X. NON-PLANNING CONSENT AGENDA

NEW ITEMS

ITEM NO. 6 – 150008.... PLAT: CENTRAL INDUSTRIAL PARK

Synopsis: Plat of Central Industrial Park located at Kindleberger Road and Fairfax Traffic Way and being developed by NorthPoint Development, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

ITEM NO. 7 – 970013.... APPOINTMENT: BOARDS AND COMMISSIONS

Synopsis: Appointment of Tyrone Garner to Housing Authority Board, 1/8/15-5/30/17, submitted by Commissioner Townsend
January 5, 2015

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for CENTRAL INDUSTRIAL PARK

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of CENTRAL INDUSTRIAL PARK located at Kindleberger Road and Fairfax Traffic Way and being developed by NorthPoint Development.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

[Signature]

Brent E. Thompson, R.L.S.
County Surveyor

[Signature]

William J. Heatherman, P.E.
County Engineer

Attachments
Notice of Pending Appointment

Date: October 1, 2013
Vacancy: Housing Authority
Incumbent: LaDora Lattimore
Term Expiration: 10/1/13
Commission Appointment: Commissioner Townsend

Request for Appointment

Name of New Appointment: Tyrone Garner
Address: 700 Minnesota Ave, Kansas City, Kansas 66101
Phone Number and Email Address: 913-573-6145 or tgarnet@kckpd.org
Effective Date: 1-8-14 to 5-30-17

Signature of Commission Member

Please return this form to the Unified Clerk's Office for processing.
JANUARY 8, 2015 UNIFIED GOVERNMENT BOARD OF COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO JANUARY 8, 2015 AGENDA

VI. CLERK’S STATEMENT
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR’S AGENDA

X. NON-PLANNING CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. ADMINISTRATOR’S AGENDA

XIII. STANDING COMMITTEES’ AGENDA

XIV. COMMISSIONERS’ AGENDA

XV. LAND BANK BOARD OF TRUSTEES AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

SERGEANT-AT-ARMS: CAPTAIN DOUG HANSEN
VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. #3080 – SARAH GIBSON

**SYNOPSIS**: Change of Zone from A-G Agriculture District to C-1 Limited Business District for the continuation of a childcare facility (currently operating under a special use permit #SP-2005-5 – expires January 27, 2015) at 545 South 94th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL AS A SPECIAL USE PERMIT FOR TEN (10) YEARS) (050008)

2. #3081 – NORMAN SCHONEMAN WITH REECE AND NICHOLS REALTORS

**SYNOPSIS**: Change of Zone from C-1 Limited Business District to R-1 Single Family District for a residence at 5430 State Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (140403)

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2014-70 – JHAMI BISWA WITH KS BHUTANESE COMMUNITY FOUNDATION

**SYNOPSIS**: Renewal of a Special Use Permit (#SP-2012-30) for a storage shed, community garden and gazebo at 323 South 14th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR FIVE (5) YEARS) (120170)

2. #SP-2014-76 – MELISSA CLARK WITH THE FAIRFAX INDUSTRIAL ASSOCIATION

**SYNOPSIS**: Renewal of a Special Use Permit (#SP-2012-42) for a banner program in Fairfax, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR FIVE (5) YEARS) (120276)
3. #SP-2014-77 – ANDREW FEIN

**SYNOPSIS:** Special Use Permit for a two-car detached garage at 102 South 64th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (140404)

4. #SP-2014-79 – TERESA HERNANDEZ

**SYNOPSIS:** Special Use Permit for a miniature horse at 840 Shawnee Road, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (090043)

5. #SP-2014-82 – CHRISTOPHER FAUCETTE

**SYNOPSIS:** Special Use Permit for four (4) to six (6) chickens at 1817 South 94th Street, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (140406)

6. #SP-2014-83 – 32 HIGHWAY LIQUORS, LLC

**SYNOPSIS:** Special Use Permit for a liquor store at 6832 Kaw Drive, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (140407)

C. VACATION APPLICATION

1. #U/E-2014-7 – JEFF TAYLOR WITH KKR LEGENDS, LLC

**SYNOPSIS:** Vacation of utility easement at 10621 Parallel Parkway, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (140408)

D. PLAN REVIEW APPLICATION

1. #PR-2014-31 – LINDA BORING WITH COMMUNITY AMERICA CREDIT UNION

**SYNOPSIS:** Preliminary and Final Plan Review for a bank at 7714 State Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL) (140409)

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

No items
None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2014.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.
REGULAR SESSION

IX. MAYOR’S AGENDA

No items

X. NON-PLANNING CONSENT AGENDA

1. ADOPTION: 2015 STATE AND FEDERAL LEGISLATIVE PROGRAMS (140417)


The State and Federal Legislative Programs were presented to the commission and discussed during a special session held on December 18, 2014.

2. ORDINANCE: AMENDMENTS TO ANIMAL CODE (140419)

SYNOPSIS: An ordinance amending the animal code to increase the maximum number of animals, adopting Trap, Neuter and Release (TNR), along with other changes, submitted by Jenny Myers, Legal.

The ordinance incorporates changes made from the November 17, 2014 Public Works and Safety Standing Committee and full commission meeting of December 4, 2014.

3. MINUTES

SYNOPSIS: Minutes from regular sessions of November 6 and 20, and December 4, 2014.

4. WEEKLY BUSINESS MATERIAL


5. ORDINANCE: ISSUE IRBs FOR VILLAGE WEST APARTMENTS II

SYNOPSIS: An ordinance authorizing the issuance of $34M in IRBs in association with Phase 2 of the Village West Apartments Project being developed by NorthPoint Development, submitted by Marlon Goff, Economic Development. The site is adjacent to their current multifamily project at 110th St. and Delaware Parkway.

A public hearing was conducted on February 20, 2014 and Resolution No. R-17-14 was adopted regarding the UG’s intent to issue the bonds.
XI. PUBLIC HEARING AGENDA

No items

XII. ADMINISTRATOR’S AGENDA

1. PRESENTATION: AWARD (150004)


XIII. STANDING COMMITTEES’ AGENDA

1. RESOLUTION: OFFER BONDS FOR SALE (140427)

SYNOPSIS: A resolution authorizing the offering for sale of General Obligation Refunding Bonds, Series 2015-D ($21,155,000 with estimated savings of $1.6M) and Taxable General Obligation Refunding Bonds, Series 2015-E ($1,985,000 with estimated savings of $149,000), submitted by Lew Levin, Chief Financial Officer.

This item was presented on January 5, 2015, to the Economic Development and Finance Standing Committee, co-chaired by Commissioner Walker. It was requested, and approved by the Mayor, to fast track this item to the January 8, 2015 full commission meeting.

XIV. COMMISSIONER’S AGENDA

No items

XV. LAND BANK BOARD OF TRUSTEES’ AGENDA

No items

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN
To: Unified Government Board of Commissioners

From: City Staff

Date: January 8, 2015

Re: Change of Zone Petition #3080 (050008)

GENERAL INFORMATION

Applicant:
Sarah Gibson

Status of Applicant:
Owner
545 South 94th Street
Kansas City, KS

Requested Actions:
Change of Zone from
AG Agricultural District to C-1 Limited Business District

Date of Application:
October 24, 2014

Purpose:
To change the zoning of the property from AG Agricultural to C-1 Limited Business to facilitate the daycare center on site.

Property Location:
545 South 94th Street

Existing Zoning: AG Agricultural District
Surrounding Zoning:  
North:  AG Agricultural District  
South:  AG Agricultural District  
East:  AG Agricultural District  
West:  AG Agricultural District  

Existing Uses:  
North:  Large Lot Single Family Residence  
South:  Large Lot Single Family Residence  
East:  Large Lot Single Family Residence  
West:  Large Lot Single Family Residence  

Master Plan Designation:  The Master Plan designates this property as Rural-Density Residential  

Major Street Plan:  94th Street is a designated Class B Thoroughfare  

Advertisement:  The Wyandotte Echo – November 13, 2014  
Letters to Property Owners – November 12, 2014 and December 26, 2014  

Public Hearings:  December 8, 2014 and January 8, 2015  

Public Opposition:  There is some opposition from neighbors concerning the intensity of uses allowed in C-1 districts. One neighbor has suggested a designation of C-0 Non-Retail Business District instead. There were four (4) persons present that spoke at the December 8, 2014 City Planning Commission meeting.  

PROPOSAL  

Detailed Outline of Requested Action:  Ms. Gibson, representing her company Mini Adventures, is seeking a change of zone in order to continue her childcare business in a more streamlined manner and without the use of a Special Use Permit.  


FACTORS TO BE CONSIDERED  

1. **Neighborhood character.**  
The character of the neighborhood is rural and residential in nature.  

2. **The zoning and uses of properties nearby and the proposed uses expected compatibility with them.**  
This site was a school previously; this use is no more intensive than that was. The property is well suited for this use and seems to be compatible with surrounding uses.  

#3080  
January 8, 2015
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions be detrimental affect nearby property?**

   The requested change to the property is not foreseen to have any detrimental effect.

4. **The length of time the property has remained vacant as zoned.**

   The property is not vacant.

5. **The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.**

   The proposed use is not expected to substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. The childcare center is reasonably convenient for nearby residents and could be seen as an asset to those neighbors with small children.

6. **The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.**

   The proposed use should not cause a significant increase in traffic or parking demand.

7. **The degree of conformance of the proposed use to the Master Plan.**

   The property is designated as Low-Density Residential in the Master Plan; this use would conform relatively well with the Plan.

8. **The extent to which the proposed use could cause environmental harm or enhance the environment.**

   This is not foreseen to be an issue.

9. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**

      Existing

   b. **Sanitary sewer service**

      Existing
c. **Storm water control**
   
   Existing

d. **Police**
   
   Police service is provided by Patrol District #221

e. **Fire**
   
   Fire service is provided by Station #20

f. **Transit**
   
   N/A

g. **Schools**
   
   Bonner Springs/Edwardsville USD 204

h. **Streets**
   
   See item #6 above

10. **The economic impact of the proposed use on the community.**

   This proposed change will allow a local business to work more efficiently in the community.

11. **The capability of the proposed use to meet applicable ordinance requirements.**

   This is not foreseen to be an issue.

12. **The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

   There is limited gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

---

**KEY ISSUES**

Traffic to the site
Future expansion
NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 14, 2014. Two people attended and there appears to be some opposition to the rezoning, mainly relating to questions regarding the effect on the neighborhood if the daycare center were to close and other businesses allowed in the C-1 district were to move into the space.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3080 as a special use permit for ten (10) years, subject to:

Urban Planning and Land Use Comments:

1. In what way do you see the business changing or growing in the foreseeable future?

   Applicant Response: I am not expecting any changes/growth. We have been at our license capacity for the past 7 years.

2. How will you handle any increases in traffic (such as morning drop-off and evening pick up) that may impact your neighbor’s access to Kansas Avenue or 94th Street?

   Applicant Response: Being at our license capacity, there will be no increase in traffic. Our clients drop-off and pick-up at different times, so we do not have the same traffic problems as a school would.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and
recommends **APPROVAL** of Petition **#3080 as a special use permit** subject to all comments and suggestions outlined in this staff report.

**ATTACHMENTS**

December 8, 2014 City Planning Commission Minutes  
Aerial Photo  
Zoning Map  
Photos submitted by applicant  
Neighborhood meeting information

**REVIEW OF INFORMATION AND SCHEDULE**

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing</td>
<td>December 8, 2014</td>
<td>January 8, 2015</td>
</tr>
<tr>
<td>Rezoning Approval (SUP)</td>
<td></td>
<td></td>
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</tbody>
</table>

**STAFF CONTACT:** Jamie Ferris  
jferris@wycokck.org

**MOTIONS**

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3080** as a special use permit as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. __________________________________________________________;
2. __________________________________________________________; And
3. ________________________________________________________.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition **#3080**, as a special use permit as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

050008 CHANGE OF ZONE APPLICATION #3080 – SARAH GIBSON - SYNOPSIS:
Change of Zone from A-G Agriculture District to C-1 Limited Business District for the continuation of a childcare facility (currently operating under a special use permit #SP-2005-5 – expires January 27, 2015) at 545 South 94th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 13, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Ms. Sarah Gibson, 646 South 94th Street, Kansas City, Kansas, applicant, appeared in support of this application. She stated that she was requesting a change of zone to C-1 Limited Business District but is now requesting the C-O Non-Retail Business District after talking with Planner Jamie Ferris as she stated that the neighbors might be more agreeable to that. She stated that she has been operating on a special use permit for ten (10) years and thought this would be a good time to streamline all her paperwork and make the rezoning switch. Planning Director Richardson stated that the staff will support the revised request to a CP-O Planned Non-Retail Business District. They are currently operating in an A-G Agriculture zoning with a special use permit.

Mr. Larry Becker, 9306 Kansas Avenue, Kansas City, Kansas, appeared concerning this application. His property adjoins this property on two (2) sides and the last time he spoke to the Commission on this issue was when Ms. Gibson was applying for a special use permit. He stated that they do not have a problem with the rezoning to CP-O; they did have a concern when it was being requested as C-1. He stated that they feel that the day care center is being used heavier than it was originally planned. His concern is that they are downstream from the septic system and they want to make sure that the septic system is sufficient to handle the volume as the building is also being used as a dance and/or gymnastic studio on the weekends. It is being used seven (7) days a week instead of five (5) days a week for a day care. It has also at times caused some traffic congestion because people are parking on the curb on the street and it is right before 94th and Kansas Avenue where there is a stop sign. There is not room for two (2) cars to go by without crossing the yellow line. Perhaps the city could address that with no parking signs on the street without causing a big problem. He stated that they are not in opposition to the CP-O zoning.
Mr. Larry Hilliard, 9343 Kansas Avenue, Kansas City, Kansas, appeared speaking for the family at this address. They are north of the property in question and are in favor of the zoning staying the same (A-G) with the special use permit continuing. They like it as it is and it has not been a problem but would like to have a little more control of the issue at hand.

Ms. Mary Kimbrell, 9233 Kansas Avenue, appeared concerning this application. She asked how the C-O is different from the C-1 District. Planning Director Richardson stated that C-1 is a limited business district and is more retail services and C-O is office. If they closed the day care, it could be converted to an office building and use it for office. If they took down the structure, they would have to go through the plan review process to build a new building. Ms. Kimbrell asked if the only thing that will be there will be the day care and dance studio. Director Richardson stated that is what they have requested. Ms. Kimbrell stated that her concern is if it was going commercial, it could be any type of business. If it is going to stay the same as the children care center, as Mr. Becker said, the parking is not adequate and it is congested sometimes going through there. She stated that she did not receive a notice about the application and she thought that she was a neighbor. She thought that the permit was enough for this and an office building would be too much for the area. Chairman Hurrelbrink stated that she is probably beyond the 200’ distance. Ms. Kimbrell stated that she feels that she is in the neighborhood and the neighborhood meeting notice stated that it was a neighborhood meeting. She is against the rezoning.

Ms. Cindy Woodall, 10950 Cleveland Avenue, Kansas City, Kansas, appeared in support of this application. She stated that she is the applicant’s mother. The building was originally an Edwardsville School and then Open Door Baptist Church purchased the facility and turned it into a school. She further stated that the building is very specifically designed to only that purpose; it could never be a bar or anything other than what it is. It has six classrooms and a gymnasium and kitchen. She stated that neither the building nor the parking can be expanded because of the lateral fields that were of some concern. The lateral fields are perked frequently in that area. She stated that the property is zoned agriculture but billed as commercial for personal property taxes and could never be agriculture because of the lateral fields for the business. The entire lower acre is all septic/lateral fields. The day care would not have a problem with “no parking signs” on the street as they do not park on the street.

Planning Director Richardson stated in noting the concerns about the lateral fields, he would add a stipulation three (3) to provide his office a report of the reliability of the lateral system by April 1, 2015. He stated that the options this evening are to recommend approval of the change of zone for CP-O Planned Non-Retail Business District or a special use permit for ten (10) years. He stated that he will talk to the County Traffic Engineer about the “no parking signs”.

Planning Commissioner Connelly asked if the CP-O zoning keeps the property from having retail. Planning Director Richardson stated yes; the C-O District allows offices and office space. The C-1 District allows fast food restaurants or a gas station with three (3) pumps. He understands the neighbors’ concerns and the CP-O would keep the building intact and it could be used for offices or what it is currently designed for. If
they were going to do something else besides that they would have to come back before the Commission for a plan review and the neighbors would be notified.

On motion by Mr. Gonzalez, seconded by Ms. Ernst, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3080 as a special use permit for ten (10) years:

- Carson    Aye
- Connelly  Aye
- DeWitt    Aye
- Ernst     Aye
- Escobar   Aye
- Gonzalez  Aye
- Huey      Aye
- Hurrelbrink Chairman
- Pauley    Aye
- Schwartzman Not Present
- Walker    Not Present

Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

**Urban Planning and Land Use Comments:**

1. In what way do you see the business changing or growing in the foreseeable future?

   Applicant Response: I am not expecting any changes/growth. We have been at our license capacity for the past 7 years.

2. How will you handle any increases in traffic (such as morning drop-off and evening pick up) that may impact your neighbor’s access to Kansas Avenue or 94th Street?

   Applicant Response: Being at our license capacity, there will be no increase in traffic. Our clients drop-off and pick-up at different times, so we do not have the same traffic problems as a school would.

**Public Works Comments:**

A. Items that require plan revision or additional documentation before engineering can recommend approval:

   1) None

B. Items that are conditions of approval (stipulations):

   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:

   1) None
Neighborhood Meeting Minutes

Change of Zone Petition: #3080

Date and Location: November 14th, 2014
Preschool Classroom
545 S. 94th Street KC KS 66111

Meeting called to order at: 6:30pm

People in Attendance: Sarah Gibson
Rodney Gibson
Sheryl Becker
Larry Hillard

Introductions: Sarah Gibson, owner of Mini Adventures, LLC introduced herself and husband, Rodney Gibson to the neighbors in attendance. Sheryl Becker, neighbor to the east was representing herself and all shareholders of the Becker Estate. Larry Hillard was representing his Mother, Helen Hillard’s property to the South.

Sarah Gibson explained that she was petitioning to change the zoning classification from A-G to C-1, a limited Business district for the continuation of the childcare facility. Mini Adventures has been operating under a special use permit for 10 years. She is seeking a change in zone in order to continue the childcare business in a more streamlined manner and to avoid applying for future special use permits. This will also add stability for the business.

Questions and Answers:
Sheryl Becker asked what would happen if the childcare does close? Then What?
Sarah Gibson responded: I have no intention of closing the childcare facility in the future. This business is very important to me, I opened it to fill a need for high quality childcare in Wyandotte County. My children, my family and friends children count on Mini Adventures for a caring, safe and educational environment for their children every day. Also, I believe this building is really only suited for educational purposes. I believe it will always be used as a school. If ownership did change, they would also have to gain permission from the council and obtain appropriate licenses.

Larry Hillard: He commented that he works in construction and knows any space can be changed to meet the needs of a new business….like a bar, restaurant or gas station.
Sarah Gibson: I really don’t see this street/location ever being a desirable spot for any other type of business.
Sheryl Becker: No one ever saw the Legends as possible either…. And she didn’t want that next to her home.
Sarah Gibson: If I did sell, any business would have to get approval from the city and neighbors regardless of zoning.

Larry Hillard asked if we had any other rezoning examples from the surrounding area? And what the long term effects have been?
Sarah Gibson responded: She did not do any research or have any examples to share. She really didn’t think this change would impact the neighbors at all. This building has been operating for over a 100 years as a business in this agri/neighborhood. She didn’t see a change in zoning, changing the building operations at all.

Larry Hillard asked if a clause could be written in the rezoning….for example if the childcare ever closes, or is sold….it would be returned to Ag Zoning.
Sarah Gibson responded: She didn’t believe that’s how it worked. That once the property was rezoned, it would stay that way until petitioned by the owner. But she was new to this whole process and would ask a rep from Urban Planning and Land Use.

Sarah Gibson apologized that she didn’t have all the answers. She was only making this change to simplify paperwork and add stability to the business. She didn’t mean to cause any concern.

Sheryl Becker said they appreciated Mini Adventures taking over the vacant facility and enjoyed having them as neighbors. Sarah Gibson said she felt like the neighborhood safety was getting better. The 1st few years we were open we had a lot of trespassing and vandalism. Getting rid of the vacant classroom trailers, fencing in the playground and removing the basketball goals have helped a lot. The riding lawn mower, a large trailer used for parades, numerous computers, gaming systems and TV’s have been stolen. Especially over holiday weekends. Sarah Gibson told Larry Hillard that she missed having Helen Hillard across the street to help with garden questions and show the kids cool nature finds. But the new renters were very nice and probably a big help with discouraging break-ins.

Sheryl Becker said she and her husband would be at the City Council Meeting on December 8th, they had received a letter about the public hearing.

**Meeting Adjourned at:** 6:50pm

**Minutes taken by:** Rodney Gibson
Mini Adventures Neighborhood Meeting
Friday, November 14\textsuperscript{th}, 2014

1. Sheryl Becker

2. Larry Hilliard

3.

4.

5.

6.

7.

8.

9.

10.
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte

Comes now geron gibson, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3080.
2. That I conducted a neighborhood meeting on November 14th, 2014.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Geron Gibson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18 day of
November, 2014.

My commission expires 11 of March, 2014.

Notary Public
Sandra A. Studyvin

#3080 January 8, 2015
To: Unified Government Board of Commissioners

From: City Staff

Date: January 8, 2015

Re: Change of Zone Petition #3081 (140403)

GENERAL INFORMATION

Applicant: Norman Schoneman

Status of Applicant: Representative
Reece Nichols Realtors
8027 State Avenue
Kansas City, Kansas

Requested Actions: Change of Zone from C-1 Limited Business District to R-1 Single Family District

Date of Application: October 24, 2014

Purpose: To change the zoning of the property from C-1 Limited Business District to R-1 Single Family District for a residence.

Property Location: 5430 State Avenue

Existing Zoning: C-1 Limited Business District
Surrounding Zoning: 
- North: R-1 Single Family District
- South: C-1 Limited Business District
- East: C-1 Limited Business District
- West: C-1 Limited Business District

Existing Uses: 
- North: Undeveloped residential parcels
- South: Commercial and undeveloped residential parcels
- East: Commercial
- West: Commercial

Master Plan Designation: The Master Plan designates this property as Mixed Use Development

Major Street Plan: State Avenue is a designated Class C Thoroughfare.

Advertisement: The Wyandotte Echo – November 13, 2014
Letters to Property Owners – November 12, 2014 and December 26, 2014

Public Hearings: December 8, 2014 and January 8, 2015

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Mr. Schoneman, representing his client Mr. Floyd Lindenman, is seeking a change of zone in order to continue use of the property as a private residence, which was its original use.


FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is both residential and commercial in nature. Much of the land is undeveloped at this time.

2. The zoning and uses of properties nearby and the proposed uses expected compatibility with them.

This site was originally used as a private residence. Though it is now along a planned commercial corridor, it is not a complete departure from the surrounding uses.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions be detrimental affect nearby property?**

   The requested change to the property is not foreseen to have any detrimental effect on other properties.

4. **The length of time the property has remained vacant as zoned.**

   The property is not vacant.

5. **The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.**

   The proposed use is not expected to substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. It is mainly a convenience for the owner who wishes to sell the property as a residential property.

6. **The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.**

   The proposed use should not cause an increase in traffic or parking demand.

7. **The degree of conformance of the proposed use to the Master Plan.**

   The property is designated Mixed Use in the Master Plan; this use is not in conformance with the Master Plan.

8. **The extent to which the proposed use could cause environmental harm or enhance the environment.**

   This is not foreseen to be an issue.

9. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**

      Existing

   b. **Sanitary sewer service**

      Existing
c. Storm water control

Existing

d. Police

Police service is provided by Patrol District #441

e. Fire

Fire service is provided by Station #2

f. Transit

On KCATA Bus Route 101

g. Schools

Kansas City USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The change is not expected to have a significant impact on the economy.

11. The capability of the proposed use to meet applicable ordinance requirements.

This is not foreseen to be an issue.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

There is limited gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

KEY ISSUES

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 22, 2014. No one was in attendance.
PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3081.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #3081 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Aerial Photo
Zoning Map
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #3081 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _______________________________;  
2. _______________________________; And  
3. _______________________________.

#3081 January 8, 2015
I move the Unified Government Board of Commissioners DENY Petition #3081, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140403 CHANGE OF ZONE APPLICATION #3081 – NORMAN SCHONEMAN WITH Reece and Nichols REALTORS - SYNOPSIS: Change of Zone from C-1 Limited Business District to R-1 Single Family District for a residence at 5430 State Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 13, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Norman Schoneman, Reece and Nichols, 8027 State Avenue, Kansas City, Kansas, appeared in support of this application. He stated that he is the applicant as Mr. Lindenman, the owner of the property, fell and is in rehab. The Lindemans have owned this property for 38 years and operated it as Wood Haven Day Care for 30 years at this location. Mr. Lindenman is now retired and his wife is deceased and he wishes to sell the property. They are unable to get an FHA loan on a property that is zoned commercial. The buyers are going to use the property as a residence so they are asking that the zoning be reversed from commercial to residential so they can secure financing.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations and notes for the applicant that the primary driveway on the west side of the lot is used to access other properties. Even if there not a written easement, a judge might tell them that there is an easement there so that should be noted to the new owners. He further stated that he believes that there is a gas line that runs through there and he believes the gas company uses that to get back there in addition to some people that have used it for illegal filling.
On motion by Mr. Ernst, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Change of Zone Application #3081:

Carson    Aye
Connelly  Aye
DeWitt    Aye
Ernst     Aye
Escobar   Aye
Gonzalez  Aye
Huey      Aye
Hurrelbrink Chairman
Pauley    Aye
Schwartzman Not Present
Walker    Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

Staff sees no reason why the applicant, who lives in the home currently, should not be granted the rezoning back to R-1 Single Family District.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
MINUTES

Application Number  3081
Date and Location: 11-22-2014  8029 State Ave
Kansas City, KS 64112

Meeting called to order at: 4:00 PM

Names of people in attendance:
  Floyd E. Lindenman, Owner
  Norman Schoneman, Applicant

No one else appeared

Meeting adjourned at: 4:45 PM

Minutes taken by: Christine Lopez
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas ) SS:
COUNTY OF Wyandotte )

Comes now Norman Franklin of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3081.
2. That I conducted a neighborhood meeting on 11-22-2014.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of Nov., 2014

My commission expires 2018 of Feb., 2008

[Stamp]
PAMELA G. KENT
My Appointment Expires February 20, 2014
Notary Public
To: Unified Government Board of Commissioners

From: City Staff

Date: January 8, 2015

Re: Petition #SP-2014-70 (120170)

GENERAL INFORMATION

Applicant: Bhola Siwakoti

Status of Applicant: Applicant
Kansas Bhutanese Community Foundation
2220 Central Avenue
Kansas City, KS 66102

Requested Action: Approval of a Special Use Permit to allow temporary storage shed for tools

Date of Application: September 16, 2014

Purpose: To renew a permit for a temporary storage shed on a property without a main building

Property Location: 323 South 14th Street
Existing Zoning: R-1(B) Single Family District

Existing Surrounding Zoning: North: R-1(B) Single Family District
South: R-2 (B) Two Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: North: Single family home
South: Multi-family
East: Vacant
West: Vacant

Total Tract Size: 1.35 acres

Master Plan Designation: The City-Wide Master Plan designates this property and Urban Residential.

Major Street Plan: 14th Street is designated as a residential street.

Advertisement: The Wyandotte Echo – November 13, 2014
Letters to Property Owner – November 12, 2014 and December 26, 2014

Public Hearings: December 8, 2014 and January 8, 2015

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Bhola Siwakoti with the Kansas Bhutanese Community Foundation is requesting a renewal of a Special Use Permit to allow a temporary storage shed for tools on a property that will be used for a community garden.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is a mixture of residential properties and vacant lots

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.

A tool shed (without a main structure) is not a use that is found in this neighborhood. But, given the use (a community garden) and the temporary status of the proposal, we believe that it can be compatible.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

   The property is zoned for single family. Approval of this temporary application will not change that zone nor have a negative impact on surrounding properties. Also, maintaining the permit and continued allowance of the community garden will benefit this neighborhood.

4. **The length of time the property has remained vacant as zoned.**

   The property has never been developed.

5. **The degree of conformance of the proposed use to the Master Plan.**

   In regards to the special use being proposed, it fits both the urban redevelopment and green themes of the plan very well.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

   This is not foreseen to be an issue.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

   This shed is only for the convenience of the applicant and not the public. But, because it is temporary in nature, it will not harm adjacent properties.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

   This is not foreseen to be an issue.

9. **Whether the proposed use will pollute the air, land or water.**

   The use should have positive environmental impacts.

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

    This is not foreseen to be an issue.

11. **The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**
This proposal will have a neutral impact

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not foreseen to be an issue.

PREVIOUS ACTIONS

There was a previously approved special use permit in 2012 (#SP-2012-30).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 19, 2014. No one was in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-70, subject to:

Urban Planning and Land Use Comments:

1. Through great communication with Catholic Charities, who assisted with the case, staff perceives no issues with this special use permit.
2. Any approval would be for five (5) years.

Public Works Comments:

No comments.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends Approval of Petition #SP-2014-70 subject to all comments and suggestions outlined in this staff report.
ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Zoning Map
Vicinity Map

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Trey Maevers tmaevers@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-70 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ___________________________________________________________;  
2. ___________________________________________________________; And
3. ___________________________________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-70, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

120170 SPECIAL USE PERMIT APPLICATION #SP-2014-70 – JHAMPI BISWA/KS BHUTANESE COMMUNITY FOUNDATION – SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-30) for a storage shed, community garden and gazebo at 323 South 14th Street

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? Chairman Hurrelbrink stated that he spoke with Mr. Stites from Schlitterbahn prior to the meeting regarding Kiwanis’s business.
“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the special use permit applications; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Escobar, seconded by Ms. Huey, the Planning Commission voted as follows to APPROVE the Items on the Consent Agenda:

Carson     Aye
Connelly   Aye
DeWitt     Aye
Ernst      Aye
Escobar    Aye
Gonzalez   Age
Huey       Aye
Hurrelbrink Chairman
Pauley     Aye
Schwartzman Not Present
Walker     Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

#SP-2014-70:

Urban Planning and Land Use Comments:

1. Through great communication with Catholic Charities, who assisted with the case, staff perceives no issues with this special use permit.
2. Any approval would be for five (5) years.

Public Works Comments:

No comments.
To: Unified Government Board of Commissioners
From: City Staff
Date: January 8, 2015
Re: Petition #SP-2014-76 (120276)

GENERAL INFORMATION

Applicant:
Melissa Clark

Status of Applicant:
Executive Director
Fairfax Industrial Association, Inc.
PO Box 171074
KC, KS 66117

Requested Action:
Renewal of a Special Use Permit

Date of Application:
October 24, 2014

Purpose:
To have a Fairfax Banner Program with corporate logos on banners

Property Location:
Fairfax Industrial District
Existing Zoning and uses: M-3 Heavy Industrial District and various uses

Advertisement: The Wyandotte Echo – November 13, 2014
Letters to Property Owner – November 12, 2014 and December 26, 2014

Public Hearings: December 8, 2014 and January 8, 2015

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Fairfax Industrial Association, Inc. is proposing to hang between 24 – 30 colorful banners throughout the Fairfax Industrial District. The banners are for promotional and aesthetic purposes. They will be displayed and subsequently replaced every two (2) years to maintain an optimal appearance.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

   This is the one of the prominent industrial areas in our community.

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.

   The banners should not be an issue.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

   This is not applicable.

4. The length of time the property has remained vacant as zoned.

   This is not applicable.

5. The degree of conformance of the proposed use to the Master Plan.

   Special use permits are not addressed in the Master Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

   This is not applicable.
7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

This is an effort to make Fairfax more attractive and draw more businesses to the area.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not applicable.

9. *Whether the proposed use will pollute the air, land or water.*

This is not applicable.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not applicable.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

This is not applicable.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

This is not applicable.

**PREVIOUS ACTIONS**

There was a previously approved special use permit in 2012 (#SP-2012-42).

**NEIGHBORHOOD MEETING**

The applicant held a neighborhood meeting on November 24, 2014. There was no opposition from anybody in attendance and there was some discussion about the success of the program.

**KEY ISSUES**

None
The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-76, subject to:

**Urban Planning and Land Use Comments:**

Are the dimensions for the new banners that are going up in January different from the dimensions from the banners that were approved in the last permit? (See Attached Banner Signs)

Applicant Response: No, still the same dimensions

Are the following comments from 2012 still accurate? If not, please update and notate the difference. If these prior comments still stand, and upon approval, Staff will insist on the same stipulations from FIA rules below into this newer permit.

Applicant Response: Yes, this is still accurate

1. **Is there a membership fee?**

   **Applicant Response:** Yes, there is a fee for membership in the Fairfax Industrial Association (FIA). FIA is leading the banner effort. Depending on the size of the company, fees range from $100.00 to $1000.00. Membership is good from 12 months. Membership fees are set by the FIA Board in November or December of each year for the coming year.

2. **How much does each banner cost? Is there a maximum each business may have?**

   **Applicant Response:** Businesses can support the association and not have their business logo included on the banner for $250.00. To include a business logo on the banner, it costs $375.00. Prices were set by a vote of the FIA Board at our September meeting. Anyone can attend our board meetings.

   At the September 2012 FIA Board meeting, the Board voted to restrict businesses to one (1) banner initially. Additional banners may be purchased by the same business once it is determined that sufficient time has been allowed for businesses to purchase a banner. We are considering a 3 or 4 week window for the initial offering.

   **To make the banner program viable long term, the Fairfax Industrial Association (FIA) proposes to sell space on banners for corporate logos. This will make the program viable for the long term. The issue is that the banners are technically off-site advertising, thus the need for a special use permit. The program should be administered according to the following rules proposed by FIA:**

1. **Be a member in good standing with the Fairfax Industrial Association, Inc.**
2. **Must have a print-ready logo.**
3. Must fill out an application.
4. FIA Board members will receive first choice on locations; then, locations are on a first come, first serve basis.
5. Sponsoring businesses will receive banner at the end of the 2-year cycle.

3. **Staff recommends approval for five (5) years.**

**Public Works Comments:**

No comments

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**STAFF COMMENTS AND SUGGESTIONS**

The staff concurs with the recommendation of the City Planning Commission.

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**STAFF RECOMMENDATION**

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2014-76** subject to all comments and suggestions outlined in this staff report.

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**ATTACHMENTS**

December 8, 2014 City Planning Commission Minutes
October 8, 2012 City Planning Commission Minutes
Proposed Banner Signs
Project Description and Conformance to Master Plan

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**REVIEW OF INFORMATION AND SCHEDULE**

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**STAFF CONTACT:**

Trey Maevers
tmaevers@wycokck.org

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**MOTIONS**

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2014-76** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ________________________________;

2. ________________________________;

#SP-2014-76 January 8, 2015
I move the Unified Government Board of Commissioners DENY Petition #SP-2014-76, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

120276 SPECIAL USE PERMIT APPLICATION #SP-2014-76 – MELISSA CLARK WITH THE FAIRFAX INDUSTRIAL ASSOCIATION – SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-42) for a banner program in Fairfax

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? Chairman Hurrelbrink stated that he spoke with Mr. Stites from Schlitterbahn prior to the meeting regarding Kiwanis’s business.

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the special use permit applications; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Escobar, seconded by Ms. Huey, the Planning Commission voted as follows to APPROVE the Items on the Consent Agenda:

Carson    Aye
Connelly  Aye
DeWitt    Aye
Ernst     Aye
Escobar   Aye
Gonzalez  Age
Huey      Aye
Hurrelbrink Chairman
Pauley    Aye
Schwartzman Not Present
Walker    Not Present

#SP-2014-76  January 8, 2015
Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

#SP-2014-76:

**Urban Planning and Land Use Comments:**

Are the dimensions for the new banners that are going up in January different from the dimensions from the banners that were approved in the last permit? (See Attached Banner Signs)

Applicant Response: No, still the same dimensions

Are the following comments from 2012 still accurate? If not, please update and notate the difference. If these prior comments still stand, and upon approval, Staff will insist on the same stipulations from FIA rules below into this newer permit.

Applicant Response: Yes, this is still accurate

1. Is there a membership fee?

*Applicant Response:* Yes, there is a fee for membership in the Fairfax Industrial Association (FIA). FIA is leading the banner effort. Depending on the size of the company, fees range from $100.00 to $1000.00. Membership is good from 12 months. Membership fees are set by the FIA Board in November or December of each year for the coming year.

2. How much does each banner costs? Is there a maximum each business may have?

*Applicant Response:* Businesses can support the association and not have their business logo included on the banner for $250.00. To include a business logo on the banner, it costs $375.00. Prices were set by a vote of the FIA Board at our September meeting. Anyone can attend our board meetings.

At the September 2012 FIA Board meeting, the Board voted to restrict businesses to one (1) banner initially. Additional banners may be purchased by the same business once it is determined that sufficient time has been allowed for businesses to purchase a banner. We are considering a 3 or 4 week window for the initial offering.

To make the banner program viable long term, the Fairfax Industrial Association (FIA) proposes to sell space on banners for corporate logos. This will make the program viable for the long term. The issue is that the banners are technically off-site advertising, thus the need for a special use permit. The program should be administered according to the following rules proposed by FIA:

1. Be a member in good standing with the Fairfax Industrial Association, Inc.
2. Must have a print-ready logo.
3. Must fill out an application.
4. FIA Board members will receive first choice on locations; then, locations are on a first come, first serve basis.
5. Sponsoring businesses will receive banner at the end of the 2-year cycle.

3. **Staff recommends approval for five (5) years.**

**Public Works Comments:**

No comments

**OCTOBER 8, 2012 CITY PLANNING COMMISSION MINUTES:**

**SPECIAL USE PERMIT #SP-2012-42 – FAIRFAX INDUSTRIAL ASSOCIATION, INC.**

**– SYNOPSIS:** Special Use Permit for a banner program in Fairfax at 3111 Fiberglass Road

Mr. Chuck Schlittler, Executive Director, 3250 Brinkerhoff Road, applicant appeared in support of this application. He stated that he would request that the address be changed to 3250 Brinkerhoff Road. **(STAFF NOTE: The address on the agenda is the parcel used to generate the notices and is the site of one of the banners. The requested address of the applicant is the Fairfax Industrial District office.)** They are requesting to hang on BPU light poles 2’ by 6’ banners that will include the Fairfax District logo and for a small fee the business logos will be added. The information that they submitted is in the staff report.

Planning Commissioner Hurrelbrink asked if they are establishing a brand for Fairfax by hanging the banners. Mr. Schlittler stated yes. Mr. Hurrelbrink asked if they are addressing some of the other issues in Fairfax such as the crime, deterioration, etc. Mr. Schlittler stated yes. He stated that the Police Department’s East Patrol is doing an excellent job. In 2008 they became District 112 in the KCK Police Department and the crime is almost non-existent. Perception is reality and he gets that question a lot. The Police Department has done an excellent job reducing crime. As far as deterioration is concerned they are in contact with Rob Richardson, Doug Bach and Commissioners about a plan to revitalize the area. As those details become more concrete they will be able to share them at a future date.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval.

On motion by Mr. Hurrelbrink, seconded by Dr. Serda, the Planning Commission voted to recommend **APPROVAL of Special Use Permit #SP-2012-42:**

#SP-2014-76 January 8, 2015
**Project Description/Conformance to Master Plan, "4A"**

Currently there are no identifying or welcoming banners or signs within the Fairfax District on the sidewalk, non-street side of Unified Government metal light poles. The Fairfax Industrial Association Inc., FIA, wants to begin rebranding the District by hanging welcome banners on these poles. Already designed and having a two year life span, the banners would be replaced every two years to maintain an optimum appearance. Businesses would be recruited to sponsor banners. In return they would get a banner including their logo welcoming those driving into or through the District. This would assist in rebranding the District and allow local businesses to have increased visibility. Sponsorships would allow the program to be self-sustaining.

Permission has already been received fromUnified Government to use its poles for this purpose. Traffic-light poles would be excluded. The poles are currently only used for street lighting. In addition, two electrical contracting companies with appropriate equipment have offered to hang the banners.

**Proposed use of the applicant property, "4B"**

FIA, a non-profit organization, is requesting a Special Use Permit for this effort in the Fairfax District from the current Billboard Ordinance. The District is roughly bordered to the south by I-70; to the north and east by the Missouri and Kaw Rivers, respectively; to the west by the Union Pacific Railroad line.

**Why the request is justified, "4C"**

The Fairfax District requires rebranding as well as promoting. Occupancy is just short of 80%, down from 93% just 5 years ago. The banner program would assist in those efforts. Along with promoting current businesses, it would promote the entire industrial area and be self-sustaining. FIA has been working through a joint committee for over a year on this and other rebranding efforts with the Kansas City Kansas Chamber of Commerce.

FIA has established a banner protocol, Attachment 6B, and banner design, Attachment 6C. Business logos will not exceed 40% of the banner. The remaining 60% will consist of a District logo and the word "Welcome." The banners, 2 ft x 6 ft, are to be hung on the sidewalk, non-street side of Unified Government metal light poles within the Fairfax District. See Attachment 6D as to how they are attached.

Optimum high volume traffic areas within the Fairfax District include Fairfax Traffic-way, Sunshine Road, 7th Street, Kindleberger Road, McCormick Road, Funston Road, and Stanley Road. See previous legal descriptions and representative map. A total of 24 to 30 banners are expected to be hung.

This concept is modeled after the Downtown Shareholders model. It will use the same banner dimensions, height placement on poles, and hardware to attach to the poles.

Thank you for your consideration.
Attachment 6C, Banner Design, FIA
Attachment 60, Banner Affixed to BPU Pole
To: Unified Government Board of Commissioners

From: City Staff

Date: January 8, 2015

Re: Petition #SP-2014-77 (140404)

GENERAL INFORMATION

Applicant:
Andrew and Christopher Fein

Status of Applicant:
Owners
5738 Goodman Street
Merriam, KS 66202

Requested Action:
Approve Special Use Permit

Date of Application:
October 24, 2014

Purpose:
To use a two-car detached garage for storage of personal automobiles

Property Location:
102 South 64th Street

Existing Zoning:
R-1 Single Family District
Existing Surrounding Zoning:  
**North:** R-1 Single Family District  
**South:** R-1 Single Family District  
**East:** R-1 Single Family District  
**West:** R-1 Single Family District  

Existing Uses:  
**North:** Undeveloped land  
**South:** Single family home  
**East:** Single family homes  
**West:** Single family home  

Total Tract Size: .50 acre  

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential  

Major Street Plan: The City-Wide Master Plan classifies South 64th Street as a local street.  

Advertisement: The Wyandotte Echo – November 13, 2014  
Letters to Property Owner – November 12, 2014 and December 26, 2014  

Public Hearings: December 8, 2014 and January 8, 2015  

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.  

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**PROPOSAL**  

*Detailed Outline of Requested Action:* The applicant, Andrew Fein wants to use a two-car garage to store and work on personal automobiles located at 102 South 64th Street.  

*City Ordinance Requirements:* 27-592 through 27-606  

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**FACTORS TO BE CONSIDERED**  

1. **The Character of the Neighborhood.**  
   
   The character of the neighborhood is comprised of single family homes. The parcels in the immediate area are between ½ - 1.70 acres  

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**  
   
   The zoning and their uses of properties nearby are set out above. The proposed use is relatively compatible.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

The removal of the restrictions should not detrimentally affect nearby property as automobiles are not stored outside in the driveway.

4. **The length of time the property has remained vacant as zoned.**

The property is not vacant.

5. **The degree of conformance of the proposed use to the Master Plan.**

Special use permits are not addressed in the Master Plan.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

The noise that would normally be associated with working on automobiles should not be of such duration and intensity as to create problems for near-by property.

9. **Whether the proposed use will pollute the air, land or water.**

The proposed use will not pollute the air, land or water.

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

The proposed use will not damage or destroy an irreplaceable natural resource.
11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowner is minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not cause overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 24, 2014. According to the applicant, three property owners attended the meeting. Neighbors expressed concern about traffic blocking the street and the potential of a commercial operation.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-77, subject to:

Urban Planning and Land Use Comments:
1. Are there plans in the future to construct a home on the property?

   Applicant Response: We had thought about building at a later date, but were made to understand not enough acreage was purchased to build a septic system.

2. How long do you intend on using this garage to work on your personal automobiles?

   Applicant Response: We purchased the property and garage because we needed storage space. We do not plan to sell.

3. What days and hours do you propose working on your automobiles?
Applicant Response: Both my brother and I have busy careers. I would hope we could find some time on Saturdays or Sundays during daylight hours.

4. What types of automobiles will you be repairing or restoring?

Applicant Response: We will be storing vintage Volkswagens and a Porsche.

5. Outside storage is not permitted. All storage must be within the garage.

Applicant Response: Understood.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None
B. Items that are conditions of approval (stipulations):
   1) None
C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

Staff Conclusion:

It is clear that the applicants will not turn this hobby into a commercial venture. Christopher and Andrew Fein want to work on their own personal automobiles and will not store any vehicles outside. Staff recommends approval of this petition subject to the following stipulations:

1. The special use permit shall be valid for two (2) years.
2. Outside storage is not permitted. All storage or vehicles and equipment must be in the garage. Parking on the side street is not permitted, as not to block through traffic.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2014-77 subject to all comments and suggestions outlined in this staff report.
ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Applicant Response Email
Neighborhood Meeting Minutes
Photographs of property

REVIEW OF INFORMATION AND SCHEDULE

<table>
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<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Board of Commissioners</th>
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<tr>
<td>Public Hearing</td>
<td>December 8, 2014</td>
<td>January 8, 2015</td>
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<tr>
<td>Special Use</td>
<td>Approval</td>
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STAFF CONTACT: Byron Toy, AICP

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-77 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._________________________________________________________; 
2. _____________________________________________________; And  
3. ________________________________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-77, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140404 SPECIAL USE PERMIT APPLICATION #SP-2014-77 – ANDREW FEIN -
SYNOPSIS: Special Use Permit for a two-car detached garage at 102 South 64th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;  
2. The official zoning map for the area in question;  
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by
the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 13, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to
disclose concerning this case. (No one responded in the affirmative.)

Mr. Andrew Fein, 5738 Goodman, applicant, appeared in support of this application. He
stated that they want to obtain the special use permit so they can drop power to the two-
car garage. Chairman Hurrelbrink stated that he noted that the two-car garage is
virtually on the street with no parking; is there a driveway. Mr. Fein stated that there is a
driveway to the north of the garage.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the
stipulations in the staff report.

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as
follows to recommend APPROVAL of Special Use Permit Application #SP-2014-77:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Not Present
Walker  Not Present

Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Are there plans in the future to construct a home on the property?

Applicant Response: We had thought about building at a later date, but
were made to understand not enough acreage was purchased to build a
septic system.

2. How long do you intend on using this garage to work on your personal
automobiles?

Applicant Response: We purchased the property and garage because we
needed storage space. We do not plan to sell.
3. What days and hours do you propose working on your automobiles?

Applicant Response: Both my brother and I have busy careers. I would hope we could find some time on Saturdays or Sundays during daylight hours.

4. What types of automobiles will you be repairing or restoring?

Applicant Response: We will be storing vintage Volkswagens and a Porsche.

5. Outside storage is not permitted. All storage must be within the garage.

Applicant Response: Understood.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

Staff Conclusion:

It is clear that the applicants will not turn this hobby into a commercial venture. Christopher and Andrew Fein want to work on their own personal automobiles and will not store any vehicles outside. Staff recommends approval of this petition subject to the following stipulations:

1. The special use permit shall be valid for two (2) years.
2. Outside storage is not permitted. All storage or vehicles and equipment must be in the garage. Parking on the side street is not permitted, as not to block through traffic.
Mr Toy,

1) We had thought about building at a later date, but were made to understand not enough acreage was purchased to build a septic system.

2) We purchased the property and garage because we needed storage space. We don't plan to sell. If you need a number, twenty years.

3) Both my brother and I have busy careers. I would hope we could find time on Saturdays or Sundays. Daylight hours

4) We will be storing vintage Volkswagens and a Porsche.

5) Understood

If any additional information is needed, please call.

Andrew Fein
816.668.2965
MINUTES:

Application Number #SP-2014-77
Date and Location: November 24, 2014

Meeting called to order at: 6:00 PM

Names of people in attendance:
Chris Fein, Andrew Fein, Dennis Rasdall, Carol Rasdall, Karen Ware

Introductions:

Chris and Andrew Fein explained that they were trying to obtain a special use permit for the property and garage to get power to the building. They explained that this was not for any commercial activities, but that it was for the storage of automobiles owned by the brothers, for their own personal use.

Questions and answers (include the following):
Carol Rasdall asked why she didn’t receive notice. Chris Fein responded that she was not on the list provided by the city of all owners within 200’.

Carol Rasdall stated that her biggest concern are cars blocking the road. Chris Fein explained that there is a driveway and the apron of the garage and that there would be no need for he or his brother to park on the street or block the street.

Karen Ware wanted to know if there would be any commercial activity. Andrew Fein answered no, that this property was for the brothers storage and general maintenance of personal automobiles and not any type of commercial activity.

Carol Rasdall asked if tow trucks would be coming and going. Andrew Fein said not unless a car breaks down and needs to be towed back. So he hoped not.

Meeting adjourned at: 6:30

Minutes taken by: Christopher Fein
Figure 1. Photograph of the garage at 102 South 64th Street (provided by the applicant).

Figure 2. Photograph of the garage at 102 South 64th Street (provided by the applicant).
Figure 3. Photograph of the garage at 102 South 64th Street (provided by the applicant).

Figure 4. Photograph of the driveway at 102 South 64th Street (provided by the applicant).
To: Unified Government Board of Commissioners
From: City Staff
Date: January 8, 2015
Re: Petition #SP-2014-79 (090043)

GENERAL INFORMATION

Applicant:
Teresa A. Hernandez

Status of Applicant:
Owner
840 Shawnee Road Kansas City, KS 66103

Requested Action:
Approve Special Use Permit

Date of Application:
October 1, 2014

Purpose:
Special Use Permit to keep one (1) miniature horse

Property Location:
840 Shawnee Road

Existing Zoning:
R-1(B) Single Family District
Existing Surrounding Zoning: 
- **North:** R-1(B) Single Family District
- **South:** R-1 Single Family District
- **East:** R-1(B) Single Family District
- **West:** R-1(B) Single Family District

Existing Uses: 
- **North:** Single family
- **South:** Single family and vacant (across Shawnee Road)
- **East:** Church (across Marshall Road)
- **West:** Single family (across Early Drive)

**Total Tract Size:** 3+ acres

**Master Plan Designation:** The City-Wide Master Plan designates this area for Low Density Residential development.

**Major Street Plan:** Shawnee Road is designated a Collector street; Marshall Road is undeveloped and Early Drive is a local or minor street.

**Advertisement:** The Wyandotte Echo – November 13, 2014
Letters to Property Owner – November 12, 2014 and December 26, 2014

**Public Hearing:** January 8, 2015

**Public Opposition:** None to date

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**PROPOSAL**

*Detailed Outline of Requested Action:* The property in question is a single-family residence on the north side of Shawnee Road, surrounded by public right-of-way on three sides. The owner’s deed shows slightly over one (1) acre, but county records indicate in excess of three (3) acres. In addition to the residence the property includes two small barns or sheds and a greenhouse. The owner has acquired two (2) miniature horses, which are no larger than dogs; one stands 26.5” high and the other 32”. Petitioner states that the larger horse has been donated to a public service agency, but the smaller will remain. The miniature horse is kept in a fenced-in area north of the residence, away from Shawnee Road. As this is not a “customary” pet such as a dog or cat, it can only be approved through a special use permit for the keeping of livestock on acreage between one (1) and five (5) acres.

*City Ordinance Requirements:* 27-1251 through 27-1270

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**FACTORS TO BE CONSIDERED**

1. **The Character of the Neighborhood.**
   
   This is the predominantly single-family residential neighborhood atop the ridgeline along either side of Shawnee Road west of 7th Street Trafficway.
2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**

The zoning and uses of nearby properties are set out above. Given the size of the property in question and the barriers that exist between the property and its neighbors, as well as the size of the miniature horse, problems of compatibility may be kept at a minimum if questions of upkeep and odor can be addressed.

3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

The property is suitable for the single-family use to which it has been restricted.

4. **The length of time the property has remained vacant as zoned.**

The property is not vacant.

5. **The degree of conformance of the proposed use to the Master Plan.**

Special use permits are not addressed in the Master Plan.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

Not applicable

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

The proposed use could not be considered reasonably necessary, but if questions of upkeep are adequately addressed, neither should it substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property. The opinions of surrounding property owners should be critical here, particularly the owner to the north whose property adjoins the area where the horse is kept.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

Not applicable
9. *Whether the proposed use will pollute the air, land or water.*

   If the horse is properly cleaned up after, potential pollution should be minimal. The wastes generated should not greatly exceed those of a large dog, and would not include animal byproducts.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

   Not applicable

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

   Assuming that issues of adequate upkeep of the property in question can be addressed, if the owner was forced to get rid of the miniature horse the relative gain to the public health, safety, and welfare would seem to be minimal as compared to the hardship imposed on the landowner.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

   Not applicable

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**PREVIOUS ACTIONS**

There was a previously approved special use permit in 2009 (#SP-2009-3). This permit was approved for two (2) years.

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**KEY ISSUES**

None

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**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-79, subject to:

**Urban Planning and Land Use Comments:**

1) In the previous special use permit there were staff concerns about the use of an electric fence around the enclosure for the horse. Electric fences are not allowed on residentially zoned properties. Is this still an issue?

   Applicant Response: There is no electrical fence in use.
2) Since the last permit was approved in 2009, have there been any negative changes to the enclosure/shed and surrounding pasture? If so, have these issues been addressed and maintained? Essentially, is the condition of the property still suitable for the horse?

Applicant's Response: No, there have not been any significant changes or damage. The enclosure is in good shape and we maintain the pasture in the immediate area of the horse. The horse is highly important to me, so I make sure the condition of the property reflects that.

3) The opinions of surrounding property owners should be critical here, particularly the owner to the north whose property adjoins the area where the horse is kept. Are there significant complaints with this neighbor and/or surrounding neighbors? If so, those must be taken into account and documented to Staff for the consideration of the Planning Commission.

Applicant’s Response: There have been no negative complaints about the horse, even when there were two on the property in the past. All of the neighbors, including the neighboring church love to see and experience the horse.

4) Based off the history of the case and applicant’s response, Staff recommends approval for two (2) years.

Public Works Comments:

No comments

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2014-79 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Zoning Map
Aerial Photograph
Photographs of the property
MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-79 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ;

2. ; And

3. .

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-79, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

090043 SPECIAL USE PERMIT APPLICATION #SP-2014-79 – TERESA HERNANDEZ - SYNOPSIS: Special Use Permit for a miniature horse at 840 Shawnee Road

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 13, 2014;
Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Ms. Teresa Hernandez, 840 Shawnee Road, Kansas City, Kansas, applicant, appeared in support of this application. She stated that in 2009 she received a special use permit for two (2) years for the miniature horse. She stated that she was told that the permit would be reviewed in two (2) years by the Commission and it has been five (5) years. She stated that she submitted pictures to the Commission of her miniature horse. She was told by the lady in the office that she could ask for a five (5) year period. No one has anything to say about the horse. A policeman across the street has a Great Dane that is bigger than her horse and he does not have the land that she does. Ms. Hernandez stated that the horse gets a cup of grain in the morning, a cup at night and hay. More than that she would flounder and that would be animal abuse. She stated that she has had the miniature horse for eleven (11) years.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval.

On motion by Ms. Huey, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2014-79:

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<td>Schwartzman</td>
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<tr>
<td>Walker</td>
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Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1) In the previous special use permit there were staff concerns about the use of an electric fence around the enclosure for the horse. Electric fences are not allowed on residentially zoned properties. Is this still an issue?

   Applicant Response: There is no electrical fence in use.

2) Since the last permit was approved in 2009, have there been any negative changes to the enclosure/shed and surrounding pasture? If so, have these issues been addressed and maintained? Essentially, is the condition of the property still suitable for the horse?

   Applicant’s Response: No, there have not been any significant changes.
or damage. The enclosure is in good shape and we maintain the pasture in the immediate area of the horse. The horse is highly important to me, so I make sure the condition of the property reflects that.

3) The opinions of surrounding property owners should be critical here, particularly the owner to the north whose property adjoins the area where the horse is kept. Are there significant complaints with this neighbor and/or surrounding neighbors? If so, those must be taken into account and documented to Staff for the consideration of the Planning Commission.

Applicant’s Response: There have been no negative complaints about the horse, even when there were two on the property in the past. All of the neighbors, including the neighboring church love to see and experience the horse.

4) Based off the history of the case and applicant’s response, Staff recommends approval for two (2) years.

Public Works Comments:

No comments

Ms. Hernandez stated that she has a January 7, 2015 Court hearing on this matter. Planning Director Richardson stated that he will take care of it.
Greenhouse has hay & grain
To: Unified Government Board of Commissioners  
From: City Staff  
Date: January 8, 2015  
Re: Petition #SP-2014-82 (140406)

GENERAL INFORMATION

Applicant:  
Christopher Faucette

Status of Applicant:  
Owner  
1817 South 94th Street  
Kansas City, KS

Requested Action:  
Approve Special Use Permit

Date of Application:  
October 24, 2014

Purpose:  
To keep four (4) to six (6) chickens

Property Location:  
1817 South 94th Street

Existing Zoning:  
R-1 Single Family District
Existing Surrounding Zoning: 
North: R-1 Single Family District
South: R-1 Single Family District
East: None (Interstate 435)
West: None (Edwardsville, KS)

Existing Uses:
North: Single family home
South: Single family home
East: Single family home (Edwardsville, KS)
West: Interstate 435

Total Tract Size: 1.61 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential.

Major Street Plan: The City-Wide Master Plan classifies South 94th Street as a local street.

Advertisement: The Wyandotte Echo – November 13, 2014
Letters to Property Owner – November 12, 2014 and December 26, 2014

Public Hearings: December 8, 2014 and January 8, 2015

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Christopher Faucette wants to keep four (4) to six (6) chickens on his 1.61 acre property located at 1817 South 94th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

   The character of the neighborhood is comprised of larger lot single family homes. The west side of 94th Street is Edwardsville, Kansas. The properties on the east side of 94th Street, including the subject property abut Interstate 435.

2. The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.

   The zoning and uses of properties nearby are set out above. The proposed use is relatively compatible with the surrounding property.
3. **The suitability of the property for the uses to which it has been restricted.**

The removal of the restrictions should not detrimentally affect nearby property.

4. **The length of time the property has remained vacant as zoned.**

The property is not vacant.

5. **The degree of conformance of the proposed use to the Master Plan.**

Special use permits are not addressed in the Master Plan.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

The proposed will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

The noise that is normally associated with the keeping of chickens is of such duration and intensity as not to create problems for nearby property if the applicant follows the regulations and stipulations.

9. **Whether the proposed use will pollute the air, land or water.**

If the applicant picks up the animal waste, the proposed use will not pollute the air or land.

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

The proposed use will not damage or destroy an irreplaceable natural resource.
11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 20, 2014. According to the applicant, no one attended the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-82, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. The four (4) to six (6) chickens shall be female hens. Roosters were not advertised as part of this permit, so they are not permitted.
3. How did you acquire the chickens?

   Applicant Response: I will be getting laying hens from my aunt and uncle in LaCygne, KS.

4. Are you planning on building a coop, if so, where? Please provide a diagram indicating the location of the property lines, residence and coop.

   Applicant Response: Yes, I am planning on building a coop. It will be located roughly 98’ – 105’ away from my residence. It will be a two level coop measuring 5’ x 5’ square and 8’ tall. Attached will be a run area 10’ x 10’.
5. When and how often will you feed the chickens? Additionally, where will they obtain their feed?

   Applicant Response: I will be feeding every morning and evening; as well they will have scratch and feed available to them all day. They will have feeders to give them proper nutrients as well as scratch in their run area.

6. Where will you be storing the chicken feed?

   Applicant Response: Their feed will be stored in air tight containers in the storage bin located on the diagram, as to keep rodents out of the stored feed. Also, there will be materials stored there for cleaning and refreshing the coop.

7. How often will you clean the area where the chickens are pinned?

   Applicant Response: Cleaning of the pinned area and coop will be done once a week.

   Staff Response: Cleaning the pinned area once a week seems reasonable, however if the smell become a nuisance to neighbors, cleaning the coop more than once per week is required.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2014-82 subject to all comments and suggestions outlined in this staff report.
ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Aerial Photograph
Applicant Response Email
Neighborhood Meeting Minutes
Property Sketch

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Byron Toy, AICP

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-82 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ___________________________________________________________; 
2. _________________________________________________________; And
3. _________________________________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-82, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140406 SPECIAL USE PERMIT APPLICATION #SP-2014-82 – CHRISTOPHER FAUCETTE - SYNOPSIS: Special Use Permit for four (4) to six (6) chickens at 1817 South 94th Street

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Christopher Faucette, 1817 South 94TH Street, Kansas City, Kansas, 66111, applicant, appeared in support of this application. He stated that he wants four to six chickens for their eggs. His wife’s grandmother lives with them now and she likes farm chicken eggs.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff opinion.

Mr. Faucette stated that the convex is where he will store the feed, materials, straw, hay, etc.

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2014-82:

Carson Aye
Connelly Aye
DeWitt Aye
Ernst Aye
Escobar Aye
Gonzalez Aye
Huey Aye
Hurrelbrink Chairman
Pauley Aye
Schwartzman Not Present
Walker Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. The four (4) to six (6) chickens shall be female hens. Roosters were not advertised as part of this permit, so they are not permitted.
3. How did you acquire the chickens?

   Applicant Response: I will be getting laying hens from my aunt and uncle in LaCygne, KS.
4. Are you planning on building a coop, if so, where? Please provide a diagram indicating the location of the property lines, residence and coop.

   Applicant Response: Yes, I am planning on building a coop. It will be located roughly 98’ – 105’ away from my residence. It will be a two level coop measuring 5’ x 5’ square and 8’ tall. Attached will be a run area 10’ x 10’.

5. When and how often will you feed the chickens? Additionally, where will they obtain their feed?

   Applicant Response: I will be feeding every morning and evening; as well they will have scratch and feed available to them all day. They will have feeders to give them proper nutrients as well as scratch in their run area.

6. Where will you be storing the chicken feed?

   Applicant Response: Their feed will be stored in air tight containers in the storage bin located on the diagram, as to keep rodents out of the stored feed. Also, there will be materials stored there for cleaning and refreshing the coop.

7. How often will you clean the area where the chickens are pinned?

   Applicant Response: Cleaning of the pinned area and coop will be done once a week.

   Staff Response: Cleaning the pinned area once a week seems reasonable, however if the smell become a nuisance to neighbors, cleaning the coop more than once per week is required.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
Figure 1. Aerial photograph of 1817 South 94th Street (provided by UG Maps).
Toy, Byron

From: chris.faucette <chris.faucette@hotmail.com>
Sent: Wednesday, December 03, 2014 9:55 AM
To: Toy, Byron
Attachments: 20141203_094019.jpg

1. How did you acquire the chickens?
   A) I will be getting laying hens from my aunt and uncle in Lacygne, KS.

2. Are you planning on building a coop, if so where?
   A) Yes I will be building a coop. It will be located roughly 98 to 105 feet away from my residence. It will be a two level coop measuring 5'x5' square and 8' tall, attached will be a run area 10' X 10'. Please see attached drawing.

3. When and how often will you feed the chickens? Additionally where will they obtain their feed.
   A) I will be feeding every morning and evening, as well they will have scratch and feed available to them a day. They will have feeders to get proper nutrients as well as scratch in their run area.

4. Where will you store the chicken feed?
   A) Their feed will be stored in air tight containers in the storage bin located on the diagram, as to keep rodents out of stored feed. Also there will be materials stored there for cleaning and refreshing the coop.

5. How often will you clean the area where the chickens are pinned?
   A) Cleaning of the pinned area and coop will be done once a week.

I apologize for not having this to you prior. It must of been an oversight on my part. I was out of town for the holidays and must have missed this part.

Please let me know if there is anything else you need from me today.

Thank you

Chris Faucette
Minutes for Neighborhood Meeting

Application # SP-2014-82
Date: November 20, 2014

Meeting called to order at: 5:30 P.M.

Names of people in attendance:

1) Christopher Fauvette
2) Anmarg Fauvette
3) 
4) 
5) 
6) 
7) 
8) 
9) 
10) 
11) 
12) 
13) 
14) 

Introductions:

Presentation:

Questions: (Who asked question or commented, What was the question or comment, Who answered and answer given)

No one showed up for the meeting we waited till 6:30 p.m. before closing the meeting

Meeting adjourned at: 6:30 p.m. Minutes taken by: Anmarg Fauvette
To: Unified Government Board of Commissioners

From: City Staff

Date: January 8, 2015

Re: Vacation Petition #U/E-2014-7 (140408)

GENERAL INFORMATION

Applicant:
Jeff Taylor

Status of Applicant:
Applicant
KRR Legends, LLC
4717 Central Street
Kansas City, MO

Requested Action:
Vacation of a sanitary sewer easement

Date of Application:
October 24, 2014

Purpose:
Vacation of a 15 foot wide sanitary sewer easement at the southwest corner of Parallel Parkway and 106th Street

Property Location:
10621 Parallel Parkway

Existing Zoning: CP-2 Planned Business District
Existing Surrounding Zoning: 
North: CP-2 Planned Business District
South: CP-2 Planned Business District
East: CP-2 Planned Business District
West: CP-2 Planned Business District

Existing Uses: 
North: Commercial
South: Commercial
East: Commercial
West: Commercial

Neighborhood Characteristics: The neighborhood is commercial in nature

Total Tract Size: 0.0379 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial

Major Street Plan: Parallel Parkway is a designated Class A Thoroughfare.

Advertisement: The Wyandotte Echo – November 13, 2014
Letters to Property Owner – November 12, 2014 and December 26, 2014

Public Hearings: December 8, 2014 and January 8, 2014

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Jeff Taylor of KKR Legends, LLC is requesting to vacate 15 feet of a sanitary sewer easement in conjunction with retail development at the Legends at Village West.


FACTORS TO BE CONSIDERED

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

   This will not be an issue.

2. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as
determined by existing and probable future land and building uses.

Not Applicable.

4. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

This is not foreseen to be an issue.

5. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Not Applicable.

6. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not foreseen to be an issue.

7. Vacation will not create utility conflicts.

Staff has not been informed of any conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2014-7.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Vacation Petition #U/E-2014-7 subject to all comments and suggestions outlined in this staff report.
MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #U/E-2014-7 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ________________________________;
2. _________________________________; And
3. _________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #U/E-2014-7 as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140408 UTILITY EASEMENT VACATION APPLICATION #U/E-2014-7 – KKR LEGENDS, LLC - SYNOPSIS: Vacation of utility easements at 10621 Parallel Parkway

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 13, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Brad Sonner, Olsson Associates, 7301 West 133rd Street, Overland Park, Kansas 66213, representing the applicant, appeared in support of this application. He stated that this is an easement vacation at The Legends. This is vacating a previous easement that was platted when The Legends was developed and the Commission previously approved a Verizon pad site so they are serving the pad with sanitary sewers from another location.

Planning Commissioner Gonzalez asked when he goes to this location, he goes through the parking lot, will the parking lot entrance/exit change in any way. Mr. Sonner stated very little so the entry to the main center will remain the same. Planning Director Richardson stated that was approved a couple of months ago and there is a little stick of a sewer line that goes south from the property back towards the theatre and connects to a trunk line. That easement is being vacated. Hopefully they will not have to tear up the parking lot to disable the line. Mr. Sonner stated that they are working with Mr. Thompson.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval.

On motion by Ms. Huey, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Utility Easement Vacation Application #U/E-2014-7:

Carson    Aye
Connelly  Aye
DeWitt    Aye
Ernst     Aye
Escobar   Aye
Gonzalez  Aye
Huey      Aye
Hurrelbrink Chairman
Pauley    Aye
Schwartzman Not Present
Walker    Not Present

Motion to recommend APPROVAL Passed: 8 to 0
This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.
To: Unified Government Board of Commissioners  
From: City Staff  
Date: January 8, 2015  
Re: Petition #PR-2014-31 (140409)  

GENERAL INFORMATION  

Applicant: Linda Boring  

Status of Applicant: Representative  
Brad Sonner with Olsson Associates  
7301 West 133rd Street, Suite 200  
Overland Park, KS 66213  

Requested Action: Approve Preliminary and Final Plan Review  

Date of Application: October 24, 2014  

Purpose: To construct and operate a bank  

Property Location: 7714 State Avenue  

Existing Zoning: CP-2 Planned General Business District
Surrounding Zoning: 
- North: CP-2 Planned General Business District
- South: CP-2 Planned General Business District
- East: CP-2 Planned General Business District
- West: CP-2 Planned General Business District

Existing Uses: 
- North: Retail shops
- South: Auto dealership
- East: Krispy Kreme (restaurant)
- West: Burger King (restaurant)

Total Tract Size: .518 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial.

Major Street Plan: The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.

Advertisement: Property Owner Letters – November 12, 2014 and December 26, 2014

Wyandotte Echo – Not Required

Public Hearings: December 8, 2014 and January 8, 2015

Public Opposition: No one appeared in opposition at the December 8, 2014 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lind Boring with Community American Credit Union wants to build a 2,700 square foot bank at 7714 State Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of commercial businesses along State Avenue, north and south and on the east and west sides of 78th Street. There is a mixture of big box stores, retail centers and small businesses in this area.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.
The proposed use will increase traffic and parking demand but not in ways that would create parking problems. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

3. **The degree of conformance of the proposed use to the Master Plan.**

The proposed uses conform to the City-Wide Master Plan.

4. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**
      
      Available

   b. **Sanitary sewer service**
      
      Available

   c. **Storm water control**
      
      To be designed to meet City Code

   d. **Police**
      
      Police service is provided by the West Patrol, District #222

   e. **Fire**
      
      Fire service is provided by Station #19 located at 80th and Minnesota Avenue.

   f. **Transit**
      
      Kansas City ATA provides transit service along State Avenue, Route #101.

   g. **Schools**
      
      Kansas City Kansas USD 500

5. **The capability of the proposed use to meet applicable ordinance and other requirements.**

The proposed uses are capable of meeting applicable ordinance and other requirements.
PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 19, 2014. According to the applicant, no one appeared at the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2014-31, subject to:

Urban Planning and Land Use Comments:

1. Sec. 27-466(d)(1)e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.
2. A shared parking agreement will exist for the overall site. This shall include all out parcels.
3. Sec. 27-576(e)
   (1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementious siding (hardy board), or glass. The director may approve other high-quality materials.
      a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
      b. Highly tinted glass or glass tinted in unnatural colors should be avoided.
   (2) Exterior building materials shall not include the following:
      a. Split shakes, rough sawn, or board and batten wood;
      b. Vinyl siding;
      c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
      d. Field painted or prefinished corrugated metal siding;
      e. Standard single-tee or double-tee concrete systems; or
      f. EIFS at the ground level or comprising more than 15 percent of any facade.
In addition to EIFS (stucco dryvit) comprising only 15 percent of a façade, metal paneling is treated the same way. Metal panels can be used as accents, but not as the primary building material on a façade.

4. Sec. 27-576(i) Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure; all means available should be taken to minimize the impact on adjacent residential structures.

5. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
   a. The district requirement is one tree per 7,000 square feet of site area. The property is .518 acres, so 6 trees are required per code.
   b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
   c. Landscaping shall be irrigated.

6. Downspouts shall be internalized.

7. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

The Code states that rooftop mechanical units must be screened by a parapet. If that cannot be accomplished by a parapet, the combination of a parapet and architectural screen shall be used to enclose the units and screen them from public view.

8. Masonry columns shall wrap the entire metal column underneath the bank teller drive-through canopy.

9. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

10. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.
Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #PR-2014-31 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 8, 2014 City Planning Commission Minutes
Neighborhood Meeting Minutes
Site Plan
Landscape Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

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STAFF CONTACT: Byron Toy, AICP

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #PR-2014-31 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _______________________________________________________________;
I move the Unified Government Board of Commissioners DENY Petition #PR-2014-31, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140409 PLAN REVIEW APPLICATION #PR-2014-31 – LINDA BORING - SYNOPSIS:

Preliminary and Final Plan Review for a bank at 7714 State Avenue

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 8, 2014;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Mr. Brad Sonner, Olsson Associates, 7301 West 133rd Street, Overland Park, Kansas 66213, representing the applicant, appeared in support of this application. He stated that Linda Boring with Community America Credit Union and Mr. Keith Snyder with New Ground Architects, are also present. He stated that this is the site of the former Payless Shoe Source and they are proposing a 2,700 square foot branch for CACU with three drive-through lanes. He stated that they are requesting approval of this application.

Chairman Hurrelbrink asked how the drive-through lanes will be accessed. Ms. Boring stated that patrons will enter around the south part of the building and then come up through the drive-through lanes which are on the west side of the building. Chairman Hurrelbrink stated that they would enter from the south and then through the parking lot area. Ms. Boring stated yes.

No one appeared in opposition to this application.

Planning Director Richardson showed the Commission on the map how patrons would enter the site and get to the drive-through lanes. He stated that the staff recommends
approval subject to the stipulations in the staff report. He further stated that Business West will host a new State Avenue celebration on December 9, 2014 from 11:00 a.m. to 12:00 Noon in the Payless building and he would encourage the Commission to attend the event. He further stated that the only remaining building on the site is the old Burger King building and RED Development has been working with them on some façade improvements for that structure.

On motion by Mr. Gonzalez, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Plan Review Application #PR-2014-31:

Carson  Aye
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Not Present
Walker  Not Present

Motion to APPROVE Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Sec. 27-466(d)(1)e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.
2. A shared parking agreement will exist for the overall site. This shall include all out parcels.
3. Sec. 27-576(e)
   (3) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementious siding (hardy board), or glass. The director may approve other high-quality materials.
      a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
      b. Highly tinted glass or glass tinted in unnatural colors should be avoided.
   (4) Exterior building materials shall not include the following:
      a. Split shakes, rough sawn, or board and batten wood;
      b. Vinyl siding;
      c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
      d. Field painted or prefinished corrugated metal siding;
      e. Standard single-tee or double-tee concrete systems; or
f. EIFS at the ground level or comprising more than 15 percent of any facade.

In addition to EIFS (stucco dryvit) comprising only 15 percent of a façade, metal paneling is treated the same way. Metal panels can be used as accents, but not as the primary building material on a façade.

4. Sec. 27-576(i) Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure; all means available should be taken to minimize the impact on adjacent residential structures.

5. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
   a. The district requirement is one tree per 7,000 square feet of site area. The property is .518 acres, so 6 trees are required per code.
   b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
   c. Landscaping shall be irrigated.

6. Downspouts shall be internalized.

7. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

The Code states that rooftop mechanical units must be screened by a parapet. If that cannot be accomplished by a parapet, the combination of a parapet and architectural screen shall be used to enclose the units and screen them from public view.

8. Masonry columns shall wrap the entire metal column underneath the bank teller drive-through canopy.

9. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

10. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.
Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

Janet – attached is a copy of the Affidavit and notice letter that was sent out for the Neighborhood Meeting on this application. Please note, no one showed up for the meeting so that’s why there is no sign in sheet.

Thanks,
Brad

From: Parker, Janet [mailto:jparker@wycokck.org]
Sent: Monday, November 17, 2014 2:57 PM
To: Iloring@cacu.com; Bart Lowen; Brad Sonner
Cc: Toy, Byron; Parker, Janet
Subject: DRAFT STAFF REPORT #PR-2014-31

The above application will be heard by the City Planning Commission on Monday, December 8, 2014 at 6:30 p.m. in the Commission Chamber of the Municipal Office Building at 701 North 7th Street.

Attached are the “draft” comments on this application. Please submit additional information/plans to our office, by Monday, November 24, 2014 at 12:00 Noon. Failure to respond will result in the case being held over for one month or a recommendation of denial. Contact Byron Toy at btoy@wycokck.org or 913-573-5757 with any questions. For questions regarding Public Works comments, please contact John Cygiel at jcygiel@wycokck.org

Please also send a copy of the minutes, along with the attendance sheet, for your neighborhood meeting to me (jparker@wycokck.org or Fax: 913-573-5796) by November 26, 2014.
**Staff Request for Commission Action**

**Tracking No. 140417**

- **Revised**: 
- **On Going**: 

**Type**: Standard

**Committee**: Full Commission

**Date of Standing Committee Action**: 12/18/2014

(If none, please explain): Presented at Special Session 12/18/14

**Proposed for the following Full Commission Meeting Date**: 1/8/2015

**Confirmed Date**: 1/8/2015

**Changes Recommended By Standing Committee (New Action Form required with signatures)**

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<tr>
<th>Date</th>
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<th>Contact Phone</th>
<th>Contact Email</th>
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<tr>
<td>12/19/2014</td>
<td>Mike Taylor</td>
<td>573-5565</td>
<td><a href="mailto:mtaylorl@wycokck.org">mtaylorl@wycokck.org</a></td>
<td>cg</td>
<td>Public Relations</td>
</tr>
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**Item Description**: Request adoption of the 2015 State and Federal Legislative Programs.

The legislative program was presented to the Commission and Wyandotte County Legislative Delegation during a special session on December 18, 2014.

**Action Requested**: Approve 2015 State and Federal Legislative Programs.

**Publication Required**: 

**Budget Impact**: (if applicable)

- **Amount**: $
- **Source**:
  - Included In Budget
  - Other (explain): Policy action by Commission.

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About This Legislative Program

This Legislative Program is based on the principle that Federal, State and Local Governments are all partners in the effort to make Kansas and its communities great places for people to live, work and play.

The Kansas Legislature should resist efforts to dictate policies and impose laws on cities, counties and schools because locally elected city, county and school leaders are best equipped to address issues and problems in their own communities. Local control allows citizens, working with the local officials they’ve elected, to decide what laws work best for their children and families. The Kansas Legislature should defend and protect the Home Rule Rights and authority guaranteed in the Kansas Constitution to citizens and their local governments.

The Kansas Legislature should renew a partnership and cooperative spirit with city, county and school leaders to address the issue of increasing property taxes caused by the shifting of costs from state government to local governments and schools. The Kansas Legislature should not continue solving its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding education on local taxpayers.

Lobbyist’s Pledge

I pledge to be ethical, honest and sincere in my dealings with legislators, staff and citizens.

I will vigorously represent the interests of the Unified Government and its citizens, but my lobbying efforts will be guided by a standard of civility and professionalism.

I will always try to remember every viewpoint deserves a fair hearing and even in the heat of debate, will be reminded that we are all working for the same goal of making Kansas and our communities better places for the citizens we represent.

Mike Taylor
Public Relations Director
Unified Government of Wyandotte County/Kansas City
2015 Priority Issues

Kansas Tax System
The Kansas Legislature has contributed to increased property taxes by shifting the cost of providing services and programs from state government to local governments. The Kansas Legislature should renew a partnership and cooperative spirit with city, county and school leaders to address the issue of increasing property taxes caused by the shifting of costs from state government to local governments and schools. The Kansas Legislature should not continue solving its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding vital services on local taxpayers.

Local government revenues which need to be protected include: local alcoholic liquor funds; special city-county highway fund; motor fuel taxes; community mental health; and community corrections funding.

Abandoned Housing
The Unified Government supports legislation which streamlines and expedites the process for local governments and neighborhood organizations to deal with the growing blight of abandoned, nuisance and foreclosed housing.

City Elections
City elections should remain non-partisan and separate from state and national elections. Cities should continue to determine when their local elections are held.

Law Enforcement Mutual Aid
The Unified Government supports mutual aid legislation allowing law enforcement agencies to work cooperatively with their counterparts in adjoining states during critical incidents. The State of Missouri has already passed this mutual aid legislation affecting nine counties in the Kansas City metro.

Medicaid Expansion
The Unified Government supports the expansion of Medicaid. The refusal of the state to expand Medicaid puts the burden on local governments to plan health care for the poor. The new insurance market place will target only about 11,000 adults of the approximately 36,000 uninsured in Wyandotte County. This will put pressure on the Wyandotte County Public Health Department and other health care facilities in Wyandotte County to provide care without reimbursement.

Urban Opportunity Zones
The Unified Government supports the creation of urban opportunity zones as a toll to rebuild and revitalize struggling urban neighborhoods.

Legislative Advocacy
The Unified Government supports current law allowing the use of state and local tax dollars to provide information and advocate on behalf of our community and its citizens.
**City-County Highway Funds**
The Special City-County Highway Fund is essential to maintaining local roads and should be fully funded to support the critical infrastructure of our communities. Such funding includes fees from out-of-state commercial vehicles which are now being diverted to the State General Fund contrary to state law. The Legislature should also maintain and enhance funding for the connecting link program.

**Alcoholic Liquor Taxes**
The Unified Government supports current law with regard to the collection and distribution of alcoholic liquor taxes. Changes in the way that alcoholic liquors are classified or where they can be sold should be revenue neutral for cities.

**Unclaimed Checks**
The Unified Government supports legislation which reduces the administrative burden and costs of processing unclaimed checks.

**Delinquent Property Taxes**
The Unified Government supports increasing the statutory interest rate on delinquent property taxes to encourage timely payment by taxpayers.

**Tax/Spending Mandates**
The Unified Government opposes any state-imposed limits on the taxing and spending authority of cities. Local spending and taxing decisions are best left to locally elected officials and the citizens they serve.

**Property Appraisal and Valuation**
The Unified Government supports property appraisals based on fair market value and opposes caps on property valuations as inequitable and unconstitutional.

**Unfunded Mandates**
The Kansas Legislature should oppose reducing the State budget by shifting work to local governments without adequate funding to pay for those increased duties. The Legislature should also not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

**KPERS**
Achieving a fully funded public employee retirement system within a reasonable time period is an important goal, but should be done in a way which does not place an undue financial burden on local government employers or employees.

**Local Ad Valorem Tax Reduction Fund**
The Unified Government urges the Legislature to restore its commitment to reducing city and county property taxes by following state law and honoring previously made commitments. This should include reinstating the Local Ad Valorem Tax Reduction (LAVTR) program and use of casino gaming revenues to reduce property taxes. Under LAVTR, sales tax dollars shared with local governments are directly applied to lowering property tax levies. This time-tested partnership—cancelled in 2003—provides dollar for dollar reductions in property tax bills. This partnership is a far better way to influence property tax rates than artificial and arbitrary controls such as caps on assessed valuations or tax and spending lids on local governments.
Community and Economic Development

Comprehensive Transportation Program
We support the continued funding of the Kansas T-Works comprehensive transportation program. We oppose any further use of these funds to balance the State’s general fund budget. Any reduction in T-Works funding would jeopardize existing programs.

Public Education
Quality schools are the foundation for the future economic success of Kansas. A public education system which helps create a well-educated and trained workforce is crucial to successful communities. The Unified Government urges the Kansas Legislature to ensure that all children have the opportunity to attend equally funded public schools regardless where they live, and that Kansas schools are funded at a level which meets and exceeds the needs of our children.

Immigration
The Unified Government opposes State immigration enforcement measures because they place unreasonable and expensive burdens on local government.

Casino Gaming
The Unified Government opposes changing provisions in the expanded gaming statute, including banning smoking on casino gaming floors. The Unified Government supports greyhound and horse racing operations with the addition of slot machines at The Woodlands under current gaming law.

Economic Development
The Unified Government encourages the Kansas Legislature to work with local governments in developing innovative new economic development tools to help highly distressed urban and rural areas attain economic success and build quality communities, including the creation of Urban Opportunity Zones.

Tourism
Wyandotte County offers destination attractions which draw millions of visitors a year to Kansas. The Unified Government urges the State of Kansas to enact a comprehensive tourism plan and increase funding of tourism promotion and marketing.

Public Transit
The Unified Government supports increased state funding of public transit. The Unified Government also supports regional partnerships to improve and expand public transit options for Kansas City area residents. The Kansas Legislature should help, not hinder, efforts to fund regional public transit in the metropolitan Kansas City area.

Infrastructure Funding
The Unified Government supports increased federal and state funding to assist local communities with their water, wastewater, storm water, dam and levee infrastructure and associated security needs.

University of Kansas Medical Center and Hospital
The Unified Government recognizes the unique and vital role played by the University of Kansas Medical Center and University of Kansas Hospital and strongly supports efforts to create and promote the region as a nationally recognized center for life sciences, cancer research and treatment. The Unified Government supports actions and efforts which will increase the presence and impact of both institutions in Wyandotte County.

Alternative Revenue Sources
Locally elected officials and the citizens they represent should be allowed authority to structure and implement taxes and revenues which best suit the individual community without prohibitions and restrictions imposed by the Kansas Legislature. This includes local earnings/income taxes, development excise taxes, and other local taxes and fees now prohibited by state law.
Public Safety

Weapons and Firearms
The Unified Government supports the ability of local governments to set policies regarding the carrying of weapons and firearms by their employees while they are engaged in the course of their employment. The Unified Government also supports the local regulation of weapons and firearms.

Emergency Medical Services
The Unified Government supports a provider assessment program for ambulance services in order to increase Medicaid payments. The program must be cost-neutral or benefit all ambulance services and treat all ambulance services equally. The Unified Government also urges the Kansas Legislature to evaluate the current Medicaid payment rates for emergency medical services and supports increasing the payments.

Emergency 911 Services
Cities and Counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. The Unified Government supports legislation providing flexibility for local governments to utilize these funds to provide emergency services.

Community Corrections. We support full funding for community-corrections programs and grants, including programs for behavioral-health initiatives. Community corrections programs for adults reduce community risk and offender recidivism, which decreases taxpayer expense. In addition to serving violent, high-risk offenders, local community corrections also provide juvenile offender supervision. The juvenile programs should include graduated sanctions, evidence-based practices, separate juvenile intake, and prevention funding to stop juveniles from entering the correctional system. Additional funding produces a significant return on investment through reduced crime, incarceration, and recidivism, which means it is essential for the Legislature to provide full funding for the Department of Corrections.

State Prisoners in County Jails
As the State continues moving felons from the Kansas Department of Corrections to county jails, we support state funding to reimburse counties for the entire cost of housing convicted felons. Further, the State should keep accurate records of the number of felons in county jails and make such information available to the public.

Local Control and Police Powers
The Unified Government opposes all legislation which restricts the regulatory authority of cities to protect the health, safety and welfare of the public.
Local Government Operations

Home Rule and Local Control
The Home Rule Amendment of the Kansas Constitution is the foundation of local government, the bedrock of our belief in independence and the benchmark of the right to determine our own destiny. The Unified Government urges the Kansas Legislature to defend and protect the Home Rule Rights and authority guaranteed in the Kansas Constitution to citizens and their local governments.

Prevailing Wage
The Unified Government supports paying prevailing wage on public works projects and economic development projects where tax incentives are given. Prevailing wage fits the nature of our community and is supported by our citizens. The the Unified Government Board of Commissioners strongly urges the Kansas Legislature and Governor Sam Brownback to repeal the law banning the Unified Government of Wyandotte County/Kansas from implementing policies requiring the use of prevailing wage on public works and economic development projects.

Unfunded Mandates
The Unified Government believes the State Legislature should not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

Publications and Notices
The undeniable right of the public to be informed about the actions of its government should not be compromised. At the same time, government officials have a responsibility to ensure the tax money required to keep citizens informed through legal notices and publications is spent in an effective and efficient way.

Budget Timing
The Unified Government supports increased flexibility regarding the statutory requirements for filing city budgets.

Public Land
Local government and the citizens they represent should be allowed to control and manage public lands and right-of-way as they see fit. This includes collecting franchise fees and other revenues from private companies and individuals which use public lands for personal benefit or profit.

Municipal Utilities
The Unified Government supports the ability of cities to operate municipal electric, water, sewer, storm water, solid waste, telecommunications and broadband services. We further support the ability of cities to set and control the rates of municipal utilities.

Open Meetings
The Unified Government believes openness in government is essential to building public confidence. But, there are times when privacy or other legitimate reasons require executive sessions. Requiring executive sessions to be tape recorded would impose unreasonable demands on elected and appointed officials and raise questions as to the custody of tapes. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

Open Records
Open records laws should balance the public’s right to know with the necessity of protecting private individuals and the ability of public agencies to conduct the essential business of the public. All levels of government should be subject to the same open records requirements.

Eminent Domain
The Unified Government supports the use of eminent domain for economic development projects which eliminate blight and allow revitalization and rebirth in urban areas.
Public Health and Environment

Community Mental Health Funding
The Unified Government supports full funding in state grants for community mental health services, allowing community mental health centers to annually serve 90,000 uninsured and underinsured county residents ineligible for Medicaid. Without adequate state support, mentally ill individuals too often end up in contact with law enforcement, jails, emergency rooms, and state psychiatric hospitals—all of which impact county governments. State grants ensure proper treatment of the mentally ill and improve the community for all.

The state’s reduction in mental health dollars has strained the ability of community mental health centers to provide services to the uninsured and underinsured. Further cuts could result in services for the most vulnerable populations being reduced or eliminated. The Unified Government supports restoration of state funding to community mental health centers (CMHCs) to pay for state required mental health treatment of low income uninsured and underinsured persons who do not qualify for Medicaid or other state funded benefits.

Local Health Department Funding
County health departments have many mandated, but unfunded duties which compete for limited resources. Increased funding for public health, especially for the purchase of vaccines, would help ease the demand on public health dollars and allow better protection of citizens.

Serving Senior Populations and Area Agency on Aging Issues
The Unified Government supports legislation to provide improved support for aging populations in local communities, including full funding of Home and Community Based Services for the Frail Elderly waiver; funding Access to Core Services; and legislation to allow unused prescription drugs from nursing homes, hospice and other health care agencies to be distributed for use by medically indigent seniors.

Energy Efficiency
The Unified Government supports energy efficiency and the development of a statewide energy policy which enables local governments to act individually or in cooperation with others to address energy efficiency. Funding for the Efficiency Kansas program which assists homeowners in improving their homes should be restored.

Energy and Environmental Mandates
The Unified Government opposes federal and state mandates which regulate the operations of municipal electric, water, solid waste, storm water, telecommunications and broadband utility services. Any mandates imposed on cities should come with adequate funding to address the mandate.

Storm water Management
The Unified Government encourages the Kansas Department of Health and Environment and the Environmental Protection Agency to work with cities and provide technical support in the implementation of reasonable regulations related to storm water management. We endorse cooperative solutions to storm water quality and quantity challenges.
Unified Government
Federal Legislative Agenda
114th Congress
2015

Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas  66101
Federal Issues

**Marketplace Fairness Act**
The Unified Government urges Congress to take action to implement the mandatory collection of sales and use taxes on remote sales. The legislation should not preempt state and local sales and use tax authority. Should federal legislation allow for the state imposition of such taxes, we support the distribution of those funds to cities and counties using an equitable formula. Kansas should continue to participate in the Streamlined Sales Tax Project. The Unified Government opposes language concerning telecommunications taxes that would threaten both local government revenues and successful implementation of the Streamlined Sales and Use Tax Agreement.

**Immigration Reform**
The Unified Government supports a federal solution to immigration reform that allows reasonable access to citizenship while assuring adequate border security and protecting our economy and workforce. Any immigration solution should not negatively impact local governments with additional law enforcement or administrative burdens.

**Waters of the United States**
The Unified Government encourages Congress and the Federal administration to approach water in the following manner:

- Clarify that municipal streets and man-made ditches are excluded from the definition of “waters of the United States” and that local government should regulate these waters.

- Recognize that the regulation of impervious surfaces and the regulation of storm-water flow-volume from development is a local land issue, not within the purview of the federal government.

- Continue the national policy goal of net gain/no net loss of wetlands with a management approach that first avoids development of current wetlands, then minimizes wetland loss, then mitigates as the final alternative. These goals should include additional funding for local government implementation.

**Transportation**
Partner with local governments to meet America’s pressing transportation infrastructure needs by authorizing a new federal surface transportation program that recognizes the central role of transportation to metropolitan and regional economies, includes the local voice in planning and project selection, and chooses the best mix of transportation options to fit the needs of the region. Provide full funding for federal transportation programs and give priority to those that promote long-term outcomes, protect the environment, create jobs, and help the economy recover. The condition of our nation’s infrastructure is vital to our economic recovery and growth. As local governments continue to struggle under mounting budget shortfalls, federal support for infrastructure is even more critical, not only to fund overdue repairs but to also put individuals and communities back to work.
Preserve Funds For Hometown Investment
The Federal Government is a valuable partner in helping local governments provide important services to citizens. Funding for many longstanding Federal programs must be preserved, including:

- **Community Development Block Grants:** The CDBG program is used for programs that directly assist those with the greatest needs in the community. At current funding levels, the UG receives $2.7 million annually in CDBG funding. These funds are used for several programs, including emergency home repair for residents whose income is 60% or below the area’s median income, a multi-service center (which includes a food kitchen), that assists the homeless and near homeless, and support for the KCK Continuum of Care. Severe cuts in CDBG would force severe reductions of these programs, creating a real hardship for many of the our most vulnerable residents. CDBG is a smart, long-term investment in our nation’s communities. CDBG funding does not stay in city hall; in fact, it goes to local businesses, builders and contractors, and service providers who transform the neighborhoods in which they do business. Every dollar of CDBG funding a city or town receives leverages an additional $1.62 in non-CDBG funding. Full funding for CDBG connects private sector growth to the revitalization of entire communities. Currently funded at $3.07-billion, CDBG has been cut by 25 percent ($1 billion) since FY2010. Funding should be restored to $3.3 billion

- **Transit Funding:** Having an affordable, reliable transit system is more important than ever. Transit is a crucial component that is necessary to ensure people can get to their jobs in an efficient manner, especially with new jobs being added due to the developments at Village West. The continued development of a bus rapid transit (BRT) line along State Avenue continues to be a top priority, as well as other improvements that can reduce costs and increase ridership in the entire transit system. Restoring federal funding for public mass transit systems on a local project basis is critical. The Unified Government also supports maintaining funding levels and local control of how Congestion Mitigation and Air Quality (CMAQ) Improvement Program funding is spent on projects that reduce congestion and air pollution in the Kansas City region.

- **Justice Assistance Grants:** JAG grants are critical to the Kansas City Kansas Police department in providing efficient and effective public safety protection to citizens. Current JAG funding to the KCK Police Department pays for six positions in the Tele-serve program, which allows citizens to easily file police reports and keeps police officers on the streets to protect and serve.

- **Water Development Resources Act:** The WRDA Federal grant program is vital in funding needed upkeep and improvement of the river levee system protecting Kansas City from floods on both the Missouri and Kansas rivers.

**Supplemental Nutrition Assistance Program**
The Unified Government opposes cuts to the federal nutrition programs as part of Farm Bill and deficit reduction negotiations. In Wyandotte County, 43,503 (28% of the population) rely on the Supplemental Nutrition Assistance Program (SNAP) every month. Cuts to SNAP mean more people will fall into poverty and illness. Not only does SNAP help people from falling into poverty, it also enables low-income households to afford more healthy foods. Fruits and vegetables, grain products, meats, and dairy products comprise almost 90 percent of the food that SNAP households buy.
Medicaid Reform
The Unified Government supports Medicaid reform that maintains the federal government’s primary responsibility for providing health care to the country’s most vulnerable citizens. Medicaid must maintain a robust set of both mandatory and optional services to meet the full range of needs of our citizens. Further, we oppose termination of Medicaid benefits when an individual is incarcerated in a county facility pre-adjudication.

Mandates
The Unified Government opposes unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, storm water utilities, or other utility services. Any mandates which are passed down to cities should not be imposed without a cost/benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule. The Unified Government supports establishment of a federal loan assistance program to help pay for the costs of meeting the expensive environmental mandates imposed by the EPA and Department of Justice.

Telecommunications Taxes
The Unified Government categorically oppose restrictions on the ability of cities to impose and collect taxes and fees on telecommunications providers.

Protect Municipal Bonds
As the Administration and Congress look for revenue to reduce the deficit and fund programs, the federal income tax exemption provided to interest paid on state and municipal bonds (debt) is under threat. In addition to increasing taxes, the federal government can raise revenue by expanding what is subject to being taxed (broadening the base); as an alternative to raising taxes, interest paid on bonds issued by local governments currently not taxed could lose their exemption from taxation. The Unified Government opposes any attempt to eliminate or limit the traditional tax exemption for municipal bonds whether as a part of a deficit reduction plan, a push for comprehensive tax reform, or as an offset for new spending.

Assistance with Federal Agencies
The rulemakings and decisions of the federal executive branch can have a tremendous impact on a local community. Currently the Unified Government and Board of Public Utilities are looking at several pending individual decisions and pending rulemakings that could potentially create real economic hardship for the people they serve in a time when they can least afford it. We appreciate the continued efforts of our Congressional delegation to ensure actions taken by the agencies are carefully measured and thought through so as not produce unnecessary economic harm to the community.

Postal Service in Urban Neighborhoods
The Unified Government opposes further cuts in service or the closing of United States Post Offices in urban neighborhoods.

Federal Budget Reductions
Deficit reduction should not be accomplished by shifting costs to cities and counties and their residents; imposing unfunded mandates; or preempts city and county programs or taxing authority. Federal assistance to state and local governments will help mitigate further layoffs and Federal investment in state and local infrastructure produces private sector jobs.
Revenue Losses to the Unified Government
as a result of action by the Kansas Legislature

Decisions made by the Kansas Legislature have slashed hundreds of millions of dollars in promised local government funding and significantly eroded the Wyandotte County tax base.

- **Elimination of the Mortgage Registration Fee**
  The Kansas Legislature, pressured by community bankers and realtors, eliminated a fee which has been in place since 1925, shifting a financial cost from banks and homebuyers who take out mortgages, to all property taxpayers.
  
  **Effect:** The Unified Government will lose an estimated $500,000 in 2015 with annual losses growing to an estimated $1.8-million in five years.

- **Repeal of the Machinery and Equipment Tax**
  In 2006, the Kansas Legislature repealed the property tax on commercial and industrial machinery and equipment.
  
  **Effect:** The Unified Government is losing $10-million a year in revenue because of this action. Since 2006, Wyandotte County has lost $130-million in assessed value from machinery and equipment. The decision to eliminate the machinery and equipment tax, while positive for business, continues to take a devastating toll on Unified Government revenues.

  **It must be noted the entire Wyandotte County Legislative Delegation opposed repeal of the Machinery and Equipment tax in 2006 and elimination of the Mortgage Registration Fee in 2014.**

- **Suspension of Local Ad Valorem Tax Reduction Fund**
  The Kansas Legislature cancelled this longtime partnership between the State of Kansas and local governments in 2003. The program had been in place since 1937 and provided a dollar for dollar reduction in property tax revenues.
  
  **Effect:** Cancellation of this revenue sharing program continues to cost the Unified Government more than $3-million a year in what had been steady, reliable funding intended to reduce local property taxes. The cumulative impact of the Kansas Legislature not funding the LAVTR program has cost the Unified Government at least $36-million in revenue.

- **Suspension of City-County Revenue Sharing**
  The City-County Revenue Sharing Program is another partnership which was ended by the Kansas Legislature in 2003.
  
  **Effect:** The Unified Government received $1,699,607 in 2000; $1,694,217 in 2001; and $821,888 in 2002. The Unified Government has received zero revenue sharing dollars since 2003.

- **Reduction of Delinquent Tax Interest**
  As part of a sweeping overhaul of the property tax appraisal system, the Kansas Legislature reduced by two percent the amount of penalty interest local governments can charge people who don’t pay their taxes on time.
  
  **Effect:** The Unified Government collects about $1.8-million a year in delinquent tax interest. The reduction in penalty interest could cost the Unified Government as much $300,000 a year and encourages the non-payment of property taxes in the future.
# 2015 Local Government Funding
Allocated to the Unified Government through the State of Kansas

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**Staff Request for Commission Action**

**Type:** Standard  
**Committee:** Full Commission  
**Proposed for the following Full Commission Meeting Date:** 01/08/2015

**Date of Standing Committee Action:**  
(If none, please explain):

- **Changes Recommended By Standing Committee (New Action Form required with signatures)**
  
<table>
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<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
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<tr>
<td>12/19/2014</td>
<td>Jenny Myers</td>
<td>5060</td>
<td><a href="mailto:jmyers@wycokck.org">jmyers@wycokck.org</a></td>
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<td>Legal</td>
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  **Item Description:** **ONLY VISIBLE TEXT WILL BE PRINTED**
  Amendment to the Animal code to increase the maximum number of animals, adopting Trap Neuter and Release (TNR), along with other changes.

**Action Requested:** **ONLY VISIBLE TEXT WILL BE PRINTED**
Approval of the proposed changes to the animal code.

**Publication Required**

**Budget Impact: (if applicable)**

- **Amount:** $
- **Source:**
  - Included In Budget
  - Other (explain)

**Supporting Documentation**
To: Unified Government Board of Commissioners  
From: Jennifer Myers, Assistant Counsel  
Cc: Jody Boeding, Chief Counsel  
Date: December 19, 2014  
RE: Proposed changes to the animal control ordinances

This memo is to explain the proposed changes to the animal control ordinances as recommended at the December 4th, 2014 commission meeting.

Article I. In General

- Section 7-1: Definitions section amended to include definitions for “adequate care”, “adequate food”, “adequate health care”, “adequate shelter”, and “adequate water”. Recognize and define ear-tipped feral cats.
- Section 7-2: Penalties are enhanced and reorganized.
- Other nonsubstantive changes

Article II. Impoundment

- Changes are not substantive
Article III. Animal Protection

- Section 7-78: Allows for early forfeiture of animals pending prosecution for violation of this Chapter. Allows Animal Control to petition the court for the boarding fee of the animal held in cases if owner claims the animals, but will not reclaim the animals; or, alternatively, if the City does not want to release the animals back to the defendant.
- Section 7-79: New neglect and cruelty definitions and standards of care (See 7-1, defines “adequate care”, “adequate food”, “adequate health care”, “adequate shelter”, and “adequate water”).
- Section 7-79(g): Outlines new humane tethering standards for animals tethered on private property.
- Other nonsubstantive changes

Article IV. Animal Bites and Disease Control

- Section 7-109: Removed “Non family bite violations”. Moved to new “Dangerous” and “Vicious” animal section (see 7-215 and 7-216).
- Other nonsubstantive changes

Article VI. Dogs and Cats

Division I. Generally

- 7-212: Maximum number of animals is increased from two dogs or four cats, or any combination not to exceed five in number, to three dogs or three cats not to exceed six in number.
- 7-212(2): In order to exceed the pet limit of more than three dogs, a permit must be issued by the Unified Government Board of Commissioners.
- 7-212(3): New section. Exempts residences fostering for a KS licensed shelter, pound, or rescue, from the pet limit, provided the number of foster dogs does not exceed more than five adult dogs over six months of age.
- 7-215 Nuisance Animals: New section.
  - Includes the following subsections:
    - Excessive Animal noise- previously section 7-16
    - Property Damage- previously section 7-17
    - Running at Large – previously section 7-18 with some minor changes.
      - Excludes unowned ear-tipped feral cats from this section.
    - Animals putting person in fear – previously 7-20 with minor changes.
    - Animal injury
    - Violations

- 7-216: Dangerous animals: New section.
  - Unlawful to keep any dangerous animal in the city.
  - A dangerous animal is any animal which has done the following:
    - Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or
    - Killed another dog or cat.
  - “Bite injury” is any contact between an animal’s mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, bruise or other piercing of the skin.
o No animal may be declared a dangerous animal if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:
  ▪ A member of the household, or
  ▪ Teasing, tormenting, abusing or assaulting the dog or committing or attempting to commit a crime, or;
  ▪ Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
  ▪ The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

o No animal may be declared dangerous based solely on size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

o Penalty sections- Upon conviction, if the animal is released to the owner, the animal shall be kept pursuant to the standards listed including: leash and muzzle requirements; confinement requirements; required signage, insurance, photographs and microchips; spaying/neutering, and sale or transfer prohibited.

• 7-217 Vicious Animals: New section
  o Unlawful to keep, possess, or harbor a vicious animal within the city limits.
  o A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person.
  o Vicious animal does not include an animal that has caused great bodily harm to any person while a person was committing a criminal offense on the property of the owner, keeper, or harborer of the animal. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.
  o Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized, and direct the Director of Animal Control to ensure that the order is enforced.

• 7-219 Pit Bull dogs
  o No changes made.

Division 2. Registration

  • Minor changes to the tag and spaying and neutering ordinances.

Division 3. Patrol Dogs

  • Removed this section

Division 4. Dog Kennels

  • Removed this section
    o Kennels are regulated and inspected by the State. Kennels receive a special use permit under the planning and zoning ordinances. Therefore, it is redundant to keep this ordinance in the animal code.

This is scheduled for the January 8th Commission Meeting. Please advise if you have further suggestions or if these amendments do not accurately reflect the discussion at the last commission meeting so that changes can be made before the meeting.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.
Sec. 7-2. Penalty.
Sec. 7-4. Enforcement generally.
Sec. 7-5. Written notice requirements.
Sec. 7-6. Rules, regulations and fees.
Sec. 7-7. Obstructing enforcement.
Sec. 7-8. General entry powers of enforcement officers.
Sec. 7-9. Implied consent to entry upon private property for enforcement.
Sec. 7-10. Consent to seize to abate suffering.
Sec. 7-11. Consent to removal of rabies suspect animal.
Sec. 7-12. Dead animals.
Sec. 7-13. Wild or exotic animals prohibited.
Sec. 7-14. Commercial animal establishment—Compliance with local codes.
Sec. 7-15. Same—Standards.
Sec. 7-16. Excessive animal noise.
Sec. 7-17. Property damage.
Sec. 7-18. Running at large—Prohibited; exceptions.
Sec. 7-19. Same—Violations.
Sec. 7-20. Animals putting person in fear.
Sec. 7-21. Storage of hides.
Secs. 7-22—7-45. Reserved.

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal. Grooming of animals is also required so that they are free from dangerous matting and nail overgrowth which can affect their health and may be painful.

Adequate food means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and recesso from exposure to inclement weather conditions.

Adequate water means a continual access to a supply of clean, fresh, potable water.

Animal means any live vertebrate creature except a human.

Animal control director means the program coordinator of the unified government animal shelter and/or his designee.

Animal control officer means an officer or employee of the office of director of animal control, and officer or employee of the unified government public health department, whose duties involve the enforcement of the provisions of this chapter, or an officer of the police department.

Animal euthanasia means the humane destruction of an animal that may be accomplished by any of those methods authorized by K.S.A. 47-1718.

Animal shelter means the facility or facilities operated by the unified government or its authorized agent for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Cat means any member of the species, felis domesticus.

Commercial animal establishment means any pet shop, grooming shop, auction, clubbing school, stables, kennel, guard dog service, dog trainer, animal dealer, or any establishment performing one or more of the principal activities of the aforementioned establishments.

Dog means any member of the species, canis familiaris.

Ear-tipped feral cat means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its ear to indicate that it has been sterilized and vaccinated against rabies.

Fowl means any animal that is included in the zoological classification Aves.

Health director or director of health means the director of the unified government public health department. The term includes the director's authorized representative.

Person means any owner or individual having the right of property in any animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by such person. Native wildlife remaining on or about any premises shall not be included in this definition.

Cross reference—Definitions generally, § 1-2.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-2. Penalty.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall, unless another specific penalty or specific penalty range be provided by another subsection of this section, be punished by a fine of not less than $50.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of sections 7-14, 7-15, 7-17, 7-212, 7-218, 7-261, 7-266 or 7-267 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

   (1) First offense, $50.00.
   (2) Second offense, $100.00.
   (3) Third offense, $150.00.
   (4) Fourth or any subsequent offense, $600.00.

(c) Any person violating any of the provisions of sections 7-15, 7-19, 7-218, or 7-219 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

   (1) First offense, $300.00.
   (2) Second offense, $600.00.
   (3) Third offense, $1,000.00.
   (4) Fourth or any subsequent offense, the court may, in its discretion, revoke the license of the animal(s), or remove the animal as provided by section 7-78.

(d) Any person violating any of the provisions of section 7-106 shall, upon conviction, be punished by a fine of not less than $350.00 nor more than $500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(e) Any person violating any of the provisions of section 7-7, 7-15, 7-18, or 7-213, 7-214, 7-215 or of this chapter shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

   (1) First offense, $100.00.
   (2) Second offense, $200.00.
   (3) Third offense, $500.00.
   (4) Fourth offense, or a conviction of section 7-215, the court may, in its discretion, impose a fine, revoke license for the animal(s), and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

   (f) Any person violating section 7-215 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed.
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180 days, or by both such fine and imprisonment. The court may, in its discretion, revoke the license for the animal(s), or refuse to return the animal(s) back to the owner, keeper, or harbore. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, and veterinary care necessitated by the enforcement of this article.

(a) Any person violating section 7-217 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. Violation of section 7-217 shall constitute a misdemeanor. Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law. The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

(b) Each day's violation of or failure, refusal or neglect to comply with any provision of this chapter shall constitute a separate and distinct offense.

(c) Court costs shall be imposed as authorized by ordinance.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person complete a responsible owner training session and/or orientation specified by the court.


(a) Whenever any dog-animal is found running at large in violation of section 7-18 section 7-215(c), the animal control officer finding such dog-animal may take its license number, if such dog-animal is wearing a collar with an identification tag as is required in section 7-205, and may take any other information the dog-animal is wearing which may identify its owner. This section does not apply to unowned ear-tipped feral cats.

(b) The officer who finds an animal-dog running at large may sign a complaint against the person identified as the dog's animal's owner, keeper or harbore pursuant to subsection (a) of this section. If a complaint is signed, then a notice to appear shall be served upon such identified owner in accordance with section 7-17. If the owner fails to appear as required in the notice to appear, a warrant shall be issued for that person's arrest. In any prosecution charging a violation of section 7-18 section 7-215(c), proof that the dog-animal described in the complaint was in violation of such section, together with proof that the defendant named in the complaint was at the time of such violation the licensed owner of such dog-animal, shall constitute prima facie evidence that the licensed owner of the dog violated section 7-12150(c). The foregoing stated presumption shall apply only when the procedure as prescribed in this section has been followed.

Sec. 7-4. Enforcement generally.

Except where otherwise provided, it shall be the duty of the supervisor of animal control, with the assistance of staff and police, to administer and enforce the provisions of this chapter. It shall be the duty of the police to assist the director of animal control and the staff of the director of animal control with their enforcement efforts, and the police shall have full authority to enforce the provisions of this chapter.
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Sec. 7-5. Written notice requirements.

The written notice requirements of this chapter that must be complied with prior to a hearing before the animal control supervisor shall be deemed sufficient if the notice is served upon the person personally or if it is sent by registered or certified mail to the person's last known address. If the notice cannot be conveniently served by the aforesaid, service of notice may be made upon person by at least one publication in the official newspaper of the city. Such publication shall contain the reason of notice and the date, time and place of hearing.

Sec. 7-6. Rules, regulations and fees.

The county administrator may, with approval of the unified government board of commissioners, adopt rules and regulations necessary for the administration of this chapter, including regulations establishing impoundment, adoption fees, boarding and handling fees, and all other such fees as are required by this chapter.

Sec. 7-7. Obstructing enforcement.

No person shall willfully obstruct any animal control officer engaged in the performance of official duties from performing such official duties.

Sec. 7-8. General entry powers of enforcement officers.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director of animal control or director of health's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which creates an unsafe, dangerous or hazardous condition, the director of animal control or director of health or the authorized representative of the same may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of animal control or director of health by this chapter; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of animal control or director of health or the authorized representative of the same shall have recourse to every remedy provided by law to secure entry.

(b) When the director of animal control or director of health or the authorized representative of the same shall have first obtained a proper search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the director of animal control, the director of health, or the authorized representative of either for the purpose of inspection and examination pursuant to this chapter.
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Sec. 7-9. Implied consent to entry upon private property for enforcement.

In the interests of animal control ordinance enforcement, animal rescue, and open violation enforcement, any person keeping or harboring any animal in this city by so doing does thereby authorize the director of animal control, the director of health, the representatives of either, or a police officer to enter without warrant, when there are exigent circumstances, upon private property, except inside any residential structure, of such person who owns or controls where such animal is found, in plain sight, for the purpose of enforcement of this chapter and to seize such animal from the private property to abate an ordinance violation.

Sec. 7-10. Consent to seizure to abate suffering.

By the authority of the city to so provide, and by the authorization stated in section 7.9, any animal that is deemed by the director of animal control to be neglected or abused in violation of this chapter and suffering may be seized from the property of its owner or keeper to abate the suffering of that animal, and such animal may be confined at the shelter for disposition under the terms of this chapter.

Sec. 7-11. Consent to removal of rabies suspect animal.

Any animal that has possibly, through a bite wound, exposed a person to rabies and that is found on the property of its owner or keeper may be removed from that property by the director of animal control if such owner or keeper is not available, willing, and able to surrender the animal for the observation or testing required by this chapter. By keeping such animal in the city, the owner or keeper consents to and authorizes removal under such circumstances to the animal shelter.

Sec. 7-12. Dead animals.

(a) **Responsibility of director of animal control.** The director of animal control shall be responsible for the removal of all dead animals found within the city except as otherwise provided in this section. In this section, "dead animal" shall mean an animal not killed for food or no longer fit for food.

(b) **Removal—Large dead animals.** All large dead animals shall be removed and legally disposed of by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed, such animal shall be removed by the city at actual cost to the property owner or proprietor. Charges for dead animal removal are due and payable upon billing by the unified government. The unified government may refuse to collect dead animals for failure to pay previous billings. Failure to pay for dead animal removal as provided shall constitute a violation punishable by fine as delineated in section 7.2.

(c) **Same—Small dead animals.** Animal hospitals, commercial animal establishments, laboratories and other similar places where animals are kept for commercial or scientific purposes shall maintain, for a period of one year, records on the death and disposal of all birds and mammals in their care. Such records shall include the type of animal, cause of death (if known), method of disposal and such other information as specified by the supervisor. Dead animals shall be removed from such establishments and submitted for postmortem examination by a licensed veterinarian, state or federal laboratory, or such other person as approved by the director, or disposed of by incineration, burial or other approved means.
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(d) Access to property. On occupied property, the owner or the tenant of such property shall provide easy access to the subject animal for purpose of its removal.

(e) Leaving on streets, etc. No person owning or having possession of the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, or public ground.

(f) Burial. Burial of animals shall only be permitted at pet cemeteries licensed by the city, or such other places for which a special permit is granted by the health director.

(g) Transportation. It shall be unlawful for any person to transport or remove any dead animal or the carcass of any dead animal along any street, avenue, alley, lane or other highway within the city, unless the same is transported or removed, loaded upon a wagon, truck or other vehicle of conveyance. Any person transporting or removing any dead animal or the carcass of any dead animal, except game animals, such as deer, commonly carried over the hoods of cars, upon any wagon, truck or other vehicle shall completely cover such dead animal with a canvas or some other complete and secure cover so as to entirely conceal the same from view and to prevent the escape of odor.

Sec. 7-13. Wild or exotic animals prohibited.

(a) No person shall keep or permit to be kept on such person’s premises any wild or exotic animals for exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the state or the federal government. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animals. A wild or exotic animal is a nondomesticated animal or any animal which can normally be found in the wild state, excluding unowned ear-lipped feral cats, rabbits, ferrets, gerbils, hamsters, mice, guinea pigs, small amphibians, nonpoisonous snakes less than six feet in length, laboratory rats which have been bred in captivity and which have never known the wild, birds and fish normally kept as pets, raptors for the purpose of falconry in accordance with the state department of wildlife and parks regulations, K.A.R. 115-1-1 and K.A.R. 115-14-10. In addition, those monkeys that were kept as pets within the city as of December 31, 1992, or any monkeys that are currently being used as service animals, as defined by the Americans with Disabilities Act of 1990, may be kept by their current owners; provided that the monkeys are kept in proper living facilities and pass a health examination. The term “monkey,” as used in this section, is defined as Old World and New World monkeys, as distinguished from those animals commonly referred to as apes or baboons. The owner of a monkey must obtain a health certificate for such monkey that states that the animal is disease-free and in good health. These animal owners, including those with service animals, must have their facilities certified by the animal control department. Monkeys must be kept in these facilities at all times. No monkeys will be allowed to be kept within the city except those kept as service animals or as pets within the city as of December 31, 1992, and certified by March 1, 1993.

(b) Any person who keeps a wild, exotic, or vicious animal in contravention of this section may dispose of the animal by removal of the animal from the city by giving or selling the animal to a zoological park or by releasing the animal to the supervisor of animal control. The director of animal control may release the animal to the wild or to a zoological park.
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Sec. 7-14. Commercial animal establishment—Compliance with local codes.

All commercial animal establishments located within the city shall comply with all zoning regulations, building codes, licensing and occupation tax requirements of the unified government.

Cross reference—Licenses, permits, and miscellaneous business regulations, ch. 19.

State law reference—Pet animal act, K.S.A. 47-1701 et seq.

Sec. 7-15. Same—Standards.

Any person operating a commercial animal establishment shall keep and maintain the animals and all structures, pens or yards in which the animals are kept in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury to such animals. All cages and holding areas must be properly sanitized so as to keep the animals enclosed therein free of disease. All such caged animals shall be provided with an adequate daily supply of wholesome food and water. All disease-infested animals shall be isolated from healthy animals and treated to prevent the spread of disease or euthanized, and if the owner or keeper fails or refuses to provide such, the supervisor of animal control may remove such animals to the unified government shelter for disposition as provided by this chapter.

Sec. 7-16. Excessive animal noise.

(a) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(b) The following definitions and conditions shall be specially applicable to enforcement of this section:

(1) Excessive noise means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.

(2) Neighbor means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Codes 1988, § 7-16, Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-17. Property damage.

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Codes 1988, § 7-17, Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-18. Running at large—Prohibited; exceptions.

(a) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to roam at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to roam at large when found outside the residence structure of the owner, keeper or harborer and not effectively physically
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restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(c) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(d) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the dog, and the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(e) Any animal on the property of its owner or keeper that is roaming free or that is not effectively physically restrained shall be deemed in violation of this section and may be removed from the property to the animal shelter.

(f) Dogs shall not be considered effectively physically restrained behind a suitable fence if the only restraining device is an electric fence. An electric fence is defined as a fence that shocks an animal or person upon the person or animal touching it.

(g) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by an electronic fence and an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar is on the boundary of the owner's or harborer's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harborer, by an electronic fence or an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yard of an owner's, keeper's or harborer's property. No dog having been found a dangerous or vicious animal, as defined by section 7-215, shall be confined by an electronic fence or an electronic collar. All owners, keepers, or harborers of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Electronic collars may not be used to control a dog when it is off its owner's or keeper's or harborer's property.

(h) In order to comply with this section, any electronic fence or electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harborer must submit for approval the following information:

(1) The name of the owner, keeper, or harborer;

(2) Identification of all animals to be restrained by said electronic fence or electronic collar;

(3) A diagram reflecting the location of any electronic fence;

(4) The owner, keeper, or harborer shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said signs or notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(i) Cat control. All cats must be under the control of their owner, keeper, or harborer at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(1) If a neighbor complains orally or in writing to the owner, keeper, or harborer of a cat that the cat is entering upon the neighbor's property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

(2) If a cat causes injury to persons or animals;

(3) If a cat causes damage to property other than its owner's, keeper's or harboree's property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, planter bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(Code 1986, § 7-18; Ord. No. O-22-03, ¶ 1, 6-6-2003)

Sec. 7-19. Same—Violations.

(a) Upon a person's conviction for a third time involving the same animal in any 12-month period, the supervisor of animal control may, after written notice of time and place is given to such person, hold a hearing to determine whether or not such person's license to keep the animal involved shall be revoked. In making the determination as to whether or not a person's license to keep a animal shall be revoked, the director of animal control shall consider the following:

(b) Whether or not such person knowingly permitted such animal to run at large; and

c) The conditions under which such animal is to be kept and maintained (i.e., if the animal is to be maintained in a manner that would prevent such animal from running at large in the future).

(b) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked by the supervisor of animal control pursuant to this section.

Sec. 7-20. Animals putting person in fear.

No person shall own, keep or harbor any dog or other animal that, by jumping upon or threatening persons upon public streets, shall cause persons to be put in reasonable fear of injury. This section shall apply to animals while being walked on leashes, and the unprovoked attack by an animal on a leash upon any person shall constitute an assault or battery by the person holding the leash and failing to prevent such unprovoked attack by the animal.

Sec. 7-21. Storage of hides.

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from the hides shall annoy or disturb the occupants of the premises in the vicinity thereof. The maintaining of such hides in such condition is a public nuisance.

Cross reference—Health nuisances, § 17-31 et seq.

Secs. 7-22—7-45. Reserved.
ARTICLE II. IMPOUNDMENT

Sec. 7-46. Generally.

(a) Any animal determined by Animal Control to be in violation of Chapter 7 may be impounded. Any animal may be impounded which:

(1) Molest any passerby or chases passing vehicles, including bicycles.
(2) Attacks any other animal.
(3) Is in heat and not properly confined as provided in section 7-218.
(4) Is at large in violation of sections 7-18(a)(d), 7-261 or 7-326.
(5) Damages public or private property.
(6) Makes excessive noise as defined in section 7-16.
(7) Causes injury to people.
(8) Threatens or causes a condition which endangers public health.
(9) Impedes refuse collection by ripping any bag or tipping any container of such.

(b) If an owner or keeper is present and able to take control of such animal in lieu of impoundment, a notice to appear may be issued to that person, and the person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

Sec. 7-47. Animal pound records and reports.

The director of animal control shall keep accurate account of all animals received at the pound and released to the owner or purchaser, showing the date and from whom received, the description of the animal, the name and address of the person releasing or purchasing. The director shall keep a like accurate account and description of all animals destroyed and an accurate and complete account of all monies received during the months under the provisions of this chapter, together with a statement of the number of animals in the pound on the first of the month, the number received, the number destroyed, the number released or adopted, and the number on hand at the end of the month.
Sec. 7-48. Registration of persons delivering animals to shelter.

(a) The director of animal control shall not receive an animal into the shelter from any person unless:

(1) Such person shall submit proof of identification; and

(2) Such person shall give full name and place of residence, which shall be registered in a proper book kept by the director of animal control.

(b) It shall be unlawful for any person delivering to or receiving any animal from the shelter to give any false information concerning the same. Any animal given to the shelter by its owner, harborer or keeper for disposition shall be held at the shelter for three working days, during which the animal may be adopted subject to the requirements of section 7-51, or upon the expiration of which the animal may be destroyed in a humane manner.

Sec. 7-49. Notification of capture.

After the impoundment of any animal where a notice to appear has not been issued to the owner or keeper, the director of animal control shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the city or to the director of animal control or his staff for failure to give such notice. The owner of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable provisions of all applicable ordinances.

Sec. 7-50. Impoundment fee; release from pound.

(a) An animal impounded with no identification and which is not living evidence in a pending case or subject of an open investigation of a violation of Article III, shall not be disposed of by Animal Control until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, Animal Control shall attempt to notify the owner or custodian of any animal maintained or impounded if such owner or custodian is known or reasonably ascertainable.

(b) Such an animal may be released to the legal owner, moved to a veterinary hospital for treatment or observation, or euthanized if it appears to the Director of Animal Control or its veterinarian that the animal is suffering, diseased or disabled beyond recovery. The owner, keeper, or harborer shall remain responsible for all penalties for violation of any of the provisions of this Chapter. The animal shall not be released without the payment of an impoundment fee in the amount established by the city administrator, or any other fee established by the city administrator or animal control. After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal.

Any animal held or impounded in the animal shelter because of a violation of any of the provisions of this chapter by its owner may be released to the owner thereof by the director of animal control upon proof of ownership of such animal and upon presentation of the license for the current year showing that
such animal has been properly licensed; furthermore, upon either showing proof, in the form of a certificate-issued and signed by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such animal has been properly inoculated for rabies as required by section 7-213, or by depositing a rabies vaccination fee with the director to be forwarded to the veterinarian upon presentation of a valid rabies vaccination certificate for such animal, in which case the owner’s failure to obtain a valid rabies vaccination certificate and tag within three days shall constitute a violation of this section, and further, upon the payment of an impoundment fee in the amount established by the city administrator together with an administrative and handling fee as may be charged by the animal shelter. The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All animals not found with tags that identify their owner that have remained in the shelter three working days without being claimed or released may be destroyed in a humane manner or released for adoption.

(Code 1988, § 7-40; Ord. No. O-22-03, § 1, 6-6-2003)


Sec. 7-51. Adoption of animals.

An animal held at the animal shelter for three working days and not redeemed by its owner, or five working days if the animal is found with tags which identify its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption or transfer to a Kansas licensed animal shelter or rescue organization, subject to the following conditions:

(1) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter.

(2) Such person pays all required fees, including any medical care costs incurred during impoundment.

(3) In the case of an animal capable of sexual reproduction, such person shall deposit a prepaid neutering or spaying fee as established by the county administrator redeemable for neutering or spaying of the animal at any local veterinary clinic with a current cooperative agreement with the unified government for such services. As an alternative to the prepaid neutering or spaying fee, the adoptive owner may make a deposit equal to the prepaid neutering or spaying fee, refundable upon furnishing evidence that such animal has been rendered sexually unreproductive by any veterinarian of the adoptive owner's choice.

(4) A written agreement is signed by the adoptive owner to render any adopted animal sexually unreproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs. Failure to perform the agreement shall be a forfeiture of the deposit and the animal control director may require the return of the adopted animal to the animal shelter.

Sec. 7-52. Destruction of impounded animal.

The director of animal control shall not destroy, or cause or permit to be destroyed any animal impounded until the expiration of impounding time limit of three working days or five working days if the animal is found with tags which identify its owner, except that the director of animal control may, when an animal so impounded has been examined by a licensed veterinarian and found by such veterinarian to be suffering from an injury or disease from which recovery in the veterinarian's judgment is doubtful, destroy such animal in a humane manner.
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ARTICLE II. IMPOUNDMENT

State law reference— Euthanizing animals, K.S.A. 47-1710, 47-1718.

Secs. 7-53—7-77. Reserved.

FOOTNOTE(S):
ARTICLE III. ANIMAL PROTECTION

Sec. 7-78. Municipal court hearing on complaints.

(a) An animal control officer may, if a complaint has been signed against an individual pursuant to any provision of section 7-79, present to or after the individual has been convicted of violation of such section, sign an affidavit petitioning the municipal court judge to immediately take custody and control of such animal if it appears to the director of animal control that it would be in the best interest of such animal to be seized by the municipal court.

(b) The municipal court judge, upon receiving such affidavit and petition, shall set the matter involving the custody or control of an animal for hearing within ten days from the date that the petition and affidavit are filed. If it appears from the affidavit that the life of the animal is in immediate jeopardy, then the court may set the hearing as soon as practical. The owner or person having control or custody of such animal shall be given notice of the hearing by serving such persons with a summons to appear; such summons shall be served in the same manner as is required for serving notice to appear pursuant to section 23-17.

(c) The municipal court judge, after a hearing has been held, may order that an animal be seized and placed in the custody of the director of animal control if the following findings are made:

(1) The person summoned to appear is the owner or person having possession or custody of the animal in question.

(2) That there is probable cause to believe that a violation of any provision of section 7-79 has occurred or is occurring and, based upon the violation, it appears that it would be in the best interest of the animal to remove that animal from the possession and custody of the owner of the animal or the person having possession or custody of the animal.

(d) If an order is issued by the municipal court judge ordering that such animal be seized and brought into custody, then the director of animal control shall take such animal into custody and shall inspect such animal, care for or treat such animal or place such animal under the care of a licensed veterinarian for treatment, boarding or other care. If it appears, as determined by the director of animal control or by a licensed veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, then such animal may be destroyed humanely as soon thereafter as is conveniently possible in accordance with K.S.A. 21-6412(e), 47-1701 et seq.

(e) Unless the animal obtained pursuant to this Section is required to be kept as evidence for a pending prosecution, or is being held for the protection of the animal during the pendency of a pending prosecution, the owner or keeper of an impounded animal shall have a maximum of ten (10) days after the animal is taken into custody to obtain the animal from the veterinarian or the animal control facility having custody of the animal. The veterinarian or the Director of Animal Control shall provide written notice to the owner or keeper of the animal, if known or reasonably ascertainable, when time will expire to retrieve the animal. The failure of the owner or keeper to obtain custody of the animal...
or an owner that is unknown or not reasonably ascertainable, in the time provided shall provide the authority of the Director of Animal Control to dispose of the animal by adoption or euthanasia.

(f) If the owner, keeper, or harborer is charged with a violation of this section, and the animal is being kept past the ten (10) days allowed in subsection (e) as evidence for the pending prosecution or for the protection of the animal from the owner, keeper, or harborer, the City may petition the Municipal Court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified that a renewable case or performance bond must be filed with the city clerk in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the Municipal Court shall determine whether the animal may be placed for adoption or euthanized. (K.S.A. 21-5412(e)).

(g) If the owner or person having control or custody of such an animal is convicted of violating any provision of section 7-79, and the municipal court judge may order that is satisfied that such animal would in the future be subject to such violation; such animal shall not be returned to or remain with such person. Such animal may be turned over to the director of animal control or licensed veterinarian for sale or other disposition.

(h) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to section 7-79 may be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

(j) If the owner or person having control or custody of such animal is adjudicated not guilty or if the municipal court judge, after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem such animal within 72 hours. If such animal is not redeemed within 72 hours, then such animal may be disposed of in accordance with K.S.A. 47-17-1004 et seq.

(jg) An order issued by the municipal court judge under this section may be appealed to the district court pursuant to the provisions contained in K.S.A. 60-2101(d).

Sec. 7-79. Cruelty to and neglect of animals.

(a) It is unlawful for any person to intentionally kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, or overdrive any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelteradequate care, food, health care, shelter, and water. Any animal kept outside shall be provided with a structurally sound, weatherproof enclosure at least four inches off the ground, large enough to accommodate the animal.

(d) It is unlawful for any owner or keeper to abandon any animal. For purpose of this section, "to abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody or to leave an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence.
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(e) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with a harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin that pose a threat to the public health.

(f) It is unlawful for any person to carry any animal or cause any animal to be carried in or upon any vehicle in a dangerous or careless manner.

(g) Legislative Findings. It is the purpose of this section to promote the health and safety of the residents of the city and protect dogs from neglect by reducing the number of improperly tethered dogs. The unified government recognizes that dogs that are continuously and improperly tethered have an increased potential to be poorly socialized, act aggressively toward humans, and be neglected by their owner. In order to better protect the safety of its citizens and the welfare of the animal, restraint by tethering must meet certain standards.

(h) Tethered animals must not:

(1) be tethered unattended to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered within ten (10) feet of, or in such a manner as to permit it to intrude upon, neighboring property, a public sidewalk or street;

(2) be tethered directly with chains or other tethers, restraints or implements without the proper use of a collar, harness or other device designed for tethering;

(3) be tethered with a chain, leash, rope or tether that is shorter than (10) feet in length;

(4) be tethered with a chain, leash, rope, collaring device, tether, or any assembly or attachments thereto that due to weight, inhibit the free movement of the animal within the area tethered;

(5) tether a dog in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, posts or other man-made or natural obstacles.

It is unlawful for any person to leave any pet animal or livestock unattended while tethered to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered in such a manner as to permit it to intrude upon a public sidewalk or street.

(ih) It is unlawful for any person to have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. A municipal court judge may order a person convicted under this section to turn the animal over to the animal control division. If, in the opinion of a licensed veterinarian, the animal appears to be diseased or disabled beyond recovery for any useful purpose, the animal may be humanely euthanized. All such animals taken by the animal control division may be destroyed humanely as soon thereafter as is conveniently possible. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(ij) It is unlawful for any person to cause, instigate, stage, train or torment any animal for or permit any fight between any animal and another animal or human.

(kj) It is unlawful for any person to attend or solicit attendance at or be an umpire, judge, or other official at a fight staged between any animal and another animal or human.
ARTICLE III. ANIMAL PROTECTION

(Ik) It is unlawful for any person to give or to offer to give a live animal as a prize, a business inducement, or any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(mi) It is unlawful for any person to use as a toy or for display or decorative purposes, to sell or offer for sale, to expose for sale, to subject to any form of mistreatment or careless handling, or to dye any newly hatched fowl or newly born rabbit.

(nm) It is unlawful for any person to confine calves, sheep or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or have in his possession any calves, sheep or hogs so tied or confined, or load into any freight car or into any other conveyance, for the purpose of transportation, any animal in a cruel or inhumane manner.

(oh) It is unlawful for any person to induce or encourage any animal in an animal exhibition, rodeo or circus to perform through the use of the chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(pe) It is unlawful for any person to display for sale, sell, exchange, barter, or give away any animal except in the following places:

1. A commercial animal establishment having a valid business license and licensed with the Kansas Department of Agriculture

2. A private kennel or cattery licensed with the Kansas Department of Agriculture registered under this chapter

3. A private residence, provided that should the residence exceed the limit of animals sold under K.S.A. 47-1701(f), that residence is licensed with the Kansas Department of Agriculture

(gp) It is unlawful for any person to intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall for the purpose of sport or entertainment.

(rq) The provisions of this section shall not apply to:

1. Normal or accepted veterinary practices;

2. Bona fide experiments carried on by commonly recognized research facilities;

3. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. 32-101 et seq. or K.S.A. 47-101 et seq.;

4. Rodeo practices accepted by the Rodeo Cowboys' Association;

5. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control by the owner thereof, by the agent of such owner residing outside of a city, by the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, by a licensed veterinarian at the request of the owner thereof, by any officer or agent of an incorporated humane society, by the operator of an animal shelter or pound, by a local or state health officer, or by a licensed veterinarian five working days following the receipt of any such animal with tags identifying its owner at such society, shelter or pound;

6. With respect to farm animals, normal or accepted practices of animal husbandry;

7. The killing of any animal by any person at any time which may be found outside the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

8. An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods; or

9. Laying an equine down for medical or identification purposes.
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ARTICLE III. ANIMAL PROTECTION

As used in this section, the term "equine" means a horse, pony, mule, jenny, donkey or hinny.
Cruelty to animals is a Class A violation.

Code 1930, § 1-57, as Am No 0-28-04, § 1 (6-5-2004)

Sec. 7-80. Rescue from vehicles.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by an animal control officer and/or law enforcement officer, law enforcement may the animal control officer may, with assistance from the police, enter such vehicle and rescue such animal and impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

Code 1930, § 1-57, as Am No 0-28-04, § 1 (6-5-2004)

Sec. 7-81. Animals injured by motor vehicles.

Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways of the city, except emergency vehicles, shall immediately, upon injuring, striking, maiming or running down any animal, notify the police department of the location, and the police department will notify such agency as may be providing injury services.

Code 1930, § 1-57, as Am No 0-28-04, § 1 (6-5-2004)

Secs. 7-82—7-105. Reserved.

FOOTNOTE(S):
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ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

Sec. 7-106. General powers of director of health.
Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.
Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.
Sec. 7-109. Nonfamily bite violations.
Sec. 7-110. Destruction of animals and rabid animal investigation.
Sec. 7-111. Animals in transit.
Sec. 7-112. Confinement of animals bitten by rabid animals.
Secs. 7-113—7-137. Reserved.

Sec. 7-106. General powers of director of health.

(a) In the event that the director of health determines that a rabies or other zoonotic disease control emergency exists, the director shall so declare, stating the boundaries of the affected area, and the director may issue emergency regulations and take all necessary steps within the provisions of this chapter and state law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

(b) The director of health may issue standing regulations for rabies and zoonoses control that the director finds necessary to protect the public health which shall be filed with the unified government clerk. Such regulations shall be in keeping with the U.S. Public Health Service guidelines and state law.

(c) The director of health may issue a proclamation ordering persons owning, keeping or harboring animals to muzzle or confine such animals, by good and sufficient means, to the house, stable, outhouse, or yard wherein the animal may reside or at a properly licensed kennel for such a time as may be specified in such proclamation, and each person keeping or harboring any dog shall confine the same by good and sufficient means within such person's house, yard, stable or outhouse or have such dog properly and securely muzzled during the time specified in such proclamation. Animals found running at large within the city during the time so specified by the proclamation, without being securely muzzled, may be killed by any police officer.

Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.

(a) Any bite wound by an animal other than a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harboree of the animal if the incident is known to such person. Any animal bite that requires medical treatment shall be reported within 24 hours to the director of health or the director of animal control by the treating physician or hospital caring for the patient. It is the duty of the health department to promptly notify the director of animal control of any such bite reported to the police.

(b) It is unlawful for the owner, keeper or person harboring the animal involved in such incident to release it from custody, to hide or conceal such animal, or to take or allow such animal to be taken.
beyond the limits of the city, unless so authorized by the director of health for the particular species of animal is over or such period is ruled unnecessary by the director of health.

(c) It is the duty of such owner or keeper, upon receiving notice of such incident, to immediately place the animal involved in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter where such animal shall be isolated and confined for observation. The owner or keeper of an animal involved in a biting incident is liable for the cost of confinement and observation. (K.A.R. 28-1-19).

(d) The death or any suspicious change in health or behavior of any such animal undergoing observation shall be reported immediately by the observing authority to the director of health or the director's designated representative. In the event that a proper period of observation is undetermined or undeterminable for the species of animal involved in an incident, the director of health may order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice for the protection of the victim, and no liability for damages shall arise from any injury to or death of the animal occasioned by the laboratory examination.

(e) When an animal involved in an incident is outside the city, the director of health or the director of animal control shall forward information concerning the incident to the appropriate authority of the jurisdiction of residence of the owner, keeper or harbinger or the appropriate state health department for coordinated disease prevention.

Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.

(a) Any bite wound by a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harbinger of the animal if the incident is known to such person.

(b) It is the duty of every owner or keeper of any dog or cat upon receiving notice or having knowledge of the involvement of his pet in a human exposure to the possibility of rabies or other zoonotic disease by biting (hereinafter referred to as "incident") to immediately contact the Director of Animal Control for instruction on quarantine for the biting animal. Quarantine, location and period shall be regulated by the State of Kansas Department of Agriculture, through K.A.R. 28-1-13, and any amendments thereto, such animal in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter, or licensed kennel approved by the director of animal control, where such animal shall be isolated and confined for observation for ten consecutive days from and including the day of the incident. However, any city police department canine and/or any assisting police canine from other law enforcement agencies involved in an incident may continue on active duty.

(c) It is unlawful for the owner harboring the animal involved in such incident to release it from custody, to hide such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of health for the particular species of animal is over or such period is ruled unnecessary by the director of health.

(d) The death or any suspicious change in health or behavior of any such dog or cat undergoing observation shall be reported as soon as possible by the observing authority to the director of animal control and the director of health or the director's designee.

The director of health or the director's designee may authorize confinement other than described in this section as he finds medically appropriate, providing such animal will be controlled and observed.

Comment [KB1]: Already regulated/allowed with state law and administrative regulation (28-1-13)
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ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

in accordance with the owner's signed agreement, but only if such dog or cat has been vaccinated for rabies within the past 12 months and is duly licensed as provided in this chapter.

K.A.R. 28-1-13

Sec. 7-109. Nonfamily bite violations.

Any owner of any animal that inflicts a bite to a human shall be deemed guilty of a misdemeanor, provided such human is not related by blood or marriage to the owner of such animal.

Comment (K82): See new "dangerous" and "vicious" animal section.

Sec. 7-110100 Destruction of animals and rabid animal investigation.

(a) If any dangerous, fierce, or vicious dog, cat or other animal believed involved in an incident (as the term "incident" is used in sections 7-107 and 7-109) cannot be safely captured or prevented from escaping by usual means, such animal may be slain by a police officer or animal control director.

(b) In all cases where such animal may have exposed a person to rabies and is slain before the completion of the observation period stipulated for the species by the director of health, it shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to the director of animal control. If the animal is slain by a police officer, the officer shall contact the director of animal control to arrange pickup of the remains. Particular care shall be taken to preserve the head of the slain animal. A departure from this procedure must be requested of and authorized by the director of health.

Sec. 7-110101 Animals in transit.

For the purpose of disease or injury control, the director of animal control may impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.

Sec. 7-110112 Confinement of animals bitten by rabid animals.

The owner of any animal known to have been bitten by a rabid animal or by an animal suspected of being rabid shall immediately notify the director of animal control. The animal shall be confined for a period determined by the director of health, and if determined to be rabid by a licensed veterinarian, shall be destroyed immediately.

Secs. 7-11023—7-137. Reserved.
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Sec. 7-210. Enumeration and record; notice to register.

It shall be the duty of the director of animal control to keep a record of all dogs and cats owned, kept or harbored within the corporate limits of the city and to make and keep a correct record of all such dogs and cats currently registered, with the name and place of residence of the owner or keeper thereof, and to serve notice on such owner or keeper to register the same as provided by this chapter.

Sec. 7-211. Consent to remove female in heat.

Any female dog or cat in heat and not confined in a building or solid enclosure as required by section 7-219 may be removed from the property of its owner or keeper to the shelter to abate such nuisance.

Sec. 7-212. Maximum number.

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than two dogs or four cats over 120 days of age or any combination of such animals exceeding five in number, unless one or more of the following conditions are met:

(1) The residence is licensed as a commercial animal establishment in accordance with K.S.A. 47-1701 and meets local criteria set forth by the unified government.
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(2) If the individual in charge of the residence is not engaged in the commercial sale of dogs and has a current special-use permit to exceed the pet limit issued by the unified government board of commissioners, unified government board of commissioners for a dog kennel, in which case the number of animals shall not exceed ten over the age of 120 days.

(3) Animals in residences that are owned by a Kansas licensed animal shelter, pound, or rescue, and are being fostered under the supervision of a Kansas licensed animal shelter, pound, or rescue, and the residence is registered with the Department of Agriculture for the State of Kansas, those animals shall be exempt from being counted toward the pet limit, provided the number of foster dogs does not exceed more than five adult dogs over six months of age. (1)

(4) The director of animal control shall inspect the premises covered by a permit issued under this division, and, if the animal control director is satisfied from such inspection that the premises are not being maintained in a clean and sanitary manner and free from the accumulation of filth, dirt, debris, or garbage, the director shall notify the owner or keeper of the premises, in writing, to correct the situation and keep and maintain the premises in a clean and sanitary condition within 24 hours after the notice is served on such owner or keeper.

Sec. 7-213. Rabies inoculation required.

It is the duty of every owner of a dog or cat to have such dog or cat inoculated against rabies. The owner of harborer of such dog or cat shall at all times possess evidence of rabies inoculation consisting of a certificate signed by the licensed veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented, mailed or electronically delivered to the director of animal control no later than 15 days following the application for license as required by section 7-263. No license shall be issued unless such certificate bears a date within one year prior to the date of license. The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular dog vaccinated, on which shall be distinctly marked the veterinarian's name or veterinary clinic name, address, and tag identification number. The year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination. The owner of any dog which is determined by the director of animal control to be running at large and which is not wearing a collar with identification consisting of owner's name and current address and, if such dog is over five months old, a current rabies vaccination tag, is guilty of a misdemeanor.

Sec. 7-214. Parasite control.

No person shall offer for sale, sell or give away any dog or cat unless such animal has been dewormed or certified in writing by a duly licensed veterinarian to be free of intestinal helminthes in order to prevent the spread of such to other animals and humans. It is the responsibility of the buyer to have the animal reexamined to determine if it is free of parasites.
Sec. 7-215. Nuisance Animals.

(a) Excessive animal noise.

(1) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(2) The following definitions and conditions shall be specially applicable to enforcement of this section:

(i) Excessive noise means and includes any noise produced by an animal that is so loud and continuous or unreasonably as to disturb the sleep or peace of a neighbor.

(ii) Neighbor means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Code 1986, § 7-16; Ord. No. O-22-03, § 1, 6-5-2003)

(b) Property damage. It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Code 1988, § 7-17; Ord. No. O-22-03, § 1, 6-5-2003)

(c) Running at large—Prohibited, exceptions.

(1) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harboree to run at large when found outside the residence structure of the owner, keeper or harboree and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(2) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(3) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(4) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the dog, the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(5) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by a properly functioning electronic fence and a properly functioning electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal crossing the boundary of the owner's property. Dogs confined to residential property of the owner, keeper, or harboree shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence and electronic collar in...
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the front yard of an owner’s, keeper’s or harboret’s property. No dog having been found a dangerous animal, as defined by section 7-216, shall be confined by an electronic fence and an electronic collar. All owners, keepers, or harboretors of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence and electronic collar.

(6) In order to comply with this section, any electronic fence and electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harboret must submit for approval the following information:

(i) The name of the owner, keeper, or harboret;
(ii) Identification of all animals to be restrained by said electronic fence or electronic collar;
(iii) The owner, keeper or harborer shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(7) Cat control. All cats must be under the control of their owner, keeper or harboret at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(i) If a neighbor complains orally or in writing to the owner, keeper or harboret of a cat that the cat is entering upon the neighbor’s property, then the cat’s presence on the neighbor’s property at any time subsequent to the neighbor’s complaint shall constitute a violation of this section;
(ii) If a cat causes injury to persons or animals;
(iii) If a cat causes damage to property other than its owner’s, keeper’s or harboret’s property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(iv) This section does not apply to unowned ear-tipped feral cats.

(Code 1988, § 7-18; Ord. No. O-22-03, § 1, 6-5-2003)

(d) Animals putting person in fear. No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. This section shall also apply to animals while being walked on leashes, or otherwise physically restrained.

(e) Animal Injury. No person shall own, keep, or harbor any animal that, without provocation, causes injury to another domestic dog or cat. This section shall not apply to animals injured while trespassing on the owner, keeper, or harboret of the offending animal’s premises.

(f) Same—Violations.

(1) Upon a person’s conviction for a third time involving the same animal in any 24-month period of subsections (a), (b), or (c), and (e) in any combination thereof, or first conviction of section (d), shall constitute a “Nuisance Animal.”

Comment [K13]: See penalties section change (7-7(e)) 3 violations and the court can revoke the license of the animal.
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(2) No animal may be declared a nuisance if, at the time of violations the person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No person owning, harboring or having the care or custody of a nuisance animal shall suffer or permit such animal to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(4) A nuisance animal is "unconfined" if while on the premises of its owner or harbore such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(5) Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter.

(6) The municipal court judge may revoke said person's license for that individual nuisance animal.

(7) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked pursuant to this section.

Sec. 7-2166. Dangerous Animals

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a dangerous animal. A dangerous animal is any animal which has done any of the following:

1. Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or
2. Killed another dog or cat.

(b) A "bite injury" is any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, bruise or other piercing of the skin.

(c) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

1. On the real property of the owner or keeper of the animal;
2. A member of the household;
3. Was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or;
4. If the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
5. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(d) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous based solely on size or breed; or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

(e) Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Director of Animal Control or Municipal Court judge, would constitute a menace

Comment [u4]: Per the discussion at the December 4th board meeting, this portion was struck.

Comment [u5]: Per the instruction of Commissioner Townsend

Comment [u6]: Per the instruction of Commissioner Townsend
to the health, safety or welfare of the public if released from custody, may be held pending a
hearing on any charges or complaints filed in the municipal court to determine the disposition
thereof. If not so determined, the animal may, after having been held pursuant to section 7-108,
be returned to its owner, keeper, or harboree until final determination is made by the Municipal
Court as to whether a violation of this section has occurred. If returned pending the final
disposition of the case, the animal must be kept securely confined and must be muzzled while in
public until final determination is made as to whether a violation of this section occurred.
(f) Any violation of this section shall be punishable pursuant to the provisions of section 7-2(f).
Upon conviction, the court may order that the animal be humanely euthanized and direct the
Director of Animal Control, or his or her designee, to ensure that the order is enforced.
(g) Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution
be paid to the victim of the violation of (a).
(h) Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the
animal shall be kept subject to the following standards:
(1) Leash and Muzzle. No person shall permit a dangerous animal to go outside its
kennel or pen unless such dog is securely leashed with a leash no longer than four feet
in length. No person shall permit a dangerous animal to be kept on a chain, rope or
other type of leash outside its kennel or pen unless a person is in physical control of the
leash. Such dogs may not be leashed to inanimate object such as trees, posts,
buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel
must be muzzled by a muzzling device sufficient to prevent such animal from biting
persons or other animals.
(2) Confinement. All dangerous animals shall be securely confined indoors or in a
securely enclosed and locked pen or kennel when not indoors, except when leashed
and muzzled as above provided. Such pen, kennel or structure must have secure sides
and a secure top attached to the sides. All structures used to confine dangerous
animals must be locked with a key or structure. Such structure must have a secure
bottom or floor attached to the sides of the pen or the sides of the pen must be
embedded in the ground no less than two feet. All structures erected to house
dangerous animals must comply with all zoning and building regulations of the city. All
such structures must be adequately lighted and ventilated and kept in a clean and
sanitary condition, and must not be the primary enclosure for keeping of the animal.
Animal Control Officers shall have the authority to monitor and inspect the keeping of all
dangerous animals.
(3) Confinement Indoors. No dangerous animal may be kept on a porch, patio or in
a part of a house or structure that would allow the animal to exit such building on its own
volition. In addition, no such animal may be kept in a house or structure where screen
doors are the only obstacle preventing the animal from exiting the structure.
(4) Signs. All owners, keepers or harborees of dangerous animals within the city
shall within 10 days of conviction, display in a prominent place on their premises a sign
easily readable by the public using the words Beware of Dog or Beware of Dangerous
Animal, whichever is applicable.
(5) Insurance. All owners, keepers or harborees of dangerous animals must within
10 days of conviction provide proof to the Director of Animal Control of public liability
insurance in a single incident amount of $1,000,000 for bodily injury to or death of any
person or persons or for damage to property owned by any persons which may result
from the ownership, keeping or maintenance of such animal. The insurance policy will
provide that no cancellation of the policy will be made unless 10 days written notice is
first given to the Director of Animal Control.
(6) Identification Photographs. All owners, keepers or harborees of dangerous
animals must within 10 days of conviction provide to the Animal Control two color
photographs of the registered animal clearly showing the color and approximate size of
the animal.
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(7) Microchip. All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the Animal Control to register the animal as dangerous.

(8) Spaying/Neutering. All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the Director of Animal Control.

(9) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog or the offspring or such dog to persons who do not reside within the city.

(10) Failure to Comply. It shall be unlawful for the owner, keeper or harborer of an animal deemed by the Municipal Court to be a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this article. Any animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this article is deemed a separate offense. Upon conviction, the court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

Sec. 7-217. Vicious Animals

It shall be unlawful to keep, possess, or harbor a vicious animal within the city limits. A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person.

(a) A vicious animal does not include an animal that has caused great bodily harm or serious injury to any person while a person was committing a criminal offense or willful trespass on the property of the owner, keeper, or harborer of the animal. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(b) Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized, and direct the Director of Animal Control to insure that the order is enforced.

Vicious dogs—Prohibited.

(a) No person owning, harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(b) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait, or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

(c) No person shall suffer or permit a vicious dog to be unconfined. An actual attack by such animal upon any person conducting himself in a lawful manner at the time of such attack, whether such attack occurs on or off the property of the owner or custodian of such animal, shall be deemed prima facie evidence that there were not such adequate provisions made in any prosecution under subsection (a) of this section.
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(d) In this section:

(1) A vicious dog is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person described in subsection (a) of this section. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(2) The term "vicious" dog means:
   a. Any dog with a known propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
   b. Any dog which attacks a human being or domestic animal without provocation;
   c. Any dog trained for dog fighting.

(3) For purposes of this section, where the official records of the director of animal control indicate that a dog has bitten any person, it shall be prima facie evidence that said dog is a vicious dog.


Sec. 7-216. Same—Disposition of.

Upon conviction of failure to comply with any provision of section 7-215, in addition to the usual judgment of conviction, if it shall appear to the municipal judge that such dog is still living, the judge may order that the dog be humanely killed, and direct the director of animal control to enforce that order, and the police department shall assist as may be requested by the director of animal control.


Sec. 7-217. Same—Determination; notice and hearing; confinement or destruction.

(e) Upon the complaint of any person, or upon the director's own volition, the director of animal control may, after written notice of time and place is given to the owner of any dog, hold a hearing to determine whether or not the animal is dangerous or vicious. In making a determination, the director of animal control shall consider the following:

(1) The seriousness of any attack or wound.

(2) The past history of wounds inflicted by the animal.

(3) The potential propensity of the animal to inflict wounds in the future.

(4) The conditions existing when the animal inflicted any wound or wounds.

(5) The conditions under which the animal is kept and maintained.

(b) If the director of animal control determines that the animal is dangerous or vicious, the director may pick up and cause the animal to be destroyed; or in lieu of such destruction, the director may permit the confinement of the animal in a manner and location that the director deems appropriate.

(c) A decision by the animal control director to destroy a dangerous or vicious animal may be appealed in writing to the unified government municipal court within ten days of the date of the decision.

(Code 1988, § 7-128; Ord. No. O-22-03, § 1, 6-5-2003)
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Sec. 7-218. Confinement of females in heat.

It shall be the duty of every owner or keeper of a female dog or of a female cat to keep such dog or
cat confined in a proper enclosure when it is in heat, so that such dog or cat may not be permitted to run
in the yard or other open spaces outside an enclosed structure. Should the owner or keeper of such dog
or cat fail to provide a proper enclosure in which it may be kept, the animal control officer may request
entry to the premises, and if entry is refused, the animal control director or his authorized representative
shall have recourse to every remedy at law to secure entry in order to take and place such dog or cat in
the animal shelter or some veterinary hospital in the city, at the cost of such owner or keeper.

Sec. 7-219. Pit bull dogs

(a) Unlawful to keep. It shall be unlawful to keep, harbor, own or in any way possess within the city limits
any pit bull dog. As used in this section, the term "pit bull dog" is defined to mean:

(1) The Staffordshire bull terrier breed of dog;
(2) The American pit bull terrier breed of dog;
(3) The American Staffordshire terrier breed of dog;
(4) Any dog which has the appearance and characteristics of being predominantly of the breeds of
Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or any
combination of any of these breeds.

(b) No further exceptions. There are no longer exceptions for pit bulls registered with the city as of May
9, 1990, or pit bulls kept as of December 31, 1991, at those locations within the area annexed by
Ordinance No. 65653, as there are no pit bulls currently living that were registered as of those
relevant dates.

(c) Violations and penalties. Any person violating or permitting the violation of any provision of this
section shall, upon conviction in municipal court, be fined a sum not less than $300.00 and not more
than $1,000.00. In addition to the fine imposed, the court may sentence the defendant to
imprisonment in the county jail for a period not to exceed 90 days. Should the defendant refuse to
remove the dog from the city, the municipal court judge shall find the defendant owner in contempt
and order the immediate confiscation and impoundment of the animal. Each day that a violation of
this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any
person who violates this section shall pay all expenses, including shelter, food, handling, veterinary
care, and testimony necessitated by the enforcement of this section.

Secs. 7-220—7-280. Reserved.
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Sec. 7-261. Required.
(a) It is unlawful for any person to keep any weaned dog or cat past the age of six months in the city, unless the same has been registered for the current year in accordance with this division.
(b) Subsection (a) of this section does not apply to any nonresident owner or keeper of a dog or cat while such nonresident is passing through the city, provided such dog or cat shall remain on a leash or otherwise effectively physically restrained, as in a closed vehicle.

Sec. 7-262. Fee.
The owner, keeper or harboring of each dog or cat required to be registered by this division shall pay the director of animal control an annual registration fee in the amount established by the county administrator.

Sec. 7-263. Vaccination certificate.
Each person registering a dog or cat under this division shall present, mail or send electronically to the director of animal control a current vaccination certificate showing that the dog or cat has been vaccinated against rabies, as required by section 7-213 within 15 days following registration. The director of animal control shall issue a license to the person and keep a record of the transaction.

Sec. 7-264. Registration year.
All dogs and cats shall be registered annually at such times and pursuant to such regulations as are established by the county administrator.
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Sec. 7-265. Tag—Generally.

At the time of the issuance of the registration certificate provided for in this division, the director of animal control shall deliver to the owner or keeper of the dog or cat a metallic tag or check with the letters "K.C.K." together with the registration number marked or stamped thereon. The metallic tag or metallic tag or check registration shall be issued once and renewed on an annual basis as provided by section 7-263.

Sec. 7-266. Same—Display.

No owner or keeper of any licensed dog shall allow or permit such dog to be outside of the residence of such owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness the license tag provided for in section 7-265, except when such dog is being trained for or participating in an obedience training course or trial or a dog show or match, provided such dog is not in violation of section 7-19(a)—(d).

Sec. 7-267. Spaying and neutering.

(a) Legislative findings. It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The unified government board of commissioners finds that each year, thousands of dogs and cats are euthanized in the city because they are not wanted. It is the purpose of this section to eliminate the excessive number of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

(b) Prohibition. It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (c) of this section.

(c) Exceptions. The prohibition contained in subsection (b) of this section shall not apply:

1. If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal risk to the animal's health. Such extreme health condition shall include, but not be limited to, severe cardiovascular compromise, bleeding disorder, respiratory disease or hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section.

2. If the owner of the animal annually obtains a permit from the animal shelter to possess an animal that is not neutered. The permit shall be issued or renewed only if the director of animal control determines that the following conditions have been met:
   a. The animal is examined regularly by a licensed veterinarian;
   b. The animal is vaccinated annually for rabies and other common diseases;
   c. The animal is housed properly;
   d. The owner has not had more than two violations of the provisions of this chapter in the preceding 24 months;
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e. The owner pays a permit fee established by the county administrator. The fee is intended to cover a portion of the cost that the unified government currently incurs for each unwanted animal impounded and euthanized;

(3) If an animal is temporarily in the city to participate in a show or event sponsored by a sanctioned animal organization;

(4) If an animal is owned, possessed or kept in the city for fewer than 30 days in a one-year period.

(Code 1933 § 7-147 Ord No 03-05 § 1. 6-2-2005 Ord No 07-05 § 1(7-147) 12-17-2007)

Secs. 7-268—7-297. Reserved.
DIVISION 3. PATROL DOGS

Sec. 7-298. Definitions.

Sec. 7-299. General regulations.

Sec. 7-300. Compliance.

Sec. 7-301. Drugged animals, filed teeth, etc.

Sec. 7-302. Commands and signals.

Sec. 7-303. Housing.

Secs. 7-304—7-324. Reserved.

Sec. 7-298. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Commercial use of patrol dogs** means the use of patrol dogs at hire for private security.

**Handler** means any person who handles patrol dogs in conjunction with a commercial use.

**Patrol dog** means any dog that is trained or conditioned to attack or otherwise respond aggressively, only upon command from a handler, either off or on lead, including dogs that are placed at specific locations for security purposes with or without the accompanying presence of a handler.

(Code 1988, § 7-161; Ord. No. O-22-03, § 1, 6-5-2003)

Cross reference—Definitions generally, § 1-2.

Sec. 7-299. General regulations.

Any person engaged in the commercial use of patrol dogs shall comply with the following:
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DIVISION 3. PATROL DOGS

(1) Each dog shall be registered with the director of animal control prior to its commercial use within the city. Registration includes a current rabies certificate, photographs of the dog, proof of ownership and an occupation tax receipt issued by the unified government license administrator.

(2) Each patrol dog shall wear at all times a substantial collar with a strip of at least three inches in length of bright, reflective orange color (international orange), at least one inch wide, to which shall be attached a metal tag imprinted with the name, address and telephone number of its owner or custodian.

(3) The director of animal control shall be notified of the location at which a patrol dog will be used commercially prior to use of the dog at a location. Such information will be treated confidentially by the director of animal control.

(4) The areas within which a patrol dog is used commercially shall be posted with signs 30 to 60 feet of each other that give notice of the presence of such dogs. The signs shall be constructed of weatherproof material with lettering at least two inches in height and of contrasting colors that are distinctive and attract attention, and shall contain a picture of a dog with an expression of aggression to non-English speaking people.

(5) Adequate shelter and water shall be afforded in the area within which a patrol dog is used.

(6) It shall be the responsibility of the owner or custodian of patrol dogs to take measures to ensure that the commercial area within which such dogs are confined contains no breaches that will permit escape.

(7) In the event any patrol dog escapes within the city the owner or custodian shall immediately notify the director of animal control and the police department.


Sec. 7-300. Compliance.

It shall be unlawful to commercially use patrol dogs without complying with the minimum standards set forth in this division.


Sec. 7-301. Drugged animals, filed teeth, etc.
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It shall be unlawful to commercially use any patrol dog which is drugged or medicated knowing the same to have been drugged or medicated for other than medical reasons, to commercially use any such dog knowing the same to have been subjected to the filing of teeth or intentionally fitted with collars or harnesses which cause physical discomfort, or to commercially use any such dog knowing the same to have been subjected to any other physical tampering.

(Code 1988, § 7-164; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-302. Commands and signals.

(a) It shall be unlawful to commercially use any patrol dog unless such dog responds to commands and signals of the handler in accordance with following standards:

(1) Dogs used commercially for patrol on lead shall be required to demonstrate at the handler's side ability to respond to the following commands, which in evaluation for certification shall be given the weight indicated:

a. Sit (semi-critical).

b. Down (critical).

c. Heel (semi-critical).

d. Stay (critical).

(2) Dogs used commercially for patrol on lead or for a combination of on and off lead, shall be required to respond to the commands in subsection (a)(1) of this section, at a distance of ten feet from the handler. In addition, such dogs must demonstrate an ability to respond as follows:

a. On command of "stay," the dog must remain in heel/sit position off leash, and not attack when approached within four feet by a person (critical).

b. The dog must cease pursuit of an agitator on command (leave, release, out, etc.) (critical) and then return to handler on command of heel (semi-critical).

(3) One physical correction per four commands is allowed. Dogs failing to respond to commands deemed critical shall not be certified.

(b) Nothing herein shall prohibit a handler from releasing a patrol dog off lead when subject to imminent threat of serious physical harm from an attacker.

(Code 1988, § 7-165; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-303. Housing.
DIVISION 3. PATROL DOGS

The following standards for housing of patrol dogs in kennels shall apply:

(1) Runs shall be completely surrounded by a fence at least six feet in height, with attached anticlimbers, or the run shall be completely covered.

(2) A perimeter fence at least six feet in height, with attached anticlimbers, shall encircle the training area.

(3) If the kennel area is within the area used for training, one fence of at least six feet in height that encircles the training area shall be sufficient.

(4) All gates and entrances to runs, kennels and training areas shall be locked when not in use. The fences shall be checked regularly to ensure that there are no breaches that permit escape.

(5) A dog being trained as a patrol dog shall, at all times, be confined to its kennel, run, or training area unless it is under leash control of its trainer.

(Code 1988, § 7-166; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-304—7-324. Reserved.

FOOTNOTE(S):

--- (4) ---

Cross reference—Private security businesses and private security officers, § 19-108 et seq; police, ch. 28. (Back)
DIVISION 4. DOG KENNELS

Sec. 7-325. Kennel defined.

In this division, the term "kennel" means and includes any yard, structure, enclosure or other place within the city where three or more dogs over the age of 120 days are kept, except those residences authorized to retain more dogs under the provision of section 7-319.


Cross reference—Definitions generally, § 1-2.

Sec. 7-326. Permit.

(a) It shall be unlawful for any person to keep, operate or maintain a kennel, without first obtaining a permit so to do. Application for such permit shall be filed with the animal control division. Such application shall state the name of the person desiring to keep or maintain a kennel, the location of the premises where such kennel is to be kept and maintained, and any other information that the director of animal control may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. The initial permit fee and annual renewal fee shall be set by the county administrator.

(b) A kennel permit issued under this division shall be renewed annually without charge. Such permit shall not be transferable from one person to another or from one premises to another.
(c) Any permit issued under this section may be cancelled by the director of animal control if the holder thereof fails to comply with any notice given him pursuant to Section 7-327. No person who had a permit cancelled shall be permitted to make application for another permit within one month from the date of the cancellation of a previous permit.


Sec. 7-327. Notice to correct defective conditions.

The director of animal control shall inspect the premises covered by a permit issued under this division, and, if the health director is satisfied from such inspection that the premises are not being maintained in a clean and sanitary manner and free from the accumulation of filth, dirt, debris, or garbage, the director shall notify the owner or keeper of the dog kennel, in writing, to correct the situation and keep and maintain the kennel in a clean and sanitary condition, within 24 hours after the notice is served on such owner or keeper.

(Code 1988, § 7-183; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-328. General maintenance requirements.

It is a nuisance and unlawful for any person to permit or maintain any dog kennel that is not, at all times, clean and sanitary, and free from dirt, debris or garbage, and free from offensive odors. All dog kennels shall be cleaned daily.


Sec. 7-329. Storage of excreta.

Excreta from pens, if stored on the premises of a dog kennel, shall be stored in metal containers with a fly-tight lid. Proof of proper disposal of excreta shall be provided upon request by the director of animal control.

(Code 1988, § 7-185; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-330. Drainage of premises.

All dog kennels shall be so located that adequate drainage is obtained. Leaky water faucets or water pans under which water dampness may occur will not be permitted.


Sec. 7-331. Location restrictions.
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ARTICLE VI - DOGS AND CATS
DIVISION 4. DOG KENNELS

All dog kennels must have a current special use permit granted by the unified government board of commissioners in compliance with the zoning ordinances of the city.


Cross reference—Zoning, § 27-340 et seq.

FOOTNOTE(S):

---(5)---

Cross reference—Licensee, permit, and miscellaneous business regulations, ch. 19.

(Back)
ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

Sec. 7-2. Penalty.


Sec. 7-4. Enforcement generally.

Sec. 7-5. Written notice requirements.

Sec. 7-6. Rules, regulations and fees.

Sec. 7-7. Obstructing enforcement.

Sec. 7-8. General entry powers of enforcement officers.

Sec. 7-9. Implied consent to entry upon private property for enforcement.

Sec. 7-10. Consent to seize to abate suffering.

Sec. 7-11. Consent to removal of rabies suspect animal.

Sec. 7-12. Dead animals.

Sec. 7-13. Wild or exotic animals prohibited.

Sec. 7-14. Commercial animal establishment—Compliance with local codes.

Sec. 7-15. Same—Standards.

Sec. 7-16. Excessive animal noise.

Sec. 7-17. Property damage.

Sec. 7-18. Running at large—Prohibited; exceptions.

Sec. 7-19. Same—Violations.

Sec. 7-20. Animals putting person in fear.

Sec. 7-21. Storage of hides.

Secs. 7-22—7-45. Reserved.

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

_Adequate care_ means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal. Grooming of animals is also required so that they are free from dangerous matting and nail overgrowth which can affect their health and may be painful.

_Adequate food_ means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.
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Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.

Adequate water means a continual access to a supply of clean, fresh, potable water.

Animal means any live vertebrate creature except a human.

Animal control director means the program coordinator of the unified government animal shelter and/or his designee.

Animal control officer means an officer or employee of the office of director of animal control, and officer or employee of the unified government public health department, whose duties involve the enforcement of the provisions of this chapter, or an officer of the police department.

Animal euthanasia means the humane destruction of an animal that may be accomplished by any of those methods authorized by K.S.A. 47-1718.

Animal shelter means the facility or facilities operated by the unified government or its authorized agent for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Cat means any member of the species, felis domesticus.

Commercial animal establishment means any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, animal dealer, or any establishment performing one or more of the principal activities of the aforementioned establishments.

Dog means any members of the species, canis familiaris.

Ear-tipped feral cat means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its ear to indicate that it has been sterilized and vaccinated against rabies.

Fowl means any animal that is included in the zoological classification Aves.

Health director or director of health means the director of the unified government public health department. The term includes the director's authorized representative. Person means any owner or individual having the right of property in any animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupies by such person. Native wildlife remaining on or about any premises shall not be included in this definition.

(Code 1988 § 7-1, Ord No 0-22-03 § 1, 5-5-2003)

Cross reference—Definitions generally, § 1-2.

Sec. 7-2. Penalty.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall, unless another specific penalty or specific penalty range
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be provided by another subsection of this section, be punished by a fine of not less than $50.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of sections 7-14, 7-121, 7-218, 7-261, 7-266, or 7-267 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

(1) First offense, $50.00.

(2) Second offense, $100.00.

(3) Third offense, $150.00.

(4) Fourth or any subsequent offense, $600.00.

(c) Any person violating any of the provisions of section 7-79, shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

(1) First offense, $300.00.

(2) Second offense, $800.00.

(3) Third offense, $1,000.00.

(4) After the first or any subsequent offense, the court may, in its discretion, revoke the license for the animal(s), or remove the animal as provided by section 7-78. (d) Any person violating any of the provisions of section 7-106 shall, upon conviction, be punished by a fine of not less than $300.00 nor more than $500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(e) Any person violating any of the provisions of section 7-7, 7-15, 7-213, 7-214, 7-215, or of this chapter shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

(1) First offense, $100.00.

(2) Second offense, $200.00.

(3) Third offense, $500.00.

(4) Fourth offense, or a conviction of section 7-215(f)(5), the court may, in its discretion, impose a fine, revoke license for the animal(s), and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

(f) Any person violating section 7-216 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. The court may, in its discretion, revoke the license for the animal(s), or refuse to return the animal(s) back to the owner, keeper, or harborer. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, and veterinary care necessitated by the enforcement of this article.
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(g) Any person violating section 7-217 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. Violation of section 7-217 shall constitute a misdemeanor. Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law. The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

(h) Each day’s violation of or failure, refusal or neglect to comply with any provision of this chapter shall constitute a separate and distinct offense.

(i) Court costs shall be imposed as authorized by ordinance.


(a) Whenever any animal is found running at large in violation of section 7-215(c), the animal control officer finding such animal may take its license number, if such animal is wearing a collar with an identification tag as is required in section 7-265, and may take any other information the animal is wearing which may identify its owner. This section does not apply to unowned ear-tipped feral cats.

(b) The officer who finds an animal running at large may sign a complaint against the person identified as the animal’s owner, keeper or harbinger pursuant to subsection (a) of this section. If a complaint is signed, then a notice to appear shall be served upon such identified owner in accordance with section 23-17. If the owner fails to appear as required in the notice to appear, a warrant shall be issued for that person’s arrest. In any prosecution charging a violation of section 7-215(c), proof that the animal described in the complaint was in violation of such section, together with proof that the defendant named in the complaint was at the time of such violation the owner of such animal, shall constitute prima facie evidence that the owner of the dog violated section 7-215(c). The foregoing stated presumption shall apply only when the procedure as prescribed in this section has been followed.

Sec. 7-4. Enforcement generally.

Except where otherwise provided, it shall be the duty of the supervisor of animal control, with the assistance of staff and police, to administer and enforce the provisions of this chapter. It shall be the duty of the police to assist the director of animal control and the staff of the director of animal control with their enforcement efforts, and the police shall have full authority to enforce the provisions of this chapter.

Sec. 7-6. Rules, regulations and fees.

The county administrator may, with approval of the unified government board of commissioners, adopt rules and regulations necessary for the administration of this chapter, including regulations
establishing impoundment, adoption fees, boarding and handling fees, and all other such fees as are required by this chapter.

Sec. 7-7. Obstructing enforcement.

No person shall willfully obstruct any animal control officer engaged in the performance of official duties from performing such official duties.

Sec. 7-8. General entry powers of enforcement officers.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director of animal control or director of health's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which creates an unsafe, dangerous or hazardous condition, the director of animal control or director of health or the authorized representative of the same may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of animal control or director of health by this chapter; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of animal control or director of health or the authorized representative of the same shall have recourse to every remedy provided by law to secure entry.

(b) When the director of animal control or director of health or the authorized representative of the same shall have first obtained a proper search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the director of animal control, the director of health, or the authorized representative of either for the purpose of inspection and examination pursuant to this chapter.

Sec. 7-9. Implied consent to entry upon private property for enforcement.

In the interests of animal control ordinance enforcement, animal rescue, and open violation enforcement, any person keeping or harboring any animal in this city by so doing does thereby authorize the director of animal control, the director of health, the representatives of either, or a police officer to enter without warrant, when there are exigent circumstances, upon private property, except inside any residential structure, of such person who owns or controls where such animal is found, in plain sight, for the purpose of enforcement of this chapter and to seize such animal from the private property to abate an ordinance violation.

Sec. 7-10. Consent to seizure to abate suffering.

By the authority of the city to so provide, and by the authorization stated in section 7-9, any animal that is deemed by the director of animal control to be neglected or abused in violation of this chapter and
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suffering may be seized from the property of its owner or keeper to abate the suffering of that animal, and such animal may be confined at the shelter for disposition under the terms of this chapter.

Sec. 7-11. Consent to removal of rabies suspect animal.

Any animal that has possibly, through a bite wound, exposed a person to rabies and that is found on the property of its owner or keeper may be removed from that property by the director of animal control if such owner or keeper is not available, willing, and able to surrender the animal for the observation or testing required by this chapter. By keeping such animal in the city, the owner or keeper consents to and authorizes removal under such circumstances to the animal shelter.

Sec. 7-12. Dead animals.

(a) Responsibility if director of animal control. The director of animal control shall be responsible for the removal of all dead animals found within the city except as otherwise provided in this section. In this section, "dead animal" shall mean an animal not killed for food or no longer fit for food.

(b) Removal—Large dead animals. All large dead animals shall be removed and legally disposed of by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed, such animal shall be removed by the city at actual cost to the property owner or proprietor. Charges for dead animal removal are due and payable upon billing by the unified government. The unified government may refuse to collect dead animals for failure to pay previous billings. Failure to pay for dead animal removal as provided shall constitute a violation punishable by fine as delineated in section 7-2

(c) Same—Small dead animals. Animal hospitals, commercial animal establishments, laboratories and other similar places where animals are kept for commercial or scientific purposes shall maintain, for a period of one year, records on the death and disposal of all birds and mammals in their care. Such records shall include the type of animal, cause of death (if known), method of disposal and such other information as specified by the supervisor. Dead animals shall be removed from such establishments and submitted for postmortem examination by a licensed veterinarian, state or federal laboratory, or such other person as approved by the director, or disposed of by incineration, burial or other approved means.

(d) Access to property. On occupied property, the owner or the tenant of such property shall provide easy access to the subject animal for purpose of its removal.

(e) Leaving on streets, etc. No person owning or having possession of the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, or public ground.

(f) Burial. Burial of animals shall only be permitted at pet cemeteries licensed by the city, or such other places for which a special permit is granted by the health director.

(g) Transportation. It shall be unlawful for any person to transport or remove any dead animal or the carcass of any dead animal along any street, avenue, alley, lane or other highway within the city, unless the same is transported or removed, loaded upon a wagon, truck or other vehicle of conveyance. Any person transporting or removing any dead animal or the carcass of any dead animal, except game animals, such as deer, commonly carried over the hoods of cars, upon any wagon, truck or other vehicle shall completely cover such dead animal with a canvas or some other complete and secure cover so as to entirely conceal the same from view and to prevent the escape of odor.
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(Code 1988, § 7-12, Ord No O-22-03, § 1, 6-5-2003)

Sec. 7-13. Wild or exotic animals prohibited.

(a) No person shall keep or permit to be kept on such person's premises any wild or exotic animals for exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the state or the federal government. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animals. A wild or exotic animal is a nondomesticated animal or any animal which can normally be found in the wild state, excluding unowned ear-tipped feral cats, rabbits, ferrets, gerbils, hamsters, mice, guinea pigs, small amphibians, laboratory rats which have been bred in captivity and which have never known the wild, birds and fish normally kept as pets, raptors for the purpose of falconry in accordance with the state department of wildlife and parks regulations, K.A.R. 115-1-1 and K.A.R. 115-14-10. In addition, those monkeys that were kept as pets within the city as of December 31, 1992, or any monkeys that are currently being used as service animals, as defined by the Americans with Disabilities Act of 1990, may be kept by their current owners; provided that the monkeys are kept in proper living facilities and pass a health examination. The term "monkey," as used in this section, is defined as Old World and New World monkeys, as distinguished from those animals commonly referred to as apes or baboons. The owner of a monkey must obtain a health certificate for such monkey that states that the animal is disease-free and in good health. These animal owners, including those with service animals, must have their facilities certified by the animal control department. Monkeys must be kept in these facilities at all times.

(b) Any person who keeps a wild, exotic, or vicious animal in contravention of this section may dispose of the animal by removal of the animal from the city by giving or selling the animal to a zoological park or by releasing the animal to the supervisor of animal control. The director of animal control may release the animal to the wild or to a zoological park.

(Code 1988, § 7-13, Ord No O-22-03, § 1, 6-5-2003)

Sec. 7-14. Commercial animal establishment—Compliance with local codes.

All commercial animal establishments located within the city shall comply with all zoning regulations, building codes, licensing and occupation tax requirements of the unified government.

(Code 1983, § 7-14, Ord No O-22-03, § 1, 6-5-2003)

Cross reference—Licenses, permits, and miscellaneous business regulations, ch. 19.

State law reference—Pet animal act, K.S.A. 47-1701 et seq.

Sec. 7-15. Same—Standards.

Any person operating a commercial animal establishment shall keep and maintain the animals and all structures, pens or yards in which the animals are kept in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury to such animals. All cages and holding areas must be properly sanitized so as to keep the animals enclosed therein free of disease. All such caged animals shall be provided with an adequate daily supply of wholesome food and water. All disease-infested animals shall be isolated from healthy animals and treated to prevent the spread of disease or
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euthanized, and if the owner or keeper fails or refuses to provide such, the supervisor of animal control may remove such animals to the unified government shelter for disposition as provided by this chapter.

(Code 1988, § 7-15; Ord No O-22-03, § 1, 6-5-2003)

(Code 1988, § 7-19, Ord No O-22-03, § 1, 6-5-2003)
(Code 1988, § 7-20, Ord No O-22-03, § 1, 6-5-2003)

Sec. 7-21. Storage of hides.

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from the hides shall annoy or disturb the occupants of the premises in the vicinity thereof. The maintaining of such hides in such condition is a public nuisance.

(Code 1988, § 7-21, Ord No O-22-03, § 1, 6-5-2003)

Cross reference— Health nuisances, § 17-31 et seq.

Secs. 7-22—7-45. Reserved.
ARTICLE II. IMPOUNDMENT

Sec. 7-46. Generally.

Sec. 7-47. Animal pound records and reports.

Sec. 7-48. Registration of persons delivering animals to shelter.

Sec. 7-49. Notification of capture.

Sec. 7-50. Impoundment fee; release from pound.

Sec. 7-51. Adoption of animals.

Sec. 7-52. Destruction of impounded animal.

Secs. 7-53—7-77. Reserved.

Sec. 7-46. Generally.

(a) Any animal determined by Animal Control to be in violation of Chapter 7 may be impounded.

(b) If an owner or keeper is present and able to take control of such animal in lieu of impoundment, a notice to appear may be issued to that person, and the person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

Sec. 7-47. Animal pound records and reports.

The director of animal control shall keep accurate account of all animals received at the pound and released to the owner or purchaser, showing the date and from whom received, the description of the animal, the name and address of the person releasing or purchasing. The director shall keep a like accurate account and description of all animals destroyed and an accurate and complete account of all monies received during the months under the provisions of this chapter, together with a statement of the number of animals in the pound on the first of the month, the number received, the number destroyed, the number released or adopted, and the number on hand at the end of the month.

Sec. 7-48. Registration of persons delivering animals to shelter.

(a) The director of animal control shall not receive an animal into the shelter from any person unless:

(1) Such person shall submit proof of identification; and

(2) Such person shall give full name and place of residence, which shall be registered in a proper book kept by the director of animal control.

(b) It shall be unlawful for any person delivering to or receiving any animal from the shelter to give any false information concerning the same.
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ARTICLE II. IMPOUNDMENT

Sec. 7-49. Notification of capture.

After the impoundment of any animal where a notice to appear has not been issued to the owner or keeper, the director of animal control shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the city or to the director of animal control or his staff for failure to give such notice. The owner of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable provisions of all applicable ordinances.


Sec. 7-50. Impoundment fee; release from pound.

(a) An animal impounded with no identification and which is not living evidence in a pending case or subject of an open investigation of a violation of Article III, shall not be disposed of by Animal Control until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, Animal Control shall attempt to notify the owner or custodian of any animal maintained or impounded if such owner or custodian is known or reasonably ascertainable.

(b) Such an animal may be released to the legal owner, moved to a veterinary hospital for treatment or observation, or euthanized if it appears to the Director of Animal Control or its veterinarian that the animal is suffering, diseased or disabled beyond recovery. The owner, keeper, or harbinger shall remain responsible for all penalties for violation of any of the provisions of this Chapter. The animal shall not be released without the payment of an impoundment fee in the amount established by the city administrator, or any other fee established by the city administrator or animal control. After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal.


Sec. 7-51. Adoption of animals.

An animal held at the animal shelter for three working days and not redeemed by its owner, or five working days if the animal is found with tags which identify its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption or transfer to a Kansas licensed animal shelter or rescue organization, subject to the following conditions:

1. The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter.

2. In the case of an animal capable of sexual reproduction, such person shall deposit a prepaid neutering or spaying fee as established by the county administrator redeemable for neutering or spaying of the animal at any local veterinary clinic with a current cooperative agreement with the unified government for such services. As an alternative to the prepaid neutering or spaying fee, the adoptive owner may make a deposit equal to the prepaid neutering or spaying fee, refundable upon furnishing evidence that such animal has been rendered sexually un reproductive by any veterinarian of the adoptive owner's choice.

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ARTICLE II. IMPOUNDMENT

Sec. 7-52. Destruction of impounded animal.

The director of animal control shall not destroy, or cause or permit to be destroyed any animal impounded until the expiration of impounding time limit of three working days or five working days if the animal is found with tags which identify its owner, except that the director of animal control may, when an animal so impounded has been examined by a licensed veterinarian and found by such veterinarian to be suffering from an injury or disease from which recovery in the veterinarian's judgment is doubtful, destroy such animal in a humane manner.

State law reference—Euthanizing animals, K.S.A. 47-1710, 47-1718.

Secs. 7-53—7-77. Reserved.

FOOTNOTE(S):

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Sec. 7-78. Municipal court hearing on complaints.

Sec. 7-79. Cruelty to and neglect of animals.

Sec. 7-80. Rescue from vehicles.

Sec. 7-81. Animals injured by motor vehicles.

Secs. 7-82—7-105. Reserved.

(a) An animal control officer may, if a complaint has been signed against an individual pursuant to any provision of section 7-79, precedent to or after the individual has been convicted of violation of such section, sign an affidavit petitioning the municipal court judge to immediately take custody and control of such animal if it appears to the director of animal control that it would be in the best interest of such animal to be seized by the municipal court.

(b) The municipal court judge, upon receiving such affidavit and petition, shall set the matter involving the custody or control of an animal for hearing within ten days from the date that the petition and affidavit are filed. If it appears from the affidavit that the life of the animal is in immediate jeopardy, then the court may set the hearing as soon as practical. The owner or person having control or custody of such animal shall be provided notice of the hearing by serving such persons with a summons to appear; such summons shall be served in the same manner as is required for serving notice to appear pursuant to section 23-17.

(c) The municipal court judge, after a hearing has been held, may order that an animal be seized and placed in the custody of the director of animal control if the following findings are made:

(1) The person summoned to appear is the owner or person having possession or custody of the animal in question.

(2) That there is probable cause to believe that a violation of any provision of section 7-79 has occurred or is occurring and, based upon the violation, it appears that it would be in the best interest of the animal to remove that animal from the possession and custody of the owner of the animal or the person having possession or custody of the animal.

(d) If an order is issued by the municipal court judge ordering that such animal be seized and brought into custody, then the director of animal control shall take such animal into custody and shall inspect such animal, care for or treat such animal or place such animal under the care of a licensed veterinarian for treatment, boarding or other care. If it appears, as determined by the director of animal control or by a licensed veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, then such animal may be destroyed humanely as soon thereafter as is conveniently possible in accordance with K.S.A. 21-6412(e) et seq.

(e) Unless the animal obtained pursuant to this Section is required to be kept as evidence for a pending prosecution, or is being held for the protection of the animal during the pendency of a pending prosecution, the owner or keeper of an impounded animal shall have a maximum of ten (10) days after the animal is taken into custody to obtain the animal from the veterinarian or the animal control facility having custody of the animal. The veterinarian or the Director of Animal Control shall provide written notice to the owner or keeper of the animal, if known or reasonably ascertainable, when time will expire to retrieve the animal. The failure of the owner or keeper to obtain custody of the animal,
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or an owner that is unknown or not reasonably ascertainable, in the time provided shall provide the authority of the Director of Animal Control to dispose of the animal by adoption or euthanasia.

(f) If the owner, keeper, or harbore is charged with a violation of this section, and the animal is being kept past the ten (10) days allowed in subsection (e) as evidence for the pending prosecution or for the protection of the animal from the owner, keeper, or harbore, the City may petition the Municipal Court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified that a renewable case or performance bond must be filed with the city clerk in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the Municipal Court shall determine whether the animal may be placed for adoption or euthanized. (K.S.A. 21-6412(e),

(g) If the owner or person having control or custody of such an animal is convicted of violating any provision of section 7-79, the municipal court judge may order that such animal shall not be returned to or remain with such person. Such animal may be turned over to the director of animal control or licensed veterinarian for sale or other disposition.

(h) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to section 7-79 may be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

(i) If the owner or person having control or custody of such animal is adjudicated not guilty or if the municipal court judge, after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem such animal within 72 hours. If such animal is not redeemed within 72 hours, then such animal may be disposed of in accordance with K.S.A. 47-1710 et seq.

(j) An order issued by the municipal court judge under this section may be appealed to the district court pursuant to the provisions contained in K.S.A. 60-2101(d).

Sec. 7-79. Cruelty to and neglect of animals.

(a) It is unlawful for any person to intentionally kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, or overdrive any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with adequate care, food, health care, shelter, and water.

(d) It is unlawful for any owner or keeper to abandon any animal. For purpose of this section, "to abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody or to leave an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence.

(e) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with a harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin that pose a threat to the public health.

(f) It is unlawful for any person to carry any animal or cause any animal to be carried in or upon any vehicle in a dangerous or careless manner.
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(g) Legislative Findings. It is the purpose of this section to promote the health and safety of the residents of the city and protect dogs from neglect by reducing the number of improperly tethered dogs. The unified government recognizes that dogs that are continuously and improperly tethered have an increased potential to be poorly socialized, act aggressively toward humans, and be neglected by their owner. In order to better protect the safety of its citizens and the welfare of the animal, restraint by tethering must meet certain standards.

(h) Tethered animals must not:

(1) be tethered unattended to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered within ten (10) feet of, or in such a manner as to permit it to intrude upon, neighboring property, a public sidewalk or street;

(2) be tethered directly with chains or other tethers, restraints or implements without the proper use of a collar, harness or other device designed for tethering;

(3) be tethered with a chain, leash, rope or tether that is shorter than (10) feet in length;

(4) be tethered with a chain, leash, rope, collaring device, tether, or any assembly or attachments thereto that due to weight, inhibit the free movement of the animal within the area tethered;

(5) tether a dog in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, posts or other man-made or natural obstacles.

(i) It is unlawful for any person to have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. A municipal court judge may order a person convicted under this section to turn the animal involved over to the animal control division. If, in the opinion of a licensed veterinarian, the animal appears to be diseased or disabled beyond recovery for any useful purpose, the animal may be humanely euthanized. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(j) It is unlawful for any person to cause, instigate, stage, train or torment any animal for or permit any fight between any animal and another animal or human.

(k) It is unlawful for any person to attend or solicit attendance at or be an umpire, judge, or other official at a fight staged between any animal and another animal or human.

(l) It is unlawful for any person to give or to offer to give a live animal as a prize, a business inducement, or any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(m) It is unlawful for any person to use as a toy or for display or decorative purposes, to sell or offer for sale, to expose for sale, to subject to any form of mistreatment or careless handling, or to dye any newly hatched fowl or newly born rabbit.

(n) It is unlawful for any person to confine calves, sheep or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or have in his possession any calves, sheep or hogs so tied or confined, or load into any freight car or into any other conveyance, for the purpose of transportation, any animal in a cruel or inhumane manner.
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(o) It is unlawful for any person to induce or encourage any animal in an animal exhibition, rodeo or circus to perform through the use of the chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(p) It is unlawful for any person to display for sale, sell, exchange, barter, or give away any animal except in the following places:

1. A commercial animal establishment having a valid business license and licensed with the Kansas Department of Agriculture.

2. A private kennel or cattery licensed with the Kansas Department of Agriculture.

3. A private residence, provided that should the residence exceed the limit of animals sold under K.S.A. 47-1701(f), that residence is licensed with the Kansas Department of Agriculture.

(q) It is unlawful for any person to intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall for the purpose of sport or entertainment.

(r) The provisions of this section shall not apply to:

1. Normal or accepted veterinary practices;

2. Bona fide experiments carried on by commonly recognized research facilities;

3. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. 32-101 et seq. or K.S.A. 47-101 et seq.;

4. Rodeo practices accepted by the Rodeo Cowboys’ Association;

5. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control by the owner thereof, by the agent of such owner residing outside of a city, by the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, by a licensed veterinarian at the request of the owner thereof, by any officer or agent of an incorporated humane society, by the operator of an animal shelter or pound, by a local or state health officer, or by a licensed veterinarian five working days following the receipt of any such animal with tags identifying its owner or at such society, shelter or pound;

6. With respect to farm animals, normal or accepted practices of animal husbandry;

7. The killing of any animal by any person at any time which may be found outside the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

8. An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods, or

9. Laying an equine down for medical or identification purposes.

(s) As used in this section, the term "equine" means a horse, pony, mule, jenny, donkey or hinny.

(t) Cruelty to animals is a Class A violation.

(Code 1988, § 7-57 Ord No 0-22-03, § 1. 8-5-2003)

Sec. 7-80. Rescue from vehicles.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by an animal control officer and/or law enforcement officer, law enforcement may enter such vehicle and rescue such animal and impound it. A prominent written notice
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shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

Sec. 7-81. Animals injured by motor vehicles.

Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways of the city, except emergency vehicles, shall immediately, upon injuring, striking, maiming or running down any animal, notify the police department of the location, and the police department will notify such agency as may be providing injury services.

Secs. 7-82—7-105. Reserved.

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ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL
Sec. 7-106. General powers of director of health.
Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.
Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.
Sec. 7-110. Destruction of animals and rabid animal investigation.
Sec. 7-111. Animals in transit.
Sec. 7-112. Confinement of animals bitten by rabid animals.
Secs. 7-113—7-137. Reserved.

Sec. 7-106. General powers of director of health.

(a) In the event that the director of health determines that a rabies or other zoonotic disease control emergency exists, the director shall so declare, stating the boundaries of the affected area, and the director may issue emergency regulations and take all necessary steps within the provisions of this chapter and state law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

(b) The director of health may issue standing regulations for rabies and zoonoses control that the director finds necessary to protect the public health which shall be filed with the unified government clerk. Such regulations shall be in keeping with the U.S. Public Health Service guidelines and state law.

(c) The director of health may issue a proclamation ordering persons owning, keeping or harboring animals to muzzle or confine such animals, by good and sufficient means, to the house, stable, outhouse, or yard wherein such person may reside or at a properly licensed kennel for such a time as may be specified in such proclamation, and each person keeping or harboring any dog shall confine the same by good and sufficient means within such person's house, yard, stable or outhouse or have such dog properly and securely muzzled during the time specified in such proclamation. Animals found running at large within the city during the time so specified by the proclamation, without being securely muzzled, may be killed by any police officer.

Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.

(a) Any bite wound by an animal other than a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harborer of the animal if the incident is known to such person. Any animal bite that requires medical treatment shall be reported within 24 hours to the director of health or the director of animal control by the treating physician or hospital caring for the patient. It is the duty of the health department to promptly notify the director of animal control of any such bite reported to the police.

(b) It is unlawful for the owner, keeper or person harboring the animal involved in such incident to release it from custody, to hide or conceal such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of animal control, until an
ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

observation period stipulated by the State of Kansas Department of Agriculture for the particular species of animal is over or such period is ruled unnecessary by the director of animal control.

(c) It is the duty of such owner or keeper, upon receiving notice of such incident, to immediately place the animal involved in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter where such animal shall be isolated and confined for observation. The owner or keeper of an animal involved in a biting incident is liable for the cost of confinement and observation. (K.A.R. 28-1-13).

(d) The death or any suspicious change in health or behavior of any such animal undergoing observation shall be reported immediately by the observing authority to the director of health or the director's designee representative. In the event that a proper period of observation is undetermined or undeterminable for the species of animal involved in an incident, the director of health may order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice for the protection of the victim, and no liability for damages shall arise from any injury to or the death of the animal occasioned by the laboratory examination.

(e) When an animal involved in an incident is outside the city, the director of health or the director of animal control shall forward information concerning the incident to the appropriate authority of the jurisdiction of residence of the owner, keeper or harbore or the appropriate state health department for coordinated disease prevention.

(Code 1988, § 7-61, Ord No. O-22-03, § 1, 6-5-2003)

Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.

(a) Any bite wound by a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harbore of the animal if the incident is known to such person.

(b) It is the duty of every owner or keeper of any dog or cat upon receiving notice or having knowledge of the involvement of his pet in a human exposure to the possibility of rabies or other zoonotic disease by biting (hereinafter referred to as "incident") to immediately contact the Director of Animal Control for instruction on quarantine for the biting animal. Quarantine location and period shall be regulated by the State of Kansas Department of Agriculture, through K.A.R. 28.1.13, and any amendments thereto. However, any city police department canine and/or any assisting police canine from other law enforcement agencies involved in an incident may continue on active duty.

(c) It is unlawful for the owner harboring the animal involved in such incident to release it from custody, to hide such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of animal control, until the period of confinement and observation here required is completed. The owner or keeper of such animal involved in an incident shall be liable for the cost of confinement and observation.

(d) The death or any suspicious change in the health or behavior of any such dog or cat undergoing observation shall be reported as soon as possible by the observing authority to the director of animal control and the director of health or the director's designee.


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ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

Sec. 7-109. Destruction of animals and rabid animal investigation.

(a) If any dangerous, fierce, or vicious dog, cat or other animal believed involved in an incident (as the term "incident" is used in sections 7-107 and 7-108) cannot be safely captured or prevented from escaping by usual means, such animal may be slain by a police officer or animal control director.

(b) In all cases where such animal may have exposed a person to rabies and is slain before the completion of the observation period stipulated for the species by the director of health, it shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to the director of animal control. If the animal is slain by a police officer, the officer shall contact the director of animal control to arrange pickup of the remains. Particular care shall be taken to preserve the head of the slain animal. A departure from this procedure must be requested of and authorized by the director of health.

Sec. 7-110. Animals in transit.

For the purpose of disease or injury control, the director of animal control may impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.

Sec. 7-111. Confinement of animals bitten by rabid animals.

The owner of any animal known to have been bitten by a rabid animal or by an animal suspected of being rabid shall immediately notify the director of animal control. The animal shall be confined for a period determined by the director of health, and if determined to be rabid by a licensed veterinarian, shall be destroyed immediately.

Secs. 7-112—7-137. Reserved.
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Sec. 7-210. Enumeration and record; notice to register.

It shall be the duty of the director of animal control to keep a record of all dogs and cats owned, kept or harbored within the corporate limits of the city and to make and keep a correct record of all such dogs and cats currently registered, with the name and place of residence of the owner or keeper thereof, and to serve notice on such owner or keeper to register the same as provided by this chapter.

Sec. 7-211. Consent to remove female in heat.

Any female dog or cat in heat and not confined in a building or solid enclosure as required by section 7-218 may be removed from the property of its owner or keeper to the shelter to abate such nuisance.

Sec. 7-212. Maximum number.

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than three dogs or three cats over 120 days of age or any combination of such animals exceeding six in number, unless one or more of the following conditions are met:

(1) The residence is licensed as a commercial animal establishment in accordance with K.S.A. 47-1701 and meets local criteria set forth by the unified government.
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(2) If the individual in charge of the residence is not engaged in the commercial sale of dogs and has a current permit to exceed the pet limit issued by the unified government board of commissioners.

(3) Animals in residences that are owned by a Kansas licensed animal shelter, pound, or rescue, and are being fostered under the supervision of a Kansas licensed animal shelter, pound, or rescue, and the residence is registered with the Department of Agriculture for the State of Kansas, those animals shall be exempt from being counted toward the pet limit, provided the number of foster dogs does not exceed more than five adult dogs over six months of age.

Sec. 7-213. Rabies inoculation required.

It is the duty of every owner of a dog or cat to have such dog or cat inoculated against rabies. The owner of harborer of such dog or cat shall at all times possess evidence of rabies inoculation consisting of a certificate signed by the licenses veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented, mailed or electronically delivered to the director of animal control no later than 15 days following the application for license as required by section 7-263. No license shall be issued unless such certificate bears a date within one year prior to the date of license. The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular dog vaccinated, on which shall be distinctly marked the veterinarian’s name or veterinary clinic name, address, and tag identification number. The year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination. The owner of any dog which is determined by the director of animal control to be running at large and which is not wearing a collar with identification consisting of owner’s name and current address and, if such dog is over five months old, a current rabies vaccination tag, is guilty of a misdemeanor.

Sec. 7-214. Parasite control.

No person shall offer for sale, sell or give away any dog or cat unless such animal has been dewormed or certified in writing by a duly licensed veterinarian to be free of intestinal helminthes in order to prevent the spread of such to other animals and humans. It is the responsibility of the buyer to have the animal reexamined to determine if it is free of parasites.
Sec. 7-215. Nuisance Animals.

(a) Excessive animal noise.

(1) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(2) The following definitions and conditions shall be specially applicable to enforcement of this section:

(i) *Excessive noise* means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.

(ii) *Neighbor* means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Code 1988, § 7-16, Ord No O-22-03, § 1, 6-5-2003)

(b) Property damage. It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Code 1988, § 7-17, Ord No O-22-03, § 1, 6-5-2003)

(c) Running at large—Prohibited; exceptions.

(1) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harboree to run at large when found outside the residence structure of the owner, keeper or harboree and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(2) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(3) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(4) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the owner’s person, and the dog is under immediate control. The dog’s tags must be readily available on the owner’s person.

(5) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by a properly functioning electronic fence and a properly functioning electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner’s keeper’s or harboree’s property. Dogs confined to residential property of the owner, keeper, or harboree, by an electronic fence and an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence and an electronic collar in
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the front yard of an owner’s, keeper’s or harbolor’s property. No dog having been found a dangerous animal, as defined by section 7-216, shall be confined by an electronic fence and an electronic collar. All owners, keepers, or harbors of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence and electronic collar.

(6) In order to comply with this section, any electronic fence and electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harbolor must submit for approval the following information:

(i) The name of the owner, keeper, or harbolor;

(ii) Identification of all animals to be restrained by said electronic fence or electronic collar;

(iii) The owner, keeper or harbolor shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(7) Cat control. All cats must be under the control of their owner, keeper or harbolor at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(i) If a neighbor complains orally or in writing to the owner, keeper or harbolor of a cat that the cat is entering upon the neighbor's property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;

(ii) If a cat causes injury to persons or animals;

(iii) If a cat causes damage to property other than its owner’s, keeper’s or harbolor’s property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, glower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(iv) This section does not apply to unowned ear-tipped feral cats.


(d) Animals putting person in fear. No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. This section shall also apply to animals while being walked on leashes, or otherwise physically restrained.

(e) Animal Injury. No person shall own, keep, or harbor any animal that, without provocation, causes injury to another domestic dog or cat. This section shall not apply to animals injured while trespassing on the owner, keeper, or harbolor of the offending animal’s premises.

(f) Same—Violations.

(1) Upon a person’s conviction for a third time involving the same animal in any 24-month period of subsections (a), (b), or (c), and (e) in any combination thereof, or first conviction of section (d), shall constitute a "Nuisance Animal."
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(2) No animal may be declared a nuisance if, at the time of violations the person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No person owning, harboring or having the care or custody of a nuisance animal shall suffer or permit such animal to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(4) A nuisance animal is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(5) Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter.

(6) The municipal court judge may revoke said person's license for that individual nuisance animal.

(7) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked pursuant to this section.

Sec. 7-216. Dangerous Animals

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a dangerous animal. A dangerous animal is any animal which has done any of the following:

   (1) Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or

   (2) Killed another dog or cat.

(b) A “bite injury” is any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, bruise or other piercing of the skin.

(c) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

   (1) A member of the household, or;

   (2) Teasing, tormenting, abusing or assaulting the dog or committing or attempting to commit a crime, or;

   (3) Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

   (4) The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(d) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous based solely on size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

(e) Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Director of Animal Control or Municipal Court judge, would constitute a menace
to the health, safety or welfare of the public if released from custody, may be held pending a
hearing on any charges or complaints filed in the municipal court to determine the disposition
thereof. If not so determined, the animal may, after having been held pursuant to section 7-108,
be returned to its owner, keeper, or harborer until final determination is made by the Municipal
Court as to whether a violation of this section has occurred. If returned pending the final
disposition of the case, the animal must be kept securely confined and must be muzzled while in
public until final determination is made as to whether a violation of this section occurred.

(f) Any violation of this section shall be punishable pursuant to the provisions of section 7-2(f).
Upon conviction, the court may order that the animal be humanely euthanized and direct the
Director of Animal Control, or his or her designee, to ensure that the order is enforced.

(g) Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution
be paid to the victim of the violation of (a).

(h) Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the
animal shall be kept subject to the following standards:

1. **Leash and Muzzle.** No person shall permit a dangerous animal to go outside its
kennel or pen unless such dog is securely leashed with a leash no longer than four feet
in length. No person shall permit a dangerous animal to be kept on a chain, rope or
other type of leash outside its kennel or pen unless a person is in physical control of the
leash. Such dogs may not be leashed to inanimate object such as trees, posts,
buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel
must be muzzled by a muzzling device sufficient to prevent such animal from biting
persons or other animals.

2. **Confinement.** All dangerous animals shall be securely confined indoors or in a
securely enclosed and locked pen or kennel when not indoors, except when leashed
and muzzled as above provided. Such pen, kennel or structure must have secure sides
and a secure top attached to the sides. All structures used to confine dangerous
animals must be locked with a key or structure. Such structure must have a secure
bottom or floor attached to the sides of the pen or the sides of the pen must be
embedded in the ground no less than two feet. All structures erected to house
dangerous animals must comply with all zoning and building regulations of the city. All
such structures must be adequately lighted and ventilated and kept in a clean and
sanitary condition, and must not be the primary enclosure for keeping the animal.
Animal Control Officers shall have the authority to monitor and inspect the keeping of all
dangerous animals.

3. **Confinement Indoors.** No dangerous animal may be kept on a porch, patio or in
a part of a house or structure that would allow the animal to exit such building on its own
volition. In addition, no such animal may be kept in a house or structure when screen
doors are the only obstacle preventing the animal from exiting the structure.

4. **Signs.** All owners, keepers or harborers of dangerous animals within the city
shall within 10 days of conviction, display in a prominent place on their premises a signs
easily readable by the public using the words Beware of Dog or Beware of Dangerous
Animal, whichever is applicable.

5. **Insurance.** All owners, keepers or harborers of dangerous animals must within
10 days of conviction provide proof to the Director of Animal Control of public liability
insurance in a single incident amount of $1,000,000 for bodily injury to or death of any
person or persons or for damage to property owned by any persons which may result
from the ownership, keeping or maintenance of such animal. The insurance policy will
provide that no cancellation of the policy will be made unless 10 days written notice is
first given to the Director of Animal Control.

6. **Identification Photographs.** All owners, keepers or harborers of dangerous
animals must within 10 days of conviction provide to the Animal Control two color
photographs of the registered animal clearly showing the color and approximate size of
the animal.
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(7) **Microchip.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the Animal Control to register the animal as dangerous.

(8) **Spaying/Neutering.** All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the Director of Animal Control.

(9) **Sale or Transfer of Ownership Prohibited.** Sale - No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog or the offspring or such dog to persons who do not reside within the city.

(10) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of an animal deemed by the Municipal Court to be a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this article. Any animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this article is deemed a separate offense. Upon conviction, the court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

Sec. 7-217. Vicious Animals

It shall be unlawful to keep, possess, or harbor a vicious animal within the city limits. A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person.

(a) A vicious animal does not include an animal that has caused great bodily harm to any person while a person was committing a criminal offense on the property of the owner, keeper, or harborer of the animal. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(b) Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized, and direct the Director of Animal Control to insure that the order is enforced.

Sec. 7-218. Confinement of females in heat.

It shall be the duty of every owner or keeper of a female dog or of a female cat to keep such dog or cat confined in a proper enclosure when it is in heat, so that such dog or cat may not be permitted to run in the yard or other open spaces outside an enclosed structure. Should the owner or keeper of such dog or cat fail to provide a proper enclosure in which it may be kept, the animal control officer may request entry to the premises, and if entry is refused, the animal control director or his authorized representative shall have recourse to every remedy at law to secure entry in order to take and place such dog or cat in the animal shelter or some veterinary hospital in the city, at the cost of such owner or keeper.

(Code 1938, § 7-129, Ord No 0-22-03, § 1, 6-5-2003)
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Sec. 7-219. Pit bull dogs.

(a) *Unlawful to keep.* It shall be unlawful to keep, harbor, own or in any way possess within the city limits any pit bull dog. As used in this section, the term "pit bull dog" is defined to mean:

1. The Staffordshire bull terrier breed of dog;
2. The American pit bull terrier breed of dog;
3. The American Staffordshire terrier breed of dog;
4. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or any combination of any of these breeds.

(b) *No further exceptions.* There are no longer exceptions for pit bulls registered with the city as of May 9, 1990, or pit bulls kept as of December 31, 1991, at those locations within the area annexed by Ordinance No. 65653, as there are no pit bulls currently living that were registered as of those relevant dates.

(c) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than $300.00 and not more than $1,000.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. Should the defendant refuse to remove the dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section.


Secs. 7-220—7-260. Reserved.
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DIVISION 2. REGISTRATION

Sec. 7-261. Required.
Sec. 7-262. Fee.
Sec. 7-263. Vaccination certificate.
Sec. 7-264. Registration year.
Sec. 7-265. Tag—Generally.
Sec. 7-266. Same—Display.
Sec. 7-267. Spaying and neutering.
Secs. 7-268—7-297. Reserved.

Sec. 7-261. Required.

(a) It is unlawful for any person to keep any weaned dog or cat past the age of six months in the city, unless the same has been registered for the current year in accordance with this division.

(b) Subsection (a) of this section does not apply to any nonresident owner or keeper of a dog or cat while such nonresident is passing through the city, provided such dog or cat shall remain on a leash or otherwise effectively physically restrained, as in a closed vehicle.

Sec. 7-262. Fee.

The owner, keeper or harbore of each dog or cat required to be registered by this division shall pay the director of animal control an annual registration fee in the amount established by the county administrator.

Sec. 7-263. Vaccination certificate.

Each person registering a dog or cat under this division shall present, mail or send electronically to the director of animal control a current vaccination certificate showing that the dog or cat has been vaccinated against rabies, as required by section 7-213 within 15 days following registration. The director of animal control shall issue a license to the person and keep a record of the transaction.

Sec. 7-264. Registration year.

All dogs and cats shall be registered annually at such times and pursuant to such regulations as are established by the county administrator.
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Sec. 7-265. Tag—Generally.

At the time of the issuance of the registration certificate provided for in this division, the director of animal control shall deliver to the owner or keeper of the dog or cat a metallic tag with the registration number marked or stamped thereon. The metallic tag or registration shall be issued once and renewed on an annual basis as provided by section 7-263.

Sec. 7-266. Same—Display.

No owner or keeper of any licensed dog shall allow or permit such dog to be outside of the residence of such owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness the license tag provided for in section 7-265, except when such dog is being trained for or participating in an obedience training course or trial or a dog show or match, provided such dog is not in violation of section 7-18(a)—(d).

Sec. 7-267. Spaying and neutering.

(a) Legislative findings. It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The unified government board of commissioners finds that each year, thousands of dogs and cats are euthanized in the city because they are not wanted. It is the purpose of this section to eliminate the excessive number of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

(b) Prohibition. It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (c) of this section.

(c) Exceptions. The prohibition contained in subsection (b) of this section shall not apply:

(1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of risk to the animal's health.

(2) If the owner of the animal annually obtains a permit from the animal shelter to possess an animal that is not neutered. The permit shall be issued or renewed only if the director of animal control determines that the following conditions have been met:

a. The animal is examined regularly by a licensed veterinarian;

b. The animal is vaccinated annually for rabies and other common diseases;

c. The animal is housed properly;

d. The owner has not had more than two violations of the provisions of this chapter in the preceding 24 months;

e. The owner pays a permit fee established by the county administrator. The fee is intended to cover a portion of the cost that the unified government currently incurs for each unwanted animal impounded and euthanized;

(3) If an animal is temporarily in the city to participate in a show or event sponsored by a sanctioned animal organization;
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(4) If an animal is owned, possessed or kept in the city for fewer than 30 days in a one-year period.


Secs. 7-268—7-297. Reserved.
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DIVISION 3. PATROL DOGS
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DIVISION 4. DOG KENNELS
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 6, 2014, with ten members present: Vacant, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Maddox, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Interim Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Ken Moore, Deputy Chief Counsel; Henry Couchman, Senior Attorney; Lew Levin, Chief Financial Officer; Tom Wiss, Legislative Auditor; Ruth Benien, Ethics Administrator; Emerick Cross, Interim Commission Liaison; Chief Ellen Hanson, Police Dept.; Bill Hurrelbrink, Assistant to Mayor; and Captain Victor Webb, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Holland.

INVOCATION was given by Sister Therese Bangert, Our Lady of St. Rose Catholic Church.

THE AGENDA for November 6, 2014, was presented. Mayor Holland asked if there were any revisions to the agenda. There were none.

MAYOR'S AGENDA
ITEM NO. 1 – 140265…PRESENTATION: REGIONAL PROSPERITY
SYNOPSIS: MARC presentation on regional prosperity from “Prosperity at a Crossroads,” presented by Frank Lenk, Director of Research Services; and Dean Katerndahl, Government Innovations Forum Director.

Frank Lenk, Director of Research Services, MARC, stated we worked with the Brookings Institution over a period of 18 months or so to try and look at the Kansas City economy and how it was doing relative to your peer metros and the rest of the country. The bottom line is pretty
much told in this first slide. It’s a tale of two decades. In the 1990s, our region was outperforming the nation. We grew faster in terms of output, GDP, jobs and wages in the country as a whole.

Since the turn of the century, our fortunes have not done quite as good. We are lagging in the country in all three of those things. The question is why; what’s going on underneath the hood and this report attempts to look at that.
One of the things that we’re really proud about here is our productivity; our worker productivity. The yellow line is output per worker and the bottom line is output per dollar of compensation, so what it costs to buy a worker. In both cases it’s declining. We’ve had a productivity advantage for a very long time but in some industries like manufacturing, we’ve seen that slip from being say 50% more productive than average manufacturing worker to only being 14% more productive. In other industries, we’re less productive and so overall our productivity advantage has basically eroded to the point where on output per dollar of compensation, we have no advantage anymore.

We look at jobs more in typical measure of progress. We see that compared to our peers, we have not recovered from the recession fully. Many of our peers have; most of them have. We’re in the lower third of our peers and we’re still struggling to come back. Over the last year, we have added maybe 5,000 jobs as a metro. In typical years, in the 1990s for example, we were adding 20,000 to 25,000 jobs a year. We are well below what we might consider normal.
All metropolitan areas are facing challenges, global challenges. One of them is globalization of the economy. We have competitors all around the world. There is a lot of outsourcing going on to try and make consumer goods cheaper. We need to play in that world. Even though we are stuck in the middle of the country, we need to export more.

New technologies. There is a lot of new disruptive technology, everything from the cloud and big data to 3D printing and biotechnology, and those are changing what is valued and what is valuable to produce.

Then finally, demographic changes. We are aging. Many my age are beginning to retire and the diversity of the workforce is increasing. Unfortunately, the educational attainment in some of the folks who are coming up behind has not been historically as great and that’s what we need to work on.
Of all the charts, graphs, whatever, this is what my boss would say is the most important one. Traditionally, as local governments and as the region, we have focused on the things that enable growth, infrastructure, governance, social equity and cohesion and those are really important to building a great quality of life that keeps and retains workers.

What really drives the economy are the three things in blue: traded clusters, what do we sell to the rest of the world; human capital, how talented are we; and innovation, how can we do things better and better as time goes on.
The best metropolitan areas are focusing intently or more intently on the drivers as the enablers. Those drivers create a cycle of prosperity where what we sell to the rest of the world drives demand for talented people who then innovate and rebuild a better mouse trap and the world beats a path to our door driving the demand for more people and so we’re able to migrate people in, grow people here and get gradually better in a virtuous cycle. Parts of that cycle prosperity has been disrupted in the sense that we are not as innovative and our trade in many of our traded clusters is not keeping pace with the rest of the country.

What does the traded sector have to do with the local economy because most people work in that local economy? Really that cycle of prosperity is what finances the local economy. When we export, we bring dollars into the region. Those dollars are what create the demand for labor locally. As people get paid, they have to spend it someplace and they spend it in the local economy where it recirculates. As it recirculates, it creates a multiplier. Every dollar from exports actually generates $2 or $3 locally. Those exports are really financing the local economy. As that local economy grows, it needs more workers so we hire more workers who get paid and spend it in the local economy and so on. It’s a very virtuous cycle.

Some of that money leaks out though. We don’t keep it all here. We have to buy stuff from outside the region and metropolitan areas are very leaky that way. That’s why it doesn’t continue forever. Also money leaks out when we save or pay debt that goes to a bank someplace. Those are all monetary leakages. That local economy then, the dollars that get
generated there are what finance our ability to invest as local governments in all these enablers in infrastructure and governance and social equity.

There is a direct line from what we’re able to sell to the rest of the world to how we create a great quality of life. The great quality of life then allows us to keep the talent once it’s here, but it all works together as a system.

So regions are having to take on more responsibility. We can’t depend on the federal government. We can’t depend on the state government. Basically, Washington is broken and the states are difficult to deal with at times. The best metropolitan areas are finding new ways to lead. So how can we lead here? That’s the question before us.
If you look at the drivers and see how we’re doing, these six sectors comprise 80% of our exports as a region and also half of our economy. These are really key sectors. These are the pillars of our economy.

If you will and when we look at them, we find that they are not doing so well. This is looking at the trade surplus; exports minus imports. Are we putting more dollars in than we are sending out? The answer is yes, but our trade surplus is shrinking. We are becoming more and more dependent on the local economy and less and less dependent on the global economy when in fact
the global economy is the one that’s growing the most. This is not good for long-term growth prospects.

Secondly, when we look at those sectors individually, we see only two of them are doing better, growing faster than the rest of the nation in terms of employment. So professional services which include things like Cerner, IT, which you have a share of, and architectural and engineering and life sciences as well as doctors and lawyers and some other things, it’s doing better; it’s doing better than the US as a whole and also manufacturing. You’ve got a great manufacturing base here in Wyandotte County and we are retaining jobs better in the manufacturing within the rest of the country. Manufacturing, as a whole, is still losing employment.
Look at the same thing in terms of output, GDP, how much the value of what we produce. Even though some sectors were declining in employment, they are growing in terms of the value of what they produce. Manufacturing is a good example, so is wholesale trade which added no jobs but really leads the way in terms of output because the distribution sector is just getting so darn efficient. There is a lot of value being created but it’s not employing very many people. To build an economy, you want to do something that is growing in terms of jobs and output.
Again, professional services are the one that is doing the best. When we look at those six pillars of the economy, only one of them is really strong in all areas. It's growing; it’s gaining market share because it’s growing faster than the nation. Its productivity relative to the nation is increasing so it becomes more efficient to produce here than elsewhere. It’s paying workers at a faster rate than here so the people are prospering as well, not just the companies. It’s doing the best but only one out of the six of our pillars is doing well; five to six are showing some cracks.

If you look at innovation, this is patent. There is no great data on innovation. You all probably know that. One big piece of data we can get is on patents and we considerably rely on the nation on our ability to generate new inventions which is what this is trying to measure although it has been increasing recently.
Also, the firms that are producing patents are really narrow. Sprint, Embark, Cerner, and Garmin account for 50% of our region’s patents and then a variety of smaller producers also count for the other half but it’s very concentrated here. The best metropolitan areas have a much broader base so that innovations can be shared or swapped or licensed, probably the better term, among sectors as well as within a company.

One thing that we do better than average is we start up high tech firms better than our peers, better than the bulk of our peers, and we have really improved in that over the last twenty years—better than national average and we’re in the top third of our peers.

If you look at overall business formation, our ability to create new firms in general. Number one as a nation it has declined since the 1990s and number two we are doing worse in the nation in just overall business formation.
If you look at the talent of our people, we are better educated in the nation as a whole. We have a higher proportion of our adults who have a college degree or better. That’s the 33.5% versus the 29.1%; but compared to large metro, we are no better. We have no advantage really.

Our education is not matched up very well with where the jobs are. 40% of new job openings require a Bachelor’s Degree. Only 32% of our folks have a Bachelor’s Degree. Most of our degrees are not in science, engineering, technology, and math so its STEM degrees. It’s in
business and education which are great fields but most of the growth is in the sciences. We are lagging the nation in terms of how well we are preparing for those innovated oriented degrees.

If we look at migration to and from large metros outside the state of Kansas and Missouri, you see we are losing our most educated people to them. We are losing more than we are gaining. If you include migration from places like Lawrence, Manhattan, and Columbia, we do pull from there. We gain more than we lose to those places. To the larger metros around the country, we are losing.
The labor force is becoming more diverse. The Whites and Asians have twice the educational attainment. They earn Bachelor Degrees at twice the rate of Blacks and Hispanics. That’s a real challenge for us because we all know the Hispanic population is the fastest growing segment of our population. We really need to work on bringing everyone up to the same level and beyond. We have a grant from the Lumina Foundation to work on educational attainment raising that to 60% of folks have a postsecondary degree, an AA degree, certificate or a Bachelor’s Degree and we’re about 40% when you include all those different degree types. We have a long way to go.

What does all this mean to the average person? Real incomes haven’t increased since the 1990s. As a matter of fact, incomes today are below what they were in the 1980s. You can’t have a great economy if people aren’t prospering. Ultimately, we need to find a way to create good paying jobs for everyone. That’s the challenge. It’s no different here than elsewhere but because our economy is growing more slowly, it’s actually more difficult here than elsewhere.
The best metropolitan areas are facing these challenges and turning them into opportunities and they exhibit four characteristics. One is they work from a common set of objectives across metropolitan areas. All metropolitan areas have divisions, maybe none as severe as ours. We have probably the most equally split metropolitan area in the country. Nonetheless, we are able to come together around a common set of goals and objectives. We focus on those market fundamentals; those three drivers that I talked about. They organize for success and somehow they’re able to turn their states into partners. By being able to speak as one metropolitan voice, they have a bigger voice in their state capitals.
What are we going to do here? What are we going to do to rise to the challenge?

**Metropolitan Business Plan**

- **Steering Committee**
  - Chaired by Scott Smith, formerly with HNTB, and Doug Girod, KU Med Center
  - 15-20 members — area business and civic leaders

- **Roles and Responsibilities**
  - Establish vision and goals
  - Organize work groups
  - Integrate work group recommendations into a seamless regional strategy
  - Establish an implementation plan
The Mid-America Regional Council, the Area Development Council, and the Civic Council have come together to try and create what has been called up to now a Metropolitan Business Plan—a business lead effort to try and tackle these drivers but with broad-base government and civic support. It’s being created with a steering committee. It will have about 15 to 20 members and who’s on the steering committee will be announced the 11th of November. It will also be explored further at the Area Development Council’s annual meeting on November 14.

The role of the steering committee is to establish the overall goals and organize three workgroups around the three drivers that I mentioned, and to try to integrate them into a seamless strategy and to try and become a way that we can speak, as a single region, on issues of important, economic importance to the entire region.

The workgroups around those three drivers that I said: innovation, entrepreneurship, globally competitive sectors are what we’re calling the traded clusters and then Human Capital. Who’s on those right now? It is still being organized, but basically a noble effort is being organized to the end of this year and then next year it will begin to work on identifying the issues, seeing where there’s gaps in our ability to compete and then working on the strategy’s to fill those gaps.
The timeframe is sometime over the next year this intends to be done. I mentioned the three partners that are working together. The Chamber, the Greater North Kansas City Chamber is also involved and many chambers will be involved perhaps in the workgroups or on specific issues as they come up.

I don’t think we have it here but the plan is to have very periodic—there will be meetings, some of them will be private. It’s a business effort and some of them will be behind closed doors. In order to make sure that it is broad-based, there will be plenty of time for folks to check in at public meetings that are held throughout the process.
That’s sort of where we are. It’s a sobering report I think, but I think we are rising to the challenges.

Mayor Holland asked any questions or comments from the commission. I want to thank the Mid-America Regional Council’s leadership on these issues. When we talk about economic development in Wyandotte County, we need to know that we’re doing that in a context of the metropolitan area across county lines and across state lines. Really, the leader in that is MARC, the Mid-America Regional Council. I thank you for coming tonight and for your presentation.

Mr. Lenk stated one thing I would also add at the board level, we’ve been engaging our board in a conversation about what can local governments do to help the region be a player in an innovation-based economy. I would urge you to think about that as well and to bring that back to the MARC board.

CONSENT AGENDA

Mayor Holland asked if there were any set-asides on the Consent Agenda. Commissioner Markley asked to set-aside Item No. 6-Boards and Commission’s process, just to sort of clarify what was decided at the committee level and how that’s different than what we talked about here.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda, excluding the set-aside. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

Commissioner Maddox stated I just simply, at this point, wanted to thank a lot of the citizens that came out from the community in support of Item No. 7 that just passed on the Consent Agenda, for Ban the Box. Just wanted to simply thank you and also wanted to thank the staff for also being a part of that and putting the ordinance together. I also wanted to thank the commissioners who were all onboard and believed in passing this ordinance.
As the minister spoke at the microphone and prayed us into the ceremony, she spoke of a young man who didn’t have a chance at bat, and so that was an example that we just put here forth in front of everybody as us coinciding with each other. We said let’s give them a chance at bat and that is something that I think people appreciate at home, people watching and felons in this community will have a shot at something.

I want to thank MORE Squared who has been on from the jump as an advocate group. I want to also thank the Wyandotte County NAACP. Also CCO and WYCO Cam who are all advocate groups who are also pushing the campaign throughout our community to ask other employers to take the big step to allow felons employment in their workforce. I just want to say thank you and thank you to my fellow commissioners.

Mayor Holland stated I would say I would like to thank Commissioner Maddox who has taken leadership on this issue. I’m proud to be a community that has banned the box here in Kansas City, Kansas/Wyandotte County. I would give this opportunity for those of you who came tonight in support of that issue, if you’d like to stand at this time and show your support I’d encourage you to do so. Thank you all very much for your advocacy.

Commissioner Philbrook stated I just want to let those folks that are here about this box issue that Workforce Partnership, who works diligently to try to find jobs for folks in this area, I got a call from the director today telling me that I want you guys to vote for that and we’ve been wanting something like that to happen in Wyandotte County for a long time. Just wanted to let you know you’re not the only ones.

ITEM NO. 1 – 140369…ORDINANCE: LAND REQUIRED FOR PUMP STATION NO. 12

SYNOPSIS: An ordinance authorizing the Chief Legal Counsel to commence legal proceedings to acquire property for Pump Station No. 12 (3102 W. 43rd Ave.) Elimination Project-CMIP 6303, submitted by Randal Phillips, Engineering. On March 6, 2014, the commission unanimously adopted Resolution No. R-19-14 finding the project to be a necessary and valid improvement and authorizing a survey of land to be acquired for the project.
Action: ORDINANCE NO. 0-52-14, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Pump Station No. 12 (3102 W. 43rd Ave.) Elimination Project – CMIP 6303, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 2 – 140319…RESOLUTIONS: SURVEY OF LAND FOR VARIOUS CMIP PROJECTS

SYNOPSIS: Resolutions declaring the following projects to be necessary and valid improvements, and authorizing a survey and description of land to be acquired for the projects, submitted by Bill Heatherman, County Engineer. On October 13, 2014, the Public Works and Safety Standing Committee, chaired by Commissioner Kane, voted unanimously to approve and forward to full commission

- Upper Connor Creek Sewer Extension, CMIP 6122
- Turkey Creek, Missouri Interceptor Project, CMIP 5005
- Leavenworth Road, Intersections of 55th and 72nd Street, CMIP 3109
- Merriam Lane, County Line Road to 24th Street, CMIP 1052
- Oak Grove Road, 53rd Street to 55th Street, CMIP 1174

Action: RESOLUTION NO. R-65-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Upper Connor Creek Sewer Extension (CMIP 6122) project.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-70-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Turkey Creek, Missouri Interceptor Project (CMIP 5005).” Commissioner

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Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-71-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Leavenworth Road, 72nd & 55th Intersections (CMIP 3109) project.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-72-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Merriam Lane—County Line Road to 24th Street (CMIP 1052) project.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-73-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Oak Grove Rd from 53rd Street to 55th Street (CMIP 1174) project.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 3 – 140317…RESOLUTION: STAFF AUTHORIZATION RE. STATE SRF
SYNOPSIS: Resolution authorizing Michael Tobin to act on behalf of the UG in connection with the Kansas Department of Health and Environment (KDHE) revolving loan fund (SRF) aid
in the implementation of an Integrated Overflow Control Program to address combined and separate sanitary sewer overflows, recommended by Doug Bach, County Administrator. On October 13, 2014, the Public Works and Safety Standing Committee, chaired by Commissioner Kane, voted unanimously to approve and forward to full commission.

**Action:** RESOLUTION NO. R-66-14, “A resolution that Michael Tobin, Interim Director of Public Works, is hereby authorized and directed to furnish such information as may be reasonably requested in connection with the application which is authorized, to sign all necessary documents on behalf of the application, to furnish such assurances as may be required by law or regulation, and to receive payment on behalf of the applicant, and is hereby authorized and directed to take such action as may be necessary to implement this resolution.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 4 – 140330...GRANT: WILLOW COMES TO WIC**

**SYNOPSIS:** Request approval of a $1,000 grant application to Pepsi Co. for Willow Comes to WIC grant, submitted by Terry Brecheisen, Interim Public Health Director. Willow Comes to WIC is a fruit and vegetable exploration program for WIC. There is no cash match; in-kind staffing support for one dietitian. On October 13, 2014, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 5 – 140336...GRANT: REDUCE CHRONIC DISEASE**

**SYNOPSIS:** Request approval of an $83,152 grant application from Center for Disease Control
(CDC) through the National WIC Association for a Community-Based Solutions to Reduce Chronic Disease grant, submitted by Terry Brecheisen, Interim Public Health Director. The objective is to develop and implement community-driven plans to reduce and prevent chronic disease in Wyandotte County. There is no cash match; in-kind staffing support for health manager. On October 13, 2014, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 6 – 140338…DISCUSSION, JOINT ORDINANCE/RESOLUTION: BOARDS & COMMISSIONS’ APPOINTMENT PROCESS**

**SYNOPSIS:** Discussion on the Boards & Commissions' appointment process and consideration of an ordinance/resolution, submitted by Joe Connor, Interim Assistant County Administrator, and Jody Boeding, Chief Legal Counsel. On October 13, 2014, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Commissioner Markley** stated I pulled this off because there is one item of discussion that we, as a full commission and then separately as a standing committee, sort of went back and forth on and I wanted to make sure that everybody understood where we landed. That is the issue of where the terms would fall in terms of with the sitting commissioner. Jody did a good job of calling it out for us in our cover page, our little cover page that comes with this issue. We initially, as a standing committee, said we would prefer if it did not—if the terms did not match up with the commissioners’ terms, what we heard back from staff was that it was just really unworkable and that if our goal was trying to clean up the process that we weren’t going to be doing that if we kept the terms all strangely staggered as they were previously. I just wanted to call it out so that nobody was surprised by that change. The recommendation from staff and
from our standing committee is that the terms be contiguous and all rolled over at the same time which would be as it stands now. June 1 would be the big day for the rollovers.

**Doug Bach, County Administrator**, stated I would just offer my experience to this point. Over the years, we see appointments to the Boards and Commissions being one whereas it’s a difficult process. I know a lot of people come on, many of you come on and are not even really aware of how many Boards and Commissions you’ll be appointing to so I guess I would just express my caution. I think it’s a good idea for you all to move Boards and Commissions to a point that there are people that are accountable to you early in your term in office. If you remember back to the first two months after you were elected, there are a lot of items that are being thrown at you and for us to tell you that you need to appoint 25 new board members for every one of the committees we have, or at least half of them, that’s a lot to go through in a couple of months. I would probably recommend that you think about maybe a little longer term and maybe get you through the budget cycle and realize you could start appointing or maybe stagger them over the first six months in office or something like that.

**Commissioner Philbrook** stated I believe when we were talking about it at the standing committee level that we said the earliest, it didn’t mean we had to put them in immediately and that the person who was in there at the time would carry on until we named their successor—we hedge our best a little bit on that one. I believe that’s the way it’s written.

**Commissioner Murguia** stated I just want to, again, extend my appreciation to the leadership role that Commissioner Markley has taken. For some reason, Commissioner, you always get saddled with an enormous amount of administrative work. You’re very good at it and I personally appreciate it. We’re all good at different things but particularly you lead the charge, you and Commissioner McKiernan on administrative work around here, and I just want to let you both know I really appreciate that.

**Action:** JOINT ORDINANCE NO. O-53-14 AND RESOLUTION NO. R-67-14, “A joint ordinance and resolution relating to agencies, boards, committees, commissions, or other entities appointed by the Unified Government Board of

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Commissioners, their terms of office and notice of appointments, amending Sections 2-382 and 2-386 of the Unified Government Code, and repealing original Sections 2-382 and 2-386.” Commissioner Kane made a motion, seconded by Commissioner Walters, to approve the ordinance and adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 7 – 140337…ORDINANCE: “BAN THE BOX” MOVEMENT

SYNOPSIS: Ordinance revising the UG employment application by eliminating the field requiring disclosure of past criminal convictions, submitted by Henry Couchman, Legal, and Renee Ramirez, Human Resources Director. A petition was received in the Clerk's office on September 25, 2014, requesting an ordinance banishing the "felony box" off all applications of city employment, signed by citizens/taxpayers of Kansas City, Kansas/Wyandotte County. On October 13, 2014, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: ORDINANCE NO. O-54-14, “An ordinance directing that the County Administrator revise the Unified Government’s employment application by eliminating the field requiring the disclosure of past criminal convictions; specifying when inquiries about an applicant’s criminal history may be made; excluding certain criminal records from consideration in determining whether to hire an applicant; specifying that all other information possessed about an applicant’s criminal history shall be considered; exempting certain positions; and urging private employers to adopt fair hiring practices that encourage the rehabilitation of people with criminal records.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.
TEM NO. 8 – 140371…RESOLUTION: SECURITIES & EXCHANGE COMMISSION INITIATIVE

SYNOPSIS: A resolution authorizing the UG to participate in the Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative, submitted by Jody Boeding, Chief Legal Counsel, and Lew Levin, Chief Financial Officer. This item was discussed in executive session.

Action: RESOLUTION NO. R-68-14, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to participate in the municipalities continuing disclosure cooperation initiative and matters related thereto.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 9 – 980072…PLAT: THE LEGENDS AT VILLAGE WEST FOURTH PLAT

SYNOPSIS: The Legends at Village West Fourth Plat located at 106th Street and Parallel Parkway being developed by Red Speedway, Inc., submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 10 – 140135…PLAT: PROJECT BLUE

SYNOPSIS: Plat of Project Blue located at South 65th Street & K-32 being developed by Dunn Realty, Inc., submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 11 – MINUTES
SYNOPSIS: Minutes from regular session of October 2, 2014; and special sessions of October 2, 9, and 16, 2014.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 12 – WEEKLY BUSINESS MATERIAL

Action: Commissioner Kane made a motion, seconded by Commissioner Walker, to receive and file. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

PUBLIC HEARING AGENDA
No items of business

STANDING COMMITTEES’ AGENDA:
ITEM NO. 1 – 140357…RESOLUTION: SET PUBLIC HEARING FOR LANE4 PROPERTY GROUP
SYNOPSIS: A resolution setting a public hearing date for December 4, 2014, to consider a community improvement district (CID) and development agreement for Lane4 Property Group, submitted by George Brajkovic, Economic Development Director. The group plans to remodel the Fairway North Shopping Center, located just east of W. 47th Ave. and Mission Rd., with a total capital investment of $5.56M. This item was heard at the November 3, 2014 Economic

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Development and Finance Standing Committee. It was requested, and approved by the Mayor, to fast track this item to the November 6, 2014 full commission meeting.

**Action:** RESOLUTION NO. R-69-14, “A resolution calling and providing for the giving of notice of a public hearing on the advisability of creating a community improvement district in the city of Kansas City, Kansas, to be known as the Northwood Shopping Center Community Improvement District and regarding the city’s intent to levy a community improvement district sales tax within such district.” Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

**COMMISSIONERS' AGENDA**
**ITEM NO. 1 – 970105… TRAVEL REQUEST: COMMISSIONER MADDOX**
**SYNOPSIS:** Request to travel to Austin, TX, to attend the National League of Cities Conference, submitted by Commissioner Maddox.

**Action:** Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker.

**ADMINISTRATOR’S AGENDA**
**ITEM NO. 1 – 140372… DISCUSSION: PROPOSED AMENDMENTS TO ETHICS CODE**
**SYNOPSIS:** The commission reviewed the Ethics Code and process at an April 10, 2014 special session. Changes were requested which were referred to the Ethics Commission. The Ethics Commission unanimously approved the proposed amendments to the Ethics Code now presented to the UG Commission. Information provided by Ken Moore, Deputy Chief Legal Counsel. Discuss proposed amendments to guide staff in drafting an ordinance for later submission.
Mayor Holland stated you may remember that we met as a commission on April 10 in special session and there were a number of requests by this commission to the Ethics Commission to evaluate. The Ethics Commission has met. They have unanimously approved the proposed amendments to come to us. Now we are going to have a presentation. There were a number of questions that came up during the process last April and so we’re going to have a presentation tonight.

The Legal staff has not yet drafted ordinance changes to the Ethics Code. They wanted to wait until after you heard this presentation, had time to consider it. They mostly didn’t want to draft ordinances until you all had your input. They were drafting ordinances hopefully once rather than twice. That’s the effort tonight. We are going to begin—I believe Ken Moore from our Legal Department is going to begin the presentation.

As he’s coming forward, I want to recognize two elected officials who are here. Mary Ann Flunder, KCK Community College, and Crystal Watson from USD #500. Thank you both for being here tonight.

Ken Moore, Deputy Chief Legal Counsel, stated as the Mayor indicated, this is a follow-up to the April 10 Special Session. Again, we don’t have a proposed ordinance today. What we’d like to get is some input from you either at this meeting or subsequent to this meeting as to your thoughts to that we can draft an ordinance which in final form, we would submit to you for approval.
Our presentation is going to be basically in three segments: historical perspective and the legal framework for the ethics code which I will present. The “real world” application to process which Tom Wiss, our Legislative Auditor, will present. Finally, the amendments to the Ethics Code which the Commission requested and also those proposed and adopted by the Ethics Commission. Our Ethics Commissioner, Ruth Benien, will present that section.

Prior to consolidation, the city had an ethics code but it only applied to employees. It did not apply to elected officials. The county did not have an ethics code. There was a Consolidation Study Commission which was formed as authorized by special legislation in 1996. That commission had months of public hearings, took input from citizens, elected officials, and staff, and then they rendered their Consolidation Study Report in January 1997. The report established integrity and it establishes the position of the Legislative Auditor. It created the Ethics Commission and it provided for an Ethics Code.
On April 1, 1997 60% of Wyandotte County voters approved the Consolidation Study Report. Upon approval that report is what we now refer to as the Unified Government Charter.

The Charter provides for an independent Legislative Auditor appointed by the District Court judges. As the report says it provides independent scrutiny to the performance and operation of government officers and employees. It provides a direct method for citizens to register complaints.
The report also provided for an Ethics Commission. It states to uphold the responsible behavior of elected officials. The Ethics Commission is appointed by the Chief Judge, the District Attorney, and the Legislative Auditor. That’s what we refer to as the ADHOC Committee.

Members of the Ethics Commission serve a single four-year term. Those terms are staggered. They are empowered to recommend changes to the code, investigate complaints, censure those in violation of the code and recommend actions to the County Administrator for employees who violate the code.

The Ethics Code, according to the Charter, it applies to all elected and appointed officials. The Ethics Code makes it applicable to employees.

The Ethics Code was not adopted as part of the Charter. The Charter says it is to be adopted by the Unified Government Commission. The Charter requires an Ethics Commission. It requires a Legislative Auditor and it empowers you to adopt the Ethics Code.
The last area I want to talk about since there was some conversation back in April about the state law, ethics code, and state law alternatives--Kansas has a governmental Ethics Commission. Their primary functions are to enforce Kansas campaign laws and also the Kansas Conflict of Interest statutes with respect to state employees and officials. They do not have any enforcement power against local officials and employees. Now it applies to local officials and employee, but there is no enforcement at the state level. They have no authority to investigate or receive local level complaints. Violations are referred to the District Attorney or the Attorney General for criminal prosecution. They are authorized to issue advisory opinions upon a written request.

Essentially on the local level, governmental ethics will only render an advisory opinion. There are state conflict of interest statutes. This kind of just repeats from the Government Ethics
Commission, their website. It defines their role as advisory only and they lack jurisdiction to hear or determine complaints.

This is kind of a list of the state ethics statues as well as the UG ethics code. As you can see, the state ethic statutes are much more limited in scope than the UG code. The main thing it does is it defines what a substantial interest is. In many respects, that definition is the same definition that we use in the UG Ethics Code. It’s not much different. It requires that you file a Statement of Substantial Interest in April of every year if it’s changed from the previous year. They can issue advisory opinions and it prohibits you from acting in any situation where there is a conflict because where you have substantial interest, that gives rise to conflict or you have to abstain from taking any action. It also has criminal penalties for violating those statutes. There is no administrative enforcement at the local level. It is purely a criminal prosecution basically. As you see, the UG Ethics Code deals with more issues. It prevents the conflict of interest similar to the state. We have regulations on political activities. We have the same kind of similar provisions for contracts that come before you and for disqualifications. We have restrictions on acceptance of gifts and gratuities and kickbacks. Prohibits contention fees. Protects confidential information. It has a section on prestige of office. Nepotism. Whistleblowing. Ethics Oath and Pledge.

That’s really the legal framework of how our Ethics Code came about and the distinction between how our code is different from the state level and the enforcement. If there aren’t any questions I’ll turn it over to Tom for his part.
Tom Wiss, Legislative Auditor, stated I’m here to talk about the process of appointing an Ethics Commission, Ethics Administrator and Ken touched on some of that already. First though, I would like to introduce the Ethics Commission. Tami Schademann, Chair; Dana Rank Bye, Pat Brune, Pastor George Kemper, Sr. and Anthony Villegas.

As Ken stated those folks are appointed by the ADHOC Appointment Committee which is comprised of Chief District Court Judge, Legislative Auditor, and the District Attorney. I’ll introduce Judge Wayne Lampson. Mr. Gorman, the DA, wasn’t able to make it. He had another engagement.

The Ethics Commission, their function is to ensure the implementation of the Ethics Code, review and report code violations. Here are the functions of the Ethics Commission. They are to conduct meetings at least semi-annually and in practice they actually meet monthly, the first Thursday of each month; render advisory opinions with the assistance of the Ethics
Administrator: recommend improvements to the code as they are doing tonight, and investigate and resolve complaints as they come in.

As far as the functions of the Ethics Administrator, she receive the complaints, resolve ethical mattes and questions, conducts investigations, recommends a censure, conducts ethics trainings of UG elected officials, officers, and employees, and renders advisory opinions. She is appointed by the Legislative Auditor position and in practice I enlist the other two members of the ADHOC Committee to participate in the interviews and get their feedback as to who they feel would be the best candidate.

We put together a few stats on what we received and what the Ethics Commission has handled in the last five years. In the last five years we received 253 complaints, rendered 277 advisory opinions, conducted 122 training sessions for employees, elected officials and attended by over 2,000 individuals, and, again, they meet monthly.
If there aren’t any questions on that part of it, I’d like to introduce Ruth Benien the Ethics Administrator to go through the proposed amendments that the Ethics Commission approved.

**Ruth Benien, Ethics Administrator**, stated you all should have received earlier this week a copy of the actual proposed what I call a strikeout and red line version of the actual code that shows you any section I’m going to be talking about. I’m going to summarize for you the amendments. I also again distributed tonight a copy of the summary of the amendments. The main difference is I actually signed that one and at the very back of it there’s a chart that was referred to that is included in that otherwise it’s the same as the one you got on Monday. If you have a strike out copy, it actually shows where the proposed changes go in.

### Summary of substantive amendments requested by the UG Commission

- **Due Process: Right to Respond/Appeal**
  - Ord 2-255(c)(7) Before any sanction is imposed, the person is provided a written copy and given an opportunity to respond.
  - Ord 2-255(c)(8) Specifies the factors to be considered in determining the nature of the sanction.
  - Ord 2-255(c)(7) The Ethics Code does not include appeal rights, however UG employees have a right to appeal through the HR Guide or union contract.

As indicated on April 10 myself, Chief Judge Lampson, the Legislative Auditor and members of the Ethics Commission appeared before you all with reference to certain questions you had about the process and procedure for the Ethics Code and the Commission and the process and there was specific requests made. As a result of those requests the Ethics Commission considered each and every one and went through them and made determinations as to whether there was a need for amendment clarification and AT the July meeting in a unanimous vote they proposed the amendments that are before you tonight. There were basically six areas that were brought up by all of you that you wanted clarification or input with respect to.
Those were first of all due process in matters related to appearing before the Ethics Administrator or the UG Ethics Commission, right of appeal from sanctions, clarification with respect to prestige of office and customary and unusual customary, review of refusal positions for Unified Government Commissioners, review of the length of time of a public censure, how long it should be posted on the UG website, and review of the investigative processes in place under the code and the resources to ensure that the Ethics Administrator had the proper resources. At the time we undertook these there was also request made back to the UG Commissioners if there were any other areas that they wanted to have looked at. There were none.

In addition to that; however, because it is their job as Ethics Commissioners, while we were conducting this review and you have before you tonight those additional proposed amendments. The Ethics Commission on its own has made recommendation for four to five amendments. One with reference to nepotism, a couple with reference to political activities, a conflict of interest additional one over and above what you all requested, change in Ethics Commission in terms of removal of Commission members and then at the very end and I’m not going to go through those tonight, there are a bunch of clarifying amendments where we corrected misspelled words or added in things to make it consistent.

In grouping these together, the first section, I want to cover the request for due process, right to respond and appeal, and also the public censure posting. In terms of what is proposed in the amendment, and the amendment with reference to due process, we specifically included in
Section 2-255(7) a statement with reference to due process so that all of you understand that that is the process that has always been followed. We have just specifically for your comfort level and your information actually set it out in the actual Ethics Code so it’s there with reference to the process. Basically, what we have put in there is that any Unified Government representative, and when we use that term in the code; that’s elected officials, appointed officials, and employees, anyone that is subject to discipline, censure, whatever it may be. In the case of an elected employee has the right to respond in the matter that is now specifically set out.

That is basically that they receive a copy of whether it’s a public censure, a private censure, some other type of memorandum, they receive a copy of that and they are given the opportunity either verbally or in writing to respond to that. After that the memorandum will issue unless it’s found that it’s no longer warranted based on that response. I have indicated this is simply the process that’s been followed.

The other thing we did for your benefits in terms of Sec. 2-255 and these are all the sections dealing with the process for the Ethics Administrator and what remedies are available for sanctions under the code. We’ve also specifically set out the factors that are looked at. These are factors that we’ve always looked at in terms of any discipline whether it be public censure, private censure, or any other type of write-up, or review, or interview but it is now in the code specifically and sets those out. When I say that, that’s a guideline. We can look at them but again the factors that we look at and review.

In terms of right of appeal basically when we covered this I think at the meeting in April because of the way the code is set up it’s a Unified Government ordinance. The Ethics Commission is created by your charter but in terms of the actual Ethics Commission itself. It does not have the authority to command the Municipal Court of Wyandotte, Johnson or Kansas City, Kansas or the District Court of Wyandotte County to hear any appeal that comes off of any discipline. Now when I say that employees are entitled to whatever appeal rights they have through the union, or grievance, or the County Administrator’s office and those remain for them. With reference to elected officials because we can’t remove you from office, we can’t civilly penalize you for anything, the only remedy that we have is either a public censure or private censure or calling you up and saying, please don’t do this. That’s why there’s not any right-of-appeal for the elected officials and quite frankly I don’t know how you would create one. Legal would have to address that. You would have to, I think, amend the Municipal Charter to

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somehow give it jurisdiction. You certainly wouldn’t be able to tell the state of Kansas that they had to take jurisdiction over it. It’s not the word opposed to not having a right-of-appeal, there is none for that reason.

The final area in this kind of topic area was in terms of the investigation of complaints and what all was involved. As Tom indicated I basically handle those investigations but as always has been the case, I have all of the resources and what we have simply done is state in the actual code what the resources are that I have available. That’s the Legislative Auditor’s Office, the District Attorney, the Office of the Mayor, the office of the County Administrator, the Human Resources Dept., Fire Department, Legal Department, Internal Affairs Police Department, I have all of those available but there’s also a check and balance with that. Also, in that I have to go through the Legislative Auditor, so it’s made sure that I’m properly using the resources. Those are all there so I have all the investigative resources that I need so other than listing those in the code the UG Ethics Committee did not make any other changes in terms of any requirements. The rest of the amendment section there is simply there to clarify the available discipline. It was a little bit discombobulated in terms of who makes recommendations. For example, as Ethics Administrator I make the recommendation to the Legislative Auditor but for personnel, employees, he then has to go, in this case, to the County Administrator because under the Human Resources Policy, it is the County Administrator or his or her department that actually takes the disciplinary action against the employee so that’s simply clarifying that.

The final area was with reference to the public censure. It was requested to include something in terms of a time period. The recommendation of the UG Ethics Commission was and we specifically have it included now as amendment with reference to the Section 2-255 again, dealing with the duties of the Ethics Administrator. It’s recommended that a public censure, if made, be posted for the term of office or a minimum of 90 days depending on the
nature and severity of the conduct. That would be set out in the actual memorandum when it is distributed.

Finally, in terms of moving off due process right-of-appeal. The next section that you asked us to look at was with reference to Section 265. That’s the prestige of office section of the code. You asked us to look at defining usual and customary and to further define and explain prestige of office. We’ve tried to do that. Again, it’s your code, it’s your ordinance. If anyone wants to make changes or whatever else but this was our best idea or thought process of how to handle that. In this case we actually defined usual and customary. We went through Black’s Legal Dictionary, other things, the ordinary usage of the term and phrase and we put a definition in there for you to better guide you in terms of what would be usual and customary. In this case we have it actions or conduct taken and keeping with, agreeing with or established by custom or common usage, regular or routine duties of an official or employee such as those actions germane to the fundamental functions of government. Then as is done in other sections code and the definitional sections we even set forth some examples of what would be considered usual and customary and what would not be considered usual and customary. In addition, as mentioned numerous times, there is always that’s why there’s the provision for providing advisory opinions because if you got a question and you think something should or shouldn’t be found within that exception, the way the code is always set up, there’s an A section that tells you what you can’t do. You can’t solicit gifts. You can’t use the prestige of your office for your own gain or the gain of another. Then there is the B section that gives the exception and that’s in
In this case the usual and customary. That’s kind of how to look at the code when you’re looking through it.

In addition, we also looked at prestige of office and that’s where a lot of you had questions in terms of well when can’t I do this and when can I do that. The way the code is written and the language that’s used, and the Commissioner’s wanted to keep it that way, is that it’s your own personal gain or the gain of another, which that include non-profits, it’s not just personal gain and we specifically enumerate that now in the code.

The other thing we did in part for budget conservation reasons, we specifically set out in three cases, and we’ve specifically listed certain activities or events that would be found to be usual and customary. Three of those the United Way, Historical Foundation, Parks and Recreation Foundation, you all have already voted in with the resolution that is not a violation of the ethic’s code it’s usual and customary and it doesn’t otherwise violate that public funds for charitable purposes section. Again, there is another specific section that says anytime, and I know I told you all this in training and other aspects when you’ve gone through the training, that if at any point and time you think of an event should qualify or be under that to simply contact me and obtain an advisory opinion.

What you all should now have is this is chart that sets out going back just to a minute to the resources that are available to me in terms of all the different departments and everything else, that is handed out in every training session that is provided by my office to elected officials or other officials.
The final section that you asked that we look at is with reference to recusal. We tried again to make it more explicit, more direct, more friendly-user to you all. First of all we changed the language of the code so that a non-profit, and if there’s an elected official or appointed official that has a relationship with a non-profit that you aren’t getting any personal, financial benefit from, you can now vote as long as before you vote give full public disclosure as to what your relationship is with that entity and/or what relationship you would have with “the matter that was involved.” We are not addressing, and I think Mayor Holland has brought it up a couple of times; we’re not making any determination on your behalf as to whether or not you have a “fiduciary duty of some other kind as a board member” for example, to recuse yourself. We’re simply saying under the code and the other thing we’re clarifying that I know a couple of you’ve told me you’ve had prior opinions from my predecessor that even if you have to recuse yourself from a specific item vote, you still have the right to vote on the general budget as long as you have given disclosure.

The final one that we put in we actually included for your benefit. It wasn’t something that you requested. We had a situation that’s come up in the past with the way the code reads it says if you have any interest in some matter that’s coming up before you can’t vote and we actually had Commissioners who had to sell stock to be able to vote on certain votes. This basically changes that to say hey, unless you’ve got over 5% of stock in some major corporation you can vote.
Then, as I indicated, I will move over now to the other amendments that the UG Ethics Commission proposed. Nepotism. We didn’t do anything major there. We just realized that there was never a definition of parent which is kind of odd if you’ve got the definition of child so we included one and then we also included natural child as a child under the definition section. That was the only change that was made there.

With reference to the commissioners, and this may tie in with the discussion you had about appointment of commissioners, it was the feeling of the Ethic’s Commission and the two changes proposed here were 1) because the Ethic’s Commission is created by Charter it’s technically not under the code but the Ethic’s Code makes them under the code. We also changed it to provide a provision for removal of an Ethic’s Commissioner and in this case by the appointing authority of the Legislative Auditor, the District Attorney, and the Chief Judge. We’ve done the same thing and made the same proposal for you all with reference to—the feeling of the commission was that just because you appoint someone if they’re engaged in bad behavior you shouldn’t have to keep them in there until the end of their term. We’ve put in a provision where if found they violated the Ethic’s Code, with reference to my work as Ethic’s Administrator, I can make recommendations to the Legislative Auditor to come back to whoever of you were the appointing authority and say we’d like to have this individual removed. It’s giving you some ability there.

The final main section permitted and prohibited political activities. Basically, a couple of changes there, again, for your benefit, one is and we included and it’s actually the same language as the state Ethic’s Commission statutes that was issued this year that basically states you can’t production forwarding, authorization for forwarding of email, Facebook, Twitter or other social media in a Unified Government computer using Unified Government title or resources. That’s the same thing that the state says. We simply incorporated it in and the reason why is we had some complaints in the last election about people inappropriately using email to campaign for political causes or political candidates.

The other thing that we included was and this came from 2009. It was the only thing that that was sent back over from those amendments. The issue of if you are a UG employee and
you’re running for Mayor or UG Commissioner, you have to resign your employment to run. The Ethics Commission thought that was a little harsh and the proposal now is that you don’t have to resign to run, but you do have to resign if you win. Again, we brought that one back because that’s what we were told to do. I hadn’t put in the language of you have to resign if you win and that’s why it’s back over here.

Finally, with reference to the permitted and prohibited political activities. We cleaned up the language because of the way the language read it seemed to prohibit an incumbent elected official, UG official from using their title of office in their own campaign election materials. It specifically said that you can’t use your political title for any kind of endorsement in any kind of election ad. We cleaned that up to make sure you all are okay to say re-elect whoever the Commissioner is. That’s was the change that we proposed. Otherwise I’m not going to go through unless someone wants me to. The amendments at the end that are called overall clerical or clarifying amendments, they’re not subsidy, they simply define things or change things or correct misspellings, that sort of thing.

Commissioner Kane stated well we appreciate your hard work, all of you. I really like that re-elect part. If you get re-elected maybe three times, I don’t know. The only concern I have, I guess this is the union person coming out in me, I don’t understand that if we don’t have the right to appeal something, do we get the right to say hey, I disagree with you. Ms. Benien stated we specifically—there’s always been that right like in the public censures. Before, it was actually issued and we now clarified it to say you can do it verbally, in writing, within three days. Yes,
you have the right to come to us and say I disagree with your decision. In terms of appealing, if we say we’re still going to uphold the public censure, now granted, you’ve got a check and balance there. Tom has to agree with me and if he doesn’t, it doesn’t go anywhere. I also actually get the approval of the Ethic’s Commission before we ever take that type of action. Otherwise, my point is, and this may be more of a question for Legal, I don’t think a UG ordinance, which is what the Ethic’s Code is, can command. One, it’s a function of—I’m just saying, I don’t think that they can command that. **Mayor Holland** stated I’ll ask Hal Walker to respond. **Commissioner Walker** stated more to Legal, maybe to Judge Lampson, I believe there is the right of appeal and it’s statutory. There is a provision in state law the last time that I looked, which probably has been four years, that permitted appeals to the district court of any agency decision by a local government. Now it’s a limited form of review. It’s not a new trial unless there is some independent cause of action. It’s simply you appeal to the district court and they review the facts, the records. If there are facts that support the decision, then they uphold it. If not, they reverse it and send it back to the agency. I’m sure it exists or did exist. I guess my thought would be that if that statute is still in force, there is the right of appeal. It’s not going to be very successful very often but once in a while it might provide a course of due—**Ms. Benien** stated they say it’s more like an unemployment compensation appeal, for example, before you can do to the district court. **Commissioner Walker** said yes, I mean we have a lot of commissions and agencies that make decisions. They can come to us and we can make a decision, but just like Planning & Zoning, those decisions are appealable to the district court. **Ms. Benien** said we’ll certainly—**Commissioner Walker** said there’s a statute for that but the other agencies that we have that make decisions that affect people’s lives can, I’m sure, it’s in Chapter 12 I believe to be appealed directly to the district court for review. It’s just a very cursory review of did the agency have any facts to support it’s decision. **Ms. Benien** said and certainly I will work with Legal to figure out if that’s still in force or if that—**Commissioner Walker** said if it is in there, I would want some reference to that in the—**Ms. Benien** said here, I can move it back. **Commissioner Walker** said the right to appeal that—**Ms. Benien** said it’s Section 255. **Commissioner Walker** said pursuant to K.S.A. **Ms. Benien** said okay.

**Commissioner Kane** said I want to thank the commission for your work. I know nobody ever thanks you folks and it takes time. You do the hidden hard work for us and we appreciate it,

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especially Mr. Wiss because I will call him and ask him before I do something to make sure it is not wrong and he gives me a very upfront and blunt answer and I much appreciate that.

**Commissioner Maddox** said I knew I was going to have some questions. Ms. Ruth, you talk real fast. I was trying to grasp everything. I’ve got a question. The first question is, what in the old or current ethics ordinance gives the Ethics Administrator or the Ethics Department the authority to ask a commissioner to resign? **Ms. Benien** said it would be the Section 255 where there’s entitlement for the Ethics Administrator through the Legislative Auditor to make varying request. I can’t force you to resign. I can’t remove you from office. I mean you’re correct on that. That’s why when we’re talking about the right of appeal, there’s no provision that the ethics code can ever remove any of you from office. My understanding is the only way you can be removed from office is either by a petition in your district and/or an ouster proceeding by the district attorney.

**Commissioner Maddox** asked what would be the purpose of issuing something such as a paper like that. **Ms. Benien** said just a suggestion that based on the conduct that was found. It was probably to the level where a resignation should be considered. Again, we can’t make you do it. **Commissioner Maddox** said okay and I thought I read something or heard something to where I guess in the new line of the ethics ordinance where I guess the communication will now go from the Ethics Administrator to the County Auditor, and then from the County Auditor to the County Administrator. Is that the new—**Ms. Benien** said I’m sorry. That only relates to employees because the way the Human Resources Department is set up, if we’re sanctioning an employee under the Human Resource Code, personnel policies, whatever else, it’s actually the County Administrator who has to take that action, so that was dealing with employees. Employees are subject to, for example, actual monetary penalties: demotion, suspension, termination. There have been employees who have been terminated in whole or in part for a violation of the ethics code. That’s why, in their world, there is a definite right of appeal. We’ll certainly check on what Commissioner Walker referenced in terms of if there’s some other statute that gives you all the right.

**Commissioner Maddox** stated in regards to the public censure that we kind of just bounced right over that. Can we go back to that slide? **Ms. Benien** said the slide, sure. **Commissioner Maddox** stated the statement to me is a little gray area. I don’t understand. If
we say 90 days or then the last part said depending on the severity of the violation. Who decides the severity and who then decides the time amount? Ms. Benien stated again, going back to the other slide referenced I made. We have now specifically set out the factors in Section 255, that’s talking about the Ethics Administrator, that’s where all the discipline parts of the code are and what actions I take and the procedures that are followed. I make a recommendation. I conduct an investigation using all those resources of the chart that are available to me if I need them. At lot of times I don’t because on it’s face I can look at a video or I can listen to an audio and tell that a violations occurred. I have all those resources. I then make a recommendation to the Legislative Auditor so there’s a check and balance. I can’t just go running after someone on my own. In a case of a public censure, as we indicated before I think an April meeting, in those we also get the approval, they don’t have a right to necessarily vote on it but the approval of the Ethics Commission.

Commissioner Maddox stated I would like to encourage a flat to date. Just to say 90 days and then leave it depending on the severity, it should either be 120 days max or 200 days max or a year max instead of just saying 90 days pending the severity, that’s open ended. Ms. Benien stated the maximum is for the term of office but a minimum of 90 days is the recommendation of the Ethics Commission in terms of a public censure. If you’ve got to the point where you received a public censure, there has to have been some severe conduct going on, but, again, we wanted to leave leeway just like we will review and listen to whatever you have to say. There may be extenuating circumstances that would make it appropriate to only be a 90 day as opposed to the term of office.

Commissioner Maddox stated if that’s what we’re all going to agree to then that needs to be wrote in the language: 90 days up to the continuing term of office. Ms. Benien stated that is a summary. The actual text of the code specifically says a memorandum of public censure from the Legislative Auditor to the Unified Government representative shall be given to the Unified Government representative and caused to be posted. Each such memorandum, once posted on the Unified Government’s Ethics website for a minimum of 90 days or up to and including the remaining duration of an elected or appointed officials term in office. That’s just a summary we put together for the PowerPoint. Commissioner Maddox stated and that’s something that I actually find a problem with. I think it’s given too much authority to the Ethics Department to be able to write up such a statute or put something on a website about a
Commissioner with the authority to extend it throughout their entire term in office. That’s me personally. I don’t know what the other Commissioner’s think about it but I think that’s a little bit broad and vague. I’ll move forward.

Also, at the point where it speaks about permitted political activities, it has on their UG computers, UG title, etc.—well, my question is, with us having a surface, a computer that we carry around with us which is still known as the property of the Unified Government, can you break that down a little bit because that could become an issue? Ms. Benien stated my understanding and I can go back and pull, actually I think I got the opinion from Jody Boeding in the Legal Department, my understanding is that the state’s Ethics Commission, the statute or the advisory opinion that they rendered was you don’t use, in the case, UG property, UG facilities, UG Facebook, website, that sort of thing. I think that it would be included but I’ll defer to whoever.

Mayor Holland stated perhaps you could review that an offer an advisory opinion. Ms. Benien stated but the language of that was taken from the state advisory opinion.

Mayor Holland stated the specific question about the surface, that has been checked out to each of us I think would be something that you and the Ethics Commission could review. Ms. Benien asked is it just a computer, a phone. Mayor Holland stated a tablet.

Commissioner Markley stated I would say we would probably have the same question for employees who have cell phones that we may have issued or other technological paraphernalia that we’ve issued through the Unified Government because they are also taking home many of these. Mayor Holland stated I know for like the Commission, we receive a technology stipend so we purchase our own phones so our phones are our own use. This surface we do not purchase ourselves it’s issued to us. The question is, is it gifted to us or checked out to us. I think that is something. I don’t know that we need to resolve that tonight but if you could review that, I think that’s a legitimate question to make sure we have clarity on.

Commissioner Maddox stated I have one thing and I want to say this and maybe you know County Auditor Tom Wiss may need be at the podium to speak but I’m saying an Ethics
Administrator should have to have a certification and an investigation. According to how the current ethics structure is set up all complaints made against a Commissioner are to be thoroughly investigated for validity. The individual should be certified to do such. If we are asking for people to be investigated, if we’re allowing them the authority to put a censure together that has information from a supposed investigation then that individual, in my opinion, should have some kind of certification and investigation. I’ll speak to this. There’s a censure that was ran on me and what was mentioned in the censure that I have personalized tags with Commissioner District 4 on it. It went on a censure and it went out to the public. All an investigator had to do was call the people who issue our tags and look at it and say has he ever had tags that said Commissioner District 4 on it. Instead of the investigator doing that they just wrote it on a piece of paper and issued it to the public and that’s a concern and that’s an issue because we have to be voted into office and I just had that questions. Ms. Benien stated I think I’ve addressed it. First of all, I’m not going to get in debate and the censure and the whole issue on the tag or anything else but the whole point of the chart that I put up here and that’s covered in all the training that each and every one of you have been in is I don’t need a certificate. I don’t know what a certificate of investigation is. What I do have is a 35-year background in the legal field, in litigation, where I have tried over 100 two to three week cases where I had to lay foundation and put evidence in. I have an undergrad degree in investigative reporting and news editorial. I think I got the ability. The point is I don’t need it and my predecessor didn’t need a certificate because I have every resource of talented investigators from our Police Department, from the Fire Department, from the Human Resource Department all available to me.

Commissioner Maddox stated I appreciate everything you have available to you. I appreciate the 35 years that you have in investigation, but when you issue a censure with inaccurate documents on a commissioner who has to be elected into office, it should be verified and it should be confirmed, not put on a censure for the world to see and it be inaccurate. Ms. Benien said I’m not going to dispute that path.

Commissioner Murguia stated, Ruth, thank you very much but I think this is more a question for Ken Moore. Ken, you talked earlier about you looked into the state ethics versus the local ethics. In general it appears to me that locally we’ve set more rules and regulations on the local level than on the state level or at least we addressed a broader range of issues than what the state

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does. **Mr. Moore** stated correct. **Commissioner Murguia** stated I think that’s good. At the end of the day though the level of enforcement on whatever rules or however many rules are out there what is the level enforcement power of the state versus the local government? **Mr. Moore** stated the state has no administrative enforcement authority or jurisdiction over local governments at all.

**Commissioner Murguia** asked what does that mean in a regular persons language not a lawyer. **Mr. Moore** stated the state can’t investigate you. **Commissioner Murguia** stated so the state can’t investigate claims. **Mr. Moore** stated they cannot receive complaints or investigate complaints of local level government officials. The laws are still there. If there is a violation of law, they just refer to the District Attorney or the Attorney General and they investigate. If they find a violation, they file a criminal prosecution against the elected official or employee. **Commissioner Murguia** stated so something that wouldn’t necessarily be illegal but unethical they wouldn’t necessarily be able to investigate that, right? **Mr. Moore** stated well really the state doesn’t use; they talk about conflict of interest laws. What those statutes referred to, those statutes are for conflict of interest. When I put ethics statutes that’s probably a misnomer because I was just trying to compare them. We have an Ethics Code so I just said Ethics status. It’s really conflict of interest.

**Commissioner Murguia** stated I’m not a lawyer so I struggle with this a little bit. There’s lots of terminology that I don’t use on a regular basis and those of you that are lawyers because you know it, you speak very fast. Let me see if I can slow this down. I guess what I care about in the end is we set up all these rules, which I think are great things. If one of those rules is deemed to have been broken by Ms. Benien and the Ethics Commission at the end of the day, what authority do we have to do anything about that other than tell them? I use myself. I behave badly, I shouldn’t behave that way. Other than that what other authority do you have? **Mr. Moore** stated the administrative enforcement authority that we have locally is conferred by the Ethics Code. When you adopt a code you set out what the violations are and what the penalties for those violations are. For elected officials, really, the penalties for violations are either an informal or a public censure. For employees, it’s different. If an employee violates the Ethics Code, after it goes to the Commission and the Administrator and the Ethics Administrator finds that, they get the agreement of the Legislative Auditor, Mr. Wiss, and they tell Mr. Bach then Mr. Bach imposes discipline. **Commissioner Murguia** stated what can Mr. Bach do to me.

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Mr. Moore stated he can suspend you, fire you. Mayor Holland stated you’re an employee. Commissioner Murguia stated I’m talking about elected officials. What actual authority do you have over the elected official? Mr. Moore stated the informal, private or public censure of an elected official. Commissioner Murguia stated right. So you basically write them up and you can either keep that private and warn them and say you’re violating these and no one else knows or you can make it public that they’re violating, that’s it? Mr. Moore stated correct. Commissioner Murguia stated I just wanted to make sure.

I had another question for you. I do want to make a comment in regard to due process. Do I understand it correctly? I understand we have due process for our employees which means if they don’t like the ruling they’re given by Ethics they can go to the HR Department at the Unified Government and appeal that, correct? Mr. Moore stated somewhat. The difference is that if an employee violates the Ethics Code they can be disciplined. If they are a member of a bargaining unit, a union, then the union contract outlines how that discipline is imposed and what their appeal rights may be by filing a grievance. For non-union employees it’s governed by the Human Resource Guide. That guide has a list of penalties, if you will, subject to an informal reprimand all the way to termination depending on the severity of it. We have, an employee would have the right to appeal that through the administrative process, ultimately to the County Administrator. Commissioner Murguia stated that’s really more applicable to employment law how you would handle that employee than anything else. Mr. Moore stated exactly, it’s really just a form of discipline and a violation of the Ethics Code subject to your discipline.

Commissioner Murguia stated now switching to due process for elected officials. I know Commissioner Walker asked some questions about that. He’s also a lawyer and I’ll remind you again I’m not. I’m not sure I completely understood that part of the conversation. I will tell you this is my two cents on that. I do think elected officials are entitled to due process. We are public figures and when people make public accusations that have not been investigated I don’t think that’s fair to elected officials who put themselves out there already. I think they’re entitled to a process. I believe it’s also federal law that people are entitled to due process. I would hope that we would fix that. Elected Officials should be treated in exactly the same manner as employees, not the same process, but they should be given due process. I think that’s respectful of anyone. If you’re going to accuse someone of something, they should have the right to defend
themselves. It’s kind of the American way. It just would seem un-American to not a due process for elected officials. **Mr. Moore** stated there are two issues. One is due process. One is the right to appeal. Kind of what I was talking about before about the employee and the grievance, it’s kind of you’re appeal rights to—for the ultimate discipline I guess. Due process is different because really the courts kind of define due process is an opportunity to hear the allegations against you and the opportunity to respond. There’s no magic way that’s done. I think what Ms. Benien is saying is that’s why they issue their violation in writing and you have a chance to respond to that. They take your response into consideration and then they render their opinion so that’s a due process part. I think the courts would easily uphold that as being adequate due process. The big question though do you have a right to appeal. I think what Ruth was really getting to is you notice how I referred to the ad hoc committee because when the original Consolidation Study Report came out it had the judges involved in appointing the Ethics Commission and the Legislative Auditor. Then low and behold it was realized that they have no authority over the judges. The judges had to voluntary agree to perform that function which they’ve done and the District Attorney. That’s why they call it the ad hoc committee because it’s not a formal committee because we can’t do that. **Commissioner Murguia** stated that last part was all really fast. I’m not sure I completely understand that. I will tell you this, if I get a letter from Ruth that says I’ve done something wrong, I can respond to that in writing explaining why I didn’t think I did anything wrong and then she can respond to that one way or the other and that’s what you believe the courts would uphold as due process. **Mr. Moore** stated correct. **Commissioner Murguia** asked can we get a judicial opinion on that and not from Wyandotte County Judicial System. Can we actually get an opinion from a court either Federal Court or from a court outside of our local courts whether or not that would be appropriate due process? **Mayor Holland** asked Mr. Walker wanted to respond to that.

**Commissioner Walker** stated I would love the circumstances to permit that but unless the rules have changed, again, Judge Lampson, you’re the Chief Judge. Judges cannot give advisory opinion absence that they as [case of controversy](#). There would have to be a legitimate bonafide lawsuit and the outcome of that would be an opinion by a District Court Judge as to the question you just asked. **Commissioner Murguia** stated you all are the lawyers. Is there not a higher power to seek an opinion from? Do Attorney Generals give opinions? **Mayor Holland** stated I
believe in a higher power. Commissioner Murguia stated unfortunately he’s not writing back Mayor, he’s not writing back right now or she is not writing back, whichever. I need someone that can write back. I’m not sure. I really don’t know the answer to this. Could an Attorney General provide an opinion on that or a US Attorney provide an opinion on that? Mr. Moore stated my understanding is the Attorney General would just issue an advisory opinion on matters involving state law. Our UG Ethics Code is not a matter of state law so I don’t think that they would issue an advisory opinion as to whether that is due process. You would have to ask your attorney and I’m sure she’d agree with you. There’s little doubt in my mind… Commissioner Murguia stated I guess the shorter question than, you as our attorney, up here at the Unified Government, as our attorney, as a Commissioner, I’m telling you I’m concerned about—you say you think that would be upheld in court. Mr. Moore said very certain. Commissioner Murguia asked what would be your recommendation as our attorney to get an opinion on that? Mayor Holland asked, Commissioner, may I make a recommendation. I think one of the issues is we have three people, the Legislative Auditor, the District Attorney, and the Chief Judge who are largely overseeing this process. I would think that if the Legislative Auditor, the District Attorney or the Chief Judge thought that the Ethics Commission or the Ethics Administrator that they appointed were doing something in violation of the law that they would address that. I trust the judgment of Chief Judge Lampson and of our District Attorney, Jerry Gorman, and of our Legislative Auditor Tom Wiss as three legal minds who have overseen this process and are continuing to watch it. Ms. Benien is also an attorney and I also trust the judgment of our Ethics Commission. In terms of have legal minds looked at this, mercy, yes. If our Chief Judge and District Attorney and Legislative Auditor feel like this process is fair and just, that’s enough for me. Commissioner Murguia stated I will tell you I think we have a lot of legal minds that are local here from Wyandotte County that are looking at this. I think the appearance that it presents that we are judging ourselves. Often times in a legal case if the judge knows the defendant or the plaintiff, they will recuse themselves from the case because they’re familiar with those people. It doesn’t make that judge a bad person and it doesn’t make any of those people bad people. When they are doing jury selection through voir dire, I believe it’s called, if I was to stand up and someone was the defendant that I knew and I say I knew them, I’m pretty confident they’re not going to be put me on the jury. It doesn’t mean that they think I’m a bad person or would not be impartial. The reality is that appearances are there. That’s why the ethics rules were changed in

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the beginning is that it wasn’t that anything was being done wrong allegedly, it was appearances. It looked badly. I’m just saying I understand we have a lot of local, good people but the difference between governing locally is that this group of people is judging. The Ethics Commission are in essence judges. The Administrator of that is a judge. Nothing personal, I think they’re doing a fine job. I think when it’s coming to final judgment and there are discrepancies, I think it is very appropriate to seek an outside opinion from a qualified professional. I’m asking you, as our attorney who would we ask for an opinion to make sure that it doesn’t look—I’ll just ask you that because I don’t have the right word. Mr. Moore stated well… Commissioner Murguia stated it’s just an opinion Ken; nobody is going to get in trouble. Unless of course it’s been wrong and then we might have trouble. Mr. Moore stated it’s a local regulation that you adopt. I don’t really think that there’s any supervising or higher authority that would look over that and render an opinion. Commissioner Murguia stated this is what I’m saying. You’re asking me to judge myself. I’ll even tell you that’s not fair. I shouldn’t be allowed to judge myself. I shouldn’t be allowed to do that. What I’m asking is that we’re asking for an outside opinion with no bias, people that don’t live, people that don’t send their kids to school here and have political relationships. We’re asking for a truly legal opinion. Mr. Moore stated I’m not following. If you’re asking for some outside independent person whatever to determine the facts, determine whether or not a violation occurred as opposed to the Ethics Commission who is appointed by the ad hoc committee to do that. Commissioner Murguia stated no, I think Ms. Benien does a fine job determining what the facts are and I really don’t have any criticism of the Ethics Commission’s review of the findings that Ms. Benien does. I don’t have any questions about that. I probably have not been very clear about that in the past. I’m talking about at the end of the day what we define as due process is really due process. Mayor Holland stated Hal Walker would like to respond. Commissioner Walker stated due process, I think, is a word, at least from my standpoint is much overused and greatly misunderstood. Certainly, you don’t have to take my word for it; you can go anywhere you want. It’s simply notice and an opportunity to be heard. That’s all due process is. You’re not guaranteed a District Court trial or a US Federal District Court trial with all the trappings, motions, discovery, trail, a judge sitting up. That is not what is required to meet the constitutional requirement of due process. It is notice and an opportunity to be heard. It’s that simple. I guess what I would answer to you, Commissioner, is that as the commission, we define
by ordinance what due process is. There is nobody going to do the work for us. There’s not going to be a US Attorney. He’s a political appointee. He might be a republican and not like democrats or he might be a democrat and not like our democrats. The State Attorney General, he’s not empowered with any greater wisdom than any other lawyer. He’s just an elected public official. Yes, he may not have any chips in the fire in Wyandotte County but I am confident that among the District Court Judges most of them, if not all of them, would give us an honorable opinion on an appeal of a decision that’s made by the agency. If we want to define due process as something more or something more elaborate, we can do that by ordinance but as it now stands it’s simply notice to you of a violation and an opportunity to be heard before the decision is rendered. It’s not going to get any better than that because that’s what the United States Supreme Court says is due process. Mr. Moore stated to kind of follow that up, there are probably thousands of cases that talk about due process and every one of them specific of what occurred in that particular situation, but the bottom line, just as Commissioner Walker indicated, you have notice of the violation and an opportunity to defend yourself before the decision is made. Mayor Holland stated I would point out that the question was raised in April and the Ethics Administrator and Ethics Commission came back with a recommendation to clarify due process, is that right? We have an amendment before us to clarify the due process that was a specific request made of this Commission and it was specifically responded to in the presentation that they’ve made tonight. Commissioner Walker stated I want to emphasize we can define this more stringently. We can add more requirements to this but it won’t be just applicable to us, it will have to be applicable to employees and everyone effected. How cumbersome do you want this to be? Commissioner Murguia stated well you can call it cumbersome, I call it our job and a very important job when we are judging peoples’ reputation and when we’re making judgments about how they perform their job if they’re an employee. I think what I like about this process is that it’s been very public and it’s recorded. We have a lot of attorneys that commissioners that are not attorneys are depending on for really good legal advice. If there is no other higher power out there that will respond, that will respond in writing and give us an opinion on our due process, unless there is a lawsuit, then I guess that’s what we’ll have to live with. I’m content with that. Like I said, I just like the idea of being so transparent that when we set a process locally, that we are so open to doing the right and fair thing that we are willing to seek an outside opinion. Since I’m not an attorney or familiar—that familiar with the judicial process, I
wouldn’t know who to go to. I would like us to seek an opinion outside of ourselves. It’s an expression that comes to mind. I feel like we’re the fox watching the hen house. I don’t know how else to put it. That’s my very simplistic way of saying it. It may not be the case, but to some people it appears that way.

I’ll go back to what I said in the beginning. The whole original disagreement on this ethics ordinance change was all around appearances. It wasn’t around any wrong doing being done. If we are that concerned about appearances and transparencies and openness and honesty, I’m just saying if there is a process out there that we can go through to evaluate our rules, I think that would be great. If there’s not, then there’s not. Mayor Holland stated thank you, Commissioner.

Commissioner Markley stated my biggest concern in this discussion is the sort of view and customary language. I wanted to take just a minute to give an example or two of why it’s so difficult to look at the usual and customary language and say yes, this falls within this or it doesn’t. Commissioner Murguia stated not to interrupt you, Commissioner, but you should tell people you are an attorney. Commissioner Markley stated that doesn’t mean I understand you when you talk fast. It is complicated and it’s particularly complicated because we are at a local level and because we spend more time out there being Commissioners than we ever spend in here. I’m a Commissioner out in the community many more hours a week than I’m a commissioner here in the chambers at meetings and I think that’s true for all of us up here. I’ll give a couple of examples and these are just off the top of my head. There are things that I think all of us will see as similarities in what we’ve done. We’re problem solvers for our communities. That’s we do as Commissioners and some of us are more hands on than others but I think everybody can relate to the example that I am going to give. You get a phone call from a constituent, it’s a little old lady and she says the tree in my yard is dead and it’s hanging over my neighbor’s yard and so codes came out and they gave me a ticket and they told me I have to take the tree down so I can’t I don’t have any money Commissioner, what will I do. The little old lady is all upset and she’s crying. You hang up the phone and this is what I would do. I would call a guy that cuts down trees in my district and I would say, I’ve got this old lady, she needs her tree cut down and she can’t really afford it, what can you do for her? How little can you cut it down for? I wouldn’t say that I was Commissioner Markley calling. The guy obviously
knows that I’m Commissioner Markley and he knows that the lady called me in my role as Commissioner Markley. Was that a fundamental function of government? I don’t know but that’s the kind of problems that we’re solving every day so to me it is. I wonder if that’s how other people look at this language when they see the word fundamental function of government. We problem solve like that every day. Those are the kind of issues that we’re handling. I just wanted to say that out loud so that everybody who is listening to this here tonight can understand, it’s not that we’re trying to make this complicated it’s that it is complicated. Ribbon cuttings are one thing. I think everybody knows that a ribbon cutting is part of what we do as Commissioners but helping a little old lady with her tree I do a thousand times more often then I ribbon cut. I ribbon cut once a month. I help the little old lady with her tree every single day. It is a complicated issue and it’s not that I think we all go out there ringing the bell and saying I’m a commissioner, do what I want.

I’ll give one other example. When I go to vote the people that are sitting there behind the table they always say hi Commissioner Markley and it always gives me a little bit of heartburn because even when I’m not on the ballot I can feel other people in the room turn and look. I know that there thinking is that lady on the ballot today and if so, who is she. I know they’re thinking that. It always gives me a little bit of heartburn but it’s just another way we are Commissioners all the time. It doesn’t matter if I don’t go in and say hey I’m Commissioner Markley here to vote. Everybody there knows that’s the role that I play. It’s neither here nor there as far as the language. I appreciate that you’re trying to help us clarify, I really to appreciate it. I just wanted to put it out there the reasons why it’s so complicated is because I think what people think of as a fundamental function of government is this, us sitting up here and voting on Thursday but what we’re actually doing as Commissioners is this is a very, very small part of it and all the other parts are much more wishy washy in terms of how that fits into this prestige of office section. I know everybody up here. The reason we want a clarification is because we want to do the right thing and this is a step towards that in giving up clarification but it’s still very complicated to make that determination.

Commissioner Kane stated boy am I glad there’s more union workers and lawyers in Wyandotte County. If you weren’t confused before you are sure confused now. I wish what some of you would do, and I mean this. It’s a trip 60 miles away to drive to Topeka and talk to
Carolyn Williams. She is the lady on the Ethics Commission and she’ll answer your questions as blunt and as straight forward and you won’t be there more than 20 minutes because I don’t think you can take it. What it would do it might help clarify what these folks do. She’ll tell you here’s my role and responsibility and you’re telling me this is their role and responsibilities so you go back and you live with them. I would ask that all of you that had question, call her, drive up, visit her, don’t take her to lunch because she won’t go and then ask these questions. She’ll be able to give you an answer that these folks can’t and I think in certain cases that’s what we need. We need somebody else telling us—you think it’s broke; it’s not broke, because if you compare us to some of the other cities it’s broke. That’s my request. That’s where you drop off your expenditures and stuff like that when you fax them or whatever. I don’t remember the phone number, I wish I did. I wish you folks with questions would please call them because it might help.

**Commissioner Walker** stated I think Commissioner Kane is correct. I think, again, we’re one of the few cities, counties that have anything like the Ethics Code. When I have spoken with other city attorneys in the past, of course, they’re under the campaign laws and state law, in as far as it applies, but their elected officials have not seen fit for whatever reason to adopt such a series of provisions.

An issue of particular issue of interest to me that I don’t see addressed in here concerns nepotism. That is a big animal in Wyandotte County, always has been and I’m not going to try to wrestle that bear to the ground. When it comes to the Unified Government Elected Officials there’s already somewhat of a prohibition on nepotism. We prohibited, and I want to emphasize this word hypothetically, if I wanted to appoint my wife to a board I don’t see a provision that would prohibit me from putting her name into that hopper for say Planning Commission anyone of the commissions or agencies. Is that correct? Well I believe that it is and I don’t know if any of my colleagues here at this table have appointed a brother, sister, mother, father, wife to any agency or board. **Commissioner Markley** stated my husband was on the Law Enforcement Advisory Board when I came in and I reappointed him eventually, although he’s not now. **Commissioner Walker** stated but you didn’t appoint him? **Mayor Holland** stated she reappointed him. **Ms. Benien** stated in answer to the question, the current code section specifically only relates to no person shall be employed by the Unified Government if that
person, spouse, child, sibling, or parent is to the Mayor or one of the UG Commissioner’s. Mayor Holland stated we have had a Commissioner in the past who appointed their son to the Planning and Zoning Commission. Commissioner Walker stated we also had them that appointed their father and mother. Alright, well I don’t want to get entangled with this issue but I think at some point this to me there should be a prohibition on that within a certain relationship. Mayor Holland stated I think that’s a fair request for the Ethics Commission to consider for a future provision to look at this issue of appointments to boards and agencies in terms of relationships even though they’re none paid. The other interesting nuance I would ask you to explore and, Commissioner Walker, I think it’s the appearance of impropriety that we are trying to avoid. Technically we don’t appoint people, we recommend appointment and the commission appoints and so it’s a little different nuance but I think it is a legitimate appearance issue that I think the Ethics Commission could wrestle with and give us a recommendation on. I think that’s a valid issue.

Commissioner Maddox stated I just wanted to say this as I heard Commissioner Kane speak about calling Carolyn Williams at the state level. I have spoken with Carolyn Williams at the state level and I encourage every Commissioner on the Board of Commissioners to call and speak with Carolyn Williams and I think conversation lasted less than five minutes. What she simply told me was that we didn’t need a local Ethics Department and I ain’t lying on record. She said we didn’t need a local Ethics Department and she said it was a breeding ground for authority problems. As I sit here and listen it’s going to continue to be an issue because it seems that’s the Ethics Department is in place to make sure that we don’t overstep our authority. Now, we as the Commission, is sounding out and saying well we want to make sure that the Ethics Department doesn’t overstep their authority. So maybe this will continue to be an argument that we just pass on to future Commissions but that continues to be an issue. I encourage, as Commissioner Kane did, every commissioner to call Carolyn Williams at the state level so she can tell them the same thing she told me.

Commissioner Walters stated I wasn’t going to bring up nepotism but since Commissioner Walker did I thought I’d throw in my request. I’m reading this Section 2-266 and it seems to indicate that nepotism is a bad thing. It specifically says that certain people should not be hired.
if they are related to the Mayor or the Unified Board of Commissioners or the Administrator. My question is how did the Ethics Commission come up with that small group of people who should not participate in nepotism but leave so many other senior employees able to do so, that’s my question.

Mr. Moore stated the Ethics Commission, I think what they’re doing is they’re working with the code in the form that it’s in. They’re just kind of… Commissioner Walters stated it’s just the way it’s been. Mr. Moore stated that’s the commission back in 1998 adopted the Ethics Code. Mayor Holland stated are there other people by virtue of the Human Resources Guide that are not allowed to be hired within departments. Are you aware of that? Outside of the Ethics I wonder if there’s Human Resources issues. Doug Bach, County Administrator, stated no, we don’t have any other further hiring restrictions. You cannot directly supervise. Mayor Holland stated you cannot directly supervise. Commissioner Walters stated well I would like just maybe a quick review of that. There are a lot of other elected officials beyond those that are listed here that I guess it’s okay for them to participate in nepotism. I think maybe it would be worthwhile to review that. I request that the Ethics Commission do so. Mayor Holland stated the request is noted to review other issues of nepotism of other elected officials or even Administrator’s.

Commissioner Murguia stated so based on Commissioner Kane and Commissioner Maddox comments I wanted to make a comment in regard to speaking with this Carolyn Williams who I have never spoken with personally. I don’t really have a strong opinion one way or the other. I don’t mind the local Ethics Commission. I wouldn’t mind if we used a different form of ethics. I do think we need a form of ethics that is set out in writing here. The process is really irrelevant to me. I guess what still remains concerning to me, and I really want to say this on the record, “is the harsh resistance to having anybody outside of ourselves review our Ethic ordinances. I don’t understand that. It just continues to be that nobody is going to review this outside and with all due respect, Ms. Benien and I, I think have a good relationship but Ms. Benien lives here in Wyandotte County, all of the Ethics Commissioners, good people, they also live in Wyandotte County and our Judge lives here. I guess if there is nothing wrong with the way we are administering things or maybe not even that its wrong just maybe ways that it could be done
better, I just am unclear about the resistance to a second opinion on that. **Mayor Holland** stated I would ask, and I think the Ethics Commission could review this on our behalf, to review what’s usual and customary for communities that have adopted an ethics policy. My understanding is all local communities adopt their own ethics policies and the process used therein because they’re not covered under state law and they’re unique. I think there could be a look at other communities. We have a number of multiple checks and balances within our community. We’ve got nine people over here who are citizens in our community. I think we can ask them to look at what’s usual and customary, but I think what’s usual and customary is that we adopt our own process based on the recommendation of this independent panel. Unless somebody else has a suggestion we could ask the Ethics Commission to review that.

**Commissioner McKiernan** stated well I may have already started to do some of that work for us. When I heard that no other city had an Ethics Commission, it might be no other city in Kansas but I took a look at Kansas City, MO; San Diego, CA; Minneapolis, MN, Boston, MA; Seattle, WA; Denver, CO; and Miami, FL; which is Miami-Dade. Of all of those each of one of those cities has its own city Ethics Commission and Code and I have all the websites and everything here. Each of them to the best of my ability to interrupt the information has authority over not only employees but also elected and appointed officials as well. I’m sorry, I misspoke. Of all of those everyone has a local city Ethics Commission and Code except Boston, MA and they specifically say that the Massachusetts State Ethics Commission has jurisdiction over state, county, and municipal employees whether elected or appointed, paid or unpaid, full-time or part-time. So they specifically set out that the state of Massachusetts has that authority. I even have a summary chart. I think we could look at some of these but I think it’s inaccurate to say that other cities don’t have it because certainly in my brief survey of other cities around the country and I tried to pick west coast, east coast, and right down the middle. I found examples of cities that in fact do. Now how they do it is amazingly dispersant. Who appoints the Ethics Commission, how they’re appointed, for what term, how many there are, is amazingly varied. I did find evidence that lots of other cities do and I think that could be a starting point for us to do some additional investigation.
**Commissioner Walker** stated again, I don’t want the point lost. I’m 99% confident that we have an avenue of appeal as elected officials and for that matter, employees for the District Court. The District Court is outside of politics as you can be in a county that won’t allow them to be appointed and retained as opposed to having to run for election because the people have repeatedly said we want to choose our own judges so they’re the people have spoken about what the judicial process shall be. I also believe that what I’m trying to get across to everyone is we can define what due process is. We define the ordinances that the Ethics Commission operates under. Clearly, not everyone at this table is happy with the way it has been cast which is minimally just notice and an opportunity to be heard. There are approaches that can put more safeguards into the process. I’m not opposed to that. Yes, it is, the word is correct, cumbersome, because it will take longer for the process to be followed in every case. There will be more work and probably more involvement of the Ethics Administrator. There are other considerations but we can define what due process is. I’m sure that the legal minds that are involved in this from the District Court Judge to Ms. Benien to the Legal Department can come up with ways in which these issues or concerns can be satisfied. I don’t know that I would be any more comfortable if we plucked people from Johnson County to decide the faith of all of us in Wyandotte County. I think I would have problems with that. I’d rather trust the local people and I’ve not seen any signs to believe that there are shenanigans going on and if there is, I would have reported it. That’s how I feel about it. I am not opposed to making it a little more intensive in terms of what has to be done before a decision is reached and safeguarding the employee and the elected official from their reputation being damaged.

**Mayor Holland** stated what I have, I have three things: the right to appeal, to review whether or not the state law allows right to appeal and come back to us with the information.

I’ve heard a request for review of nepotism not only among appointments to Boards and Commissions but also about other elected or Administrators for hire. I think that’s another piece that’s been requested.

What I would recommend at this point is that we take the recommendations today and the Legal team said, I think it was Mr. Moore who said I didn’t draft them as ordinances to adopt because I wanted to get the feedback from the Commission tonight first so he didn’t have to do it twice. I think that’s fair. I think the majority of what has been presented tonight—I think that

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we’ve heard feedback on—we’ve had the presentation. I think we’re ready to move that toward the ordinance stage and with the caveat of the remaining issues that have been left. I presume it will take our Legal team a little bit of time. I don’t know if you can have it done by the end of this week. I will work the Administrator to assign ample time to our Legal team to draft the appropriate ordinances for this to bring back to this commission for a formal vote in the future and of course you will notice as to when that formal vote will be taken.

I want to thank the Ethics Commission for being here and for your work. I want to thank Ms. Benien and Judge Lampson and Mr. Wiss and Mr. Gorman in his absence. Certainly, Kenny Moore, you’ve done an excellent job in getting this pulled together. I want to thank all of you for your hard work and thank this Commission for the consideration tonight.

Action: No action taken.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

No items of business

MAYOR HOLLAND

ADJOURNED THE MEETING AT 9:03 P.M.

November 6, 2014

Bridgette D. Cobbins
Unified Government Clerk

November 6, 2014
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 20, 2014, with eight members present: Vacant Seat, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District (via phone); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Philbrook, Commissioner Eighth District. Maddox, Commissioner Fourth District, and Holland, Mayor/CEO, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Ken Moore, Deputy Legal Counsel; Bridgett Cobbins, Unified Government Clerk; George Brajkovic, Economic Development Director; Debbie Jonscher, Assistant Finance Director; Emerick Cross, Commission Liaison; and Captain Curtis Nicholson, Sergeant-at-Arms.

**MAYOR PRO-TEM WALKER** called the meeting to order.

**ROLL CALL:** Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**INVOCATION** was given by Reverend Ken Nettling, Faith Lutheran Church.

**THE AGENDA for November 20, 2014,** was presented. **Mayor Pro-Tem Walker** asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk,** stated a blue sheet has been distributed. Under the Consent Agenda Item No. 2 is a revised item. Two of the 14 projects listed on Schedule A have been removed from the item and we have a revised Schedule A included in that attachment.

**MAYOR'S AGENDA**

No items
CONSENT AGENDA

Mayor Pro-tem Walker asked does any member of the Commission, staff or citizen in attendance tonight wish to set-aside an item on the Consent Agenda. If you do, you’ll need to step forward and give your name and address for the record and ask that the item be set-aside. If an item is not set-aside, all the items on the Consent Agenda will be approved or voted on by one vote. Doug Bach, County Administrator, said I would like to set-aside Item No. 3 regarding the General Motors’ Performance Agreement.

Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the Consent Agenda, excluding the set-aside. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murgua, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 1 – 140381…TWO ORDINANCES: IRBS FOR PQ CORPORATION

Synopsis: Two ordinances authorizing the issuance of IRBs for PQ Corporation’s expansion at 1700 Kansas Avenue, submitted by George Brajkovic, Economic Development Director.

$22,082,604, Series 2014A

$34,123,906, Series 2014B

On December 5, 2013, the commission unanimously adopted R-127-13 approving the intent to issue $219M in IRBs and a 75% tax abatement, and approved Ordinance Nos. O-59-13 and O-60-13 for the issuance of $101,170,000 in IRBs for the project.

Action: ORDINANCE NO. O-55-14, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2014A, in a principal amount not to exceed $22,082,604, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of an industrial facility, including land, buildings, structures, improvements and

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fixtures; authorizing the Unified Government to enter into certain documents and the taking of other actions in connection with the issuance of said bonds.”

Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: ORDINANCE NO. O-56-14, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2014B, in a principal amount not to exceed $34,123,905, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of an industrial facility, including land, building, structures, improvements and fixtures; authorizing the Unified Government to enter into certain documents and the taking of other actions in connection with the issuance of said bonds.”

Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 2 -140363…RESOLUTIONS: AUTHORIZING VARIOUS IMPROVEMENTS

Synopsis: Various resolutions authorizing improvements and the manner for paying for such projects approved in the CMIP budget for the 2015 temporary note and bond financing, submitted by Debbie Jonscher, Finance.

- Schedule A: Initial financing for 14 projects approved in the 2015 CMIP Budget

- Schedule B: 8 On-going projects per the 2015 CMI Budget requiring an amendment to the project description or authority and/or additional financing

- Schedule C: Reimbursement for 5 projects that the UG expects to make capital improvements and intends to reimburse itself for such expenditures with the proceeds of bonds, notes or a lease purchase agreement up to the maximum amount stated

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On November 3, 2014, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: RESOLUTION NO. R-74-14, “A resolution authorizing certain stormwater improvements, and providing for the manner of paying for the same: 29th and Ohio Storm Sewer Reconstruction Project, CMIP 963-5040 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-75-14, “A resolution authorizing certain street improvements, and providing for the manner of paying for the same: 2015 Arterial/Collector Resurfacing, CMIP 941-0415 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-77-14, “A resolution authorizing certain public building, structure, or parking improvements, and providing for the manner of paying for the same: Facilities Parking Maintenance and Repair – City 2015, CMIP 948-0215 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-78-14, “A resolution authorizing certain street, sidewalk and intersection improvements, and providing for the manner of paying for the same: Fairfax Industrial Area Improvements 2014, CMIP 970-1220 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.
improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-79-14, “A resolution authorizing certain street improvements, and providing for the manner of paying for the same: 2015 Industrial District Repairs, CMIP 941-0115 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-80-14, “A resolution authorizing certain street and intersection improvements, and providing for the manner of paying for the same: Minnesota Avenue, 7th Street to 8th Street, CMIP 970-1610 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-81-14, “A resolution authorizing certain street improvements, and providing for the manner of paying for the same: 2015 Neighborhood Street Resurfacing, CMIP 941-0215 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-82-14, “A resolution authorizing certain sanitary sewer and storm water facilities, and providing for the manner of paying for the same: Pump Station #12 Elimination, CMIP 963-6124 improvements.” Commissioner
Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-83-14, “A resolution authorizing certain street and intersection improvements, and providing for the manner of paying for the same: Speedway Boulevard Resurfacing, I-70 to State Avenue, CMIP 970-1023 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-85-14, “A resolution authorizing certain storm water improvements, and providing for the manner of paying for the same: White Oaks Capacity, 82nd and Haskell Ave., CMIP 963-5043 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-86-14, “A resolution authorizing certain public park improvements, and providing for the manner of paying for the same: Wyandotte County Lake – Draw Down Tower Repair, CMIP 971-4023 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-87-14, “A resolution authorizing certain public park improvements, and providing for the manner of paying for the same: Wyandotte
Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, Mckiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-88-14, “A resolution amending Resolution No. R-62-11, authorizing certain street and bridge improvements, and providing for the manner of paying for the same: 51st and Rowland Short Span Structure Replacement, CMIP 963-5311 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, Mckiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-89-14, “A resolution amending Resolution No. R-81-10 authorizing certain storm water and street improvements, and providing for the manner of paying for the same: 55th Street Bridges over Nearman Creek, CMIP 962-2134 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, Mckiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: RESOLUTION NO. R-90-14, “A resolution amending Resolution No. R-73-12, authorizing certain street and bridge improvements, and providing for the manner of paying for the same: Priority Bridge Repair, CMIP 962-2305 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, Mckiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.
Action: **RESOLUTION NO. R-91-14**, “A resolution amending Section 2 of Resolution No. R-86-05 providing for certain main trafficway improvements, and providing for the manner of paying for the same: Donohoo Road 115th – 131st, CMIP 970-1038 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: **RESOLUTION NO. R-92-14**, “A resolution amending Section 2 of Resolution No. R-15-08 providing for certain main trafficway improvements, and providing for the manner of paying for the same: Donohoo Road 131st – Kansas Highway 7, CMIP 970-1019 improvements.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: **RESOLUTION NO. R-93-14**, “A resolution amending Resolution No. R-76-11, authorizing certain sanitary sewage treatment facilities and improvements, and providing for the manner of paying for the same: Kaw Point Solids Dewatering Rehabilitation Project, CMIP 963-6199.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action: **RESOLUTION NO. R-94-14**, “A resolution amending Resolution No. R-109-12, authorizing certain street improvements, and providing for the manner of paying for the same: Oak Grove Road, 53rd to 55th Program, CMIP 970-1174 improvements.” Commissioner Kane made a motion, seconded by
**Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**Action:** RESOLUTION NO. R-95-14, “A resolution amending Resolution No. R-89-12, authorizing certain public park and infrastructure improvements, and providing for the manner of paying for the same: Pierson Lake Dam Study and Repair, CMIP 971-4424 improvements.” **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**Action:** RESOLUTION NO. R-96-14, “A resolution whereby the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, expects to make capital expenditures after the date of this resolution in connection with the 2015 ADA Pedestrian Ramp Improvements, CMIP 941-0815, maximum principal amount is $100,000 plus cost of issuance and interest on any temporary financing.” **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**Action:** RESOLUTION NO. R-97-14, “A resolution whereby the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, expects to make capital expenditures after the date of this resolution in connection with the 2015 Emergency Bridge Repair Program, CMIP 942-0115, maximum principal amount is $100,000 plus cost of issuance and interest on any temporary financing.” **Commissioner Kane made a motion, seconded by**
Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action:  RESOLUTION NO. R-98-14, “A resolution whereby the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, expects to make capital expenditures after the date of this resolution in connection with the 2015 Fairfax Industrial Area Improvements Program, CMIP 941-0915, maximum principal amount is $100,000 plus cost of issuance and interest on any temporary financing.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action:  RESOLUTION NO. R-99-14, “A resolution whereby the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, expects to make capital expenditures after the date of this resolution in connection with the 2015 Neighborhood Street Repair Program, CMIP 941-0615, maximum principal amount is $100,000 plus cost of issuance and interest on any temporary financing.” Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

Action:  RESOLUTION NO. R-100-14, “A resolution whereby the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, expects to make capital expenditures after the date of this resolution in connection with the 2015 Stormwater Enhancements, CMIP 963-5317, maximum

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principal amount is $150,000 plus cost of issuance and interest on any temporary
financing.” Commissioner Kane made a motion, seconded by Commissioner
Philbrook, to adopt the resolution. Roll call was taken and there were eight
“Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook,
Walker.

ITEM NO. 3 – 140344...RESOLUTION: GENERAL MOTORS’ PERFORMANCE
AGREEMENT
Synopsis: A resolution approving General Motors, LLC performance agreement regarding their
paint shop addition at the Fairfax Assembly Plant, submitted by George Brajkovic, Economic
Development Director. On November 3, 2014, the Economic Development and Finance
Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and
forward to full commission.

Doug Bach, County Administrator, said tonight we are very pleased to move forward with the
project which we advanced a year ago really in our community with the expansion of the General
Motors’ plant which really marks their continued investment in our community and a long-term
investment to be a viable member of our community. I would like to turn it over to George
Brajkovic, our Director of Economic Development, at this time to present the project and then
members of General Motors are also here to say a few words.

George Brajkovic, Director of Economic Development, said I’ve got a very brief slide show
presentation here. We also have representatives here from General Motors: Troy Kennedy
whose their Property Tax Manager from Detroit; John Blanchard, their Public Policy
Representative also in town from Detroit; and Bill Kulhanek, Plant Manager here at the Fairfax
plant.
On the screen, you can see an image. The blue highlights the actual GM property. What we’re trying to highlight in this red-orange is where the new automated paint shop has been constructed.
When you originally considered this project in 2012 and granted an abatement with it, we had always contemplated the use of IRBs. Since that time, there has been new legislation passed and that’s Statute 79-260. Basically that statute allows for a 10-year-term on an abatement provided that you’re an automobile manufacturer, which they meet that next code; 50,000 square feet, they’ve built 1.2 million square feet; and that the value is not less than $10M and their total investment on this project is right at $600M.

This is an image that they sent over showing what the completed addition looks like.

Those are the extent of the comments I have and I’d like to ask John Blanchard to come up and maybe say a few words about the project as well.

**John Blanchard, Director of Local Government Relations for General Motors**, said I appreciate the opportunity to be here tonight. George introduced my colleagues here. On behalf of GM, we’re just very excited to be here. It’s a great opportunity for us. We really appreciate the support that we’ve received from the Unified Government over the years. This is a significant investment for us. It is very critical. We actually announced it in early 2013 and we’re real close to completing. We’re in the process of going forward with final permits. This

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investment for this paint shop, state of the art paint shop, really gets it to a point where this plant is very competitive for future products. An investment in a paint shop like this for an automotive facility is just critical for the future. We couldn’t do it without the cooperation of the local community, our UAW partners, the plant personnel and we’re just very excited to be here. We think it’s great and we appreciate your support.

Commissioner Townsend said I just wanted to say as City Commissioner in District 1 that we are delighted with GM’s continued investment in Kansas City, Kansas, and it continues to be one of the jewels of industry in KCK and we’re absolutely delighted that it is located in District 1 in the northeast end of KCK. As I’ve said on several other occasions, the Fairfax Industrial District is second only to the Speedway and the Legends in the amount of taxes they contribute to the city’s tax base. I appreciate that representatives of GM have come all the way from Motor City to be here and the presence of the plant manager. Thank you very much and congratulations.

Commissioner Kane said I think the interesting part—and when I was talking with the plant manager a little while ago—when I first worked down there in June 1976, it would take me 47 some odd minutes to get home to our house, Brian. Now I can go 20 some odd miles in less than half that time. What’s not showing is the expansion of the supplier facilities which is next door. I think that’s key to what’s going on. By the expansion of the paint department, it obviously gives them more flexibility to paint more products; but with that, there are three other buildings in succession that they could do something with. There are lots of suppliers looking to come back home so to speak to fill Fairfax District back up. I want you to continue to do it. I like my retirement check and I appreciate it.

Mayor Pro-Tem Walker said on behalf of the Mayor who could not be here tonight and myself, Mr. Blanchard, I want to convey to you and the other gentlemen, not only the fact that we are pleased with the expansion and its location in the First District, but I think that we’re also very grateful in this community for the fact that General Motors has a long-standing, historical

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relationship here; at least four generations maybe more, maybe five of people dating back prior to World War II or at World War II; have been able to support their families, provide for their children, and send their children to college because of General Motors. We are deeply in debt to General Motors confidence in this community and we’ll try to live up to that confidence. Thank you very much.

Commissioner Kane said one more thing. At Christmastime they, adopt over 100 people for people that couldn’t afford to have Christmas for their families. I think it was $300,000 for United Way. Is that right, Bill? Oh, $388,000 from General Motors’ employees into United Way. Not only do we get from them, they give back to us.

Action: RESOLUTION NO. R-84-14, “A resolution approving a performance agreement with General Motors LLC in connection with property tax exemption for new automobile manufacturing property for a facility expansion at an estimated cost of $80,000,000.” Commissioner Kane made a motion, seconded by Commissioner Townsend, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 4 – 140382...ORDINANCE: LAND FOR OAK GROVE ROAD, S. 53RD-55TH ST. PROJECT
Synopsis: Authorize Chief Counsel to commence legal proceedings to acquire property for the Oak Grove Road, S. 53rd to 55th Street Project, CMIP 1174, submitted by Bill Heatherman, County Engineer. On November 6, 2014, the full commission unanimously adopted Resolution No. R-73-14 finding the project to be a necessary and valid improvement, and authorizing a survey and description of land to be acquired for the project.

Action: ORDINANCE NO. O-57-14, “An ordinance authorizing Chief Counsel to commence legal proceedings to acquire property for the Oak Grove Road, S. 53rd

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to 55th Street Project – CMIP 1174.” **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 5 – 140083…PLAT: KCK PACES**

**Synopsis:** Plat of KCK PACES located at 59th & Nogard and being developed by PACES, submitted by Brent Thompson, County Surveyor and William Heatherman, County Engineer.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 6 – 970013…APPOINTMENTS: 47TH & MISSION ROAD COMMITTEE**

**Synopsis:** Appointments of the following to the 47th & Mission Road Area Development and Management Committee, 11/20/14 – 5/31/17, submitted by Mayor Holland:

  - Commissioner Hal Walker
  - Commissioner Ann Murguia
  - Heidi Holliday, Rosedale Development Association

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**ITEM NO. 7 - MINUTES**

**Synopsis:** Minutes from regular session of October 16, 2014.

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Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, 
to approve. Roll call was taken and there were eight “Ayes,” Townsend, 
McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

ITEM NO. 8 - WEEKLY BUSINESS MATERIAL


Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, 
to receive and file. Roll call was taken and there were eight “Ayes,” Townsend, 
McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

PUBLIC HEARINGAGENDA

ITEM NO. 1 – 140358…PUBLIC HEARING/ORDINANCE: IRBS FOR AWG

Synopsis: Conduct a public hearing to consider an ordinance authorizing the issuance of 
$17,248,290 in industrial revenue bonds for Associated Wholesale Grocers (AWG) to finance all 
the AWG property as it relates to the newly constructed corporate office tower located at 5000 
Kansas Ave, submitted by George Brajkovic, Economic Development Director. On November 
3, 2014, the Economic Development and Finance Standing Committee, chaired by 
Commissioner McKiernan, voted unanimously to set a public hearing for November 20, 2014, to 
consider the ordinance.

George Brajkovic, Economic Development Director, said, again, I promise a quick 
presentation here. This project is, again, should be very familiar to you. It’s a project the full 
commission considered in 2012. Before I get into all the details, I’m going to say who’s here 
with AWG. We have Scott Wilmoski and Charles Renner who is counsel to AWG on this 
project.

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We’re probably all very familiar with their facility and operation at 5000 Kansas Avenue. This project, what it did, actually allowed them to move corporate offices that they had in various locations in the metropolitan area and actually consolidate here on this site to build a
formal corporate headquarters. Those images there reflect that. They had previously had that office component on the left-hand side of the building and they added the right-hand side to mirror that. That involved bringing approximately 92 employees back down to this site.

The reason we’re here tonight is actually at that past meeting, the full commission approved $6.5M in IRBs to help finance this new office tower component. At that time, AWG had what seemed like a very reasonable request. They actually own all three of those parcels in red. The new office tower was just a small component of the largest parcel. Kind of a unique situation, you have separate school districts involved in these parcels. The deal structure we had with them at that time was at their request was, hey, can we combine all of these parcels into one tax bill. So we said maybe there are some caveats with COTA, Court of Tax Appeals, but we’ll try to do that. Again, the way that PILOT was set up was to take all of the base taxes associated with all of these parcels, just apply the abatement to that new office tower and that was the PILOT schedule we came up with. Unfortunately, the way COTA interpreted that was they said, hey, really only the portion of this project that was financed with the IRBs is eligible for the abatement. We had a bit of a dilemma where we had combined everything into this PILOT
payment and then all of a sudden you had the majority of those three parcels also had ad valorem taxes due.

What we’re proposing tonight is to come back to this project, have a larger IRB issuance. Again IRBs don’t require UG backing in any sense. What we’ve done is on this slide, we’re showing the current PILOT schedule is the agreement we’ve had with them. You see that it starts at one level. It stays constant for the first three years and then there’s an annual escalator that’s applied to it. What we’re proposing tonight is there’s been this two-year period, 2013 and 2014, where they had this PILOT payment but they also had this other ad valorem piece that they paid. What we’re asking for your approval on tonight is within those first two years of the PILOT is just apply that extra payment they made to this new PILOT schedule. What does it really mean in the long term? It’s the same deal, it’s the same amount of money involved in terms of what the PILOT is. We just want to reflect that extra payment, and that’s the extent of the presentation for this tonight. The ordinance is before you for consideration. I know their staff is available to answer any questions you might have of them.

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Mayor Pro-Tem Walker said I would like to say, like General Motors, AWG has been a longtime citizen of this community and I’m glad, glad for a number of reasons. One, there are many people who also sustain themselves by your presence. I don’t know who I should credit with, who had the foresight to put this south of the river in Turner, and Argentine rather than in some other part of the community. As a longtime residence of Turner and I originate out of there, I’m very glad that you’re in Turner and apparently in part of Argentine now so we want to keep you there. Thank you very much.

Mayor Pro-Tem Walker asked is there anyone in attendance who would like to speak in favor of this project. No one appeared.

Mayor Pro-Tem Walker asked is there anyone who would like to speak in opposition. No one appeared.

Mayor Pro-Tem Walker closed the public hearing.

Action:  ORDINANCE NO. O-58-14, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (AWG RRE, LLC Project), in a principal amount not to exceed $17,248,290, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of a commercial facility, including land, buildings, structures, improvements and fixtures; authorizing the Unified Government to enter into a trust indenture; authorizing the Unified Government to enter into a lease agreement with AWG RRE, LLC; authorizing the Unified Government to enter into a bond purchase agreement in connection with such bonds, and authorizing and approving the execution of certain documents and the taking of other actions in connection with the issuance
of said bonds.” Commissioner Markley made a motion, seconded by Commissioner Kane, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**STANDING COMMITTEES’ AGENDA**
No items

**ADMINISTRATOR’S AGENDA**
No items

**COMMISSIONERS’ AGENDA**
No items

**Mayor Pro-Tem Walker** recognized our loyal public office holder that attends, Mary Ann Flunder. Thank you for being here Mary Ann.

**Mayor Pro-Tem Walker** adjourned the meeting as the Unified Government Board of Commissioners and reconvened as the Land Bank Board of Trustees.

**LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**ITEM NO. 1 – COMMUNICATION: LAND BANK APPLICATIONS**

**Synopsis:** Communication requesting consideration of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval of the applications.

Applications for yard expansion unless noted otherwise:
541 Morse Ave. – Mark Hopkins for single-family construction
642 Everett Ave. – Ricky White
6347 Longwood Ct. – Mark Lee
2017 Federal Ave. – James Clinkenbeard

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On November 3, 2014, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the Land Bank Board of Trustees’ Consent Agenda.

**Mayor Pro-Tem Walker** said we are approving Consent Agenda as it is proposed. Is there anyone in the audience—none. Let the record reflect that no one has stepped forward to set-aside any item.

Roll call was taken on the motion and there were eight “Ayes,” Townsend, McKiernan, Murguia, Kane, Markley, Walters, Philbrook, Walker.

**PUBLIC ANNOUNCEMENTS**

No items

**Adjourn**

**Mayor Pro-Tem Walker**

ADJOURNED THE MEETING AT 7:18 P.M.

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__________________________________
Bridgette D. Cobbins
Unified Government Clerk

cm

November 20, 2014
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 4, 2014, with nine members present: Vacant, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District; Maddox, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District, and Mayor Holland, Mayor/CEO, presiding. McKiernan, Commissioner Second District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Mike Tobin, Interim Public Works Director; Jody Boeding, Chief Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Interim Assistant County Administrator; Rob Richardson, Director of Urban Planning & Land Use; Byron Toy, Planner; Jamie Ferris, Planner; Janet Parker, Administrative Assistant; and Captain George Sims, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend, Holland.

INVOCATION was given by Reverend Ken Nettling, Faith Lutheran Church.

Mayor Holland said tonight, we have two distinct parts of our meeting. We have a Planning and Zoning meeting that will be handled first followed by the Regular Commission meeting. I will note that the Regular Commission meeting portion is the portion that has the animal control issues on it, which I anticipate most of you are here for. We do have a portion that comes before that so I would ask for your patience and cooperation during that time. Will, I want your patience and cooperation all night.

Mayor Holland asked if there were any revisions to the agenda. Bridgette Cobbins, UG Clerk, stated a blue sheet has been distributed. Under Section 11, Public Hearing Agenda, we
have a new item. It’s a new ordinance and a development agreement regarding the Lane4 Property Group regarding the Fairway North Shopping Center.

**Ms. Cobbins** asked if members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning & Zoning Agenda. **Commissioner Philbrook** stated I have made contact with Cheryl Stewart on #SP-2014-56. **Mayor Holland** stated I have had significant contact with folks on Master Plan Amendment #MP-2014-7. **Commissioner Walker** said I’ve had contact in reference to Miscellaneous-the three ordinances related to digital outdoor advertising. **Commissioner Murguia** said I’ve had multiple contacts on the animal ordinance amendments. **Mayor Holland** said that’s non-Planning & Zoning. **Commissioner Townsend** said I have had contact with proponents and opponents at various times prior to tonight with regard to the #MP-2014-7.

**Mayor Holland** asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set aside, all items will be voted on in a single vote following the recommendation of the Planning Commission. Any item set-aside will be handled individually.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda (excluding the set-asides as noted below).


Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**PLANNING AND ZONING CONSENT AGENDA**

**SPECIAL USE PERMIT APPLICATION**

**ITEM NO. 1 – 140348...SPECIAL USE PERMIT #SP-2014-73 – KATHERINE KELLY**

**SYNOPSIS:** Special use permit for an existing greenhouse, storage container and office building at 4223 Gibbs Road, submitted by Rob Richardson, Director of Planning. This use supports the operation of Cultivate Kansas City’s organic vegetable farm for the training of aspiring food
producers and farmers. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-73, subject to:

**Urban Planning and Land Use Comments:**

1. What are the hours you expect to have people on the site?
   Generally, staff members and volunteers are onsite between 8:00 a.m. until 6:00 p.m., but there are occasional Fridays during the summer that some might be there until approximately 8:00 p.m.

2. How many people do you anticipate working on the site at one time?
   The number of people onsite depends on the season. During the summer, it can be up to eight staff members and volunteers and during the colder season, it goes down to two.

3. Please provide images and a count of all parking for the site.
   Please see page with heading “Attachment 1: Parking.” The first photo displays a main parking area where five vehicles can park at one time. The second photo displays overflow parking (gravel), where four vehicles can park at one time. This is also where the Cultivate Kansas City box truck is parked when not in use. During occasions when volunteer or visitor groups are hosted, parking is designated to the nearby Master’s Community Church at 2548 South 42nd Street, Kansas City, KS 66106. We have a standing agreement with the church, and notify them prior to each event.

4. Please provide photos of the property including where and how all tools, chemicals, etc. will be stored.
   Please see page with heading “Attachment 2: Storage Container.” The storage container houses the tractor. Please see page with heading “Attachment 2: Storage Shed.” The shed contains tools, supplies, and chemicals. (Please note that we do not use chemical fertilizers, nor pesticides or herbicides.)

5. Approval is recommended for two years.
   This land is being put to a use that is likely the most beneficial possible for the site, as such, staff recommends approval of this petition.

**Public Works Comments**

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.

2. Items that are conditions of approval (stipulations): none.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2014-73 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**VACATION APPLICATIONS**

**ITEM NO. 1 – 140351...RIGHT-OF-WAY #R/W-2014-3 – CHASE SIMMONS**

**SYNOPSIS:** Vacation of right-of-way at 3717 Cambridge Street

**December 4, 2014**
ITEM NO. 2 – 140354…RIGHT-OF-WAY #R/W-2014-6 – CHASE SIMMONS

SYNOPSIS: Vacation of right-of-way at 3717 Cambridge Street, submitted by Rob Richardson, Director of Planning. The applicant, Chase Simmons on behalf of the University of Kansas Hospital Authority, wants to vacate two portions of right-of-way along Cambridge Street, West 37th Avenue and West 38th Avenue, for office buildings and parking lots. The Planning Commission voted 8 to 0 to recommend approval of Vacation Applications #R/W-2014-3 and #R/W-2014-6, subject to:

Urban Planning and Land Use Comments

The code for a preliminary plat is provided here. Please note the sections in bold italics.

Sec. 27-215. Subdivision.

(a) Purpose. The purpose of subdivision is to provide for the orderly and efficient development of land by assuring the following:

(1) Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

(2) Provision is made for drainage, erosion, water supply, sewage disposal and other appropriate utility services.

(3) Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, including access to major streets, proper ingress and egress, and traffic controls, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

(4) Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

(5) Development patterns are designed with due regard to topography and floodplains, so that the natural features of the land and vegetation shall be protected and enhanced.

(6) Adequate sites are provided for schools, parks, playgrounds, and other community services and facilities so that residents of all neighborhoods shall have convenient access to such facilities.

(b) Applicant. A subdivision application may be initiated by the unified government board of commissioners, planning commission, or upon application of the property owner or owner's agent.

(c) Applicability.

(1) No division of land into two or more parts, any part of which contains less than 20 acres or 600 feet of street frontage, or other activities included in the definition of subdivisions, as defined herein, shall be made prior to approval of a plat by the planning commission and unified government board of commissioners, except as specifically exempted in subsection (c)(2) of this section. No subdivision shall be filed with the register of deeds, and no building permit shall be issued unless an appropriate plat has been approved by the
planning commission and unified government board of commissioners, and recorded, except as specifically exempted in subsection (c)(2) of this section.

(2) The following subdivisions are not required to be platted or replatted, but do require administrative review and approval prior to recordation:

a. Administrative review shall be required for some applications.
   This shall include the submission of a survey with any previous divisions shown in dashed lines. The survey shall include a signature box in the lower right corner of the document that states "Approved by Director of Planning" with a signature line and date line.

b. Administrative review is required for these subdivisions:
   1. Residential lot splits, meaning the division of a residential platted lot into two lots or portions thereof, provided each lot conforms to these regulations and all of the provisions of the zoning ordinances. All such lot splits shall conform to the requirements of section 27-280.
   2. Industrial and commercial lot splits, meaning the division of a platted lot utilized or zoned for commercial or industrial use into two or more lots or portions thereof that each conforms to the provisions of the zoning and subdivision regulations, shall not be required to be replatted, unless a new street or streets are laid out or are proposed over vacated streets or alleys, or when the proposed development pattern or ownership pattern and the existing lot pattern bear no reasonable relationship to each other.
   3. Any movement of property lines between agreeing owners, provided such movement does not create nonconformity or any additional lots.
   4. A single division for an immediate family member (son, daughter, mother, father, brother, or sister), provided the tract is one acre with 150 feet of frontage on existing or dedicated future right-of-way; the tract must be restricted to ownership by the immediate family member for at least ten years, provided it meets sanitary waste disposal requirements of the unified government and state.

c. No administrative review is required for these subdivisions:
   1. Any division of land ordered by a court of competent jurisdiction, provided the court order accompanies the metes and bounds application.
   2. Any division of land where all divided parcels will contain more than 35 acres.
   3. Any division necessitated as a matter of probate, provided the probate documents accompany the metes and bounds application.

d. A building permit shall not be issued for any nonagricultural building or structure on land not required to be platted which abuts a street having less than 25 feet of right-of-way in the case of a local street or 30 feet for a street of other classification, measured from the centerline, until the necessary right-of-way has been set aside by one of the following procedures:
   1. Where existing right-of-way has previously been dedicated by plat, not more than five feet of the required additional right-of-way may be provided by utility and sidewalk easement, the balance by deed of dedication.
   2. Where the lot has not been platted, the additional right-of-way shall be dedicated by way of a plat, deed of dedication, or agreement with the unified government.
   3. A right-of-way over and above 30 feet as may be required for class A, B, or C thoroughfares need not be dedicated unless the property must be platted, but shall be reserved for future street use. Where existing local streets or major streets pass

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through or along a developed area where extensive development indicates that the required width cannot be achieved within a reasonable time at a reasonable cost, a lesser dedication of land may be approved. Such approval shall be by an agreement with the unified government approved by the unified government board of commissioners after recommendation by the county engineer. In this case, building setback will be measured from the line established by the reservation.

(d) **Reapplication conference.** A reapplication conference is required pursuant to section 27-197.

(e) Submission requirements for a preliminary plat. The preliminary plat shall be drawn at a scale and on a sheet size identified by the director of planning in the subdivision application. The information shall be submitted in the quantity and format identified by the director of planning, containing the following information:

1. Proposed name of subdivision.
2. A legal description of the property.
3. Existing zoning, and if applicable, proposed zoning.
4. Names and addresses of the owner of record, developer and registered surveyor, land planner, licensed professional engineer and/or architect in the state.
5. Scale, north arrow and date of preparation, and if applicable the dates of any revisions.
6. A key map showing the location of the proposed subdivision referenced to existing or proposed streets and to section lines.
7. The following existing conditions:
   a. All platted or existing streets, property lines and the names of platted subdivisions for a distance of not less than 200 feet.
   b. Location, width, and names of all existing streets, easements, utilities, and rights-of-way; public spaces; and permanent buildings within 200 feet of the proposed plat.
   c. Existing contour lines at two-foot intervals.
   d. Significant site features, including tree stands, wooded or vegetated areas, wetlands, water bodies, and slopes in excess of ten percent.
   e. Location of any 100-year flood fringe or floodway boundaries before and after subdivision. In zone A for which no regulatory flood level has been established in addition, an estimate of the regulatory flood level shall be submitted. Any change in the regulatory flood plain must be accomplished prior to review by the planning commission.
   f. Names and addresses of adjoining property owners and property owners based on information provided by the unified government.
8. Proposed development, as follows:
   a. The location and width of proposed rights-of-way, streets, alleys, pedestrian ways and sidewalks, and utility easements.
   b. Layout, number and dimensions of lots and parcels and the number or letter of each lot, block, or parcel.
   c. Location, size and identity of areas proposed for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservations.
   d. The proposed use of land for each lot or outparcel under the same control or ownership.

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e. Approximate gradients of proposed streets, stormwater facilities and sanitary sewers within the subdivision.

f. A written statement relating how liquid wastes are to be handled, whether by sewers and an existing sewer district, a district yet to be formed, private treatment facility, etc.

g. Preliminary grading plans for natural drainageways that are to become improved surface drainage channels.

h. A copy of a preliminary set of protective covenants to run with the land shall be submitted with all preliminary plats containing five or more lots and designed for single-family and two-family residences. Such restrictions shall have a life of not less than 50 years and contain at least a minimum floor area requirement for residences to be constructed therein, along with a maintenance plan and funding structure for all proposed private open or common areas.

i. Any additional studies requested by the director of planning or the director's designee, pursuant to section 27-198(b).

j. Traffic study for all commercial subdivisions and any residential subdivision with 100 or more proposed dwelling units in the preliminary plat.

k. Preliminary stormwater calculations and best management practice/detention basin requirements.

(f) Application and review procedures for a preliminary plat.

(1) Determination of completeness. Applications shall be submitted to the director of planning for a determination of completeness pursuant to section 27-198. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the department of urban planning and land use.

(2) Neighborhood meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-199.

(3) Staff review. Following a determination of completeness, the staff shall review the application pursuant to section 27-200.

(4) Notice and public hearing.

a. Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.

b. Written notice shall be sent to all property owners within 200 feet of the proposed subdivision not less than ten and not more than 15 days prior to the hearing date.

(5) The planning commission shall consider the following criteria in making a decision:

a. Whether the preliminary plat is consistent with the comprehensive plan, the major street plan and any other adopted plans;

b. Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations;

c. Whether there are adequate public facilities and services available for the proposed lots, including internal and accessing street systems, water, waste water, stormwater, electricity, fire, police, and emergency facilities and services;

d. Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment;

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e. Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties;

f. Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services; and

g. Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.

(6) Planning commission determination. Upon hearing all interested parties, the planning commission shall approve or deny the preliminary plat as submitted, or may conditionally approve the plat as submitted subject to specified changes.

a. Following a vote denying an application, each planning commissioner voting against the application shall state their reason for so doing and identify such conditions as would be necessary for the application to be conditionally approved.

b. If the preliminary plat is disapproved or conditionally approved, the reasons for such actions shall be attached to one copy of the plat and made available to the developer within two weeks of the planning commission meeting.

c. On conditionally approving a preliminary plat, the planning commission may require the submission of a revised preliminary plat for either staff or planning commission review.

d. If the preliminary plat is approved, or after the revised preliminary plat is submitted and approved pursuant to subsection (f)(6)c of this section, the applicant may proceed with the public works requirements.

(g) Public works requirements.

(1) Upon approval of the preliminary plat by the planning commission, the applicant shall, in the process of preparing a final plat, prepare and submit to the county engineer the following plans (in quantities and sizes specified on the application form) for that portion of the subdivision to be included in the final plat:

a. Plans and profiles of all public streets to the county engineer.

b. Plans and profiles of sanitary sewers to the county engineer.

c. Stormwater plans and drainage calculations, including culverts, bridges, underground pipe, improved channels and natural waterways where appropriate. Drainage easements shall also be shown in preliminary fashion in the plan. Detailed grading plans are required in and adjacent to 100-year floodplain areas.

(2) The plans shall be prepared and sealed by a civil engineer registered in the state and shall be submitted concurrently with the final plat application.

(3) The county engineer and other appropriate officials shall review the documents submitted pursuant to this part. The county engineer shall notify the applicant in writing of the department’s findings prior to final consideration by the planning commission. A copy of this notification shall be placed in the records of the planning commission and reference made thereto at the time the final plat is being considered by that body.

(4) The planning commission shall not approve a final plat until all public works requirements have been designed or otherwise stipulated and compliance with these regulations certified by the county engineer and water pollution control director.

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The key issue for staff is the surrounding street network. While traffic and sewer studies have been provided the traffic studies leave more issues to be resolved. This project would propose to add approximately one million square feet of new development to the area bounded by 36th, State Line, 39th, and Rainbow. There are already traffic issues in this area without this new development. With regard to the traffic, this development will have a significant impact on the existing street network and Unified Government maintenance and expansion obligations. It is safe to say that the required improvements to serve this development have not been fully identified. A partnership strategy to address them has been developed. This is critical; because once these actions are approved the Unified Government has almost zero control over the proposed facilities and would be responsible for any necessary improvements. The applicant should publicly acknowledge the partnership they are proposing during the public hearing.

For a preliminary plat to be approved, the code requires the Planning Commission to know or at least have a reasonable expectation as to the nature of improvements to expect as part of the subdivision. This is not a typical subdivision and staff cannot provide that list at this time.

**Other Planning Comments**
1. The plat may not be filed or the vacation published until all utilities have been relocated and new easements provided or new easements are provided for existing utilities.
2. The University of Kansas Hospital has agreed to help fund a new Rosedale Master Plan that will address the future street needs of the area and they have agreed to assist in obtaining grant funding to accomplish the street improvements identified in that plan. They will not agree to help fund any portion of those improvements not directly adjacent to their site. If any portion of those necessary improvements is attributable to their project, the improvements will either be funded by grants or the Unified Government.

**Public Works Comments**

Vacation: See plat comments.

Preliminary and Final Plat:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): none.
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: none.

**Rob Richardson, Director of Urban Planning and Land Use**, stated these items are in relationship to the new University of Kansas Hospital development north of 39th St. There’s a plat that accompanies those. As you know, the plats run a little bit different process. They have
to be approved by the Surveyor and the County Engineer and come to you all for acceptance of public rights-of-way and easements. These are two small strips of street that adjoin that plat.

**Phil Gardos, 1904 W. 36th**, stated thank you all for the community service you provide. Some years ago when I first came to the community, Fred Rode, who was then head of the Rosedale Businessmen Association, the predecessor to our Rosedale Development, sort of took me under his wing. One of the things he did at that time was during a previous KU expansion, worked out a deal with the city and KU and the neighborhoods involved so that the zoning north of KU, the current area under discussion, would be changed from single-family to duplex zoning so that with foresight 20, 30, 40 years down the road, this would be an ideal place for the hospital to expand. It would then be mostly investor owned and easily bought up.

KU does a fabulous job in many areas. Institutional memory is not one of them. As you probably are aware, third parties ended up buying up this territory in preparation for their own purposes. KU eventually exercised its significant muscle and now controls the area and is about to develop it. Strange for most of us, the rules that allow them to do development after this particular vote, they’re pretty much up at free hands as I’m sure you’re aware. This is really the only opportunity to raise possible objections to this plan so I take advantage of that moment if this is the right moment to do that.

The plan is huge relatively speaking for urban area. Petitioners’ own explanation is that parts of it won’t be developed for decades. In the meantime, the hospital obviously has rather immediate plans for most of the ground. As of today, they were grading parking lot spaces on parts of it that won’t be developed perhaps for decades.

The city’s only opportunity to rest concessions is based on a very vague promise that they made that they talked to the city about needs. The petitioner says that we should rest assure that because this is state property, the state will have money to kick in to help with needs we have for infrastructure in the future. I’m not sure that money is too likely to come in the current political atmosphere. Even on simple things like roadwork, we really don’t have any promise of future cooperation or financial support from the petitioner for the needs that will obviously change over decades. I would suggest just on technical grounds that the current petition is overreaching a smaller petition for the ground that they actually intend to use short term could be identified. The other purposes for the ground that they intend to use perhaps for decades for other purposes could be so identified and then changed as time came along.
This is a lot of territory to take out of property tax and then have uncertain of what’s going to go on and have almost no ability of the city to deal with it for those decades. I don’t doubt that you’re probably going to pass this anyway. Perhaps for future events with large institutions, planning could be given support to focus the petition to what its real immediate needs are so that the city’s interest could be better protected long-term.

**Mayor Holland** opened the public hearing. One public hearing was offered for both of these items because they are organically related, Items 1 and 2.

**Chase Simmons, Polsinelli Law Firm, representing the Hospital Authority,** stated we, at the Planning Commission, did a full presentation on this. I think it’s in the minutes. We can obviously do it tonight if that’s necessary, but I thought I would maybe just respond to the specific concerns that were brought up.

Number one, as far as why we need to go ahead and vacate these streets and ultimately do a plat on the entire area, that one, allows us to go ahead and plan, on a master plan basis, the entire area which was the request and discussion with the staff that we’ve had for well over a year. That allows us to—we don’t exactly have a crystal ball, but as we’re looking forward 10, 15, 20 years, look at the whole area and make sure that we’ve got utilities in the right areas, streets in the right areas, etc. and that we’re not building any of these things, especially streets, in the way of future building or future opportunities to move traffic through this area that is experiencing a lot of growth. We think going ahead and doing this upfront is exactly what should happen rather than trying to do it on a piecemeal fashion. Again, all we’re really doing here is combing a lot of very old small parcels into really one large parcel and vacating some right-of-way that’s not used so that we can get utilities in the right area. That’s with respect to number one.

The other thing I’d like to say as far as the planning process is that under state law, we are exempt from the planning process but we’ve agreed over the last couple of years to go through on a voluntary basis a master planning and planning, go to the Planning Commission, make those plans available to the public, and to work very hard with the Planning staff to make sure that they’re in the loop all the way along. We started with both a master plan that has been made available to the Unified Government staff and to the public. Then, as to what we call Phase I, which is what the construction project that would happen quickly, a lot of detail around that. Our attempt is to make this look as much like a traditional planning and zoning process as
possible, but also comply with state law and we think we’ve done that. We really tried to go by the book here. Again, John Jackson, with the hospital is here, and we’re available to answer any questions or do a full presentation if that’s your request.

Mayor Holland closed the public hearing.

Action: Commissioner Murguia made a motion, seconded by Commissioner Kane, to approve Vacation Application #R/W-2014-3, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Action: Commissioner Murguia made a motion, seconded by Commissioner Kane, to approve Vacation Application #R/W-2014-6, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

MASTER PLAN AMENDMENT APPLICATION
ITEM NO. 1 – 140348...MASTER PLAN AMENDMENT #MP-2014-7 – UNIFIED GOVERNMENT OF WYANDOTTE COUNTY

SYNOPSIS: Master Plan Amendment to the Downtown Master Plan in conjunction with the Healthy Campus Initiative, submitted by Rob Richardson, Director of Planning. The proposed plan is an attempt to set an implementation path to bring healthy food, healthy activities, healthy living, and health related services to an area of our community in desperate need of invigoration and a healthier environment. It is the desire that this will become a national model for revitalizing an urban area through reinvestment in green infrastructure, grocery services, a community center, new housing and new health services. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment #MP-2014-7, subject to:

Urban Planning and Land Use Comments

1. Access to a new community center was identified as an issue during the planning process. As you know the recently reopened JFK community center is free for all to use – especially the meeting rooms and sports court. The community spoke strongly about keeping access open to all when a new community center is built. While the plan explored eliminating JFK, combining JFK with a new facility and having two separate facilities, it settled on two separate facilities along with the creation of an access team to work thru the details and
logistics of long-term access to the new facility for the community. The Mayor has appointed the access team and it will hold its first meeting in the very near future.

2. It is obvious when viewing the plan that some buildings and uses move in terms of location. It should be clear that this plan does not want anyone to move out of the area. It does show the possibility for new housing and new business locations that the City will work towards in the future as the plan comes to fruition. That said it was encouraging to hear one impacted homeowner say something along the lines of, “if the plan comes together at this quality, I would move to help make it happen.” We would hope that we would be able to work with anyone impacted to identify a high quality new home and a fair payment for their current residence and/or relocation assistance.

3. The location of the grocery has changed from what had been proposed by a development team previously. The Mayor, staff, and consulting team feel strongly that the store needs an urban street front entrance to help establish a walkable urban environment. Staff recently toured new grocery stores in New Orleans using this model. The stores were very busy even during normal office hours on a week day. This is largely due to the quality walkable environment being developed surrounding the new stores. One of the stores, a Rouses, in the warehouse district of New Orleans is an Associated Wholesale Grocer (AWG) Gulf Coast Region partner store. AWG is a partner in the previous grocery proposal and discussions with them are ongoing. News articles cite their strong partnership as a reason for success. That store even grows hydroponic herbs on the roof and sells them in the store.

4. The plan has not established a cost for the phase 1 infrastructure. However it does offer strategies outside of the normal budget programming to fund or help fund significant improvements.

5. Staff would like to thank Gould Evans, Local Initiatives Support Corporation (LISC), National Resources Defense Council (NRDC), and the Mayor and his staff for their tireless and productive work on this project. Most importantly, we would like to thank the 100’s of citizens that took time to participate in this process!

6. This planning process was privately funded. We would like to thank each of the private entities that shared the vision to put this implementation plan in motion. The funders are listed on the last page of this staff report and on page 37 of the plan.

Dan Welch, 6221 Armstrong, stated you that know me know I came to talk about parks. March 17, 1935 Kansan, there was a little article about Big 11 Lake. It’s supposedly quoting a 10-year old girl that just happened to go by with her mother. She said, “You know mother, I sometimes believe it must be a fairy lake. Like fairy trees and fairy flowers, it’s so fancy; it’s hardly real; it just can’t be.” That’s when they brought it up to the modern design which we see today. We’re seeing a proposal in front of us that’s so sweeping it will change the character of downtown Kansas City, Kansas. It shouldn’t go by without some kind of comment.

If you read the minutes for the Planning Commission, you know I spoke to you about George White, George Kessler, and the former Hare & Hare. I’m going to emphasize the vision in this plan is really not new. There is a lot of common elements from what was proposed almost 100 years ago connecting with present Jersey Creek and Heathwood Park. Kessler proposed that in 1909. Boulevarding 10th Street proposed by Hare & Hare in 1920. Sprinkling apartments,
George White proposed that several times through the teens and into the 20’s when he was in his 80s making it the city folks. White was very outspoken about that. Suggestion after suggestion. Integrating with the blind school, that was an initial proposal before the park was legally dedicated.

This is dramatic plan. The details, it’s all in the details. A key to this plan is acquiring the two parcels between Minnesota and State Avenue, one with a building on it that’s not used. The last time I checked, it was back taxes due for many years. This is a key. This is a central part of your plan. That piece needs to be hammered on early and fast.

Reconfiguring 10th Street to match what it was in the Hare & Hare Plan between Parallel and Quindaro. The reason 10th Street is as wide as it is was because they had the streetcars down the middle of the street and they were on a lease and generally didn’t maintain the street so they built it extra wide for vehicles to go around the streetcars.

In the Douglass/Sumner plan there’s a proposal to tie Heathwood Park with Big 11 Lake. When I review this plan, what I see is rather vague and doesn’t match it quite well enough. That needs to be revisited and understood better when the implementation comes because I think this implementation is tied together with any work on 10th Street.

I’m trying to caution you all. This is a difficult project and the vision we know will never come entirely true but we’ve got to hammer on the key points and make it work.

There’s proposal for a new about two city block park in the proposal in the Douglass/Sumner neighborhoods. The initial idea is to clear the land making it look neat, but I would suggest that you hold off really designating what that park is going to do until the neighborhood starts to revitalize and you get some sense of what’s going on.

I didn’t hear anything about artwork. I didn’t hear anything about building heights of the adjoining apartment houses proposed. There was very little discussion of pedestrian ways or bicycle ways. These are the details that need a lot of work and a lot of community input. Traffic crossings, can some be underground in the proposed parking lot? Traffic signals need to be worked in with the blind school. With some of the new audio traffic signals, that will be a perfect location for them; Wi-Fi access. We’ve got the issue of policing. How are we going to work that? Are we going to integrate that in with the existing downtown policing?

Mayor Holland opened the public hearing.

No one appeared.

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Mayor Holland closed the public hearing.

Mayor Holland stated we could do a full presentation on this. I think we’ve seen it several times. I want to just thank everyone on our Planning staff, the community, Gould Evans, the Commission for all of your work on this. My office staff has worked hard on it as well. I’m very pleased to bring this forward with a unanimous vote by the Planning and Zoning Commission.

Action: Mayor Holland made a motion, seconded by Commissioner Walker, to approve Master Plan Amendment Application #MP-2014-7, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Mayor Holland stated though I don’t get to vote unless it’s to make action, I’d like the record to show my support for this project.

MISCELLANEOUS – ORDINANCE (Final action on previously approved item)
ITEM NO. 1 – 140346...ORDINANCE

SYNOPSIS: An ordinance rezoning property at 827 South 78th Street.

Action: ORDINANCE NO. O-59-14, “An ordinance rezoning property hereinafter described located at approximately 827 South 78th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION
ITEM NO. 1 – 140347...SPECIAL USE PERMIT APPLICATION #SP-2014-56 – CHERYL STEWART

SYNOPSIS: Special use permit for the temporary use of land to store a 20’ shipping container at 4437 Claudine Lane, submitted by Rob Richardson, Director of Planning. The Planning

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Commission voted 6 to 2 to recommend approval of Special Use Permit Application #SP-2014-56 for two years, subject to a privacy fence being installed to screen from the residence to the neighbors’ privacy fence within ninety days.

Rob Richardson, Director of Urban Planning and Land Use, stated this is a request by Cheryl Stewart to keep a shipping container at her side yard at 44th & Claudine Lane. The current proposal before you is that she be allowed to keep that for a period of two years provided she builds a wood screening fence from her house to the neighbors’ fence that matches the neighbors’ fence.

Cheryl Stewart, 4437 Claudine Lane, stated the only thing I have is that I agree with the recommendation. I am in agreement to do exactly as they requested which is to put up the privacy fence.

Mayor Holland stated I will express a concern that I have and no disrespect. One of my concerns, we have fairly regular requests for shipping containers to be used as storage units on private property in our city. There is often a disagreement in the neighborhood about whether or not that is a proper storage unit. We’ve had a lot of conversations about temporary storage on site. There’s an item later on our agenda tonight about someone who’s house has burned down and they want a mobile home to be able to live onsite while they rebuild their home. That’s for one year. I think as a temporary structure, if there’s a plan to build a structure, if there’s a plan you’re moving in or out of a house or there’s a usage—my concern is a recommendation for approval with a screening fence that a shipping container becomes a permanent fixture in a neighborhood. I don’t support that at a policy level. It might look fine on your property. I have seen pictures. It looks like a shipping container. I’m just concerned that another neighbor will come and want a shipping container as is less expensive to building a garage or a permanent facility and if in this neighborhood, other neighborhoods as well.

My concern about the shipping container is just in terms of the look of our community and the precedence that we’re setting with it. I’m not in favor of this. Again, it’s no disrespect. I understand that you may be there temporarily in the house. If it’s approved for two years and, Mr. Richardson you can correct me if I’m wrong, if the house is sold, then someone else could use that storage container for the two years. Is that right? Mr. Richardson stated no. This is specifically to Mrs. Stewart.

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Mayor Holland stated then the other concern would be that it just sits there forever. We’re trying to move our community towards a place away from temporary and blighted items. I’m concerned that a shipping container does not represent the character of neighborhood we’re trying to build in Kansas City, Kansas. That’s my concern. If the other commissioners feel differently, that’s fine. This is not a hill I’m interested in dying on. I simply wanted to state my opinion that I don’t think it’s a particularly good idea. If it were to come to me for action, I would vote against it.

Commissioner Townsend stated the only concern I have; I used to work for a shipping company. The only concern I had is that for the long-term, I agree with you. This is not the look that we want to see the city go toward. If no other neighbor voiced a complaint, I think I could go along with it for a limited amount of time. What is the guarantee that at two years, Mrs. Stewart will remove this item? Ms. Stewart stated first off, if I’m permitted to do so and the requirement is that I move it within two year, what makes you think I wouldn’t comply with the law? I mean seriously. If the law is that I have to remove it, it will be removed. I am renting this property. I don’t own it. I have permission of the owner to do this. I have been in contact with all of my neighbors. Nobody has raised any concern concerning this and nobody appeared at any of the hearings nor even showed up at the meeting that I had concerning this. Other than telling you that I would swear on the Bible to abide by the law, which I have on numerous other occasions, that’s all I can tell you.

Commissioner Townsend stated the reason I asked that question is, it was not clear from my reading that, that was the law and since you are asking for a variance, that’s why I asked the question. Ms. Stewart stated will their response was I had to move it in two years. If that is the agreement, that’s the agreement I have to abide by.

Commissioner Philbrook stated so, Cheryl Stewart, friend, buddy, you are swearing on a stack of Bibles you will not hang on to that thing longer than two years. Ms. Stewart stated no, that’s not what I said. Commissioner Philbrook stated but you’ll be moving it. Ms. Stewart stated I have to move it within two years. Commissioner Philbrook stated okay, alright. Because you actually work in the courts and so on, you’re willing to put your reputation forward for that? Ms. Stewart stated absolutely. Commissioner Philbrook stated alright. That’s all I want to know.
Action: Commissioner Kane made a motion to deny Special Use Permit Application #SP-2014-56, seconded by Commissioner Murguia.

**Mayor Holland** stated it has been moved for denial. That would be a reversal of the Planning and Zoning recommendation. I would request our Legal Counsel to clarify the number of votes required for denial. **Jody Boeding, Chief Legal Counsel**, stated it would be eight votes. **Mayor Holland** stated it would require eight votes to deny.

Roll call was taken on the motion to deny and there were six “Ayes,” Murguia, Maddox, Markley, Walters, Walker, Townsend; and two “Nos,” Kane, Philbrook. (Motion failed six to two.)

Action: Commissioner Walker made a motion, seconded by Commissioner Maddox, to send Special Use Permit Application #SP-2014-56 back to the Planning Commission to review the aesthetics of the proposal in light of the neighborhood.

**Mayor Holland** asked how many votes does that require, just for clarification. It’s six I believe. **Ms. Boeding** stated six to send back.

Roll call was taken on the motion to refer the item back to Planning & Zoning and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**Mayor Holland** stated that has been sent back to Planning and Zoning. When is that next meeting, Mr. Richardson? **Mr. Richardson** stated that would be January 12.

**MISCELLANEOUS**

**ITEM NO. 1 – 140125, 140298 AND 140299...THREE ORDINANCES: DIGITAL OUTDOOR ADVERTISING**

**SYNOPSIS:** Three ordinances relating to digital outdoor advertising, submitted by Patrick Waters, Legal.

- Permit digital billboards, subject to certain regulations; amend Chapter 27, Article VIII, Sections 27-722 through 27-739

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• Add "digital outdoor advertising services" to the Occupation Tax list
• Set the occupation tax amount for digital outdoor advertising services

These ordinances were continued from the September 25, 2014 Planning and Zoning meeting.

**Commissioner Walker** stated I’ve been working with the two principal providers of digital outdoor advertising signage in the community. It was intended that they have a final draft of the proposal some time ago. They did not receive that due to some back and forth and trying to get a consensus between the major providers. I’m asking that this be tabled until the meeting on the 18th at which time commissioners would have the final proposal no later than December 12, I believe, is what Legal advised. That way, not only will the individuals involved have an opportunity to fully review it with their legal counsel, any commissioners will have an opportunity to ask questions either of myself or of our Legal Department. I think it would perhaps facilitate final action on this in a more convenient manor than attempting to do it tonight with the additional time required for other items coming up.

**Action:** Commissioner Walker made a motion, seconded by Commissioner Murguia, to table the item until December 18.

**Mayor Holland** stated I want to clarify. The motion and the request is to table it until December 18. That is a Non-Planning and Zoning meeting so we would have a Planning and Zoning portion to that. We typically don’t do it. I believe your request—instead of going clear to January 12, because of the holidays, if we can do it by December 18, it would finish it before the end of the year. Is that correct? **Commissioner Walker** stated that was the intent. **Mayor Holland** stated I want to clarify that intention because we are not setting a precedence of skipping the regular Planning and Zoning schedule by this action, but in terms of this specific project due to the holidays trying to finish it by December 18.

**Commissioner Walker** stated, Mayor, I would also point out that this particular item has been to Planning and Zoning, been up here, been before the Commission, was tabled. It’s been worked. We haven’t attempted to bypass Planning and Zoning whatsoever that’s why I don’t think it establishes precedence. **Mayor Holland** stated that’s right. I just wanted to clarify that for any developer reading our minutes today who might want to interrupt this as such. You have been working this for a long time and we certainly want to keep moving it forward.

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Roll call was taken on the motion and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

REGULAR SESSION

MAYOR’S AGENDA

No items of business.

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if there were any set-asides on the Consent Agenda. Commissioner Philbrook stated I would like to remove Item #5-ordinance for amendments to animal code.

Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda, excluding set-aside Item #5. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

ITEM NO. 1 – 140378…10 RESOLUTIONS: AUTHORIZE VARIOUS CMIP PROJECTS

SYNOPSIS: Ten resolutions declaring the following projects to be necessary and valid improvements, and authorizing a survey of land for said projects, submitted by Bill Heatherman, County Engineer. On November 17, 2014, the Public Works and Safety Standing Committee, chaired by Commissioner Kane, voted unanimously to approve and forward to full commission.

29th & Ohio Storm Sewer, CMIP 5040
Minnesota Avenue, 7th to 8th St., CMIP 1610
White Oaks Capacity 82nd & Haskell, CMIP 5043
12th/10th St. Bikeway, CMIP 1222
Central Avenue & 18th St. Intersection, CMIP 1223
Leavenworth Road, 63rd to 38th St., CMIP 1224
Route 107 Bus Stop and Station Upgrades, CMIP 1225
Safe Routes to School, Group D, CMIP 3334
Safe Routes to School, Group E, CMIP 3335
Westheight Benefit District, CMIP 1221
Action: RESOLUTION NO. R-101-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the 29th & Ohio Storm Sewer Project (CMIP 5040) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Action: RESOLUTION NO. R-102-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Minnesota Ave., 7th – 8th Street (CMIP 1610) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Action: RESOLUTION NO. R-103-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the White Oaks Capacity 82nd and Haskell (CMIP 5043) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Action: RESOLUTION NO. R-104-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the 12th/10th Street Bikeway (CMIP 1222) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

Action: RESOLUTION NO. R-105-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Central Avenue and 18th Street Intersection (CMIP 1223) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia,
to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

**Action:** RESOLUTION NO. R-106-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Leavenworth Road, 63rd – 38th Street (CMIP 1224) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

**Action:** RESOLUTION NO. R-107-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Route 107 Bus Stop and Station Upgrades (CMIP 1225) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

**Action:** RESOLUTION NO. R-108-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Safe Routes to School, Group D (CMIP 3334) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

**Action:** RESOLUTION NO. R-109-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Safe Routes to School, Group E (CMIP 3335) project.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

**Action:** RESOLUTION NO. R-110-14, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the

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Westheight Benefit District (CMIP 1221) project. Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook, Walker, Townsend.

ITEM NO. 2 – 140375…REDESIGN PLAN: KAW POINT Connector TRAIL
SYNOPSIS: Request approval of staff’s action plan for an alternate design of the Kaw Point Connector Trail, submitted by Bill Heatherman, County Engineer. The redesign would allow the project to go forward at a cost that would be in line with the original KDOT grant and UG funding. On November 17, 2014, the Public Works and Safety Standing Committee, chaired by Commissioner Kane, voted unanimously to approve and forward to full commission.

Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

ITEM NO. 3 – 140401…ORDINANCE: LAND FOR Upper Connor Creek Sewer EXTENSION
SYNOPSIS: Authorize Chief Counsel to commence legal proceedings to acquire property for the Upper Connor Creek Sewer Extension Project, CMIP 6122, submitted by Bill Heatherman, County Engineer. On November 6, 2014, the full commission unanimously adopted Resolution No. R-65-14 finding the project to be a necessary and valid improvement, and authorizing a survey and description of land to be acquired for the project.

Action: ORDINANCE NO. O-60-14, “An ordinance condemning land for the Upper Connor Creek Sewer Extension (CMIP 6122) project, and acquiring easements for such purposes, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

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ITEM NO. 4 - 140356...ORDINANCE: IRBS (KAW POINT INDUSTRIAL BUILDING)

SYNOPSIS: An ordinance authorizing the issuance of $20M of Industrial Revenue Bonds (Kaw Point Industrial Building, LLC Project), Series 2014, submitted by George Brajkovic, Economic Development Director. The scope of the project has increased, therefore, the need for additional IRBs (only for sales tax exemption). On June 26, 2014, the commission unanimously approved an amended TIF district and development agreement with NorthPoint Development and adopted Resolution R-45-14 stating the UG's intent to issue $15M in IRBs.

Action: ORDINANCE NO. O-61-14, “An ordinance authorizing the issuance by the Unified Government of Wyandotte County/Kansas City, Kansas, of not to exceed $20,000,000 aggregate principal amount of Industrial Revenue Bonds (Kaw Point Industrial Building, LLC Project), Series 2014, to provide funds to acquire, construct and equip a project for Kaw Point Industrial Building, LLC, and authorizing and approving certain documents and actions in connection with the issuance of said bonds.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

ITEM NO. 5 – 140376...AMENDMENTS TO ANIMAL CODE

SYNOPSIS: An ordinance amending the Animal Code related to increasing the maximum number of animals, removing the Pit Bull prohibition, adopting a Trap and Neuter and Release (TNR) policy, along with other changes, submitted by Jenny Myers, Legal. The proposed changes were recommended by the Animal Control Oversight Committee. On November 17, 2014, the Public Works and Safety Standing Committee, chaired by Commissioner Kane, voted unanimously to approve and forward to full commission.

Mayor Holland stated I want to clarify for folks in the audience, on our Planning and Zoning Agenda, for each item that’s pulled off a Consent Agenda, we are required by law to have a public hearing on a Planning and Zoning item. Non-Planning and Zoning items we’re guided by the Unified Government Commission rules and those rules specify that our public hearing is held at our standing committee. When the standing committee work then comes forward to the full commission, we do not have another public hearing. One of the things I do want to honor.

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tonight—and you will have that opportunity before any vote or action is taken because you have come, I would like to offer everyone the opportunity to express your support or non-support for this item. I will ask you at the time prior to the vote if you would like to stand in support and then afterwards ask the people who are not in support to stand. If you’re already standing, you can hold up your hand but that way you would be able to communicate to the commission your position on this item in a meaningful way simply because we’re not going to have another public hearing at this time.

I am going to turn this over. Commissioner Kane chaired the committee and Commissioner Philbrook has worked extensively on this as has our Legal staff. I want to thank everyone. These kinds of things are eminently complicated and I appreciate the thorough work that everyone has done to work on that.

Commissioner Kane stated what I’m going to do is let Commissioner Philbrook talk and then I will wrap it up a little bit before we ask questions from the other commissioners.

Commissioner Philbrook stated I would first off like to thank the folks that were on this committee working very hard. No stress here. Lindsay Bengham and Bill Hurrelbrink from the Mayor’s Office, Wesley McKain and Ashlee Folsom from the Health Department, Joanna Sabally from Healthy Communities, Andrea Generaux from the Livable Neighborhoods, Jenny Myers from Legal Department, Katie Barnett from the Animal and Municipal Law, she’s a municipal law attorney, and professionals for the Humane and Safe KC, Captain Michelle Angell and Dustin Swartz from the Police Department and Animal Control, Kate Fields and Lorna Helmig from the Humane Society of Greater Kansas City, Gordon Criswell, Assistant County Administrator, and Emerick Cross, Commission Liaison. That’s just a few that worked on it. I will tell you that the lion’s share of work was done by these three ladies sitting up front, that would be Jenny Myers, Katie Barnett and Captain Angell. They will probably be able to answer almost any question that the commission has for them because we’ve been running them ragged to accomplish this.

Commissioner Kane stated I will tell you what, I’ve been here 10 years and that’s the most emotional night I’ve seen in the 10 years that I’ve been here. Both sides have some passion about what’s going on. The folks that spoke were very, very kind to the others on both sides of the fence. It’s probably the most difficult thing I’ve done since I was commissioner is to try and

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run a meeting with passion that high and the feelings that deep. As Commissioner Philbrook talked about, there were a lot of people that worked on this ordinance. The reason that we brought it up tonight is for the commissioners now to ask the commissioners who do not sit on the committee, for them to ask the more important questions. Like the Mayor said, when we get a chance before we vote, we’ll let everybody show which way they prefer whether they are for the ordinance or against the ordinance.

**Mayor Holland** stated I’ll open it up for conversation with the commissioners. I will note that if the commissioners want, and I’ve been advised by our Legal team, we have an ordinance done. Correct? It could be voted on and adopted tonight. If there are amendments, we would simply refer it back to Legal to draft those amendments and come back for a vote on a later night simply because it’s almost impossible for Legal to make sense out of—we can’t adopt an ordinance that we don’t have in front of us in complete form is the point I’m trying to make. If there are very minor changes, I think we can go ahead with that, but if there are changes to the intent or direction of any of this, then we’ll need to send it back to Legal and vote on it at a different time. This is just the complexity of this document. If it’s anything, it’s complex.

There are several different parts to this and they’re highlighted in the agenda. One is increasing the total number of animals, one is moving away from breed specific bans, specifically the Pit Bull prohibition, the other is what’s called TNR-trap, neuter and release that relates to feral cats and the treatment of feral cats. Those are the three primary focus areas. Is that correct? It might benefit us to divide up those conversations and take them one at a time. I’ll start with the one that I think is the least controversial and that’s the kitty cat, the trap, neuter and release item. **Ms. Myers**, can you explain in brief just to clarify—we have the documents in front of us but just to clarify for us again what the TNR recommends.

**Jenny Myers, Assistant Legal Counsel,** stated our trap, neuter and release would allow a community cat that is feral and not socialized, doesn’t have an owner—a cat like that…**Mayor Holland** said speak directly into the mic. **Ms. Myers** said trap, neuter and release would be related to our feral cat, our socialized cats in the community who do not have owners. Those cats in the community, if a community member, maybe somebody who is feeding them, would want to take them into the vet, they could get the cat spayed or neutered and then the vet would also ear tip the cat. The next time if Animal Control gets called out to that cat, Animal Control will know that it has been spayed or neutered so we will not pick up that cat again. It will remain
in the colony. If you want further details about why that is important and why that affects the cats in our community, I’m sure Ms. Barnett could do that for you.

**Mayor Holland** asked is there anyone who would like to comment on the trap, neuter and release of the cats.

**Commissioner Markley** stated I was just going to say that although I think it was technically legal at the time, there was a group that did this in my neighborhood and we had about 30 cats that were living around the dumpster over by the community garden and it worked. I don’t know how it works. It’s like magic but it does work so I’m very supportive of the program. It’s a humane way to deal with the problem that we know we have in a lot of areas in the community.

**Mayor Holland** stated we’re working on the microphones to make sure we get full volume from up here.

**Mayor Holland** asked any other comments on trap, neuter and release. Is there a consensus to move forward with that portion of the thing? If you wouldn’t mind, I might even divide the vote on those items and vote directly on trap, neuter and release portion.

**Action:**  
Commissioner Markley made a motion, seconded by Commissioner Kane, to adopt the trap, neuter and release policy. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**Mayor Holland** stated I’ll now go to Item No. 1 which is the animal code relating to increasing the number of animals currently allowed. I would ask our Legal staff to state the current allowances for numbers of animals and then to state the recommended changes in the policy.

**Ms. Myers** stated currently the section, and this is Section 7-212 of the code, it states that it shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than currently it says two dogs or four cats over 120 days of age or any combination of such animals exceeding five in number but in no case more than two dogs, and then there are several
exceptions. The proposed changes that have been made are to increase it to three dogs or three cats, no combination over six in number with the same exceptions.

**Commissioner Maddox** stated I would just like for Legal to maybe give us just a little understanding of why it’s being proposed to move it up one animal. **Katie Barnett, Attorney,** stated originally we had it a little higher. The Oversight Committee, as you heard, consisted of several people from city departments and it was the three moving it in a small increment with the recommendation of the Oversight Committee and a compromise. In addition to that, we have moved the special licensing from presenting to the commission to be done by Animal Control so that’s another substantive change. **Mayor Holland** stated that’s very important. Right now if you want additional dogs or cats, you have to come to the commission for a special use permit in order to have the additional animals. This would move it from a commission decision to an administrative decision based on how that’s handled. Is that correct? **Ms. Barnett** stated that’s correct.

**Commissioner Maddox** stated and I just said that because my concern is that in my district, there are a lot of stray cats and dogs. When we start to speak about…**Mayor Holland** said to speak directly into the microphone. **Commissioner Maddox** said I said the reason way I brought that concern forward is because in my community, in my district, I see a lot of stray cats and dogs. I often get calls and emails where people have to deal with other people’s animals and pets. In the midst of that, that’s my concern if we were to raise that limit and citizens are not taking care of their animals properly, do we have animals that are stray?

Then my other question is if we’re going to ask for people to have more dogs, what are we doing as a city or an entity to make sure that the stray cats and dogs that are out there now are being handled properly. I know the last time I heard the presentation we were short funded. **Ms. Barnett** stated I can pass that on to Captain Angell for you all since she works for you. **Captain Angell, Animal Control,** stated that’s actually one of the reasons why we’re asking for the increase. We go on a large number of calls that the only reason we’re there is because there are three dogs, maybe three small dogs, and we’re trying to move away from the responsible pet owners where we can have more time to go after the strays and irresponsible pet owners. Part of this proposal is to increase penalties for the second and third offenses for irresponsible pet owners because that’s where our problem lies.

**Ms. Myers** stated to add to that, one other thing, allowing your dog to run at large is illegal or prohibited by the code period. Whether you have one dog or three dogs, regardless,
allowing any dog to run at large could be cited by Animal Control. What Captain Angell said was true. We’re trying to target irresponsible pet owners and not penalize those who actually take care of their animals.

**Commissioner Kane** stated I went through this whole deal from top to bottom and my biggest and only concern is the number of dogs. We have the thing in place now where if somebody wants a third dog, they can come ask for it. I think that would be hard to facilitate what you’re talking about. We’ve already got a plan that’s working. I’d hate to change it. I know that you guys worked really hard but that is the only real concern I have for this whole process is raising it from two to three dogs.

**Commissioner Townsend** stated I’m not a member of the standing committee that first heard this but I did watch it as it was being conducted so I heard all of the comments about all of the issues on both sides and there were good pros and cons of the argument. With regard to this particular part of the ordinance as I read it, I, too, had concern about raising the number of dogs. I’m not permitted. I’m not sure how that benefits us by not raising it. If someone wants more than the allowed two, there is a mechanism currently in place for that responsible owner to come and get approval hopefully for that increase. The way I see this is, we’re allowing the populous to have more dogs. We don’t know what owners are going to be responsible or not. I’m thinking it’s going to have the opposite of the intended effect on it. That’s just how I saw it.

The other thing that I had some concern about was if there is an additional allowance over the number proposed that is being sought, it would no longer come through the commission. My thought about that was we would lose control on what’s really happening in the city. I know it can be laborious sometimes but what is good is to be able to have neighbors come and say you know, I like my neighbor but that yelping dog has to go. If we’re allowing people to increase the number right off the bat that they can have, I’m concerned about more conflicts possibly between them. We would hope that everyone would be responsible pet owners but we know they’re not.

**Commissioner Markley** stated I’m just wondering if Commissioner Kane and Commissioner Townsend have not sort of identified that there are really two issues under this one issue. One is whether we’re okay with increasing the number and one is whether we’re okay with changing the process. I think that several of us may have different opinions on those two different issues.
is what I’m guessing. I’m just throwing it out there that maybe we should sort of split that discussion as well.

**Mayor Holland** stated I’m fine with that. That’s probably helpful. Let’s start with the issue of the number and whether we stay with the two dogs, four cats, no more than five; or go to three dogs, three cats, no more than six. Is that right? That’s the recommendation. Let’s stick with that part and then we’ll also talk about the process for whether it’s an administrative review or a commission review and continue to divide the issue so we can make sure we have clarity on what the intent is.

**Commissioner Walker** stated I favor the increase in the number of dogs. I’ll tell you the primary reason is that I believe it will facilitate the adoption by responsible pet owners without the impediment of it violating a city ordinance or on the opposite end having to go through the legal process of coming before the commission which can have some costs to it and also there is the risk that the commission on any given night might or might not approve that. Anything we can do to find responsible owners and assuming, as I am, that the adoption process includes at least some minimal screening as to who is acquiring these dogs. I think it’s better for the community. A yelping dog is a yelping dog whether there’s one dog at that house or whether there’s three. There can still be criminal liability for dogs that are nuisances under this proposal and under the existing law. I favor the increase as simply to the number.

**Commissioner Philbrook** stated I would echo what you said. I would say that if somebody is willing to take in an additional animal, I’d rather they spent the $300 on the animal taking care of the animal than paying for an additional permit to us. This is a very difficult situation for all of us sitting up here because as stated before, it’s very emotional on a lot of levels. This committee, the people that have been working on this, there’s been a lot of high emotion in these committee meetings. Believe me, there’s been more cussing and discussing over this one particular thing than I don’t know what I’ve spent time on lately. This is about our community. This is about the health of our community. If we can get more animals off the street by having somebody adopt and by letting our people, the Animal Control people, do their job of picking up the stray ones instead of calling on people that have three dogs versus two, hey, I would rather have the stray ones picked up and trapped and all that sort of thing. I’m just trying to give us more leverage.
with what money we have. I’m not saying we’re putting enough money into it right now because we all know we’re not, but we’re working on all of this.

I would ask whoever of the three ladies down there wants to address about numbers of animals. If any of you have anything else to say, please do at this point.

**Action:** Commissioner Murguia made a motion, seconded by Commissioner Walker, to approve the increase in the number of animals.

**Mayor Holland** stated I did offer for these issues I would give the audience an opportunity to stand so I will ask if you are in favor of increasing the number of animals, I would invite you to stand quietly at this time. Thank you, please be seated.

**Mayor Holland** stated if you are opposed to increasing the number of animals, will you please stand at this time. Thank you, please be seated.

**Mayor Holland** stated the motion before us is to increase the number of animals to three dogs and three cats. I would say, too, we are open for discussion here before the vote. I would personally prefer to keep it at two dogs and my reason is this. I have two dogs, I love my dogs, my kids love the dogs, I’m a big dog fan. My issue is we’re not going to get called out for three dogs anymore, we’re going to get called out for four. The vetting before the commission gives us an opportunity to make sure we’re giving additional animals to quality owners. We have a lot of people that come forward for kennels. A lot of very responsible pet owners who frequently adopt pets and we grant them permission to have additional pets. We have a stray dog crisis in Kansas City, Kansas. We have a problem with dogs everywhere and we have cats everywhere. I think that the reason we have dogs and cats everywhere is not because of the responsible owners and our laws unfortunately by legal statute we cannot have one law for a good pet owner and another law for a bad pet owner. We have to have one law for the entire community. I feel like simply the fact of increasing the number of pets that’s allowed is simply going to increase the number of strays. I’m sympathetic to the argument that we’re wasting our Animal Control’s time going after the third dog. I agree with that. I would say we spend more time in this commission chamber arguing about the third dog than we spend on a $100M bond issue. I also think that the two dogs are legitimate and legitimate owners have a legitimate case to come forward and get that so that’s my two cents.
Roll call was taken on the motion to increases the number of animals and there were six “Ayes,” Murguia, Maddox, Markley, Walters, Philbrook, Walker; and two “Nos,” Kane, Townsend.

Mayor Holland stated so the number of animals has been increased. Now the next question on this same issue is the process of whether it be handled administratively or by appeal to the commission.

Commissioner Philbrook stated I would really like for it to be handled by Animal Control because they have to go out and look at the property anyway for us and come back with recommendations. It stops it from having to go through Planning Commission and us. I will tell you that the chairman of the Planning Commission was for not having it come before them and testify to so.

Commissioner Walters stated I like the current process and I like it because everything is done in the open. It’s done in a public forum. People can come and state their case and I think we have a reasonable track record of making good decisions. I think when we take it out of the public realm and make it an administrative activity, I think the public has less ability to observe those actions and we’re all accountable, everybody four years for elections, and I think that process is working quite well.

Commissioner Walker stated if no one else besides me and my clarification, can you articulate—are we talking about a process that comes before us if they want to exceed now the three dog limit. Are we talking about having just approved the three dog limit and yet still they come before us. I’m sorry. Ms. Myers stated we’re talking about if say someone in a rural neighborhood and a big house has three Rat Terriers and they think that their home would be appropriate for a fourth Rat Terrier that they want to adopt, to go over the three dog limit then would still need a special permit. Commissioner Walker stated it’s now only if we exceed the newly adopted limit or soon to be adopted limit. Ms. Myers stated that’s correct.

Commissioner Philbrook stated so clarification on that please. It would be a special permit and as it’s written in here, where do they go to get the special permit? Ms. Myers stated as it’s written, they would go to Animal Control. Commissioner Philbrook stated so they would pay
Animal Control the $300 or whatever it is and it would be handled administratively through Animal Control. **Ms. Myers** stated that’s correct as written.

**Mayor Holland** stated I have a question. Would the neighbors, because nine times out of ten, we have the neighbors come and raise the issue about their objection to additional dogs. How would the neighbors’ objections be handled in an administrative review process? **Ms. Barnett** stated the way we talked about it in committee and the way it was proposed is that Animal Control would go out. We would look at the yard and make sure that it’s appropriate for what they’re asking and also consult with the neighbors to see if there was any opposition to it in making our decision. **Mayor Holland** stated currently under the special use permit there’s a letter that’s sent out to all property owners within 200 ft. and an opportunity to respond at a public hearing. How would it be handled? Would you just knock on their doors or would you actually send a letter like we do now? **Ms. Barnett** stated we plan to knock on doors and those we couldn’t reach, leave a notice for them.

**Mayor Holland** stated so we have before us the issue of process whether it’s administrative review or whether it continues to come to the commission under the current process.

**Action:** Commissioner Philbrook made a motion, seconded by Commissioner Kane, to accept as presented.

**Mayor Holland** stated so it has been moved and seconded to move to an administrative review process. I will give the audience again an opportunity. If you would support moving to an administrative review process, I’d invite you to stand at this time to show your support. Thank you.

**Mayor Holland** asked if you are opposed to moving it to an administrative review and would like to leave that before the commission, I’d ask you to stand quietly in your place and show your support. Thank you.

Roll call was taken on the motion to go with the committee’s recommendation for administrative review and there were five “Ayes,” Murguia, Kane, Markley, Philbrook, Walker; and four “Nos,” Maddox, Walters, Townsend, Holland. (Motion failed five to four.)

**December 4, 2014**
Mayor Holland stated that now brings us to the last item which is the breed specific ban removing the prohibition for Pit Bulls.

Commissioner Walker stated this issue is the most troubling that perhaps I’ve had as a commissioner. I was here in a different capacity when the ban first went into place. The ban, of course, was in response to a number of incidents throughout the country in which the Pit Bull has been identified as a particularly vicious and tenacious biter and fighter.

I want to say something to the committee. The committee has done really what is an outstanding job on an entire ordinance. As you can see, we rarely pack the house on any issue some of which might be arguably more impactful on the lives of people, but animals are an emotional subject and they’re emotional to me. I’m always one of them that have voted to give people more dogs than the law allows. I have received some good natured criticism from some of my colleagues about how easy I am on that.

I have to tell you that I am troubled by this Pit Bull—the lifting of the ban on the Pit Bull. I like what is proposed in the ordinance about viciousness and danger and additional fines. Oddly, we were handed some statistics tonight and I’m not sure how statistically valid they are. Mayor Holland said it’s from our Police Department. Commissioner Walker said, no—I mean they’re valid. They’re correct numbers. They’re from our Police Department. I’m sure they are correct for our community.

What is not able to be known is how many of each breed of dog there is in the community. It’s hard to say that because one dog only bit four times in 2013, that must be a pretty good dog whereas one dog that I was sure was going to be on the high end of viciousness, the Doberman, he’s got no bites in 2013. According to this, we only have one bite so far to date in 2014 from a Doberman, but I would have bet you he was in the top three or four of the most vicious dogs. I question whether I can gather from this anything meaningful other than the fact that Pit Bulls are illegal in Kansas City, Kansas. As of 2013, the police records indicate that there were five people bitten, certainly not the highest. This year thus far by Pit Bulls, identified as Pit Bulls, there’s been 15 bites which places it number two on the list. What’s interesting is there shouldn’t be any Pit Bulls in Wyandotte County whatsoever. It tells me that there are a lot of people who are going to ignore the law.

This new law that we just passed I have to tell you, if I walk anywhere near a yard and there are three Pit Bulls in the yard, I would be going back the other way. Everyone at this dais
can tell you of a personal incident perhaps that they’re aware of. I’m aware of one in which, and I told my fellow commissioners and I’ll tell you, other than the one we all know of that happened in our community that ended in a fatality—a gentleman went to answer a used car ad that was on a car, knocked on the door. He next found himself in the front yard knocked off the stoop. The end result was more than 230 stitches and supposedly the dog had never bit anyone.

I am concerned the day we approve Pit Bulls as an acceptable breed in this community. There will be people who will go out and buy three Pit Bulls and they will continue to have three Pit Bulls. I’ve always asked myself the question, there are hundreds of breeds of dogs to choose from. There are countless mixed breeds and yet there is something about Pit Bulls that people want. I’m lost at coming up with an answer what it is when it’s known to pose a potential danger to innocent people, utility people, and children coming to the door selling candy. The utility people reading the meter, police, fire. Police obviously have a means perhaps to defend against their attack or just an innocent neighbor coming across the street to see what was going on last night in the neighborhood.

I am not convinced that number one, we are ready to lift that ban. I’m not saying that there’s not a time where we might have the resources to do it. I am convinced we do not have the physical boots on the ground or the financial resources currently, and I do not see us getting those resources to monitor this type of animal. I will not be supporting lifting the Pit Bull ban. I will be supporting the ordinance as written otherwise and as adopted here tonight. I am not prepared to share that collective responsibility if someone is mauled or killed by a Pit Bull after we lift the ban without further restrictions or evidence that convinces me that they don’t pose an ongoing and continued threat.

**Commissioner Maddox** stated I just want to say the same that Hal said. After being here three and a half years, this is probably one of the hardest decisions that I’ve had to deal with as a commissioner. I’m also part of the standing committee. Since that meeting two weeks ago, I probably received over 50 to 100 emails. The majority of them were for, in favor of Pit Bulls.

Just my personal experiences, I know people who have been bit by Pit Bulls. I know loving Pit Bulls. I know people who have family dogs that are loving and what it really boils down to it boils down to the owner of the dog who are often the main issue when it comes to how the dog is bred and reacts to people.

Then I got the email from Reverend Matt McConnell. I watched him as a young boy tear up pulpits and preach the word. I thought about Mrs. Jimmy Mae McConnell who I kind of
knew. I just kind of watched her from afar. I did know her from being involved in the church and I knew the McConnell family so I knew this was something strong that I would have to face where it would be emotion versus logic.

I’m still stuck at a tough place because I did also do a social media log with various citizens and voters in my district, and a lot of them said that they wanted to be able to have a Pit Bull and so it’s a concern for me. I’m stuck at a tough place but I’m willing to make this vote tonight and it will be what it will be.

Commissioner Kane stated most of you don’t know but I’ve got nine brothers and sisters. My brother Vic was a postman in Wyandotte County and retired as a postmaster; never, ever got bit by a Pit Bull. My daughter, when she was in college, had two Pit Bulls. You could wrestle with the dogs. If you said ouch, the dogs backed off and that’s why it is emotional. When college was done, she had to give those dogs up to move back to Wyandotte County.

As we’re looking at the information we were given tonight, the Lab bit more people than anybody else. The Boxer second, unknown was tied for Pit Bulls at third. It clearly shows you that Pit Bulls aren’t the problem it’s the people, the owners of the Pit Bulls. No matter which way this goes, I don’t believe it’s the dog and I wish my daughter still had those dogs. In fact, my daughter wanted to come down to the standing committee meeting and I wouldn’t let her. I wouldn’t even let her watch it on TV because it’s that emotional for her but yet it’s emotional for the other family as well. So regardless of how the vote goes down, each and every commissioner up here makes votes that they don’t necessarily like but a lot of times they come from the heart.

Commissioner Walters stated maybe you could help me with a question I have on the ordinance. As I look at the ordinance as it currently stands, the ban on Pit Bulls right or wrong and whether it’s effective or not, the goal of that ban is to prevent something bad from happening. Right? The replacement is if something bad happens, we’ve got all these steps that we take to respond. If it bites one person, we do this. If a dog bites two people, we do this. If a dog bites them really bad, we do this. There are all sorts of fines and sanctions. Unfortunately, the damage has been done in my opinion. Yes, we have statistics that show that there are other dogs that are problems too but as Hal said, we shouldn’t have any Pit Bulls on this list because Pit Bulls are not supposed to be here. I don’t know how many we have compared to Boxers or miscellaneous, but it’s hard to come to conclusions based on the information we have. I do like
the idea of trying to prevent something bad from happening and that’s why I support the current ban on Pit Bulls.

**Commissioner Townsend** stated as I read the ordinance, I had some questions just about the language. I’m not addressing the Pit Bull issue at this time. In Section, I guess it’s 216-Dangerous Animals, as I look at the language of Section (c) where it says, “Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was: (1) On the real property of owner or keeper of the animal.” Why is that an exception as to the definition of a dangerous animal? **Ms. Myers** stated for anyone who would be trespassing. If someone was trespassing on the real property, that would be an exception. Then we also discussed at the standing committee meeting perhaps revising that language to include either the word trespassing or including invitee or licensee which would include someone, a guest in your home which would be excluded from the exclusion or a gasman, mailman, anyone who is technically allowed to be on your property and not necessarily trespassing so a bite would count as a dangerous animal bite for those people.

**Commissioner Townsend** stated I think you’re getting to the heart of my concern then. If the language is going to be amended, I would like to see it sent back so I could actually see what it is we’re voting on. As it reads, I get your meaning but its overbroad. If you’re going to look at how many times or define whether an animal is dangerous or not based on the number of times or whether it bit at all and you’re excluding the premises, what if I’m there as a guest or invitee and it bites me? It’s pretty dangerous to me then or anyone else in that circumstance. So from just the language, I would like to see that amended. It may need to go back. I think that’s a pretty substantive change.

Still under (c), a smaller change but I would like to see the wording in (3) that starts with “Was teasing” and then in (4) omit it. I’m not sure we need that language based on the way it reads above. **Ms. Myers** asked just for clarification, are you asking that we omit (c) (3) and (4). **Commissioner Townsend** stated not in it’s entirety but just the word in (3) “Was.” I think you could just start with whatever that next word is “Teasing, tormenting.” I think you could just pick it up there and the same with (4). I think you could pick it up with the word “was protecting” and eliminate “If the animal was,” those predicates. **Ms. Myers** asked can I clarify. Would you be okay with under (c)(1) “On the real property the owner or keeper” if we added language as far as would you prefer “trespassing” or “invitee” “licensee” just so we have some
guidance as to how you want it. **Commissioner Townsend** stated well my thought was to take this out in entirety. That’s why I’m saying I’m not sure that I’m comfortable here tonight banning about some of the options. There may be others that other commissioners could come up with but as written, I think that needs to be eradicated as it is.

**Ms. Myers** stated I think part of the committee’s thoughts on this one also was if you had a dog on your property that is a guard dog and somebody comes in and is going to break into your home or looking in your windows or snooping, that dog—you may want that dog to protect your house. If that dog were to get in trouble for protecting a house, then I think that might be the issue as to why that language was included. If we could clean it up to prevent the normal guest, yes, that person would be included under invitee or the meter reader, the mailman, police; but a trespasser who has no lawful reason to be on your property or a criminal who might be intending to do harm to you or your property, I think the dog should be able to react.

**Commissioner Townsend** stated and I thought those circumstances were contemplated by (4). You may even want to broaden. But still again, (1), if you leave it as broadly as its stated, you lose the ability to even keep track of the propensity of an animal that may be biting every guest that’s coming over to the house; but as written, is exempted from definition as a dangerous animal.

The other thing I would like to just get some understanding about the wording. Still in Section 7-216.5 over on the next page in (h) and we talk about again defining dangerous animals. What happens to it? This goes to the issue of what Commissioner Walters just raised. The animal, I guess, has been defined as a dangerous animal. In (a) we say, “It shall be unlawful for the owner of any animal to keep or maintain such an animal in the city…” and then we go over to (h) and say, “Upon conviction of keeping a dangerous animal, and the animal returning to its owner…shall be kept under the following standards.” I’m not following that. **Ms. Myers** stated the first part that makes it unlawful is making it an offense and then once the animal is convicted or labeled or a dangerous animal and they choose to keep the animal, then it shall be kept subject to the following restrictions. Currently, as it reads, there are no outlined restrictions. There’s no insurance. There’s no requirement of registering the animal at the Animal Control or the city as a dangerous animal. There is nothing like that right now for an animal that bites someone currently in your code.

**Commissioner Townsend** stated well, I think this goes to the point Commissioner Walters has made. If we’re going to define it and say we don’t keep it and then we turnaround and give it back to the owner, what is the point? I don’t get it. Anyway. I’m not sure I get that.
Ms. Myers stated I think it’s just allowing for minor bite violation to remain within the city because if the bite causes serious bodily harm, it’s dealt with as a vicious animal. For those animals that are nuisance animals, animals that are putting people in fear, that’s the preemptive measure so the city isn’t constantly reacting to biting animals. There actually is under the nuisance section for animals putting people in fear. That’s the preemptive measure including these restrictions here for animals that have had a minor bite violation. That was the intent of pulling the ban based on appearance for animals and then doing a preemptive measured based on behavior.

Commissioner Townsend stated after reading this, I would like to see at least this reworked or given another opportunity to more clearly express what the language of the ordinance—the intent that you’re trying to achieve. As written, I don’t think it does that from what I see.

With respect to the Pit Bull issue, I agree with a lot of the things that Commissioner Walker has already stated and the other two commissioners who spoke earlier.

I did observe, as I said, the standing committee meeting. There were powerful arguments made on both sides. One of the arguments made not already addressed here was the choice that people have to make if they want to live in Wyandotte County and own a Pit Bull. A lot of persons spoke and said they would like to have remained in Wyandotte County. Some chose to leave, others chose to stay, but they had to give up the Pit Bull.

The problem for me is that for Mrs. McConnell there is no choice. We would love to have everyone want to stay and be a citizen of Wyandotte County, Kansas. The choice is the issue here. I would just have to go on the side of choice for people to be safe and not in fear of what I believe a dog by breed that has more propensities to be vicious and inflict fatal fatalities than maybe another breed.

With regard to the argument about it’s really the result of the owner’s attitude, to that I say if I’m walking down the street, I’m not going to have the opportunity to take an inventory or interview the owner to see how good they were to that Pit Bull or not. I would have to vote against lifting the current ban but aside from that, just for the other issues that I’ve articulated, I would just like to see a rework on some of the other.

Ms. Barnett stated I was just going to respond about the proactive versus reactive. The intent behind writing in the extensive nuisance animal language and preempting any kind of bite or attack due to an animal’s demonstrated behavior including putting someone in fear is a direct
result of us replacing something that is currently reactive and replacing it with something that is proactive.

**Mayor Holland** stated what we might do on this issue as well, just as we did with the number of dogs and how we handle the licensing, I think I will split the issue on the vote about the nuisance animal language, which is a change from our current piece that could be added regardless of whether or not we lift the ban on Pit Bulls, and separate that issue about whether or not we would add the proactive measures they’ve stated about a nuisance animal generally because it’s not—it’s my understanding we could include all this new nuisance animal language for all dogs and still choose whether or not we lift the ban, the breed specific ban on Pit Bulls. Is that correct? **Ms. Barnett** stated technically, yes. The reason for, again, suggesting to repeal the Pit Bull ban is the lack of resources. With every call that they get on a dog that looks a certain way, that takes away from a call that they would go out on for a dog that’s behaving a certain way. I don’t know if Captain Angell wants to comment on that, but the resources that are expended on enforcing the Pit Bull ban are an additional reason why the committee suggested that it is removed.

**Commissioner Philbrook** stated I do want Captain Angell to address that issue around costs of dealing with what people might think is a Pit Bull or is a Pit Bull and how much it costs to deal with each one of those animals. **Captain Angell** stated while we were in different meetings, I was asked to just kind of do a figure of what it takes to investigate a Pit Bull when we’re going out on just a call of a dog that has the characteristics or it looks like a Pit Bull, not a behavior call. Breaking it down into the time that the officer goes out, the photographs that are taken and if we’re going to do an actual removal procedure of the dog, going through the process of getting a search warrant and taking the dog, then housing the dog until the court proceedings and all, we’re figuring that it’s well over $1,000 per animal that we spend when we’re doing these dogs that have no other violation other than what they look like. Again, what we’re trying to do obviously as you see, there are Pit Bulls in our community. They’re all over. They’re on every block. I don’t have the manpower currently to go out and proactively enforce that. What we want to do as a unit is really go after the irresponsible owners, the strays, the dogs with the bad behavior to make our community safer and also give the people that have the Pit Bulls the opportunity to come in and license their animals with us so that we know where the Pit Bulls are at in our community. **Commissioner Philbrook** asked does that include the DNA testing that
money you were talking about or is that additional. **Captain Angell** said that would be additional.

**Commissioner Murguia** stated so demonstrated by the number of people here tonight, I would hope that my fellow commissioners and our Mayor would view that animal control in our community should be a priority. Whether you’re here for these changes or against these changes, in my mind is irrelevant. What it appears to me is that our community has lost faith in our Animal Control. When I hear from people on a repeated basis that we have stray dogs and cats roaming the neighborhood and even when community people catch them, they can’t turn them into Animal Control because there is overcrowding and too many animals already. People are left to handle those situations on their own and when the people are left to handle those situations on their own, they don’t trust government anymore. It’s our job to make sure that our streets are safe of stray cats and dogs.

I want you to be very clear. I am very much in favor of all of these ordinance changes. I think they are best practices but I want you to also hear, I recognize that ordinances aren’t any good if we don’t appropriately fund that department to enforce those ordinances. I think what we see here tonight is a number of people—and believe me I can relate to this living in an urban neighborhood where I see a large number of stray animals. I think the problem is that a number of people of lost faith in that because of the way our neighborhoods look.

I have a different proposal for this and particularly around the sensitive topic of the Pit Bull issue. Again, I want to say I’m in favor of this and I think it’s a very good change. I think these things that Katie has brought forward are best practices and as I told you the other night, you’ve done an outstanding job. However, I don’t think this issue should be political posturing. If this commission is serious about getting animal control under control whether it be being bit by a Pit Bull or a Rottweiler, then we need to put money behind it.

**Action:** Commissioner Murguia made a motion, seconded by Commissioner Maddox, to bring this proposal to our budget session, during our budget cycle. We get a budget on how much it’s going to cost to appropriately enforce Animal Control and then we take that vote. If we’re willing to spend money on it and implement best practices, I am all for that.

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Mayor Holland stated I would interpret that as a motion to table this portion until our budget time and ask our Administrator to work with Animal Control to come up with a budget recommendation to fully implement the animal control needs in our community. Is that correct? Commissioner Murguia stated yes, Mayor, that’s correct. Mayor Holland stated that would be to table this portion of it rather than vote on it tonight. We have a motion and a second on the table to table this until budget and I would probably say by April not July. I think we would have plenty of time to have a budget recommendation by April and not July. That’s the item that’s on the table now whether or not to table this.

Commissioner Philbrook stated I am for tabling it especially with what Commissioner Murguia said. Some of our changes that we have asked for, including the $300 per hit for an additional animal, it could have been an administrative thing and that money could have gone straight to the area that it’s needed in and that’s for animal control. I think there’s a lot of ways we can support Animal Control and I would ask that with our work that we do, Mr. Bach, that we look at administrative answers and maybe come back with some changes possibly in code as well and ordinance.

Commissioner Townsend stated I’m wondering what tabling this will mean to what the words now look like of the ordinance. I’m referring to some of the issues that I raised while this is being tabled. If it’s to be tabled, will there be renewed work on the language so that if it is brought back it will look differently or not. Mayor Holland stated yes, I think that your direction to clarify the language has been clear.

Commissioner Walker stated I’m going to oppose tabling it. I think we need to decide. We’ve had this working for a number of months. We’ve had a substantial amount of input. If we approve or do not approve the ordinance, we’re telling the Administrator what we want in next year’s budget.

I would only disagree with Commissioner Murguia in the fact that I don’t hold Animal Control accountable for the current state of animal strays or feral cats. I hold myself and this commission and previous commissions responsible for not funding it in a manner that’s appropriate to the degree of the problem. There are a lot of other issues that we have and so when it comes time to properly fund this, I don’t think that it gets the high priority that obviously this crowd indicates is of interest to this community.

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We seldom draw a crowd of this size on an issue and so clearly it’s a priority. I think Captain Angell has done an extraordinarily good job with what we’ve given her to work with. I would have rather imagined that in the ranks of the Police Department being the head of Animal Control for a period of time, is not considered one of the juicier assignments to have having seen a number of the prior captains go through it. I’m not in favor of tabling this. We’re only delaying to what end? We either want more animal control enforcement and we’re going to vote it and say we’re going to vote it and Mr. Bach should receive the message that we want more funding for this and have adequate time. If we wait til budget, here we are eight months down the road and we’re going to decide then whether we want to come up with this magical bullet for money that we may or may not be able to do. I’m going to oppose tabling it for now. It’s an issue that needs to be decided and moved forward and move on.

Commissioner Markley stated I’m just trying to clarify what it is that we’re tabling. Are we going to table everything even the stuff we agreed on tonight? Is it possible to not table the stuff we agreed on tonight and still table the other stuff? Mayor Holland stated my expectation is we have already voted on the trap, neuter, release policy that is going into effect immediately. We have also voted on the number of animals and we have voted to increase the number of dogs to three, the number of cats to three, no more than six. My expectation is that would go into effect immediately. We have also voted to leave the ordinance alone and leave the review process before the commission. That remains in effect because it’s no change. Those items have already been acted on and are not—those are already past motions so they couldn’t be included in this.

The two items that are included in Commissioner Murguia’s motion are the issue around nuisance animals and whether or not to lift the ban on Pit Bulls. Those are the only two items I have that would be tabled from tonight’s work. Is that correct, Commissioner? Commissioner Murguia stated that’s correct, Mayor.

Mayor Holland stated we already have a motion on the table which is to table both of those items. I would take your statement as a statement against tabling. The motion is to table it. I would speak in favor of additional funding and a full evaluation during the budget. I do not think that needs to be correlated to making this decision tonight. I think the decision needs to be made tonight on the nuisance animal issue and whether or not we’re going to lift the ban on Pit Bulls. I think there’s been a lot of time and energy that’s gone into this. We have all the facts.
that we’re going to have and people are going to agree or disagree. I think it’s time we go ahead and do it.

**Commissioner Murguia** stated, Katie, the ordinances that you have brought forward tonight are without an increase in funding. Are they going to be effective? **Ms. Barnett** stated we anticipate a shift should the entirety of the ordinance be enacted. We anticipate a shift on animal control, spending more time focusing on nuisance animals, dangerous animals and vicious animals instead of animals that look like Pit Bulls in the community. It’s kind of a tradeoff but I think that we all know that they also need more money for traps, they need more money for Animal Control officers. This department needs more money to function effectively and I think that some of the community would also support different sections of this should Animal Control get the funding that they need.

**Commissioner Murguia** stated so I would just close and say I am in favor of these best practices. I cannot vote for changes to an ordinance that require additional funding that we don’t know today that we’re going to fund because people’s memory is short. When the budget process starts and everybody out here is at home and they’re not in front of us, my fear is that the importance of animal control will be pushed to the back burner. I just want to be clear that everybody knows my position.

In regards to Mr. Walker’s comment, I’m not viewing this as a failure by our staff at all. That’s why I think it is directly correlated to budget. These changes, you’ve admitted, are going to require an increase in funding or we’re not going to do them appropriately. If we want a quality neighborhood with quality animal control, I don’t care whether it’s a Rottweiler or a Pit Bull, it doesn’t matter. People in this community are entitled to feel safe in their community and people up here that are elected need to be held accountable for what they prioritize when it comes to finance.

My motion remains on the table that we revisit this in April which in the scheme of things is a relatively short time and we correlate that. We vote on a budget and the ordinance change at the same time.

**Commissioner Townsend** stated just briefly I, too, applaud everyone who has put in the time and effort to bring this issue. As Commissioner Walker said tonight and I agree, in April or whenever we begin the budget process again, I think what is evident by everyone here tonight is that there needs to be more funding put toward animal control. I still think that’s a different
issue than the language and whether or not the ban should be lifted. I think that can be dealt with tonight and still we will remember what this room looks like now when budget time comes.

Commissioner Markley stated what I’m questioning in the back of my mind and I don’t know if there’s an immediate answer, but we know we’re going to be waiting for revised language anyway. How quickly would that revised language be coming back and are we looking at waiting—it sounds to me like we’re not making a full decision tonight no matter what because we’re waiting on revised language. In my mind, I guess it sort of makes a difference in my decision because there’s no point in saying no let’s vote tonight if we know we’re not really going to finish it tonight.

Mayor Holland stated the motion is before us. I will give—because if this is tabled, I don’t know if this whole group will be assembled here again. I am going to give the audience an opportunity to weigh in on these issues as I have in the past. I’m going to start with whether or not this group, the crowd tonight, wants this tabled or not. If you would be in favor of tabling this until the budget discussion, would you please stand to show your support for tabling this issue.

If you would not favor tabling this and you would prefer to have the decision made tonight, will you please stand.

The other issue is I do want to record your interest because if it’s tabled, we will move on past the other issues. I’m going to ask for two things. One is going to be the nuisance animal provision generally. The second issue is going to be on the Pit Bull specific ban. If you are in favor of the nuisance animal ordinance generally, irrespective of whether or not we do the Pit Bull ban, if you’re in favor of passing this nuisance animal provision, newly proposed, will you please stand.

If you are opposed to the nuisance animal piece as proposed, will you please stand.

If you are in favor of lifting the Pit Bull ban and allowing Pit Bulls in Wyandotte County, will you please stand.

If you are opposed to lifting the Pit Bull ban and would like to keep Pit Bulls out of Wyandotte County, please stand.
Roll call was taken on the motion to table banning of Pit Bulls and there were five “Ayes,” Murguia, Maddox, Kane, Markley, Philbrook; and four “Nos,” Walters, Walker, Townsend, Holland. (Motion failed five to four.)

Mayor Holland stated that brings us to the nuisance animal piece. What I would do because there are some requested revisions—I do have a couple of questions about the nuisance animal piece myself. My question about the nuisance animal is if a trespasser comes onto a property—this is a legal question, I don’t know. Ms. Myers stated for clarification, we’re calling it the nuisance animal which is under 7-215. The language I think that you’re referring to is under dangerous animal which is under 7-216. Mayor Holland stated thank you. My question about the dangerous animal is if someone comes into your backyard and they’re not supposed to be there, you didn’t invite them there, they don’t have any reason to be there and your dog bites them and it’s not a serious bite but it’s a minor bite, that does not count as a dangerous animal. Is that correct? Ms. Myers stated as far as the court process in criminal court. It would still be counted as a bite report so it will still fall under—they would be reported to the Police Department. They would write it down as a bite so it would be, but as far as going to Municipal Court on that, no, it would not fall under that. Now you still also have the civil remedies available against that party, but it would just not be taken to court in the Municipal Court.

Mayor Holland asked what if it’s a severe bite and someone’s in the backyard and they’re not supposed to be there and they get a severe bite or are killed. Ms. Myers stated that would fall under vicious animals which is 7-217. Mayor Holland stated okay. Regardless of whether or not they’re supposed to be there, if a dog tremendously hurts someone or kills them, they’re still considered a vicious dog? Ms. Myers stated as long as it does not include an animal that’s caused serious injury to any person who is committing a criminal offense or willful trespass on the property of the owner. Somebody who is coming to your house to commit a crime or is willfully trespassing on your property, then it would not apply to that person.

Mayor Holland stated I have a nine year old and a ten year old at my house that have a difficult time keeping whichever form of ball they’re playing with inside our fence and frequently go to retrieve that. If they go into a neighbor’s yard to get a ball, a child goes into a neighbor’s yard to get a ball and they are attacked by a dog, what does that qualify as? Ms. Myers asked have they been told not to go onto that property. Mayor Holland stated look, they’re nine and ten years old. I tell my kids all kinds of things. Ms. Myers stated no, I’m saying by the other owner because it goes to what the language under trespass means. If they’ve
been told by that owner you are not to come onto my property, then they would be committing a
trespass. You would not take that to Municipal Court. That’s just the language. **Mayor Holland** stated so if a nine-year-old child is bitten even harmed like they’d lose an arm, tough luck. You shouldn’t have been in their yard. Is that right? By the ordinance? I just want to understand. **Ms. Myers** stated I think it would not be charged under vicious animal.

**Ms. Barnett** stated the animal wouldn’t be labeled vicious by the city but, of course, there are other remedies to that situation. I think that the Oversight Committee understands the concern and they think the Oversight Committee and the three of us up here if that’s something that you all would like to have removed, we could have no exceptions. I’ve seen that done in several cities to a vicious animal definition. We could strike Subsection A.

**Mayor Holland** said my other question is, if someone is a robber, I don’t know how we know they’re a robber, but they come onto our property with an empty bag and it looks like they’re coming into our house, we have a right to defend our property. Correct? As homeowners? Now my understanding is if you want to shoot somebody, which by the way I do not recommend, but they have to be inside your house. Is that right? Can you shoot someone in your yard that just looks like they might take something?

Okay, here’s another question. Can I go beat them up in my driveway for being in my driveway? I think the answer is no. I’m asking a rhetorical question. The answer is no. If someone is in my yard and I don’t want them in my yard, I can’t go beat them up and I can’t shoot them but my dog can assault them and that’s okay. **Ms. Myers** stated just the language, as it’s written, that’s what the language says. **Mayor Holland** stated I have a problem with that language. I have a problem—if I can’t physically assault them, if it’s illegal for me to physically assault someone; it ought to be illegal for my brother to illegally assault them. It ought to be illegal for my dog to assault them. I think if a dog is assaulting people regardless. Now if they’re in your house, if you’ve got a burglar in your house and my dog bites them, I’m going to give them a treat, but if they’re in somebody’s yard, I think a dog attacking someone in their yard should not be allowed in our ordinance. That’s my strong opinion. I think there are some revisions to this code that clarifications that have come already but I would ask that be given as an option to take that language out when it comes before us for a vote otherwise I like the nuisance dog. I like the vicious dog, well, I don’t like vicious dogs, but I like the ordinance because it gives us some remedies for all breeds of dogs and not just for Pit Bulls and I think that’s important.

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Ms. Myers stated just a point of clarification. The language currently says while the person was committing a criminal offense. Would you like that removed or do you want the whole section gone? Do you want the trespass removed or do you want the whole section gone? Mayor Holland stated this is my view. I want anything that happens outside of the house to be removed. I think if someone is in your house that you didn’t invite, that ought to be allowed for your dog because I’m allowed to assault them. I’m allowed for my brother to assault them and I’m allowed for my dog to assault them. I think outside the house is too gray. I think it’s too dangerous that people can say well he was committing a crime so my dog gets to bite him. I don’t agree with that. We have the nuisance animal piece before us which I think generally is a good idea.

Commissioner Walker stated I was just going to suggest language that incorporated the idea of unlawful intent. A boy retrieving a ball is not unlawfully entering upon your property. A burglar who clearly has burglary tools and a weapon and a mask and all the accoutrements of the profession who comes onto your property and he gets bit, the dog should not be punished. The utility guy comes onto your property or if someone has been told specifically—I tell Mayor Holland do not come onto my property ever again and he does, he is then a trespasser. Until then, if I walk on your property and it’s not posted and there’s nothing to suggest that I cannot walk up your sidewalk to your front door and knock on it, I am not at trespasser. Those people should be protected and the dog should not. But if I’m walking up to the door to bust it in and you can prove that, the dog should be exempt from punishment for that. You have to incorporate the concept with unlawful intent.

Mayor Holland stated I’m going to ask for a motion for the nuisance animal component. It’s obviously going to have to be reworked anyway to come back to us I would say in 30 days. I think that’s a reasonable amount of time. I want to make sure there’s intent by the commission to pass it because if there’s no intent to pass it, there’s no reason to rework it. Is that fair? Is there a motion to pass the nuisance animal ordinance with the intent we’ve described to come back with the clarifying language?

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

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Mayor Holland stated that brings us back to the final item on this issue. We do have a few more items and I will say at the close of this item, we do have some more work that we need to do and you’re all welcome to stay and enjoy that process. If you chose to leave, I would just ask that you leave quietly so we can continue on with our meeting uninterrupted.

I will also say this. The Pit Bull issue is a passionate issue. People are passionate on both sides. I would invite you not to clap or boo regardless of which way the vote goes. We have a lot of difficult votes and people feel passionate about it. I don’t think we need to scold or cheer people depending on which way they go. I would just ask you to be respectful about the passion of this issue. It has been before us for a while. I would accept a motion one way or another regarding the Pit Bull ban.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Kane, to lift the ban on Pit Bulls. Roll call was taken and there were four “Ayes,” Murguia, Kane, Markley, Philbrook; and four “Nos,” Maddox, Walters, Walker, Townsend. (Motion failed four to four.)

ITEM NO. 6 – 970013…APPOINTMENTS: BOARDS AND COMMISSIONS

SYNOPSIS: Appointments to Boards and Commissions

Ida Pryor to Wyandotte/Leavenworth Area Wide Advisory Council on the Aging, 12/4/14 – 5/31/17, submitted by Commissioner Townsend

Alvin Sykes to Wyandotte County Library Board, 12/4/14 – 5/31/15, submitted by Commissioner Maddox

Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

ITEM NO. 7 - MINUTES

SYNOPSIS: Minutes from special sessions of October 30 and November 6, 2014.

Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

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ITEM NO. 8 - WEEKLY BUSINESS MATERIAL


Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve and authorize fund transfers. Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

PUBLIC HEARING AGENDA

ITEM NO. 1 – 140357...PUBLIC HEARING/ORDINANCE: FAIRWAY NORTH SHOPPING CENTER CID

SYNOPSIS: Conduct a public hearing to consider a community improvement district (CID), and request approval of an ordinance establishing a CID and approving the development agreement for Lane4 Property Group. The group plans to remodel the Fairway North Shopping Center, located just east of W. 47th Ave. and Mission Rd., for a total capital investment of $5.56M. On November 6, 2014, the commission unanimously adopted Resolution No. R-69-14 setting the public hearing for December 4, 2014.

Doug Bach, County Administrator, stated this is the item that you received the blue sheet on tonight which has the attached development agreement. Of course this was scheduled for the public hearing. The documents that were submitted tonight are consistent with what was presented to the standing committee though you are just getting those as far as that.

Mayor Holland stated the items we have—the development agreement came together this week and is fully before you. The deal points are the same as what was discussed in standing committee. We do want to honor and respect the commission’s desire as often to see the entire development agreement for some time before we vote on it. If that is your desire, then we can have the public hearing tonight which was already scheduled. There is some urgency in terms of them being able to file paperwork with the state before the end of the year. If you would like two weeks to consider this development agreement in its entirety, we could push it to the 18. We weren’t expecting it to be done. It is done and as I mentioned, the deal points are the same. If you feel comfortable, I’m not interested in rushing the commission if you’re not comfortable. If you are comfortable and you feel like you’re ready to move forward, we can complete this deal.

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tonight and move on. If you do have a reason that you would like to have time to read the details of it, you will certainly have that opportunity. I just want to clarify that this commission has stated previously that you like time to make sure you have an opportunity to read it. I’m offering you that. I’m offering you both options tonight.

Lew Levin, Chief Financial Officer, stated on November 4 the commission set this evening as the public hearing to consider this issue. What’s before you is a request to establish a Community Improvement District at the Fairway North Shopping Center and approve the development agreement with Lane4, the developers of the project. We’ve actually discussed this development project with standing committee the previous two months. The site being proposed for developments: a neighborhood strip shopping center located at approximately County Line and Mission Road.
This is an older shopping center. It’s characterized by significant deterioration, high level of vacancy. There are two primary tenants that are still there, a Dollar General and a Thrift Store.
The developers have put forth a redevelopment plan for this area. The shopping center is approximately 53,000 sq. ft. and it has parking for 235 spaces. What the plan for the center includes is significant improvements as it relates to signage, major repair of the roof of the structure, as well as a new façade for the building. Their goal and representing the developer today is Corb Maxell of Polsinelli and he may be able to better describe it but they’re looking for a higher use tenant for this center.
I want to go over just briefly the highlights of the redevelopment proposal. The investment by the developer is approximately $5.6M. The incentives that they’re requesting are “pay-as-you-go” incentives. What I mean by pay-as-you-go, there’s no government backing to the incentives. However, what they’re requesting is the establishment of a special district, NRA, would be a 20-year special project with an 85% property tax rebate. They qualify for that rebate because there are specific provisions or goals established for LBE, WBE, and MBE.

There is a sales tax rebate component to the project. The Unified Government would retain the existing base meaning the existing sales; the level of existing sales tax would continue to float to the Unified Government. What the developer would share would be on the increment for the first 10 years. They would receive 100% of the eligible increment and the next 10 years it would be split 50% each between the government and the developer.

The CID that they’re requesting is a 1.1% CID. It’s a special tax add on. It would bring the sales tax rate for that center to 9.855%. The proposal has a $1.9M cap on the incentives, the NRA and sales tax incentive. Once the project has generated that cap maximum, then the incentives would end. The budget for this project, over 98% of the budget is related to hard construction costs and land acquisition. That’s the incentive related to the $1.9M cap. Some of Mr. Maxwell is here.

Mayor Holland asked of the $5.5M capital investment, is it $5.5 of private money plus the $1.9M of government incentive or is it $5.5M less the $1.9M. Mr. Levin stated the total investment by the developer is $5.5M and they would be able to recover over the 20-year period plus the 2 extra years for the CID, up to $1.9M. Mayor Holland stated so it’s about a $3.5M
capital investment by the developer. Mr. Levin stated yes, but the risk on whether or not they’ll recover the $1.9M is totally on the developer.

Mayor Holland opened the public hearing.

Heidi Holiday, Executive Director of Rosedale Development Association, 1403 Southwest Blvd., stated I’m also a resident of the Frank Rushton Neighborhood of which the development is in. I’m here tonight to speak about the proposed land for development of the Northwood Shopping Center. The changes that are being proposed fall under the Unified Government ordinance establishing the 47th & Mission Review Committee, specifically Section 27-521b which reads “type of development, these standards shall be applied to new development, redevelopment or exterior modifications that significantly alter the appearance of a building or a site within the overlay district. This includes building additions, façade improvements or landscaping improvement.”

RDA has been an active member of the 47th & Mission Committee since its inception. While RDA does not have a position on the merits of the development agreement, we want to make sure that the development proposal follows the review process outlined by the ordinance. Our understanding is there has been an initial hearing of the proposed development by the 47th & Mission Review Committee and that was in mid-November. The final presentation of the developers will be next week and there has been no final approval. The developers are scheduled to appear before it next Friday to address the concerns the committee had at the November 14 meeting.

This review committee operates as an inner-local agreement with the cities of Westwood and Roeland Park, each of which also appoints members to the committee. The committee generally meets monthly and has worked in upholding the design guidelines and overlay requirements laid out in the ordinance have contributed greatly to the success and high quality look and feel of the district. In fact, all of the recent developments along the corridor including Taco Republic in KCK, Walmart, LuLu’s, Tai Noodles in Westwood as well as the proposed new Bread and Butter Concept Restaurant at 47th & Mission in Roeland Park have worked or will work extensively with the committee to develop plans that meet the overlay requirement.

I’m here tonight to reiterate how important upholding the ordinance and interlocal agreement is to the character and success of the Rosedale neighborhood. The Fairway Northwood Shopping Center is one of the largest properties within the overlay district and we
urge the commission and UG staff to ensure that the ordinance requirements are followed and upheld regardless of the economic incentive approved.

**Zach Flanders, 4415 Booth,** stated I am a resident of Frank Rushton neighborhood. I’m also an AICP Planner and Board of the Rosedale Development Association. I walk to this development all the time. I walk to Taco Republic and LuLu’s and everything around here. My main concern about what I’ve seen so far of the development is that I haven’t seen anything about the treatment of the sidewalks or the public realm. I’m all for improving the facades. I’m excited about new investment in my neighborhood. I’ll continue to walk there I’m sure no matter what happens. I can tell you it’s very uncomfortable to walk by or in front of that development right now. The sidewalks are right next to very fast moving and busy traffic and at times crumbling and there are several curb cuts along the way that present a significant conflict between pedestrians and automobiles. I guess I’m concerned about the lack of treatment of the sidewalk.

I’m also—our neighborhood is very active in our neighborhood association and this particular property has come up again and again at our meetings about unsafe conditions behind the mall. I think that’s primarily due to a lack of lighting. It’s very isolated back there. I’d liked to see something about lighting or improvements in the back of the shopping center as well.

I would also just bring to the attention of the commission the Rosedale Master Plan which was done in 2005 has pretty extensive language about the treatment of the corridor. I’m not going to read the whole plan or much of the plan or any of the plan, but this plan is on the book as a policy of this government and it has specific recommendations about improving the sidewalk and the corridor. That’s my main concern.

**Phil Gardos, 1904 W. 36th Ave.,** stated I too am on the Rosedale Development Board. My concern is mostly about the financing. Lane4 did a beautiful building at 39th & Rainbow recently but part of the information that they gave us during that development was it was originally going to be built as residential on the upper floors and it turned into a KU annex essentially because they said it wasn’t big enough to be successful as a residential development. At the exact same time at the other end of KU on the Missouri side, a builder put up, with no public money, a very similar slightly smaller building with four stories and all of those residential units are successfully rented or sold and they have a waiting list.

I have a little bit of concern about the projections reliability at this point. I don’t remember anyone getting a 22-year CID before. I think that’s excessive. The whole project
where the public is made to pay for private development is repugnant to me. I believe we should encourage people who really want to put their money into an operation let them put it in before we subsidize people who have perhaps connections to get public money instead. I think that we should cautiously look more for a developer who is willing to develop the whole thing on their own or close to it.

The original project here also mentioned $2.2M which at best could be called a lot of money to upgrade this small shopping center. At this point, at $5.56M, we’re talking not just major renovation; this is beyond the cost of the property. At this point, if they’re going to invest this much money for a long-term investment, it should be the highest and best use for the property conforming explicitly and completely to all of the guidance offered by the 47th & Mission Road covenant as well as our own Rosedale plan.

**David Mehlhoff, 4443 Francis,** stated I’m a member of the Spring Valley Neighborhood Group. We have a very active neighborhood group, very active social media group, and overwhelmingly many of us in Spring Valley are for this. I have purchased a home with my girlfriend that’s immediately behind that shopping center on West 46th Ave. She will probably have her own comments a little bit later.

As far as the incentives, I think what we’ve seen going on in this community as a result of incentives has shown that’s what’s able to draw some of the folks to our community that maybe would go and build elsewhere. Also the fact that Lane4 has done a fabulous job with the properties on 39th & Rainbow. That has dramatically improved that area. The fact that that area of town by the strip mall, there’s a lot more development going in it. It’s exciting.

I’ve been a Rosedale resident now for 17 years and I haven’t seen so much recent development. It’s just really becoming kind of a hot place and I hope we can continue down that path because what we have right now is an eyesore. There are a lot of problems around that mall. Here’s the fact that you have one of the most popular restaurants in the entire city, in fact one of the most famous one’s in the county, and Oklahoma Joe’s, I’m sorry it’s hard for me to get calling them Kansas City Joe’s, but anybody who’s anybody who comes to town, they always show up there. Right next to it is a real big eyesore. I, and along with many others in the Spring Valley Neighborhood, strongly support this plan.

**Lisa Adams, 2904 W. 46th Ave.,** stated I am a KCK resident that lives on the perimeter of the current 46th Avenue strip mall. I’m also one of the residential property owner experts in regards
to that particular property in that area. I’ve been very active in getting supporting from those people that live in the perimeter of it and looking for solutions and answers over the last two years to try and resolve a lot of the negativity that has been coming out of that.

The key issues that have been impacting the neighborhood at a negative level have been crime, lack of code enforcement, very poor ecstatics, and also issues with safety. This is a building with a management firm that has demonstrated very little commitment to the community and, therefore, change is going to be a very good thing right now.

I come to you tonight representing a group and a growing number of homeowners in the Frank Rushton area that are in favor of the Lane4 development. Much of the support does have a lot to do with the success that this development firm has had with the Rainbow project, but also the community has faith in them even seeing what’s been started with the Westwood project. Lane4, they’re going to be a building of progression, quality, and commitment into the Frank Rushton area in that section of town that we have not had for a good 20 years as a result of some lack of strong community service and support for the 47th Avenue.

I ask in favor of those people that I’m working with closely from a residential perspective that we do move forward with the Lane4 project and allow some independent funding to come in to betterment that area of Frank Rushton.

**Mayor Holland** closed the public hearing.

**Mayor Holland** stated before the developer comes forward, I do want to ask our Administrator to clarify a couple of issues that were raised during the presentation that I think are to salient to the conversation.

**Mr. Bach** stated I think a couple of the points, and I believe got raised by Ms. Holiday with RDA about the 47th Street Corridor Committee, that is a Planning and Zoning type item that’s taken up so it really doesn’t have the impact on what you do with your development agreement as it’s before you tonight. Really, how we go along through that process, talk about treatments of the sidewalks, such like that, individuals, those are items that are addressed as part of that meeting as you go through P&Z.

I will also offer, Mayor, that while I’ve had the opportunity to work on quite a few development projects, I probably don’t get any more excited than when Lane4 came forward to start talking about doing redevelopment in our urban core areas. It’s an opportunity for us when
they talk about reinvestment from CID dollars or such dollars coming back in, they’re solely making the commitment to go put their dollars on the line and the only dollars they’re asking for from us are dollars that they’re going to create as new dollars coming back into our community. Whenever we can see that happen in our urban core, that’s one where I direct my staff to get all over that and figure out ways to get it done. This is a very good project. You didn’t ask me for all that, but I’m going to offer it. **Mayor Holland** said I always appreciate your opinion.

**Mayor Holland** stated we do also want to say that the differentiation, the 47th Street Corridor Committee will meet, will review, and will continue to work with the developers because that is Planning and Zoning. This is the financial part of the economic development agreement that we’re doing so it’s not mutually exclusive, but if we vote on this today, then they no longer have to work with the 47th Street Committee. We do have an ordinance, an interlocal agreement with two other cities and it’s important that we uphold those obligations as part of that. Certainly we have a commitment to that committee continuing its work, and I just know the developers are committed to that as well. They were aware of that group when they came into this property and have been meeting with them and will need to continue to meet all the design guidelines that corridor deserves. I would think for $5.5M, you ought to meet them all so we’re excited about that.

**Commissioner Philbrook** stated I just want to say that I’m glad that you cleared up some of the issues that I was thinking about and that had been mentioned. I’m glad to hear that there is going to be mutual cooperation in this development and that everybody in the community is going to be proud of it. As usual, I say please play well together and come back with something that we can really be proud of.

**Action:** **ORDINANCE NO. O-62-14,** “An ordinance authorizing the creation of the Northwood Shopping Center Community Improvement District in Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; and providing for the method of financing the same.” **Commissioner Murguia made a motion,** seconded by Commissioner Markley, to approve the ordinance.
**Mayor Holland** stated I did offer the developer an opportunity to make comment if he cares to and so I don’t want to truncate that. I made that obligation prior to the motion. So, Mr. Maxwell, if you’d like to make comment.

**Mr. Maxwell** stated when there has been a motion for approval the best thing a lawyer can do is sit down.

**Commissioner Walker** stated I have a couple of questions. I guess the first one would be to you, Corb. You’ve done beautiful work on Rainbow; the developer has and I’m very pleased with it. I’ve been by that a number of times primarily because of Kansas City Oklahoma Joe’s. It seems like that’s an awful lot of money for a facelift. I guess the question is what are you going to do for $5.56M to change that? You could almost build a brand new entire structure for $5.56M.

**Corb Maxwell, Polsinelli Law Firm, on behalf of Foundation Investors,** stated I have with me as well—and Foundation Investors is a special purpose entity that Lane4 has put together. I have with me as well Hunter Harris who is the Vice President of Development and Acquisitions and the manager of this project. It does sound like a striking number, but what we’re dealing with here is a 51,000 sq. ft. shopping center that was built in the 1960s that by and large is owned by a group of investors that are absentee landlords. Not just absentee as not in Wyandotte County; absentee as on both coasts and all they want is their check sent out to them.

They have made no investments in these properties for going on 15 or 20 years. Because of that, we have a roof that is falling in that needs to be immediately replaced. We have facades that need to be improved and most importantly over and above that $5.56M that’s not included in that, is additionally, we have significant TI dollars and packages that we need to bring to lure in the higher class of tenants that we want to put into this center indifferent than what we’re doing at 39th & Rainbow or doing on Woodside or that would be possible on the Plaza or maybe further south in Johnson County. We truly view this as a neighborhood center.

This will not be $25, $30 rent, corporate, national type tenants. This is going to be more local mom and pop, creative, interesting tenants that really bring and sort of tie in the fabric of the neighborhood.

What happens, Commissioner, when we pay an extremely high acquisition price for this property, even though it’s in such terrible shape—we pursued this center for over two years as

December 4, 2014
part of sort of Lane4’s general strategy of all in on KU Med and the KU Hospital and Rosedale and Spring Hill neighborhood. We pursued this for over two years. We are overpaying for the property, completely 100% admit that we are overpaying for the property but we had to overpay for property at 39th & Rainbow and you just often have to in urban redevelopment overpay for property. There is overpaying for property, new roofs being put on, new facades and significant TI dollars for that.

Mayor Holland asked would you say what TI dollars are. Mr. Maxwell stated tenant improvement. Sorry, Mayor. It’s the internal improvements that if you wanted to bring in a high quality restaurant. If you want to bring in something to get away with what we basically call a holy trinity right now of a blighted shopping center. We have high vacancy, payday loans, and a liquor store. We need to improve that and it’s going to take significant dollars. Mayor Holland said I would not call that a holy trinity. I know the Holy Trinity, sir, and that is not it. Mr. Maxwell said it was playing to your background, Mayor. Your business first; ours here in redevelopment.

These significant dollars that go in—and what I would pause at, Commissioner, as well as when you look at that $5.5M to $5.6M, the number as Lew said, that $1.9M cap, that’s of course over a 20-year period. As Doug pointed out, we are financing this all on our own. If you put in all those financing costs, it would make the private investment number go way up or if you tried to bring down the net present value on developers terms of what the incentive is, it’s much, much, much lower.

Commissioner Walker asked have you met with all of the neighborhood groups involved. Mr. Maxwell stated we have met with the 47th & Mission Committee. We are happy, Commissioner, to meet with any neighborhood groups and discuss any items related to this development that we need to talk to. Mayor Holland stated that would be required during the Planning and Zoning process. Mr. Maxwell said absolutely.

Commissioner Walker stated I have a question for Ms. Holliday. I’m curious, is there a reason that Rosedale has not yet taken a position on this? I’ve heard that Frank Rushton and Spring Valley have both endorsed it. Are you not taking a position? Ms. Holliday stated no, what I was saying is I don’t have a position on the development agreement per say. We are obviously extremely excited to see investment in the area and to see a quality shopping center there. A part of that—compliance with the 47th & Mission plan is going to be part of that quality experience.
We are excited to see this reinvestment in the area. **Commissioner Walker** stated so I can take that as—because it matters to me what RDA thinks. **Ms. Holliday** said thank you. We appreciate that. **Commissioner Walker** said I can take that to mean that at this point of the game, RDA is fully supporting this project. **Ms. Holliday** stated my board has not taken an official vote on that, but unofficially I would say that I am very excited about it and that what we have heard is that everyone is in favor of the quality redevelopment that’s being proposed in the area. One piece that I have heard loud and clear is that compliance with the Master Plan with the 47th & Mission Overlay District is really important to ensure that it matches with the other quality development that’s been happening.

Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**Mayor Holland** recognized Mary Ann Flunder with the Kansas City, Kansas Community College Board of Trustees.

**STANDING COMMITTEES’ AGENDA**

No items of business.

**ADMINISTRATOR’S AGENDA**

**ITEM NO. 1 – 140398...REQUEST:  MOBILE HOME PLACEMENT FOR HOUSING AFTER A FIRE**

**SYNOPSIS:** Request approval to place a mobile home at 3539 Bell Crossing Dr. for a period not to exceed one year, submitted by Rob Richardson, Director of Urban Planning & Land Use. The home at this location burned and the owner wants to reside in the mobile home while the house is rebuilt on the site.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were eight “Ayes,” Murguia, Maddox, Kane, Markley, Walters, Philbrook, Walker, Townsend.

**COMMISSIONERS’ AGENDA**

No items of business.

**December 4, 2014**
LAND BANK BOARD OF TRUSTEES’ AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

No items of business.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:55 P.M.

December 4, 2014

________________________________________
Bridgette D. Cobbins
Unified Government Clerk

December 4, 2014
Memorandum

To: Doug Bach
   County Administrator

From: Bridgette Cobbins
      UG Clerk

Date: December 11, 2014

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cm

Attachment
1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on December 10, 2014, for B#25169 – Court Services Parking Lot #2, B#25170 – Parking Garage “D” north entry, B#25168 – Fire Station #5 Concrete Replacement, B#24950 – Fire Station #7 – Concrete Replacement – Front, and B#24951 – Fire Station #7 – Concrete Replacement – Rear.

Action: Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor, Public Works, Fire Dept., Buildings & Logistics and Emma Scovil.

2. PUBLIC NOTICES:

All Star Tow, 900 S. 66th Ter., held a public auto auction on November 25, 2014 at 10:00 a.m. Alandon Tow, 6224 Kansas Ave., held a public auto auction on December 2, 2014 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

<table>
<thead>
<tr>
<th>WT. NO.</th>
<th>ISSUED</th>
<th>AMOUNT</th>
<th>FUND / VENDOR</th>
</tr>
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<tbody>
<tr>
<td>753089</td>
<td>11/21/2014</td>
<td>$39,893.95</td>
<td>632/Workers Comp Fund</td>
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<td>V#13128/ Div. of Workers Compensation</td>
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<td></td>
<td></td>
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<td>Wrong Vendor</td>
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<tr>
<td>753130</td>
<td>11/21/2014</td>
<td>$135.00</td>
<td>160/County General Fund</td>
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<td></td>
<td></td>
<td></td>
<td>V #21449/ Lyon County Sheriff's Office</td>
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<td></td>
<td></td>
<td></td>
<td>Not suppose to be billed</td>
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<td>753621</td>
<td>11/26/2014</td>
<td>$304.55</td>
<td>750/Payroll Clearing Deduct Fund</td>
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<td></td>
<td></td>
<td>V #PA161/Pendleton &amp; Sutton</td>
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<td></td>
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<td>Garnishment Cancelled</td>
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<td>749396</td>
<td>10/3/2014</td>
<td>$1,887.97</td>
<td>791/Tax Distribution</td>
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<td></td>
<td>V #T0802/Charles Caldwell</td>
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<td></td>
<td></td>
<td></td>
<td>Wrong Vendor</td>
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Action: Received and filed.

December 11, 2014
4. **PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 2, 2014:**

### Section III - Separation

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>Megan L. Johnson</td>
<td>Police/Communications</td>
<td>11/18/14</td>
<td>Public Safety Dispatcher</td>
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### Section V - Increases per Memorandum of Understanding

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandria M. Goode</td>
<td>Finance/Treasury</td>
<td>10/24/14</td>
<td>Fiscal Supt Asst</td>
</tr>
<tr>
<td>Lanesha S. Huggins</td>
<td>Finance/Treasury</td>
<td>12/19/14</td>
<td>Fiscal Supt Asst</td>
</tr>
<tr>
<td>Michell L. Summers</td>
<td>Finance/Treasury</td>
<td>10/24/14</td>
<td>Fiscal Supt Asst</td>
</tr>
<tr>
<td>Lorena Vega</td>
<td>Finance/Treasury</td>
<td>12/19/14</td>
<td>Fiscal Supt Asst</td>
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### Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billy M. Armstrong II</td>
<td>Sheriff/Detention</td>
<td>OC Code change effective 11/14/14</td>
</tr>
<tr>
<td>Jonathan D. Bond</td>
<td>Sheriff/Detention</td>
<td>OC Code change effective 11/14/14</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.

5. **PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 4, 2014:**

### Section VIII - Other Request

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
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</thead>
<tbody>
<tr>
<td>Betty Lane</td>
<td>Police/Operations</td>
<td>ACD Change effective 1/16/14</td>
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**Action:** Received and filed. Copy previously forwarded to Payroll.

6. **PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 9, 2014:**

### Section II - Transfer

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<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
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<th>New Job Title</th>
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<tr>
<td>Anne N Seeberger</td>
<td>Fire/Training</td>
<td>10/30/14</td>
<td>Firefighter MICT</td>
<td>Training Instructor III</td>
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</table>

### Section III - Separations

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven E Beadle</td>
<td>Parks/Rec</td>
<td>10/31/14</td>
<td>Maint Tech I</td>
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<tr>
<td>Arianna M. Pacheco</td>
<td>Sheriff/Detention</td>
<td>11/21/14</td>
<td>Deputy</td>
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<tr>
<td>Susan Preston</td>
<td>Court Trustee</td>
<td>11/25/14</td>
<td>Sr Child Supt Enf Ofr</td>
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<tr>
<td>Nicholas C. Washington-Gamer</td>
<td>PW/Fleet</td>
<td>12/1/14</td>
<td>Fleet Service Worker</td>
</tr>
<tr>
<td>Jill A. Williams</td>
<td>Police/Criminal Invest</td>
<td>11/21/14</td>
<td>Office Asst III</td>
</tr>
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</table>

### Section V - Increases per Memorandum of Understanding

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicholas R. Hays</td>
<td>PW/WPC</td>
<td>12/12/14</td>
<td>General Maint Worker</td>
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<tr>
<td>Darrell W. Peterson Jr.</td>
<td>PW/WPC</td>
<td>12/12/14</td>
<td>Construction Worker I</td>
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December 11, 2014
7. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 11, 2014:

Section I - Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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</thead>
<tbody>
<tr>
<td>Darin M. Barker</td>
<td>PW/Facilities Maint</td>
<td>12/4/14</td>
<td>Bldg. Trades Plumber</td>
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<tr>
<td>Katrina O. Even</td>
<td>Health</td>
<td>12/4/14</td>
<td>Dietitian</td>
</tr>
<tr>
<td>Mary K. Hartfield</td>
<td>Finance/Treasury</td>
<td>12/4/14</td>
<td>Fiscal Supt Asst</td>
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<tr>
<td>David L. Miller</td>
<td>PW/B&amp;L</td>
<td>12/4/14</td>
<td>Building Engineer</td>
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<tr>
<td>Marcela I. Morales</td>
<td>Health</td>
<td>12/4/14</td>
<td>Public Health Nurse</td>
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<tr>
<td>Marcus E. Morales</td>
<td>Health</td>
<td>12/4/14</td>
<td>Juv Det Ofr</td>
</tr>
<tr>
<td>Nick R. Parks</td>
<td>PW/WPC</td>
<td>12/4/14</td>
<td>General Maint Wrker</td>
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Section II - Transfers

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
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<tbody>
<tr>
<td>Shaun L. Bitikofer</td>
<td>Sheriff/Admin</td>
<td>12/1/14</td>
<td>Sheriff Investigator</td>
<td>Sheriff Investigator</td>
</tr>
<tr>
<td>Jon-Paul Lavigne</td>
<td>Sheriff/Detention</td>
<td>11/26/14</td>
<td>Deputy</td>
<td>Deputy</td>
</tr>
<tr>
<td>Nicolas D. Pincheira</td>
<td>Sheriff/Detention</td>
<td>11/26/14</td>
<td>Deputy</td>
<td>Deputy</td>
</tr>
<tr>
<td>Sherry R. Simpson</td>
<td>Sheriff/Admin</td>
<td>12/1/14</td>
<td>Sheriff Investigator</td>
<td>Sheriff Investigator</td>
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</tbody>
</table>

Section III - Separations

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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</thead>
<tbody>
<tr>
<td>Gregory J. Conchola</td>
<td>Police</td>
<td>12/10/14</td>
<td>Master Detective</td>
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<tr>
<td>Leonard E. Doolittle</td>
<td>Police</td>
<td>12/10/14</td>
<td>Master Sergeant</td>
</tr>
<tr>
<td>Raph E. Golubski</td>
<td>Fire</td>
<td>12/10/14</td>
<td>Master Driver</td>
</tr>
<tr>
<td>Brian E. Grover</td>
<td>Fire</td>
<td>12/10/14</td>
<td>Battalion Chief</td>
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<tr>
<td>David A. Park</td>
<td>Fire</td>
<td>12/10/14</td>
<td>Master Captain</td>
</tr>
<tr>
<td>Cheryl S. Purinton</td>
<td>Police</td>
<td>12/10/14</td>
<td>Sr.Master Patrolman</td>
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</table>

Section VIII - Other Request

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brittany M. Villegas</td>
<td>DA's Office</td>
<td>Out of class pay effective 12/4/14</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

December 11, 2014
8. CLAIMS FOR DAMAGES:
Camille Ferguson, 2730 Lathrop, seeking criminal theft attempt against Sara Lathrop and Kim Shaw Jr., at Security Storage, 7221 State Ave.

Camille Ferguson, 2730 Lathrop, alleging mental stress caused by employee at Security Storage, 7221 State Ave.

Carole Manis, 2301 S. 50th St., alleging unwarranted tow of a 4-Runner by KCKPD.

Gerardo Velasquez, Jr., 2847 N. 60th St., alleging damages from a sewer backup into basement.

Action: Received and filed. Copies previously forwarded to Legal.

9. SUMMONS:

Wells Fargo Bank, National Association, vs. City of Kansas City, Kansas, Case No. 14-CV-1120.

Action: Received and filed. Copies previously forwarded to Legal.

10. TRAVEL REQUESTS:
Jim McDaniel, Environmental Health, travel to Indianapolis, IN, February 23 – 27, 2015, to attend the Water and Wastewater Equipment, Treatment and Transport Show, General Fund.

Nancy Sanchez, Health/PHS/WIC, travel to Santa Fe, NM, January 27 – 30, 2015, to attend the National WIC Association Quarterly Board Meeting, WIC.

Action: Approved by County Administrator’s Office and received and filed.

11. CERTIFICATES OF INSURANCE:
Bill Foley d/b/a Kansas City Ice Cream
North Kansas City Bureau of Investigations

Action: Referred to License.

12. BUSINESS BONDS:
Electrical Contractor’s Bonds:
Jericho Home Improvements, LLC
M. Electric, LLC d/b/a Mr. Electric
Staco Electric Construction Company, Inc.

December 11, 2014
Mechanical Contractor’s Bond:
U.S. Engineering Company

Mechanical/HVAC Contractor’s Bond:
R. J. Muller, Inc. d/b/a Muller Mechanical

Plumber’s Bonds:
Kenneth Crosby d/b/a Plumber Time
Reese’s Heating Cooling & Plumbing LLC
U.S. Engineering Company

**Action:** Referred to License.

13. **REINSTATEMENT NOTICE:**

Coale Electric LLC d/b/a R & R Services

**Action:** Referred to License.

14. **CANCELLATION NOTICES:**

Business Bonds:
Acers Construction
Edwards-McDowell Inc.
W S C Services, Inc.

Electrical Contractor’s Bonds:
360 Electrical, LLC
Knight & Sons Electric Inc.
Northland Electrical Services LLC

**Action:** Referred to License.

15. **CONTINUATION CERTIFICATES:**

Business Bonds:
D Electric LLC
Riden Service Company Inc.
Rodriquez Mechanical Contractors Inc.

Electrical Contractor’s Bond:
Cimmaron Electric, Inc.

Plumber’s Bond:
TMS, Inc.

December 11, 2014
Septic Pumping Bond:
K-MEL Industries, Inc.

**Action:** Referred to License.

### 16. APPLICATIONS FOR CMB (PKG) LICENSE:

- 786 Enterprises, Inc./Khalid Hussain d/b/a Rapido Mart #1, 748 Washington Blvd.
- Alma, LLC/William Hutton d/b/a Mi Pueblito Meat Market, 1311 Minnesota Ave.
- AZH, LLC/Danny W. Richardson d/b/a Green Light 838, 838 S. 7th St.
- Casey’s Retail Company/William Hutton d/b/a Casey’s General Store #2876, 13000 State Ave.
- Fill ‘N’ Shop, Inc./John Berger d/b/a Fill ‘N’ Shop, 756 County Line Rd.
- M and H Mart, Inc./Wanda Gibbs d/b/a Quick Mart, 2406 S. 51st St.
- RLV Corporation/James Akers d/b/a 7-Eleven, 2500 Central Ave.
- S M Trading Corporation/Mary Agee d/b/a Parallel BP, 4701 Parallel Pkwy.
- Target Corporation/Daniel Lee d/b/a Target Store T-2222, 10900 Stadium Pkwy.

**Action:** Referred to License.

### 17. APPLICATIONS FOR CMB (OP) LICENSE:

- Adam Novosel/Adam Novosel d/b/a Hickory Log Bar B Que, 5047 Welborn Ln.
- Alma, LLC/William Hutton d/b/a Mi Pueblito Meat Market, 1311 Minnesota Ave.
- Centerplate of Kansas, Inc./William Hutton d/b/a Centerplate, 1800 Village West Pkwy.
- HOA Kansas Restaurant Holder, LLC/Teresa Anderson Cawthon d/b/a Hooters, 1712 Village West Pkwy.
- Joe’s Kansas City Bar-B-Que, Inc./Dennis Browne d/b/a Joe’s Kansas City Bar-B-Que & Catering, 3002 W. 47th Ave.
- Jose L. Saenz/W. Frederick Zimmerman d/b/a El Pirata, 1031 Central Ave.
- Josip Grdinovac/Josip Grdinovac d/b/a R & J Bar B Q, 8401 Parallel Pkwy.
- KC Civic Center, LLC/Wesley Lona Jr. d/b/a Bermudas, 6220 Kansas Ave.
- Dennis Murphy/Dennis Murphy d/b/a St. Mary & St. Anthony Church, 615 N. 7th St.
- NPC Int’l, Inc./Jessica Bias d/b/a Pizza Hut #4712, 4601 Shawnee Dr.
- Rosedale Drive-In Theatre, Inc./Wes Neal d/b/a Boulevard Drive-In, 1051 Merriam Ln.
- Rosedale Barbeque, Inc./Ignacio Vaca d/b/a Rosedale Barbeque, 600 Southwest Blvd.
- The Big Q, Inc./Mark Quick d/b/a The Big Q, 2117 S. 34th St.

**Action:** Referred to License.

### 18. APPLICATIONS FOR DRINKING ESTABLISHMENT:

- Applebees Restaurants, Inc./Laura Gregory d/b/a Applebees Neighborhood Bar & Grill, 1700 Village West Pkwy.
- Applebees Restaurants, Inc./Laura Gregory d/b/a Applebees Neighborhood Bar & Grill, 3440 Rainbow Extension
- Colonial Club Partnership, Inc./Melissia Solis d/b/a Colonial Club, 322 N. 6th St.

December 11, 2014
Dotlanders, LLC/Connie Padgett d/b/a Dotlanders, 1705 Central Ave.
Frontier Steak House, Inc./Betty Knapp d/b/a Frontier Steak House, 9338 State Ave.
TLM’s, Inc./Terry Mitchell d/b/a Coach Lite Club, 2103 S. 34th St.

**Action:** Referred to License.

19. **APPLICATION FOR PRIVATE CLUB CLASS B:**

April's Firelight Lounge, Inc./Olivia Dantzler d/b/a April's Firelight Lounge, 2046 N. 18th St.

**Action:** Referred to License.

20. **APPLICATIONS FOR PRIVATE SECURITY BUSINESS:**

North KC Bureau of Investigations/Alan Broxterman d/b/a North KC Bureau of Investigations, 3000 Truman Rd., Kansas City, MO.
Yale Enforcement Services/Dawn Kuhn d/b/a Yale Enforcement Services, 3601 N. Belt West, Belleville, IL.

**Action:** Referred to License.

21. **APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:**

Donna Schoellkopf d/b/a Hair West Unltd Day Spa, 2015 N. 77th St. & Parallel Pkwy.

**Action:** Referred to License.

December 11, 2014
Memorandum

To: Doug Bach  
County Administrator
From: Bridgette Cobbins  
UG Clerk
Date: December 18, 2014
Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cg

Attachment
Weekly Business Material for December 18, 2014

1. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

<table>
<thead>
<tr>
<th>WT. NO.</th>
<th>ISSUED</th>
<th>AMOUNT</th>
<th>FUND / VENDOR</th>
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<tbody>
<tr>
<td>754322</td>
<td>12/5/2014</td>
<td>$100,964.34</td>
<td>991/ Non-Debt Internal Improvements V # 30290/ UMB Two entries /one ACH</td>
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<td>754750</td>
<td>12/12/2014</td>
<td>$443.60</td>
<td>750/ Payroll Clearing Deduct Fund V # PA177 Garnishment Cancelled</td>
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<td>$15.57</td>
<td>160/ County General Fund V # J3571 Past 45 days</td>
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<td>745424</td>
<td>8/8/2014</td>
<td>$14.90</td>
<td>160/ County General Fund V # J1229 Past 45 days</td>
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<td>745907</td>
<td>8/13/2014</td>
<td>$144.50</td>
<td>162/County Election V # E2593 Past 45 days</td>
</tr>
</tbody>
</table>

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 16, 2014:

Section III - Separations

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>William F. Bartling</td>
<td>PW/Engineering</td>
<td>Engineering Supt Supv</td>
</tr>
<tr>
<td>Crystal K Her</td>
<td>DOTS</td>
<td>Intern</td>
</tr>
<tr>
<td>Larry W. Lidtke</td>
<td>NRC/Code</td>
<td>Enforcement Specialist</td>
</tr>
<tr>
<td>Sandra K. Mai</td>
<td>DOTS</td>
<td>Info Sys Analyst</td>
</tr>
<tr>
<td>Wallace L. Proffitt</td>
<td>DOTS</td>
<td>GIS/Mapping Specialist</td>
</tr>
<tr>
<td>Joanna M. Sabally</td>
<td>Health</td>
<td>Program Specialist</td>
</tr>
</tbody>
</table>

Section V - Increases per Memorandum of Understanding

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark A. Heriford</td>
<td>Municipal Court</td>
<td>1/3/15</td>
<td>Probation Officer</td>
</tr>
<tr>
<td>Patrick J. Holton</td>
<td>NRC/Code Enforce</td>
<td>1/3/15</td>
<td>Inspector I</td>
</tr>
<tr>
<td>Cheryl A. Martel</td>
<td>NRC/Code Enforce</td>
<td>1/3/15</td>
<td>Inspector I</td>
</tr>
</tbody>
</table>
Section VI - Interruptions in Pay (Workers Comp Adjustments, Suspensions, etc.)

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date Begins</th>
<th>Eff. Date Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerry L. McCambry</td>
<td>Parks/Rec</td>
<td>12/10/14</td>
<td>12/12/14</td>
</tr>
</tbody>
</table>

Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dairi Amaya</td>
<td>Health Dept</td>
<td>ACD code change effective 12/4/14</td>
</tr>
<tr>
<td>Morgan Bell</td>
<td>Health Dept</td>
<td>ACD code change effective 12/4/14</td>
</tr>
<tr>
<td>Sonia Lopez</td>
<td>Health Dept</td>
<td>ACD code change effective 12/4/14</td>
</tr>
<tr>
<td>Selia Moya</td>
<td>Health Dept</td>
<td>ACD code change effective 12/4/14</td>
</tr>
<tr>
<td>Monica Ortiz</td>
<td>Health Dept</td>
<td>ACD code change effective 12/4/14</td>
</tr>
<tr>
<td>Cheryl S. Purinton</td>
<td>Police</td>
<td>Amend PAC 12/11 to reflect change in sick time effective 12/10/14</td>
</tr>
<tr>
<td>Jeremy M. Reygaert</td>
<td>PW/WPC</td>
<td>Amend PAC 12/5 to reflect increase effective date 12/5/14</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

3. TRAVEL REQUESTS:

John Paul Jones, Fire/Admin., travel to Las Vegas, NV, Apr. 28 – May 3, 2015, to attend the 50th Anniversary Metro Fire Chief Conference, Employee Training & Travel.

Mark Williams, Fire/Training, travel to Indianapolis, IN, Apr. 19 – 25, 2015, to attend FDC International Hands-on Training Full Package, Employee Training & Travel.

Action: Approved by the Administrator’s Office and received and filed.

4. CLAIMS FOR DAMAGES:

Donna Blue, 10125 Steele Rd., alleging automobile damage due to hitting a pothole.
Cindy Burton, 816 S. 72nd St., alleging damages to lawnmower due to hitting a sewer cap.
Luz M. Cerritos Hernandez, 2022 N. 43rd Ter., alleging bodily injury due to city bus breaking firmly.

Action: Received and filed. Copies previously forwarded to Legal.

5. CERTIFICATES OF INSURANCE:

AAS Restoration, Inc.
Apple Electric, Inc.
Burns Boys Company, Inc.
Burns & McDonnell Engineering Company, Inc. (2)
Bob D. Campbell & Company, Inc.
Catholic Charities of Northeast Kansas, Inc.
Command Security Services, Inc.
Crosson Electric, Inc.
Randy Curnow Buick GMC, Inc.
Custom Limousine, Inc.
Eden Tree Service, Inc./Mike Corcoran
Five Star Mechanical Contractors/Shirley Totten
Frosty Treats, Inc.
Jose J. Garcia dba Garcia Brothers Circus Golden Ring
Garda World Security Corporation and all its present & future subsidiaries (2)
Infinity Sign Systems, Inc./Infinity Signs, Inc.
KMZC Plumbing, Inc./Kris Tressin
Kansas Asphalt, Inc.
Kansas City Taxi, LLC
Leisure Living LLC
MVM, Inc.
Midwest Tow, Inc. dba Midwest Tow Service
Norred & Associates, Inc.
Par Development
Protective & Investigative Services, LLC
Turner General Services/Kirk D. Mata
Watchman on the Wall/Ludie Sutton

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor’s Bonds:
  A Hammer for Hire
  Control Systems of Missouri & Kansas
  Herman Electric, Inc.
  Pro Electric, LC
  TC Electrical, LLC
  Tann Electric, Inc.

HVAC Bonds:
  Eric L. bush dba 5 Star Heating & Cooling
  MCR Mechanical, LLC
  Sensible Heating & Cooling

Mechanical Contractor’s Bonds
  Elliott HVAC Service & Repair, LLC
  Overland Park Heating & Cooling, Inc.
  G. K. Smith & Sons, Inc.
  Western Enterprise, Inc.

Mechanical/HVAC Bonds
  Air Doctor Solutions, LLC
  John E. Briscoe dba Biscoe Air & Heating
  Gieske Sheet Metal Company, Inc.
  David Sword
  Wy-Jon Service Company

Plumber’s Bonds
  Boss Mechanical Contractor, Inc.
  Copley Plumbing, LLC
  Foley Company
Hydro-Tech Plumbing Services, LLC
Katie’s ASAP Plumbing, LLC
Western Enterprise, Inc.

Plumbing, Mechanical/HVAC Bond
Hammer for Hire

Right of Way Bond:
Kansas Asphalt, Inc.

Second Hand and Junk Dealer’s Bonds
ABC, Inc. (2)
Pick-n-Pull Auto Dismantlers, Kansas City, LLC

Sign Hanger’s Bonds
M & P, Inc.
Mid-American Sign, LLC

**Action:** Referred to License.

7. **CONTINUATION CERTIFICATES:**

Business Bond
Carlos Yuman dba Carlos Auto Salvage

Electrical Contractor’s Bonds
C.D.L. Electric Company, Inc.
Gerald Reinhold
System Controls, Inc.
Young Sign Company
J. Warren Company, Inc.

Mechanical Contractor’s Bonds
Besel Roofing & Heating, Inc./Randy Kenton
Preston Refrigeration Co., Inc.

Mechanical/HVAC Bonds
Noble Refrigeration
TMS, Inc.

Plumber’s Bonds
Besel Roofing & Heating, Inc./Brett Peters
J. F. Denney Plumbing & Heating
K & S Plumbing, LLC
Allen’s Mechanical, LLC
The Total Home Co., Inc.

Second Hand and Junk Dealer’s Bond
Boyd, Inc. dba Little Joe’s Pawn & Gun
Sign Contractor’s Bonds
   C.D.L. Electric Company, Inc.
   R.F. Fisher Electric Co., LLC
   Welch Sign Company, Inc.

Plumber’s Bonds
   Lutz Plumbing, Inc.
   Mid-America Sign, LLC (revised bond)
   Sanders Management, Inc.
   Scott’s Square Deal, LLC
   Total Comfort Heating & Cooling, Inc.
   Town & Country Heating and Air Conditioning Company, LLC

8. CANCELLATION NOTICES:

   Business Bonds:
      Edwards-McDowell, Inc.
      Weldon Jolly

   Plumber’s Bond
      Hydro-Tech Plumbing Services, LLC

      Action: Referred to License.

9. REINSTATMENT NOTICE:

   Dayspring Electric, Inc.

      Action: Referred to License.

10. RIDER:

    Name change from Just Plumbing of Kansas, LLC to John Foulk Plumbing

      Action: Referred to License.

11. TEXAS LIABILITY INSURANCE CARD:

    Jaime Garcia

      Action: Referred to License.
Memorandum

To: Doug Bach  
County Administrator

From: Bridgette Cobbins  
UG Clerk

Date: December 25, 2014

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cm

Attachment
Weekly Business Material for December 25, 2014

1. CONTRACT:

FY 2014 contract between the Kansas Department for Aging and Disability Services (KDADS) and the Wyandotte County Developmental Disabilities Organization (WCDDO) for provision of services and the funding, Contract No. CDDO-KDADS-087-2015.

Action: Approved by County Administrator and received and filed.

2. COMMUNICATION:

Bridgette Cobbins, UG Clerk, Listing bids received on December 24, 2014, for #B25161 – Channel Cat Fish for Parks & Recreation and #B25163 – Rainbow Trout for Parks & Recreation.

Action: Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor, Parks & Recreation and Emma Scovil.

3. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

<table>
<thead>
<tr>
<th>WT. NO.</th>
<th>ISSUED</th>
<th>AMOUNT</th>
<th>FUND / VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>747425</td>
<td>9/5/2014</td>
<td>$ 8,764.76</td>
<td>562/Public Levee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #18378/ IRG Fairfax Holding</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Issued in error</td>
</tr>
<tr>
<td>749661</td>
<td>10/3/2014</td>
<td>$ 179.60</td>
<td>160/County General Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #J2662/Terry M. Follin</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Past 45 days</td>
</tr>
<tr>
<td>747914</td>
<td>9/5/2014</td>
<td>$ 15.17</td>
<td>160/County General Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #J2196/Clara Williams</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Past 45 days</td>
</tr>
<tr>
<td>746718</td>
<td>8/29/2014</td>
<td>$ 18.06</td>
<td>160/County General Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #J1638/Robert Goossen</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Past 45 days</td>
</tr>
<tr>
<td>751463</td>
<td>11/7/2014</td>
<td>$ 100.00</td>
<td>113/Parks &amp; Rec</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>V #36167/Mark Mohler</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lost Warrant</td>
</tr>
<tr>
<td>752089</td>
<td>11/7/2014</td>
<td>$ 407.38</td>
<td>750/Payroll Deduction Clearing Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #51606/Andrala Randle</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lost Warrant</td>
</tr>
<tr>
<td>755533</td>
<td>12/26/2014</td>
<td>$ 25.20</td>
<td>110/City General Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #32082/Wyco Co Sports Assn</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wrong Vendor</td>
</tr>
</tbody>
</table>

December 25, 2014
4. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 23, 2014:

**Section I - Appointments**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moises Avila-Solis</td>
<td>PW/WPC</td>
<td>1/2/15</td>
<td>General Maint Worker</td>
</tr>
<tr>
<td>Johnathan M. Grube</td>
<td>DA's Office</td>
<td>1/2/15</td>
<td>Asst District Attorney</td>
</tr>
<tr>
<td>Zlata Kovacevic</td>
<td>B &amp; L/PW</td>
<td>12/18/14</td>
<td>Caretaker</td>
</tr>
<tr>
<td>Kenneth E. Moore</td>
<td>B&amp;L/Security</td>
<td>1/2/15</td>
<td>Security Officer</td>
</tr>
</tbody>
</table>

**Section II - Transfers**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas S. Beam</td>
<td>PW/WPC</td>
<td>1/1/15</td>
<td>Sewer Maint Worker I</td>
<td>Construction Worker I</td>
</tr>
<tr>
<td>Natalie A. Koberlein</td>
<td>Appraiser</td>
<td>1/2/15</td>
<td>Appraiser</td>
<td>Program Specialist</td>
</tr>
<tr>
<td>Madeline M. Waldeck</td>
<td>Finance/Treasury</td>
<td>1/2/15</td>
<td>Lead Fiscal Supt Specialist</td>
<td>Deputy Treasurer</td>
</tr>
<tr>
<td>Brandy Wells</td>
<td>Procurement</td>
<td>1/2/15</td>
<td>Program Supervisor</td>
<td>Program Coordinator</td>
</tr>
</tbody>
</table>

**Section III - Separations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinnlyn K. Frazier</td>
<td>Delinquent Real Estate</td>
<td>12/17/14</td>
<td>Admin Supt Specialist</td>
</tr>
<tr>
<td>Joseph C Reed</td>
<td>Police/Patrol</td>
<td>12/16/14</td>
<td>Senior Patrolman</td>
</tr>
</tbody>
</table>

**Section V - Increases per Memorandum of Understanding**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valerie E. Nelson</td>
<td>NRC/Business License</td>
<td>12/19/14</td>
<td>License Inspector I</td>
</tr>
<tr>
<td>Morgan B. Schmalz</td>
<td>PW/WPC</td>
<td>1/3/15</td>
<td>Engineering Tech II</td>
</tr>
</tbody>
</table>

**Section VIII - Other Requests**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teresa Sanders</td>
<td>Health Dept</td>
<td>ACD code change effective 12/18/14</td>
</tr>
<tr>
<td>Edith Valenzuela</td>
<td>Health Dept</td>
<td>ACD code change effective 12/18/14</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Amanda Deal, through attorney, Michael W. Wharton, 12 Corporate Woods, Suite 370, 10975 Benson Dr., Overland Park, KS, alleging fractured foot from fall at the Wyandotte County Detention Center.

Jimmy L. Godbout, 1402 S. Sheridan Bridge Ct., Olathe, KS, through Kassi Wooton, State Farm Mutual Automobile Insurance Co., P.O. Box 106172, Atlanta, GA 30348-6172, alleging injuries after a UG vehicle hit his stopped vehicle, Claim No. 16-2P40-624.

Kevin S. Harvey, 2627 S. 18th St., alleging damage to vehicle after hitting sink hole in street.

December 25, 2014
Caleb Hopping, 431 Greeley, through attorney, Leslie Overfelt, 9229 Ward Pkwy, Suite 260, Kansas City, MO, alleging bodily injury after falling in an upturned manhole obscured by brush.

Robert T. Johnson, 5962 Richmond Ave., alleging damages to spruce tree in yard by the Street Dept.

**Action:** Received and filed. Copies previously forwarded to Legal.

### 6. SUMMONS:

City of Edwardsville, KS, through David K. Ducker, Horner and Ducker, Chartered, 707 Minnesota Ave., Suite 610, vs. Unified Government of Wyandotte County/Kansas City, Kansas Legal Department, Case No. 14CV1176.

**Action:** Received and filed. Copy previously forwarded to Legal.

### 7. CERTIFICATES OF INSURANCE:

Chuck d/b/a Industrial Salvage & Wrecking  
Epic Electric Service Corp.  
Jerry Fuller d/b/a J Tree Service  
Madget Demolition Inc.  
Mid-States Excavating, Inc.

**Action:** Referred to License.

### 8. BUSINESS BONDS:

Electrical Contractor’s Bonds:  
Alejandro Loma Chayrez  
All-State Electric, LLC  
Mark One Electric Co. Inc.  
Four Star Electric, Inc.

Mechanical Contractor’s Bond  
Timothy S. Gates

Mechanical/HVAC Bonds  
Gatza Heating & Air Conditioning, Inc.  
PM Contracting, Inc.

Plumber’s Bonds  
Accurate Mechanical, LLC  
Dove Construction  
Full Nelson Plumbing, Inc.  
Kinney’s Plumbing Co.

December 25, 2014
P & P Plumbing, LLC

Second Hand and Junk Dealer’s Bond
Deffenbaugh Recycling Co., LLC

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Business Bonds
Alejandro Loma Chayrez
LBA Air Conditioning, Heating & Plumbing Inc. (2)

Electrical Contractor’s Bond
Scott The Electrician LLC

Heating & Cooling Bond
DT Mechanical Inc.

Action: Referred to License.
Memorandum

To: Doug Bach
   County Administrator

From: Bridgette Cobbins
      UG Clerk

Date: December 31, 2014

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment
1. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 30, 2014:

Section I - Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaleigh B. Armstrong</td>
<td>Police/Public Safety</td>
<td>1/2/15</td>
<td>Public Safety Dispatcher</td>
</tr>
<tr>
<td>Roger D. Guess</td>
<td>Parks/Rec</td>
<td>1/2/15</td>
<td>Caretaker</td>
</tr>
</tbody>
</table>

Section II - Transfers

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kristine M. Bais</td>
<td>Police/Public Safety</td>
<td>1/2/15</td>
<td>Lead Dispatcher</td>
<td>Admin Coordinator</td>
</tr>
<tr>
<td>Scott A. Wood</td>
<td>Sheriff/Admin</td>
<td>1/1/15</td>
<td>Deputy</td>
<td>Deputy</td>
</tr>
<tr>
<td>Terry R. Zeigler</td>
<td>Police</td>
<td>1/1/15</td>
<td>Asst Police Chief</td>
<td>Police Chief</td>
</tr>
</tbody>
</table>

Section III - Separations

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles E Morris</td>
<td>Sheriff/Admin</td>
<td>12/17/14</td>
</tr>
<tr>
<td>Carolyn M. Young</td>
<td>Sheriff/Detention</td>
<td>12/17/14</td>
</tr>
</tbody>
</table>

Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas S. Beam</td>
<td>PW/WPC</td>
<td>Amend PAC 12/23/14 to reflect effective date as 1/2/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

2. APPLICATIONS FOR CMB LICENSE (PKG):

Aurum Petroleum, LLC/Francis Vertz DBA In & Out, 2100 Park Dr. (2)
Cheema Food & Petroleum, Inc./Mohammad Nabi Reza Khan DBA Quick Shop #1, 3200 State Ave.
Citgo Food Store #2/Joseph Hostetler DBA J & B Market, 50 S. 10th St.
DNS Foodmart, Inc./Chelsey Aulukh DBA DNS Foodmart, Inc., 3440 Rainbow Ext
Felipe Barillas/Felipe Barillas DBA Panaderia Guatemalteca Y Pulguita Market, 1519 Minnesota Ave.
Four B Corp/Marvin Custer DBA Hen House 27, 8120 Parallel Pkwy.
Four B Corp/Marvin Custer DBA Price Chopper 6, 7600 State Ave.
Four B Corp/Marvin Custer DBA Price Chopper 7, 4301 State Ave.
Hafiz & Sons/Rick Rehorn DBA Short Stop 103, 308 N. 18th St.
JA Supermarkets, LLC/Aaron Frazell DBA El Rio Bravo, 11 S. 10th St.
Mina Enterprises, Inc./Nabi Reza Khan DBA Quick Shop #5, 4201 Shawnee Ave.
Prabhrit Corporation/Bachiter Singh DBA 7-11 Store #13242D, 2924 S. 47th St.
Speedys Convenience, Inc./William Hutton DBA Speedy’s Convenience, 141 S. 18th St.
V & N, LLC/Rick Rehorn DBA One Stop N Shop, 901 Minnesota Ave.
V & N, LLC/Rick Rehorn DBA One Stop N Shop #2, 51 N. 7th St.
Victor Investments, LLC/Perry Haden DBA Superstore, 13815 Polfer Rd.
Wyandot Barbeque, Inc./Ron E. Williams II DBA Wyandot Barbeque, 8441 State Ave.

**Action:** Referred to License.

### 3. APPLICATIONS FOR CMB LICENSE (OP):

7th Street Event Center, LLC/Michael Johnson DBA 7th Street Event Center, 735 Minnesota Araceli Ramos/Araceli Ramos DBA Taquiera 7 Leguas, 1706 Central Ave.
Caporales Mexican Food/Pablo Flores DBA Caporales Mexican Food, 1260 Merriam Ln.
Catalina Partners, LLC/William Hutton DBA Slaps BBQ, 553 Central Ave.
Claudia Anderson/ Claudia Anderson DBA Casino Bar, 1100 Osage Ave.
Con Sabor a Mexico, LLC/Guillermina Sandoval DBA Con Sabor a Mexico, 503 N. 6th St.
The Corkhouse, LLC/Lisa Lugar DBA Wyandotte County Corkhouse, 509 Armstrong Ave.
Edward Rychlec/Edward Rychlec DBA St. Peter’s Catholic Center, 416 N. 14th St.
Frank Brunetti/Frank Brunetti DBA Italian Delight, 8145 State Ave.
Fredy Rios/Franklyn Stinson DBA SaiBor Centro Americano, 1304 Central Ave.
Jarocho, LLC/Keyla Osuna DBA Jarocho, 719 Kansas Ave.
Jose Orozco/Rolando Pal DBA La Fronteras Restaurant, 763 Central Ave.
Lucky Chinese Buffet, Inc./Xiao Jun Song DBA Lucky Chinese Buffet, 7818 State Ave.
Pizza Stop South Inc./Ruth Addie DBA Pizza Stop, 7541 Leavenworth Rd.
Richard Morrissey/ Richard Morrissey DBA St. Patrick’s Church Green Club, 1066 N. 94th St.
Soccer Nation Club, Inc./Maria Villegas DBA Soccer Nation Club, 520 S. 55th St.
Villa Marina, LTD/Rocio Carrera DBA Las Islas Marias, 7516 State Ave.
Wyandot Barbeque, Inc./Ron E. Williams II DBA Wyandot Barbeque, 8441 State Ave.
Zoila Rodriguez/William Hutton DBA Las Palmas Restaurant, 825 Minnesota Ave.

**Action:** Referred to License.

### 4. APPLICATIONS FOR DRINKING ESTABLISHMENT:

Granite City of Kansas, LTD/William Hutton DBA Granite City Food and Brewery, 1701 Village West Pkwy.
Up Your Alley, Inc./David Simpson DBA Ranch Bowl, 5604 State Ave.

**Action:** Referred to License.
5. **APPLICATIONS FOR CATERER/DRINKING ESTABLISHMENT:**

   Goodmath, Inc./Ronald Mayden DBA Brass Ring Entertainment, 5648 State Ave.
   KC Civic Center, LLC/Wesley Lona, DBA Bermudas, 6220 Kansas Ave.

   **Action:** Referred to License.

6. **APPLICATIONS FOR PRIVATE CLUB CLASS A:**

   Moose Lodge 1999/James Befort DBA Kansas City Moose Lodge, 6621 Turner Dr.
   Dixie R. Frazier/Dixie Frazier DBA Dixie’s Place, 1042 Central Ave.

   **Action:** Referred to License.

7. **APPLICATIONS FOR PRIVATE SECURITY BUSINESS:**

   Kansas City Ultimate Security, Inc./Delonda Green DBA Kansas City Ultimate Security, 4406 E.
   107th St., KCMO
   Thomas Protective Services/National Registered Agent, Inc. DBA Thomas Protective Services, P.
   O. Box 883, Kaufman, TX,

   **Action:** Referred to License.
### Staff Request for Commission Action

**Tracking No. 150003**

- □ Revised
- □ On Going

**Type:** Standard  
**Committee:** Full Commission

**Date of Standing Committee Action:** 1/6/2014

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 1/8/2015  
**Confirmed Date:** 1/8/2015

- □ Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref:</th>
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<tbody>
<tr>
<td>1/5/2015</td>
<td>Marlon Goff</td>
<td>573-5545</td>
<td><a href="mailto:mgoff@wycokck.org">mgoff@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
</tr>
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**Item Description:**

A public hearing was conducted on 2/20/14 to consider a resolution of intent to issue industrial revenue bonds and a PILOT structure associated with Phase 2 of the Village West Apartments project. Resolution (R-17-14) was adopted.

**Action Requested:**

1. Approval of ordinance authorizing the issuance of $34M in Industrial Revenue Bonds in association with Phase 2 of the Village West Apartments Project per the development agreement.

- □ Publication Required

**Budget Impact: (if applicable)**

- **Amount:** $88,750
- **Source:**
  - □ Included In Budget
  - ✔ Other (explain) Bond Issuance Fee.
ORDINANCE NO. O-____15

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS OF NOT TO EXCEED $34,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS (VILLAGE WEST APARTMENTS II, LLC PROJECT), SERIES 2015, TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR VILLAGE WEST APARTMENTS II, LLC AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (collectively, the “Act”), to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds (Village West Apartments II, LLC Project), Series 2015 (the “Bonds”), in an aggregate principal amount not to exceed $34,000,000, for the purpose of (a) acquiring, constructing and equipping a commercial apartment project for Village West Apartments II, LLC, an Kansas limited liability company (the “Company”), and (b) paying certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Bond Indenture”), by and between the Issuer and BOKF, N.A., as Bond Trustee (the “Bond Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement of even date herewith (the “Base Lease”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided;
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS
FOLLOWS:

Section 1. Findings and Determinations. The Issuer hereby makes the following findings and
determinations with respect to the Company and the Bonds to be issued by the Issuer, based upon
representations made to the Issuer:

(a) The Company has properly requested the Issuer’s assistance in financing the costs
of the Project;

(b) The issuance of the Bonds for the purpose of providing funds to finance the costs
of the Project is in furtherance of the public purposes set forth in the Act; and

(c) The Bonds are being issued for a valid purpose under and in accordance with the
provisions of the Act.

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the
aggregate principal amount of not to exceed $34,000,000, which shall be issued under and secured by and
shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at an
interest rate not to exceed 2.00% per annum, and shall mature not later than the year 2024, and shall have
such redemption provisions, including premiums, and other terms as set forth in the Bond Indenture. The
final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the
Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer’s
approval thereof.

Section 3. Limited Obligations. The Bonds shall be limited obligations of the Issuer, payable
solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a
transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the
Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond
Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer,
the State of Kansas (the “State”) or of any political subdivision thereof within the meaning of any State
constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of
the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds
provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly,
indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form
of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such
pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer
or any charge upon its general credit or against its taxing power.

Section 4. Authorization and Approval of Documents. The following documents are hereby
approved in substantially the forms presented to and reviewed by the Issuer (copies of which documents,
upon execution thereof, shall be filed in the office of the City Clerk), and the Issuer is hereby authorized to
execute and deliver each of such documents (the “Issuer Documents”) with such changes therein (including
the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such
officials’ signatures thereon being conclusive evidence of their approval and the Issuer’s approval thereof:

(a) Bond Indenture;

(b) Base Lease Agreement;
(c) Lease Agreement;

(d) Bond Purchase Agreement; and

(e) Performance Agreement.

Section 5. Execution of Bonds and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor/CEO of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The Unified Government Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

PASSED by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas this 8th day of January, 2015.

Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas

(Seal)

ATTEST:

Unified Government Clerk
Resolution authorizing the offering for sale of general obligation refunding bonds, Series 2015-D and taxable general obligation refunding bonds series 2010-E of the Unified Government of Wyandotte County/Kansas City, Kansas.

Description and preliminary amounts:
2015-D (refunding of Series 2006A); Years: 2016-2025; amount $21,155,000.
   Estimated present value savings - $1.6 million or 6.6% of refunded debt.
2015-E (refunding of Series 2006B); Years: 2017-2025; amount $1,985,000.
   Estimated present value savings - $149,000 or 6.8% of refunded debt.

Action Requested:
Approve resolution and FAST TRACK to January 8, 2015 Full Commission meeting. This timeline will allow the refunding to be included in the government's annual 2015 bond and note sale.

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Significant future budget savings; The level of savings exceeds debt financial policy target of 3% net present value savings.
RESOLUTION NO. ______

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015-D, AND TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015-E OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) has previously issued and has outstanding general obligation bonds; and

WHEREAS, due to the current interest rate environment, the Issuer has the opportunity to issue its general obligation refunding bonds in order to achieve an interest cost savings on all or a portion of the debt represented by such general obligation bonds described as follows (collectively, the “Refunded Bonds”), and to reduce debt service requirements of the Issuer for certain years:

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>Dated Date</th>
<th>Years</th>
<th>Amount</th>
</tr>
</thead>
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<tr>
<td>General Obligation Improvement Bonds</td>
<td>2006A</td>
<td>March 15, 2006</td>
<td>2016 to 2025</td>
<td>$21,155,000</td>
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<tr>
<td>Taxable General Obligation Improvement Bonds</td>
<td>2006B</td>
<td>March 15, 2006</td>
<td>2017 to 2025</td>
<td>$1,985,000</td>
</tr>
</tbody>
</table>

; and

WHEREAS, the Issuer has selected the firm of Springsted Incorporated, Saint Paul, Minnesota, (“Municipal Advisor”), as Municipal Advisor for one or more series of general obligation refunding bonds of the Issuer to be issued in order to provide funds to refund all or a portion of the Refunded Bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of said general obligation refunding bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation refunding bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Gilmore & Bell, P.C., Kansas City, Missouri (“Bond Counsel”), in conjunction with the Clerk, Chief Financial Officer, and other officers and representatives of the Issuer to proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation refunding bonds.

BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer for sale the Issuer’s General Obligation Refunding Bonds, Series 2015-D and Taxable General Obligation Refunding Bonds, Series 2015-E (collectively, the “Bonds”) described in the Notice of Sale to be prepared by Bond Counsel, in conjunction with the Municipal Advisor and Issuer staff. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in such Notice of Bond Sale.
Section 2. The Mayor/Chief Executive and Clerk are hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the public sale of the Bonds.

Section 3. The Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of said bond sale by distributing copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Bonds. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Bond Sale, and shall be delivered to the governing body at its meeting to be held on the sale date referenced in the Notice of Bond Sale, at which meeting the governing body shall review such bids and shall award the sale of the Bonds or reject all proposals.

Section 4. For the purpose of enabling the purchaser of the Bonds (the “Purchaser”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor/Chief Executive and Clerk or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirements of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor/Chief Executive, Clerk and the other officers and representatives of the Issuer, Bond Counsel and the Municipal Advisor are hereby authorized and directed to take such other action as may be necessary to carry out the public sale of the Bonds.

Section 7. The officers and representatives of the Issuer are hereby authorized and directed to take such action as may be necessary, after consultation with the Municipal Advisor and Bond Counsel, to subscribe for the United States Treasury Securities to be purchased and deposited in the escrow for the Refunded Bonds and to provide for notice of redemption of the Refunded Bonds.

Section 8. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the governing body on January 8, 2015.

(SEAL)

ATTEST:

__________________________
Mayor/Chief Executive

__________________________
Clerk
The UG Debt Policy sets forth comprehensive guidelines for the issuance and repayment of long-term debt. Debt financing serves as a tool to finance large capital investments that cannot be funded on a pay-as-you-go basis.

The UG should not issue long-term debt to finance current operations. The UG is committed to systematic capital planning and intergovernmental cooperation and coordination. Debt issuance should be consistent with the government’s financial plan.

Debt financing, may include general obligation, special assessment, and revenue bonds; temporary notes; lease/purchase agreements, and other permitted obligations. Debt will be issued in accordance with all applicable federal and state laws. Additionally, the UG will maintain full and complete financial disclosure and reporting.

**Financial Limitations** established by the UG include:

- Annual debt service payments, excluding Enterprise Funds, are targeted at 10% - 12% of total budget authority of tax levied funds.
- The UG will follow Kansas Statutes setting financial debt limitations. The amount of outstanding debt cannot exceed 30% of the county’s assessed valuation.
- The UG will examine and consider other indicators, such as per capita and net direct debt as measures of the community’s ability to support debt.

**Debt Issuance** factors the UG will consider are:

- The target for general obligation support for new debt is established during the budget process. Historically the level of support has been $10-$20 million.
- The government recognizes the importance of maintaining strong credit ratings. Current bond ratings for Moody’s and Standard & Poor’s are at the AA level.
- Financing terms should not exceed the asset’s useful life.
- Enterprise Funds, including Sewer, Storm-water, EMS, Golf Course and the Public Levee should support debt issued for projects related to these activities.
- General obligation backing should be used for essential government services or projects with an asset life of 5-years or greater.
- Economic development and Tax Increment Financing (TIF) should be supported by project revenues, unless otherwise approved by the Commission.
- The UG will determine if the debt should be issued on city/county basis.
**Debt Restrictions** for long-term financing include:

- The UG should not issue debt to finance current operations.
- Debt should not be used for annual capital expenditures unless deemed a high priority by the UG Commission.
- The UG will use temporary note financing to complete projects prior to permanent financing, unless final project costs and timelines have been determined.

The UG will use the following criteria to evaluate *pay-as-you-go* versus *long-term debt financing*. Factors favoring *pay-as-you-go* financing for projects include:

- The project can be funded using available revenues within the project timeline.
- Government debt levels are negatively impacting the credit rating.
- Unstable market conditions exist.

Factors supporting *long-term debt financing* for projects include:

- Interest rates and debt financing demand are favorable for the UG.
- Sufficient funding is not available for mandated federal and state projects or emergencies.
- Project life is 5-years or longer.

**Debt Structuring** will consider various factors, including the financial forecast, property tax requirements and the objective to retire principal in a timely manner. Specifically:

- Debt schedules will in most instances be structured for a 20-year term or less.
- General obligation bonds will typically be amortized with level principal/interest payments.
- Revenue bonds will be structured to align with available or projected pledged revenues.
- Enterprise funds will budget a transfer payment to the debt service fund to cover the scheduled debt payments for their specific projects financed under general obligation bond authority.
- The UG may include call options in the financing structure to achieve future interest savings by the early refunding of the debt obligation.
- Credit enhancements may be used to reduce borrowing costs, if the project has clear public benefit.
- Capitalization of interest is acceptable to allow interim financing for a project or development that is projected to generate revenue in future years.
Debt Issuance Process – Debt issuance will comply with all federal and state requirements. The government’s Board of Commissioners must authorize the debt issuance. Guidelines include the following:

- The UG shall seek to issue its general or revenue bond obligations in a competitive sale, unless the government’s Chief Financial Officer and/or financial advisor recommend an alternative approach.
- If competitive bids are evaluated to be unsatisfactory, alternative approaches may be considered.
- When a negotiated sale process is determined to be the most efficient financing alternative, the UG will use a competitive process for selection of the investment banking team.

Considerations for a negotiated sale include: interest rates, special obligation financing and the project time schedule.

The UG will use professionals to assist in authorizing and structuring the financing sale. The outside professionals may include the government’s financial advisor, bond counsel, underwriter, bank trustee, or paying agent.

Selection of professional services will be done in accordance with the government’s procurement process.

Debt issued by the UG will be managed and monitored by the Chief Financial Officer.

- The investment of bond proceeds will adhere to the government’s Cash Management Investment Policy. Also, the government has adopted and implemented a tax-exempt compliance policy, applicable after debt issuance.

Bond Refunding - The UG will consider refunding to achieve interest cost savings, targeted at a minimum of 3% net present value savings; to restructure debt to align with the government’s financial forecast; or to modify the credit backing of a debt obligation.

Market and Investor Relations – An official statement will be completed for competitive financing and the UG will comply with ongoing disclosure requirements. The UG’s Comprehensive Annual Financial Report and information about the socio-economic trends will be reported to credit agencies on an annual basis.

Credit Rating Goal – The UG’s goal for its general obligation bond financing is to remain at the ‘AA’ rating level. If a specific financing does not have government backing or credit enhancement, then the debt may be issued without a rating.

Credit Risk - The UG recognizes the importance of limiting interest, credit or budget risk. The UG will not consider the issuance of derivatives. Variable rate debt will not be used in the issuance of General Obligation debt, but may be considered for development projects backed by project revenue.