I. Call to Order / Roll Call

II. Approval of standing committee minutes from February 19, 2013.

III. Committee Agenda

Item No. 1 - RESOLUTION: 51ST AND ROWLAND CULVERT REHAB

Synopsis:
A resolution declaring the necessity and authorizing a survey of land for the 51st and Rowland Culvert Rehab Project, CMIP #5311, submitted by Sarah Fjell, Engineering.
Tracking #: 130116
Item No. 2 - RESOLUTION: TURKEY CREEK-MISSOURI INTERCEPTOR PROJECT

Synopsis:
A resolution declaring the necessity and authorizing a survey of land for the Turkey Creek-Missouri Interceptor Project, CMIP #5005, submitted by Sarah Fjell, Engineering. This is part of the agreement between the Corps of Engineers, the UG, and KCMO.
Tracking #: 130117

Item No. 3 - COMMUNICATION: USD 500 PROPERTY AT 9TH & PARALLEL

Synopsis:
A communication regarding USD 500 agreeing in principal to return property at 9th & Parallel to the UG to develop an athletic field, submitted by Robert Roddy, Public Works Director. The 3.6 acres will be physically improved primarily for football playing use. This is part of the CNIP program
Tracking #: 130115

Item No. 4 - ORDINANCE: FIREWORKS

Synopsis:
An ordinance proposing amendments to the sale and storage of fireworks, submitted by Gary Ortiz, Assistant County Administrator.

Additionally, the Business License Administrator would like to discuss a proposed two-tiered licensing fee system based on the square footage of the operation.
Tracking #: 130118

IV. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Tuesday, February 19, 2013, at 5:00 p.m., in the 6th Floor Human Resources Training Room of the Municipal Office Building. The following members were present: Commissioner Mendez, Chairman; and Commissioner Markley. Commissioners Murguia, Cooley, Ellison and BPU Board Member Colombel were absent. Commissioner Kane and Mayor Reardon filled vacancies.

**Chairman Mendez** called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for January 14, 2013. **On motion of Commissioner Markley, seconded by Commissioner Mendez, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

**Item No. 1 – 130048…**  
An ordinance amending the graffiti ordinance to increase the penalties for violations, increase possible rewards, and impose additional signage and display requirements on retailers, submitted by Ryan Haga, Legal.

**Jody Boding, Chief Legal Counsel,** said Ryan Haga could not be here tonight. Since this ordinance was first started, Jenny Myers has come to work in our office. She will be presenting it, but I just wanted to give you a little reminder of where this was.

It came before the standing committee last on November 13th and Delia York had been working on the graffiti ordinance. She came and answered questions and talked to you about concept, but she did not have the actual ordinance drafted. The committee voted for certain things in the ordinance and asked that it be sent on to full commission. In the meantime, Delia got appointed to the District Court and the drafting of the ordinance was turned over to Ryan
Haga in the office. He drafted it but he didn’t really know what to do with it so it kind of languished until Commissioner Markley remembered that it was supposed to go forward and asked where it was. We found it and by that time Jenny Myers had been hired. She is working with the Police Department as the police legal advisor, which is one of the duties that Delia had, so it seemed reasonable to assign this to her. She took it over, became familiar with it and she is going to introduce it to you and tell you the things that it does.

I talked to the Mayor about whether we should take this to full commission or bring it back to the standing committee. Since you never had the actual ordinance in front of you, we brought it back to the standing committee to make sure the ordinance was what we thought you had talked about in November.

**Jennifer Myers, Assistant District Attorney,** said the current ordinance prohibits possession of graffiti implements such as spray paint and the markers. The current ordinance is between 9 p.m. and 6 a.m. The amendment would prohibit possession of graffiti implements at all times of the day. There are certain exceptions such as if you are accompanied by a parent or school officials or if you are working on a school-related project. That wouldn’t fall under it. That is one of the amendments. It amended it from a $250 fine for the first offense and $500 for subsequent offenses. Rewards will increase from $100 to $250. Retail establishments who sell spray paint or broad tip markers shall store them in an area that is continually observable by employees or in an area not accessible to the public during the regular course of business without employee assistance. Fines for anyone selling the spray paint to a minor increased from $100 to $250 on a first offense and $500 on a second offense. One of the things that was discussed the last time is that the District Attorney will now file charges under the city ordinance. Those are the main amendments.

**Ms. Boding** said Major Garner is here representing the Police Department.

**Mayor Reardon** said first of all they call me short-timer now, old-timer. I am sort of feeling like an old-timer because I was around as a commissioner when we first enacted the graffiti ordinance that is now proposed to be amended. I guess I am a little frustrated, and staff has already heard a little bit of this, in the sense that we are here almost ten years later if I recall correctly when we did this the first time and I have no sense whatsoever if the ordinance that we put in place has
done any good. **Commissioner Markley** said the original one. **Mayor Reardon** said the one that was enacted ten years ago. Have we been compiling data? How many fines have been charged for people that had possessed graffiti implements or someone that has been caught? I know a big provision in this was the liability of parents, that you would be able to hold them liable for a minor. I think we had a lot of discussion about whether we could legally enforce that when we first enacted this, but it is in the ordinance. Have we had a parent that we have forced into court to be responsible for a minor who we have caught spray painting graffiti somewhere? What do we know about what we have enacted and what it has done or not done?

**Commissioner Markley** said I can sort of respond to a couple of those things. Originally I got involved in this process because I noticed that none of our retailers have the proper signage up. We got involved with the police department and they sent out representatives to remind, in a friendly way, all of the retailers of their obligations. We started having these discussions and found out that part of the issue was the district attorney was not charging people under the ordinance, and that there is also an issue with the state law that makes it more difficult for us to charge juveniles so that’s something that is sort of separate, I think, to be considered. That’s another issue and another leap that we will have to take to get there.

I think this ordinance wasn’t gainfully obviously enforced because we know the retailers weren’t following the specific guidelines. We were not able to charge people the way we needed to so I don’t think it was being used in that sense either. Overall, it was just languishing there so we kind of took a multifaceted approach in approaching the businesses about their obligations in a minute and in trying to create a bigger stick in terms of the fines and things like that. Like I said, I think we are still going to work on the state issue regarding juveniles and then we’re going to have the district attorney to start actually filing charges which would be fabulous.

**Mayor Reardon** asked does the police department have the stats? How often do we catch kids in the act of— **Major Tyrone Garner, Police Officer**, said we keep stats, Mayor. I don’t have those directly in front of me. I didn’t bring those with me. It is rare that we actually catch kids in the actual act. We put out cameras and things of that nature. We have been able to catch children in the past and we have cited them and things of that nature. I don’t have exact numbers in front of me. I think notwithstanding the work that you and others did with the original ordinance, I think really what we are trying to do is just build off of that and put a little more

*February 19, 2013*
teeth into that ordinance, again, with the things Ms. Myers mentioned to bolster that ordinance; to at least give the officers in the field instead of a small hammer, a bigger hammer to work with in trying to combat the issue.

Mayor Reardon asked what do we think the average age of somebody that—you’re not supposed to say graffiti artist because then you are saying that it is art and what we are talking about here is arguably not that. What is the average age of someone that commits the illegal act of graffiti? Major Garner said I can tell you we have got kids as young as 10 until young adults. It varies where they fit into that lifestyle because a lot of them are gang affiliates. Do you see what I’m saying? Mayor Reardon said I do. Major Garner said it just varies. Most of them are young males under the age of 25 is what we have encountered as far as when we talk about graffiti and more community gang graffiti.

Mayor Reardon said I’m not against any of the changes. Maybe after 10 years and having this ordinance in place thinking it was going to move some needle, I know it really hasn’t. I am somewhat skeptical that increasing fines for someone that is 10 years old is going to make them scared to go out and do graffiti. I don’t believe there is a deterrent effect in a graffiti ordinance. Arguably, there is with the businesses because you are going to cause them to be fined if they don’t comply, so I think there is some merit on that end of it. I think the problem about graffiti—I don’t think an ordinance is going to solve that problem in its entirety. We have to have it there; don’t get me wrong. I’m not saying abandon the idea, but after 10 years of doing this, it is a little trickier when you go out to a neighborhood group. I don’t want to give false hope to someone that because we increase the fine for a first and second offense of graffiti, that somehow or another their garage isn’t going to get spray painted again.

Major Garner said Mr. Reardon, I don’t think when we go out to give people that talk that we’re not here to overpromise and under deliver. The reason why the police department is supporting it is it just adds more teeth to the ordinance that was in place to hopefully be somewhat of an improved deterrent for those that we do catch in the act and as word gets out, to prevent hopefully—we are never going to have zero but I guess the goal is to get as close to zero as we can and I think that’s what this improvement to the ordinance will do.

February 19, 2013
Mayor Reardon said my other question is, and this really goes to all those that have worked on this, I was reading through the ordinance and I know we are changing J sub 3 Sale of Spray Paint and Markers. I am just trying to think through this. I don’t know, maybe you went out and talked to retailers, but let me just play with Lowe’s for a moment. Not to pick on them, but they have a lot of spray paint that may not be in direct view of somebody all the time. Are we saying to Lowe’s and are they okay with the idea that I assume you have to either lock that up or create a new counter to put it in? Are we going to have a practical problem around implementing this where in a month you all are going to come back and say we went out to some of these retailers and they want to do the right thing but the small hardware store says you are going to make him spend $2,000 to gate up—I don’t know. I am just playing scenarios. Have you guys thought through that with the retailers?

Commissioner Markley said yes, we tried to kind of give as broad—as many possibilities possible so you can either have it within an employee’s sight or you can have it locked up. The bonus for Lowe’s and stores that are larger like that is they have a paint counter and as long as they have an employee assigned to that paint counter, the spray paint is in the line of sight of that employee so they are going to be okay because of that. Places like the Dollar General, they have so much less spray paint that they can just put it on the front of an isle or put it behind so it shouldn’t be too hard for them. There will be the sort of in-between stores that are smaller retailers where they are not big enough to have a separate paint counter; they are not small enough to fit it all on one shelf, those are going to be the ones where they are going to have the hardest time, but for the most part, we are dealing with Walmart, Lowe’s, and more like Dollar Generals.

Mayor Reardon asked has the police department or staff thought about how this information is going to get out to the retailers for them to understand what is means to comply and how that works. Major Garner said prior to all this, we have gone out and the community police officers made contact with the retailers that we could find that actually sell the spray paint notifying them that they need to come in compliance with the current ordinance and then getting some feedback from them and letting them know what may be coming forward. From the information I got, there wasn’t any negative feedback as far as the retailers were concerned.

February 19, 2013
Mayor Reardon asked do you have a sense when you went out and did this of how many retailers were in compliance the day you went out. Major Garner said I don’t have those numbers right in front of me, Mayor. Commissioner Markley said the Walmart out in the Legends put their little signs up after you guys visited. It was funny the first time I went in there. I was like oh, nice. Major Garner said when they were reminded of the ordinance, most retailers did try and get in compliance with that.

Ms. Boeding said we ask that you send this on to the full commission now if you are so inclined.

Action: Commissioner Markley made a motion to approve the ordinance, seconded by Commissioner Kane, and forward to full commission. Roll call was taken and there were four “Ayes,” Reardon, Markley, Kane, Mendez.

Mayor Reardon said just for the record just to memorialize my comments, I think that these changes are needed and I think that they are thoughtful. I remain skeptical that changes to the ordinance are going to solve our graffiti problem. I think we are going to have to address more directly the kids that are involved in this, their actions and activities because I don’t think changing this ordinance to make it more strict is necessarily going to stop them from doing this kind of activity given that most of them are young minors.

Item No. 2 –130065… A resolution authorizing filing of an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 thru 65-3329), submitted by Lori Mundhenke, Public Works, Engineering. The loan amount requested is $20M to be used for overflow control program management, sewer system studies, and sewer system repair and rehabilitation projects to be completed from 2013-2017. This work is necessary to comply with the pending Department of Justice/EPA consent order and the Clean Water Act.
Bob Roddy, Director of Public Works, said this is really just an application for a SRF loan for $20M. Commissioner Kane asked what is a SRF? Mr. Roddy said a state revolving loan fund. It is a financial tool that was originally initiated by the federal government in order to encourage improvements to wastewater systems. Years ago, the federal government used to give grants, but in the last twenty years, they moved to the loan process. They give you a favorable loan to basically borrow money to do improvements to your wastewater infrastructure. We have used this over the last ten years.

This would be our fifth loan. The size of this loan is $20M. The reason why we use it is because we get a favorable interest rate. In recent rate comparison, it was 2.6% if you go out and get debt finance versus 2.1 through the SRF program. It is a far more flexible program. If we approve this, what we would use this money and loan program for would be to basically pay for the CMIP projects that have already been approved. We are not asking for new projects. We are just merely going to use this financial tool in lieu of debt projects.

Commissioner Kane asked how much would you save if it was the 2.6 and 2.1? Mr. Roddy said Debbie has done the calculation. Debbie Jonscher, Finance, said I didn’t do that specific line. I think one, we calculated when we used the rate last year and I think it was pretty close to that. It was between $1M and $2M savings over the life of the loan. Mr. Roddy said we can do that calculation and send it to you. Commissioner Kane said all I want you to do is put it on the report so when somebody asks, here is how much money we saved to do this.

Mayor Reardon said two quick questions. I think you’ve heard these from me before. I just want to make a record of them. The first is if we apply for $20M in this SRF revolving loan fund, does that count against our bond and indebtedness for purposes of when we go to the market for general fund bonding? Ms. Jonscher said that does not count against our debt limits. These loans are backed by sewer revenues, not general obligations, not tax revenues. It does not count in the calculation of our bond debt.

Mayor Reardon said the question would be, does borrowing $20M mean that—is that accounted for under our current rate structure or are you going to be coming back to us in some later time saying you know, remember we borrowed that $20M. Now we need more money to pay that off. Mr. Roddy said this will not trigger future rate increases. If there are rate
increases, they will be triggered by other actions. That would be approval of different projects or approval of consent orders or things of that nature. This should actually improve our financial strength, not decrease our strength. Ms. Jonscher said the projects that we are going to be financing, we would either be refinancing with this loan or we would be financing with general obligation debts. We’ll still have that debt obligation, it is just the form of financing that we use.

Commissioner Kane asked will this be on the consent agenda for tomorrow. Mr. Roddy said no. It is not fast tracked. Commissioner Kane said I don’t care when it comes. I would probably give an extra piece of paper to each one of us in our mailbox that we are saving this much money by doing it this way. Ms. Jonscher said I can prepare a calculation. Commissioner Kane said what you don’t want is to go downstairs and hear how much is this and how much is that. Here is your answer before you get downstairs.

Action: Mayor Reardon made a motion, seconded by Commissioner Kane, to approve and forward to full commission. Roll call was taken and there were four “Ayes,” Reardon, Markley, Kane, Mendez.

Mr. Roddy said I brought copies of the latest—I printed out the strategic plan for Public Works at least for some of the goals. Public Safety is not in here, but if you are interested, please feel free to take a copy. As I mentioned to the group earlier, there is some refinement. We are still working on this report. One of the problems that becomes very noticeable is the fact that we are limited to the number of characters in the report, so if you have any detail questions, you are going to have to call me.

Adjourn

Chairman Mendez adjourned the meeting at 5:26 p.m.
Staff Request for Commission Action

Type: Standard

Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/18/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/25/2013

Confirmed Date: 4/25/2013

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

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<tbody>
<tr>
<td>3/13/2013</td>
<td>Sarah Fjell</td>
<td>573-5700</td>
<td><a href="mailto:SFjell@wycokck.org">SFjell@wycokck.org</a></td>
<td></td>
<td>Engineering</td>
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Item Description:

Project Name: 51st and Rowland Culvert Rehab Project - CMIP #5311

This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

Adopt Resolution.

Publication Required

Budget Impact: (if applicable)

Amount: $

Source:
☑ Included In Budget  Consistent with CMIP
☐ Other (explain)

File Attachments: 3 files
RESOLUTION NO. ____________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the 51st and Rowland Culvert Rehab Project – CMIP #5311, all in Wyandotte County, Kansas.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the 51st and Rowland Culvert Rehab Project – CMIP #5311. The project consists of the rehab in the neighborhood of 51st and Rowland to help with flooding concerns in the area. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS ________ DAY OF ____________________________, 2013.

_____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____________________________________
KENNETH J.MOORE
Deputy Chief Counsel
**Staff Request for Commission Action**

**Tracking No. 130117**

- [ ] Revised
- [ ] On Going

**Type:** Standard

**Committee:** Public Works and Safety Committee

**Date of Standing Committee Action:** 3/18/2013

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 4/25/2013

**Confirmed Date:** 4/25/2013

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

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</tr>
</tbody>
</table>

**Contact Name:** Sarah Fjell

**Contact Phone:** 573-5700

**Contact Email:** SFjell@wycokck.org

**Ref:**

**Department / Division:** Engineering

---

**Item Description:**

**Project Name:** Turkey Creek-Missouri Interceptor Project - CMIP #5005

This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

This project is another Turkey Creek Project as part of the agreement between the Corps of Engineers, Unified Government, and Kansas City, Missouri.

**Action Requested:**

Adopt Resolution.

---

**Publication Required**

**Budget Impact:** (if applicable)

**Amount:** $

**Source:**

- [ ] Included In Budget  
  Turkey Creek funding is consistent with the CMIP.
- [ ] Other (explain)
RESOLUTION NO. ______________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Turkey Creek-Missouri Interceptor Project, CMIP # 5005, all in Wyandotte County, Kansas.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the Turkey Creek-Missouri Interceptor Project, CMIP # 5005. This project is to alleviate flooding on Southwest Blvd. and divert flow to Turkey Creek. Project will include storm sewer Pope, storm sewer inlets, relocation of utilities and road restoration. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF _________________________, 2013.

_____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____________________________________
KENNETH J. MOORE
Deputy Chief Counsel
8 March 2013

Civil Branch

SUBJECT: Notice to Proceed with Acquisition of Rights-of-Entry for Survey, Turkey Creek Channel Improvement Project, Missouri Interceptor, Wyandotte County, Kansas.

Unified Government of Wyandotte County
Mr. John Menkhus
701 N. 7th Street
Kansas City, KS 66101

Dear Mr. Menkhus:

This letter is the Unified Government of Wyandotte County’s official Notice to Proceed (NTP) to begin the process for acquisition of rights-of-entry for survey of the Turkey Creek, Missouri Interceptor project.

Attached is the drawing in support of the project and which outlines where rights-of-entry will need to be acquired.

Please note that this notice to proceed only pertains to the rights-of-entry for survey of the Turkey Creek, Missouri Interceptor phase of the Turkey Creek Project.

Please also be advised that it is your responsibility to keep accurate records for credit of all real estate acquisition costs, which include incidental costs such as appraisal, attorney’s fees, closing and title, surveys, mapping and relocation assistance benefits.

If you have any questions with regard to real estate acquisition for the project, please contact Carla Buatte, Realty Specialist, at 816-389-3714.

Sincerely,

[Signature]

Greg Wilson
Chief, Real Estate Division
U.S. Army Corps of Engineers

Enclosures

Copy Furnished: (wo/encl)
Ken Moore: Attorney, Unified Government of Wyandotte County and Kansas City, Kansas, 701 North 7th Street, Kansas City, KS 66101
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/18/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/4/2013
Confirmed Date: 4/4/2013

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

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<tr>
<td>3/13/2013</td>
<td>Robert Roddy</td>
<td>5440</td>
<td><a href="mailto:broddy@wycokck.org">broddy@wycokck.org</a></td>
<td></td>
<td>Public Works</td>
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</tbody>
</table>

Item Description:
As part of CNIP program one of the projects involved is an athletic field at 9th & Parallel. USD 500 has agreed in principal to return the property to the U.G. for field development. The 3.6 acres will be physical improved primarily for football playing use.

Action Requested:
Staff is recommending that the U.G. accept the property for park use, and is seeking commission agreement to accept the property.

Publication Required

Budget Impact: (if applicable)

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

File Attachment
The City of Kansas City, Kansas, a public body corporate and politic, Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, Grantor, conveys and warrants to Unified School District 300, Kansas City, Wyandotte County, Kansas, 625 Minnesota Avenue, Kansas City, Kansas 66101, Grantee, for the sum of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the following described property situated in the County of Wyandotte, State of Kansas:

Lots 4 and 5, Block 7, JEBBLE CREEK,
PARKWAY, Kansas City, Wyandotte County, Kansas,
together with all improvements thereon, if any, and appurtenances thereto belonging, subject, however, to easements and restrictions of record and right of ingress and egress to maintain those easements and to the following conditions and covenants previously agreed to by the parties, which bind the parties and run with the land or any part thereof and which bind all successors and assigns:

By acceptance of this Deed, Grantee, for itself and for its successors and assigns, covenants and agrees to:

1. Devote the property only to and in accordance with the uses specified in the BDP General Urban Renewal Plan, recorded in Book 2267 of Page 120, in the office of the Register of Deeds for Wyandotte County, Kansas, and all amendments thereto.

2. Not discriminate among persons of any race, color, religion, sex, or national origin in the sale, lease, or rental of or in the use or occupancy of the property or any improvements erected or to be erected thereon or any part thereof.

Grantee, for itself and for its successors and assigns, further covenants and agrees that the aforementioned covenants and restrictions of record and right of ingress and egress to maintain those easements and to the following conditions and covenants previously agreed to by the parties, which bind the parties and run with the land or any part thereof and which bind all successors and assigns, every successor in interest to the property or any part thereof or any interest therein, and any party in possession or occupancy of the property or any part thereof. The covenants and agreements provided in paragraph 1 above shall remain in effect until January 1, 1991, unless extended for one or more five-year periods as provided for in the above-referenced Urban Renewal Plan. The covenants and agreements provided in paragraph 2 above shall remain in effect without limitation as to time. The covenants and agreements set forth above in
paragraphs 1 and 2 shall be binding on the Grantee and each successor or assign and each successor in interest to the property and every part thereof and each person in possession or occupancy only during such period as any such person shall have title to or an interest in or possession or occupancy of the property or any part thereof.

THE CITY OF KANSAS CITY, KANSAS

By

David T. Isbell
City Administrator

ATTEST:

(Seal)

Tom G. Roberts
Clerk of the City of Kansas City, Kansas

STATE OF KANSAS
COUNTY OF WYANDOTTE

BE IT REMEMBERED, That on this 1st day of August, A.D., 1966, before me, the undersigned, a Notary Public in and for the County and State aforesaid, case David T. Isbell, City Administrator of the City of Kansas City, Kansas, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said municipal corporation, and such person duly acknowledged the execution of the same to be the act and deed of said municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above mentioned.

My Appointment Expires: 

August 24, 1967

(Seal)
PROPERTY DESCRIPTION

Property Address: 1900 N 9TH ST KANSAS CITY KS 66101
Subdivision: JERSEY CREEK PARKWAY
Assessed With Parcel: 
Assessed Here Parcel: 
Sec-Twp-Range: 00-00-00
Description: BT LA & L5
Book Page: 3164-0198

PARCEL INFORMATION

Parcel: 212628 [See Parcel Map]
KUPH: 0620401006036000 05/13/1998
Status: EXEMPT
Tax Unit: 10
Volume: 01
TD: 1
Book: 1
Reference: 04703 0003
Map: 064
Map Section: F04

APPRAISAL SUMMARY

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**TAX ROLL**

**LOCATION**
- Census Tract: 41100
- Census Block: 1003
- School District: 503
- City/Ward/Precinct: 1-02-05

**POLITICAL DISTRICTS**
- UG District: 4
- At Large District: 1
- Drainage District: 
- BPU: 1
- Congressional: 3
- Representative: 35
- Senatorial: 4
- Polling Place: 4853 WASHINGTON AVE
  Address: KANSAS CITY, KS 66102-7743

**APPRAISER INFORMATION**
- Class: E
- Use: Commercial highest and best use
- Style: 
- Elevation: 
- Basement: 
- Foundation: 
- HVAC: 
- Rooms: 
- Bedrooms: 
- Full Baths: 
- Half Baths: 
- Total Fixtures: 
- Living Area: 
- Built: 
- Phys. Condition: 
- Land Size: 180739

Data Last Updated on: Sep 19 2012 6:04AM
Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/18/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 4/25/2013
Confirmed Date: 4/25/2013

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

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<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
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<td>3/13/2013</td>
<td>Gary Ortiz</td>
<td>573-5017</td>
<td><a href="mailto:gortiz@wycokck.org">gortiz@wycokck.org</a></td>
<td></td>
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Item Description:
Consider proposed amendments to the ordinance governing the sale and storage of fireworks. Attached please find proposed language revising the fireworks ordinance to; 1) add unmanned luminary candles to the list of banned pyrotechnic devices and; 2) prohibit issuing fireworks stand permits to individuals with delinquent taxes or proposing to set a fireworks stand on land with delinquent taxes.

Additionally, the Business Licensing Administrator would like to discuss a proposal to move to a two tiered licensing fee system based on the size (square footage) of the operation. The cost of the proposed fee schedule increase would cover increased inspection activity and complexity and increase the UG's ability to address unresolved cleanup issues.

Action Requested:
1) Approved proposed ordinance revisions related to items 1 and 2 above
2) Authorize the County Administrator to implement the proposed two tiered permitting fee schedule

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Policy change with increased revenue to cover associated expense

File Attachment
To: Dennis Hays

Re: Fireworks License Fees

With the 4th of July approaching and retail fireworks season near at hand, our office recommends consideration of the License Fee amount per stand.

Sec. 15-92. - Storage, sale, and handling.
(c) Retail sales.
(9) Permits shall be required subject to the following:
   a. All persons desiring to sell fireworks in the city shall secure each year a permit from the license administrator upon payment of a fee in an amount set by the county administrator.

The license fee amount for all retail fireworks stands is presently $1060.00. In 2012, there were 48 fireworks stands ranging in size from about 72 square feet to about 8000 square feet.

The stands do appear to have some grouping by size as detailed in the two summaries below.

- 23 of the stands were of 1600 square feet or less (with one additional stand at 1800 s.f.)
- 20 of the stands were between 2000 and 3200 square feet.
- 5 of the stands were greater than 3200 square feet.
   (in reality, greater than 4000 s.f., with 4 of the 5 greater than 6000 s.f.)

- 35 of the stands were of 2400 square feet or less.
- 8 of the stands were between 2400 and 3200 square feet.
- 5 of the stands were greater than 3200 square feet.
   (in reality, greater than 4000 s.f., with 4 of the 5 greater than 6000 s.f.)

As the size of the stand increases, so would the volume of product sold also increase, and the amount of resulting debris. The amount of debris and expense for Public Works cleanup seemed to be an after season point of concern among members of the City Council in 2012.

In discussion with the Fire Marshal, the amount of time and effort to review, evaluate and inspect larger stands does increase; and depending on location and setting, may be more complex and problematic.
With respect to the License Fee determination as set in Sec 15-92 (c) (9), we would recommend categorical fee amounts that reflect the greater demand on resources associated with larger and mega stands.

We recommend at least a two level fee structure to address the greater demand and impact associated with larger stands. We believe that a three level fee structure would be also appropriate.

In a three level fee structure, we would recommend the present fee amount remain for all stand operations at the lowest base level, a %10 increase for the larger stands, and a 25% increase for the mega stands.

In a two level fee structure, we would recommend the present fee amount remain for all stand operations at the lowest base level, and a 25% increase for the mega stands.

As retail fireworks stands are temporary, applicants have the ability to determine the size of their tent, trailer, or stand. Those in permanent structures likewise have the ability to establish the area of their sales floor. Since all fireworks retailers would be able to establish their stands within the lowest fee structure, they would not be negatively affected by a fee increase for larger fireworks stands. Those that choose to operate a larger or mega stand would incur a higher fee by choice.

Sincerely,

Phillip E. Henderson, License Administrator
Unified Government License Division
913-573-8782
An ordinance relating to prohibiting the sale, use, manufacture, storage, possession, and discharge of certain fireworks, and the regulating of the issuance of licenses for the sale of fireworks; amending Sections 15-91 and 15-92; and repealing original Section 15-91.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 15-91 is hereby amended to read as follows:

The sale, use, manufacture, storage, possession, and discharge of all pyrotechnic items not approved in section 15-90 are prohibited, except as otherwise provided in this article, including, but not limited to, the following items:

(1) Bottle rocket. Any rocket mounted on a stick.

(2) Sky rocket. Tube not exceeding one-half of an inch (12.5 millimeters) interior diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color, noise, or both is produced at the height of flight.

(3) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability and has a report.

(4) Unmanned aerial luminary; sky, Chinese, or Kongming lantern; sky candle; or fire balloon. A device resembling a small hot air balloon, constructed of lightweight material which is capable of traveling through the air when powered by fire or a fuel cell until such fire or fuel cell deteriorates, causing such device to fall to the ground at an unknown location.

Section 2. That Section 15-92(c)(9) is hereby amended by adding two new subsections, (j) and (k), to read as follows:

j. No permit will be issued to an applicant delinquent on any unified government ad valorem tax assessments, interest, or penalties.
k. No permit will be issued for the sale of fireworks upon any property with any delinquent unified government ad valorem tax assessments, interest, or penalties.

Section 3. That said original section 15-91 is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS ______ DAY OF __________________, 2013.

________________________________________
Joe Reardon, Mayor/CEO

Attest:

________________________________________
Unified Government Clerk

Approved As To Form:

________________________________________
Colin Welsh, Assistant Counsel
Sec. 15-91. - Prohibited fireworks.

The sale, use, manufacture, storage, possession, and discharge of all pyrotechnic items not approved in section 15-90 are prohibited, except as otherwise provided in this article, including, but not limited to, the following items:

(1) 

_Bottle rocket._ Any rocket mounted on a stick.

(2) 

_Sky rocket._ Tube not exceeding one-half of an inch (12.5 millimeters) interior diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color, noise, or both is produced at the height of flight.

(3) 

_Missile-type rocket._ A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability and has a report.

(4) 

_Unmanned aerial luminary; sky, chinese, or kongmine lantern; sky candle; or fire balloon._ A device resembling a small hot air balloon, constructed of lightweight material which is capable of traveling through the air when powered by fire or a fuel cell until such fire or fuel cell deteriorates, causing such device to fall to the ground at an unknown location.

Sec. 15-92. - Storage, sale, and handling.

(a)  

*In general.*

(1) Fireworks shall not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine, gasoline, or other flammable substances are kept.

(2) Fireworks shall not be stored, kept, sold, or discharged within 100 feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold or stored.

(3) Four approved and fully charged fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold or stored, except that three such fire extinguishers must be located in all temporary retail establishments. All fire extinguishers shall be at least of type A standards and have not less than a 2½ pound capacity. Failure to maintain the required number of fire extinguishers as set out in this subsection or maintaining nonoperational or partially discharged extinguishers shall be considered grounds for immediate suspension of any operation in the interest of public health, safety and welfare.

(b)  

*Wholesale sales or retail sales for public display.*

(1) Fireworks to be sold at wholesale or at retail for public displays shall be stored in a room set aside for the storage of fireworks only. Construction shall be of brick, block, concrete, or five-eighths-inch drywall interior and a brick, block, or concrete exterior wall.

(2) All structures shall have metal bars over doors and windows. A sign must be posted over the entrance reading "FIREWORKS—NO SMOKING."

(c)  

*Retail sales.*

(1) Retail sale of fireworks or storage of fireworks shall be from brick, block, concrete, metal, or frame, temporarily erected to be used as a place for storing and selling fireworks only. No tents, awnings, or other fabric enclosure shall be used unless the tents, awnings, or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame retardant
condition. No fireworks stand shall hang, drape, display, or use plastic or plastic canvas for any purpose unless the plastic or plastic canvas is made from a nonflammable material or is treated and maintained in a flame-retardant condition. A sign must be posted over the entrance reading "FIREWORKS-NO SMOKING." All tents, awnings, or other fabric enclosure shall be adequately roped, braced and anchored to withstand the elements of the weather and prevent against collapsing. Documentation of structural stability shall be furnished to the unified government upon request, and there shall be a minimum of ten feet between the stake lines. Where ten feet between take lines is not sufficient for means of egress, the distance necessary for means of egress shall govern. All adjacent tents, awnings, or other fabric enclosure shall be no closer to each other than allowed in order to provide an area to be used as a means of emergency egress. Exit openings from all tents, awnings, or other fabric enclosure shall be clearly marked.

(2) No person shall offer for sale or sell fireworks at temporary retail locations before June 29 and after July 4.

(3) No person shall offer for sale or sell fireworks at temporary retail locations before 9:00 a.m. or after 10:00 p.m.

(4) No person shall sell the fireworks listed in section 15-90(1)—(4) to any person under the age of 16.

(5) No person shall expose fireworks where sun shines through glass on the merchandise displayed, except where such fireworks are in the original package. All fireworks kept for sale on front counters must remain in original packages, except where an attendant is on duty at all times.

(6) All retail locations shall post "No Smoking" signs inside the structure.

(7) No temporary authorized structures used for the sale or storage of fireworks shall be erected before June 24, and no materials associated with such structures shall be placed on the site before June 24. All temporary authorized and erected structures used for the sale or storage of fireworks shall be removed no later than July 7. Any remaining structures, debris, litter, or materials shall be removed by the unified government and the cost taxed against the owner of the property, the lessee of the property, or the holder of the retail fireworks permit.
It shall be the duty of the fire prevention bureau to inspect all locations where fireworks are sold at retail.

(9)

Permits shall be required subject to the following:

a. All persons desiring to sell fireworks in the city shall secure each year a permit from the license administrator upon payment of a fee in an amount set by the county administrator.

b. All applicants for a permit must be residents of the city and at least 18 years of age. Each applicant shall provide reasonable proof of residency and age.

c. A permit must be obtained for each stand and each location proposed. In this context, a stand shall be defined as each individual unit not connected by an enclosed walkway.

d. Every permit recipient shall sign and submit a statement to the license department indicating the recipient has received, reviewed, and understood the ordinances of the unified government pertaining to fireworks and will accept full responsibility for compliance with such ordinances.

e. No permit for retail sale shall be issued unless the proposed location is on property zoned at a minimum for retail-commercial use or can be shown to be a legal nonconforming retail-commercial use.

f. No permit shall be issued for any location within 100 feet of any structure used in whole or in part as a residence.

g. No permit will be issued after 5:00 p.m. on June 27.

h. No permit will be issued unless the applicant files with the unified government a bond, in a form approved by the chief counsel or his designated representative, in the amount of $1,000.00, conditioned upon the permit holder's removal of all temporarily authorized and erected structures used for the sale or storage of fireworks on or before July 7, together with any debris, litter, and material remaining at the site.
No permit will be issued unless the applicant files with the unified government a current year tax clearance letter from the state department of revenue stating that the applicant owes no back taxes.

j.

No permit will be issued to an applicant delinquent on any unified government ad valorem tax assessments, interest, or penalties.

k.

No permit will be issued for the sale of fireworks upon any property with any delinquent unified government ad valorem tax assessments, interest, or penalties.

(10)

All permit holders shall cause to be posted in each stand, in a conspicuous location, and shall cause to be distributed with each sale a copy of sections 15-91 and 15-93, governing discharge of fireworks, in both English and Spanish.

(11)

Revocation of a permit shall be subject to the following:

a.

The license administrator may revoke any permit issued under this section, without refund of the permit fee, in the event of a violation of any of the requirements of this article.

b.

Any permit holder whose permit is revoked may appeal the decision to the county administrator by filing a written request with the license administrator and will be afforded a hearing before the county administrator or his designated representative within 24 hours of filing such request. The county administrator may uphold or overrule the decision of the license administrator.

c.

Any revocation of a permit shall bar the permit holder from obtaining unified government permits and licenses relating to fireworks for a period of two years.

(12)

Any person or agency convicted of the violation of this section or for failure to obtain a permit for the retail sale of fireworks, as stated in this section, shall bar that individual and/or agency from obtaining unified government permits and licenses relating to fireworks for a period of two years.