

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 7, 2006

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, June 7, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burtnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Jo Templin, Director, Human Resources; Mr. Bruce E. Majors, Equipment Operator 2, Public Works; Mr. John G. Green, Undersheriff; Mr. Don Brace, County Clerk; Mr. Robert L. Henshaw, Undersheriff; Mr. Gary Steed, Sheriff; Ms. Irene Hart, Director, Community Development; Mr. Sherdeill Breathett, Sr., Economic Developer, Community Development; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Brad Snapp, Director, Housing Office; Ms. Annette Graham, Director, Department on Aging; Mr. Marty Hughes, Revenue Manager, Division of Finance; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Robert Nolan, Representative, Todd Tiaht's Office.
Dr. Delores Craig-Moreland, OZ Bicycle Club.
Mr. Donald Krammer, OZ Bicycle Club.
Mr. Dave Hewitt, OZ Bicycle Club.
Ms. Sharon Hewitt, Oz Bicycle Club.
Ms. Cecile Kellenbarger, OZ Bicycle Club.
Ms. Ruth Holiday, OZ Bicycle Club.
Mr. Bruce Armstrong, Mayor, City of Haysville.
Mr. Lonnie Scott, President/ CEO, Mid-America Minority Business Development Council.
Ms. Donna Wright, Mid-America Minority Business Development Council.
Mr. Brian Walker, Kansas Food Bank.
Mr. Milo M. Unruh Jr., 300 W. Douglas, #330, Wichita, Ks.
Mr. Bob Kaplan, 430 N. Market, Wichita, Ks.
Mr. Billy J. Gray, 204 N. Woodchuck, Wichita, Ks.
Mr. Jim Wood, 1322 Hickory Creek Ct., Wichita, Ks.
Mr. Pat Vorgensen, 4335 S. Hoover, Wichita, Ks.
Ms. Jenny Gholson-Morris, 338 W. 35th Street S., Wichita, Ks.
Mr. Phil Bressler, 5314 W. 44th St. Ct. S., Wichita, Ks.
Mr. Jim Ralston, APAC-Ks. Inc.

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GUESTS (Con't)

Mr. Michael Shetlar, 4522 Dorris Ct., Wichita, Ks.
Ms. Kathleen Perry, 4254 S. Gilda, Wichita, Ks.
Ms. Melisa Shetlar, 4522 S. Doris Ct., Wichita, Ks.
Mr. Francis White, 4528 W. MacArthur, Wichita, Ks.
Mr. Victor Leis, 4601 S. West, Wichita, Ks.
Mr. Kelly Merth, 3741 S. Fairlawn, Wichita, Ks.
Ms. Melodie McDonald, 4448 Doris Ct., Wichita, Ks.
Ms. Barb Lahman, 5302 W. 44th Ct. S., Wichita, Ks.
Mr. Jim Snook, Bergkamp Construction, Wichita, Ks.

INVOCATION

The Invocation was led by Pastor R. Laney Kuhn of Haysville United Methodist Church.

FLAG SALUTE

ROLL CALL

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

Chairman Sciortino said, "Next item."

PROCLAMATIONS

A. PROCLAMATIONS.

- 1. PROCLAMATION DECLARING JUNE 7, 2006 AS "SEDGWICK COUNTY AVIATION INDUSTRY RECOGNITION DAY."**

Chairman Sciortino said, "Thank you. Commissioners, like to read this proclamation into the record for your consideration. It states:

PROCLAMATION

WHEREAS, the aviation industry is the cornerstone of our local economy, with 21% aviation and manufacturing employment- almost double the average United States manufacturing employment of 10.6%; and

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WHEREAS, every job in aviation manufacturing creates another 2.3 jobs in our region, with manufacturing companies employing about 57,000 people in south central Kansas; and

WHEREAS, our Kansas Congressional leaders, Representative Todd Tiaht, Senator Sam Brownback, and Senator Pat Roberts, have been instrumental in bringing critical defense projects to our aviation partners that have had an impact of over \$8 billion to our local aviation companies; and

WHEREAS, the need for business driven technical training is well documented, and in the region, the largest aviation companies have immediate needs to hire 4,150 skilled workers this year, and have access to a well-trained workforce in the future; and

WHEREAS, SPEEA and other organizations have been actively involved in promoting the continued need for aviation jobs and having access to retraining to meet business demands; and

WHEREAS, the work of the Sedgwick County Technical Education & Training Authority focuses on business-driven technical education, helping aviation and manufacturing companies compete, grow and continue to provide high quality, high pay jobs for citizens in Sedgwick County.

NOW THEREFORE BE IT RESOLVED, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim June 7, 2006 as

‘Sedgwick County Aviation Industry Recognition Day’

and recognize the efforts of our federal, state and local partners who have been actively involved in and remain committed to growing aviation jobs in our community.

Commissioners, that’s the proclamation. What is your will?”

MOTION

Commissioner Burnnett moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “And I believe we have a representative from Todd Tiaht’s district, office to accept the . . . Oh, I know him.”

Mr. Robert Nolan, Representative, Todd Tiaht’s Office, greeted the Commissioners and said, “On behalf of Mr. Tiaht, I just want to say thank you to the commissioners for this proclamation and I will get a copy to him as soon as I return to our office today.”

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

2. PROCLAMATION DECLARING JUNE 12, 2006 AS WICHITA STATE UNIVERSITY 2005-2006 BASKETBALL TEAM DAY.

Chairman Sciortino said, “This is a proclamation I’ll read into the record, commissioners. It states:

PROCLAMATION

WHEREAS, the 2005-2006 Wichita State University Basketball team had a second best record in team history with 26 wins; and

WHEREAS, Shocker Basketball made its first NCAA tournament appearance since 1988 and united this community and region with a memorable run to the Sweet 16, bringing national recognition to Wichita State University, our community, and Kansas; and

WHEREAS, the Shockers won their first Missouri Valley Conference regular season title since 1983 and finished the season ranked number 21 in the ESPN/ USA Today Coaches Poll; and

WHEREAS, we recognize the outstanding hard work and skill demonstrated by Missouri Valley Coach of the Year Mark Turgeon and the Shocker basketball squad, including Paul Miller who is only the third Shocker to win the Missouri Valley Conference Player of the Year award and first since 1985;

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NOW THEREFORE BE IT RESOLVED, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim June 12, 2006 as

‘Wichita State University Basketball Day’

in Sedgwick County, and do hereby express appreciation for the significant accomplishments of the Shocker Basketball team and their coaches and also express our gratitude for the pride and recognition they have brought to themselves and the community.

Commissioners, that’s the proclamation. What is your will?”

MOTION

Commissioner Unruh moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “And commissioners, we’ll be actually presenting this to the Shocker team on the 12th. They’re going to have a function up there at the college. We’ll be making the presentation to them. Next item please.”

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RETIREMENTS

B. PRESENTATION OF RETIREMENT CLOCKS.

1. PRESENTATION OF RETIREMENT CLOCK TO BRUCE E. MAJORS, EQUIPMENT OPERATOR 2, PUBLIC WORKS.

Ms. Jo Templin, Director, Division of Human Resources, greeted the Commissioners and said, “We are happy to honor and thank Bruce Majors for his public service. Bruce will retire July 1st, 2006 after 30 years of service. And Bruce is a Equipment Operator 2 in the Department of Public Works. Bruce, you want to come forward.”

Chairman Sciortino said, “Bruce, congratulations on your retirement and we want to, on behalf of all the citizens of Sedgwick County, give you this commemorative clock, so you can start to wile away when you start doing ‘honey-dos’ or whatever you have planned. And this is the proclamation and recognition, letting you know that you have served 30 years working for the citizens of Sedgwick County and we’re all proud of you and very grateful for the time that you put in. Would like to thank you and give you a few minutes to say a few words if you would like. Do you have any plans, immediate plans besides sleeping in and relaxing?”

Mr. Bruce E. Majors, Equipment Operator 2, Public Works, greeted the Commissioners and said, “We going to go she my wife’s parents in Massachusetts, haven’t been there.”

Chairman Sciortino said, “My son is up in Boston. If you happen to see him, say hi. I’m sure he’d recognize you. Congratulations.”

2. PRESENTATION OF RETIREMENT CLOCK TO JOHN G. GREEN, UNDERSHERIFF, SHERIFF’S OFFICE.

Ms. Templin said, “Also this morning, we are going to present a retirement clock to John Green, Undersheriff with the Sheriff’s Office, who will retire on August 1st 2006. John.”

Chairman Sciortino said, “Well, we’ve got some mixed emotion about this. We hate to see him leave, but he’s got something that he really wants to get on, and John come on up here. We want to thank you so much for all the things that you have done to help make people safe on the streets, because your work is 24/7, 365 and this is a small token of the citizens’ appreciation, to just thank you for the hard work, and this certificate indicates and recognizes your term of service to the citizens and we want to thank you and wish you the best of luck in your new career and would you like to say something.”

Undersheriff John G. Green greeted the Commissioners and said, “Well, this essentially wraps up

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a 32-year career as a commissioned law enforcement officer for the state. I was fortunate enough to start my law enforcement career in Sedgwick County with the Sheriff's Office back in the '70s for five years. I left for 23 years to work for the KBI and was privileged to returned when Sheriff Steed was elected and served as his undersheriff for the last five and a half years, so ten of my 33 years has been here in Sedgwick County serving the citizens of Wichita and Sedgwick County.

Quite frankly, some of the most challenging times in my career has been the last five and a half years. We have had, as a community and a nation, some very challenging obstacles presented to us.

And the partnership and cooperation within Sedgwick County organization, between the elected officials, the Board of County Commissioners, the county manager is an example to be used nationwide on cooperation and partnerships. The accomplishments that I've enjoyed being a part of would not have been possible without the collaborative effort. And behind all of this, I'd be remiss if didn't recognize my wife Kathy because there's the support from the home front that, without that foundation and support to keep me grounded, and say 'Well you know, that was a stupid way of doing something' occasionally or go out and do it again, some things just wouldn't happen and so I've been very blessed with having a strong family support group and also the friendship of the Sheriff and leaders of Sedgwick County and for that I am fond.

My retirement, which takes place . . . my last day at work here will be Friday, I'll have a short weekend off, where I'll start the next journey of my professional development, I guess you can call it, in Yoder at the Kansas Law Enforcement Training Center, where it will give me an opportunity to continue to serve the Kansas Law Enforcement. And to continue a relationship with the Sheriff's Office on a different, professional level. And I've very much have enjoyed the support of this community. Thank you."

Chairman Sciortino said, "Now you can't go away yet because two things. I'm glad to see you're going to have a short retirement, because I didn't want you to make the mistake I did when I retired and tried to help my wife by rearranging her kitchen to make it more efficient. That how I got into this position. And secondly, I have to tell you I was lobbied very hard by our Sheriff, we were trying to figure out if we could just deny your retirement and not let you leave. But our loss is definitely going to be the Law Enforcement Center's gain and we wish you the very best of luck, John. Any other questions? Oh, I guess you can't leave yet. Commissioner Norton."

Commissioner Norton said, "Well John, you are going to be missed and just an aside, take care of yourself, be healthy, we all care about you a lot and we know you're going to do fine in the next job, but we think about you a lot personally too. You've served well as a public official for 30 years, but there's the other side of it, that we care for you as a human being, so take care of yourself, be healthy, that's going to be critically important to your next step in life."

Mr. Green said, "Thank you."

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Chairman Sciortino said, "Thank you. Okay, commissioners, before we go to the next item, the Sheriff has requested an off agenda item, so I'd like to entertain, if that's your will, we could take an off agenda item."

MOTION

Commissioner Burtnett moved to consider an off agenda item.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

OFF AGENDA ITEM

Chairman Sciortino said, "Where is the Sheriff? Oh, why don't you tell us what this off agenda item is all about. He's going to really miss John Green, I'm going to tell you."

Commissioner Norton said, "John, you're not gone yet. Your job is still to nudge him to get up."

Sheriff Gary Steed said, "I was not sleeping. I was just enjoying the moment here. I've asked Mr. Brace to come up and swear in our new undersheriff, which is Bob Henshaw. I thought it was a good opportunity for everyone to meet him and it kind of provides for the continuity of command at the Sheriff's Office as well, so thank you for the opportunity to do that."

Chairman Sciortino said, "Well Sheriff, before the swearing in, could you just tell us a little about his background and . . ."

Sheriff Steed said, "I could. Major Hinshaw began his service with the Sheriff's Office about 28 years ago. He started out and has worked up through the ranks at the Sheriff's Office, serving in

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most all the positions and gaining the experience necessary to become an undersheriff. Some people would consider that experience, he may just be looking for that position he can handle, out of all those positions that he's worked up through. He has a Masters Degree in law and a Bachelor's Degree. He's a graduate of the FBI National Academy, and he was most recently in command of the Sheriff's Detention Facility, which is obviously a good prerequisite for command of the Sheriff's Office. Thank you."

Chairman Sciortino said, "Okay."

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

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Undersheriff, so help me God."

Mr. Bob Hinshaw, Undersheriff, said, "I do.

Good morning, commissioners. For the record, Undersheriff Bob Hinshaw from the Sheriff's Office. The Sheriff appointed me to this position and I look on this as a privilege to continue this service that I've enjoyed giving to the community for the past 27 years. The trust that the Sheriff has shown in my by asking me to take this position is a little bit humbling and it's definitely an honor. I look forward to beginning my new duties. That technically begins this coming Sunday. Thank you very much."

Chairman Sciortino said, "Commissioner Norton, did you have something else you wanted to say?"

Commissioner Norton said, "Well we had a huge discussion at our staff meeting the other day. Jo Templin led it and it had to do with succession planning in our organization. And as we look at all the positions that have to be filled over the years and having people in the pipeline, ready to do those very important jobs an career pathing and succession planning. This is just a very good observation and example that there are people in the pipeline that have paid their dues, that understand the system, that have gone back and got education, are pretty smart at what they do and are ready to step into these kinds of positions. And I think that's what is powerful about succession planning in an organization, is that when someone retires or moves on, you have someone to fill in the gaps and take you to the next leadership level and I think this is a good example of that and a good time to comment on that, as we have those discussions in the whole organization of how we do that. So congratulations, Sheriff, for having someone in your organization that can do that. That's all I have."

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Chairman Sciortino said, "Okay, thank you. Madam Clerk, call the next item please."

CITIZEN INQUIRY

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A BICYCLE ROUTE IN SEDGWICK COUNTY.

Ms. Delores Craig-Moreland, OZ Bicycle Club, Wichita, greeted the Commissioners and said, "I'm here as a member of the OZ Bicycle Club to talk to you about a bike route and I'd like to thank you for the opportunity to address you on this matter. The bike route has a 100-mile circuit around Sedgwick County. It goes through many of the small towns. It's an opportunity for us to get out and enjoy the wonderful scenery and the small communities that are a part of Sedgwick County. It's an opportunity for our riders to get out there and enjoy the countryside.

What we're asking for is signage to help improve awareness. In your packet of information for today, you should have a small folder that indicates that there is a Federal Motor Carrier Safety Administration program called 'Share the Road' to encourage more awareness. And a lot of what we think the signage is about and a designated route is safety.

I have other members here of the OZ Bicycle Club. They're going to tell you about their club, about the development of riding in this community and how important this is to us. We feel that we're doing a lot to be active and a fun part of this community and do health things and we're wanting to partner with you in better awareness and safety and so I'll pass it on to the next person."

Chairman Sciortino said, "Before you . . . Dr. Craig, before you . . . do you have a copy of the sign that you're asking us to present, or is that something you were going to give us an idea of what it is you're wanting us to look at? Sometimes pictures help us a little better than words."

Ms. Irene Hart, Director, Community Development, said, "This was developed by our Public Works Director."

Chairman Sciortino said, "So that's the standard size sign, notifying motorists that something is happening, please be more alert. I mean that's the . . ."

Dr. Craig-Moreland said, "Yes, it's big enough and it's visible and if there's a couple of these in each mile of the county road on this designated route, this will encourage motorists to be aware and to share the road and it will promote safety for all the parties concerned."

Chairman Sciortino said, "All right, thank you."

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Mr. Donald Krammer, Board Member, OZ Bicycle Club, greeted the Commissioners and said, "I'd like to tell you a little bit about OZ. I've been with it for 30 years. The club is 32 years old. It started out with six or eight cyclists of Sedgwick County getting together on Saturday afternoons and just going for a ride, and then all of the sudden like everything else, you have to make it a club. So they formed up the club as the Oz Bicycle Club. They decided they didn't want a president or a vice-president because that was too formal so they have a wizard and a vice-wizard for the club.

The club is formed up to promote bicycle safety and just to have fun. We have over 300 members. We have rides on Wednesday evenings, we have them on Saturdays and on the weekends. It's open to the public, if you'd like to ride with us and this route, this bicycle loop around Sedgwick County, we've ridden it, I've ridden it. They're really safe roads and we're really in favor of this loop. Thank you."

Ms. Cecile Kellenbarger, Board Member, OZ Bicycle Club, greeted the Commissioners and said, "Just for . . . we are really interested in safety here and that's why we're here today. In fact, what I thought I'd bring up is that in the Eagle today there was an editorial on bicycle safety and sharing the road and I think it's become very important to us and for everyone riding that people are aware of a bicycle on the road and maybe the signs will help.

Also . . . so if you have time, go ahead and read the little article today, because I think it's pretty well written and we've got some quotes and some different things."

Chairman Sciortino said, "We're politicians. We read editorials every morning."

Ms. Kellenbarger said, "You probably read it before I even got up this morning, but anyhow, also just so you know that really there are a lot of bicycles in town. They are not all members of the OZ Club and it would be important for them to also have these signs.

We just got done, a couple of weeks ago, having a bike ride called the 'Wicked Wind'. It's our annual ride that we have a pretty big group. We have five hundred to six hundred people come out. We actually did run it out at Lake Afton this year, so we could be out of traffic, for that reason and we usually have signs and that kind of thing for safety so that's why we're interested in this. Thank you."

Ms. Sharon Hewitt, Member, OZ Bicycle Club, greeted the Commissioners and said, "And I wanted to bring to your attention that my husband and I mentor children and one of the main activities we do is take them bicycling, so we are especially concerned with safety, when you have someone else's child's life in your hands, it's really frightening to think about what might happen.

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But it's been a wonderful activity for us, and for the children, and we feel like that these signs would make the public aware that bicycles are on the road. I don't even think sometimes that motorists realize that bicycles have a right to the road, so I feel like signs would give us awareness, give us credibility and give us recognition so we ask that you consider that. Thank you."

Ms. Ruth Holliday, Member, OZ Bicycle Club, greeted the Commissioners and said, "My husband and I own the Bicycle Peddler. We've also been members of the OZ Club for over 26 years. This route that has been designed to come from the city and the potential signage just makes us very excited. Adding these signs would be beneficial to Wichita for many, many reasons, but I want to highlight three of them.

Awareness for both cyclists and drivers would respect . . . it would give mutual respect to both, it would make awareness a little keener. This loop, secondly the loop of the city would allow the cyclists a safer alternative for urban cycling, which I think today and age is very well needed. And thirdly, this would set a standard for other Kansas communities. It would encourage alternate means of transportation, for commuting, for exercise and for mentoring children and taking them out riding.

I don't know how many times I get customers that have just recently moved to Wichita in our store that are very surprised at the lack of awareness of drivers as they get passed, or as they speed on past them, and I think signage would help new members of the community to realize that we do care and that we're there for them. And it has a healthy alternative for exercise outdoors and is paramount in our way of thinking. Thank you."

Mr. Dave Hewitt, Member, OZ Bicycle Club, greeted the Commissioners and said, "I'm actually in disguise today. My normal weight, 15 years ago, was around 236. But when a 3,000 pound vehicle passes over you, it completely nullifies the health benefits. I've noticed in my own neighborhood, in the last month, probably five new bicycles with adults riding them. I feel like that the increased awareness of the health benefits of regular exercise, plus the price of gas, we need to increase the awareness of bicycling and even though we're talking about signs only on this route, it should carry over into the whole area, geographically. Thank you very much."

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Ms. Craig-Moreland said, "Thank you, Commissioners. I just wanted to reiterate that the route that we're proposing and we're asking for the signage has been discussed with all of these communities. In the case of some of the communities, they already have existing bike paths. We don't use them but we go near them, so that we make it easy for people to enjoy such as in Haysville, where they have bike paths, this comes right up to where that is, so that it promotes use of those local, recreational facilities and it gives our bicyclists a route that they can go on, where they know there's convenience stops in that and we think it is an important part of safety, to have a route like this, where there is increased awareness and cooperation and as Dave Hewitt said, we hope then that it spreads throughout the county, so we think this is a good way for drivers to increase awareness and we really appreciate your willingness to listen to this and to consider this. Thank you very much."

Chairman Sciortino said, "Commissioners . . . Commissioner Unruh, if you'll allow me just one second, before your light is on. What . . . and I have to officially, I'm a member of the OZ Bicycle Club, so personally I'm going to be very supportive of this item, but what we were trying to figure out is what roads are cyclists presently using a lot and that had a lot to do with the designing of the route. It's not establishing a new route. It's not encouraging riders, saying 'Boy, this is the safest route to take'. These are the roads that right now are heavily trafficked by cyclists because, for the most part, they are lightly trafficked by motor vehicles. And what they're asking for, basically, is to put up some signage just to alert the automobile drivers, truck drivers that if you're on this particular part of that route, chances are excellent you're going to encounter bicyclists, so please be more alert."

The timing of the tragedy that happened over this weekend just reinstates that motorists need to understand there's alternate forms of transportation that are going to be on roads and just don't take your eyes off the road for a second or tragedy can happen, so that's basically what they're presenting for us. Commissioner Unruh."

Commissioner Unruh said, "Okay, thank you Mr. Chair. I had a couple of questions. First of all, the route that you've established, we're not sanctioning that or endorsing that in any way."

Chairman Sciortino said, "No."

Commissioner Unruh said, "I mean, that's just something that you all have established as a good 100-mile route."

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Ms. Craig-Moreland said, "This is a club loop, route, whatever. It's something that we're in the process of posting on our website. It's just meant to be a way that when people are new to the community or some of our riders want to know 'Where's a good place to go for a ride?' this shows them a nice, large loop. We don't anticipate everybody is going to make the big route, but if you pick any one of these communities, you can go out on this route and come back and have a good time. And we're not asking you to sanction it. We're asking you to help us make it a safe place for us to be."

Commissioner Unruh said, "Okay, thank you. And the safety aspect comes not just that it's a route that's out of the urban area, but the signage is the component that makes it safer. That's the theory here."

Ms. Craig-Moreland said, "That's right. And it's not just our theory. As I said, the Federal Motor Safety . . . let me get their name right here, Federal Motor Carrier Safety Administration says that this is a way to make it safer. That people do cooperate if they're aware and this is a way of increasing that awareness and making people realize that there are other users of that route."

Commissioner Unruh said, "Okay. And the sign that you showed us, is that the size?"

Ms. Craig-Moreland said, "Yes, it's a big sign and it's all the better to make you aware."

Chairman Sciortino said, "Actually commissioners, that was the standard size sign that Public Works uses when they're notifying. It looks real big right there, but it's the standard size sign that Public Works uses whenever they're notifying motorists that something is going on there. It's not . . . it's a regular sign. Isn't that right, David?"

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Yes, the size sign you saw would be the exact size we'd put up, because a car traveling 55 miles an hour down a road and the sign is over to the side, in the right-of-way and that's the size that it takes for them to actually see the sign."

Chairman Sciortino said, "Okay, thank you."

Commissioner Unruh said, "Well, just one last comment. I have a letter for the Mayor of Belle Aire, Mayor Brian Withrow, who is lending his support and encouragement for this project. He as representative of their council, he says it's just a way to bring folks through their town and of course, they're always eager for that to happen. So at any rate, that's all I had at this time, Mr. Chair."

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Chairman Sciortino said, "All right. Commissioner Norton."

Commissioner Norton said, "Well, recreational . . . I mean, there's really several levels of biking and that's your kids in the driveway learning to ride. And then, I know in Haysville we have a system that the city council and the mayor has put together over the years that has to do with recreational biking. It loops the city together. But this takes it to the next level. I mean, folks that are out on highways are pretty serious about their . . . it goes beyond recreation. It's much past that and that's a growing segment of our population. You know, I see more and more people doing . . . biking in a serious mode, as opposed to recreation on a bike path, and stopping at a park and eating a picnic and everything. This takes it to the next level."

One of the questions I have though is this is one organization and one route and are there going to be other routines and other organizations that will now come to us and say 'Well, we don't like the 100 mile they came up with, we think it should go through Colwich and Mulvane' and now we're encumbered with a separate route. We're obviously going to think, 'Well okay, who do we serve'. I know OZ Bicycle Club. I've over the years have done the way stations in Haysville and handed out waters and bananas, so I understand that, but is there another organization that might come up to us two weeks from now and say 'well, you did it for OZ, why aren't you doing it for us with our route, and our route is only 25 miles, but we need signs too'. I just think it becomes a sticky wicket. We've got to understand, to make sure we know what we're getting into."

Chairman Sciortino said, "Let me try to understand . . . answer the question for you. Actually, when you combine the OZ Bicycle Club with Prairie Travelers, that's the two bicycle organizations here in the Wichita area, got over 800 members. What they have said to us is it's not a route that we're establishing. They have told us these are the roads, right now, that are very heavily traveled by bicyclists. And they're asking for if we could put up signage, just to alert cars that if they're on this route, chances are they're going to get a bike, but we're not establishing a route."

Now whatever OZ might want to do with it on their own is up to them. If . . . I don't know of any other organizations that would come up to us and say, 'would you establish a route' and we're not establishing a route. What we're saying . . . if they could shows us, if someone were to come and say 'Well, let me show you how many bicyclists go between . . . I don't know what other road, but this section' that would be something we'd want to look at. If this idea is good at promoting safety and alertness, if someone else at some time in the future could come and say 'Well, here's another area that's heavily traveled' we would probably want to look at that, as a way of promoting safety."

The crux of this is only to alert the drivers to please pay attention. Now I don't know if a sign like

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this, up and down Douglas, might have changed anything that happened, the tragedy that happened Saturday, but for whatever reason, that pickup truck driver wasn't alert, wasn't paying any attention. I don't know if a sign like that, 50 feet away from where the accident occurred, could have drawn his attention, where all of the sudden he's looking back through the windshield where he should have been to begin with could have prevented that. But I can't answer your question as to whether or not anyone else in the future might ask us to consider another section, but if the reason for it is the same as here and they could show the volume of riders, I would assume we would take notice."

Ms. Craig-Moreland said, "Commissioners, I would like to say that I think that the likelihood of that is relatively . . . I mean, I don't feel like we're doing this to promote an 'OZ' route. That's not why we're asking you to do it. It is pretty much, as Chairman Sciortino said, that we see a lot of people, OZ people and other people at large out on this route and that's why it's taken us a couple of years to do this and we've consulted with the various towns and so on and what we're trying to do is allow recreational use, that comes from all these small towns, in ways that are safe. And at the same time, for the hard core, if you want to go 100 miles, and I can tell you, it's major pain and suffering, but if you want to go 100 miles, you can do that. And that's fine.

The interest the club has, as Don mentioned earlier, is in promoting safe bicycle use and that's what we think this route does and I guess I would be really surprised if someone else would come to you, especially considering that these are the great routes for going out on a country tour."

Commissioner Norton said, "Well, I'm looking just at the south side. We're getting ready to cold mix 87th Street, Meridian to Broadway. Does that change the thought process of which route you take, if you were on the south side? You could certainly go to 79th and go over to Derby, via 83rd and everything, but you could also get there from 87th to Broadway, down and over, and does that become another connecting link? I mean, the debate goes on and on.

Truthfully, I'm very supportive of a bike route. I think it is important to have safety and we have some abilities to do that. The other part of it is what are the fiscal restraints, you know how much money is it going to cost and how do we get encumbered in that with all the other things we have to look at."

Chairman Sciortino said, "Okay. Well, I think it's important that we discuss that, to bring that out. David had given me a price on a per sign basis, and if I took that cost of just one sign, the way to do

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it properly would be to put four signs per mile, two facing one way and two facing the other and if I took David's just per cost to build one sign, times it by four, times it by the mileage here, the total price is around \$72,000. Now he's indicated to me that if they were to make a purchase order for 400 signs that that per cost sign would be dramatically reduced. I don't want to put words in your . . . is that basically what we discussed, David?"

Mr. Spears said, "That's right. If the commission decides to do this, we'd try to put about half the money in the budget for 2007 and half in 2008. And then, if we had some money left this year, we would try to go ahead and start on some signs this year, if the commission wanted to go ahead with it."

Chairman Sciortino said, "All right, thank . . . and the per cost would be a lot less money than what they're wanting . . .?"

Mr. Spears said, "If you could buy, you know, more at once, yes. The quantity would help you get the unit price down."

Chairman Sciortino said, "Okay. So the outside, if we just did it one on one, would be about the \$72,000, but it would be dramatically reduced . . . say for example, maybe we make a decision that we can find the money this year and start this year, where you could make a place and order immediately for 400 signs, that would dramatically reduce the cost."

Mr. Spears said, "That would reduce the costs quite a bit, yes."

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

Commissioner Winters said, "I guess I'm confused. Is this an action item we're taking today?"

Chairman Sciortino said, "It says 'receive and file' but it doesn't limit . . . personally, if we could possibly move on this item today, I would like to see some movement so that the people that saw that we were getting ready to get started on this, but we don't have to. It could be just receive and file."

Well commissioners, any other questions for anyone? Commissioner Burnett."

Commissioner Burnett said, "I don't know if this is really a question or not. I know that the OZ

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Club is probably a lot more cognizant of the laws of the road with bicycle. I guess it is a question. Do you all have a mentoring program for the kids or a brochure that's goes out to tell them what the rules of the road are? I mean, I am all for the signs and the safety part and it's one of my pet peeves in town, is bicycles that don't stop for stop signs and don't signal and every year, in one of my newsletters I always write an editorial about it in the spring, because that's when the kids get out and they're so excited and they just don't think about what they're doing. And I know, I've heard about the OZ Club for many years. I personally am not a bicyclist, but when you have kids that come into your club, do you have these teaching programs, mentoring programs that teach them the rules of the road also?"

Ms. Kellenbarger said, "We don't necessarily have that. We don't have the mentoring program as you're saying. We do happen to have a junior racing team and they are all told how, yes, that the rules are to ride in the road. And anybody that rides with us, we usually do correct them if they are not riding with a helmet and riding single-file or double abreast only. We do do that. That is something that we are very diligent on following as far as when we're having rides and telling our people to do that.

The thing is, we only represent you know, 300 to 400 members and 800 riders that come to our events and things, so many times it's up to us, when I go riding I see somebody on the wrong side of the road, get over and tell. And usually they're kids and they . . . you know, they're thinking you know if they're told, as a walker, they go on the other side of the road. But as a bicyclist, that's just the opposite and they need to be told. And unfortunately, it's something you have to individually tell them and we do do that and we have had events where we had that little training wheels a few times, where they would go through the different areas and learn how to ride and that kind of thing. We have not done that this last year, or last two years, but that's a good thought."

Commissioner Burnett said, "Well, I remember as a child, we always had the police department come to our elementary schools and tell us the rules of the road and told us, you know you had to be on the same side going with traffic and you had to stop at stop signs and I wonder if we should do more to revive that and get more kids educated."

Ms. Kellenbarger said, "I think that's an excellent idea and I do remember, when I was in school, that the officers did come and tell us that."

Commissioner Burnett said, "Thank you."

Ms. Holliday said, "Just a quick comment. The City of Wichita does produce a bike map that

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excellent that has the rules of the road. When people come in the shop, we do share it with them. The city is very good about having those available.”

Commissioner Burtnett said, “Very good, thank you, appreciate that.”

Chairman Sciortino said, “Commissioner Norton.”

Commissioner Norton said, “Well, to move this along, I’m very supportive of what we’re doing but I’m a little concerned that we’ve kind of got an open-ended discussion on how much money it’s going to be, so I’m willing to say ‘Let’s receive and file today, but instruct David Spears to bring back a real proposal of how much it’s going to be’ so that we can really look at the real number. But I think, you know, I’d like to do something but from \$72,000 down to ‘It could be lower’ is good fiscal policy for us. So I think I’m willing to do something, but I think Dave needs to be instructed to come back and give us the unit pricing, for 200 of them, and what does that really mean in real dollars.”

MOTION

Commissioner Norton moved to receive and file and instruct David Spears to bring back estimates on signage costs.

Commissioner Burtnett seconded the motion.

Chairman Sciortino said, “David, again so it wouldn’t be cloudy, could you be back to us within two weeks with those numbers?”

Mr. Spears said, “Sure.”

Chairman Sciortino said, “And why don’t you share with us, if we were to give you the authority to place the order for all of the signs at one time, what that cost would be, as opposed to staggering it over a two-year period. Because I don’t want to minimize \$72,000 but in the big picture, with the budget that the county has, \$72,000 is not a huge number. I would prefer us not dragging this on for two years to try to get it implemented. If there could be funds found in this year’s budget, and once we get the hard number from David, I would love to see us at least get started. There’s a physical constraint of how quickly his people can put up the sign, but I would love to be able to have this started and completed by this same time next year if it would be possible. So, if the Motion could include having David come back within two weeks with that number.”

Commissioner Norton said, “Yes, I thought as quickly as he can get us some real numbers.”

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Chairman Sciortino said, “Well, as fast as . . .all right, any other comments? A motion has been made and seconded that we receive and file this presentation, with instructions to the Public Works director to return to us no later than two weeks to give us a hard number on what it would take to make this a reality. Clerk, call the roll.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Ladies and gentlemen, thank you very much for coming and we’ll be dealing with this in a couple of weeks. Next item please.”

PRESENTATION

D. PRESENTATION OF HAYSVILLE COMMUNITY REDEVELOPMENT UPDATE.

POWEROPINT PRESENTATION

Mr. Bruce Armstrong, Mayor, City of Haysville, greeted the Commissioners and said, “As a lead-in to your next item, which is the inner-local agreement that you’ll be seeing, we thought it would be a good idea to do a presentation and give you some background on what’s happened since the first inner-local that was done . . . was put in place and since the railroad separation has actually happened also, so that’s what we’re trying to do today is to show that, leading into your next item.

As you know, a lot of you, that the inner-local was put into effect by Commissioner Norton, when he was mayor of Haysville, to help the redevelopment after our ’99 tornado. Because of the railroad separation that happened, we were truly not able to get the development done that we wanted until the railroad has opened. I think several years there, when we opened the railroad and that’s what we wanted to do, to let you physically see some of the slides that we’re going to put up on what has happened with redevelopment and in using the inner-local agreement that’s been there.

So with that, I’m going to move fairly quickly, I know you have a full agenda, through these items.

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You can see, we lead off with the 'Good things are happening in Haysville'. We think that is something we truly like to see happen. I'm going to start from 71st and move north and come back to the 31st Street also. This is a park that is starting at 71st and Main. With the help of Commissioner Norton, it was started. Once completed, there will be sidewalks, antique streetlights, a fountain and a bronze statute that will be placed in this area here. It's right on the corner, right by the grade separation.

This is also on the corner. It's a remodel. Central Star Credit Union has come into town for their business and has helped that corner be redeveloped. Main Street Liquor, they are a new building that is taking part of the inner-local agreement that's been build on Main Street. The remodel of the shopping center took place along and added several new businesses in there, the Tru Value, Movie Gallery and such businesses that are in there. Doug's Auto is taking . . . in fact, his building was totally destroyed. He rebuilt this one on Main Street. Main Street Place is a senior residence living community that we are putting in. There are 59 units of senior living housing that is now being built, and open and being occupied. Along with this area, we'll be building our new senior center in this same area.

Just to the south of this building is a new shopping center. Curves and Family Dollar is in it. Pizza Hut will be moving into this building and it will be total occupied then in just a short time. To the south of that building is also the same developer has an option to build another building, looking exactly like that one, so we will end up with additional shopping center on that area right there.

There are three buildings like this to go in, just south of the bank that is there. It will be an office complex. Right now the Shield of Shelter office is in that one. This is a spot that has been sold to a local developer, where he will be building . . . next picture, you'll see a new Kwik Shop that will go in and 4,000 square foot retail building that will go in, just starting within this year's time also.

This property is the next one that's on south of where the Kwik Shop is. It's been sold to the Warren family. They'll be putting in a 10,000 square foot building for real use there. With that, then we move to our Dollar General that has also been built on this same area. It's a prototype 9,000 square foot building that was built on the Main Street site.

And we move to one of the only two buildings that was left standing after the tornado is what we call the Vickers' building. It's an old Vickers service stations that was one of the first built in Kansas. We remodeled it and our community developer will be housed out of this office there. Once it's complete, you'll see pumps out front, also Vickers pumps that will be there and we'll have the sidewalks and streetlights will be there.

We move then back to the park area of Haysville. That takes us up and down. These are not all the businesses that are there. These are truly the ones that we have done the neighborhood revitalization

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program with and as you see, if you haven't been to Haysville in a while, we've had quite a redevelopment of that Main Street core area which we tried to do and again thanking the commissioners on the inner-local there and for the railroad separation that happened that truly has allowed that area to develop as we had hoped it would at that time. I would stand for any questions that you may have."

Chairman Sciortino said, "I don't think we should let Commissioner Norton speak. He's going to probably say nice things about Mayor Armstrong or something. Commissioner Norton."

Commissioner Norton said, "Well, a lot of this did start on my watch and I have to give the Mayor and the council, present council credit that you know, they could have said 'That's not our vision, we don't care about it' but they have done a remarkable job. And truthfully, the railroad separation did slow things up a little bit. People were just not willing to invest along Main Street during the time the town was cut in half. But almost instantly, when the ribbon was cut, people started flocking to that area, the property is all bought up and obviously we'll move on to the next item here in a minute, which is the inner-local agreement, but this is a state has given us the ability through statute to have a neighborhood revitalization area that offers some tax incentives and tax abatements and it is specifically designed for blighted areas or areas affected by devastation, like Haysville had and it has worked very, very well and of course I'm going to be supportive of that, but I'm pretty proud of what the mayor and the council has done down there to make sure all of this has happened."

Chairman Sciortino said, "Well, I'd like to make a comment too. I can remember the days right after the tornado, you were still the mayor of Haysville and those of us who were on the bench at that time took a helicopter tour, and Haysville got hit pretty hard, but you were able to take a tragedy and turn it into something positive because you had a vision and your people pulled themselves up by their bootstraps and said, 'well we're not going to lay down and just die here', we're going come around and turn around and have a revitalization that will make us even bigger and better."

I don't know that Mayor Armstrong wanting to put 'Gateway to Paradise' over that grade separation is the right thing, but Haysville is doing tremendous things. That park over there, we bike over there sometimes on Saturday morning and have breakfast over at the Shrine thing and then, in the park, when you have your Haysville festival days, I mean that's beautiful, so I think Haysville is doing great and all it takes is some political courage and vision and Mayor Armstrong, you're to be complimented.

That community is really growing, dynamic. I understand you've already completed your first 300,000-plus home down there, which is beautiful. I mean, the developers are down there wanting to build and that's a good thing and your town is growing and it's good work. Any other comments

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on this one? What is the will of the board on this? I believe this is simply a receive and file.”

MOTION

Commissioner Norton moved to receive and file.

Chairman Sciortino seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thanks again, Mayor. Next item please, Madam Clerk.”

NEW BUSINESS

E. DIVISION OF COMMUNITY DEVELOPMENT.

1. INTERLOCAL AGREEMENT WITH CITY OF HAYSVILLE, KANSAS AND UNIFIED SCHOOL DISTRICT 261 FOR NEIGHBORHOOD REVITALIZATION PLAN.

Mr. Sherdeill Breathett, Sr., Economic Developer, greeted the Commissioners and said, “Just using the TEAM acronym, when you look at TEAM, Together Each Achieves More, you see that happening with what we’re doing with Haysville, as far as the inner-local agreement. We’re excited about that. 2000, City of Haysville, USD 261 and Sedgwick County entered into an inner-local agreement which allowed for the rebate of new property tax dollars created by this investment of property owners in the neighborhood revitalization plan district, as seen and demonstrated very well by the Mayor.

That original inner-local agreement has since expired, based upon the need to continue this incentive, which has been an agreement has since expired and we wanted to use this toward

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developers in order to obtain new investment in the Main Street area of the city and the City of Haysville is requesting that the agreement be renewed and we're excited about this initiative."

Chairman Sciortino said, "Okay. Commissioner Norton."

Commissioner Norton said, "Well, I just wanted to know the length . . . what is the length of the extension on the agreement, just for the record."

Mr. Breathett said, "It's a three-year agreement."

Commissioner Norton said, "Three years. I guess my question would be to the mayor. Do you think that's significant enough time to finish up what you need to do, mayor?"

Mayor Armstrong said, "Yes. At this point, I think you just need to take a look at what's happening. Once we complete the Main Street project and where we have, we will only actually have one or two open parcels before we start on our historic district, so it's been very good and I think in this next three years, we ought to be able to complete this whole thing."

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

Commissioner Winters said, "That was my question. What kind of timeframe were we looking at, so the mayor has answered my question."

Chairman Sciortino said, "Okay. Mr. Euson, just perhaps maybe for my edification, but more importantly for the public's edification, what does this mean? I mean, we're going to extend this, it's a neighborhood revitalization, but what does that mean? Tax dollars or what happens that's positive for Haysville or what have you?"

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "I guess I wasn't really necessarily prepared to answer that. All of the plans and obligations under this agreement are set out in statutes, which allows this kind of a program and any of the money that is involved in it is . . . the progress of it is governed by the statutory set up and it involves a tax increment which is a . . ."

Chairman Sciortino said, "Is it like a tax increment district, where the taxes stay for the revitalization of that district only and not spread out?"

Mr. Euson said, "That's my understanding of it, at any rate."

Chairman Sciortino said, "Okay. Commissioner Norton, you had another comment."

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Commissioner Norton said, "Well, I think there's some other aspects to this and part of it is any improvements that people make on that property, and if it's raw ground and the whole thing is an improvement, they get a tax abatement back. They pay their taxes and then they get that back on the improvement. Now, if it's an old building and they've put \$30,000 in it, then they get a tax abatement for the improvement they put in. If it's raw ground and they build a whole new center there, they get a tax abatement for so many years to spur the economic development. So there is a tax abatement, they pay their taxes in but they get that back in a rebate."

Chairman Sciortino said, "And it's only on the . . . the point I was . . ."

Commissioner Norton said, "Only on the improvement, so you wouldn't have gotten . . ."

Chairman Sciortino said, "We're not giving away any tax dollars that we presently are getting. It's only we're incenting people to improve, which means three years from now we'll be able to get even more taxes, but that's basically . . . it's just on the improvements and it's for a finite period of time and as stated here, it's for three years."

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

Chairman Sciortino said, "I understand that. That's what I was trying to just kind make sure the public understood, it wasn't the public subsidizing Haysville. It's actually encouraging growth and development in Haysville, which will eventually come back as additional tax revenue. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Sherdeill, they used the term in our backup 'blighted or sub-standard property'. Is that defined and by whom? I mean, is that a definition that the county establishes?"

Mr. Breathett said, "That's a state initiative. That's not through the county."

Commissioner Unruh said, "Okay, so it's not . . . area-wise, it's not confined to any specific area. It's just any property that comes under that definition is eligible."

Mr. Breathett said, "Correct, for that particular area that we're designating."

Commissioner Unruh said, "All right, thank you. And does it also . . . it says up to 95% of the difference."

Mr. Breathett said, "That's correct."

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Commissioner Unruh said, “Is there a sliding scale, depending on the amount?”

Mr. Breathett said, “No there is not, just for the three-year period. Again, it’s to encourage that incentive for them to redevelop that area.”

Commissioner Unruh said, “Okay, so it will be 95% then.”

Mr. Breathett said, “Correct.”

Commissioner Unruh said, “Okay, all right. Thank you Mr. Chairman, that’s all I had.”

Chairman Sciortino said, “Okay. I don’t see that there’s any other questions or comments, so what is the will of the board on this item?”

MOTION

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

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you very much, Sherdeill, mayor thank you. Mr. Economic Development person, thank you. All right, next item please.”

2. AGREEMENT WITH KANSAS FOOD BANK WAREHOUSE, INC. TO PROVIDE SUPPORT FOR ITS BUILDING CAMPAIGN.

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Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, “For your consideration today is an agreement with the Kansas Food Bank. In April of 2004, the commission approved funding for the Kansas Food Bank in the amount of \$250,000 to be used to support their campaign to build a new facility.

The agreement before you today confirms that three-year agreement and allows us to make the final payment. We’ve already made the previous two year’s payments. Kansas Food Bank is a non-profit, privately supported and volunteer driven organization that provides supplementary food to persons without enough to eat. During their 20-year history, they’ve provided over 65,000,000 pounds of food to those people in need.

Today we have Brian Walker and Don Meyergurd from the Kansas Food Bank, who can answer questions and give you a status report. You’ll notice that they have broken ground on their new facility and they can tell you more about it.”

Mr. Brian Walker, President/ CEO, Kansas Food Bank, greeted the Commissioners and said, “We just want to take this opportunity again to say thank you for the support that you’ve shown the food bank over its 20 year history and the support that you’ve given us to build this new distribution center, which will in turn serve the citizens of this county and the 86 counties of the state, with more food, putting more food on their tables and providing more nutritious food for them.

I also wanted to give an update of the building. If you’ve driven by, on Douglas, most of the foundation has been poured and all the tilt-up panels will be poured this week and they will start tilting up those panels mid next week. So it will start looking more like a building in about two weeks and freezer and cooler construction will begin in August and we hope to have the doors open the second week of October. Thank you.”

Chairman Sciortino said, “I just have one question, I guess, just to get me up to speed on this. We had approved funding of \$250,000 in 2004 for the construction of this facility. Is that correct?”

Ms. Hart said, “Yes, sir.”

Chairman Sciortino said, “And now it’s being asked for 2006 an additional \$83,000?”

Mr. Hart said, “No sir, it’s the third year.”

Chairman Sciortino said, “Just the third year of the 250, so this is just showing us that we are honoring our three-year commitment. Okay, that’s what I was confused about. Okay.

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Commissioner Winters.”

Commissioner Winters said, “Well, thank you. Mr. Chairman, I just wanted to take a quick opportunity to share with the rest of the commissioners that Sedgwick County has been involved with Kansas Food Bank Warehouse for a number of years and in fact I was privileged in I believe it was 1994, along with then county commissioner Billy McCray, who was active in the food bank and before being a commissioner, I had been active in the food bank and we assisted in paying off the last \$25,000 note on the building where they’re located now and had a mortgage burning ceremony, where Commissioner Billy McCray and I lit the match that burned the mortgage. So we’ve had a long relationship with Kansas Food Bank and I’m certainly going to be supportive of making this final payment on our commitment.”

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Sciortino said, “I have a Motion and a second, there’s no further comments other than to say this is one of the most worthwhile organizations, because now you’re getting down to the hardcore basic need, food. Clerk, call the roll please.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you very much. Next item please.”

3. AGREEMENT WITH MID AMERICA MINORITY BUSINESS

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**DEVELOPMENT COUNCIL TO PROVIDE ECONOMIC
DEVELOPMENT SERVICES TO PROMOTE AND ENHANCE
MINORITY-OWNED AREA BUSINESSES.**

Ms. Hart said, “Commissioners, you know that for the past several years, we’ve had a relationship with the Kansas Minority Business Development Council, or KMBDC. At the end of last year, they received an offer that they couldn’t refuse, which was to reinvent themselves in an affiliate with a national organization that brings additional resources to the community and that organization is the Mid-America Minority Business Development Council. So the agreement that you have today is for \$35,000 to continue funding this organization.

We’ve gotten some excellent objectives this year. By bringing more resources to the table, they can accomplish more. One of the programs that’s funded, that this organization does is to certify minority business enterprises. They anticipate on certifying 30 enterprises this year. They plan education and technical assistance events, mentoring. The eventual outcome and the bottom line is that they expect, through their efforts, to help minority businesses create 275 new jobs in Sedgwick County, so we’d recommend that you approve this agreement for funding.

With us today are Donna Wright, who is the executive Vice President here in Wichita, and Lonnie Scott, who supervises the office in Kansas City.”

Chairman Sciortino said, “Would they like to come up and address us a little bit, if you want?”

Ms. Donna Wright, Executive Vice President, Mid-America Minority Business Development Council, greeted the Commissioners and said, “I have with me today Mr. Lonnie Scott, who is the President and CEO of the Mid-America Office headquartered in Kansas City, Missouri. We’re pleased to introduce MAMBDC to Sedgwick County and to the City of Wichita and the surround areas. As Irene did mention, we are a 501-C3 company with a satellite office here in Wichita, with expansion opportunities for Kansas and western Missouri.

Our territory does cover the complete state of Kansas and western Missouri and we are proud to be one of the 39 regional councils that are affiliated with the National Minority Business Development Council, headquartered in New York City. We are governed by a board of directors, with local presence. From the Wichita area, we have selected Ms. Janet Loyd-Williams from Intrust Bank to serve on the board of directors as our Wichita affiliate and also we do have a minority business owner that we have recommended to the board.

We are so pleased to be here in the Wichita city and our mission is to increase business development opportunities between major and minor corporations and to strengthen our community. Our vision

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basically is to build a business community that continues to grow strong, through increased diversity.”

Chairman Sciortino said, “Thank you.”

Mr. Lonnie Scott, President/ CEO, Mid-America Minority Business Development Council out of Kansas City, greeted the Commissioners and said, “As Donna mentioned, our territory is all over Kansas and half of Missouri. But as we saw an opportunity here in Wichita to put up an office specifically to help Wichita grow its minority business development, Donna I believe will do a great job in leading it and we also appreciate the support that we’ve had in the past from the commissioners and also the support that we’re getting today.

One of the things that we saw was Wichita’s growth, growth area and we want the minorities to be able to participate in that and so we saw an opportunity to come down to Wichita and help grown the Wichita area through subsidizing it from Kansas City. We’ve grown the Kansas City area and we feel like Wichita is the next step, in our companies development, and that is growing Wichita. We’d be glad to answer any questions.”

Chairman Sciortino said, “And I believe we have some, sir. Commissioner Burtnett.”

Commissioner Burtnett said, “Actually not a question, just a comment. I was honored to be able to come to one of your first meetings of organizational meeting and Donna, it was a pleasure to meet you and I really look forward to working with you over the next few years on growing this and making this really worthwhile. I think you’ve got some great ideas and great opportunity here in Wichita to help the minority business, so happy to have you aboard.”

Chairman Sciortino said, “Okay. Commissioner Unruh.”

Commissioner Unruh said, ‘Thank you, Mr. Chair. I just had a question. First of all, I want to say I’m very supportive of the goals and the objectives that you’ve outlined here and that we’ve got a contractual agreement that you all are going to provide these services to our community.

But can you differentiate for me the difference between your organization and that of the Urban League? I mean, do you all overlap at all or can you answer that?”

Mr. Scott said, “There is some overlap in the fact that we’re looking at minority improvement and economic development. However, we focus on minority business development only. We don’t get

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off into social issues, like the Urban League does, so that really is the difference.”

Commissioner Unruh said, “Okay, thank you. That’s helpful and just wanted to emphasize the economic development aspect of your organization, so thank you. That’s all I had, Mr. Chair.”

Chairman Sciortino said, “Thank you. I don’t see that there’s any further questions or comments, so Commissioners, what’s the will of the Board on this item please?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you all for coming and next item please.”

4. AMENDMENT #2 TO AGREEMENT WITH SEDGWICK COUNTY EXTENSION COUNCIL TO PROVIDE EDUCATIONAL SERVICES AND LEASE OF PREMISES, TO INCREASE ACCOUNTABILITY OF PUBLIC FUNDING AND ESTABLISH BENCHMARK REPORTING.

Ms. Hart said, “We have a five-year agreement with the Extension Council to operate the Extension Education Center at 21st and Ridge Road. This is amendment number two, which allows for funding this year for their annual allocation of \$990,524. We have objectives, goals and objectives and standards for performance that are updated from amendment number one last year. Be happy to answer any questions you might have.”

Chairman Sciortino said, “I don’t see that there are any questions, so commissioners, what’s the will of the Board on this item?”

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MOTION

Commissioner Norton moved to approve the Amendment to 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 Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Next item please."

- F. RESOLUTION REQUESTING THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING ADDITIONAL COSTS TO ACQUIRE A SITE AND CONSTRUCT AND EQUIP THEREON A JUVENILE JUSTICE COMPLEX FOR SEDGWICK COUNTY, KANSAS.**

POWERPOINT PRESENTATION

Mr. Chris Chronis, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, "You have before you a resolution that deems it advisable to construct, furnish and equip a juvenile court building, as part of the juvenile court complex and then to renovate the existing court building to serve as office space for the district attorney staff that serves the juvenile court. The resolution further requests the Public Building Commission to sell bonds in an amount not to exceed \$15,445,000 to finance these improvements. And finally, the resolution declares your intent to reimburse cash balances that may be used prior to the sale of the bonds for the project.

The action that's before you was originally submitted to you in April and was deferred at that time, pending discussions about the county's overall debt issuance plans and our debt policy limits.

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We've had that discussion and you decided, at that work session, to bring this item back and so it's before you today.

The debt service on this bond issue, this \$15,000,000, is estimated to be approximately one and a quarter million dollars a year for 20 years and assuming that debt is repaid with property taxes, the equivalent mill levy based on the current tax base that will be required to make those annual repayments is approximately one-third of a mill. These revenue bonds, these PVC bonds are revenue bonds and they do not count against the county's statutory debt ceiling. They do however count against the variety of debt ceilings that you have established by county policy, which are more commonly used as measures of capacity by the financial markets.

You have, in the agenda summary, a table that shows how our debt measures will stand against our policy limits after the issuance of these bonds and other planned debt for 2006, 2007 and 2008 and you can see from that table that the issuance of these bonds. At the end of 2007, we will have approximately nine and a half million dollars of remaining debt capacity and at the end of 2008, we will have approximately 2.6 million dollars of debt capacity remaining. As you know from the presentation that we had, after we get past 2008, assuming no surprises, no unanticipated debt issues are required between now and then, our debt capacity will begin to grow once again, and we'll be able to consider some additional projects that we've had to put on the back burner.

The resolution that's before you, once you have adopted it, assuming you adopt it today, will be advertised once a week for two consecutive weeks in the Derby Daily Reporter and that will initiate a 30-day protest period. If within that 30 days a valid petition containing the signatures of at least 5% of the electors of the county is not submitted to the County Clerk, then we have full authority to proceed with this transaction, and the Public Building Commissioner will then proceed to take actions leading, ultimately, to the debt issue later this year. If a valid petition is submitted within that 30 day period, then these bonds cannot be issued unless and until a referendum is held and a majority of the voters approve the issuance of these bonds.

Joe Norton, our bond counsel, drafted the resolution that's before you and he is in the room and I'm sure will be happy to answer any questions that you have about the technicalities of the resolution. I'll be happy to answer any questions about the project itself, and if you have no questions, then I recommend you approve the resolution that's before you."

Chairman Sciortino said, "Thank you very much. We do have some questions or comments. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Well Chris, your presentation was very clear. I don't have a question as much as I want to make a comment that first of all I'm going to be supportive. I think this is a need, at our juvenile justice complex, and I would just want to make the

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comment for constituents and citizens that are watching that the fact that this was deferred I think is an indication that we are trying to be very careful and deliberate in these capital projects that we are committing ourselves to. We made a substantial commitment six weeks ago approximately on an aviation center and on the jail facility expansion and so this is another substantial amount of commitment that we're making.

But the fact that we've taken this in a couple of pieces, I would just want everyone to know that we're being careful and giving the impact of this careful scrutiny. I think this commission as a whole is trying to be very careful on what we're doing with our mill levy money and we are trying to make sure that our priorities are in careful order, because we understand that . . . the phraseology you had was I think 'mill levy equivalency' and want to make the point that that does not mean 'mill levy impact'. Those are two different concepts, two different phrases and so the equivalency means this is what it actually takes in money. The impact has to do with what it will do on our tax bills, when we get them, so we're working with it very carefully and the chart that you've given us shows that we're staying well within the limits of our internal debt policy, which I think is very conservative and strict.

So the bottom line of my comments is simply not to say to you, but just to let our citizens know that we're being deliberate, careful, analytical and we are cognizant of the mill levy equivalency and the mill levy impact when we consider these projects. And so thanks for allowing me to make those editorial comments. Thank you, Mr. Chair."

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

Commissioner Winters said, "Thank you very much, Mr. Chairman. Well, I certainly agree with Commissioner Unruh and would want to emphasize all the comments he's made. As part of our discussion, I think we were looking at, again, some of the road, highway, bridge projects that we have in our plans for the future and I certainly want to assure everyone that I'm certainly going to stay committed to making sure that we're able to uphold that part of our Capital Improvement Program as far as is humanly possible, because I think all of those Public Works projects are very important.

But I think also it's important that we move on with this project and this is the continuation of the project we started with the juvenile facility. We've done the 108 bed detention facility. The next phase of that has always been, since the late 1998 or someplace in that time frame, has been to proceed on with a new juvenile court building and the renovation of the existing court building. And

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we do have a very dedicated group of people working in that juvenile detention facility and in the court system and those in the court system are particularly our partners with the State of Kansas and the district court that serve the citizens of Sedgwick County and we provide the facilities for them. So I certainly want all of those state folks that are working in this facility to know that we're back on track. We think that we've got this project well planned out, well thought out and we will begin to proceed.

Chris, do you know when we can think about construction beginning and when we would think about completion of this project? Or do we need to get that from some of the Facilities folks?"

Mr. Chronis said, "We will get you the precise project plan, but we have the facilities designed and we're prepared to award construction contracts in the very near future, certainly before we issue these bonds. The construction schedule, I believe, is approximately 12 months."

Commissioner Winters said, "All right, well I'm confident that the judges and those working in the facility are probably paying attention to the action we're taking today, but I certainly want to say that we appreciate their patience and we really appreciate the cooperative spirit that they've been working with us under some very crowded circumstances and this will certainly alleviate that, so I'm going to be supportive of this action today."

Chairman Sciortino said, "Thank you. Any other comments, Commissioners? What's the will of the Board on this item?"

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye

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Commissioner Burtnett Aye
Chairman Sciortino Aye

Chairman Sciortino said, "Thank you very much, Chris. Next item please. Lets take a five-minute recess to allow a shifting of people."

The County Commission recessed the meeting at 10:30 a.m. and returned to the meeting room at 10:40 a.m.

Chairman Sciortino said, "We're back from recess. So the commission now is in session and Clerk, would you re-read Item G so the audience can understand exactly what item we're discussing."

PLANNING DEPARTMENT

G. CASE NUMBER CON2006-00009 – CONDITIONAL USE TO ALLOW A C & D LANDFILL ON "LI" LIMITED INDUSTRIAL ZONING; AN EXTENSION OF TIME TO 2012 TO OPERATE CU-403, WHICH PERMITS ROCK CRUSHING AND CONCRETE RECYCLING; GENERALLY LOCATED SOUTH OF MACARTHUR AND EAST OF THE WICHITA-VALLEY CENTER FLOODWAY. DISTRICT #2.

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "The application area is before you on the screen. It's a 82 1/3 acre site that's completed zoned Limited Industrial and it's already subject to two conditional uses, one granted in 1996, Conditional Use 403 and the other in 2002, Conditional Use 2002-12. I'm trying to find the right exhibit here. Conditional Use 403 is on the northern 57.6 acres of the site, figure one."

Chairman Sciortino said, "Now, could you point to . . . I think I know what area. There you go, just so anybody can see it. Thank you."

Mr. Schlegel said, "And that conditional use, again granted in 1996, allows the applicant to excavate materials from the site and also to operate a rock crushing facility. Conditional Use 2002-12 covers the southern 24 and ¾ acres and that allows the applicant to excavate soil and other materials from the site. That particular conditional use will expire in 2002 [sic] and is not affected by any of the actions that are before you today."

Chairman Sciortino said, "You said it will expire in 2002? It's already 2006."

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Mr. Schlegel said, "I'm sorry, 2012. It was granted in 2002 for 10 years. Conditional Use 403 does cease this year, August 28th and part of the action before you today is to extend that conditional use another 10 years, or I'm sorry, until the year 2012."

Chairman Sciortino said, "So they both run out concurrently?"

Mr. Schlegel said, "That is the idea, yes. Originally, they sought a ten-year extension, they modified that at the planning commission to 2012, so that both would expire in the same year."

Chairman Sciortino said, "Got it. Thank you."

Mr. Schlegel said, "So just to summarize real quickly, the uses that the applicant is currently allowed on this property, the 72 acre parcels, are all the uses allowed by right under the Limited Industrial zoning classification. They are allowed to do materials excavations over the entire site, under these two current conditional uses and under Conditional Use 403, they are allowed to a rock crush operation on the northern portion of the site."

Going back to the aerial photo, you can see how the site is currently being used. The southern portion of the site, which is governed by Conditional Use 2002-12, they are currently not excavating any materials from that end of the property. The rock crushing operation, you can see, is on the very northern portion of the site that's governed by Conditional Use 403 and you can see where they have done some materials extraction from that portion of the site.

As I said before, the action before you today is to seek an extension of the rock crushing and material excavation conditional use that expires this year, extending that out to the year 2012. And then also part of this application before you, the conditional use that's before you today is approval of a construction and demolition landfill on the southern 58.8 acres of the application area. And let me get the right exhibit in front of you to show that. And exhibit D, which is this, shows the outline of that 58.8 acres and that would be the portion of the site where the C & D landfill would be operated, if this conditional use is granted. The remaining portion of the site, to the north, would remain in the rock crushing operation.

As originally proposed, the C & D landfill operation would occur in three phases, and they've submitted plans to show how that would occur. Figure 2 before you best shows that and as they originally proposed, the C & D landfill would have been extended up to 40 feet above current grade, although they did modify that at the planning commission meeting to 25 feet.

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They are requesting a 10-year time period for the C & D landfill, which would commence upon getting all final state and local regulatory approvals. Access to the C & D landfill would be from Broad Street, which is their current means of access, to the rock crushing operation. I have a . . . in the PowerPoint presentation there are a variety of photos, if we need those today. I was going to not go through them at this time, unless you asked for them.

When this item was heard by the Metropolitan Area Planning Commission meeting, at its meeting of April 20th, they recommended denial of the conditional use and that was both part of it, both the C & D landfill and the extension of time on the rock crushing operation.

There were a number of people present to speak in opposition to the conditional use. They expressed concerns dealing with a loss of property value and resale opportunities that would be caused the unsightliness of a 25-foot high landfill mound. They were also concerned about fugitive trash that might be associated with material being deposited. Also they were concerned with noise and dust from the crusher and additional truck traffic that would be caused by the landfill operation.

A developer and a Realtor testified at that meeting that approve of the conditional use would have a significant negative impact on their ability to market and complete existing and approved residential developments that are occurring, both to the north and west.

We do have protest petition covering some 36% of the notification area and that's illustrated on the map before you now. Again, the recommendation of the Metropolitan Area Planning Commission is to deny the conditional use request and adopt their finding. And with that, I'll be glad to take any questions and I know there are other here today that wish to speak on this item."

Chairman Sciortino said, "Thank you, John. Commissioners, before we get started on this, I need to disclose that I had the applicant and their attorney asked to have a meeting with me and I accepted the meeting and listened to any information they wanted to present to us, and then subsequent to that, there was a group of people that were in opposition and they were represented by an attorney and they asked to have a meeting with me and I also agreed to have that meeting and listen to what they wanted to present and I don't know if you all had meetings, but if you had, I would encourage you to disclose that right now, maybe up front."

Commissioner Winters said, "Yes, Mr. Chairman. I had those same contacts from both the applicant and a group that were in opposition, and so I did meet with them."

Chairman Sciortino said, "Okay, thank you. Commissioner Burnett."

Commissioner Burnett said, "I also have had meetings with both the applicant and those in opposition."

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Chairman Sciortino said, “Okay. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. I will say the same thing. I had meetings with the applicant and those in opposition and they each presented their case and arguments.”

Chairman Sciortino said, “Okay, thank you. Commissioner Norton.”

Commissioner Norton said, “I, in turn, had the same meetings and also would like to be on the record that I’ve had several media contacts and have refused to make any comments, on the record, about this particular item. We are challenged with making sure that it’s a fair hearing of the facts and although we’ve heard that information in different forms. I have formed no opinion or given an opinion one way or another, about this particular matter.”

Chairman Sciortino said, “Thank you. It isn’t required that this be a public hearing, but it is our custom here on conditional uses that we do allow public input. Could I have a show of hands of people what would like to speak to us on this item. Okay, here’s what we’re going to do. I’m going to allow the applicant to come up and speak first, and would ask the applicant, if they could, possibly limit their time to five minutes. Then the one group that was represented by legal counsel, I would allow them to come up and speak and would ask them, if possible, to limit it to five minutes and for the rest of the folks, I would like to ask you to, if you could, limit your time to three minutes, and if possible . . . We will let everyone speak. Anyone that wants to speak, but if it isn’t the 23 time of ‘me too, me too’ if it would be additional information that you feel might be effective for us in forming a decision, we would appreciate it. But that notwithstanding, we will allow everyone in the audience that wishes to speak to us on this item the opportunity to do so. So at this time, if the applicant or his representative would like to get up and present to us. If you would allow a little time for these whatever your putting up to get up and then if you’d give your name and address for the record please.”

Mr. Milo M. Unruh Jr., 300 W. Douglas, #330, Wichita, Representative of the applicant, greeted the Commissioners and said, “I represent the applicant, James K. Snook. With me today are Mr. Snook in the white shirt and also Kathryn Rocky of Terra Con who was our expert witness, who is available to address any technical issues that have to do with the permitting process of a C & D landfill that are governed by the KDHE as well as the Sedgwick County Solid Waste Committee. As this commission is aware, roughly two years ago, substantial revisions were made to regulations governing C & D landfills, specifically to address environmental groundwater, construction and

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design issues of a C & D landfill. Therefore there are strict regulations which govern the operation of a C & D landfill which must be complied with by the client, in the event a conditional use is allowed for him to do so.

I would like to, to the extent I could, address material factors under our Golden rules, enunciated by our Kansas Supreme Court with regard to a conditional use that we are now addressing. And again, it's the extension of the rock crusher which was previously approved by this commission. Second is to the operation of a C & D landfill and I think it should be noted that the actual fill area of the C & D landfill will be approximately 37 acres, three separate phases. The first phase will be approximately 7 acres, the second phase will be about 14 acres and then the third and final phase will be approximately 16 acres. We will complete one phase, fill it, cover it with native grass, shrubbery, anything that's appropriate for a C & D landfill, then we'll move to phase two and then we'll move to phase three, so it's not as if there will be 37 acres of filled area at the same time. That's not what's going to happen.

And then, where we are now is briefly addressing the factors that our courts have laid out, and that first factor is the character of the neighborhood. This clearly, without question, this entire area from MacArthur over to Hoover Road, 55th Street, is a mix of industrial, agricultural, light commercial and residential. That is not going to change. It's going to be that way for a long, long time. We have the active Kansas/ Oklahoma Railroad that borders my clients site on the east. We have the Sedgwick County Public Works yard, which is there to the southeast of my client's site. We have major industrial sites all over the place, from the Oxy-Chem site, southwest, the waste transfer station to the south, the DeBruce Grain Elevator to the south, The APAC plant to the north and I have Mr. Ralston from APAC present today who will speak, Murray Gil station. We also have the natural landmark buffer of the Wichita/ Valley Center Floodway between my client's site, the residential site directly to the west.

The zoning and uses of the property nearby, the area is predominantly zoned light industrial which . . . or Limited Industrial, which is the purple. There's no question that this area is predominated by a Limited Industrial zoning. In fact, it's surrounded on the north, east and south by Limited Industrial zoning. A C & D landfill is an appropriate use within a Limited Industrial site. What I think is important to realize, is our planner have considered the issues that are before you and that is, we have an area, which clearly constitutes a mix. And since 1993 to the current date, we've had a functional land use guide that's being put out by our planners on what are we going to do with this area in question. And forever, my client's site has been designated as 'processing industry'. It

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hasn't changed. What is more important is the planners noted, even on the latest revision of last year, that the area immediately to my client's west was already noted as residential, so when the planners developed this land use guide, what we're talking about here has already been taken into consideration by the planners as to what was going to happen.

One of the areas, the diagrams we're going to show are the very few areas . . ."

Chairman Sciortino said, "Could you just give us an indication of how much more time you would need, sir?"

Mr. Unruh said, "I hope to finish in less than five minutes."

Chairman Sciortino said, "All right."

Mr. Unruh said, "The next diagram we show are the very few areas in this county that have been designated processing/ industry, my client's site, there's the nearby site of APAC, that is also processing/ industry. So when our planners looked at this area and the various mixed uses that exist and will be existing, this scenario was already taken into consideration. The suitability of the subject property is clear. The C & D landfill parallels our current rock crushing operation. It is a logical extension of the uses that are now permitted.

It's been specifically selected as a processing/ industry site by our planner. The soil content is clearly suitable for a C & D landfill because it is low-permeable clay soil, which is very tight. It does not allow for leaking and a flow of contaminants into the groundwater. The applicant recently submitted to the county, at the request of the county through the Sedgwick County Department of Environmental Resources and Susan Erlenwein, the information we had concerning issues that had been raised about groundwater and I'm sure she is available to answer any inquiries that the commission might have from the perspective of the county with regard to groundwater. What it is on our side is surface water, not groundwater. That information has been provided and I'm sure Ms. Erlenwein can address the inquiries that the commission might have concerning that.

One thing that we had emphasized, we have made a considerable reduction in the height of the C & D landfill. When we presented our application that was reviewed by the staff, it was a 40-foot fill area above grade. At the time of the MAPC hearing, we had reduced that to 25 foot. What was not mentioned but we did disclose to the commission staff that we are willing to further reduce that down to about a 13 to 14-foot above grade level, which will be equal to the level of the floodway, the levee. It will not be sticking up above the levee, it will be equal to, so we have reduced the fill area substantially by nearly 27 feet from the date that we submitted our application. That is to address the concerns that were expressed by the staff in their report, where they indicated that it

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might be a highly visible landmark, with that 40-foot fill area, so we have now reduced it substantially, down to 13 feet, making it again equal with the level of the floodway.

No new construction is required. What is a very positive factor about this site, it is extremely close to three main thoroughfare: MacArthur, West Street, I-235. Truck traffic, per day, with the rock crusher, at the current time approximately is 10 to 11 per day. Additionally, with the C & D landfill would be an additional five, so we're looking approximately on a daily basis anywhere from probably 15 to 17 per day. Just to give you an idea of how that pales in comparison to the traffic that's now on MacArthur, they're almost 7,500 daily traffic runs on MacArthur right now, so the amount of truck traffic in relation to the traffic as a whole is minimal and there's no new construction, it has easy access to, again three main thoroughfare of I-235, MacArthur and West Street.

The rock crusher, we've checked the number of days of operation. For 2004, it was in operation 14 days, it's a portable unit, can be moved. 2005, it was 42 days and 2006, so far it's only been in operation 4 days.

With regard to the concerns expressed by the residents and potential residential development, number one our rock crusher site was in play 1997. That rock crusher site has not inhibited development to our west. To our north, there's the APAC plant. That has not inhibited the development of the Blue Lake area. Those are facts. They are developing in and around industrial uses at the current time, and I do not believe that is going to stop. We have attempted to address their concerns with the site, that being reducing the fill grade area from 40 foot down to 18, to make it level with the floodway."

Chairman Sciortino said, "Sir, that's your additional five minutes. How much more time do you need?"

Mr. Unruh said, "Two minutes. I'm sorry, I'll wrap it up. I think the benefits of a C & D landfill are substantial. It recycles aggregates that can be used in our infrastructure and our streets, our mud ways, our building plans. It is certainly going to increase competition in the C & D. I think we anticipate roughly 20% of the market. It provides a resource for builders, contractors, small remodelers to bring their materials to be recycled and for use again on our infrastructure and what is most important is the use we are proposing is in conformance with the plan, the comprehensive zoning plan that our county has adopted and has used for the past 25 years and looking into the future of 2030.

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The rock crusher site, again is an ongoing business, been in operation for 10 years without complaint. We think it should be continued. It's profitable. It makes sense. It does good work and it recycles materials and with that, to sum it up, we're asking for extension of the rock crusher operation, we're asking that the C & D landfill be approve. It's 12.98 feet, that's the 13-14 above. So with that in mind, I appreciate the time that you've allowed the applicant to present his views and we ask that the commission approve the application. If nothing else, as far as the C & D landfill, we seriously want that height addressed by MAPC staff, if nothing else send it back to their further review given the height revisions we have submitted."

Chairman Sciortino said, "Okay. Commissioners, any questions at this time of the applicant? I just have one sir. The extension that you're asking for, just for clear edification, is till when?"

Mr. Unruh said, "2012."

Chairman Sciortino said, "2012 and that would be in concurrent with the present sand excavation."

Mr. Unruh said, "Yeah, the 02-12 goes till 2012."

Chairman Sciortino said, "Okay and the height that you're now saying that you want to agree to is about 13 or 14 feet?"

Mr. Unruh said, "Above grade, the specific height would be 1,298 feet."

Chairman Sciortino said, "Okay. And you say that this latest offer has not been seen or heard by the planning commission? They're not aware that you went from 40 . . . they're aware that you went from 40 to 25, but they're not aware of this latest compromise?"

Mr. Unruh said, "That's right."

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

Commissioner Burtnett said, "Is 40 foot a standard grade or something for a C & D landfill, because it seems odd that you'd go all the way from 40 down to 13 and be able to have the same kind of business going on."

Mr. Unruh said, "Actually the regulations, our regulations permit an 80-foot fill above, and so what we started with was half of that. The 25 foot, the significance of that is that the piles that we have that are permitted under our rock crushing operation are 25 foot. That's why we went from 40 to 25 foot, to make that consistent with the piles that we now have of gravel over at the rock crushing site."

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Commissioner Burnett said, "So going down to 13, how long do you anticipate you'll be able to have the C & D landfill before it would be full?"

Mr. Unruh said, "We would estimate that if we used the three phases that we are proposing, I believe it's 27 years."

Commissioner Burnett said, "So if you would have had it at 40 foot, how long would you be able to do that?"

Mr. Unruh said, "So of it is going to be dependent upon the amount of the market that we capture from the other permitted C & D landfills in the area. I know one is going off, Clearwater I think is going to be inactive here shortly."

Commissioner Burnett said, "So even at the 13 feet, you believe it will still take till 2012 to fill."

Mr. Unruh said, "It will actually go beyond that. I think we would have to see how the operations go from currently to 2012, to see where we are on our fill area. I think we were estimating that as to the first phase, it would take approximately two years to fill that."

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

Chairman Sciortino said, "We have no further questions, but keep yourself available should the commission has some questions. Okay, there was one group of people that were in protest. They were represented by counsel. I'd like to perhaps ask them if they'd like to come up with a representative and make a presentation to us. I'm not going to be saying you have to limit yourself to five minutes. Just keep it as succinct as you can, but I want to give you all the time that you feel that you need to present any evidence that you feel would be important for us to consider. Why don't we set it for 10 minutes and see in Mr. Kaplan can come in under the wire."

Mr. Bob Kaplan, 430 N. Market, Wichita, Ks., greeted the Commissioners and said, "I might explain that my specific representation, I am retained specifically by Gray Construction. Now I have met and visited with most all of the folks in this room and have consulted with them, but I am not intending to usurp their time or to take away from them their opportunity to express their views. They live with the issue. I'm obviously, as you all know, a retained advocate."

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I'm a little bit déjà vu in light of what previously has gone on in this case, but I do want to essentially just reiterate the points that I've previously made. First of all, I think it's important for the commission to note that there's a substantial difference between my position and my responsibility here and my colleague, Mr. Unruh. Mr. Unruh is advocating a single case for a single applicant for a single project and it's altogether right and proper that he should do this. That's what we do as advocates, as lawyers. However, I believe that I am up here speaking for the future of a neighborhood, not on behalf of a single individual.

And I think that's a significant distinction and I make that distinction for two reasons, one of which came to light in Mr. Unruh's presentation. The first is that I've expressed previously that there is a perception, in my opinion there is a perception with these folks who live in the southwest area of the city, live in the southwest area of the county. I believe that they believe that they seem to inherit the uses that other areas of the city seem to be able to successfully resist. Things, services that are necessary, mobile home manors, trailer parks, industry that seemingly other districts can successfully resist. I think their perception is, and their belief is it always seems to come our way. And I don't know, whether that's true or not, that's your determination, but I think that perception is out there and I think that colors their thinking a lot, when applications like this come along.

The second thing is, and I think it's very relevant, Mr. Unruh focused a lot on the zoning in the area and on the development in the area and what he says is correct, in terms of zoning and the uses that are out there. And I think here's where we separate opinions on this and I think this is extremely salient and important to this decision, Mr. Unruh talks about what has been in the past, what has occurred and what I want to bring to the attention of the commission is the future, the direction that this area is taking with developers like my client, Mr. Gray, and to borrow verbage from staff, who of course opposes the application and recommends denial, as did incidentally the MAPC unanimously, I want to borrow a little bit, I'll plagiarize just a little bit some of Mr. Schlegel's staff comments, reports that this is an immersing neighborhood. We're seeing a change in the direction that this area is taking. We are now seeing affordable, to be sure, but quality single-family homes and single-family subdivisions and I think the issue is whether or not we want that to continue or we want to have more of the past and that is the industrial and those uses which are not compatible with those single-family, quality neighborhoods.

And what was said by Mr. Miller, the senior planner at the planning commission was that if you believe, he's talking to the planning commission and now I'm talking to the county commission, if you believe this neighborhood is undergoing the metamorphosis that I say it is, that it is expanding and growing and becoming a far more livable area, with some very, very nice homes, nice services, then what Mr. Miller suggested and I don't want to misquote him, suggests that if we're going to stop it, then we need to stop it. If we're going to continue to allow things like construction and demolition landfills, if we're going to continue to allow special uses, it's true that we have limited

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industrial zoning, and there are things that can be done as a matter or right, in Limited Industrial. Those do not include asphalt plants, those do not include mining operations, those do not include salvage yards, those do not include rendering plants, those do not include construction and demolition or other landfills. All of those things are special uses that require special processes and special hearings, so it really not fair to say that this is already zoned industrial, it makes no difference what we do out there. That's not so. Uses . . . that's why Mr. Unruh and his client are here. They need a special process, even though it's zoned Limited Industrial, so I wanted to make that observation. I am not going to take . . . we do have a valid protest. I am not . . .

The height reduction is an issue and it's important but the topography out there, as Mr. Gray is going to tell you, is such that you can still see down in this landfill, and you'll see on his architecturally correct diagram, that 13 or 14 feet is not going to prevent its visibility from the neighborhood. It simply will not because of the topo and you can't go to a FEMA map or a geological survey map and say these are the topos because it's being developed and it's being changed, it's been padded up for these homes, so those things have changed. You'll have to get that information from Mr. Gray and if he has the time, he has the charts and the diagrams to prove it, so those are basically my introductory comments. I really am more interested in having you hear from the people who live with the problem on a daily basis and we have attempted to pare this down so you do not have to hear the same thing and I believe that each one of these folks has a somewhat different message, I hope so."

Chairman Sciortino said, "Thank you very much. Commissioners, any questions of Mr. Kaplan at this particular time. Thank you, Mr. Kaplan. We have no other questions at this time, but please keep yourself available. Folks, perhaps if those of you that would like to address us could maybe start to move over and maybe stand in line so we can kind of move the process along. Whoever would like to start, I guess this gentleman here would like to start. If at all possible, we'll ask if you can limit your comments to three minutes. If you need more time, we'll give you the time."

Mr. Billy Gray, Gray Construction, greeted the Commissioners and said, "I started developing home in the area right here in 1985. At the time I started developing these homes, this area had homes and this area had homes. Since then, I have myself personally built 750 units in this area. These people that I built homes for in these two areas right here are right now probably anywhere from 40 to 50% of my market.

33% of my market comes from people that I build homes for in this area, they're moving up into newer homes that are on larger lots and larger homes in this new area that I'm doing right here now. It's called Trinity Point. And another third of my business right now comes from referrals from people in this area.

These areas that are in red are places that we're planning to do residential construction on. And these areas right here, that are being built in here have all been built in since 1975. This is a brand

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new plat that's went in in the last year called Blue Lake and the broker is here to speak about that. Like I say, 60% of my market probably comes from houses that I've built in here. Today, I'm slow. I'm not building as many homes that I normally do. I have people wait and see what happens in this community and whether they're going to buy a home from me or not."

Chairman Sciortino said, "If you could go back to the microphone. The reason for that, sir, is the people on television won't be able to hear you."

Mr. Gray said, "I understand. You know, if this was to go to the way you put the landfill in, these people won't buy homes from me and there's a considerable number of them, so you can't tell me that this will not detriment my marketability of homes in the area. It will hurt my business, okay. I appreciate the fact that Mr. Snook wants to increase his business and have a bigger business but I don't think that his increase and profitability and business should detriment my ability to have a business that I've been here since 1985 building homes.

You know, it just doesn't make sense for us to be able to do that. At the same time that I'm not the only person that does that, that builds homes in this area and it not only hurts . . . if it hurts me in a resale of new homes, it's going to hurt those homebuyers that want to resell their homes.

I have one more diagram I want to put up and show and then I'll be done. I want to leave this diagram up because there's three other people that want to use the diagram. This is an architecturally correct depiction of what a 40-foot landfill would look like at this point. We have drawn in here at 26 feet."

Chairman Sciortino said, "Just for everybody, could you give us . . . are we looking from the west side of the Big Ditch, across the way? Where are we at?"

Mr. Gray said, "We're looking at from the west side of the Big Ditch, from Trinity Point, this is looking at wherever the applicant wants to put his landfill, from about the center of my development."

Chairman Sciortino said, "Okay, so those are real houses."

Mr. Gray said, "Those are real houses that are there, existing that we took a picture of and then, through computer ability, we have put in the landfill at the height of what it would be like for these people. We're showing here on this black line right here at 26 feet, then at 12 feet. This is the east bank of the Big Ditch, seen from my development. This is the west bank of the Big Ditch seen from my development, okay."

Chairman Sciortino said, "Would you show me again, at 12 feet or 13, whatever that is."

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Mr. Gray said, "This is 12 feet."

Chairman Sciortino said, "So if I'm trying to graphically look at that, at 12 feet, only that little section would be seen, because of the higher rise here to the south? They wouldn't see anything?"

Mr. Gray said, "No, they would be able to see that, all the way across there, because here again is your . . . this here again is your east bank, this is your west bank. You've going to be able to see it."

Chairman Sciortino said, "Okay, I thought that tree line was all still the west bank. I've got it."

Mr. Gray said, "What we've done is we put this in here but we didn't take the trees out, at this point here. We were just trying to give you a silhouette of what that would look like, without having to do all the fill, but that will be the extent of it. This right here is the county yard, right here, you can see the sand pile for the county yard. Okay, they keep sand there for their ice and snow.

You know, this elevation of this house right here is 13.2 on the top of the pad, okay, and then you've got another two foot for your floor and by the time you get out to the balcony of that, you're standing, you know, probably about four foot above the height of the west bank, okay. So you're looking straight down into that, off these people's decks right here, you can actually see the ground back here, if you set a building right in here, you can see the whole building. You know, you can actually see the ground inside where he wants to put the landfill.

So, you know, it will be a detriment to the community and if you allow him to have it at 12 feet, thinking that it won't hurt the community, it will degrade the community and he'll be back to raise the level of this landfill, in my belief."

Chairman Sciortino said, "Okay, thank you. Any questions of this presenter at this time? Thank you very much, sir. Next presenter please, if you would give your name and address and tell us any information you wish to give us, sir."

Mr. Jim Wood, 1322 Hickory Creek Ct., Wichita, Ks., greeted the Commissioners and said, "We represent currently about 20 subdivisions in Wichita, about 35 builders and one of the areas that I represent is Blue Lake. If someone could help hold this up for me. It's a 45-acre . . . (inaudible)."

Chairman Sciortino said, "If it's at all possible, only for people watching on TV, they cannot hear you unless you're next to that mic, in case there's someone interested in what you're saying."

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Mr. Wood said, “Anyway, I’m here on behalf of the developers, the builders, the homeowners that have already purchased lots and have houses going up. Currently, we’ve sold over 30 lots, home sites. We have probably 25 homes under construction at this point.

When we did our research and looked into this project, I myself started out in the southwest side of Wichita, and to upgrade and to get into a neighborhood and housing with amenities and things that I wanted, as a move-up buyer, I had to end up moving to the west side of Wichita, up northwest. Well, this is an opportunity for the people from Haysville and south and southwest Wichita to have that kind of lifestyle without having to move to a different school district, a different part of town. That was our dream and our thought and it’s become a reality and it’s working. Our housing in there is about 150,000 and our plan was to be in the low 100s to 200. We’ve got houses in there at 350,000. We’ve got some gorgeous homes, already sold and under construction.

The people in the area, of course, unanimously, are against having this project, this additional project coming to the south. I don’t know if you can tell, but the south entrance of our project, once we get started at the north end . . . we’re basically at . . . those of you that don’t know, we’re right at the I-235 bypass and south West Street, and it goes around the back, all the way to Macarthur. Well, the entrance to this C & D plant would be right across here. This is the south entrance of our project and this is the prop that your talking about developing, so it would be very detrimental to these folks.”

Chairman Sciortino said, “And where is the asphalt plant, APAC? Where is that right now? Could you just show so we can . . .”

Mr. Wood said, “The asphalt plant is right here.”

Chairman Sciortino said, “And has that been a detriment to your development?”

Mr. Wood said, “Yes, we’ve been able to overcome it to a degree, but yes, we’re building walls, 8-foot concrete walls all the way down, we’re redoing the street. They’re going to redo the entry. We’re going to try to cover that up as much as possible. There will be berming and plantings and that type of thing.

The other thing also, we’re looking at two other pieces of property in that area to do single-family homes and these are all single-family homes for people of this section of the city. There’s two other properties right near here that we’ve already been in contact for future planning to do, maybe not as upgraded a project, but to do single-family homes and we think this would be a real detriment to us.

I think I’ve covered pretty much everything. Is there any questions that you have of me?”

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Chairman Sciortino said, "Thank you, sir. Any questions of this presenter? We have no questions at this time, but if you'll keep yourself available should another question come up, we'd appreciate it. Next presenter please, and again, just for the record if you could give us your name and address and try to limit it to three minutes if you can."

Mr. Pat Yorgensen, 4335 S. Hoover, Wichita, Ks. greeted the Commissioners and said, "I'm the elementary principal at Oatville Elementary. Oatville is located directly west of the proposed landfill, probably about a half a mile just west of the proposed landfill and there is just vacant land between the school and that site currently."

Currently the Haysville district is involved in a multi-million dollar bond issue. We're anticipating adding eight classrooms to Oatville, as well as a gym and a music room and things like that, based on the increase in residential housing in the area. From listening to parents in that area and also others in that area that this would be detriment to the increase of more residential houses in the area. We have looked at how many houses are going to be going in and anticipated enrollment at not only Oatville, but at Campus and we're building a new elementary school and a new middle school anticipating additional students coming in.

Also, I'm concerned about all the debris and the dust and things that are currently in the air around that area also, so we do have some concerns about this going in and I'd like your consideration in that."

Chairman Sciortino said, "All right and are you standing in opposition of both the rock crusher extension and the landfill?"

Ms. Yorgensen said, "Yes, I am. From the school, we are kind of on a hill, and you can see, as the plain of the land goes down, across there and everything."

Chairman Sciortino said, "Okay, thank you. Any questions, Commissioners? I see none, so if the next presenter would please come in. Again, if you'd give us your name and address and try to limit yourself to three minutes."

Ms. Jenny Gholson-Morris, 338 W. 35th Street S., Wichita, Ks. greeted the Commissioners and said, "My husband and I are the people Mr. Gray was talking about, or we are at least among them, who are waiting to see what happens with this before we buy a house from him. I want to disclose to you that I am an employee of Mr. Kaplan's law firm. I am not here as a function of my job. My reasons for being here are purely selfish. My husband and I have been dreaming for years about building a house in Trinity Point. I have . . . we've been haunting their model homes longer than

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Mr. Gray has been a client of the firm and preceding these plans to do this. This is our plan. It's not just a pipe dream.

This has the pictures, this has the house plans, this has the decorating ideas for a model that he is currently showing that he has helped to build within a couple of years. We would be nuts to go ahead with these plans if you allow this to go in. I can guarantee you, this guy is going to be back in five or ten years saying 'What's another 12 feet, what's another 10 feet'. I guarantee you, he'll be back because he will already have an investment in that whole operation there and who wants to walk away from a good deal. Let him put his investment elsewhere. It's not going to work here. It's not compatible with the surrounding community.

And for Mr. Unruh to get up and say the currently uses of this land have not impeded development, how in the world would he know that? He hasn't ever met me and my husband. He hasn't ever met any of the other people who may have looked around out there and said, 'No, this is not what we want, let's go to Goddard'. I mean, that's just not a logical statement. This will impede development and that would be a shame, because we have looked at a lot of other houses in this area and I can tell you that there are few builders out there that have the quality that Mr. Gray has. That is why I'm sticking up for him today, because I don't want to buy something less. I don't want a house with plastic molding instead of wood. I don't want a house on a lot so small that I can lean out the window at night and kiss my neighbors good night and believe me, those houses are out there.

I want to enjoy my neighbors, I don't want to cohabit with them. And that's why we are so crazy about this particular development. This is a good builder. He has thoughtfully planned this development. The houses are beautifully designed. The materials are of an appropriate quality for the price range, but we're not going to sink \$150,000 into a house that overlooks a landfill and has debris from it blowing through and has debris all over the roads that's going to slice up our tires. We'd be nuts and we're not going to be interested, if you let this pass. Thank you."

Chairman Sciortino said, "Thank you very much. Next presenter please."

Mr. Phil Bressler, 5314 W. 44th Ct. S., Wichita, Ks. greeted the Commissioners and said, "I can see over that blue house from my deck. I'm an assistant principal at Campus High School in the Haysville school district. More so, I'm a patron of the district. Obviously, I live in the neighborhood and I'm a parent of children in the district. To the east of my home is the Big Ditch. East of that, I can see the entire south side of Wichita. I can see downtown Wichita, I can see the skyline down here, it's beautiful. That's why we built our home there. It's clean, it's peaceful, our

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kids can go outside to play. There is some dust occasionally from the rock crushing facility. The debris that would be brought in would make it to the point that we would consider moving.

I'm here not only for my kids, but the neighborhood kids, there's 22 little boys that live on my block, ages one to about fifteen and they're out there playing every day because I play with them. It's a nice little neighborhood. If you get a chance, come out and visit us sometime.

If this landfill goes in, the question is, whose it going to benefit. It's going to benefit a few people's pocketbooks and the convenience of a few people. Detriment to whom? The detriment goes to the pocketbook and the property values of a lot of people. In additions like Trinity point, which is just developing, Chisholm Trail across the street, Wheatland to the north, Blue Lake to the north, Angel Fair to the east, Stoneborough to the east and a whole bunch of other residents who aren't in a named subdivision.

It's going to hurt the health of our community and all the residents in it, okay. Right now, I'd love for one of those little corners out there to have a nice little Walgreens or a Dillons or something like that, so I didn't have to drive all the way to 47th and Broadway or Central and Maple to get groceries. Right now, if I'm Dillons or Walgreens, I'm not putting anything in there, not with this going in, okay.

Our school district was looking at economic growth, that's not going to happen. We're looking at safety of students and families driving to and from school. He says the truck traffic is only going to increase by five or six a day. If only 20% of the market is going to go there, that's telling me that five times that amount, somewhere between 25 and 30 trucks, that's all that go into C & D landfills on a daily basis. I find that hard to believe. It just does not add up, okay.

Mr. Unruh also indicated that plans from the county indicate that they can do something like this with it, but when you guys do plans like that, you're doing it for an entire county. You can't account for every square acre out there, it's just impossible. They're a guideline, it's not gospel, okay. And I think they ought to be make subject to common sense.

My last point is this, I don't want this in my backyard any more than Mr. Snook wants it in his backyard. I would just tell you right now that if I and several of the people here purchase ground out in west Wichita and proposed to do this in his backyard, he would be standing here telling you the same thing I am. Thank you."

Chairman Sciortino said, "Thank you, sir. Next presenter, please."

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Mr. Jim Ralston, Manager, APAC Kansas, greeted the Commissioners and said, "I'm the manager of the APAC asphalt plant here in Wichita. I also sit on the Butler County Planning and Zoning Board, so I can appreciate the task that you have today to sort out facts and to separate that from emotion. I know it's a difficult task, having been there, even last night.

APAC employs about 120 people. In some ways I represent them too and in some ways I'm actually fighting for survival, some of their jobs. Back in the early 1990s, when the City of Wichita changed their specifications, using aggregate sub-grade in all their street design, APAC made the decision to purchase material rather than put in our own crushing operation. Berchamp is our only local supplier of the crushed stone sub-grade. If the conditional use permit for the crushing operation is not extended, we will have no local supplier and basically we'll be out of business for city paving until we can develop our own supply stream for that product. I do not know how long that would take, but it would be a substantial and adverse effect on our company and our employees.

The other thing I'm somewhat surprised that the Blue Lake development is in here in opposition to that. We've worked very well with the developers of that property. They came and bought that property to develop it long after we were there and established and obviously it was not too much of a hindrance to them, because they decided to go ahead with that. And I also know that there were other developers in the market for that property, so for them to say that it cannot coexist with a business like ours really makes no sense to me.

The other thing is they may or may not know that if the site, the crushing site goes away, it's going to be very much closer to them, because basically we'll put our own operation right around the corner from where they're at. There's . . . to me there's . . . and I know you understand, there's two distinct operations, or issues before you, the extension of the crushing and the C & D landfill. The crushing operation is what's critical to our business. For the C & D landfill, frankly we don't care. It makes no impact on our business. However, from my experience in these issues and from my experience at your neighbors to the south in Butler County, I do understand that there's a lot of emotion tied up in the C & D landfill and that probably what I've heard today is no where close to reality of how that operation will be run, how it will be managed and how it will look.

I think when we talk about landfills we see, we get the impression of the old Brooks Landfill, where there's paper blowing around and birds all over the place and it stinks. That is not what a C & D landfill is. So I would . . . I appreciate your time and thank you very much."

Chairman Sciortino said, "Thank you sir. Sir, there is a question or a comment from one of our commissioners. Commissioner Burtnett."

Commissioner Burtnett said, "So if the rock crushing is, as you put it, critical to your business, when they crush rock, do they crush enough to supply you for weeks on end, or is it just for a few

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days, because from what I understand, like this year there's only been four days of rock crushing. I don't think I . . . I must not understand how that works."

Mr. Ralston said, "The way that works, the four days is the amount of time that the crusher ran, I'm sure. The crush has capacity to stockpile material. They stockpile that material and then we take that out, as time goes on, throughout the year."

Commissioner Burnett said, "So just for an example, for this year they said they've run four day worth of the machine at rock crushing. How long will that last . . . the stuff that's there now, how long will that last you?"

Mr. Ralston said, "Well, at present if they don't crush any more, we'll be out of material in probably two more projects that we can bid."

Commissioner Burnett said, "Okay. All right."

Chairman Sciortino said, "I guess I just had . . . okay, I'm starting to get educated on this proc . . . they crush rock, you turn it into asphalt?"

Mr. Ralston said, "No, the product they make we use as a sub-grade that goes beneath the asphalt."

Chairman Sciortino said, "Oh okay, the aggregate thing. Now, okay and you have to rely on someone crushing the rock so that you can use the rock, because your decision has been made to purchase your product as opposed to vertically integrate it and crush your own rock."

Mr. Ralston said, "Right. We could process it at the plant that we have now, but we chose not to do that. We would have had that renter equipment. We've had a long-time relationship with Bergkamp Construction and Dirtwork Contractors and it just made sense for us not to get in that business at that time."

Chairman Sciortino said, "Sure. But that would be a business decision that your company would make . . . well, companies make business decisions based on changing circumstances."

Mr. Ralston said, "That's right and that decision would have to change to go forward."

Chairman Sciortino said, "I understand. Okay. I don't see any question, but just like everybody else, if you'd keep yourself available, should we need some further information, we'd appreciate it. Thank you, sir. Next presenter, please."

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Mr. Michael Shetlar, 4522 Doris Ct., Wichita, Ks. greeted the Commissioners and said, "I live further down from these houses."

Chairman Sciortino said, "So you live over there by Commissioner Norton, is that right?"

Mr. Shetlar said, "Not that far south, but I live on the next block south of this, where you can't see but anyway this whole operation is basically, definitely right in our backyard. I would be just right across from where we can see. And you know, when we were first thinking about building a house, which we thought about for several years, there were some other things that came up in consideration before we bought there and one of them was that Vulcan was moving a bunch of houses out of the area around there because of groundwater contamination, so we checked into that and that didn't seem to be a problem for our area.

But then there was also the deal with the waste water treatment plant, they were looking at areas for it and then when that wasn't going to happen in our area, then we took the step that we would go ahead and build there. But you know, how would we have known that a year, not even a year after we built our house that somebody was going to come up and say 'Okay, we want to build a dump right in your backyard'. Like the last guy said, he was saying that well, construction/ demolition dumps don't have a problem with blowing debris and everything else that would be like associated with the old landfill that Wichita had. And well that's not true, because we've driven by construction/ demolition dumps and they have tall fences and there's always trash and stuff all blowing all around and stuck against the fences and blowing outside of the fences, on the roadways and whatever else, so you can't sit there and tell me that that is not going to be the case. That's, you know, definitely going to be the case. There will be blowing debris. You know, it's a dump and other things are going to get dumped there other than construction and demolition trash, no matter what anybody says. That's just the way it is.

And you know, like somebody else said, at a late time he'll just come back and he'll ask that they can make their piles taller, and that's probably the truth. Because you know, he's not going to give up on this, just like you know at the last meeting when they denied him, you know, to build his dump and to continue his other operations. We knew that wasn't going to be the end of it, but you know, there's always the hope that that will be the end of it.

But you know, I wouldn't have built my house there if I'd have known that this was going to happen, because I really over-built for the area and you know, this was going to be our house. This was going to be it. And it probably will end up being it if he gets the dump, because we'll never be able to get out of our house and our property what we've put into it. You know, we just consider, you know now we just sit back and think, 'Well, if this happens we're going to take a 50, 60,000 bath'. That's basically what it will be.

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I really don't have anything else to say, I guess. I mean, it really is . . . it, you know, could be a nice area, but you know, if he builds a dump there, then like Billy Gray said, it's going to kill off their business and it already has. Since we've built there, there hasn't been but maybe three people move in, that's it, over the last year. Most of the houses they've built in the last year have all been just model homes so they can show people. They haven't had hardly anybody build out there, you know, and we really need the growth in the area to cover the taxes and stuff, the tax increases that they're talking about for the schools and for what they're going to build onto the schools, which they've already approved, you know, because of the growth in the area. Well now the growth in the area has stopped. I don't know what else to say, I mean. I guess that's all I have."

Chairman Sciortino said, "Thank you very much for making the presentation. We have no questions of you at this time. Next presenter, please."

Mr. Kathy Perry, 4254 S. Gilda, Wichita, Ks. greeted the Commissioners and said, "My house would be directly facing, right off the porch would be this wall of trash and we just bought our house there about six months ago, and I guess what's not, I don't think, maybe being represented to you is how many homes are in this area now. There are houses that are all along that street now and ours is one of them that was built."

Chairman Sciortino said, Yeah. We have a map that shows us that, so we know how many homes are being . . ."

Ms. Perry said, "Well, my husband is an environmental engineer and he knows the danger of asphalt dust. He said it's the most dangerous chemical that can get down in your lungs and if this doesn't stop here, then we will move."

Chairman Sciortino said, "Now, that's a different issue, because the asphalt plant is not in question. That's still an ongoing operation that's going to continue."

Ms. Perry said, "Yeah, he's concerned about that, because we just didn't have any idea that it was in there, but with all the other environmental concerns, my husband just says with the way the planning is going and how they keep dumping different things in this area, it might be a good idea to move. So that's something we are considering and I know that would affect the schools and it would affect greatly many people that would purchase real estate."

As of right now, you know, my husband said 'Maybe I should do some air sampling and testing' you know, just to see what goes on and what the actual allowable limit is. But we're just very concerned about the environmental concerns too, that this is raising and we live two doors down from the school."

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Chairman Sciortino said, "Okay. What's the name of that young lady that's with you?"

Ms. Perry said, "This is Faith. She has faith that you'll do the right thing."

Chairman Sciortino said, "Thank you. Next presenter please."

Ms. Melisa Shetlar, 4522 S. Doris Ct., Wichita, Ks. greeted the Commissioners and said, "It's the bright blue house at the very end of this picture, on the big rail there. I wanted to address the issue that he was wanting to bring it down to 12 to 14 foot, so that it wouldn't be an eyesore for those of us in the neighborhood. Where our house actually sits, we are up on a grade. We upgraded our home to where actually our deck sits pretty high and I currently run a licensed daycare from my home at that residence. We can see them during the day doing their work at the rock crushing plant. We can see the equipment going through. We can hear it. We can see the dust that comes off of that, but my major concern is that with the construction landfill, even if he keeps it at the 12 foot, I'm going to be looking out my window, at breakfast and watching them bury their items from the landfill, because I can actually see the flat land on the other side of that Big Ditch. I can watch cars going up and down West Street, I have a beautiful view of the area out there and if they put the landfill right there, if Mr. Snook is successful and he's able to put that landfill out there, every day all day long I'm going to be able to watch them bury all the items that come in through that landfill."

Chairman Sciortino said, "Okay, all right. Thank you so much for the presentation. Next presenter please."

Mr. Francis White, 4528 W. Macarthur, Wichita, Ks. greeted the Commissioners and said, "From the road that leads directly into Mr. Snook's rock crushing, I'm the first house across the road. And I have some pictures I would love to show you of the rock crusher. It ran four days this year. I'd like to show you how much dust accumulated on my front porch within four days, more like four weeks. And my grandchildren have asked me, 'Grandpa, how come your house is so dusty and dirty?' Well, there ain't no fence or anything to stop that dust from blowing straight down, straight to my house and when it rains, when it dries up you can see little white spots around where the concrete dust has, when the rain has hit it, and it's just turned white because of the chemical that's in the concrete, it's gotten on everything. My whole yard is that way. My tomato plants, you go out there and shake the leaves on them and it just blows the dust off of them. I'd just like you folks just

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to reconsider, once you look at them pictures. I have to breath that stuff every day. I have to clean my little air purifier twice a day.”

Chairman Sciortino said, “One of our commissioners was off the bench when you gave your address. Could you say where it is again, your address.”

Mr. White said, “I’m straight across the street, I’m 4528 West Macarthur. I’m straight across the street from the entrance to his plant.”

Chairman Sciortino said, “Okay, all right, got it. Thank you.”

Mr. White said, “Thank you.”

Chairman Sciortino said, “Is there anyone else here in the audience that would like . . . yes, sir. I didn’t see you sitting down there. Sorry.”

Mr. Victor Leis, 4601 S. West St., Wichita, Ks. greeted the Commissioners and said, “I have a question for you. I was wondering, with this picture here, if anybody did a picture of what if might look like going down West Street, how high that pile might be? Because all we have at West Street is a little railway berm and I don’t think it’s 10 feet high and this is going to be just right on the west side of the railroad.”

Chairman Sciortino said, “To answer your question, I don’t believe . . .the answer is no, there was no picture taken from that direction.”

Mr. Leis said, “Well, we probably ought to have that architect or something get a picture of that and kind of get an idea of what it’s going to look like from that side of the street. My family owns property right there on the east side of the railroad and on the north side of the rock crusher. And we’re on well water and I have a lot of friends and neighbors that are probably on well water too. We bath in it and we drink it and so I’m concerned about it. And I guess that’s all, thank you for listening.”

Chairman Sciortino said, “Thank you, sir. Next presenter, please.”

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Ms. Kelly Merth, 3741 S. Fairlawn, Wichita, Ks. greeted the Commissioners and said, "I would like to say that this is very sad, you know, that one business can affect that many homeowners. It will affect our resale. I'm also on well water. I've heard that there may be some reports from the water department that it's going to be safe and things like that, but this is terrifying. I have two children. I am looking at losing . . . taking a bath on my property, if you will, if we have to sell. This is going to be devastating for more people than just myself. I strongly hope you consider denying this action. That's all I have to say. Thank you."

Chairman Sciortino said, "When you say you're against both the rock crushing and the C & D landfill?"

Ms. Merth said, "Absolutely. This needs to stop. Granted, this has been going on for a very long time, but it's time to make a change and make a place where people can live and grow in a community. Thank you."

Chairman Sciortino said, "Thank you. Anyone else? Yes, ma'am. Please come forward."

Ms. Melodie McDonald, 4448 Doris Ct., Wichita, Ks., greeted the Commissioners and said, "It's the pink garage you see right there. I wanted to come out and say no, please vote no. Do not extend the rock crushing plant and do not put a C & D dump in my backyard. I don't want to go out on my deck and see a dump and my son has asthma and on the days that they do their rock crushing, I don't want him outside, so that's all I have to say."

Chairman Sciortino said, "Thank you for coming. Anyone else that would like to . . . yes, ma'am."

Ms. Barb Lahman, 5302 W. 44th Ct. S., Wichita, Ks. greeted the Commissioners and said, "The issue that I have with it is we came originally from Denver, retired, my husband is retired with the Federal Bureau of Prisons. We moved here two years ago, coming back home. We were both born and raised here. We were looking forward to a nice area of town, fairly peaceful, looking forward to a nice park that was going to be built into this project and the idea of a landfill just across the way from a park just sours our stomachs. It is to the point where we are considering, if this goes through, we will possibly sell our house. We may end up taking quite a big loss on it as well, but this is not the retirement dream that we had thought that we would do. So I would just hope that you would really give this consideration a big veto on both issues. Thank you."

Chairman Sciortino said, "Thank you so much, ma'am. Anyone else here that would like to address us on this item? Last chance to speak. Since we didn't have a public hearing, I don't have to close the public hearing, but thank you all very much for expressing your points of view. It does help us, in the decision making process. I will now limit the comments now just to the bench."

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Commissioners, any questions that have been in your mind for any of the presenters or any comments that you'd like to make pertaining to this item? Commissioner Norton."

Commissioner Norton said, "Well, I kick it off a little bit. I actually want to hear what my colleagues have to say. I've been intimately observant of not only this neighborhood, but all of the south side for a lot of years. It dates back to when I was the mayor of Haysville. You know, somebody said the face is changing, and if anybody knows me very well, I have advocated for the face of the south side to start changing and I don't know if that's going to be our ultimate decision today and how it will figure in, but I go on the record as saying I have always been an advocate for the south side.

Anything south of the Mason/ Dixon line, and if you live on the south side, you know what I'm talking about. Anything south of Kellogg gets a little bit different perspective. It may be time that the face of south of Kellogg will change, but I'd like to hear what my colleagues have to say, so that I keep this in perspective over the whole issue."

Chairman Sciortino said, "Appreciate it. Commissioners? Well I'll jump in, since I represent south of the Mason/ Dixon line along with you. Emotionally, I'm with you 100%. I have seen some tremendous change in the Planeview area and the Oaklawn area. It occurred when people, such as the folks sitting in front of us today, decided enough is enough. We're going to take back our own neighborhood. Crime seems to go down when people get involved. Schools seem to improve when parents get involved and I can understand that.

I do have a little conflict here. There are two issues and I was still confused over why those two issues got blended together. I think there was suggestions made that they should be, but you know one is an ongoing operation or a business that's been in business and then the other thing is a brand new business that wants to come in, so I'm a little . . . you know, it's kind of hard to make a decision to shut a person's existing business down. To me, it's easier to say 'no' on a new business.

The other thing that bothers me about this area is the zoning. I mean, you've got an active asphalt plants working, it's Limited Industrial, I don't know how many of you are aware of all the different items that could be put in there that would be, to me, as detrimental if not more so to what's being proposed. And that exposure is ongoing, unless there's ever a zone change for your area, because your area, around the housing development, is limited industrial and there is a lot of things I wouldn't want to have go in there, if I was living close to an industrial zoned area.

So I just want to let you know, if we were to make decisions and you breath a sigh of relief, you should be aware and any of your concerns should still be prevalent, because there's a lot of other

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things that could go in there that might prove as detrimental as you're perceiving it to be to property values or health or safety or whatever, plus you have some ongoing industrial businesses.

The one lady, I think rightfully so, expressed a concern about asphalt fumes and what have you. Well that business didn't need a zone change and they're probably going to be in business for however long they want to be. There's a lot of thing going on, so that's the point I wanted to make is regardless of what we do in this issue, even if we were to decide and our decision was something you all agreed with, your vulnerability as far as the area is still present. Commissioner Winters."

Commissioner Winters said, "Well thank you and I guess this case has me perplexed, and I agree with Commissioner Norton with a lot of the comments that he's made. The thing, you know, when I look at the character of the neighborhood and the way things are currently zoned now, it says something. When you put in this changing neighborhood component, then that says something else, because if you just look at the character of the neighborhood, there is a lot of industrial-type activities taking place along both Macarthur and West Street and if you go two miles to the west, you're at the airport runway. I mean, you're certainly close to the industrial projects that happen at the runway.

But these recent housing developments are changing that complexion and so that's, I guess, what I'm struggling with and the only thought that I have right now, and I don't know whether this is a good thought or not, but I think that picture is pretty representative. I drove out there and drove around, walked around out there and was a little bit surprised at how the elevations on the west side of the ditch are actually higher than the Big Ditch itself. I mean, you get on the west side of it and you're kind of looking down into it and across it. So I guess I'm, right now, thinking that maybe the MAPC commissioners were . . . had an objective about the C & D landfill and I, you know, right now I'm not thinking I know whether that's exactly right or wrong, but that other rock operation that the applicant has has been going on there for some time and everything that has happened there has happened with that operation going and being in place.

If I'm right, John, the extraction permit expires when?"

Mr. Schlegel said, "Well, on the northern portion, that's governed by Conditional Use 403, that will expire, with the rock crushing operation, in August of this year. The 25 acres on the southern tip of this parcel has a conditional use that extends out to 2012."

Commissioner Winters said, "So that's six more years."

Mr. Schlegel said, "Correct."

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Commissioner Winters said, "And then so there is an opportunity to tie the present rock operation with that extraction operation and reanalyze in six year, either do away with or reconsider in six years?"

Mr. Schlegel said, "Right. Their current request for extension of time on that rock crushing operation and the excavation of materials on the northern portion of the site is to 2012."

Commissioner Winters said, "Okay. Well, I guess the changing neighborhood is the thing that has me concerned. But again, if this rock operation is not here, where is it going to be? I mean, this businessperson is going to have to go find a place someplace to continue his operation."

Chairman Sciortino said, "I need to ask a question of the applicant, if I could. If somebody . . . I need to be educated on rock crushing. Does the rock crushing equipment have to be . . . I mean, are they excavating the rock out of the ground and then it's close proximity to the crushing? Is that an important integral part of it?"

Mr. Jim Snook, Bergkamp Construction, greeted the Commissioners and said, "I am the applicant. Okay, your question now?"

Chairman Sciortino said, "Does the rock crushing business have to be. . . I mean, are you digging the rock out the ground in that southern area and then your crushing it?"

Mr. Snook said, "No, sir."

Chairman Sciortino said, "You're importing rock?"

Mr. Snook said, "Yes, it comes off of streets and some stuff like that and other areas of reconstruction and we process it there. It's more or less a processing thing."

Chairman Sciortino said, "You're not digging the rock out of the ground."

Mr. Snook said, "No sir. The soil extraction portion of our conditional use permit, 403 and I forget the number . . . 212, allow for an extraction of soil. That soil, a lot of that soil that came in there, most of that soil is sitting under the C-10, the Citation building out at Cessna along with all their other projects."

Chairman Sciortino said, "So that's a separate kind of business."

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Mr. Snook said, "Well, that's included. We're grading contractors and we sell dirt and move dirt and in that process, at that processing site, we bring our portable rock crushers in and recycle concrete and asphalt when it becomes available."

Chairman Sciortino said, "Okay. So I guess what I'm trying . . . I think I'm getting . . . so of the C & D material that you may get, if we were to approve the C & D, you could use in rock crushing?"

Mr. Snook said, "Yes, sir."

Chairman Sciortino said, "I got it."

Mr. Snook said, "It all has to be shaken through and gone through and we take what asphalt is in it and what concrete is in it and we would recycle that."

Chairman Sciortino said, "Got it. Okay, thank you. That's all I had at this particular time, sir. Commissioner Unruh, I believe you were first."

Commissioner Unruh said, "Okay, thank you. I'm just wondering, in our discussion, would it be helpful in the discussion and then arriving at a decision, if we talk about these in just two different pieces. I mean, can we talk about what we want to do about C & D landfill and then, if that decision is made, then what do we want to talk about on a rock crushing operation?"

Chairman Sciortino said, "We can. I mean, we can split it up if we want to."

Commissioner Unruh said, "It might be easier for me and maybe make progress if we were to do it that way, but Mr. Chairman I guess that's . . ."

Chairman Sciortino said, "And let me . . . I'm 99.9% sure we can split this. Let me just ask Mr. Euson, our attorney, can we look at these two as separate items, even though they came to us as a packaged deal?"

Mr. Euson said, "Yes, I think you can separate them."

Chairman Sciortino said, "All right, so that question is yes, Mr. Unruh."

Commissioner Unruh said, "All right thank you. Well, then I'll . . . that's all my comment. I'll just leave it up to you, Mr. Chair, to decide how you want to handle it."

Chairman Sciortino said, "Thank you very much. Commissioner Burtnett."

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Commissioner Burtnett said, “Well, getting back to what Commissioner Sciortino was talking about, with the . . . under Limited Industrial zoning, there are a lot of different things that can be done under that zoning and the conditional uses there’s things that can be done. So I think, when the MAPC is having plans for the future, there’s so many different things that could be planned because one of the conditional uses could be a school, elementary, middle or high school. So when you’re doing planning down the road, it doesn’t have to be ‘we’re planning for a C & D landfill’ just because it’s allowed. You might be wanting to plan for a school, so I think . . . we’ve had so many speakers, I can’t remember who was talking about how the city has planned it and they said that, under Limited Industrial you could do this, well I think that’s where we come into play is okay, if we want to plan . . . or the city wants to plan for that, we need to make it open to the public and I think, right now, what the plan is is trying to get it into more residential and more open towards those other types of uses, not necessarily the landfill . . .”

Chairman Sciortino said, “That’s the changes I think that Commissioner Norton was referring to.”

Commissioner Burtnett said, “Right, exactly. So, that’s all I had.”

Chairman Sciortino said, “Well, commissioners? Commissioner Norton.”

Commissioner Norton said, “Susan Erlenwein still here?”

Chairman Sciortino said, “She’s sleeping in the back . . .oh, there she is.”

Commissioner Norton said, “What can be done with excavated and crushing land, after the process is stopped?”

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, “For a C & D landfill?”

Commissioner Norton said, “No, for excavating and crushing, for rock crushing?”

Ms. Erlenwein said, “Okay, if you excavated the land, what they’re using for soil, many places, if you dig down to the groundwater, which this site has not done yet, but many of them get into development around there for housing, if enough soil is left on this edge of it. It could be a park area, lake area. For the rock crusher, that’s all on the surface of the ground. That’s where their 25 height limit is for the rock, and that’s all on the surface, so they bring in the concrete or asphalt, crush it, put it into the mounds and then other businesses use that material after they’ve crushed it.”

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Commissioner Norton said, “What do you have to do to mitigate the land to get it to that next use?”

Ms. Erlenwein said, “There’s really no mitigation, because this is simply concrete and asphalt like you’d have on any road surface. There’s really no contamination after the fact.”

Commissioner Norton said, “So it could be retail development, it could be residential development, it could be other limited industrial uses, but it could be a zone change and it could become residential pretty easily.”

Ms. Erlenwein said, “That’s correct.”

Commissioner Norton said, “Okay. How many years after you’ve closed down that process could you go to that new process and build and do different?”

Ms. Erlenwein said, “Immediately. If your ground looked tainted in any way, I’d recommend soil testing just to make sure that no one had . . . in any industrial area, no one had dumped chemicals, because that could happen any industrial area. Immediately, you could go in and claim that land.”

Commissioner Norton said, “Okay. Now let’s shift to if we site a C & D landfill, how long can that be sited?”

Ms. Erlenwein said, “That is permitted through Kansas Department of Health and Environment and they look at the height and there are definite slopes for the height, so that could be permitted for a very long time, and as the applicant stated earlier, it depends on how much material they receive as to when they would reach that height, so it could be 10 years, 20 years. They could reach the limit sooner, depending on the volume of the material.”

Commissioner Norton said, “Okay. If we granted a conditional use to do that, that permit doesn’t come back to us and say ‘it’s time to close it down after 10 years, we’re tired of it’. It continues to go to KDHE for their permitting?”

Ms. Erlenwein said, “We also have local permits for construction and demolition landfills that we license and we can revisit that on an annual basis.”

Commissioner Norton said, “Okay. Now let’s talk about post-closure. It’s run 20 years, that’s good. How many . . . what do you do with that land? What can you do with it? I’m ready to build a retail center on it. Can I do that?”

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Ms. Erlenwein said, “No, sir. Construction/ demolition landfill, just like any landfill, you may have settling afterwards. There are guidelines as to what vegetation cover you put on the landfill. That has to be approved by the Kansas Department of Health and Environment for the vegetative cover. You really don’t want weight put on that material afterwards, because of settling problems.”

Commissioner Norton said, “Okay. I want to put . . . you know the nature of this area has changed. The developments are going crazy. Blue Lake is good. Some of the . . . Trinity Point has done well. From the south out of Haysville it has grown, up residential towards West Street, it’s clearly changing. I want to put residential on that property. Can I do that?”

Ms. Erlenwein said, “Not on top of the C & D landfill.”

Commissioner Norton said, “So what you’re saying is that today we could make a decision that will encumber that land forever to be lesser use, other than maybe some green space.”

Ms. Erlenwein said, “Correct.”

Commissioner Norton said, “I have a problem with that. (*sound system stopped working*)

A C & D landfill. Now if we want to have some dialogue about a rock crushing, which is not forever, that certainly has a place to be done for at least a few more years, as the business plans change. I could probably support something a little different than that, but I have to go on record as saying that I just could not support a C & D landfill for that area. It’s too long term, it sets in motion something that is counter to my core belief of what should happen on the south side, so it’s not about emotion. It’s about vision and planning and what our responsibility is to our constituency, and to that area. So I can’t go along with the C & D landfill. If we want to have more discussion about the rock crushing, I’m okay with that.”

Chairman Sciortino said, “Okay. Commissioner Burtnett.”

Commissioner Burtnett said, “I would like to have some more conversation on the rock crusher and I guess my question is going to be to Mr. Schlegel. The rock crushing plant has been there for 10 years. Right? Approximately.”

Mr. Schlegel said, “Yes. Since 1997 is what the applicant has supplied us.”

Commissioner Burtnett said, “And how many complaints has there been about that plant and the

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processes that have been going on there for the past ten years?”

Mr. Schlegel said, “Well, I knew you were going to ask that question and we looked into that and we could not find any records of complaints.”

Commissioner Burtnett said, “Okay.”

Mr. Schlegel said, “Glen Wiltse is here. He may . . .”

Mr. Glen Wiltse, Director, Code Enforcement, greeted the Commissioners and said, “To the best of my knowledge, we haven’t had any that I can find. Any record. To the best of my knowledge, I have not been able to find any complaint records on this facility.”

Chairman Sciortino said, “Of the rock crushing?”

Mr. Wiltse said, “Of basically anything that’s there.”

Chairman Sciortino said, “Well, that’s all that’s going on right now. Okay, dirt extraction, you’re right. Okay, thank you.”

Commissioner Burtnett said, “And the other question I have and I don’t know who can answer this, would be how many days does the rock crushing machine actually operate? I know we’ve been told . . . I can’t remember what last year’s was, 28 days or 26 days.”

Mr. Snook said, “I went through three years worth of stuff, ’04, ’05 and ’06. That rock crusher worked January 3rd, 4th and 5th of this year and was pulled out and it’s not even been in the county since that point in time. There have been trucks coming in and out. We had some stockpiled stuff there. To answer Mr. Ralston’s question, we have no crushed concrete there, processed, ready to go for Mr. Ralston at this point in time.

We’re waiting to see the outcomes of this meeting and everything on that scenario to see when we would move back in, depending on what happens and I think our . . . the CUP runs up to August 26th, I believe, of this year, allows us time to process all the material that is remaining there for our customer. The other question was how many days a year before. Do we have 41, 41 or 42. We pick that rock crusher up and we go. We have crushed . . . it’s over at a quarry that we have right now, over in Butler County. It crushed some at Santa Fe Lake Road and Highway 54. We crushed at 135th and Kellogg when we recycled all the material for the west Kellogg expansion, in 2002, 3 and

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4. I think that's about when that project happened. We've been to Mount Ridge, our crusher is portable and we go around until we have enough material to recycle there at our South Broad Street operation and that's when we crush it. We've only crushed four days this year."

Commissioner Burtnett said, "All right. Okay, thank you."

Chairman Sciortino said, "Is that all? Commissioner Unruh."

Commissioner Unruh said, "Mr. Snook, some pictures that I had seen I thought showed a water . . . some sort of sprinkler system associated with your crusher, or was I thinking of some other pictures."

Mr. Snook said, "No that was on part of our stuff. When we crush material, when our crushing is under operation and everything, we have certain opacity levels that we're required to abide by. It's not a county scenario. It's through the air quality people with the KDHE and I think . . . is it air quality? I forget which division does that, but yeah, we run a . . . it's actually just a glorified sprinkler inside of that rock crusher to cut dust down while it's going on, while it's an ongoing process of the crushing."

Commissioner Unruh said, "Okay, so you used the word 'cuts it'. It doesn't eliminate it."

Mr. Snook said, "It has . . . it can eliminate a lot of things. There is blowing dust down in some of those areas, as there is in farm fields. We have a farm field on the south side, the very south portion of our area, it has not been tilled in the last year or two, but there is some blowing. I'm not going to say that it's just exactly perfectly clean. But it's not like it's the best bowl of the world and I'm sure that there's a few people here that will disagree with me, but it's passed every time air quality has come down from the State of Kansas and tested our operation and stuff. We fall well within the guidelines and the limits that are set out by the people that enforce and have our rules that we have to follow."

Commissioner Unruh said, "So that's a state agency and they come out and check the air quality off of your operation?"

Mr. Snook said, "They come out and physically test and it's called an opacity level. It has to do with how much dust is within a certain area, and I can't name them all off to you, but yeah, we're tested on that once a year."

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

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Chairman Sciortino said, "Well, I don't know if you all have, but in my area I have a lot of township roads that are not paved and middle of August, 25, 30 mile an hour southeast winds, driving your car down one of them roads, it looks like the dust storms of the 30s. I mean, and my car appreciates that I can plant potatoes on it after I've driven a mile.

Commissioners, my sense is, do you want us to . . . let just maybe settle in on the landfill first and then deal with the rock crusher? Mr. Norton has already gone on record as saying that he does not support the application for . . . why don't we do this. Why don't we . . . Why don't we decide if we want to deal with this separately. Mr. Euson, if we were to decide to take these as two items, and lets just say one of the items we want to agree with the MAPC. Does that just mean a simple majority agrees with the MAPC? We want to talk about the landfill and three of us don't want the landfill. Is that okay, three of us vote yes, two vote no, it's a simple majority but that is in accordance with the MAPC recommendation. Or does it take four votes?"

Mr. Euson said, "It takes three votes to agree with MAPC."

Chairman Sciortino said, "Even though we're separating the two items."

Mr. Euson said, "That's correct."

Chairman Sciortino said, "Okay. And if we're dealing with the second item, if we want to do something counter to what the MAPC required, it would require four votes?"

Mr. Euson said, "Four votes unless you send it back to MAPC, and then that would only require three."

Chairman Sciortino said, "Got it. Okay, so that's the legal thing. Why don't we deal with the landfill issue first. Mr. Norton, are you in a position where you want to maybe make a motion?"

Commissioner Norton said, "Well, if there's no other discussion at this point."

Chairman Sciortino said, "I don't see any further comments right now."

MOTION

Commissioner Norton moved to deny the conditional use request concerning the C & D landfill, and adopt the findings of the Metropolitan Area Planning Commission.

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Commissioner Unruh seconded the motion.

Chairman Sciortino said, "Okay, there's been a Motion and seconded. I think it would be important to sort of list some of the Golden Rules that would justify . . ."

Commissioner Winters said, "He said accept the findings of MAPC but you could list them if you want."

Chairman Sciortino said, "Well, I just think . . . you know, I think one of the areas was the character of the neighborhood, that existing commercial/ industrial uses are generally clean, low-impact uses, I do believe that the detrimental affect on the area that a C & D landfill would perhaps negatively impact the sale of existing and new residential houses, that was presented to us today. There has been significant opposition by the neighbors, plus I think close to 37% protest of the area that can legally protest and also then, finally, the recommendation of the professional staff. So I'm just saying that there are legal reasons for this. You're not making this a motion just on emotion. Okay, any other comments? There has been a motion and a second that we deny the request for the C & D landfill. Clerk, call the roll."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "That section of this item has been handled with and now we need to discuss the application for the extension of the rock crushing, storage and recycling of concrete and asphalt. Any comments on this item? Commissioner Norton."

Commissioner Norton said, "Well I don't know that we have to deal with it today. I don't have a problem with sending it back to the MAPC and let them kind of regurgitate that, think about if they want to tie it to the 2012 sunset, or if they want to just say 'no, it's time to cut it off' and that's the end of it. I feel bad that those two were encumbered because one of them is an ongoing operation. One of them is something brand new that obviously the citizens mobilized against. I think there needs to be new discussions and maybe we don't have to have all of that. We can get a

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recommendation from MAPC, as they have now . . . we've separated the two and let them talk about that.

That may be a different level of information and emotion from the neighborhood and we need to probably hear that separately now that there's no concerns about the C & D landfill. Now if there's a different idea, if we want to extend the rock crushing or do something with that today, I'd listen to that debate."

Chairman Sciortino said, "Okay. Commissioners, any other comments here? One of the justifications I think of sending this one back, wasn't the original application for the extension that it was going to be to 2016 and now I'm hearing to 2012? John?"

Mr. Schlegel said, "Yes, that's correct. They originally had applied to extend it an additional ten years and then adjusted that at the planning commission meeting."

Chairman Sciortino said, "Oh, so it was adjusted at the planning commission to 2012, so the planning commission to 2012, so the planning commission did hear that adjustment?"

Mr. Schlegel said, "They did hear that request for that change."

Chairman Sciortino said, "Okay. I was thinking they hadn't and that would have been a good justification for sending it back, but they did hear. Of course I don't know that we need to have a specific reason for asking them to reconsider."

Mr. Euson said, "It would be prudent for you to have a reason or two to send this back to MAPC. The statutes envision that you would return it to them with reasons for the return."

Chairman Sciortino said, "And do those reasons have to be the Golden reasons or . . .?"

Mr. Euson said, "No, not at all. They can be any good reason for them to reconsider."

Chairman Sciortino said, "I understand, okay. Commissioner Winters."

Commissioner Winters said, "Well, I guess I'd like to continue to have a little discussion about it, but I think if there's sufficient . . . if there's at least two commissioners that want to send it back, then I think we need to do that. One of the reasons I would . . . if two people want to send it back, I mean, it's going to take a four-person vote to approve it, so if two people want to send it back, then we need to send it back.

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But one of the reasons, I would think, that it could be appropriate to send it back, is I mean, again, I didn't pour through those minutes time and time again, but MAPC in my understanding really didn't talk about it till the very end of the case. I mean, they at the very end started talking about the crushing operation, but it was after a motion was even made. So John, could you help me with that?"

Mr. Schlegel said, "Yeah, I think that's a correct observation, that most of the testimony and the minutes pretty much reflect this, at the MAPC hearing was about the C & D landfill and it only came up at the end, where they talked somewhat about the extension of time."

Commissioner Winters said, "Right. And so I . . . again, I think that could be, for me, a sufficient reason to want to send it back, but when I look at some of these other issues, when we talk about the character of the neighborhood, this area has been zoned Limited Commercial since 1958, since the county has had county-wide zoning, so to me it's clearly a mixed use neighborhood. I mean, there's lots of things happening and, again, you get up and down West Street and along part of Macarthur and there's industrial stuff happening there. So I think, to me it fits a little bit in that category and as to its suitability to currently being zoned, I think its history has been and at least for 10 years its been zoned for this rock operation, so I clearly think there's some ways we could move forward, but again I . . . if there are those who would like to send it back and have MAPC weigh in on the changing environment, I could agree to that or I could agree to making a decision today."

Chairman Sciortino said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Well, I agree with both Commissioner Norton and Commissioner Winters, as much agreement as I saw over there I think. But I realize that the character of the neighborhood is changing, but as you look at the Golden factors and what's been happening down there and what affect it has on an area, which is a mixed use area and the fact that there hasn't been complaints, it would kind of give an indication perhaps that we should advance this application. But in light of the vote of the Metropolitan Area Planning Commission, which was unanimous against it, I'm a little confused by that and the fact that there seemed to be a lack of conversation in the minutes. So, my conclusion from all that is that I think that we ought to send it back and ask them to reconsider it and then let us deal with this as a single item and that's all I had, Mr. Chair."

Chairman Sciortino said, "Okay. Well, I would have a tendency to maybe want to deal with this today, but I do see the sense in giving the MAPC the time to focus on this one element. I mean, these two were blended together and the overwhelming conversation was about the landfill and the rock crusher came almost at the end, like 'oh, by the way'. So I think it would be prudent if we were to give the MAPC the opportunity to focus just on this rock crusher. The concept of wanting to extend it concurrently with their excavation to 2012 has some merit. It's an existing business and

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always a little bit concerned about putting an existing business out of business or forcing that business to spend a lot of money to move, somewhat like we're doing with the arena process and what have you. It's traumatic, so I would support sending it back. Commissioner Winters."

Commissioner Winters said, "All right, well I guess I hear a couple of people supporting sending it back. John or Rich, would it be possible that this . . . his permit expires in August and you beginning to look to half through June, into July and I don't know how fair it is. I don't think you just pick this operation up, even though it's portable, I mean there's a planning factor involved here for the applicant. Would it be possible to extend it until the end of the year, at this hearing, and then we wouldn't be rushed by the MAPC? Because if we don't do that, I think we need to have it come back here as quickly as possible, so he can make business plans."

Mr. Schlegel said, "Well, it's customary that when there is action pending on a extension of time that we would not extinguish that condition use until you had completed your review on this item. I would anticipate we would be able to get this on the first MAPC meeting in July and then back before you by the end of July or early in August."

Chairman Sciortino said, "And when does the present permit expire?"

Mr. Schlegel said, "I have August 28th."

Chairman Sciortino said, "So if for example the MAPC still denies, if for example we then agree with what the MAPC has said the second time, but the applicant would need 90 days to close his business, we could extend that permit for whatever period of time we wish to allow for the more sensible transition. It would be okay, you get it August 14th, it's going to close the 26th, we say 'Okay' and there's no way that he could shut down his business in two weeks."

Mr. Schlegel said, "That's correct."

Chairman Sciortino said, "We could have the flexibility of giving him an extension for whatever period of time would be reasonable."

Mr. Schlegel said, "That's correct."

Chairman Sciortino said, "Okay. All right, thank you John. Any other questions of John? Okay, I would entertain a Motion."

MOTION

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Commissioner Norton moved to return the Conditional Use permit regarding the rock crushing operation back to MAPC for further consideration.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you. Commissioners, I'm going to recommend that we have a little bit of a recess, allow the people that . . . all of you are welcome to stay for the whole meeting. There are some other juicy things here, if you want to stay for the rest of the meeting, but if not, I'll give you the opportunity to leave."

Mr. Ron Holt, Assistant County Manager, said, "That's fine. I just wanted to remind you that we will go off the air at 1 p.m. and so you should just be operating with that awareness."

Chairman Sciortino said, "All right, the Board of County Commissioners is going to take a recess for lunch and we will be returned at 1:15. To tell our television audience that we will be off . . . we will not be live on television. If any of you would want to come down, there's a few seats left available down here, if you'd like to see us live and in person, we'll be back on at 1:15 this afternoon. Thank you."

The County Commission meeting was recessed at 12:35 p.m. and returned from recess at 1:20 p.m.

Chairman Sciortino said, "I'll call the Regular Meeting of June 6th, 2006 back to order. Next item please, Madam Clerk."

H. DIVISION OF COMMUNITY DEVELOPMENT.

- 1. AGREEMENT WITH MEDIATION CENTER OF WICHITA TO PROVIDE MEDIATION SERVICES TO DISTRICT, COUNTY AND MUNICIPAL**

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COURTS IN SEDGWICK COUNTY.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, “This is an annual renewal of a contract with Mediation Center for \$8,000. The provide volunteer . . . train volunteers in mediation to primarily small claims court, will handle 300 to 350 cases a year. Be happy to answer any questions.”

Chairman Sciortino said, “Thank you, Irene. Commissioners, what’s the will of the Board?”

MOTION

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

Chairman Sciortino seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Next item. Thanks, Irene.”

2. ADOPTION OF THE JUNE 10, 2005 – JUNE 10, 2006 SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE.

Ms. Erlenwein said, “I have a quick presentation, but if you want, I’ll forgo that.”

Chairman Sciortino said, “That’s fine.”

Ms. Erlenwein said, “You want it?”

Chairman Sciortino said, “What?”

Ms. Erlenwein said, “Do you want the PowerPoint or do you want to skip it?”

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Chairman Sciortino said, "I want to see it, if you have it."

POWERPOINT PRESENTATION

Ms. Erlenwein said, "KDHE requires that the county update a solid waste plan annually and our due date is June 10th, and so it's supposed to reflect any decisions made from the last update and also we include any data from 2005. One of the things in our current update, we have 16 members on the committee, three of those memberships changed this past January, when you did reappointments, and that's in the table that we have and the update.

On data for 2005, municipal solid waste, we have two transfer stations. Combined, they received over 459,000 tons of municipal solid waste. That's 1,265 tons per day and that is a nine ton per day increase, which is .7% increase from 2004 and I've looked at the census data and we've increased 2.4% in population, so we're below the population increase, so we're doing well on that.

On construction and demolition material, we have three construction/ demolition landfills, two north, one southeast. Combined, they landfilled over 201,000 tons of material, which is a 43% increase over 2004 and that's mainly because of the ice storm, in January of 2005 Brooks C & D landfill took material from the public for free, and so they showed a tremendous increase in that material and so that's why you see it as such a large increase."

Chairman Sciortino said, "Now, did they take that wood and get it up to that . . . whatever, I forgot the guy's name."

Ms. Erlenwein said, "Up there at 53rd Street North, that's next. They sold the business to a new company and they had a decrease in material. They only have 4,900 tons of wood waste, 4,500 of yard and they had other material as well, food waste, sheetrock and all. There's a 12% decrease from 2004. The change of ownership, they were closed to the public for several months and we also blamed the fact that some of the material that they thought they should have got went to Brooks C & D Landfill."

Chairman Sciortino said, "Yeah, that was the question I was going to make. What does . . . Brooks C & D is wood and clippings or whatever. Is that a good byproduct for C & D, that they'll allow that just to be buried? With C & D they don't have to do anything different with that type of material?"

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

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Chairman Sciortino said, "Okay."

Ms. Erlenwein said, "On recycling, as you know we have drop-off bins, there are 20 of them around the community. Also, people can pay extra for curbside collection or take it to one of the facilities directly. In 2005, two of the large facilities reported receiving over 41,000 tons of recyclables. Now what I wanted to point out is there are more than two facilities in business receiving materials. They are not permitted by the state. We do not permit these facilities. They do not have to give us their data, and they don't. Some of the facilities we've asked for data say 'We'll get it to you' and they don't. One of them said 'Your guess is as good as ours' as to how much material we receive'."

Commissioner Winters said, "And what is this?"

Ms. Erlenwein said, "Recycling. So after these two numbers, the two facilities were Weyerhaeuser and Waste Connections that gave us their numbers."

Commissioner Winters said, "So Weyerhaeuser and Waste Connection gave you the numbers and there's two others?"

Ms. Erlenwein said, "No, there are others, like there's the Kansas Pro Miller Recycling Center."

Commissioner Winters said, "Do they not have any idea how many tons or volume?"

Ms. Erlenwein said, "They don't share the information. They don't have to share the information."

Chairman Sciortino said, "Now under this recycling, do we have like those people that take . . . like in the paper, unfortunately, there's one company got arrested, but I mean, American Can or whatever, or Kansas Can or whatever it was called, but what about those? The aluminum people?"

Ms. Erlenwein said, "We have contacted those and they do not like to give information, because they don't want their competitors to know what they're doing and we also tell them we're not going to specifically say it's your company, we're just going to group it, they still won't. And one of those also said 'Your guess is as good as ours'."

Commissioner Winters said, "But I guess I don't understand why Miller Recycling doesn't want to share."

Ms. Erlenwein said, "They seemed very cooperative, until it came time to give us the numbers. It was named after Margaret Miller. So what I'm pointing out is whenever you hear about recycling numbers locally, one you don't have all the recycling data, because companies are not required to

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share that information, and then when they start comparing us to other communities, I think it's apples and oranges. First is Bel Aire's recyclables go up to Newton and they don't keep track of that material separate, as to what came from Bel Aire versus other areas, so the material developed in our community is recycled in another community and they get credit for it, so our numbers go to that community."

Chairman Sciortino said, "We have some more questions, before you go forward."

Commissioner Winters said, "I can wait until she's done."

Chairman Sciortino said, "Okay."

Commissioner Burtnett said, "I can probably wait until she's done."

Chairman Sciortino said, "Okay."

Commissioner Unruh said, "I too will just let her finish."

Chairman Sciortino said, "Okay. Did you want to say something now?"

Commissioner Norton said, "Yeah, I can wait."

Ms. Erlenwein said, "On household hazardous waste data for 2005, over 14,000 customers, which is a 16% increase. Every year they see more increase in customers. Also, an increase in the amount of pounds, almost 1,000,000 pounds of material, which is a 24% increase. The Swap and Shop also has seen an increase in customers, 32% over 2004 and an increase in the amount of materials that people take from the facility."

Chairman Sciortino said, "I've got to say one more . . . I do it every year. I was dead wrong and I admit it. I did not believe this swap and shop thing would work and this is the third year in a row I'm saying I was wrong and I admit it."

Ms. Erlenwein said, "Well, thank you. Well you know they have to limit some people to how much they take each time, because they have repeat customers all the time now, carpenters or finishers."

Chairman Sciortino said, "Well, what amazes me is the stuff people throw . . . I mean, I find, because I use a lot of polyurethane and wood stains and stuff in my hobby and man, some of that stuff is maybe got two teaspoons out of it, it's brand new polyurethane and the stains, it's almost full

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cans of it they just throw away because they had one little project and they over-bought what they needed.”

Ms. Erlenwein said, “Yeah, or people buy it and didn’t like it, for some reason, so this is a great opportunity and saves us a lot of money.

Christmas tree recycling, we have locations around the county for people to take the trees and then they’re chipped and people can come receive the mulch. This year we’ve reported over 6,000 trees, which was a decrease from 2004. I personally called before Christmas to many distributors and they were out of trees and they all said that they cut back on the number of real trees that they received this year, because they’re tired of having leftover trees and those leftovers went to these sites as well. So they say they’ve cut back, one place said they cut back 500 trees that they had ordered.”

Chairman Sciortino said, “What percentage of the chipping are we able to give back out to the public?”

Ms. Erlenwein said, “Totally gone. We have people call and ask us.”

Chairman Sciortino said, “Really, so we don’t have any leftover chipping of trees? Okay.”

Ms. Erlenwein said, “And other things that have happened, solid waste permits, in the past period you approved a permit for an industrial landfill for the Ritchie C & D Landfill, called C & D Recyclers. They added industrial so they could take in sand from an industrial company and use it as a cover material, so that was one permit change this past year.

Also, what happened today, at the meeting, when you declined the C & D permit, that needs to be added to the Solid Waste Plan update, since it’s within this time period. That’s why I do this near the deadline of June 10th, because any decisions made have to be reflected in this update. So, later when you approve the plan, if you can also add your earlier actions on the C & D item today.”

Chairman Sciortino said, “Okay. But now, you say it was part of the plan. It isn’t our plan to just automatically deny a C & D. We did just one.”

said, “No, it’s just one action you took related to solid waste, so we’ll just put in that it was heard and denied.”

Chairman Sciortino said, “Okay.”

Ms. Erlenwein said, “Municipal solid waste connection, there were 20 licensed haulers through the

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county. I've talked to David Lies about are there other haulers out there that we need to get on, I think there's more haulers than that that were not licensed, so he's going to work with us and the small haulers in getting them all licensed."

Chairman Sciortino said, "There's a lot of Billy Bobs with a pickup truck."

Ms. Erlenwein said, "Exactly. And through the year, one company will buy out another, some would go out of business and also they have education, we update our recycling information and keep the website updated.

And the fee from last year was \$3.57 a year for residents and I'm sure Chris Chronis will be bringing that to you for next year before July 1st is when it has to be adopted and that's it. Now your questions."

Chairman Sciortino said, "Okay. It was almost a tie but I'm looking and you beat her by a nose."

Commissioner Unruh said, "Thank you, Mr. Chair. Susan, what is then the total trash volume in Sedgwick County, if you add up the municipal solid waste, C & D and recycled and household hazardous waste. I guess what I'm leading up to is how much of that total waste stream has been diverted from landfill?"

Ms. Erlenwein said, "If you look at the amount of material that went to Brooks Landfill is 1,571 tons per day, or 1,265 so you could say we have a 19% decrease. That used to go to a landfill, that's been diverted someplace else."

Commissioner Unruh said, "And at Brooks, then that was taking the entire volume?"

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

Chairman Sciortino said, "But that was also how many years back, the population being what it is, it would have probably been to the 1,600 or 1,700."

Ms. Erlenwein said, "That number is from when we took over solid waste in '97."

Commissioner Unruh said, "Okay, so if it was 1,571 at that time and we're 12 something now?"

Ms. Erlenwein said, "We're at 1,265 now."

Commissioner Unruh said, "So is that a 25% reduction?"

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Ms. Erlenwein said, "It's a 19% reduction."

Commissioner Unruh said, "Okay, and then if you allow for the growth in the volume, from that time to now, I mean we would probably have a greater percentage of diversion from this landfill. I guess I'm . . . so we're sitting at . . . did this commission not establish a goal of like 40% diversion?"

Ms. Erlenwein said, "Yes, well that goal was based on having a ban on grass and leaves and the ban on C & D, which is what we did, curbside recycling and volume-based trash rates, so some of that has been put off to the future, that goal would have been put off as well because you need a combination of those to achieve that goal."

Commissioner Unruh said, "Okay, so we're approximately at 20% diversion now."

Ms. Erlenwein said, "Yes."

Commissioner Unruh said, "And of that amount, how much is what is typically considered recycling? Do you know that?"

Ms. Erlenwein said, "I'd have to calculate that for you, because remember, what goes to construction/demolition landfill, some of that is recycled, it's not all buried."

Commissioner Unruh said, "The majority of it is recycled, isn't it?"

Ms. Erlenwein said, "Well, it depends on which C & D landfill it is. Some do better than others on recycling the material."

Commissioner Unruh said, "All right. Well, I guess I'm just thinking about when you read in the newspaper, the dismal picture that's painted about our recycle effort, I think, is not accurate."

Ms. Erlenwein said, "No, and that's what I was trying to point out, that there's a lack of data so we don't have an exact number of what's recycled in our community and they are comparing us to other communities. Other communities, what are they counting in their recycling number? Do they count yard waste, appliances, tires? There's no standard, nationwide, for what a community counts as their recycling number. So if someone is counting tires and batteries and everything else, their number is going to look huge for 'Hey, we're at 40 or 50%', where if someone doesn't, it's going to look less. Since there's no standard, you really cannot compare one community to another."

Commissioner Unruh said, "Okay, well I guess you've explained that to our media folks in this community, I assume."

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Ms. Erlenwein said, "Yes, many times."

Commissioner Unruh said, "Okay. All right, that's all I had, Mr. Chairman."

Chairman Sciortino said, "Thank you. Commissioner Burtnett."

Commissioner Burtnett said, "Well, along those lines, I was going to ask how does Bel Aire come up with these extraordinary amounts of what they're recycling, when they don't really know?"

Ms. Erlenwein said, "They don't, because we've tried to get it directly from Bel Aire and the company and both have told us they can't separate the number out. Now they may be able to tell you how many residents are recycling and give you a number of residents. They cannot give you the tonnage. Because the trucks that pick up in Bel Aire also pick up in other areas on their way back to Newton, so it's combined with other material."

Commissioner Burtnett said, "And when you presented this report to the Solid Waste Committee, this is just an update, this is just a report."

Ms. Erlenwein said, "That's correct. It shows what activities have occurred since the last update."

Commissioner Burtnett said, "Okay, and just for the record, what was the vote on this?"

Ms. Erlenwein said, "The vote was . . . was it 19 to 1? No, I'm sorry not 19 . . . one person voted against it because of the recycling information."

Commissioner Burtnett said, "I just wanted that on the record. Thank you."

Ms. Erlenwein said, "She was not sworn in at the time of the vote. The reason she says she voted against it is because we have a lack of data, but there's no way of obtaining that data."

Commissioner Burtnett said, "Okay, thank you. That's all I had."

Chairman Sciortino said, "Commissioner Winters."

Commissioner Winters said, "Thank you. Susan, there was a front page story here this week earlier about Starkey and their computer recycling efforts and I don't know that I really have a question here. I guess I would . . . we know that KDHE and points around the country are very interested in computer hardware recycling efforts and some states are mandating it, etcetera. It

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seemed like Starkey here starting on their own volunteer program and I think there are a couple of others, I guess I'm just wanting to say and ask if you or someone from your staff would kind of get up to date on what Starkey is doing and if there's something we need to be thinking about or doing and I'm thinking about our household hazardous waste facility and don't want to make too many stops for somebody, but it just looks like their doing something that some day maybe there's going to be mandatory requirements that we recycle the computer material. I guess I'd like to just let Starkey know that we're thinking about what they're doing and if there's something we can do to play in that picture, I think we ought to at least think about it."

Ms. Erlenwein said, "Well, we'll contact them and I know I've been talking to Joe Brunk about HHW and e-waste so maybe we can make a partnership of some sort there."

Chairman Sciortino said, "Okay. Susan, one thing I think would help me is if you could go back to when we took over the solid waste and maybe say 'okay at that time the populations was x, we were throwing away 1,500 tons a day, so it's so much per capita per ton' and then go 'today the population is, if we're to have that so much per capita, per ton this is what the ton, it would have been 1,720'. What I'm trying to get to too is that I suspect we're recycling a much stronger amount of good because right now we're basing it on 1997 tonnage and today's tonnage and I think if we could extrapolate it out to today current, we'd be in the 25 to 30% category. That would help a lot."

Ms. Erlenwein said, "I'll do that."

Chairman Sciortino said, "And then the other thing, we saw a pretty dramatic increase when the household hazardous waste folks . . . this is our second year of going out into the communities and having these free days where people are coming in, and that seems to have been really well received and if I didn't just a cursory look at them and it looked like every stop saw a pretty decent hiccup higher than it was, I guess last year was the inaugural year, so that seems to be working very well too."

Ms. Erlenwein said, "I think word is getting around about it. We've tried to educate people where the events are happening."

Chairman Sciortino said, "And another thing that would be good, if you could go back to the last year that the city was doing it in that little tin building, what kind of tonnage they were getting in, compared to what we're doing and I think you're going to see a 400 and 500% increase."

Ms. Erlenwein said, "I'll put these numbers up and e-mail them to all of you."

Chairman Sciortino said, "Okay, that would be great. That would help us, and all that stuff is

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being disposed of? We have a contract with somebody that takes all that hazardous stuff and does something environmentally safe with it?"

Ms. Erlenwein said, "Some of the material, especially oils, can be recycled as heating fuel. Certain pesticides have to be incinerated, but they're taken care of in a safe manner."

Chairman Sciortino said, "Good. Okay, thank you. Commissioner Burtnett, you had another question."

Commissioner Burtnett said, "Yeah, I did. How often does this committee meet?"

Ms. Erlenwein said, "We have scheduled meetings the first Monday of the month, but unless there's business to attend to, we do not meet. So we have the room scheduled, but let the committee members know ahead of time if there's going to be a meeting or not. If this had been approved today, on the earlier C & D, that would have been on our next committee meeting."

Commissioner Burtnett said, "Okay. And does your committee weigh in on those type of issues and say 'mandatory recycling' and then come back to us with those recommendations?"

Ms. Erlenwein said, "When we were first developing the plan, the committee came to you with recommendations on what should be in the plan and then the commissioners weighed and adopted a plan. Now the committee mainly serves to review grant applications or permit applications and bring back their recommendations to the commission. If you would like them to research an issue, then you could sent that to the committee and Nikki Soice, you know, is the chairperson of the committee and she could take that to the committee for consideration."

Commissioner Burtnett said, "Okay, thanks."

Ms. Erlenwein said, "The committee did review this plan update at the last meeting. They did approve it, with the stipulation of adding any changes that happened between their vote and when it's sent to the KDHE."

Chairman Sciortino said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you. Well I think . . . I don't see a lot of other questions. I just want to express appreciation to the members of the committee for their willingness to commit to this effort and go through some times some difficult discussions and to try to do what's best for the citizens of our county and especially I noticed Nikki Soice is here and she's been chairman for four or five years, longer, that I know of anyway. I appreciate your commitment to this, but thanks for your work."

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MOTION

Commissioner Unruh moved to approve the Annual Update for submission to Kansas Department of Health and Environment with the amendment to include the denial of the C & D landfill conditional use decision made at today's meeting.

Chairman Sciortino seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you, Susan."

3. AGREEMENT WITH ACCELERATED MORTGAGE GROUP, INC. FOR HOUSING REHABILITATION SUBORDINATION.

Mr. Brad Snapp, Director, Housing Department, greeted the Commissioners and said, "We have a request from Accelerated Mortgage to subordinate a second mortgage used as a cure rehabilitation funds on a house that was completed in 2004. I recommend this because the homeowner had a adjustable rate mortgage that was set to increase to over 8%. It's now on a 30-year, fixed mortgage at slightly over 6 and $\frac{3}{4}$. So if you have any questions, I can answer them for you."

Chairman Sciortino said, "The only question I have, did that change? Is there any financial things that we had to do to get that changed?"

Mr. Snapp said, "No."

Chairman Sciortino said, "Okay. Commissioners, what's the will of the Board?"

MOTION

Chairman Sciortino moved to approve the Agreement and authorize the Chairman to sign.

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Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thanks, Brad. Next item please.”

I. DIVISION OF HUMAN SERVICES- DEPARTMENT ON AGING.

1. AGREEMENT WITH KANSAS DEPARTMENT ON AGING FOR THE SENIOR HEALTH INSURANCE COUNSELING FOR KANSAS PROGRAM.

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, “Central Plains Area Agency on Aging has been providing one-on-one and group education and assistance to older adults and caregivers regarding Medicare and senior health insurance issues for the last three years. However, in the past two years, that has become more demand for those kind of services with the Medicare part D changes and the prescription drug card prior to that. So certainly our staff has spent more time doing this and more efforts going on in these areas.

We were the only triple-A out of 11 triple-As across the state that did not have a SHICK program. That was changed earlier this year, when we did receive some funding to become a secondary SHICK program here in our tri-county area. They have certainly reviewed what we had done during the first several months of this year and have decided to make us an ongoing SHICK sponsored agency.

So this is a contract for the rest of the fiscal year that we will continue to be an official SHICK program and receive funds to assist in providing educations and support to older adults and their caregivers in Sedgwick County, Harvey and Butler Counties. Due to the volume of customers that we assisted for Medicare issues, it has been determined that this funding will continue for April 1st, 2006 through March 31st, which is the annual funding calendar for this program.

I did want to share with you one brief little incident that we had encountered this year. We were

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working with an older woman, through La Familia Senior Center. She had enrolled in a plan, but it really wasn't meeting her needs and so we did some research through our staff person to try to figure out why it wasn't paying for her medications. They weren't being covered. The SHICK coordinator contacted the plan that she was enrolled in and found out that she had been enrolled by accident in a plan that served the State of Arizona.

She was assisted in finding another plan and enrolling in this plan to meet her needs and was assisted in then pursuing and receiving reimbursement for her current out-of-pocket expenses of \$536. This is just one of many success stories where we've been able to really have a impact with older adults around their Medicare issues. So, this is for \$5,000. It doesn't require any match funding. That is money that comes down through Kansas Department on Aging. Would be happy to answer any questions."

Chairman Sciortino said, "Thank you, Annette. I see Commissioner Winters has a question."

Commissioner Winters said, "Thank you. Annette, who does the actual one-on-one with the older adults that need the advice."

Ms. Graham said, "Through the SHICK program we have a few staff people that are trained to do that. Some of our case managers who work with their existing caseload, we have our two information and assistance specialist and then we have a couple of other staff. However, we also are working on recruiting and training volunteers and the Kansas Department on Aging has a SHICK coordinator and they help recruiting on those trainings to get them. It's a full three-day training session for SHICK volunteers, to have that full access training, so we will be recruiting additional volunteers. They already had 12 through the other SHICK program. There's a SHICK program out of the extension office that we also receive funding for Sedgwick County area through KDOA, so there's certainly a need for a larger number of volunteers, so that would be the other component."

Commissioner Winters said, "So do you work in conjunction with those other programs?"

Ms. Graham said, "Yeah, we meet with them on a regular basis and we make sure that we're not duplicating efforts and certainly with the largest number of seniors in the state in our area, there's plenty of need for assistance to go around, so we do coordinate with them."

Commissioner Winters said, "Thank you."

Chairman Sciortino said, "Any other questions, commissioners?"

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Commissioner Unruh said, “I just want to comment that the \$5,000 in funding is just a supplement. I mean, it doesn’t come close to covering the time.”

Ms. Graham said, “Right, we were already doing this service even before we receive the money through KDOA, so it was just, as you say, a supplement because it’s a drop in the bucket compared to the need. We already saw this as one of our mandates, as an Area Agency on Aging, to meet the needs of older consumers in our community. So this was just kind of some additional funding to help support some of the efforts that we do, but yes you’re right.”

Commissioner Unruh said, “Yeah, okay. Thank you.”

Chairman Sciortino said, “Okay, I see no further comment. So what’s the will of the Board on this item?”

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you very much, Annette. Next item.”

2. CONTRACTS (22) TO PROVIDE TARGETED CASE MANAGEMENT SERVICES.

- **DEANNA ALMOND**
- **SASHA CHAPEK**
- **SARAH CHILDS**
- **KATHRYN COIT**
- **CINDY CRANGLE**

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- JANICE ELMORE
- MAE FIELDS
- LAURA GRAHAM
- MELISSA HOGAN
- JOANNE HUBBARD
- LISA JOLLIFF
- KYLE JONES
- SUZI KOELLING
- JODI LUJAN
- CONSTANCE MANSAW
- CRYSTAL NOLES
- JULIE OLIVAS
- LISA PARKER
- PAMELA PETRIK
- CYNTHIA ROWLETTE
- POLLY SEXTON
- MICHELLE SHAHEEN

Ms. Graham said, “What I bring before you today are 22 contracts for targeted case management. This is a service under home and community-based services for elderly program, which is the Medicaid waiver program, to help keep older adults, age 65 and over, in the community. So this is a program that the individual has to be eligible for Medicaid and have to meet the criteria as needing and be appropriate for nursing home placement that chose to stay in the home, in the community with in-home services.

Our case managers, through a combination of staff and contracted case managers do the initial assessment, do the program development of the plan of care, work with the consumer and their families and the providers to arrange that service provision. Last year, we arranged for and monitored approximately \$18,000,000 worth of services for the in-home services that’s outside of this.

So this is a contract where we contract for this year 22 individuals in the community who will do contracted case management, so we have to provide the training for them. They provide that service in accordance with KDOA standards and then we monitor their service provision to assure quality and be involved as a consultant and kind of oversight. So, I have a list of the names of the individuals, with this list, five of these are new individuals, as we continue to receive increasing numbers of individuals in our community that are trying to access this service provision. We average anywhere from 30 to 48 new referrals a month for this program, so it’s a constant demand and we see an increasing demand in that. I would be happy to answer any questions.”

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Chairman Sciortino said, "I have one. Of the \$26.50 an hour that we pay for these people, is it kind of set up like 'Okay, if they're going to do targeted, it's going to require eight hours worth of work' or does it just . . . they just keep billing? Is there some guideline, or graph or whatever?"

Ms. Graham said, "No. Because of the needs of the clients vary so greatly, there's not really an average or an expected number of hours per month. There is a cap of 800 units per year for each consumer, but it's very much . . . it's listed there, seven different services that can be filled under Medicaid for this kind of case management service. So every month, when we get their billing, what we do is look at the logs that they've done and then we look and see that they have coded it correctly and make sure that what they bill for matches with their log and that it's not excessive, because after ten years of doing the program, really have a good idea of kind of what that would generally take and if it takes longer than what one would expect to see, then if they have not logged information to indicate why it would have taken longer to do that, then we will . . . we don't reimburse them until we clarify any of that and make sure that will meet KDOA standards."

Chairman Sciortino said, "Has it been kind of your experience that . . . do they usually use up their whole 800? I assume a unit is an hour. Is that correct?"

Ms. Graham said, "No, I think the state . . . it is a 15 minute timeframe, a unit is, but that is \$26.50 an hour that we pay, and it's broke down by 15 minute."

Chairman Sciortino said, "So when you say 800 units, you mean 800 15-minute segments. Okay."

Ms. Graham said, "It averages, I think the average is maybe around three and a half to four hours a month, statewide, for an average case management, so it's not a lot of case management. You know, unless . . . you certainly have those outliers where they have crisis situations or things that come up, but in general, it's not a lot of hours."

Chairman Sciortino said, "Okay, thank you. I don't see that there's any other comments."

MOTION

Chairman Sciortino moved to approve the Contracts and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you very much, Annette. Next item."

J. GRANT APPLICATION TO UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PLANNING AND DEVELOPMENT, FOR AN ECONOMIC DEVELOPMENT INITIATIVE GRANT IN THE AMOUNT OF \$495,000 FOR PARTIAL FUNDING OF CONSTRUCTION OF THE AVIATION TECHNICAL TRAINING BUILDING OF THE TECHNICAL EDUCATION COMPLEX AT JABARA AIRPORT.

Mr. Marty Hughes, Revenue Manager, Division of Finance, greeted the Commissioners and said, "Thank you, Lisa. You just did my item. On November 30th, 2005 President Bush signed into law Public Law 109-15. This appropriation law provided the Department of HUD with economic development initiative funds for certain special projects specified in the Congressional Record of November 18th, 2005. The Congressional Record specified a project for Sedgwick County, which is the construction of the technical training and education center.

The funding for this project, provided by congress and signed into law by President Bush, totaled \$495,000, which will be budgeted for site development on the aviation technical training building section of the Jabara Training Complex. All the appropriate paperwork for the HUD funding application has been prepared and awaits your approval, prior to submittal.

Special recognition should be given to Senator Sam Brownback for including this funding in the 2006 Appropriations Act. I recommend you approval of this grant application and would be glad to answer any questions you might have regarding this subject."

Chairman Sciortino said, "I don't see that there is any. What's the will of the Board on this item?"

Commissioner Winters said, "I just have one question. Is this different than anything else we've applied for to this point?"

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Mr. Hughes said, “Yes, it is. It’s a separate grant from HUD, versus the other grant that we applied for was \$2,000,000 from EDA, Economic Development Administration and those funds were going to be used for the Assessment and Career Development building of the campus, and these funds will be use for the Aviation Training building of the campus.”

Commissioner Winters said, “So this is different.”

Mr. Hughes said, “Yeah, it’s two different grants.”

Commissioner Winters said, “Thank you.”

Mr. Hughes said, “And I did also, to give you an update on that \$2,000,000 grant application from EDA, I got an e-mail from Bill Bowen yesterday and he had talked to Paul Hildebrandt with EDA yesterday and EDA Denver is recommending that project funding, this month probably, for that \$2,000,000 which is a little earlier that what we’d expected, so they’ll be contacting the congressman about that.”

Commissioner Unruh said, “Thank you. Following up on Commissioner Winters’ question, this other grant had certain restrictions that goes with it, having to do with prevailing wages and things like that. Does this grant carry that same . . .?”

Mr. Hughes said, “No, it doesn’t. These EDI grants from HUD don’t have the Davis Bacon requirements in them, and that’s part of the reason why we had this in this other . . . you know, applying it to this other building. And the other thing was . . . the other reason we applied to this other building was that EDA requires a 50% match and it we put this money in, with their \$2,000,000, it would have taken us 150% match, so this way it keeps everything clean.”

Commissioner Unruh said, “Well thanks. It sounds like you’re managing the process nicely, so thank you.”

Chairman Sciortino said, “Thank you. Ron, this is . . . just to make sure I’m hearing it right, this is another half a million dollars towards the project, above the last half a million that we saw, so now what is the total? I know we’ve got the one and the one and the 1.5 and another five. So are we at 3.5 now?”

Mr. Holt said, “I’m not sure of the counting. We have the ED . . .”

Chairman Sciortino said, “Well, let’s start at the two. Cessna, SPEEA [sic], \$2,000,000, a million a piece. Then we’ve got that one \$500,000 grant that we had before. We had the \$500,000 seed

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money grant that Brownback had gotten for us. Then we had the two \$1,000,000 pledges, one from Cessna, one from SPEEA [sic]. That's one from Cessna, one from Spirit. So that's two million, five. And then we had another \$500,000 came in here a little while ago . . ."

Mr. Hughes said, "Well, we had the million five from EDA. We had that and then we added another half million to that, so we got two million . . ."

Chairman Sciortino said, "So that's two million, plus the million from Spirit, plus the million from Cessna, that's four million, plus this one is now 4.5 million."

Mr. Holt said, "Yes, if you count the local, yes."

Chairman Sciortino said, "Yeah, I'm just trying to see how much additional funds that are coming in, other than what we had backstopped, so okay, it's coming . . . okay, thanks, great. Okay, what's the will of the Board?"

MOTION

Chairman Sciortino moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you very much. Next item."

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K. FORCE ACCOUNT CONSTRUCTION ENGINEERING INSPECTION SERVICES AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 634-32, 33, 34, 35, 36; WIDENING OF 63RD STREET SOUTH BETWEEN ROCK ROAD AND THE BUTLER COUNTY LINE. CIP# R-275. DISTRICT #5.

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "This item is to receive some money. Item K is a force account agreement with the Kansas Department of Transportation to reimburse Sedgwick County for engineering inspection services performed during construction of the road improvement project on 63rd Street South between Rock Road and the Butler County line. This project is designated as R-275 in the Capital Improvement Program and will have 80% reimbursement. The maximum amount of federal funds the county can receive is \$256,058.56. I recommend that you approve the agreement and authorize the Chairman to sign."

Chairman Sciortino said, "Commissioners, what would you like to do about this item?"

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you, David. Come back when you have something more

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controversial. Next item.”

CONSENT AGENDA

L. CONSENT AGENDA.

- 1. Resolution stating findings made by the Board of County Commissioners at the post-annexation hearing held May 17, 2006.**
- 2. Order dated May 30, 2006 to correct tax roll for change of assessment.**
- 3. Plats.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2005 and prior years have been paid for the following plats:

Ewy Addition
Greenwich Plaza Addition

- 4. Payroll Check Register of June 2, 2006.**
- 5. General Bills Check Register(s) for the week of May 31 – June 6, 2006.**

Mr. Holt said, “Commissioners, you have the consent agenda. I recommend you approve it as presented.”

MOTION

Commissioner Norton moved to approve the consent agenda as presented.

Chairman Sciortino seconded the motion.

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

VOTE

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Next item, I think we're done with all the items. Commissioners, is there anything under the general heading of 'Other' that you would like to discuss today, before we get into the executive sessions that we have to do? Anything going on in your district? Any zoo function?"

M. OTHER

Commissioner Unruh said, "Well, Kristi mentioned earlier that Sedgwick County Zoo is beginning its concert series this summer, starting Thursday night, every other night, the doors open at 6 and the concert starts at 7:30 . . . I beg your pardon, the doors open at 6:30. The zoo closes at 5, the doors are open at 6:30, the concert is at 7:30 and I understand they're going to have some great bands out there and the name of the first band is Your Mama's Big Fat Booty Band."

Chairman Sciortino said, "Come on, what's the name of the band."

Commissioner Unruh said, "That's it."

Chairman Sciortino said, "Your Mama's Big Fat Booty Band? We've got to go to that one."

Commissioner Unruh said, "That's all I had, Mr. Chair."

Chairman Sciortino said, "Anything else, commissioners. All right. I believe we have an Executive Session."

MOTION

Commissioner Burtnett moved to recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation, and legal advice and that the Board of County Commissioners return to this room from executive session no sooner than 2:10 p.m.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you. We are now recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into executive session at 2:00 p.m. and returned at 2:42 p.m.

Chairman Sciortino said, "We are back from Executive Session and no binding action was taken in Executive Session. Mr. Euson, is there anything else to come before us right here?"

Mr. Euson said, "No sir, there is not."

Chairman Sciortino said, "Okay, at this time I will close the meeting of the Board of County Commissioners Regular BoCC meeting of June 7th."

N. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 2:43 p.m.

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

BEN SCIORTINO, Chairman
Fifth District

LUCY BURTNETT, Chair Pro Tem
Fourth District

DAVID M. UNRUH, Commissioner,
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2006