

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, May 22, 2013

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

Pursuant to Resolution #131-2010, adopted by the Board of County Commissioners on August 11, 2010, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Roberta Berry, Sedgwick County Interim ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203

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Email: rberry@sedgwick.gov, as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, your contact information and the type of aid, service, or policy modification needed.

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on Wednesday, May 22, 2013, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James B. Skelton, with the following present: Chair Pro Tem Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Assistant County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Scott Hadley, Director, Emergency Medical Services; Mr. Seth Konkel, Metropolitan Medical Response System, Health Department; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Chris Chronis, Chief Financial Officer; Mr. Sherdeill H. Breathett, Sr., Economic Development; Mr. Michael D. Pepoon, Assistant County Counselor; Mr. Tavis Leake, Fire Marshall, Fire District No. 1; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUESTS

*Mr. Alan Klein, Speaker, Emergency Medical Services Week Proclamation
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell
Mr. John Todd, 1559 Payne, Wichita
Mr. Myron Ackerman, 2525 North Rock, Wichita
Ms. Susan Estes, 151 South Whittier, Wichita
Mr. Gary Schmitt, 14000 Pinnacle Drive, Wichita*

INVOCATION

Observed by a Moment of Silence.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Norton was absent.

Chairman Skelton said, "Commissioner Norton will be joining us shortly. He had a family matter to attend to this morning. Next item, Madam Clerk."

Absent 1 - Commissioner Tim Norton

Present 4 - Commissioner Richard Ranzau, Chairman Jim Skelton, Vice Chair Dave Unruh and Commissioner Karl Peterjohn

CONSIDERATION OF MINUTES

A [13-0344](#) REGULAR MEETING OF APRIL 17, 2013.
All Commissioners were present.

Chairman Skelton said, "Okay. Commission, we have minutes for April 17th and May 1st. I believe it would be appropriate to take those items together. Is there any corrections for the minutes?"

MOTION

Commissioner Unruh moved to approve the Regular Meeting Minutes of April 17th and May 1st.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Absent</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Madam Clerk, next item."

A motion was made that this Minutes be Approved. The motion carried by the following vote.

Absent: 1 - Commissioner Norton

Aye: 4 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh and Commissioner Peterjohn

Present: 0

B [13-0353](#) REGULAR MEETING OF MAY 1, 2013.
Commissioner Norton was absent.

Action on Item B was taken with Item A.

PROCLAMATIONS

E [13-0277](#) PROCLAMATION DECLARING EMERGENCY MEDICAL SERVICE
(EMS) WEEK.

Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

Ms. Amanda Lee, Deputy Clerk, greeted the Commissioners said, "Proclamations, Item C, Proclamation Declaring Wichita Riverfest Week."

Chairman Skelton said, "I'm going to mix these proclamations up in order. The first proclamation, there are three proclamations this morning, one for [Wichita] Riverfest Week, one for Recreational Water Illness and Injury Prevention Week and one for Emergency Medical Service (EMS) Week, and I will be proud to read at this time the EMS Week."

Chairman Skelton said, "And the proclamation states:

PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the dedicated Paramedics and Emergency Medical Technicians of Sedgwick County Emergency Medical Services are committed to provide exemplary medical care and ambulance transportation to the citizens of Sedgwick County; and

WHEREAS, Sedgwick County EMS is ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency health care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and other health care professionals; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE BE IT RESOLVED that I, Jim Skelton, Chairman of the Board of Sedgwick County Commissioners, in recognition of this event do hereby proclaim the week of May 19-25, 2013, as

'EMERGENCY MEDICAL SERVICES WEEK'

The 2013 theme for EMS Week is 'EMS: One Mission. One Team.' I encourage the

community to observe this week with appropriate programs, ceremonies, and activities.

"Commission, you've heard the proclamation. What is the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the proclamation.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Mr. Hadley."

Mr. Scott Hadley, Director, Emergency Medical Services, greeted the Commissioners and said, "Very proud and privileged to be here today during EMS Week and certainly proud and honored to be the director of such a great service we have here in the community. First of all, our hearts are heavy, our thoughts and prayers go out to the victims, families, first responders and our EMS colleagues in Oklahoma. We know what they're going through this week and we certainly want to recognize that. Sedgwick County EMS responded to 56,566 calls in 2012 and transported over 38,000 patients. Since 1975, we have responded to over 1.1 million calls for help and transported over 850,000 patients to hospitals and other destinations.

"We have a very dedicated group of loyal professional women and men at every level, this department, some who are here today, and they are committed to providing quality out of hospital care for the citizens and visitors of Sedgwick County. I also want to mention the ones that are not here today. Obviously they're out providing care and servicing the community or home asleep, they worked last night doing the same thing, and I am very proud of them. I am very privileged to work with them, and I have surrounded myself with a group of very dedicated, committed and enthusiastic individuals, some are in this room today and members of our honor guard obviously that you've seen.

"Also want to mention to our reserve group, oftentimes they don't get the recognition that they deserve. They committed over 7,500 hours last year to the community to augment the emergent and non-emergent services that we provide citizens in the community, such as staffing stand by units at Hartman Arena, Intrust Bank Arena providing support to the [Wichita] Riverfest to the Prairie Fire [Wichita] Marathon and many other functions, and they deserve some recognition for what they do each and every day. I also want to thank current and past Commissioners for their support, the Medical Society of Sedgwick County has been an integral part of what we do since 1975, the office of the medical director and Dr. Braithwaite for their support, hospitals,

physicians, nurses and our partners in Emergency Medical Services system that we have here in the community.

"The theme of 'One Mission, One Team' really resonates with me and it is a team effort, and part of that is our community, as well. When they recognize that there's an emergency they're willing to step up and intervene and help others that they don't even know, they've never even met. And I would like to introduce someone to share a story with you, if it pleases the Commission, a brief story with their experience with the EMS. I would invite Mr. Allen Kline to come up to the podium and share his story with his experience last May, on May 12, 2012. Mr. Kline."

Mr. Alan Klein, Speaker, Emergency Medical Services Week Proclamation, greeted the Commissioners and said, "I was asked to speak here today and talk about my experiences with EMS, and I guess the very fact that I'm standing here is really about my best testimony, because I really don't remember anything that happened that day, you know. I left on May 12th on a ride with the American Diabetes Association (ADA), a benefit bicycle ride, and five miles into the event, I'm told that I just went down in a pile and was unconscious. There were a few riders behind me immediately that got me off the bike, and they, one was a RN (registered nurse), and they recognized that I was not breathing and had no pulse. So they began CPR (cardiopulmonary resuscitation) immediately, and 911 was called, and EMS responded. Of course, I'm unconscious at this time, and I remained so for several days.

Mr. Klein continued, "But I did order some information from the EMS. I went down and picked it up and I read my reports. I'm not a medically trained person, but I know when you don't have response to light and your O2 (oxygen levels) content is around 12 percent, you're not doing very well. You know, I was told that I was presented clinically dead at the emergency room at admission, and so my understanding of what happened that day was that I received seamless care. I mean, I was fortunate in the fact that people were behind me that were able to attend to me nearly immediately. I think it was less than 30 seconds before I began getting CPR. And then the response time from EMS was only a few minutes.

"I mean, I was out at 45th [Street] and K[ansas Highway]-96 on an overpass, kind of in a remote area in the county, and the fact that they were able to get there so quickly is just, I think, a great contributor to the fact that I'm standing here today unimpaired. I was able to return to work in seven weeks. I have no disability, you know, no lasting effects from this thing. I did go through some rehab. On May 11th, this year, just two weeks ago, I competed in that event again. I went through the whole thing, went over that bridge and kind of conquered that thing. I like to think of my life as having a restart.

"I brought this with me today. This is, and I met the techs that scissored this thing off of me. This was the jersey I wore during that ride. You can see it's not in very good condition. It didn't weather the thing nearly as well as I did, but this was sliced off of me, and you know, I got some really, as I understand it, my daughter is a PA (physician's assistant), she looked at all of the reports and everything. She said, you had some people that were on the spot for you and that did the right thing. So I come here to express my thanks, my appreciation and gratitude for the services they provided to me. So thank you very much, Scott, for asking me to be here today."

Mr. Hadley said, "Thank you, Mr. Kline, for sharing that with us, and again, it's about a

team. It is a team effort literally with what supports us with what you give us and the tools that you give us. Our partners in the EMS and community stepped up and had a favorable outcome to Mr. Kline. The three in the back, Keith, Kelly and Tim, would you stand up a minute? Those are the folks that responded to Mr. Kline's emergency that day and assisted him in his time of need. So I want to recognize them as well. Thank you very much for the proclamation."

Chairman Skelton said, "Yes, sir. You know, thank you, of course, from my heart, I sincerely appreciate and recognize the efforts of EMS in saving lives. You know, there's one difference here you've made in the room today, and I'm sure we can find other examples throughout the community. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Scott, I just wanted to add, first of all, my appreciation for the hard work and dedication of our emergency medical responders. I want to thank Mr. Kline for being here today and sharing his story. It kind of puts reality to the necessity for Emergency Medical Services, and I believe that our citizens, the ones that we represent in our position, expect that we have emergency medical response as a primary function of local government. So you all are providing that function for our citizens, and I'm proud to say, from all measurements, we have a very high level of professionalism and that we are a model for other EMS units around the country. But we really appreciate it. We know that a 24/7 operation sometimes gets taken for granted, because you're there all the time everytime, but this is a good time for us to express our appreciation to the organization, to your leadership and to all the folks who provide the service. So thank you."

Mr. Hadley said, "Thank you, sir."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I just second my colleague's comments and add that we've got a responsibility for 1,000 square miles here in Sedgwick County, which is an awful lot of ground to cover, and we've got to do it continuously, so I very much appreciate getting an opportunity not only to support this proclamation, but also to recognize the folks that were here today and I want to express my thanks. I appreciated also, I would be remiss if I didn't mention that I very much appreciated the presentation of the colors this morning, too."

Mr. Hadley said, "Thank you."

Chairman Skelton said, "Those are all our comments. Thank you. God bless. Madam Clerk, call Item D, please."

A motion was made by Vice Chair Unruh, seconded by Commissioner Peterjohn, that this Proclamation(s) be Adopted. The motion carried by the following vote.

Absent: 1 - Commissioner Norton

Present: 4 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh and Commissioner Peterjohn

D [13-0366](#) PROCLAMATION DECLARING RECREATIONAL WATER ILLNESS
AND INJURY PREVENTION WEEK.
Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Skelton said, "I will now read this proclamation. And it states:

PROCLAMATION

WHEREAS, Sedgwick County sees cases of recreational water borne illnesses annually, which can cause the closing of swimming pools, hot tubs and water fountains and make people, especially children, seriously ill; and

WHEREAS, 41 percent of children age 7 to 17 will go swimming at least six times a year; and

WHEREAS, the week preceding Memorial Day has been designated as National Recreational Water illness and injury Prevention Week, and

WHEREAS, awareness of recreational water illnesses and healthy swimming behaviors play an important role in stopping the transmission of disease; and

WHEREAS, this year's theme for National Recreational Water Illness and Injury Prevention week is "How We Swimmers Contaminate Pools.

NOW, THEREFORE BE IT RESOLVED that I, James Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 20-26, 2013 as

'RECREATIONAL WATER ILLNESS AND INJURY PREVENTION WEEK'

in Sedgwick County and urge all residents to practice healthy, safe swimming practices.

"Commissioners, you've heard the proclamation. What is the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the proclamation.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Absent</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Mr. Seth Konkel, Metropolitan Medical Response System, Health Department, greeted the Commissioners and said, "Just want to thank you for this opportunity today as we are recognizing temperatures are warming up. We weren't sure there for a couple of weeks, but they are warming up, and it looks like pools will be opening as scheduled here in the coming week, so we want to make sure we're providing a couple of tips to make sure that our residents are staying safe. As we talk about the water borne illnesses, common symptoms are nausea, vomiting, loss of appetite and probably most common diarrhea, not the most glamorous of symptoms, but nonetheless, we want to make sure people take appropriate precautions.

"Make sure if you are going swimming that you are keeping kids out of pools if they have diarrhea, especially those in diapers, as it does have limited protection. Make sure you're practicing good hygiene in terms of washing your hands and/or taking a shower after you've used the rest rooms. A lot of swimming pools do require that you shower before you get in the water. And then the other item is to make sure that you're pulling the kids out of the pool on a regular basis to make sure they do have an opportunity to take bathroom breaks. When they say, I've got to go, it's probably a little bit too late.

"Those are the illness prevention tips, and the injury prevention tip is just making sure that you're keeping a close eye on young children, on toddlers and those people that cannot swim, as drownings can happen in a split second, and so we want to make sure that, as people are out swimming this summer, that they are staying healthy and staying safe. With that, again, we thank you for this opportunity and hope we have a great summer and it's a fun summer."

Commissioner Norton entered the Meeting at 9:23 a.m.

Chairman Skelton said, "Thank you, sir. Comments for Mr. Konkel? Very comprehensively said, well done. Thank you. Okay. Madam Clerk, call Item C, please."

A motion was made by Vice Chair Unruh, seconded by Commissioner Peterjohn, that this Proclamation(s) be Adopted. The motion carried by the following vote.

Absent: 1 - Commissioner Norton

Aye: 4 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh and Commissioner Peterjohn

Present: 0

C [13-0370](#)

PROCLAMATION DECLARING WICHITA RIVERFEST WEEK.

Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Skelton said, "Proclamation declaring [Wichita] Riverfest Week says:

PROCLAMATION

WHEREAS, the spirit of a community stands to benefit richly from mutual celebration that embraces all of its citizens; and

WHEREAS, Wichita Festivals, Inc. is a non-profit corporation with the purpose of creating diverse community celebrations within the Wichita area; and

WHEREAS, the Wichita River Festival, now known as Riverfest, has played a vital role in economic growth and civic pride in Wichita and Sedgwick County for forty-two years; and

WHEREAS, the festival has grown from 2,000 attendees at its debut in 1972 to more than 250,000 attendees with corresponding economic impact; and

WHEREAS, Riverfest continues to be what its founders intended; a mechanism to build community pride, bring people together, and focus on the great natural resource that is the Arkansas River; and

WHEREAS, Wichita Festivals, Inc., has rededicated itself to the organization's purpose and to the citizens of South Central Kansas and beyond to present a diverse festival that offers events and entertainment for people of all ages, backgrounds, abilities, and interests;

NOW, THEREFORE BE IT RESOLVED that I, James Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 31–June 8, 2013 as

'WICHITA RIVERFEST WEEK'

"Commissioners, you've heard the proclamation. What's the will of the Board?"

MOTION

Commissioner Norton moved to adopt the proclamation.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, "I'm going to talk just a little bit about the [Wichita] Riverfest. The windwagon was not able to be here this morning, so I know I'm not the best fill-in but I've got facts and information to share. Clearly the Riverfest offers something to everyone, and that might mean a turkey leg, funnel cake, pronto pup or chicken on a stick. So, we know that there's plenty to enjoy. It will kick off on the 31st with the Sundown Parade, and of course Sedgwick County will be in the parade. We are always excited to be in the parade and wave and let folks know we're here providing services. For those of you who are a little more ambitious, Saturday morning, pull on your tennis shoes and get out for the River Run.

"Of course, there's the zip line if you're courageous, there's concerts, and the theme this year is 'Let the Good Times Flow', and I'd like to share the poster that they have brought so everyone makes sure that they know that it is a good time to be had. If that doesn't look a little festive and fun for all, and Commissioners, I hope if you have an opportunity you'll join us in the parade or see you at some of the events or see you at the food court, I'm sure."

Chairman Skelton said, "Well, sounds real exciting. I'm a big fan of the turkey leg myself. That's an interesting poster this year."

Ms. Zukovich said, "It is, very colorful."

Chairman Skelton said, "We don't have any like that in the Ark[ansas] River, do we?"

Ms. Zukovich said, "I don't...well, we don't know."

Chairman Skelton said, "Don't know...okay. All right, well, Commissioner Norton."

Commissioner Norton said, "I'm sorry the admiral couldn't be here, but the [Wichita] River Festival will still go on. It starts May 31st with the Sundown Parade and it moves on to the Koch [Industries] Festival and Festival on the River, symphony [Koch Industries Twilight] Pops Concert. This year it will feature Chris Mann, who is a finalist in The Voice, a Wichita native that we're very proud of, along with the symphony and week-long festivities over the years. I'm Wagonmaster and have been for over 20 years, so I've been able to participate in many Wagonmaster events during the River Festival. I've dipped ice cream, I've carried a mop in the parade, you can just about do a little bit of everything. Two food items you didn't mention were roasting ears, which happen to be my favorite, and fried snicker bars. I have not had one of those. It doesn't appeal to me much."

Ms. Zukovich said, "Don't tell Claudia."

Commissioner Norton said, "I didn't see her here today, so I think the secret is good, but River Festival is a fun event. It celebrates families and the good life in Wichita and Sedgwick County and the region, and we're glad to be participants in it this year. We've been in the parade for quite a few years. So I would urge people to enjoy the weather, enjoy what's good about Wichita. Come out with your family and your friends and enjoy the good life at River Festival."

Ms. Zukovich said, "That's right."

Chairman Skelton said, "Thank you. Additional comments by Commissioners. Kristi, thank you. Madam Clerk, next item."

NEW BUSINESS

F [13-0346](#) PUBLIC HEARING ON THE FIVE YEAR SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Open the hearing; receive public comment; close the hearing; and Approve the Five Year Sedgwick County Solid Waste Management Plan Update.

VISUAL PRESENTATION

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Kansas Department of Health and Environment (KDHE) requires that we prepare an annual [Sedgwick County] Solid Waste Plan update, and then they also require us to have a more extensive five year update to review in more detail all of the information for the plan. So today I'd like to review what the requirements are. Everything that we have done since the last annual update, they want to update demographics in more detail, who the Solid Waste [Management] Committee members are, this current system and the data from that, and basically that's since the last five years and what does the future look like. Do we have the capacity to handle our growth in our community?"

"So quickly on the demographics, as you know we have 20 incorporated cities in the county, 26 unincorporated townships. We've grown 10 percent since the 2000 [United States] Census, and we are predicting that we'll grow at .4 percent per year through the year 2030. We've, since the last five year update, had solid waste analysis done, and that's where me and other people went out and picked through other people's trash to determine what was in it, and as you can see from the pie chart, over 29 percent of what's been thrown away in our community is paper products, 17 percent yard waste, just over 14 percent plastic. Then you come in at food waste at just under 10 percent.

"So there's a lot of material we're still throwing away that could have something else done with it and could be recycled. Comparing that to waste analysis that we performed 10 years ago, you can see on the paper the blue line is what we just did recently in 2008. The red line was 1997 to [19]98, and the green bar is the national average. So on paper, we're doing good, we're under the national average, and we've gone down what we threw away 10 years ago. Yard waste, we've gone up. Plastic, we've gone up in what we're throwing away. Food waste, we're down, and you can see in the chart the other amounts. But in many cases, we're less than the national average, and I think that's good.

"For collection of municipal solid waste, we have 17 businesses we currently permit in the county to collect municipal solid waste, such as the trash thrown away by the residents and taken to the transfer stations. Five years ago, the Commissioners added this statement to our Solid Waste Plan, that the county expects all cities in the county to have a solid waste collection contract or franchise in place by January 1, 2011. And the Commissioners wanted those contracts to include some sort of volume based trash and curbside recycling.

Ms. Erlenwein continued, "You left it vague so each city could do what was best for their own community. When the Solid Waste Committee reviewed this in the last several months, they added to that statement, and I'll show you that in a second, first I want to show you that from your statement 5 years ago, 15 cities have some sort of contract in place for trash and recycling collection, and I have a list of those cities

there. Only five cities that you see on the list do not have some sort of contract at the current time, and one of those cities has been contacting me recently to come down and talk to their city council about doing this. The [Solid Waste Management] Committee [of Sedgwick County] looked at the statement and noticed some of the communities who have put something in place did not have enough requirements. And some of those communities, like the smaller cart per volume based trash companies are trying to charge more for it than the larger cart. So they wanted to spell this out for two container sizes, what those sizes would be in industry standards, but they also listed price differences between the cart sizes and prices for the extra bags on the outside. They also wanted curbside recycling to be single string and curbside to be voluntary.

"We'll get back to this statement after the public meeting so we can have a discussion on this. Solid waste disposal, the Committee looked at what our system is for disposing of solid waste. As you know, we have two privately-owned transfer stations, one north and one south. The Committee feels that this is good and it's in place. And also our Solid Waste Plan currently includes that we could, if we wanted a local landfill that's owned by the county and to continue to look at new waste technologies, whether that's pyrolysis or gasification plants, and we continue to explore those avenues, and they want to keep those statements in the plan.

"Looking at how much waste we do dispose, the north transfer station is owned by Waste Connections [Inc.], and they handle about 900 tons of municipal solid waste a day and 1,000 tons of recycling per month goes through their station and is taken to the recycling facility in Hutchinson. Waste Disposal Inc., down at Hoover [Road] and 55th Street South processes about 400 tons of municipal solid waste a day. Looking at our projection of growth for our community, both of these facilities are permitted to handle enough material that we do not need to be concerned about lack of space in those transfer stations or the ability to transfer material. Totally in 2012, our community produced over 405,000 tons of trash, and that was a 2.2 [percent] increase from 2011. If you look at this chart, you can see we're still much lower than the amount of trash we were producing in 2008, and we're about on par with what we were producing in 2010.

"I think the economic state has a bearing on this, plus we're improving on our recycling capabilities in our community. But people buy less material in bad economic times, which means they're producing less packaging and throwing that away. In looking at how much we produce per person per day, which is a requirement from KDHE that we calculate this, we're 4.43 pounds per person per day, slight increase, 1.6 percent, over 2011. And again the graph shows we're way below the 5.18 pounds per person per day from 5 years ago.

"In recycling, we have noted over 49,900 tons of material was recycled, taken to the main recycling facilities in 2012. That's a 5.8 percent increase from 2011. And this is data from what's taken to the facilities and curbside recycling. I will point out that we do not have information from the metal recyclers in our community. A lot of material goes there, and we are not able to receive that information. They call it proprietary information and will not divulge it to us."

Chairman Skelton said, "Susan, can I stop you there?"

Ms. Erlenwein said, "Sure."

Chairman Skelton said, "Now, you say that the metal recyclers do not disclose that information?"

Ms. Erlenwein said, "That's correct. We've asked them for it in the past, and..."

Chairman Skelton said, "Well, doesn't the City of Wichita have an ordinance that requires the registration of any metal, or copper, or materials of that nature?"

Ms. Erlenwein said, "Yes, they do."

Chairman Skelton said, "And those records are not...why do they keep the records if we can't look at them?"

Ms. Erlenwein said, "Well us in the county, now I could try to look through the city now to try to get that information. But in the past, and in fact, I'll tell you a story. One of the metal recyclers gave us the exact same number three years in a row."

Chairman Skelton said, "Okay, well, I just want to say that that's not acceptable. There is no reason for these people to be keeping secrets from the Commission or [Wichita] City Council, so I want a follow-up meeting on that, and I want to specifically address that, because that's really just not acceptable. And it's not consistent with the spirit and intent of keeping records of who is dropping metal off, because copper theft continues to be a problem in the community. Okay, those are my comments."

Ms. Erlenwein said, "Yes it does. And the state does not permit the recycling facilities, nor does the county, therefore, that's our avenue of getting information from the transfer stations and the compost facilities, but not here. So I will follow up on that and see what I can do for you."

Chairman Skelton said, "Thank you."

Ms. Erlenwein said, "On the trends, you can see we're increasing in the amount of material recycled at these facilities, which is good. And just remind people, there are drop-off bins at various grocery stores around Sedgwick County. Waste Connections pays for those bins and services them. International Paper and ProKansas Miller Recycling Center also receive material at their facilities for people to go there and drop them off for recycling. Composting facilities, over 9,000 tons were received at two locations. One of those is up at 53rd Street North just west of Broadway called Evergreen [Recycle LLC], and also you have Brooks C&D (construction and demolition) Landfill also has a composting area there.

"In specific ways, the state likes us to look at a variety of specific waste and report on what we're receiving in our community to make sure we have outlets for this material. One of those is household hazardous waste. We have over 24,000 people go to the county's household hazardous waste facility at 801 Stillwell [Street]. That's a 9 percent increase from 2011. Over a million pounds of material was received at the facility. That's actually a 20 percent decrease in 2011. So we had more people coming but bringing less material.

Ms. Erlenwein continued, "Of those materials brought, over 3,700 people brought medical waste to the facility, and this is non-controlled medical waste. We don't accept morphine or codeine or materials such as that. We also have a Swap and Shop area there where people can take good products and remove them from the facility and use them without paying for them, and so that helps them on saving money on getting good

material, and it helps the county, as well, that we're not paying for disposal of that material. So we had over 219,000 pounds claimed by over 8,200 people at the Swap and Shop last year.

"We also work with small businesses with small quantities of hazardous waste that they generate. They can take benefit of our contracts and have cheaper disposal for their waste, and we had over 356 businesses work with us in 2012 and over 82,000 pounds of material. That's 108 percent increase from 2011. So we're working a lot more with businesses. You will see from this graph, the blue line, are the volumes coming in from residents to the facility, and it's a general upward trend, except for last year, it went down. The green line, Swap and Shop, and then the red line is a small quantity generating businesses. And then the number of customers, again, you can repeat that, the blue line is the residents, the green line are those who use the Swap and Shop, and then the small quantity generating businesses in red at the bottom.

"In C&D materials, there's construction and demolition, such as drywall, two by fours, shingles, anything associated with building or demolishing a building. The current plan has in it that commercially produced construction and demolition material cannot go through the transfer stations. That was implemented to encourage C&D landfills to be built and keep the prices low for the developers and builders in our community. When the committee reviewed this, there was discussion on changing the plan to allow the material to go through...the C&D to go through the transfer stations, because there was a concern that there would not be volume in the future for C&D. Brooks [Construction and Demolition] Landfill at that point was talking about closing their C&D facility. So there's that recommendation on changing that C&D that we'll talk again about that after the public meeting.

"To look at this, we had over 194,000 tons received and buried at the C&D landfills. That's 1.2 percent decrease from 2011, and some material was pulled out and recycled, just over 5,000 tons. The Brooks Landfill just recently announced that they are going to work with developing a new phase out at Brooks Landfill north of the current site, and that they are going to permit that for the capacity to go for 30 more years. The current [Cornejo & Sons, LLC] CDR (Construction Demolition & Recycling) -North landfill has the capacity of 20 to 23 years, according to the latest estimates. So we have capacity into the future.

"And looking at the C&D material five year trend, you can see it's been somewhat cyclic, I think that's depending on the building industry and economics of the area. Other things we've done in our community, for bulky waste, which would be sofas, large items that you can't put in your trashcan. The county had a coupon program and that paid for up to 1,000 pounds for anyone who received the coupon to take that material to the transfer stations, and we issued 4,500 coupons and over 1,700 of those were redeemed at the transfer stations. We are planning to do that again this summer.

"Storm debris is something the state wanted us to look at, and that's a plan that, where all the cities work together at what equipment they have, how they can respond to a storm, such as the Oaklawn tornado a year ago where many different cities and the county came together to help clean up the material.

"And that has been worked on by Emergency Management, and there is a current draft of their plan and the appendix in your plan update. Christmas trees is something else the county has taken care of for a number of years. There are 21 drop-off sites within the City of Wichita and other cities out in the county that our parks department works

with. They take a chipper out there and chip the trees, and then the chipped material is available for the public. Over 5,400 trees were received last year, and that's an increase from 2011 of over 4 percent.

"Another thing we have are businesses that take electronic waste in our recycling guide online. We have information about what businesses take different types of electronics, whether it's computers or televisions. Waste Management did have a program, but they discontinued it in January of this year, but we had another business open, and they mainly work with, on the wholesale side, getting material from businesses. Sharps and medical waste, stericycle services, hospitals, doctor's offices, dentists, veterinary clinics to take needles and sharp material of the medical waste, and then they take that to an incinerator in another area.

"And white goods is a term used to appliances, whether that's dryers, washers, refrigerators. They're accepted at metal recyclers, but if it's something that has CFCs (chlorofluorocarbons) in it, which you find in air conditioners, or refrigerators, or freezers, you have to have a licensed person to make sure that it's removed properly and not just vented to the air. The Waste Connections transfer station does have someone, so does Brooks C&D Landfill and people can call the metal recyclers to see if that's available. Waste tires and lead acid batteries, many places those can go, and we have those listed on our recycling guide so people can go look at that and determine who can take that. We try to keep the recycling guide updated online, because some businesses buy others out, some go out of business or someone starts, and so we have those listed.

"And public education, we go to trade shows, give presentations, keep our recycling guide up, go give speeches to different clubs and try to inform people of what's available in our community. And the Committee looked at education, and they felt we really needed more on household hazardous waste, recycling, electronics, how to properly mulch, mow and compost and the proper disposal of pharmaceuticals. And something that helps pay for all of this is our solid waste fee. Last year, the County Commission voted to keep the rates the same as they were in previous years, and that's, base rate is \$5.70 per year for residential and you see that on the property tax as a separate line item. And then for businesses, depending on the tier that the business is in, it would range from \$4.10 up to \$8.19 per year for their lawns.

"On projects that we've done in the past five years, we held waste tire event that collected over 155,000 tires, and those tires came from, we had a special government day for townships and other government cities to come and bring their tires so they weren't competing with the residents, and then we had truckloads and trailer loads of tires come on the other days to bring the tires, so that's quite a few tires we received in a three day period.

"And then we had our electronic waste event that we held up at the [Kansas] Pavilion, up at the Kansas Coliseum. And in one day, we gathered over a million pounds of electronic waste. And so we're quite proud of having all of that material come in and get it out of people's homes and that they were handled properly so it would be recycled and not just thrown away.

Ms. Erlenwein continued, "The Committee at the meetings looked at what they would like to see the county do in the future, and their suggestion was a permanent pharmaceutical drop-off box at some of the police stations. And here is a photograph of what one looks like from another community.

"We can take non-controlled pharmaceuticals at the household hazardous waste facility, and the DEA (Drug Enforcement Administration) also has drop-off events twice a year in our community, but to take controlled substances, such as codeine or morphine, you need law officers present. So many communities have developed what looks like a mailbox, a drop-off that you can drop off the material. It's anonymous, and then the suggestion is for the county to pay for those boxes and the disposal of the drugs. This gets unused drugs out of the home, disposed of properly. And so that was their recommendation.

"Part of this whole five year deal is to have a public hearing on the Solid Waste Plan update. I would recommend that you open the public hearing, and then I have a couple slides to go back over the Solid Waste Committee's recommendations to you so we can have discussion on the Board with staff."

Chairman Skelton said, "Thank you. Other citizens that wish to speak regarding the Solid Waste Plan on the public hearing? One more call. Is there anybody present that wishes to speak on matters of this?"

Ms. Jennifer Magana, Assistant County Counselor, greeted the Commissioners and said, "Chairman, we would recommend that you actually open the public hearing and then invite members of the public."

Chairman Skelton said, "Yeah, I would open the public hearing, of course, naturally. Okay, at this time, the public hearing stands open, and I don't see anybody present to speak. So, therefore, the hearing will be closed. Okay? Back to you, Susan."

Ms. Erlenwein said, "Thank you, sir."

Chairman Skelton said, "And I'm sure we're going to have comments from Commissioners here, too. So whenever that is appropriate, let us know."

Ms. Erlenwein said, "Okay. The key to the Solid Waste Committee recommendations, most of the stuff they kept the same that's currently in the plan. The first one to look at was the collection of municipal solid waste. As I said earlier, currently the plan expects cities and county to have solid waste contract or franchise in place by January 1, 2011. They changed that date to 2016 to try to encourage the remaining five cities in our community to have a contract of some sort in place. They also spelled out details on what should be in that contract as far as container size and pricing, so I think this would be the first item to discuss on, do you take the Committee's recommendation, or alter it, or throw the whole thing out. So, that's where we're at."

Chairman Skelton said, "Susan, I have a concern of the suggestion that we use the transfer station as a C&D landfill. So, can you explain and go into a little bit more of an explanation of why it is probably not a best practice to use the transfer station as a C&D landfill?"

Ms. Erlenwein said, "Okay. On the, and that was my next slide. Let me go ahead and go to that. When the Commissioners were looking at how we should handle disposal of waste back in the late [19]90s and we were discussing this and we looked at different options, whether it be a local landfill or transfer station or incinerator, many of the people who are in the building industry, Wichita Area Builders Association, talked to

us about their concern that it would become very expensive through the transfer station to take their material and then decide a cost to the building industry. So the Commissioners looked at construction and demolition landfills. They have less stringent rules on those than municipal solid waste landfills.

"When you build a municipal solid waste landfill, you need liners and what's called leachate collection water that's come in contact with the trash, and methane gas collection system, which are currently not required on C&D landfills. Municipal solid waste landfills need liners and gravel, a very expensive system which makes them very expensive to build.

"Construction and demolition landfills do not need that, so it's less stringent. Currently the C&D landfill tipping fee is about \$20 less than the transfer station tipping fee. So that system has worked well to keep the prices low for the builders. We allow homeowners to do construction work and that material go to the transfer station. What was banned is just the commercially produced construction and demolition material so that it would encourage C&D landfills to be built and the material taken there to keep the prices low for that."

Chairman Skelton said, "Would this also tend to extend the life of sanitary landfills?"

Ms. Erlenwein said, "Yes, it would, and we did studies from different communities that allowed construction demolition material to go through the transfer station. Transfer trailers are very thin wall aluminum to keep the weight down. A lot of those have large two by fours poking holes through them, and the trailers themselves contains less weight, because the C&D material tends to be heavy, and our Kansas Department of Transportation (KDOT) limits a truck to 80,000 pounds on the road.

"So, it's not if you fill the truck up by volume to transport to the landfill, it's by weight and the fact that the transfer stations, they have scales under the transfer trucks, that when it hits the right, 80,000 pounds, they stop putting trash in it. So C&D material would mean more trips of the transfer trucks to a distant landfill because they can't fill it up by to capacity by volume but fill it up by weight. You might have a half full trailer."

Chairman Skelton said, "Well, it's an interest to this Commissioner to nix that recommendation from the Solid Waste Committee. I think it's bad policy and we need to maintain the integrity of the solid waste system we have now and keep C&D material out of sanitary landfills, in my opinion. Now, when it comes to recycling, are the haulers required to disclose the offer to recycle?"

Ms. Erlenwein said, "When, some of the cities have contracts with the haulers and it's provided to every citizens if they want the container at the curbside. In Wichita, when they put their new contract in place that started back in November of last year, they did not require the haulers to advertise to their customers that curbside recycling is available. So many of the citizens I've talked to have no idea that their haulers are supposed to offer that service nor are they required to tell their customers that they have two volumes of containers."

Chairman Skelton said, "What can be done about that at this time?"

Ms. Erlenwein said, "Well, I think we need to work with Wichita on how we can advertise that better and get the message out to the community."

Chairman Skelton said, "Okay. So it's not really a priority of the Solid Waste Plan, it more has to do with the regulation of the...."

Ms. Erlenwein said, "Of the City of Wichita, correct."

Chairman Skelton said, "Okay. Now, is there a transfer station still \$20 above market rate per ton around here?"

Ms. Erlenwein said, "It depends on what you consider market rate."

Chairman Skelton said, "Well, I had heard from several people, and I don't know if it's casual comments or what, but that, you know, the industry has a certain price for transfer stations and it just seems like ours is approximately \$20 above and beyond what would be considered average in the industry. What is your take on that?"

Ms. Erlenwein said, "Well, my take is that 10 years ago when I went and looked at transfer stations nationally to get ideas of what best systems would work, we also went to incinerators and other landfills, at that point in time, I know that Seattle, 10 years ago, was charging \$90 a ton for transfer station, and we're currently at \$59. So it depends on your market, the distance that you're transferring the material, the price of diesel fuel. There are many factors that go into it. If you want, I could do the market study on Kansas and the surrounding states to see what the tonnages prices are."

Chairman Skelton said, "That might be reasonable. Really, I think the action that only we can, what I'm gathering here is we can mitigate the C&D landfill question if there is support of the Commission here."

Ms. Erlenwein said, "Yes. You could say that you do not want that language and you want to keep the way it is currently in the plan on that. You need to discuss, let me back up a slide here, on the recommendation on the franchising and contract language. Do you want to change that to 2016 and adopt their recommendations on cart size and pricing? Or do you want to keep it the way it is in the plan right now or make other changes?"

Chairman Skelton said, "Well, I mean, I'm not sure what the authority of this board is, but you know, my opinion on this is that the haulers need to disclose that they, the fact that they do offer recycling. Yes indeed it's my feedback, too, that a lot of citizens are just unaware of this, but would be doing that if they knew about it. I am not a fan at all of throwing C&D landfill in a sanitary landfill. I will not support that recommendation. I will not vote to support this update if the Commission, we need to hear some comments here and would like to have some discussion. So, I've made my comments. Who is next? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Susan, help me understand all of this. What is the current tipping fee at the transfer station?"

Ms. Erlenwein said, "\$59 a ton."

Commissioner Unruh said, "\$59 now. And that's just on a per ton basis, doesn't make any difference if it's C&D or municipal solid waste?"

Ms. Erlenwein said, "Right. No matter what is taken in there, remember commercially produced C&D is banned from the transfer station now. If a load of commercially C&D

would come in, they would turn them away and direct them to the C&D landfill.”

Commissioner Unruh said, “And in your remarks, you said that they were thinking about opening up another cell at Brooks.”

Ms. Erlenwein said, “That’s correct. I talked to city staff, and they are in the planning stages of expanding their C&D facility there, and they think from the acreage that they’re looking at, and the height, it could last 30 more years.”

Commissioner Unruh said, “All right. So, then what is the motivation for accepting C&D material at the transfer station if it’s not a capacity issue, we’re not closing it down. It’s cheaper at the C&D than it is at the transfer station. I’m having trouble connecting the dots there?”

Ms. Erlenwein said, “So am I.”

Commissioner Unruh said, “Okay. Well, then I’m thinking I’m supportive of the Chairman’s assertion that he’s not going to support this if we leave that particular item in the plan. I don’t understand the rationale for it.”

Ms. Erlenwein said, “I think at the time it was looking at another option if Brooks did not expand and if they closed then you’d only have one C&D open and that this would give a second option. But since Brooks has now announced that they’re going to expand to the north, I see that this isn’t as important.”

Commissioner Unruh said, “Okay. All right, I think that’s all the questions I have right now.”

Chairman Skelton said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Let me ask you, if they are able to, is there a starting date at which they could have, the city could have this expansion at Brooks in place? Because sometimes the regulatory delays on these are significant and we could still be in a situation where there could only be one if that’s delayed. I’m just curious, in terms of what is your estimate of how high the regulatory burden is for them to overcome to get that, to make that happen?”

Ms. Erlenwein said, “It would not be very high at all because of several issues. First, one concern you have, the current C&D landfill, they have about five more years of space left, so you’ve got a pad there. Another is that this is being put on what was permitted for municipal solid waste landfill. So instead of a new permit, what they’re doing is called a permit modification. So you don’t have as many hurdles to go through since you had an existing landfill that started back in the [19]60s and you’re adjusting that permit. When they went through this from going from a municipal solid waste landfill to a C&D landfill, I think it took less than a year for the permitting process.”

Commissioner Peterjohn said, “Since do they have to go through, since this is kind of a mixture, I mean, Brooks was originally a regular landfill, and I’m not sure what the lining requirements were when it opened a long time ago. There may have been none, but would they have to do, would they have to do lining like a regular landfill on this extension, or would it just be like any other C&D?”

Ms. Erlenwein said, "Just like any other C&D. There are no requirements for C&D's to have liners, so there would not be in this case."

Commissioner Peterjohn said, "Let me switch gears, in terms of questions, because I've had problems with the Solid Waste Management Plan in the past, and there were several things that gave me some heartburn, too. Let me segue off of some of our earlier discussions. There was some discussion about informing people about recycling and the discussion just with Wichita or seemed to be focused on Wichita, has the issue of informing people in all 20 municipalities that are covered by this plan here in Sedgwick County, is this an issue for all 20 municipalities or just some municipalities? Could you define that a little bit for us, please?"

Ms. Erlenwein said, "Absolutely. It depends on how the municipality went about making a contract for waste collection in their community. I could use one city specifically as an example, and that would be Derby. Derby held committee meetings. They had a citizens group look at this. They had input from the community and how they wanted to handle it. They went out to bid. They had different companies bid on collection in their facility, I mean city. And they have one company collecting all of the trash in Derby and providing recycling to the citizens. Surveys prior to all of this, the citizens were paying over \$80 a quarter unless their neighborhood had a special neighborhood contract. Through this new contract, they're paying half of that for a quarter, like \$40 a quarter now.

"And that \$40 includes curbside recycling, and it also includes twice a year bulky waste collection for the citizens and the City of Derby is getting free trash collection for all of their government buildings. So it's how they set up the contract, and part of that was education, that they put the onus of education on the trash company, that they have to put out newsletters, they have to send out bulletins to the citizens. The trash company participates in their city fairs and provides information. So they've made that a requirement of the contract for the company to educate the citizens. And they also have feedback lines, and if there are problems with the collection, on how that will work so the city is aware of it, can come down on the company that has it.

"Other cities have done the same thing where they have one company in town doing the collection, and so the cities have actually educated the citizens through local newspapers on what's going on, when the collection dates will be, what you can put out, and inform the citizens. With Wichita, what's different is they do not have a contract with one company. They contracted with all of the haulers in the city, and in that contract, they said, you must provide this and this, but they didn't say you had to educate on that new plan. And I've actually heard that from the haulers as, well, they didn't tell us we had to, so we're not going to."

Commissioner Peterjohn said, "So you are saying that this is just a Wichita issue then?"

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

Commissioner Peterjohn said, "But let me ask, because the problem I've had with this in the past is that the franchising mandate onto the private sector, and I know this Board has talked about the fact that they're unhappy when we get mandates, whether it's from Washington or Topeka mandates, in terms of this, but from my review of this, this looks like the franchise mandate has not changed from the earlier plan."

Ms. Erlenwein said, "What the Committee recommended?"

Commissioner Peterjohn said, "Yeah."

Ms. Erlenwein said, "What's changed is the fact that on the original plan, it just said must provide volume base rates and curbside recycling. It did not dictate sizes or prizing between those, so the Commission five years ago left it general to allow each city to develop what they felt was best for their community."

Commissioner Peterjohn said, "But the intent in franchising was to basically say, we have an arrangement whereby this will be the company or arrangement that will be made to pick up trash in this specific geographic area?"

Ms. Erlenwein said, "Correct."

Commissioner Peterjohn said, "Okay. Because the problem I've had with it was, I've heard from citizens, and obviously we haven't had much, we didn't have any comment this morning, but I know this has been controversial at the municipal level when they've talked about setting up a franchise monopoly in a certain geographic area. There has been moves of trying to avoid that. I'm very sensitive, in terms of the idea of setting up a franchise monopoly, which has been one of the problems I've had with the way we've phrased this, and that has caused me problems in the past and that continues today. And I wanted to get that on the record, but I really don't, as long as we have that mandate for franchise monopolies, in my view, in place, I'm glad some of the municipalities are working out ways to get around it, perhaps, but this isn't the way I think things ought to proceed, and so my vote today would reflect that fact. Let me ask this question, in terms of the question on the \$59 per ton tipping fee. Do we have any idea on how other communities that have transfer stations, like Sedgwick County has, how that compares here in Kansas?"

Ms. Erlenwein said, "That goes back to Commissioner Skeleton's question earlier on, I could do a market study on that for you and get back to you on that, but we do not regulate how much they charge. That \$59 includes \$1 that goes to the state per ton and \$0.32 per ton that comes to the county. But we have no regulations controlling how much the transfer station charges."

Commissioner Peterjohn said, "\$0.32 comes to the county?"

Ms. Erlenwein said, "\$0.32 cents per ton comes to the county."

Commissioner Peterjohn said, "So \$1.32 out of that \$59 per ton is either state or local."

Ms. Erlenwein said, "Yes."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. You said the transfer station is \$59 per ton?"

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

Commissioner Ranzau said, "What about, what's the rate of the C&D landfill?"

Ms. Erlenwein said, "I really don't have that one off the top of my head, but I think it's around \$36 or \$37."

Commissioner Ranzau said, "About \$36 to \$37. Well, I guess, all right. So what is the harm in allowing C&D into the transfer station then? How are we going to increase costs? You have more options. If you have one option that's going to charge you \$59 a ton and another option that's going to charge \$36 to \$37 a ton, I think I would go \$36 to \$37 a ton. So how is that going to increase the cost?"

Ms. Erlenwein said, "I never said it would increase the cost, except for the fact that you are transferring heavier material, which means the trucks have less volume in them, and also then it takes the life of the landfill sooner. The landfills are built for footprint in height, and the more material you put in it, the less life it has."

Commissioner Ranzau said, "I thought you said the justification early on for this was the builders were concerned it would increase their costs. Is that, did I misunderstand?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Excuse me, Commissioner, no, you didn't misunderstand. The concern was that Brooks, this is before we, before the Committee and anybody understood that Brooks was going to continue with C&D. So the idea was that you would only have one C&D landfill. And the Committee thought it was important to have choices."

Commissioner Ranzau said, "Okay."

Mr. Buchanan said, "But now that, we have new information since that decision was made."

Commissioner Ranzau said, "And we have another proposal pending for another private C&D, which may or may not be passed. I guess the argument is, there's no harm in allowing another option, and I don't see how it would fill up the landfill, because the pricing system would encourage people to go to the C&D landfills and not take it there. I mean, that just makes, I guess this is, I don't understand the opposition to that. I may be missing something. Unless someone can provide me some other information that would say that it would increase the costs and would lead to filling up the landfill, I say we should allow more options, because more options are good, I guess."

"Some of this other stuff I would certainly oppose. I don't think we should be in the business of mandating minimum prices and container sizes and all of this stuff, and I agree with my fellow Commissioner Peterjohn that these mandates are really unnecessary and should be stricken from this plan. But I'm interested to hear, I really don't understand why we would be opposed for allowing this."

"I don't see from a practical standpoint that people would want to do this, but if I'm missing something, please let me know."

Chairman Skelton said, "Could the owner of the transfer station, would they stand to benefit from this?"

Ms. Erlenwein said, "The owner of the transfer station is also the owner of the municipal solid waste landfill, one of the transfer stations, and where he, where that company could benefit is that they would be then taking the material through the facility to their landfill and not to a competitor."

Commissioner Ranzau said, "Okay, so, I mean the big deal with me is it's filling up a sanitary landfill that has household waste, okay, organic waste, stuff to decompose, hopefully, over 1,000 years or whatever. But we need that facility for those types of waste, and we need a construction and demolition landfill for those types of wastes, in my opinion, because you know, the, in my opinion, the pollution factor for a sanitary landfill is much greater than that of a C&D landfill. As you said, there's mitigation systems with methane and so forth when it comes to sanitary landfills. But that's why I believe that we need to maintain the C&D landfill as it currently is and not allow C&D landfill, commercially produced C&D landfill through the transfer station. It's the issue of transportation and the issue of preserving a landfill for the longevity use of household waste."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Could you say again how he's going to benefit?"

Ms. Erlenwein said, "If you own the transfer station and the landfill, you basically are charging yourself money. You're taking money out of one pocket and putting it in the other."

Commissioner Ranzau said, "But they're charging more to take it there? I mean, I wouldn't take it there to begin with."

Ms. Erlenwein said, "But you're paying yourself."

Chairman Skelton said, "They're the owners."

Ms. Erlenwein said, "If you collect the C&D material and you take it to your facility, you're paying yourself."

Commissioner Ranzau said, "No, I understand that. But if I had C&D material and I have an option between taking it to him at \$59 a ton or another C&D landfill for \$36-\$37 a ton, he's not getting my business."

Ms. Erlenwein said, "They're the company that also provides most of the dumpsters for the construction sites."

Commissioner Ranzau said, "All right. Now we transfer this waste to a landfill where?"

Ms. Erlenwein said, "In northeast part of Harper County called Plumb Thicket [Landfill]."

Commissioner Ranzau said, "Do they allow C&D?"

Ms. Erlenwein said, "Yes, they do."

Commissioner Ranzau said, "And who gets to make that decision?"

Ms. Erlenwein said, "C&D material can go, per state law, to municipal solid waste landfills."

Commissioner Ranzau said, "So that county there can decide not to allow it if they have this concern?"

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

Commissioner Ranzau said, "Okay."

Chairman Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. I want to make clear about or have a better understanding of our authority. Are these recommendations or mandates? What is our level of enforcement?"

Ms. Erlenwein said, "Looking at the C&D landfill, for example, when the county developed our local regulations for transfer stations, which dictated setbacks and screening and everything else, one of the things we put in that regulation was that commercially produced construction demolition material cannot go to the transfer station. And if they saw that come in, they would turn them away, or if it accidentally got dumped, they would have to collect it and take it to a C&D landfill."

Commissioner Unruh said, "I understand that."

Ms. Erlenwein said, "So it is a county regulation."

Commissioner Unruh said, "On the issue of the collection, I guess is where I should have been more specific, we're making a, what do we call it, a strong expectation or whatever it is, about container sizes and those sort of things, and the whole issue of franchising. Those are not mandates?"

Ms. Erlenwein said, "No. In fact, if you may recall five years ago, the county had some debate as to how we would word this to do you require, do you demand, and expects was the key word there. As you know, cities have home rules. So a city, many cities said yes, it's a good thing to do, and we'll do it. Fifteen cities have done it, but we did not mandate for them to do this."

Commissioner Unruh said, "Okay. So on the collection side, does not mandate at all. On the final disposal side, we do have the authority to make some hard rules."

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

Commissioner Unruh said, "All right. Thank you."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Back on the expansion of the Brooks (C&D) Landfill, are we going to support that expansion?"

Ms. Erlenwein said, "Yes. I would assume we would. It's KDHE's modified permit, and so we would work with the state to see if they wanted to go through the Solid Waste

Committee and to the Commissioners. If not, they may just say it's not enough of a modification to cause that to happen, so we'll follow whatever the state wants us to do."

Commissioner Ranzau said, "What's the water table in that area?"

Ms. Erlenwein said, "The water table is 10 to 14 feet beneath the surface."

Commissioner Ranzau said, "Would we support that? Would we be more likely to support a C&D landfill in that area or in the purposed privately run landfill that's in the south part of the county, where the water is about 30 feet deep and has clay material as opposed to sand in between? Environmentally, which one is safer if we're putting the same stuff there?"

Ms. Erlenwein said, "Environmentally, if you have groundwater that can be contaminated, neither one is safe if you don't have a liner system."

Commissioner Ranzau said, "You didn't answer my question. If you have a choice between a site with 10 to 14 feet down to water with sand in between or another site that has 30 feet with clay in between, which one is better?"

Ms. Erlenwein said, "If you recall, the site to the south is not continuous clay. You would have to do a complete study on that to see if it's continuous clay under that area. In other words, you can't say, if we had a perfectly clay surface under there, yes, that would provide more protection than just sand."

Commissioner Ranzau said, "Okay. Thank you."

Chairman Skelton said, "Additional questions, comments? Commissioner Norton."

Commissioner Norton said, "Susan, remind me what the original transfer fee was. It was around \$40; is that correct?"

Ms. Erlenwein said, "I think it was \$39."

Commissioner Norton said, "And it's grown to \$59?"

Ms. Erlenwein said, "Yes, sir."

Commissioner Norton said, "Okay, and we have no responsibility to try to keep that rate down because that affects collection rates and everything else, so we have no jurisdiction to monitor that, restrict it, put a governor on it to slow it down, it just can continue to grow at whatever rate it wants to?"

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

Commissioner Norton said, "Talk about tire roundup. Is it time to do another tire roundup?"

Ms. Erlenwein said, "The last we did was 2011."

Commissioner Norton said, "They proliferate pretty quickly, do they not?"

Ms. Erlenwein said, "Yes, they do. Whenever we have a tire roundup, we have, as you

saw that last number, over 100,000 tires came with that last one. The concern some of us have is if you have one annually people will come to expect it and they'll just hang on to the tires and say, well, we'll just wait for another free roundup to occur. But you're right, there are tires, we get calls all the time from people who have tires that they want to get rid of."

Commissioner Norton said, "Remind me the last time we had a tire roundup, how much did the state participate and how much of the cost was on the county?"

Ms. Erlenwein said, "All of the cost was on the county."

Commissioner Norton said, "In the past, the state had participated and helped with that cost; is that correct?"

Ms. Erlenwein said, "We've done three tire roundups, the very first one the state participated in, not the last two."

Commissioner Norton said, "Okay. Talk about electronic waste roundup. We did a big one at the Pavilions, and it was very successful. Today there's free market companies that take care of that. Is there still a need for a community electronic waste roundup?"

Ms. Erlenwein said, "I would not do another one-day roundup, because we had so many, over 2,400 vehicles come in one day with over a million pounds of material. If we were to consider doing an electronic collection, it would have to be over a longer period of time so we didn't have a rush. And in the past, even after that event, some of the County Commissioners were looking at should the county, like a household hazardous waste facility, have an electronic waste facility. But as you mentioned, there are private companies out there right now that take the material."

Commissioner Norton said, "Do you think they are adequately garnering the amount of material that's out in the community?"

Ms. Erlenwein said, "I think, as the committee recommended, there needs to be more education on the companies that take electronic waste and what they are. We do have that on our website, but that only gets to people who go to the website to look at it. I think we need to find other ways to get the message out."

Commissioner Norton said, "The City of Wichita is now struggling with doing their neighborhood cleanups and funding that. In fact, they cancelled many of them. I've gone to a lot of neighborhood associations and they have some angst because they've always done neighborhood cleanups with volunteers. It's a big deal to throw away a lot of trash that's in backyards and garages, and now that looks like that whole program is maybe going to go under completely. How does that affect what Sedgwick County can do? Is there anything we can do to participate in that? Because I find it sad that the City of Wichita is in our county, and those neighborhood cleanups are vitally important to taking care of ..."

Ms. Erlenwein said, "Right. We have special project money for solid waste just as we do five household hazardous waste collections each year. We can work with Commissions if you want to have neighborhood cleanups. This involves working with a company to bring the dumpsters out there, deposit them, people to put the material in it, and then us collect them. So we can work with you if you want to do that in your

districts or specific areas.”

Commissioner Norton said, “Have we done that in the past, or have we kind of stayed out of that because that was the City of Wichita's and the small cities?”

Ms. Erlenwein said, “I was going to say it's not just the City of Wichita. Small cities usually have spring and fall cleanups where they have a park area and the citizens take the material for free disposal to those. We would have to look at multiple, not just Wichita, but small cities as well to see what we could do, but we have not done that in the past.”

Commissioner Norton said, “Okay. Do we have the capability under our solid waste fee of using some of that money? Is that where that money would come from?”

Ms. Erlenwein said, “Yes, and that is a good use to, for the money.”

Commissioner Norton said, “Okay. And when will we be setting the new solid waste fee?”

Ms. Erlenwein said, “I think it will come before you June 12th.”

Commissioner Norton said, “Do we know the amount of money that's being held in that fund right now? We increased it to build that fund back up a little bit.”

Ms. Erlenwein said, “Right. The amount of money for special projects is \$270,000, and this would come under the special project. So I think we would have sufficient funds to do something like that.”

Commissioner Norton said, “To do some, okay. That's all I have right now, Mr. Chairman.”

Chairman Skelton said, “Thank you. Commissioner Ranzau.”

Commissioner Ranzau said, “Susan, back to the drug medication drop-off that's been recommended, did we do any cost analysis of this? The reason I ask this, I'm not opposed to this in general, but I think there are some other options. You know, we already have the DEA thing. I would like to just consider when we do, the remote sites that we do as far as the...”

Ms. Erlenwein said, “We can hire...”

Commissioner Ranzau said, “...the household hazardous waste. We could have deputies there, and they could pick that all up. And that may be more cost effective or you may want to do both. I would suggest that we kind of take a look at all of those options regardless of what happens here, and I'm not sure how we're going to proceed and if we're going to adopt all of these at once or one at a time or whatever. That would be the input that I have.”

Ms. Erlenwein said, “I would recommend on the pharmaceutical that you direct staff to do a cost study on the different options available and come back to you. So in the plan we would put the staff is directed to do a cost study and come back in one month or some date to present this to you.”

Commissioner Ranzau said, "A variety of options and then we can decide then?"

Ms. Erlenwein said, "Right."

Commissioner Ranzau said, "We don't have to have it in right now. That doesn't mean we can't put it in place later on?"

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

Commissioner Ranzau said, "That would be my recommendation with respect to that particular item, Mr. Chairman. Thank you."

Chairman Skelton said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Susan, in order to adopt this Solid Waste Plan, it's got a time deadline, right?"

Ms. Erlenwein said, "June 10th, it has to be to the state."

Commissioner Unruh said, "Okay. So we, this requires us to do something..."

Chairman Skelton said, "Before that date."

Ms. Erlenwein said, "Right."

Commissioner Unruh said, "Which is our next meeting?"

Mr. Buchanan said, "Yes. June 4th [sic]."

Commissioner Unruh said, "So in order to have an opportunity, it seems like we're all over the place. I'm just trying to figure out how to get there. That's all I have, Mr. Chair."

Chairman Skelton said, "Okay, well thank you. Here is what I recommend, and we've made comments today, there probably will be changes in the motion I would recommend that we give legal staff time to visit with the Commissioners and put together a motion instead of lumping one together right here, right now and bring it back next week. Is that a reasonable course of action?"

Commissioner Peterjohn said, "June 4th [sic]."

Mr. Buchanan said, "If I may suggest that we have a staff meeting next Wednesday, next Tuesday, we do not have a regular Board of County Commissioners meeting, we could use that time for some more discussion to see where the majority of the Commission is."

Chairman Skelton said, "I would appreciate that. I think that's better."

Mr. Buchanan said, "And then we would be prepared to deal with it at the June 5th regular meeting."

Chairman Skelton said, "Is there any objections by Commissioners for that course of action?"

Commissioner Peterjohn said, "Mr. Chairman, I'll make a motion to that effect."

Chairman Skelton said, "Thank you."

Commissioner Peterjohn said, "That way we can proceed if it's within the rules. Although, I'd certainly like to hear from Commissioner Norton."

Chairman Skelton said, "Yes. He does have comments."

Commissioner Peterjohn said, "And then I'll defer making any motions until after."

Chairman Skelton said, "That's agreeable. Commissioner Norton."

Commissioner Norton said, "I was ready to make a motion to move forward today. I don't know why we need to wait. I think we kind of know where we stand on this. I don't want to get into solid waste wars again."

Chairman Skelton said, "Okay."

Commissioner Norton said, "I've been in that before. It's time to move on. I would offer up a motion, if it's appropriate. But if the Commission wants to wait..."

Chairman Skelton said, "I am making suggestions, and that is only what it was, sir. You know, the Chair does entertain motions, and you as a member of this Commission have a right to make a motion."

Commissioner Norton said, "I make a motion that we accept the recommendations with the changes that we eliminate, go back to the other page, eliminate the change that adds C&D materials to the transfer stations. Now come back to the other page, and that we change the language that says Sedgwick County expects and on and on, and recommends these three items. So that we expect a solid waste collection contract or franchise in place by January 1, 2016 and recommend that these be contained in that. Once again, that's not mandatory. That's recommending. We expect this to happen by 2016 to move those last five communities along, and we recommend that they include these other items in it. That would be my motion."

MOTION

Commissioner Norton moved to open the hearing; receive public comment; close the hearing; and Approve the Five Year Sedgwick County Solid Waste Management Plan Update with the amendments of eliminating the change that adds C&D materials to the transfer station and change the language that says 'Sedgwick County expects...and recommends these three items' to 'Sedgwick County expects a solid waste collection contract franchise in place by January 1, 2016 and recommend that these be contained in that.'

Commissioner Unruh seconded the motion.

Chairman Skelton said, "Thank you. Okay. Now we're going to discuss the motion, and my questions are for the attorney. Does that cover my concern of C&D waste into the sanitary landfill?"

Ms. Magana said, "Yes, Chairman."

Chairman Skelton said, "Okay. All right, it's been moved and seconded to adopt a Solid Waste Plan as amended."

Ms. Erlenwein said, "On the pharmaceutical drop-offs, do we want to direct staff to research that?"

Chairman Skelton said, "Yes, I think so. Richard, does the motion...I mean, does that cover your concern. You said you had something you wanted to include in this motion? I don't know if you're going to vote for it, but I wanted to ask you."

Commissioner Ranzau said, "No, I'm not going to vote for it, but that would be up to the person making the motion if they want it. I mean doing what she suggested would at least address that."

Chairman Skelton said, "I think that's a reasonable suggestion, I'd certainly pursue that. Is there any other discussion of the motion? All right, hearing none, Madam Clerk, call the vote."

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>No</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Thank you. Okay. Madam Clerk, next item."

Ms. Erlenwein said, "Thank you."

G [13-0342](#)

A CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON JUNE 8, 2013 FOR BEECHCRAFT.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Ms. Erlenwein said, "As you know we have five remote household hazardous waste collection events annually, and one in each of your districts. We've had one in Valley Center back in April where we had over 166 vehicles and received over 18,000 pounds of household hazardous waste. We have another one scheduled for June 8th at [Hawker] Beechcraft [Corporation] in their parking lot E on Central [Street], which is just north of the plant, and it would run from 9[:00 a.m.] to 1[:00 p.m.] on Saturday June 8th.

"This has been held there for many years and is usually good turnout. Beechcraft also publicizes this to their employees, and their employees help at the event, as far as unloading material from their cars that take it to the tables that are then separated properly by category. So I would recommend that you approve this contract and ask the Chairman to sign."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am in support of this. I would add the suggestion that maybe the Chair might send a letter to Beechcraft to thank them for letting us use those facilities for this event."

Chairman Skelton said, "Okay."

Commissioner Peterjohn said, "That's just a suggestion."

Chairman Skelton said, "That's very reasonable. I would ask staff to prepare that letter. Okay. Is there a second?"

Commissioner Unruh said, "He didn't make a motion."

Chairman Skelton said, "Oh, I'm sorry."

Commissioner Peterjohn said, "I didn't make a motion. I was just making a comment."

Chairman Skelton said, "Okay. I thought you...I apologize."

Commissioner Peterjohn said, "It was just a suggestion."

Chairman Skelton said, "Okay."

Commissioner Peterjohn said, "I hope I don't need a formal amendment..."

Chairman Skelton said, "No. I apologize. It's my mistake."

Commissioner Peterjohn said, "But I was just going to throw it out there and generate some discussion."

Chairman Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Beechcraft has clearly indicated their willingness to be a good partner with us, and through the years they've helped put on this event, and we've expressed our appreciation, and it's been one of the largest collection events each time we've done it."

MOTION

Commissioner Unruh moved to approve the contract.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Ms. Erlenwein said, "Thank you."

Chairman Skelton said, "Next item."

Commissioner Norton exited the Meeting at 10:33 a.m.

A motion was made by Vice Chair Unruh, seconded by Commissioner Peterjohn, that this Contract be Approved. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh, Commissioner Norton and Commissioner Peterjohn

Present: 0

H [13-0358](#) APPROVAL OF STATEMENT OF COSTS AND ASSESSMENT ROLL;
ESTABLISH A PUBLIC HEARING REGARDING PROPOSED SPECIAL
ASSESSMENTS FOR CERTAIN STORM WATER DRAINAGE
IMPROVEMENTS IN THE COUNTY; AND PROVIDE NOTICE
THEREOF.

Presented by: Joe L. Norton, Gilmore & Bell, PC, Bond Counsel.

RECOMMENDED ACTION: Approve Statement of Costs, Assessment Roll and Notice of Public Hearing; establish June 5, 2013 at 9:00 A.M. as the date and time for a public hearing; and authorize a notice of such public hearing to be published and mailed as required by law

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, greeted the Commissioners and said, "For your consideration this morning is the action that the Clerk just read. In 2012, the county received a petition signed by 100 percent of the owners of property requesting the creation of a storm water drainage district. The Commission accepted that petition, and created a storm water drainage district called the Greenwich Plaza Edition near 31st Street South and Greenwich Road. There are three lots in the benefit district, all for commercial use, proposed method of assessment was on a fractional basis representing the size of each individual lot. Public Works and Finance have put together a statement of final costs, which is \$56,869.09, which is slightly less than the original estimated cost of \$60,500 submitted in the petition. The proposed assessments based on this cost, as you can see in the lower left-hand portion of the screen, are about \$34,000 for the large lot, \$8,500 for the small lot, and about \$14,000 for the mid-sized lot.

"The requested action today would be to approve the final statements of cost, which would be on the May 22nd item on this agenda. If that is done, we will publish and mail notices to the affected property owners of the public hearing to be conducted on June 5th by the Commission to receive public comment and consider a resolution levying these assessments. If that is done, then on June 8th, they will receive a notice indicating that they have a 30 day period in which to pay in for these assessments, or if not, then the county will finance these with its general obligation bond issue later this summer and they can pay assessments over a period of time. July 8th is the time period for that pay in to expire.

"The recommended action is to approve that statement of final costs, and direct staff to call the public hearing and provide adequate notice. I would be available to answer questions. Jim Weber from Public Works is also here if you have a project related question."

Chairman Skelton said, "Questions by Commissioners? If not, the Chair will entertain a motion."

MOTION

Commissioner Unruh moved to approve Statement of Costs, Assessment Roll and Notice of Public Hearing; establish June 5, 2013 at 9:00 a.m. as the date and time for a public hearing; and authorize a notice of such public hearing to be published and mailed as required by law.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Absent</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Mr. Norton said, "Thank you very much."

Chairman Skelton said, "Thank you. Next item, please."

A motion was made by Vice Chair Unruh, seconded by Commissioner Peterjohn, that this Resolution be Approved. The motion carried by the following vote.

Absent: 1 - Commissioner Norton

Aye: 4 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh and Commissioner Peterjohn

Present: 0

I [13-0373](#)

A RESOLUTION DECLARING IT NECESSARY TO AUTHORIZE THE PAYMENT OF THE COSTS OF IMPROVEMENTS TO EXISTING ROADS IN SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS THEREOF AND PROVIDING FOR PUBLICATION OF THIS RESOLUTION AS REQUIRED BY LAW (KDOT ROAD REFINANCING). Presented by: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the resolution.

Commissioner Norton returned to the Meeting at 10:35 a.m.

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "In 2009, the Commission authorized improvement to be made to 119th Street West between 29th Street North and 53rd Street North, and you additionally authorized us to obtain financing from the state [Kansas] Department of Transportation's (KDOT) revolving loan program to pay for those improvements. We subsequently obtained a loan in the amount of \$2.5 million to finance that project.

Mr. Chronis continued, "And of that original loan, \$2,187,000 and a little bit more remains outstanding as of the next scheduled payment date. Current conditions in financial markets make it possible for us to obtain interest cost savings by refunding that loan, paying that loan off with the proceeds of a new general bond obligation bond issue.

"And so the proposal that is before you today would seek authority for us to obtain that new financing in order to repay the loan. This transportation revolving loan is one of a number that we have obtained over several years, and the proposal is that we sell \$6 million of general obligation debt to repay all of those outstanding loans, which currently total \$5,857,000, and the difference between the \$5,857,000 and the \$6 million issue size would be transaction costs for the new bond issue. Doing that, we believe, would allow us to reduce the total interest cost on the debt that financed those various transportation improvements by \$722,000 over the remaining life of the original loans, which extends through 2029.

"The authorization to undertake this financing is provided by Kansas Statutes [Annotated] (K.S.A.). And for roads, the authorization requires us, upon your adoption of the resolution that's before you, to publish that resolution in the county record three consecutive weeks. The end of that publication cycle initiates a 60 day protest period during which citizens have an opportunity to file petitions opposing the sale of the general obligation bonds with the County Clerk. If a sufficient number of valid petitions are filed with the Clerk within that 60 day period, then we are not authorized to proceed with the issuance unless you submit the proposal to the voters in a referendum, and a majority of voters approve that issue.

"If insufficient petitions are filed with the Clerk, within that 60 day period, we are authorized to proceed with the transaction and we would expect to do so. Your debt policy establishes a savings target for refinancing of debt, and that savings target is five percent of refunded debt service. We are allowed to do refunding with savings less than that, but that's a general target we are to shoot for. In this particular financing we exceed that by a considerable degree, based on the analysis that was run a couple weeks ago, the \$722,000 of interest savings amounts to 9.1 percent of the debt

service savings on a present value basis.

"Policy also calls for refunding of debt not to extend the term of the debt, the maximum period which the debt will remain outstanding. And we are adhering to that policy provision with this financing as well. The current loans will finally be paid off in 2029 if they are allowed to run to normal maturity. The proposed bond issue would extend until 2029. The resolution that's before you was drafted by Joe Norton, the county's bond counsel from the firm of Gilmore & Bell. He is in the room and would be happy to answer any questions that you might have about the legalities or the technicality of the resolution. If you have no questions, then I would recommend you approve the resolution that's before you."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Chris, I think this is a question probably more for you than for Joe, but if either of you know it, I would be happy to get an answer; you said they would have to collect thousands of signatures to protest this petition. Do you have any idea how many signatures we are talking about?"

Mr. Chronis said, "The threshold is five percent of qualified electors in the county. And I'm sorry, I don't know how many qualified electors there are in the county, so I don't know what the five percent threshold is."

Commissioner Peterjohn said, "I suspect we're probably in five figures."

Mr. Chronis said, "Yes. I would think so."

Commissioner Peterjohn said, "That's a good ballpark. I don't think, I can't recall the last time that anything like that has been done. But I just want to walk through the numbers. If gross savings by doing this refinancing, we would only be able to do this once, am I correct? Isn't that normal if we want to do a refinancing."

Mr. Chronis said, "We're allowed to do advance refundings one time. We can do current refundings at any point when the opportunity arises. A current refunding is a refunding that occurs within 90 days of a call date that's contained in a bond indenture."

Commissioner Peterjohn said, "So is this considered a current refunding?"

Mr. Chronis said, "Yes."

Commissioner Peterjohn said, "Okay. So if \$722,000 was the net, we have transaction cost, reissue about \$143,000."

Mr. Chronis said, "Something like that, yes."

Commissioner Peterjohn said, "Pretty close. So we're netting somewhere, net savings about \$565,000? No?"

Mr. Chronis said, "No. The net savings takes into account the transaction costs."

Commissioner Peterjohn said, "Okay."

Mr. Chronis said, "That is the net savings, of the new debt issue, including the transaction costs versus the straight repayment of the existing loan."

Commissioner Peterjohn said, "So then it's actually a little bit larger, about \$722,000."

Mr. Chronis said, "Yes."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Next item."

A motion was made by Commissioner Peterjohn, seconded by Vice Chair Unruh, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh, Commissioner Norton and Commissioner Peterjohn

Present: 0

J [13-0374](#)

A RESOLUTION DECLARING IT NECESSARY TO AUTHORIZE THE PAYMENT OF THE COSTS OF IMPROVEMENTS TO EXISTING BRIDGES IN SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS THEREOF (KDOT BRIDGE REFINANCING).

Presented by: Chris Chronis, Chief Financial Officer.

Recommended Action: Adopt the resolution.

Mr. Chronis said, "This resolution is related to the one that you just adopted. We also obtained transportation revolving loan financing to pay for three bridges. In 2003, you authorized improvement to be made at a bridge on 167th Street West between K[ansas Highway]-96 and 85th Street North, and we obtained that loan in 2005. In 2007, you authorized improvements to be made on two bridges, one located on 61st Street North between Broadway [Street] and Seneca [Street], and the other located on Ridge Road, between 61st Street North and 69th Street North. Those outstanding loans are included in the totals that I just described to you in the prior item, and so for exactly the same reasons, we are proposing to do a refunding of these loans as well. The savings numbers that I previously identified include this transaction, that is the new bond issue would take care of the old loans that we are talking about here.

"The authorization for undertaking bridge financings is the same as the authorization for the road financing that we just undertook with the difference being that for bridges, we are not required to publish the resolution and undertake a protest period. And so upon your approval of this resolution we will have the authority that we require to proceed with the financing. The savings, I have already identified. We're estimating total savings of about \$722,000, on present value basis, that represents about 9.1 percent of the refunded debt service, again, on a present value basis. Once more, the resolution was drafted by Joe Norton, he is in the room to answer any questions that you have about it. If you have no questions, I would recommend that you approve the resolution that's before you."

Chairman Skelton said, "Okay. Is there any discussion and/or recommendation?"

MOTION

Commissioner Unruh moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Thank you. At this time I would just like to make an announcement that McConnell [Air Force Base] has indeed received 36 new tankers,

and was just recently, this morning notified of that. Congressman Mike Pompeo commented that the [United States] Air Force picked McConnell because it is the best place for new tankers. Senator Roberts said the community deserves great credit for staying right in there and working so hard. This is a great, great victory, and also said it has gone exactly the way you would want it to happen. So I would congratulate the fine airmen and other personnel at McConnell in earning this great victory for our community. That is really good news. Okay. Madam Clerk, next item."

A motion was made by Vice Chair Unruh that this Resolution be Adopted. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh,
Commissioner Norton and Commissioner Peterjohn

Present: 0

K [13-0363](#)

APPROVAL OF A RESOLUTION AUTHORIZING A FORGIVABLE LOAN TO STARWOOD HOTELS & RESORTS WORLDWIDE, INC. OF WICHITA FOR ECONOMIC DEVELOPMENT INCENTIVES, AND AUTHORIZING THE INTRA-FUND TRANSFER OF BUDGET AUTHORITY.

Presented by: Sherdeill H. Breathett, Sr., Economic Development.

RECOMMENDED ACTION: Approve the resolution and authorize the Chairman to sign.

Mr. Sherdeill H. Breathett, Sr., Economic Development, greeted the Commissioner and said, "Starwood Hotels and Resorts Worldwide [Inc.], the owner of hotel brands such as Westin [Hotels and Resorts], Sheraton [Hotels and Resorts], Four Points [by Sheraton], and more is developing a new expansion call center expanding to six in North America, with one being in Canada. Starwood [Hotels and Resorts] utilized the assistance of site consultants and they began with an initial MSA (Metropolitan Statistical Area) of 362 communities that was narrowed down to 10, and finally, a short list of 3 that included Sedgwick County, Wichita.

"Starwood has considered Texas and Washington State, in addition to Kansas for location of this call center. We gained their attention to locate their facility because of our careful attention to details, quality workmanship, and the united team approach of state, city, and county local governments working together with GWEDC (Greater Wichita Economic Development Coalition). The company made several trips to Wichita, vetting everything from the airport, customer service, to visiting local Wal-Mart's and restaurants and was impressed with the professionalism and politeness that they experienced. GWEDC, they took the lead in coordinating the effort and gathered the State of Kansas, City of Wichita and Sedgwick County from a team approach to champion this cause.

"Starwood Hotels and Resorts worldwide incorporated is a hotel and leisure company with 1,100 plus properties in nearly 100 countries, and 171,000 employees at its owned and managed properties. Starwood is a fully integrated owner, operator and franchiser of hotels, resorts, and residences with the following internationally renowned brands, consisting of St. Regis [Hotels], The Luxury Collection [by Starwood Hotels and Resorts], Westin, Le Meridien [Hotels], Sheraton, Four Points by Sheraton, ALoft [Hotels], and Elements [Hotel]. Starwood has proposed the initial stage of hiring 532 full-time equivalent (FTE) employees by the end of July of 2014 to complete their first year, and end with a total of 907 FTE's at the end of year five with an average annual salary of \$23,816 for year one, and \$25,279 year five, and that's minus any overtime.

"These are great entry level positions, and those looking for second income, and could prove beneficial for our local economy. That gives a snapshot of roughly \$93,619,816 injected into salaries in our local area over that five year period. Starwood considered several sites in Wichita, and finally chose to locate the call center in the former Wichita mall building now officed at 4131 East Harry in Southeast Wichita. Subject to approval of incentives, Starwood would establish a long-term 15 year lease for 50,000 square feet of space and spend approximately \$5 million on buildout and equipment. Of the other locations they have, this would be the largest call center that they have established in North America. The others have averaged 275 to 350 employees. Sedgwick County and the City of Wichita have partnered to offer economic development assistance to Starwood.

“Sedgwick County/Wichita will provide \$200,000 with each in forgivable loans and funds to offset buildout and capital investment costs, subject to governing body approval. The State of Kansas has also offered Starwood a forgivable loan from its job generation fund program along with other incentives. The forgivable loan agreement provides a mechanism for forgiveness of loan principle and annual installments of a proportional basis. On the first payroll date in July of each year, starting in 2015, the job creation and wage commitments will be measured, and I personally do those follow-up calls as well. One-fifth of the loan amount will be forgiven if job creation and wage commitments are met, if they meet those benchmarks. And on any measurement date if Starwood falls short of required job and wage commitment the amount forgiven shall be reduced by the amount to which the actual jobs and/or wage were below the commitment benchmark for that year.”

“Any loan principle not forgiven shall be due and payable at the end of the five year loan term with regards to our clawback. In the event Starwood ceases operations here during the term of the loan, the entire original principle amount will be immediately due and payable, plus interest from the start of the loan at 12 percent annual rate. And as required by the City of Wichita and Sedgwick County Economic Development Incentive Policy, WSU’s (Wichita State University) Center for Economic Development and Business Research (CEDBR) has calculated the return on investment for the proposed project resulting in the benefits of cost ratio of 2.49 to 1, which is very favorable for Sedgwick County. Recommendation of action is to approve the resolution, authorize the Chairman to sign. At this time I will entertain questions.”

Chairman Skelton said, “Sherdeill, what was the return on investment again?”

Mr. Breathett said, “2.49.”

Chairman Skelton said, “2.49. And what was the minimum policy requirement?”

Mr. Breathett said, “1.3.”

Chairman Skelton said, “Okay. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Sherdeill, as I recall when you briefed us on this, 2.49 to 1 is over a 10 year period?”

Mr. Breathett said, “That's correct.”

Commissioner Peterjohn said, “But forgivable loan agreement portion of this is for only five years?”

Mr. Breathett said, “Correct.”

Commissioner Peterjohn said, “So we've got kind of a split between time duration as part of this. Let me ask you, the pay for these positions is approximately \$11 per hour?”

Mr. Breathett said, “That is correct. For the first year and it will ramp up into year five to around about \$14.”

Commissioner Peterjohn said, “Well the calculations they did to come up with this 2.49

to 1, what was the highest salary they had, was it just through year five?"

Mr. Breathett said, "Highest salary is through year five on a ramp up basis. But out of 907 employees they are targeting, if you consider 50 of those employees will be some high-end jobs, around the \$50[,000] and \$60,000 range."

Commissioner Peterjohn said, "Because I have followed, thinking back to the history, in terms of we've had call centers come in here, and we've had some come and my recollection is we've also had some go. I am not as familiar with, didn't follow it as closely as I have, since I became a Commissioner, but, that is some of the points and concerns I've got, because I feel more, problems I have with this are, there are a number of concerns that I've got, but I really, I feel more comfortable if we had the forgivable loan agreement match the same time period as the, as how we're calculating the benefits on it."

"Because basically it looks to me like from year 6 to year 10, if they decide to walk away here, there's really no clawback provision in place. And so at that point that really is an opening, and I'm sure if we only calculated this against 5 years, that 2.49 figure to 1 would be significantly diminished if it was only 5 years. Do we have a number calculated for only five years from CEDBR? Or any other time frame other than the 10 year calculation that you gave us?"

Mr. Breathett said, "Just the numbers provided through the CEDBR."

Commissioner Peterjohn said, "Thank you."

Chairman Skelton said, "Commissioner Norton."

Commissioner Norton said, "I will be supportive of this. I think it is a great use of a wonderful space on the south side of the city. It is the potential for a lot of jobs, and jobs are pretty important."

Commissioner Norton continued, "Every survey I see, every conversation I have, it is about jobs, jobs, jobs, and then workforce training right behind that. Obviously these are not the average wage jobs of the median income of our community, and we would like to see it at that, but these are great jobs for people that are struggling to find any gainful employment at all. It will be in a wonderful facility. And having watched the call center on the south side, with Royal Caribbean and Celebrity Cruises, those are, the folks that work there find it a quality place to work, with good atmosphere, they get benefits after a while, and I think Starwoods has that same model, so I'm going to be very supportive of this today. I know GWEDC, the city and the county have done a lot of work, background work to come to this day, and I am ready to move forward."

Chairman Skelton said, "So, I will, I know there are citizens present to speak on this issue. I will recognize them in a minute. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Sherdeill, I just needed clarification on one of the items that you have in the backup material that shows that WSU did a study, and put this information in their model and it showed that our return on investment was 3.17 to 1. Is that total public benefit rather than just Sedgwick County benefits, or can you clarify that?"

Mr. Breathett said, "Well for Sedgwick County, I am not for sure exactly what report you have. But the one, the most recent one that I do have, that was based on their

ramp up numbers, as far as your salaries, gave the 2.49 return to 1."

Commissioner Unruh said, "Okay. So this must be either an early number, or different calculation."

Mr. Breathett said, "Possibility. I am not familiar with that one, Commissioner."

Commissioner Unruh said, "Okay. And you mentioned that the State of Kansas was also participating in an incentive package."

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

Commissioner Unruh said, "I've seen some information indicating that they had as much as a \$1.5 million..."

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

Commissioner Unruh said, "...committed to their portion of an incentive to bring these jobs to our community."

Mr. Breathett said, "A combination of forgivable loan along with training as well, too, in that, the state is providing."

Commissioner Unruh said, "Okay. Well, my, if the governor and the state government is supporting this to that level, I am inclined to be, I don't want to be adverse to the governor or the State of Kansas, if they are bringing these jobs in. We've got recommendations from GWEDC, approval from the City of Wichita. So, I'll listen to the comment. That's all I have Mr. Chair."

Chairman Skelton said, "Thank you. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Sherdeill, we have return on investment numbers for Sedgwick and City of Wichita. What about the State of Kansas?"

Mr. Breathett said, "I don't have those numbers, Commissioner."

Commissioner Ranzau said, "Is that because you don't have it, or do they even calculate one?"

Mr. Breathett said, "I'm not sure if they do."

Commissioner Ranzau said, "We're you going to...all right. So they don't calculate one as far as you know."

Mr. Breathett said, "Not to my knowledge."

Commissioner Ranzau said, "The \$200,000, this is going to be to help them offset the cost of renovating the building."

Mr. Breathett said, "That is correct."

Commissioner Ranzau said, "I watched the video from the City of Wichita City Council

Meeting yesterday, and the representative talked about an older building like this, they want to keep sustainability in mind, it costs a little more to do that. Now this sustainability issue we've talked about before, but is this a corporate policy that he's alluding to, or is it some sort of building code that's being mandated at the senior level. I don't think we have such a thing, I think it's more of a corporate policy. Can you..."

Mr. Breathett said, "It is my understanding, Commissioner, its corporate policy. They have five, of course, five locations in North America, one being in Canada. And their policy, the way they have done it in the past, is to provide the best facility for their employees possible."

Commissioner Ranzau said, "And implement that sustainability principle."

Mr. Breathett said, "Correct."

Commissioner Ranzau said, "To me that offers an option, essentially what we are doing here is subsidizing that corporate policy, and a word of caution to my Commissioners, we want to remain economically competitive when one of the best things we can do is abandon the idea of sustainability in our community, because this is where it's heading. As you can see, here is a company here that says they need some money to offset the cost of implementing sustainability. They have a choice to do that right now. But in the future we are going to mandate this stuff. What is going to happen to all the local businesses that we mandate all this stuff to who won't get subsidies. It will increase the cost of business, cost jobs. I have warned of this before. This is the perfect example of why we should shy away from this. Business has an opportunity, has the right to make that decision. When we mandate this, it will hurt our local economy. So I would encourage you to consider that. But I'm interested to hear, I may have more comments after the public speaks. Thank you, Mr. Chairman."

Chairman Skelton said, "You bet. Thank you. Additional comments, questions by Commissioners? Who in the audience wants to address the Commission? I don't see anybody. Okay. We've got three people? All right, I will allow five minutes. That's fine. Anybody come to the, address the Board, that's fine. Please state your name and address for the record."

Mr. John Todd, 1559 Payne, Wichita, greeted the Commissioners and said, "I don't envy the decision you are being asked to make here today, regarding the granting of \$200,000 forgivable loan to a company that is promising to create hundreds of jobs in our area with an average per hour wage starting in the \$11.45 range. However, before you decide to obligate money on the county treasury, there are a few thoughts I would like to share with you. On a blog this morning that appeared in the Wichita Eagle on the editorial page, the editorial manager, Phillip Brownlee, writes, and I quote, 'Kansas cities are one of the worst performing. Economically, Lawrence is the second-worst-performing small-metropolitan area in the nation, according to a new study. But the other Kansas communities [didn't] don't do [that] as well, either. Of the 179 small metropolitan areas [studied by the Milken Institute], Lawrence ranked 178th for creating and sustaining jobs and economic growth. Topeka came in at 144th-better, but not good. Among the 200 large cities studied, Wichita was 146th while Kansas City was 104th.' Then the last sentence, 'The rankings emphasized high-tech jobs, which is one reason why Kansas cities didn't rank higher.'

"Today you are looking at low tech jobs, given our less than stellar performance, if Mr. Brownlee's assertions are correct, perhaps we need to look in a different direction. For many years our local leaders have actively taken a role in defining a direction for our city and region. I recently discovered a model in nearby Colorado Springs that I believe deserves some consideration. I would I like to quote from that model I took off the web page. It is titled 'The Colorado Springs Model: A Voluntary, Entrepreneurial City' and I quote, 'The American Dream is alive and well in Colorado Springs because it is still a place where America's founding principles are taken to heart and put into practice. Our vision for Colorado Springs is of a great [American] city that, through a conscious choice to blaze a different path, steers clear of big governmental pitfalls that plague so many other large American cities. The city today teeters on the tipping point. We can trudge along the well-worn ruts carved by other cities, embracing ever-expanding bureaucracy, central planning and the creation of burdensome tax and regulatory climate. Or we can do things differently, based on the idea the greatness, economic vitality, and opportunity don't come through the beneficence of government, but by reducing government's influence and unleashing the freedom, creativity and civic-mindedness of average people.'

"... 'Colorado Springs should boast a business and regulatory climate that doesn't depend on bribing companies to come or to stay, but creates the ideal conditions for the entrepreneurial spirit to flourish, building its economy from the ground up. Lower taxes, less regulation, a much-improved public school system and modernized infrastructure will produce an opportunity-oriented atmosphere. That, combined with many natural resources and recreational amenities, will make the city a desirable place to start or relocate a business. We will opt out of the bidding wars other communities engage in, welcoming outside companies but concentrating on growing and strengthening businesses already here. We will politely tell outside [corporations] companies that we would love to have them move here but that part of being a good corporate citizen in Colorado Springs means paying your own way.' End of quote.

"I believe Wichita/Sedgwick County and our region should embrace the same ideals and capitalize on the exceptionalism that our community has to offer and to allow our natural entrepreneurial spirit to flourish. This type of private sector economic development is what creates jobs and what produces a healthy and robust economy. The...yesterday reading through some of the paperwork on the project, if the \$5 million subsidy project, no, \$5 million project is what they are going to do for build-out and equipment, and of that, as I understand it, nearly \$2 million is part of the current incentive package, or if you do the math, that's roughly 40 percent of what they are going to do with the project. The question needs to be asked, will this project proceed without Sedgwick County's \$200,000 forgivable loan? And should our economic development efforts be focused more on projects that produce high quality, or high-paying jobs? Thank you for this opportunity to speak."

Chairman Skelton said, "Thank you. Is there any questions? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Todd, I would like you to talk for just a minute, in terms of your testimony. Colorado Springs, the State of Colorado has had in place requirements for voter approval for property taxes and taxes in general for a long time. Those voters have been empowered since I believe 1992. We have nothing like that here in Kansas, and it is one of the problems, I believe, that exists in this state. I believe that is an important factor in this equation that didn't seem to be mentioned as part of your very brief allusion to what Colorado Springs is

doing, but I would like your comments on that. Because that is one of the reasons why I think we are struggling with the higher unemployment rate in this community than, say, the statewide average in Kansas."

Mr. Todd said, "Commissioner Peterjohn, the, I don't have a direct answer to your question. I just found the, it's the Peak Freedom Forum, and you can go on the web page. They have a web page and I have not searched in detail as to the questions you are asking. It would be my personal opinion that certainly holding taxes down on a statewide level has to have economic uplift that's positive."

Commissioner Peterjohn said, "Let me ask you this, we've got money that's been allocated in our current year budget for economic development purposes in general, and some of that can be used for forgivable loans. But the tradeoff, if we spend \$200,000 here, it's \$200,000 we can't spend elsewhere. Do you have a recommendation to this Commission, in terms of where we can get the biggest bang for the buck going forward?"

Mr. Todd said, "Well the first sentence that I made when I started addressing the Commission, was that the, let me get it out here, I don't envy the decisions you have to make today regarding this, because if we're talking about jobs, our economy certainly needs jobs, and the question is that I think you have to decide on a policy basis, is how you are going to allocate the funds. And based on the Lawrence study, that was alluded to on the blog this morning from Phillip Brownlee, maybe we are not doing real well statewide in creating the environment for the high-paying jobs. Maybe we should be taking a closer look at those options when we start considering taking money out of the treasury."

Chairman Skelton said, "I appreciate those comments, Mr. Todd. You know, I agree with that, but, you know, we need all kinds of jobs in this community, even for lower income people or entry level jobs. So, I do receive your comments warmly. Thank you, sir. Okay, next speaker, please."

Mr. Myron Ackerman, 2525 North Rock, Wichita, greeted the Commissioners and said, "As you might expect as a businessman, I am opposed to taxpayer money being given to other businesses. That said, I would encourage you to vote no today. At a minimum, I would ask you to vote not yet today, simply because there are state documents that show \$1.5 million of state funds being given to this project expired April 29th. I have no evidence that those have been renewed. Therefore, going into this right now today as a Kansas taxpayer, I have no idea what the state is going to give this company. They could come back and give them more than 40 percent of tax dollars to fund this project. To me, it is unacceptable, and I hope you will understand, since the city does not, when I say my money, I am speaking of taxpayer money. You tax me as a businessman and an income earner.

"It is not a contribution, it is not an investment, it is legalized theft. If I don't pay you, you will seize my property. I respect that. I have no problem paying taxes for what I get. But I do have problems with giving competitors money. Now, directly, no, Starwood won't compete with my businesses. But my business is going to be, if I propose a development to you, you have already spent \$200,000. On a project that's going to be here anyway. If they get \$1.5 million from the state, and they get \$200,000 from the city, which they will, the \$200,000 of economic development money from the county is not necessary. If this project will not go forward without \$200 million [sic] from this county, the project does not deserve to go forward.

"They already plan to start publicizing and interviewing in June. They already plan to hire and start operating in July. I would say no, but at a minimum, say not yet and get all the facts about how much taxpayer money is going to be in this project. I am rather displeased with the company did not send a representative to you today the way they did to the city. I ask them specifically if this is critical, you know, will they pull out of Wichita if they don't get \$200,000 from the city. The answer is no. They are going ahead with this project. There is no need to do something today without all the information of how much is going to be funded by my money. Be glad to have any questions."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, you mentioned April 29th, \$1.5 million as part of the state thing. Can you be more specific? April 29th, what year?"

Mr. Ackerman said, "The documents that are posted on Bob Week's website, and we were looking at them earlier, Mr. Todd cannot find it, the letter to Starwood said that the incentives expire April 29, 2013. So the paperwork, you know, the \$1.5 million is invalid as far as I know. Most likely, yes, the state would continue what they have already committed to, but they haven't, and when they haven't, I have no control at the state level. I cannot stop them from wasting my money. The only option I have is to work and elect members to the state representative that do not employ free enterprise."

Commissioner Peterjohn said, "Let me follow it up. We've got some representatives from GWEDC here and Mr. Breathett are both here. Can they clarify? Can anyone here clarify that point?"

Mr. Breathett said, "I have no information [Inaudible]."

Mr. Ackerman said, "In April, yeah, April 5th letter from the Kansas Department of Commerce to the managing director of the site selection company, the incentives offered in this letter are valid until April 29, 2013."

Commissioner Peterjohn said, "Is anyone from GWEDC here to clarify or amplify?"

Mr. Ackerman said, "This is the entire package, revised Kansas incentive proposal. The cover letter of the whole thing says the deal is invalid now."

Chairman Skelton said, "Okay, let me, let's let Mr. Ackerman conclude his comments and then we'll have, staff will address them."

Mr. Ackerman said, "The last point that I have a real problem with is Wichita State's [University] economic analysis. As yet I have not seen detail, the city will not provide it, the detail that, if they are doing a 10 year evaluation and giving you a 2.49...the customer in this case has to pay for that evaluation. It bothers me that they had a 10 year projection for a 5 year loan. I would ask at a minimum, again, not yet today say yes, but ask the customers to pay for a 5 year evaluation so that you can see the true value of your investment. And remember, I don't like the language you use. It is not an investment to me. Because I don't see a dime of return, I don't see a dime of loss. So you may be investing taxpayer money, but I don't trust Wichita State. I think they have a decided bias towards helping the city, because they do get money from the city. I

would like to see some other university do the study to verify the Wichita State figures.”

Chairman Skelton said, “Thank you, sir. Sherdeill, could you please come to the podium. What is going on with this April 29th letter, do you have any knowledge of that? What is the scope of this?”

Mr. Breathett said, “In any initial proposal that is provided from the state or even the county and city, there is a timeline on that. That will be extended beyond the point. This has taken a considerable amount of time to get it to this point. This goes back to last part of 2012, and to bring us to where we are at today. So that's common, that's customary.”

Chairman Skelton said, “How certain are you the state is still on board with...?”

Mr. Breathett said, “Very certain.”

Chairman Skelton said, “You're 100 percent certain.”

Mr. Breathett said, “I'm a 100 percent certain.”

Commissioner Peterjohn said, “Okay. Manager, you concur?”

Mr. Buchanan said, “Yes, sir.”

Chairman Skelton said, “Okay. All right. Thank you. Any other questions of Sherdeill? All right, next speaker, please.”

Ms. Susan Estes, 151 South Whittier, Wichita, greeted the Commissioners and said, “I have a couple of actual questions, because sometimes it is very difficult to get background documents.

Ms. Estes continued, “I would like to know if, if you were to evaluate the return on investment at the same time as the loan, would it still meet policy? And I think that's a relevant question. My second one, is gap financing a requirement of this. And if I could get two quick answers on that, then I would love to finish my remarks, if I may.”

Chairman Skelton said, “Sure. Absolutely. Sherdeill, could you please answer the citizen's questions?”

Mr. Breathett said, “Would you rephrase it one more time, I'd appreciate it.”

Ms. Estes said, “Sure. My first question is if you were to analyze the return on investment for five years, which matches the life of the loan, would it still qualify to meet the return on investment that you guys require. The second one was gap financing being needed, something that you guys were looking at in your policy. Because I know many of your economic developments, a developer has to prove gap financing is imperative or it won't go through and I wanted to know if that applied in this case.”

Mr. Breathett said, “It is standard procedure for us to of course work with the Center for Economic Development and Business Research. And they basically crunched the numbers to make this all happen, and that's basically what we utilize and what we go from. With regards to the gap financing piece, we are competing with other

communities, and they began with 300 plus communities, MSA communities that they were looking at, and we were part of the short list, as they narrowed down to three. From there, this is where we are at."

Chairman Skelton said, "Okay. Thank you."

Ms. Estes said, "Thank you. I kind of feel like I don't have direct answers to my questions, so but I'm going to go ahead with what I am concerned about. When I look at who is in the room today, you know, it is great to see 900 jobs in front of you. You guys work hard, and that's important, but I also think about who I don't see in the room. And I have a concern about the long range health of our community, that we have these programs and when we help one company here and another company there, I feel like we're treating a symptom. And one thing I frequently hear from Tim Witsman at WIBA (Wichita Independent Business Association) is what about the small businesses? And when a Starwoods comes to us, and this is why I care about gap financing, and says, hey, I need this money, to do business here, it is important in my decision-making to come here, I'm hearing our taxes are too high. We are fixing it with a company that's the size of Starwood, who has the staff to come here and build a case, spend the time, and they can deal with it, and we fix their problems.

"Who we don't see in the room are the small businesses who are trying to get started, who are struggling to survive who don't have staff members who come here. My concern with our approach that we use know is we don't necessarily think about who we're leaving out and how there's no way possible for them to dedicate manpower to jump through the hoops that this process requires. Because you, justifiably, have a lot of steps and proof that you must go through to qualify for these programs. So, I just want to urge us to consider our long-range health. If our taxes are too high, if our cost of regulation is too high, let's get down and fix the illness and quit treating the symptoms, because we may not mean to create winners and losers.

"We're hoping to create winners, but we're kind of creating losers for all those people who can't be here in the room, or the people who don't quite meet the threshold. And that's my concerns about long range plan of this, that we have going forward today. Thank you very much and I would be happy to take any questions."

Chairman Skelton said, "Questions for Ms. Estes? Yes, Karl, please."

Commissioner Peterjohn said, "Let me throw out this second question that I asked Mr. Todd, in terms of the comparison with Colorado and the fact that voters in this state are, aren't nearly as empowered, some might even say disenfranchised, in terms of being able to decide fiscal issues. This increases, in my view, the uncertainty of doing business here, because the probability that you are going to have unexpected or new charges, fees, taxes, whatever the euphemism for 'revenue enhancement', that's the politically correct word that I detest, is higher in an environment we have here, in my opinion, than a state, we've got several neighboring states who require voter approval before those charges, taxes, revenue enhancements go into place, and I would be interested in your opinion, in terms of what we need to do to, from, to move up the list and be more competitive in the job front, and pose the same question I threw out to Mr. Todd."

Ms. Estes said, "Certainly. Certainty is something that I hear about from local folks and I may not answer this directly how you intended it. But certainly as far back as the

bowling alleys, they talked about bringing in Bellagio. There are a lot of companies concerned about, well what if incentives get given to my competitors, and it kind of scares them off in investing here. So I think certainty from that angle is important. Certainty on predicting your budget, and I think that's important. And when we look at Kansas, it is relevant to look at the neighboring states. And I have a presentation and if the Board would be interested in hearing that, I would be happy to share it. When we statistically analyze Kansas and all of our bordering states, we are usually second highest in every tax category.

"I am a strong believer that we have the brain power and the people power to out-compete all of our neighbors, but sometimes we do things without necessarily seeing how we stack up against everyone else and we put ourselves at a disadvantaged position. So the fact that other states have better tax rates is something that I think is significantly to our disadvantage, and the fact that we can raise them, we have things in the state legislature that says well yeah we promised you that we were going to expire the sales tax, but now we're not sure we are going to do that and we have that debate going on. It does put out a question mark of what's my true cost of doing in Kansas, doing business in Kansas and how do I predict that. It is an issue."

Commissioner Peterjohn said, "Thank you."

Chairman Skelton said, "Okay, thank you. Anybody else who wishes to speak today? Please state your name and address for the record."

Mr. Gary Schmitt, 14000 Pinnacle Drive, Wichita, greeted the Commissioners and said, "I work at Intrust Bank and I am the Vice-Chair of GWEDC. Thank you for the opportunity to speak to you today. I want to thank all of you also for just saving the county \$700,000 by refinancing the bond issue. I think that was a great move. I think that's exactly what we need to do to help support our county.

Mr. Schmitt said, "Also want to say I think Starwood coming to Wichita with 900 jobs in the very near future is a big win for Wichita, for Sedgwick County and our community. And I just want to encourage you to support the \$200,000 investment. I know at the bank where I work, if we had a \$1 invested and get a return of over \$2.40, we would consider that a very good investment in the future. And I think having 900 people employed in basically starter jobs, or jobs to fill the gap in their financial needs for their families is very important also. So thank you very much for the opportunity to speak. I encourage you to support positive vote on this."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Schmidt, I thank you for coming down and speaking today and your efforts on behalf of GWEDC. One of the things I struggle with these issues when they come before the Commission is what is the, how do we come up with an optimum number? I mean, why is \$200,000 the right figure for the county's contribution. And also, I mean, other than the fact that the city approved a similar amount yesterday, and when this comes to us and the calculations are coming from a, I think, a basic input and output model that fluctuates, depending on what assumptions you feed into it, I struggle with, you know, how do we determine, when you get a proposal at the bank, somebody comes in and says, hey, I would like to borrow x number of dollars for this project, we expect a net present value or rate of return of so much, and based on a loan cost of a certain interest rate, we get those very specific

calculations. Can you provide any insight, in terms of why \$200,000 is the optimal number for this forgivable loan over 5 years, and help me out on that point?"

Mr. Schmitt said, "I'll try. GWEDC basically is a cooperation between businesses, business community leaders and also the city and the county government. We sort of have all the players at the table. And it's very similar to what we do at the bank, when somebody comes in and asks for a proposal, we have to understand what our capacity is, what our expectations are, and we analyze all that. By using WSU calculate return on investment, that's similar to what we do at the bank to calculate our return on investment. Now, I'm sure Starwood would be very excited if we said we will give you \$2 million instead of \$200,000, but we negotiated a number that we thought was acceptable to Starwood and also us.

"Very similar what we do at the bank when we negotiate loan amounts or rates. So it is very much a business decision to try to figure out how to bring 900 jobs to our community without overspending or over committing. So, Mr. Peterjohn, I think we've tried to do everything we can to bring the best deal to the community we possibly can."

Commissioner Peterjohn said, "Well then help me out, in terms of the point that was raised over, we've got a forgivable loan for five years, but the calculation, in terms of return and so on are over 10 years. So basically our clawback provisions don't exist from year 6 through 10."

Mr. Schmitt said, "Well..."

Commissioner Peterjohn said, "And then you've got that disparity."

Mr. Schmitt said, "You know, the other interesting thing is they have a 15 year lease out there on the building. So our expectation is they will be a minimum of 15 years. So do we do it on 5, 10, or 15 years. So, I understand your question. I don't know the answer to that."

Commissioner Peterjohn said, "Okay. Thank you for coming down and providing..."

Mr. Schmitt said, "You are welcome. Thank you."

Chairman Skelton said, "Okay. Any other questions?"

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Skelton said, "It's been moved and seconded to adopt the resolution and authorize the Chairman to sign. Discussion on the motion? Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Chairman, I will say a few things here. This obviously is an ongoing issue in our community as far as economic development and how we do that. I think our current policies are terribly flawed and ineffective. But nevertheless, I have to look at each one of these as an individual case. We know, however, that research has shown that incentives only affect location about 10 percent of the time.

Now, we are told in every single one of these instances that it is important. That's simply not true. So if we bundle them all together, we know that 90 percent of the time it didn't make a difference. And so our true return on investment would be only 10 percent of what we're being told. I think we need to keep that in mind.

"Now, I have no idea if this is one of the 10 percent that it did make a difference. I'm being told that it is. But I can tell you, I've gone out to look at many businesses that we've given incentives and it's clear in my mind that it didn't make a difference. In fact we had one particular company that told us as part of the tour that Wichita was only place that made sense to bring jobs to, but we still coached the idea that if we didn't give it to them, they won't come here. It is the but-for argument. If we didn't do this, this deal would fall through, they have to have \$200,000. You know, what is the right answer?

"We had one person say they asked the representative, and they said no, it wasn't absolutely necessary. But nevertheless, what I have to do is I take a look at each individual one here, and see if there are viable options to the \$200,000. Now, they have stated that the money is going to be used to offset the corporate sustainability policy which increases the cost of their renovating the building. So, clearly one of the options is not to implement that policy. That's a self imposed cost. If we do the calculations, they could reduce that salary by four cents an hour and five years would cover that cost. That's what other businesses do, when they have costs that are imposed by them, by government, or by their managing boards or corporations, they make adjustments, and I think those are certainly options here. But nevertheless, I understand that this is going to go forward.

Commissioner Ranzau continued, "So really my greatest concern is, and I don't believe this is the only forgivable loan that's had this situation and I think we need to address this going forward and change our policy, we have this agreement that we put forth here as a way to protect, this is what we say, we're going to protect the public investment, but when the clawback provisions are for 5 years and the return on investment calculation is done on 10 years, I would argue that we don't have adequate protections to ensure that that is going to happen. We might suspect it will, hope that it will. To me, it makes sense to make those provisions match up. So you can either extend the clawback to 10 years, or reduce the return on investment calculations to 5 years, or whatever the numbers are, regardless. That's something we need to address going forward.

"Mr. Chairman, I would like to amend, make an amendment, that we table this particular item, and instruct staff to go back to GWEDC and renegotiate this so those two do match up. I don't care which way you go, but I propose that we, so that we can tell the citizens that this is the return on investment, and matches up to the clawback and we guarantee you will get that. Because with this particular agreement, we cannot guarantee that. That's my recommendation."

Chairman Skelton said, "Okay. All right. Well, I will entertain your amendment, although I don't think it should qualify as one. Striking and inserting language is usually the method of amending a motion. Your amendment also is not germane to the

original main motion. But again I will entertain this motion and ask for a second to this amendment.”

AMENDED MOTION

Commissioner Ranzau moved to defer Item K and instruct staff to go back to GWEDC and renegotiate terms of clawback number of years equals terms of return on investment number of years.

Commissioner Peterjohn seconded the motion.

Chairman Skelton said, “Yes, sir.”

Commissioner Peterjohn said, “I’ll second it because I do believe it’s important that the calculation for the time period match the clawback period. If we had this gap between it, it does leave an exposure, Mr. Schmidt’s point, which was excellent, in terms of having, maybe they have leases, but leases get broken all the time, and so that is reassuring, but it’s not definitive in my point of view, in terms of having that. My concerns, and let me state for the record, I’ve stayed at the Sheridan, I’ve stayed at the Westin, I’ve never stayed at the St. Regis, but Starwood is a first rate corporate citizen. They have wonderful facilities, and my experience has been, at their facilities that I’ve stayed in, it’s an excellent company. But having said that, I do know that the calculations, and I think it’s basically a simple input-output model that CEDBR uses, and while I haven’t seen the formula for what they use, they claim it is proprietary, but I struggle with the fact that I have given them variations in the model in other cases and get different numbers.

“And I think if we had these calculated for five years, we would have a significantly different number than the number we have in front of us. So I am going to be supportive of this amendment.

“You know, our \$200,000 is compared to the city and state and everybody else talk about it, we are talking about basically just a little over 10 percent of where the incentives are, but, you know, the total incentive package that’s here. I struggle with a whole host of the verbiage too, because we’ve had the word investment in place. Well investment is another euphemism for government spending, it’s a politically correct term for it. If it’s investment, we get a rate of return that goes back to individuals, and goes back to whether we make a profit or loss in a meaningful sense.

“Government struggles with that in all levels, in terms of a profit or loss. I struggle, in terms of what the optimal amount is in these cases. And so when we have a disparity between where the calculation is for doing it and the clawback provisions, especially since, and I’ve struggled with these issues, I voted for some of these, I voted against a few. I voted against the one that Commissioner Ranzau alluded to for the basic reason that the company said we have no other place to go, we have to come to Wichita. And to give them money when they say they have to come here. Now that’s not the case in this situation and no one’s alluded to that.

“But we’ve got, is this the best way that Sedgwick County can spend \$200,000, and I struggle with this. That’s why I’m supportive of this amendment, because I would like to see a correlation between the duration of this calculation for payback, as well as the provisions to provide a call back and provide some protection so that if we get into the out years and the original goals aren’t met, you know, often government doesn’t follow

up, in terms of what they've approved in the past. And, that is one side of the equation, where we need to be responsible on this, and that's why I would like to see this correlation between those two goals going in. So I am going to be supportive of the amendment this morning, Mr. Chairman."

Chairman Skelton said, "Commissioner Ranzau, could you please restate the motion?"

Commissioner Ranzau said, "My motion is we table this item, and instruct staff to go back to GWEDC and renegotiate this so that the terms of the call back for the number of years matches the number of years and the return on investment."

Chairman Skelton said, "Any other discussion of the motion? Call the vote. "

VOTE

<i>Commissioner Norton</i>	<i>No</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>No</i>
<i>Chairman Skelton</i>	<i>No</i>

Chairman Skelton said, "The original motion stands to approve the resolution and authorize the Chairman to sign. Discussion of the motion."

Commissioner Ranzau said, "As such I will not be able to support the original motion for the reasons stated. I do want to say, however, I am happy to have Starwood hotels here. This has nothing to do with them in particular, I just believe, I don't believe we've adequately protected the citizens, and I do believe there are alternatives. Also I'll say that I agree with Mr. Schmitt with respect to the wages, the fact that they are low-paying wages is not an issue with me. Because we need all kinds of jobs in our community. We certainly want all of those in our community.

Commissioner Ranzau continued, "So that's not an issue as far as I am concerned. Thank you, Mr. Chairman."

Chairman Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Sherdeill, was the Department of Commerce with the State of Kansas involved in the negotiations for this partnership between state and county and city to attract this economic development opportunity?"

Mr. Breathett said, "Strict partnership. Yes they were."

Commissioner Unruh said, "State was involved all the way?"

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

Commissioner Unruh said, "Okay. It seems to me this has been through all the established mechanisms we have to authenticate the value of this economic development opportunity. So I'm not as concerned with the gap in the ROI (return on investment). We've got, the states for it, Wichita State University has analyzed it, GWEDC has analyzed it, the City of Wichita looked at it and now it comes to us. It seems like I'm not going to go back and try to second guess or question their hard work to this point. What I'm looking at, is that it's, in the first year 530 jobs, it's coming

here because a company was looking for a new place to locate, and other communities in our nation offered incentives also. I mean, we were, this was not a necessity for this company to, it won't fill their balance sheet if they didn't get any incentives, but it is just a matter of other communities were willing to offer incentives, and that's the nature of the economic development game we're in, and we need to compete. The state and city and hopefully the county is going to agree that we want to compete for the first year, 500 and some jobs.

"There was a comment made by Mrs. Estes about small business impact. And as a person with 40 years of experience in the small business, if I could get 500 new jobs anywhere near my business, I am going to be really happy. And I'm thinking that the fast food restaurants and the auto repair shops and hardware stores and everybody else that's anywhere near this location in the southeast part of town is going to be pleased that you got 500 employees first year, and almost doubling that by, within five years. So that side of the question, that probably doesn't totally address all of Susan's questions, but that side of the question, I think it's going to be real positive for a whole lot of small businessman. So I think, in light of the, what I consider the validity of the analysis, the validity of the competition, the fact that we have good jobs, we've got folks who can fulfill those jobs, the company wants to come here, we competed, we won, I am going to be supportive."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to clarify a couple points and thank my colleagues for comments and also the public for their testimony this morning. I do want to clarify one point, because I know the county has for about the last quarter of century, we've got 1.5 mills that generates, that helps fund Wichita State University, and that had originally been some city funding.

"But back in the [19]80s, that was changed from the City of Wichita to Sedgwick County to support Wichita State, and that goes back to Wichita [State] University moving from the municipal side of the county, and...I'm sorry, to the Regent System, and that's been a county wide mill levy for a quarter of a century. We had a little discussion on that.

"I have struggled with this issue, and struggled with, is this the best way we can spend this money, what is the opportunity cost, what is the chance that they would already be coming here, regardless of what we do here today. And I struggle with this, because the lack of information, I feel like a poker player with my hold cards exposed and theirs aren't. And I struggle with the idea of, how we come up with these figures, in terms of what is the optimal amount to spend, and going forward with it. I look at, and it's spending, it is not investment as far as I am concerned. The responsibility I have as a County Commissioner up here, we are voting on spending, this is Sedgwick County government spending.

"The investment side of it will go elsewhere, and I want a level playing field for anyone. I'd like an opportunity where we have equal opportunity for all. I heard some discussion last night about Frederick Douglas who started out life as a slave, but ended up a multi-millionaire as an entrepreneur as well as adviser to presidents and appointed officials. At that time in the 19th century, they didn't have this type of formalized environment where we have this type of, what we call incentives, investments, as I call

it, spending. And I struggle with the optimum amount today, and we've got a disparity between how we're calculating the benefits, and our provision to protect taxpayers in going forward, that's going to be reflected in my vote today, Mr. Chairman. Thank you."

Chairman Skelton said, "Okay. Seeing no other comments, Madam Clerk, call the vote."

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>No</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

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

Mr. Breathett said, "Thank you, Commissioners."

L [13-0282](#)

CONSIDERATION OF A PETITION FROM THEODORE JOHN AND LOUISE MARTIN FOR THE EXCLUSION OF THEIR PROPERTY FROM THE BOUNDARIES OF THE SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.

Presented by: Michael D. Pepoon, Assistant County Counselor.

RECOMMENDED ACTION: Adopt the resolution and instruct the County Clerk to publish the same according to law.

VISUAL PRESENTATION

Mr. Michael D. Pepoon, Assistant County Counselor, greeted the Commissioners and said, "Pursuant to the same statutes that allowed us to create Sedgwick County Fire District No. 1 back in 1955, there is a mechanism for the expansion or contraction of fire districts as well. Each year we have people that petition the County Commission to either be included or excluded from the Fire District [No. 1]. Today you have before you a petition by Theodore John and Louise C. Martin asking you to allow their property be detached from the Fire District. I will pull up a map that will help see where the property is, 34600 West 21st Street North, they're the yellow portion.

"The circle that you see shows that this property is not within an area of influence of any of the cities in the area, which is important, because if it was within one of those three mile areas, then it would take a three quarters vote by the County Commission. So the vote today is only a simple majority to approve their detachment from the Fire District. Once you adopt this resolution, it is published for two consecutive weeks, then there is a 30 day period in which Mr. And Mrs. Martin can, I guess, rescind their petition by a counter petition, but I doubt that would happen. We also have gathered here today for you Tavis Leake, Fire Marshall on behalf of Chief Curmode to answer any specific questions you might have regarding this petition. I would be happy to answer any questions."

Chairman Skelton said, "Okay, if there is a call from this residence from a reported heart attack, who responds?"

Mr. Pepoon said, "And again, specific questions, I will allow Tavis..."

Mr. Buchanan said, "That would be EMS."

Chairman Skelton said, "EMS. That's county. Okay. Well, is there a first responder thing with the fire department, don't they respond also?"

Mr. Pepoon said, "I think there is a mutual aid agreement."

Chairman Skelton said, "Okay, what's going on with that. Which fire department goes out there?"

Mr. Tavis Leake, Fire Marshall, Fire District No. 1, greeted the Commissioners and said, "It would be Cheney Fire Department."

Chairman Skelton said, "It would be Cheney. Why doesn't Sedgwick County serve this house? If it's in the rural area?"

Mr. Leake said, "Well we would if they opted in. Once they've opted out, then they would get Cheney's fire service."

Chairman Skelton said, "Well they are in the Fire District [No. 1] right now."

Mr. Leake said, "Correct."

Chairman Skelton said, "Okay. So is it your personal belief that this is acceptable to remove these people from the Fire District."

Mr. Leake said, "They have the option and we still have mutual aid. So they will still get assistance there."

Chairman Skelton said, "Manager, do you have a comment?"

Mr. Buchanan said, "Commissioner, my understanding is they petitioned in at one point, and now they've asked to petition out."

Chairman Skelton said, "Well, you know, my concern about this is, you know, are there other houses in the area, are they going to all want out, you know, our Fire District is shrinking all the time as it is. Maybe you could comment on that concern of mine."

Mr. Leake said, "Yes, Commissioner. We have had 8 more residents opt in over the last 18 years than we have that have opted out."

Chairman Skelton said, "Okay, all right. Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Let me just ask to clarify for the record, because we've done this before, and I am happy to make a motion to adopt the resolution and instruct the County Clerk to publish the same according to law. My question would be to get on the record why we're doing it here as the Board of County Commissioners as opposed to doing it as Sedgwick County Fire District No. 1."

Mr. Pepoon said, "That's a good question, Commissioner. And the reason, because the County Commission in the original statutes is the body that creates the Fire District, so they are the body also that would modify or shrink the Fire District or do away with the Fire District. Once there is a matter within the Fire District, and you sit at the Board of Governing Body of the Fire District, you handle those matters separately. As the Board of County Commissioners, you determine whether a Fire District exists or not, or how big it is and so forth."

Commissioner Peterjohn said, "Any circumstances that this would come before the Fire District, this board sitting as the [Board of Governing Body of the] Fire District board."

Mr. Pepoon said, "Not this particular issue of somebody getting in or out of the Fire District, no."

Commissioner Peterjohn said, "I very much appreciate you clarifying that for the record. We've got a map up here, and I think I know the answer to this question, but I don't know if the public, I think the public can see it, there's a couple lines, ones circle, looks like it's going around Garden Plain. Can you kind of explain, there is a

yellow, shows the petition parcel up there. Can you kind of go over what those lines going around indicate and why that's relevant to our discussion this morning?"

Mr. Pepoon said, "Certainly, Commissioner. The statute provides that if the property that is subject to this petition is within a three mile area in another city, that we have to provide notice provision, publish notice of a public hearing, and then it takes a three quarters vote by the Board of County Commissioners. We provide notice to the individual cities, because the area of influence around city is being affected. And this particular, and those circles show, and I imagine the bottom circle is Cheney, the bottom loop. And the other is Garden Plain. We have our mapping people show us that this property is clearly outside of that area of influence so we don't get into those notice statutes or the provisions that require super majority vote."

MOTION

Commissioner Peterjohn moved to adopt the resolution and instruct the County Clerk to publish the same according to law.

Commissioner Ranzau seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Next item."

A motion was made by Commissioner Peterjohn, seconded by Commissioner Ranzau, that this Resolution be Approved. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh, Commissioner Norton and Commissioner Peterjohn

Present: 0

M [13-0378](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 16, 2013.

Presented by: Joe Thomas, Acting Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.

Mr. Joe Thomas, Acting Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of May 16th results in two items for consideration. Item number 1;

*1. HVAC SUPPLIES – FACILITIES DEPARTMENT
FUNDING – FACILITIES DEPARTMENT*

"That recommendation is to accept the lowest and best bid from Kansas Filtration for items 1-60 and item 153 and Total Filtrations Services for items 61-153 and establish contract pricing for one year with two one-year options to renew. Item 2;

*2. PAINTED PAVEMENT MARKING (R331) – PUBLIC WORKS
FUNDING – R331 TRAFFIC CONTROL MAINTENANCE & CONSTRUCTION*

"That recommendation is to accept the low bid from Traffic Control Services, Inc. in the amount of \$80,370.00.

"I will be happy to answer questions and recommend approval of both these items."

Chairman Skelton said, "Any questions? And/or motion?"

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Skelton said, "It's been moved and seconded to accept the recommendations. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I've got a question for Mr. Spears. I noticed on Item 2, Painted Pavement Markings, even though the low bid well below all the others that are out there, it's on a per mile basis, it's significantly, about 50 percent higher than last year and I was curious if you had any thoughts or comments? According to my backup last year was approximately \$16,668...oh I'm sorry..."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "We're cheaper this year."

Commissioner Peterjohn said, "...I've got these reversed. It's actually cheaper, okay, never mind, grab it and run. I'm sorry I got those reversed."

Chairman Skelton said, "Okay, any other questions? Madam Clerk, call the vote."

VOTE

Commissioner Norton Aye
Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Commissioner Unruh Aye
Chairman Skelton Aye

Mr. Thomas said, "Thank you."

Chairman Skelton said, "Thank you. Okay..."

Chairman Skelton said, "Okay..."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, you have the Consent Agenda before you, and I would recommend you approve it."

Chairman Skelton said, "Thank you, sir."

CONSENT

- N [13-0348](#) Addendum to the Interlocal Service Agreement for Code Inspection and Enforcement of Building, Electrical, Mechanical and Plumbing Codes by Sedgwick County, Kansas for Bently, Kansas.

- O [13-0368](#) A resolution authorizing sale of unredeemed real estate after tax sale.

- P **13-0360** Order dated 5/10/2013 to correct tax roll for change of assessment.

Q [12-1034](#) General Bill Check Register.

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Norton seconded the motion.

Chairman Skelton said, "It's been moved and seconded to adopt the Consent Agenda. Discussion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Just a quick question on Item N. Are we going to be getting similar items for some of the other small towns in the community? Do you have any idea at all, Mr. Manager? If this is going to be coming at us as part of the consolidation and inspections, or is this just a one for..."

Mr. Buchanan said, "No, I would expect as we continue this, you will see some more of these."

Commissioner Peterjohn said, "Okay, thank you."

Chairman Skelton said, "Absolutely. Any other questions? Madam Clerk, call the vote."

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Okay. We do have an Executive Session today. Can I ask the Vice-Chair to read that motion."

Commissioner Unruh said, "Mr. Chair, would you want to do 'Other' first?"

Chairman Skelton said, "Okay, okay, fine, we can do that. Okay. Absolutely. Any other comments or business, any 'Other'? Commissioner Unruh."

OTHER

Commissioner Unruh said, "Thank you, Mr. Chairman. I do have a couple things that I want to mention. I guess the first thing I would mention is congratulations to Commissioner Norton, who last night at a very delightful soiree received the designation of humanitarian of the year. So I just want to congratulate him publicly on that. His remarks, I thought, last night I thought were very well presented and it was an enjoyable evening. Congratulations on the award, Commissioner Norton."

"Secondly, then to more business items, I want to just mention that at the Sedgwick County Zoo we have changed the policy or instituted a restriction on watering out there so that our summertime Wet and Wild Wednesdays, I think it was, where we had our Sedgwick County Fire Department out there turn on the water hoses and give kids relief from the heat and it was, you know, a big mess, but a lot of fun. But in light of current circumstances, I appreciate the fact that the folks at the [Sedgwick County] Zoo and the [Sedgwick County] Fire Department have been proactive and decided to install a new policy that said we are not doing water this year because of our potential drought and water shortage challenges we have. I think it is good they did it. And as a citizen of the city, I would look forward to hearing some of the initiatives and efforts by the City of Wichita to educate us and to try to initiate some water saving issues for our water supply for our community. I think it's a serious issue, I am glad the Zoo and the Fire Department have taken some initial steps."

Chairman Skelton said, "And we are going to the water conference tomorrow."

Commissioner Unruh said, "We are going to water conference tomorrow, that's been hosted by the Regional Economic Area Partnership, it's down in Wellington. We're going to talk about how can you have a water supply in the future, how do you make it affordable, and what are appropriate water conservation methods. So, looking forward to that."

Chairman Skelton said, "Yes, sir. Thank you."

Commissioner Unruh said, "And one one other item, Mr. Chair. I would like to mention, note of regret for Mayor Keith DeHavens of [City of] Sedgwick. Been mayor for many, many years, been active in a lot of different council of governments in the area, including REAP (Regional Economic Area Partnership). But Mayor DeHaven passed away last Friday night and his funeral services are tomorrow. Add that's all I have."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. On a similarly somber note, I will report that I and a number of other current and past elected officials attended the funeral for former State Representative Bonnie Huy Saturday, who passed away about 10 days ago. And I also wanted to report that the Sheriff had in custody this morning 1,425 people. And I also wanted to mention that, Zoo-related, I thought I was going to have to change my remarks, but Thursday they are unveiling a new sculpture out at the flamingo exhibit at the Zoo, and I'm looking forward to that event. I know the folks at Envision [Inc.] are excited about it. It will be for the visually impaired. The Zoo has a number of those facilities. Commissioner Unruh has been a representative on that board, he may know exactly how many they have. There are several of them out there and they are very impressive, and I think that's going to be a nice addition to the Zoo. We'll be doing that Thursday morning, too."

Chairman Skelton said, "Okay. Don't see any other comments."

MOTION

Commissioner Unruh moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with Legal Counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:27 p.m.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Thank you. We stand in recess."

The Board of County Commissioners recessed into Executive Session at 11:57 a.m. and returned at 12:50 a.m.

EXECUTIVE SESSION

Chairman Skelton said, "Okay, we've returned from Executive Session. No action was taken. Manager, is there any other business to come before the Board?"

Mr. Buchanan said, "No, sir."

Chairman Skelton said, "Commissioners, is there any other business? No other business this meeting stands adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:50 p.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*JAMES B. SKELTON, Chairman
Fifth District*

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

*TIM R. NORTON, Commissioner
Second District*

*KARL PETERJOHN, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
