

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

REGULAR SESSION
THURSDAY, MARCH 5, 2015

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 5, 2015, with ten members present: Vacant, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via telephone); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Maddox, Commissioner Fourth District (via telephone); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District, and Mayor Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Joe Connor; Interim Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Ken Moore, Deputy Chief Counsel; Emerick Cross, Interim Commission Liaison; Mike Taylor, Public Relations Director; Terry Zeigler, Police Chief; Captain Michelle Angell; and John Turner, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox, Holland.

INVOCATION was given by Reverend Gene Flanery, La Mision' de San Lucas.

Mayor Holland asked if there were any revisions to the agenda. **Carol Godsil, Deputy UG Clerk,** said there were none.

MAYOR'S AGENDA

ITEM NO. 1 – 150051...PRESENTATION: AAA TRAFFIC SAFETY AWARD

SYNOPSIS: Presentation of the AAA Traffic Safety Award from AAA and the Kansas Department of Transportation for the KCK Police Department's assistance in traffic study.

Doug Bach, County Administrator, said tonight we are pleased to have our officers in the room who are being recognized by the Kansas Department of Transportation for the AAA Award which is for their superior efforts in addressing local safety traffic issues. At this time I'd like to recognize Robert Hamilton with KDOT to come forward and present the award.

Robert Hamilton, KDOT, said this was a lot nicer introduction than I got the other night. I'm retired law enforcement also. A chief of police in an agency in Johnson County, I won't mention, introduced me, and then he looked at me and winked and I knew I was in trouble. He said I want to introduce Bob Hamilton but he's not the plumber.

Mayor Holland and Board of Commissioners, I'd like to thank you for this opportunity to be here to address you this evening. We're going to be presenting the KCK PD Traffic Unit with their first AAA Award. It's a Gold Award. Some things that they have done to gain this award is they've received points for having a community-based traffic safety committee that identifies traffic safety problems and formulates solutions for having departmental policy regarding the use of their seat belts, for assisting the Unified Government Health Department with the Safe Routes to Schools Program. They provide directions and control during the walking school bus. They also are heavily involved with SAFE, which if you're not familiar with that, that is Seatbelts for Everyone. That's a high school program that we have now in 52 counties and I believe 160 high schools across the state of Kansas.

In education, they receive points for their child safety seat technician certification classes and a fitting station that they operate and for Drive Wise, the Wyandotte and Junior Police Academy Programs.

They receive points for their enforcement work in DUI, the Click it or Ticket Program, the You Drink You Drive You Lose, St. Patrick's Day and Cinco De Mayo and their joint venture with the Wyandotte County DA for prom and graduation DUI work.

In engineering, they receive credit for assisting traffic safety engineering with traffic signs and speed bump placement in high traffic locations around the Speedway and Sporting KC complexes. They're also proficient at taking a data driven approach to crime and traffic safety.

Like I said earlier, they are receiving their first award. They're one of 23 agencies across the state of Kansas so you have a Police Department to be very proud of. To prove their superior efforts for gaining this award, the adult seatbelt use is on the rise from 83% in 2012 to 86% in 2013. Teen belt use has risen steadily from 42% in 2009 to 78% in 2013. A lot of that has to do with the SAFE Program and a lot of it has to do with these gentlemen who are sitting here behind

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me for their traffic work. Child passenger seat use has also risen steadily from 75% in 2009 to 84% in 2013. Alcohol arrests are up from 496 to 566. One good thing about that, alcohol crashes dropped from 203 to 172. Teen crashes were 330 in 2009 and in 2013, the most reported year, 270 so it's also on the downward trend. Most importantly, fatalities dropped in your city from 22 to 7. That's quite a substantial drop.

Mr. Holland and Commissioners, you are to be congratulated for your leadership and your support of the Police Department. At this time, it gives me great pleasure to present the 2014 AAA Gold Award to Captain Angell of the Kansas City Police Department.

Action: Presentation was given.

Mayor Holland said for those of you watching at home, we have one citizen and three armed police officers so we are covered.

ITEM NO. 2 – RESOLUTION: MODIFYING COMMISSION MEETING DATES

SYNOPSIS: A resolution cancelling the March 19, 2015 commission meeting; adding two additional meetings on April 23 (Regular Session) and April 30, 2015 (Planning & Zoning).

Mayor Holland said this is simply adopting a couple of changes to the meeting dates. We're required by law when the new commissioners are seated to adopt the new meeting schedule for the next two years. We're on the tail end of this one. We have a couple of modifications. One is to cancel the March 19 meeting. I know that makes everyone sad when we cancel a meeting but to cancel the March 19, then to set the April 23 meeting as a regular session. That will be the night of the swearing in of the new commissioners or for those of you who are – for all the new elected, there'll be five Commissioners who will be sworn in at that April 23 session.

Then, also, for Planning and Zoning purposes, to set April 30 as the Planning and Zoning which is our typical last Thursday of the month. We will need to formally reset the 30th on a vote on the 23rd but for planning purposes, they need to know what meeting they're targeting. They send notices out. So on the 23rd, we'll vote on the 30th, again, as part of the larger packet; but just in terms of getting us prepared for the next cycle, those are the dates that we're looking at.

Action: **RESOLUTION NO. R-21-15**, “A resolution amending Resolution No. R-32-13 by canceling the full commission meeting scheduled on March 19, 2015, and adding a regular commission meeting on April 23, 2015, and a Planning and Zoning commission meeting on April 30, 2015, and adding two additional Commission meetings, and repealing that portion of Resolution No. R-32-13 which conflicts with this resolution.” **Commissioner Kane made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

CONSENT AGENDA

Mayor Holland asked if there were any set-asides on the Consent Agenda. There were none.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

ITEM NO. 1 - WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated February 19 and 26, 2015.

Action: **Commissioner Kane made a motion, seconded by Commissioner Murguia, to receive and file.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Walker, Townsend, McKiernan, Murguia, Maddox.

PUBLIC HEARING AGENDA

No items of business.

STANDING COMMITTEES' AGENDA

No items of business.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 150052...DISCUSSION: PUBLIC SPEAKERS' HOME ADDRESSES

SYNOPSIS: Commission discussion regarding public speakers providing their home address at public meetings, submitted by Doug Bach, County Administrator.

Doug Bach, County Administrator, said this item has been brought forth by a couple of citizens who have noted to us, and I think it's really just more of a sign of today's time, that when we have individuals that want to speak, they come to the microphone, we require them to state their name and address for the record. Our administrative purpose for having the name and address for the record is that if there was something we needed to go back and contact someone for the future, we have that address, we can look them up. In looking back, that's really something that we don't do. We really haven't had that need to do it but the citizens have said they have to since we're on TV, call out their address and tell everybody where they live and there is some discomfort with that. The flip side of that is during planning and zoning meetings, I think you often want to know how their house relates in proximity to a resident in question or a business in question and we would still need to account for that. There is no policy in place that states that, it's just more of a procedure that we've used to say state your name and record.

In a meeting like tonight if someone wanted to come forward and talk about this issue, I think we'd state tell what city you're from and they can say, they're from Kansas City, Kansas, or Bonner Springs and that probably suffices to know if they're a resident of our community or not in the event they're from Missouri or something like that. Then we may be more particular about it during a planning and zoning meeting to find their relevance to it.

Unless there is an exception to it, it's one that I'm recommending to the Mayor that we not require people to state their address anytime they come forward to the microphone. Unless there's a need for that based on a particular item, that would be our procedure going forward.

Mayor Holland asked do we need to approve it as a motion or. **Mr. Bach** said no, it's not really a – it's just a process so I think it's more of an acceptance unless there's – **Mayor Holland** said it's not an ordinance. **Mr. Bach** said the Mayor said when I brought it to him, as long as we felt that it was something in keeping with the commissioners unless there was a big problem, we'd probably follow that process. **Mayor Holland** said I just wanted to bring it forward to the

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whole commission because I thought if we made – it's a significant change, its part of our procedure and I just wanted to get feedback from the commission in terms of how the people felt. It never occurred to me until a couple of people complained, didn't complain but brought it to our attention after the last couple public hearings. I do want to know what city they live in. I think that matters in terms of the feedback that they're giving us, but in terms of the specific address and maybe for Planning and Zoning, Mr. Bach, if you would work with Rob Richardson maybe they could give the address to the staff so that the staff can vet the location of their property. It might be relevant to the Planning Commission. Sometimes that is relevant because the Planning Commission want to know exactly where do you live that you have so that might be a different issue. We can play that by ear. There's no objection before we just made that a policy, I just wanted to run that by you all. Consensus there? Okay.

Commissioner Townsend said I did have some concern about what was the initial purpose for disclosing speakers' address and Mr. Bach, Administrator Bach, has talked about post contact purposes and that makes sense. For other concerns with respect to what the speaker may be talking about, whether it's planning and zoning or any other change, an ordinance or proposed action. I think it is relevant and important to know, at least I think what district it is to know that speaker is a resident of Wyandotte County or not. I think that should be stated minimally and that for verification purposes, I would propose that the address could be given to the Clerk. It doesn't have to be publicly stated, but I think that's important for any of us to know that when someone is making a public address, how they're going to be particularly impacted as either a resident of Wyandotte County or someone who is not a resident of Wyandotte County. I would like to see some recording mechanism still maintained for identification purposes. It can change the objects of what people see and the relevance or importance of who is actually in the room at any given time in a public hearing and who the real residents are and who is going to be immediately impacted as to whether or not they're a resident and a voter in Wyandotte County.

Mr. Bach said we'll work with the Clerk's Office to determine whether or not there's a way. Maybe it's just a log that somebody writes down their address when they come to the podium or something like that. We'll see if there's something we can come up with that makes it – something for record in the event that we need to check with them or just to make sure they're noting where they are from in the city. **Commissioner Townsend** said I think that will be important to have and maintain and that in lieu of stating a specific address, they address

publicly whether or not they are not they are a resident of Wyandotte County and then give that specific address for verification later if need be or follow up.

Action: No action taken.

ITEM NO. 2 -150050... LEGISLATIVE UPDATE

SYNOPSIS: Legislative update on the following, by Mike Taylor, Public Relations, Director.
For information only.

SB 171 - City Elections
SB 84 - Abandoned Housing
SB 65 - Guns and Public Employees
SB 45 - Concealed Carry with no permit

Mike Taylor, Public Relations, said what I want to do is hit a few highlights on some of the major issues and then open it up for questions you may have on other issues of interest that are out there. Probably one of the hottest issues going in right now as we hit the second half, we kind of hit halftime over the weekend. They wrapped up the first half of the session on Thursday and as that half of the session came to an end about 11:00 on Thursday night, they passed the city elections bill in the Senate. What that bill does, it's Senate Bill 171, what it would do is move city and school board elections to the fall of odd numbered years. Instead of having a primary in March as we just had and a general election in April, you would have a primary in August and November of the odd numbered years, which is the same year that city and school board elections occur. They would remain non-partisan which is an issue that we fought hard to keep because we didn't believe that city and school board elections needed to be tagged as Republican or Democrat. Filling potholes and building community centers or getting sidewalks built is not a Republican/Democrat issue. The Senate went along with that.

One of the things that the bill would do, however, is any bond issues or sales tax elections would also have to be held in August or November of an odd numbered year. You couldn't have a special election in April or June as we've done it the past. It would have to be done during the fall elections. That bill is now moving over to the House and there are hearings next week on that bill.

The chairman of the House Elections Committee has a bit of a different idea. What he would really like to see is city and school board elections held in even numbered years on the

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same ballot as you would vote for a president, governor, senate, legislative races. One of the concerns we've expressed about that is that by the time you have a huge ballot, and think back to November when we had a very contested governor's race, a very heated senate race, legislative races, by the time you get down to the bottom of that ballot, you know, School Board District 3 is probably not going to get a lot of attention. What the chairman of the House Committee is proposing is that on those ballots, if they would make those changes, all the city and school board races would have to be at the top of the ballot and then governor, president, senate would fall down later. We're not sure that's going to go.

I think we could probably live with moving to the fall of the odd numbered years. One of the concerns that city clerk's and election commissioners have is if you move those elections to that huge ballot in an even numbered year where you have a Presidential race, a senate race, a gubernatorial race, city council races, the ballot is so long that the machines may not technically be able to handle them. It's still a very hot issue. It's one that will be heard next week and that's a major issue that cities all over the state are looking at.

Mayor Holland said if it moves to the fall, it doubles the length of time between the primary and the general because right now we have five weeks between the primary and the generals. This would extend it til 10 or 12 weeks from August all the way to November. **Mr. Taylor** said that's right. **Mayor Holland** said so that's a significantly longer campaign season for everyone. **Mr. Taylor** said that's true.

One of the other concerns about that in terms of campaigning is the concern in the fall of the year. If you've got a major election race and all the fundraising that goes on for a campaign, the dollars may be all sucked up by those major races and that leaves very little money to be raised by a school board candidate or a city council candidate or a UG commission candidate. That's one of the things that was a concern.

Interestingly, even the Kansas Association of Broadcasters came in and said you know there's only so much air time on TV and if you put all of these races in the same election cycle, we may run out of minutes to actually sell campaign ads because you know what it's like during a campaign season, during a major election. The ads are everywhere. There's only so many minutes on TV during a programming day. They even came in and said that's another issue to think about.

All of those things are being discussed, but there seems to be a real drive and the concern seems to be that municipal elections have such low voter turnout and the feeling is by many that

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moving to the fall would increase that voter turnout. We've also seen statistics that show the longer the ballot, there's a major drop off as you get toward the bottom of the ballot. People just get tired. They vote for the major races and then like yea, I'm not going to vote for the rest of those. It's all being debated. It's a very hot issue right now in the State House and we'll know more next Wednesday is the hearing in the House side. It passed the Senate. The biggest thing for us was not making them partism. We've managed to survive that. At this point I think we can continue that even if they move them to the even numbered years.

The next issue that we really talked about and worked for years on is abandoned housing. This is an issue that Representative Stan Frownfelter and the UG have worked on for a number of years. It's a way to expedite dealing with abandoned housing and try to get that housing turned over to an agency that can rehabilitate it, get it back on the market and keep it from just being boarded up and eventually demolished.

Late in the day on Thursday, we had worked a compromise with the bankers, with a number of other groups and we thought we had a bill that everybody could support. A group out of Wichita, primarily, Americans for Prosperity, and a county commissioner down there started raising ruckus about it regarding property rights and that kind of thing. Some of the Senate leadership got some cold feet. They didn't run the bill which technically in the legislative rules means that it died at the turnaround.

We had as a backup introduced a mirror bill in the House side which had not really moved because we were trying to work it through the Senate. Representative Frownfelter was able to go to the Speaker and get that bill blessed which means it stays alive. We think we're going to get some hearings on the House side now to try to keep the bill alive. It was a defeat, clearly, but we managed to put in position a way to keep the bill alive so we still have some hope. We might be able to get it to move through yet this session. (County Administrator Bach left the meeting at 7:26 p.m. and Interim County Administrator Joe Connor set in.)

Guns. There's a hearing next week. The Senate passed this easily but Senate Bill 45 would allow, it's called constitutional carry, it would allow anyone and everyone to conceal carry without having to get a permit, a background check or have any training. That bill easily passed the Senate and now it's moving into the House side. I didn't testify to that bill. We knew that it was going to pass and so we didn't weigh in.

A bill that I did testify on is Senate Bill 65 which really supersedes our policies here at the UG and every city. We have a policy in our personnel manual that says if you're on the clock working for the UG, unless you're authorized to carry a gun like the Chief, if you're any

other employee, even if you have a conceal carry permit we don't want you carrying that gun while you're on the clock working for us. This law would be the state legislature superseding that policy and telling us that no, if they have a conceal carry permit, you as the employer, cannot tell them they can't carry their gun when they're at work. We obviously testified and opposed that bill.

I just have to comment that it's interesting to me, and I say this in testimony all the time so I have no problem saying it here, that many of these legislatures rail against the federal government on whether it's healthcare or environmental laws or something they try and impose on the state and then they turnaround and do the very same thing to cities and counties. I point that out to them frequently how hypocritical that is and that there is such a thing as local control, in fact, there's constitutional home rule in Kansas that lets us make those kinds of decisions. For them to reach into our personnel policies and tell us that we can't tell our own employees in a workplace how they need to perform, I think is just egregious and I said that to the Legislative Committee. The bill hasn't moved yet, but I suspect it may.

Mayor Holland asked if they do away with conceal carry permits then presumably anybody can carry a gun anywhere, anytime. **Mr. Taylor** said that's correct. **Mayor Holland** said so even any employee ---- we just take the metal detectors down at the City Hall. **Mr. Taylor** said well, as you know, we got an exemption for four years under the bill that passed last year. In three years, unless we either decide ---- this building and the courthouse are covered, but many of our other buildings we got the exemption. We do, as a local governing body, have a decision to make in the next three years what we're going to do about either Davis Hall, community centers. We either have to put in security guards and metal detectors or we will have to allow guns in those buildings. That's a decision that is coming in the next couple of years for all of you.

There is open carry now as well. The argument from the proponents of this is well, we passed a law that allows people to just openly carry a gun without having to have a permit so why not conceal carry. The point that I've made to the committee is regarding the training whether I've got a gun openly that's showing or I've got it hidden in my jacket, once I draw that gun, I have a gun in my hand. Shouldn't I have some kind of training on how to use that gun? I can't drive a car without taking a test that shows I know how to operate that vehicle. Should I not have to take some kind of test to handle a gun? That's the gun issue.

I'll wrap up quickly here. A couple of other things I just want to hit quickly here and then I want to allow time for questions for other issues that you may be interested in. Last year

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the legislature in kind of a sly move late in the session cut the interest rate that they charge on delinquent tax payments. We brought a bill back this year that said, you know, that just is an incentive to not pay your taxes on time. We've introduced a bill. We had a hearing in the House Tax Committee. They're going to work it on Tuesday that would raise that rate by 5%. It's set by federal statute, the base rate. What our proposal would do, the base rate right now is set by the feds is 4%; this would add 5% to it. It would make the interest rate on delinquent tax payment at 9% and we think that's not unreasonable. It's getting a little bit of resistance from some of the members of Legislature but I'm optimistic that we can work it between now and Tuesday and maybe get that bill passed.

One other thing I'll mention to you because you all have authorized me to work with the Coalition on Immigration Reform. There is a bill regarding in state tuition. For the past number of years since I think 2004, immigrants who were brought here as children, raised here, went through our public schools, even though they're here illegally, still get instate tuition at our community colleges and regence universities. There's a measure to do away with that. That bill also then becomes a vehicle or a Christmas tree sometimes as it's called where you just hang all kinds of things on it, opening it up to all kinds of other anti-immigration measures. That bill is going to be talked about on Monday in the State House, and we're looking at possibilities of measures that we've opposed in the past that would require us to E-Verify on all of our city employees, something that HR really opposes because of the cumbersomeness of it. It could also require police to do a number of things in terms of vehicle stops. It could crowd our jails in terms of holds. We're opposing that. I'm working it behind the scenes with a number of other folks but we'll see where that goes. I wanted to alert you to that because it could blow up as a big issue.

I want to touch on a couple of things in terms of taxes. You know there's a \$600M hole in the budget. That's just for this year and the year ends June 30. Between now and June 30, they have to find \$600M. There are a number of bills that have been introduced, not yet heard, that would raise taxes in various areas. Instead of just admitting a little bit of a political statement, admitting they made a mistake by the big income tax cuts that they made, they're looking at other ways to raise revenue. Some of those, many of those would affect our residents. One of the bills would add state sales tax on top of residential utilities. A bill from Weststar, a bill from the BPU would add 5.3% state sales tax on top of those utilities. A major hit to the everyday consumer in Kansas.

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Another one that's been talked about but not yet out is putting a state surcharge on the transient guest tax otherwise known as the bed tax or the hotel tax. We get that money that we add on and it goes to convention and tourism kind of promotional things. Imagine adding another 5.3% on top of that. I was talking to someone from Overland Park today and in their case, by the time you add the city sales tax, their transient guest tax, and then you add that surcharge, if you stay in a hotel in Overland Park, you're going to pay almost 20% on top of the hotel bill. Now being as close to the state line as we are, I would think maybe depending on the hotel you're staying in, I'm going to hop over to the Missouri side and stay in their hotel and just drive back across the state line. That's one that we're concerned about.

Another one is on the property tax you pay, the first 20 mills go to the state to pay for schools. That mill levy is not applied to the first \$20,000 of value on your home. There's a bill introduced that would take that exemption away. It would increase your property taxes because that \$20,000 exemption would be gone. Those 20 mills would cover every dollar of your homes value instead of not exempting the first \$20,000.

There are several other issues. One would tax passive income like things from if you happen to own an oil lease or get royalties or that kind of thing. They're looking at a number of ways to try to ----- it really is like going to the couch and looking under the cushions for nickels and dimes to try to fill a \$600M hole. Those are ones that I'm particularly watching because they would affect every resident that lives here.

The other quick thing as I finish up, the Mutual Aid Bill, the bill that we talked about for law enforcement that would allow our officers to crossover into Missouri and vice-versa on a critical incident, a terrorist attack or a major disaster. Missouri passed that law last year and we got that passed today out of the House, the Federal and State Affairs Committee. It's moving and I think that bill may actually go. What that really does is that allows our officers, if they're called, to crossover into Missouri for an incident and vice-versa and have the liability protections that they need and that kind of thing in case there is an incident. One of the examples I use in that, just to kind of let you know what I'm talking about, is several years ago, if you remember, there was an active shooter at the Ward Parkway Mall. The first two officers to respond to that were from Leawood, Kansas, but because they were in another jurisdiction, in another state, they really had no authority to do anything. Luckily, Kansas City, Missouri Police Officers arrived and were able to deal with the situation. This would eliminate that kind of a problem and give our officers that authority. So we got that bill passed out today.

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Now what I would like to do is just open up for any questions you may have on any other issue.

Mayor Holland asked any other questions for Mr. Taylor the halfway mark. Well, we appreciate your work in the trenches for us and we appreciate your work of the Wyandotte County Delegation, our representatives and senators who are working hard on behalf of Wyandotte County everyday. Thank you very much and we appreciate it.

Action: Information only.

COMMISSIONERS' AGENDA

No items of business.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

No items of business.

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 7:37 P.M.
March 5, 2015**

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Carol Godsil
Deputy Unified Government Clerk

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