

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

### **REGULAR MEETING**

**May 14, 2003**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, May 14, 2003 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim Norton; with the following present: Chair Pro Tem Thomas G. Winters; Commissioner David M. Unruh; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Marilyn Chapman, Election Commissioner; Ms. Kristine Beynon, Fiscal Assistant, Treasurer's Office; Ms. Karen Duranleau, Assistant County Counselor; Mr. Dale Miller, Acting Director, Metropolitan Area Planning Department; Mr. Sherdeill Breathett, Director, Economic Development Department; Ms. Irene Hart, Director, Division of Community Development; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Tom Pollan, Director, EMS; Ms. Annette Graham, Director, Department on Aging; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Chief Norman Williams, Wichita Police Department.

Mr. Vaughn Weaver, Environmental Water Quality Specialist, Wichita Water and Sewer Department.

Mr. William Rice, 2252 N. Fountain, Wichita, Ks.

Mr. Carl Stovall, 5105 Arlene, Wichita, Ks.

Mr. Michael Jackson, 1125 E. 13<sup>th</sup> Street, Wichita, Ks.

Mr. Richard Tymony, 1804 E. 23<sup>rd</sup> Street, Wichita, Ks.

Ms. Barbara Rice, 11716 E. 2<sup>nd</sup> Street, Wichita, Ks.

Mr. David Barber, Wichita/ Sedgwick County Metropolitan Area Planning Department.

### **INVOCATION**

The Invocation was lead by Pastor Dave Castleberry of West Haysville Baptist Church.

### **FLAG SALUTE**

### **ROLL CALL**

**Regular Meeting, May 14, 2003**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, April 30, 2003

The Clerk reported that all Commissioners were present at the Regular Meeting of April 30, 2003.

**Chairman Norton** said, “What is the will of the Board?”

**MOTION**

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of April 30, 2003.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING MAY 16, 2003 AS “INGRID SPELLMAN DAY.”**

**Chairman Norton** said, “Commissioners, I’d like to read the following proclamation into the record, proclamation of Sedgwick County, Kansas.

**Regular Meeting, May 14, 2003**

**PROCLAMATION**

**WHEREAS**, the Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and ‘virtuous education’; and

**WHEREAS**, Albert Pike Lodge No. 303, in Wichita, Kansas, the World’s Largest Masonic Lodge, in continuing its dedication to the community and public schools, has set out to distinguish Wichita’s finest educators in the selection and promotion of the Albert Pike Lodge- Teacher of the Year Award; and

**WHEREAS**, the selection committee, comprised of men and women from various backgrounds and vocations have unanimously selected Ms. Ingrid Spellman for her dedication in teaching the 5<sup>th</sup> grade students at Gardiner Elementary School.

**NOW THEREFORE BE IT RESOLVED**, THAT I, Tim R. Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 16, 2003 as

**“INGRID SPELLMAN DAY”**

in recognition of her service to this City, the Wichita Public School District, Gardiner Elementary School and the thousands of students and peer faculty that she has impacted through her dedication and fortitude in the discharge of her duties; in commendation of the qualities, capabilities and commitment that she brings to promote academic excellence, in building internally motivated confidence and teaching self reliance to her students and all those around her.

Dated May 14<sup>th</sup>, 2003. And I understand Ingrid is not here today, but Commissioner Winters will receive this and pass it on to her at another event.”

**Commissioner Winters** said, “That’s correct, Mr. Chairman. If we pass this resolution, I will attend the Albert Pike reception this Friday evening. I believe Commissioner Sciortino was there last year and I’ll be glad to hand deliver this at that time.”

**Regular Meeting, May 14, 2003**

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And you had some comments?”

**Commissioner Winters** said, “No. That was just it. I really do appreciate organizations that take the time to recognize some public service work by teachers and I think the Albert Pike lodge has kind of re-instituted this just over the last couple of years, but I think it is good that we take time to recognize teachers and I plan on attending their event, and I will deliver this from the Board of County Commissioners.”

**Chairman Norton** said, “Thank you, Commissioner Winters. Next item.”

**2. PROCLAMATION DECLARING MAY 12 – 16, 2003 AS “NATIONAL LAW ENFORCEMENT MEMORIAL WEEK.”**

**Chairman Norton** said, “Commissioners, I’d like to read the following proclamation into the record, proclamation of Sedgwick County, Kansas.

**PROCLAMATION**

**WHEREAS**, the Congress of the United States of America has designated the week of May 12<sup>th</sup> as “National Law Enforcement Memorial Week”; and

**Regular Meeting, May 14, 2003**

**WHEREAS**, law enforcement officers are warriors in the fight against crime; our guardians of life and property; defenders of the individuals right to be free are dedicated to the preservation of life, liberty and the pursuit of happiness; and

**WHEREAS**, Sedgwick County desires to honor the valor, service and dedication of its own Sheriff's Deputies and all law enforcement officers; and

**WHEREAS**, it is known that every 57 hours an American Law Enforcement Officer will be killed in the line of duty somewhere in the United States and 189 officers will be seriously assaulted in the performance of their duties, our community joins with other counties and cities to honor peace officers everywhere.

**NOW THEREFORE BE IT RESOLVED**, that I, Tim R. Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 12-16, 2003 as

**“NATIONAL LAW ENFORCEMENT MEMORIAL WEEK”**

and call upon citizens to honor and show our sincere appreciation for the law enforcement officers of Sedgwick County who make it possible to leave our homes and family in safety each day with the knowledge that our communities are protected by men and women willing to make the ultimate sacrifice to guard our loved ones, property and government against all who would violate the law.

Dated May 14<sup>th</sup>, 2003. And what is the will of the Board?”

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**Regular Meeting, May 14, 2003**

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And I see that Gary Steed is here to accept today and I also see Chief Norman Williams and Ernie Garcia from the City here and I assume they may want to make some remarks, but Gary.”

**Sheriff Gary Steed** greeted the Commissioners and said, “Be happy to let them make some remarks. I want to thank you for the proclamation and I wanted to thank you also for your appearance at our law enforcement memorial yesterday. We in law enforcement appreciate the support of the Board of County Commissioners that we’ve had. It’s important.

That memorial that we had is important to our community. It’s important to our officers that serve in law enforcement here in Sedgwick County and it was especially important to the family members that were there yesterday. And since September 11<sup>th</sup> of 2001, the courage and bravery of our public officials and our law enforcement officers has kind of been at the forefront and, you know, we have that same bravery and courage exhibited by officers here, law enforcement officers here in Wichita and Sedgwick County all the time and it’s noted on our roll of honor the officers that we’ve lost in the line of duty. So, thank you very much for the proclamation. And Chief Williams, I’ll turn the podium over to you.”

**Chief Norman Williams**, Wichita Police Department, greeted the Commissioners and said, “I want to thank you for this opportunity just to make a few comments. I too echo my colleague, Sheriff Steed’s comments in regards to attending the law enforcement memorial, because that means a lot to the families, you know, that we still think about their loved ones and if you look at the first officer killed in the line of duty here within Sedgwick County, it was back in the early 1900s, and to be able to recognize them, that’s so important.

And we thank each and every one of you for the support you’ve given law enforcement, because it

### **Regular Meeting, May 14, 2003**

takes everybody working together to make our community safe, even though we have the Sheriff and the police department, we're one. We're one in providing quality services throughout Wichita and Sedgwick County. We're one as far as responding to the needs and concerns of our community and your support is critical to us being able to accomplish our mission and our objectives to provide the best service to this community, so we thank you for your support and we thank you for everything that you do for our community."

**Chairman Norton** said, "I appreciate that. You know, the ceremony yesterday was very poignant. You look at the roll and it's just names on a page and some of them go back to 1912. But I was very struck that, as we got closer, I started to see names like Paul Garafalo, who we know Frank Garafalo who is very engaged in our community on the planning commission and I sat on a committee with Jack Galvin with the River Festival and Terry McNett's son graduated with my daughter in Haysville. And you start putting the names with the connections you have and it becomes very poignant that those first responders, those people in public safety are not only servants of the community, but our neighbors and friends and mothers and fathers and sons. And it was a wonderful ceremony yesterday and I could hardly get through "Amazing Grace" and "Taps" without a lump in my throat. So, thanks for inviting me yesterday. I really appreciate it. Clerk, call the next item."

### **3. PROCLAMATION DECLARING THE WEEK OF MAY 18 – 24, 2003 AS "NATIONAL PUBLIC WORKS WEEK."**

**Chairman Norton** said, "Commissioners, I'd like to read this following proclamation into the record. Proclamation of Sedgwick County, Kansas;

#### **PROCLAMATION**

**WHEREAS**, public works services provided in our community are an integral part of our citizens everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as streets and highways, bridges, drainage improvements, noxious weed control and household hazardous waste collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design and

**Regular Meeting, May 14, 2003**

construction, is vitally dependent upon the efforts and skills of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform.

**NOW THEREFORE BE IT RESOLVED**, that I, Tim Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 18-24, 2003 as

**“NATIONAL PUBLIC WORKS WEEK”**

in Sedgwick County, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Dated May 14<sup>th</sup>, 2003. And I see Dave Spears is here to accept. Commissioners?”

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Mr. David C. Spears**, P.E./ Director, Public Works Department, greeted the Commissioners and

### **Regular Meeting, May 14, 2003**

said, "First and foremost, I would like to thank you for the proclamation recognizing May 18<sup>th</sup> - 24<sup>th</sup> as National Public Works Week. The theme for this year is 'The Strength of Public Works' and it is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works.

Instituted as a public education campaign by the American Public Works Association in 1960, National Public Works Week calls attention to the importance of public works in community life. The week seeks to enhance the prestige of the often-unsung heroes of our society, the professionals who serve the public good every day with quiet dedication. Often, their accomplishments are particularly noteworthy in relation to the limited manpower and financial resources available to them.

National Public Works Week is observed each year during the third full week of May. Through National Public Works Week and other efforts, the American Public Works Association seeks to raise the public's awareness of public works issues and to increase confidence in public works' employees who are dedicated to improving the quality of life for present and future generations. And I just want to add one more thing, remind you that infrastructure is still the mother's milk of economic development."

**Chairman Norton** said, "Now, we don't have to hear this at budget time, now that you've already said it once this year, right?"

**Mr. Spears** said, "Well, you might hear it again."

**Chairman Norton** said, "Please pass on our congratulations to everyone that works in your area, the Public Works area, because they do some really tough work for the County in tough times. We appreciate that."

**Mr. Spears** said, "I'll do that."

**Chairman Norton** said, "Thanks, David. Commissioners, I'd like to take an Off Agenda item on the river ambassadors, that was brought forward to us."

### **MOTION**

**Regular Meeting, May 14, 2003**

Commissioner McGinn moved to consider an Off Agenda item.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “The next item will be presentation regarding River Ambassadors and that’s . . . Vaughn Weaver is here.”

**OFF AGENDA ITEM**

**PRESENTATION REGARDING RIVER AMBASSADORS AT THE RIVER FESTIVAL THIS SATURDAY, MAY 17.**

**Mr. Vaughn Weaver**, Environmental Water Quality Specialist, Wichita Water and Sewer Department, greeted the Commissioners and said, “Thank you for this time. This program came together so fast, we didn’t actually get enough time to ask you properly to get this on the agenda.

I’m representing one of actually now 28, 28 people who are going to be classified as the experts, or the ambassadors and we’re all going to be wearing nice, pretty shirts, obnoxiously loud shirts. Hopefully, you all can see this walking through River Fest. And the idea about these shirts is they actually have a question. We have 15 different questions, and so of the 28 people, they’re going to have at least 14 different . . . 15 different questions out there.

These are going to be technical questions or policy questions or history questions and the idea is that the people that are going out are the people who are doing the field work, who are doing the

### **Regular Meeting, May 14, 2003**

policy making, who are doing the data collection, who are doing the literal field work. And they're the ones that can answer the questions the best. We are as diverse as it comes. I work for the City of Wichita, but we have County personnel working with us, we have State personnel. We didn't quite get federal, but we're working on it. Of the state, we have KDHE working with us, at least three people, and Wildlife and Parks. These are, again, not the people who are making the policies, but the people who are doing the field work.

I just wanted to make this presentation to you guys, because according to our grant, and I have to state this for particular reasons, it's a Kansas KDHE 319 Clean Water Neighbor Grant and this grant is funded for this project. We're trying to collect data from the citizens and try to relay the information to the citizens in a way that they can interact with us to give them the best answers we possibly can give them.

We feel the media has gotten a good foot in the door, but when it comes to actually answering the tough questions, I don't feel they're doing as adequate a job as the ambassadors could. And so that's why we're doing this. We will be out during River Festival, on Saturday, from 9 to 4. We'll be in teams and we encourage anybody who sees us to come up and ask us a question. It doesn't have to be the question on the back of the shirt. It can be about anything they have in concerns to river water quality, to policies, to watershed management, or anything that basically they have unanswered questions about in regards to the Ark River.

We feel that this is important. It is a pilot. If you guys ask me what do you expect to get out of this, I really don't know. This is completely brand new to all of us. In exchange for them asking us questions, we're going to give out small cards, business cards . . . not business cards but questionnaire cards and these cards are going to be returned to us through Blockbuster. So, not only do we have federal government agencies, we have Blockbuster, who is willing to give out a free movie rental for exchange with purchase of two, or rental of two to just get the card back to us. The data that we're going to ask on there is going to give us an idea of what policies or management practices the individuals have at home and this is something that we're lacking severely.

And I can tell you what water quality is out there right now, but the individual practices at home I can only guess at. And so, hopefully, these cards being returned to us will provide us more of that in depth grassroots research that we need.

In exchange, I would like to be able to come back in the fall and make our presentation to you of our findings, if that's okay with you. This is, again, a public awareness, this is a public education program that we're trying to get out to the grass roots people, not just to Wichita, to the County, to

### **Regular Meeting, May 14, 2003**

the state. We actually had to make sure our grant did not read anything beyond River Festival. We were fearful that there's other cities and states that would pull us away and we just don't have the time.

I do want to acknowledge the one person who isn't here. It's Livey Alder, she's the one who is the grant writer and coordinator of this program and she's unfortunately in another meeting right now, so I'm kind of the assistant to her.

If there's any questions I can answer for you right now, I'd be more than happy to but this was just more of a really quick, rush together . . . We've only had the grant for a month and you can know how much planning and processing goes through. We're still pushing to get this thing through, but we wanted to make sure you all understood what we were trying to do so the public is a little bit more aware of who we are and what we're out there for."

**Chairman Norton** said, "Okay. Well, we do have some questions. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. Could you hold that shirt up again for the camera to see the question. I'd like to ask the first question. What's a riparian?"

**Mr. Weaver** said, "What's a riparian area? What's a riparian area, the riparian area is actually the bankage, the vegetation along the bank of a river and in our area. It's very unique. Typically, people think of a riparian area as a wooded or forested area where the water can flood into itself to slow the water down. Well, in the plains we actually have a riparian area of tall grass, forest that is historically present. Currently today, we have a forested/ tall grass riparian area and it's just a part of the flood plains of our rivers."

**Commissioner Sciortino** said, "Is that a good area to have, along the banks of a river?"

**Mr. Weaver** said, "Yes, it's very important to have. It is important for filtration. It helps to make sure that the rivers are not being eroded unnecessarily or bank sloughing. Usually, we were actually, through many programs in the state, trying to encourage a buffer area and the buffer area would be included in that riparian area, so it's multiple facets."

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

**Chairman Norton** said, "Commissioner McGinn."

**Commissioner McGinn** said, "I just want to thank Vaughn for being here today. A couple of weeks ago, we recognized Deete Huffman, who you know has been a very strong supporter of the

### **Regular Meeting, May 14, 2003**

Ark River and those kinds of things. I actually met Vaughn about six to eight years ago on the 319 Clean Water Grant project and here he is today still working on that. And he has the wonderful job of working for the sewage treatment plant for the City of Wichita, but I guess the part that he likes, he gets to go out and take a look at the fish that are in the river and that tells us how healthy it is and if there's problems and those kinds of things. So, he doesn't have to go clean the stuff, he gets to go play in the river and see how healthy it is."

**Commissioner Sciortino** said, "Now, wait a minute. He gets paid to go fishing? I want to sign up for that job. That's a heck of a job."

**Commissioner McGinn** said, "It's difficult. I did it once. But anyway, thank you Vaughn for being here today. We appreciate it."

**Chairman Norton** said, "Thanks, Vaughn, appreciate it. Clerk, call the next item."

#### **AWARD**

#### **B. PRESENTATION OF SCHOLARSHIP AWARD FROM KANSAS COUNTY CLERKS AND ELECTION OFFICIALS ASSOCIATION TO KRISTINE BEYNON**

**Chairman Norton** said, "Marilyn, Don, welcome."

**Ms. Marilyn Chapman**, Election Commissioner, greeted the Commissioners and said, "And Don Brace, County Clerk. We are here on behalf of the County Clerks and Election Officials of the State of Kansas to present this award to Kristine Beynon. The County Clerks and Election Officials Association has presented scholarships for many years to deserving Kansas students. This year, there are 10 scholarships for \$500 each. Funds for these scholarships are raised through the cooperative effort of the clerks and election officials and election reporting agencies, including the Kansas Secretary of State. Other funds are through fundraising efforts through members of the association.

So it is my pleasure to present this scholarship to you, Kristine and would you mind telling us a little bit about yourself and your educational plans."

**Ms. Kristine Beynon**, Fiscal Assistant, Treasurer's Office, said, "I work for the Treasurer's Office, the Sedgwick County Treasurer's Office and I have been taking some classes, as I can, in the evening and trying to get the . . . my goal is to get the Associate of Arts degree in journalism at this point. And I just really appreciate this. It's really going to help a lot and so I just want to say thank

### **Regular Meeting, May 14, 2003**

you to the County Clerks and the Election Officials Association and also to Sedgwick County for the tuition reimbursement program, which has . . . I've also have been helped with. And I just want to say thank you."

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

**Commissioner Sciortino** said, "Don, did you have any remarks you wanted to make on it or anything?"

**Mr. Don Brace**, County Clerk, greeted the Commissioners and said, "I'd like to make a few. We think education is very important, not just for pre-teens, teenagers, young adults. And any person of any age needs to continue to learn. Education is the strength of any community, of any nation and I believe once you stop learning, you stop living a portion of your life. So, education is very, very strong and the clerks and the election officials are very proud to be into this scholarship program. Thank you."

**Commissioner Norton** said, "Thank you, Don. Well, that was well spoken. I won't try to make a comment after that. Clerk, next item."

### **PUBLIC HEARING**

#### **C. PUBLIC HEARING REGARDING APPEAL OF THE DENIAL OF EMERGENCY VEHICLE PERMITS TO WILLIAM RICE ON BEHALF OF HOMEGOING ESCORT SERVICES**

**Ms. Karen Duranleau**, Assistant County Counselor, greeted the Commissioners and said, "This matter comes to you as an appeal from the County Clerk's denial of an emergency vehicle permit. There are three vehicles in this application and Mr. William Rice has applied for an emergency vehicle permit and he intends to open a new funeral escort business and use those vehicles in that capacity.

Kansas Statute 8-2010a allows the Board of County Commissioners to designate certain vehicles as emergency vehicles when that designation is necessary to the preservation of life or property or carrying out of emergency governmental functions.

Mr. Rice's application indicates that his business is located within the city limits of Wichita. The County Clerk has denied the applications as a result of the county policy requiring the police chief's approval on the application. The police chief has declined to approve these applications. And at this point, Mr. Chairman, I would recommend that you open the public hearing, take comments

### **Regular Meeting, May 14, 2003**

from Mr. William Rice, any others that wish to speak, take comments from those also and then close the public hearing and then make findings, make a finding that either it is or it isn't necessary to the preservation of life or property or the carrying out of emergency governmental functions to designate these vehicles as emergency vehicles. I'll stand by for questions and Don Brace is here as well, and thank you."

**Chairman Norton** said, "Any other questions of Karen before she steps down, we open the public hearing? Okay, at this point I'll open the public hearing and accept any comments from the audience or concerned individuals concerning the issue today before us. Is there anyone that would like to come forward? Please state your name and address for the record. We normally limit it to five minutes, but to be sure that we get all the information, we will extend that to you, to get all your information."

**Mr. William Rice**, Owner, Homegoing Escort Services, greeted the Commissioners and said, "Okay, sir. Thank you. I am here today to appeal the denial of the emergency vehicle permit to be able to operate the equipment necessary for funeral escort services. One reason for giving these permits is to protect the general public. Our goal is to preserve the flow of traffic to prevent an accident, to get the funeral procession from point 'a' to point 'b' in a safe manner.

Years ago, funeral escort processions used to be run by off duty sheriff's officers and off duty police officers. Now it has gone to private enterprise. That is why we're here today to request approval for these permits.

I have nine years experience in the law enforcement field. I've had extensive training in traffic safety myself, and have extensive training in place for my drivers, to make sure that they know what they're doing and how they're doing it. We feel that red and blue lights on these vehicles are important because the general public has learned that red and blue lights need to yield to whatever vehicle it is. We are trying to keep the public safe during funeral processions.

Funeral escorts can help decrease the chances of accidents with people from out of town who have no idea where the church or cemetery may be and are trying to keep up and follow other cars. Funeral escorts keep the procession at a slow rate, patrol the public traffic in a safe manner. The use of some of our equipment will only be used at intersections in order to get eye contact with people at that intersection.

Our vehicles are Chevy Blazers with signs that say 'Funeral' or 'Homegoing Escort' on the side, so that when we enter an intersection, the people know what we're there for. They realize it is a funeral procession and that we will get the traffic through and then they can proceed.

### **Regular Meeting, May 14, 2003**

After the funeral procession and when the vehicles are not in service, we have light covers to cover up the lights so they will not be a distraction when not in service.

We empathize with some of the issues of the City of Wichita about funeral escort services. However, on occasion, I have noticed that during a funeral procession that the City of Wichita is in the procession but the traffic control is done by the funeral escort service.

There are currently two funeral escort services in the County today. We believe that there is room for another and improvement in service. As some of the funeral directors and processional drivers that are here today can tell you, funeral escorts are preferred by most funeral homes during processions. There have been times when there have not been enough escorts available for some processions and this can be hazardous, not only to the processional, but to the public as well.

There have been times when both escort services are in use at other facilities. Unfortunately, I have had this happen to me during two of my loved one's processions. We had to cross a major artery from a stop sign. Not all of the cross-traffic stopped, because they did not know that it was a funeral procession. The procession was not sure whether to keep going through the stop sign or stop. Some were afraid of getting lost and decided to keep going. Fortunately, we all arrived unharmed. However, we did not all arrive together.

So today we're asking you for the permits to be issued to us so we can maintain security of processions. We can decrease the worry of everyone arriving on time in a safe manner and protect the loved ones of the deceased. Thank you."

**Chairman Norton** said, "Thank you very much. We'll hold questions for right now and then Commissioners can invite anybody back they may want. Is there anyone else that would like to speak, either for or against? Please come forward."

**Ms. Barbara Rice**, 11716 E. 2<sup>nd</sup>, Wichita, Ks., greeted the Commissioners and said, "My husband and I, Willard Rice, own a limousine service here in town and we work with mortuaries and families during funerals. And it is very important to have an escort service when transporting families to and from the funeral, the burial site. It makes it much safer. There are drivers out there who don't know that it's a funeral procession without the escort services and there is great room for

### **Regular Meeting, May 14, 2003**

improvement, as far as serving the families and providing safety for the procession. So I would really like to see another escort service to help out, because sometimes there are just not enough vehicles to service the funerals that are taking place in a day or time. Thank you.”

**Mr. Carl Stovall**, 5105 Arlene, Wichita, Ks., greeted the Commissioners and said, “The concept for this service grew mainly out of the observance of a couple of the other escort services. What this service is intended to promote more so is safety. Now I’m not going to sit up here and badger or berate any of the other services, but I know that with the training that Mr. Rice has had and that his drivers had and the experience in the law enforcement field that he and at least one of his other drivers that he intends to utilize has will provide a much more safety-conscience decisions in mind during escort services.

Safety is the number one key in any endeavor. Again, the diversity that they bring because of their varied experiences, I believe, will lend itself to this service and I hope that you would approve him for the necessary licensing. Thank you.”

**Mr. Michael Jackson**, Jackson Mortuary, Wichita, Ks., greeted the Commissioners and said, “I guess I’m probably the first person that Mr. Rice talked to about the escort services, being in the business and serving the majority of his family members. The question was asked of me, was there a possibility. I didn’t know there was a denial for actually receiving his licensing. The more competitive it would be, as far as price-wise, for the families also. With two, there is a price that people have to pay for escort services. If we have a third one, that might lower the price so that families can be better served and more efficiently and economically.

I’m excited that Mr. Rice has decided to go into this line of business. I hope him all the success and hope that you all would give him his licensing. Thank you.”

**Mr. Richard Tymony**, 1804 E. 23<sup>rd</sup>, Wichita, Ks., greeted the Commissioners and said, “I’m an associated minister at Tabernacle Baptist Church, assistant pastor at Second Baptist in Pratt, Kansas. As a former motorcycle escort rider, the importance of having an escort to take you from the home to the church in a safe manner and then from the church to the cemetery. One of the problems that we have when mortuaries are trying to run without any escort services, when you have oncoming traffic, they do not recognize that this is a funeral procession and the procession

### Regular Meeting, May 14, 2003

sometimes gets separated one from the other and then, as Mr. Rice says, some arrive at the cemetery at the beginning, then some come in late. It's really bad for those ones that are coming from out of town who knows not where the cemetery is and they're depending on someone getting there in a safe manner.

One of the major things is that we run into, during cycle escorts or whatever, is that when we come up on major traffic, if the traffic doesn't recognize you, possibility the lead car and the coach gets through the intersection safely, but then when you have the family car and all the other processions, they are missed, you get scattered. So it is important for them to have an escort service to take them from wherever they go in a safe manner. And as I agree with Mr. Jackson that although we have two services and so forth and I'm not here to say anything negative about that, but I do agree for the cost of \$200 per rider or whatever it may be, that there's a possibility with a third one, that might decrease the cost of having a service.

And then think about it, it's less stress upon the people or the bereavement person to have to worry about whether Aunt Susie gets there or not or if she didn't make it to the service because the escort service wasn't there to keep them together. So, I also ask that I hope that you will grant this escort service to Mr. Rice. And again, I thank you for your time."

**Chief Williams** said, "Good morning once again, Commissioners. I'd like to thank you for this opportunity to be able to speak to this issue, since I'm the one that denied the application. When you look at funeral escorts, it's a tradition within our society and when the application came before me, it was a hard decision. But yet, there are several reasons why I made that decision in regards to that.

First and foremost for safety, and we've heard a lot about safety in regards to the funeral escorts allow safe traffic flow, as far as vehicles to and from. But it also compromises safety, because most citizens, when you look at an emergency vehicle, they think in terms of ambulance, police cars, fire trucks and things of that nature. And so, if they don't see those kinds of vehicles, are they really going to stop for something that is not considered an emergency vehicle.

The other concern that we have in regards to that is the law enforcement safety concerns, the fact that you find that several of our current services have a tendency to exceed the speed limit in a, what I consider to be an unsafe manner.

We teach our officers how to operate vehicles, particularly in regards to emergency pursuit. They spend quite a bit of time over at KLETC on their training ground to make sure that they operate those vehicles in a minimize compromising their safety, compromising the safety of the public and that's one of the concerns I had was.

### **Regular Meeting, May 14, 2003**

Currently, we do not have a mechanism within the City of Wichita that provides adequate training for the operators of funeral escort services, but yet, like I say, they exceed the speed limit by 15, 20, 25 miles. And we get a lot of complaints from citizens, 'Well, what are you guys going to do, why can't you guys write them tickets because they're not an emergency vehicle' but yet you try to explain to them that they have a license to operate as an emergency vehicle.

It's frustrating to our officers, from the standpoint that we are not . . . we can't issue citations because they're operating as an emergency vehicle. I mean, we're not going to write one of our own vehicles operating as an emergency, so why should we write the funeral escort. So, that's one of those dilemmas that's created concerns.

I know we've had several meetings with local funeral directors, looking at what is a compromise, how can we address this whole issue of funeral service escort and minimize compromising the safety of this community. And so we're still trying to work through that. We've provided several different recommendations, as far as city ordinance, that will help us to try to resolve this, short of any kind of considerations of banning because you're talking about a tradition and that's something that you don't want to take on is tradition, so you look at what's a compromise here.

So, like I say, I just wanted to share with you why the decision was made to deny the application for the funeral escort: safety, accountability, the lack of training. I heard Mr. Rice talk about he provides training for his personnel, but there again, when you look at law enforcement, we send our officers to KLETC to learn how to operate a police vehicle in an emergency mode."

**Commissioner McGinn** said, "I have a question of the chief."

**Chairman Norton** said, "Okay. Commissioner McGinn."

**Commissioner McGinn** said, "Take me back before 1992, and share with me how did we deal with all this before then. We had escorts and those kinds of things. How did we do funeral escorts?"

**Chief Williams** said, "That I would have to research. I can't tell you right off hand, without doing some research on it. I know it was brought up that we used off duty sheriff and police personnel, but I can't remember us doing it in my 28 years on the police department. It may have been a private entity. I know Ambassador, for a long period of time, was probably the only escort business that we had here within Sedgwick County up until a couple of years ago, when we had another one come on line."

**Commissioner McGinn** said, "Okay. And Ambassador was allowed to do the red light."

### **Regular Meeting, May 14, 2003**

**Chief Williams** said, "That's correct. I think they got a license in Haysville, they applied to Haysville and got a license and they were able to operate."

**Commissioner McGinn** said, "So they were the only guys in town that could use red light and if anybody else provided the service, it was amber light and white light."

**Chief Williams** said, "That is correct, because I think you had some of your private security agencies, I want to say like SWAT, doing some limited escort."

**Commissioner McGinn** said, "Okay, but they can't, because of the white light and amber light, they can't go through the intersection or stop the lights or anything like that."

**Chief Williams** said, "That is correct. They have to have amber lights . . ."

**Commissioner McGinn** said, "You mean red lights."

**Chief Williams** said, "Pardon me?"

**Commissioner McGinn** said, "They have to have red lights to stop, or amber lights?"

**Chief Williams** said, "You have to have red and blue lights to be considered an emergency vehicle, which allows you to stop at the intersection."

**Commissioner McGinn** said, "If you don't, then just if the red light happens, then you do divide up the funeral."

**Chief Williams** said, "That's correct."

**Commissioner McGinn** said, "Okay. I think that's all I have right now. Thank you."

**Chairman Norton** said, "Thanks, chief. Is there anyone else that would like to speak? I'm going to ask one more time. Is there anyone else that would like to speak before I close the public hearing portion today? At this point, I'll close the public hearing and limit the comments to the Bench. Commissioners? Commissioner Sciortino?"

**Commissioner Sciortino** said, "I'd like to have the applicant come up to the mike if he could. Mr. Rice, I hope that my secretary was able to make contact with you and let you know, ahead of time, some of the questions that I wanted to ask for the public to hear. Were you able to get those questions and what have you?"

## Regular Meeting, May 14, 2003

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

**Commissioner Sciortino** said, "Because I think this is very important, as a concept. I do believe that an escort service, properly run, will enhance the public safety, but I had some questions put together that I think the public needed to know and I wanted Mr. Rice to have those questions ahead of time, because some of them might take some thinking and I didn't want to just hit the individual cold with them.

So, I'll just start off. Explain to us again how . . . the type of lights that your vehicles will be equipped with, if you would."

**Mr. Rice** said, "My vehicles will be equipped with the red and blue light bars that most city police officer cars use and they will have sirens plus air horn."

**Commissioner Sciortino** said, "Okay. When you are . . . could you kind of explain the operating procedures that your drivers will follow? For example, when will the red lights and sirens go on? Are they on all the time? Is it just at the inter . . . Could you kind of explain the procedure that your drivers will follow, sir?"

**Mr. Rice** said, "Yes, sir. I'd be glad to. The red and blue lights, for most reasons, will be on from the time the vehicles leave the church or the residence, whichever is requested by the family, until it gets to the destination, whether it be the church or the cemetery. The siren and/ or air horn will only be used at intersection, just to get the other driver's attention that, yes, there is a procession in the area and just to raise their awareness."

**Commissioner Sciortino** said, "Okay. So you'll be using those just at the intersections to alert the traffic going the other way that, hey, this is something you have to stop for."

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

**Commissioner Sciortino** said, "Okay. You already answered one of the questions that I had, in talking about your experience in traffic control and being a police officer for nine years and what have you. But are you going to require any type of experience from the drivers that will be working with you?"

**Mr. Rice** said, "Yes, sir, I will. I would prefer that everyone had been through defense driving courses. However, if they have not, we do have courses set in place which involve classroom time and drive time, not with being on the street, but obstacle courses of that effect and to give them some idea of what's involved."

## Regular Meeting, May 14, 2003

**Commissioner Sciortino** said, "Okay. There has been some talk that I've heard, over at the city side, that they may institute a requirement that would mandate three vehicles be part of the escort service. Would you be able to comply with that requirement, should the city impose it?"

**Mr. Rice** said, "Yes, sir, I would. And I might add, I'm not here to pick on anyone else, but in a funeral procession, depending on how long that procession is, three cars is a good number to have. Now, if you try to do it with less than that, then you're going to need to increase your speed, which is a violation of the law, in order to keep everything safe."

**Commissioner Sciortino** said, "Yeah, it sounded like one of the negatives that I've heard is because of only two and funeral processions being pretty long, the escort is speeding to get to the next intersection and actually exceeding the speed limit and what have you and that could be a little dangerous to oncoming cars, because sometimes you're moving out in the lane, to get around the funeral procession."

**Mr. Rice** said, "Yes, sir, very much so."

**Commissioner Sciortino** said, "I think you just answered this, that if we were to grant this permit, that does not give you permission, nor does it give any of your drivers permission to break any of the local speed limit laws. You're aware of that."

**Mr. Rice** said, "That is correct."

**Commissioner Sciortino** said, "Let's say that you get a complaint from a citizen complaining about the driving habits or something that happened to one of your people that were driving the escort that are complaining. Do you have, or will you have a procedure in place as to how you'll handle the complaint from a citizen that may be notifying you of one?"

**Mr. Rice** said, "Yes, sir. I might say for the first pretty good while I will be out there also driving and so I will be able to observe my other drivers and make sure that they are doing things in accordance with the law and to my satisfaction and with the public safety in mind. However, if a complaint is received, I would, after accepting that complaint, investigate into the complaint and the complaint would be handled with strict . . . I guess, consequences."

**Commissioner Sciortino** said, "I mean, you'll respond to the complaint and do a check on it and let the people know what you did, as far as that's concerned."

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

## Regular Meeting, May 14, 2003

**Commissioner Sciortino** said, "What type of driver's license check? Are you going to be doing anything like that before hiring someone or what will be your standards for hiring a person or exceptions of why you won't hire somebody? Are you going to have some type of hiring standards or background checks on these people that will be driving these vehicles?"

**Mr. Rice** said, "Yes, sir. In compliance for my insurance for the vehicles, I would be required to submit to my insurance company the driver's license number and all the pertinent information of that particular driver. They would, in turn, then run the driver's license check and background check to protect their interest also.

There are limits on . . . that I do have in place on what a driver could have, as far as violations against his traffic record and that would be if he has more than one citation in the past two years, he won't be driving for my company."

**Commissioner Sciortino** said, "And a citation could be a moving violation or a DUI or anything of that nature?"

**Mr. Rice** said, "Yes, sir. A moving violation or a DUI, the insurance company is going to frown on that DUI, so I have their support on that, but as far as a moving violation, speeding ticket, running a stop light or a stop sign, that is not what I'll call conscientious driving."

**Commissioner Sciortino** said, "Okay. I think I've asked, I think all the questions that I kind of researched out to think of what the public had. I just had . . . That's all I had of you, sir. I just had one question of Mike, if Mr. Jackson, you could just step up here for a second."

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

**Commissioner Sciortino** said, "Do you have personal history of this individual? Do you know him? Do you vouch for him?"

**Mr. Jackson** said, "Mr. Rice? Known him ever since we were elementary school kids."

**Commissioner Sciortino** said, "Is that good or bad?"

**Mr. Jackson** said, "That's very good."

**Commissioner Sciortino** said, "Because when somebody says they know me, somebody else is quick to say you have my deepest condolences."

## Regular Meeting, May 14, 2003

**Mr. Jackson** said, "Very good character, very good person."

**Commissioner Sciortino** said, "That's all the questions I had. Thank you very much."

**Chairman Norton** said, "Okay. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. I have a quick question for Mr. Rice. You talked about the courses in place for defensive driving. Is that something you're going to require or is it just something you're going to say, 'here it is if you want to do it'?"

**Mr. Rice** said, "I would require defensive driving courses. I, myself, have certification in two defensive . . . two different defensive driving courses, one from the Kansas Highway Patrol and one from the Kansas Department of Transportation."

**Commissioner McGinn** said, "Okay, thank you. And then I have a couple of more questions for Chief Williams. I guess one of the things I heard was Commissioner Sciortino was talking about how they have to play catch up. Is that allowed too, to exceed the speed limit? I think of a funeral procession, generally they're going less than the speed limit, so maybe if you went the speed limit you could catch up. I don't know, is that something that's also allowed, as far as going through traffic lights too? That, you know, if it's 40, we can go 50 to catch up? Is that allowed when you have the red light?"

**Chief Williams** said, "If you're operating as an emergency vehicle, there's no top-end speed. You can go as much as 100 miles an hours to catch up. We try to . . . like I said, there's no top end speed."

**Commissioner McGinn** said, "Okay. And then the other question I had was do we know, has there been a high accident rate with these escort services since we've had them?"

**Chief Williams** said, "No, there has not been a high accident rate."

**Commissioner McGinn** said, "I mean, I guess I don't mean just high, but has there been very many?"

**Chief Williams** said, "I would have to research that, to see if there's been . . ."

**Commissioner McGinn** said, "A noticeable amount, that's what I guess I'm trying to get at. A lot of times things . . . a red flag shoots up because somebody is in a certain industry."

## Regular Meeting, May 14, 2003

**Chief Williams** said, "No, there hasn't been any."

**Commissioner McGinn** said, "All right, thank you."

**Chairman Norton** said, "Any other questions or comments, Commissioners? Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I have just a couple of questions and maybe Karen Duranleau can answer these. Does a funeral procession need a permit before it leaves a funeral home or whatever?"

**Ms. Duranleau** said, "I don't know of any requirement in the city limits or the county that would require them to have a permit."

**Commissioner Unruh** said, "Okay. So the whole authority of a funeral procession is up to these emergency vehicles and however they conduct themselves."

**Ms. Duranleau** said, "Yes."

**Commissioner Unruh** said, "And the difference between being permitted and not permitted is the issue of whether or not they can halt traffic at stop lights. Is that the primary difference?"

**Ms. Duranleau** said, "The . . . what you are issuing a permit for here today is to operate with red lights and siren for these vehicles and that does not authorize those vehicles to break traffic laws. I think that Chief Williams alluded to that earlier but that does not authorize them to violate traffic laws, the permit designating the red lights and sirens. And I believe, in the discussion in 2001, it was stated that those vehicles could be ticketed. That the actual vehicles that proceed through a red light, including the emergency vehicles, could be ticketed. And I believe discretion is exercised in that area."

**Commissioner Unruh** said, "Okay, I understand that. The other two escort services have this designation as emergency vehicles presently."

### **Regular Meeting, May 14, 2003**

**Ms. Duranleau** said, "Yes, there are the Haysville Ambassador Company has, I believe nine vehicles licensed and the Wichita Mortuary has twelve vehicles licensed."

**Commissioner Unruh** said, "Thank you. That's all I had."

**Ms. Duranleau** said, "Any other questions for me?"

**Commissioner Unruh** said, "Mr. Brace wants to make a comment."

**Chairman Norton** said, "I think it looks like Don . . ."

**Mr. Brace** said, "I think there might be a misconception here. When you give this permit, you're not giving it to Mr. Rice and his company. These permits are for the vehicles, not for the company. You're permitting each vehicle to be an emergency vehicle. You're doing nothing for the company itself, the name. Each vehicle has to have a permit to be designated as an emergency vehicle."

**Commissioner Sciortino** said, "Does that permit stay with the vehicle, so if Mr. Rice sold the vehicle, it would come equipped as an emergency vehicle?"

**Mr. Brace** said, "Every vehicle, when they change vehicles, they have to come and get a new permit for that vehicle. We are not giving a permit to the company. We're giving the permit to the vehicle to be designated as an emergency vehicle and that's what Karen alluded to when she said nine and twelve."

**Commissioner McGinn** said, "I guess, so . . . Don, don't leave after you started that. So if you say that it stays with the vehicle, so if Mr. Rice sells it to me, I can go run around and do whatever."

**Mr. Brace** said, "It's got to stay with the owner also. Once the owner changes, the designation then departs."

**Commissioner McGinn** said, "So if I'm upgrading my fleet and I'm going to sell my old one and I go in to get my permit, then you take away that one and put it on there and whatever. What is the fee on the permit?"

**Mr. Brace** said, "Twenty dollars per vehicle. So what I'm telling you is because you talked to Mr. Rice, that you give Mr. Rice the permission to run an escort service. You're actually giving him permission to buy vehicles, to get a permit to run it. You're not giving him Carte Blanc, okay, for twenty vehicles."

### Regular Meeting, May 14, 2003

**Commissioner Sciortino** said, "Yeah, I understand that. Is that all you had, Carolyn?"

**Commissioner McGinn** said, "Well, I guess now, the other thing is, is there any other criteria there? What if I'm not doing a funeral? It's also in the permit that it's a funeral escort?"

**Mr. Brace** said, "Yes."

**Commissioner McGinn** said, "Okay. The vehicle can't go do other business."

**Chairman Norton** said, "Are you done? Commissioner Sciortino."

**Commissioner Sciortino** said, "Thanks. Don, let me just make absolutely sure, because sometimes you open up a can of worms and you leave and then we're trying to figure out what to do with the worms. We're issuing . . . if he goes out and gets three vehicles, if that's what he's got or however many he has, but he can't decide next week to get out of the business and just sell his vehicles, and the person that bought it automatically is an emergency vehicle."

**Mr. Brace** said, "No, not at all."

**Commissioner Sciortino** said, "So it is with the individual who owns the vehicle."

**Mr. Brace** said, "Very true. If he goes out and buys three more vehicles, then he has to come back and his renewal and unless he gets the Chief of Police's signature and the County Sheriff, he'll be back here asking for permits for vehicles."

**Commissioner Sciortino** said, "So he gets an emergency vehicle license per vehicle that he wants to have licensed."

**Mr. Brace** said, "And three years from now, on a renewal, the same exercise will take place."

**Commissioner Sciortino** said, "Understand, okay, all right. Because I thought we were going down a slippery slope there for a minute, but okay, I'm fine. That's all I had."

**Chairman Norton** said, "Any other discussion from the Commission? I'd like to ask the Sheriff to come up and just visit a minute. It seems like we have a conundrum of trying to serve what the citizens' good is for a longstanding issue in our community and what is good public safety. As we move forward on this, because we dealt with it in 2001, we're dealing with it again, is there a way to put together a group of folks representing the Sheriff's Department, Wichita PD, emergency vehicles, the community that is served by this, which is funeral homes, and the escort services and

### **Regular Meeting, May 14, 2003**

some citizens to design what this looks like in the future, so that we don't keep coming back to this?

I mean, there's a wide chasm here between what the public good is in a tough time for citizens and what public safety is and certainly you advocate and Chief advocates well for that issue. But I see that there's a pretty wide expanse here. Where do we go with this?"

**Sheriff Steed** said, "Well, I share many of the concerns that the Chief had talked about, in terms of training and safety and how these escorts are actually performed, in terms of staying within the law and not endangering the general public out there with these vehicles that are driving at high speeds, or higher than normal speeds and block intersections.

So, I had some concerns about what kind of public safety there is for the general public out there, not just the people that are in the funeral processions. Perhaps that can be addressed by handling the processions in a different manner. I'm encouraged to hear discussion that perhaps more than three vehicles or three vehicles or more could have some concerns with that. Perhaps, and I'm not an expert on how to do those funeral processions, have not had a lot of experience directly with that, but perhaps there's some other method of just blocking the intersections or the intersections that you know you're going to have a problem with, high traffic areas. So, perhaps there's some opportunities for some discussions and I think there have been some discussions and some meetings to talk about the ways to do this and of course we're talking about several jurisdictions also, because the current permitting process requires, if it's a funeral service in Haysville, that the Haysville chief has to sign off on it, and if it's one in Valley Center, the Valley Center chief has to sign off on it.

And unfortunately, it's up to the County Commissioner to approve the permits, and Chief Williams and I have been placed in the middle of this, having to require some type of approval and there's no process for us to look at and determine are the people properly trained, what is the process, who does that, who goes out and checks up on that. Certainly, I don't have the personnel to provide that type of training. And I'm not sure, at this time, what that standard should be, so perhaps there are some opportunities. Does that answer your question?"

**Chairman Norton** said, "Well, it does and I guess where I'm going with this is I'd be willing . . . and we're going to have to deal with this issue today, but it looks like we could deal with it again a year from now, two years from now and it seems to me that we need to come to a learning of the last several years and maybe convene some kind of a commission that would look at this issue and come up with the middle ground that promotes good public safety. I don't know if that's licensure

### **Regular Meeting, May 14, 2003**

of individuals that have to go through the Kelly training program that all people have to go through. And you know what, if we say that's public policy, it may be a little onerous on the escort service to pay the extra money for the higher level, but you know what, that may just be the cost of doing business. And I think we need to come to some ground there somewhere, and maybe the chief would like to speak to that also, because it is a duality of county and city. But I think we have got to move forward and look forward with this, not just keep dealing with it on an individual basis, but come up with some kind of public policy that serves the Sheriff's Department and Wichita PD and other emergency vehicles well and doesn't sully what they do, but also provides for, you know, a service that is really pretty important to most citizens."

**Sheriff Steed** said, "I just want to be clear. Director Peevy would probably be pretty concerned or upset with me if I volunteered his staff and his program over there to provide training. That's something that they provide for law enforcement. I don't know that it's necessarily open to the public and it's a rather expensive program to put on."

I can say for myself and I'm relatively sure I can speak for the chief that our departments are perfectly willing to participate in a process to determine some kind of a policy or procedures for doing this, permitting these vehicles."

**Chairman Norton** said, "Okay. Chief?"

**Chief Williams** said, "Commissioner Norton, I don't know if you're aware, but we have had meetings with representatives from the city and the county that are looking at that whole issue of funeral escort, because it impacts our community, which is Wichita/ Sedgwick County, and how do we come up with, again, an amicable compromise that will allow for the funeral escorts to be able to do what they need to do in the best interests of the family, as well as public safety as a whole. So, those are some things that we've been doing, and there again, we've had meetings with different funeral home directors to get their input on what can we do here, how can we find a compromise to be able to accomplish everybody's objectives and missions in regards to this. So that's something that's been going on and I don't think . . . Yeah, we've involved the Sheriff's Department in that as well. So, we're looking at that, trying to find what's good for the community, as a whole, in regards to public safety."

**Chairman Norton** said, "Okay. Good."

## Regular Meeting, May 14, 2003

**Sheriff Steed** said, "If I might make one more brief comment, in relation to Commissioner McGinn's questions. She had asked about the safety issues. My information is a little bit dated, but I had researched a little bit about the safety of funeral escorts and had generally determined that most of the accidents that had occurred were occurring with the motorcycles as they passed the processions themselves, with the people pulling out of the processions and running into the vehicles. Since that time, I see very few motorcycles out there. Mostly we have gone to the vans, in terms of the escorts.

I guess that raises another flag for me, in that if you have people riding on motorcycles and they're in the escort business, they're endangering themselves, they're not as much of a danger to the general public running into a vehicle. But when we have vans or larger type vehicles, I think there is a little greater danger. And I'm familiar with just one accident that I'm familiar with that occurred in the county that involved a escort vehicle."

**Chairman Norton** said, "Okay, thanks."

**Mr. Brace** said, "I think we're on the learning curve here. One other thing, when you designate an emergency vehicle in Sedgwick County, that permit is good throughout the state, just in case you were not aware of that. It does not just remain here in the County."

**Commissioner McGinn** said, "But only for funeral business."

**Mr. Brace** said, "Yes. Well, it's emergency vehicle, anywhere in the state."

**Chairman Norton** said, "Okay. What is the will of the Board?"

**Commissioner Sciortino** said, "I'd like to try something here if I could, Mr. Chairman. Based on the evidence that we've seen presented here, I think that the Board of County Commissioners should find that it is necessary to the preservation of life or property or to carry out emergency governmental functions for three funeral escort vehicles to receive designation as emergency vehicles."

### **MOTION**

Commissioner Sciortino moved that the vehicle permits applied for by Mr. William Rice be granted.

Commissioner Winters seconded the Motion.

### **Regular Meeting, May 14, 2003**

**Chairman Norton** said, "I have a Motion and a Second. I see Commissioner McGinn has some discussion."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. A couple of years ago, I voted against this item of allowing these, but after hearing today, it sounds like there really isn't any other alternatives and that's what I was trying to find out. What have we done in the past, what is different? And it doesn't sound to me like there's any other solution for funeral processions to occur in our county. I still have concerns about high speeds. I have concerns about training and I was looking at the Minutes from two years ago and Commissioner Norton even made comments about working these things out. Well, that was two years ago. I'm glad to hear that we are talking about it, but I think that it is important to have requirements that you have to have a certain kind of defensive training and those kinds of things to be able to operate these vehicles.

And so, you know, if there was another choice where it's the police department or the sheriff's department provides this service or something like that, I'd be willing to go that route if that was what they wanted, but it doesn't sound like that's even a choice either. And so, I guess when we're sitting here in this dilemma, to me it doesn't seem like we have much of any other choice here except to move forward. If the City of Wichita or any other city wants to perhaps put forth an ordinance or something like that, that changes this in the future, I'd be willing to.

But after also hearing about that the accident rates are not significant, that was the big concern that I had. It sounds to me like perhaps these are working, but I have heard horror stories about racing up and through the light and those kinds of things and that's why I think it's important that we continue, or somebody continues having discussions of these are the requirements that you have to go through in order to get this permit in the future. And I want to thank Commissioner Sciortino for asking all of those questions, and it seems to me like many of those questions should be addressed in the permit process. So, thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just want to say that I'm very reluctant to take a position that's in opposition to the best advice of our sheriff and of the chief of police. It's not a habit I want to get into, is going against our expert advice and opinion. And I do think there's much to be done in policy and regulation that could improve this issue.

**Regular Meeting, May 14, 2003**

However, we have two escorts already operating the same way. It just seems we're going to continue to have funeral processions and I think that, probably, from the evidence presented, that this does add to public safety rather than detract, so I'm going to support the Motion."

**Chairman Norton** said, "Any other discussion? Clerk, call the roll."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**PLANNING DEPARTMENT**

- D. CASE NUMBER DR2001-00003 – RESOLUTION ADOPTING THE MCADAMS NEIGHBORHOOD REVITALIZATION PLAN AS AN AMENDMENT TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN; GENERALLY LOCATED SOUTH OF 17<sup>TH</sup> STREET, WEST OF HYDRAULIC, NORTH OF CENTRAL AND EAST OF MOSLEY.**

**POWERPOINT PRESENTATION**

**Mr. Dale Miller**, Acting Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This is a request to adopt the McAdams Neighborhood Plan. In late 2000, a number of people got together to talk about the McAdams neighborhood area and see what they could do to try and improve it. They formed a community development committee and asked

### **Regular Meeting, May 14, 2003**

that committee to develop a plan to revitalize the area. A number of folks are on that committee, including Commissioner McGinn, James Arbertha, Paula Givens, Sherdeill Breathett and then staff we have Dave Barber from the Planning Department was also on the committee.

They held a number of neighborhood meetings and they conducted surveys and, as I understand it, they had over 330 people participate in those meetings and surveys. And the committee identified six key issues that they felt needed to be addressed and those are: the elimination of substandard housing, they wanted to create safe single-family neighborhoods, they wanted to attract people who were interested in living in the McAdams neighborhood area, they wanted to create and support neighborhood organizations that would help them reach the goals for the McAdams area, they wanted to promote infill development and they wanted to beautify the area.

And this plan has been presented to the Metropolitan Area Planning Commission, to the park board and to the appropriate district advisory board. They have all endorsed the plan and recommended approval. Some of the folks that I've named that were on the committee are present here. If you have detailed questions, I'm sure they would be able to respond to it. With that, I'd try and answer questions."

**Chairman Norton** said, "I see none at this point. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. I'd just like to ask Dave Barber if he'd like to come up. Dave, it seems like you were the lead man in this and see if you had any comments on this."

**Mr. David Barber**, Wichita/ Sedgwick County MAPD, said, "Well, I wouldn't say I was the lead man but I was more in the technical support role to what I see is a community driven committee. This is a really community driven plan and I'm happy to have been part of it in a professional capacity and I think we've come up with a good product that reflects the will and wishes of a lot of different stakeholders and it's time to start moving forward in the McAdams neighborhood. Things have already started to happen there and it's really exciting."

**Commissioner McGinn** said, "It's kind of like putting the pieces of a quilt together, as I see it. There's been a lot of things going on from different entities and James Arbertha has certainly made a difference in that community. And if you haven't been out there in the last, I'd say, year you need to go back and see some of the changes that have been occurring. He's doing some great things, as well as some other people out there as well. We've got Habitat for Humanity doing some work out there. Sedgwick County certainly participated in trying to put together a little bit of a community center for that neighborhood. That neighborhood is boxed in, basically, because of the highway. Lots of changes happened when that highway was put in and it kind of was the ruination of a

## Regular Meeting, May 14, 2003

wonderful neighborhood for its time.

And so I'm glad to hear that there is a great deal of community support for this plan, and glad to see that it's finally finished. I know it was a lot of work and a lot of meetings and I wasn't able to participate in all of them, but the ones that I was able to participate, there was good community dialogue. So, I just want to say thank you to Dave and Dale Miller and the others that participated in this process as well. So, that's all I had for now. Thank you."

**Chairman Norton** said, "Commissioner Winters."

**Commissioner Winters** said, "Well, I see that Sherdeill is here and I might just ask him to make a comment or two. Sherdeill, would you come up. Just as a staff person, I guess, I'd like to hear a bit of your perspective about the community involvement and the . . . I guess the temperature of the folks that are there and are trying to make this a workable deal. So, just as a Sedgwick County person, could you share a bit of that."

**Mr. Sherdeill Breathett**, Economic Development Director, said, "I would also say, myself similar to Dave, worked from a technical standpoint, but to see it as a grass root project, but it was a coalition of the community, neighborhood residents and others really taking a strong initiative in seeing this whole process through. It's been very time consuming, but we think that we've dotted all the 'i's, crossed all the 't's and just as a whole, we've been right there at the table from day one and participated in the community meetings as well too. It was just very enriching to see the community really jump on board and participate and come to the different meetings that we had.

We held them, some in the evening and some in the morning and at different locations to make sure we can accommodate a great wealth of those that live there in that community. And they really jumped on board and really were excited to see something happening that's going to be very positive and beneficial to the whole community. I'm very excited to see Sedgwick County's involvement as well."

**Commissioner Winters** said, "All right. Well, I certainly appreciate the work that you've done and that Commissioner McGinn has drawn the County into. So I think it's been time well spent. So, thanks for your comments, Sherdeill."

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

**Commissioner Sciortino** said, "She had a whip behind us. She was kicking us, dragging us, pulling us. What do you mean, 'drawn in'?"

**Regular Meeting, May 14, 2003**

**Chairman Norton** said, "I see no other lights for discussion. What is the will of the Board?"

**MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**NEW BUSINESS**

**E. RESOLUTION AUTHORIZING REDEMPTION OF \$490,000 OF SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2000.**

**Ms. Irene Hart**, Director, Division of Community Development, greeted the Commissioners and said, "Within the past month we've had another organization come in and ask to have their bonds adjusted and it was similar, at that time to . . . I used the example about refinancing your house because the interest rates had improved. This is another business that we've issued industrial revenue bonds to. They have an opportunity to consolidate and to do some refinancing that results in interest rates that are more favorable to their bottom line.

The issue has been reviewed by our bond counsel and by our legal counsel. They both recommend it. Larry Clenman from Triplett, Woolf and Garretson, who is representing the owner, is here to

**Regular Meeting, May 14, 2003**

answer any questions you might have. He's their bond counsel and I'd be happy to try to answer any questions that you might have."

**Chairman Norton** said, "Okay. Commissioner Winters."

**Commissioner Winters** said, "I guess just, Irene, to make sure we're clear, this is just going to allow United Warehouse, in effect, to refinance the taxable industrial revenue bonds that we had issued back in 2000 and let them get a better interest rate on a banking relationship."

**Ms. Hart** said, "Right. There's no impact to the County whatsoever."

**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Irene. Next item."

**F. RESOLUTION ESTABLISHING HOLIDAYS TO BE OBSERVED BY SEDGWICK COUNTY IN 2004.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, it's

**Regular Meeting, May 14, 2003**

that time of year to establish the holidays for the ensuing year. And the resolution that we've prepared will establish those holidays that we traditionally observe, which are: New Year's Day, Martin Luther King Junior Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, the Thursday and Friday regarding Thanksgiving and Christmas Day. The resolution is in proper form. I'd recommend you adopt it."

**Commissioner Sciortino** said, "Where's Columbus Day?"

**Mr. Euson** said, "Commissioner, some years ago, we traded Columbus Day for the day after Thanksgiving, and so we recognize Columbus Day by having an in-service day."

**Commissioner Sciortino** said, "Okay. I'll eat spaghetti the day after Thanksgiving for Christophe Columbo."

**Chairman Norton** said, "I would entertain a Motion."

**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**G. CONTRACT WITH CITY OF HAYSVILLE FOR CONVEYANCE OF REAL PROPERTY OWNED BY SEDGWICK COUNTY.**

**Regular Meeting, May 14, 2003**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “We’d like to defer this item.”

**MOTION**

Commissioner Sciortino moved to approve and authorize the Chairman to sign the Contract and related documents.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

**Commissioner McGinn left at 10:30 a.m.**

**H. AGREEMENT WITH HUTCHINSON COMMUNITY COLLEGE TRAINING PROGRAM FOR SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS) TO PROVIDE FIELD INTERNSHIPS TO STUDENTS.**

**Mr. Tom Pollan**, Director, EMS, greeted the Commissioners and said, “The agreement is with Hutch Community College. It is a standard form agreement and we do have the insurance information on file. Again, this will allow them to have their paramedic students and EMT students ride along and also be involved with the training in our organization to prep them and get them ready for being paramedics and EMTs in other communities, as well as ours. So, I would recommend your approval and allow the Chair to sign.”

**MOTION**

**Regular Meeting, May 14, 2003**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Thanks, Tom. Next item.”

**Commissioner McGinn returned at 10:32 a.m.**

**I. DIVISION OF HUMAN SERVICES.**

**1. AGREEMENT WITH KANSAS DEPARTMENT ON AGING FOR CENTRAL PLAINS AREA AGENCY ON AGING TO PROVIDE IN-HOME SERVICES TO OLDER RESIDENTS.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “The Area Agency on Aging enters into a senior care service provider agreement with the Kansas Department on Aging, and this is for Fiscal Year 2004, which begins July 1. This details how the Area Agency on Aging will provide the in-home services to residents of our tri-county area, Butler, Harvey and Sedgwick, age 60 years and over who have functional impairments which limit their ability to remain in their home and provide for themselves and to carry out their activities of daily living.

## Regular Meeting, May 14, 2003

Consumers who are determined eligible for this program can access care through a case manager who does the assessments and who determines what services they need and then assist in arranging for those services and that's both formal services, through the providers that we work with to do the in-home services, and to maximize their informal services with families and volunteers, churches, things like that.

So this is the contract that we will be submitting for the tri-county area for 2004. The total amount of the budget is \$1,427,524, of which \$66,827 is the matching funds. There's a requirement for a matching fund for a portion of this money and that match comes from Sedgwick County, Butler County and Harvey County, depending on the amount of services from each county that's utilized.

Sedgwick County mill levy funds of that total matching is \$57,327 and it also includes the program income, so it's also a sliding fee scale program for those individuals who are able to pay, they are required to pay depending on their ability to pay. And so that total dollar amount includes that. So we would request that you approve this contract and authorize the Chair to sign."

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

**Commissioner Unruh** said, "I just . . . how many citizens . . . Thank you, Mr. Chairman. How many citizens do we serve with this program? Do you have an idea and is it trending up or down?"

**Ms. Graham** said, "Last year, we served about 460 individuals. We're not sure exactly on the dollar amount. The dollar amounts included in this budget reflect the current year's budget and there will be some decrease, based on some decreases in state funding available. We're not sure yet. We've not gotten that information from the Kansas Department on Aging what those reductions will be."

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

**Chairman Norton** said, "I see no other discussion. What's the will of the Board?"

### **MOTION**

Commissioner Sciortino moved to approve the Agreement and authorize the Chairman to

**Regular Meeting, May 14, 2003**

sign

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

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

**2. RATIFICATION OF TERMINATION OF FISCAL YEAR 2003 MILL LEVY FUNDING FOR MENTAL HEALTH ASSOCIATION’S ADULT ABUSE PROGRAM.**

**Ms. Graham** said, “The termination of this contract is due to the decrease in available Aging mill levy funds in fiscal year 2003. Although the Mental Health Association’s Adult Abuse education program has been successful and continues to be an important area for educational focus, the Sedgwick County Department on Aging will no longer be able to fund this program at the current level of \$9,865 for the remainder of the fiscal year 2003 and for fiscal year 2004.

The partnership that the Sedgwick County Department on Aging and the Mental Health Association has built will continue to be important in Sedgwick County and with the Sedgwick County Department on Aging. We will continue to work with their programs and to continue to be

**Regular Meeting, May 14, 2003**

involved in their coalition for adult abuse prevention and we will take up some of that lack of education through our information and assistance staff, who will be incorporating this component of education into their work in the community. We would request that you approve this and recommend the Chair to sign. Be happy to answer any questions.”

**Chairman Norton** said, “What does the closing of the ARC Salvation Army, what impact does that have on this? Any?”

**Ms. Graham** said, “Basically, this program was just an education component and they provided education to professionals and to seniors, like at senior centers and organizations, on issues related to adult abuse and how to identify what are the signs and symptoms.”

**Chairman Norton** said, “Okay. So, this isn’t a delivery mechanism.”

**Ms. Graham** said, “No.”

**Chairman Norton** said, “This is a training mechanism.”

**Ms. Graham** said, “Yes, it was just an education training.”

**MOTION**

Commissioner Winters moved to Ratify termination of the contract due to the decrease in available funds for fiscal year 2003.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye

**Regular Meeting, May 14, 2003**

Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Annette. Next item."

**3. AGREEMENT WITH KETCH, INC. TO PROVIDE PSYCHOLOGICAL AND BEHAVIOR MANAGEMENT CONSULTATION SERVICES.**

**Mr. Colin McKenney**, Director, Community Developmental Disability Organization, greeted the Commissioners and said, "You have before you an agreement for Sedgwick County to fund one-half the cost of a psychologist position with Ketch Training Center. That position provides behavioral supports for all individuals who use our developmental disability system here in Sedgwick County. It helps us to meet their needs in the community and avoid state hospitalization. The monthly cost is \$2,177 for an annual cost of roughly \$26,000. I would be happy to stand for any questions and request that you approve the agreement and ask the Chairman to sign."

**Chairman Norton** said, "I see no questions. What's the will of the Board?"

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**4. ADDENDUM TO CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SERVICES.**

**Regular Meeting, May 14, 2003**

**Mr. McKenney** said, "In keeping with my history with the CDDO, we like to modify the agreement with the state three or four times during the course of the year. This last one is because of the governor's allotment process, wherein our administrative budget was reduced. We had an opportunity to match to return a portion of those funds to the CDDO. The original cut was about \$85,000. Through your approval of this amended agreement, we would be able to do a certified match and received an additional \$33,000 and make up for some of that loss. I would recommend that you approve the agreement and authorize the Chairman to sign."

**MOTION**

Commissioner Sciortino moved to approve the Addendum to Contract and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

**Chairman Norton** said, "I have a Motion and a Second. Colin, how many times have you changed it so far? Are we to your limit for the year yet?"

**Mr. McKenney** said, "I believe we're there."

**Chairman Norton** said, "We're there, so we don't have to worry with this again."

**Mr. McKenney** said, "But I will be back in six weeks with a brand new agreement that we'll start changing at that point in time."

**Mr. Buchanan** said, "The year ends in June."

**Chairman Norton** said, "I knew that. I have a Motion and a Second. Clerk, call the roll."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Call the next item."

**Regular Meeting, May 14, 2003**

**J. KANSAS COLISEUM.**

**1. AGREEMENTS (TWO) FOR RENTAL OF KANSAS COLISEUM PORTABLE BLEACHERS.**

- **WICHITA FESTIVALS, INC.**
- **TRINITY ACADEMY**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “These agreements are standard agreements for equipment rental. Every year we do rent bleachers to the River Festival and Trinity Academy, I believe, is having a baseball tournament, and we recommend approval.”

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

**2. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

### **Regular Meeting, May 14, 2003**

**Mr. Nath** said, "The month of April, 2003 we had nearly 93,000 people through our doors, 15 events, 32 individual performances. Net revenues, between the Coliseum and the operations of Select-a-Seat were almost \$330,000.

Highlights for the month, F & E Food Show, now this is a show that we've put on for the past four years. It's an industrial show. It's for those food handlers and food purchasers, whether it's a school district or institutional. It's held in our Pavilion II. Yes, sir."

**Commissioner Winters** said, "Oh, you answered it. I was just going to say what building is that in."

**Mr. Nath** said, "That's Pavilion II, very flexible. Sometimes it's a horse barn, sometimes it's a food show."

**Commissioner Winters** said, "And just jumping in the middle here, as we think about our remodel activities out there, these pavilions are going to get a new lift on life too."

**Mr. Nath** said, "That is correct. We are doing some improvements and some maintenance items on the pavilions. After all, the pavilions are 40% of our business every year."

**Commissioner Winters** said, "And it could really give them a new lift in life."

**Mr. Nath** said, "Yes, sir it could."

**Commissioner Winters** said, "For these kinds of shows."

**Mr. Nath** said, "We do a lot of things in Pavilion II. Park City Bluegrass Festival was just held there this past weekend and it's quite an adaptable, quite flexible building."

**Commissioner Winters** said, "All right, excuse the interruption."

**Mr. Nath** said, "Not a problem. Sunflower Cluster Dog Show, one of the largest dog shows in the country. We had nearly 23,000 people in attendance over the three days.

Another reoccurring concert that we've had is the Gaither Homecoming, a gospel show, very popular, nearly 7,500 people in attendance this year. And of course, Kenny Chesney, one of the superstars on the Country scene returned for another concert with us, had nearly 6,600 people at his

### **Regular Meeting, May 14, 2003**

show. And we did barrel racing event, we had almost 600 entries from around the country on a regional barrel-racing event, three-day show that we held in our arena building.

Disturbed concert, new modern rock, nearly 6,600 people enjoyed that show. Again, the Extreme Weather Fair, something that we produce in-house, in conjunction with Project Impact and with Emergency Management. We had over 2,200 folks through the door on the weekend. Our partner, Channel 12, did an excellent job in publicizing. Our marketing assistant did an excellent job in procuring the booths. We had triple the number of booths that we had last year. The show was very successful. Storm spotter classes are obviously one of the more popular events or offerings that we have during this event.

And in the sports zone, 4,500 people attended one game with the Stealth last month. Coming up, May is the graduation month. We've got eight graduations coming in this month. The flea market on May 18<sup>th</sup>. This weekend, the Kansas Arabian Horse Show, the 23<sup>rd</sup> through the 26<sup>th</sup>. Def Leppard, a very popular group, is coming on June 4<sup>th</sup>. U.S. Weapons Gun and Knife Show the 7<sup>th</sup> and the 8<sup>th</sup>. And the Wheat State Morgan Horse Show 12<sup>th</sup> through the 15<sup>th</sup>. And I'd like to remind everybody that this weekend, the 18<sup>th</sup>, this Sunday we are going to have the ribbon cutting on the Park City Raceway and we're going to have a full slate of races with go-carts and mini-sprints and quad-runners and we welcome everybody to come on out and view. The go-cart racing is a lot of fun. If there's any questions, I would entertain them at this time."

**Chairman Norton** said, "Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. I was going to bring up the Park City. I'll do that again, and thank you for bringing it up. And I was also going to talk about the big event last Saturday, but since you're here and you won't be here under other business, would like to know what involvement you guys had in that surprise deal."

**Mr. Nath** said, "Well, our involvement was very small. We got a call from the Valley Center Chamber and they asked that . . . if we knew how to get in touch with Toby Keith's manager because they wanted to surprise Patrick Miller because he sang the song to his captors just to annoy them and I thought that was great. So, we forwarded on the name and address of Toby's manager. She sent him a letter and one thing happened to the other and Toby came in. The surprise, the look on the kid's face was worth it. It was absolutely worth it to be there. It was great."

**Commissioner McGinn** said, "And I haven't gotten my pictures developed yet but I've got a picture of that. I can't wait to see it."

**Mr. Nath** said, "It was a fun event."

### **Regular Meeting, May 14, 2003**

**Commissioner McGinn** said, "I can't wait to see it. But anyway, I was walking up to the parade and I saw John and his crew there and I was like, I knew that they were behind something on that deal."

**Mr. Nath** said, "All we did was a little bit of an assist, that's all."

**Commissioner McGinn** said, "Well, thank you for helping out. That made it a great event for Valley Center and Patrick Miller."

**Mr. Nath** said, "That was a good event."

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

**Chairman Norton** said, "Commissioner Winters."

**Commissioner Winters** said, "Well, just a very quick comment. My wife and I went up the Saturday morning of the extreme weather fair and then just wandered over to the barrel racing, which we had never attended, but ended up spending all morning up there and had a nice Saturday morning. Everything was just working like clockwork."

**Commissioner McGinn** said, "Did you buy a horse and you're going to do that?"

**Commissioner Winters** said, "No, not going to buy a horse but certainly enjoyed watching those people that did do it. There were a lot of people. There were tags, I noticed on some of the horse trailers and the vehicles, there were tags from a lot of different places besides Sedgwick County, a lot. Thank you."

**Chairman Norton** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, I just had a comment to Commissioner McGinn. It just hit me right now, the reason I'm asking you right now is I'll forget it. On Patrick Miller, maybe if it's appropriate, we could get him to come before a meeting or something and give him some recognition and just thank him, publicly."

**Commissioner McGinn** said, "I thought about that. His times pretty limited too. We could find out about that, but he has to go back. He has to go back to work and he had like 30 days and I think he's about at least past the halfway mark, but we can certainly check."

**Regular Meeting, May 14, 2003**

**Commissioner Sciortino** said, “It was just a thought, because to have someone that close to us. That’s all.”

**Chairman Norton** said, “I see no other questions.”

**MOTION**

Commissioner Winters moved to receive and file.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Thanks, John. Clerk, call the next item.”

**K. PUBLIC WORKS.**

**1. KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FORMS 1302 (TWO), “REQUEST FOR CONSTRUCTION PROJECT.”**

- **SEDGWICK COUNTY PROJECT NO. 636-7-1973, BRIDGE REPAIR ON 71<sup>ST</sup> STREET SOUTH BETWEEN 295<sup>TH</sup> STREET WEST AND 311<sup>TH</sup> STREET WEST; CIP# B-384; DISTRICT #3**

**Regular Meeting, May 14, 2003**

- **SEDGWICK COUNTY PROJECT NO. 618-2-4100, BRIDGE REPLACEMENT ON CENTRAL BETWEEN 375<sup>TH</sup> STREET WEST AND 391<sup>ST</sup> STREET WEST; CIP #B-431; DISTRICT #3**

**Mr. David Spears**, P.E., Director/County Engineer, greeted the Commissioners and said, “Item K-1 is a KDOT Request for Construction Project form 1302 that initiates our request for construction and federal funding through KDOT to replace two bridges within Sedgwick County. The first is a bridge on 71<sup>st</sup> Street South, between 295<sup>th</sup> and 311<sup>th</sup> Streets West, designated as B-384 in the Capital Improvement Program. The next is a bridge replacement project on Central, between 375<sup>th</sup> and 391<sup>st</sup> Streets West, designated as B-431 in the Capital Improvement Program. I recommend that you approve the 1302 forms and authorize the Chairman to sign.”

**Chairman Norton** said, “Commissioner Winters.”

**Commissioner Winters** said, “All right, and David one more time, these are bridges that are out several years. They’re large enough bridges that we will be able to get assistance from both federal and state funds and what kind of percentage are we expecting then?”

**Mr. Spears** said, “Okay, Commissioner, B-384 is about a two and a half million dollar project. Both of these projects are out about five years, so this is the first step in the process today, to get a project number from KDOT and to ask for the federal funding. It is federal funding and it is administered by the state, by KDOT. So, B-384 is about a two and a half million-dollar project. B-481 is about a one and a half million-dollar project . . . 431, and we’ll get 80% participation. So, our share will be 20% of that.”

**Commissioner Winters** said, “All right, thank you. Commissioners, both of these bridges are in my district. The one on 71<sup>st</sup> Street is a concrete bridge with beginning holes in the deck and I mean, it’s a modern type bridge but it’s over the north branch of the Ninnescah so it’s a larger bridge. The one on Central Street is over the north fork of the Ninnescah and it’s a wooden structure and so it is extremely old. So, I think these are both very good projects.”

**MOTION**

Commissioner Winters moved to approve KDOT Forms 1302 and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**Regular Meeting, May 14, 2003**

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUESTS NUMBER ONE, TWO AND FINAL, WITH CORNEJO AND SONS, INC., FOR SEDGWICK COUNTY PROJECT 608-27, 45<sup>TH</sup> STREET NORTH BETWEEN OLD LAWRENCE ROAD AND HYDRAULIC. CIP #R-294. DISTRICT #4.**

**Mr. Spears** said, "Item K-2 is a modification of plans and construction, request number two and final, for the Sedgwick County road project on 45<sup>th</sup> Street North between Old Lawrence Road and Hydraulic, designated as R-294 in the Capital Improvement Program. This project has been completed and is ready to be finalized. There will be a net decrease of \$9,474.15 due to variations in plan quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign."

**Chairman Norton** said, "I see no questions. What's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

**Regular Meeting, May 14, 2003**

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**3. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE SALEM TOWNSHIP SYSTEM.**

**Chairman Norton** said, "At this point, I've talked with the township officials, and we're still talking about these road dedications. I'd like to defer this item, if that's okay with the Commissioners, until I can meet with them one more time. They had some questions that maybe the developer had not put these roads into county standards and before they were passed over to them, they really want us to work that out.

Dave and I have driven the roads and there's still some discussion on that. The township, I think, disagrees with this being moved over, so I want to be sure that, before we pass them on, that they're in agreement that they can keep them up and that they've accepted them in good condition."

**MOTION**

Commissioner Sciortino moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thank you, Dave. Next item."

**Regular Meeting, May 14, 2003**

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MAY 8, 2003.**

**Mr. Jerry Phipps**, Purchasing Agents, Purchasing Department, greeted the Commissioners and said, "You have the Minutes of the May 8<sup>th</sup> meeting of the Board of Bids and Contracts and there's one item for your consideration.

**1) ENTRANCE & RE-ROOF OF 905 N. MAIN- FACILITY PROJECTS  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item one is entrance and re-roof of 905 North Main for Facility Projects. It was moved to accept the low bid, including the alternate, from C. Smith Company for a total of \$152,624.

Be happy to take questions. I recommend approval of the May 8<sup>th</sup> meeting of the Board of Bids and Contracts."

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Jerry. Next item."

Regular Meeting, May 14, 2003

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

- 1. Temporary Construction Easement for Sedgwick County Project 618-36; Central between 143<sup>rd</sup> and 159<sup>th</sup> Streets East. CIP #R-252. District #1.**
- 2. Waiver of policy to hire a Zoo Curator of Education at Level 7.**
- 3. Agreement with The Farm, Inc. to provide approved developmental disability services.**
- 4. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V03036	\$219.00		City of Leon
V03038	\$330.00	1	Arc Real Estate
V03039	\$109.00	4	Key Management Company
V03040	\$130.00	4	Key Management Company
V03041	\$625.00	5	Springcreek Apartments
V03042	\$331.00		Brookside Cottages

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V01064	\$600.00	\$600.00
V020038	\$430.00	\$430.00

**Regular Meeting, May 14, 2003**

V020030	\$242.00	\$240.00
V020048	\$650.00	\$650.00
V01071	\$288.00	\$253.00
V99037	\$323.00	\$400.00
V2038	\$170.00	\$165.00
V99036	\$210.00	\$201.00
V020036	\$460.00	\$319.00
V020032	\$375.00	\$375.00
V01098	\$354.00	\$376.00
V020033	\$257.00	\$256.00
V020031	\$424.00	\$395.00
V020034	\$635.00	\$650.00
V020073	\$429.00	\$575.00
V20138	\$297.00	\$270.00
V98022	\$565.00	\$565.00
V02007	\$314.00	\$336.00
V020086	\$600.00	\$000.00
V020081	\$603.00	\$700.00
V010111	\$700.00	\$700.00
V010101	\$517.00	\$465.00
V010170	\$590.00	\$578.00

**6. Plats.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2002 and prior years have been paid for the following plats:

Spotswood Addition  
Prairie Crossing Addition

**7. Order dated May 7, 2003 to correct tax roll for change of assessment.**

**Regular Meeting, May 14, 2003**

**8. General Bills Check Register(s) for the week of May 7 – 13, 2003.**

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

**Commissioner McGinn** said, “I have a question.”

**Chairman Norton** said, “Commissioner McGinn.”

**Commissioner McGinn** said, “On item 4, City of Leon I guess owns a house in Sedgwick County? I’m not quite sure I understand the Section Eight payments.”

**Mr. Buchanan** said, “I have no idea.”

**Commissioner Sciortino** said, “So, do we want to maybe hold off . . .?”

**Commissioner McGinn** said, “No, that’s all right. I just want to know why we have that and if Section 8 Housing is supposed to be within Sedgwick County and what’s going on there.”

**Commissioner Sciortino** said, “I also noticed there’s no district number assigned to Brookside Cottage. I would assume it would have to be in one of our districts in order to have it qualify.”

**Commissioner McGinn** said, “Well, I’d be happy to defer both of those till next time.”

**Chairman Norton** said, “I wonder if that has to do with us administering some of the Section 8 Housing?”

**Mr. Buchanan** said, “It very well could . . . But let me find out and we’ll get back to you.”

**Chairman Norton** said, “You want to leave it off, Commissioner McGinn.”

**Commissioner McGinn** said, “Does it hurt anything, Rich, to leave it off one week?”

**Mr. Euson** said, “Commissioners, I can’t answer that question. I’m sorry, I don’t know.”

**Commissioner Winters** said, “Well, we’re not talking about significant amounts of money. I’d rather, instead of put a hitch in someone’s git-along, I mean approve them and just ask for some backup detail this coming week.”

**Regular Meeting, May 14, 2003**

**Commissioner McGinn** said, “That’s fine.”

**Chairman Norton** said, “I would entertain a Motion for the Consent Agenda.”

**MOTION**

Commissioner Winters moved to approve the Consent Agenda as presented.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Commissioner McGinn** said, “I never heard of a hitch in a git-along.”

**Commissioner Sciortino** said, “Well, that’s cowboy talk, girl, hitch in your git-along.”

**Chairman Norton** said, “At this point I’d like to recess the Board of County Commissioners Meeting.”

**The Board of Sedgwick County Commissioners recessed into Fire District #1 Meeting at 10:54 a.m. and returned at 11:23 a.m.**

**N. OTHER**

**Chairman Norton** said, “Is there anything else to come before us as the Board of County Commissioners? Commissioner McGinn.”

**Commissioner McGinn** said, “Just real quick, Park City Raceway ribbon cutting begins this Sunday, May 18<sup>th</sup> and so it looks like there’s several dates that they have that people can participate, so I think that’s going to be a great thing out there at the Coliseum area.

And then the other thing, I noted just a little bit earlier, the nice ceremony they had for Patrick

### **Regular Meeting, May 14, 2003**

Miller in Valley Center. Whoever were the organizers did a great job. I mean, there was like six people that knew about the Toby Keith thing, kept it a secret. I mean, it was amazing and it was just a really nice parade that they had for him and a nice little ceremony there at the high school, very quaint, very small-town, we're all out here to support Patrick Miller, and then of course the surprise was when Toby Keith came out there at the very end. He wanted to make sure it was a point that this was about Patrick and Patrick wanted to make it a point that it was about all the other men and women that are still over there and serving, so it was just a really nice ceremony and the organizers that put that together did a great job. Thank you."

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

**Commissioner Unruh** said, "Thank you. I just want to mention that we participated in the Kansas County Commissioners Association last week and Chairman Norton, Commissioner Winters took leadership parts in that and several of our staff, Mr. Buchanan and Mr. Chronis helped lead workshop sessions and thought it was very informative, helpful to me, not just because we discussed some current issues, but also looked at some potentials that urban counties are going to be facing in the future and so it was a very helpful weekend and I'm glad that our county government had a large part in the success of that event."

Also, I've always got to say something about the Zoo, and we've got Supper with the Species again tonight. Kristi Zukovich mentioned that earlier and if you have a River Festival button, well you get in for free.

But a big event also is coming next Friday, on the 23<sup>rd</sup> is when they open the Australian and South American exhibit. Had the opportunity to take a tour through that last night with the zoo director and the chairman of the board and the facilities committee chair and, I tell you, it's an outstanding exhibit. It's fun to walk through. It's educational, it's cultural, it's all the good things and I think our citizens are going to really enjoy that exhibit and it's a great enhancement to Sedgwick County Zoo. That's all I have."

**Chairman Norton** said, "Have they got you a pith helmet yet?"

**Commissioner Unruh** said, "They don't have that. I don't think they can get one big enough for my old bald head."

**Chairman Norton** said, "I have just two things. I attended an A.L.A.R.M. meeting in Haysville this past Saturday and it was well attended. I think there was 11 of the small town mayors and cities there. We had some great discussions and it looks like A.L.A.R.M. is alive and well."

**Regular Meeting, May 14, 2003**

And then we were in the River Festival parade last Friday and I have to tell you, we had a great turnout from our employees. Kristi Zukovich and Andy Schlapp put together a great parade and I was very . . . it was really nice to walk through the parade and actually get some applause and a couple of standing ovations and it seems like every time that the young man on the emergency vehicle said, ‘Sedgwick County, here working for you’ people stood up and applauded because I think they’re getting the message and it was a fun event, it was a great evening and the weather was just about perfect, just about perfect. So, good evening.

Is there anything else to come before us today?”

**MOTION**

Commissioner Winters moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to potential litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:55 a.m.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:26 a.m. and returned at 12:05 p.m.**

**Regular Meeting, May 14, 2003**

**Chairman Norton** said, “We’ve returned from Executive Session. According to state statute, no binding action was taken. Is there anything else to come before us as County Commissioners? Mr. Manager? Mr. Counselor? We’re adjourned.”

**O. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:06 p.m.

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

---

**TIM NORTON**, Chairman  
Second District

---

**Regular Meeting, May 14, 2003**

**THOMAS G. WINTERS**, Chair Pro Tem  
Third District

---

**DAVID M. UNRUH**, Commissioner  
First District

---

**CAROLYN McGINN**, Commissioner  
Fourth District

---

**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

---

**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2003