

Regular Meeting, March 28, 2001.

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MARCH 28, 2001

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, March 28, 2001 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chair Carolyn McGinn; with the following present: Chairman Pro Tem Ben Sciortino; Commissioner Betsy Gwin; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Mark Borst, Traffic Engineer, Bureau of Public Works; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Dr. Tim Rohrig, Director, Forensic Science Laboratories and Chief Toxicologist; Ms. Annette Graham, Director, Department on Aging; Ms. Judith McKee, Curator of Horticulture, Sedgwick County Zoo; Ms. Jane Morales, Compensation Specialist, Human Resources; Dr. Charles Magruder, M.D., Director, Community Health Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Jeff Kennedy, Martin Pringle Law Firm.
Mr. Kent Wilkens, Waste Disposal LLC.
Ms. Nancy Wilkens, Waste Disposal LLC.
Mr. Doug Doerr, Burns & McDonnell.
Mr. Virgil Hill, 6842 S. Hoover, Wichita, Ks.
Mr. Clay Magana, 3925 S. Brummett Cr., Wichita, Ks.
Mr. Terry Faelber, 5300 W. Fairhaven, Wichita, Ks.
Ms. Betty Lou Gibson, 3939 W. Fairhaven, Wichita, Ks.
Mr. Bill Vanderhoff, 6220 W. 47th St. S., Wichita, Ks.
Ms. Connie True, 6017 W. 73rd St. S., Haysville, Ks.
Ms. Jackie Palmer, 2250 W. 46th St. S., Wichita, Ks.
Ms. Sandi Vaughn, 4716 W. 55th St. S., Wichita, Ks.
Ms. Sue Davis, 2233 W. 46th St. S., Wichita, Ks.
Ms. Joda Shuman, 6100 W. 73rd St. S., Haysville, Ks.
Ms. Karen Morphew, 14015 S. Boyd, Wichita, Ks.
Mr. Jed Janssen, 4201 S. Boyd, Wichita, Ks.

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MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meetings of February 21, 2001 and February 28, 2001.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Next item."

APPOINTMENTS

A. APPOINTING RESOLUTIONS (THREE).

1. RESOLUTION APPOINTING FRANCES SEIDL (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "We have prepared a Resolution for this appointment to this 15 member board for a four year term. The Resolution is in proper form."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "I don't believe this person is in the audience."

Commissioner Winters said, "You might ask. I'm not sure."

Chair McGinn said, "Is Frances Seidl here today? Okay. Clerk, call the next item please."

2. RESOLUTION REAPPOINTING NELDA GUTZMAN (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Euson said, "Commissioners, this reappointment is also for a four year term and the Resolution before you is proper. I would recommend you adopt it."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Next item."

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3. RESOLUTION REAPPOINTING JANET VALENTE PAPE (AT LARGE REAPPOINTMENT) TO THE COMMUNITY CORRECTIONS ADVISORY BOARD.

Mr. Euson said, "Commissioners, on this 12 member board, members serve a two-year term and we've prepared a Resolution for this reappointment for that term. I recommend it for your approval."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "I don't believe Nelda Gutzman and Janet Pape are here today either. Thank you. Next item."

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PLANNING DEPARTMENT

B. CASE NUMBER ZON2001-00010 - ZONE CHANGE FROM 'LC' LIMITED COMMERCIAL AND 'SF-20' SINGLE-FAMILY RESIDENTIAL TO 'LI' LIMITED INDUSTRIAL; AND

CASE NUMBER CON2001-00008 - REQUEST FOR A CONDITIONAL USE TO PERMIT A SOLID WASTE TRANSFER STATION, LOCATED ON THE NORTHEAST CORNER OF 55TH STREET SOUTH AND HOOVER. METROPOLITAN AREA PLANNING DEPARTMENT(MAPD).

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Nice to be here this morning. This first and only case is really two cases that the Planning Commission handled at one time and we would suggest that you also handle together because they are related.

POWERPOINT PRESENTATION

"The area that is outlined in black tape in the center of this map is a 48 acre undeveloped tract. It is at the northeast corner of 55th and Hoover. I say there are two applications. The first application is to change the zoning, which is now a combination of SF-20, which is a single family suburban residential district. I'll show you a larger scale context of the zoning map in a minute. The corner is part of the larger area of corners that were zoned many years ago by the County as zone limited commercial.

"The Conditional Use request is for a solid waste transfer station. A solid waste transfer station is only permitted by Conditional Use in the Rural Residential district and the Industrial district. So the request this morning is to change the zoning of this 48 acres to Limited Industrial and also to approve the Conditional Use permit that is before you with a site plan and conditions that have been recommended by staff and accepted by the applicant.

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"In terms of the zoning of the immediate area and the uses, and I'll show you aerial photographs, too. This area to the north has a home and a kennel on it. Actually, it is in the Comprehensive Plan showing commercial use because of the kennel that showed up in the appraisal maps. But there is a home on large acreage here. That is the nearest home to the proposed transfer station, probably about 550 feet away to the north and east of the northern-most end of this transfer station site, which is fenced in the middle of this 48 acre tract. There are scattered homes to the east, the nearest home about a quarter of a mile to the east. Scattered homes to the south, the nearest home about a quarter mile. The area across Hoover, to the west, is a large KGE generating plant. This area is a township maintenance yard. This is all zoned Limited Industrial. This area is owned by Vulcan and is vacant. By the way, this area is also owned by Vulcan and this area is owned by Vulcan. All those lands are vacant. This was a former Residential tract. This is the DeBruce grain elevator along the railroad tracks and the Garvey Industrial Park, zoned Limited Industrial. The area to the west of the railroad tracks is zoned General Industrial.

"If you look at the larger context of the zoning, you get an interesting picture, I think, of how zoning has occurred in this part of the County, over time. You see those commercial corners that were zoned out three miles from Wichita and at the same time, about that three mile ring, that is the area that the County zoned, many years ago, into the Single-Family Suburban Residential district. Beyond that point, this area all out here is Rural Residential.

"Along the railroad tracks, you see that we have a substantial amount of Industrial zoning. In fact, this is one of only two concentrations in the County of general Industrial zoning, which is the heaviest industrial category and within which is located Vulcan and Air Products, in this general area over here. So, there is sort of a corridor of actually major employment and major industry that stretches along this industrial corridor. Then there is a break. There is an area here, which is not shown on the map, but you remember it was recently approved for outside storage and processing for a wood-cutting operation, tucked in between the railroad tracks and the floodway. Then across the floodway is the West Street corridor, which is also Industrial all the way up to Kellogg. In larger context, you see there is a larger industrial corridor. This tract here is touched on the northwest corner of that 48 acre site by that same railroad tracks. These are the CKR tracks currently that operate in this area and provide active rail service to some of the industries along there. In addition to which, the uses that are down here today do generate heavy truck traffic. You have the grain traffic from DeBruce. You have the other industrial facilities and there's a lot of construction truck traffic in this area, partly because 55th and Hoover are major through County roads. Fifty fifth Street goes across the Big Ditch. The next crossing is MacArthur Road, to the north, and then nothing for some distance to the south. Hoover Road is also a major road that gets you all the way up to Kellogg and south. I hope that gives you a better picture.

"Now, from the aerial photograph you can see again the character of the surrounding uses.

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Residential, scattered Residential and Agricultural uses on the east side of Hoover, generally, and this is the KGE plant that I talked about on the west side. This is the site of the township maintenance yard and this is the grain elevators and the industrial park that is owned by Garvey.

"The tract itself is well buffered by strong mature tree rows on three sides, on the north side, on the east side and along 55th Street. The one place that it is not is along Hoover Road. In the site plan that you'll see the applicant has agreed to create an eight-foot berm and to plant 100 trees, mixed evergreen and deciduous trees along the west facing, Hoover facing-slope of the berm in order to buffer the property in that fourth direction. It is a large well buffered site and the site only occupies about five acres or so in the middle of that tract.

"Let me show you, this is the larger slide that shows the context of the area. The CKR rail tracks, 55th Street and Hoover, the site in question, KG&E, the other industrial facilities, DeBruce and Garvey and Air Products and Vulcan. One of the questions that the Planning Commission is what is the character of this area. That is one of the findings that you need to make when you look at a case. There are differing versions of whether or not the primary character of this area was Residential or not. The Planning staff felt that the character of this area is heavily Industrial because of these uses, because of the heavy truck traffic and rail traffic on the arterials, as well as the land use. We felt that it would be very difficult to consider this tract to be suitable for Residential development in the future. You'll probably be hearing some more about that.

"Here is the site plan. Here is Hoover Road, 55th Street. The entrance road would be a gated road off of 55th Street. There would be a queuing area in front of the building. The building is actually only about 80 feet by 100 feet. This is designed to provide about 500 tons per day of processing. There is a staging area for the large trucks up here, but basically the operations are contained, as you can see here, within the fence compound in the middle of this tract which leaves buffered areas in all directions.

"The staff recommendation, and I don't think the applicant objected to this, is to limit the area of the Conditional Use and limit the Industrial Zone to this fenced area and the access road and leave the remainder as a buffer in the Residential zoning. So, that if someone in the future wants to use some of this for other properties or this spans beyond the imagined expansion for this use or has some other uses involved, there could be another look at what the uses would be. But basically, for the time being, you could count on this area being a buffer in terms of buffering from the nearest residential properties in the three directions where there are Residential uses.

"We are told that the applicant has a commitment from a major trash hauling company to provide services for about 300 to 400 tons per day. The design and operation of this facility will be required

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to meet the County Solid Waste guidelines and standards as outlined in the plan and your Resolution. The Solid Waste Committee reviewed this proposal, from the standpoint of meeting the plan and meeting those guidelines, and they found that they did and they recommend approval. Susan Erlenwein is here, if you have questions about the operational aspects of this use and how it may or may not meet the guidelines of the adopted plan.

"One of the key issues that was discussed was traffic and what are the impacts of traffic going to be. The estimate is that a facility of this size is going to generate about 50 trucks per day, which means 50 in and 50 out, which is about 100, and about 15 semi-trucks per day that would be moving in and moving out and carrying the compacted trash off to the remote landfill site, which is proposed up in Topeka. That's 130 trips. You might add to that the employees that would be at the facility and occasional visitors. You may be talking about 150 or more trips per day. Those trips will be split in two directions. Some of the traffic will come from, in fact the preferred route as indicated by the applicant for directions to the trucks, to the haulers, is to get off at 235 on West Street, take West Street down to 55th Street, cross the Big Ditch on 55th Street and then come up and take a right turn into the facility. That is, by miles, the shortest route to get to an Interstate intersection. I think, between the fact that it is the least mileage and probably has the least congestion of the possible routes. The other being down Hoover Road. There will be, I think, at least half of the traffic coming in that direction. The remainder of the traffic would probably come off at the K-42 and 235 intersection to Hoover Road and then down Hoover Road. They would have to make a left turn then and would come into the facility in this direction.

"We asked County Public Works to assess both the adequacy of the roads, from the standpoint of their paving thickness and their ability to handle trucks in this area. There are a lot of heavy trucks already in this area. I understand some of the roads in this area are already built to above average standards, in terms of road conditions. Jim Weber is here if you have questions about that. But also from the standpoint of traffic capacity and not causing congestion. Hoover carries about 3,200 cars a day. Fifty-fifth Street about 2,400 cars per day. That is good active traffic, but it is well under the capacity for a two lane road based on engineering and traffic design standards of about 8,000 cars per day we say in the County. So, there is a lot of capacity left. What we're saying is that this facility is only going to be adding about 80 or so trips per day to those 2,000 to 3,000 trips per day that you see on the roads today. So, only about a 2% or 3% addition to the traffic and well under the capacity of these roads.

"We did want to look at the critical movements and the critical movements would be at 55th and Hoover, turn movements and also in and out of the facility here. The County Public Works has recommended and the applicant has agreed to do improvements including a left turn lane, that's not

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there today, from 55th to Hoover for traffic coming from that direction. To improve the curve radii so that there would be easier turning movements to turn right at that location. Then also at the entrance road, a right turn decel lane to get the truck traffic off of 55th Street and a left turn lane for traffic that may be turning here. A separate left turn lane to move that out of the through lane of 55th Street. We think with those improvements that this facility can work without creating traffic problems in this area. Mark Borst, from County Public Works, was mostly involved in the looking of the traffic volumes and proposed improvements and he is here if you have any questions.

"The Planning staff recommended approval of this request, subject to platting the property within one year, subject to the conditions that are outlined in your staff report, which are conditions very similar to the conditions that were applied and made part of the approval of the solid waste transfer station at K-96 and 37th Street. Also subject to limiting the area for zoning and the Conditional Use to the fenced area of the compound and the access road. We felt that in terms of looking at the character of the uses and the zoning in the vicinity, that you need to look at that big picture of the railroad corridor and the heavy industrial concentration that was here. I think that is one of the things that was driving the location of this site. There already is a lot of activity in this area similar to the activity that is being proposed here. As we said, we didn't think that this site, because of that activity, would be very suitable for residential uses.

"The Comprehensive Plan, if you look at the map, shows this area for rural uses. But the policy in the Comprehensive Plan also says that industrial uses may be appropriate in rural areas if they are based on some rural industry or an extension of an existing industrial area. This certainly qualifies as an extension of an industrial area, so I think that it is compatible with the Comprehensive Plan. In terms of other plans and policies, compatible with your adopted Solid Waste Plan.

"The impact on community facilities I think generally we're talking about being limited to the street system. I've tried to address that and that can be addressed further by Public Works if you have any questions. From an overall community perspective, the staff felt that it is important to consider the idea of promoting competition, to have reasonable prices for this service that is going to be provided and also to provide some dispersal of the traffic in different locations of the County so that it is not all going to be loaded in one or two areas but that they'll be a distribution of traffic into different areas and they'll be more convenience and less vehicle miles of travel altogether for the County by having closer and more convenient facilities.

"This may not be the very best site, but we think that it is an adequate and reasonable site and we recommend its approval. In talking informally with the applicants about well why not a site that is closer in, closer to Wichita and the freeway interchanges, one of the concerns that the applicant had and I think you can take this into consideration is that in order to be competitive they felt that they

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needed to remain in the County and be sure that they were going to be in the County and not be annexed into Wichita. As you know, Wichita has some of their own regulations which I think would add some significant costs to the cost of operating a solid waste transfer station. So that tended to narrow the scope of the opportunities, in terms of sites that might be available from the applicant's thinking.

"There were a significant number of residents who came to both the Solid Waste Committee meeting and then to the Metropolitan Area Planning Commission hearing that was held last month. Their concerns had to do with the way that they felt about the character of this area, that is was primarily residential and agricultural. That there was wildlife that should be preserved in this area. They were concerned that this facility was going to have a negative affect on property values. As justification, they cited a previous report done by the tax appraiser on the potential impact of a landfill. I suggest to you that we don't have a study that says that transfer stations reduce values and transfer stations and landfills are very different things and you might consider that.

"There were concerns about the impacts on the environment besides wildlife. There were concerns expressed that there may be health impacts from air pollution or rodents or those sorts of things. There was a reference to a web site as part of that information. Both Susan Erlenwein and the Health Department did a little bit of research into those web sites and are available to respond to questions that you have. They thought that most of those references were taken a little bit out of context. They referred to the impacts on people who were working. They were talking about merfs rather than just transfer stations and in some cases were again talking about landfills rather than transfer stations, but that did account for some of the concerns of the neighborhood. They were concerned with the heavy traffic and especially the heavy truck traffic. There is a school to the north on Hoover Road, Oatville School, about a mile and a half. I imagine that they already have some problems with truck traffic and that, one way or another, those problems need to be dealt with in the future, but they expressed concerns with that.

"They expressed concerns that this area would become littered by trucks that would unload, instead of going to the transfer station site, or that uncovered trucks would litter the road sides. I think that, again, you may call on Susan if you have questions about that. I think the County has some policies in affect including a requirement that the applicant clean up any debris within a half mile radius of the site. I think you have some fines for road-side dumping and I think aggressive enforcement can go a long ways in that regard.

"The other concerns had to do with, I guess I would say this is just not the right site. Why couldn't you find a better site, a site that was closer to a freeway interchange and that it wouldn't impact as many people. Related to that, there were also suggestions that maybe we don't need this transfer station at all. That if you, depending on how you calculate what you think future demand is going to be for handling solid waste in the future, that the two approved transfer stations could handle all

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the trash that would be generated in Sedgwick County. There was discussion about that at the Planning Commission hearing, about whether that is a good idea to limit competition in that way. There also may be uncertainty about whether or not both of the approved transfer stations will, in fact, be in operation. I think there is some reason to maybe be conservative and want to make sure that there are enough facilities out there.

"The Planning Commission heard the testimony over a couple of hours and their vote was nine to three to recommend denial of the Zoning request and the Conditional Use for the transfer station. I think that they were apparently persuaded by arguments of the neighborhood that this was just not the right location, that there must be a better location somewhere. I think, some of the Planning Commissioner stated in their reason that they felt demand could be met for transferring solid waste in Sedgwick County without having to approve a third transfer station in the County. There was strong neighborhood opposition also and I think that that certainly did leave an impression with the Planning Commission, in terms of their reasons.

"I want to show you the protest petitions that were filed because it is significant. We have protests from the property owner to the north, property owner to the east. This is part of the Garvey property, the only part that is within 1,000-foot radius also protesting this request. That adds up to an area of 36% of the land within 1,000 feet of the boundaries of the request site. That means that it will take four votes of the County Commission to override those protests and approve both the Zoning and the Conditional Use request today.

"I'll go through the slides quickly. This is looking at the site, looking south and east across the site. You can see the trees. This would be 55th Street and the east side of the site. The trees that form a buffer. This is looking northeast. So this is the north property line hedge row and then again along the east. This is looking north. This would be Hoover Road. You see the railroad tracks crossing right here, diagonal right across the northwest corner of that site. This is looking east down Hoover Road. A good strong hedge row along that side of the road. The north side of the road. This is the application area. This is just north of the property and this is the homeowner to the north, the tracks, and then the home in the distance. That is the nearest home to the site and that is part of his property to the north. This is looking to the north, from 55th Street further east of the request site.

"Then this is the nearest house to the east, which is about a quarter of a mile to the east on the north side of 55th Street. There are other houses further east along 55th Street, scattered large lot homes, maybe half a mile away. This is looking south of the site. This is the large acreage across 55th Street that is vacant, owned by Vulcan. This is the property that is the closest house on the south, about a quarter mile south and on the south side of that large tract of Vulcan is the nearest house to the south. Now we're looking southwest. This is looking from 55th Street, way back beyond

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Hoover Road is kind of out here about where that hedge row is, we're looking at maybe the Big Ditch here and the background shot you can see the development along the railroad corridor with the grain elevators and the industrial park behind it. This is Vulcan and Air Products to the south of that. Then I have several more pictures that show you the elevators and the Garvey property. This would be Hoover Road about here. Another shot from 55th Street just west of the grain elevators, great structures.

"This is a picture that shows you more of the Air Products and Vulcan area. This extends further south along the railroad tracks. Again, primarily Air Products I think in these views. This is the KG&E site which occupies a large tract to the west of Hoover Road. Another shot that shows you the KG&E plant. Then this is right across from the site, this is that triangle that includes the townships maintenance yard that is also zoned Industrial. So we're back now to the aerial photographs and the zoning map and I'll try to answer any questions you might have."

Chair McGinn said, "Marvin, I do have a question. Could you go to the protest map, just a clarification. Just leave it right there. I think you could answer right there. There where DeBruce Grain is, you said that some of the Garvey property has protested. I guess I'd like clarification. Is that Garvey property or is that DeBruce Grain?"

Mr. Krout said, "Garvey."

Chair McGinn said, "So they still own that property."

Mr. Krout said, "They own this property. I don't know if they own the grain elevators or if that is leased or it may be just this tract. It looks like it is a separate tract for DeBruce. These two tracts are owned by Garvey and the portion that was within 1,000 feet is right in here."

Chair McGinn said, "Thank you. I just wanted that clarified. Thank you. I don't see any questions for you right now. I think that this might be a good time for the applicant to come forward and provide us with some information."

Mr. Jeff Kennedy greeted the Commissioners and said, "I practice law with the Martin Pringle Firm here in Wichita. Devote a significant amount of my time to land use matters, particularly those involving environmental concerns. It was for that reason that I was contacted by Nancy and Kent with regard to these applications. We're very happy to be here this morning. Want to make a presentation to you that we hope will show you exactly what is intended by this transfer station and hopefully satisfy you and the other folks who are here today that this is going to be a first class

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facility and one that the neighborhood will ultimately be proud of.

"I guess first I would inquire if there are any particular limits to our presentation? We do intend to move along quickly and make this concise. But if there are some particular limits it would be nice to know that."

Chair McGinn said, "About how long do you think it will be?"

Mr. Kennedy said, "I think we're going to be about 15 minutes."

Chair McGinn said, "That will be fine. It has generally been our policy to allow the applicant the amount of time they need to make the presentation. So, if you could do it in 15 minutes."

Mr. Kennedy said, "We'll try our best. Initially, I'd like to have Kent Wilkens come up. Kent and Nancy are the owners, the sole owners of Waste Disposal. He would like to talk to you for a few minutes about his background in the solid waste industry."

Mr. Kent Wilkens and said, "Good morning Commissioners and residents of Sedgwick County. My name is Kent Wilkens and this is my wife Nancy. As Jeff mentioned, I am the president of Waste Disposal, L.L.C. We're the applicants. We are a newly formed corporation in Kansas, owned solely by myself and my wife, Nancy. Waste Disposal was born to own and operate a transfer station in Sedgwick County. I'm also president of Guthrie Wilkens Trailer Company. This company is also owned by Nancy and myself. Guthrie Wilkens Trailer Company is located in Great Bend, which we currently employ 30 people. We custom manufacture aluminum trailers for agriculture and refuse industries. Guthrie Trailers has been manufacturing aluminum trailers for waste disposal since 1984.

"I'm also co-owner and the past president of Wilkens Industry, Inc., a corporation in Morris, Minnesota that also manufactures custom trailers for refuse, including recycling trailers. Our companies have refuse trailers in many states, including Alaska, Hawaii, Puerto Rico. Our trailers operate in and out of transfer stations in California, including the City of Los Angeles, Anaheim, Riverside, Palm Springs, Gardena, Huntington Beach, and even Beverly Hills 90210. Some cities include the cities of Spokane, Washington, City of Helena, Montana, the City of Grand Island,

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Nebraska, Amarillo, Texas, the City of Buffalo, New York, and in Kansas we have trailers where I grew up and graduated, my home town Goodland, Republic County, Cloud County, Marion County, Rice County, Lincoln, and the latest transfer station to be approved in the State was McPherson County. Also, Olathe, Manhattan, Emporia, Marysville, Junction City, Pottawatomie, Payola, are also being served with our refuse trailers.

"It is from this background that I've drawn my experience of seeing what works and what doesn't work. Every place, from Beverly Hills to the east coast, in transfer stations and operations and since the bulk of what we're talking about is off loading and on loading waste to be disposed of in a final destination place, the largest share of these costs is going to be in that transportation. So, it is through that that Nancy and I are truly excited to have an opportunity to build and design, own and operate the transfer station to serve Sedgwick County. Now I'll let Nancy, my wife, speak."

POWERPOINT PRESENTATION

Ms. Nancy Wilkens said, "Kent and I hope the following presentation will address your issues, questions and concerns regarding the proposed transfer station at 55th Street South and Hoover Road. A transfer station is not a landfill. It is a consolidation and temporary holding facility for waste to be transferred to another vehicle for transport to a landfill. Waste consolidated at this facility will be received from Waste Management, independent refuse haulers, contractors and private individuals in the Sedgwick County area.

"Why did Waste Disposal, L.L.C. select this site? Our real estate broker investigated more than 20 properties for potential purchase over a period of two years. This site was selected primarily due to superior road structure, accessibility by the public, sufficient size, topography for the elevations needed for a transfer station, existing screening, adequate buffer zones, and an owner who agreed with the concept.

"I'll go through a few pictures here. These might kind of replicate what the Planning Commission showed, but I'll go ahead and go through them quickly. The property to the north, 55th Street, here standing on the property looking at KGE. Here is the view from the west to Vulcan Chemical. Waste Disposal, L.L.C. of course will not be the first industrial use in the area. For example, the following industries exist today; Vulcan Materials Chemical Division, DeBruce grain elevator, the Garvey Industrial Park, and the Foreign Trade Zone area, KG&E, Waco township maintenance building, and Air Products.

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"The transfer station will be assessed a regulatory fee of \$.32 a ton payable to Sedgwick County. This fee shall amount to an estimated minimum of \$30,000 a year. In addition, an annual license fee of \$8,500 shall be paid to Sedgwick County. Property taxes on the real estate and equipment are estimated at \$75,000 per year. Therefore, annual taxes and fees paid to Sedgwick County are budgeted at \$113,500. Waste Disposal, L.L.C. is committed to make sure that the proposed transfer station will be a good neighbor, a committed employer, and an investor tax payer in Sedgwick County. At this time, I'd like to turn it over to Burns McDonnell, our consulting engineering firm. Thank you."

Mr. Doug Doerr, Burns & McDonnell Engineering, Kansas City, greeted the Commissioners and said, "Nancy and Kent have chosen Burns & McDonnell to provide them with technical and engineering support on this project. I guess just a little bit of introduction from my standpoint. Burns & McDonnell has been around for over 100 years. We've worked on several, numerous solid waste projects across the country, let alone within the State of Kansas. We've been involved with the Kansas State Plan, as well as local issues here with Sedgwick County and the City of Wichita as well. So we're very aware of the situation here in Sedgwick County."

POWERPOINT PRESENTATION

"I guess what I don't want to do is dwell on all the points that Marvin and his staff have put together. I applaud them for putting together such a concise report. They did a great job. But I'd like to hit a couple of highlights again. I guess the first slide speaks for itself. What is the need for a transfer station at this site and in Sedgwick County? As we are all aware, Brooks Landfill will be closing later this year. Therefore, the option of disposal for waste is no longer within the County itself. Therefore, the need for transfer stations to take that to some other destination."

"The Solid Waste Management Plan within the County itself calls for transfer stations. As it has turned out, those will be privately-owned transfer stations. Therefore, the next point, the need for competition. Obviously, it is a private industry at this point and will be. Again, another reason for another transfer station here in the County. Of course, this will provide disposal for all citizens within Sedgwick County."

"The process that we've gone through and will be going through to this point is obviously to comply with the local and state regulations. The first step, as was mentioned, was to go to the Solid Waste

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Committee, which was approved here a couple of months ago. As Marvin mentioned, we went to the Planning Department about a month ago as well. Right now, obviously, we're here in front of you, the Commissioners. Then the following step would be to go to the State Health Department and apply for their permit as well.

"A little bit of general information and I realize again this is a lot of redundancy, but this site is 48 acres of unincorporated area in Sedgwick County. It is at the northeast corner of 55th Street and Hoover. It is currently zoned Light Commercial and Single-Family and we anticipate 300 to 500 tons of trash per day to flow through the facility. We would like to design for approximately 600 to create some buffer. Again, there is a general map of the area. The site, located in green there towards the bottom obviously gives you a little bit of relation of where 235 is, about 2 ½ miles to the south. As we mentioned previously, the main access road would be from West Street, as well as 55th Street to the site. That is the anticipated route of the waste trucks coming to the site.

"You'll have to excuse my delay here. We've got a large file that is trying to load up some photos in the back. Another aerial photo of this site, which you've seen before but that outlines the tract of land in question. The 48 acres there. As you can see again, it is undeveloped and agricultural land at this point. That really depicts again something the site plan that Marvin showed you previously. How the facility will be located within the site. It is generally centrally located with the transfer station noted there with the blue square. It is about a 80 by 100 building. Again, the access being off of South 55th Street and the idea there is to create enough of an access to right-of-way so that if there are any traffic delays at all, it will all be maintained within the site as opposed to on 55th Street. Not to mention there are also dual scales to push truck traffic through the facility quickly.

"This is just a little bit more blown up view of the facility itself. The transfer station there in the blue square again. Two scales to the right there with a scale house for the entrance to the facility. Up at the top there are the recyclables and unacceptable materials drop off area, such as someone not wanting to take trash to the facility can at least take recyclable goods there or if there is material that cannot go through the transfer station, it can be temporarily stored in a roll off container at the drop off area. Then, at the left there is a trailer storage and staging area for trailers that are not being used at the time of operations.

"A little bit on the design. It is going to be an enclosed facility, which is required. It will be a four

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bay design. Again, as I mentioned, there is a convenience area for unacceptable materials and recyclables. There is a public education area planned at the scale house to accommodate at least 40 people. Again, as I mentioned, there are dual scales at the scale house. We also provide mechanical and manual unloading areas. Basically, that is a safety issue, trying to keep the commercial packer trucks separate from the general citizens that may be coming in with a pick-up truck to keep them out of each other's way. As I mentioned there is a trailer storage and parking area on the north side.

"I guess one of the things I did want to mention, and I know it has been discussed as well, but it is important in this facility, is the landscaping and the aesthetics that go along with that. I think one of the big bonuses for this site is the natural screening that is already in place on three sides of the facility. As you've seen on some of those photos, there is a pretty good tree line on three sides of that. Of course, we will add screening as necessary, whether that is berms, trees, or other plantings, especially on the west side along Hoover Road to screen this facility. Of course we'll vegetate any other disturbed areas, not only for aesthetical purposes, but also to minimize any sort of erosion that might typically take place on a site such as this. And, of course, we'll maintain that landscaping as the years go on.

"I guess the last thing I want to do very quickly was to point out, to provide a few photos of other transfer stations, just so you can get a better feel of what this may look like. The first one I've got up there is the transfer station in Olathe, Kansas. It is probably a very similar size facility. That is a recent photo of what that facility looks like. As you can see, it is very much an industrial type facility. It is a rather pleasant looking site. The next photo is one in Miami County, Kansas. That is a combination transfer station and maintenance area. The transfer station itself is there to the left, whereas maintenance occurs on the right side of that facility. However, we will not be including a maintenance type addition to our facility, just a transfer station.

"Then another recent photo that we have is one of a transfer in Saint Johns County, Florida. This is one that is just recently constructed. As you can see, they've just got the grading through and they still need to vegetate the site. However, that gives you another bird's eye view of what this thing will look like. Again, this is an industrial type facility. With that, that ends my part of the presentation. I'm open for questions or we can continue to move on."

Commissioner Winters said, "Madam Chair, I have just a quick questions if I could. I did see that you'll have recyclable drop-off facilities at this location, is that correct?"

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Mr. Doerr said, "That is correct."

Commissioner Winters said, "Then can you tell me the approximate acreage of what will be inside the fence?"

Mr. Doerr said, "Within the fence will be approximately five acres of the 48."

Commissioner Winters said, "Thank you. That's all I need."

Chair McGinn said, "Thank you, Commissioner Winters. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chair. I think maybe I want the applicant to come up. Mr. Wilkens, just to maybe further educate me and then educate all the people who are either here or watching in some of the satellite rooms or on TV. Just in plain ordinary Kansas Kitchen English, what happens? Does a truck drive in the building, dump it off, another truck comes underneath? Could you just, in simple terms, explain what happens. I think people are envisioning some things that may not be accurate."

Mr. Wilkens said, "As an example, on this building at Olathe, which I was at a truck show last week showing our trailers and in route to Louisville, Kentucky, I stopped and took this picture of Olathe. The area that you see an open door, that is the exit for a truck and trailer that will be loaded with trash. If I could use this. This area here is approximately a 16 foot elevation drop from the tipping floor to where the semi-trailer is in to be loaded. The route trucks and public will drive up and back into the building and off-load onto the concrete. Then there is a loader that will be there that a trained operator will look for any trash or product that is not supposed to be there as they're pushing it into the trailer. The trailer is down below the elevation so it drops directly into the trailer. The trailer is loaded on scales. When the trailer is at maximum capacity for legal load, which is 80,000 pounds, then the trailer is tarped inside the building and then exits the building. Then the semi-trailer then exits at this place.

"This particular one, at Olathe, the trailers come in around the building and enter into the transfer bay loading area at this part of the building. Some of my experiences of various transfer stations in California, which I have quite a little bit of business out there that I've seen transfer stations that run at capacities of 10,000 to 12,000 tons a day and those types of facilities typically will have two to three loading bays that go in and out. We are looking at 300 to 400, we are permitting. For more than that, in the event that something should happen, but we're really anticipating more like a number closer around 400 ton."

Commissioner Sciortino said, "So, if I heard it right, everything is being done inside a facility, not

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on the outside."

Mr. Wilkens said, "That is correct."

Commissioner Sciortino said, "Did I hear you that when an individual trash hauler or a citizen comes in and dumps their stuff on the floor, there isn't a lot of time it just sits there. Then it is pretty quickly put into a truck and covered up."

Mr. Wilkens said, "That's correct. Part of the problems when you hit times during the day, with transfer stations there are peak times that there might be more route trucks that come in. However, a small facility, as long as they have adequate trailers can move a large volume through that facility. Being in the trailer manufacturing business, we certainly hope to supply the best and adequate trailers for this operation."

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

Chair McGinn said, "Thank you, Commissioner Sciortino. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Madam Chair. I don't know if this is for Mr. Kennedy or the representative from Burns & McDonnell. Talk to me at what point does KDHE, Kansas Department of Health and Environment, get involved in this process or are they already involved?"

Mr. Kennedy said, "I suppose they are already involved in that they probably know this is coming their way and I think there have been some preliminary discussions with them regarding this facility. As part of the process and with the anticipation that this facility will be up and running by the time Brooks closes in October, fairly quickly after a decision is made today, we will be filing applications with KDHE so that we can get this facility properly permitted with them. It is a routine part of the process."

Commissioner Gwin said, "Then besides the rules and regulations that Sedgwick County has in place for operations of transfer stations, are there additional rules and regulations above that, that transfer stations have to comply to?"

Mr. Kennedy said, "Yes. I think the distinction, and the gentlemen from Burns & McDonnell can speak to this one with much more clarity and detail than I can, KDHE is going to be looking at this from an environmental and public health standpoint, probably to a greater degree perhaps than the County regulations, although they clearly contemplate a number of issues that relate to environmental protection and public health. I think, first and foremost, what KDHE is going to be

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looking at is has this facility been planned and designed and engineered in a way that will avoid environmental impacts in the future once it becomes operations. I think that is the real focus of their evaluation."

Commissioner Gwin said, "I think that is all for right now."

Chair McGinn said, "Thank you. Commissioner Norton."

Commissioner Norton said, "Thanks, Madam Chair. Talk a little about fire protection. Maybe someone from Burns & McDonnell can talk about that. Talk about the fire protection for the facility."

Mr. Doerr said, "Typically, what is required at a transfer station in terms of fire protection is actually fire extinguishers on all pieces of equipment, fire extinguishers within the building. Of course, there are wash-down procedures as part of the aesthetical approach to a facility like this. But they also have the hoses and the water available for any sort of fire incident that would occur. Typically, transfer stations are not fully equipped with a fire sprinkler system, if you will, that might be on the ceiling. That is not something typical in a facility like this or especially this size. But that is typically how it is done is with fire extinguishers and or with the water that is used as wash-down water."

Commissioner Norton said, "If it was required, could you provide that?"

Mr. Doerr said, "You bet. We're going to comply with whatever we need to comply and if that is a requirement, that will be done."

Commissioner Norton said, "Talk a little bit about the wash-down water. They have water on site?"

Mr. Doerr said, "It hasn't yet been determined how the water will be provided specifically, because of some issues with other ground water in the area. However, if there are any issues with the ground water that is there, whether or not we can drill a well on site, there are other options to do that. Namely, trucking in water and providing it, in a tank, for wash-down water. As far as water for drinking purposes and hand washing, again, potable water can be brought into the site. We're talking probably in the neighborhood of five to six employees at this facility, so we're not talking a great deal of water for their needs, at this point."

Commissioner Norton said, "So, you're telling me if there is a fire you'll have extinguishers but

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you would have to have water in a tank that would be your provision for putting out a fire if you need to use hoses."

Mr. Doerr said, "The combination of those two, yes."

Commissioner Norton said, "Okay. The water supply there is contaminated, is that what you're environmental study has told you?"

Mr. Doerr said, "No, we have not done a full fledged environmental study on that ground water. The property is not owned, at this point, by Kent and Nancy. I guess what I referenced to was contamination in the area, I believe, to the southwest of the property but there have been no testing or wells on this specific piece of property. That's correct."

Commissioner Norton said, "Okay. Is it true that the Olathe site will be about half the size, capacity-wise, of what you will be building presently?"

Mr. Doerr said, "It is my understanding that it is about the same size. I was told that they are in the 400 to 500 tons per day range of waste at this point. That is the information I was provided. It is about the same size building that we're planning."

Commissioner Norton said, "I was not under that impression that it was the same size. That would be an answer that I would like to have. The other thing is with the Olathe site, it is an industrial park. It is close to an interstate and is very much not out in a rural residential area but very, very advantageous to the things I think we want in a site, which is an industrial park close to an interstate. Is that correct?"

Mr. Doerr said, "It is close to an interstate, I'll give you that. In fact, I used to live about three miles from that facility. It is not necessarily an industrial park. In fact, across the street is the Olathe Medical Center and the Great Mall of the Great Plains. So, there are some industries in the area, specially on the west side of that facility, if you're familiar with it. So, it is kind of a dividing line as well from commercial and industrial type facilities. As far as residents, I think I'd be guessing at this point of how close the nearest house is to that facility."

Commissioner Norton said, "Okay, that's all I have right now, Madam Chair."

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Chair McGinn said, "Okay, thank you. Commissioner Winters."

Commissioner Winters said, "One more quick question for the Burns & McDonnell, if you know. Do you know how many transfer stations are in operation in the State of Kansas?"

Mr. Doerr said, "Gosh."

Commissioner Winters said, "If you don't know, I think I'd ask Susan Erlenwein."

Mr. Doerr said, "I'm going to guess in the 25 to 30 range, just as a guess."

Commissioner Winters said, "Susan."

Ms. Susan Erlenwein said, "The latest report from KDHE says 57 have been permitted in the State."

Commissioner Winters said, "Thank you. That's all I need. Thank you."

Chair McGinn said, "Thank you. Commissioners, are there any other questions for the applicants?"

Mr. Kennedy said, "If I could just very briefly tie things up. First and foremost, these are zoning applications. I think Mr. Krout and his staff have done a wonderful job of going through the various factors that this body needs to look at to make a reasoned judgment today. Let me just emphasize a couple of those, if I may, and then we'll get out of the way.

"First, the zoning uses and character of the neighborhood. I think the slides that you have looked at make it abundantly clear, and I think Mr. Krout's phraseology was that this fits with an industrial corridor that is already in existence. If you go back and think about the photographs of the 48 acre tract in question, looking west, that is an extremely industrialized area. If you study land use law, what you are going to find is that over time, as you have those type of uses, you're not going to have an increased ability and desire for there to be more residential development. I think Mr. Krout hit the nail on the head when he said that this is an industrial corridor and I think this particular site and this proposed facility fits in very nicely with the character of the neighborhood as it already exists.

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"In terms of the traffic issues, which I think are an important issue I think it is very important to emphasize that there already is considerable traffic in this area. These roads, the infrastructure, are capable of handling the traffic that already exists. So again, you're only looking at an increase in traffic of something in the neighborhood of two to three percent. So I think that is something that is very manageable. In terms of making it safe and feasible for trucks to get in and out of the site itself, that is something that my clients are more than willing to do, eager to do, and something that will enhance the safety of trucks coming in and out of that facility.

"With regards to property values, I think again, if you go back and think about some of the uses that already exist in this area. I don't think that adding this transfer station, if you think about some of the transfer stations that we've looked at this morning, the photographs of transfer stations elsewhere in the State of Kansas, they are no more obtrusive than what already exists in this area. I do not believe you can meaningfully say that there is going to be an adverse affect on any of the neighbor's property values as a result of this new facility.

"With regard to the public benefit, I think perhaps that's the most important factor that you need to look at, I think it is critically important that there be competition with regard to choices for people to take their solid waste in this County. The availability of a second permitted transfer station, in addition to the one that has already been permitted and I believe will be operational if all things go well by October at 37th Street North and West Street, you need the flexibility and the competition. There may be occasions when one of these transfer stations, for whatever reason, cannot take solid waste. I think it is critically important, if this County is going to rely upon the use of transfer stations, that you have choices, not only for those types of emergency situations but also simply to create competition in the market place. I think that is a very important factor as you weigh all of the issues before you today.

"Finally, Kent and Nancy, they know this business. They have selected problem the premier engineering firm in the region to help them plan and design this facility. It is going to be a first class facility and one that this community can be proud of. I would simply request that you take into account that information. Certainly, consider the information that you're going to get from the other interested parties here today, but we believe the right decision is to approve these two applications and allow this transfer station to be built at this site. It is the best site available for this facility. Be happy to answer any questions."

Chair McGinn said, "We don't have any right now but we may have some later."

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Mr. Kennedy said, "Thank you very much."

Chair McGinn said, "Thank you. I would just like to share that this zoning case does not require public comment but it has always been our policy, when issues are important to our citizens, to allow the opportunity to share their concerns. I also want to say thank you to all of you who have come down and taken time out of your day to provide input to us and also to the folks perhaps that are at home that sent E-mail and made phone calls and that type of thing to give us as much information as possible to help us make our decision.

"I did speak to some of the folks that are opposing this zoning case and I'll share with you, we worked out a process in which to do the public comment time. They wanted to make sure that they had ample opportunity to go through the nine review criteria that needs to be done before making a decision. I will allow those folks five minutes apiece. It is my understanding, we did take a count in all the other rooms where people are waiting, and I believe we have about 24 people who want to speak, 28 people. So if that is the case, public comment will be limited to three minutes after we have the people that want to talk to the review criteria. So, I believe we will begin with those folks who want to go through the review criteria. I have a list here and if you want me to go a different direction, let me know. Otherwise, I'm going to go by the list that I have been provided. Virgil Hill, please come forward. Give us your name and your address please."

Mr. Virgil Hill, 6842 S. Hoover, greeted the Commissioners and said, "I have probably lived and farmed in that area for a little over 30 years. My topic of the Golden Rule is the zoning uses and character of the neighborhood. Reading from the MAPC transcript, page 5, which is information provided by Dale Miller and also by Mr. Krout this morning. 'The area is a mix of Limited Industrial, General Industrial, Limited Commercial and Single-Family Residential. Uses range from agriculture, single-family residences, maintenance buildings, industrial park, and a generation facility. The area to the west is primarily industrial, with residential uses located to the east of Hoover'.

"I would like to address each of the surrounding properties in more detail than the MAPC staff report did. To the west, ½ mile from the site, is KGE power generation facility. KGE's land is north. Land to the north has been developed into a large nature habitat and wetlands for area wildlife and their land to the west is farmed. To the southwest, a ½ mile from the site, there is a small group of buildings deemed an industrial park, which is used in conjunction with the grain elevator. These buildings, along with the land to the south are owned by Builders Incorporated and this land is farmed as well. Next to these buildings is the DeBruce grain elevator, which is obviously used for agricultural purposes. Going on southwest, a mile and a half of the site, you will find Vulcan Chemicals. A significant portion of the land surrounding their plant is also farmed and they are proposing that a large portion of the remaining land to be set aside as natural habitat. To

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the south of the site is more land owned by Vulcan, which is currently farmed. To the east of that area, further on south of that area, is privately owned land which is farmed. To the east of the application site is more land owned by Vulcan, which has been left as wild habitat. The Faelber's property, the land owner to the north, is approximately 25% farm and the remaining left as natural habitat and wildlife area.

"Although DeBruce's elevator, Vulcan plant, KG&E generating facility are near this site, all of the remaining land within approximately a mile and a half radius is being farmed, set aside for wildlife or has residential use. An appendix of the County's own Comprehensive Plan states, 'a focus of the plan is preserving of agricultural land'. This issue involves maintaining the County's agricultural base. The entire western half and far south portions of the County are designated agriculture. Soil conservation service identifies the western two-thirds of Sedgwick County as an area with the best class-one soil for agriculture. On page five of the Comprehensive Plan, under existing condition issues, trends and projections, number one, two and four state, 'in general prime agricultural soils are also prime for urban development. Future urban development plans should recognize the importance of these lands for agricultural use. When possible, development should be encouraged to take place in areas that would not diminish agricultural productivity and its contributions to the local economy'.

"Potential wildlife habitat areas have been lost to development in the past throughout Sedgwick County and especially along stream systems in Wichita. Approximately 14 protected animal species are known to reside or migrate through Sedgwick County. Most of these species rely on habitats along water courses, drainage way and wet lands, lakes, and ponds. These habitats should be comprehensibly identified and protected in order to preserve the supportive environment available in Sedgwick County. Thank you."

Chair McGinn said, "Thank you, Mr. Hill. Before you sit down, you see the map there. Can you point to where you live on the map?"

Mr. Hill said, "Approximately in this area."

Chair McGinn said, "At 71st and Hoover, approximately."

Mr. Hill said, "A half mile north of there, yes."

Chair McGinn said, "Thank you."

Commissioner Gwin said, "I also have a question. Mr. Hill, on this parcel, when I was out to see it, it looks like it had been cultivated and ready for a crop. Do you know what kind of crop is grown

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on this particular parcel that we're talking about?"

Mr. Hill said, "It appears to me there has been wheat planted in a portion of it and possibly going to be sorgum, milo in another portion."

Commissioner Gwin said, "When I went out there, I thought that was what it was but I wanted to get confirmation. Thank you. Thank you, Madam Chair."

Chair McGinn said, "Thank you. Next speaker is Clay Magana. Please state your name and address."

Mr. Clay Magana said, "I live at 3925 S. Brummett Circle."

Commissioner Gwin said, "Can you show me that on the map?"

Mr. Magana said, "Actually, it is right here."

Chair McGinn said, "So it's just north of 39th Street and Hoover. Okay, thank you."

Mr. Magana said, "I'd like to talk to the suitability of the property for the uses to which it has been restricted. The County's own Comprehensive Plan suggests that the subject property is well suited to its present permitted uses of SF-20 and agricultural as evidenced by its present use and all time use for agricultural production. The MAPD staff admittedly reports that the property could be developed for permitted uses, but goes on to say that due to the proximity of this site to Industrial zoning and existing industrial use, makes it less desirable for residential development and the industrial development may be appropriate in rural areas if an expansion of an existing area.

"I would take issue with that conclusion and say that because this site and most of the land around it is being farmed and has residential homes on them already, that you are really stretching to suggest that you will be expanding an existing industrial area.

"The industrial area that the staff speaks of is 1/2 mile to the west and 1/2 mile to the south. I would think that a half mile is not what I would call close proximity. The only stretching that we're doing is we're stretching into an existing residential area. The real reason this applicant has chosen this site is because of the cost. It is cheap. The reason it is cheap is because it is residential land of \$4,000 an acre versus \$20,000 an acre for industrial. They thought they could get the zoning changed and that is what the real reason is. They mistakenly believe that because they think you

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want another trash transfer station that you'll be willing to not just bend your rules but break your siting rules. If they're really serious about putting in a transfer station, they would have gone into an already industrial area. Within a matter of days, we were able to find a site at 29th and Ohio, already an industrial park, for sale, right at K-96 and 135. No adjacent homes anywhere in sight. Currently heavy industrial.

"One of the other reasons they didn't want to be out in the city was they didn't want to have to pay city taxes, they didn't want to follow city regulations. If they're not willing to invest the money necessary to buy property that already has industrial uses and conforms to the solid waste plan, then why should we believe they will invest the money necessary to build and operate what they say will be a state of the art facility. They and others that want to operate a transfer station need to know that the citizens of Sedgwick County's health and welfare, along with the protection of property rights, must come first and that the siting rules were designed to protect those rights and that they have no special rights or privilege not to abide by those rules. By following the rules, I think Honorable Tom Winters said it best on June 3rd and I quote, 'So, somebody who wants to have a transfer station is not going to be able to have one.' Thank you."

Chair McGinn said, "Thank you. There aren't any questions. Thank you. Terry Faelber."

Mr. Terry Faelber greeted the Commissioners and said, "I reside at 5300 S. Hoover. That happens to be just 300 feet from this projected site. My topic of the Golden Rule is C, the extent to which removal of the restrictions will detrimentally effect nearby properties.

"As I am the closest property owner of this proposed facility, it will obviously have the greatest negative impact on my family. Just as an explosive device produces the greatest damage closest to its epicenter, this proposed trash station produces increasing hardships on the south-side community the closer you come to this facility. To me and my family, this has a devastating impact to us. It literally makes my property unusable for any residential purposes. After all, who would ever want to live in a home 300 feet from a 600 ton per day garbage dump, with vehicles either going into or out of this site at a minimum, not maximum, but the minimum rate of one to every three to four minutes.

"The applicant's own representative acknowledged these calculations when the MAPC member, Osborne-Howes, even to our group's surprise, noticed in the applicant's own information the

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number of waste management vehicles that were projected to use this facility within the operation hours of 6:00 a.m. to 6:00 p.m. that they stated that the facility would be in use for. This does not include other trash haulers and the general public which would use a facility like this, creating a constant traffic flow, both into and out of the facility. Along with the obvious smell and the constant rumble of noise from both diesel engines and the bang of steel doors opening to deposit their foul cargo. As it is now, our property is a quiet, serene, rural residential area with an abundance of wildlife. It has the Cowskin Creek running along the north side of the property, along with three beautiful ponds and a heavily wooded area. My wife and I had just started to break ground on our dream home that we've worked all our life for. These plans have been put on hold until this issue can be resolved.

"I talked to the applicant, after the MAPC meeting, about why they picked this rural residential area. He replied and boo-hoed that it cost too much in an industrial area and said why should I care, I live beside an industrial area anyway. Well, I can tell you that is not true. The industrial area they speak of is ½ to 1 ½ more miles away not, and I repeat not, 300 feet from my back door. My property is surrounded by either wildlife, farming, or rural homes.

"My wife and I have spent considerable time and money familiarizing ourselves with every aspect of the trash issue. We've researched every detail going back a decade or more that has to do with this issue, not only pertaining to the waste disposal itself but also we researched zoning and political decisions made by this Commission and the Minutes meeting of the County's own website concerning this topic. Some of our greatest information on this topic has come from the Commissioners themselves. When the solid waste matter first landed in the hands of this honorable board, it was when Commissioner Gwin stepped forward and rightly so to protect the rural residential homeowners, much like ourselves, in the Furley area from the unconscionable and predatory practice of the City of Wichita.

“Since then, through your foresight and along with representatives from the community, you have developed a Solid Waste Management Plan. That plan has become the ‘bible’ on how the solid waste should be handled in Sedgwick County. One of the first and foremost criteria of this plan was, and I quote, 'to protect the health and safety of the citizens of Sedgwick County, a primary importance,' and, 'define the criteria for facility locations, designs, operations, and to protect neighborhoods.'

"The Honorable Commissioner Betsy Gwin on June 3, 1998, said while formulating this document and I quote, 'I believe that we have all the authority we need to assure that the rules are established in Sedgwick County and that any company who wants to own and operate a transfer station in Sedgwick County must comply with those rules.' At this same meeting that you were discussing

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these rules on how to set up a transfer station, the Honorable Commissioner Tom Winters said, 'We're saying if anybody wants to build, as long as you can meet this criteria, you are going to treat customers fairly. You're going to be open so many hours. You're going to adhere to our Solid Waste Plan that we have in place. If you want to follow all of these and you want to take the risk of building a transfer station, then I'd like to say okay.' The final result of these and other discussions by this honorable board and its staff was the aforementioned Waste Disposal Plan.

"Section four of this plan, on page 77, sets out your own guidelines for site selections and I quote, 'The site should also be located adjacent to major highways to minimize the impact of collection vehicles as well as large transport vehicles upon neighborhood roadways.' I would think that anyone who says that MacArthur, Hoover, West Street or 47th Street is a major highway instead of a secondary thoroughfare is uninformed to mildly put it."

Chair McGinn said, "Terry, are you just about finished?"

Mr. Faelber said, "About a paragraph left."

Chair McGinn said, "Okay."

Mr. Faelber said, "The only major highway is the one four to five miles away. This site clearly and easily doesn't meet this criteria. I further quote, 'Additionally, the site should be located in an area away from or which can be shielded from residential use.' I think there is absolutely no way with me 300 feet away that I could be shielded from the noise and the smell. Finally, I quote, 'Therefore, siting a transfer station will require addressing legal and technical issues, while remaining cognizant of community preferences.'

"I think you can look around you today and see what our community preference is. It is a resounding 'no'. Might I just say in closing that it is not a matter of the County Commission to play favorites to any one company just to promote competition. The market place can handle that, as Honorable Commissioner Tom Winters has put forward. The duty of the County Commission is to adequately see that all individuals or companies that wish to have a transfer facility play by all the rules that you have already endorsed when you started on this course. Thank you."

Chair McGinn said, "Thank you, Mr. Faelber. There aren't any questions at this time. Betty Gibson."

Ms. Betty Lou Gibson said, "Honorable Commissioners, my name is Betty Gibson. I live at 3939

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W. Fairhaven. My topic of the Golden Rules are . . ."

Chair McGinn said, "I'm sorry and I'll give you a little time here. Could you please point that out?"

Ms. Gibson said, "At 48th and West."

Chair McGinn said, "At 47th and West, okay."

Ms. Gibson said, "The extent to which removal of the restrictions will detrimentally affect nearby property. The Cowskin Creek basin is classified by the Kansas Department of Wildlife and Parks to be critical habitat to the Eastern Spotted Skunk, which is a threatened and endangered species. The Kansas Non-Game and Endangered Species Conservation Act gives specific instructions regarding the development and use of land which has been deemed critical habitat. This information was important enough that it was included in the County's own Solid Waste Plan, Section 2-E, paragraph 5-A on page 67, lists this animal and its environmental location. Section 6-A, paragraph 7, page 79, said that you must prevent adverse and modifications or disruptions of critical habitat and land use must not pose a threat to continued existence of any designated threatened or endangered species. Under protection of Eastern Spotted Skunks and their critical habitat it states, 'any time an eligible project is proposed that will impact the species preferred habitat within its probably range, the project sponsor must contact the Environmental Service Section and must also receive a separate action permit from the agency to be in compliance with regulations'.

"Early this week, you received a letter from our attorney regarding this matter stating Kansas law. In essence, according to this law, it is basically illegal to put a transfer station in the Cowskin Creek basin and in doing so will be breaking the law. Thank you."

Chair McGinn said, "Thank you, Mrs. Gibson. Bill Vanderhoff."

Mr. Bill Vanderhoff said, "Honorable Commissioners, my name is Bill Vanderhoff. I live at 6220 West 47th Street South."

Chair McGinn said, "Can you point to that as well."

Mr. Vanderhoff said, "I live right about here. The Greenwood Cemetery is right here across the road."

Chair McGinn said, "Okay, thank you."

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Mr. Vanderhoff said, "Also, the Chisholm Trail comes up through here someplace. I'll just throw that in for free. My topic is the length of time the subject property has remained vacant as zoned at the present. I presently own about 400 acres in the general area. I am a life-long farmer in the area. I have farmed that area for 50 years. I was born within three miles of this area and I've lived there all my life. The land is mostly agricultural, but it does have other values, as most of you know. This thing could possibly cost me and many others in the area a lot of money. I know they say it won't affect values but everything affects values. Just by putting this thing in, I believe it will affect values.

"I also farm other land in the area for other people. This land at 55th and Hoover, which is being proposed, has been farmland for as long as I can remember. It has never been industrial. In fact, the industrial uses are over a half-mile further down the road. This land has always been agricultural. I don't know if you realize this, but the City of Haysville gets its water from wells that are located southeast of this site. They're within three miles of this site. Also, there are many irrigation wells southeast of this site, within three or four miles. There is already some pollution in the area, as many of us already know.

"If I was the City of Haysville, I would be really concerned about this thing concerning their water supply. There could be some contamination from this station that might get into the water and then what would they do if this happens. I don't know how you could even begin to take a chance like that. From my point of view, the only person that will benefit from this is the trash company. The money they make from this venture is going to be on the back of local area residents. Why don't you make them follow your rules on where one of these things are supposed to go, not right in the middle of a rural residential neighborhood. Thank you."

Chair McGinn said, "Thank you, Mr. Vanderhoff. I have Connie."

Ms. Connie True greeted the Commissioners and said, "I reside at 6017 West 73rd Street South. Down below 71st, right in this area. Golden Rule criteria section E, the relative gain to the public health, safety and welfare as compared to the loss of value or hardship imposed upon the applicant. The information and facts that I have gathered lead me to believe that another trash transfer station is not needed at this time. That same information also shows that the public health, safety and welfare of the residents of the proposed site have not been truly considered according to the MAPC recommendations about solid waste planning. By upholding the MAPC decision, there will be no loss in value imposed upon the applicant, since he does not own the property but only has the option to purchase it. There would be absolutely no hardship to the applicant, since he is not even currently operating a business in Sedgwick County and his business plan can move forward when

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he finds a site that meets the necessary criteria. This site simply does not.

"In fact, one of the Planning Committee members mentioned that perhaps a more suitable site would be at 21st and I-235. That is in the middle of a high industrial area and close to a major highway. There will be no gain to the public made by interfering with the MAPC decision and allowing the zoning change or conditional use. The transfer station is not needed at this time. Presently, two locations have already been approved for the transfer stations in the County. At the MAPC meeting, the KDHE representative, Susan Erlenwein, stated that there are two stations already approved by the BOCC. The facility at 37th Street North and West Street is being built for 2,000 tons per day and the one in Derby will build for 500 tons per day. She stated that currently Brooks Landfill takes only 1,400 tons per day, including construction waste and recyclables from the entire County. She stated that the County is looking at waste minimization, such as recycling and other ways of decreasing the amount of trash going to these facilities.

"Section 3 of the decision-making process, page 41 of the Solid Waste Management Plan, says that the Solid Waste Committee recommends a ban on yard waste, construction and demolition debris. When implemented, the amount of trash disposed of is expected to be reduced to approximately 1,000 tons per day. Improved recycling efforts could lower this amount by an additional 100 to 225 tons, bringing the amount of trash down to only 775 tons per day. The two approved trash stations, with a combined capacity of 2,500 tons, will be more than sufficient for handling 775 tons. Ms. Erlenwein also stated that at the most, you would only see three transfer stations. When asked when the limit would be reached with the two approved stations, she stated, 'With waste minimization we are talking very long term, 30 to 40 years.' This information means that another station, at this time, is not really needed. It would be over-building for the amount of waste we have at this time. The public health, safety and welfare will be harmed only if this site is used for a trash dump.

"In Sections 9D, page 235 of the Solid Waste Management Plan and also in chapter 9, page 8, BOCC of the Executive Summary, it states that a future siting should include consideration for public safety and convenience. There would be a great negative impact if this site were chosen for a transfer station. The siting determinations are not being met. This site is too close in proximity to residents and schools. The other two sites that are being built are located next to existing landfills and therefore, obviously, have not had major opposition since they are not close to residents and schools. Thank you."

Chair McGinn said, "Thank you, Ms. True. Jackie Palmer."

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Ms. Jackie Palmer greeted the Commissioners and said, "My name is Jackie Palmer and I live at 2250 West 46th Street South. I live right about there. I'm going to speak on letter E of the Golden Rules. There are several schools around this area. The safety of the kids, either walking to school, riding a bicycle, or riding on buses, plus the high school kids driving their cars would be a major concern for this area, due to the increased traffic of so many large trucks in this particular area. They would significantly increase the danger factor to our kids and also increase the chances of having more serious accidents involving our children.

"In researching the health issues surrounding trash transfer stations, I found some discerning websites. Much of the information was about environmental and health concerns for people either working at one of these sites or living near them. I found out that my family was one of those living a little over two miles away from this proposed site, so we would be in that category of having more problems with emphysema, asthma or lowered immunity systems. My grandson has asthma and I have diabetes and a lower immunity problem. The web sites I researched talked about different studies of trash transfer stations. One of the studies I read about, "Health Effects of Outdoor Air Pollution", 1996, by the American Lung Association, talked about outdoor air pollution that we be of a public health concern for our being so close to this site.

"Another concern is the dust, microorganisms, viruses and bacteria that these sites created and the diseases increased rat population would bring with them. The Office of Research and Development, Washington, D.C., did an environmental study in 1993 talking about the increased insects, rats, flies, mosquitoes carrying different diseases that can be transmitted to humans. Other findings that were mentioned were noise, litter, heavy traffic, child safety, decreased property values, odor problems, air and water pollution and the killing of wildlife. Those should be enough reasons to keep these sites away from schools and residents. These studies talked about noise levels and diesel exhaust from the constant coming and going of these trucks. These studies even talked about diesel exhaust having cancer-causing potential.

"Wichita has already been warned by the Environmental Protection Agency that its air pollution levels are too high at times. Yet the County wants to potentially put hundreds of semis on the road to have trash and water hauled in and out of the transfer station past our neighborhoods and our schools. According to the Kansas Department of Health and Environment, there have been numerous violations of the Waste Management Incorporated, the trash company that will also handle the trash at this proposed site at 55th Street and Hoover Road. In fact, many of these fines for violations from the Department of Health and Environment are from the Rolling Meadows disposal facility where the trash from this site will be trucked. Waste Management has a dismal record and reputation regarding compliance with the rules and regulations of the Department of Health and Environment. This is a huge concern to the residents of South Wichita, Oatville and

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"It should be very evident, from all the information and facts that have been collected on the proposed trash dump to be built at Hoover and 55th Street South, that this site does not comply with the requirements recommended by the Planning Community and should not be built at this location.

The neighborhood residents I've talked to feel this proposed site for a trash transfer station would be very detrimental to this area and overturning the MAPC decision would not be good for the health, safety and welfare of our community. I thank you for listening to our concerns today."

Chair McGinn said, "Thank you, Ms. Palmer. Sandi Vaughn."

Ms. Sandi Vaughn greeted the Commissioners and said, "My name is Sandi Vaughn and I live at 4716 West 55th Street South. I live right on 55th Street. My topic of the Golden Rules is F, the conformance of the requested change to the adopted or recognized Comprehensive Plan or other plans or policies being utilized by the City or the County. At the MAPC meeting, Dale Miller indicated that the Solid Waste Committee was of the opinion that this application complies with all the requirements. However, that is simply not the case and is one reason why the Commissioners denied the request.

"The MAPC staff report says that according to the Comprehensive Plan, the land use would be appropriate in some rural settings. It conveniently leaves out the rest of the recommendation, which says that industrial development may be appropriate in rural areas if an extension of an existing industrial area and if they are located with good access to highways and away from existing or planned residential development. As you can see, the information which was not included, clearly points out that this site does not comply. It is several miles away from highways and the trucks will be impacting existing residential development.

"In Section 7, C-1, page 188 of the Sedgwick County's own Solid Waste Plan it states, 'transfer stations are centralized facilities'. This increases the efficiency of the system. Sub-section D, page 191, states 'transfer stations should be near the collection areas, since minimization of travel distance is a purpose of a transfer station'. In Section C, the decision making process, page 41, it says that they should be near a main arterial. Most importantly, in Section 4, final solid waste system, page 77, it states that 'the site should be located adjacent to a major highway to minimize the impact of collection vehicles, as well as larger transport vehicles upon neighborhood roadways.

Although the transfer station should be a clean attractive facility, the high volume of traffic utilizing the facility could negatively impact upon the residential neighborhood'.

"Finally, the transfer station should have a central location to increase efficiency. The applicant's

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representative conceded, grudgingly, that this location is only somewhat centrally located. Well I would imagine that to be quite an understatement, with the only major highways four to five miles away and going through neighborhoods. At the meeting, Ms. Erlenwein stated that it doesn't have to be near a major highway and that this criteria had been amended. Where she got that idea, I have no idea. We found no amendment to the Solid Waste Plan which exempts the applicant from meeting this requirement. Obviously, the Sedgwick County Commission knew, with its wisdom and foresight, that using a location such as this would cause major problems. You correctly denied the use of this type of site. Before the MAPC voted to deny this use, Commissioner Hanson [sic Hentzen] remarked that none of the opposition had suggested a better place. However, if the government officials who set down rules for where to place these things won't get involved in helping companies find a suitable site which meets the criteria, how can the citizens of this community possibly do it?

"When locating a transfer station this far off the beaten path, you run into other problems which are specific to the individual site. In this case, Hoover Road, along 55th Street, which is two of the proposed routes, floods when we have heavy rain and I've seen that personally. We've lived there for 16 years, so I have seen that. There is heavy rain and it is impassable to the north and east because it is in the Cowskin Creek basin. Also, the trains which use those tracks which run across Hoover and the far northwest corner of the property, not to mention trucks coming past schools and houses. There is that possibility that it will go past three schools actually. There are far better locations to use that are zoned industrial and not near schools, homes, flooding roads, and endangered species. Thank you."

Chair McGinn said, "Thank you, Ms. Vaughn. Sue Davis."

Ms. Sue Davis greeted the Commissioners and said, "I live at 2233 West 46th Street South, which is right here. My topic of the Golden Rules is G, impact of the proposed development on community facilities. One of the biggest concerns of our community is the impact of truck traffic on our schools. There will be three schools which will have all of these trucks passing directly in front and another school one block away from a major haul route. This increased traffic will inevitably interfere with school buses, parents and students coming and going from these schools. There is also concern about many trucks being rerouted to avoid delays in delivering trash, when the trains that are accessing the grain elevator block Hoover Road during harvest season.

"The applicant has stated that the minimum number of trash trucks and semis per day will be 130 and that there will be a truck showing up at this dump every three to four minutes from 6:00 a.m. to

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6:00 p.m. six days a week. He also said that he would have to truck in the water necessary to operate the facility. Because they are required to wash down this place every day, collect the water and then truck it to the sewage treatment plant, how many more trucks will that put on the road? They will surely need several tankers per day, since there will be no on-site water.

"Another issue is the use of 47th Street. Since Waste Management listed I-135 as one of its major routes, it is inevitable that trash trucks will be using 47th Street to get over to the site. Rather than going through the heart of Haysville on narrow roads at 30 miles per hour, the trash semis will more than likely use 47th to connect with the turnpike in their travels to and from Topeka. The tanker trucks will probably use 47th to get over to the sewage treatment plant as well. According to the MAPD staff report, dated 3/22/01, number five states that 47th Street is operating over capacity today, with no improvements even being considered until 2008. This is one reason that they recommended denying the request to expand a mobile home park on 47th Street. If 47th is too far over capacity for that, it is surely too far over capacity for the extra truck and car traffic caused by a trash station nearby. Those who live along 47th know only too well that this road is over burdened, especially during soccer season.

"The MAPD staff report states that this site will generate additional traffic, but the applicant will be required to fund road improvements which should address potential traffic impacts. I hope that if you overturn the MAPC decision that you are prepared to make them pay to improve all roads that will be impacted. Due to the fact that this applicant won't spend the money to buy land that is already in an industrial area, how can we be sure that he will fund the necessary road improvements.

"There would also be an impact on future community facilities by building a trash station here. After many years of being targeted to receive most of the city's trailer homes, this area of south Wichita has recently seen an increase in new home growth and with it the promise of new business growth as well. Our community will take a giant step backward if this facility goes in because that growth will slow considerably or stop all together. We only have one retail store and one sit-down restaurant and don't want to lose the potential businesses which are only now considering expansion into our area. As you make the decision about where to place this trash station, you own Solid Waste Plan testifies that you want to consider the far-reaching and long-term ramifications. By following that plan, you will help our area to flourish and grow. If you chose to disregard your original plan, you will surely cause severe harm to our community. Thank you very much."

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Chair McGinn said, "Thank you, Ms. Davis. Joda Shuman. I apologize if I botch some of these names. Just correct me when you get up to the microphone."

Ms. Joda Shuman greeted the Commissioners and said, "I live at 6100 West 73rd Street South. My topic of the rules of Golden are H, opposition or support of the neighborhood. It is very interesting that the review criteria prepared by Dale Miller for the MAPC staff report conspicuously left out opposition or support from the neighborhood, especially when Section 7C, 1-D, page 191, of the County's own Solid Waste Plan states that siting of the facility will require neighborhood approval.

"It is apparent that they hoped the opposition would not become organized so that this could go through quickly and quietly. To the surprise of the MAPC, neighbors from as far as five miles away have come together to save our community from any further insult. Four of the immediate neighbors, Terry Faelber, Leland Wells, Waco Township, Builders Incorporated, have filed legal protest petitions. There have been protests by the Haysville schools, the Sierra Club on behalf of the endangered species that live in the area, the Mayor of Haysville representing the Haysville Planning Commission, and City Council, along with Wichita City Council members as well as State representatives from the area. Residents are highly concerned about their properties, school grounds and road sides because of trash laden and targets of illegal dumping. According to the Solid Waste Plan Section 6, F-2, page 182, illegal dumping has been a documented problem in Sedgwick County. More incidents of illegal dumping have occurred following disposal price increases, along with a ban of specific materials from the landfill. Both price increases and bans are factors in moving from the landfill to transfer stations. Section 6, F-1C, page 175, states that illegally dumped solid waste becomes the responsibility of the party who dumped it, or if that person cannot be identified, the owner of the property where the waste was dumped must dispose of it at their own costs.

"We are also concerned that the rollover tarp design for the trash semis will not keep trash from blowing out from under a tarp that is flapping in the wind. Many of us have witnessed the stream of debris coming out of these types of trucks as they drive down the road. Knowing that the major carrier that will use this facility is Waste Management and knowing the filthy state of their 31st Street headquarters and the multiple violations of KDHE regulations, as evidenced by these law suits and fines for their Rolling Meadows landfill where all of this trash will be sent, we don't hold up much hope for them keeping our township area clean. Thank you."

Chair McGinn said, "Thank you. Would you please repeat your address please and show us on the map."

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Ms. Shuman said, "It is 6100 West 73rd South. It is right off of Hoover and 71st."

Chair McGinn said, "Okay, off the map there. Okay, thank you. Karen Morpew."

Ms. Karen Morpew greeted the Commissioners and said, "My name is Karen Morpew and I reside at 4015 South Boyd up here in the Oakville area, south of MacArthur. I would like to read a few of the Metropolitan Area Planning Commission's comments from the transcript of the meeting.

This one Michaelis, 'I think that the biggest thing in this whole thing has been the testimony of fact, do we even need it. It seems like part of our Comprehensive Plan is to try to take what we can like operations and put them by like operations.' Platt, 'It certainly seems to me to be raising some issues related to other kinds of activity that present problems.' Lopez, 'The issue of the County staff still hasn't clarified or made clear why we would need a third transfer station when we have excess capacity now. I think this is a question that the staff and Commissioners need to answer for the residents of the County.' McKay, 'I have a real concern about the distance from any major through fare or highway system to get the trash from the plant to Topeka or wherever it is going to go. So that it is my major concern, the traffic distance to a major highway'. Hentzen, 'So I think what John said about getting to a decent way to get in and out of down there.' Warren, 'I would like to say that I agree with much of what has been said here today. It has influenced me, there is no doubt about that.' Garofalo, 'I'm also totally convinced that we really haven't a need for a third transfer station at this point. Warren, 'I think that if this location were closer to I-35 or some major highway I would probably be in favor of it, but as it is now, I think it is too far away from everything even though it is adjacent to some industrial property'. Coulter, 'I think that one of these things I have looked at the most was do we need this. At this point it sounds like this might be an over-built issue.' Osborne-Howes, 'My concerns are that I thought when we first said we were going to be looking at a transfer station that they would be immediately adjacent to highways and not really be driving through towns or on country roads'. Marnell, 'There are some comments that I think are very appropriate having to do with the environmental impact and the endangered species.' Thank you."

Chair McGinn said, "Thank you. Jed Janssen."

Mr. Jed Janssen greeted the Commissioners and said, "I live at 4201 South Boyd, which is right here. I'd also like to add that I've got children who attend Oatville Elementary, which is right here and Campus High School, right here, right off of 55th Street.

"My Golden Rule is I'm going to be looking at J, the applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria. There are some serious concerns about the way this facility is going to be run. According to the applicant's representative at the MAPC meeting, they will not be operating in compliance with the KDHE regulations or the Solid Waste Plan requirements on two key issues.

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"First, Ms. Erlenwein said that the KDHE has regulations that require transfer stations to be cleaned out on a daily basis. The Solid Waste Plan, Section 7, 2-E, page 198, states that the facility interior floors need to be swept every day. The last task of every shift is to sweep the floors and also wipe down the equipment and to use a shop vac around the equipment supports. The applicant's representative said that the transfer station itself will be cleaned out and washed only once a week. This is clearly not going to be acceptable.

"Another major concern is regarding the fire system. We've already heard what they said earlier. All right, Section 7, 2-D, page 196 of the Solid Waste Plan requires that a fire control system, either dry or wet or both with emergency stops on all equipment be used. At the MAPC meeting, the applicant's representative and he said again today, there will be fire protection on-site that will be provided by fire extinguishers. I don't know, that's not very good. It is unbelievable that anybody could think that having a few fire extinguishers around would meet these requirements that you have set down. It seems quite clear that the proper equipment would be an automatic detection and delivery system, so it does not become the responsibility of the employees to become firefighters.

"Some of the additional details that are missing from the applicant's proposal is a Class 2 environmental study of the property and the impact on the surrounding area along the traffic survey. Obviously, the applicant needs to take more responsibility and, in the future, provide a more detailed application for the Sedgwick County Commission to show that he will be properly and responsible to operate this transfer station. A little more concern about the health and safety of the County citizens and a little bit less concern about money that we can make will go a long way towards swaying the concerns of the public. Thank you."

Chair McGinn said, "Thank you, Mr. Janssen. We have a question. Commissioner Gwin."

Commissioner Gwin said, "Mr. Janssen, just real quickly. On the statement that you read from the applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria. That statement refers to Article V of the Zoning Code and the criteria are A through I in that criteria. I understand what you are talking about are the rules and regs we have established, but certainly they would have to comply with those, too."

Mr. Janssen said, "Thank you. I'm also reading this by proxy."

Commissioner Gwin said, "You did a fine job and I just wanted to make sure that you're right on target. Thank you."

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Chair McGinn said, "Thank you. Earlier we had asked how many people wanted to speak to this issue and we've had 12 and so, according to my number, that means we have 16 remaining. Those comments will be limited to three minutes. If we have any after 16, we will be limiting comments to two minutes.

"Sue, I just wanted to ask. You gave me this list, do you want me to continue on with this list? All right. Well, what I'm wondering is if we have other folks that just came. I think what I'd like to do is if there are any elected official here today to allow them to make comments first. I see Councilman Gale is here, if you would like to come forward."

Mr. Bill Gale greeted the Commissioners and said, "I reside currently at 3421 S. Bonn, which is right there. Hopefully at a future date I'll be residing at my dream house at approximately 5100 South West Street, which is right in there. I also serve on the Wichita City Council representing District 4, which includes this yellow area here as well. I appreciate the opportunity to speak before you this morning. This is actually my first time ever to address the Sedgwick County Board of County Commissioners in such a formal manner at least. Hopefully Sciortino won't give me too hard a time.

"As you see, this is an important issue to me for a number of reasons. I'm glad to be here and try to blend my thoughts as well on the matter. Indeed this is a difficult issue and I definitely don't envy your position this morning. I've sat through a number of similar situations dealing with solid waste issues myself and probably have somewhat of a checkered history. Earlier I was a reference of unconscionable and predatory practices and so hopefully you won't take my history and my baggage too much of effect this morning.

"I have put myself through the involved process of considering this matter much as I would as if I were to vote on it myself. I've studied and wrestled with the issue, listened to both sides, read the staff report and heard it and their recommendations and I concur. Marvin did a very thorough presentation this morning. I've read the Minutes of the Planning Commission. I've considered the land use issue, thought through our solid waste situation, considered community impact and tried to weigh all the factors. I've come to the conclusion that I would personally vote no on the item before you today. Now the other speakers who have spoken and others who will speak have done a very effective and eloquent job of presenting the issue and its impact. I'll try to wrap up briefly.

"A couple of things, though, that did come out repeatedly to me from out of the Planning Commission's Minutes and their consideration of this matter. First, there has been a lot of

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discussion from the Planning Commission discussed a lot as to the need for this facility. I can understand the desire to provide multiple sites and the competition that would come along with that.

However, with the permitted sites that are currently permitted, as has been mentioned, those would be able to handle all of our solid waste needs at the moment. So, I don't believe right now we are in a crisis situation, as far as having to find further sites immediately. So, that does give us opportunity to be selective and to take great consideration, as we look at additional sites for transfer stations.

"Also, which brings us to the other matter as far as has been mentioned. Some have referred to this as the best site in the County, others as a good site, but not necessarily the best. I agree that I don't feel that it is the best. There may be some positives of this site, but I feel the negatives far outweigh the positives on this particular site before you this morning. Just a major one that has been mentioned often is the distance from a highway and I can definitely understand how the County Commissioner included in their original Solid Waste Management Plan such stipulations of being adjacent to a highway. As you can all see this morning, for a number of reasons have been shared with you by the speakers. So, I'll just conclude by again encouraging you as well to vote no on this item this morning and also, to offer my help and support in any way that I can to this Board and in the future as we continue to wrestle with this issue. Thank you."

Chair McGinn said, "Thank you, Councilman Gale. Is the Mayor of Haysville here today?"

Ms. Dorothy Wadsack said, "I am representing the City of Haysville. I am President of Council there. I have a letter. Bruce Armstrong, our Mayor, was not able to be here today. I have a letter for the Commission today from, our Mayor. 'Dear Chair McGinn and Commissioners, the City of Haysville wishes to express its opposition to the proposed zone change at 55th South and Hoover Road. Our city is presently growing to the west and the south. If the zone change were to be approved, Haysville would not be able to growth to the north because of the lack of developers wanting to build next a transfer station. Presently, we have Haysville Campus High School and Ruth Clark Elementary School, both within the city limits of Haysville that are within three miles of the proposed site. As you are aware, cities have a three mile area of influence for zone changes. But because these areas are no perfect circles, the proposed site ends up across the street from our area of influence. If the site had been in Haysville's area of influence, we would have turned down

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the requested zone change. The additional traffic and traffic pattern being brought to the area is not an approved condition for the Solid Waste Plan adopted by your Commission. Controlling commercial and residential use traffic would be impossible. Other concerns of environmental and quality of life also make this an unacceptable zone change for a transfer station. We would again ask that you vote no as the MAPC did when the zone change came before them for consideration and recommendation. Very truly yours, the City of Haysville, Bruce Armstrong, Mayor."

Chair McGinn said, "Thank you. Haysville School Board."

Mr. Wayne Holt greeted the Commissioners and said, "My name is Wayne Holt, a member of the Haysville School Board. I live at 416 West 6th in Haysville, but I represent District 261, which incorporates this entire area. If I may, I would like to read a letter to you from our board president.

'Dear Commissioners, this letter is in reference to the waste transfer station proposed to be located at 55th Street South and Hoover Road. The ultimate concern of the Haysville Board of Education is the safety of the students of USD 261. We, the Board of Education, have confidence that the safety of our students is being taken into consideration as you meet and discuss the logistics of the waste transfer station. While we are aware that there are residents in our school district who oppose having the waste transfer station within the school district boundaries, we feel that the well-being of our students must receive the greatest consideration. Therefore, we request that you continue keeping their welfare in mind when working out the qualifying factors regarding the rezoning of the location being considered. We would like to take this opportunity to thank you for doing a great and sometimes thankless job in overseeing Sedgwick County. Please continue to be cognizant of the students of Haysville, USD 261 when working through this matter. And has already been reviewed, the Campus High School, Ruth Clark Elementary on 55th Street and Oatville Elementary on Hoover are our primary concerns.' Thank you."

Chair McGinn said, "Thank you."

Commissioner Sciortino said, "Sir, I have a question. Could you point out on the map where those schools are located because this is of concern to me?"

Mr. Holt said, "Campus High School and Ruth Clark, Campus is on the corner of Meridian and 55th and Ruth Clark is immediately east of there. Oatville is immediately north on Hoover."

Commissioner Sciortino said, "Okay, got it. Thank you very much. That's all I had."

Chair McGinn said, "Thank you. Are there any other elected officials today who want to come

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forward and speak to this issue? I think at this point we will just call the next individual who wants to speak. Come forward please and give your name and address."

Mr. Billy Gray, Gray Construction and Gray Development, said, "I live at 204 North Woodchuck. I develop the property from MacArthur Road and also have options on the ground from MacArthur Road to 47th and then back in here to these railroad tracks and to the Wichita floodway and everything east of Hoover Road, which your decision today will have a great impact on what I do and what obligations I continue with.

"For the past 16 years I have been developing land and building homes in the northwest and southwest corners of MacArthur and Hoover Road. I have completed over 600 homes in this area. When I first started building in this area, the Oatville Elementary School was close to being closed down for lack of students. In the last year, they have completed a new addition to the school to accommodate the increase in students, due to the homes that I have built in this area. I have three major concerns. One is the increase in traffic, specifically large trash trucks running up and down Hoover Road, between K-42 and 55th Street South, to the transfer station. This is already heavily trafficked during shift changes at Cessna, Case, Leer Jet and Boeing. During harvest, the traffic is further burdened with grain trucks coming back and forth from DeBruce grain storage.

"My second concern is that the station will be open to the public. I'm sure you're aware of the road to the Brooks Landfill. The third would be that there is still land that could be developed in this area, whether by myself or someone else. From a marketing standpoint, this is not the type of amenity that people are looking for in their neighborhood. In the wisdom of the Commissioners, you chose criteria that stated that transfer stations needed to be located near or close to major arterial roads and I applaud you for this decision. This location does not meet that criteria.

"In the Planning Commission meeting, Bud Hentzen stated that everyone knows where not to put it but no one has told us where else it could go. I took this statement to heart, went out and looked over the area and within 20 minutes I found two locations. Both were closer to I-235 and located in areas where little or no homes were located and their traffic patterns were not located near homes. I find it hard to believe that the applicant's real estate agent took enough time to find these areas. These two areas are no-brainers. After this meeting, if the applicant would like to talk to me, so that I could give him the information, I would be more than happy to talk to him. Thank you."

Chair McGinn said, "Thank you, Mr. Gray. We do have a question. Commissioner Gwin."

Commissioner Gwin said, "Mr. Gray, you developed the Oatville subdivision?"

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Mr. Gray said, "No, Gray's first, second, third, fourth, and fifth."

Commissioner Gwin said, "Are they on the map?"

Mr. Gray said, "From here to half a mile section line, between MacArthur and 31st Street, and from Hoover to the half mile section line between Hoover and Ridge Road and then this area right here is what we're just finishing up. We've probably got about 10 or 15 lots left in this area. This is the proposed next area that we are going to."

Commissioner Gwin said, "Okay. So approximately what time frame . . . one area you're just finishing up, so it is currently being built, correct?"

Mr. Gray said, "Since '85."

Commissioner Gwin said, "Okay."

Mr. Gray said, "We've built 600 homes in there since '85. I'm not the only one that has built there."

Commissioner Gwin said, "I understand, but since you're a developer, it is interesting. I'm trying to figure this out. So when you chose those sites, what was it about those that appealed to you that you thought would have good development potential."

Mr. Gray said, "It's quiet, it's rural. It is kind of like being in the country but not being in the country. It is not like 119th Street West. I'm within 15 minutes of downtown. Also, we've mentioned that DeBruce grain elevator is there, Vulcan Chemical is there, Air Products is there. We've got Cessna at K-42 and Hoover Road. We've got Boeing down MacArthur. We've got Lear Jet on the other side of the airport. These people live there because they work there. Those industries were there before those people moved there. This industry is coming after these people moved there, there's a big difference."

Commissioner Gwin said, "Did the fact that there was some industrial development to the south there, did that inhibit or did that influence what you had to ask for those homes in any way?"

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Mr. Gray said, "Vulcan has always been an obstacle to overcome."

Commissioner Gwin said, "Okay, thank you. Thank you, Madam Chair."

Chair McGinn said, "Thank you. Next speaker please. Please come forward."

Mr. Clint Renollet said, "I live at 3245 West 47th Street South. That is approximately right in this area here. Also, I own a property here. I also own a property right here on 55th Street, 47th and West, 55th and West right here on the south side. This year I was getting ready to build my daughter a home there and hopefully I still can. I've lived out in this area since 1963, so I'm not new to the area. I've lived in my present home, which is next door to the other one, for the last 34 years.

"Being a builder and a developer I will tell you, all the stuff has adverse effects, such as the thing you asked Billy Gray, price of homes and all of this. Southwest Wichita, as we all well know, has had a hard time building and expanding forever, I can tell you that. Around 25 to 30 years ago, we had a situation come up to where they wanted to put a new trash dump on the west side of the Big Ditch, which is right here on 47th, and they wanted to put it in this area, right here, which would have been east of Hoover Road. So, instead of having Brooks, you would have had this in the southwest part. People like me and people like the ones you see here today is what beat that down and thank God we had a good County Commission Board that voted in our favor or it would have been there.

"What my whole point is, and as Billy said, MacArthur and Hoover and a lot of these areas, I've built houses in all these areas. These houses would not be there today if the dump would have made it on the west side of the Big Ditch. I understand that the transfer station would pay about \$75,000 a year in taxes. That wouldn't even touch what all the houses in the area of MacArthur and Hoover and surrounding this area does today. The taxes they do pay. The way I look at it is if you would have the dump at 47th and Hoover Road, if it would have been put in, can you imagine how many people in this room here today would have wanted me to build a house next to it? That would be like asking me, Clint would you be interested in me building a spec house or something like this next to the Big Chief Mobile home Park in Hutchinson, Kansas. I don't think anybody here would be interested in it. I can tell you, valuations are not the same. It may cost you the same to build the

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house but the value is not going to be there. Beings as you guys do property protests all the time and you understand what I'm talking about, can you imagine what the devaluation would be in houses and properties in surrounding areas.

"I can live elsewhere, sure I could. But I sure enjoy living out there because it does feel like country, just like Billy said. It is a nice area to live in but it does have adverse affect on everything. I'm going to make one statement more to you guys. Here several months, I had a certain person call me here in Wichita about building a house and I just can't remember the name right now. And they were going to go into the trash business here in Wichita. You know what side of Wichita They were interested in? The Northeast part. Anyway, I want to thank you Commissioners. I would appreciate your vote. Thank you."

Chair McGinn said, "Thank you, Mr. Renollet. Next speaker please."

Ms. Ruth Pickering, 4911 S. Kessler, said, "I'm speaking two ways, once for reading a letter for someone and also for myself. I live right there, which is just down from 47th Street where all the traffic would go by to get to the Turnpike. Maybe not all the little trucks, but all the big ones will be going that way. Now back to the letter I'm reading, it is from Pat Yorgenson, the Oatville principal of Oatville school that is just north of this location that doesn't seem to be getting quite as much mention.

'To whom it may concern, this letter is written in regards to the plans to rezone the northeast corner of Hoover and 55th Street for a trash transfer station. With the location of Oatville Elementary School at 4335 South Hoover, there are concerns which need to be brought to your attention. The first concern is in relation to the additional traffic, especially truck traffic which will be added to the already busy street that is currently posted at 55 miles per hour. It has been proposed that the trash truck would use West Street for delivery and transfer to the Topeka location. With the hazardous intersection of South West Street and 55th Street, trucks will most likely use Hoover Road since it is in a direct route for both delivery and pick up. Since the City of Wichita will be improving the drainage on Hoover and widening Hoover to four lanes, both north and south of the corner of K-42 and Hoover Road, this possibility of additional truck traffic seems even more likely.

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"During the day, the school day, a large volume of traffic including both workers and truck traffic currently pass the school going to KGE, DeBruce grain semi-trailer storage at DeBruce for companies such as Metro-Express, as well as vehicles for Air Products and Vulcan Chemical. In addition, the school has asked both the City and County for a reduced speed zone, such as a school zone which has been denied repeatedly. There are currently school signs but not with a reduced speed limit. When parents are dropping off students or picking them up, the parking lot becomes full and traffic is backed up on Hoover. On many occasions, squealing truck breaks and horns can be heard inside the school building due to congestion. Greenwood Cemetery is also located just west of Hoover and 47th Street, creating additional traffic tie ups. In addition, Hoover has a railroad track at about 5300 South which blocks traffic on a regular basis. This train track can tie up traffic on Hoover for a long period of time holding the school buses.

"Another concern is related to the environmental issues. This school is in a rural setting, which makes it appropriate for study of nature and wildlife. With the transfer station there will be additional trash and debris along the road. With added debris comes the potential for increased skunk and rodent population. This can also bring the addition of rabid animals to the area which could endanger the use of our outdoor activities.

"There are also concerns related to ground water contamination and the run off of the Cowskin Creek area. It should also be noted that during high water, the Cowskin Creek flows across Hoover Road where it crosses south of 47th Street. This is both an environmental and a traffic flow concern. Sincerely, Pat Yorgenson, Oatville Principal. Thank you."

Chair McGinn said, "Thank you, Ms. Pickering. Next speaker, please come forward."

Mr. Stanley Phan greeted the Commissioners and said, "My name is Stanley Phan and I live at 4750 West 55th South, about a half mile from the trash dump. I have a little personal thing I would like to discuss. At the time I was a young man I grew up in my own country of Viet Nam. On April 30, 1975, communists took over Viet Nam and few weeks later communists came and took my grandfather to jail and hanged him. They took my father to jail after that and he got sick and died. So my future did not look too good. My father and my grandfather, they were general soldiers of the democracy in Viet Nam. So, I escaped from Viet Nam by boat with 97 people. When we arrived at Malaysia, we had 48 people left. Some died from hunger, some jumped off the boat to suicide. The boat ran out of fuel and no food for 12 days. My own country has much corruption by politicians. They did what they wanted and did not listen to the people. They did not care what the people wanted. That was a bad place to live, even now, because of them. Finally, I

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came to America in 1990 and become an American citizen. I have a lovely wife and I have four beautiful children. They attend school in Haysville. My children grow up as Americans and they are free.

"We have so many good friends and neighbors. We like where we live. It is a really nice place to live with deer and wildlife. We never seen something like that in our country, my old country. Now somebody wants you to take away what we worked for. They want to drive a hundred dump trucks by our home and school and make pollution get bad. I don't understand why this is happening in America. My neighbors say that it will be okay. That in America politicians listen to their people not like communists politicians. So today, I let you listen to me and we say please don't put no dump truck by three schools and our homes. Ladies and gentlemen, I thank you and God bless you all."

Chair McGinn said, "Thank you, Mr. Phan. Next speaker, please come forward."

Ms. Joni Peterson greeted the Commissioners and said, "Thank you for letting me speak today. I live at 5818 South Hoover Road, which is adjacent, across the street from the proposed land site, right here. My home was depicted earlier in one of the photographs. I have been following this process and attending all of the meetings since January. I've learned much and appreciate the tough task that we have to deal with. I have more questions of which I still don't have answers. On February 20th, at the suggestion of Dale Miller, I E-mailed Ms. Erlenwein about some questions that I had but I still haven't got a response. So I don't know if this is the forum to ask these questions, but I will present them as a concern that I have.

"The first question I have is does this company receive tax abatements or incentives from Sedgwick County for the construction or operation of the business? That is a concern of mine. I don't want my taxes to go up to underwrite this business. I didn't quite understand all of the economics of the discussion earlier and so I still don't know if Sedgwick County receives compensation other than taxes from this business.

"More questions that I have that I still haven't got an answer for yet is who is responsible for enforcement of noise pollution and debris containment according to OSHA regulations? Do I call 911? Do I call this business? Do I call you Commissioner's office?

"I'll save my comment for the end. I've learned a lot about what the regulations and specifications that you set forth for a solid waste transfer station. I'm getting a picture different than what I've learned today in all the specifications. My specifications for a solid waste transfer station at this

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proposed site, the specifications must say that it is near a wildlife preserve, that it is near a natural waterway, the Cowskin Creek that goes out of its banks and over both of the access roads both Hoover and 47th Street, that it needs significant road improvement to handle the additional traffic. That must be another specification. That it be within . . . may I have additional minutes please?"

Chair McGinn said, "How much more time do you think you need?"

Ms. Peterson said, "Just a couple. That it needs to be within a mile and a half of schools. That it is not near a four lane highway within five miles. That there is no well or municipal water source. I have to ask, have any of you driven the intersection of 55th and West Street? Have any of you turned there? Okay, I have observed many over turned trucks and accidents because they cannot make that turn. In fact, one of the industries in the area prohibits their drivers from using that intersection. This means that you will direct traffic in front of Campus High, Oatville High and Ruth Clark Elementary.

"I would also like to dispute Randy Brown's opinion, as stated in the Wichita Eagle, that the neighbors needed to suck it up and deal with reality. These are some of the realities that we've already dealt with in our neighborhood. A catastrophic fatal grain explosion, soil and groundwater pollution, chemical releases in the air, poorly maintained roads, litter and debris in our yards and roadways and dangerous traffic situations. I believe in the spirit of competition, but I'm trying to figure out what you're doing to my neighborhood. Thank you."

Chair McGinn said, "Thank you, Ms. Peterson. We will have Susan come up here, after we've had public comment, and answer your questions."

Ms. Peterson said, "Thank you very much."

Commissioner Sciortino said, "I have a question. I just want to make sure we do have your questions. There were three, if I understood it right. Whether or not the applicant would be receiving tax abatements and what compensation will the County receive, other than taxes and who is responsible for enforcing the OSHA regs. Are those the three questions you had?"

Ms. Peterson said, "Yes."

Commissioner Sciortino said, "Okay, I just wanted to make sure so we could get those answers for you."

Ms. Peterson said, "Any other questions? Thank you."

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Chair McGinn said, "Next speaker please."

Mr. Angel Acosta greeted the Commissioners and said, "My name is Angel Acosta and I live at 5612 West 40th Street South. I will be talking on what a transfer station will be like and the impact on some of the community's citizens."

Commissioner Gwin said, "Where is your home?"

Mr. Acosta said, "In this area right here. After viewing the video tape and viewing the photographs the developers brought back from the Olathe transfer station, which is a station we were advised by two of the Commissioners to look at before making judgment, I realized that particular station meets all of the siting requirements laid out in the rules for a transfer station. It was in a completely industrial area adjacent to a major highway. There wouldn't have been any question of neighborhood acceptance because there were neighbors within a mile and a half of the facility. Also, I noticed it was only a 200 ton per day facility, not a 600 ton per day facility as proposed for our location. It was easy to imagine one three times as large and additionally very horrifying.

"After viewing the video tape of the Olathe facility, my wife and I had much the same impression as others in our community on how devastating it would be to live down the street from this station. Even so, there is one major difference between us and the neighbors who live right next door. At 55th and Hoover, where the Faelbers and some of their neighbors reside, they have a totally different situation. The Faelbers would be living 300 feet from the station and their closest neighbors within about 1,200 feet. I sincerely hope this board today, when you make your decision, keeps our community in mind. Don't think that just because this is not in your district that their lives or homes are not as important as yours and your friends. I would ask you to imagine that it was you and your family and your home living there and someone was trying to do this to you. I know how each and every one of you would vote and in your heart you know how you'd vote also. I just want to leave with the thoughts and simply sayings of one of the greatest men of all time, do unto others as you would have them do unto you. Thank you."

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Chair McGinn said, "Thank you, Mr. Acosta. We do have a question. Commissioner Sciortino."

Commissioner Sciortino said, "No."

Chair McGinn said, "Sorry, I didn't flip your light. Next speaker please."

Ms. Cristine Watson, 7250 S. Hoover, greeted the Commissioners and said, "I grew up in this area. My husband and I chose to invest in this area to raise our children. My concern is that the recent MAPC meeting, held on February 28, 2001, the applicant stated that 15 acres is all the area needed to construct and operate the facility that is the focus of this meeting this morning. However, this tract of land is in fact 48 acres. Some members of the Waco Neighborhood Association fear that Waste Management will, in the future, move their entire Wichita operating facility to this location. There are hundreds of roll-off, curb-side, commercial and business dumpsters along with other assorted trash containers. The people of this community chose to live here to maintain a less hectic lifestyle than city life demands. We chose to raise our children in a more rural lifestyle with more peaceful environment. To allow the rezoning of this land would have a direct impact on the manner of life we've chose for our families.

"We, the concerned citizens, respectfully request that this Commission to deny the request for rezoning. We wish to awake in the morning to the whisper of nature, not the thunder of trash trucks. Thank you for your time."

Chair McGinn said, "Thank you. Next speaker please."

Ms. Linda Patnaude greeted the Commissioners and said, "I'm a school bus driver for the Haysville schools. I live at 125 Ranger in Haysville. I've been driving a bus for the Haysville schools for 15 years. Our drivers are very concerned about the safety of our children. This transfer station will cause many problems for our drivers. We have approximately 60 buses coming in and out of Oatville Elementary, our brand new Ruth Clark Elementary, and Campus High School. We transport 40 to 70 children on each bus. The traffic is already so bad at Campus High School that we have a person controlling traffic on Meridian so we can get out and take the students home. Then we immediately have to go on to our elementary routes.

"The added traffic of these trash trucks will cause major delays for our elementary routes, causing stress on our drivers. Also, this could possibly cause the district to have to add additional routes to our already tight work force. If we add routes, this means more drivers, wages to pay, and the purchase of additional school buses.

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“The trucks will be tearing up our narrow two-lane streets. We have no traffic control lights in these areas, only four way stops. These roads do not have shoulders. When we pull one of these huge buses out, it takes both lanes, which means we have to wait for both lanes to clear. There is nothing worse than waiting for traffic to clear when it is 95 degrees and you have a bus-load of tired, hot, thirsty, hungry children and you're the seventh bus to get out onto 55th leaving Ruth Clark Elementary. I'd like to add also, to avoid a collision, there are just deep ditches. That is the only way to go, either a collision with a large vehicle or a ditch and there is no where to go. A lot of times the roads are icy and it gets pretty scary out there. Please don't put this trash transfer station in the vicinity of our schools. Thank you.”

Chair McGinn said, "We have a couple of questions. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chair. First of all, I have to compliment you on that sweatshirt, I really like that. Could you tell me the drive times of the school buses, when they are in the morning and the afternoon? What times are the buses out there? I know there are two times a day."

Ms. Patnaude said, "I leave the bus barn at approximately 7:15 in the morning and deliver at Campus High School at around 7:30 to 7:40 and pull out of there and go directly to my Ruth Clark Elementary route and deliver to Ruth Clark at 8:05. Then I have an Oatville kindergarten route in the middle of the day from 12:20 until 1:00. Then I also, in the afternoon, we leave again at around 2:30 and pick up at Campus at 3:00 and from there we go to Ruth Clark Elementary at 3:30 and deliver our kids. I'm usually done about 4:05."

Commissioner Sciortino said, "So would it be safe to say, for the buses in general, not just your particular route, what are the times they are delivering to the schools, 7:30 to 8:30?"

Ms. Patnaude said, "At Campus it is 7:30 and at Ruth Clark it is 8:05. It is all pretty general, all the buses are. We also have activity routes coming and going. We have the HELP after-school route that runs in there also at 4:45."

Commissioner Sciortino said, "So roughly for the school children like 7:30 to 8:00 for delivery of the students and then around 3:00 to 3:30 for picking them up and taking them back to their homes? Is that about it?"

Ms. Patnaude said, "Yes, I would say."

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Commissioner Sciortino said, "Okay, thank you very much."

Chair McGinn said, "We have another question. Commissioner Gwin."

Commissioner Gwin said, "Thank you. My other question, because we've heard several references to the trains being stopped across Hoover and the grain trucks in and out of DeBruce. Do you have to make route adjustments for those kinds of things? Have you had to do that in the past?"

Ms. Patnaude said, "Yes, we have. Sometimes we try to go around it, if the other drivers can radio to us, although there are buses that are stuck there. Our dispatcher calls the school and lets them know that the bus is going to be late and the school lets the teachers know what time."

Commissioner Gwin said, "Is there, other than harvest time obviously for the grain trucks, is there a typical time for the trains or is that again . . .?"

Ms. Patnaude said, "Oh no, you can't predict it at all. Not at all."

Commissioner Gwin said, "Okay, thank you."

Chair McGinn said, "Thank you. Is there anyone else who would like to speak to this issue? I'm hoping that staff is monitoring the other rooms to see if anyone in the other rooms would like to come forward. Is there anyone else here in the audience right here who would like to speak to this issue? Please come forward."

Mr. Bill Upman said, "I work for Waste Management of Kansas. We're going to be the primary customer of this facility. One of the things we'd like to clear up is we've heard routes coming down Hoover. Our company is committed to taking the route from 235 to West Street and then south to 55th Street. We will require our drivers to follow that route. That is punishable by termination of our employees for not following work rules. So that is one of the issues we'd like to clear up there."

Commissioner Sciortino said, "Could you show on the map with your finger or pointer or something what the route is going to be? Just give us a general indication of where you're talking about."

Mr. Upman said, "Coming off Interstate 235 and West Street, coming down West Street to 55th and entering off of 55th Street."

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Chair McGinn said, "That is because your facility is just north., off of that street."

Mr. Upman said, "Our home facility is off of West Street and 235, just north of there."

Chair McGinn said, "So it would make sense for you all to use that road."

Mr. Upman said, "Yes. We would have to get back on 235 to go west, or excuse me, go up to K-42 to get anywhere else off to Hoover."

Commissioner Sciortino said, "When you say your employees, are you going to be the ones that are going to be hauling the trash away from the transfer station to some other location?"

Mr. Upman said, "Yes, we also operate a local garbage collection business here in town."

Commissioner Sciortino said, "I've heard your name. But I'm talking about big tractor trailers, the ones that I think a lot of people are expressing concerns about. What is their route out of and into that transfer station, is that one you said 55th to West?"

Mr. Upman said, "Yes, 55th to West up to 235."

Commissioner Sciortino said, "Now, will that go past these schools?"

Mr. Upman said, "I don't believe they go right in front of any of the schools. No. From my understanding and I could be wrong sir, but the schools are over here and east off of 55th Street, east of West Street, east of Meridian, actually."

Commissioner Sciortino said, "You wouldn't have any control on where the other haulers, other than yourselves, would be coming from and what roads."

Mr. Upman said, "No, we can only control our company."

Commissioner Sciortino said, "What percentage of the waste are you anticipating you'll be probably . . .?"

Mr. Upman said, "If t is a 400 ton a day transfer station, we're anticipating 350 to 400 of them will be us. We're anticipating very little other traffic. One of the numbers that was given to me was eight to ten trucks, possibly from other haulers."

Commissioner Sciortino said, "Okay, that's all I had."

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Chair McGinn said, "Okay, thank you. Is there anyone else who would like to speak? Please come forward. Give your name and address for the record."

Mr. Adam Hirsh said, "I reside at 410 West 53rd Street South, which is located right about here. You go from 47th and there is a turn here and a big circle and you can also exit this way. I also attend Campus High School which is located on 55th and Meridian. The reason I'd like to address this Honorable Commission today is over the heavy traffic flow that will be created from this transfer station. Now I, myself, drive on this station and between 3:00 when all the students begin to exit the Campus High School you can see that from 55th probably back to 47th almost is completely blocked by these students attempting to exit the entrance way going down 55th is very blocked by these students, between coming in from the morning hours and by the evening hours. Now, during these times it is very dangerous, especially for individuals just beginning to learn how to drive.

"I myself recently and my family watched a very devastating crash when my father, who is the maintenance worker for USD 261 was going from Campus to Ruth Clark. In this, one of the parents coming around this way, turning in this way, ended up hitting him while it was very icy. Luckily, my father was all right but he did spend quite a few months in physical therapy from his injuries.

"Now when it gets very icy, sometimes the schools even have to close because of road conditions. If we have a trash station around this area on 55th and Hoover right here, it is very possible that any trash dumps or any pedestrians or any one trying to get here, exiting this area or most likely go down this area, because it is easier to go ahead and get to the canal route from here. It is going to increase the flow of people going this way and also, one of my major concerns, would be over the fact of dangerous drivers. Now, I agree with the other speakers when they talked about pollution and various dangers from this transfer station. I just urge you not to vote for this transfer station. Thank you."

Chair McGinn said, "Next speaker, please come forward."

Mr. Bob Gibon greeted the Commissioners and said, "I live at 3939 West Fairhaven. That is about

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West Street, this area. My back yard backs up against West Street and there are trash trucks that go down through there now and big trucks and we still get the rumble out of them, even jars the dishes in the cabinets in the house from the traffic going down West Street. I can't imagine putting another 300 to 400 trucks a day down West Street. The speaker said, a while ago going down 55th Street, that's where they're going to direct their traffic. Down the street from me a half a block, Mr. Bill Gale owns that property and there are curves there in the road and after about ten or fifteen wrecks right there in that curve every year, even cement trucks have turned over there and blocked the traffic down through there. I beg you not to put that trash dump out in our neighborhood. Thank you."

Chair McGinn said, "Thank you. Next speaker, please come forward."

Mr. Bill Compton said, "I live at 1000 West 55th Street South. That is over here. That address is the site of the Wichita Gasification Pilot Plant which processes solid waste to make gas, oil and carbon. Now my purpose of being here to this is that I'm opposed to transfer stations in general. They don't do anything but give us another way of costing more to haul our trash off to some other place where it is going to cost more to bury it. We already pay a franchise fee now and we're going to pay more.

"I can only see that we're going to have to get rid of the dark ages of waste disposal. We've got to do something else. It is going to be an albatross around our neck. Anyway, we can do this, we have the technology. We have the means and we can do this if we just apply our efforts to it. I've been working on it a good many years when I saw what this waste problem was going to be 30 years ago. Mr. Tom Winters knows much about what I've done. Ms. Erlenwein has seen that pyrolysis pilot plan in operation. She probably didn't understand the technology but she saw it working. I don't know whether that is true or not, but there are other people who've seen it and it is a good process, it works. Some people say it is no good. Well it is good, it works and it is worthy of consideration. Thank you."

Chair McGinn said, "Thank you, Mr. Compton. Next speaker please."

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Mr. John Newman said, "I live at 4050 South West Street, which is the first house south of across the road that you're talking about. We have traffic backed up in front of our house, sometimes for a quarter of a mile, to and from, both directions. Now we have County traffic, school buses, we have all sorts of residential traffic. We have transport trucks go by on route to wherever and as the man said, it rattles the dishes on the wall. We would certainly not appreciate having that many more heavy trucks on our street and as they said, the curve down at 55th Street is a hazard corner. Trucks go off in that ditch around that curve. I don't believe we need this kind of business in our neighborhood. Thank you."

Chair McGinn said, "Thank you, Mr. Newman. Next speaker and we are to the number 17, so we will limit comment to two minutes."

Mr. Everett Logan greeted the Commissioners and said, "I live at 4132 South West Street. I live right there. I've lived there since 1957. Now on this West Street, between MacArthur and 47th, there is D & D Rental, Parker Oil, and then on 47th and West is Sedgwick County yards and down there is 100 homes in Cottonwood Trailers and 101st and 102nd addition and 50 in James Place. Now they only have one outlet on the road for all of these homes. Every time I pull out on West Street I feel that I provoke road rage by the traffic that is already there. I understand that all of these trucks are going to be going to and from down West Street. I don't see how West Street can handle the traffic. Thank you."

Chair McGinn said, "Thank you. Is there anyone else who would like to speak to this issue today? Please come forward."

Mr. Ernest Sponsel greeted the Commissioners and said, "I live on 3910 55th Street West, 39th South and 55th Street West. I think what they haven't mentioned yet on this, right there where they come out of the station they're figuring on, they're going to have trucks coming out across 55th and going back south. There is a stop sign right there off of Hoover. They're going to be coming out there and you've got a stop light over here. People be confused coming around there, once they hit the stop light and coming around, you got all these trucks and they're little fellows, they're going to turn around there. They've got one to get off on to get into the weigh station but I think that it is going to be a mouse trap. Thank you."

Chair McGinn said, "Thank you. Is there anyone else who would like to speak to this issue today? Anyone else? Okay, I don't see anyone and I will close our public hearing and comments will be from the Bench and to staff. Before we begin, I would like to commend all of you. You did an

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excellent job. I heard you were organized and you certainly are. The other thing I want to compliment you on is you all made very different points and that is good information for us to have. Thank you for coming up today and providing that information."

Commissioner Gwin said, "Madam Chair, may I ask Susan Erlenwein, of our Environmental Resources, to come up and answer some questions. Susan, I may have some of my own, but could we first start with the questions Ms. Peterson had. You recorded those?"

Ms. Susan Erlenwein said, "I'd like to say that we've received many e-mails and we've responded to them but some of them did bounce back to us. I'm sorry if she did not receive the e-mail."

Commissioner Gwin said, "The first one was does this company will receive rebatements or IRBs or those kinds of things?"

Ms. Erlenwein said, "All I can do is compare it to Waste Connections who did request IRBs from the County. They did receive IRBs but they did not receive tax abatements."

Commissioner Gwin said, "And I'm assuming it is too early yet, because we haven't even approved this, for this company to apply for anything like that."

Ms. Erlenwein said, "Right, after they would go through the approval process then they would try to approach the County about any IRBs."

Commissioner Gwin said, "They may do that in the future if it is approved. If it is not, then there is no reason for them to ask, correct?"

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

Commissioner Gwin said, "Secondly, what compensation does Sedgwick County receive, other than taxes?"

Ms. Erlenwein said, "In our resolution to reimburse the County for inspecting the stations. We put in the \$8,500 annual fee and also \$.32 a ton for the materials go in, whatever transfer station it is, to reimburse our staff time and legal time in going out and inspecting the stations."

Commissioner Gwin said, "Then what is the \$.32 a ton, what is your intent to use those monies for?"

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Ms. Erlenwein said, "That is for the staff time for inspections."

Commissioner Gwin said, "Okay. Then the other question I believe she had is who is responsible for enforcing she specifically said OSHA rules?"

Ms. Erlenwein said, "OSHA is responsible for the OSHA rules. However, Environmental Resources will be inspecting the transfer stations randomly on a weekly basis to determine if they are operating under the County regulations. While we're there, we'll also check for KDHE violations."

Commissioner Gwin said, "As you inspect, if you find something that you think might be of concern to OSHA< is it your responsibility to contact OSHA or is that OSHA's responsibility?"

Ms. Erlenwein said, "That is OSHA's responsibility. They have so many different rules. Mainly, OSHA deals with the health and protection of the employees."

Commissioner Gwin said, "Okay. Now let me go back to some of the concerns that were raised."

Ms. Erlenwein said, "I would like to bring up one that was raised earlier that I received a paper handed to me. Charlie Sedlock, the Manager of the Olathe transfer station called. He is watching the meeting. They receive 300 to 500 tons of trash a day at their facility. It is comparable in size, in fact it is slightly larger than this one."

Commissioner Gwin said, "Also on that too, because I visited it and I remember the other industrial buildings nearby and it was also mentioned that the Olathe Medical Center is across the street. I guess I have forgotten that."

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

Commissioner Gwin said, "Now as far as residences, are you aware of how close any of the residences might be to that?"

Ms. Erlenwein said, "No, he did not have that answer."

Commissioner Gwin said, "There are a couple of other issues that came up that I'd like your input on. There were several discussions about litter and debris and things blowing off of the trucks, or whether it is my pickup truck if I chose to take my trash there or the big trucks. Remind us a little bit about the regulations that the County has imposed when it comes to that kind of thing."

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Ms. Erlenwein said, "In our regulations we require the owners of the transfer station to patrol a ½ mile radius around the transfer station to collect any litter. That is one of the things we'll be checking on to make sure they're doing this. The Commissioners, at any time, can increase that distance if they feel that is beyond the half the mile radius if there is a problem. We also are concerned about illegal dumping. It is happening now, as we know. In fact, the County has started tracking illegal dumping County-wide by working with townships."

Commissioner Gwin said, "Today we're tracking that, we're looking at it already."

Ms. Erlenwein said, "That's correct. We started in fact in October from Public Works reports, from township reports, from reports from cities and County-wide what we're receiving is 1 ½ incidents a day average right now. We have a non-standard trash meeting in May, which will address issues inviting townships and others to this to try to determine how can we best look at illegal dumping in the future and address that concern. So we've got a meeting planned and are inviting agencies, including enforcement officers to that meeting."

Commissioner Gwin said, "Okay. Other issues that were brought up have to do with environmental concerns as it has to do with critters, whether it is mice or rats or whether it is spotted skunks or whatever. I'm not quite sure what the jurisdiction is about environmental concerns. If this site were approved, is it KDHE's responsibility then to come and make an environmental assessment as to that kind of thing? Is that what happens?"

Ms. Erlenwein said, "A company can pay for an environmental assessment and present that to KDHE as part of the permit. I have talked to Wildlife and Parks about endangered and threatened species in this area. Since Cowskin Creek is to the north of this property, I contacted them and they said they have no sightings on record of endangered or threatened species on this land. They also said, because of the distance from the Creek, it could be considered critical habitat but the fact that it is currently a farm field it is not critical habitat. They were concerned about the hedge rows in the area, would they be left or cut down. I told them, no, they are being left and in fact our regulations require additional landscaping, additional trees will be planted and ground cover. They thought this would be a vast improvement over current farm practices. They said that endangered and threatened species are not an issue to this piece of land."

Commissioner Gwin said, "I see. Then talk to the issue about there was something about a website

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and the studies that were done regarding mice and rats."

Ms. Erlenwein said, "The web site was for Washington, D.C. transfer stations and problems and concerns with those. The transfer station websites, many of the articles cited have to do with actually material recovery facilities, which we know as MRFS and employees work at MRFS and this is where mixed trash comes in and they are separating the trash from the recyclables and it was OSHA concerns on asthma to the employees as they are separating the material. They might encounter dust from that sorting process. Some articles dealt with hypodermic needles, again for the same employee issues separating the trash. There was a general article about Norway rats in the Baltimore Washington, D.C. area in the trash receptacles. Not the transfer station but the actual trash containers."

Commissioner Gwin said, "Like sit out on the street or behind restaurants."

Ms. Erlenwein said, "Like behind businesses. Therefore if they are in those, they might end up in the transfer station. But it was a general article about the diseases carried by the Norway rats in the Baltimore, Washington D.C. area."

Commissioner Gwin said, "What about our regulations though as far as vector control for transfer stations. Let's say a mouse or a rat gets into one of the big dumpsters or whatever and is transported. Then what is the responsibility of the operator of the transfer station?"

Ms. Erlenwein said, "They have to control vectors, whether it is flies or rats or mice at a transfer station. This is a State law. The State law requires a daily cleaning of the transfer station. That does not mean it has to be hosed down. A daily cleaning quite often at a transfer station is called a dry sweep, where they go through because you really want to minimize the water contact with the trash. So, what is recommended throughout the industry is a dry sweep where you go through with dry chemicals, sweeping the trash and the debris."

Commissioner Gwin said, "Okay. Gosh I've lost track. I may have to come back to you later because there's another one that I have that I think is fairly important but at the moment I've lost it. I have to go back and find it. So, I will defer to anyone else who has questions of Susan."

Chair McGinn said, "Commissioner Winters."

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Commissioner Winters said, "I really don't have any questions. I have a few comments, I guess, I'd like to make. Susan, I don't know that I have a question for you right now. I tell you this is certainly a difficult case today but many of the zoning cases we deal with are difficult because they do deal with people and their neighborhoods and how they believe that they may be affected. I do want to commend every speaker today in giving us valid information. So many times, people come and kind of ramble on about something that may not be as pertinent but the way you all addressed the issues that we need to look at in making zoning cases was very well done. I commend all of you on that. Your behavior and demeanor on a very sensitive issue has been outstanding. It was vital and good information and we're glad you're here. I clearly heard the letter from the Mayor of Haysville and I certainly heard the Board of Education and I certainly appreciate Councilman Bill Gale being here today.

"I guess I'm going to kind of start a conversation and so Commissioners if you have thoughts on this, you could certainly share them. One of the things I think we've gotten to here though is a point of looking at an industrial type of issue and a landfill. I heard several times today, during the meeting, talking about a garbage dump, talking about a trash dump. That is not what this facility is. We've made a decision a number of months ago that we didn't have an acceptable environmental site in Sedgwick County to do such a facility and so what I really perceive us doing in this case is considering a Zone change and a Conditional Use Permit to allow a warehouse to be constructed where trucks can bring product to the warehouse, unload the product to be reloaded into other trucks and shipped out. That is an industrial type facility in my estimation.

"Then when I look at the neighborhood and I clearly understand people's perception and what they believe their neighborhood is like. But I also know when I see the neighborhood of doing some of this same type of business, whether it be Garvey Industrial Park with 800,000 feet of warehouse space available for anyone to come in and use. The only way product gets in is either by that rail line or by truck. I look at DeBruce Elevator with a 17,000,000 bushel capacity of grain storage, trucks coming in, trucks coming out. That is what is happening at those two facilities. Then clearly, as we look on to the west and we see KGE Murry Gill Energy Center, clearly to me an industrial kind of activity. Then on to the south there, Vulcan Chemical along with Air Products. The neighborhood events going on in that neighborhood to me look pretty industrialized.

"When Marvin Krout with our Planning Department tells us it is one of the two major industrial corridors in the County then again, I'm thinking about this neighborhood as being somewhat, if not really, very heavy industrial. As I listen to Planning talking about increased traffic and I know there

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is probably a disagreement here among a number of people who live in this area, but again the facts that I need to rely on are looking at a two to three percent increase in traffic. There is already a lot of traffic in this area serving these industrial customers.

"An interesting note I had from a person who lives down near Derby talking about roadside dumping. The point that they made was for folks in Derby or south of Derby it can be a 37 or 38 mile round-trip to Brooks Landfill. That in itself is perhaps a reason to have some road-side dumping. If we had availability of other sites in part of the County, there is an opportunity for there to be perhaps less road side dumping.

"The other issue that he mentioned was dispersing the impact. If we look at the disadvantage of having a Brooks Landfill at one site, we clearly see that neighborhood clearly affected in a pretty huge way. If we have more than one or two or three transfer stations at various locations in the County, I think much of that impact is going to be dispersed over a wider area. So, I see that as a positive in the affect that there is no one neighborhood that is going to take the majority of the activity.

"Then lastly, I just mention, out of a 48 acre site having only five acres of that 48 acres involved in the operation, I feel like will probably give a better buffer to this area than perhaps some of the other industrial customers in this immediate area have. As I drive out there, those are a couple of mature hedge rows. I would hope that along with the berm on the west side, if we move forward with this, that the applicant would make sure that any of the dying trees in the mature hedge rows would be replaced because I think those hedge rows will play an important part. Commissioners, without hearing from any of the rest of you, I think right now I'm leaning towards thinking that this is an industrial event and this neighborhood is industrial. Thank you."

Chair McGinn said, "Thank you, Commissioner Winters. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chair. I also want to echo what you said and what Commissioner Winters said and compliment all of you. This is not an easy issue. It has created a lot of controversy, but I, speaking for myself, really do appreciate the manner in which you've presented this. I spoke to quite a few of you individually. Those meetings were very, very cordial. Needless to say when individuals left my office I don't think I had any doubt in my mind of your positions. I really appreciate it. This is democracy in action and I would only encourage more people to come more often because sometimes we hold our meetings and there are four or five staff members here and that is it. It is sometimes difficult for us to know what your position is or your point of view. So, I also compliment you.

"I have to go on record as saying I am not too worried about saving skunks, whether they are spotted or not. I got sprayed by one of those suckers once and I don't have a love affair for skunks

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and I'm sure the animal people will be hollering at me and telling me why I should change my point of view. There were a few concerns brought up that I would like to have answered. Who, David, can I talk to about roads? Can I talk to you about them? I'll just ask you the question.

"There was some concern that this increased traffic would tear up the roads. Have we built those? Are they going to have the capacity of that extra hundred or so of these big trucks going up and down the roads or where are we at on that?"

Mr. David Spears, Director, Public Works, said, "I might just mention that the roads around the area are built to County standard and even above in some cases. For example, Hoover between 55th and 71st, has nine inches of asphalt above a six-inch stabilized base. Now our standard is six inches of asphalt, but we did that because of the heavy trucks and sometimes they sit there waiting to deliver the grain. Mainly 55th Street, between West Street and Ridge Road, right now has a six inch stabilized base with six inches of hot mix on top of that. This year we are scheduled to put one more inch of asphalt on top of that, so it will have seven inches. From our point of view, we are not concerned about this limited amount of truck traffic."

Commissioner Sciortino said, "Okay, thank you. Fire protection. I think Commissioner Norton had a good question about that. I'm sure there are requirements. Are we going to be given assurance that they are going to meet whatever federal, state, local requirements are so that if a fire does break out. I know there is not a fire hydrant right next to them."

Ms. Erlenwein said, "There will be those two avenues of protection there. One, KDHE in their permitting process requires fire protection and will look over the plans. Plus the County Fire Department has requirements and they won't be able to receive their building permit unless adequate fire protection is provided. So, they will be governed by two agencies, County Fire Department and KDHE to make sure that there is adequate protection."

Commissioner Sciortino said, "Okay. Then I guess to the applicant or one of his representatives, maybe the attorney or someone could answer this for me. My concern is the schools and school buses and what have you. I got from the bus driver lady the peak driving times when the buses would maybe be on those roads and one was between 7:30 and 8:00 or so and then again in the afternoon. What are the peak times for when the trucks are going to be going in and out of there."

Mr. Gary Black, District Manager, Waste Management, said, "The peak times are probably going to be with our commercial trucks. Their first loads are going to come in around 6:30 to 7:00 a.m."

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Then they're going to have some more loads probably two to three hours after that and then maybe two to three hours after that and then they'll be finished. They average about three loads per day on the commercial front-loaders. The residential trucks will be rolling in anywhere from 2:30 to 5:00 p.m. We try to get all the trucks off by 5:00 or 5:30."

Commissioner Sciortino said, "So they will be driving maybe on those roads during the afternoon pickup but not in the morning pickup."

Mr. Black said, "The residential trucks, no, unless for some reason they couldn't make it to dump out the night before and they'd have to dump the first thing in the morning. The roll-off trucks for the industrial type of business, they'll be dumping throughout the day, no specific times. Some of that material will also be going to C&D landfills, that's not allowed in the transfer station."

Commissioner Sciortino said, "Thank you. Maybe you can stay there. On a lot of the concerns, I think what I was hearing, was maybe more germane to a landfill, as opposed to a transfer station but contributing to the ground water contamination. Isn't the floor concrete also?"

Ms. Erlenwein said, "Yes, the floor has to be a sealed concrete floor so it is impermeable to liquids going into it. Also the plan requires them to contain any water that comes into contact with the waste into a container. That container would then be taken off site to the sewage treatment plant for treatment. So that is termed the leach material. The trash is dumped inside the building on the sealed concrete floor, then pushed into the semi-truck. It should not come into contact with the ground and any water is contained appropriately."

Commissioner Sciortino said, "Has there ever been any evidence of a transfer station contaminating ground water or doing any of these concerns that these citizens . . .?"

Ms. Erlenwein said, "No sir. That is why they are more environmentally friendly than a landfill."

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

Chair McGinn said, "I have a couple of questions for David. Back to the roads. You said County standard is six inches but the ones in that area are approximately seven to eleven."

Mr. Spears said, "We have one that is 11 ½ inches and that is Hoover, between MacArthur and K-42. Like I said, Hoover, between 55th and 71st, is nine. Hoover, between 55th and MacArthur, is six and 55th, between West Street and Ridge Road, is seven."

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Chair McGinn said, "Just to give me an idea, how does that compare to like say 235 and K-96?"

Mr. Spears said, "An interstate highway, those are KDOT roads. Mr. Borst is also here. Mark do you know how thick the interstates are that KDOT does?"

Mr. Mark Borst, Traffic Engineer, Public Works, said, "Typically an interstate is going to be around nine inches of portman cement concrete on top of the stabilized base."

Chair McGinn said, "Okay, thank you. Just wanted that idea. Sounds like we're close. Two individuals brought up overturned trucks and that type of thing at West and 55th South. Do you have some information on that kind of situation?"

Mr. Spears said, "Yes Ma'am. Mr. Borst went over to the Sheriff's Office and the Sheriff has an accident database and according to their database, there have been eight accidents since 1987, no truck over-turns. The one over turn was a motorcycle. Now, that doesn't mean that there couldn't have been a truck over turn that the Sheriff's Department was not present and did not make a report out. That is the Sheriff's accident database. That is since 1987, eight accidents."

Chair McGinn said, "Okay, thank you. I don't know who this question would be for, maybe Marvin. The reduced speed signs for Oatville. It is in the City of Wichita now, is that right? It's not yet. I guess I need to understand why they're not able to get reduced speed signs in that area."

Mr. Borst said, "I took that to mean the Oatville School, is that correct? School speed zones are for pedestrian traffic and right now and for the entire time Hoover has been out there, we do not have the infrastructure, sidewalks, for pedestrians or other facilities for them. The school zone was there, it predated me. It was there before 1986. We removed that and now I don't have the year in front of me, but I want to say in the mid nineties. I talked with the principal who was at the Oatville school at that time to determine how many pedestrians there were, students that walked to and from school. She indicated that at that time there were none. They were all school-based in or private vehicle transported. So we removed the actual speed zone. Now, since we've done that, the residential development has increased. I have not been back out and our staff has not been back out to do any studies to determine if there are pedestrians. But we still have no facilities for the pedestrians to use in a safe and efficient manner out there, as far as side walks or paths or whatever. We're rural section two-lane with a minimal shoulder and then ditches. So they would either have to walk literally on the edge of the road, which would not be a condition I would recommend as a parent or as a professional, or they would have to walk on the back side of the ditch, basically up near the

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property lines."

Chair McGinn said, "So you're talking about crossing though, right?"

Mr. Borst said, "No, I'm just talking about speed zones along."

Chair McGinn said, "Is there certain criteria why you can't get a speed zone in a school area, that's what I don't understand. It has to be generated by pedestrians?"

Mr. Borst said, "That is my guideline. That is the professional guideline I use that there has to be pedestrians. If I slow down for buses or vehicles in and out of a school then I have to start looking at speed zones by time of day or permanent for other types of facilities that have time of day generated ingress and egress. You're talking aircraft plants, although they are a much larger scale. You're talking other retail commercial industrial type facilities. We don't do that for any of them based strictly on vehicle. We can potentially look at some type of signalization but we would not meet the criteria for that either."

Chair McGinn said, "I just didn't know how that worked. Commissioner Winters."

Commissioner Winters said, "I have a question for Mark, if I could. Mark, what is your responsibility with the Bureau of Public Work?"

Mr. Borst said, "Traffic engineer."

Commissioner Winters said, "You're familiar with the traffic counts on both Hoover and 55th and can you make a comment or two after you've seen the record from the testimony at MAPC and what you've heard today and however else you've received it, what's your thoughts about the increased traffic load on these streets?"

Mr. Borst said, "Once again, we're in the low single-digit percentage increase with the 70 in, 70 out. Our original analysis was strictly at the intersection of 55th and Hoover because that's when we had our very preliminary information that is where we assumed most of the truck traffic that would be added through the transfer station would use. We've since found out that the majority of it would be through the 55th and West and then West on 55th Street. Even then, we're talking, using the number given us by the applicant, I've been using 150, a nice round number of trucks increase per day, half in and half out. It can be a significant increase in the truck traffic but in the overall traffic, a couple of percent is not a significant increase to worry about, 'Now we have to start making improvements'. The improvements we want to see because of that truck traffic, because it

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is heavier, takes more time to accelerate and more time to reduce speed, are the auxiliary turn lanes and we would want to see some radius improvements there in the appropriate quadrants of 55th and Hoover due to how tight and non-existent our radiuses are there now."

Commissioner Winters said, "So, right now we're looking like 3,400 count per day on Hoover and we have some roads in the County probably that are up in the 8,000 to 9,000 vehicle range that are still two-lane roads and functioning."

Mr. Borst said, "Yes, we do."

Commissioner Sciortino said, "When a road is built, is it designed and built for a certain maximum capacity?"

Mr. Borst said, "Well, the number of lanes has a built-in maximum capacity. We start looking at programming for four lanes when we start seeing about 4,000. That is a very arbitrary number, based on a request a number of years ago, so we used 4,000. I think Marvin through out about 8,000. I've heard as high as 10,000. You start getting up into the 7,000 to 8,000, if you're not planning for multiple lanes, you need to be because you're getting the growth and you're going to need the additional capacity."

Commissioner Sciortino said, "Will this additional capacity still be below where we're going to have to start thinking about expanding that to a four-lane highway?"

Mr. Borst said, "Yes, because we're in the 200 range for our higher volume. If you added all of that traffic to that one particular count you'd be up in the 3,500 range. So, we're still down below the 4,000."

Mr. Spears said, "Excuse me one second Mark. Mark said we start programming at 4,000. Here is the rule of thumb. When the road gets 10,000 cars per day, that's when we go to four-lanes. When he said we start programming, that means that we start looking at it and looking at the CIP, that is not when we build it."

Commissioner Sciortino said, "At 10,000."

Mr. Spears said, "Yes, 10,000, I knew you looked a little confused there."

Commissioner Winters said, "That's all I have, Madam Chair."

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Chair McGinn said, "Commissioner Norton."

Commissioner Norton said, "Thank you, Madam Chair. Obviously I have a lot of my constituents here and I would have to applaud them, like everyone else has, for bringing their case to us. It certainly makes my job easy to make my decision because they have represented themselves so well and represented me well by being a class act and very professional about this.

"I do have some concerns. One of them, the biggest one, has to do with the miles off the Interstate. I think our original proposals and what we were looking at was making sure that the transfer stations had easy access on and off of true access roads that would move the truck traffic around and I really don't believe that four and five miles off the main intersection is going to do that. I think we've got to take that into consideration. I know, as I travel the County, there are many other sites that are already zoned Industrial that have quick access to Interstate or a high traffic area. I think we have got to take that into consideration and almost has to be one of the number one criteria. Moving this out into neighborhoods I just don't think is going to fly, regardless of whether it is on the south side or any part of the County. For that amount of truck traffic and to move through off the Interstate, when we defined that as a County Commission as something that we found acceptable it just can't be taken off the plate right now.

"As I moved through the other things I thought were important, I got to tell you the presentation of hitting every Rule of Golden, which is the standards that you use for zoning was pretty incredible. Most average citizens don't even know the Rules of Golden and I applaud this group for knowing every one of them and speaking pretty eloquently about those. It is really important that we look at the ones that have to do with the impact on community facilities, which is a Rule of Golden and has to be taken into consideration and any way we look at it, this will impact schools, three schools that are in that south side area.

"Is there a relative thing to the public for this? Could be, there could not be. There is already plenty of capacity, at least for right now, to mitigate the trash that we are going to create. It is important that we understand that, yes the clock is ticking. Believe me, I understand that. I understood that as a private citizen before I reached the Bench here and I understand it now. It was a tough decision you had to make. But even though the clock is ticking, there is plenty of capacity for us not to panic right now and pick the first site that is thrown on the table. There is a really good site that has been brought before you next to Brooks Landfill. There is one that is close to

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Derby that is close to a C&D landfill already. I think to overreact and have a knee jerk reaction and say we've got to take this site is panicking and I think we have got to have cooler heads prevailing and make sure that we don't over react.

"I believe one of the overall problems with any siting in the County is the best site is the best site. I'm not so sure that this is the best site. I know that there are sites in industrial areas. One of my concerns is that we've almost taken off the plate every site that falls in the city limits of Wichita. They create 75% of the trash and somehow they're not willing to have on the plate that they can go in the confines of the city limits or have made it so restrictive that, as a County Commission, we have to pick a site that may not be as good out in the County when there are many other sites that are much better, centrally located, and close to interstates or major thorough-fares. I think that is a travesty that needs to be worked on and I would charge Bill Gale to help us work on that because if there are things that have been added on and layered to that will restrict and hurt the citizens, not only in my district but in every district, then shame on us. Shame on the city government and the County government for not allowing us to come to the best conclusion. I think that picking the best site is the best site and maybe we should make sure that we're not throwing out the sites that are the best sites in the confines of the city limits. I would challenge anyone who wants to build a transfer station to look at the best sites, not just the cheapest site.

"As I move forward, another item that concerns me is the flooding in that area. We've done some major drainage studies on the south side. We all know it is pretty flat and there is flooding down there. There is flooding across the streets on 55th and I don't think we've taken that near into consideration. One of the things that concerned me is you talked about the road bases on Hoover and Hoover and Hoover. Yet I heard today the truck traffic is going to come down West Street. Now I didn't hear anything about the road bases on West Street, which is where I assume that I have been promised that all the truck traffic will come down. So, if we made our studies based on the depth of Hoover then we picked the wrong street to do our studies on because we just heard today that the truck traffic will come down West Street. Is that not correct?"

Mr. Spears said, "Sir, we've been given conflicting information about where the truck traffic is going to come from. We can get that information on West Street but I do not have it here in front of me."

Commissioner Norton said, "Okay. So, that brings a concern of mine, is West Street road base adequate for that kind of truck traffic. I would also ask Bill Upman, I have a concern that all your

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trucks are going to come down West Street. If they're in Haysville, are they going to drive out of Haysville onto the turnpike, up 235 and come down West Street, is that what I hear?"

Mr. Black said, "The majority of our trucks will come down West Street, unless they are servicing in a close area around the facility."

Commissioner Norton said, "Okay. From Derby they will take what truck route?"

Mr. Black said, "From Derby they will probably come up I-135 and jump around to 235 and take it around to West Street."

Commissioner Norton said, "They're not going to come straight across 63rd Street and straight out, which is the closest route."

Mr. Black said, "No, we're trying to satisfy not going by the schools because that is a concern of ours as well. We want to try to appease the school system by not sending our trucks through their areas and use one main route."

Commissioner Norton said, "Another concern I have is some of the citations of Rolling Meadows Landfill."

Mr. Black said, "I'm going to have to pass that to Bill Upman our senior engineer."

Commissioner Norton said, "Rolling Meadows, I understand, has had some citations."

Mr. Upman said, "One citation, one issue with the State of Kansas. It was cited three times for one issue. One of them is it is a non-discharge issue. So, we did not affect the environment in any way. It was a run-off control berm that was run over by a dozer and crushed and considered inadequate by the inspector. Then another issue, the berm was not properly sized. Since that time we've met with the State of Kansas and resolved that issue and there have been no further citations on that issue."

Commissioner Norton said, "Okay, thanks. I'm a little concerned about if we do improvements on the shoulders and the turn lanes and the egress lanes, who will pick that up and what those cost will be. I think that anything that would roll over to the tax payers is not going to sit well with this group in the audience or taxpayers throughout the County, so I would have a concern with that. Do we have an answer on that?"

Mr. Kennedy said, "With respect to the ingress to the specific site, there on 55th Street going up

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into the proposed facility, that is obviously on Waste Disposal's. There have also been questions asked and discussions regarding improvements at 55th and Hoover Road. We certainly intend to work in every way that we can with County staff to make sure that to the extent that there is increased traffic at that intersection, that these trucks are adding to that or creating that increased traffic that improvements need to be made, we're going to work with them and make those improvements."

Commissioner Norton said, "Once again, I hear you say 55th and Hoover and I thought that was off the table. I keep hearing that we're going to take the trucks up West Street and you're saying 55th and Hoover. Why is that even an issue?"

Mr. Kennedy said, "I can't stand here and I don't think anyone else can and look in a crystal ball and say that under any set of facts at any time at any point that there will not be either one of the trucks delivering trash to be processed at the facility or perhaps a truck that is going to come in and then haul the solid waste off to the landfill in Topeka, that that intersection will never, under any circumstance, be used. One of the things we want to look at very carefully is, if in fact that does occur, that appropriate improvements be made to that intersection. Standing here today, it is not the applicant's intention or the intention of Waste Management, who is going to be bringing the trash in and then taking it to Topeka, to use that intersection. But there may be occasions, particularly when you're talking about the trucks that are picking up residential trash or commercial trash that are up in that area north of the area, that they may use that intersection."

Commissioner Norton said, "Okay, thank you. I was just handed some information from Pam Doffing and Charlene Cahill, who happen to be watching us on television from the Riverside Township, and they indicated that they call the corner of 55th and West as 'dead man's curve'. It is dangerous and the Riverside Township lost a new dump truck carrying trash on that curve sometime after 1989. They say the engineers should check the records again. Enter that into the record. People are watching out there and I appreciate that."

Mr. Spears said, "All I would have to say about that is this information was provided to us by the Sheriff's accident database. Maybe we didn't have a Sheriff's officer there but we received our information from the Sheriff's Department."

Chair McGinn said, "I think townships are a little like us farmers. A truck goes off the road we just go get the tractor and pull it out. Mark."

Mr. Borst said, "Also, the curve that the township is referring to there is north of the intersection of 55th and West. It is where it curves to follow the berm on the ditch and it is posted with a curve

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sign and advisory speed plate. There are instances that happen there. We have not been out on a serious accident there for a number of years but there is a location that can have some incidents were if people are not driving at the advisory speed, especially larger vehicles, you could have some incidences where they run off the road and they do."

Chair McGinn said, "I recall that area and it is marked very clearly. Go ahead."

Commissioner Norton said, "I am worried about leaking trucks and not in the facility but the ones that are sitting out on the yard waiting. Unless they can always guarantee that trucks are going to pull straight into the facility, I would have a concern. Are we going to wash down the parking lot of the base out there and make sure that nothing leaks out of a truck into that? That is already a pretty heavily contaminated area and we wouldn't want to add to that. We all know that trucks that pick up are going to leak and if they have to sit for very long they may leak on that area. Is there anyone who can address that?"

Mr. Jim Weber, Deputy Director, Public Works, said, "Just want to point out that in the previous transfer station cases we've established a standard for on-site drainage that in fact in both cases we've approved drainage plans that indicate that they will have detention storage on-site where all the paved areas, all the truck storage areas would drain to that site. Not that they won't pass through, but they will be constructed in such a way that if there was a spill or a concern of any kind they can close a valve and retain the spill plus some small amount of rainfall until they can get it evaluated and cleaned up. My anticipation is that this site would have to be platted after and if the zoning case is approved for it and in that platting process we'll be looking for that exact same type of improvement on this site."

Commissioner Norton said, "Okay, thanks. I had a concern about the facility being washed out daily. I heard that it will be swept out daily and washed out weekly. I'd like to hear that it is washed out daily, is that correct? Can someone address that?"

Ms. Erlenwein said, "KDHE regulations require that it is cleaned daily. That doesn't mean liquid wash. It can be a dry clean. Sweeping it out with kitty litter or other material that may absorb any

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liquids, that is called a dry clean. The term isn't wash out, it is daily cleaning."

Commissioner Norton said, "So there is no term 'wash out daily'."

Ms. Erlenwein said, "Correct. It is cleaned daily."

Commissioner Norton said, "That concerns me, whether it is KDHE rules or ours, that concerns me. I guess the final thing I would talk about is that today we've seen many citizens get involved that have very good ideas about their neighborhood and about what they would like to happen in their area. I think the overwhelming thing for me is that the group that we appointed to look at these kind of issues and to be the experts, the MAPC voted nine to three against this. I find it difficult for a County Commission to step up and over rule that when we have overwhelming support from citizenry which have gone to a body that we appoint to be the experts, they come back nine to three for us to deny the request. I find it difficult for us to overwhelmingly go against that."

MOTION

Commissioner Norton moved to adopt the findings of fact of the Metropolitan Area Planning Commission and deny the rezoning and Conditional Use Permit applications.

Chair McGinn said, "We have a motion, do I hear a second? Hearing none, the motion dies for lack of a second. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Madam Chair. Land use cases are always difficult and I don't care where they are and what the use is. Any time a community attempts to change the zoning in a neighborhood, it is and can be very contentious. I do want to echo my colleagues regarding your presentations. I warned Commissioner Norton, I warned Chair McGinn, who were going to be sitting through this kind of thing for the first time, about some of the past behaviors of other folks who have been in this room and how concerned I was that some of those inappropriate behaviors might be repeated. Your Commissioner assured me that that would not be the case and I'm delighted that he knows you so well.

"As you all know, you've gone through the criteria and by law that is what we must consider, too. Even though we may look at the same criteria differently, I want to assure you, as I go through my comments here, that I think this Board did listen. Whether or not the Board agrees is yet to be determined but listening, trying to understand concerns, many of them that you raised today that had not occurred to us before, road and intersection improvements, rerouting of what we envisioned the traffic routes might be and other requirements for other road improvements are something that is new to me yet this morning.

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"I guess I'm going to go back and talk a little bit about the Planning Commission and their vote. It seemed to me, by reading the Minutes, that instead of concentrating on land use issues and these review criteria, that they seemed to veer off and discuss a debate on the Board of County Commissioners policy decisions on how we're going to dispose of municipal solid waste in this community. Quite frankly, that is irrelevant to a zoning case in my opinion. They also spent a great deal of time, and many of those quotes were given to us today, on need and whether or not this facility was needed. I don't think, in a free enterprise system, I don't think the issue of need is any more appropriate to discuss it on this matter of transfer stations than it would be to discuss the need of more aircraft manufacturing plants or discuss the need for more Quik Trips or discuss the need for more restaurants. Need is not one of my criteria. They are very specific and that is not in there either. I know what their vote was, I appreciate that, but I'm concerned that a lot of their decision-making came from areas outside our criteria.

"One of the criteria we have to consider is the recommendations of professional staff. This is an issue that goes way beyond one department or one bureau. The Metropolitan Area Planning Department staff recommends approval. Our Environmental Resources staff has reviewed this and has made a recommendation to us that this will work. Our Public Works Department assures us that the roadways are adequate and they will continue to work on a very aggressive campaign of maintaining the roadways in this County, as we do in all portions of it. The Solid Waste Planning Committee looked at this, again another group of citizens, and found it to be in compliance with our plan and appropriate.

"As far as the zoning uses and character of the neighborhood, this is a mix of limited industrial and general industrial. Light Commercial on that corner has always been the practice of the County for a history to zone Light Commercial and SF-20. As you pointed out, there are agricultural uses nearby. From someone who probably, maybe in this State, certainly in this County, has heard more valuation protests than anybody else, that's me, with Commissioner Hancock leaving the bench, I think I hold the record for hearing more valuation protests than anybody in this State, it is to a businesses advantage to keep property in agricultural use. So, I see lots of businesses who have excess ground in and around them, plant it with Ag use because it is very advantageous on a tax basis. So we are seeing Ag use, both by business and individuals in that area. We have maintenance buildings, we have Single-Family Residential, not a lot but there are certainly some close. We have an industrial park across the way. We have a power station. So there is a mix, that's true.

"The suitability of the subject property for the uses to which it has been restricted, SF-20, this is my thought and I think the thought of the Planning Department staff, it is not likely that that corner would be developed in residential houses. My experience in the real estate business would lend me to believe that Mr. Gray and others know kind of what the limit is as to how close one wants to be

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or a subdivision of folks want to be to some of those industrial uses. The Light Commercial at corners I said is by tradition or history of the Board of County Commissioners.

"The extent to which removal of the restrictions will detrimentally affect the nearby properties, there will be setbacks. There will be landscape buffers. Only a portion of this property would be used for the proposed use, a very minimum lot size that I would be prepared to consider. Certainly, the road improvements and maintenance programs that I think Sedgwick County is very serious about and will continue. The length of time the subject property has remained vacant, well, it has remained vacant since the beginning of time as far as I know. That certainly hasn't changed. The relative gain of public health safety and welfare as compared to the loss and value or the hardship imposed upon the applicant. The Solid Waste Plan says that this County is going to find new methods to dispose of our municipal solid waste and in order to do that, we've mandated the utilization of transfer stations. It is important for this community to have a choice of facilities in order to maintain a competitive balance between service providers.

"Since it also appears that the ultimate disposal locations will be different, from one service provider to another, this request would provide additional security that there would likely always be a landfill to which this community's trash could be hauled. Finally, I think by having transfer stations sited at different locations through this County, that it will provide increased convenience and reduce the total miles. I think, as I looked at this from the beginning, one of the goals that we discussed was that transfer stations would be located in different parts of this County, numerous, as many of them as private industry would be willing to build because we do believe the adjacency will increase utilization.

"The conformance of the requested change to the plan. The Comprehensive Plan identifies this area as rural uses. The treatment of this use and zoning code suggest it would be appropriate for some rural, as well as industrial settings. Again, as I said, the Solid Waste Committee reviewed the application and found it to be consistent with the County's regs for transfer stations.

"The impact of the proposed development on community facilities, we've talked a great deal about traffic and additional improvements are to be paid by the applicant. I just mentioned to Commissioner Norton that we've talked a great deal about the corner of 55th and Hoover. I think we're going to be compelled to talk to the applicant about the corner of 55th and West, if that is the

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way the majority of the traffic is going to come in. That's not on the table, but I think it certainly should be. The County does have a precedent to maintain our roads on a regular basis, and every five years.

"Obviously, Item H is a no-brainer. The neighborhood residents oppose this. I mean, that is obviously apparent. As I said, I get back to the consideration of my professional staff. My professional staff tells me that this zoning case should be approved, so I am prepared to approve it today."

Chair McGinn said, "Commissioner Winters."

Commissioner Winters said, "The only thing I would say is Commissioner Gwin, I listened to you very carefully and walked through your reasons for finding and that opinion and let the record show I agree with those comments. Thank you."

MOTION

Commissioner Gwin moved to adopt the recommendation and findings of the Metropolitan Area Planning Department staff as contained in the staff report and as presented to the County Commission and approve the rezoning and Conditional Use permit applications for only the area enclosed by the fence and driveway as indicated on the site plan and subject to one, the recommended conditions, two, the road improvements identified by the Planning Director to be improved at the applicant's expense and three, platting of the property within one year and authorize the Chair to sign the approving Resolution.

Commissioner Winters seconded the Motion.

Chair McGinn said, "I have a Motion and a Second. Is there any discussion? Commissioner Sciortino."

Commissioner Sciortino said, "I need to have clarification, if I can again. I know Marvin, you put up that map that said the whole area but then you said the area would consider just the center part of it as zoned Industrial and the rest would stay SF-20, is that correct?"

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Mr. Krout said, "SF-20 and LC."

Commissioner Sciortino said, "I understand, what it is presently. Is that acceptable to the applicant?"

Mr. Kennedy said, "That is our understanding as well."

Commissioner Sciortino said, "I think both Commissioner Norton and Commissioner Gwin made some very good comments about the focus was on 55th and Hoover but then in hearing that most of the vehicles are going to go 55th and West Street, would the applicant consider any road improvements that needed to be done at that intersection?"

Mr. Kennedy said, "As I have already indicated to Commissioner Norton, our intention is to work with staff and make sure that necessary improvements are undertaken."

Commissioner Sciortino said, "Okay, I think I agree with you, Commissioner Gwin, the MAPC shouldn't have based their decisions on need. There is one transfer station that has been sited that could handle all of the trash, but I share your concern is that unless we can get competition going, we have no guarantee that prices can stay down as low as they possibly can. I had one other point and I've lost it because of this cold. It left my head. I'm sorry, I had one other item I wanted to discuss and I've lost it. I'll pass to anyone else who wants to speak."

Chair McGinn said, "Commissioner Norton."

Commissioner Norton said, "Thank you. Obviously I will not vote for this. I think that we are obligated to hear the will of the people and the people have spoken eloquently today. I find it hard to once again see that we would not follow the recommendation of our Metropolitan Area Planning Commission. I find it hard to think that we can find good adequate people to serve on these positions if we don't listen to what they have to say. They heard pretty good testimony that day. I happened to be there and I spent the whole afternoon listening to all the testimony there, listening to the reasoning and felt that the Metropolitan Area Planning Commission made a good decision on your behalf. I find it hard that you would overturn that. Personally, I will be voting against this. I would offer up that I would ask that, even there is a Motion on the floor and a Second, that someone

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use jurisprudence and listen to the will of the people and join me in voting this down because it only takes one other vote. Thanks."

Chair McGinn said, "Thank you. Commissioner Winters."

Commissioner Winters said, "Thank you. I just wanted to make a quick comment about the intersection at 55th and West. To me, that is not any part of this motion. I will certainly be supportive of having our County engineer and whoever else look at that intersection. If we need to do some work there I think we can do that, but I don't think we can ask this applicant to step up and start fixing every intersection within a big radius around this facility. There are whole lots of other people that use that intersection at 55th and West. So, I certainly would be supportive if we need to take a look at that. I'll be one that supports that, but I don't think we can go too far in this process. Just my understanding is that is not part of this motion."

Commissioner Gwin said, "No, that's true."

Chair McGinn said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chair. I just was handed a note that was addressed to both myself and Commissioner Norton from an individual who is watching on television. Her question was and I guess I'll ask somebody here, 'will trucks be parked in front of houses overnight if they don't get in the night before? I'm not too sure what that means but I'm asking the question."

Mr. Kennedy said, "I'm not too sure I know what it means either. I think the only representation that I can make to the Commission that probably has any meaning is that the intention is to off-load those trucks, manage the solid waste as the law requires, which requires a very rapid turn around, 24 to 48 hours. To the extent that a truck can't unload, I suspect it is going to end up at Waste Management's facility at 31st and West or whomever else may be burdened with that load."

Commissioner Sciortino said, "I hope that answers the question. That's all I had. Thank you."

Chair McGinn said, "I'd like to make a few comments before we vote. In listening to the concerns of the citizens in the southern part of the County, I just want them to know that I take very seriously preserving of critical habitat, those types of things, of making sure groundwater is not contaminated. I also heard that Wildlife and Parks has stated that we don't have a spotted skunk in

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this area. So that is not a problem and I guess I would also go out on a limb and suggest that perhaps, when I kept hearing about the wildlife in this area, I went down there and drove around. Understanding what occurs when industrial businesses come into an area. One of the things that they do is create an environment for wildlife. That is what I saw down there. An area that KG&E built, put together, and other areas around that. So, often times you end up having more wildlife and various habitats in the area. So some of the things I think we are requiring these folks to do as well may also encourage that as well.

"I listened to the other issues that were concerns to folks. As I listened to Susan and read some of the Solid Waste Committee's report, listened to Commissioner Gwin and that type of thing, I think many of those things have been answered and some of the things that are still out there, I think those are things that we're still going to take a good look at.

"Traffic, I heard two to three percent increase and we don't want more in traffic around the schools. I would agree with that 100% as a parent. I wouldn't want that and I know that you don't want that. It made me wonder, though, about other schools in a growing population. I pulled up on the Internet all the elementary schools in 259 that are next to high traffic areas. It is not to say that the reason why we should do this, but it is to show that we are in a growing, highly populated, metropolitan community and I just don't know that we can avoid those types of things.

"I also have to lean a little bit on the Solid Waste Committee. They supported of this. That is a group that is made up of individuals throughout our County. They walk through the regulations and the questions they had and supported this. The Metropolitan Area Planning Department supported this. So, I feel that I have to lean on them, as well as our Public Works staff and those folks.

"One other thing, I guess, I'd like to make a comment about is I have the first transfer station that's being built in my district. I'm hearing who knows, I may have another one. I think the market will have to decide that. I think, in going out and looking at transfer stations and seeing what they really look like and seeing nice facilities with green grass around them, I don't think they are a bad thing. The other thing, I think it is going to be an added convenience for my citizens, because of the close proximity of the transfer station in our area. I think that perhaps, at this point in time, this is the wave of the future right now is transfer stations. As we've heard there are 52 permitted in the State of Kansas today. I think for us, in our area here, we just don't know what that looks like and what that means yet so I think there is a little concern of the unknown there. So, given all the information I've heard today and the background information I've received in the past, based on the criteria for a zoning change, I'm going to have to support your motion. Is there any other discussion? We have a Motion and a Second. Clerk, call the vote."

VOTE

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Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	No
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Before we take a ten minute recess, I would like to thank everybody that came here today. As a governing body we are obligated to look closely and examine all sides of the issue. Many times these are not popular issues, but as elected officials we have to make them. Commissioners, I'd like to take a ten minute recess before we continue our meeting."

The Board of Sedgwick County Commissioners recessed at 1:12 p.m. and returned at 1:23 p.m.

Chair McGinn said, "I'll call the meeting back to order. Clerk, call the next item please."

NEW BUSINESS

C. MEMORANDUM OF UNDERSTANDING WITH RESEARCH TRIANGLE INSTITUTE PROVIDING PARTICIPATION IN THE NATIONAL FORENSIC LABORATORY INFORMATION SYSTEM.

Dr. Tim Rohrig, Director, Forensic Science Laboratories, and Chief Toxicologist, greeted the Commissioners and said, "The National Forensic Laboratory Information System, commonly referred to as the NFLIS program, is a drug enforcement administration undertaking where they are requesting forensic laboratories to submit information relating to illicit drug analysis. That is, they want to capture some of the information that we have in our laboratory as the types of drug seizures that we're analyzing, be it heroine, cocaine, or other dangerous controlled substances. We're kind of fortunate in a sense that the Midwest is really under represented in this program and if approved and we participate in this program we will be the only forensic laboratory in the State of Kansas that is actually supplying data to the D.E.A. for this project. It also gives us a nice added benefit as by us being in this program we have access to their regionalized information, so we can look and track drug trends and prepare not only the laboratory for increases in different types of drugs, but also share this information with the law enforcement community. I would recommend approval of the Memorandum of Understanding and authorize the Chair to sign. Is there any question?"

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Chair McGinn said, "Commissioner Winters."

Commissioner Winters said, "Thank you, Tim. I'm going to be supportive. Remind me of where Research Triangle is. I know that is a familiar term to me. I've heard that before but I'm not placing where that is."

Dr. Rohrig said, "It is in Raleigh- Durham, North Carolina."

Commissioner Winters said, "Thank you. That's the only question I had."

Chair McGinn said, "Any other questions? Commissioners, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to approve the Memorandum of Understanding and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Thank you. Next item."

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D. DEPARTMENT ON AGING.

1. LEASE AGREEMENT WITH THE VEE GORDON LIVING TRUST FOR OFFICE SPACE AT 102 EAST 6TH STREET, AUGUSTA, KANSAS.

Ms. Annette Graham, Director, greeted the Commissioners and said, "This agreement will allow the Sedgwick County Department on Aging to administer the Central Plains Area Agency on Aging Case Management Services directly from Butler County. Previously, services to Butler County residents were provided through office space within the Butler County Department on Aging, which is located in the Butler County western offices. This option is no longer available. The office space located at 6th and State Street will provide an opportunity for us to be accessible to clients in Butler County and to minimize travel costs associated with providing case management services. Funds to support the monthly rental fee of \$585 are already included in the department's total budget. No additional County funds are requested and the lease has been reviewed by the County legal department. We request that you approve the lease agreement and authorize the Chairperson to sign."

Chair McGinn said, "What's the will of the Board?"

MOTION

Commissioner Sciortino moved to approve the Agreement and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Next item."

2. CONTRACTS (FOUR) TO PROVIDE TRANSPORTATION SERVICES

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- **TIMBERLINES TRANSPORTATION**
- **AMERICAN CAB, INC.**
- **FRIENDLY SHEPHERD**
- **GOLD STAR MEDICAL TRANSPORTS**

Ms. Graham said, "The transportation brokerage currently has four vendors providing door to door transportation 24 hours a day, seven days a week to a variety of populations residing within Sedgwick County. Federal, state and mill levy dollars help fund this public service. The Sedgwick County transportation brokerage vendors includes the Cerebral Palsy Research Foundation, through their Timberlines Transportation Program, American Cab Company, Friendly Shepherd and Gold Star Medical Transports. Mill levy funds are reimbursed to vendors on a fee for service basis for transportation and these funds are within the 2001 approved budget. The contracts have been reviewed by the Sedgwick County counselor's office and we request that you approve the contracts and authorize the Chairperson to sign."

MOTION

Commissioner Gwin moved to approve the Contracts and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Commissioners, at this time I'd like to take an Off Agenda item."

MOTION

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Commissioner Gwin moved to take up an Off Agenda item.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

OFF AGENDA ITEM

Chair McGinn said, "Annette, go ahead."

Ms. Graham said, "The agenda item it for approval to submit the preliminary grant application to the United Methodist Health Ministry Fund for Community Service Coordination. The United Methodist Health Ministry Fund awards grants of not more than \$100,000 per project per year to proposed eligible organizations to respond to needs and build on assets of local, regional and State situations. The grant for the Community Service Coordination program meets the defined proposed purpose of developing new or expanded sustainable resources to provide quality services. Our application is for Community Service Coordination to be provided through subcontractors. It was a three year grant totaling \$61,818. No local match is required and this amount is requested for a three year period. The Legal Department has reviewed and approved the grant application. We would request that you approve us submitted the grant application to United Methodist Health Ministry."

Chair McGinn said, "Annette, I understand that we do this with the current workers that we already have, the case worker."

Ms. Graham said, "We have one staff person who would be doing the supervising and monitoring of that and then we do already have two individuals that we contract with to do service coordination in Sedgwick County."

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Chair McGinn said, "We will not increase staff."

Ms. Graham said, "We will not increase staff, no."

Chair McGinn said, "Thank you. Commissioners, any other questions? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the application and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Thank you. Next item."

E. PRAIRIE GRASS BURN ON SEDGWICK COUNTY ZOO PROPERTY, AND CLOSURE OF ZOO BOULEVARD, IF NECESSARY.

Ms. Judith McKee, Curator of Horticulture, Sedgwick County Zoo, greeted the Commissioners and said, "I'm the new face at Sedgwick County Zoo. Since 1994, the Zoo staff has conducted four prairie burns on our conservation prairie grasses. The burns serve two purposes. One is to destroy the weeds and the dead plant materials in these conservation prairie grass areas. The second is to allow the native grasses and the wild flowers to reestablish. Assisting with this project, we are in the process of contacting the County Emergency Management and County Fire Reserves to help us

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with that burn. This will take place on either a Saturday or a Sunday when the traffic counts are lower, sometimes between April 1 and May 31 when the weather conditions are right to burn. We would like for you to approve the prairie grass burn and the temporary closure of Zoo Boulevard if necessary."

MOTION

Commissioner Sciortino moved to approve the prairie grass burn and closure of Zoo Boulevard, if necessary.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Thank you. Next item."

F. HUMAN RESOURCES.

- 1. DELETION OF TWO DETENTION DEPUTY POSITIONS, RANGE 17, FROM, AND ADDITION OF ONE DETENTION LIEUTENANT POSITION, RANGE 21, AND ONE DETENTION SERGEANT POSITION, RANGE 23, TO, THE SHERIFF'S DEPARTMENT STAFFING TABLE.**

Ms. Jane Moralez, Compensation Specialist, greeted the Commissioners and said, "I'm here today to present to you today an adjustment to the Sheriff's Department Detention staffing table. We are

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wanting to delete two detention deputy positions, range 17, and to add one detention lieutenant, range 21 and one detention sergeant at a range 23 to the staffing table. I request your approval of this change."

Chair McGinn said, "I have a question. This is all tied in to the reallocation of funds that we had approved?"

Ms. Moralez said, "Right. They feel this is a better way to have the department, they would add a couple of supervisory positions they feel are needed for the department. There is no additional budgeting at all. They'll contain it all within their budget. Just changing things around slightly."

Chair McGinn said, "Thank you. Commissioners, are there any other questions?"

MOTION

Commissioner Gwin moved to approve the deletions from, and additions to, the Sheriff's Department Staffing Table.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Thank you. Next item."

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2. TRANSFER OF ONE LIEUTENANT POSITION FROM DETENTION FACILITY TO SHERIFF.

Ms. Moralez said, "The second item I have today for you is to move one lieutenant position, which is currently in the detention facility to the road patrol in the Sheriff's Department. This is just a switch on their staffing table, there would not be any budget impact involved. I request your approval."

Chair McGinn said, "Commissioners, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the transfer.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

G. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Chair McGinn said, "In our book, it says the Health Department report has been deleted."

MOTION

Commissioner Winters moved to postpone Item G.

Commissioner Norton seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

H. PUBLIC WORKS

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH KING CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NO. 811-B-2423; BRIDGE ON RIDGE ROAD BETWEEN 109TH AND 117TH STREETS NORTH. CIP #B-389. DISTRICT #4.**

Mr. Spears, greeted the Commissioners and said, "Item H-1 is a modification of plans and construction for the bridge project on Ridge Road, between 109th and 117th Streets North, designated as B-389 in the Capital Improvement Program. The improvements have been made and this project is ready to be 'finalized' out. There will be a net increase of \$20,676, due to variations in plan quantities from actual field measurements. I recommend that you approve the modification and authorize the Chair to sign."

MOTION

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

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Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Next item."

2. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A., TO PROVIDE DESIGN ENGINEERING SERVICES IN CONJUNCTION WITH SOUTHERN SEDGWICK COUNTY DRAINAGE PROJECTS.

Mr. Spears said, "Item H-2 is a contract with Professional Engineering Consultants regarding drainage projects which were described to you at last week's meeting and approved in Sedgwick County's Capital Improvement Program. There are seven separate designs for the following locations:

Part 1 - Turnpike between 87th and 97th Streets South at a cost of \$60,965.90

Part 2 - The neighborhood east of the turnpike, west of Hydraulic, and between 81st and 87th Streets South at a cost of \$65,181.85.

Part 3 - Oaklawn, the Greehaven drainage channel at a cost of \$61,355.30

Part 4 - Oaklawn - reconstructing Idlewild between Clifton and the Arkansas River at a cost of \$55,038.15

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Part 5 - Cowskin at 95th Street South and U.S. 81 at a cost of \$12,615.60

Part 6 - Diversion channel west of the Cowskin between 79th and 87th Streets South at a Cost of \$59,493.

Part 7 - Oaklawn - Clifton interceptor channel between 55th Street South and 47th Street South at a cost of \$53,693.

The total cost for all seven parts is \$368,342.80. Our Legal Department has reviewed the Agreement and would like to change some of the technical wording. The action we are recommending today is to approve the Contract, subject to technical adjustments, and authorize the Chair to sign."

Chair McGinn said, "Commissioners, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to approve the Contract subject to technical adjustments and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chair McGinn said, "Thank you. Next item."

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**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 22, 2001
REGULAR MEETING.**

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The Board of Bids and Contracts held a regular meeting on March 22, 2001. As a result of the meeting, the following items are being presented for recommendation.

**(1) CM-B SAND - PUBLIC WORKS
FUNDING: PUBLIC WORKS**

"Item one, CM-B sand for Public Works. Accept the low bid of Ritchie Sand, Inc. For \$70,500.

**(2) AB-3 ROCK - PUBLIC WORKS
FUNDING: PUBLIC WORKS**

"Item two, AB-3 rock for Public Works. Accept the split bid of Southwest Butler Quarry for \$77,625 for the cream-colored rock and of A-Plus Trucking for \$65,625 to deliver the rock for a total value, \$143,250.

**(3) FRONT MOUNTED RIDING MOWERS - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

"Item three front mounted riding mowers for Fleet Management. Accept the bid of Wichita Tractor for the grant total, less trade-in with attachments, for \$13,963.

**(4) ROTARY CUTTER MOWER - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

"Item four, rotary cutter mower for Fleet Management. Accept the only bid meeting specifications from Wichita Tractor, for the grant total less trade-ins, for \$10,362.

**(5) RIDING MOWER - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

"Item five, riding mower for Fleet Management. Accept the bid of Excel Sales for the grand total, less trade-in with attachments, for \$13,539.

(6) POLICE SEDANS - FLEET MANAGEMENT

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FUNDING: FLEET MANAGEMENT

"Item six, police sedans for Fleet Management. Accept the low bid of Rusty Eck Ford for the grant total, less trade-ins, for \$106,082.

**(7) NETWORK PRINTER/COPIERS/SCANNER - DIVISION OF INFORMATION AND OPERATIONS - DATA CENTER
FUNDING: DEPARTMENTAL CAPITAL OUTLAY**

"Item seven network printer/copier/scanner for the Division of Information and Operations. Accept the lowest complete bid of Xerox Corporation for \$117,710.

**(8) PROVIDE AND INSTALL NETWORK CABLES - ADULT RESIDENTIAL RELOCATION
FUNDING: FACILITY PROJECT SERVICES**

"Item eight, provide and install network cables for the Adult Residential Relocation. Accept the low bid of Communications Technology for \$9,996.12.

ITEM NOT REQUIRING BOCC APPROVAL

**(9) CARPET CONTRACT - FACILITY PROJECT SERVICES
FUNDING: FACILITY PROJECT SERVICES**

"There was one item that was tabled for further review. It was a carpet contract for Facility Project Services. Be happy to take questions and recommend approval of these items are presented by the Board of Bids and Contracts."

Chair McGinn said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Madam Chair. Number seven, did anyone questions this? This looks like a gross mistake or a zero was added on Infoserve Technologies there they showed that they bid Machine 1, five year cost per copy at \$540,000?"

Ms. Baker said, "No, that's correct."

Commissioner Sciortino said, "And everybody else was less than \$50,000? Did anybody question that?"

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Ms. Baker said, "Yes, and that was what they wanted to quote. They did withdraw their bid after discussion with Xerox. Xerox allows their distributors to set that pricing."

Commissioner Sciortino said, "Okay. It was identical machines and everything all the way down. Okay, thanks. You bought it without the service, is that correct?"

Ms. Baker said, "Actually, we're proposing at this point to purchase the equipment."

Commissioner Sciortino said, "My question is then, since that machine wasn't factored into it, these are identical machines and one was \$94,000 and the other was \$117,000. How come we picked the \$117,000? They're identical machines?"

Ms. Baker said, "Infoserve Technologies rescinded their bid. They disqualified themselves, based on a conversation they had with Xerox. Xerox wouldn't allow them to sell the equipment in this area."

Commissioner Sciortino said, "Okay, so they weren't a legitimate bid then. That's all I had."

Chair McGinn said, "Commissioners, any other questions? If not, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

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Chair McGinn said, "Thank you. Next item."

CONSENT AGENDA

J. CONSENT AGENDA.

1. Right-of-Way Agreements.

- a. One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project No. 817-B-1236; Meridian between 109th and 117th Streets North. CIP# B-424. District #4.
- b. One Temporary Construction Easement for Sedgwick County Project No. 789-V-2518; Bridge on 247th Street West between 47th and 55th Streets South. CIP# B-347. District #3.
- c. Two Easements for Right-of-Way for Sedgwick County Project - Southfork Addition. District #2.

2. Section 8 Housing Assistance Payment Contracts.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V01055	\$201.00	2	Springcreek Apartments
V01052	\$250.00	2	Coffey Management
V01053	\$242.00	3	Brentwood Apartments

3. The following Section 8 Housing Contract is 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>
V2016	\$450.00	\$450.00

4. Lease Agreement with Bank of America, N.A. for office space located at 330 E. Madison, Derby, Kansas.

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5. Plat.

Approved by Public Works. The County Treasurer has certified that taxes for the year 2000 and prior years are paid for the following plat:

Struthers Creek Addition

6. Order dated March 21, 2001 to correct tax roll for change of assessment.

7. Payroll Check Registers of March 5 (poll workers), March 15 and March 16, 2001.

8. General Bills Check Register of March 23, 2001.

9. Budget Adjustment Requests.

Mr. Buchanan said, "Commissioners, you have the Consent Agenda before you and I recommend your approval."

MOTION

Commissioner Winters moved to approve the Consent Agenda as presented.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye

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Chair Carolyn McGinn

Aye

K. OTHER

Chair McGinn said, "Is there any other business to come before this Board? If not, we're adjourned."

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 1:50 p.m.

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

CAROLYN McGINN, Chair
Fourth District

BEN SCIORTINO, Chairman Pro Tem
Fifth District

BETSY GWIN, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

