

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
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## Meeting Minutes

Wednesday, August 24, 2011

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 Lindsey Mahoney, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203*

*Phone: (316) 660-7052, TDD: Kansas Relay at 711 or 800-766-3777*

*Email: [Lmahoney@sedgwick.gov](mailto:Lmahoney@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 9:05 a.m. on Wednesday, August 24, 2011, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Commissioner Jim Skelton; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Kelly B. Arnold, County Clerk; Mr. Scott Hadley, Director, Emergency Medical Services; Mr. John L. Schlegel, Director, Metropolitan Area Planning Department; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Jim Weber, Deputy Director, Public Works; Mr. Joe Thomas, Director, Purchasing Department; Mr. Mark Reed, Executive Director, Sedgwick County Zoo; Mr. Stan Andeel, President, Sedgwick County Zoological Society; Ms. Kim Pennington, Deputy Director, 911 Dispatch; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.*

**GUESTS**

*Mr. Dan Oblinger, Appointee, Sedgwick County Mental Health Advisory Board  
Mr. Bob Kaplan, 1600 Epic Center, Wichita  
Mr. Tim Lauer, 3205 Wild Thicket, Wichita  
Mr. Steve Hieger, Plant Manager, Occidental Chemical Corporation  
Ms. Carol Neugent, Director of Government Services, Haysville  
Mr. Grege Kite, 230 North Market, Wichita  
Mr. Gary Thome, 14001 West 55th Street South, Clearwater  
Mr. Shane Dent, Principal, Oakville Elementary  
Ms. Cristia Strong, 6911 103rd Street West, Clearwater  
Ms. Donna Tibbits, 7620 South Ridge Road, Haysville  
Mr. John Thome, 658 Wetmore, Wichita  
Mr. Ron Ketzner, 10110 West 63rd Street South, Clearwater  
Mr. Tom Bergkamp, 8231 West 55th Street South, Clearwater  
Ms. Arlene Bergkamp, 8231 West 55 Street South, Clearwater  
Mr. Mark Bergkamp, 6603 South Meridian, Haysville  
Dr. Greg Seiler, 3920 South 215th Street West, Goddard  
Mr. Dennis Woods, 5201 South 119th Street West, Clearwater*

**INVOCATION**

*Observed by a moment of silence.*

**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES**

A [11-0871](#)

REGULAR MEETING OF JULY 20, 2011.  
All Commissioners were present.

*Chairman Unruh said, "Commissioners, you have had an opportunity to review the minutes of July 20th, are there any additions or corrections?"*

MOTION

*Commissioner Norton moved to approve the Regular Meeting minutes of July 20, 2011.*

*Commissioner Ranzau seconded the motion.*

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

VOTE

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

*Chairman Unruh said, "Next item."*

**Approved**

B [11-0872](#)

REGULAR MEETING OF JULY 27, 2011.  
Commissioner Norton was absent.

*Chairman Unruh said, "Commissioners, you had an opportunity to review the minutes of July 27th, are there any additions or corrections?"*

MOTION

*Commissioner Peterjohn moved to approve the Regular Meeting minutes of July 27, 2011.*

*Commissioner Skelton seconded the motion.*

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

VOTE

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

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

**Approved**

**PROCLAMATIONS**

C [11-0836](#)

PROCLAMATION DECLARING SEDGWICK COUNTY ZOO 40TH BIRTHDAY CELEBRATION.

Read by: Chairman Dave Unruh.

RECOMMENDED ACTION: Adopt the Proclamation.

**Attachments:** [Zoo Birthday weekend 082411.doc](#)

*Chairman Unruh said, "Commissioners, I have a proclamation to read for your consideration;*

*PROCLAMATION*

*WHEREAS, Sedgwick County Zoo opened in 1971 with just the American and Asian farms and has grown to include more than 2,500 individual animals of nearly 400 species, including gorillas, penguins and tigers; and*

*WHEREAS, Sedgwick County Zoo is a not-for-profit organization, accredited by the Association of Zoos and Aquariums (AZA), a leader in global wildlife conservation, and your link to helping animals in their native habitats; and*

*WHEREAS, it is important that we work to conserve animals such as those found in aquariums and zoos. Seeing live animals in zoos gives adults and children a greater appreciation and concern for the animals; and*

*WHEREAS, many of the successes to save endangered or declining species are a part of the work done in zoos and aquariums; and*

*WHEREAS, Sedgwick County Zoo is a facility dedicated to providing excellent care for animals, a better future for all living things, and a great experience for individuals and families.*

*NOW, THEREFORE BE IT RESOLVED, that I, David Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim August 27 and 28 as*

*'SEDGWICK COUNTY ZOO 40th BIRTHDAY CELEBRATION'*

*and encourage citizens to visit Sedgwick County Zoo for free admission on August 27th and 28th to enjoy this community gem.*

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

*MOTION*

*Commissioner Skelton moved to adopt the Proclamation.*

*Commissioner Norton seconded the motion.*

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

*VOTE*

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

Chairman Unruh said, "Receiving the proclamation this morning is the Director of Sedgwick County Zoo, Mark Reed, and with him is the Chairman of the Board of the Sedgwick County Zoological Society, Stan Andeel, and you can introduce Christan and Steve if you would like also."

Mr. Mark Reed, Executive Director, Sedgwick County Zoo, greeted the Commissioners and said, "I would just have them stand up. Steve Onken is our Development Director and Christan Baumer is our Public Relations Marketing person. They are the ones that make Stan and I look good many times. I heard there was a debate about the selection of the animals. Well, the chimpanzee, with Marbles has been our long-term favorite at the Koch [Industries Inc.] exhibit. Everybody loves the Cessna Penguin Cove. Stephanie [and Cinda] are great elephants. Everybody loves the giraffes and the babies that we just had, and of course the Downing Gorilla Forest has been a big hit.

"There's a representation of all. I know you all have kids and grandkids. We are appreciative of the public-private partnership between the county and the Zoological Society. We have a world class zoo here for our community to enjoy. We look forward to sharing the zoo with the whole community this weekend, take advantage of it, we think the temperatures are dropping. We are excited about the fact that we are 40 years young and look forward to many more."

Mr. Stan Andeel, President, Sedgwick County Zoological Society, greeted the Commissioners and said, "I would just like to second what Mark said, that we appreciate the support that the Commissioners and the county gives to the zoo. We know that there's a lot of other pressures on the Commissioners, and I just want to say that it does not go unnoticed to our board, and the staff that I'm speaking for, we do appreciate the relationship."

Chairman Unruh said, "Well, thank you, Mark and Stan. You know, Mark, we're very proud of the leadership you've given to the zoo, and you put together a terrific staff to support you and the activities to promote and build the zoo. And, Stan, you've done a great job as Chairman of the Board of the Zoological Society, an outstanding group of citizens from our community who really are passionate about the zoo, and want to see it grow and be one of the top zoos in the country. And I think we continually have maintained that. We have arrived and we're maintaining it, and citizens of Sedgwick County are proud of it. And the Board of County Commissioners are proud of what you do. We have another comment from Commissioner Skelton."

Commissioner Skelton said, "Thank you, Mr. Chairman. I'm quite proud of the zoo. I really love it. I appreciate what you guys do down there. I'm very impressed by your staff and the diversity of species you have on hand there. Truly there are some treasures to be discovered that are unique to the Sedgwick County Zoo, so I would encourage everybody to take their kids down there. I've done that twice so far as Commissioner and I'm learning something and discovering something new each time I go. My kids just love that place. I really appreciate you guys and thank you for your public service."

*Mr. Andeel said, "Thank you."*

*Mr. Reed said, "Thank you."*

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

*Commissioner Norton said, "Growing up I went to the St. Louis Zoo quite often. It's been one of the zoos that you hear about that is so fine. I've been to the San Diego Zoo, I've been to the Bronx Zoo. But we should be proud we have an equal zoo right here in the heartland. So congratulations, it continues to grow and prosper. It is one of the biggest attractions in the Midwest for drawing people to a public facility. And we're proud to have it right here in Sedgwick County. Congratulations."*

*Mr. Reed said, "I've had the good fortune of being to 195 zoos and aquariums."*

*Commissioner Norton said, "Okay, so you've outdone me, no big deal."*

*Mr. Reed said, "But the one thing that I have taken away from this, Commissioner, I judge whole communities based upon their zoo and aquarium, and Wichita is a great community, and they've created a great zoo. I think it is something the whole community should be proud of. Invite them on out."*

*Chairman Unruh said, "Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I certainly haven't been to 195 zoos. But, I have also been to the Bronx Zoo and also San Diego Zoo, been coast to coast, including the National Aquarium in Baltimore and the National Zoo in Washington. I would be remiss to point out the fact that there might be a species or two that the National Zoo in Washington has, I'd say over all their facilities and their collection, Wichita can stand up to their collection, plus we have free parking. So I am going to congratulate you on that milestone today. But I want the public out there to know, because for a long time my family has had a zoo membership for many, many years, long before I became a Commissioner. And I really want to wish you well, not only today, but you have an upcoming event next month called Zoobilee. You may talk about it between now and then, but that is a significant event for the zoo, and wish you all well on that, too. Thank you, Mr. Chairman."*

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

*Commissioner Ranzau said, "Thank you, Mr. Chairman. Mark, I would like to say thank you for all the hard work you do out there and the wonderful job you do. As you know my family also has a family membership for several years now, and the kids really enjoy it. We had the opportunity to take a tour a few weeks ago and feed the elephants and the rhinos, and they really enjoyed that. I appreciate that. The zoo is a tremendous asset to the community. Keep up the good work."*

*Mr. Reed said, "We are having fun. I must comment we actually have more animals, species and specimens, than the National Zoo. They have pandas. And Zoobilee is September 10th."*

*Chairman Unruh said, "Okay. Well, once again, happy birthday, and we really thank you for the birthday gift you've given the community, and two free days of admission, that's just terrific, and send our appreciation to your board, and good job you all. Happy birthday. Thank you. Madam Clerk, next item please."*

**Adopted**

**DONATIONS**

- D [11-0861](#) DONATION TO SEDGWICK COUNTY EMS FROM WALMART.  
Presented by: Scott Hadley, EMS Director.

RECOMMENDED ACTION: Approve acceptance of the donation and acknowledge Wal-Mart for their community support.

**Attachments:** [Wal-Mart Appreciation Letter](#)

*Mr. Scott Hadley, Director, Emergency Medical Services, greeted the Commissioners and said, "You have before you a recommendation to accept a donation from the Walmart store located at 5475 North Meridian in the amount of \$500. This will go to support our EMS (Emergency Medical Services) Bike Medic Program, which Commissioners know have a longstanding history of supporting community events, such as the Wichita River Festival and most recently the Wichita Flight Festival. And so we would recommend that you accept this donation on behalf of Walmart, and acknowledge them for their generosity. I would be happy to answer any questions."*

*Chairman Unruh said, "Okay Scott, thank you. Commissioners, are there any questions? Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to move that we approve the acceptance of the donation, and acknowledge Walmart for their community support with a letter to be signed by the Chairman And I personally want to express my appreciation in these challenging economic times to have a voluntary contribution for Sedgwick County and to help out the important work that EMS does. Thank you."*

**MOTION**

*Commissioner Peterjohn moved to approve acceptance of the donation and acknowledge Walmart for their community support.*

*Commissioner Ranzau seconded the motion.*

*Chairman Unruh said, "Thank you. We have a motion and second. I would just second the Commissioners' comment that we want to sincerely express our appreciation to a community partner. Any further discussion? Madam Clerk, call the vote."*

**VOTE**

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

*Chairman Unruh said, "Thank you, Scott."*

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

Chairman Unruh said, "Next item, please."

Passed

### APPOINTMENTS

- E [11-0795](#) RESOLUTION APPOINTING DAN OBLINGER (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE MENTAL HEALTH ADVISORY BOARD.  
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

**Attachments:** [Oblinger, Dan.kpj.082411.pdf](#)

*Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "We prepared a resolution for this appointment to a four-year term to this board, and I recommend that you adopt the resolution."*

*Commissioner Peterjohn said, "Mr. Chairman?"*

*Chairman Unruh said, "Commissioner Peterjohn."*

#### MOTION

*Commissioner Peterjohn moved to adopt the Resolution.*

*Commissioner Skelton seconded the motion.*

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

#### VOTE

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

*Chairman Unruh said, "Is Mr. Oblinger present? If you would step to the podium, County Clerk Kelly Arnold will administer the oath."*

*Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, "I do solemnly swear that I support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Mental Health Advisory Board, so help me God."*

*Mr. Dan Oblinger, Appointee, Sedgwick County Mental Health Advisory Board, greeted the Commissioners and said, "I do."*

*Mr. Arnold said, "Thank you."*

*Mr. Oblinger said, "He said to stand for questions, so I don't know if you have any."*

*Chairman Unruh said, "Commissioner Peterjohn do you want to make a comment?"*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I don't have any questions, but I just wanted to thank the Sergeant for your willingness to serve and appreciate the good work that the members of law enforcement community have been through the training, in terms of working in this important area, and I appreciate your willingness to help out on this board for the county."*

*Mr. Oblinger said, "Thank you, Commissioner."*

*Chairman Unruh said, "Commissioner Skelton."*

*Commissioner Skelton said, "I just wanted to follow along Commissioner Peterjohn's comments. I really appreciate working with you in the capacity of community police officer, so congratulations, sir."*

*Mr. Oblinger said, "Thank you."*

*Chairman Unruh said, "Well, thank you for your willingness to serve. We consider our advisory board's an important part of county government, and so your willingness to serve is important to us. So thank you very much."*

*Mr. Oblinger said, "Thank you, Commissioner."*

*Chairman Unruh said, "All right, thank you. Next item."*

**Adopted**

**F**      **11-0858**

RESOLUTION NOMINATING DWIGHT W. GREENLEE (COMMISSIONER PETERJOHN'S NOMINATION) TO THE WICHITA AIRPORT ADVISORY BOARD.  
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

**Attachments:**      [Greenlee, Dwight.kpj.082411.pdf](#)

*Mr. Euson said, "You have five appointments to the Airport Advisory Board. We actually make the nominations and the Wichita City Council makes the appointments. They will take care of the swearing in. So this is a nomination for a term of two years, all of the appointments are two years, and I would recommend you approve the resolution."*

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

**MOTION**

*Commissioner Peterjohn moved to adopt the Resolution*

*Commissioner Ranzau seconded the motion.*

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

**VOTE**

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

Chairman Unruh said, "Next item."  
**Adopted**

**PLANNING DEPARTMENT**

**G**      **11-0862**      ZON2011-00016 AND CON2011-00023 - COUNTY ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL (SF-20) TO RR RURAL RESIDENTIAL (RR) WITH A CONDITIONAL USE FOR BOARDING KENNELS, AN ACCESSORY APARTMENT, ANIMAL CARE, LIMITED AND A LARGER SIGN; GENERALLY LOCATED ON THE SOUTH SIDE OF U.S. 54 HIGHWAY AND MIDWAY BETWEEN 151ST AND 167TH STREETS WEST. DISTRICT 3.

Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change and the Conditional Use; and authorize the Chairman to sign the resolutions.

**Attachments:**      [ZON2011-16 RESOLUTION.pdf](#)  
                                 [CON2011-23 RESOLUTION.pdf](#)  
                                 [ZON2011-16 and CON2011-23 SITEMAPS AND BACKGROUND INFORMA](#)

**VISUAL PRESENTATION**

*Mr. John L. Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "You see the location for this application out on West Kellogg between 151st Street and 167th Street West. The site is currently developed with an existing home, a manager's residence, and a dog and cat boarding kennel. This use has been in existence since before adoption of the current zoning code, and as such is a legally non-conforming use. However, they are seeking the zone change and conditional use because they would like to expand the dog and cat kennel operation, and thus they require these approvals today. You can see the site outlined on the aerial photo that's before you now. And the current buildings and kennels on the site with this expansion, which shows up on this site plan, they will be using an additional three acres of the site, expanding from about six acres now to almost nine acres.*

*"Because this application area is within the Goddard zoning area of influence, it did go to the Goddard Planning Commission where it received a unanimous 5-0 vote to recommend approval. There were no citizens who appeared at that public hearing to raise any objections to this expansion. At the MAPC (Metropolitan Area Planning Commission) meeting, public hearing on the 21st, the MAPC voted unanimously to also recommend approval and, again, there was no one there to speak in opposition to this proposed expansion of these kennels. So with that, what you have before you today is a recommendation from the [Metropolitan Area] Planning Commission for approval. I will be glad to take any questions."*

Chairman Unruh said, "All right, thank you, John. Commissioners, any questions of the Planning department on this zone change? I don't see anyone wishing to speak. On the zone change, the Commission typically allows for citizens to speak in regard to this. This has come to us, I don't think it is of any controversy, but is there anyone here on this particular zone change who would like to make a comment? I don't see anyone requiring to speak, so Commissioners, what is the will of the Board? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm going to first mention, because this is a zoning case, I have not had any ex parte communications with anybody involved in this case."

MOTION

Commissioner Peterjohn moved to adopt the findings of the Metropolitan Area Planning Commission, approve the zone change and the Conditional Use and authorize the Chairman to sign the Resolution.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Commissioners, before we call the next item, I was going to schedule a short break because the next item will be lengthy, but we have only been going for a short time now, so I think that we will continue, unless there's a request to do otherwise. All right, we will continue. Madam Clerk, call the next item please."

**Adopted**

H [11-0868](#)

ZON2011-14 A ZONE CHANGE FROM SF-20 RURAL RESIDENTIAL (SF-20) TO RR RURAL RESIDENTIAL (RR) AND CON2011-17 A CONDITIONAL USE TO PERMIT A CONSTRUCTION AND DEMOLITION LANDFILL ON PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH RIDGE ROAD AND WEST 55TH STREET SOUTH. DISTRICT 2.

Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Approve the zone change and the conditional use, subject to platting within one year and the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

**Attachments:** [ZON2011-14 and CON2011-17 AERIAL AND DRAINAGE MAPS.pdf](#)  
[ZON2011-14 and CON2011-17 PROTESTMAPS, BACKGROUND INFORM/](#)

VISUAL PRESENTATION

Mr. Schlegel said, "I'm going to give you a brief overview of this indication. I think a lot of the details about this request will come out in testimony that I know you are going to hear from both the applicant and from some of the neighbors. The applicant is Resource Recovery Management, LLC. They are seeking this rezoning and conditional use in order to be able to operate a construction and demolition landfill on this site, which you see outlined on the zoning map before you at the intersection of Ridge Road and 55th Street South.

"It is 160 acres total, full quarter section. What they are proposing to do, you can see on the site plan, the preliminary site plan that they have submitted, what they would do is create the C&D (Construction and Demolition) Landfill on the northernmost approximately 66 acres of the site. And then the remaining portion of the site would be reserved for stormwater detention. They have submitted preliminary drainage plans to the Public Works department which has done a review on this and has indicated that this would probably work in the way that they are indicating they want to design it, although it is subject to further review at the plotting stage, at which time, then, any dedications for stormwater detention purposes would be required.

"Surrounding land uses show up very clearly on this aerial photo. The immediate land uses are all agriculture. Immediately to the West along 55th Street South, you can see several farmsteads. Also further off to the North along Ridge Road, there are some residential, more urban residential developments, and then off to the East, and Southeast, you can see in the aerial photo the electric generating plant, and then just to the Southeast is the Occidental Chemical [Corporation] (OxyChem) complex and the DeBruce grain elevators. Since this proposal lies within the five-mile perimeter of [Wichita] Mid-Continent Airport, we did receive a letter from the airport indicating that they did not foresee any problems with the C&D Landfill going in at this location. Because of the type of materials that go into a C&D Landfill, they don't expect it to be a bird attracter. In your review today is whether or not this proposed use, the C&D Landfill is appropriate at this location.

"It will be one of two reviews that you do as a County Commission. The additional review will be whether or not at some future date, if the land use is approved today, is whether or not the C&D Landfill complies with the county waste regulations. The MAPC held its public hearing on this application on July 7th. There was a great deal of opposition expressed by neighbors, and a lot of that testimony is provided in the minutes from that Planning Commission hearing. I won't go into a lot of detail, just outline some of the issues that I think that other speakers today will probably go into more detail on. Those that testified at the public hearing spoke of their concerns regarding stormwater drainage in the area. There are concerns about potential for increased levels of flooding, increased erosion, also potential for groundwater pollution from the materials that would be deposited in the C&D Landfill.

"Also about the impact that this land use would have on the farming activities within the region and also concerns about increased truck traffic along Ridge Road. We do have 100 percent protest petitions, that's a very unusual result, and this does have an effect on the vote today in order to uphold the recommendation of the Metropolitan Area Planning Commission to approve this application, requires a three quarters super majority vote, or four Commissioners voting in favor of that motion. If you are to, if your choice was to overturn the recommendation of the Planning Commission, that also would require super majority or four votes to take that action as well. And with that, I would be glad to take any questions you might have."

Chairman Unruh said, "All right, thank you, John. Commissioners, do you have any questions directly of staff before we allow citizens to speak? Commissioner Skelton."

Commissioner Skelton said, "I do have questions for staff, and I am going to defer my questions until after I listen to the citizens, but, you know, in accordance with good government, I am going to disclose that I've spoken to both parties on both sides of this issue, so, that's all I have to say, sir."

Chairman Unruh said, "All right, thank you. Commissioner Norton."

Commissioner Norton said, "John, when you talked to the [Wichita] Airport Authority, you talked about the landfill itself. But if there is going to be a huge detention pond there, if it holds water for any particular period of time, will not that become an attractant to waterfowl? Did you talk to them about that specifically? Because a C&D is one thing but..."

Mr. Schlegel said, "I'd have to check the letter that they sent. Yes, I know what you're talking about. My understanding of what is being proposed for stormwater detention is that it would be left in its natural, its current state, and I don't know how fast that water runs off that site currently, but any ponding that occurs now would not be changed by this application."

Commissioner Norton said, "Did you not characterize that as a detention pond, detention area?"

Mr. Schlegel said, "The intention is to use it, let me go back to, oops. Their intention is to use the current contours of that for detention in the way that it functions currently. So they are not adding, they are not adding any depth to the detention, it would continue to be farmed in the future. I guess what I am trying to say, I don't think that's an issue."

Commissioner Norton said, "If they are not changing any of the contours, does that meet requirements to call that a detention area for run-off, that will actually hold it?"

Mr. Schlegel said, "That's a question I think you should address to Jim Weber."

Commissioner Norton said, "Okay. We'll do that at some point. That's all I have right now."

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

Commissioner Ranzau said, "I just want to state that I have had ex parte communications with both sides as well on this issue and I have spoken to my appointee to the MAPC, Mitch Mitchell, on the groundwater issue."

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

Commissioner Peterjohn said, "I have also had ex parte communications with both sides on this issue. [I'm] also interested in hearing about the, at the appropriate time, the questions that Commissioner Norton raised on the engineering and surface water issue. Thank you."

*Chairman Unruh said, "All right. Thank you, Commissioner. Well I also have spoken with proponents and opponents of this issue, and we've gotten lots of written material from both sides, and we've received many e-mails from, specifically from the opponents of this issue. So I want to declare that. Commissioner Norton."*

*Commissioner Norton said, "I was going to do it later but I might as well since everybody else has declared their ex parte communications. I've had communications from both sides. I've had e-mails, I've had phone calls, I've had presentations, so it's been a very rich, robust conversation about this issue."*

*Chairman Unruh said, "All right. Thank you, Commissioner. Commissioner Ranzau."*

*Commissioner Ranzau said, "I want to specifically point out that I have received written information from both sides, both of which I have read and take into account in my decision."*

*Chairman Unruh said, "Thank you, Commissioner. Are there any other questions from staff? For staff, I mean. Okay, before we open the meeting to allow citizens to speak, this is not technically a public hearing, but as I mentioned before when we have zoning cases we allow citizens to speak. We are going to try to follow a format that you are all familiar with. We want speakers generally to have an allowance of three minutes. I know that in contact with some of the folks who want to speak they said they're pretty well-rehearsed and they are going to be pretty close to that three minute mark."*

*"We appreciate that. I think one person speaking in opposition might need four to five minutes, which we will be perfectly agreeable with. However, the applicant, and I believe there is only one person speaking for the applicant, has requested 13 minutes. So since the single person speaking, we want to yield to that request. So after we've had, everyone had an opportunity to speak, we will close that portion of the meeting and restrict the conversation to the bench. However, some of you may be asked to step to the podium and respond to a question. So with that general outline of how we want to handle this, I would ask, the first person to speak, I think, would be Mr. Kaplan for the applicant."*

*Mr. Bob Kaplan, 1600 Epic Center, Wichita, greeted the Commissioners and said, "[I'm here] representing Resource Recovery [Management, LLC]. Gentlemen, the critical issue, the critical issue this morning is determining the issue this morning. Let me explain. I filed on behalf of my client the appropriate applications and notices in compliance with state and local law to enable the client to present a land use change that involved a change from the SF (Single Family)-20 district to the Rural Residential (RR) district, the Rural Residential district accommodating conditional use permits."*

*"Now the rationale behind that action is simply to place the applicant in a position where Resource Recovery can make an application to the Kansas Department of Health and Environment (KDHE) for a permit to operate a Construction and Demolition Landfill in southern Sedgwick County. There is none. As you all know, the Cornejos (& Sons) C&D [Landfill] at K-15 and 31st Street South, which I handled many years ago is now closed. It is at capacity, it is closed, it's been covered, it's been planted, it is a park area."*

*"I want to make it very clear, because I think you are going to be listening to comments seeking to have you substitute yourself for the regulators, rather than dealing with the land use issue, dealing with environmental drainage, water issues. Issues that will come up and must be complied with in order to obtain a permit. Now, we are not here seeking a permit for a C&D. We are not asking you to grant a permit for a C&D. We are asking you to grant consent to Resource Recovery to file an application to seek a permit for a C&D. That's a very important distinction. KDHE will not accept applications prior to zoning approval. They do not do it. And it's been suggested that we ought to have some of the regulatory matters resolved before zoning.*

*"You cannot. We cannot even file an application until KDHE is assured that we have an approved site, and your permission to Resource Recovery to file an application for a permit to operate a Construction and Demolition Landfill, that permission comes in the form of the approval of zoning. And that's the reason that I said earlier that the critical issue is determining the issue, because the public hearing on this matter at the Planning Commission involved itself substantially in environmental matters, drainage matters, other regulatory matters that the Planning Commission is not equipped and the Planning Commission stopped it. A couple of the Commissioners did stop it, because they made it clear that they are not there as experts in environmental. They are not there as experts in anything except the issue of land use. I am going to respectfully suggest to you that, well neither am I, and I am going to respectfully suggest to you Commissioners that none of us are. We're not regulators, and we ought not to act as regulators.*

*"That is the issue legally before the Commission, and I'm sure I will be supported by Mr. Parnacott on this, is the determination of the land use. No one has the research at this time, nor the experience at this time, nor the expertise at this time to deal with what probably will be a number of issues that will come up before the KDHE and the regulatory process, which is extended. It takes a long time, but they have the expertise, they know the regulations, the law, and they will either approve the permit or they will reject a permit. All my client asks this Commission is permission to file that permit, and that permission, as I said, comes only with approval of the land use. Now, with that said, I would like to address land use.*

*"First, to put matters in perspective, Mr. Schlegel referred to 100 percent petition protest. Sounds like a lot. You know what it involves? This area is very, very sparsely populated. It involves eight properties excluding Occidental Chemical, I didn't include Occidental Chemical. It provides eight properties, two of which based on the notice list by the identity and similarity of the names and last names I think belong to the same families. So we have basically eight protest petitions that constitute 100 percent. You've got a long list of names that you've been furnished, several pages. People signed up, they came from Viola, from Goddard, from Haysville, they came from all over.*

*"Those are obviously, those have obviously been solicited. I am not complaining about it, I'm just simply saying that all those names, those are not people within the protest area, they are exactly eight properties in the protest area with the exception of Occidental [Chemical Corporation]. So you want to put that 100 percent protest in perspective. And the reason that this area was chosen, one of the major reasons this area was chosen is because it is so sparsely populated. It isn't going to matter, gentlemen, it isn't going to matter where I want to site a C&D, it isn't going to matter.*

*Mr. Kaplan continued, "it isn't going to matter where I want to site a cellular tower or asphalt plant or concrete plant or scrap recycler. Wherever we site those necessary uses, which they are essential to our economy, you're going to get protests. You are going to have protests regardless of where I put those things. The idea is to find a site which is least onerous to the residents and the neighbors around it. And that's why this site was chosen.*

*"If you agree with me that we need a C&D on the Southwest part of the county, and we do, we've got two, but they are way up north. I don't think Brooks [Landfill] has a lot of capacity left, the Cornejos I think does. But this area will avoid all across town hauling of C&D material. It is kind of a big deal. Trucks running across town, we've got maintenance issues, we've got traffic issues, it is to be avoided if it can, and it can with this site. Ridge Road has abundant capacity. We're not beginning to use the Ridge Road capacity on a 24 hour ADT (Articulated Dump Trucks), the traffic is the equivalent to a one hour's capacity for Ridge Road.*

*"We are in close proximity with transfer station. If you look at the map, and if I have the time, I am going to try to get to it, we have a transfer station virtually next door. That can take materials that we don't take, we take materials they don't take. It is really good to have the transportation and the C&D in neighboring proximity. This area is heavily industrialized area. You've got two chemical plants, you have got a power generating plant, you've got high voltage transmission lines, some of them just recent, you've got DeBruce, the grain elevator that's about a half mile long, you've got the trash receiving station and all the other industrial uses, that I'll show you on the aerial here in a moment if I have the time.*

*"We believe we have met the drainage plan requirements. I'm sure Mr. Weber is here someplace, and he's indicated preliminary approval. I believe that we have sufficient drainage plan approval to go forward to planning at the present time. And we did that. The reason we got into the drainage is because that is the local issue. That is a platting issue, it is not an environmental issue, it is a platting issue. We did do the drainage plan, because we felt it was appropriate to address that, did address it and we believe we have approval to date, obviously it has to go back to the Planning Commission.*

*"We cannot address regulatory requirements until we're permitted to make the application. We have agreed and committed to all the Planning department staff conditions, we have staff approval, we have MAPC approval. This application, this site was the site of a previous application, must larger, 160 acres this one I think is 60.84, as far as the actual cell concerned, although it's 160 on the application, that matter was previously in 2008 before the Solid Waste Management Committee, and they approved it at that time. It will go back on this application if you approve the zoning. I believe many of the folks here want you to replace the KDHE regulators and make environmental decisions and make decisions on drainage and water and matters which I believe you ought not to do. So let me if I've got just a minute, here is the map showing the industrial activity in the area. I don't know if you can see it [inaudible]..."*

*Chairman Unruh said, "Mr. Kaplan? Maybe you can have some assistance so you can stay behind the microphone."*

*Commissioner Skelton said, "There you go."*

*Mr. Kaplan said, "I don't know if you can see this very well."*

Chairman Unruh said, "Bob, we would like for you to be behind the mic so we can hear you."

Mr. Kaplan said, "What Trevor is showing you is the aerial map, it is the map of the area. That's a GIS (Geographic Information System) that shows you the industrial activity in that area, and that's why a C&D is no more onerous than anything else out there. I mean, you've got chemical plants, power generating plants, you've got grain elevators. It is heavily industrialized. That's the appropriate place for a C&D. So we have met all those requirements. That other board, Trevor, if I've got another, would you pick it up for just a moment and open it also?"

"The purpose of these aeriels, these are just photographs that I had taken. And they are photographs taken from the site, and the point is to show that it is very sparsely populated. And I seem to have asked this question so many times in so many cases, if not here, where? If you agree there is a need, there's got to be some place, it's going to create objection no matter where. All these uses create, everybody wants a cell phone, nobody wants a cell phone tower in their vicinity.

"Everybody wants trash picked up, but nobody wants anybody to put it down any place near them. You can't do that. You want potholes fixed, but you don't want asphalt manufactured. We've got to have these services, so where do we put it? We put it where it's least onerous and where it meets the requirements, and that's this site and we respectfully ask you for approval on this it matter so we can file the application. You will see it again after the Solid Waste Management Committee review in the event that we're permitted to send the application forward. That's all we want. Just give us permission to file an application, we'll go from there."

Chairman Unruh said, "Thank you, sir. All right. I believe that we'll continue, then, with citizens who want to speak. We have a list. I'm assuming it is agreeable to go down the list as they signed up. First, Mr. Tim Lauer, is that correct? Second will be Steve Hieger, and then Carol Neugent. So you can be prepared."

Mr. Tim Lauer, 3205 Wild Thicket, Wichita, greeted the Commissioners and said, "I am a geologist by training. My father owns the adjacent land to the north. I did go ahead and make copies so you had the information in front of you. Presented the information at several of the MAPC meetings, I've been following this for a long time. I'm very familiar with the land, obviously, I'm going to likely inherit the land. The land is an area that has always had an issue with drainage, and I would just like to briefly go through this top page so that we can catch the key points. So if you have that information. The known or foreseeable effects of a C&D Landfill. The increased surface area will result due to fill material and this directly increases the flow rate of run-off and will increase the erosion south of the site.

"It will damage downstream properties, including financial loss and potential loss of business operations and income. This is going to be to Occidental, their ground floods, and this will increase flooding at that point. They also have to capture the water. This is going to cause them an additional burden. Water run-off will be contaminated as all materials brought in will be foreign to the area. The increased burden to adjacent land owners to deal with the surface run-off waters contaminated with heavy metals and toxins is something that needs to be aware. New road construction and repair costs will rise. Roads on site will divert water to adjacent landowners rendering harm.

Mr. Lauer continued, "They have on their own plat additional roads that are being built. The elevation of this area varies less than three feet over the entire 160 acres. If you put any type of road on it, you are going to divert water. They are not allowed to do that by KDHE rules and also by the water resources. Roads to support will sustain damage due to the increased traffic loads on the roads, and on their own plat that Mr. Kaplan presented, he talks about the water will flow over 55th Street. 55th Street South will suffer erosion and substantial cost to maintain due to the overflow as indicated in their own documentation.

"I do want to take issue with the standing water. This area has always flooded after heavy rains, and it does not ever drain in 48 hours, and this is part of the problem that comes from the information presented to the Wichita Airport Authority, in the letter that Mr. Kaplan presented to them, he assured the Wichita Airport Authority that water would be drained within 48 hours. This area has never drained within 48 hours after a heavy rain. There are three large culverts that let the water escape, but instead the water flows over 55th, just as the applicant notes. So the water does not drain. This quarter section floods, has always flooded and will continue to flood and standing water has not drained in 48 hours contrary to the applicant's documentation provided to the Wichita Airport Authority. Standing water will attract waterfowl.

"Also contrary to statements provided to the Wichita Airport Authority, incidental trash brought in with the landfill materials will increase a biological trash risk, which will also attract birds, which is also contrary to the statements made to the Wichita Airport Authority. I think if the Wichita Airport Authority had this information correctly presented, they would have had serious risk with this. They are talking about being a landfill that's 80 foot tall. This will be the highest structure in the area. Everybody knows birds fly over structures, they fly over 20 story buildings. One of the things we need to think about, there is on the second page, as you have in front of you, an aerial view from the south.

"And this irrigation area we're talking about this tract of land if you can see it. So you can see the proximity to the [Wichita Mid-Continent] Airport. The next page, if you will look at that, it's sensitive groundwater area. This has the Waco Township circled in red on the right-hand side of the page and the solid red square shows where the tract of land is. Now, of all the places to put a C&D Landfill, it certainly wouldn't be in the yellow area shown on the sensitive groundwater area. There are other areas to put it. And if Mr. Kaplan said this is the best area, obviously he thinks putting it in a sensitive groundwater area is a good idea. I disagree.

"The last page in front of you shows the current drainage, and this shows how the water flows across the land, and this was presented at the MAPC meeting, and what happens when you put any type of barrier around the land, you divert the water away from the land. This will flow to the Dry Creek, risk property damage to the north, it's going to flow over to the Cowskin Creek to the left, this run-off will be a serious issue. The bigger issue is what happens down to the south at the chemical plant. So back to the..."

Chairman Unruh said, "Mr. Lauer, we've had a three minute time limit. You're probably about five [minutes] now. Can you wrap it up?"

Mr. Lauer said, "I can wrap it up, yes, thank you. The possible effects of economic risk to the landfill is mishaps due to birds.

*"The burden to the City of Wichita and surrounding Townships if contamination occurs on the adjacent landowners, the potential for lawsuits will be high. The applicant will not be able to bear the cost of the cleanup and he will default his responsibility to the city. The landfill will operate for 35 years, but remain a potential economic risk to the city long after the applicant and fill clients have left. And I thank you for your time. I will take any questions."*

*Chairman Unruh said, "Thank you, sir. Next speaker is Steve Hieger."*

*Mr. Steve Hieger, Plant Manager, Occidental Chemical Corporation, greeted the Commissioners and said, "Our plant is approximately three quarters of a mile south of the proposed site, and we have contiguous land ownership up to and adjoining the proposed landfill. We operate a KDHE permitted public drinking water supply water purification system for our employees at the Wichita plant. This public drinking water supply system is fed by three fresh water wells permitted by the State of Kansas Division of Water Resources. The wells are located north and west of the plant near the proposed landfill site.*

*"These wells are all classified, and inspected by KDHE as public water drinking supply wells. Our concern centers on the Code of Ordinance under Article 10 which addresses Construction and Demolition Landfills and processing facilities. In that ordinance under Chapter 24, the ordinance declares that 'No permit to construct or operate a newly permitted construction and demolition facility shall be issued on or after the effective date of this act if such area is located within one mile of an intake point for any public water supply system'.*

*"One of our three fresh water wells is within a half a mile to the north of the proposed landfill location. The other two fresh water supply wells are close to the one-mile limit at 1 mile and 1.25 miles respectively. We believe this issue should be addressed to ensure it doesn't adversely impact our drinking water supply system and our employees. Thank you."*

*Chairman Unruh said, "Thank you, sir. I think we have a question from Commissioner Skelton."*

*Commissioner Skelton said, "So this is a source of drinking water for your plant, you have three wells."*

*Mr. Hieger said, "Yes, it is."*

*Commissioner Skelton said, "Is there any other, do you run it through a process for refinement or cleaning up water?"*

*Mr. Hieger said, "We have to treat the water to public drinking water standards."*

*Commissioner Skelton said, "Okay, and when you treat the water, would that remove any possible contaminants to that part of the system?"*

*Mr. Hieger said, "Our treatment system is really tailored for the current profile of the water analysis. So until I would anticipate what type of contaminations, it would be difficult to propose a water treatment system. But it would be more complex than what we have now."*

Commissioner Skelton said, "It would cost money, sure. Richard, what is going on with that code that was just mentioned here? Do we have a regulation that prohibits this kind of activity within a mile of a drinking well?"

Mr. Euson said, "We have a regulation that states exactly what Mr. Hieger stated. However, he didn't state all the regulation. The regulation goes on saying that 'The owner or operator [may] petition the Board of County Commissioners for an exception based upon proof of protection of the public water supply system'. And that comes later. That comes when the issue goes to the Solid Waste Committee and comes back to the Board of County Commissioners."

Commissioner Skelton said, "So this is something that would be subject to further review before anything is approved."

Mr. Euson said, "Yes."

Commissioner Skelton said, "Okay. Thank you, sir. Thank you."

Mr. Hieger said, "Thank you."

Chairman Unruh said, "Mr. Hieger, we may have another question, just a moment. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, question for Mr. Euson initially. Can you run through the process, would that come back to the County Commission after KDHE would have addressed the application or before?"

Mr. Euson said, "I am not sure whether it comes back before or after. If you approve the land use, I am not sure. Perhaps Ms. Erlenwein might know that answer, but I do not."

Chairman Unruh said, "I think Susan Erlenwein is here and can answer that for us."

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "It will come back to you before it goes to the Kansas Department of Health and Environment. Kansas Department of Health and Environment, besides zoning being approved, also needs to know that the County Commission has approved this as being compliant with the Solid Waste Management Plan for the county. So you will see it before it goes back to the state."

Chairman Unruh said, "Okay, Thank you."

Commissioner Peterjohn said, "I think it is important for the process, Mr. Chairman, everyone that is involved and concerned about this issue kind of understands the process that we're going to. Not only today, but if this process goes forward, what happens next. Mr. Hieger, if I could pose a question for you. Are these wells all tied together, or do you operate them, do they have separate lines coming into your plant?"

Mr. Hieger said, "The wells have separate lines that tie in to a main header then that runs south and comes into our plant."

Commissioner Peterjohn said, "Okay. The issue in terms of the zoning change per se that we're focused on here today is not part of the, we're not getting directly into the regulatory side, although I obviously think we'll have quite a bit of testimony on it. I wanted to understand, would you be, I have a copy of a letter on this from you, and would you be sending this to, if this process goes along, would you send a similar letter to the Kansas Department of Health and Environment?"

Mr. Hieger said, "I would expect we would."

Commissioner Peterjohn said, "Thank you."

Chairman Unruh said, "Thank you, Commissioner. Next speaker is Carol Neugent."

Ms. Carol Neugent, Director of Government Services, Haysville, greeted the Commissioners and said, "Haysville recognizes this is a land use issue, but we also recognize depending on how that issue is resolved there could be a C&D Landfill site set on this location. I am here today just to express continued concern about groundwater contamination, and how it could affect water wells. We do have, five of our water wells are located approximately five miles south of this site, and we would just be concerned, and would want to make sure that everyone really looked into the matter of the groundwater, several years ago, the city did have an east well site we did lose to a groundwater contamination, because of saltwater. It did take several years for it to get to us, but it did eventually and we ended up losing our wells. So we are sensitive to this issue. Thank you."

Chairman Unruh said, "Thank you. Next, is it George Kite?"

Mr. Grege Kite, 230 N. Market, Wichita, greeted the Commissioners and said, "I'm a local attorney and President of the Historic Preservation Alliance of Wichita and Sedgwick County. My office, 230 North Market in Wichita. I am here to speak in opposition to the proposed C&D Landfill. I'm speaking in opposition to the proposed C&D Landfill because of potential detrimental effect on the Chisholm Trail. As proposed the C&D Landfill would sit squarely over and would be a total and complete obstruction to the line of sight of the Chisholm Trail. From the historic marker on west 55th Street South to the historic marker on south Ridge Road, the Chisholm Trail passes diagonally from southwest to northeast across the property proposed for the C&D Landfill.

"What is so important about the Chisholm trail? While there are many trails in Texas, Indian Territory and Kansas in the days preceding and following the Civil War, the most direct route from south Texas to Abilene, Kansas became known as the Chisholm Trail. It gained its name from an illiterate, half-blood Indian trader, Jesse Chisholm, who spoke numerous Indian languages and who served as a guide to exploration parties, the army and the Wichita Indians. Born in 1805 in eastern Tennessee, Chisholm was the son of a Scottish father, and a Cherokee mother, in-law to Sam Houston and ancestor to Will Rogers.

"Old newspaper clippings indicate that Chisholm came to the confluence of the Arkansas and Little Arkansas Rivers in 1836. He was leading a group from St. Louis who were searching for a gold mine based on a map that had been published in New Orleans in 1757. They did not find the mine, but later when the Wichita Indians asked Chisholm to find them a place to settle, he came back to the area and started trading cloth, buttons, sugar, flour and other staples, with the Indians in exchange for furs.

*Mr. Kite continued, "Jesse Chisholm opened Wichita's first business two years after Kansas became a state in 1861. That trading post started in 1863, was west of where I-135 now crosses 18th Street North. In the spring of 1868, Chisholm died in Oklahoma from food poisoning caused by eating none other than rancid bear grease that had been cooked in a brass kettle. The Chisholm Trail though is not only a national treasure, but also is an important part of our city and county heritage. The proposed C&D Landfill would be an unsightly nuisance to, and a blight on the Chisholm Trail. Therefore on behalf of the board of directors and the general membership of the Historic Preservation Alliance of Wichita and Sedgwick County, Inc., I would respectfully request that the recommendation to the Metropolitan Area Planning Commission be rejected and that the conditional use for proposed C&D Landfill be denied. Thank you very much."*

*Chairman Unruh said, "Thank you, sir."*

*Mr. Kite said, "Any questions?"*

*Chairman Unruh said, "Thank you. I think we have Gary Thome, is that the next speaker?"*

*Mr. Gary Thome, 14001 West 55th Street South, Clearwater, greeted the Commissioners and said, "The land adjacent to the west side of the proposed landfill has been owned and farmed by our family for almost 70 years. While all land has history, the history of this general area deals with far more than family attachments. This area already has an extensive history of dealing with environmental abuse from past mistakes and misjudgments. These problems combine to make proposed site a very poor candidate for the additional risk and uncertainties connected to a landfill. At this point I would take umbrage with Mr. Kaplan. I believe he is referring to my family. There are seven of us. We don't all live in the same house. Our names were not solicited. We were required to sign because we are all part owners of that farm. We're not related to any of the other different landowners that I know of. Not yet, anyway.*

*"Of the 100 percent protestor signees, the majority are long-time property owners and have farmed the surrounding areas spanning many decades and several generations. Our roots run deep. We have a genuine concern for the clean air, water and soil of this area. We are required, we were called upon to be good stewards of our natural resources. Our God-given natural resources. Please don't think of us as environmental nut jobs. The combination of an already polluted groundwater system, a proposed site historically subject to uncontrollable surface flooding and a landfill certain to contain numerous toxic materials makes the proposal wishful thinking at best. Consider that with the proposal submitted to approval never admit to unsolvable problem and never highlight issues that are too expensive to address when plans fail.*

*"In this case we have an area that is subject to a complicated and delicate balancing act maintained only through major efforts to keep existing pollution from becoming even worse. And having grown up next to that site I've seen what happens after two or three days of moderate to heavy rain. That place turns into a lake. My family and local residents here today are firmly opposed to this proposal because it will be another threat to an area already dealing with the mistakes of the past. These problems will never be cleaned up, only controlled. No additional risk should be placed here.*

*"While there is no best place to put a landfill, we are sure that for many reasons this is one of the worst. In closing, please don't let the convenience of this location to Wichita or the future demolition of the airport overrule good common sense. Thank you. And I don't own a cell phone."*

*Chairman Unruh said, "Thank you, sir. Next is Shane Dent. Here he comes."*

*Mr. Shane Dent, Principal, Oakville Elementary, greeted the Commissioners and said, "With any debate you can probably find a hundred people for something and a hundred people against something. However, this morning I stand before all of you as an individual representing 400 students, 70 staff, and a community of parents that ask the question, why there? I think I know the answer. Economics. However, any student in an economics class in college can tell you that any investment, there is a loss or gain. Each year we ask our students and our teachers to talk about community pride. Our teachers work hard to build relationships with our families in the area, as well as instill in our young kids the importance of neighborhood pride, as well as community pride.*

*"We talk about things like if you are walking through the neighborhood with your friends drinking a can of Coke, when you are done you don't pitch it in the street or your neighbor's yard. If a decision is made to build this dump it will impact some of our families, some of the newest homes being built in the area will actually be able to look out their own windows at a dump. So how do we instill in our kids community pride when they can look out their own windows at a dump? Earlier I mentioned to you with any investment, there is a loss or gain. However, most of us cannot see losses until it's too late. If we could, we would all be billionaires. But in this case, I can see the loss. Bankruptcy. Bankruptcy of a community's pride. I thank you for your time this morning, allowing me to speak."*

*Chairman Unruh said, "Thank you, Mr. Dent. We have a question from Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Mr. Dent, appreciate you coming in, a question for you. You said, are you here as an individual or are you here as speaking for Haysville School District or the PTA (Parent-Teacher Association), PTO (Parent Teacher Organization) cast a vote on this? Could you clarify that please?"*

*Mr. Dent said, "No. At our open house, which we had a few weeks ago, as we started the new school year, a lot of talk in the hallways was about this issue, and a lot of parents approached me asking if I would be willing to come here today and speak on their behalf. A lot of our faculty ultimately also asked me the same thing, if I would come here and speak on their behalf. Our PTA is also a part of this. They want me to represent our school and the best interests of our school. So I am here for that reason."*

*Commissioner Peterjohn said, "So the PTA voted not the school board?"*

*Mr. Dent said, "No, not the school board. I don't represent the USD 261 School Board. I represent our school."*

*Commissioner Peterjohn said, "What was the vote on the PTA, PTO?"*

*Mr. Dent said, "Our vote was five in favor and one against. And the one against, for whatever reason just, I don't know why she voted against it."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Unruh said, "Thank you, Commissioner. Thank you, sir. Appreciate your comments. Cristia Strong."*

*Ms. Cristia Strong, 6911 103rd Street West, Clearwater, greeted the Commissioners and said, "I apologize, my husband is actually on the East Coast for work, so we are in tow. This is not only a groundwater issue for us, it is a safety issue. You're talking about our property value, you're talking about the water that my children play in, that they drink. We already have a water softener. We already have reverse osmosis filtration to drink the water out there. These are very real issues, you know. The KAKE news, I don't know, online the news web line they mentioned how can we contaminate that area any more than it is. That's a very cavalier attitude when you're talking about the safety of my children. You have children, you have grandchildren.*

*"We bought out there to get our daughter a pony. We bought out there to raise our own chickens if we wanted. We didn't want to live in the city. But to place a dump where my children play, to place a dump with known dangerous chemicals where we call home, is I think disregarding just a lot more than our finances as future property value resale. It's disregarding our rights as just American families that just choose to try to choose the best for their kids and their livelihoods. There are a lot of places that this dump could go that are not around homes and children. There's a lot of land in Sedgwick County, there's farmland all around this.*

*"This potentially impacts anybody that eats any of the crops that come off this land. This is food that will grow with contaminated water flowing beneath it possibly. You know, I didn't prepare a real gorgeous, lengthy speech like a lot of people had a couple day's notice on this and I have two kids, and we home school, so I've been real busy. But you know, I would just appreciate as a Commission that we vote in, that we trust to do things in our best interest, if you would take these things in mind when you make this decision when you cast this vote. I would like you to look and see what this impacts, beyond just us adults, it that impacts [children]. That's all I came to say today."*

*Chairman Unruh said, "Thank you very much. Our next speaker is Donna Tibbits."*

*Ms. Donna Tibbits, 7620 South Ridge Road, Haysville, greeted the Commissioners and said, "We have a waterway that was put in years ago to help with the drainage off the fields nearby. It goes right directly behind our house, we could not build a house on the other side of it because we would have had a fire approved driveway going across with a bridge, which that construction would have been cost prohibitive. So we built in front of it. So basically it's in my backyard, this drainage ditch is draining all of the farm fields north of us, which would include any drainage coming from that, because it comes directly across 55th Street into the surrounding farm fields and south. And south of there, on 71st, the county just got through putting through two good concrete culverts to help with the drainage that comes down the greater ditch and through our canal, if you want to call it that, and straight to Dry Creek. There's several houses along Dry Creek, and I think this drainage could be a very big issue for those people, and I am asking you just don't approve of the rezoning, and that will take care of all of this. Thank you."*

*Chairman Unruh said, "Thank you. I think our next speaker is John Thome."*

*Mr. John Thome, 658 Wetmore, Wichita, greeted the Commissioners and said, "I am one of the member of citizens group that is opposing this site of the landfill. A few more will be speaking following me, but just to help level set the audience, if I can get the...there we go. This is Ridge Road, you're looking eastward across the landfill site and there will be more slides following. First, we don't want to prevent any landowner from improving the value of their property, as long as it is done responsibly with due diligence. Secondly, we're not opposed to landfills. We understand the need does exist our concerns pertaining to this specific site include five significant issues. Number one is the visibility of this landfill to air passengers to and from our city. Number two, surface water retention and run-off. These are problems already inherit in this area. You've heard some of this, you'll hear more about this.*

*"Numerous public and private water sources within one mile of the proposed site. The heavy melt alleges in CCA (Chromated Copper Arsenate) pressure treated lumber disposed of in landfills including chromium and arsenic, which are known carcinogens. "And the EPA (Environmental Protection Agency) Environmental Justice Policy. This policy was created by executive order 12898. While I'm here, I'll cover what we feel to be the main issue of the EPA Environmental Justice Policy, our issue number five. Because of previous groundwater contamination on the adjoining property by previous companies, Oxy (Occidental) Chemical is certainly and has been in the process of remediation and cleanup. Oxy Chemical has been a good corporate neighbor and corporate citizen to all the surrounding landowners. In the event the C&D Landfill is approved and with groundwater contamination, it would serve an additive effect to the existing contamination on the adjoining parcels of land. Which we feel would fall within the parameters of the EPA Environmental Justice Policy. The Environmental Justice Policy is designed to ensure all people are protected from disproportion at environmental and health hazards. And benefit from clean, healthy surroundings and sustainable, excuse me, sustainable economic development. Thank you for your time. I will hear any questions."*

*Chairman Unruh said, "I don't see any, sir. Thank you for your time. Ron Ketzner."*

*Mr. Ron Ketzner, 10110 West 63rd Street South, Clearwater, greeted the Commissioners and said, "I would like to address the issue of the visibility. For all Kansans this is a proud state, we're an agricultural state, the City of Wichita is the Air Capital of the World. These are images we're proud of. We're friendly people and with that in mind, our concern is the location of this proposed landfill on one of the busiest highways in from our city, that highway being air traffic. To give you an idea of the volume of that traffic on this slide you can see we've got some information from the website at Mid-Continent Airport that says they average a month in August, they are going to average about 67 flights a day. If I remember right, 39 of those are what we call departures and 28 of those are connecting flights. These are commercial flights I'm talking about only. I am not talking about corporate or private flights.*

*"Those flights, if you took just a very conservative approach of 100 people per flight, you are looking at 6,700 people coming in this airport every day, you're looking at over 45,000 people every week, you're looking at over 200,000 people coming into this airport every month. Now, I realize they come from the south, they come from the north. Having said that, the type of people on these flights are of course friends and family, you've got business people, you've got dignitaries, people that the we confide in, the city invites in for the hope to secure some conventions, whatever it may be, or special events, like the Junior Olympics we just had this past month.*

Mr. Ketzner continued, "So we've got a lot of people coming in, very important we think on these flights. And the next slide, you see the runway there, this is a picture taken from the airplane, you can see the approach pattern of these flights. Right off the wing to the right as they come in from the south, they can look right down and have a bird's eye view of this landfill. So when that attendant, flight attendant on an airplane, on a flight says welcome to Wichita, Kansas, as they approach, the first thing people do is look out the window.

"Hey I'm coming into this new city, I want to see what's out there. And guess what is the first thing they see? They've got a bird's eye view on the right side of a landfill. And all that activity you got going on down there. You've got trucks, you've got dust, as they see debris being dumped a pile jumping up there. And this is a first impression of a City of Wichita. And as you all know, some wise guy said once a first impression would be a very lasting impression. Likewise on departure flights, people leave the airport, first few seconds in the air, you look out the window, also because that's the only chance you've got to see what's around you. People leaving this airport, or leaving this fine city, look out, this time on the left side. They look down, there's the landfill with all the activity going on.

"I guess if I was sitting there, being a stranger to the city and I leave, I'm leaving, I had, you know, saw a lot of nice things in the city, and the last impression I get, the final impression, or image I get is a landfill. And I think do they really care? Why would they put a landfill in this flight pattern for all of us to observe. Well, I know everybody in this room cares. I know the business community cares. I know you Commissioners care. So we think this is very important. I know you have a tough decision to make whether you approve or disapprove this proposal for this applicant of the landfill. I just think this is a tough place to put it. I'll leave you one last thought. I grew up on a small farm in western Sedgwick County. My mother back in the day did the laundry. We didn't have dryers. She hung it out on the wash line. Guess where it was? In the backyard. It was not in the front yard. Because we care. People in this state care about images of this city. I thank you for your time. If you have any questions."

Chairman Unruh said, "Thank you, sir. We do have a comment from Commissioner Peterjohn."

Mr. Ketzner said, "Yes, sir."

Commissioner Peterjohn said, "Have you ever flown from Wichita to Denver?"

Mr. Ketzner said, "Yes, I have."

Commissioner Peterjohn said, "Have you ever flown from Denver to Wichita, had a north approach into the Wichita Airport?"

Mr. Ketzner said, "Yes, I have. I agree, this is the approach leaving and coming from the south, not the north."

Commissioner Peterjohn said, "Well, that's not my point."

Mr. Ketzner said, "Yes, sir."

Commissioner Peterjohn said, "You knew what you flew over when you did that."

*Mr. Ketzner said, "Yes."*

*Commissioner Peterjohn said, "In many cases. Brooks."*

*Mr. Ketzner said, "Yes. That's true."*

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

*Mr. Ketzner said, "Yes."*

*Chairman Unruh said, "Thank you, sir. And this is Tom Bergkamp."*

*Mr. Tom Bergkamp, 8231 West 55th Street South, Clearwater, greeted the Commissioners and said, "We've farmed here and lived here for over 36 years. We know this is a low lying, slow draining piece of property and area. And it's evident by the, on the landfill site, the darkened areas where I'm also laying out, where the vegetation is dead. This is another aerial shot, looking to the south. And right below us is the detention, the proposed sight. And once again I'd like to draw your attention to this huge dark area. Like I said the water comes from the north, comes from the west, pools here and is required to go south through this small ditch where my arrow indicated. This of course is 55th Street. This ditch is a mile long. We farm these two pieces of ground. It has a tenth of an inch of grade per foot. That is one tenth of an inch of drop per 100 feet. It's pretty flat. I can't get anymore slope, I can't, it's just the way it is that's the way mother nature laid it out.*

*"After big events at any time 55th [Street] on either side of that drainage ditch can be, have water running across it to the east or to the west. I've seen about, I'd say, an eighth of a mile east and an eighth of a mile west with big rain events going across 55th, waiting and wanting to get south. I just can't buy into the fact that the rate of flow across that road into our property is going to be changed. I just can't believe that. I have a hard time believing that. And on the south side here where this cursor is, we flood irrigate this piece of ground right here, and it also has a tenth grade, it drains to the center, goes south to a half a mile line, and it's a recovery pit there. We recover all of our irrigation water and we reuse it. Now if any of this water becomes contaminated as a result of this landfill, why, it can be put on our crops, put on our soil. Who knows? I don't know what that would do. It surely wouldn't be good.*

*"Okay, now remember this ditch, please, if you would there, that I'm showing you, because I reference it in the next slide. We're at a mile south of the landfill site standing at the south of that ditch on top of the culvert, concrete culvert looking north. And it's evident to see, look at the water to the left and to the right and the direction of the OxyChem [Occidental Chemical] plant. It's evident to see what happens when the inflow exceeds the outflow. It pools, it ponds, it backs up, simple as that. [It's] real straight forward. The floor of this bridge that we're standing on, which is the way this water exits, is four to five inches below the ditch level at OxyChem to the east. That's a quarter of a mile east. So if it's only four or five inches below that, there's no place, it can't run off very fast, and if it backs up like it shows right here to the east, there have been times when it's went into the chemical plant, their front gate, and once it goes in there, they've got to retain it. They've got to hold it.*

*"They've got to dispose of it with deep injection wells, and with whatever means they've got, but it can't leave that premises. And so it's just a flat holding pond, low area is what it is.*

*Mr. Bergkamp continued, "I've seen where it could take several days, and if you get some smaller rains immediately after that, it could take up to a week for all of this water to drain off, and we farm this ground. We plant crops on this piece of ground. We don't plant wheat, that Oxy(Chem) owns, because it's an eight to nine month crop. You plant in October you cut it in June. In that time frame, you could get a big rain and flood out where this water is at. So we try to plant corn or beans, dry land, that's a much shorter crop time frame. You plant it in April and May and you harvest it later in the late summer.*

*"Trying to minimize the amount of time we have a crop out there you're subject to flooding, and I would say 7 years out of 10, we deal with some sort of flooding, backing up, ponding as a result of this low-lying area. This last slide that I've got for you, this is OxyChem's employee parking lot. It's on the west side of the plant. Before they constructed this plant, I mean, this parking lot, they had to build that up about three feet. Why? Because if you'll look real close, all of this back in here is water that is ponding right over here. That's how low it is, and Mother Nature made this a low piece of ground. We can't change it. We have to live with it, so let's not impair it more than what it is. Thank you."*

*Chairman Unruh said, "Thank you, sir. We have a comment from Commissioner Peterjohn."*

*Mr. Bergkamp said, "Okay."*

*Commissioner Peterjohn said, "Mr. Bergkamp, I appreciate you coming in with these slides. If you can kind of go back to the first one that shows your property adjacent. Can you kind of help me out, I want to understand where your property lands are. You said you're farming some land where it's actually OxyChem land. And in my experience looking out there, your irrigated corn crop was the only thing that looked halfway decent when I was out driving around by that area. I'm afraid the dry land looked really really pitiful. But if you could help me understand where your, the property limits for your property seems to be. I see on the south side of 55th Street. That would be helpful."*

*Mr. Bergkamp said, "We at one time a few years ago owned this all across here. Part of this we sold to OxyChem for buffer purposes. Our property starts right here, and it's this quarter right here. And then we have the 40 [acres], on this east most quarter we have the southwest 40 of that property. And of course our house is right here. And we flood irrigate both of those quarters today, flood irrigate both of them, have since 1980, started in [19]81 and finished the works in [19]86."*

*Commissioner Peterjohn said, "How big is that lot adjacent to 55th Street?"*

*Mr. Bergkamp said, "Pardon me, sir?"*

*Commissioner Peterjohn said, "The lot that's next to 55th Street South, how big is that parcel?"*

*Mr. Bergkamp said, "Are you talking about where we live, sir? That's 160 acres."*

*Commissioner Peterjohn said, "So you've got that quarter section to the southwest."*

*Mr. Bergkamp said, "That's correct. And then this 40 here, this is a half mile line going south. And we have this southwest quadrant or southwest 40 of that east quarter."*

*"Which it backs up to that drainage ditch I showed you."*

*Commissioner Peterjohn said, "Okay. You mentioned, you said roughly 7 out of the last 10 years you've had water draining under your property from the north. Has it ever gone over 55th Street?"*

*Mr. Bergkamp said, "Absolutely, unequivocally, sir. I mentioned earlier that there have been several times when water, trying to get off this detention, this low lying farm, this ditch ain't big enough. Look how little that ditch is. It cannot handle all of the water coming from the north and from the west. And so what other choice does it have? Just like a river. It backs up on things. That's what it does here, backs up, goes over the top of 55th. I've seen it a quarter of a mile east, excuse me, an eighth of a mile east and eighth of a mile west of that ditch, try across 55th.*

*"And of course all of our acreage is laser level to where when the water finally does get off, it drains, but it backs up on our crop. There was a time that I counted the days we had back to back rains, I don't remember which year it was. But on the south end of this farm, we had soybeans planted, and they were partially, part of the plant was under water for five or six days, and that part of the crop was virtually wasn't, it was shot. My point is it takes forever for this to drain. It's an impaired piece of ground. Mother Nature made it too low for us. That's the way life is."*

*Chairman Unruh said, "Thank you, Commissioner. Thank you Mr. Bergkamp. Next is Arlene Bergkamp."*

*Ms. Arlene Bergkamp, 8231 West 55 Street South, Clearwater, greeted the Commissioners and said, "I'm going to decline. You gave Tom enough time to finish his."*

*Chairman Unruh said, "All right, thank you. Thank you. Mark Bergkamp."*

*Mr. Mark Bergkamp, 6603 South Meridian, Haysville, greeted the Commissioners and said, "I farm with my parents on the adjacent property to the south. I would just like to make three points. Some of which have already been touched on so I will just glance over. The proposed site is not contaminated. Groundwater is 35 feet below the surface. And there is a public water source within a half mile from the proposed landfill site. The proposed site is not contaminated. This can be confirmed by OxyChem's 208 monitoring wells that are sampled routinely, and results sent to KDHE and EPA. Oxy is doing an excellent job of remediation for the problems their predecessors created.*

*"On this slide, the circle depicts an approximate one mile boundary around the proposed landfill site. X would indicate the private wells, O [indicates] Oxy Chemicals wells, A [indicates] Air Product [& Chemicals Inc.] well which is to the south, and IR [indicates] irrigation wells. Notice the five irrigation wells all located within one mile of the landfill site. There are also approximately 18 private wells within one mile. These citizens have no access to rural water. As Steve Hieger indicated earlier, their four wells, their closest is within a half mile, and he also cited the County Commission policy of not locating, or a guideline that one cannot locate a landfill within one mile of a public water source without an exception.*

*"Our Commissioners created these guidelines to protect drinking water supply. Please refuse this exception.*

*Mr. Bergkamp continued, "I understand it will be coming back later if you approve this, and at that time, it can be addressed, but there is no point in creating undo work that's not necessary. Water is the most valuable resource, and it must be protected for future generations. We have to look no farther than the [Wichita] City Council, their Aquifer Storage and Recovery (ASR) Project for the City of Wichita and the Equus Beds. They're holding back, not only are they creating another supply of water for future, more quantity, but they're holding back a salt plume from the Burton area. Let's not create another issue here. And with Brook's landfill remediation, I don't know how, what the water table is there, maybe a little shallower than this, but albeit the same. There are places in this county where water is much deeper, possibly even better places for it. I'll close with two questions. Has a hydrogeologic study be completed? And would there be a bond in perpetuity to insure taxpayers they will not be burdened with the expense of remediation in future years? Thank you for your time."*

*Chairman Unruh said, "Thank you, sir. Next, Dr. Greg Seiler."*

*Dr. Greg Seiler, 3920 South 215 Street West, Goddard, greeted the Commissioners and said, "The building materials going in to C&D Landfills have changed enough in the last 10-15 years that many states are addressing a growing problem. At this time, KDHE has not addressed this problem to the State of Kansas to our understanding. There are other states that have not either. We ask this Commission, before you vote on this zoning and conditional use change to allow a C&D Landfill if this special location to bear with us as we explain our concerns about the potential future unintended consequences that we believe will occur."*

*"While governing zoning changes, we ask this Commission to consider the protection of the public health, safety and welfare now and in the future. The problem is the disposal of CCA pressure treated lumber. It contains the toxic heavy metals chromium, copper and arsenic. These metals are pressed into CCA lumber deep enough and at high enough concentrations that the wood has a 30 to 50 year lifespan. After years of service, it can still leach chromium arsenic at the same rate it was when it was new. That's from a university of, the Engineering Department of the University of Florida in landfill research. In the literature that we researched, we found various examples of the amount of arsenic in CCA lumber, and there are a lot out there. But just one example would be a 10-foot 2x4 can contain enough arsenic to kill about 270 people. The lumber is being concentrated in C&D Landfills. Heavy metals in CCA lumber are basic elements that never deteriorate, so they will be concentrated in this landfill essentially forever. Our understanding is that current KDHE design requirements for C&D Landfills are that they be: one, lined; or two, unlined with monitoring wells; and three, they can be within five feet of groundwater."*

*"United States Environmental Protection Agency July 1988b, the Criteria for Municipal Solid Waste Landfills states, and I quote, 'Once the unit is closed, the bottom layer of the landfill will deteriorate over time and consequently will not prevent leachate out of the unit'. So even if this landfill is lined, the EPA says liners in landfills will eventually fail. If you believe the EPA statement, eventually the heavy metals concentrated in the landfill will leach into groundwater, and the groundwater, of course, is only 35 feet here. If this occurs, the result is cleanup and remediation costing millions of dollars. I thank you for listening to this concern. Are there any questions?"*

*Chairman Unruh said, "I don't see any, doctor. So thank you very much. Dennis Woods."*

*Mr. Dennis Woods, 5201 South 119th Street West, Clearwater, greeted the Commissioners and said, "Just a few summary comments. A person's first impression of the proposed area is it could be a good location for a C&D Landfill for the following reasons, as mentioned by Mr. Kaplan, in and around the area, there's industry, and those were noted. It's a convenient location, particularly to the south side of Wichita. And I understand with the redoing of the airport that that could be a convenient location. Some people believe this area is already contaminated, but as indicated this site is not currently. Knowing what currently landfill research tells us about CCA pressure treated lumber and that it contains heavy metals which are going freely into these C&D Landfill in concentrated form, who will be accountable when the shallow groundwater is contaminated in excess of 30 years from closure? We're talking about a full working lifetime. Who will be responsible? We believe we have shown important reasons why this is not a desirable location for people of Sedgwick County, neighboring businesses and future generations of Sedgwick County taxpayers. We should be looking for areas with naturally occurring geologic formation that provide distance with relative and permeable layers between the bottom of the landfill and our groundwater resources. And as an example, the Hamm (Sanitary) Landfill adjacent to Lawrence is at 140 feet to groundwater. This is 35. And I know I'm being redundant, but with need.*

*"We are concerned that if our County Commissioners approve this zoning change for a C&D Landfill and let it go to KDHE for further review and scrutiny, it will likely meet those current requirements established for C&D Landfill in the State of Kansas. And as a result be permitted, and it will then be too late to protect the health, safety and welfare of our citizens from unintended consequences. I'm not saying anybody is out there wanting to pollute or contaminate, but that could be an unintended consequence. It is time to do the right thing in order to protect present and future generations as well as mitigate the high costs of contamination. We're talking millions and millions. And again, in 61 years, who is going to bear that responsibility? There is a great deal at stake. Thank you for your time, energy and effort. I'll entertain any questions you may have at this point."*

*Chairman Unruh said, "We do have a question. Commissioner Peterjohn."*

*Mr. Woods said, "Yes, sir."*

*Commissioner Peterjohn said, "Yes. I want to make sure I heard you correctly. You mentioned a Hamm Landfill."*

*Mr. Woods said, "Yes."*

*Commissioner Peterjohn said, "Where is it located?"*

*Mr. Woods said, "Near Lawrence."*

*Commissioner Peterjohn said, "Lawrence, Kansas?"*

*Mr. Woods said, "Yes."*

*Commissioner Peterjohn said, "Oh, okay."*

Mr. Woods said, "But the point being that if you look in and around the Wichita area or Sedgwick County, there are areas where groundwater is at or above 140 feet."

Commissioner Peterjohn said, "Let me ask you, Mr. Woods, have you looked at the other landfills in Sedgwick County in terms of what level the groundwater is at those sites?"

Mr. Woods said, "No, I have not."

Commissioner Peterjohn said, "Okay, thank you."

Chairman Unruh said, "Thank you, sir. Is there anyone else wishing to speak who did not sign up? I don't see anyone indicating so. As we established a procedure for this, we said the applicant would have three minutes to respond. Do you want to take that time now, Mr. Kaplan?"

Mr. Kaplan said, "Thank you, Mr. Chairman. I would. What I'd like to do, Mr. Chairman and Commissioners, at least for the record, is correct some misinformation, misunderstandings, and misstatements. Regarding the water issue, let me be very, very, very clear, we are not increasing the runoff. I've met with Tom Bergkamp and his lovely wife on at least two occasions in their home. They're very gracious hosts. Mr. And Mrs. Bergkamp weren't friends of mine. I just work for them. Here is the drainage plan. The engineer is here. If you have questions regarding it, you can ask him, but this matter is going to come up at platting. And we're going to be dealing again with it at platting, and this is going to have to be approved. And you gentlemen are going to see the plat, and you're going to have to accept it or there is not going to be a plat. So this issue is yet to come. All I want to do here is take the first step and tell my client he's got the right to request permission to develop his ground. Whether he'll get it or not, none of us know. But we're all setting ourselves up, these folks, as experts in all these areas, and the expertise is with the Kansas Department of Health and Environment.

"The last speakers says, well he doesn't like the requirements. Well, that's a legislative requirement or regulatory matter. As to the requirement on the water well and the one-mile distance, the migration of the subsurface water is to the south and to the east. This well is to the north. That's an issue that will be dealt with. That's a legal issue that we will deal with. If waivers are required, then waivers will be requested. But the migration is not to the north. That well is absolutely protected. Plus my engineer tells me that heavy metals don't migrate anyway. Now that's an environmental matter we're going to get into. I don't know anything about it except the information I'm given. Mr. Kite and his Chisholm Trail concerns, I wish Mr. Kite had called me. I'd have been happy to work with him. I will work with him at platting. I'm not sure what his concerns are about how we're going to impair the history or the integrity of the Chisholm Trail, but we'll talk about it. I'm sure we'll have an extended platting. There may be markers out there. If there are, they're pretty small.

"But I'll be glad to work with Mr. Kite, and we'll get into that. That's part of the platting process, and he can advise the Planning Commission of his concern about the Chisholm Trail. We'll deal with it. As to the air flights and the visibility, I can't add to what Commissioner Peterjohn said. I think he's addressed the subject. I can't do it as well, certainly not any better. The elementary school, I understand his concerns. That's another nimby issue. We have nimby issues every time.

*"I'm going to have it wherever I go. He wants somebody else to deal with the issue. Somebody is going to have to deal with the issue somewhere. We picked this site because it's the least onerous site of any site we could find. The C&D is going to serve businesses. It's going to serve individuals. It's needed. All of the issues that have come up today are going to be revisited. You're going to be revisiting them in the platting. You're going to be revisiting with the Solid Waste Committee. The KDHE is going to be dealing with them. It's an extensive process. I've been through it. All I'm asking permission to do, Commissioners, take the first step. Give the landowner permission to request a permit for a C&D."*

*Chairman Unruh said, "All right, thank you, Mr. Kaplan. We've had quite some time now of testimony. We appreciate everyone's patience, and I think that we need to take a break. When we come back, we will restrict the conversation here to the bench unless someone calls for a specific response to a question. I know it takes a little while to empty the room and fill it back up but I would really like to begin again at 5 minutes after 11, and it gives us an opportunity for a short break. We are now in recess."*

*The Board of Sedgwick County Commissioners recessed at 10:55 a.m. and returned at 11:05 a.m.*

*Chairman Unruh said, "Okay. We are back from recess. I appreciate you all being prompt back to the meeting room. We will call the Regular Meeting of the Board of County Commissioners back to order and proceed with the agenda item that we're presently discussing, and, Commissioners now as we call ourselves back to order, it's your opportunity for any questions or comments or more questions from staff. First, Commissioner Norton."*

*Commissioner Norton said, "Well, I've got a whole litany of notes and things, so I'm going to try to go through them in some kind of logical order as I've started out with things I've thought about over the last two weeks and then things that have come up today that I have questions about. The first is just kind of a baseline of how we deal with zoning issues. We are challenged to make sure that we defer any judgments on any kind of zoning case until after we've heard the testimony of the public at this meeting today. And as we've had ex parte communication, it's been obvious that people are trying to give us information, trying to change our minds, trying to make sure that we have pertinent information to make good decisions, but the truth is you have to wait on that decision until you've heard everything. That basis came out of a court case against Overland Park, called the Golden Case versus Overland Park. We are governed by that case law, and it's the rules of golden.*

*"There's nine rules we look at that kind of give us the basis for how we look at land use issues in zoning cases. I have those before me, and I think all of the Commissioners have looked over them and know them and have educated themselves with them. One of the tenants on that is that, number eight says that the opposition or the public protest is not the only factor that you can use in making the determination. So that you really have to look at deeply into all nine and to understand them and see how they build the case for or against a zoning issue that is brought before us. Now, having said that, I'm going to go through a couple of golden factors that I believe will tell us that this is not a good place for a landfill of any kind. That the zoning use is compatible and that we need to take great prudence before we move forward on this kind of an issue. I was struck by a couple of things.*

*"First of all, the proximity to the Cowskin Creek and the Dry Creek. I understand the area pretty well, and the one issue I've dealt with more in 11 years as a County Commissioner has been groundwater and stormwater runoff. I mean, every part of my district has that issue. And the Cowskin Creek and the Dry Creek run directly through my district and both have been problematic as far as drainage, runoff, stormwater and their implications of what it does to groundwater, and this area is no different. We have many areas in our county that have much deeper groundwater. Now, this is not as high of groundwater as I have along Hydraulic Street where it gets up to six or seven feet below the ground, but it is still problematic when you think you're going to put this kind of material in the ground right above the groundwater. The water wells concern me.*

*"I think we need to consider what it's going to do to public water wells. I've often said that one of the biggest issues in the State of Kansas that we are kind of turning a blind eye to is what we're going to do with water in the next 50 years. And every time we make these kind of decisions that have a thought process about drainage, stormwater runoff and groundwater pollution, we are setting in motion things that are probably not going to be good for Kansans in future years. As I go through the golden factors, then I have a couple of questions for the applicants. First, zoning use and character of the neighborhood. Well it's obvious the character of the neighborhood is agriculture and further to the south it's manufacturing and industrial. Now, I take a little umbrage that when you say it's a chemical plant, no it's a manufacturing plant.*

*"It is a rich heritage of manufacturing goods that go all over the United States. Air Products [& Chemicals Inc.], same thing. They manage a manufacturing unit no different than other manufacturing kinds of businesses throughout our state, and certainly in our community where we have a rich history of manufacturing. If you look at DeBruce Grain [Inc.] elevator, that's a storage area for our second or third largest industry in Sedgwick County. Only second or third to medical and aviation. So that is just an area that distributes and stores grain. So those are not lesser uses. I contend those are high industrial uses. We also have a rich agriculture history in that area. You know, when we think that we're a metropolitan area, we're very wrong. 75 percent of our land in Sedgwick County is for agricultural use. So we have a rich heritage of ag (agricultural) use, and there is nothing wrong with preserving that as pure agricultural land for families to farm and to conduct business. Number two, the suitability of property for which it is used right now.*

*"Well, it is used for agricultural purposes, and there's nothing wrong with that. There is plenty of ag land there further west and further south. The fourth one is the site is currently used for agricultural land. The length of time subject property has remained in that has been a pretty long time, so it is surrounded by ag land. It has continued to be ag land. Number five, is the relative gain to public health, safety and welfare. And I contend that that is one of the biggest issues we need to look at in this whole zoning case. Now, I know the applicant contends that we'll look at that later. That will be looked at with KDHE and other people. But part of the thing we have to look at is the negative relative gain to the public health or the negative impact, and I say that we need to really look at it, because I think there's some negative impact certainly to the health and safety, if you look at traffic flows that could change and certainly the groundwater contamination. The impact of proposed development on community facilities, which happens to be roads in that area. I think there is a chance that we'll have to fix 55th Street to make sure that the water never does travel over that and stays within the ditches, and that means that there will be an impact on that road. Truck traffic could also affect many of the roads down there that don't carry near as much truck traffic today.*

*"And finally, the opposition in support of neighborhood residents is number eight, and although that's not the only determining factor you look at, I would contend that 100 percent protests and many other protests from people that are outside the thousand feet would indicate to us that this is not good for that particular area. Now, as I move forward, one of the comments by Mr. Kaplan that intrigued me, and I'll ask him to address this, is you said, this was better than any site we could find. I'd like to know what were those other sites you looked at, or are you just...had a convenient site that a landowner wanted developed and we really didn't do a county-wide search. You said, this was better than any site we could find. So I'd like to know what those other sites were that we looked at around the county in other areas."*

*Mr. Kaplan said, "I was not, Commissioner, to answer your question, I was not responsible or in charge of site location. What I do know is that site location was considered by the engineering firm and by the applicant. And to find a site that had better characteristics for a C&D, they did not. If you want address legal descriptions, I'm the inappropriate individual, because I did not do that. What I do know is that it needs balance. So many people suggest that are other sites. They likewise don't identify other sites. So..."*

*Commissioner Norton said, "When was this property purchased by the applicant? Has it been in the family for years and years and years?"*

*Mr. Kaplan said, "Yes, yes. Resource Recovery, I've worked with Mr. Dugan on many projects for a long period of time. And Mr. Dugan, to my knowledge, has owned this site for a number of years, because Mr. Dugan was also my client, and his family corporation, also my client, in 2008, when I initially filed the application for this site, Commissioner Norton. So that's a good three, four years ago, and I don't know how long prior to that. I can't tell you the date of his deed. But he has owned it for a number of years."*

*Commissioner Norton said, "Okay. That's all I have right now, Mr. Chair."*

*Chairman Unruh said, "Would you want to ask the question of Mr. Bergkamp how long he's had it? Would you like to have that clarification?"*

*Commissioner Norton said, "Tom, come forward."*

*Mr. Bergkamp said, "To the best of my ability, this farm was purchased by Mr. Dugan less than 8 years ago. The sign went up. I looked at it every day I went by, and it wasn't up two or three weeks, and then it came down. He purchased it that quick at a lot less price. The asking price was over \$4,000, his purchasing price was about \$2,500 bucks an acre. Why a seller would go down, it's an absentee landowner, her name was Colleen. Don't know her last name but she was an absentee landowner. Why she would, good company have Weigand listed it that high and reduce it that fast is beyond me, because we had interest in it, but not for over \$4,000 price. We can check the records and find out what the asking price was and how long it was on before it sold. It sold for about half, approximately half what the asking price was. In answer to the question, I'm going to say its seven or eight years, no more. Other than that, it was owned for many, many, many years by the previous owners."*

*Chairman Unruh said, "Thank you, sir."*

*Mr. Bergkamp said, "Thank you."*

*Commissioner Norton said, "That's all I have for right now, Mr. Chair."*

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

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I mentioned earlier as part of the ex parte communications that I had received, I had talked with folks on both sides of this issue."*

**MOTION**

*Commissioner Peterjohn moved to receive and file presented documents.*

*Commissioner Ranzau seconded the motion.*

*Chairman Unruh said, "All right. We have a motion and a second to do that, but for clarification, Mr. Euson, these materials that were submitted during the meeting, are they automatically part of the record?"*

*Mr. Euson said, "I believe the Clerk will make those as a part of the permanent record."*

*Chairman Unruh said, "Well, we have a motion and second. We'll go ahead and deal with that right now, I think, and so we have a motion to receive and file all this documentation. So Madam Clerk, would you call that vote?"*

**VOTE**

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

*Mr. Schlegel said, "Mr. Chairman, if I could make a request that the Clerk make available a copy of all of those reports for our case file."*

*Chairman Unruh said, "All right, so noted. Thank you, sir. Commissioner Skelton."*

*Commissioner Skelton said, "I'd like to, we've got a very comprehensive review of the opposition's case in this booklet here. Can I ask staff to address some of the main concerns in this, please, and I'm just going to open up the front cover here, because I think it's put very clearly here what they are, six points. I understand you may not have an immediate answer, but the first point here is landfill site will put trash on display for air travelers. Can you make any comments of staff's opinion to that or call on somebody that would have from staff."*

*Mr. Schlegel said, "I don't have an opinion on that."*

*Commissioner Skelton said, "How is that related to zoning matters here? I mean what is that, how relevant is that? Is that something we're supposed to take into consideration? I'm a pilot."*

*"I might have some comments about this, but I'd like to hear what you have to say."*

*Mr. Schlegel said, "To me, I don't think it would be a determining factor in making a decision about the appropriateness of this particular proposed land use at this location."*

*Commissioner Skelton said, "Well, I want to get to the bottom of this, because I'm reading this material here, and I read, pardon me here, it says right here on page seven, second paragraph that the cover of this booklet is the view air passengers will have looking east out of the plane's window during landing and takeoff. So that would be this picture right here. I'm trying to determine, you know, I don't really know that this would be an airline approach or not. I mean, I know as a private pilot, I've got to stay 500 feet above the ground, and I'm questioning whether this was 500 feet. Yes, sir, you want to address this? I would appreciate that. I can't imagine that this would be the view, sir. Maybe through a telephoto lens, but please address that."*

*Dr. Seiler said, "I took the picture."*

*Commissioner Skelton said, "Yes, sir."*

*Dr. Seiler said, "I was in a private plane, and the picture you had seen earlier with the runway right ahead, another guy was flying the plane. So he's flying, I take the picture of the runway. I turn right to my right, take that picture right out of there, because we were in approach to land at the airport at that time."*

*Commissioner Skelton said, "All right. That's fine. I appreciate that. But I'm looking at your approach slope to that one way here earlier, and you're way low. You know what a VASI is, a Visual Approach Slope Indicator, you're a little in the red over red right there I would say. I'm just trying to be fair here."*

*Dr. Seiler said, "Okay, now you're a pilot, and I'm not, and I understand that. I don't know what the rules are for approach. I would venture to say that may well be higher for an airliner, and maybe a passenger plane can come in lower. I don't know that."*

*Commissioner Skelton said, "Well, I appreciate that. That's fine. Not a big deal. I just wanted to see what you had to say there. I appreciate that."*

*Dr. Seiler said, "Sure."*

*Commissioner Skelton said, "No problem. Thank you. Second, I'd like John to explain. The opposition claims there's an inherent geological problem here. What does that, where does that fall into today? What is KDHE going to do to research this? I mean is it true? Are there known geologic problems here, sir?"*

*Mr. Schlegel said, "I don't have any knowledge about geologic problems, and I don't know what KDHE would do with that information when it was presented to them. Susan, I don't know if you can provide testimony on that or not."*

*Ms. Erlenwein said, "Could you state more of what the paragraph says, please?"*

*Commissioner Skelton said, "It says, point two: landfill site has two inherent geologic problems. That's what it says, and it talks about the water table and the runoff, so to speak, in the additional information."*

Commissioner Skelton continued, "But if you have any comments, I just wanted to see what you have to say about the main points."

Ms. Erlenwein said, "Okay, It doesn't specifically say what the problems are. Groundwater table in this area is approximately 35 feet. A question came up earlier of what's the groundwater table at the current Construction and Demolition Landfills in operation. It's about 10 feet for the Cornejos north C&D Landfill and Brooks landfill."

Commissioner Skelton said, "So Brooks is under, 10 feet down is the water table?"

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

Commissioner Skelton said, "We're talking about a sanitary landfill there?"

Ms. Erlenwein said, "Brooks was a Municipal Solid Waste Landfill, that's correct, and it's been converted into a C&D Landfill on the east side of the landfill. The soils in the area are kind of a loam on the surface with a clay soil underneath. Because it's clay, it will hold water, surface water, and that's why you have slow runoff."

Commissioner Skelton said, "Okay. What is KDHE going to do to research this geologic issue or geology of the site period?"

Ms. Erlenwein said, "When a permit is given to the state, the state requires a long list of issues be addressed, including endangered and threatened species, type of soil to groundwater, depth to groundwater, the slope of the land. So there is a long list that will have to be addressed by the applicant when filling out a permit for the state."

Commissioner Skelton said, "Okay, all right. Thank you. Okay, now, Mr. Chairman, I'm going to go through all six of these, so I might need a minute here. Somebody address the point on the... sir, if you have a comment, you can...I'm trying to talk to staff right now. I heard what you said. Okay? Drinking wells are inside one mile limit. That's a concern to me. What is the issue there? What is going on with the law? What do the regulations say about that? I need somebody to speak to this."

Ms. Erlenwein said, "KDHE has a rule that says public drinking water well cannot be within half a mile of a C&D Landfill. They do allow exceptions. Our regulations for Sedgwick County say they cannot be within one mile of a C&D Landfill. Again, we also allow exceptions to that rule. So if you were to have a Construction and Demolition Landfill, draw a circle around it, any public drinking water well within that distance. The state defines its public water well as servicing 25 people at least 60 days a year. So obviously the OxyChem wells would classify in that area. The closest OxyChem well is one half mile to the north of this location. As was pointed out earlier, groundwater moves northwest to southeast through this area, so it would go past their well first before it hit the C&D Landfill and not the other way around."

Commissioner Skelton said, "Okay. What is KDHE role in evaluating that?"

Ms. Erlenwein said, "They would look at that well. They may require a study to be done on the cone of depression, how much water that well sucks out of the ground. My understanding is it might be 1,500 gallons a minute. So the more water you withdraw from a well, the larger the cone, to determine the distance of influence from that well. So they might require the applicant to do a hydrogeologic study of that area."

Commissioner Skelton said, "Okay. And I know these are KDHE issues here, but it's still a concern of the citizens I'd like staff to speak to today, and that's about the heavy metals leaching into the groundwater at this location."

Ms. Erlenwein said, "As has been noted, lumber that's been treated with chromate, copper and arsenic is allowed at C&D Landfills, will leach out over time. EPA did a study back in 1995 of landfills across the nation and determined about 30 percent of the landfills tested did have materials leaching out of the landfill. Now, it could make a difference on the type of soil that's under the land. If it's sandy soil, material is going to migrate out faster than a clay soil. A lot of these materials adhere to the clay surfaces. So it depends on the type of soil as to how fast that might happen."

Commissioner Skelton said, "Well, this in itself is very confusing to me. Because you know, these materials are part of our environment. What goes into a C&D Landfills is deck wood, fencing, utility poles, railroad ties, concrete from everywhere. Go look at Towne East [Square Mall] parking lot. What do you see? You see concrete and what do I see lying on the concrete? What happens when automobiles park in any parking lot, okay, roads et cetera? So where is this at? I mean are these materials, railroad right-of-ways, brand new railroad ties are very chemically treated. They smell so bad of this. What do you have to say about this?"

Ms. Erlenwein said, "You are correct that all of our homes, especially depending on when they were built, may have this treated lumber. Basically the industry stopped using CCA lumber about eight years ago in residential areas. As residents are destroyed, the material would be concentrated at a C&D Landfills as opposed to spread out. But if I take water samples at about any place in Sedgwick County, I will have an arsenic hit in the groundwater. You can also find arsenic in beers and even apple juice it has been found. So arsenic is a pretty common element throughout nature."

Commissioner Skelton said, "Yes, it is. I appreciate that. Okay. Well, what do you have to say about the United States EPA Environmental Justice Policy? What's going on here with this, and what is your comment?"

Ms. Erlenwein said, "The justice policy is looking at...you're putting an undue environmental negative impact on the same area over and over again. So if you have an area that already has a negative environmental impact, the fact of should you keep putting negative impacts on the same area, and they do not like that is what [EPA Environmental] Justice [Policy] is about. So if you have a contaminated area, that doesn't mean go ahead and dump on them continually."

Commissioner Skelton said, "So are we going to violate that policy or have we addressed this? I mean, what research have we done to investigate this further?"

Ms. Erlenwein said, "I'm not...this would be on the applicant to look into that and address that issue."

Commissioner Skelton said, "So this is part of the subsequent review here?"

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

Commissioner Skelton said, "John, I know you can answer [question] six. Right here, it says, we have insufficient details to make an informed decision."

*Commissioner Skelton continued, "What is your comment on that?"*

*Mr. Schlegel said, "It says what? Say that again."*

*Commissioner Skelton said, "It says right here, insufficient site details from applicant for Commissioners to make a decision."*

*Mr. Schlegel said, "Well, you certainly have received a lot of testimony in a variety of different ways that I would think you would have enough information today to be able to make a decision one way or the other."*

*Commissioner Skelton said, "All right. Well, I appreciate that. Mr. Chairman, I have a couple other things I'd like staff to address here. Let's see here. Okay, obviously the site of a historic flooding location. I mean, I'm surprised we don't have a recommendation to construct a real detention pond here. Is that part of the review? Is that something that might come up in the future if we were to approve this today?"*

*Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "Run that by me one more time."*

*Commissioner Skelton said, "Why do I not see any consideration of an engineered drainage solution?"*

*Mr. Weber said, "I would suggest to you that this is an engineered drainage solution. The direction we're heading in with drainage is to try to keep things more natural, try to keep minimum maintenance and the fact that we're able in this case, what they're proposing is to use the existing low lying area. Basically it can continue to be farmed as it is today, or the only way to improve it would be to grass it and let it continue to function just as it has. It won't require any other work by anybody to keep it working. It drains down by gravity. And it actually looks like it's not really a real detention pond, but it's probably the preferred design. If we were going to build one today from scratch, this would be the way to do it."*

*Commissioner Skelton said, "Okay. All right. Mr. Chairman, that's all I have at this time. I might have more later. Thank you."*

*Chairman Unruh said, "Jim, do you want to identify yourself?"*

*Mr. Weber said, "I'm sorry. I'm Jim Weber, Deputy Director of Public Works."*

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

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. Don't walk away, Jim. I'll start with you since you're closest to the podium. Let's talk about this, because Mr. Bergkamp made the comment that there have been flooding problems over 55th Street. Could you make a comment on that and the whole surface issue in general from a Public Works perspective?"*

*Mr. Weber said, "Okay. I think if you kind of remember the drawings they had up here, that one drawing John showed earlier is one of the drawings in the drainage plan. There are about 350 acres north of 55th Street that drain to this low-lying area that they want to utilize as detention. So their site is less than half of that total area that drains to the culvert, let's say, at 55th Street. They're developing less than half of that site."*

*"So they're developing 25 percent of the total drainage basin into the cells. We know from talking to Mr. Bergkamp that when you get enough rain, this whole field fills up and it does go over 55th Street. We have that all over the place. When you get those rains, the townships are out, everybody is outputting up barricades for places we know water goes over the road. That's a pretty extreme event. I'm sure he's seen it a number of times, but it's not every little rain. That could be solved by raising the road, but I don't know that we have a need to do that at this point.*

*"If there was going to be a project some day, it might make sense to raise the road, so it could keep the cars out of the water that's crossing. I suspect that it comes over, in most places where it goes over the road. It's not real deep, because there's a lot of capacity there. Once you go over that road or that weird type structure, it kind of spreads out, and it may run a couple inches deep for a while and then it drops back down. He's shown you pictures to the south, and I would just tell you that if you go down to 63rd, you picked up probably twice or three times the drainage area by the time you get down there and it looks like exactly the same as those pictures he showed as 63rd are probably what it looks like up here on this field. And you just wait for that to slowly draw down. The earlier case had proposed a deep, more formal looking detention facility. It was below the elevation of the culverts, and there was no way to drain that out to restore the storage volume in the detention pond without putting in a mechanical pump station. That brings maintenance with it, and so that was an issue for us.*

*"In this case, again, this is the simplest possible system for managing it. I think what people are having trouble grasping here is that when you convert this field to a C&D Landfill cell, you change the field from whatever crops they're putting on it to grass, which is in better condition, and we actually have off of that 60 or 80 acres, whatever it is, we actually have less total runoff from that 80 acres than we do today, because the grass intercepts more of the water and pulling it into the soil. Now, there is a little caveat to that. From the cells itself at certain times, it may run off of there faster than it does today, but the total volume that's coming off is less, but it comes down into the detention area, and that is mitigated, the speed of it is mitigated, because now it's in a pond and not going anywhere, and that's all controlled by the outlet structure except for those times when we get enough rain that it fills up the outlet structure to the top and comes over and crests the road. So what we're saying is, there is essentially no change to the drainage from putting on the completed cell."*

*Commissioner Peterjohn said, "Let me ask you, it sounds like what you're saying is, because of the type of soil that's out there, being heavily clay, there is not much permeability with water going down as opposed to its been having a tendency to drain off if it isn't absorbed by the relatively thin layer of regular, I hate the...loam, I guess was the term you used. When you use those terms like loam and weir, I think it's, what is it w-e-i-r?"*

*Mr. Weber said, "W-e-i-r, w-i-e-r, I don't know which way it is. It's basically just like a dam. Weir is just like a dam."*

*Commissioner Peterjohn said, "Synonym for a dam. Okay. I wanted to, that was one of the questions I wanted to throw out to staff. If I could pose a question to Ms. Erlenwein, please."*

*Ms. Erlenwein said, "Yes."*

Commissioner Peterjohn said, "From a zoning point of view, I don't think the discussions about CCA are all that relevant on the issue today, but I'd like to just clarify for the record, because I've been trying to do some research. There was a lot of opponents who brought this out, and it got me digging out some of my old materials about elements. And I was interested, in fact surprised to find out, copper and chromium in the right form are actually microelements that are out there. And all three, arsenic, copper and chromium, are all mined as natural elements.

"And I was curious if you have any idea how much thousands of tons of, I mean, if I know there was enough copper around, there would be plenty of copper. If there was high demand for copper mines, and I understand chromium is mined in several places around the world, too. Do you know how much of this issue is pulled out of the earth as opposed to our issue today when we're having a discussion about putting it back into earth that we're talking about on an annual basis?"

Ms. Erlenwein said, "I wouldn't have that number off the top of my head. I can say there are certain elements, such as copper, that's natural in our body. And many elements, you need a certain amount in the human body to exist. Too little, you can have detrimental effects. Too much, you can have detrimental effects. So there is a balance of how much our body intakes. Copper obviously one of those that we need in our body. And it depends on the state of the element, are you talking chromate or chromium. Elements like to combine with other elements in nature, forming minerals, and when those are concentrated in certain areas, due to hydrothermal events or place of deposited, how it's deposited, that's where it's mined, where it's concentrated in high volume amounts, that we use in our industry."

Commissioner Peterjohn said, "Well, the environment emissions of some elements, that does raise a question. Let me see if I can pose a better understanding from it. Would you view, my understanding is lead paint could be on material that could be placed in a C&D. Am I correct?"

Ms. Erlenwein said, "Yes, that is correct, if you're doing a commercial building. You should test the paint to make sure, even residential houses right now, the paint is tested first. Depending on the age, when the house was built. Now, KDHE has rules about testing paint before it's removed, at least by contractors, and then it should be handled appropriately as a hazardous material and taken to a Municipal Solid Waste Landfill. In the past it went to C&D Landfills."

Commissioner Peterjohn said, "Well I was interested in terms of understanding, I mean, lead is just, A, it's also mined, but B, obviously it's got a hazardous nature to it like other elements, like cadmium. I'll just throw that in. Would you view lead as more of a problem or more of an environmental risk, especially if you're talking about the difference between if it's going into a C&D that's got, say, C&D soil or one with clay soil."

Ms. Erlenwein said, "With clay soil, both lead and arsenic would tend to adhere to the clay particles and not migrate very far. Lead has been a problem for some time. It's been used in water pipes in the past. It's used in paints for making them opaque. It's very sweet, that's why it's been a problem with children and eating paint chips off walls. It tastes like candy, and that's why the ingestion problem. So lead has been a problem for a long time, water pipes and paint, both."

Commissioner Peterjohn said, "Thank you."

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

Commissioner Ranzau said, "Yes, Susan, I have a question for you with respect to CCA lumber. Since that tends to be one of the biggest issues here. Now correct me if I'm wrong. Lumber that's used in decks and residence can still go to the transfer stations. Is that correct?"

Ms. Erlenwein said, "That's correct. What is banned is commercially produced demolition material. So if you and I are tearing apart our deck or part of our house, it can go to the transfer station."

Commissioner Ranzau said, "That would be shipped out to the Harper Landfill?"

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

Commissioner Ranzau said, "Not all of the CCA treated lumber is necessarily going to be concentrated into the C&D Landfill?"

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

Commissioner Ranzau said, "Do we have any idea of what portion of the material that goes to the C&D Landfill is CCA lumber?"

Ms. Erlenwein said, "I have not seen that statistic. Obviously the material that's typical for a C&D Landfill is drywall, two by fours, some of the treated lumber, bricks, carpeting, and roofing material. So it's a variety of material that you would associate with tearing down a building or a road."

Commissioner Ranzau said, "Would this be predominantly commercial?"

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

Commissioner Ranzau said, "Materials? So we have other C&D landfills. Do we have other evidence of them leaching out contaminants?"

Ms. Erlenwein said, "No we do not. We have monitoring wells that we receive data on around the other local C&D Landfills. As of now, we have not seen any problems with leaching."

Commissioner Ranzau said, "Now, with respect to this one, the location and the number of monitoring wells if they relocated it's not something we have an answer to right now. That would be part of the land produced by the developer at a future date, is that correct?"

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

Commissioner Ranzau said, "Would that come before us, to the Solid Waste Management Committee and us before it went to the KDHE?"

*Ms. Erlenwein said, "Yes. The applicant can work with the state on their requirements, but when it finally comes to the Solid Waste Committee, we need the filled-out application and their design and what they need to do and that would also come before you."*

*Commissioner Ranzau said, "That detail, total number, locations and everything?"*

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

*Commissioner Ranzau said, "Okay, that's all I have."*

*Chairman Unruh said, "Thank you. Tell me the process. This application, should it be approved here, does it go to KDHE and then back to Solid Waste Management Committee?"*

*Ms. Erlenwein said, "Some businesses have worked with the state on ironing out the details and what they want with the application, getting all of that in order, then bringing it in front of the [Solid Waste] Committee and then to the Commission, then it goes back to the state."*

*Chairman Unruh said, "Thank you."*

*Ms. Erlenwein said, "But the state will not approve the permit until it goes before you again."*

*Chairman Unruh said, "All right. And in that last few steps, is that when they decide on who has, how much of a bond has to be posted for future cleanup?"*

*Ms. Erlenwein said, "The state requires money be set aside for 30 years of monitoring the site. The applicant is liable for that. After the final piece of trash goes into the site, it still needs to be monitored for 30 years to make sure it's not contaminating the environment. If it's determined it is, that 30 years can be extended."*

*Chairman Unruh said, "Okay. Thank you. I think in the discussion most of my questions have been answered about monitoring wells and how far the water is, how many feet to the top of the water they can have the landfill on, whether or not any water is going to be increased, all of those questions I had have been answered. I would say that this boils down, to me, back to the fundamental issues that we need to decide whether or not this is an appropriate land use for this area. And in trying to look over the rules golden that Commissioner Norton talked about, I have come to a different conclusion. I think that the zoning uses and compatibility with the neighborhood that this use would be compatible in light of the fact that we have other heavy industrial uses down there, grain elevators, electric companies, other manufacturing concerns.*

*"I think that this is probably not a suitable area for residential development, so that further underscores the fact that I believe this is a reasonable request. And that they are going to take steps in the information I've seen to mitigate the impact and that they are going to have, plant trees around the perimeter. They're willing to, they're going to put in the monitoring wells. They have to start 150 feet back from the perimeter of their property before they can start their excavation and do the landfill. They're also restricted on how large of an area they can have exposed at any time. It seems, I don't remember exactly what that restriction is, but it seems reasonable to me.*

*"I also think there is a reasonable, a strong argument for a need for a facility of this type on the south part of our county rather than having only one location in the north. We have a positive recommendation from our professional staff, and we have a positive recommendation from the Metropolitan Area Planning Commission where they went through a similar public hearing process. So I believe that I will be supportive of the request to move this forward on this solid waste C&D Landfill. Commissioner Skelton."*

*Commissioner Skelton said, "Mr. Chairman, I'm in general concurrence with your statement. However, my concerns I have are not, I mean we don't have all the information today. I mean, there is a whole bunch of research left to be done by KDHE; is that correct? I want to know what KDHE is going to tell me next if we approve this."*

*Ms. Erlenwein said, "KDHE will have to look at a long list of factors, surface drainage is one of those, depth to groundwater, the location of the public water wells, threatened and endanger species, wetlands. It all comes into play. And they don't do it by themselves. They work with Wildlife and Parks, Natural Resource Conservation Service, a long list of agencies that they work in concert with to determine the suitability of a site."*

*Commissioner Skelton said, "And they're going to develop scientific data here."*

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

*Commissioner Skelton said, "They're just not going to throw us a paragraph?"*

*Ms. Erlenwein said, "Right."*

*Commissioner Skelton said, "What's county staff going to do with this scientific data?"*

*Ms. Erlenwein said, "We will work with the state as well. They will contact us and work with us on this issue, and remember, we're the ones who require a liner or monitoring well, not the state."*

*Commissioner Skelton said, "Do we have staff on board that can perform an independent analysis of any scientific data produced?"*

*Ms. Erlenwein said, "Yes, sir."*

*Commissioner Skelton said, "Okay. I want that to happen if it gets that far. But I'd like to ask the attorney if it's appropriate to make a motion, you know, if I were to make a motion that we take staff recommendation subject to KDHE approval. Would that motion be in order?"*

*Mr. Euson said, "The KDHE approval is a condition of the recommended action, so it's condition of the approval of the conditional use permit. So it would be somewhat redundant. I think if you're going to make a motion of approval, I would recommend that you make a motion to take the recommended action."*

**MOTION**

*Commissioner Skelton moved to approve the zone change and the conditional use, subject to platting within one year and the conditions recommended by the Metropolitan Area Planning Commissioner (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.*

*Chairman Unruh seconded the motion.*

*Chairman Unruh said, "Commissioner Norton."*

*Commissioner Norton said, "Well, I'm going to oppose this motion. As I look over the rules of golden and how you interpret those, I think there's some clear places where we're probably in differing opinions on how you interpret that particular rule of golden. I think there's some significant issues as far as this being a zoning case. It's not a...it's not really a citing case for a landfill totally. It's a zoning case, and I think if you look at the rules of golden, there are places where we have a good point of denial. I don't think that this is a good place for that particular use. I think it's going to be detrimental to the livelihood and the livability of that area, and I will not support that motion at all."*

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

*Commissioner Ranzau said, "Thank you, Mr. Chairman. This is an issue about land use and whether this is appropriate or not. We're not here to decide specifically on the use of this as a C&D Landfill or get into all the scientific data, although that is a part of this decision in that we need to determine if this is a suitable use for the land. In addition to the golden factors, one issue that's very important to me is personal property rights. I believe people have a right to exercise their rights and to include their property rights and use their land for what they want to do with it. Do with it what we wish, so long as they don't harm other people. A lot of the arguments presented today I don't think are reasons to deny use of land. However, there are two concerns, and that a groundwater contamination and surface runoff. If you do something on your land that causes a surface water problem or exacerbates an existing problem, then you've done damage to someone else, and that's not appropriate.*

*"Additionally, if you do contaminate the water of my well because I live close by you, then damage to me and violated my property rights. So those are the two issues that I'm concerned about. Now, there are worse places for a landfill. In fact, I live right across the river from Brooks Landfill. I can assure you if we were being asked to put a landfill right next to the river where the water table is 10 feet and its sandy soil, then I don't think that would be appropriate. I am convinced, I've done enough research that it is possible to build a C&D Landfill in this area and to address the problems of surface water and groundwater contamination. I'm not convinced that there is no way to accommodate those issues, so I'm inclined to support this zoning change, because that then provides the applicant the opportunity to come up with a plan that will deal with these significant issues, which I think we all agree are important, and then it will come before us again, and then we will have to look at that plan and determine if they have adequately addressed these issues and safeguarded against violating some of the property rights of the neighbors. And I can say at least for this Commissioner, the bar will be high when they come back again.*

*"I have several questions here that I will be asking of staff and of the applicant. I've already asked a lot of questions, some of which I couldn't get answers to, but I think that's okay today, because we're dealing with land use.*

*"But when it comes to whether or not I'm assured that the groundwater will be protected and the runoff problems will be protected, then I will want all of those questions answered before I can support the actual permitting of the C&D Landfill. I think there is enough evidence that, I do believe this...I've been out there, I've driven the area, I've seen it, I've toured it. I think this is an appropriate place to put it if we went that far, and I do think it's appropriate to do the zoning change and at least provide them an opportunity to come up with a plan to address these issues. With the understanding the applicant needs to understand that the fact we approve today does not mean it will be approved or disapproved next time. They're going to have to invest time and money and face the possibility that it won't be approved if they cannot satisfy these concerns that I and others have. Thank you."*

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

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm going to begin by pointing out that when it comes to the challenges in terms of the drainage we have, I also with Commissioner Norton share Cowskin Creek. And I also have a distinction of two Dry Creeks in my district, not just one, and they've both been, at various times have been problematic for me. I find myself in agreement with Mr. Ranzau's comments about the zoning nature of this case, and I think I'm in agreement with Commissioner Norton on that point. The deciding issue will come later. The concerns that I heard expressed today by some of the neighbors in the presentation and folks at Oxy I think are going to be addressed, but as a zoning case, I, looking at the golden factors, I mean, this is a site I've been out to on a number of occasions, and it is a largely residential site that drifts into both industrial and agriculture if you drive out several miles away from that area.*

*"Looking at the proximity to the utility, manufacturing, and industrial area that is nearby, including the transfer station that's been put in place, I think covers number two on the suitability of the subject property for the uses to which it's been restricted. Now, when I look at other golden factors, number five, when it talks about is something like this needed, I think one of the big problems this community has had is that we've struggled with, and I'm going to make it broader than just C&D, but we've struggled with any issue that begins with the letter I and ends with the letter I. And that certainly includes landfills. And so is there a need and would we benefit from having additional places in the community? My background is in economics, and generally more competition and more providers are better than fewer.*

*"So I think point five goes in that direction. And also the points concerning where the staff is. Having said that, I want to talk about some of the points in terms of opposed, because Commissioner Skelton ran through the list the opposition had, but from looking at, you know, I have concerns that some of the opposition that was stated would basically put us in the place where I don't think the landfill could be cited in Sedgwick County with some of the arguments that I've heard today. I find myself in agreement with Commissioner Ranzau's point in terms of having a deference on property rights, also a concern, in terms of, I'm a firm believer that good fences make good neighbors. And we get to a point where we need to get into the defending and I use the term fence very broadly. I'm going to take just a second here, because I heard an argument today in opposition to this I hadn't heard before, and that is the Chisholm Trail. Just looking at where Wichita is sited, there are an awful lot of places that have been developed that are all over wherever Chisholm Trail went. When I looked at the history on that, I think the trail kind of drifted depending upon where the grass was greenest when they were moving the cattle towards Abilene.*

Commissioner Peterjohn continued, "So it's a somewhat, that's an interesting and new argument, but I didn't find it terribly persuasive.

"I want to talk for a moment about Kingsbury. This is history, back in the 1990's. The City of Wichita looked at expanding Brooks [Landfill] to the west in the site that's known as Kingsbury. I was on what was at that time called the DAB (District Advisory Board) board. And I mention this because the history is relevant. Dr. Siler who has, a constituent of mine, very successful veterinary practice as I understand in my district, you mentioned the phrase unintended consequences. When a super majority was not available to do the Kingsbury's expansion, it set off a bunch of unintended consequences that impacted Sedgwick County, got us involved in a host of issues, including the siting I believe of the transfer station that's located near the proposed site.

"So I look at the decisions we have to make today, and I will consider these issues in the future through the historic lands of what this community's been through with the Kingsbury decision. So I am planning to be supportive of the motion in front of us today with obvious reservations in terms of what we have, because, I think, significant siting questions have been raised, but I think the issue before us is just this immediate zoning case, and my vote today is going to reflect that fact. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. We have a motion with a second before us. Is there any further discussion? Commissioner Norton."

Commissioner Norton said, "John, go through the future of this. If this passes today, which it looks like that it might, what are the next steps? Because I still believe that there are touch points of major discussion that we need to have before this thing ever becomes an actual landfill site."

Mr. Schlegel said, "Well, I'll summarize what I heard Susan say. What is likely to happen is the applicant will go, start working with KDHE about working out a lot of the issues that have been raised by a variety of people today, in further designing the C&D Landfill. And then before KDHE can grant an approval on the actual getting started with the operation of the landfill, that will have to come back to the Solid Waste Committee and then ultimately to this Board for your approval."

Commissioner Norton said, "What is the gravity of the decision of the Solid Waste Committee? What if they unanimously decline it? Does that have any gravity at all? Or is that just a perfunctory thing that has to be...?"

Ms. Erlenwein said, "The Solid Waste Committee is advisory to this Board. So you would hear what their concerns were and then take that into judgment when you make a decision. I will also point out that KDHE will also have public hearings on this item. So they don't just approve it. They also get input from the public and use that in their consideration."

Commissioner Norton said, "So this citizens group still has avenues of places to protest, give their information, tell their story, other than just the County Commissioners today."

Mr. Schlegel said, "That's correct. They can be at the Solid Waste Committee meeting whenever that occurs, and KDHE will have a public meeting as well."

Commissioner Norton said, "How will they be notified of both of those?"

Mr. Schlegel said, "KDHE will contact local staff. We'll give them a contact list. They like to have it near the area, you know, a school or some other area so the residents don't have to travel very far. They will have a night meeting and they also will allow written comments to go in if people cannot make the meeting."

Commissioner Norton said, "Okay. But the ultimate decision of the siting then, of the building of it, will come back to this."

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

Commissioner Norton said, "And at that time, John, what will the vote be? Is it a 3-2 vote, simple majority? Is it a super majority?"

Mr. Schlegel said, "I don't really know what the rules are for when you act in that capacity. The zoning rules would not be, would not apply at that time."

Mr. Euson said, "That will be a simple majority vote."

Commissioner Norton said, "It will be simple majority vote. So the protest that was here today does not stay in effect for a landfill siting?"

Mr. Euson said, "For a solid waste permit, that's correct."

Commissioner Norton said, "Okay. That's all I have, Mr. Chairman."

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

Commissioner Peterjohn said, "Question for Mr. Euson. You said for a solid waste site. Are we talking for a solid waste or C&D or just, I mean, we're strictly talking C&D here?"

Mr. Euson said, "Well, for the permit that's required under our solid waste regulations."

Commissioner Peterjohn said, "Okay."

Chairman Unruh said, "Thank you, Commissioner. Any further discussion? Seeing none, Madam Clerk, call the vote."

VOTE

Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Skelton	Aye
Commissioner Norton	No
Chairman Unruh	Aye

Chairman Unruh said, "The motion carries, and to all you folks who are here, you heard all the discussion about process and what your avenues are to continue the protest on this permitting, and I want to thank you all for being here and for your organized presentations. Now, I will allow just a couple of minutes of pause here. If you all want to stay, you're certainly welcome to. If you want to leave, we'll pause for just a moment to allow the room to clear unless you want to stay. Okay. Our Board Meeting is still in session, and after this brief pause, I think that we are ready to continue with our regular business meeting. And so, Madam Clerk if you would please, call the next item."

**Approved**

### **NEW BUSINESS**

- I      [11-0901](#)      REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON AUGUST 18, 2011.  
Presented by: Joe Thomas, Director, Purchasing Department.

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

**Attachments:**      [BMIN 0818 2011](#)

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of August 18th results in one item for your consideration this afternoon;

1.            PROFESSIONAL SERVICES FOR P25 RADIO SYSTEM  
                 IMPLEMENTATION-EMERGENCY COMMUNICATIONS  
                 FUNDING-RADIO SYSTEM-CONVERT TO DIGITAL

"The recommendation is to accept the low proposal from Trott Communication Group for a total not to exceed cost of \$137,925 and establish contract pricing for up to 100 additional hours at \$155 per hour plus actual travel expenses.

"I'll be happy to answer questions, and I recommend approval of this item."

Chairman Unruh said, "All right. Thank you, Joe. I think we've been briefed on this earlier. Commissioners are there any comment or question? What's the will of the Board?"

### **MOTION**

Chairman Unruh moved to approve the recommendation of the Board of Bids and Contracts.

Commissioner Peterjohn seconded the motion.

Chairman Unruh said, "We have a second. Commissioner Norton."

Commissioner Norton said, "Joe, there was a real wide range of prices on this. Is there any explanation for that?"

Mr. Thomas said, "Nonspecifically given, sir. And Trott Communications, the committee felt real comfort with them. They have worked on previous projects, but there was nothing specifically stated as to why the wide variance in the pricing."

Commissioner Norton said, "Some of them were extremely high compared to that one."

Mr. Thomas said, "Yes."

Commissioner Norton said, "But we still feel confident even though it's a pretty low bid in the range? They can do the work?"

Mr. Thomas said, "I'll let Kim Pennington address that."

Ms. Kim Pennington, Deputy Director, 911 Dispatch, greeted the Commissioners and said, "One of the reasons for the wide variance of range is they are located down in Texas, 20 minutes from Cassidian's [Communication] laboratory where all the staging will be done. So we've eliminated a lot of travel costs just with that. Also working with Cassidian to get to this place, our scope of what we're expecting the consultant to do as far as overseeing our vendor is, I'm going to manage the product, we need them to be our outside venue looking in and being an evaluator, but I'm going to manage it instead of having our consultants manage it, and so that was also factored in."

Commissioner Norton said, "Thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any further discussion? Madam Clerk, call the vote, please."

VOTE

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

Mr. Thomas said, "Thank you."

Chairman Unruh said, "Thank you , Joe. Next item, please."

**CONSENT**

- J [11-0585](#) Agreement with Employee to Provide Clinical Supervision to Achieve Licensure as a Licensed Clinical Marriage and Family Therapist (LCMFT).

**Attachments:** [GW Clinical Sprvn Agrmt for BOCC](#)

- K [11-0838](#) Consideration of a grant in the amount of \$245,736.00 to extend the participating Mental Health Center consolidation contract with the State of Kansas Department of Social and Rehabilitation Services.

**Attachments:** [SRS Participating CMHC Amendment FY 2011](#)  
[Budget Form SRS 7-11](#)



*believe it's Item M, that is going to provide an opportunity to occur here in Sedgwick County."*

*Chairman Unruh said, "All right, very good. Any other comments? Madam Clerk, call the vote."*

VOTE

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

*Chairman Unruh said, "Next item."*

**OTHER**

*Chairman Unruh said, "Commissioners, you have an opportunity to make any comments here that pertain to county business. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I'm going to make a comment in terms of the population we've got in detention under the Sheriff's custody. 1,536 people today. Of those, 1,041 are in the main jail facility. We've got 356 out of county, 139 in Work Release, and when you look at the security classification for them, we've got 501 who are considered maximum security, 561 medium, and 429 minimum. I know that this is a challenge, because there is some work going on in the jail, and that's the reason why we're well below the normal count, which is normally closer in the main facility to about 1,100. On a related topic, I'm doing some checking and wanted to mention this for the record and for my colleagues.*

*"I was disappointed to read that suburban Portland, Oregon, a little girl's lemonade stand was shut down by a health inspector. I think, my understanding was it was a county operation. I want to state for the record that I'd like to make sure that we have a free environment for kids to perform one of the traditional functions that I think is kind of a rite of passage, setting up lemonade stands in their front yards and doing that. Any so restrictions we have here, this Commissioner would certainly be interested in making sure we have an environment safe for young entrepreneurs in our community and we do not follow in the footsteps of folks, whether they're on the east coast or west coast, of having local government shutting down lemonade stands. Thank you, Mr. Chair."*

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

*Commissioner Ranzau said, "Thank you, Mr. Chairman. I'll just give an update on the federal debt. We're up to \$130,772 per taxpayer. That's an increase of \$180 since our last meeting. And I would second Commissioner Peterjohn's comments at a time in which we need jobs and prosperity and growth we need to minimize all of our rules and regulations to make it easier for people of all ages to get involved in entrepreneurship. Thank you."*

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

*Commissioner Norton said, "I just wanted to let my Commissioners and public know*

*that I'll be at a KAC (Kansas Association for Counties) meeting in Greensburg, leaving Thursday, be there all day Friday, discussing legislative issues and issues germane to the County Commission association statewide."*

*Chairman Unruh said, "Thank you, Commissioner. Well, I don't see anyone else asking to speak, and we are at the end of our agenda. We don't need an Executive Session or Fire District [No. 1] meeting, so with seeing no one else wishing to say anything, we are adjourned."*

#### **EXECUTIVE SESSION**

#### **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 12:10 p.m.*

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
DAVID M. UNRUH, Chairman  
First District

\_\_\_\_\_  
TIM R. NORTON, Commissioner  
Second District

\_\_\_\_\_  
KARL PETERJOHN, Commissioner  
Third District

\_\_\_\_\_  
RICHARD RANZAU, Commissioner  
Fourth District

\_\_\_\_\_  
JAMES B. SKELTON, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
Kelly B. Arnold, County Clerk

APPROVED:

\_\_\_\_\_