

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

### **REGULAR MEETING**

**January 23, 2002**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:10 A.M., on Wednesday, January 23, 2002 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Tim R. Norton; Commissioner Thomas G. Winters, Commissioner Carolyn McGinn; Mr. Rich Euson, County Counselor; Mr. William P. Buchanan, County Manager; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Robert Parnacott, Assistant County Counselor; Ms. Susan Erlenwein, Director, Environmental Resources Department; Mr. Brad Snapp, Housing Director, Housing Office; Mr. Mark Clark, Assistant Chief Deputy Appraiser; Mr. Ken Elliott, Economic Development Specialist; Ms. Deborah Donaldson, Director, Division of Human Services; Dr. Charles Magruder, M.D., Health Officer, Sedgwick County Health Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Jim Weber, Deputy Director, Public Works 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. Alan Chappell, Owner, C & D Recyclers of Kansas, Inc.  
Mr. Bill Bollen, Executive Director, South Central Kansas Economic Development District.  
Mr. Donald 'Keith' DeHaven, Mayor, City of Sedgwick.

**INVOCATION:** The Invocation was led by Commissioner Norton.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, December 19, 2001  
Regular Meeting, January 2, 2002  
Regular Meeting, January 9, 2002  
Special Meeting, January 8, 2002

The Clerk reported that all Commissioners were present at the Regular Meetings of December 19<sup>th</sup>,

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2001, January 2<sup>nd</sup>, 2002, January 9<sup>th</sup>, 2002 and the Special Meeting of January 8<sup>th</sup>, 2002.

**Commissioner Gwin** said, “Mr. Chairman, I believe we have received the Minutes of all of those Meetings.”

**MOTION**

Commissioner Gwin moved to approve the Minutes of the Regular Meetings of December 19<sup>th</sup> 2001, January 2<sup>nd</sup> 2002, January 9<sup>th</sup> 2002 and the Special Meeting of January 8<sup>th</sup> 2002.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Next item.”

**APPOINTMENT**

**A. RESOLUTION APPOINTING KAREN LANGSTON (AT-LARGE APPOINTMENT) AS AN EX-OFFICIO TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “You have created by resolution an unlimited number of ex-officio appointments to this board. You currently have three and this would make a fourth. We’ve prepared a resolution for Karen Langston’s appointment and I recommend you adopt it.”

**Chairman Sciortino** said, “Thank you. Commissioners, Judge Langston did come to me and apologize. She really wanted to be here this morning. She’s very excited about being on this board. Unfortunately, she’s in court this morning and will not be able to attend but I did want to point out

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that she really is excited about it and would like to come.”

**Commissioner Winters** said, “I’d like to make a comment too, if I could. She has been very active in the juvenile justice issues, was on the planning team for community planning for Juvenile Justice Reform in 1998 and she’s been very active on the juvenile justice team, so I’m sure she’ll do a great job.”

**Chairman Sciortino** said, “Thank you. Any further comments? What’s the will of the Board on this item please.”

**MOTION**

Commissioner Gwin moved to adopt the Resolution.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Next item.”

**PLANNING DEPARTMENT**

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

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### 1. MAPD MONTHLY REPORT.

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "First items first. The month of December is when we total the numbers for the end of the year also. We just missed having the highest number of cases filed. We had over 600 but it was just short of the year 2001, but it was another active year in Current Plan, in terms of their caseload.

We also, in the month of December, had the Planning Commission looking, in addition to the case that's on your agenda today, a number of other cases and County case included a request for sand extraction at 45<sup>th</sup> and Tyler and K-96 in a manner that will facilitate subdivision development and in fact, we're already looking at a subdivision plan for that area. So, we continue to move in the north and west direction in the County.

We also had a revisit from Management Consultants to the City of Wichita. They had reviewed, several years ago, the development operations of our subdivision process, the building permitting process, the engineering review that occurs during that and this is a revisit to look at how things are working and I'll share the report with you when we get it, probably in the next month or two. There are a couple of good suggestions that they had for us that we're going to implement, including sort of a checklist procedure so that people have a better idea what's expected of them, especially in some of the more complicated applications. And also some new performance measures so we can get a better look at the administrative approvals that we're doing and make sure that those don't slide while we're dealing with the public hearing items that have deadlines that are set by state or local law. I think those are some definite improvements and I'll share those with you soon.

Land use division began to shift some of their attention from south Wichita and the Oaklawn area, which are plans that are now going through the formal adoption process and we expect to be working in the Midtown and McAdams area primarily over this next year and we've begun, already, collecting research.

Transportation planning was busy drafting and redrafting and having meetings on the Memorandum of Understanding that you adopted at your last meeting, I think it was, on Intelligent Transportation Systems. And we're continuing now to work with City and County staff to try to kick off the first of three studies. This one will have to do with AVL, Automatic Vehicle Locators, a dispatch system that would be used by emergency service vehicles and others in the future. I think I'll stop there, so that we can get to our zoning items, unless you have any questions."

**Chairman Sciortino** said, "Any questions of Marvin at this point."

### MOTION

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Commissioner Gwin moved to receive and file.

Commissioner McGinn 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**2. CASE NUMBER DR-245 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR THE CATAMARAN COVE RESIDENTIAL COMMUNITY UNIT PLAN, GENERALLY LOCATED SOUTH OF 37<sup>TH</sup> STREET NORTH AND WEST OF RIDGE ROAD. DISTRICT #4.**

**Mr. Krout** said, “37<sup>th</sup> and Ridge Road is an area that is rapidly developing. There’s a tract of land that is south of 37<sup>th</sup> Street, west of Ridge Road. It’s 27 acres that is somewhat encumbered by flood plane. It was approved by the County Commission about a year and a half ago for multi-family zoning. The applicant did file a preliminary plat but he’s been working with County Public Works on the flood plane issues. There was also an issue that had to do with access to the tract immediately to the south on Ridge Road and how that would work and there’s even been some discussion about possible land uses changes from the original concept plans.

So, based on all that, the applicant who received a six-month administrative extension previously to their one-year platting time is asking for an additional six months to complete the plat and we recommend that you approve that extension.”

**Chairman Sciortino** said, “Thank you. Any questions of Marvin? Hearing none, what’s . . .”

**Commissioner McGinn** said, “I have a question.”

**Chairman Sciortino** said, “Gosh, I’m sorry, Commissioners. I apologize to you. I’m going to try to condition myself to look at these lights. Commissioner McGinn.”

**Commissioner McGinn** said, “Marvin, the map is confusing me, I guess.”

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**Mr. Krout** said, “No, I’m sorry. This map is not 37<sup>th</sup> and Ridge Road.”

**Commissioner McGinn** said, “Okay, that’s what I thought.”

**Mr. Krout** said, “I forgot that this item came first. I don’t have a slide for the platting extension.”

**Commissioner McGinn** said, “So, they have the opportunity to submit for an extension within, I believe it was six months, and then it has to come back here for an extension.”

**Mr. Krout** said, “Yes.”

**Commissioner McGinn** said, “And this has to do with drainage.”

**Mr. Krout** said, “Yes, primarily. Drainage and access issues too.”

**Commissioner McGinn** said, “Do we ever get to a point where somebody finally says, ‘It doesn’t drain there’ and it won’t work?”

**Mr. Krout** said, “I’ve never seen an engineer who said they can’t make it work, but maybe Dave has some experience with that.”

**Commissioner McGinn** said, “Go ahead Dave, if you want to make your comments. Oh, you were going just confirm what he said.”

**Mr. David Spears**, County Engineer/ Director, Public Works Department, said, “More or less, Commissioner. With enough time and enough money, we can do just about anything.”

**Commissioner McGinn** said, “Well, I think this area is very unique. It’s flat and it is a growth area. And so, I hope as we continue to develop in this area that we do look seriously at those drainage issues and at some point in time somebody may have to say it’s not going to drainage and maybe it needs to be a soccer field or something else. I guess, keep us posted, but like David said, with enough money and enough time they can make it happen but this area continues to be an area of sensitive, as far as flooding because there is no hills and grades in which to drain. So, that was the only comment I wanted to make.”

**Chairman Sciortino** said, “Thank you, Commissioner McGinn. Commissioner Norton.”

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**Commissioner Norton** said, "I just wanted to dovetail on what Commissioner McGinn had to say. As I worked through the drainage problems on the south side and I spent my first year wading through that, literally, I concur with her. We have got to be out front on some of these plans and the drainage because we've accepted that in some other areas of the County and we're paying for it, big time. I mean, storm water management is having to spend a lot of time and effort trying to reclaminate projects that happened twenty or thirty years ago by letting people develop and build in areas that we knew were fraught with problems. So, I would concur that we need to be very prudent in moving forward here and I would support it unless we have a really good drainage plan when it comes back. That's all I have. Thanks."

**Commissioner Sciortino** said, "There's been a good point raised, Marvin. If a land is flat, nothing drains from a piece of flat land. It can maybe percolate into the ground and sink, but it can't drain and I concur with my fellow commissioners. The one thing that I've heard that we always say that we're charged with the responsibility and the developer will commit that no additional runoff will happen after the development than happens prior to the development, but then all the sudden the citizens see that there's more water, so that kind of is like a tin horn. It doesn't make any sense. I don't know what our controls are, but like our engineer has just said, it can be taken care of if there's enough money and we have to insure the fact that this developer is willing to commit whatever those monies are to protect the area or other citizens from their rights being infringed on by having more water. Yes, sir."

**Mr. Spears** said, "Just to chime in a little bit here, and what you said is exactly correct. The post-development runoff cannot exceed the pre-development runoff and that's one of the rules of thumb. And a lot of times we require detention or retention ponds and let me give you an example. Like at New Market Square, at 21<sup>st</sup> and Maize Road, there's a huge detention pond there and the water actually has to be pumped out of the detention pond, because it's just so flat out there. Now, the problem you run into and what we've been finding out is as you . . . you know, you can do a development here, here, here, here, all the way down the stream and then you have each of these detention ponds that do what they're supposed to do but the culmination of all of them may not work exactly the way you think it should.

So, that's why we now have a drainage department. We're setting those things and of course in

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Commissioner McGinn's area, you know we showed you the big map that Mitch worked on and Trish Robello of our staff and we're looking at all those things. How the flooding occurs with the addition of each of the developments and that's what really hasn't been done a lot in the past but that's what we're concentrating on now."

**Chairman Sciortino** said, "So, if I heard you right, you're looking at the accumulative problem, not just 'okay, this one meets it and this one' but what happens when the third one comes? Okay, good. Commissioner McGinn."

**Commissioner McGinn** said, "Well, I see Mr. Drainage just walked in the door but we won't put him on the spot. I guess I just want to make a final comment. And has to do with about two and a half years ago we started working on this backyard drainage and that's when I found out we were not looking at the entire area. We were looking plat by plat and we really need to go towards this whole watershed-planning concept of planning in our community and so I'm just saying it again and hoping that someday that will arrive here in Wichita, at Sedgwick County. So, thank you."

**Chairman Sciortino** said, "Boy, you guys are giving me a chance to really practice here. Commissioner Norton."

**Commissioner Norton** said, "I really don't have anything. I just wanted to make sure you recognize me. One final thought. It just seems to me that every time we have drought conditions and it's awful dry right now, we tend to say, 'There's no water. It's not going to be a problem'. And I know, once again on the south side we did that 10, 15 years ago, we allowed people during a drought put basements at the wrong levels. Ground water came up and now we've got huge problems. So, let's be sure that we understand that it's a drought condition right now. Yeah, it's dry. Nothings flowing anywhere and maybe the plan we put together today looks pretty good, but you know, when the 50-year, 100-year flood gets here and we will have rain again, that it's going to cause problems so let's be sure that we're really smart about this. That's all I have. Thanks."

**Chairman Sciortino** said, "Any further comments? What's the will of the Board on Item B-2?"

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**MOTION**

Commissioner Gwin moved to approve a six-month extension of time to complete platting.

Commissioner McGinn 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

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

- 3. CASE NUMBER ZON2001-00068 – RESOLUTION CHANGING ZONING CLASSIFICATION FROM “SF-20” SINGLE-FAMILY RESIDENTIAL AND “LC” LIMITED COMMERCIAL TO “LI” LIMITED INDUSTRIAL;**

**AND**

**CASE NUMBER CON2001-00063 – RESOLUTION FOR CONDITIONAL USE TO DEVELOP A CONSTRUCTION AND DEMOLITION WASTE LANDFILL, GENERALLY LOCATED SOUTHWEST OF K-96 HIGHWAY AND WEST STREET.**

**POWERPOINT PRESENTATION**

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**Mr. Krout** said, “Commissioners, this property is about two miles to the east that Ridge and 37<sup>th</sup> Street area that you were just talking about and here’s an applicant trying to solve the problem. He’s going to build a big hill so at least his property is going to, for sure, drain properly.

The area that is shaded on the map is about 57 acres. It’s surrounds, except on the south, that blue area that says CU something, something by 37<sup>th</sup> Street which is the transfer station that has recently opened and this tract surrounding it is proposed for industrial zoning that the transfer station received and condition use permit for construction and demolition landfill.

If you recall, several months ago the County Commissioner approved a request by the same owner for a C & D landfill to the south and the east, across 37<sup>th</sup> to the south, across West Street to the east, near the asphalt plant that is, well you can see it on the lower right-hand corner of that slide and that request was approved by the County Commissioner but KDHE did not issue the permit because the property was within one-half mile of what was identified as a navigable river. And that is being questioned still and it is possible that the C & D landfill would end up locating at that site east of West Street, required filling in of an old sand-extraction lake and then building on top of that. And I believe that’s the applicant’s favorite site but they need a backup site if that is not resolved. So, they have requested that the conditional use be approved for the landfill at this site, so they can go ahead with it if they’re not able to do the landfill east of West Street.

This property seems to be a borrow pit for the K-96 construction. It’s a low area, compared to the surrounding property. It is zoned today Single-Family, ‘SF-20’ and Limited Commercial. I can go back to that. You can see the Limited Commercial remnants at three of the four corners but most of the tract is zoned Single-family although this area is gradually converting to industrial use and we’ve approved a couple of request in this area in the last couple of years for industrial and industrial land use is consistent with this general area, according to the Comprehensive Plan.

The site plan involves access from West Street to 37<sup>th</sup> Street. A decel-lane has already been built on the west side of 37<sup>th</sup> Street to serve the transfer station. The access to the landfill will be to the West Street side of the access to the transfer station. There’s really very limited traffic that we expect to be generated to this use, compared to the transfer station. Maybe 30 or 40 trips per day, so it’s not a high-traffic generator compared to some other uses that are there and are expected to be developed in the future.

This site plan is the old site plan that shows the property being developed with the fill all the way to

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the property lines. In a subsequent submission which the applicants have asked for, the boundaries have basically been pulled in by 100 to 200 feet from all of the perimeter boundaries along West Street, along K-96 and along the west property line of the owner and you have that revised site plan in you docket. That was approved as part of the Planning Commission's recommendation.

The intent is to build up to 70 feet in height, with gradual slopes. They will be done in lifts, or layers, with a . . . as it was approved by the Planning Commission, a berm that continues to get rebuilt with each layer along K-96 and along West Street so that most of the operations will be screened from view. Now, because K-96 is elevated at this point, I think until the landfill gets up to a certain point, you won't be screening very much, but once it reaches about the level of K-96 and above then it will do an effective job of screening.

It's a good location, the staff thinks, from the standpoint of the relationships with the transfer station and also the asphalt plant so that it's easy for materials to be recycled and redirected to the right location, between all of those uses. The only problem is it's a prime site, someday, in the future for industrial use, at the corner of K-96 and West Street we think. And it will be an area that will be, the future, receives water and sewer but it's going to have very limited use, once it's built with as a mound with a flat top that's 70 feet tall. It probably will only have the kind of limited, passive recreation uses that probably we'll see across the street, on K-96. Across the street is Brooks Landfill and there are a couple of large mounds on there. And so, I think it will kind of look like the Flint Hills, as you're driving in from northwest Kansas onto K-96 and if it's done right, I think it actually will be a very attractive gateway to the urban area.

And in that vein, the applicant has agreed that he'll do landscaping along K-96 and along West Street. We'd talked, originally, about the Wichita Park Department being involved in the review of those plans. That's not the recommendation of the Planning Commission. But the applicant felt comfortable with the planning director reviewing their plans. So, I guess that will do. But I think there needs to be a little bit of concern about how the final grades are worked out and will there be access through the grading so that you can get up to the top of the hill without having to go and re-grade and issues like that. And I think those can all be worked out, administratively.

The County Solid Waste Management Committee approved this request. The MAPC, at their public hearing, voted 10 to 4 to recommend approval, following staff recommendation with some minor variations. One was how you do the berming along K-96. Another was the park director's involvement, as I said, and then third, we always recommend platting as a condition of re-zoning. In this case, I think that there is an exception that can be made, because the intent of this tract is that it would be used for a C & D landfill, in which case there wouldn't be any substantial development and there will be a drainage plan that's required as part of the conditions of approval and there is right-of-way to be dedicated as part of the recommendations of approval, so I think that some of the key issues that we would cover in platting will be taken care of. If it's not used as a C & D landfill,

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and anyone wants to obtain a building permit at that time, then it will be required that they plat the property.

At the Planning Commission public hearing there were two speakers in opposition to the request. One owns the property immediately to the east, across West Street. There's a residential structure on that property. I don't believe that it's occupied at this time and the relative of the owner indicated that they felt that the residential use was the appropriate use for this area and this would be inconsistent with that use. There was another property owner over about a half mile to the west who learned about this request and came to the meeting and their concern was primarily with drainage, because it's a flat area and they were concerned about how would this particular tract impact that. County Public Works will review and approve the grading and drainage plan as a condition of approval.

I'll go through the slides very quickly for you. You'll be able to see the transfer station on the extreme left. We're looking from K-96, south across the site, where the bulk of the fill will be. This is looking to the south and east, so it's sort of towards West Street and south towards 29<sup>th</sup> Street, with the transfer station in the background. This is looking across from K-96, across at the City's closed landfill and looking west, down K-96. Most of that would be the fill site. And you can see the transfer station again, from this area, it's a little closer to West Street. And looking again south at the site. And this is looking east I guess, that looks like 37<sup>th</sup> Street."

**Commissioner Winters** said, "That's West Street."

**Mr. Krout** said, "Okay, that's West Street. This is looking east and south, and that's West Street and the sign telling you to go down West Street. Back at the aerial photograph and the zoning map and I'll try to answer any questions. The applicant and their agent are here, if you have any questions."

**Chairman Sciortino** said, "Thank you, Marvin. Before I take comments, and there are some comments from the Bench, it's been our policy, even though this isn't a public hearing, to solicit to see if there's any comments from the audience of anyone that would like to speak for or against this item. So, I'll ask now, is there anyone here in the audience that would like to speak against this item? Is there anyone here in the audience that would like to speak for this item? Anyone in the audience cares about this item? Okay, I have some questions here from the Bench. We're going to restrict the comments just to the Bench now. Commissioner McGinn, your light was on first."

**Commissioner McGinn** said, "Thank you, Chairman Sciortino. Susan, you'd just as well work your way up here. I'm not sure if I have a question for you yet or not. Marvin, I want to understand this height, this 70 foot. That is a borrow pit and I don't know how . . . I don't know if we measured based on mean sea level or what, but what's the depression? How many feet, about now,

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do you know?"

**Mr. Krout** said, "Oh, I think you'd better ask the applicants about that. It's not deep. It's not like over at Tyler and 45<sup>th</sup> Street and there's no ground water, that I'm aware of. It's pretty shallow."

**Commissioner McGinn** said, "Okay, well Alan, why don't you come up here please. I'm trying to find out if this 70 feet starts at the dirt surface level that's there right now, or at another level."

**Mr. Alan Chappell**, Consultant, C & D Recycler, Inc., greeted the Commissioner and said, "The 70 feet will start five foot above the water table, because we have a KDHE regulation that says that C & D waste has to be placed a minimum of five foot above that groundwater level and I think that, in that area, it's 1,323. So it will be 1,323 plus 70."

**Commissioner McGinn** said, "Okay, but I mean, I guess . . . Where the surface level is right now, at the surface level right now, are you not about five feet above groundwater?"

**Mr. Chappell** said, "Most of the site is. But because of its irregular bottom . . ."

**Commissioner McGinn** said, "So you're not going to have to put much fill and you'll start from that point."

**Mr. Chappell** said, "In some areas there will be no fill. In some areas there may be two or three foot of fill."

**Commissioner McGinn** said, "So, I guess what I'm saying, if we're already negative 10, will the height be 60 with the surrounding area?"

**Mr. Chappell** said, "Russ informed me that the asphalt, the floor of the transfer station is at 1,327, so the floor of our landfill will actually be four foot. I mean, I'm trying to give you something to visualize, from 96. The floor of the landfill will be four foot below the asphalt pavement you see at the transfer station. And then, the maximum height of the fill will be 70 foot above that point. And I would assume that 96 is probably, what, 15 foot above our floor. So, you're probably only looking at 45 or 50 foot above 96, which puts it well in the shadow of Brooks."

**Commissioner McGinn** said, "Okay, that's what I was wondering there."

**Mr. Chappell** said, "It will be much smaller, site-wise, it will be much smaller than Brooks. Absolutely."

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**Commissioner McGinn** said, “Well, and the other thing, I guess the question I have is when you fill, do you fill the whole area at one level and then cover, or are you going to start with one corner?”

**Mr. Chappell** said, “Okay, where we’re actually going to start filling at, as you see 96 here, we will starting filling along this area and the reason we’re doing it is so that we can install a berm that Marvin eluded to, which will be a 10-foot berm in this area and fill on the non-site side of it, from K-96. What we will do is, I think we have a two to two and a half acre area where we will be filling. When that is full, we will simply move over to the next two or two and a half acre. So, we will build this in lifts and in sections, or cells if you will. But we won’t come out to this end, this area of the landfill for years.”

**Commissioner McGinn** said, “Okay, but you’re not going to get to 70 feet in your first cell. It’s going to be . . . You just keep rotating around.”

**Mr. Chappell** said, “Our first cell is going to be 12 to 15 foot tall because of compaction. Operationally, we can put more material in the fill, because compaction works better up a 10 or 15 foot lift, for C & D types of waste.”

**Commissioner McGinn** said, “And I guess one reason I’m asking too, if things change and say in 10 years we have some other solution or whatever, that area, when people say that ought to be commercial or whatever, it’s going to have to be filled somehow and this is one way of filling that depression, isn’t it?”

**Mr. Chappell** said, “Absolutely. Filling it with inert material is really no different from filling it with rock.”

**Commissioner McGinn** said, “Right now, it’s a depression. You couldn’t put commercial in there anyway, so you’re going to have to have something to fill.”

**Mr. Chappell** said, “And that also, kind of you know brings us to the fact that we’re not uncomfortable looking at going ahead and developing this site. And I just want to make one correction. KDHE did not deny us a permit. We, together, agreed to set that permit on the shelf until we sought a legal decision. Because KDHE has not said that the Arkansas River is navigable. There are those who say that and there are those who don’t. Who will decisively say that will be the Supreme Court of Kansas. And so, we are seeking that decision. Now, given what timeframe

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that may be, that's why we have come to this area and develop it and, for the very reasons you have brought up, we're not uncomfortable doing that because we could literally spread this material out and use it as fill and then use this site for some other productive means if we did, in fact, you know if we were successful here and put the fill across the street at the original site we brought to you a year ago."

**Commissioner McGinn** said, "Right. Okay, thank you and thank you for that clarification. The accessibility, it sounds like, you know, at one time when we approved the transfer station people were concerned about whether we would have trucks lined up. Sounds like that is not even a problem."

**Mr. Chappell** said, "The trucks that will enter this facility are currently using West Street. They're simply taking these types of materials, maybe in a mixed form, maybe in a different form, to another facility there. And most of it being at the transfer station there."

**Commissioner McGinn** said, "And the last comment, I guess I have, is in the backup material it looks like the Planning Department has said that you expect to recycle 60% and what I've heard is, the location you're at right now, you guys are recycling 80% of the product. Is that correct?"

**Mr. Chappell** said, "Actually, I refigured those numbers last night. And I do have about ten slides, you know, on a Powerpoint presentation that we would very much like to show you how we're recycling and exactly what kind of operation you can expect at this site. You're looking at maybe seven or eight minutes to go through that, if you would like to see them."

**Chairman Sciortino** said, "Do you have those here that you readily show us? I think some of my commissioners are indicating they would like to see those."

**Commissioner McGinn** said, "I just want to finish up and that was just it. I would . . . if everyone wants to see those, I would be glad to do that because I think that's a very good point about this C & D landfill is that you are actually recycling the majority of those materials. And so that will help this area last longer and, again, as I said, as things can change over time, this area can simply turn into a commercial area, because it need some kind of fill anyway. Thank you, Mr. Chairman."

**Chairman Sciortino** said, "Thank you, Commissioner. Commissioners, some of your lights are on. Did you want to make your comments prior to us seeing the slides or did you want to wait?"

**Commissioner Gwin and Winter** said, "I can wait."

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**Chairman Sciortino** said, "Okay, let's take a look at what you've got."

### POWERPOINT PRESENTATION

**Mr. Chappell** said, "Okay, and just to give you the numbers we're talking about, between October 15<sup>th</sup> which was the day that C & D Recyclers opened at the transfer station, which is the permitted C & D transfer station located at 29<sup>th</sup> and West, and the end of the year the 31<sup>st</sup> of December and figuring this on the tens of thousands of tons that was delivered, we were storing on site at the transfer station to be moved to a C & D landfill 9 ½% of the material received. Fourteen percent went into the clean rubble fill, which is up at the north end. This is rock, block, brick, soil, those types of materials which couldn't be recycled and 76 ½ % of everything we received in our system was recycled. So, after we ran the final numbers if dropped a couple of percent from what we thought it was going to be.

This is just a typical C & D load. I mean, you can see wood, there's probably some cardboard, a little bit of metal, block, rock, drywall, just to give you an idea of what we typically get in our loads. This is one of the major haulers bring us . . . and you can see glass windows. The idea is that we bring the material in and put it into an area where we physically segregate it and last year when we presented we said that we would have people on the ground and we would have specialized equipment to accomplish this. You can see our ground crew and the blue picking carts. Initially, the first thing they look for is MSW, in other words trash that should not be in C & D waste. And we remove that material, basically by hand, and you can see this is a 30 or 40 yard container, I don't remember which, which we send over to the transfer station approximately 8 to 10 tons of MSW that we have removed every week. This is just some that you'll find. This is a picture of the actually picking cart. You can see caulking tubes, you know, different drywall, spackling, things that will have chemicals and just simply materials we absolutely do not want in the landfill portion.

You can see that we segregate woods here and this is actually the very same pile and you'll notice, as these slides progress, that pile shrinks, so you can physically see the reduction that we're accomplishing by segregating and diverting materials. I think we're shipping 40 or 80 yards of wood materials out to Wood Recycle. C & D Recyclers and Wood Recycle are partners on several different materials that come from the facility here.

And again, you can just see the pile shrinking and as they get to areas that are observed to be, and having been picked through, nothing but C & D waste, you'll see the loader continually pushes that into the fill or, in this case, the storage area.

We do have specialized equipment. You know, sometimes you have three or four roll-offs backed

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up and these guys don't wait, you know. And so, we need to sometimes push materials like drywalls and woods on into the pile and then we use specialized equipment to physically pick it back out and to continue to further segregate and divert materials that are recyclable. In this case, that would be drywall, gypsum. We have a container box that hauls nothing but that type of material, again, out to Wood Recycle, partner in this venture. And you can see that full of clean drywall materials. Now, we have been marketing and making presentations to probably most of the major contractors in this area, to date about how they can actually segregate these materials on-site, at the construction sites and how they can contain and haul them for a lower cost. And we will continue to work at that, because it would reduce the physical segregation here. The best way to segregate is never to mix it. But that's an education process and we know that we have to continue this for, you know, a period of months until that education catches up, out in the field.

The other things that we are having some success with is that we are conveying to these people about segregating brick and block, mortar, soils, things that they can physically bring to us and if they are clean, we can accept them for no cost, because we're recycling concrete and asphalt types of materials. The second option is that they can bring us these types of materials, if there's two or three materials mixed but they are all, by state definition, clean rubble, they can then go to the clean rubble fill at about six dollars less, seven dollars less per ton. So, our pricing there is tiered. We have a price for mixed C & D, we have a price for clean rubble and then we have a free tipping fee for concrete and asphalt materials. At the end of the day, most contractors are, you know, in that median range, because C & D consists of all of those materials.

Again, these were just large pieces of concrete that were brought out to us. We can actually break those up sometimes and put them through the crusher. I think some of these Phil was able to do that with, pavement, types of concrete, either from a street or a parking lot, concrete block, same thing. All of these materials are basically accepted at no charged, if they can be recycled through the crusher or the asphalt plant, brick, mortar, same scenario there. And then this is actually the crushing area, that just shows where we put these materials into. They are crushed and then segregated into different piles and then reused back into the making of concrete or sold as certain types of aggregates for construction purposes. And this is one such pile of aggregate, where we have crushed the material and then that will be sold back to the contractor.

The different types of wood waste, these are the types of material that we segregate materials out of and ship them out to Wood Recycle, both green-wood waste, tree waste and commercial wood waste, such as you see here. And then we also have recycling bins, where we pull out metals and aluminums, both ferrous, we do pull out some coppers. This is Phil's favorite thing. Phil just loves to get tires. But we do pull all tires and we're looking for recycling options currently for that but we are disposing of those, at this time. And this is just another shot of those recycling bins. You

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can also see small appliances. We do get those in the C & D. We pull them out, take them to the transfer station and, for a charge, they will remove compressors, any oil that's laden with CFCs and then recycle the metals there.

And so, it's through all of these recycling that we're achieving the percentages that I gave you previously. This is what the stored C & D material looks like. The right hand side of the tarp is actually C & D material. On the left hand side is, we have reached the permitted height, we have tarped the material and then we've put a soil covering over it. So, this material is just basically sitting there, encapsulated, waiting to be moved to a C & D landfill. And that's the end."

**Chairman Sciortino** said, "Thank you very much. That was very informative. Commissioner Winters."

**Commissioner Winters** said, "Well, that really answered most of my questions because I, again, wanted to follow along the line that Commissioner McGinn was on, on the recycling rates that you're accomplishing. I think your operation is exactly one of the kinds of operations we had in mind when we started in this process of waste minimization and how you change a system from one of volumes to one of minimization. And from what I can see, and I was glad to see that presentation, I think your group is doing exactly what we had hoped that could be accomplished, because that material, recycling almost 80% of that material that does not need to be in a Subtitle D landfill. I think you're doing a great job and I commend you and the applicants and the owners for putting together what appears to be a great project. So, I'm going to be fully supportive. Thank you."

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

**Commissioner Gwin** said, "As will I, and I echo Commissioner Winters comments. I have a couple of questions. The applicants had a first choice that you say will be in litigation for a while. And this is the second choice that you're asking us to approve a zone change for today. If you should prevail in the litigation on your first choice, would you use both locations?"

**Mr. Chappell** said, "No, and in fact we've basically said that to Marvin and to the MAPD. My understanding is that, basically, Tom's choice is the first site. And I think that's why I wanted to follow up on Commissioner McGinn's comment, is that even if we filled for a period of time, that material could be spread out and be used as fill to recover that area for another useful purpose and we would simply move . . . we would not, simultaneously, use both of these areas, as a fill. Number one, it wouldn't be operationally feasible to do so."

**Commissioner Gwin** said, "The usage of this facility that we're speaking of today, does the applicant enter into agreements with contractors to allow them to dump C & D materials here, or is

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it just open to the public?”

**Mr. Chappell** said, “It’s totally open to the public. To be quite honest, I don’t believe that there’s one contractor that we’ve presented to or discussed our approach of doing this and our tier prices that isn’t now delivering materials to us, because it’s economically feasible for them.”

**Commissioner Gwin** said, “Right. Well, I concur with Commissioner Winters. When we wanted to change the system, we wanted to change it for the better and to improve it meant to minimize what we throw away. Any of us, I think, would be thrilled to have near 80% recycling rate for the materials that we use. And so, I certainly commend the applicants and the owners on their efforts here. As Commissioner Winters said, I’m fully supportive of this today. Appreciate the information. Thank you, Mr. Chairman.”

**Chairman Sciortino** said, “Thank you, Commissioner. Any other questions? I have one comment and then just a question also. It’s been the will of this Board for many years to try everything it can to reduce the waste going into the main stream of our waste and this is one item that definitely was on our agenda and I’m very gratified that you’re taking steps to insure the fact that we can divert as large a quantity of item in a very successful manner. But in keeping with that, I just have a question. In the future here, we are going to not allow grass clippings, yard waste and that type of material into the main stream. Does C & D landfills, would they accept those items also?”

**Mr. Chappell** said, “Under current state regulations, only diminuous amounts of those types of materials can be accepted.”

**Chairman Sciortino** said, “Only what amounts, I’m sorry?”

**Mr. Chappell** said, “Diminuous. And if you can get KDHE to give you a definition of that, you’re doing better than I have been able to, sir. It means a very small amount is the best I can come up with. However, you have Wood Recycling, Composting out north, which C & D Recyclers partners with and they’re fully capable of accepting all the yard waste, as far as expansion. They’ll be able to process all those materials. So, the partnership of these two facilities can definitely handle all of your C & D and organic types of waste and recycle every bit of it.”

**Chairman Sciortino** said, “Good. Thank you very much. I don’t see any further comments. Yes,

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Commissioner McGinn.”

**Commissioner McGinn** said, “Just one question and a comment. Do you know if . . . Brooks has the C & D going on. Are they doing any recycling over there at all that you know of?”

**Mr. Chappell** said, “Is Joe here? I’m sorry. I didn’t see you. Joe looks at them weekly. What volume would you say?”

**Joe** said, “I’ve seen very little.”

**Commissioner McGinn** said, “Okay, just a question and then I guess a comment. This has been very information and good pictures, good information and it’s unfortunate that we’re not on the air today to inform the public of what’s going on, especially about the recycling.”

**Mr. Chappell** said, “We would be glad to come back at any time into any forum and make this type of presentation, if you think that would be beneficial.”

**Commissioner McGinn** said, “We may have to talk about that sometime.”

**Chairman Sciortino** said, “Yeah, that might be something we’d like to do, just as a general information thing or an update, maybe an ongoing update on a regular basis. All right, any further comments? Seeing none, what the will of the Board on this Item?”

**MOTION**

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and Conditional Use subject to conditions; and adopt the Resolutions.

Commissioner McGinn 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 Carolyn McGinn	Aye

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Chairman Ben Sciortino

Aye

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

**NEW BUSINESS**

**C. DIVISION OF COMMUNITY DEVELOPMENT.**

**1. SOLID WASTE PROCESSING FACILITY CERTIFICATION FOR CONSISTENCY WITH SEDGWICK COUNTY'S SOLID WASTE MANAGEMENT PLAN FOR A PROPOSAL BY C & D RECYCLERS, INC.**

**Ms. Susan Erlenwein**, Director, Environmental Resources Department, greeted the Commissioners and said, "You've just heard the zoning proposal for this facility. The Kansas Department of Health and Environment requires that any permit be accompanied by a certificate that says that it's consistent with our local solid waste plan. Our solid waste plan call for a prohibition of commercially produced construction and demolition material from the transfer station and our plan also encourages waste minimization. As you're just heard, this facility accomplishes both of those items.

They presented to the Solid Waste Committee at their November meeting. The Solid Waste Committee did approve that this is consistent with our plan. They recommended that it comes before you, so you can say it is consistent with our solid waste plan and that is forwarded to Kansas Department of Health and Environment. So, I'd recommend that you make that decision and authorize the Chairman to sign the certificate."

**Chairman Sciortino** said, "Thank you, Susan. Commissioners, any questions of Susan on this item?"

**Commissioner Winters** said, "Well, I have no questions of Susan but I guess I would concur with here analysis that this project does fit into our plan and I'd certainly be supportive of this certification. Again, I think in our overall plan, we do talk about C & D landfills and we do talk about waste minimization and this project is fulfilling both of those, as Susan has mentioned. So, I just wanted to make sure that the record would show at least one commissioner concurring."

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**Chairman Sciortino** said, “Thank you, Commissioner. I see no further comments.”

**MOTION**

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

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Next item please.”

**2. RESOLUTION APPROVING AND ADOPTING THE 2001 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY OF THE SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT, INC.**

**Ms. Irene Hart**, Director, Division of Community Development, greeted the Commissioners and said, “South Central Economic Development District, or SCEDD, is a 30-year old economic development organization covering 14 counties in south central Kansas. SCEDD’s primary goal is to provide finance packages to assist new and growing businesses. In recent years, their mission has expanded to include economic development grant writing and administration assistance and weatherization services throughout the district.

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SCEDD is a county-based organization. The county commissions of each of the 14 counties appoint members to the SCEDD Board of Directors. The organization receives membership dues from each county. As one of your appointments to the SCEDD Board of Directors, I have the privilege of serving as President this year. What I'd like to do now is to show you what the plan look likes, which is why I didn't send a copy to each one of you. I know you'd want to read it, but I just held onto this one.

I'd like to introduce Bill Bollin, who's the Executive Director of SCEDD. He can tell you a little bit more about what is in this plan."

**Mr. Bill Bollin**, Executive Director, South Central Economic Development District, greeted the Commissioners and said, "To kind of give you a little background, when SCEDD became an economic development district, one of the qualifications for that was to develop a five-year plan. They called it an overall economic development plan and that plan was supposed to be updated every three years. That update submitted to the Economic Development Administration for approval. About three years ago, congress reauthorized Economic Development Administration. Part of that reauthorization was to throw out all the existing plans and start over, new. And all the economic development districts were given up to three years to go and develop a brand new plan. And that's the plan that Irene is speaking about.

We had a strategic planning committee that looked at several items all required by the Economic Development Administration and came up with a set of goals, which I believe you were given a copy of. Those goals deal with human resources, they deal with infrastructure, they deal with housing, they deal with tourism and they deal with the quality of life within some of the communities, all within a range that SCEDD feels it has the capabilities of assisting the different cities and counties within a fourteen county area.

The Economic Development Administration not only asked that these goals be adopted by our executive committee, but that the goals also come out to all county governments and that we request by resolution, that the county governments approve those goals. As the goals change, because each year we review this, and we'll start in the three-year cycle again on an update. When those updates are done, they'll actually be done by the executive committee, to approve any changes in the goals. So, I'd be open to answer any questions you may have."

**Chairman Sciortino** said, "Thank you. I don't see any questions of you. Okay, thank you very much. Irene, you had something else you wanted to mention."

**Ms. Hart** said, "I wanted to tell you what difference SCEDD makes in Sedgwick County. In the last two years, SCEDD has assisted 62 different small businesses with financing and technical assistance. That's resulted in 203 new jobs and 47 retained jobs. In the last two years, they've

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weatherized more than 50 houses in Sedgwick County and in the past five years they have written grants that have brought in over \$900,000 in economic development funding.

One of those projects was the industrial park in Haysville. A new project, you'll hear next week on the agenda, is a construction of a railroad spur to help a company in the northern part of the county. So, that's the difference SCEDD makes to Sedgwick County and they can continue to do that, under this plan, should you adopt it."

**Chairman Sciortino** said, "Thank you, Irene. We do have a comment or a question. Commissioner Norton."

**Commissioner Norton** said, "What does the money look like for the next couple of three years? Are you going to have a pool of money that will channel to you, or is some of the short falls recently going to affect that, Bill."

**Mr. Bollin** said, "The funds that we get from the Economic Development Administration for our day-to-day operations will probably remain the same. The problem is that they've remained the same for about the past 30 years. So, the buying power keeps being decreased. In terms of grant funds to go after, at this point in time it seems like the administration is wanting to back that and they've put some new leadership into the Economic Development Administration to keep those funds coming down the pike. In terms of Community Development Block Grant funds, that we also assist communities with, those funds look pretty good. They haven't changed, and congress has continued to support those programs."

**Commissioner Norton** said, "Okay, thanks."

**Mr. Bollin** said, "State funds, that's a real if-y question there. As we know, the state is suffering some problems in terms of having sufficient funds. The Kansas Department of Commerce and Housing is run, not with general funds, but with game funds, lottery funds and those funds have not increased. It's kind of like the EDA funds. They've been asked to do increasing jobs, but not increasing the dollars that come in, so that's going to be a problem. They may even be looking at a small cutback this year, as there could be, potentially, some of their coffers get raided in order to fill the other obligations that the state has. So, SCEDD had cuts in the money that we get from the state, the past two year we're actually looking at another cut this coming year and we're trying to work with the other economic development districts to fight that, but I really don't see any way around it because the funds are set for the Kansas Department of Commerce. They don't have any way, at this point in time, to expand those funds.

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I know that the Kansas Chamber of Commerce and Industry is going to be approaching our legislators, saying don't cut any of their monies. You know, those monies should be maintained for economic development. We need to leave those along and hopefully they'll be successful."

**Commissioner Norton** said, "Thanks for the comments. I really wanted you to go there a little bit, because one of our core values is trying to help economic development in Sedgwick County and the pool of money seems to be flat or moving the other way and the more that we can challenge ourselves to work with legislators at the state level and to help you channel that money to Sedgwick County, I think we're all really going to look that way this next year. So, just wanted to be sure you put it on record that we'll be supportive of that."

**Mr. Bollin** said, "Thank you."

**Chairman Sciortino** said, "Any further comments, Commissioners? Seeing none, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

**VOTE**

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

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

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**3. AGREEMENT WITH CITY OF SEDGWICK, KANSAS, HARVEY COUNTY, KANSAS AND UNIFIED SCHOOL DISTRICT #439 PROVIDING FOR A NEIGHBORHOOD REVITALIZATION PLAN FOR THE CITY OF SEDGWICK.**

**OVERHEAD PRESENTATION**

**Mr. Brad Snapp**, Housing Director, Housing Office, greeted the Commissioners and said, “This morning you do have before you a request to approve an inter-local agreement with the City of Sedgwick, Harvey County and USD 439. This agreement will implement a neighborhood revitalization plan in the City of Sedgwick, on both sides of the county line.

Today we have Keith DeHaven and City Clerk Jackie Rhimer. And I’ll give Keith a chance to talk a little bit about this in a few minutes.

The agreement is created in accordance with the Kansas Neighborhood Revitalization Act for purposes of revitalizing declining neighborhoods and developing general and economic welfare. Municipalities can designate portions of their jurisdictions as neighborhood revitalization areas. Tax rebates, based on increased property values, are used as incentives to improve housing stock, commercial property and infrastructure.

In this map, that’s the whole city of Sedgwick and this part down below is in the Sedgwick County portion. It’s actually, the majority of these properties are, I think, are some residential. There’ll be some multi-family residential and some industrial areas in there.

Property owners may participate in the tax rebate program. Properties valued currently, at the beginning of the plan, at \$75,000 or less before any improvement are made will be included in the program. New construction or rehabilitation must begin on or after the date of inclusion in the plan and in the targeted area. And improvements must increase the appraised value by at least 15% or \$5,000 except for commercial or industrial properties and those have to be increased by 50% or more.

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Tax rebates transfer with ownership and remain with the improved property. Tax rebates are based on the increase of appraised value January 1<sup>st</sup> following the year of completion. We have a tax rebate schedule here. For residential rehabilitation it shows you what it is. New multi-family property I think being scheduled . . . has that started yet? It has started? The new multi-family property, okay. And then a commercial, it's all on a basically ten-year . . . residential decreases at 10% per year. Commercial is on a ten-year tier and then new construction, 100% for 10 years and extensive is 100% for 10 years, as long as it increases by 50% or more. If you have any questions, I'll try to answer them. The mayor can come up, if you want to add anything to this."

**Chairman Sciortino** said, "Brad, we do have some . . . Did you want to have the mayor speak first, or are you open for comment now?"

**Mr. Snapp** said, "Either way."

**Chairman Sciortino** said, "Commissioner McGinn, did you want to wait for the mayor."

**Commissioner McGinn** said, "Have him come on up. Brad, before he gets up here, for simple clarification, during the five years as they paid basically what their house is appraised at or their business and then after that it's increased in value and the whole increased value will go back on our tax roll. Is that kind of correct, in general terms?"

**Mr. Snapp** said, "I think that's correct. And I also brought another expert, Mark Clark."

**Mr. Mark Clark**, Assistant Chief Deputy Appraiser, greeted the Commissioners and said, "Commissioner McGinn, you are absolutely correct. After the agreement is over, the whole value does go back to the tax roll."

**Commissioner McGinn** said, "So we'll have an increased value in that area after that."

**Mr. Clark** said, "Yes."

**Commissioner McGinn** said, "And this gives people an opportunity to use their money to increase the value of their property."

**Mr. Clark** said, "Yes, ma'am."

**Commissioner McGinn** said, "Yes, okay. I have some more but I guess I'd like to let the mayor speak to this."

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**Mr. Keith DeHaven**, Mayor, City of Sedgwick, greeted the Commissioners and said, “Did you have some questions, or did you just want me to respond?”

**Commissioner McGinn** said, “Well, I know that you have worked on this for some time and don’t want to share how long but you have done this type of project in the past with Harvey County and the fact that Sedgwick is unique and different because part of your city boundaries do go into Sedgwick County. That’s the reason why you’re here today, basically.”

**Mr. DeHaven** said, “Yes. Actually, the Neighborhood Revitalization Act has been in place about five years between the City of Sedgwick, Harvey County and USD 439. For some reason or another we did not include Sedgwick County at that point in time and I think probably the reason being five years ago we didn’t anticipate the kind of developments that’s going on there now and since that time, we have received, at one point, \$8,000,000 grant from CDBG which allows us for some neighborhood upgrading of some homes, 25 homes in the community. And we’ve also purchased the industrial park, which is going to be upgraded with some of the funding from the CDBG grant. And that’s the reason we’re here today. I don’t know what else I can say that would be of any benefit to you but I’d be glad to answer any questions, if you have any.”

**Chairman Sciortino** said, “Well, we do have some more questions.”

**Commissioner McGinn** said, “Go ahead and let the others ask and then I’ll conclude.”

**Chairman Sciortino** said, “Commissioner Norton.”

**Commissioner Norton** said, “Mayor, are the new multi-family units . . . they’re already in process, are they not?”

**Mr. DeHaven** said, “They opened on October the 26<sup>th</sup>.”

**Commissioner Norton** said, “They’re on the Harvey County side.”

**Mr. DeHaven** said, “They’re on the Sedgwick County side.”

**Commissioner Norton** said, “They will not qualify for this or can we go back and capture them somehow? I thought you had to start it after this was put into effect. Is that not correct?”

**Mr. DeHaven** said, “I’m not sure how to respond to that. I think that it will not be eligible but

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that's a legal question that we'll have to go back and review when we get final approval, if and when we get the final approval."

**Commissioner Norton** said, "Well, hopefully they'll build another tier of multi-family units and they will qualify."

**Mr. DeHaven** said, "Right."

**Commissioner Norton** said, "Okay, thanks. That's all I had."

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

**Commissioner McGinn** said, "Well, thanks for coming down here today and I will point out that Mayor DeHaven is correct, that the City of Sedgwick has been very aggressive and has started developing the south end of the city. They put in those multi housing family units. They look great, great asset to Sedgwick. Also we're seeing some industrial businesses grow in that area as well. So, I commend you guys for your forward thinking and doing this project as well.

The other comment or question I had for Mark Clark and the County Counselor's Office is that this has been thoroughly looked over by the Appraiser's Office and approved. Is that correct, Mark?"

**Mr. Clark** said, "This has been looked over. I did not receive the new plan until late last night. There are a few things but I believe that they can be pretty much ironed out and you can go ahead and approve."

**Commissioner McGinn** said, "And has been looked through and over by the County Counselor's Office."

**Mr. Euson** said, "Yes, we have looked at this, over a period of time and have approved the agreement."

**Commissioner McGinn** said, "Okay. All right, thank you. Thank you for coming up here today."

**Mr. DeHaven** said, "Just one other comment. I wish to thank each of you for your cooperation and assistance in this little endeavor of ours."

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

**Chairman Sciortino** said, "Now Mayor, don't leave because I have a comment or a question. As I understand it, these improvements are on the homes that are located on the Sedgwick County side

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of Sedgwick.”

**Mr. DeHaven** said, “Yes.”

**Chairman Sciortino** said, “So this will be another incentive why those misguided souls that live on the Harvey side might want to move over to the good side of town, is that correct?”

**Mr. DeHaven** said, “Very possible.”

**Chairman Sciortino** said, “That’s all I had. Thank you. Commissioners, what’s the will of the Board on this item?”

**MOTION**

Commissioner McGinn moved to approve the Agreement and authorize the Chairman 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Thank you, Mayor. Thank you all. Next item.”

- 4. PRESENTATION OF THE ANNUAL REPORT OF FOREIGN TRADE ZONE ACTIVITY FOR 2001, TO BE SUBMITTED TO THE NATIONAL FOREIGN-TRADE ZONES BOARD.**

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**Mr. Ken Elliott**, Economic Development Specialist, greeted the Commissioners and said, "I'd like to present the annual report for the Foreign Trade Zones project, locally. We usually report on the fiscal year for the Foreign Trade Zones program, which runs from October 1 through September 30<sup>th</sup> and the year that I'm reporting is October 1, 2000 through September 30<sup>th</sup>, 2001.

I'm happy to report that we had a good year in the Foreign Trade Zones project. We increased the number of companies that are using the local Foreign Trade Zone. We picked up an addition company this year. In the General Purpose Zone, which is located at 5755 South Hoover Road, we did maintain the number of full-time employees that work in the zone. Last year, we were at 10 employees. This year we maintained that at 10 employees. Within that General Purpose Zone, the past year, we did activate some additional square footage to handle some extra business. In fact, we doubled the amount of active square footage available for zone use. We went from 1,500 square feet to 3,000 square feet in the past year.

Another positive in the program this past year is we more than doubled the value of goods that are moving through the Foreign Trade Zone program. And when I say more than doubled, versus fiscal year 2000/ 2001 over the prior year. So, there was a significant increase in the value of goods that are moving through the zone.

There are two sub-zones that are related to our General Purpose Zone. There's an inactive sub-zone in McPherson. There's also an active sub-zone in El Dorado. It's the El Dorado Refinery. We worked on expanding a list of approved products that they can process through their sub-zone and that allows the company additional savings. What that entailed was there was a net increase in full-time permanent jobs at that sub-zone. We picked up an additional six employees at the El Dorado facility and that was full-time, permanent positions there.

We developed an educational piece on Foreign Trade Zone programs. It includes an easy to follow example on how to calculate your benefits from using the zone and I have taken that out and worked with some businesses and shown them some savings from that piece.

Plans for the upcoming year, we are going to do some continued outreach, specifically in the southeast area of Kansas. We've got some companies there we're going to be visiting with and continue talking to businesses about advantages of using the Foreign Trade Zones program. I'd be happy to answer any questions that you have at this point about the program."

**Chairman Sciortino** said, "Thank you. Commissioners, any questions on this item? Commissioner Gwin."

**Commissioner Gwin** said, "Yes, sir. Thank you. Ken, I was around when we opened that Sub-zone 161A up in McPherson and there was a lot of excitement about it. I know times have changed

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and it's no longer active. It can be reactivated pretty quickly, if some other business would show up that needs it, right?"

**Mr. Elliott** said, "That's correct, Commissioner. If there was a change in some of their procedures, they could activate it very quickly. In fact, it can be activated with only a couple of letters. It remains kind of in a quasi-active state for five years. In order to reactivate it and get full status, they only need to move one shipment, zone approved, through their plant within five years. And so, they may want to do that, just to maintain that status."

**Commissioner Gwin** said, "And do you keep in touch with those folks on a regular basis, to remind them that that opportunity is still available?"

**Mr. Elliott** said, "Yes, I do. Yes, I do and they're aware of that possibility."

**Commissioner Gwin** said, "Okay. All right, well I hope maybe something good would come from that and they would be up and using that again. Other than that, thank you. I appreciate it. I think it's a topic that kind of goes right by most of us, but there are a lot of businesses who do in fact benefit from these kinds of Foreign Trade Zones and your attempt to go out there and educate businesses on what the advantages are is very important to them and to our community. So, I encourage you to keep up the good work. Thank you. Thank you, Mr. Chairman."

**Chairman Sciortino** said, "Thank you. Any further questions of this item? Hearing none, thank you very much. Commissioners, what's the will of the Board on this item?"

**MOTION**

Commissioner Gwin moved to approve the Report.

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 Carolyn McGinn	Aye

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Chairman Ben Sciortino

Aye

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

**D. RESOLUTION RATIFYING MEMBERSHIP TO THE SEDGWICK COUNTY ADVISORY BOARD OF HEALTH.**

**Mr. Euson** said, "Commissioners, this item comes before you in part due to the assumption by the County of the majority of the functions of the Health Department and when it was the City/ County Health Department, there was a joint Board of Health with 14 members, seven each appointed by the City and the County. Under the new structure, this Board is an advisory board and it continues in place to advise the Board of County Commissioners as to health policies and procedures. So, this resolution would continue the persons on that board for the terms in which they're currently serving and had been appointed under the old system and that is really all it does, at this point in time. So, I would recommend that you adopt it if you approve it."

**Chairman Sciortino** said, "Thank you. Any questions of Mr. Euson? I have a question from Commissioner Gwin."

**Commissioner Gwin** said, "If I can count right, there are 13 names listed here. Is that to indicate that there is a vacancy, or did I miscount?"

**Chairman Sciortino** said, "No, normally it was seven from the City and five from us, which would be 13. No, that's 12."

**Commissioner Gwin** said, "I thought it was seven and seven."

**Mr. Robert Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "I haven't had a chance to speak to you lately, so I figured I'd come up and say hi. You're correct. There is one opening I understand. There was a City appointee that was not filled or a City position that was not filled prior to the switch-over. So, that's our understanding."

**Commissioner Gwin** said, "Okay. So, will someone get back to this Board so that we can try to find an appropriate . . ."

**Mr. Parnacott** said, "Sure, to fill that spot, we will."

**Commissioner Gwin** said, "Okay, thank you. That's all."

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**Chairman Sciortino** said, “Okay, thank you. Well, I have a couple of questions. So, in the future . . . presently, the board is 14 and we’ll be responsible for seeing to it that those 14 slots are continually filled. And if I understand it, one that I had filled just a couple of weeks ago that took over from an individual that resigned, that term that I appointed this individual to expires next week, so we’re going to have to discuss that and maybe that would be the appropriate time to fill in the other, because there’s going to be a few more that come off January 28<sup>th</sup>, so maybe that’s an appropriate time to bring the board up to full capacity.”

**Mr. Parnacott** said, “Yes, I think that’s correct.”

**Chairman Sciortino** said, “Okay, fine. I don’t see any other comments. So, what’s the will of the Board on this item please?”

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Thank you. Next item.”

**E. ADDITION OF ONE DIVERSION/DISCHARGE SPECIALIST POSITION, RANGE 18, AND ONE THERAPIST POSITION, RANGE 22, TO THE COMPREHENSIVE CARE (COMCARE) STAFFING TABLE.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, “We’re asking for the addition of a Diversion Discharge Specialist and a qualified mental health professional. These two positions will provide services in the jail to individuals who have a co-occurring disorder which is a mental illness and a substance abuse problem.

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The focus of their work will be connecting with folks in the jail with these problems and helping them get the services they need when they leave. As you are aware, we're very good at identifying people and actually getting them on appropriate medications and this type of thing while they're incarcerated but once they leave the jail there's not always the follow through or the things that are needed to keep people from re-offending or getting back in trouble with the law.

This was a proposal that had been initially submitted to SRS, who really liked it but didn't feel like they had the money. Ironically, the State Department of Corrections happened to be on that committee and they picked up the proposal and said, 'We'll find money for it' and so they walked over, across the street and then contacted us and the money is going through our Department of Corrections, in collaboration with mental health to accomplish this. I'll be glad to answer any questions and I would recommend your approval."

**Chairman Sciortino** said, "Thank you, Debbie. We have a question from Commissioner Winters."

**Commissioner Winters** said, "In looking at it from just purely a diversion out of the detention facility itself, and maybe this is not a fair question yet, do you have any rough idea of how many people you think you may be able to serve and maybe have some effect on jail population, or is it too early to know that kind of number?"

**Ms. Donaldson** said, "At this point, I think it is too early. We're hoping to serve approximately 100 is where we're starting. But once you get into these kinds of things, you're sometimes surprised how many you have."

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

**Chairman Sciortino** said, "Commissioners, any further questions of Debbie? I don't see any, so what's the will of the Board on this item please?"

### **MOTION**

Commissioner Winters moved to approve the additions to the COMCARE Staffing Table.

Commissioner Norton seconded the Motion.

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

### **VOTE**

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

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

**F. COMMUNITY HEALTH DEPARTMENT.**

- 1. DELETION OF ONE LABORATORY DIRECTOR POSITION, RANGE 26, FROM, AND ADDITION OF ONE HEALTH SURVEILLANCE AND DISEASE CONTROL SUPERVISOR POSITION, RANGE 29, TO, THE COMMUNITY HEALTH DEPARTMENT STAFFING TABLE.**

**POWERPOINT PRESENTATION**

**Dr. Charles Magruder**, M.D., Health Officer, Sedgwick County Health Department, greeted the Commissioners and said, "As was mentioned, there were two items that we bring before you today. The first is to delete our Laboratory Director position, range 26. To change this to Health Surveillance and Disease Prevention Director, at range 29.

- 2. WAIVER OF POLICY TO HIRE A HEALTH SURVEILLANCE AND DISEASE CONTROL SUPERVISOR AT RANGE 29, STEP 7.**

And then, secondly, to approve a waiver of policy so this individual in Range 29 can be hired at step 7 and allow 20 days of vacation. Our motivations for doing this are, number one, to create a position that will help us appropriately manage bio-terrorism issues and yesterday I had the opportunity to spend a couple of hours with Representative Mayans and some other folks up in Topeka and the other key motivation that will be very nice for us is that there are a massive number of new funding opportunities that are coming down the pike from a variety of sources, both state and federal and it would be very advantageous for us to get into a position of being very

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competitive for those dollars and this would help us in that regard.

And finally, we would like a salary and benefits package that will attract a candidate that has suitable academic credentials and experience in order to do this job properly. Now, in terms of the candidate that we currently have in mind, this individual has a very good educational background for our desires. They do have medical training. They're a register nurse. In the field of public health, they have a Doctoral Degree from the University of North Carolina at Chapel Hill. I should emphasize that the area that they concentrated in was maternal and child health, so they will be able to provide considerable expertise and assistance in the various prevention initiatives that our new Board of Health has put into place as well, in addition to working with epidemiologist and health surveillance.

In terms of their work experience, it's very extensive. They were previously faculty at W.S.U., where they were involved in a number of research efforts and this individual has also functioned as a Director of Health Activities for a very large school district. And finally, they have considerable familiarity already with health department operations already, as they have served as a member of the previous Board of Health for almost ten years.

So, our recommendation to you is that the change in the Staffing Table be approved. That we allow a salary above the starting level and that we also provide for 20 days of vacation."

**Chairman Sciortino** said, "Thank you, Doctor. We do have a question. Commissioner Winters."

**Commissioner Winters** said, "Dr. Magruder, could you just briefly tell . . . and I'm going to be supportive of this. I think we're on a good track. Just briefly, what will this kind of person be watching for and, when you mention terrorism, bio-terrorism, whatever what will be part of this person's primary responsibility?"

**Dr. Magruder** said, "Well, one of the key areas that they will immediately take responsibility for is further development of the Metropolitan Medical Response System. And we use the term surveillance because one of the key aspects of the Metropolitan Medical Response System is insuring that we have an adequate health surveillance infrastructure in place and the primary motivation or reason for that is to insure that we can detect the use of biological agents in a quick fashion. Now, our experience that we've had on the east coast with Anthrax has shown us that it's extremely important to be able to detect these types of problems early. We still have fairly high mortality rates with Anthrax, of 50% or more. But because of interventions that were put into place, and we hope to have in place in this community as well, that mortality rate was reduced from where it previously had been, at around 90%. So, this type of activity would be extremely important.

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In addition, they'll provide oversight for our routine disease investigation activities. And that would include such aspects as insuring that we're prepared to deal with emerging infectious diseases, such as West Nile Fever. So, it will be a tremendous responsibility, but I think it's a very important thing for our community to begin to develop and to have, from this point forward."

**Commissioner Winters** said, "How do you track, in the routine disease category, how do you track what's going on? Do they follow what pharmacists are doing or what? How do they really do that surveillance of seeing where Asian Flu is breaking out, or whatever?"

**Dr. Magruder** said, "Well, traditionally, surveillance has existed of identifying a disease and reporting the disease. What we have to do now, in this age of bio-terrorism, is insure that our surveillance efforts allow us to detect a problem before we would diagnose a disease. So, in other words, if we're looking at a timeframe from here, zero days, to say five days with current capabilities we go out to about five days before we recognize a problem. With the development of syndromic surveillance, where we would take into account things like you just mentioned, plus school absences, things as mundane as the amount of cough syrup that's purchased at Walmart, all of this information automatically being sent into a database that's automatically analyzed. Then we get that down to about three days, maybe two days. This enables us to save more lives.

The other important aspect to this, besides bio-terrorism, is the fact that this type of infrastructure and capability can then also be utilized for other types of public health activities, such as insuring that our immunization rates are kept up to date."

**Commissioner Winters** said, "And we really haven't had a person in this slot doing any of that very strongly."

**Dr. Magruder** said, "Not at all, sir. This activity has been developed over the past few years and this is the final linchpin in the process that will enable us to get this activity going strongly."

**Commissioner Winters** said, "Very good. Thank you. Thank you, Mr. Chair."

**Chairman Sciortino** said, "Okay, I don't see any further comments, Doctor, but I do have a comment. You've never failed to amaze us with the fashionable neck-ware that you bring to us and that one looks to me like it's a blue tie that was dipped in bleach and then drawn on the white part of it. If it won't embarrass us, could you tell us those things mean?"

**Dr. Magruder** said, "Well, this is my Environmental Protection tie. This is the Endangered Species collection."

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**Chairman Sciortino** said, “Oh, those are bears.”

**Dr. Magruder** said, “These are Polar Bears and so this organization sells ties to provide funds for supporting endangered species and creating appropriate habitats and ensuring that we do things that maintain their existence properly.”

**Chairman Sciortino** said, “Well, we continue to look forward to your monthly meetings in front of us because of that too. Thank you very much. Any further comment or questions of the Doctor? I don’t see any, so what is the will of the Board on this item?”

**MOTION**

Commissioner Gwin moved to approve the deletion from and addition to the Community Health Department Staffing Table.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**MOTION**

Commissioner Gwin moved to approve the waiver of policy.

Commissioner Norton seconded the Motion.

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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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

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

**G. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "To present the report for December of 2001. A lot of recurring events. World Wide Paint Horse Congress with nearly 2,500 folks in attendance. This is an annual event and these are really, really beautiful animals. As I understand it, it doesn't really have to have all the white markings to be considered a paint horse. But they are simply gorgeous.

We had a new event that we created this year. The Mini-sprint National that we held inside the main Coliseum right before Christmas and I'll get into why we are creating events a little bit later in my presentation, but we were very pleased with the turn out. We had entries from seven states and just all over Kansas, especially from western Kansas. Folks come in and spent the weekend with us. We did a little bit with the Mini-sprints. We did a little bit more with the Go-Karts, which has been an ongoing program of ours. Had a lot of fun. We actually had a celebrity go-kart race, where we used folks from the various media to compete, including our own Gary Steed, the Sheriff. And the winner was Tracy Garrett from KZSN. We presented her with a very fine trophy. It was a good way for us to publicize the mini-sprint event and we really had a lot of fun. She was really proud of that trophy. We had a lot of fun with that.

We also presented another annual event, Sesame Street. This year the theme was, 'Everybody Makes Music', of course, our good friend Bert in his Saturday Night Fever outfit. But that was certainly well received, between Christmas and New Year's. Little kids have a good time coming out and seeing Sesame Street. We are partners with V Corporation in producing this event annually.

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In the sports zone, we had 27,000 folks attend nine hockey games during the month of December and that finished out our year.

I'd like to talk a little bit of some of the events that we presented over the past year. And I say 'we presented' because we assumed the mantle, we stepped into the role as promoter and the reason we've done that is there are less promoter in existence today. That's due to consolidation. It's also due to the extreme risk of promoting events. The rule of thumb is when you promote you win small but when you lose, you lose big. You have a string of shows, or a couple of shows in a row that lose, you can be out of business very, very quickly in this business. So, what we have done is we have stepped up and we have assumed that role of promoter and we have actually created our own events to help augment our yearly calendar.

It used to be that you were in pretty good shape for a year if you had a major sports tenants and it you did the big three events. Now the big three were the Ice Capades, the Harlem Globetrotters and Ringling Brothers and Barnum and Bailey Circus. Today, there is no more Ice Capades. They've gone out of business. The Harlem Globetrotters just played us this past January, after a four-year layoff and still only did 50% capacity. Ringling Brother, Barnum and Bailey Circus has decided to skip the market for a couple of years because they have experienced three years of severely declining attendance, so they're going to let our market rest a little bit so they can come back and try to build some of that back up. But what we've done, in-house promotions in 2001, we solely took the responsibility for 13 separate events. Thirty-six performances, we had nearly 31,000 people in attendance. We generated, gross revenues, almost \$570,000. Our net income from that was \$105,000. Now, these range from the Extreme Motor Cross to Snoop Dogg that we've been partners with. Coming up in 2002, we are the promoter with the Linkin Park concert that's going to perform at the end of this month. That show is going to sell out. We're pretty lucky with that. We are partners with House of Blues. If you remember, House of Blues are the folks that brought Elton John to our market. So, we've got a pretty good relationship with them. And we're also going to be doing our second out-of-building event, when we promote Bear in the Big Blue House down at Century II in February and we'll keep you posted when those events come around. But we have had to assume that role just to maintain the event calendar. That's the way our business is turning. If there's any questions, I'd be certainly happy to answer them at this time."

**Chairman Sciortino** said, "Thank you, John. I don't see that we have any questions. Commissioners, any comments at all on this item? What's the will of the Board on this item?"

### **MOTION**

Commissioner Norton moved to receive and file.

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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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Next item please. Thank you, John.”

**H. PUBLIC WORKS.**

**1. DEDICATION OF A SANITARY SEWER EASEMENT TO THE CITY OF WICHITA.**

**Mr. Jim Weber**, Deputy Director, Public Works Department, greeted the Commissioners and said, “Sometimes referred to as the ‘drainage guy’ and unfortunately having my own drainage problems today. In Item H-1, we’re requesting the dedication of a sanitary sewer easement to the City of Wichita across the front of our east maintenance yard. The area south of the county-owned property on Webb Road at Pawnee is developing for commercial uses. In order to complete the plat of Nies 4<sup>th</sup> Addition the property owners must obtain access to the City sewer. The County has recently extended sewer across part of the frontage of the property. This easement dedication would allow extension of the sewer all the way across the property to serve Nies 4<sup>th</sup> Addition.

Nies 4<sup>th</sup> Addition would bear all the cost of the additional sewer extension. We recommend you approve the dedication and authorize the Chairman to sign.”

**Chairman Sciortino** said, “Thank you, Jim. Any questions of Jim on this item? I don’t see any.

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So, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the Dedication and authorize the Chairman 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

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

**2. AGREEMENT WITH WASTE DISPOSAL, L.L.C. PROVIDING FOR CONSTRUCTION OF PRIVATELY FINANCED PAVING ON A COUNTY ROAD. DISTRICT #2.**

**Mr. Weber** said, "In Item H-2, we request that you enter into an agreement with the owners of Woodhaven Addition to allow them to privately construct right and left turn lanes on 55<sup>th</sup> Street South at the entrance to their property. This property, which is located at 55<sup>th</sup> South and Hoover Road, is the site of an transfer station and these improvements are required by the zoning and platting cases. The developers will bear all the costs of the project and turn over the improvements to the County at the time that construction is completed. Again, we recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Sciortino** said, "Thank you, Jim. Any questions of Jim on this item? Seeing none, what's the will of the Board?"

**Commissioner Gwin** said, "I guess my question is, you said that they were going to pay for this themselves and it's a part of the requirements of platting, etcetera, that they have these lanes."

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**Mr. Weber** said, "That's correct. Their options would have been to file a petition and have us do a special assessment project and front the project and they could pay that off in cash or over time, or we have allowed developers, as other properties, to go ahead and just private finance everything and basically leave us out of it."

**Commissioner Gwin** said, "And then we just double check to make sure . . ."

**Mr. Weber** said, "We're reviewing the plans. We'll do the inspection. It will be run just like one of our projects but they're paying for everything."

**Commissioner Gwin** said, "Okay. It's fine with me. If there aren't any questions . . ."

**Chairman Sciortino** said, "I have just one question. Since it is privately financed, who's going to be in charge of the ongoing maintenance of the road and maintaining the road."

**Mr. Weber** said, "It will be part of 55<sup>th</sup> Street, so we will maintain the lanes, once they're put in."

**Chairman Sciortino** said, "Okay, but we have the input and we have the supervision of it, and make sure that it's being done just as if we were doing it."

**Mr. Weber** said, "That's correct."

**Chairman Sciortino** said, "Okay, great. I would entertain a Motion on this item."

**Commissioner Norton** said, "I'm not in support of this at all."

**Chairman Sciortino** said, "Did you have a comment that you wanted to make?"

**Commissioner Norton** said, "No, not really. I'm not supportive of it. I don't think that, with what's going on down there, we're to solutions on what's going to happen with the transfer station and to go ahead and do turn lanes and that kind of construction is not prudent right now. So, I will not be supportive."

### **MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

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

**3. AGREEMENT WITH PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC. TO PROVIDE ENGINEERING SERVICES FOR SEDGWICK COUNTY PROJECTS. DISTRICTS #1, #3, #4 AND #5.**

- **B-223 BRIDGE ON 13<sup>TH</sup> STREET NORTH BETWEEN 135<sup>TH</sup> AND 151<sup>ST</sup> STREETS WEST \$34,000**
- **B-352 BRIDGE ON 159<sup>TH</sup> STREET EAST BETWEEN 101<sup>ST</sup> AND 109<sup>TH</sup> STREETS NORTH \$48,000**
- **B-373 BRIDGE ON 55<sup>TH</sup> STREET SOUTH BETWEEN HILLSIDE AND OLIVER \$48,000**
- **B-407 BRIDGE ON 143<sup>RD</sup> STREET EAST BETWEEN 29<sup>TH</sup> AND 37<sup>TH</sup> STREETS NORTH \$54,000**
- **R-255 125<sup>TH</sup> STREET NORTH FROM MERIDIAN TO BROADWAY AND BRIDGE \$198,000**

**Mr. Spears** said, "Item H-3 is an agreement with Parsons Brinckerhoff Quade & Douglas to design five bridges and one project that includes one of the five bridges this year. For the record, the bridges are in the Capital Improvement Program and are designated as: B-223, a bridge on 13<sup>th</sup> Street North between 135<sup>th</sup> and 151<sup>st</sup> Streets West, B-352, a bridge on 159<sup>th</sup> Street East between 101<sup>st</sup> and 109<sup>th</sup> Streets North, B-373, a bridge on 55<sup>th</sup> Street South between Hillside and Oliver, B-

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407, a bridge on 143<sup>rd</sup> Street East between 29<sup>th</sup> and 37<sup>th</sup> Streets North and R-255, a road project on 125<sup>th</sup> Street North from Meridian to Broadway including a bridge. The total cost is \$382,000 which includes surveying, hydrology, permits for the division of water resources, geology, right-of-way documents, utility coordination and of course the design. This agreement stipulates a deadline of January 30, 2003 for the completion of final plans on the bridge projects and a deadline of December 30, 2003 for the road project. I recommend that you approve the agreement and authorize the Chairman to sign.”

**Chairman Sciortino** said, “Thank you, David. Commissioner Norton, you have a question of David?”

**Commissioner Norton** said, “If there are no other comments, I would move to approve the agreement and authorize the Chair to sign but I would want to note that District 2 happened to be left off of this particular one and I do have a goal for having bridges and roads in District 2 this year. So, I just wanted to make that comment on the record.”

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Next item. Thank you, David.”

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF JANUARY 17, 2002.**

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**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The following items presented today are a result of the Regular Meeting of the Board of Bids and Contracts from January 17, 2002.

**1) 2002 KAC MEMBERSHIP DUES- COUNTY COMMISSION OFFICE**  
**FUNDING: COUNTY COMMISSION**

Item one, 2002 KAC membership dues for County Commission Office. Recommendation is to accept the expenditure for Kansas Association of Counties for \$11,600.

**2) OMEGAMON II LICENSES & MAINTENANCE- DIVISION OF INFORMATION & OPERATIONS**  
**FUNDING: SYSTEMS & SECURITY**

Item two, Omegamon II licenses and maintenance for the Division of Information and Operations. Recommend to accept the quote from Candle Corporation of \$30,000.

**3) ROCK ROAD IMPROVEMENTS- PUBLIC WORKS**  
**FUNDING: SALES TAX**

Item three, Rock Road improvements for Public Works. Recommend to accept low bid from Snodgrass and Sons Construction of \$4,669,955.53.

**4) CRISIS INTERVENTION SERVICE OFFICE REMODEL- COMCARE**  
**FUNDING: COMCARE CIS ADMIN**

And item four, Crisis Intervention Service office remodel for COMCARE. Recommendation is to accept the expenditure with Bruce Kouba and Edward Hund for a not to exceed amount of \$23,000.

Be happy to answer any questions and recommend approval of these items as presented today.”

**Chairman Sciortino** said, “We do have some questions, Iris. Commissioner Norton.”

**Commissioner Norton** said, “Thank you, Mr. Chair. I’m just not familiar with Snodgrass and Sons. I’m familiar with the other paving companies. Is that a company that we’ve done business with before? I just don’t recognize the name.”

**Mr. Spears** said, “I’ll take that one, if that’s okay, Iris. Commissioner Norton, they are a pretty large construction firm that is in the structures business of building buildings and that sort of thing.

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This reminds me of when Dondlinger came into the bridge-building business. They were the same type of operation and now they do a great job of building our bridges and we're glad to see them come in, because it promotes a competition and we did get some good bids here. We're really off to a great start this year.

Now, we understand they will not do the paving. There's a huge railroad bridge to be done and they will do the bridge but they will sub out the paving to one of the major pavers, you know like Ritchie or Cornejo or whatever. We think we know who that's going to be but I'd rather not say right now, because those things could change between now and the pre-construction conference that we're going to hold."

**Commissioner Norton** said, "Okay. My concern there would be that we end up with someone doing the major paving that maybe we don't consider one of our better contractors. We've had some problems with subcontractors in the past and I know I've had that, as Mayor of Haysville, before and I want to be sure that even though we picked a large organization to do it, that the subcontractors are going to be good too."

**Mr. Spears** said, "With Sedgwick County as the owner and it is part of our specifications that we have the right to approve any subcontractor and we have, in the past, disapproved certain subcontractors. An example being some striping, a striping contractor that we had to eliminate one year. But we are certainly cognizant of your wishes and we feel the same way about it, so it will be a major contractor that will be working on Rock Road."

**Commissioner Norton** said, "Okay, good. That's all I had. Thanks."

**Chairman Sciortino** said, "Any further questions of Iris? Iris, I have one. Just on number four, where this was a remodeling of the office space, how come we just had one person bid on office remodeling?"

**Ms. Baker** said, "This is leased space and what's being recommended here is the owner of the facility and we are sharing the cost of the remodel and doing it this way, it puts the burden on the owner to manage the remodel phase."

**Chairman Sciortino** said, "Okay, so this isn't the total cost of what it's going to be to remodel our office. This is just part of it."

**Ms. Baker** said, "It was a larger cost. This would be our portion and not to exceed. We won't pay more than \$23,000 of the remodel cost."

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**Chairman Sciortino** said, “Okay. And you’re convinced that, had we sent it out for bid for remodeling just the space that we needed to remodel, it would have come in higher.”

**Ms. Baker** said, “It would have been higher.”

**Chairman Sciortino** said, “Okay, that great. I don’t have any further questions. Commissioners, what’s the will of the Board on this item?”

**MOTION**

Commissioner Norton 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Thank you. Next item.”

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

**1. One Temporary Construction Easement for Sedgwick County Project No. 781-**

**Regular Meeting, January 23, 2002**

**P-5100; 311<sup>th</sup> Street West between 4<sup>th</sup> and 6<sup>th</sup> Streets North. CIP# B-366.  
District #3.**

**2. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V01171	\$40.00	5	William Favreau
V020001	\$330.00	2	Village Green Apts.
V020002	\$246.00	3	Brentwood Apts.
V020003	\$337.00	5	Cottage Grove
V020004	\$331.00		Herrman/Kelman Partnership

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V01026	\$400.00	\$400.00
V01031	\$241.00	\$296.00
V01038	\$132.00	\$153.00
V01039	\$635.00	\$675.00
V01040	\$257.00	\$246.00
V01041	\$600.00	\$600.00
V2012	\$113.00	\$161.00
V2018	\$338.00	\$300.00
V20012	\$198.00	\$213.00
V20115	\$136.00	\$182.00
V200114	\$256.00	\$200.00
V200116	\$263.00	\$350.00
V200121	\$460.00	\$467.00
V93005	\$600.00	\$600.00

**4. Agreement with Wyandotte County for use of Sedgwick County's Motor Vehicle Tax Estimator.**

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- 5. Payroll Check Registers of January 4 and January 15, 2002.**
- 6. General Bills Check Register(s) for the week of January 16 – January 22, 2002.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “You have the Consent Agenda before you and I would recommend that you approve it.”

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Anything to come before this Board under other? Commissioner Norton.”

**K. OTHER**

**Commissioner Norton** said, “I have just one thing. I had to be absent from my first meeting last week. I took a little vacation and I have to tell you that I watched the meeting on Channel 8 and I had to turn it off about half way through because I got so excited my heart rate went up and the nurses came in and told me to shut down the TV because you guys were so exciting on television. Thank you for providing the entertainment while I was off last week. I don’t know what the word apoplexy means but I was close to it. That’s all I had.”

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**Chairman Sciortino** said, “You were lucky that you came back as quick as you did, because we had five boards that we were going to elect you to in your absence. Anything else going on in respective districts that . . .? Commissioner Blinkin’.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. No TV today so I can’t really share with our viewing audience but I will share for the record that the Martin Luther King activities were this past weekend and I was part of the parade and they had a nice parade and, even though it was cold, they had a pretty good turnout. Also got to give the greeting for the Kansas African American Museum’s Orpheum presentation that they do on Sunday at 4:00 and it’s always been a very good event, so I invite you all to try to go next year if you get a chance. Lieutenant Governor Joe Rogers was the guest speaker and he did a superb job. He started out very calm, in a mild manner and then he went into the Martin Luther King speech and was able to change his voice and even sound somewhat like it.

And then he ended up just talking about families and shared that in the African American community, seven out of ten children do not have a father. And in 1950 that was . . . the African American families were the most stable and that’s changed and just spoke to that issue of how to get that to turn around. But anyway, he did an excellent job and he was a Republican too. I just thought I’d share that.

Then also, another event, which is at the Metroplex on Monday, it starts at Noon. They used to do this in churches but the crowds are so big, I mean, people were having to come three hours ahead to get a seat. But now they have it at the Metroplex. It’s a great facility to have this. I’d like to see it filled someday. Anyway, Sedgwick County had the honor of introducing Dr. Joseph Lowery who worked side by side with Martin Luther King and we were a major sponsor of that event too. So, this was something bigger and new that they haven’t done in the past. And that morning we were invited to a breakfast that they put together at the last minute with Dr. Lowery. Commissioner Winters and his wife Gerry were able to attend and that was just a real nice breakfast because it was just kind of a casual setting as well. So, I’m just sharing that these have been great events in the years that I’ve gone and hope people will put that on their calendar for next year. Thank you.”

**Chairman Sciortino** said, “Thank you. Anyone else? I have a comment. I went golfing Sunday and I didn’t have any . . . Anytime you can get out there and play in the middle of January, it’s a

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gift. So, I really had a hard time finding fault with anything, except I have a nickname now from my fellows that I play with. I'm called 'chili dip' because I think I chili dipped five or six wedge shots. I mean they went clunk, clunk. So that's my nickname is chili dip."

**Commissioner Norton** said, "So we would call you Chairman Chili Dip."

**Chairman Sciortino** said, "Chairman Chili Dip, that's it. Anything else to come before the Board?"

**MOTION**

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with Legal Counsel on matters privileged in the attorney/client relationship relating to potential litigation, legal advice, personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 11:31 a.m.

Commissioner Norton seconded the Motion.

**Commissioner McGinn** said, "I have discussion. Just a question. We have some other Executive Session items. The reason I'm asking, I know we're still trying to do Rich's review and two of us have lunch commitments and didn't know if we decide to put Rich's on next Tuesday's staff meeting time, will we still need the 30 minutes to discuss the rest of Executive Session items? And the reason I bring that up is we still have to . . . we haven't even finished the goal side and then we still have to get with Rich and I'm not sure we're going to have enough time to give him."

**Chairman Sciortino** said, "Do you think we'll finish the goal side in 30 minutes?"

**Commissioner McGinn** said, "We could work on that. Thank you."

**Chairman Sciortino** said, "I have a Motion and a Second. Have we called the roll? Call the roll."

**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

**Chairman Sciortino** said, "This Meeting is in recess."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:01 a.m. and returned at 11:35 a.m.**

**Chairman Sciortino** said, "For the record, let it be known that there was no binding action taken in Executive Session. Any other items to come before this Meeting? Hearing none, this Meeting is adjourned."

**L. ADJOURNMENT**

**Regular Meeting, January 23, 2002**

There being no other business to come before the Board, the Meeting was adjourned at 11:36 a.m.

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

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

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

\_\_\_\_\_  
**TIM R. NORTON**, Commissioner  
Second District

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

\_\_\_\_\_  
**CAROLYN MC GINN**, Commissioner  
Fourth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

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APPROVED:

\_\_\_\_\_, 2002