditional Use that was approved thirty years ago by the County on a larger tract of land, that includes the 16.8 acres, for a sand extraction operation. There was no time limit to that operation and so at any time, that operation can commence. Part of the proposed conditions of approval would say that it doesn’t commence at the same time that you have a transfer station operation on this site but there is a possibility that at any time the area to the north, which is currently, has been used as a borrow pit previously for the K-96 construction, could be further excavated and sand extracted under that approved Conditional Use Permit.

“Conditional Uses have to be accompanied by site plans. This is the latest site plan, revised after the Planning Commission’s hearing and reflects some of the additional landscaping on the north side of the tract and screening that was part of the Planning Commission’s motion. I’ll go, very briefly, through this and if you have questions of the applicants I think that they can go into it in more detail but this basically shows that, this is the requirement of all Conditional Uses, this shows the foot print of the buildings and circulation.

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“Basically, the local trash trucks, all trucks, all traffic will enter from 37th Street. We expect that most of that traffic will be coming from K-96, West Street, down West Street, turning right and then into the facility. There may be other occasional trucks coming from the northwest part of the town that find it convenient to come up 21st Street and West Street and then turn left at 37th. But, most of the traffic coming south and west, right on 37th and then into this east side entrance. There would be an emergency only access for fire and emergency vehicles at the western end but all of the truck traffic would be, basically, at this location.

“Local trash haulers would come past this location. This is an office and educational center that’s part of your requirements and regulations for solid waste transfer stations, past the parking and office area to a scale area, where trucks will be weighed. Local trash trucks would then come into an enclosed building, openings on North side to get into this building and that’s the tipping floor of the building, where the trash is laid out on the tipping floor and at the same time, the larger transfer trailers, who are going to be picking up this trash and taking it to disposal sites, remote disposal sites, come in the same location, but they come around into a sort of queuing area, here, they come down a ramp, so that they are at a level that is lower than the tipping floor, and that’s where the trash is loaded onto those trucks. They que up at this location, and they come out in the same direction.

“There’s also, in the north side of this area, something called a convenience center and that’s where there would be about a half a dozen drop bins for materials that were brought to the facility by mistake and would be held, temporarily, and then hauled off to other locations. There may be construction or demolition debris, there may be tires, recyclables, white goods, glass, articles that can be recycled, articles that are not intended for transfer but are intended for disposal or for recycling in some other location, would be temporarily dropped in these bins and then there would be a loading area for BFI to pick up the materials or someone they contract with and take them off the site. I think, by your County regulations, those materials need to be removed within seven days of when they are placed.

“The site is landscaped around all the edges. Now, there was some question, before the Planning Commission hearing, about exactly how the north side would be handled, but there’s berming and landscaping along 37th, along West Street, along the west end of the site, wrapping around both the northwest and the northeast corners and then from the point where the landscaping and berming stops, there would be a solid screening fence. It would be a wire fence with slats that would provide solid screening and also control from any litter or trash that might blow all along the rest of the northern edge of that site and also visual screening.

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“So, that’s basically the site plan that was submitted and is being recommended to you by the staff and the Planning Commission. Prior to the Planning Commission hearing, BFI went, with their proposal, to the Solid Waste Advisory Committee. They have reviewed the plans and they have recommended that the transfer station site and operation be approved. I think you have materials with the Minutes of their meeting on that. There were also other materials that were supplied in advance of the Planning Commission meeting, by BFI, with more details about their company and about their operations, and those were supplied to the County Commission at the same time that they were supplied, in advance of the Planning Commission hearing and I’m sure they’re prepared to answer any questions that you have about those materials.

“The Planning staff first attempted to review this application against the County’s Resolution that lays out the guidelines for solid waste transfer stations. There are requirements in there about minimum site acreage, about minimum distance to other properties, about landscaping and berming and the kinds of facilities that have to be provided for inside this facility and the facility, as proposed, by the conditions, will comply with all of those regulations. Also, by the County’s regulations, and by the Conditional Use Permit, they will have to apply for all the necessary permits and comply with all other local and state requirements for licensing transfer station operations like this. The state is deeply involved in that process.

“We also evaluated some information that came from the Wichita City Council, that you may be aware of, with their concerns about transfer stations in general, along with this particular site. The Wichita Public Works Director did appear at the Planning Commission hearing and express some concerns about the impact of transfer stations, in general, on City residents and City government and also talked, in a couple of instances, about issues that were of more specific concern, regarding this particular case.

“In the staff report we identified that, for the most part, we felt that those issues were beyond the scope of the zoning case and the Conditional Use request that’s before you now. This is a land use issue and the questions are whether or not this use, in this location, with the conditions that have been recommended, is appropriate for the area and consistent with the land use in the Comprehensive Plan, whether or not it will have negative impacts on surrounding properties and the kind of issues that you look at when you look at any zoning related request. Issues that are more fiscal in nature, or apply to all transfer stations, I believe that County staff is developing some policies are some of the areas of the City Council’s concerns and I think that some of those other issues are fiscal issues that the City Council might be best to take up more directly, rather than through this particular application.

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“There were a couple of potential issues that I think do have relevance to this particular site and one was a recommendation that the convenience center area be enclosed. I think that the City Council would like to see all and past regulations of their own, recently, requiring that facilities like that all be enclosed, if they’re in the city limits. In this particular location, maybe not in others, but in this particular location, giving the surrounding uses that I’ve described, and the open land and the proximity of the open borrow pit, and the future sand operations and the asphalt plant and the availability of open storage and work areas and other industrial zoning, did not feel that that would be necessary.

“The other issue that came, with regard to this particular site, had to do with the road improvements. As the County Public Works office has recommended and the applicants have accepted and the Planning Commission has recommended, the applicant would be required to provide, at West Street, east of this area, going south bound, a right turn lane, a deceleration and right-turn turning lane, so the traffic that is turning right from West Street to this facility will have a separate lane from the traffic that’s continuing to go southbound. And then the recommendation is that from West Street to this east entrance, where the truck traffic will be, that 37th Street be paved to three lanes. Two lanes west bound and one lane east bound and paved to the same deeper, industrial standard that West Street was paved to and that the applicants pay for that improvement. The applicants have agreed to that.

“The question that the City Public Works Director brought up was whether or not it would also not be appropriate to pave 37th Street West of that point and west, at least as far as Hoover Street and indicated that . . . as you know there is zoning and platting and potential development that is going on around the area. Ridge Road and 37th Street, which is a couple of miles to the west, we do expect this area is going to develop over time but in our analysis, the predominate truck traffic, over ninety percent, I think, will come from West Street, K-96, come south on West Street, to this facility. Something under ten percent will probably be coming where it’s more convenient to come from neighborhoods in the northwest sector of Wichita, coming up 21st Street to West Street and then coming to this facility that way. But I think, generally, trucks are going to avoid an unpaved road, if they can, and so the number of trucks that would be . . . this facility would be impacting the road on 37th Street west of their driveway entrance we think would be minimal and would not be equitable to require the applicant to pay for paving beyond that point, just the point to the east driveway entrance, and that is the recommendation of both the Public Works staff, the Planning staff and of the Planning Commission to you with regard to that infrastructure related issue.

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“The staff did recommend approval of both the zoning to Limited Industrial and the Conditional Use. Some of the findings that lead us to that conclusion where that we believe this use is consistent with the character of the surrounding area. We saw asphalt operations, existing landfill, sand pit operations, and I think that that is the character of this area for some time and will probably remain so indefinitely. So, the use appears to be consistent. There is already Industrial and Commercial zoning in this area. It’s very difficult to imagine the suitability of this tract for Residential Development, that would be permitted under the SF-20 District, with Suburban lots and Residential home development. In terms of impact on surrounding areas, the area is very sparsely developed. You saw the nearest homes to the east and west on the map. Those properties may be somewhat impacted by the activity of this facility but I think they are already substantially impacted by the activities that are already in this area and we expect that those uses are probably transitional and that, over time, will probably change, especially as sewer is brought out to this area, now that the City of Wichita has approved their sewer master plan for the whole northwest sector, that does include this area so, at some point, we believe that sewer as well as water will be brought out to this general vicinity and that’s going to encourage other kinds of development.

“The area is not identified specifically in the Comprehensive Plan for Industrial Use but the location of this, in terms of proximity to highways and the surrounding uses and the lack of Residential Development nearby are all guidelines with which this development would be consistent. This proposal is also consistent with another adopted plan and that is the County solid waste plan, which has guidelines for where and how to locate transfer stations and other guidelines. We believe that this location is consistent with the County solid waste plan, as well as with the County’s regulations for transfer stations.

“It will generate considerable traffic. About 700 trucks per day, in and out of the facility, although I think any industrial or commercial facility of 16 acres would generate a similar use, if the site was zoned Limited Industrial and developed. As I said, I think substantially, the traffic will be from K-96, West Street, to this location, back to that point again.

“The staff and the Planning Commission recommending 13 conditions of approval. Those are in your staff report and I won’t go over all of them, except to note a couple of them. One was the refinement to the landscaping and the screening on the north side, as part of the discussion of the Planning Commission meeting. Another had to do with run-off. Run-off inside the building will be provided to a drain and will be held and pumped out and disposed of like other sanitary waste and that’s clear. They will have to work through the Health Department and the County Code Enforcement on that.

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“The question is, what about the run-off, and if there’s some sort of spill in the outside area, where the trucks are maneuvering and parking and the condition, as approved by the Planning Commission, has a wording that all outside run-off shall be properly controlled to prevent contamination, as determined appropriate by the County Department of Public Works, and the City/ County Department of Health. That is that there may be some need to . . . this is approximately where the run-off is expected to be collected, and then drain to the north, into the borrow pit from there. There may need to be some type of containment area in the case of an emergency spill, that they can lock off that area from the drainage and prevent any contamination from occurring. The state does have requirements to review run-off of any site over five acres, as part of its NPDES regulations, but because this is a sensitive area, with high ground water, we felt that it was important, also, for local staff to review the run-off plans so that’s the reason for that condition.

“Last, there was some discussion about making sure that paper and plastic products, the light products that might be likely, in an open container, to blow and blow out of the site and cause problems for adjacent property owners. As a result of the discussion, any containers that would contain those light materials would have lids that would be closable so that at times of high winds those could be closed to prevent that kind of blowing. A minor refinement of that condition.

“At the Planning Commission’s hearing, the applicant went into a lot more detail about the operations and answered questions. We also had County staff help to answer questions and they’re here this morning to help you with any questions that you have. The property owner and a representative of the Miller property on the other side of West Street was there at the meeting. Expressed concerns about the trucks, traffic in this area being increased on West Street and trash from the trucks escaping and causing problems with their farm operation on their property. I know the County staff is working on regulations to try to prevent that sort of activity from occurring. That’s more of an off-site activity. We think that that kind of blowing will be controlled on the site, by the fact that this is an enclosed building and the access is carefully designed and limited and that these areas will have lids for those materials that can blow.

“There was also a representative of the Moorings. I don’t know if you’ll be able to see, from the aerial photograph. No, you won’t be able to see. The Moorings is about probably a mile and a half or more and across the landfill to the north and east from this site. I think, the president of the homeowners association was there and expressed concerns that this facility might create odor problems and trash problems and that they’ve been living with the landfill for a number of years and they’re glad to see that close but they don’t want to see that kind of problem continuing, in terms of the operation of this facility.

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“After much discussion, the Planning Commission voted nine to three to approve the Limited Industrial Zoning and to approve the Conditional Use Permit, subject to platting and subject to the conditions that are in the staff report. We have not received any written petitions, since the planning Commission hearing, of protestors within the statutory 1,000 foot radius and so, it will just require a simple majority of the County Commission to approve this request.

“I’ll go through the other slides, quickly. We’re promised that the roofs won’t be quite so blue, but basically, in fact, that’s in the conditions too. Unless you really like it, you might decide that it’s okay. This would be 37th Street and you can see the berming and landscaping. This is a computer rendition, not an artist’s rendition, I guess I’d say, of what this is going to look like. The east entrance will be here and the trucks would come through the scale and then into the building with the tipping floor. This is the office and educational center and the parking lot for that. So, that gives you an idea about both the scale and the nature of that facility once it’s constructed.

“This is the site plan, and you can see where the queuing of the large trash haul trailers would be on the south end of the building, where the material would be loaded to be taken out to a distant landfill. These are some elevations, not necessarily of this building, I think, but of similar buildings and what they expect generally to see. Typically an industrial building.

“We’re looking now to the north and east and you can see the landfill in the distance. I think this would, over on the right hand side, would be West Street and K-96 in the distance. This is looking to the north, you can see, again the west edge of the landfill and this is the city’s Kingberry site way in the background. You can see some volunteer vegetation that is growing several feet above ground level in that borrow pit area, that is between this site and K-96. We’re looking now west on 37th Street which is a sand road today and would continue to be, west of the east entrance, until further develop occurred. Again, this is 37th Street, and this is looking to the south and the west. Undeveloped land to the south. We’re looking now at the . . . this looks like West Street and we’re looking south and east across the site and this is the active gravel plant and asphalt operation, on the other side of West Street. Now, we’re looking east from the site, which is about 600 feet west of West Street and this house is just on the other side of West Street and that’s part of that Miller property that’s at the northeast corner of West and 37th Street. We were here, looking in that direction with that last slide.

“Back to the zoning map and I’ll try to answer any questions you might have.”

**Chairman Hancock** said, “Thank you, Marvin. Commissioner McGinn.”

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**Commissioner McGinn** said, "I have just a couple for Marvin and then I've got a few other questions for several different people, if that's alright. First off, I want to say that I'm comfortable with this location and particularly because of its proximity to a major highway. I think BFI has done a good job putting together a transfer station that complies with the guidelines of the Solid Waste Committee and Sedgwick County, what they had put together.

Marvin, just a couple of questions for you. Where is the pavement going to stop there on 37th Street?"

**Mr. Krout** said, "On the east entrance of the facility. If you'll remember, the east entrance was just east of that lot. So, there will be a right turn lane constructed going south on West Street so the trucks will be able to turn easily, and out of the through traffic, up to this point, and there'll be then, that right turn lane, continued through lane, also west bound and one east bound lane, to that point, between West Street and that east right-of-way."

**Commissioner McGinn** said, "So there will be no over-run? It will stop right there. Is that correct?"

**Mr. Krout** said, "Well, I guess that's essentially right. I mean, the County might ask for an apron of 20 feet or 50 feet beyond that, to be provided, but that would probably be engineering details. A guarantee would be submitted, typically, to County Public Works, when the plat goes through its process."

**Commissioner McGinn** said, "And the number of trucks, you said 700 per day. Is that based on what's currently going in the current landfill?"

**Mr. Krout** said, "I think that's equivalent to what's going into the current landfill. The only difference is we have an additional, and maybe the applicant can tell you better, something like 30 to 50 additional trips per day, are the large trash trucks that would be moving the trash out to the distant landfills. Since the landfill is today a destination, you don't have that traffic at the landfill site today."

**Commissioner McGinn** said, "And the less than 10% that might use that back road, is that just what's currently going on?"

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**Mr. Krout** said, "Oh, I'm guess, when I meant less than 10% I mean less than 10% is probably coming up West Street from the south. Very few trucks are going to take an unpaved road when they have that opportunity and a pretty close route to be able to stay on pavement from West Street. So, my guess is that if there were 700 trucks, that you'll get 650 trucks doing this and you'll get 40 to 45 trucks doing this and you'll get just a handful of trucks that will be coming in that direction, if they have other options."

**Commissioner McGinn** said, "I'd like to ask a question of David Spears, if I could. You didn't recommend going all the way to Hoover Street and I just wondered if you would expound on why."

**Mr. David C. Spears**, Director, Public Works, greeted the Commissioners and said, "A couple of things. As Marvin says, the majority of traffic, ninety-some percent, will be taking West Street, K-96, West Street and also coming north on West Street. The other thing is, I think a lot of people are concerned with 37th Street. It's a township road. The City and the current landfill operators use that road to haul dirt. They had large trucks going down that road to haul dirt up to the current landfill operation. That will cease, when we have the transfer station. That operation will . . . they will no longer need to take the trucks down 37th to haul dirt up to the landfill, because it will no longer be in effect. So, we think that the problems with 37th will no longer be there after the trucks will disappear. That's basically how we came to our decision."

**Commissioner McGinn** said, "Okay, well I think you're right about that. My only concern is looking at the growth to the west and what might be coming out of the north. But I think in the short term that's probably going to be doable, I just. . . in the long term, it might be something that we need to look at."

"I have a question for Jim Spencer, too."

**Commissioner Winters** said, "Let them make their presentation, first."

**Commissioner McGinn** said, "I didn't know they were going to do a presentation."

**Chairman Hancock** said, "Either way."

**Commissioner McGinn** said, "I was under the understanding that they were not doing a presentation today. I'll wait."

**Chairman Hancock** asked, "Any other comments? Any questions for Marvin? Okay, at this time, if anyone would like to address the issue, they're certainly welcome to."

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**Mr. Tim Spencer**, District Vice President, BFI Waste Systems of America, greeted the Commissioners and said, "I thought I'd start out this morning by telling you a little bit about BFI. A little company history, if you would. BFI is the second largest solid waste company in the world and we've been in business for over 30 years, both nationally and here in Wichita. BFI operates over 88 transfer stations in North America, so this is not something new to us. We've done this in many locales across the country. BFI has over \$6,500,000.00 in assets that we use to provide solid waste services in North America. Here locally, in Wichita, we collect half of the trash in the County. We employ over 130 people, here in Wichita/Sedgwick County area. BFI has been a good corporate citizen in the area and we are doing this project to preserve our position in the marketplace.

"A little bit about site selection and how we came to the conclusion to choose this site. Marvin did an excellent job of presenting the site to you. I thought I'd give you a little background of how we got here. We believe that we have a site which is ideally located. We have selected the site with the cooperation of the County. Specifically, I've worked very closely with Susan Erlenwein, and I'd like to thank her for her efforts in helping steer us in directions in our site selection. This particular site, as Marvin has told you, is in a very heavy industrial area, including the Brooks Landfill, an asphalt plant and a sand extraction plant. We feel that we will be consistent with the other uses in the area. It has very few residence around the area and because it is located next to Brooks Landfill, the traffic patterns, for collection and delivery to the transfer station are going to remain, basically, the same as they exist today, going to Brooks Landfill, exiting 96, instead of going into Brooks, come south into our property. We have great highway access, with highway 96 being there and its proximity to I-235. The particular site being approximately 17 acres in size, is large enough to accommodate all of the uses that we will need for the transfer station.

"Marvin gave you a brief explanation of what is a transfer station. Basically, small loads of trash are emptied onto a concrete tipping floor inside a totally enclosed building. You saw the site plan there. The only openings on the transfer station are on the north side of the property. There are six doors on the north side. The east, west and south are totally enclosed, with the exception of some ventilation vents. That is to prevent blowing of trash, or litter, escaping at all. Everything happens inside an enclosed building.

"There are strict screening procedures that are in place, to ensure that hazardous waste does not get into the transfer station or shipped on to a distant landfill and that all takes place inside of the transfer station. Incoming and outgoing trucks are covered to prevent litter from blowing out of the vehicles, and that is a requirement, not only by the Sedgwick County transfer station regulations but State transfer station regulations.

"A transfer station operates with minimal impact to the surrounding community, because everything

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is happening inside an enclosed building. With these brief explanations, I would request that you approve our request for the transfer stations changes today, and I would be glad to answer any questions you might have.”

**Chairman Hancock** said, “Thank you, Jim. Commissioner McGinn, would you like to go first.”

**Commissioner McGinn** asked, “Jim, could you go over the retention pond that you’d talked to me in my office the other day, and talk about how that’s going to work for storm water run-off?”

**Mr. Spencer** said, “Okay. As Marvin showed you in the site plan, there in the northeast corner, basically, across from the scales is the area we’ve been talking the various departments in the County about creating a storm water retention pond. All of the site would drain to that particular area, with the storm water release onto the area to the north being controlled through a particular size of pipe that would allow only a certain amount of storm water to leave the property at any one time. What the County departments have recommended is that that release pipe would have the ability to have a gate valve on that pipe and in the event during a storm event, that we would have some sort of a spill outside, which is highly unlikely, but you need to plan for everything, that you could go and close your gate valve on that release pipe that’s coming out of the detention pond and therefore contain any spill inside of the detention pond and at that point properly dispose of any material that needed to be treated in some particular fashion.”

**Commissioner McGinn** asked, “How often will you be doing the NPDS testing?”

**Mr. Spencer** said, “The NPDS testing is an annual requirement that you test your storm water to make sure that the storm water that does leave the property is within the guidelines.”

**Commissioner McGinn** said, “I was just wondering too, are you going to have monitoring wells around the transfer station?”

**Mr. Spencer** said, “Yes, we currently have contracted a study of environmental site assessment on the site. They’re supposed to start this week, but the rain kind of prohibited the trucks from getting out on the property. We’re going to be doing soil borings and ground water testing on the site. There will twelve temporary wells on the site to determine the current status of the ground water. And then, following that, four of those site, basically, two on the northern perimeter and two on the southern perimeter will be converted to permanent ground water monitoring wells.”

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

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

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Jim, is this facility open to the public? I mean, private vehicles can come . . ."

**Mr. Spencer** said, "This facility is open to the public. Private vehicles, other haulers, anyone who wants to use the transfer station. It is open to the public."

**Commissioner Gwin** said, "I remember, in some of our early discussions, that we thought that it might be important for the public to be separated from commercial vehicles. Some of us, with trailers on the back, don't back very well. We don't do that very often. So, we had some discussion about that. Have you all talked about that, in your site plan?"

**Mr. Spencer** said, "Yes, as I mentioned, there are six doors on the north side of the facility. Your looking at the site plan there. Basically, the public and the commercial haulers will be kept separate with rope stanchions, that will be moved, depending on the flow. For example, Monday through Friday, even at the landfill, the general public traffic is very minimal. Saturday and Sunday, there's is very little commercial traffic and a large amount of general public traffic. So, we will control that with movable rope stanchions and a spotter, and on the weekends we may have three doors open for the general public, or four, and only one or two for the commercial haulers, where during the week we'll probably have five doors open for the commercial haulers and only one door open for the general public. We can control that, based on the volume coming in, with portable rope stanchions and a spotter."

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

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Sciortino."

**Commissioner Sciortino** said, "Jim, I think you mentioned this, but I just wanted to clarify it. The tractor trailers that are going to be hauling our solid waste to its final destination, they will be covered?"

**Mr. Spencer** said, "Yes, they are covered with tarps."

**Commissioner Sciortino** said, "And to pick up on Commissioner Gwin's comment, the general public rates will be the same as what the commercial hauler rates are, or is there a different rate?"

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**Mr. Spencer** said, "The rates will be the same for all haulers as well as the general public. That is controlled by your Sedgwick County solid waste regulations."

**Commissioner Sciortino** said, "And my final question is, when the solid waste gets dumped on the tipping floor, is it the responsibility of your employees to sort out whether or not somebody has included a can of paint or something. Is that the responsibility of the people there on the floor, that are sorting out the material?"

**Mr. Spencer** said, "Yes, we are required to provide training from both our loaders and our spotters on the floor, to recognize, identify any waste that does not belong in the facility and then segregate the waste and properly dispose and handle that particular waste."

**Commissioner Sciortino** said, "And if I read right, in the back, in the detail, that then becomes your responsibility to dispose of, once you've excepted the solid waste and find something that's in there, that not appropriate to be in there, it's your responsibility to dispose of it properly?"

**Mr. Spencer** said, "We have the responsibility, for example, if it's hazardous waste, we do not except hazardous waste, not only by regulation, by law. We would attempt to identify the generator. If we can identify the generator, we would go back to the generator for proper disposal. If we can not identify the generator, it would become our responsibility."

**Commissioner Sciortino** said, "I have no more questions. Thank you."

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

**Commissioner Winters** said, "Thank you. Jim, in reading the MAPC (Metropolitan Area Planning Commission) Minutes, there was quite a bit of discussion on this storm water run-off issue. At the end of it, I couldn't tell if I was real clear. But now, you and staff have worked out, and your satisfied with the storm water run-off issue and you think that's a workable plan?"

**Mr. Spencer** said, "Basically, at the MAPC meeting, in reading the Minutes, most of the discussion surrounded around the wording of condition number seven. The initial wording may have required us to do something that the County wasn't necessarily going to ask us to do. We simply asked for the wording to be changed, so that we would comply with whatever the County wanted us to do. We had preliminary discussion with the County, and preliminarily we are in agreement with the idea of storm water retention and controlling that in the event of a spill, yes."

"The final plan hasn't been decided, but yea, we're in agreement with that."

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**Commissioner Winters** said, “Well, I would certainly think, at least for myself, I would think maybe the Commission, I don’t think we’re going to require you to do more than we would require any other industrial site to do, as far as storm water run-off. How many tons a day, capacity, are we going to have here and with your experience in 88 other transfer stations, are you confident that’s sufficient? What’s the volume going to be here?”

**Mr. Spencer** said, “As you saw on the site diagram, one of the slides Marvin showed you, there was actually three tractor trailers in the loading area there. We’re actually designing this particular transfer station with two tractor trailer capacity, which would give us the capacity to handle 1,500 tons a day. It could be easily expanded by adding the third bay for transfer stations. It would take you up over the 2,000 tons a day, if needed.

“Currently, Brooks Landfill, on a five day week, is taking 2,000 tons a day of material. But you need realize, under your new Sedgwick County Solid Waste regulations, that when the transfer station opens that C & D (Construction and Demolition) will be banned at the transfer station, as well as yard waste will be banned at the transfer station. Those two materials are going to make up 20 to 30 percent of the volume going into the landfill. We anticipate the volume is going to be around 1,200 to 1,500 tons a day, which we can easily handle that.”

**Commissioner Winters** said, “Alright, I think that’s all I have now. Just a quick comment. In thinking about the criteria that you have mentioned, with probably the number one being the traffic patterns, I’m not sure how we’d ever find another site that didn’t significantly change the traffic patterns of the waste flow. So, I think you’ve done an excellent job on that criteria. The other two fit pretty well, the surrounding uses. I’ll wait and listen for the rest of it. Thank you.”

**Chairman Hancock** said, “Thank you, Commissioner. Jim, anything else you want to add? Thank you for being here today. Is there anyone else who like to address this item, today?”

**Ms. Carol Miller**, 2257 Manhattan, greeted the Commissioners and said, “Right now I’m representing the Miller’s, that are the closest proximal neighbors to this particular site and have the most concerns, I’m sure. The Miller’s are a very elderly couple, right now, and so they are not here able to represent themselves, but I am their granddaughter-in-law. I do not live at the site where they live. I live at 2257 Manhattan in the town and I am Carol Miller, their granddaughter-in-law.

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“I did speak at the Metropolitan Area Planning Commission meeting. We have many concerns and I have shared these with Carolyn McGinn. Some of the concerns include the paving of this road, 37th Street. We farm, my husband farms, Terry Miller, farms the land that is directly west of this transfer station, the forty acres west. He also farms the 27 acres that is directly east of this transfer site.

“I will tell the group that the road, 37th Street North, is a dirt road. We have had many problems in the past with getting past that road, since we have to take our equipment down that road too, in order to farm. When it gets muddy, we have lots of problems with cars driving out into our soybean fields, trying to bypass the road, destroying our crops, basically, such that we’ve had to post metal spikes next to that road, to keep that traffic from driving off the regular road into our field, to try to bypass that road problem. In the past, they have tried to upgrade that road. They have tried to make that passable, but we’re not going to bail any trucks out, that get stuck. Believe me, there is plenty of truck traffic that goes down 37th Street to the dump and it generates a tremendous volume of dust that blows into the Miller property. I have been there and have experienced the dust in my face and you can barely breath at times. So, that is one area that I encourage Carolyn and the rest of you to take into serious consideration. If you don’t pave Hoover to West, I think your making a terrible mistake, that will come back later to say “in retrospect, we should have done that, shouldn’t we”. I think that you’ll find that out later. But I’m just trying to say, we already know that, because we farm that area.”

“Drainage, we have a lot of concerns. As you know, EPA (Environmental Protection Agency) regulations and sure, basically, if there is a problem with contamination the property owners, by law, in our understanding, are responsible for the disposal and the decontamination that is under your property, regardless of whether you made that contamination or not. So, if there would be a spill, or whatever, that property would go from being a very valuable property, either on the east or the west, to potentially being worthless. This may be your next EPA Superfund site. I think you better put your controlling wells on the east and the west, not just on the north and the south because the water tends to flow towards the Arkansas River, in my understanding. That is very shallow ground water there, very sandy soil. I’m just saying, I don’t want to hear 20 or 30 years down the road, this is the new EPA Superfund site and the Miller’s will be unable to dispose of their property because of the contamination.

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“The hours are 24 hours a day, seven days a week. I am concerned that this is going to cause a lot of traffic noise. The ‘beep, beep, beep, beep, beep, beep, beep’ as the trucks are backing up and making noise. I think that has to be considerable concern, since the Miller’s are still living in that property. I think you’re going to see a lot of backed up trucks, potentially, a lot of traffic. I’m not sure if the Miller’s will get out of their driveway, to tell you the truth. It’s pretty hard to get out right now.

“Covered loads, unfortunately people are going into the landfill, not covering their loads until they stop at the Miller’s property, which is just directly south of the current landfill. They stop, and then they cover their load, after everything’s blown off into their yard, and then they cover their loads and go into the landfill. This has been observed by the Miller’s. If any of you that have any doubts about the amount of trash, or the stuff that’s blown, I have taken pictures within the last month, and I will be happy to show you the volumes of trash that have collected on their property. So, I think there is going to be a concern, as far as the covered loads. People are cheating, and not covering their loads until they get close to the landfill and then quickly tarping, so I think that you’re going to see a lot of situations with trash.

“Another thing is, I’ve talked with Mr. Spencer, I’d like to some reassurance, a plan of how the blown trash will be collected from the Miller’s property. You know, you can’t let those plastic bags get on your land or it gets clogged up into your machinery and ruins your machinery. You try to go and pick it up and if you don’t pick it up by hand, if you take a truck in there, you compress the soil and ruin the land. We’ve had problems with that already, with our wheat field being damaged currently, with trucks going in there and trying to pick up the garbage.

“Basically, again, the run-off, monitoring wells north and south, I think you’d better do them, also, east and west. Let’s get all four directions covered. Not just do a partial job. There’s many other things that we are concerned about but especially the drainage, the run-off, the retention, that kind of thing. I really don’t know what to tell you on that. I just know a lot of the promises that were made to the Miller’s 20 to 30 years ago, when they sold the land to the landfill, have been promised, and have not been fulfilled. So, we are noticeably skeptical of promises today that may not be kept tomorrow. So, that’s why I am bringing questions to you, because we certainly don’t need another EPA Superfund site. So, thank you, very much.”

**Chairman Hancock** said, “I think there’s a question, Ms. Miller. Commissioner McGinn.”

**Commissioner McGinn** said, “On the dirt road, you said it’s a dirt road, is it a gravel road? You said they tried to upgrade it?”

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**Ms. Miller** said, "Well, what we've seen, within the last few years . . . it is really I'd say a dirt road. Maybe there's some gravel on it but it's not paved, it's not a blacktop. What's happened when we've had large rains, is that puddles have collected on that road and depressions have occurred, in the past, on that road. It erodes down, apparently. That has been upgraded since the big problem by the . . . Brooks Landfill has been called out to take care of that. In our past experience, trucks and people have gotten stuck down there. Basically, they've had to go, because that road was impassable. They found it necessary to go out into the field, to bypass that road entirely, to get off that road, because they couldn't get by, so they would go out into the field, destroy the crops and then my husband, of course, went out and had to actually post metal stakes into our property on the side of our crops so that cars would not drive out there and destroy our fields."

**Commissioner McGinn** said, "Thanks. I have a question for Jack Brown, if I could."

**Chairman Hancock** said, "I have one question from Commissioner Winters."

**Commissioner Winters** said, "Ms. Miller, can you tell me, is the current property owned by your grandparents, is it contaminated now? Has Brooks contaminated that property? Have you had that property tested?"

**Ms. Miller** said, "No. It has been, in the past, tested as for purity, by a Salina water company. The City has come out, at our request, and tested the water to see whether it meets legal drinking standards. The Miller's, by the way, do not drink this water. Despite assurances that it would not kill them, it meets the standards, the smell is so bad, to tell you the truth, that it's just putrid. That may be partly because of . . . they said there was a high level of rust or iron and that may be because of their pipes, or whatever, but they have a septic system right now and we bring them water from our home, purified water, that we bring it in jugs, several times a week, so that they can drink water. They're in their 90's, by the way. They are 91 and 93."

**Commissioner Winters** said, "So, to the best of your knowledge, all the massive pollution from the landfill is east of their property?"

**Ms. Miller** said, "It appears it's north and east. We have not been able to find, through the testing, I believe it was done a year ago or two, that there was anything that was tested that they located that was contaminated at this point. The pollution seems to be north and east of their land."

**Commissioner Winters** said, "Okay, thank you."

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**Chairman Hancock** said, "Thank you for being here this morning and for your comments. Is there anyone else who would like to address this issue? Jack, I believe one of the Commissioners has a question for you."

**Commissioner McGinn** said, "Hi, Jack. I just wanted to make sure I was correct on this. Need your clarification but, about the contamination, by law, that's under your property, if you have monitoring wells and you know what types of chemicals are out there by a specific company, or anything like that, they can pretty much be identified to that particular area. Is that correct? And would that remove a homeowner from any kind of liability?"

**Mr. Jack Brown**, Environmental Health, greeted the Commissioner and said, "Well, the way I understand it, first of all, if you perform due diligence on your property and know the state or condition of it and then contamination happens later, that's a protection from the liability. Homeowners, generally, in Superfund sites, there is now a policy that EPA has to issue what they call comfort letters and reduce or minimize or actually take away any liability, if it's associated with another source, so the previous speakers comment about their potential liability, under current EPA policies would be minimized through the presents of other active and known sources."

**Commissioner McGinn** said, "I think BFI is taking measures so that this will never happen, but I just wanted to make sure that this was clarified as well. That's all I had for you. Thanks."

**Mr. Brown** said, "From a non-legal standpoint, that's my perspective."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioners, any other questions? Commissioner Gwin."

**Commissioner Gwin** said, "I have a clarifying question for Jim. Could you answer something for me? One of the problems of the landfill, and particularly Brooks, that's not subtitle D is that solid waste is dumped on the land, on the dirt, covered by dirt and left to whatever that solid waste might do. Liquid, rain, whatever else, filters through that and has, at that site, and any number of sites around the country, contaminated ground water and caused a real pollution nightmare. Will any solid waste, will any materials be dumped on the ground or any place, other than a concrete surface at the transfer station?"

**Mr. Spencer** said, "No. All solid waste will be dumped on a concrete, non-porous surface inside the transfer station."

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**Commissioner Gwin** said, "How long would you expect that that solid waste would remain sitting before it is moved to the pit and moved to the back of the truck to be disposed elsewhere?"

**Mr. Spencer** said, "When you're dealing with 1,500 tons a day, it's going to sit there a few minutes up to maybe an hour before it's loaded onto a transfer trailer, depending on the incoming volume. By State law, it can only sit there for 48 hours, but with 1,500 tons a day, you're going to be moving it very rapidly."

**Commissioner Gwin** said, "The convenience center items that are not supposed to be there, are those contained?"

**Mr. Spencer** said, "They are contained inside steel containers, sitting on top of concrete."

**Commissioner Gwin** said, "And they'll be moved out how often?"

**Mr. Spencer** said, "The Sedgwick County regulations require movement every seven days or sooner, if they're full."

**Commissioner Gwin** said, "Then, would it be less likely, then, because the solid waste is not sitting on the ground, and is not, for generations or for decades, would it be your opinion that it's less likely to have a contamination problem than a non-subtitle D landfill?"

**Mr. Spencer** said, "Yea, transfer stations, you're not submitting anything to the soil. It's all going to be on non-porous surfaces and then moved out. Contamination is minimized greatly."

**Commissioner Gwin** said, "That had been what I had seen at other ones that we had visited around this part of the country, but I wanted to get some clarification on that, for the public. Thank you, Jim. Thank you, Mr. Chairman."

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

**Commissioner Winters** said, "I have a question of Jim, too. Jim, in just, I guess, talking about housekeeping, clean up in the neighborhood, we know now, out at Brooks Landfill, when you dump trash in 20 to 30 mile an hour winds, what you're going to get. Your operation is going to be totally different from that. You will, there will be people that do come and won't have their loads properly secured and have stuff off . . . what is your position going to be, what are you going to do, housekeeping in the neighborhood?"

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**Mr. Spencer** said, "Again, according to the Sedgwick County Transfer Station regulations, we have to police a half mile radius of the facility on a regular, on-going basis, for that very reason. To control any spill-out that might happen around or near the transfer station."

**Commissioner Winters** said, "Would it be your estimation that that will probably be just a fraction of what it would be like to clean up around Brooks Landfill, on a daily basis?"

**Mr. Spencer** said, "Yea, the majority of the blowing litter that you see today, around the landfill, isn't coming off the trucks. Right now, they are now almost ninety feet up in the air, dumping trash on top of Brooks. When you get a plastic grocery bag air-borne, it's going to blow a long ways, in a 40 mile an hour wind. That's where the problem is coming from today."

**Commissioner Winters** said, "Okay, but it is your intention to follow the regulations that are going to be out there in helping police that area, not police, but at least pick up in that neighborhood surrounding your facility."

**Mr. Spencer** said, "Yes."

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

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner McGinn."

**Commissioner McGinn** said, "That was basically the same question I had was the clean up and the one mile radius and that BFI was going to see to it that that was taken care of. Thank you."

**Chairman Hancock** said, "Thank you. Further questions? Other further comments, from the public? Marvin, come forward."

**Mr. Jim Breitenbach**, P.O. Box 304, Valley Center, Kansas, greeted the Commissioners and said, "I drive a wide area of the Wichita area, and so forth, and the mile between Hoover Road and Ridge Road, on 37th, I regard that, wet or dry as the ultimate tank training trail. I talked to Ron Stanley of the Park Township, and so forth, and he says that it just seems to be beyond township means to keep that road in any kind of shape. I think that ought to be looked at, somehow or other, to help Park Township out."

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“The other comment I got is, it seems to me like the transfer trucks going out are a plus and minus going out, with the fill trucks going into the present landfill. In other words, I don’t know if they get 70 loads of dirt a day, or something like this, but probably get something like 70 loads of dirt a day so I think we’re just going to have trucks of a different nature going up and down the road.”

**Chairman Hancock** said, “The current landfill gets about 70 loads a day?”

**Mr. Breitenbach** said, “That’s just a guess that it takes 70 loads. If you just watching trucks going in and out of there, and so forth, you just always see fill trucks going into the landfill and it just looks, in my imagination, something like 70 loads a day. So, if you have 70 loads of trash leaving the area, and so forth, I think it just kind of a push. I don’t think it’s going to be any increase in truck traffic. I do have a little problem with the 700 trucks a day going into the transfer station, because that will be an average of 2 tons a load, and there has to be an awful lot of small collectors around to get 700 trucks a day coming into that site, I would think. Most trucks are something like 10 or 20 ton, not knowing how large they are. Alright, thanks.”

**Chairman Hancock** said, “Thank you for your comments. Are there any further comments? Commissioner Winters.”

**Commissioner Winters** said, “I’ll just make a comment. Jim, I appreciate your coming in and talking about the road again, but I think that there will be a difference. The transfer trailers that are leaving . . . I wait just a minute till Jim can hear. Jim, the trucks that are going to be leaving the facility will be driving on a paved road. They will be leaving the facility going east, to West Street, which will be paved. So, there will not be any transport trucks, either dirt haulers, which are presently on that road, or the transfer trucks, will be leaving on the paved portion of the road, so I think there will be an enhancement to 37th Street. But one other thing I would say, and I visited with David Spears about this, briefly, this is an area that we can watch. I mean, if we see after the transfer station is open, after we see that things are happening, how the flow is, if for some reason the flow would change, then I think we can come back and address that, as a Board of County Commissioner, in the future. But right now I think I would tend to agree with David, with the current semis coming off of that 37th Street, I think it will improve that road, but I’m certainly willing to watch that carefully, after we get the operation going. But I don’t think I’m ready to put that in any part of the provisions of what we’re going to decide today.”

**Commissioner Sciortino** said, “Mr. Chairman, I just have one quick one for Jim. Jim, I just want to clarify. Is it one half mile or one mile radius that you have the responsibility to clean up?”

**Mr. Spencer** said, “It’s a half mile.”

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**Commissioner Sciortino** said, "A half mile. Okay, thank you."

**Chairman Hancock** said, "Further comments or questions? I just have one for Susan Erlenwein. Thank you for being here today. Susan, I sure you have, knowing your efficient ways, but I've had the opportunity to review some of the Minutes of the Metropolitan Area Planning Commission hearing. The City came forward with some suggestions. There were about 19 suggestions that they had in regard to this. I'm sure you're familiar with most of them. I'm not going to ask to address individual items, but most of these items, outside of the free days and the City collections from the public facilities, those kinds of things, is it your feeling that most of those are being addressed by the Solid Waste Planning Committee and in our plan?"

**Susan Erlenwein**, Environmental Management Director, Environmental Resources, greeted the Commissioners and said, "Yes, the regulations that we developed for the transfer station, we felt was good for transfer stations all over the County, and that more specific issues, such as covered area for yard waste, could be addressed in on Conditional Use Permit. For example, this location, and where it's at, you don't need a covered area for yard waste. If you were in a different sort of neighborhood, you might, so that would be on a more Conditional Use Permit basis."

**Chairman Hancock** said, "I see. So what would be appropriate for a particular location would be included in the Conditional Uses."

**Mr. Buchanan** said, "Commissioner Hancock, if I might. As you recall, a couple of months ago the City and especially the Mayor indicated their willingness to be cooperative and help with this issue, and in that effort and we've offered to sit with the City staff and discuss these issues. Some of these are very important to the general operations of the City and we think that we need to make sure that not only the City of Wichita, but other municipalities around that use the landfill have an opportunity to talk to us, before any final implementation occurs. So, we've made that offer. We continue to make that offer and we need their assistance to make sure this system works for them."

**Chairman Hancock** said, "Well, in reviewing the Minutes and what Steve Lackey had given to the planning commission, some of those things are pretty good ideas and I just wanted to make sure that we have the opportunity to go over them and discuss them and at least not reject anything out of hand."

**Ms. Erlenwein** said, "The Solid Waste Management Committee will be reviewing the City's request at our next meeting?"

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**Chairman Hancock** said, "Okay, thank you, Susan. Commissioners, any further questions or comments?"

**Commissioner Winters** said, "Just a follow up. I would agree with you, Mr. Chairman, that some of those are probably worthy of further discussion, but as an example, whether yard waste should be covered at the transfer site, I mean, MAPC spent a lot of time talking about that. Mr. Lackey talked about it. I don't think that's one that would be one appropriate. I think they've got a good system in plan, and this, as Susan said, would be a site that wouldn't need that. So, I think there are some that are worthy of discussion. I think there are some that I think we are still right on target with."

**Chairman Hancock** said, "Well, I agree but I just wanted to make sure that we've had the opportunity, as a commission, that our solid waste planning committee has had an opportunity to address those issues. I don't want to skip over them until that particular issue has been addressed. I think it's appropriate for what this particular location, but as Susan said, it may not be appropriate for many other locations, in a more congested areas. Commissioners, any other questions? Any further comments that anyone would like to make regarding this issue? If not, the Chair would entertain a Motion."

### MOTION

Commissioner McGinn moved to Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and Conditional Use Permit subject to the condition of platting and recommended conditions; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Gwin seconded the Motion.

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

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**Commissioner Gwin** said, "Thank you, Mr. Chairman. Just a discussion of the Motion. I am supportive of this and would remind us that this is a matter of land use, as we talk about it today. I don't know, there may be other appropriate site, but I don't know, on the face of it, where a more appropriate site for a transfer station might be. This is undeveloped land, with the uses around it, it is highly unlikely that it would be anything other than Industrial, certainly will never be Residential. It is appropriately located near major highways, so that traffic can come and go with as little disruption to the public as possible. I believe that it does conform to our Comprehensive plan. The Comprehensive Plan says it's appropriate for agricultural and related but given the other Industrial uses, I again go back that I don't see that it will be anything other than Industrial at this site. We have heard some discussion about the impact, or the possible impact on 37th Street. I think the Commission and Public Works will certainly continue to monitor that, to the west of this site. The relative gain to the public health, safety and welfare, we know that Brooks is going to close and we know that we've determined that transfer stations are our future. This is an appropriate response to the decisions of this Board and the Solid Waste Planning Committee have made. I appreciate the site plan. I appreciate BFI and Susan working to try to find an appropriate site and on a land use issue, I'm going to be very supportive of this site, for this purpose. Thank you, Mr. Chairman."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner McGinn."

**Commissioner McGinn** said, "I agree with Commissioner Gwin on those items. My only concern is that, and I feel very confident that BFI has this under control, I just had a question on this. It does state in there that the storm water control is by the Public County Works. Is that correct and that is an ongoing thing that we can tighten?"

**Chairman Hancock** said, "In conjunction with the Health Department, I believe. Is that correct? That's the way I read that. Yes, it is. I assume so."

**Commissioner McGinn** said, "That's the way it reads in the planning report."

**Chairman Hancock** said, "Susan is shaking her head yes."

**Commissioner McGinn** said, "Thank you. That's all I had. Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Sciortino."

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**Commissioner Sciortino** said, "Thanks, Mr. Chairman. I'm also inclined to support this Resolution, because as far as land use is concerned, I do believe it's proper. However, I feel compelled to explain why, since I have been adamant in my position with regards to landfill versus transfer stations. I find myself faced with two options. One, I could defiantly vote no on anything that comes before us, with regards to transfer stations. Or I could admit that I lost this one, and work with you and my fellow colleagues on this project. Emotionally, at first, I leaned towards the first option but, on reflection, I'm hard pressed to find out how that would benefit anyone in my district or for that matter, anyone in Sedgwick County. I have decided to join in this process of developing a transfer station, but I will put everyone on notice, on this Board, that I will be working very hard to insure that Sedgwick County gets the most efficient transfer station concept possible. Thank you."

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

**Commissioner Winters** said, "Thank you, Mr. Chairman. Thank you, Commissioner Sciortino. I appreciate those comments very much. I am going to be supportive of this Motion that's before us. I want to say just a couple of thank yous. I've gone through the MAPC Minutes a couple of times, and I realize that that group spent a great deal of time and effort on this issue, and I appreciate all the work that they have spent on this, along with planning staff. I do think this is . . . and I have a lot of confidence in both planning staff and our staff that are working on solid waste but I think this is an example of why I think we've come to a good conclusion on working through the private side and letting the private side lead the way on this issue. I'm not sure we would have come up with a site as good as this one. I think we had . . . when we were trying to look around and think about this issue, somehow we couldn't quite get on this area, but now, as BFI has presented it, I just don't think there could be a site, on one specific issue of not changing the traffic patterns of trash haulers today. Now, I'm confident, we'll probably have another transfer station or two in this community and I hope we do. But on this one, I've really got to commend them for really diligently working on a site that just, I think, meets a lot of the criterias that need to be done. So, based on that, I'm going to say, we appreciate all of the concerns that people have talked about here today, and I hope there's some way that we can address some of those, particularly the road, if it needs to be done in the future, but I think the applicant has just done an excellent job in finding a good site and I appreciate their hard work. Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Any further comments? Well, I appreciate the discussion. I think the comments that were made today were very reasonable and certainly, Ms. Miller, we'll keep our eyes out for any trouble over there. If there is no further discussion, Clerk call the vote please."

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Commissioners, would you like to take a five minute break?"

**The Sedgwick County Commission recessed at 10:31 and returned at 10:47.**

**Chairman Hancock** said, "I'll call the meeting back to order. Next item please."

**NEW BUSINESS**

**C. LAKE AFTON PARK.**

- 1. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK DURING 1999 FOR PRACTICE AND HOBBY RUNS OF RADIO-CONTROLLED MODEL AIRCRAFT.**

**Ms. Michelle Daise**, Assistant County Counselor, greeted the Commissioners and said, "I'm filling in, on behalf of Jerry Harrison on this. You do have before you the first of two agreements between Sedgwick County at Lake Afton Park, with the Wichita Radio Control Club. This is similar to agreements you've had before you in the past years. This simply allows them to have hobby runs out there, throughout the year, at times when the park is open to the public. This is a non-exclusive use. Basically, they can just be out there when everyone else from the public is out there as well. At this time I would just recommend that you approve the agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Winters seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

- 2. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK APRIL 23-25, 1999 TO HOLD THE THIRD ANNUAL R/C HELICOPTER FUN FLY, AND AUGUST 27-29, 1999 TO HOLD THE 19TH ANNUAL JUMBO/GIANT SCALE R/C MINIATURE AIRCRAFT AIRSHOW.**

**Ms. Daise** said, "Commissioners, this is an agreement with the Wichita Radio Control Club, once again. This will allow them to have exclusive use of an area to do these racing events, both in April and in August. They have been requested to provide a certificate of insurance before their events. Once again, I would recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Hancock** said, "Thank you. Do I hear a Motion?"

**MOTION**

Commissioner McGinn moved to approve the agreement and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item please."

**D. AGREEMENT WITH RESOURCE CENTER INDEPENDENT LIVING, INC. TO PROVIDE INCOME ELIGIBLE HOME CARE SERVICES; AND AGREEMENT WITH SAINT RAPHAEL SERVICES TO PROVIDE SENIOR CARE ACT/MILL LEVY FUNDED SERVICES.**

**Ms. Lynne Melton**, County Appropriation Assistant Director of Aging, greeted the Commissioners and said, "You have before you two additional contracts. They are vendor contracts to provide in-home services to help seniors remain in their homes and live safely and independently. Ask your approval. If you have any questions, I'll be glad to answer them."

**Chairman Hancock** said, "Thank you, Lynne. Commissioners, questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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**Chairman Hancock** said, "Next item please."

**E. DIVISION OF PUBLIC SAFETY.**

**1. COMPENSATION STEP INCREASE WITHIN RANGE FOR FOUR  
EMERGENCY MEDICAL SERVICE CAPTAINS.**

**Mr. Bob Lamkey**, Director, Division of Public Safety, greeted the Commissioners and said, "I'm here this morning to ask your support to fix an unintended consequence. For a while a disconnect existed in the compensation model we used to establish salaries for newly promoted EMS (Emergency Medical Services) Captains. Basically, an EMS Lieutenant effectively took a net loss in pay for promotion to Captain, he or she did as a Lieutenant.

"Some background, back in 1987, when Captains were designed salaried employees and Lieutenants remained hourly, Captain's salaries were computed to compensate for programed over time and holiday's worked in the course of normal duties. Then, a newly promoted Captain received a pay raise over what he or she was making in total compensation as Lieutenant. Using the existent compensation paradigm, changes in the pay plan in 1992 and 1997 resulted in newly promoted Captains, in reality, receiving less pay for excepting a promotion.

"Late last year, we visited the issue, and with the help of Doug Russell and Jan Moralez of Human Resources, salary for recently promoted Captains were set at a range which permits at least a 2 ½ percent increase over their normal total compensation, as Lieutenants. And that's per our policy.

"Now, we ask to adjust the salaries of four previously promoted Captains to bring them in line with the original intent that a promotion earns a reasonable pay increase. The 1999 budget impact, with an effective date of first of May is \$5,226. Funds are available in the department from salary savings. I recommend that you approve the adjustment and I stand ready to answer any questions."

**Chairman Hancock** said, "Thank you, Mr. Lamkey. Questions, Commissioners? If there are no questions, what's the will of the Board?"

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**MOTION**

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

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Next item please. Thank you, Bob."

**2. AGREEMENT WITH LARKSFIELD PLACE-THE HEALTH CARE CENTER FOR SEDGWICK COUNTY TO DIRECTLY BILL THE FACILITY FOR SERVICES PROVIDED TO RESIDENTS UNDER MEDICARE GUIDELINES.**

**Mr. Tom Pollan**, Director, Emergency Management Services (EMS), greeted the Commissioners and said, "Again, this is an agreement we addressed a couple of weeks ago. It was another two other agencies. We have about twenty more to go that we're working with. This is a limited number of patients that would meet the criteria that's specified by Medicare that we have to bill the nursing home. Everybody else we would continue to bill as we currently are. I would recommend your approval."

**Chairman Hancock** said, "Thank you, Tom. Commissioners, questions for Mr. Pollan? If not, what's the will of the Board?"

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**MOTION**

Commissioner Sciortino 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, Tom. Next item please."

**F. RANGE REALLOCATION DUE TO MARKET CHANGE.**

**Mr. Doug Russell**, Director, Division of Human Resources, greeted the Commissioners and said, "The item before you is the top secretarial positions in the County. We look at them, relative to their market peers, governmental and private sector and the bottom line is they were out of alignment with the market by one range. So, what we're recommending is that that be set right with the market place so that the people in those positions can be paid in accordance with the market place and with their peers. I can answer any questions."

**Chairman Hancock** said, "Commissioners, any questions on this Item? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the range reallocation.

Commissioner Sciortino seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**G. PUBLIC WORKS.**

**1. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN ROADS TO THE GRANT TOWNSHIP SYSTEM. DISTRICT #4.**

**Mr. David C. Spears**, Director, Department of Public Works, greeted the Commissioners and said, "Item G-1, it is standard procedure that after a road is constructed within a platted residential subdivision in accordance with county standards, that road is then assigned to the township road system. In this particular case, 101st Street Court, located in Valley Estates Addition, will become the responsibility of Grant Township. I recommend that you adopt the Resolution."

**MOTION**

Commissioner McGinn 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

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**2. RESOLUTION DESIGNATING AND CLASSIFYING A CERTAIN ROAD TO THE GRANT TOWNSHIP SYSTEM. DISTRICT #4.**

**Mr. Spears** said, "Item G-2 is similar to the previous item. In this particular case, 98th Street North, located in Galyardt Estates 2nd Addition, will become the responsibility of Grant Township. I recommend that you adopt the Resolution."

**Chairman Hancock** said, "Thank you, David. Commissioners, discussion? If not, the Chair would entertain a Motion."

**MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

**3. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN ROADS TO THE MINNEHA TOWNSHIP SYSTEM. DISTRICT #1.**

**Mr. Spears** said, "Item G-3 is similar to the previous two items. In this particular case, Lancaster, Lancaster Court, Limerick, and Limerick Court, located in Belle Terre 3rd Addition, will become the responsibility of Minneha Township. I recommend that you adopt the Resolution."

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**MOTION**

Commissioner Gwin 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, David. Next item please."

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' APRIL 1, 1999  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the April 1st meeting of the Board of Bids and Contracts. There are seven items for your consideration.

**(1) SECURITY FENCE- JUVENILE DETENTION FACILITY  
FUNDING: CAPITAL PROJECTS**

"Item one, security fencing for the Juvenile Detention Facility. Commissioners, you'll note, that no bids received for this item. The Board of Bids and Contracts directed the Purchasing Department to negotiate the best purchase. I will note, for the record, that we did receive two bids well after the deadline and our conversation with those two vendors, as well as others, is that there is just a tremendous amount of work in the marketplace right now.

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**(2) RIP-RAP- PUBLIC WORKS**  
**FUNDING: SALES TAX**

“Item two is rip-rap for Public Works. It was recommended to accept the low bid of Walker Stone Company. That amount, \$13,470.

**(3) LOBBY SIGNAGE- PUBLIC RELATIONS**  
**FUNDING: PUBLIC RELATIONS**

“Item three, lobby signage for Public Relations and Capital Projects. It was recommended to accept the low bid of Signs OnSite- Midwest. That amount, \$12,836.32.

**(4) TELEVISIONS- ADULT DETENTION FACILITY**  
**FUNDING: SCAAP GRANT**

“Item four, televisions for the Adult Detention Facility and Capital Projects. It was recommended to accept the low bid meeting specifications of Hephner TV & Electronics. That amount, \$11,440.

**(5) PERSONAL COMPUTER HARDWARE & SOFTWARE- APPRAISER**  
**FUNDING: APPRAISER**

“Item five, personal computer hardware and software for the Appraiser. It was recommended to accept the low bid of Data Technique. That amount, \$11,269.30.

**(6) FOUR DOOR SEDAN- FLEET MANAGEMENT**  
**FUNDING: FLEET MANAGEMENT**

“Item six is a four door sedan for Fleet Management. It was recommended to accept the low bid of Mel Hamblen Ford. That amount with trade-in, the optional manuals, \$14,083.

**(7) HOME INVESTMENT PARTNERSHIPS- HOUSING**  
**FUNDING: HOUSING**

“Item seven, Home Investment Partnerships, that’s housing rehabilitation for the Housing Department. This is for the Oaklawn- Sunview area. It was recommended to accept the proposal of Community Housing Services of Wichita/ Sedgwick County. The County portion of this, the outlay from grant funds is \$110,000. Three pages of the recommendation follows that.

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**ITEMS NOT REQUIRING BOCC ACTION**

- (8) ICE REHABILITATION/ REPLACEMENT- KANSAS COLISEUM  
FUNDING: KANSAS COLISEUM**
- (9) CONSULTANT SERVICES- KANSAS AFRICAN AMERICAN MUSEUM  
FUNDING: KANSAS AFRICAN AMERICAN MUSEUM**

“There were two items that do not require action at this particular time. Those are both being tabled for review. They include ice floor rehabilitation and replacement at the Kansas Coliseum. That one proposal is being reviewed, and consultant services at the Kansas African American Museum. Those proposals are also being reviewed.

“I’ll be happy to take questions and recommend approval of the Minutes provided by the Board of Bids and Contracts.”

**Chairman Hancock** said, “Thank you, Darren. Commissioners? Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you, Mr. Chairman. Darren, on number three, the lobby signage, are you aware of whether or not we ever found the appropriate funding source for that?”

**Mr. Muci** said, “Commissioner, no, I am not. I will check with Ken Arnold and Stephanie Knebel and to verify that and let you know.”

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

**Chairman Hancock** said, “Thank you, Commissioner. Commissioners, further questions? If not, what’s the will of the Board?”

**MOTION**

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

Commissioner McGinn seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Thank you, Darren. Next item please."

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. General Bills Check Register of April 2, 1999.**
- 2. Agreement (two) with Hogan Information Services and Apprentice Personnel to provide on-line access to Sedgwick County's electronic data.**
- 3. Plat.**

Approved by the Bureau of Public Works. The County Treasurer has certified that taxes for the year 1998 and prior years are paid for the following plat:

Southfork Addition

- 4. Order dated March 31, 1999 to correct tax roll for change of assessment.**

**Mr. Bob Lamkey**, Director, Division of Public Safety, greeted the Commissioners and said, "Before you, you have four items for your action. I recommend that you approve the Consent Agenda, as presented."

**Chairman Hancock** said, "Thank you, Bob. Commissioners, what's the will of the Board?"

**Regular Meeting, April 7, 1999**

**MOTION**

Commissioner Sciortino moved to approve the Consent Agenda.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Commissioners, we'll recess this meeting."

**The Board of Sedgwick County Commissioners recessed to the Fire District Meeting at 11:00 a.m. and returned at 11:03 a.m.**

**Chairman Hancock** said, "I'll call the meeting back to order. Is there any further business?"

**J. OTHER**

**MOTION**

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return from executive Session no sooner than 11:25 a.m.

Commissioner McGinn seconded the Motion.

**Regular Meeting, April 7, 1999**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. We're in Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:05 and returned at 11:46 a.m.**

**Chairman Hancock** said, "I'll call the meeting back to order. Let the record show there was no binding action taken in Executive Session. Mr. Counselor, anything to add?"

**Mr. Euson** said, "While in executive session, we discussed a worker's compensation claim involving an employee by the name of Johnny Vanderpool who sustained a rotated cuff tear injury while being employed at the Department of Public Works. We have asked to settle this case on the basis of a 21% impairment of the upper body, and particularly the left shoulder, in the amount of \$16,000. We ask your approval of that amount."

**Chairman Hancock** said, "Thank you. Commissioners, questions? If not, the Chair would entertain a Motion."

**MOTION**

Commissioner Winters moved to approve the Worker's Compensation claim of Johnny Vanderpool in the amount of \$16,000.

Commissioner Gwin seconded the Motion.

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

**Regular Meeting, April 7, 1999**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Is there any more business to come before the Board? If not, we're adjourned."

**K. ADJOURNMENT**

**Regular Meeting, April 7, 1999**

There being no other business to come before the Board, the Meeting was adjourned at 11:47 a.m.

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

\_\_\_\_\_  
**BILL HANCOCK**, Chairman  
Second District

\_\_\_\_\_  
**BETSY GWIN**, Chair Pro Tem,  
First District

\_\_\_\_\_  
**THOMAS G. WINTERS**, Commissioner,  
Third District

\_\_\_\_\_  
**CAROLYN McGINN**, Commissioner,  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**James Alford**, County Clerk

APPROVED:

\_\_\_\_\_, 1999