

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

### **REGULAR MEETING**

**FEBRUARY 9, 2000**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, February 9, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Betsy Gwin; Commissioner Bill Hancock; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Irene Hart, Director, Department of Community Development; Ms. Stephanie Payton, Assistant to the County Manger; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Marvin Krout, Director, Metropolitan Area Planning Department (MAPD); Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department (MAPD); Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; Ms. Stephanie Knebel, Project Manager, Facility Planning & Remodeling Department; Mr. Bill Meek, Register of Deeds; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Mike States, Public Relations Chairman, Midian Shrine Temple.

Mr. Richard M. Kerschen, President, The Law Company, Inc.

Mr. Jerry Carson, Teacher/ Technology Coordinator, Washington Elementary School.

Ms. Sue Castile, Regional Director, National Conference for Communities and Justice.

Mr. John Rolfe, Vice-president for Economic Development, Wichita Area Chamber of Commerce.

Mr. Russell Mills, Attorney, Derby Recycling and Transfer Station.

Mr. Kelly Bender, Senior Pastor, First United Methodist Church.

### **INVOCATION**

The Invocation was given by Mr. Gregory B. Smith, of the Tibetan Buddhist Meditation Center.

### **FLAG SALUTE**

### **ROLL CALL**

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING FEBRUARY 6-12, 2000 AS "BURN AWARENESS WEEK."**

**Chairman Winters** said, "Commissioners, I have Proclamation I would like to read into the record for your consideration.

**PROCLAMATION**

**WHEREAS**, severe burn injuries are a leading cause of death and injuries in North America, especially among young children ; and

**WHEREAS**, every year more than 2,000,000 people suffer burn injuries of some kind and more than one out of every three burn victims are children; and

**WHEREAS**, approximately 75% of all burn injuries and deaths are preventable; and

**WHEREAS**, the Shrine of North America operates four Shriner hospitals that provide medical care totally free of charge to severely burned children; and

**WHEREAS**, the Shrine of North America and Shriner's Hospitals join with other burn facilities across the nation recognizing the seriousness of this hazard and the urgent need to educate the public about burn prevention and fire safety; and

**WHEREAS**, it is fitting and appropriate to acknowledge the contribution of the Shrine of North America and to commend the Shriners for their continued support and care of young burn victims;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim February 6 through 12, 2000, as

**“BURN AWARENESS WEEK”**

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in Sedgwick County, and do encourage all our citizens to support the Burn Shriner's Hospitals and to take appropriate precautions to protect their families from devastating burn injuries, date today, February 9, 2000.

"Commissioners, that's the Proclamation. What's the will of the Board?"

**MOTION**

Commissioner Hancock moved to adopt the Proclamation 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 Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "We have two Shrine members here, if they would please come forward. I have the name of Mike States, but if you would both introduce yourselves please."

**Mr. Mike States** said, "I am Mike States and this is Buck Fisher. Buck is the Commander of the Flying Fezzes. He is also my employer at the Kansas Masonic Home. I'd like to introduce him first because I forgot to do that yesterday.

"I am a volunteer public relations chairman for Midian Shrine Temple. We have about 4,200 members in a 32 county area. Of course our headquarters are here in Sedgwick County. We also represent 22 pediatric hospitals. We started our burn treatment back in 1965, pretty much pioneered that in the United States. Right now, on a local basis, we're serving about 400 children. My treasurer, Merle Cannon, told me the other day last year we spent \$190,000 transporting these children to services at our hospital.

"This Proclamation, we definitely appreciate receiving this. I would like to say that part of the reason for

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burn awareness week is to join with other fire professionals and health care people. We have an excellent burn center here in Wichita and excellent fire educators. We also want to recognize the seriousness of these hazards and of course reduce injuries, burn deaths, and about \$26,000,000 in personal property damages.

"I do have a number of people with me. I do appreciate Buck being with me. He gives a lot of hours flying children. We also have Jeremy Schneider. Jeremy works with me on the public relations committee and helps to get the good word out, similar to the books you have before you. Those are available to you if you'd like more. I can get those to you by cases if you want them. We also have a number of the people from the Sedgwick County Fire Department, including Chief Gary Curmode. There he is, back there. Patti Peterson, I work with Patti quite often. She is the education officer of Sedgwick County Fire Department. We have a number of other individuals, too, from the Fire Department as you can see in the back. We appreciate their support today.

"Just in summation, on behalf of Midian, I want to thank you again for this Proclamation. On behalf of the fire educators and health care people in this immediate area and the Shrine Masons, we appreciate your endorsement. Thank you."

**Chairman Winters** said, "Thank you. We appreciate all three of you being here today. It is remarkable when one stops and thinks about all the contributions that you all have made to the committee and this nation with your burn centers, especially for those who it would be a tremendous burden to pay for some of those services. I think your hospitals are remarkable. I certainly appreciate our fire folks and our prevention people being here. We just don't have a better story to tell than the family at Goddard, whose young children were involved in a prevention class and learned what to do in a fire situation and then, literally, saved the lives of that family. All of the work that you all do is appreciated as is the work of our Fire Department. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I also want to commend your work. My father, Lou Sciortino, was past Potentate from Pittsburg, Kansas. I know, first hand, some of the work that you've done and I can't commend you enough and encourage you to continue. Thank you."

**Chairman Winters** said, "Thank you. Let's give these people a hand. Next item please."

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**APPOINTMENT**

**B. RESOLUTION APPOINTING ELSIE E. STEELBERG, MD (COMMISSIONER GWIN'S APPOINTMENT) TO THE WICHITA-SEDGWICK COUNTY BOARD OF HEALTH.**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "This Board is a joint City of Wichita/Sedgwick County Board, consisting of 14 members. The Board of County Commissioners has seven appointments and this is a reappointment for a four year term. The Resolution is in proper form and I recommend you approve it."

**Chairman Winters** said, "Thank you. Commissioners, you heard Rich's comments, what's the will of the Board?"

**MOTION**

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

**Chairman Winters** said, "I do not believe Elsie Steelberg is in the audience. Next item please."

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**AWARD PRESENTATIONS**

**C. PRESENTATION OF THE ASSOCIATED GENERAL CONTRACTORS OF KANSAS AWARD OF EXCELLENCE FOR GENERAL CONTRACTOR WORK RELATED TO THE ADDITION AND REMODEL OF THE SEDGWICK COUNTY ADULT DETENTION FACILITY. CIP #1996 PB-258.**

**Ms. Stephanie Knebel**, Project Manager, Office of Planning and Remodeling, greeted the Commissioners and said, "It is my pleasure this morning to introduce Rich Kerschen. He is the President of The Law Company, a general construction firm located here in Wichita. He was in charge of the construction effort out there for the jail expansion and remodeling. I've been in public service for an extremely short tenure and I've already understood that awards like this don't come along very often at all. Without any further, Rich, I think you have a few words for us this morning."

**Mr. Richard M. Kerschen**, President, The Law Company, Inc., greeted the Commissioners and said, "Thanks, Stephanie. It is a real pleasure for me to make this presentation of the Associated General Contractors of Kansas Award of Excellence for the construction of the addition and remodel of the Sedgwick County Adult Detention Facility. The criteria that was established for this award, which was presented to us last Friday at the annual meeting and annual convention AGC of Kansas, were the following: the degree of craftsmanship, skill, innovative construction techniques, excellence in project management and excellence in meeting the challenge of a difficult job. The AGC of Kansas state building awards program covers projects completed between August 31 of 1998 and August 31 of 1999, that were constructed within the State of Kansas. There were only three projects in the State of Kansas last year that received an award of excellence and there is no doubt in my mind that the Adult Detention Facility met all the criteria in spades.

"The addition to the Sedgwick County Jail is the largest construction project outside of the Kansas City area that has been built for many years in the State of Kansas, with a value of over \$32,000,000. I thought I might share some trivia about the project, real quickly, that might interest you. There were 330,000 block units in the jail, in the new addition. If you laid them end to end, they would extend 83

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miles. There were 300,000 pounds or 150 ton of rebar that were installed in just the masonry walls inside the new jail. Our mechanical contractor installed 140 tons of sheet metal duct work. That is an awful lot of duct work, and 12 miles of mechanical piping.

"While our electrical contractor installed 465 miles of electric wire, 68 miles of electrical conduit, not to mention over three acres of plaster or metal pan security ceilings. It was a very challenging project and especially when you consider, as you probably remember, that the basement of the project was flooded twice, once in June and again in July of 1997. However, we were able to complete the project on schedule, as promised, because of a great partner relationship with Stephanie, with the Sheriff and all of his people, and with Joe Johnson, who is here today and his people as they handled the design and architecture on the project.

"We are very proud of this project. We're proud of this award. In speaking for our company, we'd welcome the opportunity to work with Sedgwick County again on another high profile and challenging project like this one. Chairman Winters and Commissioners, it is a real pleasure for me, I'm very proud to present this award to you. Thanks for allowing us to be part of this award winning project."

**Chairman Winters** said, "Thank you, very much, Rich. We certainly appreciate your work on this project. To be real honest with you, jails or detention facilities are not the most fun projects to be involved in. We would much rather be involved in something that would be a lot more productive to society, but these facilities do need to be built, constructed. I think we were very fortunate to have your firm in conjunction with Joe Johnson and his firm, and the Sheriff, and then Stephanie keeping everybody in the same room. I'm sure, knowing all those folks, that was a challenge. The project, I would say, one measure that we could use, is that there was not a constant stream to the Commissioners on problems on this project. It was, from our perspective, a very well done job. We appreciate the invitation. Commissioner McGinn and I attended the banquet that noon on Friday at Rich's invitation and we were pleased to see you in front of your group of contractors to receive this and other awards. Quality job. Good work, Rich. Thank you. Next item."

### **D. "CARTRIDGES FOR COMPUTERS" DONATION TO WASHINGTON ELEMENTARY SCHOOL.**

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**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, "One of the main components of our Solid Waste Plan is to reduce the amount of materials being disposed of as solid waste in our community. One way to accomplish that is through promoting recycling of materials. Caroline Hasford, in my department, did research on how to help different components of the waste stream being reduced through recycling. She found a national company that worked with schools on recycling ink jet printer cartridges and laser printer cartridges and the schools could then turn these in to receive software and hardware, through this organization.

"A year and a half ago when this started in our community, there were only two schools in the entire State of Kansas that were participating through this cartridge exchange program. Right now, there are 26 schools in Sedgwick County participating through this program. In fact, there is such an increase from Kansas, through Caroline's efforts, that the company awarded us national recognition through their web site. So we are really proud of what we've been doing.

"To help the schools even more, Sedgwick County has been collecting our ink jet cartridges and laser cartridges and we draw one of the schools at random to donate these to the school to help them receive more hardware and software. The schools are also working with local businesses, who donate their cartridges to the schools to help them out. This year, we are awarding our cartridges to Washington Elementary. Jerri Carson is here, from that school, to receive the cartridges and we've arranged to deliver these to the school next week."

**Ms. Jerri Carson** greeted the Commissioners and said, "I am a teacher at Washington Elementary just down the street here and I am also the technology coordinator. A couple of years ago we enrolled in this program and started collecting ink cartridges and we earned very few points on our own. When we got the call from Caroline, we were elated because we are continually trying to find ways to put technology in our curriculum on a daily basis. That is kind of hard to do with old equipment. With these points, we plan to get some new color printers, maybe a scanner, and we want to look into ordering and purchasing some software that we can use with our kids. So this is wonderful to get the news of this. I just want to thank everyone who is involved, the time and the effort it took, and Commissioners, and all the departments. We really appreciate this help, thanks, a lot."

**Chairman Winters** said, "Thank you. We appreciate this project. Mary Ellen Eisick is the Principal there? Give our regards to Mary Ellen. We hope you can put this to use. Susan, can you just, real quickly, tell me how Sedgwick County is doing in the process of using recycled cartridges?"

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**Ms. Erlenwein** said, "Yes, I can. Sedgwick County has developed a waste minimization team that is headed by Kathy Sexton. That team has been looking at many ways the County can recycle materials and reduce our overall waste generation. One of those projects we're looking at is how to purchase recycled cartridges and use them in our printers. In the past years, when this has happened, technology was not at the point it is today and there were some problems. But we are doing pilot projects with departments right now to determine how good these cartridges are. Once that is done, we will develop guidelines in our Purchasing Department so that the County is closing the loop and buying recycled cartridges."

**Chairman Winters** said, "I really appreciate the staffs working on recycling products, but recycling a product is only half of the circle. You've got to get in that mode of buying recycled at the same time. Thank you. We appreciate you being here and hope you can put those points to good use. Next item."

### **PRESENTATION**

#### **E. PRESENTATION OF THE 1999 ECONOMIC DEVELOPMENT ANNUAL REPORT.**

**Ms. Irene Hart**, Division of Community Development, greeted the Commissioners and said, "I think many people still think that when WISE went away, the community wide partnership and the economic development also went away. I know you know that's not true. Two years ago we first entered into a contract with the Chamber of Commerce and had a partnership for economic development county wide. They developed processes and procedures. You received an annual report at the end of 1998. What you are about to hear is the report from the second year of operation, the 1999 annual report from economic development from our partnership with the Chamber of Commerce. I'd like to introduce to you John Rolfe, who is the Vice-President for Economic Development. John joined the Chamber in this role in August of 1999, so he can claim credit for probably one third of what has happened."

**Commissioner Gwin** said, "He'll claim credit for all of it."

**Ms. Hart** said, "He can claim credit for all of it. We're looking forward, in another few weeks we'll be bringing you a proposal for the year 2000 partnership."

**Mr. John Rolfe**, Vice-President for Economic Development, Wichita Area Chamber of Commerce, greeted the Commissioners and said, "Commissioner Gwin, thank you, I will take all the good credit."

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**Commissioner Gwin** said, "Exactly, I would if I were you."

### **SLIDE PRESENTATION**

**Mr. Rolfe** said, "This morning, what we have prepared for you is just a brief overview of our 1999 results in economic development. I also want to introduce Lori Usher, who is here with us today also. She is our Director of Economic Development at the Chamber. I certainly want to thank our partnership and certainly the help of the staff, Irene Hart and Louanna Burress that we work so closely with and, certainly, for your partnership that we've created and investment that you made in us, we appreciate that and all of your support because I know all of you have been at some of our ground breakings and have been involved with us as well. We certainly appreciate the support, financially and individually.

"Moving on to the overview here, I'm just going to summarize it and certainly take any questions and or comments that you might have. I put together a fourth quarter as well as the full year for 1999. We've broken it out by outside recruitment as well as local contacts for the fourth quarter, which you will notice there has been 41 contacts made and for the entire year, 214 contacts made. On the outside recruitment, what that would involve would be those companies that are located outside of the state that are looking to relocate here to the Wichita and Sedgwick County area. On the local contacts, these are companies that are right here and existing in the Wichita and Sedgwick County area, as well as certain companies that are at that mode of start up and ready to move forward. There were 85 of those contacts made during the fourth quarter of last year and 362 of those contacts made for the entire year of 1999.

"At the bottom there, you will see we have 28 presentations that were made for the year. These are presentations that might include an actual site visit for a prospect that has selected the Wichita, Sedgwick County area, or one that is very interested and we're on the top of their list. We had 12 of those in the fourth quarter of last year.

"As I said before, we are very pleased with the partnership that we have. The communities we have listed there, we have a partnership that we have developed with them that we meet on a monthly basis. We have a group of economic development professionals that we meet monthly and talk about opportunities for the

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Wichita, Sedgwick County area, and ways we can enhance our economic development efforts. Some of those communities do have their full time economic development directors that we work closely with, in Haysville, Derby, Park City, Bel Aire, and Valley Center. Those are some of the partnerships that we have developed and meet monthly and we hope to even strengthen that, as we move forward into this current year.

"In the research area and in community marketing, just a few highlights there. We have a 24 hour response time. We often get maybe a site selector or a company representative that calls and says I need this information and I need it right now, can you get it out yesterday. We've made, I just you could say a goal, of making sure we have the 24 hour response time to prospect's requests. Some of the other things we are focusing on also is our MSA Fax at a Glance publication that we do in partnership with C.E.D.B.R. That is the Center for Economic Development and Business Research, located at Wichita State University. I would just also add to that that we have a great partnership/relationship with C.E.D.B.R. Not only do we do this particular publication, but we also work in partnership for things like the Annual Economic Outlook Conference. If there is certain census information, whether it is from the government or private sector, we work closely with them in terms of a resource to gather than information. There are lots of studies that C.E.D.B.R. does. We work with them and that information is, obviously, very critical to what we do in economic development. We're pleased also to have a great relationship with C.E.D.B.R.

"In the community marketing area, we continue to enhance that area. We currently do have on line a section in the Wichita Area Chamber of Commerce web site that focuses on economic development. So, as site selectors are wanting to know what types of incentives or maybe an overview of some of the demographics and other things, they can click on to the web site and see exactly what is there. We have a site data base and community profile, information that is also on line, where someone could actually click on that site and put in certain perimeters and look and see what type of buildings might be available, as well as a little bit about the communities. I would also add, this is one of our new additions that we did in late 1999 so it is still in process.

"Some of the other things are direct mail postcard, a business recruitment advertisement and, certainly, our booklet and some of you may have read or heard about that. That is one of the booklets that says 'I didn't know that'. Things about Wichita and Sedgwick County that you find interesting that others don't know about us or would find very interesting.

"I talked a lot about the activity, but let me highlight the important stuff, probably what you're more

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interested in. That is certainly the results of our efforts and the investment made in economic development. New companies that have located or relocated here to the Wichita/Sedgwick County area, there are five of them there, TMX Aerospace, EPCO/High Plains, which is a joint venture between the two, NMF, Proxy Communications and Premier Technologies. Those five companies represent 364 new jobs to our community with a capital investment of over \$11,000,000 and an annual payroll of \$7,400,000. Those are the new companies.

"Moving down to our existing companies with local expansions and retention. There are five companies there that we've been, obviously, very involved with that have expanded, representing almost 1,000 jobs with a capital investment of \$22,000,000 and an annual payroll of over \$60,000,000 per year.

"Our focus for the year 2000 still continues to be and what we've identified as our strengths for, not only this area, but, obviously, in partnership with the State of Kansas that they've identified also as the strengths for clusters that might work for Kansas. We've continued on, will continue on, with aviation, the manufacturing area, call centers, plastics, administrative service centers, and value added agriculture, which is one new industry cluster that we did add at the Chamber this year, but was included for the State of Kansas to be included in their cluster.

"I would just add a few things in terms of those clusters. We really believe that the strength will be, and the growth will continue in our aviation and our manufacturing, as well as our call centers area. We continuously are working with companies locally, as well as new companies that are wanting to be closer in the Wichita and Sedgwick County area to the aviation industry and aerospace industry. We've received a number of inquiries and are working with a number of companies that, hopefully, within a very short amount of time we'll be announcing.

"Manufacturing, again, is a very strong area for us. We continue to work with several of those companies. The last one that we think we'll see a lot of growth and I think we've all experienced some of that, is in the call centers area. It is one of those things and it is not the type of call centers that sometimes we often think about, the calls that we get at dinner time and that sort of thing, but these are the call center types that are primarily in-bound that we all use whether it is making airline reservations, whether it is ordering something out of a catalogue, perhaps changing the service on our cell phones and those types of things. I would also add that many of these call centers are paying above average wages, in the \$9.00 to \$12.00 range. Some of them, depending upon what level, are at the \$50,000 to \$60,000 per year range, plus bonuses. They're a very significant part of our economy and we expect a strong growth in that area, as to what has been

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predicted for the entire Midwest.

"The final page that I would just sum up things with is just some of the pending announcements that we anticipate. The one, of course, yesterday and Commissioner Gwin, we appreciate you being there. I know that Goldsmiths appreciated that, but you're very aware that Goldsmiths has announced that they will remain here in the Wichita area after being wooed by Dallas, which probably about 80% of their business is done in the Dallas area but they're proud to be here and will continue to be here, grow here, and expand here.

"Shortly, we will be announcing six new companies that will represent 751 jobs. Some of those are new companies. Some of those are local expansions, but we anticipate within the next 30 to 60 days to have those companies announced. You might be aware that a lot of times those companies like to keep these things confidential, until they've informed the right parties and have signed lease agreements and all the I's are dotted and the T's are crossed. We hope to be having some future announcements very soon. With that, that ends my presentation. I'd certainly be open to any questions and answer any questions or comments you might have."

**Chairman Winters** said, "Thank you, very much, John. I don't see any questions, right now. That was a very thorough presentation. We appreciate the work that you and Lori are doing in this area. We are appreciative of the partnership we have with your group, as you go about economic development and certainly glad that the City of Wichita has joined us in that effort. Now, we do have a good team out there. I see no questions, John. Appreciate the presentation. Thank you for being here and presenting it. Commissioners, is there a motion to receive and file?"

**MOTION**

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye

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

**Chairman Winters** said, "Thank you, John and Lori. Keep up the good work. Next item."

**NEW BUSINESS**

**F. AGREEMENT WITH THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE FOR A COMMUNITY RACE RELATIONS INITIATIVE.**

**Ms. Stephanie Payton**, Assistant to the County Manager, greeted the Commissioners and said, "You have before you a contract with National Conference for Communities and Justice, NCCJ, totaling \$10,000, to support a local initiative to improve race relations in Sedgwick County.

"This process began in 1998, when NCCJ was awarded \$2,500 to facilitate a community based planning task force, to engage in dialogue on race relations and inter-group relations in Sedgwick County. The task force met five times over the course of the year and generated a plan which they submitted to the NCCJ Board of Directors in April 1999. Later that year, NCCJ approached Sedgwick County, the City of Wichita, and USD 259, with the proposal and a request for \$10,000 to support the program, Building Bridges, a Community Dialogue to Heal Racism.

"This \$10,000 award will support the program from January 2000 through December 2000. I would recommend that the Commission receive and approve the contract. Prior to doing so, however, we have a guest, Sue Castile, Regional Director of NCCJ, who is here to elaborate on the program goals and answer any questions that the Commission might have with regard to the program."

**Ms. Sue Castile**, Regional Director, National Conference for Community and Justice, greeted the Commissioners and said, "I'm very pleased to be here today on behalf of NCCJ. I, too, have been on the job since August of 1999, so I can't take credit for all the work that led up to this point, but I'm honored to be part of the initiative. As I'm sure you're aware, we are convening the community dialogue process

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on behalf of Mayor Knight. The project is actually under way and we held a steering committee planning session. We've hired a part-time coordinator. Our goals for the project are to coordinate the facilitation of the community dialogue to develop various formats for the dialogues, so they can be used in varying environments. We continue to act as convener for the dialogue on race and other conflict laden topics.

"Both the City of Wichita and USD 259 have agreed to fund the project and I hope that you will do the same. As I listened to the prayer this morning and the discussion of compassion, that is certainly one of the outcomes that we hope for in this initiative. To build bridges and to increase understanding, and to hear much less about violence and hatred. I would be happy to try and answer any questions that you may have for me in regard to the initiative."

**Chairman Winters** said, "Thank you, very much. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Sue, I was looking in the back-up material and you have a budget for the first year and it says it is the budget for the first of three years. The money that has been allocated, it is my understanding, is for the first year, is that correct?"

**Ms. Castile** said, "That's correct."

**Commissioner McGinn** said, "And has there been any thought about as you get into years two and three where the money might come from?"

**Ms. Castile** said, "Yes, we've not begun the process yet to actually try to raise the money for years two and three, but I certainly would like to see some leadership training around specific issues of race and NCCJ to be the sponsor of that. I think there are probably several different grant opportunities to do that."

**Commissioner McGinn** said, "Okay, thank you. If I could just digress a little bit. I'd just like to share with my colleagues a little bit about the session. I had an opportunity to be a part of that, on January 31. It was interesting. It was a very interesting session. We had an excellent speaker and then we broke out into work groups. That brought forth a lot of good discussion. The groups that were all there happened to get into different groups. Whoever put together the individuals, we had a very diverse group of people there. I think it brought forth some very good discussion.

"I'd just like to share a few things I learned that day. Probably the main thing was perceptions. When we were sitting in our small group, everybody had a different perception about what race relations were and

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how do we define racial conflicts and things like that. One of things, I guess, from a County perspective that I learned is that communication, there was a perception problem but it was also, to me, it brought home a reality problem. I'm sitting there thinking we've been working so hard on our web page, trying to get information out and making sure we're an open book here at Sedgwick County. Well, not everybody has a computer. Now, we need to think about other ways to get communication out and the things that we do.

"The other thing was, that I learned that some people just didn't think the County participated very much. I thought that was kind of interesting. I suppose we just don't blow our horn. I want all people to know that are watching today that the County is very involved in many issues. Sometimes we think just because we live in the City of Wichita we're not County and they are. We hold everybody in the City of Wichita in high regards, as we would anybody else in an unincorporated area and elsewhere. Part of the perception was that some minority groups, perhaps, were not benefiting from their tax dollars from Sedgwick County. I think of all the different senior centers that we fund and the capital important projects that we do on those and 21st Street revitalization and health and wellness and healthy start. A lot of our participation isn't out there so visual to see, it is more in services and things like that. It was great for me to hear that though, because I didn't realize that people didn't know we participate in a lot of things throughout the County. Overall, I thought it was great participation and I'm looking forward to see where this takes us. You guys are going to work us throughout the year, I found that out. I thought we were going to have a meeting periodically, but it looks like we're going to work every month and maybe even more."

**Ms. Castile** said, "We have a lot of work ahead of us."

**Commissioner McGinn** said, "Yes, that's what I learned. I'm looking forward to it. Thank you, Sue."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Also, as I understand, what this group is

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going to try to do, it isn't just to try to foster dialogue in the City of Wichita, it is through the entire Sedgwick County, is that not correct?"

**Ms. Castile** said, "That's correct."

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

**Commissioner McGinn** said, "Can I comment to that? We did talk, when we had our break-out sessions, we said who needs to be here that isn't here. That was one thing that came up was, well, maybe we need to call ALARM, which is our group for the smaller communities. So we did throw up on the board a lot of names, in other areas, not just outside of Wichita, even people in Wichita that needed to be there. I think they are going to be contacting them."

**Ms. Castile** said, "That's correct. In addition to this being a race relations initiative, which is the focus of it, it truly is a community mobilization effort. Who else do we need at the table and how do we go about getting those people involved? That, in and of itself, is a very challenging process, as we can see with the bond issue and all the work that has happened around that arena. Certainly, as we proceed, I welcome your input and comments and suggestions about who else needs to become involved because it really will take the work of all of us to bring about change."

**Commissioner Sciortino** said, "So, when you say community, you're actually thinking of Sedgwick County as the whole being the community."

**Ms. Castile** said, "Yes."

**Commissioner Sciortino** said, "That's great."

**Chairman Winters** said, "Thank you, very much. I, too, support this effort, particularly, I guess, in Mayor Knight's initiative to really carry this forward. I think he has done an excellent job of creating this discussion process and Commissioner McGinn, we all appreciate your willingness to represent Sedgwick County in this effort. Commissioners, if there are no questions, what's the will of the Board?"

### **MOTION**

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

**Chairman Winters** said, "Thank you, Susan, for being here. Thank you, Stephanie, for your presentation. Next item."

**PLANNING DEPARTMENT**

**G. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER SCZ-0797 - RESOLUTION REGARDING ZONE CHANGE FROM "SF-20" SINGLE FAMILY DISTRICT TO "LC" LIMITED COMMERCIAL AND "GO" GENERAL OFFICE; AND**

**CASE NUMBER DP-251 - CREATION OF THE UBIQUITY COMMUNITY UNIT PLAN (CUP), LOCATED ON THE NORTHWEST CORNER OF 29TH STREET NORTH AND 119TH STREET WEST.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "There are several planning items this morning. This first one is at the northwest corner of 119th Street West and 29th Street North. This is an area in the County that does not yet have City of Wichita water and sewer, but it is in the designated growth area and 30 years from now we believe this will be well inside the urban growth area as it is expanding rapidly in the northwest area and this will be served by the proposed new northwest sewer plant.

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"This is 22 acres. It measures about 1,200 feet east and west and a little less than 900 feet north and south. The current zoning of this entire area is SF-20, County Suburban Residential Zone. The proposal is for a community unit plan that would be divided into several parcels. Basically, the eastern 13 acres would be Limited Commercial Zoning. The western 10 acres would be General Office Zoning, and that would allow office or apartment uses in that area. It would be subject to, this area right in the center of the north, is a reserve area where the detention would occur and the area in general would be subject to a number of conditions that are the Community Unit Plan.

"There is 12 acres, at the southeast corner, that were approved by the County for rezoning to Limited Commercial and the CUP with some restrictions. That was a little bit over a year ago. I think this tract is a little bit bigger and has a few different conditions, but it is similar in scale.

"The aerial photograph shows you the character of the surrounding area. Still undeveloped to the south and to the east. There are large lots, single family homes that have developed, some in platted subdivisions and some in unplatted subdivisions, both to the north and the west of this area that ring this 22 acres that is in question. This is the former Coleman private recreation facility. There were some outside recreation uses that occurred on that site. The next slide shows the tract with 13 acres of Limited Commercial and 10 acres of General Office and the reserve area. Those are the parcels. It is pretty general now and I guess everyone would agree that we're well out in advance of any commercial development or any services, but the applicant is trying to identify that this will be a commercial corner for the future as people move into the area. We think that is probably a good idea.

"There were some differences and I'll just briefly touch on the remaining differences between the staff and the Planning Commission and the applicant. Most of the conditions of approval were worked out by the time they got to or through the Planning Commission hearing. The only differences remain concerning one is height restrictions in this General Office parcel. I guess we were looking at it as an office parcel and we saw the very low density residential and we have a buffer of one story uses adjacent to the single family. The applicant's original request was for General Office Zoning. The height allowed in General Office Zoning, which is 35 feet within 50 feet of these residences and then it can go up and if you're at maybe 200 feet away from the property, it could be an 85 foot structure. The Planning Commission's recommendation and the Planning Commission did review and approve this Community Unit Plan, their recommendation

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and based on the applicant's compromise, was to leave the maximum height on this parcel at 45 feet. Forty-five feet is the height of the City's Multi-family Districts for apartment projects that are in the City. That was recently increased from 35 to 45. Most CUPs that come to you have 35 foot height limits. The applicant is asking for higher heights than, typically, we would find in CUPs.

"The other issue involved this parcel here. The staff recommended, because there is a home to the north just like there is homes to the west, that this area also be limited to General Office uses as opposed to limited commercial uses. Instead, the applicant proposed and the Planning Commission accepted a number of use prohibitions, that the most intense commercial uses, which would include drive-through and fast-food restaurants, car washes, convenience stores, outside amplification of any kind, would be prohibited and the height would be limited to one story in this area. That is the Planning Commission's recommendation.

"The third had to do with group homes. The applicant, one of these that is permitted in General Office and in Limited Commercial are group homes, and there is a whole variety of things that might mean. The applicant indicated at the hearing that what the owner had in mind possibly for the future was a convent. The Planning Commission felt they couldn't limit it to a convent, that is too specific a prohibition, but group homes was too broad. So if someone wanted to do that type of development in the future, they should come back and amend the use. So they have not included group homes in the category of uses that is permitted on this site at this time as part of the Planning Commission recommendation.

"Finally, for your information, the applicant volunteered and there would be a 20 foot landscape buffer, as well as a six foot masonry fence, along this edge and along this edge. Not around the reserve, but then again along the north property line to help buffer the single family uses. The Planning Commission's recommendation was six to four to recommend approval subject to platting. There was one property owner, to the north and west of this site, who did appear and if you've read his testimony, it was more of a general concern about wanting to have as much specifics as possible about what this development was going to look like. Of course, we're out here planning eight or ten years ahead of development, so it really is hard to say what it is going to look like. The purpose of the CUP is to try to put some conditions in place, so the expectations are clear and there are reasonable transitions of use.

"We can go through the other sides quickly. The area is mostly undeveloped and this is looking up 119th

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Street to the north and to the west, at the site. Just go through them quickly. This is looking to the west. At the left side of the screen would be 29th Street and to the west of that, homes. This is looking south down 119th Street and there is very little development. But if you were to look over here and I think the next slide shows, in the horizon, you can see that is north on 119th Street and just east of the site undeveloped. All this land we expect to see water and sewer in the next several years. This is looking west at the site again. On 29th Street the vacant property to the south. Looking to the east on 29th Street. This is the suburban subdivision that is just to the west of the Commercial, which would be just to the right of the slide.

“These are the homes that back up to the tract that we're talking about. This is looking south and east and you can see, on the horizon, some of the urban edge of development further to the south. Back to the aerial photograph and the zoning map. I'll try to answer any questions. I don't see the applicant or agent here, but I'll try to answer any questions that you have.”

**Chairman Winters** said, "I see no questions right now. This is not a public hearing but it is our custom to take comment from the public. I would ask if the applicant or his agent is here and would like to add anything to Marvin's comments or if there is anyone else here in the room that would like to speak to this issue? Is there anyone here who would like to speak to this zone change at 119th Street West and 29th Street North? Seeing no one, we'll limit discussion to Commission and staff. Commissioners, are there questions or comments? I think I am going to be supportive of this change. I think one of the questions I've heard is, is this going out too far, too quick. But I think one of the things that, in the past, as you look at even what our Comprehensive Plan talks about now is that major mile-line intersection roads are going to have some kind of commercial development on them. You kind of get in a position that if you jump out too quickly too far then it is hard to tell what is really going to happen, what is the real intent for this corner. If you wait too long, then the resistance is so strong that you might not do anything on the corner. Commissioner McGinn."

**Commissioner McGinn** said, "You answered some of my question. I guess being so close to the sewer plant that will be taken care of. I was trying to find in here that I thought I read about the turning lanes that you've talked about. The applicant was going to pay for the turning lanes, is that correct?"

**Mr. Krout** said, "Actually, the details will be worked out, as part of the platting process and the plat has already been submitted and is being reviewed. I think that the applicant and the staff have worked out

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what were, originally, some disagreements about that. But the applicant will pay for turning lanes including a future deceleration lane around that corner of the intersection."

**Commissioner McGinn** said, "I'm trying to think if that is a place that somebody called me and said it is a high traffic area, but I don't know if it is that one or 21st Street."

**Chairman Winters** said, "This is 119th Street, which leads right into the Maize school project. So, I would think that 119th will continue to be a high traffic street. It is the high traffic volume street, as opposed to 29th, which 29th is dirt road, both ways from 119th. But 119th is now paved. I couldn't put it in range of comparison to say Maize Road, but a lot of people do use 119th."

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

**Chairman Winters** said, "Other questions or comments?"

**Commissioner Hancock** said, "Mr. Chairman, we have had, in the past, difficulty when community unit plans tried to insert themselves into what was already developed. I just see this as fair notice to other developers that there is a plan here for this particular intersection, at least on the northwest corner of it. I'm not sure, I can see both ways, if this is good planning or not. I know that the Commission has had difficulty with these in the past, but I suppose that this is, in the long run, a little bit better than having these areas developed with residential development and then along comes a commercial developer wishing to insert itself into that area, as you said earlier, with a lot of opposition. I think, probably, in the overall scheme of things, this is a good idea on the balance, all things taken into consideration."

### **MOTION**

Commissioner Hancock moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change and CUP subject to the condition of platting; 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 Sciortino seconded the Motion.

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

**VOTE**

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

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

**2. CASE NUMBER SCZ-0798 - RESOLUTION REGARDING ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "LI" LIMITED INDUSTRIAL; AND**

**CASE NUMBER CU-556 - RESOLUTION REGARDING CONDITIONAL USE TO ALLOW A TRANSFER STATION, LOCATED AT 91ST STREET SOUTH AND BUCKNER.**

**Mr. Krout** said, "Commissioners, I'm about to switch places with Dale Miller. Dale has handled this application, worked with the applicant and attended both of the Derby Planning Commission meetings. I think he is best able to present this case. I just want to point out to you, as you consider this, that there are a couple of issues on the part of Planning staff we're a little bit uncertain about at this point. There are a couple of loose ends. One is, what did the Derby Planning Commission recommend, versus the MAPC, regarding where composting operations can occur on this large site. It appears to us that the Derby Planning Commission and the MAPC said two different things, although it is not clear, and I think the applicant has a different opinion than maybe the staff of the Derby Planning Commission has on that. The second is that we've been working with the applicant to try to get some revised information on where the flood plain and the floodway is in this area. We have maps at this point that don't exactly correspond with

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each other, maps from the applicant and the maps designating the flood plain and the floodway from our County Public Works Department and Jim Weber is here to help you if you have any questions about that.

"Because of these loose ends, it may be appropriate for the County Commission not to take action today and you may even want to consider returning this case to the Derby Planning Commission so they can resolve this issue about composting and give us an opportunity to work with the applicant and County Public Works about this discrepancy in the flood plain designation. With that, I'll leave it to Dale."

### **SLIDE PRESENTATION**

**Mr. Dale Miller**, Current Plans Supervisor, MAPD, greeted the Commissioners and said, "This application area contained a total of 70 acres and it is the area outlined in green. The reason why the original application was so large was that is the ownership that the applicant is in process of obtaining. So, for advertising purposes, we included all 70 acres, although it was never the applicants intention to use the whole 70 acres for the Conditional Use request for the transfer station. That would be request number one. Under the code, transfer stations are permitted by Conditional Use.

"The second request is a request for 'LI', Limited Industrial Zoning, to permit a recycling and reprocessing center. That would be the 56 acres, in this area, and roughly this area of the rest of the application area. This area in the center that is gray, sometime ago, it is 14 acres in size, was previously approved for 'GI', General Industrial Zoning. So, for this particular request, that middle area that is in gray is not part of the application area. That area is currently being used, today, for a demolition and construction debris landfill and is also being used, currently, for composting of demolition and wood debris.

"Trying to show you, here, some of the key things. This area right here is in the City of Derby. It is their waste water treatment plant. There is an upside down L shaped property, right here, that is the Lusk Addition, that is also inside the city limits of Derby. It is currently the site for which the applicant's current operations are occurring in terms of the scales and the office building. In order to enter the rest of the site, down here is where his construction/ demolition debris activity is occurring and also the recycling, the wood composting activities that he has ongoing.

"There were, at the City of Derby, there were a number of folks that were interested in this case, 10 to 15 people that were at the meeting. I'll try and point out the ones. There is a home here. There is also a home, approximately in this area, and then there is a subdivision that is developing here, across K-15. There is a nursery up here on Buckner. This is Buckner Street, just west of K-15. That is 91st Street,

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going west off of K-15. The Ark River is here, obviously. So those are, to kind of get your bearings on this particular case.

"This is the site plan that County Public Works and County GIS (Geographic Information Services) helped us prepare, to try and give a better feel for what was actually happening there. This is the 12 acre area that the applicant has narrowed his application area down to for the transfer station. Again, this is the location of the waste water treatment plan. The Lusk Addition is right here. The 12 acres that would comprise the Conditional Use for the transfer station is outlined in blue on this map. The area in green is what we believe to be the actual floodway, the FEMA Floodway. Then there is a dash line, up along this way, that would be the flood fringe area or the 100 Year Flood Plain, the furthest extent of the 100 Year Flood Plain. Obviously, the entire application area is that area there, approximately.

"This is the applicant's site plan. You'll have to do some mental gymnastics, in that when we shot this, it is laying on its side. You need to turn it to the north, so that the transfer station is at the top. Based on his drawing, he is showing the blue area, here, as the floodway area. There really isn't a depiction, at least as far as I can tell, on where the flood fringe, the 100 year flood plain is on this particular location but because the Planning Commission, the MAPC, as part of their motion for approval recommended that he submit a site plan that showed, in a general way, where each activity was to occur and they also wanted the composting area, in their opinion, could occur within the flood fringe area, not in the floodway, but in the fringe area, which is in contrast of what Derby had recommended. Derby's recommendation for the 'LI', Limited Industrial, recycling processing activities, they wanted all of that outside of the floodway, outside of the 100 year floodway. So this particular site plan complies with what the MAPC recommended, more or less. So, he is showing the composting area here. This is the 12 acres for the transfer station and then his C & D (Construction and Demolition) activities over here. MAPC also asked the applicant to keep the brush that is awaiting processing, awaiting to be ground up and put into the composting piles, that that occur outside of the flood plain as well. So, he has indicated that area is where he would conduct those activities.

"This is the site plan that the applicant submitted with the application area. This line here indicates what

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the applicant thought to be the floodway. There is a pond on site. This is the area that the applicant had a consulting engineer look at the area and he recommended two possible areas for the transfer station, this being one and this being the other. As we went through with Derby and MAPC, the northern area was the one that was most suitable.

"This is a smaller scale depiction of what would happen there on the transfer station. The applicant showing a 12,500 square foot building that would, actually, be used for the transfer station of the waste. This would be coming in off of 91st and Buckner, would be up here, coming in and making the turn, coming down, and then going in to the center. That's the waste water treatment plant, immediately to the east of the area.

"Protest, there is a 63% protest, the folks in red are the ones that counted, within the limits that we have to operate. The area in blue are folks that also turned in protests but they don't count towards the 20% protest, which triggers the three fourths majority vote requirement. So, if you were to take this case today and were of a mind to approve it, you'd need to approve it with a four out of five vote because of this protest that does exist. The action, so that you can take them separately, you can take the request for the 'LI' zoning as one item and the request for the transfer station, the Conditional Use as a second item. You can take them both together or, as Marvin indicated, you can defer and send them back to whoever you think is appropriate to send it back to.

"Specifically, just to clarify, at the Derby Planning Commission, they approved the request for the 'LI', Limited Industrial Zoning, subject to the conditions contained in the MAPD staff report. They also wanted a protective overlay that contained items, specifically, to protect the neighbors. One of them was 'no trees providing screening for nearby or adjacent properties can be removed'. When we get to the aerial again, you can see that to the south and to the east there is quite a bit of tree coverage because of the creeks and the river in that area. The other one was that they wanted no composting within the 100 Year Flood Plain. They also wanted a restriction that no correctional placement facility could ever be permitted in this 'LI' area. They also indicated that testing of ground water and soil should be conducted by whatever appropriate agencies are responsible for those activities.

"With respect to the Conditional Use request for the transfer station, they also recommended that it be approved subject to MAPD report and conditions, but that they wanted it limited to 12 acres in size and a maximum of 500 tons per day, as a maximum tonnage that the site could accept. They also wanted any of the liquid, or run off, from the actual transfer station building itself to be contained in a storage tank and not be allowed to run, on site, into any of the ponds or the creeks or river in that area, and that that activity

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be monitored by appropriate agencies. It was a unanimous recommendation for approval by Derby.

"Then in contrast, when it was heard at MAPC, MAPC incorporated all of Derby's recommendation, except for they said it was appropriate for recycling and processing to occur within that flood plain area that is outside of the floodway. Then, there were also recommendation about delineating with some sort of markers, like fence posts or something, that would show for an inspector that was out there trying to inspect the site exactly where the floodway line is. They also wanted the dumping of the brush to be outside of the flood plain, but that they could have the composting activity occur in the flood fringe area.

"Maybe we could run through the slides. This is looking north. This is in the interior of the application area, looking back at the Derby Waste Water Treatment Plant. Some of the equipment that the applicant has out there to recycle and reprocess the debris, at this point in time. Additional dumpsters of activities ongoing. This is a shot looking to the south, at the C & D activities that have been going on there for the last few years. The tree row along the south, southwest, and a container being dumped off that was used to collect recyclables. Just other activities on the site. This is looking west, towards the river, and one of the piles for composting. Looking back to the northwest. Back to the aerial. You can see here, there is quite a bit of tree cover in this area and that was part of what Derby was concerned with, in protecting the two homes that were closest to the application area. With that, I'd answer any questions."

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

**Commissioner Sciortino** said, "A couple of things just off the start and I think I'm going to want to listen to the applicant, too. You had said that there was some controversy or confusion over boundary lines that the Derby Planning Commission thought of as opposed as to what the applicant thought. Could you expand on that a little bit?"

**Mr. Miller** said, "The question was what Derby meant by the 100 Year Flood Plain. In talking with their Director of Planning yesterday, he was of the opinion that that meant that their motion meant that there was to be no recycling processing activity in the 100 Year Flood Plain at all. If you looked at the applicant's site, you can see there is almost no area left to do any sort of that activity. The transfer station area appears to be out of that flood plain area for the most part."

**Commissioner Sciortino** said, "I have just a couple of questions of the applicant if he could stand up."

**Chairman Winters** said, "Maybe we'd just like to take comments and if has comments he wants to make in response then you could ask him."

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**Commissioner Sciortino** said, "I just have one question of him, as it relates to this particular item, if that would be appropriate."

**Chairman Winters** said, "That's fine. Please state your name and address."

**Mr. Russell Mills** said, "I'm an attorney. I represent Derby Recycling and Transfer Station. My business address is 343 N. Market, here in Wichita."

**Commissioner Sciortino** said, "You are one of the principals of this?"

**Mr. Mills** said, "I am an interest holder in the business."

**Commissioner Sciortino** said, "Okay, you and I had a conversation, yesterday I think, for about 45 minutes. Is it your contention that you think the Derby Planning Commission just made a mistake. You told me you thought they just made the presentation wrong, the proposal is wrong."

**Mr. Mills** said, "Here is my understanding of why I believe there is a mistake made. When we requested the 'LI' change of zoning, we did that for the sole purpose of requesting to be allowed to continue to compost. We have been composting at that location, for a number of years, through a mistake in the belief that we had the right to do that there. We have had the support of, not only Sedgwick County to do that, in the past but also the State of Kansas and in fact we were given a \$200,000 grant to enlarge our composting operations, which was relatively small at that time. You saw the grinder, which was purchased with the grant funds."

**Commissioner Sciortino** said, "If you could just briefly, just tell us why you think . . . you told me that you were pretty certain they made a mistake. If you could just relate to that, that's all I need."

**Mr. Mills** said, "In order to be able to compost, we had to have the 'LI' zone change. They recommended the approval of the 'LI' zone change. That would have been for the purpose of composting. Then to come back and put a condition that you not be allowed to compost anywhere within the flood plain as opposed to the floodway, would, as Dale said, essentially eliminate composting at this facility. There would be almost no area within which we could compost and continue to compost. What we were asking for was to be able to compost on the flood plain and not in the floodway, because you can't

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compost in the floodway and we're not asking for that. So, it would not make sense to recommend the 'LI' zone change and then come around and say wait a minute, we don't want them composting in the flood plain."

**Commissioner Sciortino** said, "Thank you. That's all I have."

**Chairman Winters** said, "Thank you. It appears to me that we could take two approaches here. The first would be that we would just continue on and hear from the applicant and his presentation and anybody else who wants to comment and then, at the end of that process, we'll make a decision to approve or send back. Or if somebody wants to make the motion to send it back before we go through all that, we can do that. I think, since the applicant is here and if there are other citizens who want to talk to it, we ought to hear from them and then make a decision. At this time, I will ask for anybody who would like to comment on this case, that this is the appropriate time to do this. This is not an official public hearing. We do like to hear what citizens and applicant's have to say. With that, I'll say we'll open this up for input. Your comments will be limited to five minutes. Please state your name and address, so we can record that in the record."

**Mr. Mills** said, "We're asking the Commission to go ahead and rule on both the CUP request and the zoning change today. The reason for that is if you would approve the transfer station application, there are several steps yet to go, before the building would actually be built. With the change in the Solid Waste Plan and the termination of the operation of the Brooks Landfill, transfer stations are going to be very much needed. Basically, we believe that the test that the Commission should use in determining whether or not to approve this application is the test of reasonableness, as I'm sure you are all aware. We believe that the recommendations of the MAPC, as far as approval of the CUP and the approval of the 'LI' zone change, should be followed.

"They are reasonable and we believe they are reasonable for three reasons. One is, and the first is, that we have tremendous support. As you've been told by Mr. Miller, Derby Planning, as to the CUP request for a transfer station, voted nine to zero to approve that, but they did limit it to 12 acres and we had no problem with that. As to the 'LI' zoning change, again, it was nine to zero. There was some confusion from the City of Derby Planning Commission. The staff of the City of Derby recommended approval. The staff of MAPC recommended approval and the MAPC recommended approval of both the 'LI' zone

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change and the CUP for the transfer station, nine to one. In addition to that, the Sedgwick County Health Department is supportive of our application. Sedgwick County Environmental Resources is supportive of our application. Sedgwick County Code Enforcement and Public Works is supportive of our application. Recently, the Sedgwick County Solid Waste Committee voted to support our application.

"The second reason we believe it is reasonable is simply because of the location. This property, as you've been told, is next to the City of Derby Sewer Treatment Plant. It is next to an existing Construction and Demolition landfill. It is next to the Lusk Industrial Addition, which is industrial property. The Lusk Industrial Addition itself was permitted by the City of Derby as a transfer station. We were operating that facility, until Mr. Lusk passed away and then we purchased the property that you see here before you today, so we can hopefully continue to operate our transfer station at that location. So, what we're talking about doing is moving a transfer station, essentially, 100 feet away from where the City of Derby had already approved it. Now we're asking you folks to approve that 100 feet away. We believe that is reasonable. So we don't believe there is a reason for delay.

"Another reason we believe it is reasonable is when you drive by this facility you can't see it. It is hidden by the City of Derby Sewer Treatment Plant. It is also hidden by this huge growth of trees. We are not wanting to remove any of those trees. In fact, we want to use that as part of the screening that is going to be required by the County code that was passed regarding transfer stations. Another thing you should be aware of is part of this facility, or a portion of it, was at one time used as the City of Derby Municipal Solid Waste Landfill. The 'RR' designation of this property you are not going to have any residences being built on this property. It is not going to be used for any other purpose, we do not believe, than for recycling and composting of yard waste and wood waste. It is a good use for that property. This is, after all, a land use decision.

"The third reason we believe it is reasonable is the need. Absolutely, there is a need for a transfer station in Sedgwick County, as you folks know and have voted, transfer stations are going to be the preferred method of disposal of solid waste in Sedgwick County. We have one facility and one facility only that has been voted upon and approved by this Commission. We believe it is important to have competition to that

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facility, so that the rates for all people in Sedgwick County will be lower. If you have one transfer station the rates obviously can go up, there is no competition. So we believe it is important to all of Sedgwick County to have this facility."

**Chairman Winters** said, "Mr. Mills, how much longer are you going to need?"

**Mr. Mills** said, "I can close with those comments."

**Chairman Winters** said, "Okay, thank you, very much. Commissioners, questions? Seeing none right now. Is there anyone else in the meeting room who would like to speak to this application? Please come forward. Again, please state your name and address for the record and you are limited to five minutes."

**Ms. Norma Moore** said, "My address is 9339 South K-15, Derby. My family owns the majority of the property directly across Spring Creek from this proposed Derby recycling center. I am not in favor of this project. As I continue to say, this is, environmentally, absolutely the wrong area to continue to develop and grow this type of business. I understand some of the pressures that Wichita and Sedgwick County is under to encourage development of transfer stations. What I fear may be happening is that in the rush to make this present strategy a reality, those of you who live outside of the city limits may be sacrificed. The neighbors, families, retired and working citizens and tax payers of this area, who have invested their time, money, and our lives into our homes and property are being forced to sacrificed our quality of life and our peace of mind. Please don't take this lightly. This area is overwhelmingly a rural residential area.

"This area is not composed of vacant land, as it has often been portrayed. To rezone it would not be in the best interest of maintaining the fabric of these properties.

"Time and again, the property owners have brought up three issues that we see as concerns, the construction and demolition landfill that is currently on this piece of land consistently breaks faith with us, as residents. On the south end of the property, the elevation on the applicant's side is well above the elevation on the other side of the creek, which has consistently caused flooding, in the past few years, unlike it has ever caused flooding and my parents have lived in that area since 1970. On the north end of the property, across from my home, the debris is not being covered in the construction and demolition landfill, as I was told it was required to be covered daily. The burn site that he spoke of, on the west side is becoming an eye sore, which indeed I can see from K-15. It can be seen, I've heard comments from several people concerning this. The smoke is now continually hanging in the lower areas along the river, the creek, the tree line, and our homes as a result of this daily burning.

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"As home owners, we weren't advised or consulted of these operations and we didn't agree or accept any of this risk. This is an issue of our land use. The applicant indicates that approval of this proposal will lower trash hauling rates for all. That may or may not become a reality. The transfer station, itself, would be the second to be approved in Sedgwick County and I realize that is important in reaching our goals that have been set forth. However, reaching the goal cannot and should not be the overriding reason for approving this proposal.

"These facilities must be placed in environmentally sound locations, away from major sources of water, flood ways, and flood plains. This is not one of those locations. If we continue down the same path, we're going to continue to reach the same destinations. We must learn from our past mistakes and foster new behaviors. Part of that will have to be recycling and we do support that, but we can't continue with more of the same in this solid waste issue. Another piece of the puzzle has to be emphasis on reclaiming land, such as this that we're talking about.

"Finally, in conclusion, the home owners, tax payers, and citizens who signed those protest petitions that you saw, we've made every effort to abide by existing rules and regulations. I believe there is a fundamental disconnect or a problem with the existing process for hearing these types of issues because there appears to be little accountability upstream from this Commission meeting. By the time we get here, the people who have made those decisions and, in fact, hold our very fate in their hands and we have little to say. You as our elected officials, however, are being asked by citizens like us to keep in mind our opinions, our statements, and our arguments. Please don't disregard them. Please note, and take into consideration everything we say and hold it with as much weight and validity as you do that of the applicant.

"In conclusion, if you cannot see your way clear to say no to the rezoning and the transfer station issues which are brought up today, please take this opportunity to send it back to the Derby Planning Commission, so residents can work with, not only the applicant but the Planning Commission, to perhaps come to a better conclusion in this whole issue. Thank you."

**Chairman Winters** said, "Thank you, Ms. Moore. Is there anyone else? Please come forward."

**Mr. Ray Smith** said, "I live at 1624 Pecos Drive, Derby. I live across east and across K-15 from this area. I don't believe this would be a good place for this because, as was mentioned, there used to be a dump there where we took all of our trash. That's when Derby was a lot smaller than it is now. I believe it would down grade our property. There is a lot of land east and north of Derby that it wouldn't have to be built so close to a town or close to a residential area. There are quite a lot of houses right across K-15

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from this. You can see about all over if you walked up through K-15, you could see about all of this area. You notice a lot of people approved things like this do not live in that area. I'm sure each one of you would not want this this close to your property, as what it is down there, I'm sure of that. They, the ones that are for this around the Derby area, if you would take it out east, to some of those places that people that live there, they would not be for it either. But beings it is away from their area, why then they would come hear being for it. I would ask you not to okay this station be built there in that area and I'll agree that we have to have some stations and stuff and it is coming to that. But it should be away from residential or from a river that could be polluted from this. Thank you."

**Chairman Winters** said, "Thank you, Mr. Smith. Is there anyone else? Yes, please come forward."

**Mr. Robert McHenry, Jr.**, 5900 East 91st South, Derby, said, "Thank you for the opportunity to address the Commission. I represent the land north and east of the proposed site. We have over 200 acres there, just to the north, that you saw on the map. We've had a 50 year association with the stewardship of the land in that area and a 40 year history and association with the existence of what was called a dump, then it was called a landfill. In the '60s and '70s, people dumped everything, this was including McConnell's trash from McConnell Air Force Base, which included paint and thinners and whatever. It was just an all fall, as dumps were in those days. In the '80s, it was a landfill with cover and there was considerable problems with it, at that time, because of the blowing trash and the dyke that went along the river was excavated to provide landfill over the trash. In the '90s it was a sand pit and pumping out of the river as a site for paving materials for the paving of K-15.

"At present, they do trash transfer there presently, not in a building. I would say that, through all these years, we have never received a notice of any kind about the operation of the dump. I know, from other sources, it has been operated out of compliance and nobody seems to be able to enforce the regulations or the laws that apply to it. It has been out of compliance for years. They'll get some type of a permit and then it is violated, it is skirted around the corner. As far as my knowledge is concerned, there has never been any test wells drilled that were required to close the site. In effect, the site has never been closed. There was a time that Jack Mills and Larry Lusk, both are deceased right now, that made an honest effort to close that thing and get it back in a reasonable order.

"Now, we're in the business of beautification. We have a nursery operation, trees, shrubs, sod, in this area. It is a primary growing field for the Hillside Nursery, which is our family's business. Presently, some

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of the trees, off of this site, are at Exploration Place at the present time. We're making an honest effort to make good use of the land, but what has happened is that the landfill has dammed our natural flow of water off of the bottom lands, dammed it up, and we have ponding on our fields, now, that preclude us from using our fields as we see fit. We are not able to grow sod any more because they had dammed it up on the north boundary.

"We have a water right that has been threatened because of pollution. We want to retain our water right at all costs."

**Chairman Winters** said, "Mr. McHenry, how much more do you have?"

**Mr. McHenry** said, "About a minute."

**Chairman Winters** said, "Okay, proceed."

**Mr. McHenry** said, "In closing, we'd like to see the main concern addressed. This is the flood plain taking trash down with it. The putting of the main dump in compliance with whatever it needs to be legally. We see this trash transfer station as just a diversion to continue operating as they have been. I would like to invite you to come down and make a first hand visit to the site and see what these concerns are. I visited with someone from solid waste task force and they said there is far better sites for a permanent waste station than that particular one, to where it would stand alone and be in the area, such as say the McConnell fly way, or somewhere in that area, where other things cannot be built. Thank you, very much."

**Chairman Winters** said, "Thank you, sir. Is there anyone else? Please come forward if there is. Is there anyone else?"

**Mr. Milt Pollitt** greeted the Commissioners and said, "I'm Chairman of the Sedgwick County Solid Waste Management Committee. Last month, at our regular meeting, why Mr. Mills appeared and we worked with this particular drawing that he provided, which is one of the slides I believe that was up. There was general discussion of other activities other than the transfer station, mainly the C & D landfill and the composting area, both activities of which the committee definitely is in favor of. Now, when it came to the transfer station issue itself, why, with this schematic preliminary drawing, we were really unable to make any determination as to whether it would meet the requirements of the resolution governing transfer stations. Such items as landscaping, surface drainage, and the details of the building and whether there would be an educational room and other issues like that which are required by the resolution.

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"The motion of the committee was to approve the concept and proposal of Derby Recycling and Transfer Station, subject to committee review of engineering and architectural drawings of the site when they are completed. That motion, there were eight in favor, three opposed, and three abstentions. So essentially, the other issues have been covered by other presenters and that is all I think we have to say on it."

**Chairman Winters** said, "Thank you, very much, Milt. We appreciate your coming and making those comments of clarification. Is there anyone else? Is there anyone else who would like to speak to this issue? Seeing no one, we will reserve discussion to staff and bench. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I've received quite a number of phone calls from people, such as Ms. Moore and Mr. McHenry, the last couple of days expressing their concerns. First of all, publicly, I want to thank you for the manner in which you have lobbied us. I appreciate the tenore of the conversations. There wasn't a lot of hollering and screaming. There wasn't a lot of 'just not in my back yard'. You came up with, in your side, of what you think are justifiable reasons why we should maybe slow down a little bit on our decision as to what to go forward on this. I just want to publicly commend both of you as well. I think there are 15 or 16 others who have called me.

"Conceptionally, I have to agree. I think that we do need more than one transfer station. Conceptionally, I believe that if we can spread these transfer stations out, throughout the County, it will probably help reduce, well, it will reduce the drive time the haulers are going to have to make and, hopefully, will curb or reduce some of the expenses incorporated in getting rid of the solid waste. I'm old enough to remember when we called it a dump also, but now it is a landfill.

"What is concerning me right now is, I'm getting mixed signals as to what the Derby Planning Commission meant. Did they make a mistake and really meant something else, as opposed to what they meant? I, personally, am going to be in favor of referring this back to the Derby Planning Commission, just to ensure in my mind that they are comfortable with the changes that the MAPC is recommending or, if they aren't, that is going to give them sufficient time to discuss that and make a further recommendation. I'm going to, probably, want to make a motion to that effect, but I'd like to hear if anybody else has any comments."

**Chairman Winters** said, "Fine, there are. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Susan Erlenwein, can you come to the podium? Susan, you, along with others, helped us write the regulations and everything for the way transfer stations should look and be operated and those kinds of things. Do you feel like you have enough information yet,

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based upon what you see here, to say whether or not this one will meet all those?"

**Ms. Susan Erlenwein**, Department of Environmental Resources, said, "No, I do not. I've discussed with the applicant that we need more detailed information on the engineering study, to determine if the landscape and everything else meets our regulations."

**Commissioner Gwin** said, "Do we make exceptions, because this one is going to be limited to 500 tons a day. Do we make different rules or regs for those smaller transfer stations versus the larger ones?"

**Ms. Erlenwein** said, "The only difference between them was the amount of acreage required for each transfer station. If it was 500 tons a day of trash delivered to the transfer station, they had to have a minimum of 15 acres. Less than 500 tons was a minimum of 10 acres. That is my understanding of why Derby voted the way they did."

**Commissioner Gwin** said, "But it is the configuration of this and the detailed drawing you have not yet seen, correct?"

**Ms. Erlenwein** said, "That's correct."

**Commissioner Gwin** said, "I guess the other issue, where I'm trying to find where my comfort level is, is the issue of composting, using the flood plain area for wind rows, composting and wind rows, not for the unprocessed big trees and those kinds of things. I guess, I'm trying to find out if you have any opinion about that personally?"

**Ms. Erlenwein** said, "Composting is considered an agricultural use, which is allowed in a flood plain area. But the fine debris, the wind rows, could be allowed in a flood plain, not the storing of the large branches."

**Commissioner Gwin** said, "Okay, I want to get conformation from that, too, from Jim Weber, too. Jim, I know you don't know anything about agriculture, but I want to talk about the floodway and this type of material, as you look at the down stream effect of those wind rows. Is that a problem to the County? Is that a problem, if the water would come up and float some of those wind rows away?"

**Mr. Weber** said, "The flood plain management regulations would preclude the storage of 'hazardous' material in the flood plain. That could include things like, which we're not talking about here, storage tanks that might float, break lose and go. We're not interested in having the large brush pile in the floodway, or flood plain, either one because we don't want that to get lose in the river system and get hung up on

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bridges.

"The compost piles, once it is ground up, at some points this material is going to be floatable material but it is going to be small and it is not a problem in the river. So at some point, as it becomes a real compost or soil amendment, probably not floatable and stays right where it is. So we look at those piles of wind rows, at whatever stage they're in, as being fill in the flood plain and fill is allowed in the flood plain but is not allowed in the regulatory floodway. You can do it, but they're not trying to and it is a much more difficult thing."

**Commissioner Gwin** said, "Okay, I wanted to get both pictures. Anything else you want to add?"

**Mr. Weber** said, "I want to take a little exception to Mr. Mills' comments. Public Works doesn't support the application and is not against the application. We have merely commented on, if you are going to do this on this site, here are the things that you need to think about doing."

**Commissioner Gwin** said, "Okay. I appreciate you continuing to be an advisor and let them know the way your department looks at these kinds of things, too."

**Mr. Weber** said, "The other thing, while I'm here, the current legal description for the transfer station overlaps into the regulatory floodway. We would like to see that operation totally outside of the regulatory floodway. We don't have a big problem with it in the flood plain, but we suggest that that legal description needs to be revised and we'd like to see all of these operations restricted from happening in the floodway, so that, maybe, the legal descriptions for the zone changes and everything would line up with the flood plain/floodway line."

**Commissioner Gwin** said, "So, can we get a map that we can all agree upon?"

**Mr. Weber** said, "I think that Mr. Mills may need to do some more work to better define where that line actually is. We're working off a 2,000 scale map. As far as delineation, we've suggested that the floodway line be delineated and Dale has mentioned fence posts. Our recommendation would be something more significant. I'm thinking more like a four inch steel pipe, set in concrete, painted yellow that your zoning inspectors and everybody can go out and clearly find and I'm not saying they would get moved, but if you hit one you'd know it and go back and reset it."

"I would mention, there is some floodway and flood plain on Spring Creek, that line that comes up on the east side, and actually between this site and the property owners to the east. We're equally concerned

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about that area."

**Commissioner Gwin** said, "Okay, thank you, Jim. Thank you, Mr. Chairman."

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

**Commissioner Hancock** said, "Thank you, Mr. Chairman. Dale, a question for you. Maybe Jim could answer this also, I'm not sure. I'm familiar with the west side of the river, where of course we have the flow area in the river. Then there is a step up, usually during periods of high water, the water gets into this area. Is that the area you are referring to as the floodway?"

**Mr. Miller** said, "Well, technically the floodway, Mr. Weber helped me and the Planning Commission on this so I'm indebted to him, the floodway is the actual area where if there was a 100 year event you would expect the moving water to be in the floodway. The flood fringe area is the are outside of the floodway where, if you were to fill that area, then you could expect the water in the floodway area to increase, up to a foot in depth, if you had a hundred year event. A floodway and the flood fringe, combined, is technically the flood plain, the 100 year flood plain, I think that is right."

**Commissioner Hancock** said, "It is not easy, is it?"

**Mr. Miller** said, "A little confusing, yes."

**Commissioner Hancock** said, "So, the floodway is where water would be flowing and the flood plain is water, in the 100 year event would happen, but not necessarily be flowing."

**Mr. Miller** said, "Correct, there would be water up there and it could be up to a foot or deeper as I understand it."

**Commissioner Hancock** said, "Jim, you're suggesting that we mark this area, that boundary, where the elevation increases enough to be above that 100 year event."

**Mr. Weber** said, "Yes, I'd like to see, for code enforcement purposes and for flood plain management resolution enforcement purposes, that clearly marked. It is a 70 acre site and lots of piles and things moving around and we need to agree with the applicant on where the line is and get the applicant to properly mark it."

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**Commissioner Hancock** said, "All right. I have a question for Mr. Mills, if you wouldn't mind sir. I've heard, a couple of times today and prior to this meeting today, concerning the C & D landfill. Is it currently in compliance with EPA and State standards?"

**Mr. Mills** said, "As far as I know. What I can tell you is, before we bought this property, I think what some of these folks are referring to was, when this landfill was initially permitted and this is back in the '80s, there was a requirement that some testing was done or some wells were sunk to monitor ground water. That has not been done. It wasn't done by the prior owner. We found out about it. It has been brought to our attention. We're making arrangements, right now, to sink those wells at our cost, even though that was not something that was told to us that we had to do. So, that is the only thing that I am aware of that there is any problem with, as far as I know."

**Commissioner Hancock** said, "I know that the standard subtitle D landfills require a cover at the end of each day. Do C & D landfills require coverage every day?"

**Mr. Mills** said, "Yes, C & D landfills do require some cover, but they do not require a liner or leaching collection system or any of that."

**Commissioner Hancock** said, "I understand that. Do you cover every day? I presume that you are part of the operation of the C & D landfill. Is it covered every day?"

**Mr. Mills** said, "Right."

**Commissioner Hancock** said, "Thank you, Mr. Mills. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Susan, could you come up here please? I'm still trying to find out about that C & D being covered, as well. I guess I wasn't aware that it needed to be covered, when we're talking about two by fours and sheet rock, aren't we, pretty much?"

**Ms. Erlenwein** said, "Yes, we are talking brick, asphalt. It is governed by the Kansas Department of Health and Environment and they're responsible for making sure it is in compliance with the state law."

**Commissioner McGinn** said, "I guess I don't understand why it would even have to be covered. I'm thinking about Brooks and it needs to be covered."

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**Ms. Erlenwein** said, "There could be fine materials deposited and it is to keep down all the blowing of litter."

**Commissioner McGinn** said, "Okay, thank you. Jim, I'm concerned about this floodway thing, too. You probably can't do this, I'm just curious. Without DWR saying, making their comments or whatever, can you put up a dyke? If you have this area or is it just that they don't have enough area, if you wanted to stay out of the flood plain?"

**Mr. Weber** said, "You could build a dyke or a levee or just fill it up."

**Commissioner McGinn** said, "As kind of an added protection, you could?"

**Mr. Weber** said, "You could, in the flood fringe. It would start at the floodway line and work back towards the high ground, so to speak."

**Commissioner McGinn** said, "It would have to go through DWR, and everything, to make sure you are not affecting anybody down stream?"

**Mr. Weber** said, "More complicated."

**Commissioner McGinn** said, "I think this is great, too, as far as having another transfer station down south. We currently only have one place, right now, to even take trash. I think it would be great for the whole community to have another area, so I am very interested in trying to find an area that is south."

"I guess, I need some more information, too. I'm concerned about the flood plain area and where that line might be and even though it is in rows, even though it is not sticks and trees and limbs, it is still sediment and it still has nutrients in it. So I'm a little concerned about any potential loading into the river, on that end of it. I'm open to hear what other Commissioners have to say but I guess I'd like to send it back."

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

**Commissioner Hancock** said, "Is the road leading to this paved?"

**Mr. Mills** said, "No, there was a shot of it. Part of Buckner is, but most of it is not."

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**Commissioner Hancock** said, "Is there one coming off of K-15, that crosses the tracks?"

**Mr. Mills** said, "It has a lot of pot holes in it."

**Commissioner Hancock** said, "It is still available for ingress and egress?"

**Mr. Mills** said, "Yes."

**Commissioner Hancock** said, "Is there any plan for that to be paved?"

**Mr. Krout** said, "It would be subject to Derby's subdivision regulations. The Derby planner indicated that would be their intention."

**Commissioner Hancock** said, "Both Buckner and what is that street there?"

**Mr. Mills** said, "It is 91st."

**Commissioner Hancock** said, "Both of them would be paved, eventually, you think? That is kind of the plan right now?"

**Unknown voice** said, "The Planning Commission hasn't acted on that."

**Commissioner Hancock** said, "I think Sedgwick County has a lot at stake in these transfer stations. There has been a lot of opposition to our decision to go to the transfer station concept. I can assure anyone, that if we have anything to do with it, should this thing happen, I'm not sure if it will or not today or any other time, but indications that the current operation is somehow out of compliance or less than appropriate for the area bothers me. I would like to have very solid operators operating transfer stations and that we can depend upon those individuals to do the right thing. Any transfer station that is operated less than what our expectations are is going to come back to haunt this Commission and the whole concept of transfer stations. I'm going to have to do a little bit more thinking. I think others may have something to say about that. Thank you, Mr. Chairman."

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

**Commissioner Gwin** said, "Just real quickly. I understand that Commissioner Sciortino and others will want to send it back and I think there is some technical questions that have been raised that certainly need to be addressed. On the land use issue only, as to whether or not this particular site is appropriate for the zone change, I will comment that I find it difficult to believe that any other type of use, other than a limited industrial would be appropriate, adjacent to a sewage treatment plant or to an existing C and D landfill. So, from a strictly land use purpose only, I mean, it is pretty well established that no one else is going to build a house there. I doubt, very seriously, if any one is going to put a lovely office building there. It is not conducive to that, based upon what is there.

"I would hope that we could get some clarification on such things as the legal description and make sure that we're all talking about the same piece of property here that, both code enforcement and our flood plain management folks understand where the floodway is and isn't and how we can properly delineate that for enforcement if this comes back to us. The enforcement of regulations on transfer stations, we're very serious about the way those are to be operated in this County. We want them to be as good a neighbor as possible and I've seen them in other communities that are run that way, operated that way, and that is one reason I felt very confident that they could be successful here because those other communities got hold of them and made sure they were operated well. I'm here to tell you that we continue to take that very seriously, no matter where we site them and Mr. Mills knows that.

"I will vote with my colleagues. If Commissioner Sciortino makes the motion to send it back to the Derby Planning Commission, I think we do need to get some technical adjustments here and will then reconsider all of that, when that additional information comes back. Thank you, Mr. Chairman."

**Chairman Winters** said, "Thank you. I'd follow up on Commissioner Hancock and Commissioner Gwin. I agree with Commissioner Hancock, we have a big stake in transfer stations and we need to make sure they're done right. I also agree with Commissioner Gwin. As far as land use, if we can get some of the technicality worked out here in a proper way, I think land use wise, this looks reasonable to me but what I'd like to do is follow Commissioner Sciortino's lead and if we need to have the input from Derby one more time, I am completely supportive of that. Commissioner Sciortino."

**Commissioner Sciortino** said, "Is that the end of all the comments. I'd like to try a motion."

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**MOTION**

Commissioner Sciortino moved that the County Commission refer both the zone change case and the conditional use case back to the Derby Planning Commission for further findings and recommendations.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "Dale, if this goes to the Derby Planning Commission then, will it come back through Wichita/Sedgwick County MAPC?"

**Mr. Miller** said, "I believe we can just go to Derby, assuming that there is not any discrepancies between the two. If they come up with something totally different, then I guess we may want to rethink what may happen, if it was radically different from what MAPC recommends."

**Chairman Winters** said, "Would that then relieve the four fifths vote requirement?"

**Mr. Krout** said, "Unless protest petitions are withdrawn, you will need a four fifths vote."

**Chairman Winters** said, "I understand. I was getting that confused with just disagreeing with the Planning Commission recommendations. Thank you. We have a motion. Are there any other comments? The motion is that we will return this to the Derby Planning Commission. Seeing no questions, call the vote."

**VOTE**

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

**Chairman Winters** said, "Thank you. This will be returned to the Derby Planning Commission. Next

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item."

3. **CASE NUMBER SCZ-0799 - RESOLUTION REGARDING ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "LC" LIMITED COMMERCIAL; AND**

**CASE NUMBER CU-559 - RESOLUTION REGARDING CONDITIONAL USE TO ALLOW VEHICLE SALES, OUTDOOR, LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH, APPROXIMATELY 1/3 MILE WEST OF 183RD STREET WEST.**

**SLIDE PRESENTATION**

**Mr. Krout** said, "Commissioners, this should take less time. Anything should take less time. This is a little bit over one acre. It is on the south side of 29th Street, west of 183rd. It is in the area of the Church of St. Marks, and it just down the street from the historic church property. The site was developed with a commercial building, back in the 1930s, a very handsome building. It continued as an auto repair shop, over the years, even though commercial zoning was not placed on that property when zoning was extended to this area. The applicant is wanting to display cars, as you will see in front of the building. It was determined that that requires him to obtain proper zoning for the property including a Conditional Use for outside vehicle display. So, he is expanding the nonconforming use to the extent that he has to come back in and go through the zoning process.

"The Planning Commission recommended approval of this and there really is only one issue that I'd like you to decide how you feel about it. This is the site along 29th Street. There is a school on the east side of the street. It is a very well maintained property. This is the site plan. The site plan shows the existing building. There would be car display along the edge of the building, the side of the building, and in fact there is already, you'll see, and this is where the customer parking is. The customer parking, even though it is head in, there is enough room, today, so that you can turn in and out without having to back up into the right-of-way. So the Planning Commission felt that was acceptable. We really don't like to do head

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in parking on an arterial street.

"Here we are. You can see the display cars are already on the side and the sign that is up. This is where additional display cars would be located."

**Chairman Winters** said, "Could we back up to that slide just a second? Can I interrupt your presentation? When the applicant first called me about this, I said no, there is no way that this is going to work, until I drove out there. This picture, right here, and being there in person kind of changed my mind. That is a garage that was built in the 1930s. There is a center pin up there that says Buick Motor Cars on it. It has been restored into a terrific building. If there was a movie company wanted to show or do a film on an old auto dealership, that is the perfect place to do it. They have just kept this building in marvelous condition."

**Mr. Krout** said, "Someday this may be the County's first historic district, between this building and St. Marks Church."

**Chairman Winters** said, "This building has been here since 1930, doing the same thing they are doing today and wanting to do so."

**Mr. Krout** said, "Right, and all they are wanting to do is sell cars in front. This is where the cars would be parked and also displayed in this section. You can see St. Marks is here. There is a 60 foot right-of-way and the only question is, should the applicant be asked to provide a 20 foot contingent dedication so that, someday, if 29th Street needs to be widened as the community grows, that it can be widened, without having to acquire property in the future. If you look at the zoning map, over time there have been some plats along St. Marks and property owners have dedicated right-of-way, along 29th Street, as they platted property. The Planning Commission said no, not necessary. The staff thought the contingent right-of-way doesn't interfere with the use of the property, it just protects us from where we may be 30 years in the future and that is really the only question there is for you. We recommend approval. Platting, although that was the original staff recommendation, we don't think it is necessary."

"The applicant wanted to be able to do some of the display on gravel and I think it is such a minor operation that we have no objection to that either, just the question of the contingent dedication."

**Commissioner Gwin** said, "What was the will of the Planning Commission on that issue, never mind?"

**Mr. Krout** said, "That was their feeling. I guess they couldn't see this road ever being widened. Maybe,

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if it became a historic district, it couldn't be widened."

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

**Chairman Winters** said, "Commissioners, you've heard Marvin's report. I would like to suggest we concur with the Planning Commission's suggestion that a contingent dedication not be required here and that platting not be required, but I'm open to discussion. Marvin, if I make that motion, what is the recommended action? Does the recommended action, then would it take the MAPC's . . ."

**Mr. Krout** said, "The MAPC recommended action."

**MOTION**

Chairman Winters moved to adopt the findings of fact of the MAPC and approve the zone change; adopt the Resolution and authorize the Chairman to sign; **AND** adopt the findings of fact of the MAPC and approve the "Conditional Use"; adopt the Resolution and authorize the Chairman to sign, and that would be not requiring a larger right-of-way designation and not requiring platting.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**4. RESOLUTION ADOPTING THE CENTER CITY NEIGHBORHOOD DEVELOPMENT PLAN AS AN AMENDMENT TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN.**

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**Mr. Krout** said, "I thought I was going to have some more help from Ray but he probably couldn't wait either, so I'll try to introduce this. There are four neighborhood plans that were prepared over the last year, through a grant from the State Department of Commerce and Housing. One of those is in an area that has been referred to as the Center City. It is, basically, north and east of City Hall and the County Building out to Via-Christi's St. Francis Hospital. It is from 2nd Street to 9th Street and from Main Street all the way out to the railroad tracks, was the entire study area, the northeast quadrant, basically, of the downtown core area.

"That area was one of the ones chosen because it does represent some unique opportunity and challenges, in terms of revitalization, but also because there was a very strong organization that was already in effect and already doing some local planning in that area that involves a number of local churches, Via Christi Hospital, local banks and businesses and Mid-Town Citizens Group, which is up to the north of this area and also City and County officials were participating in that partnership.

"The plan, you should have copies of it, lays out frame work for physical redevelopment. I think Ray was here and talked to you about this plan earlier. We have a couple of people who still may have enough energy left to speak about this this morning. It lays out a frame work for physical redevelopment but also gives instructions on, organizationally, how to proceed and make revitalization and redevelopment happen in a responsible way in this area.

"The C.O.R.E. (Central City Organized Revitalization Effort) leadership, which is Central City, Ken, who couldn't stay couldn't get this right, but Central City Organized Revitalization Effort, embraces this plan. They felt it was important and we agreed to bring it through the official Comprehensive Plan adoption process. One, so it will be a symbol for them and for the community that this is an important plan and it does have public support and we intend to follow it. Second, it is the kind of statement that will allow them to pursue future grant opportunities to begin this revitalization effort. As I told the City Council yesterday, I think they are already beginning in that effort to organize towards incorporation and for some land assembly work. We have sent this through the MAPC for their consideration as an official amendment to the Comprehensive Plan. The Planning Commission approved it unanimously and yesterday the City Council adopted this plan unanimously as an element of the Comprehensive Plan. We would ask you to join them and, apparently, there are speakers here who would like to, briefly, talk to you about this issue."

**Chairman Winters** said, "Thank you. I think it is important that we spend some time visiting about this, particularly since we are in this midst of redoing our Comprehensive Plan. I know Commissioner McGinn has been active with this group as have others from the faith community and St. Francis. So if anybody else would like to come forward and make some comments, we'd be more than happy to hear them. One

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of our objectives is to continue to remind folks that we are interested in this project."

**Mr. Kelly Bender**, Senior Pastor, First United Methodist Church, greeted the Commissioners and said, "Commissioners, I appreciate the opportunity to appear before you for a second time on behalf of C.O.R.E. My name is Kelly Bender. I'm Senior Pastor of the First United Methodist Church here in downtown Wichita. I'm Chairperson of C.O.R.E., which we've identified already as the Center City Organized Revitalization Effort. Welcome the opportunity to speak on behalf of C.O.R.E. and sought your support for it being recommended to the Metropolitan Planning Commission and now appreciate this opportunity to urge your support that it be included as an amendment to the Comprehensive Plan.

"I want to express, on behalf of C.O.R.E., our appreciation to every expression of concern that has been given concerning the Comprehensive Plan and the changes under consideration. I think probably every one here is aware that those concerns were stated in a recent editorial in the Wichita Eagle, dated February 5, concerns naming that it is important for us to preserve agricultural land as part of the revised plan. That development be guided toward existing or planned infrastructure. It is important to develop real incentives to bring developers to the city's core. I also participated in one of the public hearings held by the Metropolitan Planning Commission. Was amazed not only by the numbers of people present but by the overwhelming response, concern for the plan to be revisited and support for the conservation option.

"I trust that you'll approve the addition of the core area to the plan and will support actions to help us complete our project. We believe, stand firmly, with the conviction that a city is only as strong and healthy as its center, as its core. I'm privileged to be part of a group with a broad base of community support, church support. It began in our downtown congregations, that are trying to be responsive to our immediate neighborhood. It is a challenge for us, because as I said, so much of our membership drives in from the outside. That's a significant shift from when our congregations were first founded and formed here in the City of Wichita. I also believe one of the reasons we don't have to come from so far back as other cities is that these congregations have chosen to remain in the center city. I see them as an important part of our strength and urge your every support for our core project. Thank you."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I just want to make a few comments. I think this is an exciting time, right now, for our community, for our County because we are getting ready to approve our Comprehensive Plan there has been a great deal of work on it and in just a few short weeks we'll start to go to work on it ourselves and make any adjustments we would like to see in that plan. I

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want to thank the faith community leaders for the time and the diligence that they've put forth to have this plan. This has been talked about for years. Just for our viewing audience, I'd like to show them, there has actually been a book developed with all the different ideas and everything, the physical plan of this thing. So, there has been a lot of work that has gone into this and so it is not just talk any more. We're moving forward on it. For those folks out there that, sometimes I think we hear a lot of negatives that we're not looking at the inner city area, well we are. I think we're finally getting that information out there. I want to thank all of you for the time that you spent on this because it has taken a great deal of work to do this.

"One area that I think this one centers around is called Mid-Town, but there is three other areas, neighborhoods that are being looked at, too. It is not just the downtown area, it is other areas around out community. The only other thing I wanted to add, you talked about community and how we need to invest in it. I'd just like to also share my support for the bond issue. Wichita is a community, it is full of a variety of different neighborhoods. If you're going to keep a community alive and thriving, coming from me I guess, I feel strongly about supporting our schools. So, I think as we do our Comprehensive Plan and we kind of lay out the vision for the next ten years of our community and tie that into supporting our schools, I think we will see a great deal of enrichment and growth in our community. Thank you."

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

**Commissioner Gwin** said, "Thank you. I just want to echo what Commissioner McGinn said. I noticed in the report, one of the problems cited, as to confronting the center city neighborhood, was the poor perception of the public education system. It would certainly be my desire, as a graduate of the USD 259 school system, that all of those who support this plan support our bond issue program. It makes sense for them to go hand and hand because, as I've stated in other venues, it is not by accident that the outlying school districts are growing and thriving. It is not by accident that Andover and Maize and Goddard continue to attract families there because they repeatedly approve bond issues.

"They repeatedly upgrade the education facilities and futures that are available to their students. I think we in USD 259, and I continue to be a resident of that school district, ought to do the same thing. I think improving our schools and the perceptions that some have of them will do a great deal to improve the enrich the center of this wonderful city. I appreciate all your hard work. I certainly encourage all of those who have endorsed this plan to support and vote for that bond issue question. Thank you, Mr. Chairman."

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**Chairman Winters** said, "Thank you, Commissioner. I, too, echo what both of the previous Commissioners have said. We appreciate the hard work that you all have done. Those who have known Kelly and I in the past know there are issues that we disagree with. I think we certainly agree with the principle of this one, on the core being very important. It probably won't be surprising to note that we probably disagree on some of the ways of how we get there, but I think we are probably pretty close in a lot of ways. I also support this resolution and will be willing to vote for it. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you, Mr. Chairman. I want to begin by saying first of all, that I once again am sorry about the disadvantages that Kelly had during his college career. You've done well, considering. Last Monday we had a workshop, concerning the Comprehensive Plan, here in this meeting room. One of the statements that I made was my concern about redevelopment of the core area. I think my comment was, I'm not sure I know how to do that, but if we have something to look at and if we know if it is improving housing or creating businesses and have them prosper and thrive or whatever it might be, we need to understand that. Certainly, we are willing to use some resources, here in Sedgwick County, to create a better core area. The thrust of the discussion being, shall we look at a market driven growth or shall we look at creating a climate here in the center of Wichita to redevelop the area. Charles McAfee was here and made the statement, and it dawned on me that appraisals were low and thus bank loans were not readily available to the area. It is a vicious circle. No bank loans, no improvement, no improvement, no bank loans. That kind of made sense to me.

"In the afternoon, Ray Ontiveros came by and gave me some more information, relative to the redevelopment of the core area of downtown. Of course, I had been familiar with the plan that we are looking at today and he reminded me that this is one of those things that we're going to be doing, that we can assist in, to help redevelop that area and create higher values here in the community.

The best thing about this though, this is the thing that really struck me when I first heard about this, that this is probably a pretty good idea. This isn't a plan to improve a community or even for a community, this is a plan by the community. These folks got together themselves and they are empowered and they are making decisions about things that they think would make their area of this world a better place to live and to work and to be. To me, that one idea, that one little concept, struck me as probably the best thing that could happen. I don't know why anybody around here didn't think of it before, I certainly didn't. It just never dawned on me that maybe the folks themselves could do this. Maybe they have the right idea.

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Certainly, in the area that I live, I've got some ideas, so why not anybody else. This is one of the most exciting things that I've seen come along in quite a while, concerning the redevelopment of the older areas, the areas that are having a tough time making a go of it and where values often decline or are certainly not getting any better.

"I'm prepared to do this one and I'm prepared to do that other two that we have on line. Both seem like really good ideas. I want to commend all of those who have gotten together and got it this far and appreciate the work the Planning Department has done on it also. As far as I'm concerned, let's go and let's get started, tomorrow if we can. Thank you, Mr. Chairman."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. It is always hard for me to follow Commissioner Hancock because he always steals the words I wanted to use. I also echo everything I've heard here on this bench and I support this, overwhelmingly. I like the concept of the people empowering themselves. It is actually the people in the community developing the plan for the community. As I understand it, there is going to be another one done. There is some work started to have one done in the Oaklawn area. I think this is a great way to find out how best to redevelop an area of a community or how best to go forward to ensure the fact that the quality of life will continue or will increase. I like this concept, of giving the people that are going to be effected the most directly involved in developing the plan. I'm going to be very supportive of this. Thank you."

**Chairman Winters** said, "Thank you, very much. I see no more questions. What's the will of the Board?"

### **MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you all for sticking with us through a couple of other lengthy items. We appreciate you being here. Commissioners, do you want to take a short break or keep on going. We've probably got another 30 or 40 minutes here. Let's keep going. Next item please."

**H. AGREEMENT WITH PREGNANCY CRISIS CENTER OF WICHITA, INC. FOR USE OF SEDGWICK COUNTY PARK JUNE 3, 2000 TO HOLD A FUND-RAISING WALK.**

**Mr. Jarold D. Harrison**, Assistant County Manager, greeted the Commissioners and said, "This is the fourth year that we've had a request from this group to use the Sedgwick County Park for this fund raising walk. We've scheduled the time for 7:00 a.m. start and they anticipate they'll be done about 1:00 p.m. on that date. We have coordinated the date with the park superintendent. We have received a certificate of insurance and we would recommend your approval."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye

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

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

**I. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. TO PROVIDE PROFESSIONAL SERVICES FOR WORK ASSOCIATED WITH PHASE II OF THE SOUTH SEDGWICK COUNTY STORM WATER DRAINAGE PROJECT.**

**Ms. Stephanie Knebel**, Project Manager, Facility Planning & Remodeling Department, greeted the Commissioners and said, "This agenda item requests your approval to continue with P.E.C. (Professional Engineering Consultants) for what we're calling Phase II of a study to deal with storm water issues in south Sedgwick County. If you would recall, Phase I of this report laid out the foundation and the building blocks. It provided us information about the base and boundaries and identifying the major conveyance system. It identified land use and soil types and identified and pulled together for us previous studies of this same area. Time was also spent in the community understanding specific problem locations.

"This Phase II will provide time and effort for P.E.C. to spend on identifying possible solutions for these areas, as well as some project cost estimates. This contract is in the amount of \$104,643.85 and I request your approval."

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

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Stephanie. Item J."

**J. PHASE I IMPLEMENTATION OF TAX SYSTEM IMPROVEMENT PLAN.**

**Chairman Winters** said, "Commissioners, I visited with Bill Meek, Register of Deeds, he has requested that we take this item off the agenda."

**MOTION**

Chairman Winters moved to take Item J off the agenda.

Commissioner Hancock seconded the Motion.

**Commissioner Sciortino** said, "Is this being deferred for a later time?"

**Chairman Winters** said, "I think it is going to come back to us in a different direction, probably not starting out at this meeting level but perhaps at a staff meeting or other level. It is not going away. The subject is not going away, but it is being taken off the agenda."

**VOTE**

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

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

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**K. PUBLIC WORKS.**

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH CENTRAL PAVING, INC. ON SEDGWICK COUNTY PROJECT – SPRINGDALE EAST 2ND ADDITION; DISTRICT #5.**

**Mr. Jim Weber**, P.E., Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "In Item K-1, we're requesting your approval of modification of plans and construction number one and final to our contract with Central Paving on the Springdale East 2nd Addition street paving project. The modification will increase our contract by \$206.25 and is a result of variations in planning quantities from actual field measurement. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

**MOTION**

Commissioner Hancock moved to approve the Modification of Plans and Construction 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 Bill Hancock	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

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**2. AGREEMENT WITH BAUGHMAN COMPANY, P.A., FOR DESIGN AND CONSTRUCTION STAKING SERVICES FOR BELRIV ADDITION; SANITARY SEWER IMPROVEMENTS. DISTRICT #5.**

**Mr. Weber** said, "In Item K-2, we are requesting your approval of a contract with Baughman and Company for design and construction staking services for the Belriv Addition, street and storm sewer project. The costs of these services will not exceed \$21,300. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

**MOTION**

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

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

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' FEBRUARY 3, 2000 REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the February 3 meeting of the Board of Bids and Contracts. There are just four items for consideration."

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**(1) STREET IMPROVEMENTS- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

"Item one, street improvements for Public Works, Project 630-24 on 47th Street South. It was recommended to accept the low bid of A.P.A.C. Kansas Incorporated for \$297,411.

**(2) TOILET TISSUE - DIVISION OF OPERATIONS**  
**FUNDING: DIVISION OF OPERATIONS**

"Item two, toilet tissue for the Division of Operations. It was recommended to accept the low bid of Southwest Paper Company, that amount is \$17,115.

**(3) PAPER TOWELS - DIVISION OF OPERATIONS**  
**FUNDING: DIVISION OF OPERATIONS**

"Item three, paper towels for the Division of Operations. It was recommended to accept the low bid of Southwest Paper Company, that amount \$13,550. Those are both stock items.

**(4) UNIFORMS - EMERGENCY MEDICAL SERVICES**  
**FUNDING: EMERGENCY MEDICAL SERVICES**

"Item four, uniforms for Emergency Medical Services. It was recommended to accept the low bid per item of Baysinger Police Supply, it is estimated at \$25,000 worth of uniforms will be purchased during the year 2000. Two pages of tabulation follows. There were no items tabled. I'd be happy to take questions and recommend approval of the Minutes from the Board of Bids and Contracts."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

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**VOTE**

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

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

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

**1. Right-of-Way Agreement.**

One Floodway Reserve Easement for Sedgwick County Project – Cherokee Addition.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
C95037	\$350.00	\$157.00
C71013	\$303.00	\$311.00
V93016	\$335.00	\$335.00
C97015	\$179.00	\$195.00
C97014	\$178.00	\$187.00
V99016	\$324.00	\$350.00
V99014	\$204.00	\$425.00
V97016	\$199.00	\$200.00
V99010	\$471.00	\$537.00
C99012	\$223.00	\$246.00
V99060	\$79.00	\$331.00
V99037	\$292.00	\$375.00
V99049	\$315.00	\$385.00



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**Chairman Winters** said, "Is there other business? We have no need for an Executive Session today. I will adjourn the regular meeting of the Board of County Commissioners."

**N. OTHER**

**O. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 10:48 a.m.

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

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**THOMAS G. WINTERS**, Chairman  
Third District

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**CAROLYN McGINN**, Chair Pro Tem,  
Fourth District

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**BETSY GWIN**, Commissioner,  
First District

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**BILL HANCOCK**, Commissioner,  
Second District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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, 2000