

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

### **REGULAR MEETING**

**February 25, 2004**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, February 25, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Don Brace, County Clerk; Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.; Mr. Jim Weber, P.E., Deputy Director, Public Works; Mr. Robert W. Parnacott, Assistant County Counselor; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Gerald Frantz, County Appraiser; Ms. Rita Rippee, Chief Deputy Appraiser; Mr. Michael Borchard, Chief Deputy Appraiser; Ms. Irene Hart, Director, Division of Community Development; Sergeant Brenda Dietzman, Sheriff's Office; Mr. Marty Hughes, Revenue Manager, Division of Finance; Ms. Pam Martin, Director, Clinical Services, Health Department; Dr. Cindy Burbach, Director, Health Surveillance and Disease Prevention, Health Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Orpha Parish, 2034 Country View, Derby, Ks.

Mr. Darrell Downing, Member, Wichita/ Sedgwick County Metropolitan Area Planning Commission.

Ms. Terry Cassady, City of Wichita Manager's Office.

Mr. Jerry Blain, City of Wichita Water and Sewer Department.

Mr. Doug Moshier, City of Wichita Attorney's Office.

Mr. Tim Hicks, Outreach Coordinator, Derby Recreation Commission.

### **INVOCATION**

The Invocation was led by Junius Dotson, Senior Pastor, St. Mark United Methodist Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

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

**APPOINTMENT**

**A. RESOLUTION APPOINTING DARRELL DOWNING (COMMISSIONER SCIORTINO'S APPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "We've prepared this resolution of appointment to fill a vacancy on the MAPC and this term expires in August of 2007. I would recommend you adopt the resolution."

**MOTION**

Commissioner Sciortino moved to Adopt the Resolution.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "And I believe Darrell is here. If you'd please come forward, County Clerk Don Brace will do the honors of swearing you into this position."

**Mr. Don Brace**, County Clerk, said, "Please raise your right hand."

*I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Wichita/ Sedgwick County Metropolitan Area Planning Commission, so help me God."*

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**Mr. Darrell Downing**, Member, Wichita/ Sedgwick County Metropolitan Area Planning Commission, said, "I do."

**Mr. Brace** said, "Congratulations, Darrell."

**Mr. Downing** said, "I'd like to thank Commissioner Sciortino for nominating me and I appreciate the confidence that he has in my ability. I'd like to thank the Commission for approving this nomination. It will be a real honor for me to serve the citizens of Sedgwick County and I'm looking forward very much to being a part of Metropolitan Area Planning Commission."

**Chairman Winters** said, "Well Darrell, thank you very much. We do appreciate your being there and especially as a citizen of Derby and I would like to recognize former mayor of Derby, Richard Standrich is in the meeting room today. Welcome, glad to have you here. But we do appreciate the work. This is sometimes some very challenging and perplexing issues, talking about property and property rights issues can sometimes be very challenging and we appreciate your willingness to take on the commitment. Commissioner Sciortino has a comment."

**Commissioner Sciortino** said, "Yeah, this is the point, Darrell, where I'm going to embarrass you publicly. The reason I picked Darrell was twofold. One, he's retired military and there's one thing that I've always seen in retired military, they have been taught to think rationally and how to make the decisions based on what they get, as far as input. I like the fact that he doesn't have any vested interest in any particular group, he's just a concerned citizens that wants to serve and that I am confident that whenever he votes on issues, he's going to do it, because in his mind it's the best thing to do without any baggage on one side of the issue or not. So I'm very proud that you were able to accept the nomination, Darrell and look forward to working, indirectly, with you for many years to come. Thank you again."

**Chairman Winters** said, "All right, thank you. Commissioners, before we move on, I'd like to take another Off Agenda appointment at this point."

### **MOTION**

Chairman Winters moved to consider an Off Agenda item.

Commissioner Sciortino seconded the Motion.

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

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**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**OFF AGENDA ITEM**

**RESOLUTION APPOINTING COMMISSIONER DAVID UNRUH TO THE WICHITA AREA TECHNICAL COLLEGE INITIAL INDEPENDENT GOVERNING BOARD.**

**Chairman Winters** said, “Commissioners, Legal has prepared a resolution appointing David Unruh as our representative to the Wichita Area Technical College and their new Initial Independent Governing Board. As you may know, this Area Technical College was separated from Wichita school district on July 1<sup>st</sup> of this year. Commissioner Unruh has participated in that transition planning sequence and the transition plan calls for a member of the Sedgwick County Commission to be on the new board, a Wichita City Council person or appointee, someone from USD 259 school board, someone from the Wichita Area Technical College general advisory board, a person from Wichita State University, a person from the Wichita Chamber of Commerce and a person from the Wichita Independent Business Association. Commissioner Unruh would be one of those appointees. Commissioners, do you have questions or comments about this, or are you ready to move forward?”

I had suggested that if we needed any more time to discuss this, we could have this on an agenda of a staff meeting next week and proceed with that but if you’re prepared to go ahead, I think we might as well do it today.”

**Commissioner Sciortino** said, “I think we all drew straws and he lost.”

**Chairman Winters** said, “Well, I would have to say he’s very willing and wants to participate.”

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**MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, “And Mr. Euson, you did see this resolution.”

**Mr. Euson** said, “Yes, sir and it is approved.”

**Chairman Winters** said, “All right, thank you. We have a Motion and a second to appoint David Unruh to this board. Seeing no other questions, Madam Clerk please call the vote.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Now next item please, Madam Clerk.”

**CITIZEN INQUIRY**

**B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING SOLID WASTE DISPOSAL.**

**Chairman Winters** said, “This is the time when requests can be made prior to the meeting to address the Board of County Commissioners. Is Orpha Parish here this morning? Please come forward, give your name and your address and you’re limited to five minutes and this is the citizen inquiry part of our agenda.”

**Ms. Orpha Parish**, 2034 Country View, Derby, Kansas, greeted the Commissioners and said, “I’m here to protest the landfill any place in Sedgwick County. A little background, I’m a native Kansan. My work experience has been general office work for about 11 years at the Coleman Company and later, banking and credit. I took an early retirement, went back to college and got a certificate in historical preservation. That included studies of art, history, geology, archeology, anthropology, antiques, collectables and lots of other things.

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I learned that all things should not be restored, but anything useful should not be destroyed. I think you know where I'm going with this. I believe that all land in Sedgwick County is useful. Why destroy the land with an archaic landfill when there are alternatives to waste disposal.

Land in Sedgwick County is either sand or clay and not compatible with a landfill. We have proof of that in the County with the chemical site near Furley. Nearly 30 years ago that was open. It now has been closed for 12 or 13 years and we do not want another landfill in that area, as Waste Management is still working to clean it up.

Last report I heard that probably in 20 years the land might be useful. We can't live like our Native Americans did, make a mess and move on. We either have to clean it up or live with it.

The City of Wichita is considering sifting the sand for Brooks, twenty years maybe, at what cost and what will be the cost of a landfill clean up in 2024 or 2034. I won't be here, but I care for my daughter, my granddaughter, my nephews, nieces and all the children, particularly Randal and Amanda, who are four and nine years old that live across the street from me. What legacy would we be leaving them.

I'm also disturbed that several of you received illegal campaign contributions from Mr. Cornejo and that's been proven in court. I know Mr. Cornejo would like to own a landfill and if you do have a landfill, in his case it probably would be a regional one and trash could be transferred from other counties, states and even nations.

Commissioner Sciortino has said that it is morally right to locate a local landfill, so transporting trash, as I read it, would be immoral. So I challenge you that the same ethics would apply concerning the transfer of trash coming in. Thank you for your time."

**Chairman Winters** said, "Thank you very much, ma'am."

### **MOTION**

Commissioner Sciortino moved to Receive and file.

Commissioner Norton seconded the Motion.

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

### **VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**DEFERRED ITEM**

- C. RESOLUTION CREATING A ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY AND AUTHORIZING IMPROVEMENTS THEREIN (CRESTVIEW COUNTRY CLUB ESTATES – OVERBROOK 2<sup>ND</sup> ADDITION - 9<sup>TH</sup> STREET PROJECT).**

**POWERPOINT PRESENTATION**

**Mr. Joe L. Norton**, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, "As you may recall, this item was on your agenda two weeks ago as a result of petition received by a developer in the eastern portion of the county."

That area depicted on the map is between Central and 13<sup>th</sup> Street, east of 143<sup>rd</sup> Street East. As you may recall, the area is partially platted. This area right in here is an unplatted tract that is in the process of being platted into residential lots. They're in unplatted tract one and unplatted tract two within the proposed benefit district. The rest of the property has been platted. This is an older area that has a few homes on it, one on the corner, some down here. The proposed new development is in the red, and that is the area, which has been signed by the developer, as far as a petition is concerned.

As you may recall, two weeks ago the proposal was to put in the 9<sup>th</sup> Street paving and the two cul-de-sacs and spread the cost of those equally among the platted tracts and tract number one and with some higher proportionate shares to the two larger unplatted tracts. The Commission received comments from the public at that point in time and deferred the item to today.

Since that time, there has been a number of discussions between county staff, I believe maybe

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Commissioner Unruh has been involved, and the developer and as a result of that there has been a modified or amended petition submitted for your consideration today, as part of this agenda item. This is just the map depicting what the tracts would look like once they are platted, and in those cases, we have more than a majority of the property in the proposed district signing the petition. The amended petition now bifurcates the project into two portions.

One is the pavement or improvement of 9<sup>th</sup> Street, which is depicted in the yellow here today. The proposal on this assessment is to share the cost of this portion of the improvement among all the area within the dotted lines. Again, all the platted tracts and the proposed platted tracts here would bear an equal share, along with tract number one and tract number two would have two shares because of its size.

The second portion of the improvement would be to improve the cul-de-sac on 9<sup>th</sup> Street and this extension of 9<sup>th</sup> Street Circle as the second portion of the project and to assess those costs only to the area within the red shaded.

You may recall, two weeks ago, the approximate cost of splitting the entire road improvements to all the property in the benefit district resulted in a share of approximately \$17,000 per platted tract. This proposed revision would split the cost of this 9<sup>th</sup> Street to the platted tracts in 22 shares approximately, for about \$8,800 per share, not quite half of the cost that it was before. This cost has been reduced for a couple of reasons, one by bifurcating the improvement and secondly, as a result of the conversations at the hearing, Public Works has agreed that the size of the street could be reduced somewhat and that the method of storm drainage could be reduced substantially, thus reducing the overall cost of the project approximately \$100,000.

This portion of the cost of the improvements, split among the red shaded area, would result in an improvement cost of about \$8,230 per share. So the portions of property in the red would have the combined cost of 82 plus 88, or about the \$17,000 it was before.

The review of the costs approved by Public Works are as follows. The middle column, 9<sup>th</sup> Street, that is the improvement that we had in yellow to just 9<sup>th</sup> Street, that would have a proportionate assessment among 22 assessment parcels. Principle costs for the platted lots about \$8,800, tract number one the same, tract number two, which is the larger of the two unplatted tracts along 9<sup>th</sup> Street, having a double assessment of about \$17,600 and the unplatted larger tract number three, which is in the process of being platted into four lots, would have about \$35,000, which again would be split four ways once the plat has been approved.

The 9<sup>th</sup> Street Sandpiper Court project, again the costs of about \$90,500 and those would be assessed only to the 11 platted lots as a result of the plat. Tract number three would have four units

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and those platted lots that are already there having a cost of about \$8,230.

So this is somewhat of a compromise in the position we were in before in reducing the overall cost of the project by the scope thereof and splitting the project into two portions, where the cul-de-sacs are paid solely from the developer's property and 9<sup>th</sup> Street is spread among all property in the benefit district.

Mr. Weber is here also to answer questions about the project and he and I would attempt to answer any questions you may have with respect to these proposed amendments or how the project sits at this point in time."

**Chairman Winters** said, "All right, thank you Joe. It does seem like this is a considerable improvement for the folks on 9<sup>th</sup> Street. Commissioner Unruh, would you like to make some comments?"

**Commissioner Unruh** said, "Yes, thank you Mr. Chairman. My first comment is just to express appreciation to Mr. Norton and Mr. Weber and Greg Allison from MKEC and also the developer in their effort in working together to try to change the cost of this project and distribute the assessment a little bit more equitably among the participants. And I know there was a lot of work that was undertaken and you all had to refigure this several times to take out that little eyebrow in that other street and we narrowed the street. Engineering came to the conclusion that we don't have to put in storm sewers, so it's a considerable improvement and I think it's agreeable to most of the parties involved.

It's interesting that this project was first approved by the County Commissioners way back in 1982, I believe, as a benefit district and because of circumstances at that time an inability to development didn't happen and the assessment rate now of these lots is very similar to what it was originally. So I would just express appreciation and say good work for the effort that you put in to rework the project.

There is just one question again. One of the citizens on the street is still concerned about the calculation of the district. And I don't know, Joe if you or Jim would speak to that. The question is, is there a percentage to the developer that is for sure over 50% that allows him to draw this district and petition for the improvement."

**Mr. Jim Weber**, P.E., Deputy Director, Public Works, greeted the Commissioners and said, "I did go back and check. The calculations were done by Mid-Kansas Engineering Consultants. They are an engineering and surveying firm. They tell me that they took the platted dimensions for the lots

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and ran the calculations, it's not a guess of what the actual lot areas are, and used those to make the calculations, so I'm confident that they have a majority petition."

**Commissioner Unruh** said, "Okay, good, thank you."

**Mr. Norton** said, "Again, I might point out that this was figured in both ways, one as the land currently is now, with the unplatted tract three at about 53.64% and then figured also what would be the result after the plat was approved, and again it's 51.61 so I think it meets the standard either direction you want to go. Technically right now, the property is unplatted so this would be what it's based on."

**Commissioner Unruh** said, "Okay. And then, we have done our research and made sure that none of these lots on 9<sup>th</sup> Street have paid previously for any street improvements."

**Mr. Weber** said, "And I have gone back through our files, I've been down in the Clerk's Office. It's difficult to prove that something didn't happen. I can't really find a piece of paper that says an assessment wasn't made on these lots, but I can piece together all the paperwork for the projects around it and would be happy to sit down and meet with anybody who is still concerned about it and show them the paper trail that would show that they just weren't included in a project that had an assessment."

**Commissioner Unruh** said, "Okay, thank you. Well, once again, I think you went the extra mile to make sure that this was a good project and the assessment was fairly spread, so thank you and that's all I have, Mr. Chairman."

**Chairman Winters** said, "All right, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. I'm going to be supported of this new bifurcated petition but I just wanted to take just a couple of seconds and publicly thank you, Commissioner Unruh. You took to heart I think the concerns of the citizens and you were able to, I think, take the lead in negotiating with the developer, with staff and have come up with something that I think, at least for me, is very acceptable and I just wanted to thank you for taking that mindset and not trying to maybe force a vote last time and were willing to talk and to visit on it until it got to a situation where it's, in my opinion, very equitable for all parties concerned. Just wanted to thank you for that."

**Chairman Winters** said, "All right, thank you. Mr. Norton or Mr. Euson, two weeks ago we took public comment from the people along 9<sup>th</sup> Street. Is there any requirement that we need to have public comment again?"

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**Mr. Norton** said, “No. Even at that time, there’s no requirement by statute to have a public hearing. You took public comment at that point in time. Whether you take it again now is a decision for the Bench.”

**Chairman Winters** said, “Commissioners, do we have enough information to move forward with on this project? Commissioner Unruh, it’s in you district.”

**MOTION**

Commissioner Unruh moved to Adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you very much, Joe and Jim. Next item.”

**PUBLIC HEARING**

**D. PUBLIC HEARING REGARDING WHETHER CITY OF WICHITA (CITY) HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR**

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**THE ANNEXATION OF AN AREA LOCATED AT 53<sup>RD</sup> STREET NORTH AND MERIDIAN.**

**OVERHEAD PRESENTATION**

**Mr. Robert W. Parnacott**, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is a public hearing that is required by statute five years after a city has annexed property and has had to prepared a service plan on the services they would extend to the property. We're required and we have provided notice to the landowners by mail and also notices to the city involved, the City of Wichita as you can see.

The darkest areas are the areas that were proposed to be annexed five years ago. This is in the area of 53<sup>rd</sup> Street North and Meridian. Approximately about 400 landowners I think are involved that we've sent notices to. We've received maybe a half a dozen responses. There's a copy of the service plan in the back up. Page 52 has the important page which is the schedule and when they would provide different services. Of those responses, we did get, most of them really weren't relevant to the subject of this hearing, which is whether they provided services. They were other kinds of concerns, for example there was a street improvement that was done and a stop sign had been removed for the improvements and not put back up and somebody called and said, 'Well, could we get the stop sign put back up' and the city is taking care of that.

There were three, however, that did seem to relate directly to the service plan and the services offered. There was one complaint about ditch cleaning hadn't been done. The city subsequently responded to me by e-mail with a list of scheduled times when they had gone out and done some ditch cleaning, so they are indicating they have met that requirement. There was an issue about street lights. Street lights had been put in. Somebody had felt that not enough had been put in. The city went out, measured, and it meets their city policy in terms of how many street lights get put in, I think it's one in every thousand feet or something like that, so again, the city has responded to that.

The last one I don't have a response yet on, I don't believe. It concerns some drainage as street improvement. We received a FAX letter on Monday and I will distribute that during the open part of the public hearings for your consideration.

I believe representatives from the city will be here to present their case and answer any questions, so at this point, unless there are any other questions, I would recommend you open the public hearing, receive any evidence, then close the hearing and make a finding whether or not the city has provided the services as they set out in their service plan."

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**Chairman Winters** said, "All right, thank you Bob. Before we open the public meeting, Commissioner McGinn has a question or a comment."

**Commissioner McGinn** said, "Well, I'd like Terry Cassady to come forward and Terry, if you have any comments to make go ahead and then I have a couple of questions for you as well."

**Chairman Winters** said, "And then we'll open the public hearing after that."

**Ms. Terry Cassady**, City of Wichita Manager's Office, greeted the Commissioners and said, "The City of Wichita does believe that it is in compliance with the requirements of the service plan. We do feel that we have performed the services as outlined in the service plan and we have staff here today that would be happy to respond to specific questions. I also have a complete report I'd be happy to present orally to you, or certainly pass out to you in hard copy form."

**Commissioner McGinn** said, "Okay. I have two questions and Terry, I don't know if you'll answer or if someone else. One had to do with this FAX and how that drainage issues is being resolved. The second question I have has to do with, I know this area is serviced by a lot of septic tanks and was curious as to what sewage facility that would hook onto in the future, if needed."

**Ms. Cassady** said, "Okay, regarding the first question, I'm going to ask Doug Moshier to respond to that question please."

**Mr. Doug Moshier**, City of Wichita Attorney's Office, greeted the Commissioners and said, "Commissioner McGinn, I don't really have an answer for you, except to say that what that person is complaining about or concerned about is, in our opinion, not something addressed specifically with a timetable or some commitment in the service plan. It is what one would call a spot drainage issue. As I understand it, that probably existed some number of years in the County. It's a very flat area with a number of these difficult drainage areas. I think Terry's report does highlight that the city has responded, since annexation, with a project that cost some \$90,000 to address another spot drainage issue on Athenian. I don't know if Mr. Henry is present and can address maybe more specifically the public works aspect of this, but it's our opinion that this is not one of the matters that you have before you to evaluate. This is a citizen with a complaint, just like citizens complain to you about drainage out in the county. We'll address that in due course."

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

**Ms. Cassady** said, "Would you like an additional response from Larry Henry, our maintenance engineer?"

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**Commissioner McGinn** said, “No, I just wanted to see if it was being addressed. And then the other question was the sewage treatment.”

**Ms. Cassidy** said, “Okay, and I’m going to ask Jerry Blain with the Water and Sewer Department to give you an update on that.”

**Mr. Jerry Blain**, Wichita Water and Sewer Department, greeted the Commissioners and said, “Much of that area up there is un-sewered at this point in time. We’re taking a number of steps to try to provide sewage there. We’ve done a study of providing sewer service to that entire area, including existing housing in the undeveloped area. We’re now somewhat restricted in our efforts toward finding sewer service for more of the undeveloped area than the developed area. We’re doing a routing study at this point in time. We’ll have to put a force main in there and pump station and then we’ll put in a sewer system to service that area.

A lot of that area that is under septic systems now is going to be very difficult for us to put sewer systems into because of the cost involved. Those are large lots and small houses. When we put in sewer systems, those are usually put in by benefit districts, that we charge back to the individual property owners. I think probably the most effective was for them to eventually end up with a sewer system up there would be to find some sort of a federal grant or something like that that might assist the people, because I think otherwise the existing septic systems there are going to be real difficult to remove because it’s just going to be too expensive for them to put in sanitary sewer systems, but we will have the core system there to connect those to, if they can get service in there.”

**Commissioner McGinn** said, “Okay. Well I guess that was the question I had. I mean, when you annex, are you only going into areas that you’re able to provide . . . hook up to your current sewer system or are you going into areas where you can’t do that?”

**Mr. Blain** said, “We will go into any areas that can, if you will, pay their share of the cost to put the sewers into. We’re focusing now on the undeveloped area, because they’re willing to pay the price, but the existing areas, particularly on the east side of this annexation area, existing areas, they can do benefit districts and petition that in there.”

**Commissioner McGinn** said, “So you have the capacity, through sewer plant number two or whatever.”

**Mr. Blain** said, “Yes, we have pump capacity. We have to pump it clear down to a manhole clear down at 37<sup>th</sup> and Arkansas, which is probably the issue, but we will be able to provide service to that area.”

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**Commissioner McGinn** said, "I would think though, that area is getting difficult though, because you've got rivers to the north and then to your west plant, rivers to the west and so I was just . . ."

**Mr. Blain** said, "Getting the force main pump station will be technical challenges and we're actually looking at different kinds of sewer systems up there, potentially that might be more effective than conventional gravity system."

**Commissioner McGinn** said, "Community systems? Like community systems?"

**Mr. Blain** said, "Vacuum systems, they're gravity."

**Commissioner McGinn** said, "Okay, thanks Jerry."

**Chairman Winters** said, "Commissioner Sciortino, you have a question before we start?"

**Commissioner Sciortino** said, "Mr. Blain, if you'd just please come up. You're not off the hot seat yet. Am I right in my assumption that until you can provide sewer service for those people, they won't be charged any sewer fee. Is that correct?"

**Mr. Blain** said, "Correct. The only charge would be at the time you are connected to the system. Obviously, the capital cost, which we assess generally back to the benefit district and then the user charge."

**Commissioner Sciortino** said, "But if they're still on a septic system, then there will be no sewer fee assessed to that home."

**Mr. Blain** said, "There will be no charges."

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

**Chairman Winters** said, "Thank you. All right, Commissioners, if there's no more questions from the Bench, I will open the public hearing, as required by state statute. We are having a public hearing today concerning the annexation of area that was annexed five years ago near 53<sup>rd</sup> Street North and Meridian. Is there any citizens of the public who is here to speak to the Commission on this annexation issue?"

**Mr. Parnacott** said, "For the record, I would just note that we are distributing copies of both the letters and then the city's response."

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**Chairman Winters** said, "All right. Bob, do you want to make a comment about that letter then in the public part of the hearing? I don't know that you need to."

**Mr. Parnacott** said, "No, I don't believe I need to. You can read it for yourself and I think Mr. Moshier has presented the city's position on this matter."

**Chairman Winters** said, "Okay, very good. Again, is there anyone from the public who is here to speak to the Commission on this annexation issue, service plan? All right, seeing no one, we'll close the public hearing, reserve discussion to the Commissioners and staff. Commissioners, do you have enough information to have a finding of whether the city has extended its service plan as provided?"

**Commissioner Sciortino** said, "I just have a question of Mr. Euson or Mr. Parnacott. You've looked at what the city has submitted and what have you. In your opinion, has the city complied with all the requirements that they've been asked to reply to?"

**Mr. Parnacott** said, "I have not had time to review what has been handed out this morning. We just saw that this morning, so I really can't speak to that. I will say that in terms of the responses I received from citizens asking about the annexation and raising particular issues, I feel the city has adequately responded to those concerns and I don't see anything to prevent you from making the finding."

**MOTION**

Commissioner McGinn moved to make a finding as to whether City has extended services as provided for in the service plan.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye

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

**Chairman Winters** said, “And Terry, thank you very much for being here and again thank your senior staff. We always do appreciate it when you have people available to answer our questions, so thank you very much. Madam Clerk, call the next item.”

### **NEW BUSINESS**

#### **E. LETTER OF SUPPORT FOR PECK IMPROVEMENT DISTRICT SANITARY SEWER SYSTEM.**

**Mr. Parnacott** said, “You recall about a year ago you agreed and approved a formation of the Peck Improvement District. It’s down there on the border between us and Sumner County. Most of the property in the Peck Improvement District however lays across the border in Sumner, so this has been a joint arrangement between Sumner County and Sedgwick County in approving this and because most of the land in the district lies south of our border, Sumner County is really the lead governing body. We’ve entered into a inter-local agreement for the purpose and they are taking the lead in this particular case of going after some CDBG funding to do some sewer improvements, which really was the main purpose of forming the improvement district.

So the district is asking for a letter of support from the Chair indicating that the proposed system, they’re putting in a three-cell lagoon system with a gravity system also, is consistent with our plans. It is consistent with our comprehensive plan, which encourages and promotes regional coordination of public services, including sewer facilities. So we do have Rosemary Saunders from Rice and Goodness Engineers who are assisting with the project here to answer any questions you might have. If there aren’t any questions however, I would recommend that you approve the form of the letter and authorize the Chair to sign.”

**Chairman Winters** said, “All right, Commissioners, anyone know any reason why we shouldn’t? Rosemary, would you stand and we can acknowledge you. Thank you for being here today. We do appreciate it. Commissioners, anybody have a comment or a reason why we should not sign a letter of support? Tim, I think that part of this that is in Sedgwick County is in your district.”

**Commissioner Norton** said, “It’s in the very south portion of my district. I think they’ve done really good do diligence to make sure it’s a good process. They’ve worked well with Sumner County and that side of where the Peck Improvement District will be. I see no reason not to move

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forward. I think they're going to do some pretty nice things for that area down there where sewer systems need to be improved."

**Chairman Winters** said, "All right, I think we're ready for a motion."

**MOTION**

Commissioner Norton moved to Approve the letter and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Thank you very much for being here this morning. Next item."

**F. PRESENTATION OF REPORT AND RECOMMENDATIONS REGARDING STEPS NECESSARY TO OPEN A LANDFILL IN SEDGWICK COUNTY.**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "In September, you instructed staff to begin a process to get us to where we are today. The process was what were the steps necessary to begin siting a landfill in Sedgwick County. You adopted that in September of 2003.

Today . . . for the last month or so we've had a series of workshops, beginning in the early part of February. We discussed where we were and how we've gotten to where we are today. The second workshop, we pointed out some options that were available to you and some different methods of

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disposal, some costs involved and programs involved.

Today this is the introduction part and then we have questions from workshop number two that you requested and Susan Erlenwein will answer those. We have some legal considerations about the ramifications of decision-making and what that might mean and again Bob Parnacott will handle those and then I would come back and talk to you about the decisions to be made and my recommendations to you. Susan.”

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, “At the last workshop, two weeks ago, maps were shown about collection and surrounding counties and how they manage their solid waste. Particularly, some questions were asked about Kingman County and you wanted more information on that. There are some cities in Kingman County that contract with Waste Connections for the collection of the waste, such as Norwich and Kingman itself. That waste is collected and directly hauled to the north transfer station in Sedgwick County, which is owned by Waste Connections. In the rural areas, Waste Connections and Waste Management collects material and that’s directly hauled to both of the transfer stations here in Sedgwick County.

Additionally, in the rural areas, you have burning of trash that is issued by permit to residents and you have a private collector who collects materials and directly hauls to the Reno County landfill. But the vast majority of the material generated in Kingman County is directly hauled to Sedgwick County. So I hope that answers that question.

There was another question about recycling. At the last presentation I mentioned that there’s a particular type of curbside recycling called mandatory pay/ voluntary participation and that was recommended in our solid waste plan. Questions arose about what is the participation rate of a government subsidized program, because in the mandatory pay program, communities that have that average 60% participation the first year and it increases in subsequent years. We looked at surrounding communities and other communities that are equivalent to our size around the nation that have government subsidized programs and found a wide range of participation rates, from 20% to 93%, the average being 54% and there are many variables that effect the participation rates.

One is convenience. If a community has recycling for example collected on the same day as trash collection, it’s easier for the residents to participate, it’s easier for them to remember to put the recyclables out. Another factor is education, are the residents properly educated on what to recycle and when to recycle and how to properly do that. And incentives is an important factor, do they

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have pay as you throw, also known as volume-based trash rates, to encourage the residents to put material in the recycle container, instead of the trash container. So communities that combine incentives and education and convenience have higher participation rates than those that do not.

There was a question, kind of follow up to this that was raised last week during a citizen inquiry and that had to do with if we have a residential curbside recycling and it gets up to that 60% through that mandatory pay program, how much would that further our waste minimization? We're currently at 15 tons per day recycling through the curbside recycling and the drop-off bins. If we had 60% through mandatory participation, we estimate that would be 45 tons per day, which is an increase of 30 tons, which is equivalent to about 2% increase over what we're at now.

There was also a question brought up at workshop two that dealt with grass clippings and the leaf ban, which was in the solid waste plan. If we were to implement that, how would we go about doing it? Well, one, we'd have to determine the exact materials that we're talking about, grass clippings only and falling leaves only or a combination of both. We've never talked about including branches or any other yard material in the ban. We'd have to work with the waste collectors, because even though homeowners can manage this material through mulch mowing or composting, some will still chose to pay for collection of this material. I've talked to waste collectors and they've said it may take four months, maybe up to six months to acquire more vehicles, to have routes for the collection of the waste materials associated with the ban. And they'd also have to look at what the customers want, they'd have to survey them to determine who would want the collection and develop routes for that collection.

We'd have to determine an implementation date and it would be preferable to have that date not occur in the middle of the season we're talking about, so if it's grass season we'd want to do it well before the grass season so that people could prepare. And that involves community outreach, we want to educate the community on when it would happen, what their options are, that they could mulch mow or compost or pay for service and give them an opportunity to buy the appropriate equipment. If I'm in the market for a new mower, I'd like to know that ahead of time, so I could buy a recycling mower or a mulching blade for my current mower. So all of that would have to be combined into implementing this system and that would, from the waste haulers view of having new equipment to the community outreach, be at least four months in advance of when we'd want to implement it and preferably not in the middle of the season.

We also had a question on tonnages diverted from a landfill, it was a follow up to that question. What could we expect if we ban some of these materials. Well, we performed a waste analysis at the Brooks Landfill back in the 1997-98 timeframe. From that, we determined yard waste was 12.5% which was right in line with the national numbers. At that time, it was 175 tons per day going into Brooks Landfill that was yard waste, and that was a combination of grass and leaves and

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branches and twigs and garden plants. We also subdivided that into categories. Grass was 6%, which is 84 tons a day and the leaves were 3%, which is 42 tons a day. So that gives you an idea of if you were to ban any of these materials, what sort of percentages we'd be looking at."

**Commissioner Sciortino** said, "Now when you say 6 or 3%, you mean of the total tonnage that we produce a day."

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

There was also a question about tire pyrolysis and wanting more information on that. As you may recall, pyrolysis adds heat to material in an oxygen depleted environment and from that you obtain gases and fuels and carbon material and some slag. There are no commercial tire pyrolysis facilities operating in the United States. There are companies that have performed research and development on this project. They've spent millions of dollars and have had pilot programs going on tire pyrolysis. There's a company we've talked to, Tire Recyclers Inc. in Virginia that has had a pilot project going on for over a year. They've determined problems with maintaining the appropriate heat, some mechanical problems and problems with the carbon material having impurities with it. They've been working the bugs out of the system and they hope to have a full scale facility up within a year or two to have tire pyrolysis. We want to continue to watch that company along with another one called Titan Technologies in Columbus, Ohio that is also hoping to have a facility open in the next year or two.

Now from their estimates, it costs 12 to 15 million dollars to build one of these facilities and to be profitable, they estimate 100 tons of tires per day to keep the facility in a profit mode and that would be about a population of three and a half million people in a 200 mile radius. So I think that we need to not reinvent the wheel but watch these companies that have spent millions of dollars on this and maybe encourage them to come to our community once they get systems up and running."

**Commissioner Sciortino** said, "You said something about how many . . . about people or something?"

**Ms. Erlenwein** said, "Three and a half million people in around a 200 mile radius to produce that many tires."

**Commissioner Sciortino** said, "Okay."

**Ms. Erlenwein** said, "And there was a request for an update on the solid waste fee. As you know, the fee is added to property taxes and is used to support solid waste programs and projects. Unfortunately, the definition of solid waste excludes recycling, therefore this fee could not be used

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for recycling programs. Sedgwick County introduced Senate Bill 416 to add recycling to the solid waste fee so it could be used for recycling programs in the future. The Senate Natural Resources Committee heard testimony on February 5<sup>th</sup>, they worked the bill and it passed on February 12<sup>th</sup>. Today, the full senate is hearing this bill and we expect it to pass. The next step would be it would go to the House Environmental Committee, where they will hear testimony. Then they would follow that up with working the bill and hopefully the whole House would pass that. So this should happen this spring.”

**Commissioner Sciortino** said, “Great.”

**Ms. Erlenwein** said, “And a question was raised about a special type of landfill that receives compacted trash, where the trash is baled prior to being disposed of. This is called a balefill and the particular question was raised about Fort Pierce, which is in St. Lucie County, Florida. Now the purpose of baling the trash is to lengthen the life of the landfill. It’s using less air space because you can get better compaction through a baling system than running heavy equipment over it. That facility in Florida built a building to take the trash in, use conveyors and bail the material and they also have basically a material recovery facility where they pull out cardboard and metals prior to bailing the material. So they’re recycling material as well.

They run through 800 tons of material a day and the build cost them \$10,000,000. I found another type of landfill, the balefill in Illinois and they run 1,500 tons a day, so it’s more equivalent to what we have and they say the cost to bale the trash is \$2.75 a ton. And the reason that it costs so much is because you’re handling the material, you have the operation and labor of working that material and then transporting it to the landfill, but there are other considerations as well to offset that cost. You don’t have the heavy equipment at the landfill to run over it and compact it. That’s already been done and you’re saving the life of the landfill and extending it. As you see, they’re estimating 45% less air space is taken up, so you’d have to do an exact cost analysis for a particular situation, are you recycling materials or not, do you get money for those recyclables, how much is the labor of that community, how much air space will you save to determine the tradeoffs and advantages of bailing the material prior to burial.”

**Commissioner Sciortino** said, “I’ve got to just jump in just one more time. Would you go back, am I right in my assumption that that cost to bale is a variable that rises as the tonnage goes down. Like if we only had 100 tons, that was based on 1,500 tons. So it would go up if the tonnage dropped?”

**Ms. Erlenwein** said, “That’s correct.”

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**Commissioner Sciortino** said, "But the building is a fixed cost."

**Ms. Erlenwein** said, "The building is a fixed cost and people have had trouble with the compactors breaking down, so you need spares so you can keep the process running, so you have operational costs as well."

Bob Parnacott is here to discuss some of the legal considerations."

**Mr. Parnacott** said, "At the second workshop, there were some legal questions raised. We thought we'd address them. Before I get into the questions that were asked, I would like to note for the record that under the current state statutes it does require that solid waste disposal area permits issued on or after July 1<sup>st</sup> of '99, the applicant permit must show proof that they own the land, which means usually that you can't have someone leasing land and getting a state permit. Whoever applies for the permit has to actually own the property that's being used for the landfill."

One of the questions was importation. Importation is . . ."

**Chairman Winters** said, "Bob, could you stand a little closer to the microphone."

**Commissioner Sciortino** said, "Some of us are chronologically gifted and can't hear."

**Mr. Parnacott** said, "Is that better. The transportation processing and disposal of solid waste is an article of commerce. As such, we have the interstate commerce clause in the United State Constitution that prevents government entities, such as the Board of County Commissioners, acting as a market regulator from an unduly burdening or discriminating against interstate commerce. Typical form of acting as a market regulator is when you adopt a resolution, for example, if you were to adopt a resolution that prohibited a private landfill operating here in Sedgwick County from excepting trash outside the county, that would be regulating the market and would be seen as an undue burden and would generally be held as unconstitutional. This is a very developing area, the law, and we don't have clear boundaries, so I can't give you definites, but that's a general result in that situation."

There is what's called a market participant exception to the interstate commerce clause. If the governing body is acting as a market participant, not a market regulator, where it owns or operates a landfill or it's entering into contracts with somebody regarding a solid waste management function, it is participating in the market and is free to, for example, refuse if they were the owner, if the county was the owner operator of the landfill, they could refuse to have landfill from outside their borders accepted."

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The next question that came up in the workshop was liability issues. Certainly, as a owner/ operator of a landfill, the permittee and if it would be the Board of County Commissioners, they would be liable for closure costs of the landfill, post-closure monitoring and maintenance which will extend for at least 30 years after the landfill is closed. If there is any release from the landfill, they would be responsible for any remediation of contamination arising from that release.

Counties can also be held liable individually if they generate solid waste and it's improperly processed or disposed of. However, on the other hand, just because waste comes from Sedgwick County, if it was improperly disposed of, that would not lead to county liability. That would still be the liability of the individually identifiable generator of that waste. I don't know if that's very clear but I can give you an example if you would like.

Also, something that often comes up in these cases is local government entities that take over solid waste management functions from private operators are sued, either under some sort of takings clause or impairments to contracts argument. Generally they're not held liable. Management or control of solid waste by local government is a recognized exercise of local government's police power to preserve public health and welfare.

The final question came up was local regulations, whether we could add to the regulations that are imposed on us by EPA or by the state. And you can certainly adopt additional requirements on landfills, as long as they don't conflict with state or federal requirements and they're either as or more strict than those requirements. For example, there's a requirement under state law that you can't have it within a half a mile of a navigable stream. You certainly could adopt a local regulation that said no landfill would be within one mile of a navigable stream because that would be more strict than a state regulation.

With that, unless there are any other questions, I will turn it back to Mr. Buchanan."

**Mr. Buchanan** said, "Chairman, Commissioners, we've talked to you a number of times about what are the issues before you in this process. And clearly the first issue is to maintain the current environment or to change it to waste disposal and recycling site or a landfill. If that decision is made to go towards a landfill, then we need to talk about who might own that and how will it be operated and what those regulations . . . additional regulations might be, of course location and what other programs are available and I'm prepared to make recommendations on those now.

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I would recommend that we proceed with siting a landfill. That the landfill be county owned. That we work up a Request For Proposal so that it could be privately operated. In that process of developing that RFP we would want to know some experience and qualification of the operator. And then finally to explore and enhance and improve integration of new waste minimization technology, which would include recycling and some of the other things that we've heard about, once the landfill site is operational.

To do so before affects the economics in a very negative way. Obviously, if we have more trash, more dollars per ton, the more programs one can allow to occur. If there's fewer tons, then the program costs will be very high and we'll have to judge that. I'm suggesting that we wait until we determine how much trash there is before any firm decisions are made on the waste minimization technology.

I would recommend that you make a motion to accept my recommendation and authorize me to proceed as recommended."

**Chairman Winters** said, "All right, thank you Mr. Manager and Susan and Bob. Before we get started with the discussion from the bench on this recommendation, I do see a number of members of the Solid Waste Planning Committee in the audience today and we certainly appreciate your attendance here today and we appreciate the work that you've done on the Solid Waste Planning Commission.

It's going to be our intension today to not take public comment but to have the discussion among the Commissioners. Again, as I said a couple of weeks ago, we've looked back over the past several years and have had at least 150 opportunities for people to give input to the County Commissioners. And as of last year, had two major public hearings, one out at the zoo, on the five-year plan, or the anniversary of the plan being five years, so it was a five-year review of the plan and then later in the year we had a public hearing at the Kansas Coliseum where we took comment concerning and adding an option into our plan of allowing a local landfill. So, Commissioners, I believe we all feel that we have received sufficient input from the public. Now is the time to start making a decision and we just need to move forward with discussion among ourselves so we can decide whether this is an option we want to pursue or whether it's not. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I think that this item that's before us is the reason we were elected to these positions. This is a tough decision. A lot of people are passionate on both sides of the issue. No matter what we decide, we'll have a portion of the population upset with us and a portion of the population comfortable with our decision but that's the reason that we're sitting here is to make . . . somebody has to make those decisions and it falls to us to make them.

I have always supported the concept of a local landfill in Sedgwick County. I am convinced that

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there are tremendous potential for economic benefits for the citizens in reduced costs to the households and to the businesses in the pickup of solid waste from their homes or businesses and disposal of it.

I think that the restrictions that Subtitle D regulations impose on the siting of new landfills were designed with a Sedgwick County specifically in mind, any area that has land mass but maybe doesn't have perfect geological strata or what have you for the siting of a landfill, to make a governmental entity have an option that is least expensive or less expensive than other methods of disposal. I think that landfill right now, potentially, could save this County 8 to 10 million dollars a year. That money right now is being shipped not only out of Sedgwick County, but out of our state.

We have here, in Sedgwick County, some very, very tough economic challenges that are in front of us right now and I am convinced that I would like to see those monies stay in . . . well, not only stay in the state but I want them to stay in the County and used for the betterment of this area.

I have no fear whatsoever that the siting of a Subtitle D landfill would not be something that we could do and be environmentally proper to have it done, so I'm going to support this. I'm going to try a motion, we'll see where it goes later on, but I would like to hear what you all have to say on the matter also."

**Chairman Winters** said, "All right. Commissioner Norton."

**Commissioner Norton** said, "Thank you, Mr. Chair. Well I've got to tell you, it is one of those tough issues that you deal with occasionally as an elected official and I have to tell you, I have not taken my responsibility lightly when it comes to the three years that I've been on the commission and we've been dealing with this subject. I've always kept an open mind during the entire process, over the several years. I've made sure that I've listened to everyone possible that would have an issue or an opinion on the subject. I've listened to constituent groups at every chance.

In fact I had one on Sunday at a church where I listened to constituents. I was at a group meeting on Monday night where I listened to constituents. I never shunned an offer to engage. I've made sure I've responded to all my e-mails on the subject. I've written articles in the paper that I write under the 'Word In Edgewise' and I believe I've answered every media question when there's been a microphone in my face to answer.

I've done due diligence on plasma torch, pyrolysis, thermal depolarization, baling, compaction, etcetera, etcetera. In fact, yesterday I spent about three hours making phone calls to Cehalis, Oregon and St. Lucie County, Florida trying to talk with individuals about emerging technologies,

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ways of handling solid waste in their communities. I think it's important we do that.

I'm continuing to explore technology for a tire program, whether it's pyrolysis or some other technology. I've made calls and am exploring baling or compaction in the use of landfills and as recent as yesterday talked to Susan Erlenwein about new ideas that we could incorporate with compaction that would give us the ability, if we site a landfill, to mine it at some point when incineration becomes cost-efficient. I've also continued to think about and try to understand how we can put recycle centers, cost-effectively, throughout the community to make it easier for people to recycle, particularly things like limbs and yard waste, so that it doesn't become onerous on the elderly, the people on fixed incomes, the working poor, single families to take care of those kinds of things but do it at a low cost.

Now that gets me to I was not particularly supportive of a transfer station process or concept, but the determination was already made when I came to the commission. When we moved on to site one at 55<sup>th</sup> and Hoover, I voted against it. So history would tell you that I don't believe that the transfer station concept is going to work over the long haul. If you're an environmentalist and you believe that it's clean and good for our county, that you're not putting it in our ground. You know what, we're putting it in somebody else's ground and county lines are just dotted lines on a map that were invented in 1860. I love being in Sedgwick County but we have a holistic attitude that we have to be stewards of our own issues here and I think we should.

I support the RFP process. That gives us the chance to put it out to the scrutiny of a lot of entities. We'll write an RFP hopefully that's tight and concise and describes what we want in an RFP hopefully that's tight and concise and describes what we want in an RFP and I hope that there will be entities that will step forward, see that as a business process, be open and honest about the way they deal with it, put an offer on the table and we'll look at it.

I'm concerned about waste minimization programs and the costs to taxpayers and I know that we will have dialogue about what that looks like, as we make some tough decisions and the decision we make today will only be the first of many more decisions that we'll have to make that will not be easy.

I'm not in favor of importing trash, but you know the truth is, Kingman County is bringing trash to our transfer stations right now and I haven't had one call to tell me don't take Kingman's trash. So that will be a debate that we'll have. I don't support it right now. It may be that we'll end up some importation, in a regionalized manner.

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I'm interested in supporting new technologies for the tire program. I've never waived on that. In fact, I'm the one that asked the question on can we dispose of tires through pyrolysis.

I'm interested in compaction because there are many things that it would mitigate if you could compact and bale after you've recycled, and that gives you the opportunity to maybe later mine your own landfill, reclaimate it and restore the land to the place that it was before.

Several entities have expressed interest in the RFP process. I want to make no mistake that this idea of sending out an RFP is not challenging us to deal with only one entity that may have raised up at some point during this process, but there are many individuals, businesses that are in this business that have contacted me to tell me that they're interested in being a player, responding to the RFP and putting a bid into the process. So this will hopefully be a very open, competitive process to do the best governance for Sedgwick County.

There is no right or wrong to this issue. There is differences of opinion and I value that. Probably if we took a vote in this room, we would not get a substantial quorum one way or another. I think it's very important that we understand it's a tough decision, we know that it's going to be something that we will have to deal with for probably three or four more years.

The truth for me is we need to scrutinize the process the staff uses to maintain openness. That will be my mantra. It will lose my support if there is any hint on impropriety or failure to maintain a diligent, open, communicative process. I think that's critical. I think that's what citizens demand. It is about the business of government, but it's also about making sure that we do diligence.

And finally, there's several more checkpoints in this whole process. There's the procurement of land, if that's necessary. There's the permitting process, which could take several years and there's finally the negotiations of the RFP anomalies. Once people have bid on it and put bids on the table for the RFP, we may have to renegotiate some of the terms and that's going to take a while too.

At this point, I am going to be supportive of moving forward with the RFP process. I think we've done due diligence. I feel, with an open conscience, that I've visited with constituents, I've tried to understand the process and I openly will support that today. Thank you, Mr. Chair."

**Chairman Winters** said, "All right, thank you. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I would say here at the beginning that I'm going to be supportive of the Manager's recommendations. It's been my public posture for a long time that I'm in favor of a local landfill and initially, because of the economics involved, even at our current levels, when you see the difference in tipping fees that we're paying now as compared to what we paid when Brooks was open, it amounts to over \$5,000,000 a year, in the aggregate, that

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the citizens of this County are paying for disposal and it's been already mentioned that that money is just leaving our community and I would think that we need to do something to change that if at all possible. So I will be supportive of a local landfill for that reason.

Also, for many of the folks that I've talked to in the process of trying to understand this, is that there is an opinion, a mood that says there's something ethically improper with us sending our solid waste out of county. And so, whether you agree with that or not, it's still something that constituents have voiced over and over again.

Also I have had the opportunity to visit a newly opened Subtitle D landfill and get out of the car and stand on that new structure, and so I understand a little bit about how it's made. And so besides the engineering and science of what's been told us about a Subtitle D landfill, my firsthand experience, it appears to me that what they say is true and it's appropriate and environmentally safe for the disposal of trash.

I am going to be in favor, as we move along here, of not importing trash for the same reasons that I think many are opposed to sending our trash out of state. I don't see importation of trash being an issue with a neighboring county, but we'll just have to wait and see how that plays out.

Another issue for me, as we move forward, is I think that we need to find a way to mitigate the impact of wherever this landfill might go, to those property owners that are directly adjacent to the landfill. We need to take, if there is an economic impact to them, we need to be sensitive to that and try to work out a way to relieve the pressure they have for that.

I'm also going to be in favor of, as we move along, it's still up in the air now about various programs of recycling and waste minimization, but I'm going to have an attitude that's positive and receptive of that as we can work it out and that all of course depends on how much volume there is out there, depending on the economic circumstances.

So, lastly I just want to say that I've also been listening to my constituents. In my election, a little over a year ago, you know there was a very popular incumbent and the issue between me and that person was a landfill and I won by a considerable margin and I think I have to pay attention to that election, that the citizens at least in district one as a whole are in favor of a local landfill. That doesn't mean that I'm not listening to the folks who live up in the northeast part of the county and near the Furley site. They are wonderful folks, intelligent, concerned, passionate, active on this issue and so I don't want to say that I haven't heard them. But overall, the vast majority of the constituents that I meet, day to day, are in favor of a local landfill.

And in conjunction with that, a TV station did an unofficial poll indicating that over 70% of their respondents to this poll favored a local landfill. So I think that in . . . I mean, I feel confident that I am exercising a vote here that is consistent with the majority of our constituents and then the others

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reasons that I gave I'm going to be supportive. So that's all I have right now."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. First off, I want to thank the Solid Waste Committee for their work this past few years, but also many have been on for many, many years and just in the time that I've been a commissioner, I've listened to the debate and watched the process and I think that there are some differences of opinion about how do we find a solution to final disposal. But at the same time, they have been very steadfast, I think the majority of them, about this whole notion of reduce, reuse and recycle in our community and I appreciate that effort and continuing to keep that on the table, because it's also consistent with many of my constituents. Their phone calls, their e-mails, recycling and reusing and reducing is important to them and this is also very much a core value for me.

Another topic that I've brought up consistently in our discussions in the last couple of years, as we've talked about this final disposal and whether we have a landfill or not, one of the things that's been important to me is that that door is always open should new technology come about that's economically feasible and something that might make sense for our community to change to.

One of the first ways we can look at this and that has to do with our tire program. This is a program that the commission decided to do. It's a program that's been important to me. About three or four years ago, we partnered with KDHE and I had advocated for that, to do a tire cleanup program with the legislators. Well, because of their financial crisis or other reasons, the fee that's generated to do that is gone now. I told them there was a fee and there was some money to do it and it's gone. But anyway, so we decided here at Sedgwick County to take the lead and we're going to try to do that tire program on our own.

It gives us an opportunity though to look at new technology on a small scale, because we'll be using one particular item that would go through either pyrolysis or de-polymerization or those kinds of things, but I think that that is a way for us to look at new technology, at least on a small scale, and then if it should be something that's feasible on a larger scale, that we could go that route.

The other thing that I heard from my constituents was that it was important for them to take care of their own trash, and if this is important to the majority of our citizens in Sedgwick County that we take care of our own trash, these are the things that will be important to me if we move forward to do a landfill. I would like that it would be publicly owned, so that we can control the flow. I'm opposed to a regional landfill. I would like to see a recycling program that encourages people to recycle and that may have to be through a pay as you throw system and that this plan, as I shared earlier, will not prevent new technologies, should it become feasible.

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I want the location to be the best environmentally suited site and approved by KDHE and that's generally a given that that has to be done. And I think that all areas of the county should be looked at to find the best possible location. I would like to make sure that no air traffic flight patterns are interrupted . . . are not interrupted, I hope I said that correct. I'd like to see that if a landfill is sited that we mitigate with landowners in the area and take care of any concerns or problems that they have, even if it has to do with a decrease in property value. Other programs I'd like to have looked at have to do with the curbside leave collection, that would be new to this community but it is something that's done in other parts of the nation and I hope that we can at least take a look at that. I don't know if that will be a first step or not.

And so those are the things that are important to me, so my question for the Manager, just to get his attention again, is as we form this RFP, I think all the Commissioners have shared, except for the Chairman yet, what is important to us if we move forward to site a local landfill. We will have another opportunity, once that RFP goes out, and if some of these things that we want to be in there cannot be achieved, we'll have another opportunity to put the brakes on. Is that correct?"

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

**Commissioner McGinn** said, "Okay. So anyway, those are the things that I think are important. I truly believe that if a local landfill is the solution for final disposal, that it is important to our community and I think we need to be responsible, as elected officials, not to fill it up so that it can last many, many years, unless new technology comes around and we shift gears at that time. Thank you, Mr. Chairman."

**Chairman Winters** said, "All right, thank you. Well Commissioners, just very briefly, make just a couple of quick comments. You know, I really do believe that the previous commission that put together the current plan did a good deal of good work in trying to come up with a plan that they thought was very good. Does the plan work? Yes. Does the plan meet everybody's needs? No, it doesn't. But that commission is no longer here. I am the only one of those people that is still here and involved in this process. I was, as you remember when we voted to change our plan, was the vote to vote no, not to change the plan but I wanted to be very clear at that time, and I want to be clear today that I want to be part of framing this Request For Proposal and want to be part of the process as we move forward.

I think we have done an excellent job, over the past year, of discussing the landfill issue from every angle. We've had now just two recent meetings with this board on Wednesday mornings. We've had other workshops, we've had staff meeting discussions and I think we have worked very well together in trying to craft what this change is going to look like. So I just want to be very clear that

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I am going to support the management's recommendation today and I want to be a part of framing what this Request For Proposal is going to look like and how the system is going to look like. I would agree with Commissioner McGinn, once we get to the point of seeing what's out there, if it doesn't fit the scheme, then it doesn't fit the scheme. If we finally figure out something that really does do a good job for the citizens of Sedgwick County at a reduced cost, then I think we'll be able to make that decision also. So, that's about my comments. I think if somebody is ready to try a Motion or moving us forward, we'll move on. Commissioner Sciortino."

### MOTION

Commissioner Sciortino moved to accept the Manager's recommendations and authorize him to proceed as recommended.

Commissioner Unruh seconded the Motion.

**Chairman Winters** said, "All right, and would you maybe just run over what those recommendations are."

**Commissioner Sciortino** said, "He recommended one, that we proceed with the siting of a landfill, that it be county owned, that it be privately operated and he's heard now from all of us here now that we want to see the development of an RFP, and Commissioner McGinn is correct, that's another time for us to look at it to make sure that we're comfortable with what it is. And then the last item I think covered a lot of the concerns that we've expressed here, is to explore, enhance and improve the integration of new waste minimization technologies and programs, once that landfill site is operational."

**Chairman Winters** said, "All right. Commissioners, is everyone clear on Commissioner Sciortino's Motion? Is there any further discussion on the Motion? Any further discussion? Seeing none, Madam Clerk, call the vote."

### VOTE

Commissioner David M. Unruh      Aye

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

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

**Commissioner Sciortino** said, “Yeah, in keeping with that Motion that we made, unless there’s an objection, I’d like to direct the County Manager, and I think this is just good public policy, to maybe open up some dialogue with the City of Wichita to see if they have any interest in any form, I don’t know exactly what it might be, to partner with us on this project. Because if there is some involvement of the city, over 70% of the entire population of Sedgwick County lives in the City of Wichita and anything that we might do for the betterment of the citizens, naturally the citizens of Wichita are recipient of that and then through some manner in which that they might partner with us, their citizens, argumentively, could get a double positive hit, and I’d like to request that the manager open some dialogue with the City to see if there’s any interest in that area. I don’t know if I have to make that in a manner of a Motion.”

**Mr. Euson** said, “It doesn’t have to be in the form of a Motion, just some direction from the Commission I think would be appropriate, if you’re all in agreement.”

**Commissioner Norton** said, “Certainly I think there’s going to be a lot of entities that we’ll need to connect with and certainly the City of Wichita will be one. Maybe there will be some dialogues with the SCAC, the small city association, because they’re players in our community. So I think it’s appropriate that we would try to engage any other government officials that reside in this county to make sure that the process works, that’s it’s open and that we’re dealing fairly with all constituents.”

**Chairman Winters** said, “Okay. I would agree with that. I think we need to make connection with all possible . . .”

**Commissioner Sciortino** said, “Well, I just think that’s good public policy. They may say no, we’re not interested, but at least we reached out our hand.”

**Chairman Winters** said, “All right, Commissioners, are there other questions or comments before we move on? I think we’re going to take a short break, but is there any other questions or

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comments concerning this Item F? All right, we're going to take a ten-minute break. We're in recess."

**The Commissioners went into recess at 10:30 a.m. and returned at 10:48 a.m.**

**Chairman Winters** said, "All right, I will call back to order the Regular Meeting of February 25<sup>th</sup>. Madam Clerk, would you call the next item."

### **G. PRESENTATION OF SEDGWICK COUNTY APPRAISER'S ANNUAL REPORT OF RESIDENTIAL VALUE TRENDS IN SEDGWICK COUNTY.**

#### **POWERPOINT PRESENTATION**

**Mr. Gerald Frantz**, County Appraiser, greeted the Commissioners and said, "As we prepare to mail our 2004 valuation notices that we send out every year on March the 1<sup>st</sup>, letting everybody know what value we have on their property for this coming year, as we prepare for that, we wanted to inform you and the public of what is going on, what we see going on in the residential, particularly the residential Real Estate market in Wichita and Sedgwick County so that's the purpose of this and it will be brief. The two Chief Deputy Appraisers . . ."

**Commissioner Sciortino** said, "Did you say you were going to be brief?"

**Mr. Frantz** said, "I'm going to be briefer than usual, sir, if you believe that. The two Chief Deputy Appraisers, Rita Rippee, Mike Borchard, will help me with this presentation.

My part of this would be to make sure everybody understands what we do. We value property, all property in Sedgwick County for property tax purposes as of our appraisal date, which is January 1<sup>st</sup>, of 2004 so we're going to talk today . . . Mike will talk a bit about what was going on during the year 2003, as far as residential values and residential market trends go. And again, what we do, how we appraise the property is market value and loosely defined, market value is what a willing buyer will pay a willing seller in an open market and of course we know, because most of us have either bought a house or sold a house or lived in a house at some point in our life, hopefully most of us have lived in a house.

What we look for, what people look for in the residential Real Estate market is things like the size of the house and the various amenities, number of bedrooms and bathrooms and garages and swimming pools and that kind of stuff and of course location is a very, very big issue. So we appraise property, as of January 1<sup>st</sup>, and we appraise property through the definition of market value. So, Mike Borchard now will step up and give you some specifics."

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**Mr. Michael Borchard**, Chief Deputy Appraiser, greeted the Commissioners and said, “Market trends can be measured by observing sales activity and looking for indications of change. Some of the indicators we track are the number of sales transactions, increases or decreases in median sale prices from month to month, quarter to quarter or year to year. Tracking the appraised value to sale price ratios over time is another technique.

Over the past three years, the Appraiser’s Office has observed moderate increases in residential market values. In 2003, this trend showed that value appreciation continued. This bar graph shows the number of single-family homes have increased from the year 2000 and that in 2003, the volume of sales is at or near record levels.

Along with the high volume of sales, there has been a steady number of building permits, both for new home starts and other residential permits. In 2003, we received permits for 1,941 new home starts, along with another 2,409 other residential permits. These other permits would include additions, remodels and repairs.

This chart shows the number of building permits has been fairly stable over the last four years, with the total permits being around 4,400 per year. There have been about 2,000 new homes going up each year.”

**Commissioner Sciortino** said, “I need to ask a question real quick. If there’s 2,000 new homes going up each year, how come from 2002 to 2003, we only added about 53 homes to the tax roll? How did that work?”

**Mr. Borchard** said, “I’m quite certain we’ve added at least 2,000 per year.”

**Commissioner Sciortino** said, “Would you go back to a slide, go back a couple of slides. There, bingo. Oh, excuse me, I’m sorry. These are just homes that were sold.”

**Mr. Borchard** said, “This is the total number of single-family sales.”

**Commissioner Sciortino** said, “I’m still under a ton of trash.”

**Chairman Winters** said, “He answered his own question.”

**Mr. Borchard** said, “Okay, this graph shows the steady increase in the total number of single-family residences in Sedgwick County. Since 2000, there has been an increase of around 4% to the total number of single-family residences.

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The key driver to the increased number of sales and continued new construction is lower interest rates. In January of 1995, the interest rates were about 9%. In January of 2004, fixed interest rates on a 30-year term were below 6%. The low interest rates, increased demand, which creates more activity, in turn the increased activity generally drives up prices.

This graph illustrates the increase in the median sales price over the last four years. In 2000, the median sale price was \$85,000. In 2003, it's up to \$96,000. The number to the right of the bars show that the relative change from year to year has been about 3% the last two years.

The property valuation division reported a median ratio of 94% for residential property in Sedgwick County. That's from a mid-year ratio study that occurred in July of 2003. An internal ratio study, after the full 12 months of sales, indicated a median ratio of 92%. You can see that over the six-month period, that 2003 appraisals went from representing 94% of what properties sold for to representing about 92% of what they sold for. For mass appraisers, this is the most significant indicator that market values are trending upward.

In order to keep pace with the increasing market values, most 2004 appraised values were increased. This slide shows a summary of the value changes for 2004. There was 83,840 parcels that saw an increase in value. There was 1,805 that saw a decrease and parcels that did not change in value, there's about 51,773. The typical increase in value is about 3%.

It should be noted that with the increased number of sales over the last couple of years, we can more accurately reflect market value for other property groups. Typical increases for rural residential property would be around 6% and some rural properties may see increases of up to or greater than 20%."

**Commissioner McGinn** said, "Now what's driving that or is that the next slide?"

**Mr. Borchard** said, "What's driving that is we've seen more rural market activity as well. We've had more sales. Those sales are indicating that some of our rural properties were undervalued."

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

**Mr. Rita Rippee**, Chief Deputy Appraiser, greeted the Commissioners and said, "On March 1<sup>st</sup>, 2004, 203,000 real property value notices will be mailed to the property owners in Sedgwick County. It is the responsibility of the County Appraiser's Office to provide documentation

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supporting the values that we've established for each individual property within the County. If the taxpayers disagree with our value, this is their opportunity to provide us with information on why they feel our values are incorrect.

And if the taxpayer feels that our value is incorrect, they have the right to appeal and to appeal your values all they need to simply do is turn over the value notice, fill out the back side of that value notice and return it to our office within 30 days of when the form was mailed and our office will set a hearing date, time and location for the hearing and send you a confirmation letter stating those dates and times.

To assist citizens in preparing for an information hearing, they should log onto [www.sedgwickcounty.org/appraiser](http://www.sedgwickcounty.org/appraiser). This website provides information on how to appeal your value, help in preparing for the hearing, real property value information, real property sales information. Also, citizens can visit the Appraiser's Office at 525 North Main or our satellite offices at 940 North Tyler in Wichita and 206 Greenway in Derby, Kansas and at those satellite offices, there's also access to public information terminals that will give them the same information they have down here at the main courthouse. Thank you and if you have any questions, we'll take them now."

**Chairman Winters** said, "Yes, we do have some questions. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. Rita or Jerry, you know sometimes I heard citizens make a comment that you know, we set the budget and then we go tell you to fix appraisals so that we can meet the budget and I just want to explain or have you explain that this system is the CAMA system and it is a state system set up by the state and according to state statute, we are required to stay within the market range. And so we really don't have anything to do with how these are set, because it's based on market sales. Our only intervention is, as Rita shared, through the protest process. Once in a while, you do have computer data or whatever, for whatever reason or problems with your homes that isn't picked up through the CAMA system and that's why you need to go through that process to fix it, but could you just maybe share whether I'm close to right or not."

**Mr. Frantz** said, "Yes, you're exactly right, Commissioner. First of all, you mentioned and Mike mentioned it briefly in his presentation, this ratio thing, which means that we look at every property that sells. We look at the sale price of that property in relationship to the appraised value we had on it for the previous year. So we look at that relationship, the ratio, and where the relationship between the sale price and our previous year's appraised value is off considerable, let's say for example if we consistently see a ratio or relationship of less than 90%, meaning that the properties

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are selling for considerably more than what we have them appraised for, then we have to act.

And when I say we have to act, the state says that if our ratio is below 90% of market value, then we need to raise values and they don't get the commissioners involved. They don't get the county manager involved, the chief financial officer doesn't get involved, nobody gets involved but us. This is our job and we're under the direction of the property valuation division and our job is to value property at market value. And while I have to admit that the commissioners and the county manager and everybody else keeps me in the loop in terms of what is going on in the county and what we need money for, not once has anyone ever asked me or any member of my staff to increase the tax roll so that we can pay for anything. And of course I hear that kind of stuff myself. It just is not a fact. If we were raising people's values or lowering people's values because of a need to build a new jail or because it was somebody's political crony, then we would all be gone, you guys would be gone, I'd be gone, we wouldn't be working here, we'd be breaking the law. Not once has anyone said we need more money, therefore raise the tax roll. We don't do that."

**Commissioner McGinn** said, "Well, I just know that that's frustrating for them when we explain that to them, and I guess if they want that system changed, they almost have to talk to their legislator."

**Mr. Frantz** said, "Exactly. And every year, we see legislation where some senator or legislator wants to cap values because they see people's values going up and we see it every year. It's in violation of the constitution. The constitution says we're supposed to value property fair and equitable and they have guidelines for what fair and equitable is and that's what we do and there's nothing else to it, other than we're appraisers, appraising property at what we think they're worth. And you mentioned a very important point and that is we ain't going to get them all right. There's 203,000 real property accounts in Sedgwick County and we're not going to get them all right.

It's mass appraisal and we collect the physical characteristics data, we analyze the sales, we analyze other economic data and we value every single property to the best of our ability at market value but that, as Rita pointed out and you pointed out, there are hearings and so people can come in and say, 'My property is not worth that amount, it's over-appraised' or they can come in and say 'My property is maybe appraised okay in relationship to market value but it's out of line with my neighbors'. My neighbor has a better house than me and my neighbor is appraised for less. So everyone has the opportunity to come on down and talk to us after the notices go out, and if the value is wrong, we'll change it because we have no vested interest whatsoever in keeping the values artificially high. There is no benefit to us whatsoever to do that. As a matter of fact, it's to our

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benefit to get them in and get them out so we can go about the business of doing our job.”

**Commissioner McGinn** said, “Okay, well and I know that’s not going to relieve people’s pain on this whole tax issue, but I just wanted a little clarification for those watching how that system is set up. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Norton.”

**Commissioner Norton** said, “Well really, that’s really the descriptor I wanted from Jerry is to kind of explain to people, because as I speak to constituent groups and we talk about taxes, many people just don’t understand that the appraisal system is really singularly off to the side and unfortunately, part of the way we raise taxes is property taxes and you do that by applying a tax rate to an evaluation to come up with that. And it is a slippery slope that we get in when we say, as politicians, we didn’t raise your taxes because we kept the mill levy rate the same. But the truth is that we can do that every year and if the evaluations, which is a separate system, continues to ramp up a little bit, we are really raising your taxes. It’s by default, but we’re doing it and if you really have the value of not raising taxes, then we’ll lower the mill levy that will equal, through valuation times property tax rate, to get you to the same dollars. That’s the way it happens at the state. That’s the way it happens in the school districts. That’s the way it happens at the county and other places and the truth is, I don’t think every citizen understands that.

I continued to have an issue and I think maybe some of my colleagues have too, that we’re starting to get a little out of balance on property taxes in the state, as far as the relationship with other taxes, like sales tax, income tax. There are many there and if you continue to let your property tax valuations go up and continue to keep the mill levy the same, property taxes will get out of line with some of the other taxes that we have to use to run governments and that’s been an issue we’ve talked about with state legislators as far as not getting demand transfers that was put on the books to ease property taxes and yet we continue to have to maintain that higher level because we’re not getting the state help that we desire.

Now that’s a little bit of a rant about what we’re dealing with, but it is critical that our constituents understand that. That it’s not the appraisal office and the evaluation system that is doing anything other than what the state has mandated them to. That’s all I had, Mr. Chair. Thanks.”

**Chairman Winters** said, “Thank you. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. Jerry, in talking about the compliance review to meet the ratio that the PVD puts on us, what happens if we don’t meet those ratios? I mean, what’s the

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penalty?”

**Mr. Frantz** said, “Well legally, if we don’t comply to the Property Valuation Division, Property Valuation Division is a division of the Department of Revenue, if we don’t meet those guidelines then legally, according to law, they can come in here and replace me and do all other kinds of nifty things like that. That’s never happened. We’ve never even been close to being out of compliance, but there have been counties, in the ten years that I’ve been here, that have been out of compliance and the state has gone in there and intervened and helped out. To this point, they haven’t fired anybody, but it’s not likely that county commissioners, particularly these county commissioners, full-time county commissioners, or the state will let a county get so far out of wack that they would get to that point. The state comes in, helps out, they’re watching constantly. Mike mentioned the mid-year ratio study. PVD does ratio studies twice a year. Counties are constantly in contact with them, so if you start to get, there’s intervention and then of course what they do is they let you guys, and in other counties the commissioners know right away, ‘Hey, your guy or your girl ain’t getting the job done’ and so then that gives the commissioners a chance to then intervene. So it hasn’t happened where anybody got kicked out of office, but they could do that and I could be out on the street if I didn’t do a good job.”

**Commissioner Unruh** said, “Well, okay. There is a mechanism that we have to pay attention to that requires us to meet those values, or those ratios.”

**Mr. Frantz** said, “That’s correct and it’s very, very well defined. There’s all kinds of rules. It isn’t just a ratio study. It’s how we do every little step in the process. You know, how we do our various studies, how we do data collection, what percentage of the properties we look at, how we handle the sales, how we handle income and expense information. There’s about 50 or 60 items that they grade us on, right along and plus they visit us throughout the year and stick their head in there and critique what we’re doing.”

**Commissioner Unruh** said, “Well the point is really just to let the folks know that this is not an arbitrary and capricious exercise that we’re involved in and that there are penalties and there is someone watching us and there are requirements that we have to meet.”

**Mr. Frantz** said, “That is correct.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioner Sciortino.”

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**Commissioner Sciortino** said, “Well I’m glad Commissioner McGinn brought this up. I’m not going to ask Jerry a question. I timed him. It took him 4.3 minutes to answer a yes or no question, so if I really asked him an in depth question, we’d be here all day.

The one safeguard I think that the citizens can appreciate, state law says we have to appraise it plus or minus 10% of what the true value of your property is. We’re down to the low 90s, meaning we could go all the way up to the high 109, hundred and so, so I think . . . it hurts me to give him a compliment, but I do think the Appraiser . . . because he raised mine 12% this year, that I think the Appraiser’s department is doing a yeoman’s job and I wouldn’t have your job. Your job is the only job that’s worse than ours at times, because you get trash dumped on you all the time. We just have is sporadically. That’s all, thank you.”

**Mr. Frantz** said, “Well, just for your information, your neighborhood is doing much better and I think we’ll raise it again this year.”

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

**Chairman Winters** said, “The closing comment for your report, I would just like to remind citizens that if they get their valuation notice and they believe that it is out of balance with the market or their neighbors, please send off the return, get on the website or explore some options of some facts you can gather up to help the Appraiser’s Office determine a proper value. And from my experience, I think our appraisers do an excellent job with trying to help citizens in that hearing process and I think we’ve had a big sea change over the past 10 years of trying to be helpful to citizens as they walk through that process and we want to continue that effort. So Jerry, if you don’t have anything else, do you have anything else Jerry?”

**Mr. Frantz** said, “We just recommend that you receive and file and I want to thank, on behalf of our department, thank you.”

### **MOTION**

Commissioner Norton moved to Receive and file.

Commissioner Sciortino seconded the Motion.

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

### VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Thank you all very much. Next item."

### **H. RESOLUTION APPROVING A STATE-ISSUED LICENSE FOR RETAIL SALES OF ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE FOR A STORE TO BE LOCATED AT 4800 SOUTH OLIVER, WICHITA, KANSAS, RIVERSIDE TOWNSHIP.**

### POWERPOINT PRESENTATION

**Ms. Irene Hart**, Director, Division of Community Development, greeted the Commissioners and said, "Sedgwick County has been notified of a new procedure implemented by the State Alcohol Beverage Control office. That is if a retail liquor license is applied for in townships with populations over 5,000, then the Board of County Commissioners must pass a resolution approving the issuance of that license, so we're talking about townships with populations greater than 5,000 in their unincorporated area, then the Board of County Commissioners needs to pass a resolution approving the sale of retail packaged liquor in those counties.

It applies to two townships in Sedgwick County, that would be Riverside and Gypsum. Our challenge is to respond to an application for such a license and with the guidance of Don Brace, County Clerk, and his staff Brent Shelton and Teresa Freeman, the County Counselor Rich Euson and the Assistant County Counselor Karen Duranleau, we built a process based on the current process of County issuance of Cereal Malt Beverage license and what I'd like to do is just show you how that comes together and how you'll be seeing these in the future.

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This is the current process of issuing a Cereal Malt Beverage license in Sedgwick County and the county is the entity that issues the license. The Clerk receives an application and copies of the application are sent to various county departments and to the township in which the license would be issued. The information comes back from those departments, the Clerk compiles it, sends it to Legal reviews it, then it eventually winds up on your agenda, on the consent agenda for consideration. Once you approve it, it goes back to the Clerk, who issues the license.

Now the license, as we propose it for this particular situation, in this case the applicant makes an application to the State Alcohol Beverage Control and they send back specific information. The applicant then goes to the Clerk's Office, who would send an advisory notice to the township, who would send a notice to Code Enforcement for zoning to make sure that the zoning is appropriate. Information would go back to the Clerk, the Legal Department and then wind up on the County Commission agenda, on the consent agenda, for approval. The information then goes back to the Clerk, goes back to the applicant, who goes back to the state ABC. The state checks with the township and then they issue a license. So lots of boxes, lots of procedures, but they relatively mirror each other. In this situation, we've received an application and we'd like to use this process going forward, if that's okay with you. Do you have any questions on either of these?"

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

**Commissioner McGinn** said, "No, not on this box."

**Chairman Winters** said, "Okay, go ahead."

**Ms. Hart** said, "Shall I take this off the screen?"

**Chairman Winters** said, "Yeah."

**Ms. Hart** said, "We've received an application . . . we've received notice of a request for a license . . . Start all over again, we've received a notice of an application for a license to sell packaged retail liquor at 4800 South Oliver. The application does meet zoning requirements. We don't have a definitive recommendation for you from the township, but they, as you can see, they will be contacted formally by the state ABC. I'd be happy to try to answer any questions you might have. What is before you for approval is a resolution that says that you approve the issuance of such a license."

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

**Commissioner McGinn** said, "Is this just for new issues, or also renews that we'll be doing this

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for?”

**Ms. Hart** said, “Renews.”

**Commissioner McGinn** said, “New and renew.”

**Ms. Hart** said, “New and renew in two townships.”

**Commissioner McGinn** said, “But all those things that we’ve done in the past differently will be done this way.”

**Ms. Hart** said, “We’ve never done this in the past, because ABC issues these particular licenses.”

**Commissioner McGinn** said, “We get the malt cereal on our consent agenda.”

**Commissioner Sciortino** said, “That’s malt cereal.”

**Commissioner McGinn** said, “Okay, got it. Thank you. Now I get it.”

**Chairman Winters** said, “Are there any other questions? So from now on, these kinds of things are going to be on the consent agenda as more routine and regular business?”

**Ms. Hart** said, “Yes sir. We’ve identified three facilities in those two townships, so it’s not going to be a lot of new work.”

**Chairman Winters** said, “All right. Commissioners, are there other questions or comments? What is the will of the Board on Item H?”

**MOTION**

Commissioner Sciortino moved to Adopt the Resolution.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh      Aye

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

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

**I. AGREEMENT WITH DERBY RECREATION COMMISSION PROVIDING TERMS AND CONDITIONS FOR USE OF A KANSAS JUVENILE JUSTICE AUTHORITY GRANT FOR THE SHERIFF'S OFFICE SCORE PROGRAM.**

**Sergeant Brenda Dietzman**, Sheriff's Office, greeted the Commissioners and said, "Again, just for the record, I want to show you that when I get up to talk everybody gets up and leaves again, so this is the second time in a row."

What you have before you is a contract between the Derby Recreation Commission and ourselves concerning our SCORE grant that we have in the Oaklawn area, basically just sets out the guidelines of how the money will be spent and how it will be distributed and things of that nature. An agreement similar to this one was agreed upon last year. The only changes of course are the dates and the amount of money that was awarded in the grant.

With me today is Frank Seitz from Derby Recreation Commission and also Tim Hicks, who is the outreach coordinator for the DRC in Oaklawn. He has a couple of words he'd like to say."

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

**Mr. Tim Hicks**, Outreach Coordinator, Derby Recreation Commission, said, "I'd just like to say thank you for all the support you've given us with this grant and also a big thank you to the Sedgwick County Sheriff's Department for including us. It's a lot of great activities, like teen dances. We've been able to partner with National Night Out, partner with Oaklawn Block Party, added another day to our after-school program, so we'd just like to say thank you for your support for this."

**Chairman Winters** said, "All right, thank you Tim. Anything else, Brenda? Commissioners, I think we've approved this grant once. This is approval of the agreement. Is there questions or comments? Seeing none, what's the will of the Board?"

**MOTION**

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Commissioner Sciortino 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 David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Commissioner Sciortino** said, “Mr. Chairman, if I could, before they leave, I don’t know Frank if you could maybe briefly, or Brenda you could maybe do it, I don’t know. Where are we on the Oaklawn Recreation Center or whatever? I mean, could you just give us . . . I know we committed I think it’s \$100,000 toward the project and we’ve all been working hard and we’ve got a few more grants. How is that proceeding? Didn’t we do some baby steps and get the Sheriff’s Department working in there? Could you just give us a real brief update on how we’re doing or somebody could tell us. If now isn’t appropriate, you could just . . .”

**Sergeant Dietzman** said, “No, that’s fine. We were just trying to figure out who was going to do it. These are kind of the steps that we’re going through at this point. We’ve been working on this for about three years now and it’s been a project near and dear to all of our hearts. Where we’re at right now is that we are actually, the Sheriff’s Department has an office in part of the Carlton Elementary complex, but it’s a temporary office. We’re going to be starting phase one shortly. Phase one is an office on the south side of the Carlton gymnasium that will have an office that will house ourselves, the Derby Recreation Commission people, Tim, as well as the VISTA workers that we have on another grant that we partnered with, so they’ll all be in there. It will be a neat place for people to come and sign up for different things and we’ll have interaction with them in a positive light.

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The next phase now, the road is to actually build the large building and we're in the process, we're about halfway there as far as the fund raising, a little over halfway and we're actually going to apply for a Kansas tax credit grant here shortly. I think I'd like to talk with you later on that, and basically what that allows is a rather large deduction on your taxes for any donations that are made to the project. And the Clearwater Wellness Center . . ."

**Commissioner Sciortino** said, "Now when you said you wanted to talk to me about that, you weren't specifically talking to me. You were just, in general."

**Sergeant Dietzman** said, "Just in general. Well basically, what we'll need is your support, obviously, as you've been so kind in giving in the past and your advice as well. But we're going to be contacting some business people around the County and some different individuals. It's a great program to get money deduction on. We're hoping, with that grant, if it's awarded to us, that that will take us to 100% of what we need."

**Commissioner Sciortino** said, "Well, keep us posted and as we do phases one and two, I assume you're going to let us know what portion of \$100,000 you need to draw down or whatever."

**Sergeant Dietzman** said, "Absolutely."

**Commissioner Sciortino** said, "Okay, great, thanks a lot."

**Chairman Winters** said, "All right, thank you Tim, thank you Frank for being here today. Next item."

### **J. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (SRS) PROVIDING FOR OPERATION AND FINANCE OF THE EXPLOITED AND MISSING CHILD UNIT.**

**Mr. Marty Hughes**, Revenue Manager, Division of Finance, greeted the Commissioners and said, "This morning we have for your consideration an agreement between Sedgwick County and Kansas Department of Social and Rehabilitation Services for the continued funding of the operations of the Exploited and Missing Children's Unit.

Under this agreement, the Kansas Department of Social and Rehabilitation Services will provide funding at one-third of the cost of the operations of the EMCU and in this case it's an amount not to exceed \$44,894 for 2004. Under the 2004 budget, EMCU budget is \$134,673, so this is a bit of an increase over last year's agreement amount, but it's within \$5,000 I think.

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The operation cost for EMCU include funding of salary and benefits for two clerical support staff, telecommunications and data processing services, training and related travel, office supplies and equipment and operating supplies and I recommend that you approve the agreement and authorize the Chairman to sign the document.”

**Chairman Winters** said, “All right, thank you. Any questions of Marty? If not, what’s the will of the Board?”

**MOTION**

Commissioner McGinn moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Marty. Next item.”

**K. HEALTH DEPARTMENT.**

- 1. AGREEMENT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA MEDICAL PRACTICE ASSOCIATION (UKSM-W) FOR PROVISION OF A SUPERVISING PHYSICIAN AND CLINICAL ROTATION SITE FOR RESIDENTS AT THE CHILDREN’S PRIMARY CARE CLINIC.**

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**2. AGREEMENT WITH UKSM-W FOR PROVISION OF A SUPERVISING PHYSICIAN AND CLINICAL ROTATION SITE FOR RESIDENTS AT THE TEEN HEALTH CENTER.**

**Ms. Pam Martin**, Director, Clinical Services, greeted the Commissioners and said, “And I would like to request agenda items K-1 and K-2 for indefinite deferment for a few weeks.”

**MOTION**

Commissioner Norton moved to defer Items K-1 and K-2 indefinitely.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, “Okay, we are moving to defer items K-1 and K-2 for two weeks.”

**Ms. Martin** said, “For a few weeks.”

**Chairman Winters** said, “All right, we have a Motion and a Second. Any other discussion? Seeing none, call the vote.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “All right, we’re ready for K-3.”

**3. AGREEMENT WITH UNIVERSITY OF SOUTH ALABAMA, COLLEGE OF NURSING FOR HEALTH DEPARTMENT TO PROVIDE A CLINICAL ROTATION SITE FOR NURSING STUDENTS.**

**Ms. Martin** said, “The Sedgwick County Health Department has furnished a clinical rotation site for nursing students from schools of nursing departments from several colleges. This participation allows the Health Department and the students to observe nurses, patients and to learn procedures in

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a clinical setting. We would like to extend this partnership to the University of Alabama School of Nursing and our recommended action is to approve this agreement and authorize the Chairman to sign the agreement.”

**Chairman Winters** said, “All right, thank you. Commissioners, are there questions about how we got associated with this university?”

**Commissioner Sciortino** said, “Yeah. How did all the sudden we picked South Alabama University? How did that work out?”

**Ms. Martin** said, “The actual student lives here in Wichita. That’s because of our global Internet access on-line, she’s able to have the affiliation with the University of Alabama and she’s able to do her preceptorship here.”

**Chairman Winters** said, “All right, terrific.”

**MOTION**

Commissioner Sciortino 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 David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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**Chairman Winters** said, "Thank you, Pam."

**Commissioner Sciortino** said, "How'd you hurt your foot, Pam?"

**Ms. Martin** said, "Oh, I was being ungraceful at the time."

**Commissioner Sciortino** said, "Kicked Jerry Frantz, right."

**Ms. Martin** said, "Well, no, on the stairs at home."

**Chairman Winters** said, "Okay, we'll we hope you're feeling better."

**Ms. Martin** said, "Oh, I will. Call me Grace."

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

**4. GRANT AWARD AGREEMENT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT PROVIDING TERMS AND CONDITIONS FOR USE OF A GRANT FOR THE TUBERCULOSIS CONTROL PROGRAM.**

**Dr. Cindy Burbach**, Director, Health Surveillance and Disease Prevention, greeted the Commissioners and said, "We're accepting a grant from KDHE for our TB program. We do about half of our funds in TB from local and half from state grants. It's before you. It's at the tune of \$76,226 this year and we would ask that you approve it please."

**MOTION**

Commissioner McGinn moved to Approve the Grant Award 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 David M. Unruh	Aye
Commissioner Tim Norton	Aye

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

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

**5. AMENDMENT TO GRANT AGREEMENT WITH SRS TO PROVIDE TREATMENT SERVICES TO FOURTH-TIME DUI OFFENDERS, INCREASING THE GRANT AWARD AMOUNT AND THE CASELOAD.**

**Mr. Buchanan** said, "There doesn't appear to be a staff person here to discuss it, however this is one that we have approved in the past and I would recommend that you approve it."

**MOTION**

Commissioner Sciortino moved to Approve the Amendment and authorize the Chairman to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF FEBRUARY 19, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of February 19<sup>th</sup> resulted in four items for consideration today.

**1) 2004 LATEX MODIFIED SLURRY SEAL- PUBLIC WORKS**

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**FUNDING: SALES TAX**

The first item, 2004 latex modified slurry seal for Public Works. Recommend the low bid from Beachner Construction in the amount of \$554,519.16.

**2) RELOCATION AND CARRIER CONVERSION OF TWO MEGASTAR VERTICAL CAROUSELS-FACILITY PROJECT SERVICES  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item two, relocation and carrier conversion of two Megastar Vertical carousels for Facility Project Services. Recommend the only bid received from Records Retrieval in the amount of \$36,254.74.

**3) POLICE SEDANS- FLEET MANAGEMENT  
FUNDING: FLEET MANAGEMENT**

Item three, police sedans for Fleet Management. Recommend the low bid, including trade-ins, from Haven Ford for a net cost of \$350,960.

**4) CAREER DEVELOPMENT TRAINING COURSES- HUMAN RESOURCES  
FUNDING: HUMAN RESOURCES**

And item four, career development training courses for Human Resources. Recommend the proposal from Austin Peters to execute a contract for one year for a cost of approximately \$10,500.

The recommended action is to approve the recommendations of the Board of Bids and Contracts, make a finding that surplus property in item three is no longer required and authorize distribution of the same. Be happy to answer any questions.”

**Chairman Winters** said, “All right. Commissioners, any questions or comments about the Minutes? Commissioner Norton.”

**Commissioner Norton** said, “Just a point of interest. On one of the bids, my wife’s company is involved. They aren’t recommended to get the bid, but I want to be sure that there’s not anything up there. So I will continue to vote on it. They weren’t recommended in the purchasing recommendations. I did want to let you know that my wife’s company is involved there.”

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**Mr. Euson** said, “But Commissioner, the bid was not accepted. Is that correct? Or the bid is not recommended to you?”

**Commissioner Norton** said, “With Kennedy & Coe and they were not recommended.”

**Mr. Euson** said, “They were not recommended to you.”

**Commissioner Norton** said, “Just wanted to be sure that the public knew that.”

**Chairman Winters** said, “Thank you. Any other questions or comments?”

**MOTION**

Commissioner Sciortino moved to Approve the recommendations of the Board of Bids and Contracts, make a finding that the surplus property in item #3 is no longer required, and authorize disposition of same.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Iris. Next item.”

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

- 1. Owner Release for Damage for Sedgwick County Bridge Project 604-14-0648, bridge on 61<sup>st</sup> Street North between 183<sup>rd</sup> and 199<sup>th</sup> Streets West. CIP# B-342. District #3.**

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**2. Agreements (three) providing on-line access to Sedgwick County's electronic data.**

- OSI Collections, Inc.
- Gold Capital Management, Inc.
- Chisholm Trail State Bank

**3. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2003 and prior years have been paid for the following plat:

Wiens Tracts

**4. Order dated February 18, 2004 to correct tax roll for change of assessment.**

**5. General Bills Check Register(s) for the week of February 18 – 24, 2004.**

**Mr. Buchanan** said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

**Chairman Winters** said, "Commissioners, questions or comments? If not, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to Approve the consent agenda as presented.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Thomas Winters

Aye

**Chairman Winters** said, "Commissioners, we do need to have an Executive Session today but before we go into Executive Session, is there any other business that you'd like to discuss? Yes, Commissioner Sciortino."

### N. OTHER

**Commissioner Sciortino** said, "Yes, thank you. This Saturday I had the honor of going to an event that actually awarded a very prestigious honor to Commissioner McGinn. I forgot the name of it, excuse me, but it's an Association . . ."

**Commissioner McGinn** said, "The National Council of Negro Women, it's a parenting award."

**Commissioner Sciortino** said, "Yeah, it's a parenting award and Aretha Martin was honored, Terry Moses from the City of Wichita was honored, our own Commissioner McGinn was honored. There was a couple that was honored. And even though Carolyn was the one getting the honor, it was a positive reflection on this entire board and this county because they awarded her for things and the activity that she's taken out to try to foster parenting, nurturing of children and what have you and they also mentioned the fact that there has been a lot of things that she's done for the African American community and . . . I'm going to keep it straight.

But at any rate, it was great to see one of our own getting this award and, like I say, it is a positive reflection that the County does try to reach out into the neighborhoods, into the communities for the betterment of the quality of life of families and I just . . . I felt very good. The food was good and I just was happy that I could be part of that award."

**Commissioner McGinn** said, "Well, thank you and I'm glad . . . I want to thank you for being there too."

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

**Commissioner McGinn** said, "Thank you. I just wanted to share that Friday I'm leaving for the National Association of Counties in Washington. I sit on the Land Use and Environmental Committee for NACo and there's a lot of good topics that come up and I think it's a good opportunity to learn, especially when we're talking about water issues and other environmental issues, what other parts of the country are doing to help us solve some of our problems and issues.

And there's also a tremendous amount of good workshops there as well. I remember last year

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going, HIPAA was the big thing at that time and they had a workshop on that and it certainly helped me understand that process and as we implemented it here in our community. So I just wanted to share that that's where I'll be and I'll be back next Wednesday, but hopefully I'll have a nice report for you of all the things that I had the opportunity to learn. Thank you."

**Chairman Winters** said, "Very good. Commissioner Norton."

**Commissioner Norton** said, "First I'd like to thank the Plymouth Congregational Church for having a community forum at 3:00 last Sunday. They invited me to be their first speaker and I think they'll have many more of these. We had around 50 people there that came and just visited about the issues that the County deals with. I got to talk about planning summits and visioning and all the things that we're working on right now. It was very positive and I'd like to thank them for continuing to try to connect their church, which is kind of in the College Hill area, with the greater issues of Sedgwick County. I applaud them for that. It is an outreach so that their constituency and their congregation understands government a little bit better, so I thought that was good."

The second thing is I will be attending NACo with Commissioner McGinn. I do not sit on a committee but I am the Kansas County Commissioners' Association president this year and we don't travel lightly to these things and Carolyn and I will be the representative for our county and I will represent the state at a much larger level on that as she does on the national level. So we're going to NACo. Hopefully we'll bring back some good information that will help us help govern Sedgwick County even better. And that's all I had Mr. Chairman."

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

**Commissioner Unruh** said, "Thank you. I just wanted to mention the fact so that the Sedgwick County residents will know that we are still working on our Coliseum design. There has not been much conversation about that lately and we had a meeting just the other day to kind of get everybody up to speed and progress is being made and I think that we're going to come out with a project that is really acceptable, that everybody in the County can be proud of and trying to figure the best traffic patterns and the best space usage and the best way to stay inside the budget. But work is being done. That's all I have, thanks."

**Chairman Winters** said, "All right, thank you. Commissioner Norton, again."

**Commissioner Norton** said, "I don't know if I want to make this comment, but maybe the Chairman would. Yesterday, we were in an offender reentry workshop with the City and that's not something that I have a lot of knowledge of, although we're starting to ramp up, and maybe Commissioner McGinn or Chairman Winters would like to comment on that workshop that we had yesterday."

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**Commissioner McGinn** said, “Well, this is something that’s begun, 2001 we had a Wichita/Sedgwick County Assembly, brought a lot of key people together and they worked down to about four issues, had to do with housing, employment, community relations and those kinds of things and how we reintegrate past offenders back into our community. And I think this is a very important topic that we’re exploring right now. The committee’s work is done. They’ve given us recommendations and so yesterday, with a joint meeting with the City, they gave that report. Margie Phelps from Topeka, Kansas Department of Corrections and the Secretary . . . Tom, you’ll have to . . .”

**Chairman Winters** said, “Roger Worholtz.”

**Commissioner McGinn** said, “Thank you. And it was a very important meeting because, you know, we said we’re going to lock up folks and be tough on crime. Well guess what, because of determinant sentencing they’re getting out and they’re coming back into our community and we can continue to say we don’t want to face this issue, but I think as a community, especially here in Sedgwick County, we need to face that issue and so how do we work together and provide them with the tools that they need to be successful in our community and in society through finding places to live, finding jobs, making sure if they need mental health services or drug addiction programs, that they have those things in place, because then it folds into what we talked about as a board almost a month ago and that has to do with we have a jail crowding problem.

So if we can find out what things we can implement in our community to keep people from going through the revolving doors of going back to jail, we’re going to save taxpayer money and I think we’re going to end up having a healthier, safer community. So I think that is a good topic and thank you, Commissioner Norton for bringing that up and I hope we’ll be able to share more with our citizens about that, because one of the other key components with this, and we had people on neighborhood associations that were on this, but that is the communication back to the neighborhood, because if they understand what’s going on through community policing, I think they’re going to be more receptive to who is there and how they can help make those folks successful as well. So, thank you.”

**Commissioner Norton** said, “Wow, thank you. You said that better than I would have, so I appreciate it.”

**Chairman Winters** said, “All right, it’s a very important topic. All right, any other community discussion, business? If not, we do need to go to Executive Session.”

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**MOTION**

Commissioner Unruh 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 legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return from Executive Session no sooner than 12:15 p.m.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “We are adjourned into Executive Session.”

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:44 a.m. and returned at 12:56 p.m.**

**Chairman Winters** said, “I’ll call this meeting back to order the meeting of February 25<sup>th</sup>, 2004. Let the record show that there was no binding action taken in Executive Session. Commissioners, is there other business that we need to consider?”

**MOTION**

Commissioner Sciortino moved to authorize the County Manager to respond to the City of Wichita’s RFP for the development of the Furley property, according to the terms and conditions discussed in today’s Executive Session.

Commissioner Unruh seconded the Motion.

**Chairman Winters** said, “Thank you. We have a Motion and a Second. Is there discussion to that

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Motion? Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. I guess I have a great deal of disappointment in the fact that the time period in which we can react on a piece of ground assembled in Sedgwick County is only two days, but I think it is one option for us to look at. The citizens own the land and we do need to take a look at it.”

**Commissioner Sciortino** said, “All the citizens of Sedgwick County, if I remember.”

**Commissioner McGinn** said, “Right. What did I say?”

**Commissioner Sciortino** said, “Well, it’s not just City of Wichita.”

**Commissioner McGinn** said, “Right, citizens of Sedgwick County and we’re moving forward just so that we can use this . . . look at this as an option, but I still think that we need to continue to explore other potential pieces of land in Sedgwick County.”

**Chairman Winters** said, “Okay. Well, Commissioners, I’m going to support the Motion. I think the City does have a Request For Proposal that’s out for people to respond to and the deadline for response is this Friday and if there are others out there with interest in this property, I think we need to let the City know that we have interest in at least giving us time to examine this property fully to see if it would any way fill the requirements that we talked about in our meeting earlier today, so I’m going to be supportive of this Motion. Commissioner Norton.”

**Commissioner Norton** said, “Well, it’s maddening to me that we are faced with just getting through this process and then have to ramp up really fast and talk about the Furley property. I mean, that’s been one of those issues out there that we’ve continued to be faced with and I want to be sure that the public knows, our constituents know, we’ve talked about this but that is just one piece of the movement that we’re making towards siting a landfill and that we’re moving this quickly because there is an RFP from the City that we have to respond to or maybe we jeopardize at least one of the sites that could be available.

The other part of it is that as we move through this process, I know we’re going to get questions, but the truth is, our Request For Proposal response will have to be kept pretty close to the vest because

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there may be private companies that will be submitting the same RFP and that becomes a bid opening that's very none-public until the City processes it. We become just a vendor in this case, making a proposal as a Request For Proposal, maybe being pitted against private industry. So, I know there's going to be a push for people to ask us about this proposal and find details about it and try to understand it, but the truth is, my opinion is we submit that, it is a document that will go to the City and not be made public until they open all of them, and we will probably have to refrain, at least in my mind, from making too many comments about what our proposal is because it could jeopardize and put us in legal consequences with private industry if we speak too heartily about this.

So, it is a funny situation we're in, it's maddening to me that we be put in that situation. It's hard enough dealing with this issue as it is, without having to be confounded by responding on an RFP that was obviously put two days after we had to make our decision. That's all I had, Mr. Chair."

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

**Commissioner Sciortino** said, "Well, I'd like to explain a little further why I made the Motion and I agree wholeheartedly with what you've said, Tim, Carolyn and Dave have said. I think Wichita deserves the opportunity to share with us in some manner in helping all of the citizens of Sedgwick County, 75% of which live in the City of Wichita. If they decide not to work with us on it, that's a decision they would make, but at least we offered because I still am convinced this is good public policy. It's too bad we only had two days to talk about it, because that limits almost, the Manager having to run down, type up something on a piece of paper, check the typos and get it submitted. It would have been better if we could have just visited like neighbors, you know, we've had some of those meetings in the past, En Banc, but at least we will have made an honest stretching out of the hands and saying 'Do you want to partner with us' which the ultimate result would be beneficial, not only to your citizens, but to all the citizens. They say 'no', fine. At least now we know that isn't an option, but that doesn't, like Carolyn was clear to say, preclude us from looking at other stuff, but we were really under, I think, a very tight and I wish it wasn't, time frame. So that's the reason I made the Motion."

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

**Commissioner Unruh** said, "Thank you. I just want to be on record first as going to be supportive

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of a Motion, but also to be on record with my thoughts, which are consistent and similar to the rest of you all that it's too bad that we're in a situation where we're under such a short window. It's not the preferred situation but I think it is reality and I think for all of us, we've always been in a position that we want to be cooperative where we can be cooperative, we want to try to be a team player for the good of the community where we can do that. This is an option where it's publicly owned property. We probably need to keep that on the table as much as possible, so that means we need to proceed with this and then, for whatever reasons, if the negotiations don't work out or if the site proves unsuitable, which we have not totally established yet, then we will follow some other avenue. But at this point in time, we're kind of compelled to react and get the process moving."

**Commissioner Sciortino** said, "Well, especially since the taxpayers have already paid for the land."

**Commissioner Unruh** said, "It's publicly owned property right now, yeah. That's all I had, thank you."

**Chairman Winters** said, "All right, thank you. Commissioners, we have a Motion on the floor that would authorize the County Manager to respond to the City's Request For Proposal on the Furley property. Are there any other questions or comments? Seeing none, Madam Clerk call the vote."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Is there other business to come before this Board? Mr. Euson? Mr. Manager? This meeting is adjourned."

**O. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 1:07 p.m.

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

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

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**DAVID M. UNRUH**, Chair Pro Tem  
First District

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

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

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, 2004