

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 2, 2010

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, June 2, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Larry Ternes, Youth Services Administrator, Corrections; Mr. Kelly B. Arnold, County Clerk; Ms. Irene Hart, Director, Community Development; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Chris Chronis, Chief Financial Officer; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Ms. Karen Townsley, President, Wichita Bar Association Auxiliary
Mr. Jim Johnson, President, Young Hunter's Safety, Inc.
Mr. Bob Weeks, 2451 Regency Lakes Court, Wichita

INVOCATION

Led by Reverend Sherill Breathett, St. Marks United Methodist Church

FLAG SALUTE

ROLL CALL

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

Chairman Peterjohn said, "Next item."

CONSIDERATION OF MINUTES

Regular Meeting May 12, 2010
All Commissioners were present

CONSIDERATION OF MINUTES

Regular Meeting May 19, 2010
All Commissioners were present

MOTION

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Commissioner Welshimer moved to accept the Minutes as read for the regular meetings of May 12, 2010 and May 19, 2010.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

DONATION

A. DONATION OF \$1000 WATERMARK BOOKS GIFT CERTIFICATE TO BE USED TO BENEFIT THE YOUTH AT THE JUVENILE DETENTION FACILITY OF THE SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS.

Mr. Larry Ternes, Youth Services Administrator, Corrections, greeted the Commissioners and said, "The Wichita Bar Association's Auxiliary is donating a \$1,000 Watermark Books gift certificate for the Juvenile Detention Facility. This marks, I would add, the sixth consecutive year the Auxiliary has made this type of donation to one of our juvenile facilities. As we have in the past, we will use the donation to purchase books for the direct benefit of the juveniles incarcerated at our Juvenile Detention Facility. The books will definitely enhance the selection our library there has to offer the juveniles we serve. I would recommend you accept this donation and authorize the Chair to sign a letter of appreciation. I would be happy to answer any questions you may have, but before we do that, I would like to recognize the Auxiliary members that are with us here this morning. First, we have the current President, Karen Townsley, secondly, we have Shelby Steincamp, and third, Patty Armstrong."

Chairman Peterjohn said, "Thank you and welcome. We very much appreciate not only this very

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generous donation, but your appearance here. I don't know if you have any comments, but you are welcome to come to the microphone and amplify what's been said so far. Welcome to the County Commission."

Ms. Karen Townsley, President, Wichita Bar Association Auxiliary, greeted the Commissioners and said, "Thank you. I don't really have any comments, other than I just wanted to hand this over to Mr. Ternes on behalf of the Wichita Bar Association Auxiliary."

Chairman Peterjohn said, "Please do so, and thank you. If you can help us, just for the record, please state your name, too."

Ms. Townsley said, "I'm Karen Townsley."

Chairman Peterjohn said, "Thank you, Karen. We very much appreciate the generous contribution and the six-year commitment is very much appreciated."

MOTION

Commissioner Parks moved to accept the donation.

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "Seeing no further discussion, please call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

Commissioner Norton left the Board of County Commissioners meeting at 9:10 a.m.

APPOINTMENT

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B. COMMUNITY HOUSING SERVICES.

1. RESIGNATION OF LUNDA ASMANI FROM THE COMMUNITY HOUSING SERVICES.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Commissioners, Mr. Asmani has submitted his resignation and I recommend you accept it."

MOTION

Commissioner Welshimer moved to accept the resignation.

Chairman Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

2. RESOLUTION APPOINTING IRENE HART TO THE COMMUNITY HOUSING SERVICES.

Mr. Euson said, "Commissioners, we prepared this resolution which will fill the vacancy that was just created by your acceptance of the previous resignation. This would appoint Irene Hart to a term which would expire in March of 2011, and I recommend you adopt the resolution."

Chairman Peterjohn said, "What is the will of the Commission?"

MOTION

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Commissioner Unruh moved to adopt the Resolution.

Chairman Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “I believe we have Ms. Hart in the audience this morning, and the County Clerk, Kelly Arnold, is here, so I am going to turn this over to our County Clerk, Mr. Arnold.”

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, “Thank you. 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 Community Housing Services, so help me God.”

Ms. Irene Hart, Appointee, Community Housing Services, greeted the Commissioners and said, “I do.”

Mr. Arnold said, “Congratulations.”

Chairman Peterjohn said, “We’re going to fill out the paperwork formalities here, and Ms. Hart has declined the opportunity to speak at the moment, although she is certainly welcome to. And we are going to proceed to the next item, please.”

CITIZEN INQUIRY

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C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING PUBLIC SHOOTING RANGE AT LAKE AFTON.

Chairman Peterjohn said, “Good morning. Welcome to the County Commission.”

Mr. Jim Johnson, President, Young Hunters Safety, Inc., greeted the Commissioners and said, “We operate the county range at Lake Afton for the county. Over the last year and a half, we’ve had a little conflict getting our five-year agreement with the county. We have an indemnification clause that has been added, and I have spoke to a couple of the Commissioners on this. For those of you who do not understand indemnification, it means we would accept total financial responsibility for the county in the event something happened at the range. As a volunteer organization, we cannot financially do that. We’re going to be honest with the county and say there’s no way we can do it, so we’ve asked the county to come back with a different proposal on the five-year agreement. We haven’t had that happen, so now I’m before the Commission asking for your help to get a new five-year agreement so we can continue to operate the range at Lake Afton in the manner that we’re used to, and that you’re used to. I have a presentation on each one, everybody’s desk has one. It outlines what we do, who we are, and why we’re there. Going over it, we are a group of hunter education instructors. To be an instructor in the State of Kansas, you have to be certified through the state and go through a KBI (Kansas Bureau of Investigation) background check. So I think that speaks to our credentials as to who we are.

“What we do is we teach hunter education most of the time. On the off time, we run a public shooting range, so anyone that wants to go out and have a safe controlled area to shoot a firearm, they have it. We only charge \$7 a day for you to come out and use the range. If you go to page 2, what we do with that \$7 a day, you can see, we sponsor numerous items throughout the year. We have IHMSA (International Handgun Metallic Silhouette Association) shoots, Boeing shooting club [Boeing Wichita Employees’ Marksmanship Club], Cessna shooting club [Cessna Employees’ Pistol and Rifle Club], Big Brothers Big Sisters comes out, we put on special things for them. And at all times it is ran by volunteer instructors. We do Boy Scouts; Boy Scouts had a popcorn sale event two years ago. There was over 300 scouts came out and used the facility. We didn’t use the county for anything other than the right to use the facility. We provided all the manpower and everything else that they needed to make that a fun event for the Scouts. But we really need the county’s help in getting a five-year agreement that we can both live with. We also carry liability insurance policy on the county. It covers all County Commissioners and all county employees. We pay for that out of the \$7 a day shooting fee we charge the public.”

Mr. Johnson continued, “As a group, we don’t know what else we can do to keep the range open and running in good standing with the county, but we’re asking for your help to figure out a way to keep us going. The gentleman before me said that they made six years worth of donations to you.

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We're working on our 37th, so anything the county can do to help us out and get a contract we can both live with, we would appreciate. I have numerous of my group here. My current Vice President is here, my Second Vice [President] is here. I don't see my directors, yeah I do, my secretary is here from our club. We have regular club meetings. And I'd like to thank everybody for coming out today to support me in this. If there are any questions, I would be more than happy to answer them."

Commissioner Norton returned to the Board of County Commissioners Meeting at 9:13 a.m.

Chairman Peterjohn said, "Thank you. Commissioner Parks."

Commissioner Parks said, "I would like to support this group. I've met with them, I've met on site.

I'm comfortable with their ability to run this. They've been doing it for many years, and I guess I need to maybe ask Legal what the alternatives are, to what we need to come up with to make this happen."

Mr. Johnson said, "We would appreciate any help you can give us, even if it went so far as to make us voluntary employees. I mean, whatever it takes to keep it open. We're here for the kids and for the public."

Commissioner Parks said, "Well, I think it's important for safety hunting, and self-protection later on in the kids' life, you know, I think having been a hunter safety instructor myself many years ago, I know the importance of that. And there's not a time I didn't go out hunting that I didn't remember things I learned in the youth program. So I think it's very important. If I could just ask Mr. Euson here, is there anything we can do to make this document more amenable to the club and still have those protections in force?"

Mr. Euson said, "Commissioners, it was staff's recommendation, and I believe when I say staff, I'm talking about Mark Sroufe, and Mick McBride and our department, that we have an indemnification in this agreement that would protect the county from liability for the use of the property, in that the new use would include the storage of firearms out there, and that isn't currently being done. And with that new use we determined that it would be appropriate to have an indemnification. We really don't have any control of the property, and we just feel that's appropriate. If Commissioners want to do something else, that's certainly within your purview, but our recommendation is to have the indemnification."

Mr. Johnson said, "If I may."

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Chairman Peterjohn said, "Mr. Johnson."

Mr. Johnson said, "If that's the only thing causing indemnification clause, the club has no problem deleting that item in the contract."

Chairman Peterjohn said, "You mean in terms of storage of firearms out there?"

Mr. Johnson said, "Yes. We approached the county, I was always told it was better to ask for forgiveness than ask for permission, but we asked for permission, so we approached the county, we told them what we wanted to do. We wanted to buy a \$1,500 safe. The firearms in question would be 22 single shot rifles that the club owns. We told the county there would be insurance thing for them to worry about if they were stolen, because we can't hold the county responsible; the building is out in the middle of nowhere. If that's the only hold up on the contract, I'm sure my board would sign off in a heartbeat that we drop the firearms storage, and the indemnification goes away, we're all happy."

Chairman Peterjohn said, "Okay. Commissioner Welshimer."

Commissioner Welshimer said, "Well you mentioned you have an insurance policy?"

Mr. Johnson said, "Yes, ma'am."

Commissioner Welshimer said, "What does that cover?"

Mr. Johnson said, "It has a \$2 million liability that lists the County Commissioners and the people at the place. It's a \$5,000 deductible on medical, it is a \$1 million per instance on liability, and we have been buying that for the last 20 years."

Commissioner Welshimer said, "So the indemnification was just for the storage of the firearms?"

Mr. Euson said, "I believe that's correct, yes."

Commissioner Welshimer said, "So we don't really have a problem then?"

Mr. Johnson said, "If it took me coming here to work this out, I'm more than happy."

Commissioner Welshimer said, "Well, thanks for coming."

Chairman Peterjohn said, "I would like to make an additional comment, because having been through a hunter safety class, albeit not here in Wichita, but when I was in a different position

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spending a lot of time up in Topeka, I went through a good friend of mine, and colleague in fact, was teaching hunter safety up in Topeka, and he said even though I'm chronologically gifted enough that under state law it was not a requirement for a person of my age to go through the class, I went through it anyway, and found it to be very helpful and useful. And I find myself in agreement with the comments of Commissioner Parks, so if we can resolve this issue this readily and quickly, I'm delighted that this dialogue is able to do so. Commissioner Parks."

Commissioner Parks said, "I would just like to say that with all the alarms, cameras, steel roof, gun safe, I know this may be an issue, but as a former law enforcement officer, it would take somebody a long time to get in there and get those guns."

Mr. Johnson said, "And we really would like to store those rifles onsite. We have built a room inside the garage with three-quarter inch plywood walls. We were planning on anchoring the safe to the floor and the concrete. And, yeah, if you have a bulldozer you could probably get to it. But you can only keep the honest people out, and that's what we're planning on doing."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "Mr. Manager, is this something that usually comes before us as a contract, or is it just on the Consent Agenda somewhere? Do we usually codify this?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You would approve any contracts. You would approve either as a regular Agenda item or on the Consent Agenda, but you would approve any of them."

Commissioner Norton said, "Do you think you and Rich have enough information now, in this conversation, to go back and take a look at this and bring us back something that would be amenable for both sides?"

Mr. Buchanan said, "Yes."

Commissioner Norton said, "Then I think that's where we go from here. I don't know if that requires a motion or not."

Chairman Peterjohn said, "I don't think it does. I think we'll be okay with just receiving and filing Mr. Johnson's comments, and directing he and his board to have a dialogue with our staff

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folks, Mr. Euson and Mr. Buchanan. And I very much appreciate you all coming out and seeing hunter orange out here in the audience this morning.”

Mr. Johnson said, “Thanks for your time.”

Chairman Peterjohn said, “Thank you.”

MOTION

Chairman Peterjohn moved to receive and file.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Thank you. Next item.”

NEW BUSINESS

D. DIVISION OF COMMUNITY DEVELOPMENT.

1. OPERATING AGREEMENT WITH COMMUNITY HOUSING SERVICES FOR COMMUNITY DEVELOPMENT IN OAKLAWN/SUNVIEW.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, “Thank you for appointing me to the Community Housing Board. I served on that board a number of years ago, and I believe in the organization, and I’m looking forward to serving again. Today we bring before you the annual operating agreement with Community Housing Services for the calendar year of 2010, for this calendar year, in the amount of \$35,370.”

Ms. Hart continued, “Community Housing Services provides home ownership services county-wide. And home ownership services, by that I mean lending, budget counseling, homeowner

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education, maintenance training, rehab and new construction in existing neighborhood, and they provide community development services in targeted neighborhoods, which includes Oaklawn and Sunview. We've been funding this organization for nearly 15 years, and it is included in our annual budget. You may wonder why here it is in June and we're bringing to you an annual agreement that begins January 1, and let me explain that. Community Housing Services is an affiliate of the National NeighborWorks organization. Every three years, NeighborWorks conducts an in-depth review of their affiliates, and we delayed bringing this agreement to you, developing and bringing the agreement to you, awaiting the NeighborWorks national report. Once we received the report, we included some of their findings in our scope of services. Those particularly had to do with strategic planning and resource development.

"There are three goals contained in the agreement. One is to remain a charter member in good standing with NeighborWorks. The second is to increase home ownership in the Oaklawn/Sunview community. The third is promote healthy, safe neighborhoods in Oaklawn and Sunview. There are a number of different objectives below that, so it's an easy agreement to monitor. The Agenda packet mentioned that the Director of Community Housing Services, Tim Hagan, would be with us today, but he was called out of town unexpectedly. I can report that since October of 2009, Community Housing has worked with 30 families, specifically on home foreclosure issues. They've worked with lenders on loan modification, refinancing and short sale rather than the family going to foreclosure. I would be happy to answer any questions you might have and recommend approval of the agreement."

Chairman Peterjohn said, "Questions or comments for Ms. Hart?"

MOTION

Commissioner Welshimer 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 Unruh

Aye

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Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Thank you. Next item."

2. **ADOPTION OF THE JUNE 10, 2009 – JUNE 10, 2010, SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE.**

VISUAL PRESENTATION

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Today I'd like to talk to you about the Solid Waste Plan update. The Kansas Department of Health and Environment (KDHE) requires the county to update the plan once a year. Our update is due June 10th. The plan includes data from 2009, and also any actions taken concerning solid waste since the last annual update. The update has to include who is currently serving on the advisory committee. The state requires certain people on the committee, such as a representative of recycling industry, another representative of the solid waste industry, citizens representing cities of the first class, second class, third class, unincorporated area and others. Those compose at least 10 members on the committee. Plus the Commissioners each appoint someone, and we have a non-voting chair. The committee meets once a month as business requires, and the appointments are for two years. A list of the committee members can be found on page 1 and 2 of the annual update.

"The update also includes data, as I mentioned, and some of that data refers to municipal solid waste. That's the material that's generated by households, businesses and industries; a nice way of saying it is the trash that we produce every single day. In 2009, 411,377 tons were taken to the two privately owned transfer stations in our county. That calculates to 1,127 tons per day, or an 8.1 [percent] decrease from 2008. If you look at this graph, you can see, starting in 2007, a nice decline in the amount of trash that we're producing. That's 11.4 percent decrease from 2007. So we're producing less trash in our community, and whether that means that people are recycling more, or the economy is bad and we're not buying as much and throwing away as much, that's what I think is happening, actually, but we are recycling more in our community, and I'll get to that in a minute."

Ms. Erlenwein continued, "Kansas Department of Health and Environment also noticed that the population base influences the amount of trash that's produced. So they asked to look at municipal

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solid waste production versus the census estimates on what our population is. So we are producing 4.67 pounds of trash per person, per day in Sedgwick County. This is over a 9 percent decrease from 2008, and it is almost a 12 percent decrease from 2007, so our per capita trash production is also going down. Another form of waste that's produced in our community is construction and demolition (C & D) material. This is the two by fours, bricks, shingles, carpeting, other material associated with building of homes, or businesses, or the destruction of roads and building of new ones. In 2009, the three construction and demolition landfills in our community received over 192,000 tons of material that was landfilled. This is an increase of 14.5 percent from 2008. This could be due to some of the large projects, such as the Kellogg construction that we've had going on in our community.

“Additionally, some of these C & D facilities remove material and recycle it, and over 40,000 tons of material was recycled from these facilities. Recycling in our community can be accomplished in several ways. One, as you see the picture on the right, we have drop-off bins at some of the grocery stores so people can take material and drop it off. They can call their local hauler and see what services they offer for curbside recycling. Or they can take material directly to the recycling facilities, such as PRo Kansas Miller Recycling or International Paper Recycling, and there are many other similar facilities where you can take tires, or batteries, or television sets, or other things and you can find this information on the Sedgwick County website at www.sedgwickcounty.org. We have a recycling guide where you can look up the material that you want to recycle and see where you can take it.

“Recycling, in 2009, collected almost 44,000 tons of material, and it was 1.6 percent increase from 2008, and it was a 5.7 percent increase from 2007, so I do think people are recycling more in our community. One of the reasons is, people have always said we feel punished if we have to pay more for curbside recycling; give us an incentive to do so. So one of the companies has Recycle Bank, where the people are rewarded by the amount of material they recycle, and they get coupons. And to show you how that has impacted people, in 2008, only 354 tons were recycled through Recycle Bank, and it was just beginning then, in 2009, over 4,000 tons. The number of homes participating in 2008 in curbside recycling, just over 3,800, in 2009, 23,000. So it is making an impact, people are signing up to say, yes, we will recycle now. And graphs also speak well. If you look at the number of homes, how this has increased over time, and also the amount of material on monthly collections, so I think our community is responding to recycling.”

“Another thing in our plan is franchise collection. This was in our update 10 years ago, and there was wording in our update saying that the county expects cities to have solid waste collection contract or franchise in place by January 1st, 2011, and that should include some form of curbside

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recycling and volume based trash rates. There are 12 cities now in our community that have some sort of a contract for waste or recycling collection. They differ from one city to another, and my understanding is Valley Center has a request for proposal out right now due in July for franchising collection in their city. The reason the county is interested in this is because this is a more efficient way of collection; it lowers the customers' trash bill and also increases the service. So we are constantly contacting the cities to see what they are doing, and there's a table in your plan update that shows changes on what cities have done with recycling and trash information, and who they are contracting with.

“Another form of waste that's produced is household hazardous waste. The county has a facility at 801 Stillwell where they can take their household products, such as cleaners, solvents, paint and oils that are no longer of use to them; take it to the facility for proper disposal and recycling. Also there's a Swap & Shop area, where products that are in good shape can be picked up for free by those residents. This has seen a lot of growth in the Household Hazardous Waste Facility. In 2009, there were over 21,500 customers, which is over a 15 percent increase from 2008. Over one million pounds of material have come into this facility, which is an 8.8 percent increase over 2008. A lot of the material that comes in can be recycled, and over 982,000 pounds was recycled, which is about 77 percent of what comes into the facility. So this is very good, and this does include the material going to the Swap & Shop that is taken home by customers. This graph shows how it's increased over time. The amount of material that's been recycled through the Household Hazardous Waste Facility has dramatically increased, and the products taken home by residents through the Swap & Shop have also increased.

“So I think the facility is doing very well. As Kristi mentioned earlier, there's a remote collection this Saturday at Hawker Beechcraft, and there will be five remote collections totally in our community, so another way of reaching out to the public, giving them a convenient way to take care of their household hazardous waste. The number of Swap & Shop customers has also increased recently. Again, this, as someone pointed out, could be a sign of the economy, that here's free products that are in good shape for people to take home.”

“The ten-year plan update had requested that we do a waste analysis at the transfer stations, the last one was also done 10 years ago. This is a way of looking at the material to determine what our community is throwing away. We went to the two transfer stations and did quarterly collections for a year to determine the composition of our waste. This pie chart shows what we throw away in our

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community, and the largest component is paper. This is a major category, meaning it comprised of like newspaper, magazines, regular paper and corrugated cardboard. The paper came in at 29.2 percent. Second is yard waste at 17.1 percent, which is the orange part of the graph, and the purple area, plastic, at 14.3 percent. So this gives us an idea what we are throwing away, and we've given this information away to recycling facilities in our area to help them in their efforts to gain more customers and see what's going on. If you combine commercial and residential waste together, the number one single component is other plastic, which can include the plastic bags we get from the grocery store, PVC piping, material that just didn't fit in nicely into our milk jugs or plastic bottles. That was 12.2 percent, corrugated cardboard was 10.8 [percent] and other paper was 10.5 [percent].

“But we can look at this by what the categories produce. We separated the trash from commercial production and from residential to see what the difference would be from businesses and industry versus households. The largest single component from industries and businesses was corrugated cardboard at 19.6 percent. This is a product that can be easily recycled, and yet we found a lot of it in our waste. The largest single residential component was grass clippings at 13.9 percent. Again, this is something that could be mulch mowed at the home and let drop instead of spending time collecting it. So we need to educate the public on how they can handle this material instead of just throwing it away. We also have Christmas tree recycling. The county has 19 locations across the area where residents can take Christmas trees, drop them off, the parks department chips those, and then compost and mulch is available for people to pick up for free. We had over 4,900 trees delivered to these areas this past Christmas. And we know that in some areas people came and took the whole trees before they were chipped to put in ponds for habitat for fish. So I think this is a good program that the county offers.

“And one thing that Kansas Department of Health and Environment has are grants available to the community. They require the grants go through the Solid Waste Committee to make sure that the grant is in compliance with our Solid Waste Plan. This year we had Maize South Elementary School and the City of Valley Center come to us for grant application approval. The committee did approve these, they went to the state, and both of these received grants from the state through a shredded tire program to use shredded tires in their playgrounds and parks. Also the plan addresses the Solid Waste Fee, KSA (Kansas Statutes Annotated) 65-3410 allows counties to put out a Solid Waste Fee to help pay for solid waste related issues in the county. The fee last year remained the same. The baseline is \$4.04 per year per residential house, businesses are slightly different. I would recommend that this plan update be approved for submittal to KDHE and I will be happy to answer any questions.”

Chairman Peterjohn said, “Thank you. Commissioner Norton.”

Commissioner Norton said, “I'll make a motion that we approve the plan, but I do have some things to talk about.”

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Ms. Erlenwein said, "Okay."

MOTION

Commissioner Norton moved to approve the annual update for submission to KDHE.

Commissioner Parks seconded the motion.

Chairman Peterjohn said, "We have a motion and second, so proceed."

Commissioner Norton said, "We, very soon, will have to decide on the Solid Waste Fee for the next year. We have to do that by sometime in July, kind of a precursor to the budget cycle, and that's been an issue that's kind of fluctuated over the years. We've had some highs and some lows. We held it static last year, but that fee is the basis for us to do a lot of things that you do through your department, is that not correct?"

Ms. Erlenwein said, "Yes, it is for the household hazardous waste, for our department, and for any special projects that occur."

Commissioner Norton said, "So the remote collections that we've done, I know we had Haysville last week, the one at Hawker Beechcraft and the other four or five will be covered by that?"

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

Commissioner Norton said, "The waste study that you did, we had monies available for you to have people out doing that Waste Characterization Study because of the Solid Waste Fee, is that correct?"

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

Commissioner Norton said, "Okay, the recycling sites that we have at Dillon's and other places, is that paid for by that, or is that covered by the haulers?"

Ms. Erlenwein said, "It used to be paid for by the county, and then one of the haulers stepped up and they are paying for those sites at the Dillon's stores."

Commissioner Norton said, "Actually that's good news. Storm cleanup, if we have a major storm event, we keep some of that money kind of in reserve so if there is a major ice storm or major

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cleanup like a tornado, we have money available, kind of as a rainy day or storm fund to help out with that, is that correct?"

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

Commissioner Norton said, "Okay, the electronic collection that we did about a year and a half ago that was so wildly successful cost almost \$100,000, and that was covered by this fee also, is that correct?"

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

Commissioner Norton said, "And finally tire collections. When we have major tire collections in the community to encourage people to get them out of the ditches and out of their garages, out of their backyards, and that's covered by this also, is it not?"

Ms. Erlenwein said, "That's right. We have done two tire collections in the past and, you're right, it's a health issue because of standing water that breeds mosquitoes, and it's an eyesore, it helps get it out of the community."

Commissioner Norton said, "And then finally, Christmas tree recycling and some of those kind of things. I'm sure there are other things, but those are some of the major deals. Well, I wanted to be sure we talked about that, because we're going to have to make a decision whether that little bit of a fee, which is a one-time fee, goes up a little bit or remains static, and there's a lot of things we do through your department that that fee allows us to do. And one of the things that concerns me, when we hold it static for too many years, the reserve for storm, and tornado season, and some of the, like, electronic collection and tire collection diminishes and we don't get to do those things, or we're putting ourselves at risk. So we're really going to have to look at that hard this year, and I wanted to be sure we kind of educated the public as to where we're going with that, and that is part of, not totally the budget cycle, but our planning for the next couple of years. We're going to have to eventually have to deal with the grass clippings, too. Is that something we've talked about for years, and have failed to pull the trigger on, but at some point we're banning grass clippings would not be a bad issue to take on?"

Ms. Erlenwein said, "Right. We discussed this briefly in the fall and looked at the fact that through the contracts that the cities have with haulers, for instance, the City of Derby has volume based trash rates, where they have two different carts available to residents. We're looking at that to see if that impacts the amount of grass clippings people put out or not, and help us to make a decision for, you know, a year from now."

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Commissioner Norton said, “Are there any communities that you know of that have grass clipping and recycling compost stations around their community where people can drop it off, and it is actually put in a compost pile, and then can later be picked up? I know a lot of communities have places to chip wood, and then you pick the mulch up later, is that...”

Ms. Erlenwein said, “Even in our community the City of Haysville has a small compost area where citizens can bring material and pick it up. There are many states that have statewide bans on yard waste, or specifically grass clipping, and they have separate collection of that material and large municipal compost areas. So it varies from one area to another, but this has been done for a long time in our communities.”

Commissioner Norton said, “Is that something that, depending on how we would structure it, that this Solid Waste Fee could take care of community wide, do you think?”

Ms. Erlenwein said, “Yes, it could. It depends on how extensive you want the program to be. That would be something to be researched to show you what other communities have done and the costs associated with it, but the Solid Waste Fee could cover that, yes.”

Commissioner Norton said, “Well, I guess that’s something we are going to have to think about pretty soon, and I would be one that would urge our waste committee to take a look at that, and see, look at other states, other communities, and start thinking about what we need to do with that. We’ve talked about it, it’s been the elephant in the room for probably seven or eight years, and eventually we need to deal with it. I guess my final comment is that it’s worrisome that corrugated cardboard is still such a part of our waste stream out of the commercial areas. I know there are balers of all sizes where commercial entities can recycle cardboard. Now, the difficulty is there’s not always market for selling it. Sometimes you have to give it away, and in some cases you have to pay to have it hauled off, I lived that when I was with Target, but there are ways to bale cardboard and keep it out of the waste stream, because there are recyclers that will take it. And that’s a little worrisome, 19 percent is still a very high number.”

Ms. Erlenwein said, “Yes, it is.”

Commissioner Norton said, “That’s all I have, Mr. Chair.”

Chairman Peterjohn said, “Thank you. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, I agree with Commissioner Norton, we need to prepare ourselves for better handling of waste materials, such as grass clippings and the cardboard. Right now our procedure to pay for that, as he was discussing, is to add it to our property tax bills. And

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this cost to do this will increase over the years, and so we are increasing the tax bill in this way, as well as other ways, and so I would like to find another way to finance this project without diminishing our ability to take care of what we need to do. And speaking of cardboard, I think we talked at some time about cardboard issue, and some of the problems with it. I don't think we came to a conclusion of what we could do, where we could take it, how we could pick it up, and so on. Particularly the commercial cardboard, which is the greatest amount of cardboard, huge boxes and things, and many of them, so could you prepare a study on that for us?"

Ms. Erlenwein said, "Certainly. We can look at what is currently being done in our community and how other communities are addressing cardboard and come back to you with a report on that in four weeks."

Commissioner Welshimer said, "Okay. Is that alright with [inaudible]? I'd appreciate that."

Chairman Peterjohn said, "If it's a formal request, or informal, I don't see any problem."

Commissioner Welshimer said, "I would like to make it a formal request, but we have a motion on the floor."

Chairman Peterjohn said, "Okay, well we've already got one. Let's take it one at a time. Commissioner Parks."

Commissioner Parks said, "Well, I would like to commend you and your department for doing a great job on this. Although we can always do more, it always takes more money, as we know. In talking about money, and Commissioner Norton brought this up about the hazardous materials recycling, I didn't realize until recently those cities still had an expense on that through an e-mail that I received just recently from Mr. Brunk's office that the cities has to pay their employees and have some sort of a tipping fee for that. So there is an expense to those cities, is that correct?"

Ms. Erlenwein said, "Are you referring to cities that bring material to the facility?"

Commissioner Parks said, "When the cities have a hazardous waste receptacle, like Saturday, like the one coming up in Valley Center before long, that people all over the county will be able to bring things to."

Ms. Erlenwein said, "It depends on what Mr. Brunk works out with the city. As far as if they provide staffing, of course city pays for that staff. The county pays for our own staff at those events."

Commissioner Parks said, "I certainly would like to see the county, since we are doing that and

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pick up the total bill for that on the cities, for putting that tax, if you will, or that fee on the property tax. Maybe it needs to be a little bit more so we can afford to do that, but I think we need to look at that, and I think it does come at a good time when we're looking at budgets, and we're looking at reserves, and all those things that were said. Kamen [Inc.], now, is no longer taking glass, according to the last Miller Pro [Kansas Miller Recycling] letter I received."

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

Commissioner Parks said, "My recycler, my curbside recycler, is still taking glass. It says the more the better, so apparently there's different markets out there."

Ms. Erlenwein said, "Your recycler, I believe, takes the material up to Harvey County for recycling up there."

Commissioner Parks said, "Yeah. Yes, that's Stutzman [Refuse Disposal, Inc.], they do a great job with that. And they're the only curbside recycling that will serve my area."

Ms. Erlenwein said, "Okay."

Commissioner Parks said, "They are out in the rural area and they do a good job of doing that. I commend those cities for contract collection. I hesitate to call it franchising because there's different contracts out there. I know, certainly, Park City is not a franchise agreement, the one that they have. And it's a contract that they set out, and I may be criticized for calling it something else, and that's fine, but it is a little bit of a hybrid or different contract system, if you want to allude to that, go ahead."

Ms. Erlenwein said, "Well, that's correct, and the county was very careful when we put that wording in the ten-year update to say contract or franchise, leaving it open for cities to pick the mechanism that works for their community."

Commissioner Parks said, "I think that's good, not to have a lot of control over that. The Swap & Shop at Stillwell is a reuse facility, and I think people in their normal lives need to think about the trash they generate, and reuse things around the house, too. I know there's a lot of farmers that are out there that have an extra tractor out behind their barn, or in a field, or behind a tree row somewhere, or shelter belt that will say they need parts off of that tractor that may be disabled, but

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they don't have to, they can reuse that, those things and not have to go in and buy new, and get it in the cardboard box, and get it packed with Styrofoam peanuts and you have those things to dispose of, too. You can tell this has been a passion of mine for a number of years. I've been recycling, myself, for over 20. And the yellow cardboard, is there anything that, one of the suppliers up in Reno County is saying they can't take the yellow cardboard, and there's something different with that, and it's primarily from Taiwan or somewhere..."

Ms. Erlenwein said, "It is more of a rice cardboard. The Recycle Bank takes their material down to a recycling process facility just outside Dallas, and they will take that material. Again, our county website contains information and phone numbers, or people can call our department at 660-7200 and we'll help them out on what they can recycle and give them locations."

Commissioner Parks said, "Well, I would like to thank the Millers for their facility. Some of the things that may not be recyclable or reusable, they do take at that facility. If you have something, I would tell the people if they have something out there that they are getting in mass quantities and throwing in the dump, go down and ask them. It's on Clark and Santa Fe Railroad, down in south central Wichita. And Roger Lyon, and the group and the Millers are all very good to work with, and will certainly help educate people on that."

Ms. Erlenwein said, "We really appreciate their work in our community."

Commissioner Parks said, "I hope that will continue for quite some time also. Thank you. That's all I had."

Chairman Peterjohn said, "Thank you. I've got a couple of questions. You mentioned free mulch. Someone wanted to know where that is. Is there a certain spot on the county website they can find out where people can get, or pick up that mulch, and if there are any rules or restrictions on how they can access it?"

Ms. Erlenwein said, "I'll make sure there is, I'll double check on that. Of course, for the Christmas trees, that's a limited window there at that point. But like I said, there are cities, and I think the cities limit it to their residents."

Chairman Peterjohn said, "I'm sorry..."

Ms. Erlenwein said, "The cities limit who can bring the material and collect it to their city residents. So for Haysville, you'd have to be a citizen of Haysville."

Chairman Peterjohn said, "So each city has their own spot to pick up the mulch?"

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Ms. Erlenwein said, “Not each city, some of the cities.”

Chairman Peterjohn said, “Some of the cities.”

Ms. Erlenwein said, “Right.”

Chairman Peterjohn said, “Okay, because as a person who had a self-mulching lawnmower well before it was viable, I very much appreciate the efforts to get folks to voluntarily use and try and minimize the amount of grass clippings that end up in the landfill. But I’d like to throw out, beyond that editorial comment on grass clippings in general, I would like to throw out a question so that maybe you can clarify for me. When we use the word franchising, when the municipalities do this, my understanding, and perhaps I’m wrong, and whether this is a question for Mr. Euson more so than for you, Ms. Erlenwein, when we say franchising, do the cities have the authority? Is the statute that we’re operating this program under from the state non-uniform, so that they can, the cities are opting out, choosing home rule power to set up their own structure? Or is this statute such that, basically, the county comes up with saying we’ll work with the cities and the cities can pick and choose however they see fit, and I’ll defer to whoever...”

Ms. Erlenwein said, “Under the Solid Waste Plan, I’ve worked with Bob Parnacott on this, the county can require certain things of cities under the Solid Waste Plan and our authority through that.”

Chairman Peterjohn said, “Well because my problem this issue has been, you know, franchising is a pretty word for franchise monopoly. And where the government says, okay, you shall have to contract with A or B. And it becomes an unfunded mandate onto the private sector, and diminishes our freedom, albeit perhaps only a small, and for some folks an insignificant way. But for other folks, it is one of those things that, when I first moved to the city, the City of Wichita was struggling with their trash service. In fact, they literally got out of the business in the 1970s and turned it entirely over to the private sector, and we’ve seen sort of a drift back towards the franchise, what I view as the franchise monopoly paradigm.”

Chairman Peterjohn continued, “So I’m trying to understand legally, exactly, when we say we are submitting this plan for an update, and requiring franchising by the cities, does the county have the authority to require of this of municipalities? Because I know that cities have very broad rules under Article 12, Section 5b of the Kansas Constitution, which is the home rules powers provisions when you have a non-uniform state statute to opt out. And I know of some cities that have over 150

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charter ordinances where they have opted out of these non-uniform state laws. And I'm just trying to understand if the statute that we're focusing on here is one of those non-uniform statutes, where the cities have the ability to set up their own structure using charter ordinance powers that the state constitution grants them."

Mr. Euson said, "Mr. Chairman, if I could jump in. The cities have their own franchising authority which they may choose to use or not use. We have the general ability under our solid waste authority to require a lot of things within the borders of the county, including cities, but they have specific franchising authority. And so our Solid Waste Plan talks about how we expect cities, and that word was carefully chosen, to franchise, but I don't know that we could require them to do so."

Chairman Peterjohn said, "Okay."

Mr. Euson said, "And it's really not so much a home rule issue, it's just the way the statutes are set up."

Chairman Peterjohn said, "Well, so in other words the statutes give the cities explicitly the authority to set up their own rules then?"

Mr. Euson said, "Yes."

Chairman Peterjohn said, "So they don't even have to go through a charter ordinance? They can just say, we're doing whatever."

Mr. Euson said, "That's correct. They can opt to franchise, and then they use those statutes to implement that program."

Chairman Peterjohn said, "So, in effect, what the county can do is basically say, this is our wish list, when we think this would be the best way to go, but they can proceed in whatever directions they want."

Mr. Euson said, "As to franchising, yes."

Chairman Peterjohn said, "Okay. That helps clarify for this Commissioner, because I am not a fan of government franchise monopolies, and that's an area where I've had problems, and I think I've cast some votes reflecting that in the past and may do so today. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I think you asked some of the questions I

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was going to ask about requiring cities to take that option of a contracted or franchise collection, and I appreciate the comments by the Chair as it regards to government staying out of free market, but I'm really, I think, quite thankful that we have government required franchises for electric services, and water services and sewer services. Those utility type of requirements on our community, I think, are most efficiently offered to our citizens that way. And so, I guess as far as solid waste collection goes, it depends, I suppose, on whether you consider that to be a utility type service, or whether it is totally free market. I know that the county is required to oversee and take responsibility for final disposal, is that correct?"

Ms. Erlenwein said, "In our Solid Waste Plan, collection is part of that, recycling and final disposal. So it is a whole management plan, not just one component."

Commissioner Unruh said, "The issue in this thing is how much of it we can actually require or enforce."

Ms. Erlenwein said, "It always has been, that's correct."

Commissioner Unruh said, "So we need to go forward with a plan that somehow encourages and is rational enough that the different municipalities buy into that plan. So I think that the logic of it and the economics of it will probably be the thing that finally moves the plan forward. And I, for one, am convinced that if I'm required to dispose of my trash, and that is a requirement, I can't pile it up in the backyard..."

Ms. Erlenwein said, "That's correct. It's a health issue."

Commissioner Unruh said, "That if we can have a system that is universal and provides lots of benefits, as far as costs, and efficiency and environmental concerns, that I believe that a contract situation accomplishes that. So, I guess that's not a question. The question I had was, if, in our plan we are requiring or expecting communities to contract, and the date line we had on there was by the first of this coming year, those communities that do not comply, there's not any way to enforce that?"

Ms. Erlenwein said, "I believe the ten-year update stated that the county would review it at that time and then make a decision at that time as to what to do. So that's why we're keeping track on what the cities are doing. And I'd like to point out that expectation of the cities was in the ten-year plan. The annual updates are just telling you the status of what was in that plan. So when I have franchising, or contract, in this plan, we're simply giving you an update of where it stands right

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now.”

Commissioner Unruh said, “Okay. Well, I appreciate that. And then one question about the Solid Waste Fee. That fee is applied to lots that have [inaudible] on them. If they’re vacant lots, they don’t pay a fee?”

Ms. Erlenwein said, “Right. We did a study on the trash produced by different types of businesses, by residential, but if you have a vacant lot there is no fee on that vacant lot.”

Commissioner Unruh said, “And if there are properties that have tax exempt status, but they have a building on it, they still pay the fee.”

Ms. Erlenwein said, “That’s correct.”

Commissioner Unruh said, “Is that difficult to administer? I mean, I haven’t looked into it that closely. But I mean, it seemed like we’ve got all sorts of combination for that in the community.”

Ms. Erlenwein said, “When the county first implemented the fee years ago, we tried to do education on this. We gave out our phone numbers so people could contact us to clarify what their situation was, and we worked with them and the Appraiser’s Office on adjusting any property fees that needed to be adjusted. And we still get calls whenever the tax bills go out with some questions on, you know, what is the fee for, and how is it used, and if there is a situation where they feel they shouldn’t be paying a fee because it’s an empty lot now or something, we work with the Appraiser’s Office on that to get that adjusted.”

Commissioner Unruh said, “Okay. Well, it just seems like we’ve established a process that’s complicated. And I’m not criticizing it, it seems...”

Ms. Erlenwein said, “The state statute required us to administer the fee such that it reflects the volume of trash generated by the business or government. You know, schools pay the fee, governments pay the fee on our own property as well because we’re producing trash.”

Commissioner Unruh said, “So that’s why we have a fee rather than imposing a dedicated tenth of a mill property tax?”

Ms. Erlenwein said, “That’s correct. The statute clearly calls it a Solid Waste Fee in giving us the ability to administer that fee, and it’s for a specific purpose.”

Commissioner Unruh said, “Okay. Well, I appreciate that explanation. That’s all I had.”

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Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, I'm sort of between a rock and a hard place on whether or not franchising constitutes a monopoly. In some ways it constitutes an RFP (request for proposal) for choosing someone who will have more business and then will reduce the trash bills, which I think is probably one goal that we're after. Then, too, we want to reduce the number of trucks on the streets. And I have a question. Has the City of Wichita, are they making any progress towards this franchising, or recycling or anything?"

Ms. Erlenwein said, "City staff made a presentation at the last Solid Waste Committee and they have been working on how they could divide the city into districts so that all haulers are represented in the city, that they would not lose any businesses, the haulers would stay in business, but coming up with more efficient routes. And that's the point of the contract. If you're picking up every house on the block, it's more efficient and you're saving time, staff time, fuel costs. So that drives the price of collection down. As Derby has seen, the trash bills were cut in half, and yet people have more services now. It's an efficiency issue on collection versus, as you mentioned, more trucks on the street. If you have five haulers running down your street, pick up one house, pass ten before the next customer, that took them time and fuel to do that which drives the cost up. So our current system is inefficient, and that's one of the reasons we were looking at this to improve efficiency and lower costs."

Commissioner Welshimer said, "Okay. We discussed that district, dividing the city up into district, and actually the county, at one time I think. So, they have made no decision, though."

Ms. Erlenwein said, "Well we also discussed the fact that each city is different and to let the cities work with their own community to do what's best for their citizens."

Commissioner Welshimer said, "Okay. Thank you."

Ms. Erlenwein said, "You're welcome."

Chairman Peterjohn said, "Thank you. I'd like to throw out a question. Having seen the updated report just this morning, and a quick glance through it, page 3 on this report says, 'Therefore, Sedgwick County expects all cities in the county to have a solid waste collection contract or franchise in place by January 1st, 2011. When you say collection contract, is that separate from a franchise? Help me understand how that might be different, because I appreciate very much the

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dialogue the Commissioners have had here, and agree with Commissioner Unruh that we definitely need to, as a health issue, certainly we've got to have trash pickups. But having said that, I think there's a fair amount, from talking with citizens, a fair amount of confusion concerning who is playing what role exactly, in terms of the city and the county on this issue and part of it may be determined whether the people are in an unincorporated area, or which municipality they happen to be in. So that's why when this phrase, or contract, or franchise in this revised update, I'd like to get a clarification where the word contract, because at the moment, I think, my household contracts with the private hauler, does that meet the terms of that contract, or is that some reference to something else?"

Ms. Erlenwein said, "The reference there, and I can let Legal clarify the definition difference between franchise and contract, but we were looking at some cities already have contracts in place. Eastborough has had contracts for years for one collector to pick up the trash in that city because they only wanted one truck going through their community, so they contracted with that city. Before the county came up with this wording, other cities also had contracts with waste haulers where they would go out with a request for proposal, receive bids on either trash or recycling collection, Bel Aire had done this years ago and so has Park City. They worked out a contract, let's say, for three or five years that that one company would pick up the recyclables in their community and also offer a lower price for trash collection to their citizens, and the citizens had the choice on taking that hauler for trash or staying with their current hauler, but all the citizens in those two cities are required to have curbside recycling. As I mentioned earlier, each city is slightly different. Derby has curbside recycling collection and volume-based rates, and they have a contract with the company. So it might be a technical terminology whether you call it a franchise or a contract, or how many years you have that before you go out to bid again."

Chairman Peterjohn said, "So it's strictly referring to the municipal contract as a whole..."

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

Chairman Peterjohn said, "...not individual contracts. I appreciate the clarification, because many years, back in the 1980s, telephone service had been viewed as something that we didn't want competition because we'd have, I believe it was called wasteful competition, and it would be more efficient if we had one provider of phone service. In the 1980s that monopoly was broken up and we went more to a regulated model on telephone service. And I cite that as an example of where

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governments making the rules for the road and whether we're going to allow or inhibit competition, and how we're going to operate for the future. The good part of the fact that we have a number of different cities doing different approaches, experiment and see what may work best. My big concern about why we have high trash rates is, frankly, we ship our trash out of county, and that was a decision made many years ago, and the tipping arrangement was made with one location in particular. And when you've got the single buyer of a substance, technical economic term is monopsony, that you can have the same problems as you have with a monopoly type of situation. And that's one of the challenges we face and one of the reasons why we have the higher rates in my opinion. But I appreciate the dialogue and the discussion because I think we do want better performance and I believe that a free market and open competition moves us in that direction. I'm concerned that the more we inhibit this, the more we're going to make our less-than-perfect situation worse. Commissioner Parks."

Commissioner Parks said, "Yes. I just can't help myself when I hear some of these things to bring back in the unincorporated areas that we serve solely as a Board. I would venture to say 80 percent of those people don't have trash service. That shouldn't come as a surprise to us. Farmers normally burn, and compost and do other things that some of those are the true recyclers out there, and I think Ms. Erlenwein would agree with me on that. And the only reason I would say 80 percent instead of higher is because some of the areas, like Oaklawn, or some of the unincorporated areas that have more dense populations, seem to have trash service in there because of the proximity of their houses and what not. But there's a lot of composting going on with farmers; a lot of trash burning, which can be done if they have over a certain amount of acres. I believe that's five."

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

Commissioner Parks said, "The other thing I wanted to bring up, when we're talking about mulching, I see it every once in a while about these people that take about three circles around the outside of their yard and then throw the last circle in the street and that's how they're mulching. And then when this grass lays in the street, and then the first rain comes along and it goes down and plugs up the city gutter system, then we wonder why there's a drainage problem and we flood out our cars, so anyway, I just needed to throw that out there that that goes on. And each one of the cities has, that I'm aware, has a regulation that says you must have trash service. But I don't know anybody that cites those, or writes tickets for those."

Ms. Erlenwein said, "We investigated that when we started looking at solid waste back in the late '90s, and because of the private collection system, the haulers will not give us a list of their customers due to proprietary information. So really, you have no idea who does have trash service or who does not, who might be illegal dumping because they don't have trash service, or as said earlier, put it in your backyard, unless your neighbors start to complain. But we do not have a good accounting of that."

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Commissioner Parks said, “Well and I guarantee the people that live on your fringe areas of our cities want that grass to be going in the trash, because if not, it’s either blowing out of the back of the pickup as it comes by your house or it is dumped in your ditch nearby and then you have to deal with it in some fashion. So that’s just my two cents worth on the mulching. It would be great if everybody could have a compost pile, but not everybody does. And certainly some of the city folks, I’m sure, would start bringing the trash to the country. Some of us don’t like that.”

Ms. Erlenwein said, “Well, and I want to add one comment on the overall cost of our system. Studies were done by EPA (Environmental Protection Agency) nationally, and we’ve done some locally, 80 percent of your trash bill is the collection of it. Only 20 percent is the disposal. And back even when we had a local landfill, The Wichita Eagle did comparisons of our community with others and we were higher than other communities our size at that point, so it’s the collection side of it is a driving factor on our bill.”

Commissioner Parks said, “And certainly burning does allude itself to the attainment in the air quality that we have also.”

Ms. Erlenwein said, “Which is becoming more of an issue recently.”

Commissioner Parks said, “It is. Thank you.”

Chairman Peterjohn said, “Thank you. I would agree with that. And a person who, I’ve fooled around with recycling, and especially with grass clippings at one point in time where I got that self-mulching mower, but I’ve got other stuff to toss in it too. I hate to provide material that’s going to generate methane to the landfill. Having said that, seeing no further discussion, please call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Peterjohn	No

Chairman Peterjohn said, "Next item."

E. COMCARE

1. CONTRACT FOR COMCARE TO PROVIDE CASE MANAGEMENT SERVICES FOR UNITED METHODIST OPEN DOOR SUPPORTED HOUSING CLIENTS.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "This is a renewal of a contract that was put in place in 2007 for 0.65 of one full-time equivalent case manager to work with individuals who are transitioning from homelessness to permanent housing through the United Methodist Open Door (UMOD). The case manager has a case-load of 10 to 12 consumers at any one time. And the role of that case manager is to meet regularly with these individuals, connect them to needed resources and help ensure that they make it to appointments. These are scattered site, single occupancy apartments. COMCARE case manager provides weekly updates to United Methodist Open Door and the Mennonite Housing designee any time there is a sense of imminent tenant issue that is unfolding. And in addition, the partners meet monthly to discuss issues and concerns that they have. They are also, this year for the first time, monthly written summaries are provided to UMOD and distributed at the partners' meeting. Then there's a final report that is submitted on the outcome measures. We're recommending that you approve the agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "Okay. Motion and a second, questions or comments? A question I have, Ms. Cook, I notice that this is a renewal for the position that currently exists here in the county."

Ms. Cook said, "Yes."

Chairman Peterjohn said, "Does this cover just their salary, or is it salary and benefits both?"

Ms. Cook said, "It's 0.65 of that person's salary, and then the rest of the salary is made up by

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billing that they do. This case manager, in the other percentage of their time, has a general case management case-load as well.”

Chairman Peterjohn said, “Okay. So would their benefits as a county employee, is this, would they be the equivalent of a full-time position so they would get benefits?”

Ms. Cook said, “Yes.”

Chairman Peterjohn said, “Okay, and would those benefits be funded through this or through some other source?”

Ms. Cook said, “It would be funded through the county, but reimbursed for by revenue that case manager generates. In fact, we make some money on that position.”

Chairman Peterjohn said, “Okay. So they’re generated by the revenue that they generate, and that would cover their benefits?”

Ms. Cook said, “Yes, more than cover the benefits.”

Chairman Peterjohn said, “Thank you. Further questions or comments? Seeing none, please call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Next item.”

2. CONTRACT WITH CITY OF WICHITA FOR COMCARE TO PROVIDE ADMINISTRATION OF SPECIAL LIQUOR TAX FUNDS.

Ms. Cook said, “Commissioners, this is a renewal of a contract that’s been in place since 2000. A COMCARE staff member monitors outcomes on all of the 18 publicly funded addiction programs

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in Wichita. That person provides technical assistance to the program's staff and administrators, drafts RFPs for funding consideration, attends coalition meetings and works on special projects, such as a gap analysis that that person recently did when they were requested to do so. Staff member also provides a comprehensive final report annually, which is then used by the coalition members to decide future funding allocations based on the performance of those 18 publicly funded programs. In addition, COMCARE addiction staff provide clinical consultation to those publicly funded programs, when they do have questions or concerns and are in need of guidance, and several county financial staff work on the financial reconciliations that they do monthly on the 18 programs. It's a good example of collaboration between the city and the county. So one-year contract with a two-year option to renew. We're recommending that you approve the contract and authorize the Chairman to sign."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "Questions? I'm going to ask you the same question, basically the same questions apply. Will this help fund any position, or is it strictly to fund a service? Let me see if I can start over again. Would this agreement provide for any positions and employment within Sedgwick County?"

Ms. Cook said, "The contract provides the full-time staff members' full salary and benefits, and then it also contributes to other county employees who are part of making this happen. So it contributes a little bit to addiction staff that are helping out, it contributes to Sheila Demetro's salary, who is with county Finance."

Chairman Peterjohn said, "Okay. Thank you very much. Commissioner Unruh."

Commissioner Unruh said, "Thank you. Marilyn, the special liquor tax funds, does it require that they be used for this sort of service?"

Ms. Cook said, "Well, these are funds that are generated by liquor sold by the glass in the City of Wichita. A third of that money, and this has been this way for a very long time, a third of that money goes to treatment programs, a third of that money goes to municipalities and a third of that money goes to Parks and Recreation."

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Commissioner Unruh said, "Okay. So this would be satisfying the requirement for treatment programs..."

Ms. Cook said, "Yes."

Commissioner Unruh said, "...and in order to have a cooperative, efficient use of that, COMCARE provides the services for this whole community. And we don't, as a county, we don't receive enough of those liquor tax funds to support the program, so..."

Ms. Cook said, "The county also gets a similar arrangement with liquor sold by the glass in the county. But, yeah, none of these would be enough to kind of coordinate that altogether."

Commissioner Unruh said, "So this is a good way to cooperate with a municipality to provide the services that we all already provide."

Ms. Cook said, "Absolutely."

Commissioner Unruh said, "Or are prepared to provide."

Ms. Cook said, "Absolutely."

Commissioner Unruh said, "All right, thank you. That's all I had."

Chairman Peterjohn said, "Thank you. Commissioner Parks."

Commissioner Parks said, "Has this been a long-term contract program?"

Ms. Cook said, "This has been in place since 2000."

Commissioner Parks said, "Okay. And this doesn't replace Atishwin, or Parallax, or other private entities?"

Ms. Cook said, "No, sir."

Commissioner Parks said, "I'm very familiar with that fund. Thank you."

Ms. Cook said, "Thank you."

Chairman Peterjohn said, "Seeing no further discussion, please call the vote."

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Ms. Cook said, "Thank you."

Chairman Peterjohn said, "I'm going to call a recess. We'll come back at 10:35."

The Board of Sedgwick County Commissioners recessed at 10:25 a.m. and returned at 10:35 a.m.

Chairman Peterjohn said, "I'm going to call this meeting back to order from recess. Next item, please."

F. AIR TRAN REVENUE GUARANTEE.

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "You have before you a transportation services agreement that has been prepared by county staff and staff at AirTran. It is, essentially, a revenue guarantee through which Sedgwick County agrees to provide AirTran with up to \$6.5 million over the 12 month period beginning July the 1st, next month in return for AirTran providing three round-trip flights a day between Wichita and Atlanta, with connections in Atlanta, of course, to other destinations that AirTran uses. The contract is, essentially, identical to the one that we had with AirTran for the current state fiscal year; that is the year that expires at the end of this month. Sedgwick County has had similar contracts with AirTran dating back to 2005 when we assumed the responsibility for the contract from the City of Wichita. Wichita first entered into an agreement of this type with AirTran in 2002."

"And through this contract, through this incentive, if you will, to bring AirTran and its low fare competition into this marketplace, the passengers using the Wichita [Mid-Continent] Airport have saved, literally, many millions of dollars, tens of millions of dollars, on airfares each year for the past seven or eight years now. And so we think that it is a very good deal for our community. It is a very good use of public funds because, as you know, airfares are a key driver of economic

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development, and without low fares, we are at serious risk of loss of some of our major employers in the community. The contract is for a not to exceed amount of \$6.5 million. Of that total, the state is expected to provide \$5 million through the Kansas Affordable Airfares program. That money has been appropriated in the budget that the legislature adopted just last month. It also is expected to be funded with \$812,500 of local matching funds to be provided by the City of Wichita. The balance of the local matching funds, another \$812,500 would be provided by Sedgwick County and it has been included in the county's adopted budget. We do not have the interlocal agreement with the City of Wichita, through which we will receive their local matching funds, executed yet. That will come before you in the next several weeks for approval.

"The state funds we expect to be awarded to Sedgwick County by REAP (Regional Economic Area Partnership) in early July when they go through their standard allocation process for those funds. And I would note that for as long as this program has been in existence, and REAP has been administering the funds, Sedgwick County has been the recipient of those funds, and we have every expectation that relationship will continue. Should either of those events not take place, however, that is, should Sedgwick County not receive the funding that it is expecting from those other entities to help pay for this contract, there are provisions in the contract whereby Sedgwick County could terminate it before its natural term if we so choose. If there are any questions, I'll be happy to answer them. If there are no questions, I would recommend you approve this agreement."

Chairman Peterjohn said, "Thank you. Questions or comments for Mr. Chronis?"

MOTION

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

Commissioner Norton seconded the motion.

Chairman Peterjohn said, "I'm going to throw in a couple of questions. The backup material said the state was going to have a grant of a little less than \$5 million, it would be \$125,000 short of the \$5 million, \$4,875,000. Are you comfortable with that \$5 million figure?"

Mr. Chronis said, "Actually, the number that's in the Agenda backup is correct, it's \$4,875,000. I apologize for that. That's the state funding award, or state funding appropriation, is \$5 million. Of that total \$5 million, we expect to use \$4,875,000 for the AirTran contract. The balance of the state funding we expect to use for another air carrier we have discussed with you, and you've approved in an agreement with the city regarding Frontier Airlines, and we would expect to use that money for them. The reason we're not using the full \$5 million for AirTran is that the state and REAP have

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a requirement of a certain percentage of matching funds to be provided, and the \$6.5 million that we need for AirTran, our contract obligation to AirTran, simply doesn't allow us to use the full \$5 million in state funds and provide the requisite amount of local funds."

Chairman Peterjohn said, "Okay. Let me ask then, do we have any feedback, in terms of how AirTran's doing, in terms of on these three flights and how their performance is either exceeding, falling short of or roughly at their expectations during the last year?"

Mr. Chronis said, "I can't tell you what their expectations are because I don't know them. But the contract requires, and AirTran has been good about providing, information to us on a monthly basis that identifies the passenger traffic, the fare revenues and the costs of operation for each flight that arrives or leaves Wichita. What we know is that the load factor, the occupancy rate of the airplanes that AirTran is flying, has been dropping for the past two years and it's a cyclical number. Some months it's high, some months it's low, but it never is as high in the Wichita market as AirTran reports load factors being in other markets that they serve."

Chairman Peterjohn said, "I very much appreciate that additional information, because there's been a lot of news coverage recently about another low cost carrier that might come into the market: Southwest Airlines. I'm pleased that that's been kind of the Holy Grail for improved air service in and out of Wichita in the past. I think AirTran's been, they've been absolutely first-rate, in terms of meeting their commitments, in terms of the contract. But obviously the challenge that we face, in terms of going forward in providing a renewal to an existing agreement is one of those challenges where I personally struggle. Because I understand that you're absolutely right concerning the fact that we are benefiting, in terms of lower cost fares to the east coast for the markets that AirTran serves to Atlanta and destinations beyond Atlanta. But I am concerned, in terms of the, ultimately, the challenge with the subsidy that we have, in terms of the moral hazard, and the fact that it's a substantial subsidy and involves three parties at the government level: the city, the county and the state. Maybe even four if you include REAP, since REAP is playing a role between the state and us, in terms of the funds. The challenge as a Commissioner looking at this is to make sure we don't get in a situation where we generate a moral hazard, and I know I have looked at the problems that, where that moral hazard can get generated, and the state, as I understand it, is in the last year of this program."

Chairman Peterjohn continued, "So I'm not sure where we're going in the long run; renewing this program today I don't expect some dramatic changes, but for the public out there who may be viewing this and wondering where we're going, I can see some changes in the future regardless of what decision Southwest Airlines may or may not make. Of course, if there's any information, this Commissioner has not really gotten very much information concerning Southwest, in terms of any recent discussions, but I think maybe there's more discussions going on at the city level on that. I don't know if you have any comment on any of that, Mr. Chronis, but I'm throwing that out on the

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table, and throwing out a number of different aspects of this. You might be able to amplify or clarify my remarks, and I'd stand ready to hear your response."

Mr. Chronis said, "There is no proposal that we have seen for any sort of a revenue guarantee for Southwest. There have been discussions, we understand, between Wichita Airport staff, and city staff and Southwest, but I'm not aware of the state of those discussions at this point. As far as I know, as I say, there has been no proposal put on the table. We certainly have not been given one to consider. When we're given it, we will consider it. Everybody, I think, recognizes the value that Southwest might bring to this market. I hope everybody recognizes the value that AirTran has brought to this market. They've been a very good partner, and we value that partnership very much. But I think it's clear that the neither the state, nor the local governments, are likely to be able to fund an endless number of airlines with revenue guarantees. It may come to the point where at some time we have to make a choice about who we want to do business with, but we're not there yet. At this point, AirTran has presented a contract to us for the next year, we have an award of state funding that is pending for the next year, we have a county appropriation of funding for the next year, and we're prepared to do business with AirTran for the next year."

Chairman Peterjohn said, "Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, I think that affordable airfares are a critical component of transportation infrastructure if we want to have a healthy economy. Affordable airfares are an important component of economic development to our area, so I think that's one part of my thinking on how important this is. But as you said, that it has definitely saved millions of dollars in airfares for passengers out of [Wichita]Mid-Continent [Airport], but information that has been given to us that implies that the state's investments returns on that investment is a ratio of two to one. So it looks to me like it's a very profitable return for the State of Kansas, for their investment, and its good for our citizens locally."

Commissioner Unruh continued, "AirTran has been a great partner and we have achieved a goal of low cost airfares, so I am going to be supportive of it, and should an opportunity come around for another low cost carrier within the parameters of our capability, and support we get from our other governmental partners, you know, I think that we need to consider that. But right now, I am willing to go forward with this proposal. But, Mr. Chairman, maybe you could help me understand, you said we were exposed to a moral..."

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Chairman Peterjohn said, "Moral hazard."

Commissioner Unruh said, "Moral hazard, thank you. I think I know what you mean, but could you explain that to me?"

Chairman Peterjohn said, "Well, I was looking in the context of some of the challenges. We had the largest, at one time, the largest company in the United States, General Motors, file for bankruptcy. Part of their failure was a disconnect, in terms of a moral hazard is the disconnect between people being, responsibility connection, and allowing people the authority, because they have the ability to do so, to behave in a way. I think the best definition I saw on this recently was the willingness to act recklessly without fear of consequences. And we've seen that, I think, in the Fannie Mae and Freddie Mac in the housing area, where they've gone bankrupt and put the taxpayers at major hazard. And I want to make sure that when we're involved in a governmental subsidy, which we are, and albeit it's a renewal, and it's been discussed and focused upon, we look at the bigger picture.

"And with the discussion about Southwest, may or may not having an interest here, how far down this path we're going to go, in terms of picking winners and losers, because I don't think that's the role of government in the long run of things. I feel very uncomfortable with it, and although I voted for it in the past, I believe last year when we renewed this agreement at that time, this is a path we tread down, with this Commissioner anyway, has, with a great deal of trepidation. When I look at these types of decision making, there can be large run, and long run and significant consequences. That's why, when we're talking about \$812,500 renewal, in terms of the subsidy by the county, it requires similar amount by the city, and close to \$5 million by the state. And the state may or may not continue, and issuing that money through REAP, we've got a lot of moving parts here. It gets complex, and the accountability and responsibility side of it gets to diffuse and that can create problems."

Commissioner Unruh said, "Well, I appreciate your explanation, and I certainly share a concern that we do not do things haphazardly, without thought, without analysis, without input from our partners, and so I certainly would not want to go in left field without thinking about it. But I believe we have pretty much analyzed this, and we've experienced the success of it. Although your warning is noted, I appreciate that, I think that this is something worthy of our support, so I am going to be supportive. That's all I had."

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Chairman Peterjohn said, “Thank you. Seeing no further lights, I may have made a mistake earlier on. I don’t know if there’s anyone in the public who would want to comment on this topic. Please state your name and address for the record.”

Mr. Bob Weeks, 2451 Regency Lakes Court, Wichita, greeted the Commissioners and said, “Thank you. Just a couple general remarks or cautions I think we need to be aware of as we think about renewing this contract. First of all, I mean, no doubt low airfares are preferred to high airfares, but there are some times when any airfare is what people really need. I worry about the effect of this type of subsidy on our legacy airlines. This would be the names we’ve known all of our lives: American, United, Continental, Delta, and so forth like that. I haven’t updated my research recently, but there have been some years where the number of departures from the Wichita [Mid-Continent] Airport have declined. I mean, this has been since the time frame of the AirTran subsidy, so when a businessman traveler is saying, like in my case, in my former career, I need to be in Jackson, Mississippi by noon tomorrow, you know, if there’s, I’ll pay \$800, \$1,200 or whatever, that’s how important that is. So if we drive out some of these legacy carriers, then I think, with their nationwide and worldwide networks, that’s when we’ll really be in a lot of trouble.

“I also want us to be very cautious of accepting the economic development claims. A few years ago, in 2004, the Fair Fares program, which I think is now defunct although I’m not sure, but the Chairman of that claimed that the AirTran subsidy produced \$2.4 billion of economic benefit for the Wichita region. I think that was a pretty big circle he drew. The \$2.4 billion is a tremendous amount of money, and I want to talk about that more again in just a moment. But we do have, as Chairman Peterjohn mentioned, the confounding factor of the potential of Southwest Airlines considering Wichita, and it seems that’s viewed as the more desirable to have over AirTran. I’m just thinking of people I’ve talked to, and also The Wichita Eagle Editorial Board working overtime, promoting this type of thing as well. And then, based upon, of course, the article interviewing many of the members of this Board and the City Council members, it seems like there may not be the money or the political will to subsidize both airlines, so I am worried that we might be entering a contract, I know there’s a 75 day time frame where we can cancel this contract, but I’d like to see us not really enter a contract we don’t really intend to fulfill for the entire year.”

“I would also like to ask this Board to take notice of the fact of something that’s not been widely reported. It was mentioned briefly in The Wichita Eagle, but Southwest Airlines is starting service to Charleston, South Carolina. That’s a metropolitan area nearly identical in size to Wichita, although their airport is quite a bit busier. That may be a factor there. The South Carolina legislature was putting together, at least debating, a package of subsidies for Southwest Airlines that sounded similar to what our state has done. But Southwest went ahead and said we’ll start the service without that subsidy. Now I think the local city is giving some things, like \$150,000 of marketing assistance, and discount on the landing fees, and maybe small things like that, but it’s certainly not

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the many millions of dollars of long-term assistance that we have done to AirTran, and I think the city is thinking about, perhaps, going forward with Southwest Airlines for as well. So since I think that the county is going to be looked at to contribute something for the Southwest Airlines plans, a couple things I'd like to ask this body to do.

“First of all, let's figure out how did Charleston, South Carolina gain Southwest's service without having to pay these massive subsidies? Can we do something like that here in Wichita as well? The second thing I'd like to point out to this Commission, and this goes back to the economic development claims that I'm worrisome about, is that there has been a report produced for the City of Wichita by the Center for Economic Development and Business Research at Wichita State University that says that the entry of Southwest Airlines to the Wichita market would create 7,000 additional jobs, and I really find that hard to believe. Our county's second largest employer is Cessna; they only have 6,000 employees. So to think that adding yet another discount airline to the mix that we already have would generate more employees than those that work at Cessna, it seems to be, it's just very difficult to believe.

“I might also add that, really since the arrival of AirTran, all the airlines are discount airlines now. It's not just AirTran that has cheap fares. The idea of bringing in AirTran is that the competition, I call it faux competition, but as it is, that competition would force the other airlines to lower their fares as well, and that's pretty much true. As Mr. Chronis just said, the major airlines have reduced their fares as well, so they are all really are almost like discount airlines now. So to simply add one more discount airline to this mix resulting in this huge economic benefit, it's troublesome to me. Now I've asked the City of Wichita to provide that report to me, and they found a provision in the Kansas Open Records Act, I call it a loophole that allows them not to do that.”

Mr. Weeks continued, “Now I think at some time that document will become a public record and they'll have to provide it to myself and other interested citizens. But in your role as a body that may be looked towards funding this, I would like for you to ask the city to release that document to the public now. I don't think there's anything secret in there. It's not like they're negotiating with two airlines and only one is getting it. It's just a deal with one airline. So that's my concern there that these things are being done behind closed doors. The Vice Mayor says we're not going to debate this in the newspaper, but if not there, where are we going to do it? And so those are some of the concerns I'd have. Finally, echoing some of the concerns that Chairman Peterjohn talked about, if I could just finish, well, I'll stop with the timer there.”

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Chairman Peterjohn said, "We can give you a minute if you want..."

Mr. Weeks said, "Okay, well I was just going to say..."

Chairman Peterjohn said, "...without objection."

Mr. Weeks said, "Last year The New York Times, in an article about airlines, it noted that Wichita is known as a pioneer for paying airlines to provide service to its city, and you know, I was almost moved to tears in some ways when I read that, remembering the great traditions of entrepreneurship in Wichita. To me, that's largely disappeared. And as we go down this road of continuing the AirTran subsidy, and thinking about a subsidy for yet another airline, we're just developing our reputation as pioneers in the wrong direction, I believe. So thank you, Mr. Chairman and Commissioners."

Chairman Peterjohn said, "Thank you. Any questions or comments for Mr. Weeks? Seeing none, thank you. Commissioner Parks."

Commissioner Parks said, "Well, I, too, had some question about some of eco/devo [economic development] claims, but our staff has assured us that those figures can be borne out. I did hear on the way in this morning, on the local radio station, that Spirit has opened up a new factory in North Carolina, and a new factory in France. They must have had some, certainly, subsidized airlines or somebody, transportation assistance there. We just talked about a trash franchising a little bit ago, and I guess this is not quite a franchise agreement. I am going to be supportive of this, but it's not without some reservation and caution."

Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "I'd like to ask Chris, what is the, is there an urgency on approving this contract today? Can we put this off for a week or two until we get some answers to the questions Mr. Weeks has presented?"

Mr. Chronis said, "I believe you could, but I guess I'm unclear of what the relevance would be of those answers would be to this contract. His questions, it seemed to me, had to do with a proposed deal with Southwest that we're not party to. The issue before you has nothing to do with Southwest."

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Commissioner Welshimer said, “Well, I share a concern that we’re getting to the point where we make so many incentive payments to big business that we lose track of how much of our budget is going there and how much we can afford to do in the future. It keeps growing and growing, and I just had not zeroed in on exactly how we were going to handle this with Southwest as well. I understand we have several, what is it, 75 days that we could cancel this?”

Mr. Chronis said, “In this contract, yes. We can cancel it with 75 days notice. But I would note that I don’t believe there has been any suggestion by anybody, certainly not in the county and not to my knowledge in the city, any suggestion that we would enter into this contract with AirTran for a 12 month period expecting to execute or exercise that 75 day termination option, and start doing business with Southwest sometime during that 12 month period. That is not the expectation, and it’s certainly not anything that we’re planning.”

Commissioner Welshimer said, “Well that would give me even more concern, and suggest to me that I should withdraw my motion and make a substitute motion to table this for at least 14 days until we had answers to questions about it.”

Chairman Peterjohn said, “If you’re requesting, the second person who issued the second, I’m going to turn to the Clerk and help me out on who is the person who seconded Commissioner Welshimer’s motion?”

Ms. Angela Lovelace, Deputy County Clerk, greeted the Commissioners and said, “Commissioner Norton.”

Chairman Peterjohn said, “Commissioner Norton, do you have any desire to withdraw your second?”

Commissioner Norton said, “Well, I really don’t. I don’t know why we aren’t ready to move ahead on this. I have had no conversations about Southwest Airlines, and I think even if that happens, it’s going to be future before any kind of a contract with Southwest would be indoctrinated, and in the meantime, we’ve got money coming to us from the state that’s been appropriated for this usage and I think we should move forward with it. If it’s the will of the Commission to withdraw that motion and do something else, I’ll withdraw, but I seconded for a good reason.”

Chairman Peterjohn said, “Well, my procedure, parliamentary rules are involved, as is the person who seconded to withdraw a motion. We could either defeat the motion, or if we want to withdraw

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it, the person who seconded it also has to agree to withdrawing the motion. If they decline to do so, then the motion is still on the table.”

Commissioner Welshimer said, “Okay. Well I’m not going to withdraw my motion, considering the fact that we do, overlook the fact that we do have other entities putting money into this. I think it’s bad timing with all of the circumstances that we have, but to follow that up, I think we need to investigate just what it is we want to do with our airline services, and how far we want to go and how many airlines we want to subsidize. So I want to follow up with that, and I will not withdraw my motion.”

Chairman Peterjohn said, “Commissioner Parks, I think, had the next light on.”

Commissioner Parks said, “Yes. I certainly said I’d be supportive of this in my vote, but I think it’s a better part of valor at times if we need to delay something to get all of our facts and all of our information in. I would also support some sort of delay of 14 days, and that could affect, in fact, my motion, or the vote on that.”

Chairman Peterjohn said, “The reason, one of the reasons why I think there is some time delay, and I am going to jump in here, is the agreement, July 1st is the starting date, we’ve got multiple moving parts. The state funding is, I’m sure, predicated upon their fiscal year beginning July 1st too, and this agreement begins July 1, so we only have a very limited period of time. And most of the questions that were raised and the concerns I have, are looking at the bigger program; where are we going to go, who else might we have a subsidy request from, and to what degree? And the fact is, I’m like Commissioner Norton, I haven’t heard anybody officially come forward to say, hey there’s something going on with another carrier that you need to officially take cognizance of. I’m trying to get information from my sources of what’s going on.”

Chairman Peterjohn continued, “And I have a little bit more information than I had, but most of the information I found was in an article that appeared in the newspaper over the weekend. So the questions I have are more about where we’re going, looking at this whole concept, and not just renewing the agreement with AirTran for one year, which is what we actually have before us today. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Chris, which year of renewal is this with AirTran?”

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Mr. Chronis said, “This is for the contract year that runs from July the 1st of 2010 to June the 30th of 2011.”

Commissioner Unruh said, “But is this the fourth year, fifth year?”

Mr. Chronis said, “I’m sorry. The county assumed contract responsibility in 2005 for the 2005-2006 contract year, so this is the fifth year.”

Commissioner Unruh said, “Okay. So this is the fifth year of a successful contract that has provided benefit to the State of Kansas and citizens of south central Kansas, with partnerships with the City of Wichita, the State of Kansas, AirTran and with oversight from the Regional Economic Area Partnership. This is the question that’s on the table before us now. I think we should decide the question today, and I think we should decide it favorably. If other theoretical possibilities come to us in the future, then we need to decide those on the merit of that proposal, but right now this is what we have in front of us, and this is what we should decide in my opinion. And I don’t see any need to defer, and I think that the facts of this initiative and this partnership clearly indicate that it’s successful and beneficial, and so, Commissioners, I encourage you to vote favorably on the Agenda item in front of us.”

Chairman Peterjohn said, “Thank you. Seeing no further discussion, please call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	No
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Next item.”

G. APPROVAL OF AN AGREEMENT WITH THE CITY OF GODDARD TO PROVIDE FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT 167TH ST. WEST AND MAPLE. DISTRICT 3.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “In Item G we’re requesting your approval of an agreement with the City of Goddard that will provide for reconstruction and signalization of the intersection of 167th Street West and Maple. The actual project is located in unincorporated Sedgwick County, but Goddard has annexed the adjacent

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property on the southwest corner of the intersection. In this agreement, Goddard agrees to pay for 25 percent of the total construction cost up to \$200,000. The county will pay for all other costs of design, right-of-way, utility relocation and construction. Back in March we took bids for the project, and Goddard's share will be approximately \$121,500. Actual billings will be based on final quantities of work that is completed and could be higher or lower than estimated. This project has been included in the Sedgwick County CIP (Capital Improvement Program) to provide improved traffic control near a large school complex that is under development by the Goddard School District, which is on the east side of 167th Street West between Kellogg and Maple. I recommend that you approve the agreement and authorize the Chairman to sign."

MOTION

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

Chairman Peterjohn seconded the motion.

Chairman Peterjohn said, "Question for Mr. Spears. Is this being paid for out of county sales tax?"

Mr. Spears said, "Yes."

Chairman Peterjohn said, "For roads?"

Mr. Spears said, "Yes."

Chairman Peterjohn said, "And has this already gone out for bid?"

Mr. Spears said, "Yes it has, in March."

Chairman Peterjohn said, "So it's well beneath what we originally anticipated?"

Mr. Spears said, "Yes. The actual bid was \$485,122.35, and we had estimated, began at about \$800,000 because we put 25 percent on Goddard at \$200,000. But we had, as I mentioned last week, we have had very favorable bids this year."

Chairman Peterjohn said, "So the county's share would be a little less than \$365,000 roughly?"

Mr. Spears said, "Roughly."

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Chairman Peterjohn said, "Seeing no further discussion, please call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Mr. Spears said, "Thank you."

Chairman Peterjohn said, "Next item."

H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 27, 2010.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of May the 27th results in two items for consideration. First item;

**1. SEDGWICK COUNTY HISTORIC COURTHOUSE MECHANICAL & STRUCTURAL UPGRADES – FACILITIES DEPARTMENT
FUNDING – CONST STRUCTURAL REPAIR/HVACUPGRADE HCH**

"Recommendation is to accept the low bid from Rainbow Construction Company, Inc. in the amount of \$1,678,084. And Item 2;

**2. FOUR-WHEEL DRIVE UTILITY TRUCK WITH FLAT BED – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

"Recommendation is to accept the low bid from Mel Hamblton Ford Option # 2 in the amount of \$38,165. I'd be happy to answer any questions and I recommend approval of these items."

MOTION

Commissioner Norton moved to approve the recommendations of the Board of Bids and

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Contracts.

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, “Motion and a second. Commissioner Parks.”

Commissioner Parks said, “On the Fords that we have for Public Works, was that basically designated for that make and model? I didn’t see any Chevrolets or Dodges in that.”

Ms. Baker said, “This spec, I believe, was a Ford spec.”

Commissioner Parks said, “Okay, thank you.”

Chairman Peterjohn said, “Further questions or comments? Seeing none, please call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Next item.”

I. CONSENT AGENDA - Presented by William P. Buchanan, County Manager.

- 1. Amendment to lease agreement between Trinity Lutheran Church and Sedgwick County for space at 603 S. Erie, Wichita, Kansas for COMCARE – Proud of Me Preschool Program.**

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2. General Bill Check Register of May 19, 2010 – May 25, 2010

Mr. Buchanan said, “You have the Consent Agenda before you, I recommend you approve it.”

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “Next item.

J. OTHER

Chairman Peterjohn said, “Commissioner Parks.”

Commissioner Parks said, “Well, I have from time to time had comments the last four years about an issue that, I believe, that needs to be brought up and discussed at a further time and date. But I

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had a lady bring a flyer from the Health Department to me last night, to my house, and voiced an opinion. And since this has been several of the opinions of my constituents, I wanted to pass it along. The back of the form is in Spanish and brings to mind, she thought, wanted to know, how many dollars were being spent because our official county language was not English. Of course, Kansas official language, signed by Kathleen Sibelius, is English, and I just wanted to pass that along that we probably need to discuss that in the future. Thank you.”

Chairman Peterjohn said, “Thank you. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, tomorrow I am a welcomer for a luncheon that we are sponsoring for volunteers who give their time to help others in this community, which is very important to us. When we finished with Susan Erlenwein’s presentation, we didn’t address the cardboard situation and give her that authority. I would like to make a motion, if we could, to instruct her to create that report for us in four weeks that would tell us the pros and cons on commercial cardboard recycling.”

Chairman Peterjohn said, “A motion is in order. Do I hear a second, Commissioners? Or perhaps staff could do that on their own, I don’t know.”

Commissioner Parks said, “I’ll second that for the purpose of the discussion.”

MOTION

Commissioner Welshimer moved to instruct Environmental Resources to present a report in four weeks detailing the pros and cons of commercial cardboard recycling.

Commissioner Parks seconded the motion.

Chairman Peterjohn said, “Commissioner Parks.”

Commissioner Parks said, “Mr. Buchanan, is there going to be any hardship for this report, or anything outside the scope that would require overtime or more expenditures in the department for such a report?”

Mr. Buchanan said, “No, sir.”

Commissioner Parks said, “Thank you.”

Chairman Peterjohn said, “Seeing no further discussion, we’ve got a motion and a second. Please call the vote.”

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, “We’ll request the report. Commissioner Welshimer, anything else?”

Commissioner Welshimer said, “That’s all, thank you.”

Chairman Peterjohn said, “Okay, I’ve got a couple of items. Commissioner Parks and I, last Thursday, were at the public hearing at Maize City Hall discussing the possibility of building a bridge, it would be on 119th Street, north of K-96, which is currently, 119th Street, north of K-96 is currently a dirt road. But at one time, back in the 1970s, there had been a bridge over the Big Arkansas River. And this is one of the items on our CIP, and we’ve received community input. I very much appreciate the effort that staff went into it, but I even more so appreciate the citizens who came out and provided a list of opinions, and raised a number of issues and concerns, I thought was very helpful and useful for our discussion. And for folks viewing this meeting, if they have thoughts on whether this is a project, how important a project this is for the county to proceed with, we’re still receiving input, and I look forward to hearing from folks who would be impacted by that bridge.”

“Having said that, I’d like to turn a little bit and talk briefly about the challenge we have with detention, because as of this morning, we had 1,518 people in the Sedgwick County Jail who are under the Sheriff’s custody. Of those, when I say jail, I’m using that term broadly, and that includes 147 in work release, which is actually down a little bit from what the numbers have been, 219 folks who are out of county. And interestingly enough, of those people, 567 were classified as minimum security from the Sheriff’s classification system, 434 were medium, 456 were maximum.”

Chairman Peterjohn said, “What’s often under noticed in the discussions about jail, and keeping this community safe, and trying to do so at as reasonable a price as possible, we had, the most recent figures I’ve got, 1,448 in the Adult Intensive Supervision program that Community Corrections, that’s part of Sedgwick County, administers. I have also a figure for 126 people who are in adult residential, and we’ve got 276 people who are going through the expanded Pretrial Services that we approved last week. And one of the reasons that number is significant, I believe that’s a major reason why our overall figure, in terms of the number of people in the jail is down. In

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fact, one time last week, I think our overnight, the number of folks in the jail was actually 1,477, which is a relatively low number from what we've had in the past. And I like to provide these because I still can't, I can give you folks viewing this on streaming video or on KPTS (Kansas Public Telecommunications Service), I can tell you this data, but I cannot tell you how many folks have been convicted, or just been charged out of these numbers. I can't tell you how many of the folks who've, main charge against them is a felony charge or misdemeanor charge.

“So there's still data collection aspects of this that we need. I can't tell you how many of these folks are, what's been interesting to me is the number of folks who were not born in the United States. The issue, nationally, has been discussions about illegal aliens. I can tell you that, as far as I'm concerned, the Sheriff has kind of a mini UN (United Nations) if you go by birthplace, anyway of the folks who are in his custody in the Sedgwick County Jail. There's a lot of folks from all over the world, and it's not just from south of the border or Latin or South America, we're talking everywhere. And I think that's one of the challenges we as a governmental body face going forward, in terms of understanding the dimensions of trying to keep this community safe. I wanted to provide this update because when you add in the Adult Intensive Supervision, and the folks in the jail, and everyone else who has been arrested or charged, and may be out on bond and so on, we are talking a very large percentage of the population here in Sedgwick County. Having said that, I see no other lights up here, I'm going to turn recognize Commissioner Welshimer for a motion.”

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 15 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 to this room from Executive Session no sooner than 11:35 a.m.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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Chairman Peterjohn said, “We’re in recess.”

The Board of County Commissioners recessed into Executive Session at 11:20 a.m. and returned at 11:46 a.m.

Chairman Peterjohn said, “I’m going to call the meeting back to order and recognize the County Counselor, Mr. Euson.”

Mr. Euson said, “Thank you. Commissioners, while in Executive Session we had a discussion that resulted in no action, there was no binding action taken in Executive Session, and so, therefore, there’s no announcements or requirement for a vote at this time.”

Chairman Peterjohn said, “Okay, thank you. Seeing no further discussion, I will move that we adjourn without objection.

K. ADJOURNMENT

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

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

KARL PETERJOHN, Chairman
Third District

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DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

June 23, 2010