

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

### **REGULAR MEETING**

**MAY 27, 1998**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, May 27, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Daryl Gardner, County Controller; Mr. Mary Ann Nichols, Director, Personnel Department; Ms. Jennifer Reschke, Assistant County Counselor; Ms. Deb Evanson, Sedgwick County Appraiser's Office; Ms. Stephanie Knebel, Project Manager, Capital Improvement Department; Ms. Deborah Donaldson, Director, Bureau of Comprehensive Community Care; Mr. Tom Pollan, Director, EMS; Mr. Jack Brown, RS, MPA, Acting Director, Community Health Department; Mr. Jim Weber, PE, Director, Sewer Operations and Maintenance; Mr. Fred Ervin, Director, Public Relations; and, Mr. Jeremy Biltz, Deputy County Clerk.

### **GUESTS**

Ms. Leora Schuldt, 15600 West Central, Goddard, Kansas  
Mr. Adrian Martin, 15201 West Central, Goddard, Kansas  
Ms. Teresa Sanders, 10130 Birch, Wichita, Kansas  
Ms. Willie Martin, Director, Intergovernmental Relations

### **INVOCATION**

The Invocation was given by Mr. Joe Stout of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES: Regular Meeting, May 6, 1998**

The Clerk reported Commissioner Miller was absent at the Regular Meeting of May 6, 1998.

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**Chairman Schroeder** said, "Commissioners, you've received the Minutes of the meeting, what's the will of the Board?"

**MOTION**

Commissioner Hancock moved to adopt the Minutes of May 6, 1998.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Abstain
Chairman Mark F. Schroeder	Aye

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

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Mr. Daryl Gardner**, County Controller, greeted the Commissioners and said, "I certify that there are funds available for those items that have been identified on today's Agenda requiring the expenditure of funds. A listing of these items have been provided to you previously. If you have any questions, I'd be happy to answer them."

**Chairman Schroeder** said, "Thank you, Daryl, I see no questions. Next item please."

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**ADOPT A HIGHWAY**

**A. ADOPT A HIGHWAY RENEWAL APPLICATIONS.**

- 1. RENEWAL APPLICATION WITH KIM'S ACADEMY OF TAE KWAN DO CLEARWATER FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON 135TH STREET WEST BETWEEN 71ST AND 87TH STREETS SOUTH. DISTRICT #3.**

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item A-1 is a renewal agreement with the Kim's Academy of Tae Kwan Do in Clearwater regarding our Adopt-A-Highway litter pickup program. They will be responsible for 135th Street West from 71st St. South to 87th Street South. We recommend that you approve the Agreement and authorize the Chairman to sign."

**MOTION**

Commissioner Hancock moved to approve the Renewal Application and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

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- 2. RENEWAL APPLICATION WITH KNIGHTS OF COLUMBUS COUNCIL #4118 FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON 21ST STREET NORTH BETWEEN 167TH AND 199TH STREETS WEST. DISTRICT #3.**

**Mr. Spears** said, "Item A-2 is similar to the previous item. It is a renewal agreement with the Knights of Columbus Council #4118 regarding our Adopt-A-Highway litter pickup program. They will be responsible for 21st Street North between 167th Street West and 199th Street West. Recommend you approve the Agreement and authorize the Chairman to sign."

**MOTION**

Commissioner Miller moved to approve the Renewal Application and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Commissioner Hancock** said, "Next item please."

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**RETIREMENT**

**B. PRESENTATION OF RETIREMENT CLOCK TO WILLIE MARTIN, DIRECTOR, INTERGOVERNMENTAL RELATIONS.**

**Ms. Mary Ann Nichols**, Personnel Director, greeted the Commissioners and said, "It is my privilege this morning to present a retirement certificate to Willie Martin. Willie Martin, Director of Intergovernmental Relations will retire June 1, 1998 after 12 ½ years of service. Willie was hired on November 15, 1985 as an Intergovernmental Coordinator and on January 1, 1994 became Director. In Willie's questionnaire, she tells us that Jim and her will be living at Kaw Lake in Oklahoma. She says, 'I am looking forward to having time to spend with our 11 grandsons, our granddaughter, and our great granddaughter. They all love coming to the lake, riding in the boat, swimming, water skiing, and zipping around on the jet ski. Willie says, 'I have finished my first novel, started a second and have also begun the preliminary work on a biographical book based on the extraordinary life of a close friend. I have developed a prototype for a product and am investing the process for production. I am looking forward to having time to work in my garden, further develop my photography skills and again dabble in painting. I would also like to try creating metal art sculptures, so guess I will have to learn to weld.'

"On a personal note, Willie is one of the most creative and innovative people that I have had the pleasure of meeting and working with and I certainly want to wish her well. I will tell you that her backyard looks like the jungle building at the zoo, so she has her work cut out for her. I know that there are some of her colleagues here from the Legislature and I know that they all thought that Willie was a very gracious honest person and they liked working with her. We want to wish Willie well in her retirement."

**Chairman Schroeder** said, "Willie, about your yard, we'll make sure that somebody in Code Enforcement in that area takes a look at it if it is that bad. On behalf of the County Commissioners, I would like to extend our congratulations to you for 12 good years of helping us through the Legislative process every year which we know can be trying from time to time. We've dealt with some difficult issues and you've been a part of helping us find solutions to those issues. Without your help, we would not have been successful in many ways and we really appreciate the time and talent that you've given us and the citizens of Sedgwick County. Thank you, Willie."

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**Ms. Martin** said, "Thank you, Commissioners and Chairman Schroeder. I appreciate this gift. I will treasure it and look upon it every day. Being Director of Intergovernmental Relations has been challenging and rewarding. I think the success that we've had in Topeka has been because of the Commission's support and help and many many County employees who have contributed to the good success that we had there. I wish you continued success. I realize that the void my departure is going to create is going to be tremendous and how much you're going to miss me so I wanted to give each of you a friend to talk to. Someone that you could share your thoughts with, who could give you insight full of concise meaningful responses. Fred. Mr. Chairman. I want you to know that you can also release your frustration and exasperation by wacking them on the bottom. You don't have to fear a charge of hostile environment and also the AG has not ruled or issued an opinion that conversation with your Commission buddies is illegal. So hopefully, in two or three weeks, when somebody says, Willie and you respond Willie who, your little friends will remind you which Willie. It's final."

**Chairman Schroeder** said, "I'll tell you what, I'm going to miss you so much. I wish we had something to give you back. Again, on behalf of the County Commission, thank you for a job well done. We hope that you have an enjoyable wonderful retirement with your kids and your grandkids and you enjoy yourself to the maximum."

**Commissioner Hancock** said, "Willie, before you leave, I especially have enjoyed having you around for good advice and interesting information coming from Legislature. As one Commissioner, you've helped me be a better Commissioner I believe for the years that I've known you. I appreciate all of our conversations and all of your opinions and your ideas. For those of you who don't know, Willie always has lots of ideas and usually most of them are pretty good and doable, that's the surprising part. I just appreciate everything you've done for me and I know the other Commissioners feel the same way. It's been a pleasure working with you. Have fun. Enjoy. I don't know how we're going to fill that void that you will create. We'll look around and maybe we'll get as lucky as we did last time. Thank you very much, Willie. It's been a pleasure."

**Chairman Schroeder** said, "Thank you. Next item please."

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**PLANNING DEPARTMENT**

**C. CASE NUMBER CU-476 - CONDITIONAL USE PERMIT TO ALLOW A RIDING ACADEMY OR STABLE, LOCATED NORTH OF CENTRAL AND WEST OF 151ST STREET WEST.**

**Mr. Dale Miller**, Metropolitan Area Planning Department, greeted the Commissioners and said, "What we have is a request for a Conditional Use to allow a horse riding academy and a stable on 27 acres that are platted, zoned RR - rural residential, located about a quarter mile west of 151st Street West and north of Central. The applicants currently have approximately 10 to 15 horses on this property. Some of these horses are owned by the applicant and some are being boarded by folks who do not live there and based on the zoning code, since they are offering services to folks who don't live on the property they need to get this Conditional Use for the boarding and stable activity as well as for any training and riding associated with folks off the property.

"They currently have a nine stall barn on the site and they intend to build another nine stall barn plus an arena for indoor riding. The arena will not have seats. It is situated, as I mentioned, on a platted piece of property. There are properties around the area that were platted as well. The properties that are adjacent are not as large as this 27 acre site. They range in size from 5 acres on up. There is one immediately adjacent to the north that is 7 acres in size. Those properties are all zoned RR - Rural Residential, as well. The closest home to the proposed activity is approximately 500 feet northeast. The site is served by Rural Water District #4 and would utilize on site septic systems.

**SLIDE PRESENTATION**

"The Comprehensive Plan recognizes this site as being in the Urban Reserve Area and what that means is we would recommend that only typical Rural Density type activity occur in this location until urban services are out there so it can be subdivided into urban density lots. With the slide, you can see the tract here is the 27 acres. You can see around, you have the larger 5 to 7 acre tracts associated with the Woodland Hills plat.

"Staff is recommending approval for this request for the following uses: boarding of horses, breeding of horses, and training of riders and horses. Some of the key recommendations that we base this recommendation on, I won't cover all of them because there are quite a few conditions in there. But the ones we think are most important are the specific uses that would be allowed. There would be no outdoor lighting or activity permitted after dusk. The number of non-resident employees would be restricted to 5. Item G, originally staff had recommended that any animal waste that would be collected from this site would be contained in air-tight containers and disposed of off site.

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“Since that time, we decided that it was appropriate to delete the air-tight descriptor. We’re not aware of anybody who is doing that. The Health Department would have the authority to enter the site if they felt like there was a nuisance and address it. So it is better to leave it up to the Health Department to kind of regulate that. So when it was heard by the Planning Commission, they deleted, and if you look in their Minutes, they did delete that descriptor from the recommendation as well. Staff is comfortable with that. Item K, we restricted the maximum number of horses to be boarded at any one time to 50. That includes the applicant’s horses. This recommendation is based on the findings contained in the staff report which I won’t go through unless we need to specifically. But they are all contained here. What I might do is try to run through the slides here real fast and show you what the area looks like.

“Central is down here. Other section line road is running north this way. The application area. This is the site plan of the application area. The applicant’s home, existing stable, there is a small barn here and they propose to add this addition. This would be the new arena and 9 stall facility that they would built on site. This is the entrance, a fairly long driveway. Then these are the adjoining lots. Entrance to the site looking north, looking northeast I believe. Another shot to the east and northeast. You can kind of see one of the homes off in the distance. This would be looking west I believe. Looking south I believe. To the east. Back to the aerial.”

**Commissioner Miller** said, “Dale, can I interrupt for just a moment and go back to the aerial shot. Is the dark area . . . where are the ponding sites on this property? Are there any ponding sites on this property?”

**Mr. Miller** said, “The applicant may be able to help out better. I believe there is one there in this location. There is sort of a drainage swell that runs through here in this area. They do have a vacation request for a utility easement that runs through here that is already in process, the Planning Commission has approved the vacation of that. So it should be on its way to your agenda here in the next couple of weeks.”

**Commissioner Miller** said, “Okay.”



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**Mr. Miller** said, "The only final point is that it was heard by the Goddard Planning Commission. In fact, it was heard twice. There was a deferral at the first meeting in order to clarify some of the conditions that the Health Department would want or may not want on stables. At the meeting, there were a couple of folks that were in objection to this and their objections centered around odor and flies. They own the property to the south. I believe they own the quarter section to the south and felt like this would inject a commercial activity. In their mind, the Conditional Use was in effect a commercial opportunity that was being injected into a rural area at this point in time and it would increase the amount of traffic on the sand and gravel road on Central. They also were concerned about how drainage would be handled. They stated at the meeting that they have an interest in developing their property when urban services are out there and felt like if there was a stable across the street that it would inhibit their ability to develop this property for residential purposes.

"The Goddard Planning Commission had two motions, both for approval, both of which failed to get enough votes to approve it. So in their minds and in the way they run their meetings, they felt like that since there was not an approval for the two motions for approval that that is the same thing as a denial. In discussions with Legal staff, the way our code is written, it turns out in fact that is a no recommendation because there was not any actual approval of a motion for denial. Rich, I'm sure, can help me explain this if you need more information on that. The effect that would have is instead of taking a unanimous vote, this can be approved with a simple majority if you desire to do so.

"The Metropolitan Area Planning Commission heard it and they approved it 12 to 0. The factors that they felt were important were the fact that they could have up to 150 horses on this site, of their own horses, before they ever have to get any kind of a permit or a license or anything from anybody. In this case, the Conditional Use is restricting them to 50 maximum at any one time. But the way the codes and laws are written, if they wanted to have 150 of their own horses, they could do that without the Conditional Use, without anybody's review or approval. So that was important to them. There is a Health Department rule that if you live within 300 feet of a residence, then you can have up to 4 horses per acre. But based on our scale, the closest residence is about 500 feet away, so that rule wouldn't apply. So without this Conditional Use, what you have in effect is the activity is regulated by the professional judgement and good sense of the owner operator and the horse facility there. With this Conditional Use, it is limited to 50 horses. With that, I'll try to answer any questions."

**Chairman Schroeder** said, "Okay, thank you, Dale. Questions? Commissioner Hancock."

**Commissioner Hancock** said, "Dale, let me understand that the only reason that the Conditional Use is required is because someone is going to come in and pay these folks money for boarding a horse."

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**Mr. Miller** said, "That's correct. Then they are going to offer training services and an indoor arena for folks that don't live on site."

**Commissioner Hancock** said, "If I would own a horse and take it over to these folks, they don't have a Conditional Use, nothing is changed, before the application was made, and gave it to them and asked them to keep it for me, I'm not going to pay them, could they do that?"

**Mr. Miller** said, "Interesting question. I think technically, of course Glen Wiltse is the official interpreter of the code, but speaking on his behalf, I would think the way the code is written that if it is not a horse owned by the property owner then it is a violation of code even if there is no money changing hands. That would be subject to some discussion. I don't know if we've had that at this point."

**Commissioner Hancock** said, "That's probably done all over the County."

**Mr. Miller** said, "I'm sure it is."

**Commissioner Hancock** said, "Folks who don't have room to keep a horse have someone else keep it for them. But the commercial nature of it requires a Conditional Use."

**Mr. Miller** said, "Yes Sir."

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

**Chairman Schroeder** said, "Thank you. Other questions? Commissioner Miller."

**Commissioner Miller** said, "Thank you, Mr. Chairman. Dale, kind of a probing question on D, the number of non-resident employees shall not exceed five persons. What prompted that one to even be included?"

**Mr. Miller** said, "Well, on Conditional Uses we typically ask the applicant how many employees they think they might ever need and try to address that up front to try to be proactive. Don't know in fact that they'll ever want or have five folks employed there, but sometimes that becomes an issue with respect to how much traffic goes to the site and parking and so we try to include that in there on most Conditional Uses even if they don't ever expect to have that many folks."

**Commissioner Miller** said, "It has to do with the amount of activity coming to and from the site for the most part?"

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**Mr. Miller** said, "Correct."

**Commissioner Miller** said, "The commercializing of it in a Rural Residential area, is that what . . ."

**Mr. Miller** said, "Yes. In a rural setting occasionally you try to match up the restrictions with what the person is actually proposing to do so that you minimize any opportunity for any negative impact upon anybody that would be unintended or hadn't been thought of as part of the conditions. So 5 is the number that we worked with them and hope that will resolve any issues in that area."

**Commissioner Miller** said, "Under Item G, I understand that you have kicked out the shall be stored in air-tight containers because that is not done and then the next line, the animal waste may be spread to fertilize on site only one time each year. Are you going to allow that to happen more often or still only one time?"

**Mr. Miller** said, "The only thing that was changed was taking the two words air-tight out. We have done six or eight requests for stables in the past four or five years and this language was language that was suggested by the Health Department and we have included it in every one. This is the first time that anybody has actually said nobody does air-tight containers and so in talking with them we felt it make more sense to let the Health Department address it on a case by case basis."

**Commissioner Miller** said, "In terms of waste in the fields though, typically it is tilled and made into fertilizer more than one time a year."

**Mr. Miller** said, "That's correct. We just left it in there because that's what the Health Department recommended. I understand what you're saying."

**Commissioner Miller** said, "You might want to look at how realistic these are because we've caught two of them in one phrase. It's just not done that way."

**Commissioner Hancock** said, "Pretty good size pile of animal waste in a year."

**Commissioner Miller** said, "You got to break it down before that. Okay then, water. They're going to have a lagoon system or septic system, is that what I understood?"

**Mr. Miller** said, "They have an on-site septic system for their existing home. The applicant would be able to explain what their waste management program is going to be better than I can."

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**Commissioner Miller** said, "Okay, then I'll hold my questions. Thank you. Thank you, Mr. Chairman."

**Chairman Schroeder** said, "Thank you, Commissioner Miller. Any other questions? Dale, thank you. At this time, I know this is not a public hearing, Commissioners would you want to allow comment if there is someone here today who would like to speak to this issue? If there anyone here today in the meeting room who would like to speak to this issue, please come forward. You're welcome to talk to us. State your name and you're limited to five minutes."

**Ms. Leona Schuldt** said, "Me and my husband Ken, we own the Arkansas Pepper Farm. We made several calls to assure people that we were doing what was best for the area considering their concerns, the drainage, some were concerned about the drainage in the area and where would this manure run off to. We have a pond on our property which I do think he pointed out to you. Most of the drainage goes to that so we are the ones dealing with it. I also believe that the manure is all very natural and it works its way into the ground. People were concerned about a homeowners association. There is none out there. There are no restrictions on our property. We can have up to 150 horses if we would so desire. This way we are restricted and the neighborhood does have the right to come back to us and use the Conditional Use to get what they want or make us comply with the permit you're giving us."

"The Health Department had absolutely no trouble with what we are doing. We talked to several people there. We also talked to the County Extension, to Steve Westphal. He stated that there is no scientific evidence to support any knowledge of what numbers are correct for the amount of horses on how many acres because today we can manage horses different than we used to. We can bring the hay in, the grain in, et cetera. So that's not really an issue. All our horses are fed twice a day. They have free hay at all times. A lot of them are show horses so they are very well cared for. They're vaccinated, trimmed, et cetera. We require that of all our people that would come on board as boarders or people sending horses to be trained. The Kansas Department of Health and Environment, Julie Hooper, she inspects feed lots across the state for the State of Kansas for all kinds of animals. She saw no problem with what we were doing. The thing that we will do with most of the manure is we will BFI bring in one of those great big containers that they have and they will haul the manure away once a week. So we won't have to spread most of it onto the property, it will be hauled away. So that helps with the fly control. Our barn also has a fly control system and the new one eventually will too."

**Commissioner Miller** said, "Ms. Schuldt, just need to break in for a moment. You are saying that you are going to have the manure picked up? You're going to pile it up."

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**Ms. Schuldt** said, "Once a week it will go into a big container. We'll put it in as it fills, once a week they'll come and haul it off. That should make the neighbors feel better as far as fly control and odor and et cetera. I talked to veterinarians and other facilities in town and none of them have air-tight containers at all. Air-tight for a year would be a heck of an explosion. We can spread the manure wherever the horses are not. We do have several acres that we can trail ride on that we can spread some of it if need be. I've had several neighbors ask us if we would spread it on their property for the purpose of fertilization. The other is that as far as devaluing property that wants to be developed later on, the last Commission that we went to, they pointed out on the east side an equestrian center was built and homes were built around it intentionally with the cheapest home being \$200,000. If anything, it increased the value of the homes because this is a real popular deal. We also feel like we're presenting something to the west side of Wichita that they do not have at this time and there is a lot of interest in it, a lot of people wanting to board their horses. We do have several dairy farms in our area. Several don't seem to be concerned about them. They certainly don't collect their manure and move it off the property or anything.

"As far as traffic, the whole west side is growing. My little entity is not effecting traffic that much. We're a small business, that's it. We're never going to be that big. Five employees is probably more than we'll ever need. Fifty horses is more than we'll ever need. You're all welcome to come out and see the property and see that it is well cared for. We always have taken care of our property even in town where we did live in town. I don't think the impact on the traffic is an issue. Trying to cover all my areas. When I talked to the veterinarian and I spoke with other stables, like I said, none of them haul their manure away, they spread it. None of them keep it in air-tight bags either. Most of them do have the fly system, et cetera. We're just asking that you do approve it. Thank you."

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

**Commissioner Winters** said, "Ma'am, I have a question. You are in agreement with the 50 horse limitation? If someone really was going to do a commercial enterprise of any kind of large scale, I would think 50 horses would not be very many. Is that 50 a good number? You're comfortable with that and that's what you intend to?"

**Ms. Schuldt** said, "Yes, we're comfortable with that. We're not going to be a big entity or a big corporation as has been implied."

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**Commissioner Winters** said, "All right. As I look at this map, I see this road that goes up to the west of your facility. I think this is probably not the most current map. I know there are several homes on this road to the west and off of 151st, you can see that road. I know there is a road over there. How would you describe the houses that are in this same proximity as you are? How would you describe those houses?"

**Ms. Schuldt** said, "In terms of their value?"

**Commissioner Winters** said, "Costs, acreage."

**Ms. Schuldt** said, "Well, they have to have 1,700 square feet to build out there. Some of them are running around \$329,000. There is one that just sold for in excess of \$450,000 that is right off of our pond, not more than 50 feet from our property. It sold for over \$450,000."

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

**Chairman Schroeder** said, "Thank you. Next speaker."

**Commissioner Miller** said, "I do have just one more question for Ms. Schuldt. You said that there is a property that just sold approximately 50 feet from your pond?"

**Ms. Schuldt** said, "No, the corner of our property. It is just off to the west of the pond."

**Commissioner Miller** said, "You didn't say 50 feet though?"

**Ms. Schuldt** said, "Well, the corner of their home is 50 feet from the corner of our property. Whatever the maximum is."

**Commissioner Miller** said, "Dale, would you like to clear this up for me then? If she's saying whatever the maximum is from the property is that the 300 feet that you're referring to?"

**Ms. Schuldt** said, "He's talking about 500 feet from the stable. My home is on this side and their home is over here and the stable is here."

**Commissioner Miller** said, "Okay and when you said 300 feet you were talking from the stable only?"

**Mr. Miller** said, "Yes."

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

**Chairman Schroeder** said, "Next speaker."

**Mr. Adrian Martin** said, "Good morning. I live a quarter of a mile east of the Schuldt, which would be 151st Street West and Central. As far as the traffic issue, I can guarantee we have already had a tremendous increase of traffic because of the commercial operation of the Schuldt' have been running really even though it is a Rural Residential area, they have been doing this probably for a year and a half or so. So I guarantee you that we have already seen a tremendous increase in commercial traffic. The other evening, about a month and a half ago, me and my son were fertilizing our yard and I can tell you that within that hour or hour and a half, we counted at least 8 vehicles on that road during that period of time which had come from the Schuldt. They are running and they have run a commercial operation here for possibly a year or a year and a half. There is quite a bit of breeding going on. There is quite a bit of boarding going on and I think during this hearing time they have apparently have taken some of the horses and are boarding them someplace else.

"As far as traffic, we expect a tremendous increase in traffic as we have seen quite a bit of it already. This is a very dangerous road. The people that have come out there, they're going to work, they're coming back and forth. They're always in a hurry, we realize that. We've been called out at least half a dozen times to accidents on the corner. We had here several years ago we were called out in the middle of the night, you ladies and gentlemen probably remember Jerry Grider. It was about three o'clock one night that we were called and his daughter, they had lost control of the vehicle, she was dying at the time we got there. So it is a very dangerous road, very fast traffic. I have talked to the traffic people here at the County a number of times hoping that they might possibly even station some officer out there part of the time and we haven't seen too much of it.

"As far as the riding academy, I guarantee you we will, sitting right on the corner of where we do, we see most all of it and I can guarantee you we have seen the tremendous increase in traffic already from the Schuldt. There is no doubt about it and it is going to be a whole lot more. We were also under the impression at the Goddard Planning Commission and also at the other one that it would only take one vote to take this down. Now we come back with a majority. I was told that it was only going to be one dissenting vote and that's the way I understood that. Now it seems to be a different game.

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“As far as the Health Department out in Goddard, he was concerned about the manure. He said anytime we have feed brought out on the property, not grazing and so on and so forth, there is a problem. That was a comment out there. Some of the people in the area, especially to the northeast, prevailing winds being from the southwest, very concerned about the odor, just virtually most all of those people are quite concerned about it. The Commissioners may even have letters on their desks now from some of those people. One of the fellows said yes, they are even piling some of the manure along the fence now. He said you bet we’re concerned about that. Even though they may not be here at this time, they are concerned. Those are nice homes. I’m sorry, they have rights too.

“Something else, one of the local farmers had made a comment or talked with the Schuldt possibly a year or so ago and their intent was to go nation wide with artificial insemination on horses and you know you’re not going to do that with 10 or 12 horses. I don’t have a problem with 10 or 12 horses. There are a number of people in the area who have 2 or 3 horses. That’s great. I like to see that. As far as a dairy, they have that right. As far as the dairies in that area, they don’t add to the commercial traffic at all. Maybe twice a week is the milk picked up. They raise their own feed and so on and so forth. The Goddard Planning Commission, they turned it down twice, 4 to 2. Those people are on top of the area that they oversee. One of the gentlemen on the Commission said that we aren’t concerned, we’re supposed to kind of watch how we have orderly development as it comes on out here. He said this is not orderly development. So what I’m saying is we do have a dangerous intersection. We have a dangerous road. We have definitely seen much increase since the Schultz have been running their operation in a Rural Residential area. This is a Rural Residential area. We would very much like to keep it that way.

“Also, part of the estate across the road and it will eventually be developed, there is no doubt about it, but we would very very much like to see it remain Rural Residential and not commercial. I guarantee you that most all of the people in the area that I talked to, even though they may not be here at this time, they are definitely concerned. Some of them are quite adamant about it.”

**Chairman Schroeder** said, “Mr. Martin, how much more time do you think you’ll need?”

**Mr. Martin** said, “Not too much. I really would appreciate it if you guys would kind of consider our side of it too. I do thank you guys.”

**Chairman Schroeder** said, “There’s a question for you, Mr. Martin. Commissioner Hancock.”

**Commissioner Hancock** said, “Is that you’re place there? The southwest corner.”



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**Mr. Martin** said, "We've lived here for 34 years. We've lived in the area virtually all of our lives. I guarantee I'm quite familiar with that. As far as the 300 feet, the Schuldt have apparently recently bought several more acres and I very much doubt if it is 500 feet from the nearest dwelling, I really doubt that."

**Commissioner Hancock** said, "My question is, they're allowed 50 horses and I'm not sure how much traffic you've had in the past, but I'm looking at if every horse is owned by a separate owner and they visit every day, that's 50 cars increase on the road per day."

**Mr. Martin** said, "Two ways would be 100 wouldn't it?"

**Commissioner Hancock** said, "Yeah, 100 cars per day."

**Mr. Martin** said, "That's a lot. Plus all the other residential people."

**Commissioner Hancock** said, "You're talking about increasing traffic. I'm trying to figure out much increased traffic you're talking about. A car then passing your house would be 100 per day."

**Mr. Martin** said, "A 100 more per day."

**Commissioner Hancock** said, "That's what I mean, a 100 more per day."

**Mr. Martin** said, "Yes, at least that much more. Maybe much more than that."

**Commissioner Hancock** said, "Well that means each horse owner would have to come back twice a day then and I don't believe there will be 50 separate owners. So the maximum amount you're talking about if everybody came once a day would be a 100 trips in front of your house. I don't believe that's going to happen, do you? I'm just trying to look at the worse case scenario and understand the true traffic problem."

**Mr. Martin** said, "Let's also throw in the boarding and throw in the breeding, let's also throw in the artificial insemination nation wide. Let's throw all of those together and it will be a whole lot on top. I will come back. This is a dangerous road. A lot of these people are being fed through here. They're going to work, they're coming back from work. They're always in a hurry. People don't realize how dangerous it is. This is going to compound the problem."

**Commissioner Hancock** said, "You talked about the Goddard Planning Commission, what was their main point for not approving this?"

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**Mr. Martin** said, "One gentleman on the Commission said that hey, we are in charge of an orderly development as it comes on out here. They're very familiar with the area and they did quite a bit of research. I think quite a bit more than the Metropolitan Area Planning Commission. It was real obvious that it was that way. He said, hey, I'm concerned. This is a Rural Residential area and this is not what we intend for this to be. We want to keep Rural Residential. They twice voted on it and both times it went down 4 to 2. They are concerned also."

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

**Chairman Schroeder** said, "Thank you. I see no other questions. Thank you Mr. Martin. Next speaker. I need to remind everybody that this is not a debate. We are having people come up here to speak to the issue and you will be allowed to speak one time for five minutes unless a Commissioner otherwise asks you to come to the podium. Thank you. Please state your name. You're limited to five minutes."

**Ms. Teresa Sanders** said, "I'm a resident of Wichita. I'm representing one of the seven people that hold ownership to the quarter section that is directly across from this property that we're talking about and I wish to express all of our concerns about it. Because of the traffic, number one, I wanted to talk a little bit about Central and the condition of Central. After the black top stops at Rainbow Lakes, it drastically deteriorates and Central going west is basically a one vehicle street. When it rains, there is two ruts and that is how deteriorated it is and it is a very low area. Lots of trees in the area. There is a lot of danger like Mr. Martin has stated and there has been numerous accidents there."

"We feel that before any kind of decision should be made there should be a tremendous improvement in the road because we're talking a large increase in the number of vehicles and to make at least a paved road, something that has cleared the trees out of the area would be best before we go ahead and bring in a major commercial operation there. We're concerned for people's lives here. I suggest that all of you go out to the area before you make a decision on this and see how dangerous it really is. Two of the Commissioners at the Goddard meeting did do that. We hoped that they would care enough to go and look and two of them did and they said they definitely did not feel that it was appropriate to have a commercial operation there. They said number one, 50 horses in that small area is not appropriate. They felt there were way too many horses there. They agreed 10 or 20 was fine but not 50. This property is less than a mile from Rainbow Lakes. Rainbow Lakes is an exclusive building area and we feel that commercial property has absolutely no place in this area. The roads are not developed. There are upper class homes there and it is just simply a travesty to allow a commercial operation unbridled to be there from what we understand there is more commercial operations going on than just simply a riding academy."

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“We from the estate, ask you to consider the safety of the situation there before you make a decision. We were disappointed that the Metropolitan Area Planning Commission, their comment was their should be chickens and horses and cows on a farm. That’s what they said and that was a joke. We hope that they would care enough to go look at the dangerous situation down there. We have no problems after there are some major major improvements made on that road. Thank you. Any questions?”

**Chairman Schroeder** said, “Thank you. I see no questions. Commissioner Miller.”

**Commissioner Miller** said, “I do have a follow up. Ms. Sanders, you’re saying that you would not have a problem with this business if there were major road improvements.”

**Ms. Sanders** said, “Pavement, pavement, and all . . . you know there are trees all over the place, raise, it just goes down and there is water sitting in the roads. It is just a very primitive area and like Mr. Martin said, no view. You can’t see from one way to the other. The trees are there. It is a low area. It is not paved at all. We would like to see major improvements done before we consider something like this.”

**Commissioner Miller** said, “Okay, I just needed to clarify that. Thank you.”

**Chairman Schroeder** said, “Thank you. Other speakers? Anybody else like to be heard today? If not, we’ll close the public comment portion of the meeting and limit discussion to bench and staff. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you, Mr. Chairman. I have a question of Mrs. Schuldt. Could you come forward? I’m trying to get a handle again on the traffic issue and I guess I need clarification from you as to what your intent is. I understand from reading the Minutes that you plan to board horses for other individuals and then to offer riding lessons and riding opportunities on site. I didn’t read anything in here about animal husbandry or breeding or any of those kinds of things. Do you have a horse at stud that you plan to use for breeding purposes and if so what kind of traffic could I expect that to produce?”

**Ms. Schuldt** said, “Very little because most of the semen is shipped. You collect the stallion and you take it to the airport and ship it out.”

**Commissioner Gwin** said, “So the brood mares won’t be coming and going.”

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**Ms. Schuldt** said, "Unless they're local and they bring them for training or another reason, to board. Some of the boarders like to have their horses bred to our stallion. They're already on the property so when they're saying we're going nation wide, we're on the Internet. We have our two stallions on the Internet. People can then ask us to ship semen. The mare never comes to our property. It should be pointed out too that some of the traffic will be coming from the west and not always from the east so they never even cross Mr. Martin's home. Our horses are also going to be there so that means that we're not going to have 50 boarders."

**Commissioner Gwin** said, "How many horses do you have?"

**Ms. Schuldt** said, "Well, we have some that are our training so they're not on the property. I personally own 24."

**Commissioner Gwin** said, "Okay. So all of those could be housed."

**Ms. Schuldt** said, "Counted in the 50. So you're looking at only 25 cars and some of them, like I say, will be coming from the west and not all coming from the east. As far as the traffic on that corner, it is something we should deal with whether we do this or not. On the other hand, at 3 o'clock in the morning, we're being restricted to no activities after dusk, so the cars would be gone. On the average, boarders have two horses. One board, two horses. So if you have 25 outside horses that are on your property, you have 12 people. I also do have my son living with me and my daughter, so that is some of the traffic, and we have a trainer on the property."

**Commissioner Gwin** said, "Could I expect that the 24 animals that you own will someday all be back at your site?"

**Ms. Schuldt** said, "Well, we sell animals too, so our numbers go up and down. But yes, sometimes they come back and someone else goes out."

**Commissioner Gwin** said, "Is 24 or 25, is that an average ownership number for you?"

**Ms. Schuldt** said, "It is. We're trying to down size that to 15 to 20."

**Commissioner Gwin** said, "Okay. I appreciate you answering the questions. I needed to get some clarification on that. Thank you, Mr. Chairman."

**Chairman Schroeder** said, "Thank you. Other questions? Commissioner Hancock."

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**Commissioner Hancock** said, "I have just a question for Dale, a couple of them. One was, we have seen that on these boarding questions with horses and others we get standard recommendations as far as the Conditional Use is concerned. One that really concerned me this time was this air-tight disposal and the one time disposal that they so chose. Who came up with this Dale? I'm just curious."

**Mr. Miller** said, "That was a recommendation from the Health Department a number of years ago when the first stable first came up."

**Commissioner Hancock** said, "It's the first time I've ever seen it."

**Mr. Miller** said, "It's in nearly all of these."

**Commissioner Hancock** said, "I don't think so. I've never seen an air-tight disposal of horse manure before. It is really one of the strangest things I've ever seen."

**Mr. Miller** said, "To be honest with you, I keep horses too. There is no way you can keep air-tight manure in there. This is a recommendation that came from the Health Department. We called and talked to them and attempted to talk them out of it and kind of came to a compromise that we would leave it that they would have the ability to enter the site if someone thought it was a nuisance problem going on and take care of it and we'd just take that out."

**Commissioner Hancock** said, "That once a year disposal, what's that about? Did they say the same thing?"

**Mr. Miller** said, "That's their recommendation."

**Commissioner Hancock** said, "Okay. On Item I, they talked about the use shall be made of Health Department approved soil sterilants. Does that mean if these folks go buy some kind of like Round-Up or something like that they have to take that product to the Health Department and say can we use this?"

**Mr. Miller** said, "No, I think what they were saying was that they need to use approved weed control and soil measure and not oil or gas or some other thing that is not approved but would still do the job."

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**Commissioner Hancock** said, "Okay. The last thing I had and I'm sorry Dale, these things really get under my skin sometimes. The last thing is they talked about in Item J, the construction and painting and so forth and if you use cedar or CA or redwood, it doesn't have to be painted and so forth. I agree with that. But the last sentence there, the stable building, fences and shelters shall be constructed of dimension building materials. I know what they're talking about but why would they do that?"

**Mr. Miller** said, "Why wouldn't they do that?"

**Commissioner Hancock** said, "Why would they do that? They're talking about dimensioned lumber. Where a 2 by 4 is 3 ½ by 1 ½. Who cares?"

**Mr. Miller** said, "Well, what that was aimed at is occasionally you have folks who try to put up fences of corrugated metal or take hub caps and weld them together and call it a fence. What we're trying to say is that it should be standard building materials."

**Commissioner Hancock** said, "I got ya. Just trying to understand their thinking."

**Chairman Schroeder** said, "I have seen hub caps welded together for a fence."

**Commissioner Hancock** said, "You don't like my hub caps? What's wrong with you. Okay, I appreciate that."

**Chairman Schroeder** said, "Thank you. Commissioner Miller."

**Commissioner Miller** said, "Yes, I do have a question for Ms. Schuldt. I understand that you not only would board but you also provide riding opportunities for individuals. On 27 acres, do you have pasture land also? You say you bring in the feed and the grain for your horses. Do you have natural pasture land for them to feed on and riding trails all exist in your 27 acres?"

**Ms. Schuldt** said, "We have some riding trails behind the house on five acres that we have not fenced in. The rest is fenced in."

**Commissioner Miller** said, "Okay, a fenced in area. Any pasture land?"

**Ms. Schuldt** said, "They're all in pasture. What you see out in front is all pasture."

**Commissioner Miller** said, "They don't naturally graze?"

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**Ms. Schuldt** said, "They do, but there is not enough to feed them. That's why you haul in grain and hay. That's how they manage horses. That's how they manage cattle today."

**Commissioner Miller** said, "Okay, on smaller areas or acreage. Thank you. Thank you, Mr. Chairman."

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

**Commissioner Winters** said, "Thank you. I do appreciate all of the work that the Goddard Planning Commission goes through in their deliberations on subjects. I think most of you are probably aware that we take very seriously the comments of the Goddard Planning Commission. But here is a case where I'm going to be supportive of this application because I think it must be two different people looking at something and seeing two different kinds of projects. I also appreciate Mr. Martin and Ms. Sanders coming with their traffic concerns basically. I hope there is some way we can find some way to address some of that. But some of the reasons that I'm going to be supportive of this just going down the list is it had the staff approval from our Planning Commission who is in the business to look at these kinds of things with a professional eye. The citizens on the Metropolitan Area Planning Commission passed this 12 to 0, a unanimous vote, which we know as we see things coming from the Planning Commission it is rare that we see a 12 to 0 vote on an issue. Another reason I'm going to be supportive is the size of the operation. A 50 horse operation to me is just not a major operation. If we were talking about 150 horses, which they could have on the property if they owned them themselves, if we were talking about 150 horse commercial operation then I think we would probably have a serious discussion. But looking at 50, I just don't think that's a major issue or a major commercial kind of endeavor."

"I did go out and look at the property. I did not talk to the applicants at all. I told the hired man that I was looking around and not to call the Sheriff. I looked around the property and a couple of impressions. One, if you look at this quarter section and that is an outdated map because there is probably 10 or 12 houses now and you can see the driveways on some houses and these are up scale houses. These are \$350,000 plus houses. If you look in this entire area, I'm not going to speak for any of those people, but they didn't see it necessary to come and express their opinions. This is kind of . . . you wouldn't call it a wilderness setting, but you would call it a very rural setting. With looking at 27 acres that aren't going to have houses on it and most of these houses can look over part of this property, it really looks to me like a pretty neat neighborhood."

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“Then another fact about looking at the property and talking about the fences, I really don’t know the construction of the fences but you could see them in the pictures, white fence. They are actually a plastic or they have some kind of plastic coating. They are not handmade thrown together gates. It is a professional done facility. It was very attractive, particularly if you are a horse kind of a person. It looks to me like an area out there where there are others out there who are horse people. It just fit into that neighborhood. So I guess I would disagree with the Planning Commissioner from Goddard. Again, I respect very much the time and effort that they put in the process. But to me I think this is a commercial development that fits into a neighborhood and if it didn’t fit and we had folks living around it in very up scale \$400,000 plus houses, I think they would be here telling us about it. So in looking at a horse stable application for a Conditional Use Permit, I don’t know how we could find a better place than this one. If it doesn’t fit here, I don’t know where it would fit. So I’m going to be supportive of this application today.”

**Chairman Schroeder** said, “Thank you. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you, Mr. Chairman. I’m going to ask for clarification from Mr. Euson about the Goddard Planning Commission vote. There is some understanding or misunderstanding about what their vote was and I know that the laws that we’ve imposed upon ourselves say that if a Planning Commission votes to deny, then this Board has to vote unanimously to overturn it. So help me understand the Goddard Planning Commission vote as you interpret it Rich.”

**Mr. Richard Euson**, County Counselor, said, “Commissioners, we obtained an exert of Minutes from the Goddard Planning Commission meeting held April 28, 1998. The Minutes disclose that there were two Motions made in regard to this case. The first Motion was made to limit present ownership existing conditions laid down by the County, air-tight containers and let stand 50 horses. It was seconded and the vote was tied at 3 to 3. The Commission Chairman placed the tie breaking vote against the Motion and the final vote was 3 to 4 to not approve the Motion for approval. There was a second motion made to limit the number of horses to 25, no air-tight containers and not limited to current ownership. That was seconded. The vote was defeated 2 to 4. So two motions for approval were made. Neither one of them were approved and there was no motion for denial. Our regulations, our zoning regulations, which allow the small city Planning Commissions to force us into a unanimous vote are regulations which all Planning Commissions have constructed now and they say this, ‘lack of a recommendation by a small cities Planning Commission on or before the scheduled day of the hearing before the Metropolitan Area Planning Commission shall be construed as a recommendation for approval of the application or proposal.’ We put that in there within the past few years because of the fact that we were not getting timely recommendations from the small city Planning Commission. In some cases we weren’t getting anything from them.



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“In this case, I construe the action of the Goddard Planning Commission to be a failure to recommend a denial. That may seem overly technical. It may seem pretty obvious that if the second motion failed 2 to 4 that there was no way that a motion for denial could not go ahead and prevail. But they’re required to make a specific recommendation of denial and they failed to do that.”

**Commissioner Gwin** said, “I see. So their next step after those two motions failed to approve should have been a motion to deny.”

**Mr. Euson** said, “Yes, I believe so.”

**Commissioner Gwin** said, “I see. Okay. I wanted clarification on that.”

**Chairman Schroeder** said, “So Rich, what kind of vote is required from us today? A unanimous vote?”

**Mr. Euson** said, “Well, it is my opinion, because there was not a recommendation for denial but you do not have to have a unanimous vote in order to overcome the action taken at the Goddard Planning Commission.”

**Chairman Schroeder** said, “So a simple majority of three?”

**Mr. Euson** said, “Yes.”

**Chairman Schroeder** said, “Okay. Commissioner Winters.”

**Commissioner Winters** said, “Rich, for those who are either here in the audience or maybe watching on television. If there was not a unanimous vote here this morning on the Commission, we would have the opportunity to vote to return this item to the Metropolitan Area Planning Commission and they would review the evidence again. If they voted again in favor of this Conditional Use Permit, which with a 12 to 0 vote the first time, you can’t ever tell what they would do the second time, but it had a pretty strong vote. If the MAPC would vote again to approve it and it would come back to the Board of County Commissioners, then under any circumstance it would only take three Commissioners to approve this Conditional Use Permit. Is that correct?”

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**Mr. Euson** said, "I'm not sure that by returning it to them that it would make any difference. They recommended an approval to you and if you were to, because they recommended an approval, if you wanted to deny this case it would require a 4 to 1 vote or you could send it back to them for a recommendation if it comes back with their recommendation for approval and you still wanted to deny it, it would be just merely a majority vote. But the action of the Goddard Planning Commission is not effected by your sending that back to the Metropolitan Area Planning Commission."

**Commissioner Winters** said, "Now you've got me confused too. But I'm the only one that has spoke on this. Maybe we need to hear what the other Commissioners have to say if there is some serous kind of opposition then maybe we need to discuss it further. I think we need to hear from other Commissioners."

**Chairman Schroeder** said, "Okay. Let me ask you Rich. If we're going to approve this today, what the Planning Commission has recommended, which is to approve the Conditional Use Permit, how many votes does that take from this Commission?"

**Mr. Euson** said, "It takes 3 votes from this Commission."

**Chairman Schroeder** said, "A simple majority. Okay. We don't understand that part of it?"

**Commissioner Winters** said, "We understand that, but that's not the way the Goddard Planning Commission understands it and whether we need to really be concerned with that I don't know. They came away from their Planning Commission with an idea or thought. Now if it is wrong, it is wrong and I don't have a problem moving forward on that. But that's not the impression that they're under."

**Chairman Schroeder** said, "All I need to find out for our purposes as the Board of County Commissioners, you're our attorney, you're recommending, you're suggesting, you're saying that we only need a simple majority to approve this Conditional Use Permit. That's what I'm trying to get at. If we vote today it is upon your legal advice that we only need three votes to approve."

**Mr. Euson** said, "That's correct. If you vote 5 to 0 to approve then it is really a mute point regarding the Goddard Planning Commission."

**Chairman Schroeder** said, "Okay. But that is still your opinion that it is a simple majority to approve."

**Mr. Euson** said, "Yes."

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**Chairman Schroeder** said, "Okay. I'm concerned too about what action they took but you're my legal counsel so you're the one who is going to have to make that recommendation to me. Thank you Rich. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. I guess I would suggest Rich that you probably ought to visit with the small city Planning Commissions and explain to them your interpretation of the law and how they need to present information to us in the future. On this particular case, I appreciate the comments from the applicant and certainly from the protestors. I appreciate the clarification that I got from Mrs. Schuldt about ownership. I think one of the issues has to be, appears to be, and obviously is from the neighbors, the traffic concerns. Although there are accidents at intersections that don't have horse stables, I know that it is very disconcerting to have to come upon those or to see those things happen in close proximity. It is an ongoing problem with inattentive drivers and people in too much of a hurry to get any where."

"I'm a little bit more comfortable with the application understanding that not all these horses will be boarded horses. If the Schuldt are going to own 15 or 20 or as many as 25 or even 30 sometimes of their own horses, that substantially lowers the amount of traveling trips to and from this property. I'm a lot more comfortable understanding that, a lot more comfortable understanding the processes of this animal husbandry and those kinds of things that us city kids don't have to worry about. I am concerned, as Commissioner Hancock mentioned, that some of the recommendation seem a little more restrictive than I think is necessary. But if the applicant can live with them and feel like they're not an important part of the process then I won't complain about those. Understanding what I project to be traffic counts and what I think would be a minimal impact, I'm prepared to support this application today."

**Chairman Schroeder** said, "Thank you. Commissioner Miller."

**Commissioner Miller** said, "Thank you, Mr. Chairman. I am going to be in support of this recommendation and I do speak to Mr. Martin. I believe it is Mrs. Martin that is with him and Ms. Sanders. I think that I can understand from a homeowners perspective the concerns that you have and you've expressed them not only here but you have written a letter and it was read and the concerns are taken seriously. But I do believe that I can understand the concerns that you've raised regarding not only the traffic but I've also heard some concerns of the operation in of itself and that you feel that it will be large, that it will be very much commercialized, that odors from the actual operation will basically impose upon your quality of life."

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“All of those are real issues that have been raised and that I believe have been expressed to a point where they are understood, not necessarily agreed upon. I simply need to say that to you publicly. I also know that there are other operations that are in and around the Sedgwick County area that are in similar nature to this one that are around the same type of housing structure that this one is sited. We’ve done things no differently than we are doing today and that is requesting to approve a Conditional Use Permit to allow this. I thank you for being able to take your time to come here and express your concerns. They were heard but simply did not agree to the degree that you do and I will be supportive of the Conditional Use Permit. Thank you Mr. Chairman.”

**Chairman Schroeder** said, “Thank you, Commissioner. Further discussion? Dale, do you have anything you’d like to add at this point? Mr. Euson, anything you’d like to add? Okay, thank you. Commissioners, if there is no further discussion, I’d entertain a motion.”

**MOTION**

Commissioner Winters moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the Conditional Use Permit subject to the recommended conditions; adopt the Resolution and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

**Chairman Schroeder** said, “Again, Mr. Euson, a simple majority is all that it is going to take to approve this? So if one or two of us vote no it would not make any difference in the final outcome?”

**Mr. Euson** said, “It would not make any difference in my opinion.”

**Chairman Schroeder** said, “Okay, thank you. Further discussion? If not, Clerk call the vote.”

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, “Thank you. At this time, we’re going to take about a five minute recess before the next presentation.”

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**The Board of Sedgwick County Commissioners recessed at 10:22 a.m. and returned at 10:35 a.m.**

**Chairman Schroeder** said, "Okay, we are back in session. Mr. Clerk, next item please."

**CONTINUED BUSINESS**

**D. DISCUSSION OF SOLID WASTE OPTIONS FOR SEDGWICK COUNTY.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "We thought it would be helpful to bring this issue again to you. It is always helpful to remind each other that the solid waste management planning goals were to protect the health and safety of the citizens of Sedgwick County is of primary importance. That continues to be. To ensure the inclusion of all residents of Sedgwick County in the decision making process and to approve and update Sedgwick County's solid waste system. What we've done is last week we've talked about market regulator. Just a reminder, we can define as a market regulator, we could define the criteria for final disposal where originally in Subtitle D for environmental reasons picking up neighborhoods and define the criteria for facility locations, design operations and settings to protect neighborhoods and ensure uniform levels of customer service.

"As a regulator, we could define the facility health and safety criteria. Trucks need to be washed, it needs to be clean. Trash needs to be picked up around the fences, that sort of thing. We can define a system that provides maximum protection for Sedgwick County for short and long term litigation from short and long term litigation and economic risk.

"As a market participant, we can do all those things and we also can determine the fixed rate for gate pricing. That may or may not have an effect upon what you and I pay for garbage collection. It can include extra fees. It will substantially reduce the amount of protection to citizens of Sedgwick County from short and long term litigation and economic risk."

**Commissioner Winters** said, "Mr. Buchanan. For those that may be listening for the first time on this issue, I doubt that anyone is, but if there are, would you please take market regulator and market participant and you've outlined what can happen, but give us some kind of description of what they are. They are two different things but can you describe what they are?"

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**Mr. Buchanan** said, "What we'd really like to do, Commissioners, is try to do that but in a different sort of way than what we had today. The good news is that I think this makes some sense. The bad news is that I was the one that was appointed to write this so we're going to do this as carefully as we can. If you think about a continuum, we have the market participants over here. Let's just keep them on this side for a second. That would be the publicly owned. We would be responsible for the trash, if you will. Under the publicly owned, we could hire employees to run the facility, to haul the trash, to own the land, the building. We would designate where in fact the disposal would take place under this. This is clear over the left and no one is talking about us doing all of that but in fact we could do some of it. Under the publicly owned, we could also, under the market participant, we could be a public utility. We could say that the trash is our responsibility. Then we will do an RFP, a request for proposal for the ownership. Maybe we own the land, maybe we don't. Maybe we own the building, maybe we don't. You would have a RFP for the hauling of the garbage of the running of the transfer station. The disposal could be left with whoever we deal with in the private sector. They would determine . . . we would still be responsible. Here's where the market participants, when we say market participants, we would be a market participant in those. Both of these may require subsidy. If we are going to have a request for proposal for the operation, for the ownership of the transfer station, we want to ensure that business is going there. You're bidding on the RFP, you're going to want some sort of guarantee that you're going to have X amount of tons per day. We may have to subsidize it so the market price is driven down. We control competition over here. We invest in the building and the land and want a return, we want to make sure all the garbage comes to that so that investment is protected. Subsidy may be required. Both these system may require public investments. We may have to buy the land or buy the building or purchase the building. So both of these provide control. Sedgwick County has a different level of control about how the operation would run, and, if you will, public accountability. Contracts could be renegotiated. Things could be done in a different sort of way as to how it is publicly accountable under this system differently than on this side. Under this side, would be market regulator and I'm going to say free market over here.

"The free market is over here where we just wash our hands and say there are very few regulations if any but we're only going to use land use controls that are currently in existence and we'll just let the free market duke it out. They will decide what happens. Here is a market regulator. Here in the middle. This market regulator, their subsidy is reduced, certainly not necessary to subsidize them anywhere. There is no public investment. We wouldn't own the land, own the building, we would own nothing, so there is no public investment. Of course, because it is a free market, the control and public accountability could go either way. The free market just lets it all rock and roll without regulations.

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“Now we tend, as individuals, and certainly you tend to as group dynamics would tend to think about things in the middle. That is not our intention to do that, but I think what you need to do, it seems to me, is to think about some of these issues and how important they are to you and how that fits in and where Sedgwick County wants to fit in. I hope that is helpful and I’m prepared to answer any questions.”

**Chairman Schroeder** said, “Bill, let me ask you one question on the market regulator. What again do the arrows indicate?”

**Mr. Buchanan** said, “As a market regulator, there would be no subsidy. Public investment would probably be none. We wouldn’t own the land or the building. We could, but if you do you’re over here. Market regulator, there is no public investment and there is little control. The controls that we have, lets understand that. Under any circumstances, without doing anything, the permit, the person who operates the transfer station has to get a permit from KDHE (Kansas Department of Health and Environment). They are required to do that on an annual basis. Under the current rules and regulations, KDHE will allow us to comment upon that permit. So in any of those circumstances, there is some control if we don’t like the way the place is being run or have some objections. That’s without us doing anything. If we create regulations, we enter into contracts under any of those other circumstances then we have more control.”

**Chairman Schroeder** said, “How do you do the public education aspect then? Where would the funding come from that, from ad valorem?”

**Mr. Buchanan** said, “The public education, a couple of weeks ago, it was clear to staff and maybe we didn’t make it very clear. Because these subsidies under these circumstances, we don’t think the market would bear, it is our opinion in talking to other, the market would bear the cost to include the public education and the curb side recycling program out of the tipping fees. Those funds are going to have to come from some other source. There are a couple of other alternatives floating around and we’re not prepared to make a recommendation.”

**Chairman Schroeder** said, “That would still be some kind of subsidy of the trash program, the solid waste program. We’d still have to provide funding for educational requirements.”

**Mr. Buchanan** said, “We’re going to have provide funding for programs.”

**Chairman Schroeder** said, “Okay. That’s what I was thinking. You have a subsidy for public investment in the facility but you also have to put an investment into educating the population and getting the word out about solid waste and recycling.”

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**Mr. Buchanan** said, "Under any of those circumstances, that's going to happen. On the right hand side, on the market regulator and free market, there is a likelihood of receiving a host fee and probably under the public utility too. But that will not be enough dollars to cover those programs."

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

**Commissioner Winters** said, "Thank you. Just a follow up on the Chairman's very first question about more definition of this market regulator. I think that is very helpful to see the market regulator then standing next to really a free market system. I think when I originally started, I was maybe off further on the free market system than really maybe I actually am. But if we come back to this market regulator, we have this control issue, isn't that then where we can enter into contracts with companies that want to provide the service? I mean binding contracts concerning things that we think are important, appearances, aesthetics, cleanliness, environmental protection, all of those kinds of things. So in that market regulator is that how we would do the control part of that, but entering into a contract with whoever wants to do a system?"

**Mr. Buchanan** said, "I think that would be one approach. There would be another approach as the regulator. It would seem to me that you would need some sort of basis of regulations if you will. Therefore, it would require a County resolution. In that Resolution we would make the requirements. We would establish the requirements under which the operator of the transfer station would behave. One of those requirements would be to enter some sort of a contractual arrangement. So yes, it would be a combination of regulations and contractual arrangement."

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

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

**Commissioner Gwin** said, "Okay, then tell me how that differs from establishing a public utility. If we establish a public utility, don't we have to have a County Resolution to do that?"

**Mr. Buchanan** said, "Yes."

**Commissioner Gwin** said, "Wouldn't we have to enter into contractual negotiations with whomever is the RFP selection?"



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**Mr. Buchanan** said, "Under that scenario Commissioner, you would do an RFP and the Commission would decide early how many transfer stations you would want and the choice would be based on the proposals that were submitted, the criteria for the proposals that would be submitted and you would choose one or two."

**Commissioner Gwin** said, "Okay, and as a market regulator wouldn't make any of those decisions, I'd just say this is the deal and whatever."

**Mr. Buchanan** said, "Here's the rules and if XYZ trash company wanted to do that then they would have to come in and follow those rules along with all the others that have already been identified."

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

**Chairman Schroeder** said, "Thank you. I don't see any other lights blinking. I think this is going to take some time for us to absorb some of this. Commissioner Miller, thank you."

**Commissioner Miller** said, "I would like to follow up on the market regulator scenario versus the public utility. To me, it is just a bit misleading to say that there is no public investment when either going with a private business building the transfer station and running it versus the County building it and then subcontracting it out. Still, isn't that facility going to be paid by tipping fees for the most part, which the public is going to pay for in both scenarios."

**Mr. Buchanan** said, "Yes, in the public investment should be defined in a different sort of a way. In that case, you're absolutely right. The public is going to pay for it either through the tipping fee or through County ability to raise funds and pay the operator. So maybe rather than public investment, it should be County tax dollars or County fees being investment."

**Commissioner Miller** said, "Okay. Then under no accountability is one that you stated also under market regulator."

**Mr. Buchanan** said, "There is less public accountability it seems to me under the market regulator because we don't have some of the controls. You don't own the building, you don't own the land, although there is a contractual relationship that does provide accountability, it's not like owning. It's not the full extent of accountability that in my mind seems to be under the market participant."

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**Commissioner Miller** said, "Now I'm going to get into a philosophical type of a question and in reading what was recommended and discussed by the Solid Waste Committee, they are very much interested in an 'entire solid waste management system' rather than just a transfer system issue. When you look at the total system, I would think accountability is keyed into that intricately. Where in terms of a market regulator versus a public utility is the control, the accountability, the responsibility that Sedgwick County has taken on in this total process, this big question of solid waste management? I'm saying market regulator versus public utility. Is there a difference? I am seeing one."

**Mr. Buchanan** said, "The difference I think lies in maybe a couple of places. One of the differences is that under the public utility, the trash continues to be ours. Then we are responsible for it. We are in the litigation chain, if you will. Certainly the place that it is disposed of would be there and certainly then we would come next. We would be in the chain. As the market regulator, the law is relatively clear that we are not in the chain. Now you can mitigate some of the public utility by indemnification. You can sign contracts that say we're indemnified and it is kind of like in a 20 year guarantee on the roof of your house. They're wonderful except the company goes out of business every two years so you have essentially no guarantee. So there are ways in which to mitigate. I think the chain of the liability is one of the differences."

**Commissioner Miller** said, "And we're saying responsibility against liability. They are just thrown in together. Now, when looking at, and I'm trying to keep this in focus here, in terms of being able to mitigate that liability and you use the example of an insurance company that goes out of business, what about a company that founders, has some problems and goes out of business."

**Mr. Buchanan** said, "In any circumstance under which the County does not own, operate, haul and dispose of the garbage, we have that problem. If we enter into a contract with a trucking company to haul it and they have difficulty and go belly up, have a labor dispute, whatever, that is going to mess with the system. Do we believe there are others available and ready to help us haul it? Sure. I think that is the case in all the situations. The operation of a transfer station is not like a nuclear power plant. You don't have to be licensed and it wouldn't be difficult to replace that operator. It would be difficult, it seems to me, to replace if the place of which you were going to dispose of it had difficulty. That would be more difficult to deal with."

**Commissioner Miller** said, "These are all hypothetical, we all understand that. But if in indeed that business goes out of business that owns the facility, wouldn't it be kind of difficult for us to come up with another one?"

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**Mr. Buchanan** said, "Certainly. If they owned the facility. One of the joys however of being of the public sector is that you ultimately have the right of condemnation. So if that were the case, there are ways that you could deal with that on a relatively short term and argue about money later for several years. But I think there are contingencies that need to be thought through in every case."

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

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

**Commissioner Hancock** said, "Right now, today, could anyone today, if they got the permit from KDHE and put in a transfer station right now?"

**Mr. Buchanan** said, "I'm going to make the assumption that the solid waste plan says yes. Yes, if they got a permit from KDHE, yes, they could put a transfer station in if they met the zoning requirements, conditional use permits."

**Commissioner Hancock** said, "Okay. That's all I have. Thank you, Mr. Chairman."

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

**Commissioner Winters** said, "I'm going to continue to support I guess that this market regulator and I kind of even got firmed up a little bit by seeing your graph up there or whatever, the three columns. In comparing with what I've been talking about as opposed to a really free market system of just totally no concern about what goes on and I think we do have a concern about what happens out there. So I come back to using regulations of being a market regulator and then letting those who want to participate in the market have the ability to do that. So I'm trying to come to some kind of an area here where this process is going to be privatized as much as possible but still allow us to have some kind of influence over the issues that we think are critical to the citizens of Sedgwick County."

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“I know last week we talked a little bit and Commissioner Miller mentioned it just briefly, the small business question and how do we keep a level playing field and I wish we had a perfect answer on how to do that. I think many of us have lived in the small business environment and probably have more business in the small business environment than we do in the large. But we know that when we were in the small business arena, we know that every day we were challenged on how to keep our small business viable and how to keep it operating. We faced the challenges of the free market every day. I remember a time in my trucking experience when one of the largest motor carriers in the nation instituted kind of a computerized direct dial into their mainframe computer, a link up with their rating department, their tracing, their claims. You could do it all over computer. As a small business person, we didn't have that. So we had to figure out a way to either make up the difference, how we were going to compete with that. So I think it is a struggle that small business works with on a continual basis of how to stay up with the large companies. There are ways to do it. We heard last week, talking about the efficiencies and the lower overhead of small business people. So there are ways that they can I think try to keep in the game. But I'm not sure it is one of our principal responsibilities as local government to make sure that every small business that things are going to be the same from now on. Because things just change. Opportunities to do things in a new and different way, as long as they serve the needs of the citizens in the most efficient and economical way possible I think is what we really need to continue to look at. I guess the thing that I see that I am right now not in favor of us doing is singling down one request for proposal to put out there to the solid waste industry and say we're going to try to have one facility and only one operator and if you're the low bidder you're going to get it and we're going to work to keep everybody else out of the business. So I guess I'm still coming to the point that I see what I don't think will work maybe more clearly than I see how it will work. Again, comments for discussion I guess.”

**Chairman Schroeder** said, “Thank you. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. I'm kind of like Tom. I think it is a process of elimination. Each of us I think will probably visualize first what we think success does not work like and eliminate those options and then work towards success. I think the first thing I can eliminate is the public ownership, public operation, public hauling, public disposal. I think I can pretty quickly eliminate a publicly owned facility that does everything. My picture of success is a picture of public private partnership and I don't know whether that is going to fall under a public utility or whether that is going to be a market regulator. I haven't gotten to that. The free market, I think, doesn't give us enough opportunities to meet some of the responsibilities that I think we have that we've taken in this dilemma.

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“So I guess I haven’t landed anyplace but I think I find myself in the middle understanding that success to me is like an opportunity for the government of Sedgwick County, the people of Sedgwick County and private industry to make this next solid waste system much more effective and efficient and to reach the goals of health and safety inclusion of everybody in this process and to improve and certainly update the solid waste system. Though I’ve not settled it, I know I’ve eliminated the two ends if you will of this equation and heading toward the middle. Like Tom said, for whatever that’s worth.”

**Chairman Schroeder** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you, Mr. Chairman. For me, last week and this week, it’s the same question. I know out there right now we have a number of haulers who are competing on a pretty much level playing field for collection business. I still would like somehow to maintain that level playing field in that arena. I know that big business can come along, Commissioner Winters mentioned it, about the trucking industry and he had to compete with businesses that had tremendous advantages with technology and it probably wasn’t a lot of fun. I don’t suppose it would be a lot of fun where the playing field, everything not being even for collections wouldn’t be a lot of fun. I know what I’m trying to say is that I would like to give the opportunity for the open market to do this collection and transfer and the eventual depositing of the trash at a site as much as possible to the open market. I don’t believe that is going to happen. I believe there are probably going to be a limited number of companies who can take from the transfer station forward. We request for proposals and I think there will be a limited few who that can give it to us and afford to do the deal. That’s okay, but I’m primarily interested in one, the safe disposal of the trash once it is taken someplace and two, guarantee that the collections will remain as they are today. I always looked at a transfer station as our landfill. It really isn’t any different than what the City is doing right now, just a different kind of a landfill. It is what it says, it is just a transfer from the collectors to a different mode of transportation and taken to a landfill. We’re not doing anything different here except in the interim we’re providing education. We’re going to kick the recycling up, hopefully. We’re going to do some unique things as far as recycling and composting and elimination of certain items from our landfill, the transfer station. I’ve never looked at it too much differently and this is just our kind of a landfill. So I don’t know why though, when I see we’re going to take this landfill and give it to an operator who is in direct competition in the collections, the City didn’t do that and I don’t think we should either. They guaranteed that the collections would be a level playing field. If you want to give the folks out there a better deal than your competition, then that’s up to you.

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“If you can stay in the heap then so be it. But when we hand the transfer station to someone who is out there competing in the collections arena, I think we hand the business to that particular company whether it be one or two that we give it to them and say here, this is your deal, you can have all the advantage in the world and you’re not going to convince me that if I have a large collection company and I operated the transfer station and I operated and owned the ultimate destination for the solid waste that I wouldn’t have an advantage. I’m not very bright, but I certainly would know what to do to eliminate my competition on the collection end. It wouldn’t be very hard. So that’s where I’m at. I would like to be the regulator. Maybe the folks who would come along to bid the transfer station can be someone who is not in the collection business. Maybe we’ll get several bids. As long as I can guarantee a level playing field for collections I think that guarantees low prices. I haven’t heard anybody step up to that podium yet and say Commissioner I can guarantee you the lowest prices if we’re the only collector. I haven’t heard anybody say that. If they can say that and demonstrate it to me then maybe we can have a deal and I’ll be glad to step back and say I don’t want nothing to do with this, let private industry take it.”

**Chairman Schroeder** said, “Thank you. I’ll say that I’m probably where I was a few months ago when staff made the recommendation that we allow the County to be the owner of a transfer station however a private operator runs the transfer station. The reason I’m there is that when we started out in this venture a couple of years ago and we took the solid waste responsibility from the City of Wichita, we made it clear to the public in many sessions up here, out in our public hearings, the paper, the press, that one, we wanted to control the destination of the trash to the safest facility possible. Two, control costs. The best way we thought we could do that was to own a transfer station and give us an element of control of how our solid waste is dealt with in this community. I still feel that is probably the safest way to go and I’ve always felt that way. Staff recommended that to me and I still believe that they’re right in that recommendation. I just think that it is an element of control that the public deserves and needs.

“When we talked about condemnation because a business goes under, I don’t think you can condemn a transfer station in a matter of a couple of weeks and take it over. I think you’ll end up in court. I don’t think you can condemn a transfer station that quickly and get trash collected and be back on line in a day or two. I think that is virtually impossible. I think you’re talking about weeks if not a couple of months worth of negotiations. That’s why I suggested that we own a transfer station and if the private sector wants to build a transfer station also then let the competition begin. But I agree with Commissioner Hancock that once you allow a hauler to be an operator of a transfer station, then I think the smaller businesses are going to have a tough time making it. I’m sorry Commissioner Winters, but I can’t liken this to the trucking business. This is a government entity, not another private entity allowing this to happen and I just can’t do that. I just cannot let that happen and eliminate competition and therefore eliminate price controls by virtue of the market.

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“I think it puts it in the hands of one or two and as this article says here about trouble, BFI cuts back, so they build a transfer station and something happens to them. What happens to us and our customers if they walk away from that transfer station one night? It could be BFI, it could be Waste Management, it could be anybody. What happens to us? What happens to me as a customer? I’m still a taxpayer and my trash sits on the curb because these guys or somebody else failed in their business and left the County holding the bag, if you will. I’m not willing to put ourselves at that risk. I think that is, to me, too much of a risk to put the tax payers into that kind of a position. So I’m still very supportive of the County having control and regulating control over solid waste. It doesn’t mean that I want to operate the facility. That doesn’t mean I want to haul it myself. That doesn’t mean I want to collect it. What that means is that it gives me ultimate control over destination, over some of the pricing, and over how this community is cared for. I would love to be able to turn it over to private sector but I’m not willing to take that risk with the public in such an issue as solid waste and the health of this community. So I’m still there. No one has been able to convince me yet that that is the wrong way to go. It wasn’t too long ago that I think most of us felt that that was the right way to go. Since we had those attorneys come and see us we have changed our minds because there is liability to this. I knew from the very beginning and I think we all did that there is liability. But I’m still there and if somebody can convince me otherwise that there is a better way to do it, I’m willing to listen. I just haven’t heard it yet Commissioners and I respectfully disagree with the market regulating prospect. However, that is better than free market because I think free market would just be an albatross hanging around our neck if we ever did that.”

**Commissioner Gwin** said, “So would you operate, would you establish a public utility, is that your preference do you think?”

**Chairman Schroeder** said, “I don’t now if I would establish a public utility. I think we can establish some rules and regulations in how the solid waste would operate in this community. I don’t know if I have to be a utility. But if I own the transfer station and I’m able to set parameters on how it is run and how trash is collected but I let somebody else operate it, just like the City does the landfill, I would feel like I’m not running it but I have controls if need be. I feel very comfortable with that. Commissioner Miller.”

**Commissioner Miller** said, “Thank you, Mr. Chairman. I too am still at base one that I expressed approximately a year ago and that was that Sedgwick County become a public utility. Based upon the reasons or my reasons would be that we don’t have any business running the transfer station. That is not our forte. There is expertise out there that can do that and do it extremely well. But we are in the business of ensuring that beneficially the public is taken care of and that, Commissioner Hancock has said it more than once, there is a level playing field out there for the small business owners and that is simply short and sweet my statement. I don’t think I will change from that.”

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

**Commissioner Winters** said, "All right, thank you. I've got three points that I'd like to make and the first one, pretty briefly on the liability issue and I know what we've heard attorneys say. The liability issue is not the issue that is directing me on market regulator or the free market system. It's out there, we know it's out there. It is an issue to deal with. But it is not a decision making factor for me. Secondly, I don't think fully integrated companies are not a bad thing. I'm not here to pitch largeness, but there are a lot of businesses that are fully integrated from pumping the oil out of the ground to selling it, putting it in your gas tank. A lot of people, as they grow their businesses, they try to be involved in more parts of the system, whatever they're doing. The more of it you can do and have under your control, the better it is for that particular business. A lot of people try to get fully integrated and in the waste hauling business, to try to get fully integrated from collection to disposal. They handle it, they know where it is going and to change that to say that it is just inherently bad that we've cut out a system and that we need to protect a certain segment that can't get fully integrated, I don't know that that is exactly correct.

"The third issue is I'll take a walk through what I heard Commissioner Hancock and Chairman Schroeder say and here is how I envision it would happen and if I'm wrong then lets talk about that. What we'd do, we'd put out an RFP, request for proposal, to run and operate and dispose of trash and we'd get the low bidder. We've got a low bidder. Now we've got at least several companies that are out of the process. They probably won't be far off of the bid of whoever gets the low bidder, but we're going to then devise a system that will say okay, the low bidder is going to get all the trash that we can direct to them and the facility and we're going to try to get everything to them because maybe our specific objective is . . . we won't say that it is to eliminate any other transfer stations, but we really want it to flow through our public utility or whatever it is. So some companies who have lost at this point in the process will say I'm going to do my own and if I can't get a permit in Sedgwick County, I'll go to Harvey County or Butler County or someplace where I can get a permit. They'll start on that road. Then we'll say, as a public utility, we've got to make sure that we keep the trash coming here, how are we going to do that? We're going to have to lower our tipping fee. We're going to take this base that we have, we're going to lower it, so everybody else in town will have a level playing field. Their only option will be to come to our facility because we have the cheapest price in town. Well, how do we get the cheapest price in town?"



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“Everybody’s cost in operating a transfer station are going to be relatively close. They’re not going to be a great fluctuation. So somehow we’re going to put money into the transfer station to make sure that tipping fee is low enough that nobody can afford to use anything but our facility. Well where is that subsidy going to come from? It is going to come from ad valorem taxes or it is going to come from a solid waste fee on property. I can come close to supporting sometime, if it is absolutely the only thing, some kind of subsidy into what we’ve described as the education program and how we’re going to make recycling work and how we’re going to come to really the waste reduction. I think that is critically important to our objective is to reduce the waste flow by as much as we can. We’ve set a target out there. We’re not going to reach that target without spending some money. So I can justify spending some kind of funds in doing those projects. But I’m going to have a tough time subsidizing this transfer station so we make sure they use the public utility. I don’t know how to get around that. That’s where then I come to this point of saying well, we put out the request for proposal, we got a low bid, we might as well say, hey, anybody else want to build a transfer station in our town, you’re welcome to do that if you follow these regulations that we’ve put in place. Because we don’t want it to be a totally free market. We want you to follow responsible, environmentally safe and all the regulations. So I can’t see how we can do it, the public utility, one transfer station, without subsidizing it. If somebody can help me understand that then I’d consider that. Thank you.”

**Chairman Schroeder** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “I don’t know Tom if I could do that. I appreciate your thoughts on an integrated system and I don’t mind that at all. I think there are large companies out there that have provided all facets of a service from beginning to end and done a very good job. I also see a scenario where competition can blossom out there with a County facility and our only option would be to lower the tipping fees and collect more business and then make it up someplace else. But that doesn’t preclude other businesses who are going to oppose those competing transfer stations and they have the same problem we would have in that they would have to compete against our number that we already have established. If we’re operating as efficiently as possible, if we’re doing a good job, whether we run it or someone else runs it or we own it or not own it, if we do a good job and it is run like it is supposed to be, then the competitor would have to lose money in order to be effective to win that battle, it just seems to me. At some point, somebody is going to have to give up for us to maintain a transfer station and compete, we don’t have to lose money, we can’t, we don’t have any money to lose. We have to raise taxes or raise tipping fees in order to lower the tipping fee. That would be the way we could compete.

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“Industry, on the other hand, will have to either raise money on one end or the other, either through the collections or get a break on the eventual disposal or lose money. I see that any competitor out there, they all have the same problem whether it is ‘the County’, or any of the large firms or any firm that would put together some kind of group coalition to put in a transfer station. Everybody has the same problems that we have. It is just a matter of how long can you last. The way I see it, when a single entity from collection in this business, it’s an amazing phenomenon from beginning to end, especially in this community, I don’t know how other communities have dealt with it and how it is turned out, but I just don’t see, as vicious as the competition is right now for collections. That is all there is available to business right now is collections. There is one contract open for disposal maintenance operation out at the landfill. Hamm does it, but they’re not a collector. There is a lot of business to be had out there. I just can’t see that . . . I wouldn’t do it. I wouldn’t let my competition flourish and exist or even co-exist if I had the opportunity to get their business. I think you’d have to be nuts to assume that someone in charge wouldn’t go after it. I would. It is just the way it works. If I could just get a guarantee, a simple guarantee that we could keep this level playing field, we’ve been interesting in keeping this competition. Why would we do that? I guess I’ve never answered that. Because, in the long run, once the competition is wiped out, I don’t believe that the citizens in this County will continue to get the best deal possible. I think in the long run, if all the competition is wiped out, that the deal be mediocre. It may even be expensive, but it won’t be the best possible. The eventual price of collections, if it takes 10 years, 15 years, will go above average and the cost of disposal will go above average, and the cost of everything in between will go above average if we let one entity step it and control it all. I don’t think it will work.”

**Chairman Schroeder** said, “Okay. Thank you, Commissioner. Commissioner Winters.”

**Commissioner Winters** said, “I guess the only question I had, a short question, is if we’re in this public utility system, are we then talking about working a system to make sure that there is only one transfer station and it is the public utility’s transfer station? Whether it is owned by the public utility, I mean that is semantics. But are we talking about trying to create a system that the public utility option is the only option for the community to use?”

**Commissioner Hancock** said, “I’m not in support of having a public utility at all. That’s not what I’m talking about.”

**Commissioner Miller** said, “Well, I am.”

**Commissioner Winters** said, “If we put out a low bid and get a low bidder for the transfer station, then will be the objective be to make sure that the low bidder gets all the business and that if a company who bid and didn’t get the low bid comes to us and says we’d like to start one too . . .”

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**Commissioner Hancock** said, "Here's what I'm talking about. It was suggested last week and I really like the idea and that is if we become a market regulator, we own nothing, we build nothing, all we do is regulate it. We just take the bids. I'd like to see the collections remain the same. I'd like to see private industry put up a transfer station and operate them. I would like to see the eventual disposal and the transportation for that, whoever wants to do that can, just give us the bid. All I'm saying is he who makes the collections doesn't get the rest of the business."

**Commissioner Miller** said, "I'd like to be able to respond as one Commissioner that has been supportive of a public utility and first of all, I think we need to be able to understand . . . I'm not sure that we really understand what a public utility really would do within Sedgwick County and within a solid waste system. So if there is, I don't care who wants to explain it once again to us, I'd like to hear that. Then I'd like to be able to respond to Commissioner Winters' question."

**Mr. Buchanan** said, "I'm receiving some excellent advice as we go. It might be helpful at some point for us to have a specific discussion on those two issues on the public utility and the market regulator. As to Commissioner Gwin and your question, what's the difference, and to be able to articulate that in a way that starts making more sense to us than it has today. We're sorry we haven't done that. What I understand is that both the public utility and the market regulator system, you can have more than one provider. It is possible to do that. We need to be able to explain how that would work and what it might look like to you and I don't know that we're able to do that today. I'm not able to do that today."

**Commissioner Miller** said, "That was basically going to be my response to you, Commissioner Winters, is that I felt that within a public system, or a public utility system, that you would be able to have more than one competitor. We do need to have a consistent definition of what exactly a public utility here in Sedgwick County would be, would do, and would have authority over. Because I don't think we all consistently have that understanding. That doesn't mean we're supportive of it, obviously, but I think it would be helpful."

**Mr. Buchanan** said, "As we continue to discuss this issue, it keeps getting more narrow and we'll be prepared to do that."

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

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

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**Commissioner Hancock** said, "Just for today's discussion purposes then, without having to have another meeting, it is my understanding that as many folks who want to get into the business can get into the business under the market regulator."

**Mr. Buchanan** said, "We're going to call the experts."

**Commissioner Hancock** said, "On the utility side, that isn't necessarily so. If that is true, then what's the difference? That's not a very good question, Jennifer."

**Ms. Jennifer Reschke**, Assistant County Counselor, said, "I think under the public utility concept, it is a question for you, how many contractors you'd like to contract with. It depends, I guess, on the function of economics or your choice, what best suits the needs, how many you would want. But yes, with a regulator, that is a free market type, let the economy decide. So the number is up to that."

**Commissioner Hancock** said, "Okay, that's what I thought. Thank you."

**Commissioner Miller** said, "Well then lets just clarify that once again then. In a public utility though, it is however many we want to contract with."

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

**Commissioner Miller** said, "So there could be multiple businesses. Thank you."

**Chairman Schroeder** said, "Thank you. Other questions?"

**Commissioner Winters** said, "I guess I'm going to say I hope we're not ready for a motion because I feel that a number of you are thinking along the same lines I am but I do not understand how the other system will work. If we don't have what we've termed a market regulator system, I think I understand how that would work. I know I don't understand how the other system would work. I would hope we don't make a decision about that until we have some kind of understanding about what that means and how it would work."

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**Commissioner Hancock** said, "All I'm saying is in a number of cities and counties out there have done this before us and I think we're very nervous about making a wrong decision. I think the City has made plenty of right decisions in the past and they've had lots of experience with this. I've watched and learned from them and I'm not too proud to say that I think they've made some good decisions. That's what I keep saying, our landfill is our transfer station. The City owns the landfill out there. We don't necessarily need to own a landfill. They contact for an operator but they have separated the operators from the collectors. All we're doing is creating a landfill that goes someplace else. I don't know why we can't contract, even own it if we want to, or even sit and think about how not to own it and how we can get someone else to build it, finance the whole deal, and maybe amortize the cost over 10 years, and then come back to the County to us through a contract. All I'm saying is we don't need to make this too complicated a decision. The only difference is that they have a landfill here in Sedgwick County and we're just trying to figure out not to have one here."

**Commissioner Winters** said, "Can I respond to that? The reason that they're able to do what they can do is because they can do it so cheaply. Nobody else, no trash hauler in town, could build a transfer station and compete with Brooks Landfill."

**Commissioner Hancock** said, "That's true."

**Commissioner Winters** said, "Okay. So now we're different then from the City. If we go to the transfer system, we're going to be enough more expensive than Brooks that there will be a lot of players out there that will be able to have another alternative. Right now, the reason it works so well for the City is they're the only game in town based on cost."

**Commissioner Hancock** said, "Well I agree. But all I'm saying is, let's say we decide to put landfills here in Sedgwick County, okay? Why isn't there a whole bunch of them under the last scenario? Did the City prevent other folks from building landfills in Sedgwick County that could compete with theirs? No one else seemed to want to do it."

**Commissioner Winters** said, "Well, I think you come back to the same reason why we're not going to have a landfill now. It's not that easy a process. I don't think there is any will in the community to do that."

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**Commissioner Hancock** said, “No, there isn’t. But all I’m saying is, before there was only one landfill, the City operated it so to speak. All I’m saying is that now there is not a landfill, there are transfer stations. I’m equating those to a landfill now what was then. The landfill of the future is a transfer station. I can’t see much difference in the scenario created by us a doing a transfer station than they did creating landfills.”

**Commissioner Winters** said, “The only thing, I’m going to say it one more time, the only thing is the way we can get ourselves in that same position is to subsidize the transfer station so then we become absolutely the cheapest in town just as Brooks Landfill is the cheapest in town and nobody can afford to do another option. That’s the only way we can keep that same scenario from Brooks working on into the transfer station in my opinion.”

**Commissioner Hancock** said, “I would think if I was going to do this deal, it would be a lot more difficult to establish a landfill than a transfer station if I had the money, either way. It would be just as expensive, if not more, to do a landfill than a transfer station. The transfer station can operate and if I want to close it down next Tuesday, I don’t have to monitor it for the next 30 years. I don’t have to cover it with dirt. I just demolish it and haul it away. It just seems to me that it is easier to do transfer stations than landfills. I just think that we’re making this more complicated than it should be.”

**Chairman Schroeder** said, “One question for Commissioner Hancock. Where would you haul that to when you demolish it? I just want to complete the circle of life.”

**Commissioner Hancock** said, “I got 20 some acres, just haul it down there.”

**Chairman Schroeder** said, “That’s some fill you need down there? Okay.”

**Mr. Buchanan** said, “I think it was Will Rogers. Someone said that the legislature process is like making sausage, you don’t want to watch it. I kind of feel that way a little bit. In some of our discussions, Deb Evenson came up with a concept that I think may be helpful. I’m going to be the Vanna White and she’s going to be the . . .”

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**Ms. Deb Evenson**, Sedgwick County Appraiser's Office, said, "This is just one view of it, one simple view for me to understand the public utility versus market regulator. As a public utility or a regulator, you have this umbrella of rules or regulations that you will set. As a public utility, you can contract with one company, two companies, with ten companies, if they think they can furnish that service and be viable. As a regulator, you don't have that contract. As a regulator, you set the rules and then they are running their businesses. As a public utility, you set the rules and they are contracting with you. So when you want to set the price, if they say the price is going to be \$30 a ton, it is \$30 a ton for everyone, not me because I'm special and Bill because he's not. It is across the board. But you can contract, they could set different rates as far as if you had five providers out there and they all give you their best contract, then whatever their rates are, you'll go with that. But that way, you can control the pricing issue and you can have basically a free market system too, but under that contractual agreement. To me, just to simplify it, the difference is that you will contract with them and then the regulatory all you do is sort of watch guard them and hope, but you can't necessarily guarantee that the rates will stay the same for everyone. They may be able to charge themselves less and you more or something like that. But under the public utility, there's where you get control. You get that control back over the pricing. That probably over simplifies it but it is a way to allow more than one provider into the system while you still maintain control over some of the issues that you think are important as far as the pricing. That's all."

**Commissioner Miller** said, "Thank you, Deb."

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

**Commissioner Gwin** said, "I thought when Bill was talking about market regulator, I wrote down two things, County resolution and contractual arrangements. So I think we still have contractual relations as a regulator. I just think that maybe the lines ought to be dotted or something. I don't know. Jennifer, help me understand the difference then."

**Ms Reschke** said, "That's correct. In a sense though, you're contracting for ancillary provisions under the market regulator as Mr. Buchanan had described. You're not contracting for the service."

**Commissioner Gwin** said, "Okay. Can I contract for performance, for behavior, for . . ."

**Ms. Reschke** said, "Certain things. The host fees that were discussed. Those are some options that would be contracted for. So in a sense, their both correct."

**Commissioner Gwin** said, "So maybe the contracts aren't as deep in the sand maybe, like I said, be dotted lines, because they're not quite as clear. Okay, thank you. Thank you, Mr. Chairman."

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**Chairman Schroeder** said, "Any other questions or comments? Well, it's been a healthy discussion. Mr. Manager, do you want to summarize any thoughts you might have."

**Mr. Buchanan** said, "What I would suggest that we do, at this point, is for us to go back to some of the drawing board and try to draw up some distinguishing features of each of those systems and how they would work. The question is, what is the difference and how would it work, and we will go away and do that. We didn't talk about either of those circumstances about . . . although it could be under the public utility, about owning or operating or owning the building or owning the ground, but that is always a possibility. We will come back to you about the difference between public utility and the regulation and how the system might work."

**Chairman Schroeder** said, "Okay, thank you. Appreciate it. There is no action needed today to be taken on this item. Mr. Clerk, we'll go on to the next item."

### NEW BUSINESS

#### **E. RESOLUTION DIRECTING TERMINATION OF THE CURRENT "BANK AGREEMENT--MAIN DEPOSITORY" WITH BANK IV, N.A., AND DESIGNATING UNITED MISSOURI BANK AS SEDGWICK COUNTY'S MAIN DEPOSITORY.**

**Mr. Daryl Gardner**, Controller, Accounting Department, greeted the Commissioners and said, "This morning, you have a Resolution and two weeks ago you accepted the proposal of UMB Bank to provide the County with banking services. Today you have a Resolution before you to designate UMB as the County's main depository and to direct the Legal Department to send notification of termination to the current main depository. This would be effective August 1, 1998. Recommendation to authorize the Resolution and if you have any questions, I'd be happy to answer."

**Chairman Schroeder** said, "Okay. Daryl, there are questions. Commissioner Gwin.

**Commissioner Gwin** said, "Daryl, I received a question from a constituent earlier this week about this issue. The person was curious if we got bids from Emprise or Intrust? I mean if we're looking for Kansas chartered banks, did either one of those banks ever send . . ."

**Mr. Gardner** said, "We did not receive any proposals from Intrust, Commerce, or Emprise Bank."

**Commissioner Gwin** said, "Do we know why?"



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**Mr. Gardner** said, "We're not exactly sure. Some of them feel like the amount of collateral we need to cover the banks depository amounts are too much to supply. Some of the other issues are certain services that we are requesting to have provided that they cannot provide."

**Commissioner Gwin** said, "The collateral is something we establish or something the State establishes?"

**Mr. Gardner** said, "It is a level that we establish but all of our deposits have to be 100% collateralized by U.S. Securities."

**Commissioner Gwin** said, "Okay, all right. Thank you."

**Chairman Schroeder** said, "Thank you. Daryl, I have a question. The backup we have is pretty brief, it is just the agreement. Within the realm of requirements and responsibilities by the main depository bank that we are going to contract with, do any of those responsibilities change? Do any of the requirements on behalf of the County change? Are we making adjustments as to how we do business rather than changing the depository? What are we doing internally, anything differently?"

**Mr. Gardner** said, "We're not doing very much differently internally. There are few technology issues that can be provided with the new depository institution that was not available with the other institutions and that is probably about the only difference."

**Chairman Schroeder** said, "So basically we will process funds and checks like we always have in the past and go through the same processes except maybe some technology might make it easier or quicker to do some of it."

**Mr. Gardner** said, "Yes."

**Chairman Schroeder** said, "Okay, great. Any other questions or comments?"

### **MOTION**

Commissioner Gwin moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Daryl. Next item please."

- F. RESOLUTION PROVIDING FOR THE CONDEMNATION OF CERTAIN REAL PROPERTY NEEDED FOR IMPROVEMENTS TO 83RD STREET SOUTH OVER THE ARKANSAS RIVER (PROJECT NO. 639-30-690).**

**SLIDE PRESENTATION**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "On the overhead before you is a map showing the western limits of the City of Derby at 83rd Street. The area in purple shows a new configuration of a bridge to be constructed by the Bureau of Public Services. This new configuration does require the acquisition of right-of-way along 83rd Street and along the new right-of-way for the bridge and we have prepared a Resolution to condemn six tracts for that acquisition. The Resolution is in proper form and we recommend it for your approval. Be happy to answer any questions."

**Chairman Schroeder** said, "Discussion on this item? If not, what's the will of the Board?"

**MOTION**

Commissioner Miller moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Rich. Next item please."

**G. BUREAU OF COMPREHENSIVE COMMUNITY CARE (COMCARE).**

**1. CONTRACT WITH UNIFIED SCHOOL DISTRICT #259 TO PROVIDE A PARENTS AS TEACHERS PROGRAM FOR CHILDREN AT RISK FOR DEVELOPING SEVERE EMOTIONAL DISTURBANCES.**

**Ms. Deborah Donaldson**, Executive Director, COMCARE, greeted the Commissioners and said, "This first contract has been an ongoing contract and supported through the Children's federal grant. This involves individuals who go into the family and these are families who are viewed as high risk for having children who have a severe emotional disturbance and working with them. The results of this program have indicated that over 90% of the families have found this to be helpful. They have increased ideas, in terms of education, about how to deal with their child and they understand their child better. Also, we have seen an increase in those where they have their children go through hearing and vision screening and thus are better prepared for school. This will probably be the last year since this is the last year of funding. But we feel this has been successful and has really been a prevention program. I would recommend that you approve the Contract and authorize the Chairman to sign."

**Chairman Schroeder** said, "Thank you, Debbie. Discussion on this item?"

**MOTION**

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

Commissioner Miller seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

**2. MEMORANDUM OF AGREEMENT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE ONE-TIME FUNDING FOR PURCHASE OF A 15-PASSENGER VAN.**

**Ms. Donaldson** said, "Commissioners, this is just one time funding to help purchase a van. With our consumers, there is continual problems with transportation, especially after hours, to help folks get to activities or meetings or therapy that they need to attend. This will help in that transportation effort. I'd be glad to answer any questions."

**Chairman Schroeder** said, "Okay, thank you. Discussion on this item?"

**MOTION**

Commissioner Hancock moved to approve the Memorandum of Agreement and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

**3. APPLICATION FOR LICENSURE/CERTIFICATION FOR COMCARE'S ADDICTION TREATMENT SERVICES.**

**Ms. Donaldson** said, "Commissioners, this is our yearly renewal of our license to provide services on substance abuse. I'd be glad to answer any questions."

**Chairman Schroeder** said, "Thank you. Discussion on this item?"

**MOTION**

Commissioner Hancock moved to approve the Application and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Debbie. Next item please."

**H. EMERGENCY MEDICAL SERVICE (EMS).**

**1. AGREEMENT WITH COWLEY COUNTY COMMUNITY COLLEGE TO PROVIDE FIELD INTERNSHIPS FOR STUDENTS OF THE COLLEGE'S TRAINING PROGRAM.**

**Mr. Tom Pollan**, Director, Sedgwick County EMS, greeted the Commissioners and said, "This is an agreement that we've had a number of times with Cowley County Community College for the paramedic students as they are learning to apply the trade that we do in EMS."

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“It is a standard form agreement and has been reviewed by the County Counselor’s Office as to form. I would recommend your approval and allow the Chair to sign.”

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

**2. AGREEMENT WITH EAGLE MED, INC. TO PROVIDE A FIELD OBSERVATION PROGRAM FOR EAGLE MED'S PERSONNEL.**

**Mr. Pollan** said, “This is a field observation agreement in the fact that they will not be doing hands-on care but we feel that it is important that this group be able to see what we do from our vantage point. It will improve their organization as well and would recommend this allowance and allow the Chair to sign.”

**Chairman Schroeder** said, “Thank you. Discussion on this item?”

**Commissioner Hancock** said, “Tom, this Eagle Med, tell me what it’s about. What is this in preparation for? Is this for recommendation to the Medical Society? What’s going on here?”

**Mr. Pollan** said, “These individuals are RNs, Registered Nurses who have been applying their trade in the hospital setting and what this is going to do is allow them to get some field experience or at least some observations as they preform field services. This is not anything to do with our question that we’ll be coming back to you later on.”

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

**Chairman Schroeder** said, "Thank you. Further discussion?"

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

- 3. AGREEMENT WITH THE MEDICAL DIRECTOR OF SEDGWICK COUNTY EMS, DR. ERNEST L. MCCLELLAN, TO PROVIDE LARYNGEAL MASK AIRWAY, ENDOTRACHEAL TUBE AND ADMINISTRATION OF ANESTHETIC AGENTS TRAINING TO EMS PERSONNEL.**

**Mr. Pollan** said, "This is an agreement that is required by Columbia Wesley Medical Center for us to do this with Dr. McClellan in house at Wesley. This is new and an innovative procedure for field use. It is used everyday in the hospital. This is new and we need to have that hands on training and he is willing to do it and it is at no cost. I would recommend its approval and allow the Chair to sign."

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**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you very much. Next item please."

**I. CONTRACT MODIFICATION NUMBER ONE WITH CHIEF INDUSTRIES TO PROVIDE ADDITIONAL FURNITURE FOR THE SEDGWICK COUNTY ADULT LOCAL DETENTION FACILITY EXPANSION.**

**Ms. Stephanie Knebel**, Project Manager, Capital Projects Department, greeted the Commissioners and said, "This agenda item requests approval of contract modification with Chief Industries. The amount of this modification is \$1,788. It can be paid for from the existing project budget. This modification provides for six additional pedestal tables to be placed in the direct and indirect pods. I request approval and authorize the Chairman to sign."

**MOTION**

Commissioner Gwin moved to approve the Contract Modification and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.



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**Chairman Schroeder** said, "What was the overriding reason? That is pretty basic when you know how many people are going to be in a facility and you know how many tables you need, what happened?"

**Ms. Knebel** said, "When we were in the final stages of planned development, the architect did not put in enough tables that the Sheriff's Department needed to operate the facility like they needed to. That was the only reason. We were in a rush to get the plans out and ready for bid."

**Chairman Schroeder** said, "Okay. Thank you. Further discussion? If not, Clerk call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Stephanie. Next item please."

**J. ADDITION OF ONE OFFICE ASSISTANT POSITION, RANGE 12, AND ONE TEMPORARY OFFICE ASSISTANT POSITION, RANGE 12, TO THE REGISTER OF DEEDS STAFFING TABLE.**

**Mr. Bill Meek**, Register of Deeds, greeted the Commissioners and said, "As we have discussed earlier, the work load has increased in the Register of Deeds' Office. We're requesting that you fund two additional staff people, one full time with benefits and one part time, until December 1, 1999. We've also instituted some provisions in the office to minimize work related injuries and we're starting to streamline the operation where we can get a lot more cross training. Recommend that you approve this action."

**Chairman Schroeder** said, "Thank you, Bill. Discussion on this item?"

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**MOTION**

Commissioner Hancock moved to approve the additions to the Register of Deeds Staffing Table.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Bill. Next item please."

**K. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.**

**Mr. Jack Brown**, RS, MPA, Acting Director, Health Department, greeted the Commissioners and said, "I guess one major thing that has changed since I was last here is that we have our new director on board, Dr. Charles Magruder, who is in the audience and will be giving the presentation next month. Dr. Magruder is setting back there. He will be here next month.

"In terms of our monthly activities for April, I thought I might bring you up to date with a few items that were in the monthly report. Number one is the local air program has received some grants from the State. As I have mentioned to you before, we are under a big change in air quality for more stringent regulations in terms of the monitoring that we do for dust born materials called particulate matter as well as ozone, which is created by automobile exhaust and other industrial processes. So we will be upgrading all our monitoring equipment to comply with the new federal standards. I think this will be a two or three year project, but with those new standards comes the challenge of making sure we still keep our clean air attainment as we do the more stringent monitoring.

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“I thought I might tell you the water quality in the Arkansas River seems to be doing quite well. We always sample year round, either our office or one of the other City offices, water department, water and sewer. But the bottom line, the point I want to make is this year at the River Festival, our water was very good. There were no exceedences of the standards that we normally use for recreation type activities. That’s good news. I hope this is a beginning of a long range trend for water quality improvement and the surface water of the Arkansas River.

“Household hazardous materials, I might mention that we have been looking at a couple of proposals and have one for privatizing the collection of household hazardous materials, but we have not finalized that yet. We’ll be developing some proposals based on the bid that we received and there will be some more discussion on that among staff and with County staff and see how that ties into long range planning. We should have something on that in the next couple of weeks. No contractor has been selected, we’re still trying to develop some . . .”

**Chairman Schroeder** said, “Jack, would you give the hours for the public’s benefit of the operation of the household hazardous waste collection?”

**Mr. Brown** said, “You really put me on the spot. It is opened daily except for Sunday and it is 10:00 a.m. to 7:00 p.m. I believe. It is open daily or by appointment or if a citizen has a question about the hours, they can get a more reliable source by calling the Health Department at 268-8351.”

**Chairman Schroeder** said, “You’re sure about that number.”

**Mr. Brown** said, “I am sure about that number.”

**Chairman Schroeder** said, “Okay, thanks Jack.”

**Mr. Brown** said, “Going on, might update you on the Riverside Township water sampling. That is the area in the southwest part of the County where there has been some concerns about water quality. We still have not determined that we’ve got any kind of wide spread contamination. We’re working with KDHE (Kansas Department of Health and Environment) on this. They are the lead agency. We anticipate an availability session with the residents down there to explain to them the sampling that we’ve done and the information we’ve found and meet with citizens one on one to try and address some of their concerns.

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“Might mention that we had our 5th Annual Basketball Jamboree, which is a health education project to provide athletic activity, basketball, for young men. We had 150 participants this year and during that time that we have them for basketball activities, we also integrate some health education information to that particular population, specifically AIDS and sexually transmitted diseases. So that’s been a very successful program and we get a lot of response on that particular project.

“I might also mention that Operation Immunize was last month. We had 174 immunizations given. We had our mobile van out to a number of communities that are listed in the report, Andale, Colwich, the Oaklawn area, Haysville, Clearwater, Cheney, Derby, Mulvane, Park City, and Valley Center. The first lady, Linda Graves, made a special appearance at our Park City mobile van activity and event on the 24th and we felt like we had a very good Operation Immunize this year.

“I guess lastly I might update you on our one project that I know at least one Commissioner has taken some interest in and that is our Healthy Start initiative. We have a project director selected I believe. We have to negotiate a few things on that final selection process. The federal Healthy Start team came to evaluate our project and we’ve applied for continuation of the grant and we’re negotiating with the use of the old Heartspring campus for housing that particular project. Things are moving ahead well on that and doing well. That concludes my report. If you have any questions, I’d be glad to answer them.”

**Chairman Schroeder** said, “Thank you, Jack. Commissioner Winters.”

**Commissioner Winters** said, “Jack, I have just a question on the air quality and the grant to get the new monitoring equipment. Where is this headed? I mean when the wind blows here during certain times of the year it is going to be dusty. We could have every farm in Sedgwick County with green cover on it and this dust can be coming from Oklahoma and Texas. What’s going to be the objective if we put these monitoring systems up and the wind blows and it gets dusty and the EPA says we’re in violation. Where does that head?”

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**Mr. Brown** said, "They already did say that and those are called natural events and when you have a natural event type situation we have a plan in effect for that. That is basically advising individuals with respiratory problems and those types of issues to stay indoors and away from those dusty situations which is pretty much common sense but none the less, that's the plan. Now in the smaller particulates, those generally are caused by industrial or combustion processes and so that is really what the 2.5 will be looking at, 2.5 microns and smaller is combustion or industrial processes that break down whatever compound into smaller particulate levels. Wind blown dust I don't think will be as much of a problem on the 2.5, but it is something that we'll have to be looking at. It is something the EPA is aware of and when those natural events occur, it is something that probably won't create attainment problems for us."

**Commissioner Winters** said, "So they're not on some track to try to regulate a natural event and hold us in some kind of position of non-compliance because the wind is blowing in Kansas."

**Mr. Brown** said, "No. The natural events action plan that we have will take care of those kinds of situations as I understand it."

**Commissioner Winters** said, "Thank you. Well, one last comment. I certainly want to personally thank you for your efforts in the last however long it has been as acting director. You've always been very responsive and I think you've done a good job in that position for however many months it has been now. I certainly appreciate your work on that."

**Mr. Brown** said, "Thank you very much."

**Chairman Schroeder** said, "I echo that, Jack. Has it been more than months?"

**Mr. Brown** said, "It's been a little over a year."

**Chairman Schroeder** said, "That's kind of what I thought, that you'd been around a while as an acting director. Tom's right, you've done an excellent job. Personally, you've been very responsive to any problems I've had and I really appreciate your quick response to those issues and it makes life much easier for me and for constituents when they know somebody like yourself is on top of those problems. Whether they were solved to their liking or not, I know they are appreciate of the fact that somebody was there when they needed them. I really appreciate that. That goes a long way. That really helps the public understand who we are, what we're about, and how interested and concerned we are in their problems. You have done that well. I really appreciate that. Are there any other questions of Jack today?"

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**Commissioner Hancock** said, "I just wish we could keep him."

**Mr. Brown** said, "I'm not going any where. I'll continue to be as responsive, just maybe not as visible."

**Commissioner Hancock** said, "Pretty nice to get the head number one guy. Thank you Jack. Everybody is right. We really appreciate what you do for us. You really helped us out a lot. Thank you."

**Mr. Brown** said, "I appreciate your comments."

**Chairman Schroeder** said, "I'll tell you what I'd like to do is for us to approve or receive and file his report and then an introduction after that, if that's okay."

**MOTION**

Commissioner Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, Jack. Dr. Magruder, would you please come up and introduce yourself to us and if you'd like, tell us a little bit about yourself and if you have any immediate ideas or plans for the Health Department or anything you'd like to share with us."

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**Dr. Magruder** said, "I am from the Kansas area, so I'm sort of coming back towards home, not real close to home, but close enough. As they say, you don't want to be too close. Actually, I was born in Kansas City, Missouri, but my parents shortly thereafter moved to Shawnee, Kansas, where I spent most of my life. I went to KU Medical Center. Went to KU Medical School. The military paid my way through medical school and so subsequently I went to many different locations. I'm now coming from Washington D.C. where I worked at the Pentagon. So it was sort of interacting in somewhat similar environments that I anticipate I'll be interacting here. But it is very nice to be back to Kansas and I certainly enjoy the opportunity to serve this wonderful community. From what I've seen thus far in the past week, this is a wonderful community. There are a lot of opportunities to serve the people here. I'm also very very impressed with the staff of the Health Department.

"In terms of what we have on our plate besides continuing a lot of the wonderful things that are already in place, we're going to look very carefully at our entire operation and as good as things are at the moment, we're going to look at how we can possibly make things better. We have a lot of motivated and very enthusiastic staff that are quite excited about this process, which is pleasantly surprising to me because that is not usually the case. We'll begin that process tomorrow actually and interacting with the whole staff. We look forward to that. At some point, I look forward to the opportunity to meet with you all privately and begin to understand your desires and concerns for the Health Department and in many other agencies of the community as well."

**Chairman Schroeder** said, "Thank you, Doctor and welcome. We look forward to working with you in the future. If there is anything we can do for you to help you get acclimated to our community, please call upon us, we'd be glad to help you. Good luck to you. Thank you. Thank you again, Jack, appreciate it. Next item please."

### **L. BUREAU OF PUBLIC SERVICES.**

- 1. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS ALONG SECTION LINE ROADS WITHIN OR ABUTTING ATTICA TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #3.**

**Mr. Mark R. Borst**, P.E., Deputy Director, Bureau of Public Services, greeted the Commissioners and said, "When a township desires to have traffic control modified at intersections under its jurisdiction, it is Public Services policy that the township submit a written request to the County Engineer requesting the change of modification for review. After a review by bureau personnel, a recommendation is then sent to the township board for review and concurrence or comments.

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“Upon receipt of the townships concurrence, a resolution is drafted for consideration by the Board of County Commissioners. Since 1989, we’ve asked township boards to consider having the entire townships reviewed and a resolution passed indicating appropriate traffic control for all intersections along section line roads in the township. This gives the township one legal document to reference for any intersection in the township. To date, we’ve had 17 townships request this process and 15 have followed through and we do have resolutions for them. If changes are needed in the future, we will review those procedures for those changes and make recommendations and incorporate those into new complete township resolution.

“Attica initiated this process under this policy by asking that the intersection at 13th North and 135th West be reviewed for possible stop or yield control. This is the only intersection within Attica Township that does not have any type of control. Our recommendation was that north bound south bound stop be instituted and this recommendation was sent to the township. The township responded with their concurrence. As Attica was the first township to have the entire township reviewed in 1989, the Resolution before you today includes this change in traffic control along with all other intersections along their section line roads. This will replace the original 1989 Resolution and I recommend you adopt the Resolution today.”

**Chairman Schroeder** said, “Okay, thank you, Mark. Discussion on this item? If not, what’s the will of the Board?”

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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



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**2. AGREEMENT WITH MOEHRING & ASSOCIATES FOR DESIGN AND CONSTRUCTION STAKING SERVICES FOR THE WHEATLAND ADDITION; STREET PAVING AND SIDEWALK PROJECT. DISTRICT #2.**

**Mr. Jim Weber**, P.E., Director, Sewer Operations and Maintenance, greeted the Commissioners and said, "In Item L-2, we are requesting your approval of an agreement with Moehring & Associates for design and construction staking services on Phase 5 of the Wheatland Addition street paving project. The cost of these services will not exceed \$17,165. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

**Chairman Schroeder** said, "Thank you. Discussion on this item? If not, what's the will of the Board?"

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

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**3. AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. FOR DESIGN OF THE COUNTRY CLUB COURT ADDITION; STREET PAVING AND SANITARY SEWER PROJECTS. DISTRICT #1.**

**Mr. Weber** said, "Six more to do today now. In Item L-3, we are requesting your approval of an agreement with Professional Engineering Consultants for design services only on the Country Club Court Addition street paving and sanitary sewer projects. The cost of these services will not exceed \$48,500 for the street project and \$19,900 for the sanitary sewer project. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

**4. AGREEMENT WITH MID-KANSAS ENGINEERING CONSULTANTS, INC. FOR DESIGN OF THE INTERCHANGE AT K-96 AND GREENWICH ROAD. DISTRICT #1.**

**Mr. Weber** said, "In Item L-4, we are requesting your approval of an agreement with Mid Kansas Engineering for design of the interchange of K-96 Highway with Greenwich Road. The cost of these services will not exceed \$86,600. In this case, 50% of the costs of the project will be paid by the County and 50% of the costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

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**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

**5. AGREEMENT WITH REISS & GOODNESS ENGINEERS FOR DESIGN AND CONSTRUCTION STAKING SERVICES FOR THE WOOD RIVER 2ND ADDITION; STREET AND DRAINAGE PROJECT. DISTRICT #5.**

**Mr. Weber** said, "In Item L-5, we are requesting your approval of an agreement with Reiss & Goodness Engineers for design and construction staking services on Phase 2 of the Wood River 2nd Addition street paving project. The cost of these services will not exceed \$9,700. All costs of the project are to be paid by the benefited properties through special assessments. We request your approval of the recommended action."

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**Regular Meeting, May 27, 1998**

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you. Next item please."

**6. NAME CHANGE FROM SEDGWICK COUNTY BUREAU OF PUBLIC SERVICES TO SEDGWICK COUNTY BUREAU OF PUBLIC WORKS.**

**Mr. David C. Spears**, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "As a result of our leadership development process conducted earlier this year, we established goals and objectives and performance measures for the Bureau of Public Services. One of the goals we set during the process was to change our name to the Sedgwick County Bureau of Public Works. Our current name seems to cause some confusion with the public. We are constantly redirecting telephone calls to other County departments because Public Services is not a specific term that is descriptive of what we do. Public Works on the other hand is commonly used throughout local governments and more accurately describes the business we are in. Part of the process of changing the name involves new signs, letterhead, business cards, et cetera. These expenditures are going to be required with the move into our new building in August. Therefore, the name change can be accomplished without any additional expense. Request that you approve the name change from the Bureau of Public Services to the Bureau of Public Works."

**Chairman Schroeder** said, "Thank you. Discussion on this item?"

**Commissioner Gwin** said, "Yes, I'd just like to know how long it is going to take you to learn to say Public Works and not Public Services. Have you got a time line on that Dave?"

**Mr. Spears** said, "It took a long time to change from before."

**Commissioner Gwin** said, "Okay, good luck."

**Chairman Schroeder** said, "Further discussion on this item? I'll hold mine until later."

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**MOTION**

Commissioner Gwin moved to approve the name change.

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you, David. Next item please."

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 21, 1998  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the May 21 meeting of the Board of Bids and Contracts. Fortunately, there are just two items for me to read today.

**(1) X-RAY SUPPORT EQUIPMENT - CAPITAL PROJECTS  
FUNDING: DETENTION FACILITY ADDITION**

"One is X-ray support equipment for Capital Projects for the detention facility addition. It was recommended to accept the low bids per individual items. The totals for Midwest Medical Supply was \$491, for Picker International Incorporated, \$8,382.22, and Merry X-ray Corporation for \$480. The items are listed individually and the grand total is \$9,353.82. Two pages of complete tabulation follow.

**Regular Meeting, May 27, 1998**

**ITEMS NOT REQUIRING BOCC ACTION**

**(2) LEGAL PUBLICATIONS - VARIOUS DEPARTMENTS  
FUNDING: PURCHASING**

“There is one item that does not require action at this time. Those proposals were received for legal publication services, various departments, those proposals are being reviewed. I will be happy to take questions and recommend approval of the minutes provided by the Board of Bids and Contracts.”

**Chairman Schroeder** said, “Thank you, Darren. Discussion? If not, what’s the will of the Board?”

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, “Thank you, Darren. Next item please.”

Regular Meeting, May 27, 1998

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

**1. Right-of-Way Instruments.**

- a. One Easement for Public Utilities for Savanna at Castle Rock Ranch 8th Addition. District #1.
- b. One Easement for Street Drainage and Utilities and one Easement for Drainage for Belle Terre South Addition. District #1.
- c. Two Easements for Right-of-Way for Sedgwick County Project No. 639-30-690, Bridge on 83rd Street South over the Arkansas River. K.D.O.T. Project No. 87-C-3094-01. CIP #B-219. Districts #2 and #5.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V95080	\$255.00	\$255.00
V95050	\$204.00	\$201.00
V96061	\$405.00	\$326.00
C95032	\$332.00	\$23.00
V98011	\$94.00	\$224.00
V95031	\$200.00	\$179.00

**3. Consolidated Annual Contributions Contract, Form HUD-52520 and Certification Form HUD-50071.**

**4. Resolution authorizing disposal by destruction of certain noncurrent County records held by the Director, Bureau of Comprehensive Community Care.**

**5. Order dated May 20, 1998 to correct tax roll for change of assessment.**

**Regular Meeting, May 27, 1998**

**6. Consideration of the Check Register of May 22, 1998.**

**7. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980240	Finance General Register of Deeds	Transfer
980241	Finance General Corrections-Pretrial	Transfer
980242	District Court Judges	Transfer
980243	Detention Facility Expansion	Supplemental Appropriation
980244	Detention Facility Expansion	Supplemental Appropriation
980245	Detention Facility Expansion	Supplemental Appropriation
980246	Special Highway Improvement	Transfer
980247	Wood River-Street	Supplemental Appropriation
980248	Various-Streets	Supplemental Appropriation
980249	Various-Streets	Supplemental Appropriation

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

**Chairman Schroeder** said, "Thank you. Discussion on this item?"

**Commissioner Hancock** said, "Chairman, there was a lot of cross information concerning the Consent Agenda, was that this weeks?"

**Mr. Buchanan** said, "Commissioner, you're referring to budget adjustment 980242 and that is for the District Court for using attorney's fees now to buy computers. We have an assurance from the Court Administrator Louis Henson that they will have enough money, that they will never come back and ask us for any more money. That they are prepared to deal with that issue."

**Commissioner Hancock** said, "Appreciate that. I wasn't there yesterday and I wasn't quite up to speed on that one. Thank you."



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**Chairman Schroeder** said, "Thank you. Other discussion on this item? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

**Chairman Schroeder** said, "Thank you. Any other business to come before this Board? If not, we stand adjourned."

**O. OTHER**

**P. ADJOURNMENT**

**Regular Meeting, May 27, 1998**

There being no other business to come before the Board, the Meeting was adjourned at 12:15 p.m.

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

\_\_\_\_\_  
**MARK F. SCHROEDER**, Chairman  
Fifth District

\_\_\_\_\_  
**PAUL W. HANCOCK**, Chairman Pro Tem  
Second District

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

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

\_\_\_\_\_  
**MELODY C. MILLER**, Commissioner  
Fourth District

ATTEST:

\_\_\_\_\_  
**James Alford**, County Clerk

APPROVED:

\_\_\_\_\_, 1998