Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, May 12, 2014
5:00 PM

Location:
Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

<table>
<thead>
<tr>
<th>Name</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Mike Kane, Chair</td>
<td></td>
</tr>
<tr>
<td>Commissioner Hal Walker</td>
<td></td>
</tr>
<tr>
<td>Commissioner Tarence Maddox</td>
<td></td>
</tr>
<tr>
<td>Commissioner Angela Markley</td>
<td></td>
</tr>
<tr>
<td>Commissioner Jane Philbrook</td>
<td></td>
</tr>
<tr>
<td>Jeff Bryant - BPU</td>
<td></td>
</tr>
</tbody>
</table>

I. Call to Order / Roll Call

II. Approval of standing committee minutes from March 24, 2014.

III. Committee Agenda

Item No. 1 - REQUEST: CNIP MONEY FOR DISTRICT 7

Synopsis:
Request from Commissioner Walters that District 7 receive a full funding equal to other districts for Phase II CNIP dollars.
Tracking #: 140152
Item No. 2 - ORDINANCE: SANITARY SEWER BUY-IN CONNECTION FEE

Synopsis:
An ordinance establishing a sanitary sewer buy-in connection fee to partially reimburse the UG for the design and construction cost of sanitary sewer utility improvements south of Leavenworth Road, 115th to 119th Street, submitted by Misty Brown, Legal.
Tracking #: 140155

Item No. 3 - MOU: TRAFFIC SIGNAL SYSTEM

Synopsis:
Request approval of a memorandum of understanding with the BPU regarding the operations, construction, and maintenance of the traffic signal system, submitted by Bill Heatherman, County Engineer.
Tracking #: 140157

Item No. 4 - UPDATE: MARC TRANSPORTATION & TIGER GRANT

Synopsis:
MARC Transportation and Federal TIGER Grant updates, submitted by Bill Heatherman, County Engineer.
Tracking #: 140158

IV. Public Agenda

Item No. 1 - APPEARANCE: ANN MURGUIA REGARDING DONATION OF LAND

Synopsis:
Appearance of Ann Murguia, ANDA Director, regarding the donation of land and cash from ANDA to the UG for a public safety building to be located in Argentine.
Tracking #: 140159

V. Outcomes
VI. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Monday, March 24, 2014, at 5:03 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Kane, Chairman; Commissioners, Walker, Maddox, Markley, Philbrook; and BPU Board Member Bryant.

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

Approval of standing committee minutes for February 18, 2014. On motion of Commissioner Markley, seconded by Commissioner Maddox, the minutes were approved. Motion carried unanimously.

Committee Agenda:

**Item No. 1 – 140090…ORDINANCE: PARTIAL CONSENT DECREES WITH EPA**

**Synopsis:** The partial consent decree that the Unified Government entered into with the US Environmental Protection Agency and the State of Kansas requires the Unified Government to certify that it has sufficient legal authority to effectively administer an Illicit Discharge Program, Industrial Stormwater Management Program, Construction Site Stormwater Management Program, and Post-Construction Stormwater Management Program, submitted by Misty Brown, Legal.

Misty Brown, Legal, said you have before you a series of ordinance changes. I have been before you earlier, I guess late last year, with some sewer ordinance changes in November. This is our second batch of ordinance changes. We went through, clarified our legal authority to administer the partial consent decree that we entered into with the EPA. These changes are not subsistent in nature. They basically clarify the authority that we have and better match the legal authority that’s set out by state and federal law. There’re a lot of definitions. We touch base on adding
pollution prevention plans to our land disturbance ordinance, our post construction ordinances and just generally enhance what we already have in place. I can go through them in more detail. They are lengthy.

**Commissioner Walker** asked, Ms. Brown, is this consent decree that we’re entering into, would you say this is a result of a federal mandate. **Ms. Brown** said absolutely. **Commissioner Walker** said this is not something we really have any choice about. If we don’t do this, then we’re going to run a foul with the federal government which is once again forcing costs on local government instead of paying it themselves. Correct? **Ms. Brown** said that’s correct, Commissioner. We negotiated this long and hard for many years and got what is arguably one of best partial consent decrees in the nation by negotiating to keep our rates low.

**Action:** **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to approve and forward to full commission.** Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker, Kane.

**Item No. 2 – 140087…RESOLUTION: SUPPORT DOTTE TROT RUN**

**Synopsis:** Requesting the adoption of a resolution of support for the Dotte Trot, a 5K and 10K run, sponsored by the Surviving Spouse and Family Endowment Fund (SAFE fund), submitted by Jennifer Myers, Legal.

**Jennifer Myers, Legal,** said I’m here asking for adoption of a resolution of support for the Dotte Trot. This is going to be a 5K or 10K run held at Wyandotte County Lake. It’s going to support the SAFE Foundation. The SAFE Foundation is a surviving spouse and family endowment fund. The monies collected from this run will support the SAFE fund. This is helped to be set by the KCK Police Department, the Fire Department, and the Sheriff’s Department. The purpose of the run is to honor those members in public safety who have lost their lives in the line of duty.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Walker, to approve and forward to full commission.** Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker, Kane.

*March 24, 2014*
Item No. 3 – 140045...PRESENTATION: CRACK AND SEAL

Synopsis: Public Works will present information on crack sealing of streets, submitted by Bill Heatherman, County Engineer. Crack seal is a critical preservation process for asphalt pavements.

Bill Heatherman, County Engineer, said this is an informational item. We just have a brief set of PowerPoints to talk about the Crack Seal Program that we are reinitiating this construction season. A crack seal is basically an asphalt street treatment that we use. It’s a firstline of defense. It basically acts as a sealant on the cracks to prevent water and incompressible materials like rocks and pebbles from getting down into those cracks and setting off further damage in the pavements. As you’ll see in a few slides, it sounds simple enough, but it is a high tech operation. It’s very specialized materials, very specialized equipment, and a very well trained crew to do this efficiently is what’s needed.

Basically, if you imagine an asphalt pavement and you go look at it closely you start to see cracks emerge over time. The longer they go the wider they get and denser, more cracks develop. If you catch them at just the right time and you rat out those cracks and apply a very hot air, high pressure air to clean them out and dry them and then you put in a special emulsified asphalt type material into those cracks, you basically cap them off and prevent the further damage.
This is just the pictures. As you can tell between the two pictures kind of from the front and the back, it’s anywhere from a six to a seven person crew, very specialized equipment. When you see those folks operate, they get practiced at this really good. It’s a very coordinated thing that they do.

Why do we do it, it extends the life and quality of the pavements between our mill and overlays. You fix small problems before they become larger and you actually preserve the ride service even during those interim periods when you’re still maybe a decade away from a mill and overlay. You’re going to see the improvement by not having as many ruts, not having as many potholes develop in the pavement.

Our goal is to have one to two contracts awarded per year on an ongoing basis, when we get to where we’d like to be. Nearly any city street, no matter whether it’s new or it’s been overlaid a couple of times, is a candidate for crack seal as long as we catch it early enough to manage the cracks. There is a philosophy in street maintenance that used to be kind of worst first. That doesn’t apply in crack seal. In most maintenance treatments, there’s kind of a sweet spot that we have to catch these pavements at where this type of intervention will do the most good.

When it is done, the cost effectiveness is excellent just in terms of the treatment itself. If you compare say $10 per sq. yd. for mill and overlay, we’re talking maybe $0.75 for the same area of pavement to be selectively crack sealed. They aren’t the same treatment and you’re going
to do several iterations of crack seal hopefully between every mill and overlay, but you might gain another 5 years of lifespan between say every 20-25 or every 25-30 year type cycle between grind and overlay when you do this crack seal as part of a larger treatment scheme. I’ve seen industry estimates that say you might even save for every dollar spent as much as $6 in delayed reconstruction. I think that’s a pretty optimistic goal; but even if we were saving $2 for every dollar spent, that’s the kind of benefit cost ratio that allows us to say ahead and keep ahead of the curve.

We’re not going to go through this slide in much detail, but I just wanted you to know that there is a lot of science behind asphalt pavement maintenance. The little bit that I will show you is the idea is if you just put an asphalt street out there and you just don’t touch it again, it’s going to go down, down, down, down, down until it’s done and you have to rip the entire thing out and start over again. If you catch it kind of at this intermediate level with these blue lines and you do basic repair and maintenance, crack seal is just one piece of a whole maintenance system, you can keep catching it and you can keep kind of lifting it up. If you do that over time, you dramatically increase the amount of time you can make it before major interventions. That’s all this slide really shows.

Why you do it? Basically you’re trying to keep the water out. Over time the surface, those cracks extend, that water gets into the subgrade and that is where nearly every pavement failure is; it’s basically a failure of the rocks underneath the asphalt.
This is what a crack seal looks like. If you’ve been in many of our streets and many other city streets, you kind of notice over time—it’s not pretty but it works. It works in any neighborhood with any price scale of houses. This is what cities do to make it work.

Our initial proposal, we’re getting back in the swing of it. When the economic downturn hit, we did get off of the crack seal regime. Also what we’re proposing today is better quality materials and a more commodity approach to getting large volumes done. In the past we did it in-house and it was one of many duties as assigned and our equipment and our approach weren’t necessarily the same as what we’re proposing here.
We have 21.7 miles of roadway for $150,000 that has actually already been contracted and that work is going to begin in a few weeks. This initial contract does focus on a list of subdivisions that I have in the next slide, it’s basically a pilot area. Newer subdivisions in the 5 to 15 year time range, more homogenous conditions, a better test case. It’s always good to crack seal, certainly the newer pavements; those are the ones where we stand to gain the most long-term life extension by getting on them and getting this done.

It doesn’t really cause that much in the way of traffic disruptions. We will get notices out to the neighborhood leaders. They’ll be door hangers that go out in the neighborhoods when they happen. We estimate we have about 1,800 households that we’ll be next to in about the next month and a half doing this crack seal. Certainly some of those will probably give you a call and you can feel free to give us a call or just send them directly on to Public Works and we’ll chat with them and have one of our inspectors talk to anyone who has a concern.

This is the list of the 2014 sites. I’ll just read them off: Delaware Ridge, Delaware Highlands, Swan Lake, Rolling Meadows, Whispering Ridge, Swanson Farms, Pavilions of Piper, and Freeman Farms. That's going to give us a good test case. Mr. Kane, we thought why not just let one commissioner get used to this before we go citywide. Really, this is just where we had a concentration of the subdivisions that were in the right timeframe to run this pilot project on. Everyone else we hope will be invited to get their turn as we move this program forward.
Commissioner Kane said I have a question right here. So for the first time since I’ve been here, we’re going to do something in the 5th District first? I want you to repeat that. Come on now, you can do it, its okay. I’m not mad at you. Mr. Heatherman said yes, sir. You get it this time. Commissioner Philbrook said congratulations.

Commissioner Walker said, Mr. Heatherman, based on the results of the survey we just completed, the citizen survey, it suggested streets and roads were the high priority. 21.7 miles doesn’t seem like a lot of miles to me. Is there a plan on the part of Public Works that suggest a higher level of this crack and seal process? Mr. Heatherman said yes, it would be my recommendation that we continue to grow these kinds of basic interventions and provide the funding so that we can expand these types of programs.

Action: For information only.

Item No. 4 – 140096…PRESENTATION: NEW PUBLIC SAFETY BUILDING
Synopsis: At the request of Commissioner Murguia to appear to make a presentation on a new public safety building in Argentine.

Commissioner Murguia said if you don’t mind, Commissioner, I’d like to have Mr. Bach join me. Before I get into the actual public safety facility that I want to discuss with you, I want to give you a little bit of background on how this project came about. I think most of you, if not all of you, are familiar with the current South Patrol Police facility. It is currently in an 800 - 1,000 sq. ft. residential home on Woodland at approximately 32nd St. and our SCORE unit is housed in what I affectionately will term as sort of a barn. If you have forgotten what this facility looks like. I have had our staff print out a picture so that you can get a good idea of what it looks like. There’s the score facility and I will find you the—yes, here’s the actual South Patrol. As you can see, it’s probably not the best police facility for a community of our size.

About a year ago this last summer, I had the opportunity of becoming familiar with Hoefer Wysocki, which is an architectural firm. They are the architects on the new library in Argentine that was built a couple of years ago. I had a great conversation with these gentlemen and they offered to do a pro bono project for me. I suggested that they meet up with the Unified Government administration and the Kansas City, Kansas Police Department administration and

March 24, 2014
begin to work towards the design of a new public safety facility to take the place of South Patrol. With administration’s okay, they began, I think it was a week or a two-week planning process where they actually met with several officers at headquarters and really brainstormed about what would be good amenities to have in a public safety facility on the south side of Wyandotte County.

To Commissioner Kane’s comment, I asked them specifically to dream big and not consider finance for once. I really wanted to get honest feedback about if they could have what they needed and wanted, what would it look like and how much would it cost. After the planning was done and a general idea of the design was developed, we got some rough cost estimates. Now I’m going to speak a little bit about money but don’t hold me exactly to every dollar. Doug will talk a little bit more about that. In general terms, what came back was it was going to cost approximately $6M to build this new public safety facility.

I’m going to rewind a little bit. Most of you commissioners remember a development that came in front of you a few months ago which encompassed a brand new WalMart Neighborhood Market. Some of you might be familiar with this site as the old Structural Steel site. It’s a formal superfund site that has been partially remediated. As a result of your willingness to TIF this area and offer a CID on this area, the WalMart over the next 20 years, our conservative estimate is that it will generate an additional $3M in revenue. That’s a conservative estimate over the next 20 years. Taking that into consideration that we could potentially use the $3M from the WalMart to buy down some of the debt on a new South Patrol facility, it still left us with a $M gap.

Now to talk to you about a different issue, then about a month or two ago, Commissioner Maddox had an outcry in his district about the Department of Corrections wanting to locate near a daycare facility within his district. They were not happy about that and did not want to see that happen. At the time, I was approached by some officials at the State of Kansas who asked for my help in finding another location. What you should all know is that every county has a parole office and if we don’t decide where that parole office is going to go, then the state is going to decide for us. I decided to take a look at some options.

Much to our new administrator’s credit, when I asked him to dream big about the new South Patrol Police Station, Mr. Bach had the foresight to say we might want to encompass another department within this building in the next 5-10 years. I’m not sure what that department was but it was obviously something that worked well with police. The current facility that’s designed is much bigger than the current need so when the parole facility came up as needing a
new home, I thought what better of a location for parolees to report than a police station where 24-7 we have Kansas City, Kansas police officers. I thought it really was a great fit.

What else I thought was a great fit as if there was a 10-year lease agreement that would pay $2M from the State of Kansas which closed the gap to about a million dollars of money that may or still may not need to come from the Unified Government.

What you may remember is that this WalMart development also encompasses additional retail down here. Can you all see this picture good enough? If you can’t—can you hold this one up for the crowd behind us and maybe help them. As these retail developments get built out, they will also generate taxes which also will go back into the TIF which will also be available to be spent on buying down the debt on this new South Patrol facility.

I’m just sort of the big dreamer as Commissioner Kane said. What I thought is I thought this was a great solution to a very contentious issue that took place a couple of months ago. I thought that in this situation, this was a possibility where everyone could be winners. In anticipation of this meeting, I will tell you I did meet with all of the neighborhood groups in closest proximity to this site which would be in the Argentine area. It’s off 18th St. Expressway & Metropolitan to give you your point of reference. Mr. Bryant was nice enough to attend that meeting. There was a large crowd and I very specifically asked those community leaders if there
was anyone that objected to this type of development and he will, I think, can vouch for me that not one person in this large crowd raised their hand in objection to this.

All of that said, the whole reason I’m here tonight presenting to you is I would like to ask all of you to follow our newly established process, thanks to Commissioner Markley and Commissioner McKiernan, where I’m bringing an idea forward to this standing committee that involves public safety. I would like you to consider allowing staff to begin negotiations with the Department of Corrections to see if there is a deal that is financially feasible. In addition, it allows staff to hold public meetings that will be advertised so that everyone will be aware of them and everyone will have the chance to be heard on this potential development.

What else I would ask you is that if you are seriously considering this proposal, I would absolutely hope that you would vote to push it through tonight so staff could work on it; but if this is not a project that in the end after staff has spent hours, days, and weeks on bringing it together, if you are not interested in seeing this move forward, then I would ask you not to vote for it tonight because it gives a false sense of hope to people that would like to see this happen.

Doug Bach, County Administrator, said in going over this with Commissioner Murguia, I think the key to it was, what she’s bringing forth tonight is not a proposal that has the financial end to it. I think my review of it more put us in line with saying okay this is a project like we’ll oftentimes get in Public Works where we may have a road or a street project come before you that is not up there on our CMIP plan as far as one that we decided to fund. In fact, this is not even on our five-year CMIP plan at this point. From a priority and need, while we fully recognize the need that we’re in facilities that are outdated and we could replace them, we oftentimes have to break projects down by a matter of saying what do we have to have in order to get our work done and this facility operates and is sufficient today. Just like a Public Works’ project like we brought before you that we’d go for the MARC funding or the TIGER funding a couple of weeks ago, we wouldn’t be moving those to the front of our CMIP list today if we didn’t have the opportunity to go after grant funding for those.

I compare this in that nature that it looks like we could get about half of our funding for a $6M facility to come in from other sources then it’s kind of like a grant in a way that we would go through and evaluate it from that perspective. Also, the revenue flow that would be coming in from the TIF—I appreciate the Commissioner’s comment that said conservatively, I don’t know that I would quite give it that much, but there is the opportunity that our portion of it after 15 or

March 24, 2014
18 years could get funded back to us from the TIF district. You would have to pay for that all up front but still you’re looking at half of the project funding if the rest of it works. It’s kind of like that saying, we would be pursuing an opportunity here where if it works out, the worst case scenario is you’d pay for half of a new facility for us. That makes it from a management perspective, one we’d come forth and say okay it makes sense for us, pursue it, and see whether this is a development opportunity we would want to continue to work with.

Chairman Kane said so, Ann, what you’re really asking for is permission for them to start negotiating and then come back later and say here’s what we came up with. Commissioner Murguia said exactly, but only if in the end you all collectively are seriously interested about moving the project forward. I just don’t want us to bring something forward that you wouldn’t really consider. You do need to know that the Department of Corrections needs a new home by the end of this year. This would be a very fast paced project. You’d need to be willing to act quickly.

**Action:** Commissioner Philbrook made a motion to move this forward for information.

BPU Board Member Bryant said I was at the meeting the other night. I will confirm that there was nobody who’s immediately completely put off. There were some questions from the audience and I think Commissioner Murguia did a good job in answering them. It was my understanding from that meeting the other night that it would be 10 years of $2M a year revenue from the state. After that first year, which the $2M goes toward the building, does the other $2M, is that used just for the upkeep of the program for the parole office or is that $2M into the General Fund back to the city. Commissioner Murguia said I’m not sure I understand the—say it again. Jeff. Ask me the question. BPU Board Member Bryant said well I thought what I heard was that the state will pay $2M a year. Commissioner Murguia said no, not $2M a year. $2M over a 10-year lease, but I’ll take that $2M a year deal. Commissioner Murguia said if you know someone that is offering that up. BPU Board Member Bryant said that’s my misunderstanding then.

The other one, I can kind of have an idea of what the effect on the property values will be in that immediate area. Obviously I would imagine they would go up because of the security.

**March 24, 2014**
What is that expected to do to the property values in the area that already has the South Patrol in it? **Commissioner Murguia** said well, that’s a great question. I can’t speak to property values and the affect of moving a police station out of the neighborhood, but I will tell you one of my concerns was that if we no longer utilize that South Patrol facility, what would happen to it and I have some very good news for you.

I’m sure you all that are south side are familiar with the Maple Hill Funeral Home which abuts the police facility now. I actually two years ago was approached by Mike and Danny Matney, the owners of that funeral home, that they would like to buy South Patrol because they would like to use the barn for their equipment, not human beings like we use it for. They would be interested in that. What I was not interested in seeing happen is another boarded up building within close proximity to my district or in my district.

**BPU Board Member Bryant** said if we vote to move this forward for further discussion, if there would be anyway to kind of look at that. That’s still part of my district where the South Patrol is now; just kind of have an idea of what impact that’s going to have on the property values in the Maple Hill area.

**Mr. Bach** said we can factor that into our evaluation as we go to it. There are pros and cons as the commissioner notes. In the economic equation, if we think we have a realistic opportunity to sell it and put that back on the tax rolls, that’s positive; but also for the residents that are evaluating it, they want to know what we would sell it for and what could be in there to come into their neighborhoods in place of what we have today.

**Commissioner Walker** said the South Patrol has always, it seems like as long as I can remember, been at that location. It’s barely in Turner; it’s almost in Argentine. The dividing line is half a block down. As long as I can remember, you could not go there and actually get police services. If you’re lucky, you can stop there and catch a policeman who’s changing shift or getting off shift, but there was no go in and file a report. You had to drive all the way downtown or you had to drive to Indian Springs later. I don’t think it’s going to have an impact on how the police patrol. The districts are going to stay the same; the same number of cars presumably. They’re not going to increase more cars in Argentine because they’re now in Argentine. To the extent that there’s some comfort in being able to look out a few houses there along 34th and see

March 24, 2014
police cars and a police station, that will be lost to those homes in the nearby vicinity. I think police will be able to respond in as timely a fashion as they do now. I don’t think there will be any significant change.

What I hope is that we can go down to the Argentine station, fill out a report, do whatever business we have to do without having to come all the way to 7th & Minnesota in the middle of the night when there’s been an incident or an occurrence. That’s the positive aspect of it for me. The proximity is a mile and a half away and maybe not quite that far, depending on what route you take.

**Commissioner Maddox** said I had a couple of questions; clarification. Is this a $2M gap or a $3M gap? **Commissioner Murguia** said it’s a $3M gap, but again, these are very rough numbers as Administrator Bach is going to tell you. It’s approximately still a million dollars short. **Commissioner Maddox** asked how are we being asked to pay for it. The question after that is, if we do decide to pay for it, how soon will we pay for it and when will we start paying? **Mr. Bach** said I can’t specifically answer that question yet but I would generally assume the gap that we look at from the Unified Government side of it would be a GO bond that we would issue and you would pay for it from your debt financing. I think even if we look at it and determine that there is enough excess revenue coming from this development project, you will not have access to that revenue for a minimum of 15 years, maybe 17 or 18 because that’s how the rest of the project would pay off. Then there would be excess revenue that would come available then and it could pay back all that we owed for the previous 17 years but you’re not going to have access to it then.

You would have to issue a GO bond now or a temporary note as we go through the construction cycle, then you would start to take it from your debt. The amount of money that we went through in great detail over the last couple of weeks where we have about $13.5M in annual payments that are going into debt, a couple of hundred thousand dollars of that amount is going to have to come from that source. You either have to increase the amount that you dedicate in terms of millage that goes into that debt funding or you take something else out of it in order to pay for this. I can say it can turn out to be over time a project that pays for itself, but I don’t see any way in looking at the numbers over now that you’re not going to have to fund it for the next 15 to 17 years and then see if the revenue comes back to pay for it.
**Commissioner Walker** asked is there a possibility that you can shop this parole center building as a private development. Obviously if there’s a 10-year lease, clearly there is a guarantee for a private developer at least for the first 10 years. Is that the concept or was the concept that we were going to own the building, we being the people of Wyandotte County/the UG, at the end of the lease and then we would have to find another tenant or use it ourselves? **Mr. Bach** said we’ll look at it both ways. In fact, that’s been proposed that we would—somebody would be a private sector would own it and then we would just pay. To the same point, I still believe you’re going to have a payment to make so it’s what position are we in that’s better 15 years from now to have. Can we lower our payment enough over time that makes that a better deal or do we lease with an option to buy within a structure of a deal because then we get TIF revenues that come into it or just ones that we own it outright since as public sector we own it then we’re not paying property tax. There are different ways you can look at that property tax piece too because it flows into the TIF and can be directly applied toward the bottom line. **Commissioner Walker** said that is what appealed to me about the private developer if there’s one willing to…**Mr. Bach** said I think we do have one. **Commissioner Walker** said basically we would be shifting some of the risk off of us and delaying the reality of the payment until at least 10 years down the road perhaps. **Mr. Bach** said maybe.

**Commissioner Murguia** said I’d just like to add to that, Commissioner Walker, that Ferguson Property has also donated a substantial amount of time and effort, they’re in the crowd this evening, to this project. We have not paid them anything and they’ve been involved from the onset just like Hoefer Wysocki has been involved in the design and planning process.

Also, keep in mind, Commissioner Maddox, to add to what Administrator Bach is saying that’s the beauty of the lease payment. There are a variety of ways to structure this and that’s why we wanted, before we spend any more time on it, we wanted to get permission to do that. That’s the beauty of the lease payment. That lease payment can go to help buy down bond debt so that we don’t have to come up with cash. You all just remember our budget session where we don’t have a lot of cash. That’s the beauty of the lease. What Commissioner Walker said, that’s another way is to use the lease payment to pay the lease to purchase also.

**Commissioner Maddox** said thank you. I have no problem supporting this project. I do know though that when we look at the budget in July that we will have to look at things roughly across the board because there are other things like this. I know you’re a big dreamer but there

March 24, 2014
March 24, 2014

are other things that other commissioners also need in our district. I know at times we pull—what they call rob Peter to pay Paul, but at some point we have to be able to come up with a way to where we can satisfy everybody’s need the same way in the budget process. I say that to say that I will support it. I don’t have a problem with it.

I also want to say when it comes to the parole, the actual current parole building proposal which is actually at 7th & State in my district, that was an issue for us because it’s right in the backyard of a daycare and that’s a dilemma. I also want to be on note to say that it was first brought to us by Representative Valdenia Wynn who caught it at the state level, who felt it was a dilemma because it had not been brought to her but was already a decision made on it. After that, we took it on. Commissioner At-Large District 2 Hal wrote up the actual resolution when we sent it back to Topeka stating we didn’t want it there. As a result, we are here now so I say thank you, Ann, for being innovative in putting this project together. I say thank you, Hal, for actually writing the actual resolution and thanks to the staff who actually also helped Ann put this actual project together. I said all I have to say is we did not want it there. The citizens in the 4th District did not want it there and as a result of you working hard and staff working hard, we have the possibility of moving it.

At the same time, even though I know we’re asked for money in the process to approve it, I don’t have a problem with that. Again, when it comes to budget season, I hope we will do that equally across districts to be able to make some other things happen that are very important. Commissioner Murguia said, Commissioner Maddox, I really appreciate your comments. The only thing I would add that I haven’t told the commission yet is I think all of you know that in my day job I’m a fundraiser. I’ve already submitted a large grant to the WalMart Foundation to help buy down additional debt on this facility. I think most of you are familiar with my track record. You all were great partners in building a brand new grocery store in the Argentine area, the Save-A-Lot that’s located very close on this site plan.

If you didn’t know, I would tell you that myself and my team were able to raise over a million and a half dollars to buy down the debt on that grocery store. $617,000 came from Kathleen Sebelius, our former governor, and $400,000 in the way of tax credits came from our current governor, Governor Sam Brownback. It was definitely a bipartisan initiative that took place. I think I have the ability to continue to raise money for these kinds of projects. Even if you all decide we’re going to take some risk and move this project forward, just because the
project starts doesn’t mean I’ll stop trying to raise money to help buy down the debt. I just want to reassure all of you of that.

**Commissioner Philbrook** said I just have one more question. What did you say your timeline on this was? You went over that one pretty quickly, ma’am. **Commissioner Murguia** said I know. That’s a great question, Commissioner Philbrook. It is our concern, but I have to speak—I have to give our new administrator, Mr. Bach, a compliment on this one. We went and met with the Secretary of Corrections and he said our lease is up, I believe it was July, but for this project he would be willing to try to negotiate a month-by-month lease until December sometime. He looked right at our administrator and said can you move quickly and I was very proud of him that he said, I think Wyandotte County has learned how to move quickly. I thought that was a pretty impressive comment and it showed great initiative on his part and I think we can get this done. **Commissioner Philbrook** asked so when does that mean you’ll be coming back to us. **Commissioner Murguia** said quickly.

**Commissioner Walker** asked do we have the motion and second. **Commissioner Philbrook** said we have a motion, no second. **Chairman Kane** said we don’t have a second.

**Action:** **Commissioner Walker** said I’ll second it so you can open it for comment.

**Chairman Kane** said well that’s a good question. Do we open this for public comment or do we just want the folks in support of it to stand up? **Commissioner Murguia** said I would just ask because I know a number of people have had contact with me, if you’re in support of this project and you’re in attendance in the meeting tonight if you would just please stand I would greatly appreciate that. (Approximately 30 people stood up in favor.) Our poor officers are not allowed to stand that are in uniform. That’s not fair.

**Commissioner Philbrook** said I move the question.

**Commissioner Murguia** said in fairness, Commissioner Kane, I would just ask that anybody that’s here that’s not in… **Chairman Kane** asked anybody that’s opposed to it, would you please stand. (No one stood up in opposition.)

March 24, 2014
Action: Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker, Kane.

Item No. 5 – 140093…COMMUNICATION: EDWARDSVILLE SEWER SERVICE

Synopsis: The city of Edwardsville is proposing to develop near 110th & I-70 (south side) and therefore needs sewer service, submitted by Bob Roddy, Public Works. This Edwardsville project will install a pump station on the south side of I-70.

Bob Roddy, Public Works Director, said the City of Edwardsville approached the Unified Government over a year or two ago wanting to basically develop property south of I-70 near 110th St. They have about 200 acres adjacent to I-70 that they want to develop in the years to come. Right now for it to be accomplished they need sewer service. What they’re proposing to do is pump the wastewater from the south side across I-70.
This map up here, this is I-70, this is 435 over here. This is the Speedway. This is Chateau Avalon, and this is UG property. These lines here are their proposed sewer routes and this line here is what they’d be connected to, which is what the city owns. This is the property over here they want to develop. They want to build this force main to pump into our system. It’s within our interlocal agreement to be allowed.

We’ve checked our sewer line to make sure that the amount of water that they’re bringing does not exceed the capacity of our sewer. We recommend that it’s certainly from an engineering point of view, a very viable project to achieve. The question that I bring to the commission tonight is the issue of the easement. When we allow them to come to the Unified Government, they’re basically going to be using some property that the government owns.

There are two positions you could take on this. One is that you can say they have to buy that easement in a market condition or we could give it to them. The easement that we are giving them or would give them is on the perimeter. It really doesn’t impact the property all that great. It’s a buried force main. You’d be able to put a parking lot on top of it. You’ll be able to use it as your setbacks. It does have some value to it.

The reason why we’re bringing it to you, we haven’t set a firm value as to the value of that easement. It probably can be argued to be worth maybe $50,000. When we look at our disposable property rules, we’re getting to the point where we should at least be transparent to show the commissioners what we’re doing and get their input before we proceed. I believe the question for our staff would be a, do we give it to the city for their economic development or should we, in fact, have them buy it from us.

**Commissioner Markley** asked what kind of development are they proposing. I’m wondering if whatever is going to be developed there is going to bring us tax income on the county side, in which case we could kind of feel some balance from that transaction. **Mr. Roddy** said I don’t know if anyone is here from Edwardsville. I don’t know if they’ve got a use right now but I anticipate, and it would certainly be in my hope, that there are some county taxes that are raised. Frequently in situations like this, the government has used its decisions on sewer expansion to further economic development. For example, we do that with our own Water Pollution Department where we see a benefit by the property taxes and sales tax development and I would assume that the same is here.
Commissioner Walker said I wish Commissioner Walters was here for this tonight because he represents that district. That includes Edwardsville and Bonner Springs personally. We are not afforded the opportunity on many occasions as a Unified Government to do benefit to Edwardsville and Bonner since they have retained their independent city status. As far as I’m concerned, I would just give them the easement. The idea of being that ultimately if they are successful in developing that property, it would benefit the county side of the ledger. It’s something that the UG could do for Edwardsville. Clearly if it were a million dollars, maybe it would be, but clearly as long as it has no residual impact on the Unified Government property that diminishes its value in the marketplace and they’re paying for the extension under the I-70 and across to the pump station, give it to them. That’s my opinion.

Mr. Roddy said I might add also that the easement corridor that would be on the UG property would be available for other utilities. For example, if the Speedway sometime in the future ever wanted to develop over here and had to use that same easement for a sewer connection, that ground could be used for other utilities as well.

Commissioner Philbrook said quick question. So we give it to them, they pay for all that and then we process their sewage. Is that it? Mr. Roddy said yes. We’re not that foolish. Commissioner Philbrook said yes, cute. You know, we say we process their sewage, are we going to be charging them any…Mr. Roddy said oh, yes. They pay like any other KCK resident or customer. Commissioner Philbrook said I just want to make sure.

Action: Commissioner Walker made a motion, seconded by Commissioner Philbrook, to dedicate at no cost the easement across Unified Government property to the City of Edwardsville for the purpose of a sewer easement. Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker and Kane.

Item No. 6 – 140094…PRESENTATION: ANIMAL CONTROL
Synopsis: At the request of Commissioner Philbrook, a presentation by Captain Angell of the Kansas City, Kansas Police Department on Animal Control, submitted by Jenny Myers, Legal.
Commissioner Philbrook it’s a combination, they blue sheeted it, with Captain Michelle Angell of the Police Department and Katie Barnett.

Captain Michelle Angell, KCK Police Dept., Director of Animal Control, said I’m currently assigned as the Director of Animal Control.

Commissioner Philbrook said I’d like to thank you ladies for your hard work that you’ve done so far because I know you picked up the ball and you’ve been running hard with it. Thank you very much. Captain Angell said we’re definitely trying.

Animal Control

The Kansas City, Kansas Animal Control is a Unit of the Kansas City, Kansas Police Department Community Support Services Division. This Unit provides a unique service to the citizens of the City, by combining activities of a law enforcement agency that protects people and their property with a humane organization that protects animals.

Irresponsible pet ownership and pet over-population are the main reasons that any animal control agency exists. Pets can provide significant benefits for families. When pets are not properly cared for, they can become not only a nuisance, but also a threat to the health and safety of the community.

Captain Angell said as you know, Animal Control falls under the Police Department. It allows us to provide a unique service to the citizens of Kansas City, KS, because we not only can do the law enforcement agency in protecting the people and their property, but we also work on the humane organization side to protect the animals also. Also, I think you know that irresponsible pet owners and the over pet population are the main reason that any animal control agency exist and we definitely have our share of that in our city.
This is just a little bit of our statistical data for 2012 and 2013. I just want you to take note that our shelter intake actually dropped from 2012 to 2013. I’m sure you’re all aware it’s not because there’s not—the problem is not getting better out there. The drop was due to state mandates that we had to come into compliance with. It decreased the actual capacity that we could have in the shelter because of some of the mandates that they required under the cleaning protocols and some other stuff. That is the main reason that we dropped there. One of the biggest things, is like I mentioned, the cleaning protocols. It takes two of my animal control officers four hours to clean and feed the animals every day. Part of the intake drop is the fact that it takes longer to find rescue and adopt animals out versus the old school of just euthanizing them.

The state came in and basically some of the stuff that used to go on, doubling dogs up in kennels, just really packing them in, we no longer can do that. It definitely limits our space. I also want to point out that our summons that we issued for 2013 went up drastically because one of my initiatives has been enforcement. I found that we were giving lots of people lots of warnings and they never corrected the problem. Working with the court system, we now issue the citations. The reason we issue the citations, we’re still looking for compliance. We work with the court system. If the person gets a ticket for spay/neuter, rabies shots, city license, if they come down and they get everything in order prior to the court date, the judge dismisses those and all they pay is court cost. We’re still looking for compliance.
This is just a pie chart for 2012 on the disposition of our animals, the ones that were euthanized, released to owner, adopted, or transferred to rescue groups.

Here’s 2013. You’ll notice there’s not a lot of difference. Even though our numbers were different, the percentages were still pretty much the same. The percentages look good, but I think you can all agree that something’s still not working. We still have a problem in Kansas City, KS, with the animals. We still have a large number of packs all throughout the city. We have a large number of neglected animals and loose dogs also all over the city that need to find ways to solve these issues. It takes time to find rescue for these animals. We need to start looking at other ways to deal with the problem. Maybe we can move in with South Patrol but we need a larger facility. We are not large enough to accommodate the city for the size that we are. Commissioner Markley asked can you fill that million dollar gap because we might take on another tenant. Captain Angell said I wish I could. Like I said, a larger facility obviously is going to mean larger staff.
I think you guys are all aware that I’ve got four positions that are frozen at Animal Control unfunded. There is one supervisor position out in the field but is unfunded and three animal control officers. We’re already seeing that.

The less popular thought process is to simply euthanize for space. I do want to just kind of figuring the numbers, if you figured in taking in an animal, holding it for the five days, and then euthanizing it at the end, under our current space, that’s only slightly over 2,000 animals. I think you all will agree that we have a lot more out there that need to be dealt with.

On a brighter note, in 2012 we lost our veterinarian and we went through an RFP process for veterinary services. We entered into a contract with the Human Society of Greater Kansas City and they now provide us our veterinary services at Animal Control. We’re also currently in the process of setting up a surgery suite onsite. They’ve already began bringing in some of their own equipment while we’re waiting, and they are performing spay/neuters and other minor surgeries on all of our adoption animals onsite. This saves the city a lot of money. We’re not paying by the procedure. We’re paying a vet by the hour. It also saves time because I used to have to work with different area vets getting different animals in different places. I had to have animal control officers load up the truck, take them there, and then at the end of the day turn around and do the same process all over again. It’s been a huge success and I can’t thank them enough for doing that at our facility and it’s definitely an improvement.

**Commissioner Maddox** said for clarification, you pick up an animal that’s stray and you’ve got a surgeon onsite that will spay and neuter. When the owner comes and gets the animal, they are charged or summons or how does that…**Captain Angell** said no. We only do the surgeries on the animals that we’re going to move over to our adoption side. I’ll cover that in just a second. Any of the animals that go to rescue, we don’t—we’ve talked about it. We might get there but we’re not there yet. We don’t currently do the surgeries on those. The Human Society, through the Ray of Hope Program, does provide any rescue group that’s pulling an animal from our facility a voucher and they cover a certain amount of cost for the spay/neuter to help rescues pulled from our facility.

**Commissioner Walker** asked how long have you been at Animal Control. **Captain Angell** said a little over two years. **Commissioner Walker** said kind of like doing time in the state pen is it. **Captain Angell** said I wouldn’t go that far. **Commissioner Walker** said well, I’ve known other
captains in the past that have had this duty. Let me ask you a fundamental question. Should the Police Department, in your opinion, actually be the agency in charge of animal control? Captain Angell said animal control, yes. As far as the shelter side of it, I truly believe that should be a rescue organization. Unfortunately, I did do the numbers on that. I worked with some outside agencies that use different agencies to say like Great Plains. Many Johnson County agencies contract with Great Plains. When they take a dog, they take it to Great Plains but they are paying an intake fee to have Great Plains take that animal in plus any vet fees. I just ball parked what Overland Park was paying with our intake numbers and it was going to be over half a million dollars. I will just tell you that Kansas City, MO, using KC Pet Project, it increases. I mean if an officer can go grab a dog and throw it off to somebody else, the numbers will increase. I would say it’s going to be more than that.

Commissioner Walker said I’m sorry for the unfair question. I know your chief was back there. When I was on staff, I always struggled with this. I recall why it was put under the Police Department because it was running amuck and it was not getting the job done and the structure of the quasi-military organization was seen as a way to bring animal control into a better performance standard. I feel like at least maybe the part where the animals are left should be civilianized or privatized. I don’t have a good solution for that. I didn’t mean to interrupt your—

Captain Angell said that’s okay. The one thing I would say to that is the fact that being under the Police Department, Police Department personnel are pretty good at following rules. Commissioner Walker asked are they? I was the lawyer for the Police Department for many years. We’ll have to talk sometime. Captain Angell said I can look at the laws and follow the laws as they’re written where I think sometimes when you have it privatized, maybe people are thinking more about the ends, justifying the means. It is a constant struggle to get it done and get it done within the guidelines of the law. They keep increasing making it more difficult.
Also with the Humane Society, they have the Ray of Hope Program. We use their volunteers through the Ray of Hope Program and they sit with our animals, our dogs and our cats that are up for adoption out at the Olathe PetSmart every Saturday and Sunday. We do a phenomenal amount of adoptions out there. I know some people have complained because it’s not in KCK but we don’t have a Petsmart in KCK. We adopt a lot of animals out there. Not only do we get the adoption fees that goes back to the city, but PetSmart also donates $15 to Animal Control for every animal that we adopt through their facility. It does add up. Hopefully you’ll see that as a benefit.

Here’s just a few of our success stories. We do a phenomenal amount. We probably adopt anywhere on average 10 animals a weekend out there.
I’ve mentioned the Human Society that we’re working with. We’re also working with Unleashed Pet Rescue. They come in and they coordinate pulling animals from us and coordinate with other rescue groups. We have animals that are pulled and go all over the United States, Minnesota, Wisconsin, Colorado, it’s crazy.

Spay/Neuter Kansas City, if you’re not aware of this, they have a grant for Kansas City, KS, for low cost to no cost spay/neuters. Not only does the Humane Society provide services like that, but they also provide services to our citizens as well.

I will let Katie, who is the attorney for Professionals for a Humane & Safe KC, kind of go into that. I’ve been working with them also.

Making Progress

- Garage, stray cat room, adoption cat room, surgery room, recovery room, isolation area, and hallways painted and lighting updated.
- Dog kennel area painted and lighting updated completed Feb 2014.
- Surgical room & recovery room being set up.
- Garage kennels were enclosed to allow us an isolation area to be in compliance with state mandates.
- Stray cats were relocated from the garage to their own room. This allows them to be better assessed for health and behavior.
- Shelter cleaning protocols enhanced.
- Epoxy flooring installed throughout the kennel.
Captain Angell said now, not all doom and gloom. We have been making progress down there. The garage, stray cat room, adoption cat room, surgery room all of those have been painted. The lighting was updated. The dog kennel area, while we had it emptied for the flooring project, it was painted and the lighting was updated. It is a much brighter place. It was pretty gloomy before that. We have the surgery room and recovery room that are being set up. There were three kennels in the garage that we were able to enclose for the isolation area that the state wanted us to have. Our stray cats used to be housed in the garage area. They’ve been moved. We took a storage room and emptied it out and we have moved them to their own room. This allows them to be better assessed in a quieter environment for their health and behavior.

Our shelter cleaning protocols, working with the Humane Society and the state, have been enhanced. Our largest project that we just completed here not long ago was the epoxy flooring. It was installed throughout the back kennel area. It really looks nice. What that did before the floor was painted, it was chipped and peeling and the state was very concerned about disease control. This should get us through the end of my career. This was a long-term project. This is a good thing.

2014 Goals

- Enforcement and Education
- Implement a shelter management software program
- Continue to improve the shelter to comply with state mandates (KS Pet Animal Act)
- Increase unit professionalism

Some goals I laid out for my crew here in 2014 was enforcement and education. I wanted to keep the numbers up from what we saw in 2013 and have challenged them to do even greater. I’m looking at implementing a shelter management software program. This will allow us to monitor neglects better because you can put everything in there if everything works out right. The officers would have a notebook out in the field. They’d be able to pull up if they were on a call with a neglect and it’s a second call, they’d be able to actually go back and look at the pictures from the first call to see if anything’s changed.

March 24, 2014
Right now, currently, when we issue a city license, we handwrite it all out. This program would allow us to type it in and issue them a really nice professional looking license. That’s the whole presentation in itself. Everything that type of program can do.

We’re also working this year to continue to improve the shelter, working with Building & Logistics to do everything we can to keep complying with the state mandates per the Kansas Pet Animal Act.

One issue we really haven’t found a good solution to, when our kennels were built, they were built when you held the dog for 3-5 days and then you euthanized it. We didn’t worry about disease control as much. Now that the animals are transferred and transferred sometimes across state lines, the state’s very concerned about disease control.

Our facility has an open drain system which means three or four kennels share one drain. There’s a section at the back when you’re cleaning it out, the feces and everything runs through. That’s why you’ve got to keep one row open to keep that constant rotation. They can’t be in those runs when it’s being cleaned. That the state would still like to see that enclosed somehow; we just haven’t figured out a good way to do that.

Also, Animal Control really does get a bad rap. I’m glad I’ve been down there these couple of years. I’ve really got to see this side of it. For what they have and the resources they have to work with, that staff does a really good job. I mean they get yelled at all day long because we didn’t get something picked up quick enough and the deer laid on the corner too long type deal. They really are doing the best they can with what resources and what manpower we have. I’m glad to be in there but we are working to increase the unit professionalism because definitely that’s what we need to be doing.

The doom and gloom of it, as you guys know our facility was opened in 1986 and there’s still many maintenance items needing attention. Our furnace system and the kennel HVAC system are huge deals. They’re limping along; they’re constantly down there putting in parts. The HVAC system is getting harder and harder to find parts for it. One of the things under the Kansas Pet Animal Act is the temperature. We have guidelines that the temperature has to stay between and if that system goes out, that is a very costly system. I haven’t priced it, but I’ve been told they’re about half a million dollars.

Our telephone system is extremely outdated. We don’t have a—it’s so outdated that you can’t even buy phones anymore for it. As phones break, we lose a phone station. I would really like to look at getting a new phone system especially one that would have a recording so people
don’t just sit there and get the ringing phones, they would actually get a recording and an option 
to leave a message or what they needed to do. There are lots of things we can look into with that.

Our sewer system down there has a drainage issue. That’s a constant thing. We’ve 
constantly got—like once a week, the Street Department comes in and pumps the garage deal 
because it’s just nasty.

Our roof, anybody knows it’s not leaking yet but obviously it’s something to start 
thinking about.

The biggest issue that we need to think about is just kennel capacity. We’re not large 
big enough for this city. I’ve taken all of our storage space using every nook and cranny to put 
animals.

**Commissioner Maddox** said I’ve got a series of questions. The first one is, are we a no kill city. 
I heard you speak about euthanizing but are we a no kill city. **Captain Angell** said I’m going to 
say no to that. Our numbers have qualified the last couple of years somewhat. If you ask 10 
people what no kill is, there’s really no firm answer to that, but no. We put out a list every 
couple of weeks that these animals have to be moved or they’re going to be euthanized and 
rescue pulls them.

**Commissioner Maddox** asked if space is limited, what happens when you reach 
capacity. I guess that answer is that they go to rescue. **Captain Angell** said this is where I really 
wanted to make you guys aware of this because when we reach capacity, you can’t pick up 
anymore. **Commissioner Maddox** said that’s what I thought. **Captain Angell** said when we’re 
at capacity, it can happen and none of the dogs are even able to be euthanized because they’re 
still on their stray hold. I also want to prepare you guys. The packs, the calls that I get and the 
packs and the different things; that’s a huge thing. In my opinion, even though I want to save as 
many animals as I can, my job is still to protect the public. We’ve got packs. We’ve got people 
that can’t even jog downtown because of the dogs and stuff. We’ve got two traps. I’d like to 
look to buy more. We’re setting those traps. We’re having pretty good luck trapping dogs. 
You’re going to see our euthanasia numbers go up. With the no kill movement, all rescue groups 
are inundated with animals. It is getting increasingly harder and I’ve seen it even the two years 
I’ve been down there to find a place for all of these animals.

**Commissioner Maddox** said I’m glad you mentioned that because a lot of times when I 
hear from constituents in my district, they have a concern because they call rescue for stray dogs
and stray cats but they say the people on the phone are kind of rough with them and tell them they’re packed, what do they want them to do. Captain Angell said and again, when the state came in and threatened to shut our doors, I have to follow their rules. When we’re at capacity, I can’t take anything else in. As a matter of fact, if we have like a bite dog, I have to pay to have that dog boarded at another facility if I can’t take it in.

Commissioner Maddox asked are pit bulls illegal in Kansas City, KS? Captain Angell said currently they are illegal in Kansas City, KS. Commissioner Maddox said you said currently. Does that end at a certain point? Captain Angell said no. There is a movement to try to lift that but currently they are.

Commissioner Maddox asked where are the rescue groups and how long do we hold animals before they are sent to rescue groups. I think you may have answered some of that. Captain Angell said the state requires that we hold any animal three days. That doesn’t include the day it’s taken in. That doesn’t include weekends or holidays so three business days. Our city ordinance requires that we hold them an additional two days if they are chipped or have tags and we believe they have an owner or are known to have an owner. That makes it five days, not including the day you take it in, not including weekends, not including holidays.

Commissioner Maddox asked the rescue groups, are they official businesses or some people just licensed from their homes. How does that work? Captain Angell said they’re 501C3s. Anybody that we transfer to has to also be licensed with the state. Commissioner Maddox said I’ll cut my questions off. I’m done.

BPU Board Member Bryant asked what is your current capacity for dogs. Captain Angell said we have two rows that are stray rows and there are 13 kennels on each side so 39, we could have 39 stray dogs. BPU Board Member Bryant asked how about cats. Captain Angell said cats, I’d have to count. Probably 18. BPU Board Member Bryant asked and you can’t cut back on the number of cats to increase dogs. Captain Angell said no. BPU Board Member Bryant said that’s really my question.

Chairman Kane said thank you for the update.
Commissioner Walker said I think what this has done has raised a lot more questions for me about animal control. I’m aware of this movement to repeal what they call breed discriminatory language. Primarily I believe it applies to pit bulls here, maybe there’s another breed, but statistically I think it’s been shown that other breeds of animals can be just as violent. My parents, when I was a kid, had a Chow and a Pekinese, which although they were small, they were vicious when they wanted to be. When I tried to get into their space like under the bed or something, obviously that’s an issue that the commission is going to have to address sooner or later. I’ve been made aware of this.

Do you do the Community Cat Program? Captain Angell said right now currently under our ordinances it’s against the law. Commissioner Walker asked it’s what. Captain Angell said it’s illegal under our ordinances currently. Commissioner Walker said what! Commissioner Markley said let Katie talk. Captain Angell said she’s going to cover a lot of that probably. I’ll probably—Chairman Kane asked, Katie, you’ve got some information for us as well. Captain Angell said yes. I’ll stay up here.

Mission

- Professionals for a Humane & Safe KC

- “Achieving a humane and safe Kansas City metro area through local legislative initiatives, effective policies between local governments and their animal shelters, progressive law enforcement training, and education for the community.”

Katie Barnett, Professionals for Humane & Safe Kansas City, said we are a coalition of the area animal shelters that serve municipal governments within the metro area. That includes Great Plains SPCA, Kansas City Pet Project, Spay/Neuter Kansas City, Wayside Waifs, and The Humane Society of Greater Kansas City. This coalition of animal shelters got together because
we felt like we did have a need to achieve a safer and a more humane metro area. Captain Angell was kind enough to sit in on one of our meetings and it sounded like we could get started right here in Kansas City, KS, first.

Our mission is to achieve a humane and safe Kansas City metro area through local legislative initiatives, effective polices between local governments and their animal shelters, progressive law enforcement training, and education for the community.

Katie Barnett

- Missouri State University, B.S. Political Science, Public Law
- University of Kansas School of Law
- Barnett Law Office, LLC
- Legislative Attorney, BFAS
- Litigation Paralegal, KC
- City Attorney's Office
- Over 30 cities nationwide; Topeka, KS; Osawatomie, KS; Bonner Springs, KS
- Past Vice Chair, Animal Law Committee (ABA)

Quickly, I have been doing this for a number of years. I was a legislative attorney after graduating from KU Law School for Best Friends Animal Society. I traveled around the country, worked in about 30 cities nationwide on enacting similar animal laws to what we’re going to talk about here today as well as progressive animal sheltering policies. I worked with Topeka, KS, to revamp their animal code and recently worked with your neighbor Bonner Springs on overhauling their animal ordinance.

Unified Government Stakeholders

- Liveable Neighborhoods
- Animal Control
- KCK Police Department
- Health Department & Healthy Communities Wyandotte
- Humane Society of Greater Kansas City (veterinary services)
- Legal Services & Municipal Court Prosecutor
When I started working with Captain Angel about seven months ago, we identified some community stakeholders. That’s really who I wanted to hear from. There are best practices to go by, but what I wanted to hear is what’s going to work right here in Kansas City, KS. I spoke with local neighborhoods; I gave a presentation. I gave additional presentations after that to individual groups. I know I spoke with Commissioner Markley’s Turner Neighborhood group and I got a lot of really valuable information from the community on what they wanted to see done, not just what we thought we should do.

I worked with Animal Control, the Police Department and is all aware of this initiative, as well as the Legal Department. Interestingly, I heard from Healthy Communities Wyandotte. It really made sense that this comprehensive change that we’re proposing included making it not just a humane and safe community, but also a healthy community for the residents. Healthy Communities can propose all the trails they want, but if people are afraid to run, walk, and take their dogs for a walk, nobody’s going to use them because of the stray dogs. We started working together and I have met with them several times. I think that we’re kind of all on the same page as to what we want, what the community wants to make Kansas City better.

Community

- Survey
  - Satisfaction – 39% dissatisfied with the quality of animal control, compared to next highest dissatisfaction rating of 24% for City’s overall efforts to prevent crime.
  - Public safety services that should receive the most emphasis over the next two years: 39% of respondents ranked it in the top 3 (behind city’s overall efforts to prevent crime & visibility in police neighborhoods).
  - Animal control ranked #1 in the importance/satisfaction rating (high importance, low satisfaction) by the survey consultants, putting it as the top public safety priority (“very high priority”)
- Informally, stakeholder concerns are:
  - Stray dogs/dogs at-large
  - Public safety concerns surrounding dangerous animals are breed neutral
  - Humane care of animals (neglect)
  - Reducing community cat population
  - Pet limit

I know you all are aware of the results of the community survey that was recently done. I just want to isolate a few things. 39% of the community was dissatisfied with the quality of animal control. 39% of respondents said the animal control should receive the most emphasis over the next two years. They ranked it up in the top three. Finally, animal control ranked number one in
the important satisfaction survey which meant that the community felt that animal control was highly important but had a very low satisfaction and this turned into it being a very high priority on the survey.

I took my own informal survey when I was talking to the community over the last seven months and the number one problem as Captain Angell reiterated was stray dogs. The dogs at large are preventing people from enjoying their own property. I spoke to a woman at the Turner Neighborhood meeting who she said that she likes to sit outside on her front porch with her dog. Now, she has to carry a baseball bat and her cell phone because of all the animals running into her property and harassing her and her dog. That’s not a great way to live here in Kansas City, KS. I think we can work on ways to change that.

**Goals: Safe & Humane**

- Legislation
  - Effective & enforceable dangerous animal section
  - Revise definition of “proper care” to more definable terms
  - Humane tethering guidelines
  - Pet limits
  - Lower community cat population

- Policy
  - Formal training for Animal Control Officers
  - Operations at Animal Shelter

- Humane Education
  - Living safely with dogs
  - Humane care of animals
  - Community Outreach (HSGKC)

Again, as you mentioned, Commissioner Walker, the public safety concerns surrounding dangerous animals are breed neutral. People aren’t necessarily afraid of the dog looks; they’re afraid of the way the dogs and animals are behaving. That’s something we can take a look at.

The other three things as Captain Angell said, the humane care of animals and the neglect going on in the community. Reducing those community cats, those feral cats, reducing that community cat population and raising the pet limit to something that’s a little bit more agreeable to surrounding cities so we’re not preventing families from moving to Kansas City, KS, because they have three Labrador Retrievers instead of two.
I’m just going to go over this briefly and maybe we could have some more dialogue about it later. I can also give you some more specific written material. There are three prongs to this overarching goal as a safe and humane Kansas City and that is legislative changes, ordinance changes, changes in policy, and humane education for the community. The Professionals for Humane and Safe Kansas City and I believe Captain Angell also believes all three of these things need to work together. You can’t change an ordinance and expect for everything to get better if you also don’t provide the appropriate and adequate law enforcement training for Animal Control to enforce that new change in the law. Also, when you’re talking about criminalizing the care of these pets, we really need to make sure that the community knows that there are resources out there. Instead of saying I’m sorry I didn’t feed my dog for three days, I just didn’t have the money, they know that there’s a food bank that they can go to and this is something that is consistently distributed to the community through Livable Neighborhoods and information from the city.

Best Practices, Law & Policy Recommendations of:

- National Animal Control Association
- American Veterinary Medical Association
- American Bar Association
- U.S. Department of Justice
- Center’s for Disease Control (CDC) and Executive Branch of the United States
- Humane Society of the United States (HSUS), American Society for the Prevention of Cruelty to Animals (ASPCA), & Best Friends Animal Society

Quickly, these aren’t just radical ideas from crazy animal people. These are actual best practices and policies that are outlined by national animal organizations and public safety organizations. These are the experts in the field that deal with animal behavior, public safety, and coexisting safely with animals in your community every day. You can see the National Animal Control

March 24, 2014
Association, American Veterinary Medical Association, American Bar Association, Center’s for Disease Control, etc.

**Legislative Proposals**

- **Effective & Enforceable Dangerous Animal Section**
  - Identify nuisance animals, problematic behavior & preempt incidents if possible, repeal breed specific language & enhance dangerous animal language, no-tolerance for dangerous animals.

- **Revise definition of “proper” care of animals**

- **Humane Tethering Guidelines**
  - Restrictions on tether and collar, continuous tethering, guidelines for supervision, tighten restrictions on access to public right of way, enhance neglect section to include exercise.

- **Raise Pet Limits**
  - Over 2 dogs, nuisance, noise, odor subsections from current code, Topeka, KS, move special permit requests to AC.

- **Trap, Neuter, Return for Community Cats**
  - Reduce community cat population, recognize community cats, humane trapping upon complaint, keeping community cat colonies closed.

I’ll just go over these legislative proposals. You all brought up a few already. We would like to see an effective and enforceable dangerous animal section. That change would allow for animal control officers to identify nuisance animals and problematic behavior and hopefully preempt incidents instead of picking up the same dog over and over again and issuing multiple citations. Repeal the breed specific language and enhance dangerous animal language. Really, Kansas City, KS, should have a no-tolerance for dangerous animals within the city.

The second thing is revising the definition for proper cared animals. I know that what someone may think is proper may not be what another person thinks. You can see that throughout the system of what a family thinks is proper may not be what Animal Control thinks is proper. What Animal Control thinks is proper may not be what the Municipal Court judge thinks is proper. There are some more accurate definable terms of care that we can change the ordinance to.

Humane tethering guidelines. We would really like to see some restrictions on the type of tether and collar that these animals are wearing when they’re out there. One, so it’s secure and two, so it’s humane for the animal. There are best practices for that. We would like to see guidelines for supervision and continuous tethering of animals. We’re not by any means trying to prohibit tethering completely because I know there are some city staff people even that don’t
have fences because their HOA won’t allow it. There are people who are renting and they can’t afford fences and we certainly don’t want to prohibit people in underserved areas or people who have restrictions like that from possessing animals. We just want to make sure that those animals are safe and the public is safe from those animals.

Raising the pet limits. I don’t know what you all want to do, maybe three dogs, maybe four, it’s something that we definitely can go back and forth on with the law department. I know that the commission has heard repeatedly from people who can’t move to this city because of the pet limit being so low, particularly the dog limit being so low.

I also know that there are special permits that people can request to have over the pet limit but right now, the commission is hearing about those permits and that’s something that would more adequately be served by the Animal Control Department. They know those properties. They know the repeat offenders. They know the people there complain. They get complaints on more regularly. I think they’re better served in issuing those special permits.

Finally, reducing the community cat population by decriminalizing the trap, neuter, and return of those animals to those colonies and in turn keeping those cat colonies closed to reduce the population overall.

## Intended Result:

- More animal control officers on the street.
- Progressive animal control/law enforcement policies & training.
- Quickly & accurately identifying animal neglect.
- Identifying problematic animal behavior before an incident.
- Less feral dog packs & lower number of stray dogs.
- Healthier community through outdoor activity and exercise.
- Consistent humane education & dog safety training for the community.

The intended result is more animal control officers on the street, progressive animal control/law enforcement policies and training which would then lead them to quickly and accurately
identifying animal neglect as well as problematic behavior by dangerous animals also reducing the feral dog packs, the number of stray dogs out in the community, which would then lead to a healthier community through outdoor activity and exercise, and then consistent humane education implemented through the schools and dog safety training for the community.

**Measurable Results:**

**Resources, Revenue & Expenditures**

- Increased licensing revenue raising pet limit.
- Increased licensing revenue allowing all breeds of dogs.
- Increased revenue for online licensing & fee payments.
- Resources & money saved not seizing, impounding, euthanizing community cats.
- Resources properly allocated targeting reckless owners & dangerous dogs, versus breeds of dogs.
- Reduced number of animals impounded with revised policies & above ordinance changes.
- Increase number of adoptions through animal shelter.
- Free ride home for licensed/microchipped animals (versus impounding).
- Increased penalties & citations for reckless owners.

- Unfreeze & fund 3 additional officers, proactively patrolling.
- Increased impoundment of stray & feral dogs.
- Formal education & training for animal control officers.
- New “adoption counselor” position.
- Updated equipment to increase efficiency.

Finally, there are some measurable results, things that will be able to—if this initiative is implemented, I believe can be measured over the next few years. I have some numbers if you guys have any questions. This would increase licensing revenue by raising the pet limit also by allowing all breeds of dogs and by forming online licensing and fee payments instead of having those handwritten licenses, something that someone could do from their home, they can license their pet from their house. Resources are properly allocated to dangerous animals and not seizing and impounding those community cats and taking up all the space in the shelter. The reduced number of animals impounded by these revised polices and ordinance changes.

On the other side, we have the position that Captain Angell spoke about. We would definitely like to see those three additional officers as well as the one supervisor to be unfrozen and funded. I think that the community survey fosters argument that something needs to be done and we need more officers on the street. I think that we’re all aware that there’s going to be increased impoundment of those stray and feral dogs in the community and that increases euthanasia, but we hope that happens quickly and we hope that, that number goes back down to where it is right now with less animals on the street.
Formal education and training for animal control officers. Being a NACA Certified Animal Control Officer is really excellent. It also helps them in court when they say how do you know if that’s neglect. They can say because I am NACA certified through the National Animal Control Association level three and I learned this, this, and this instead of saying I learned it on the job; this is what my supervisor told me. That would cost, I think, just under $600 per animal control officer and I think the community would really like to see that happen first and foremost.

There’s potential for an adoption counselor position to move more animals through the shelter and then updated equipment as Captain Angell mentioned. Some of those things are already figured and approved into the 2014 Budget and then there are also things that could be spread out over the next two years.

Commissioner Philbrook said as I understand it, we need more, more, more and maybe less, less, less depending on what it is. Captain Angell said right. Currently, actually we receive more calls in a day than we can go on and then we have to start prioritizing; okay, that was a dog they saw running the area, that was four hours old, that’s probably gone. When the public is demanding the service and saying that we’re not providing it, we don’t have the people to provide it.

Commissioner Philbrook said right. Gotcha, gotcha. I know I have one of those public—anyway, what is the minimum staffing we should be having for this size of a city. Does anybody know that? Captain Angell said when the state lady came in and did our inspection, there was a NACA formula, When I did it, it came up to perfectly the size we are plus the 4 frozen positions, which is probably how they were made to begin with. Commissioner Philbrook asked which is exactly what now. Captain Angell said currently I have 7. I have a supervisor and 6 officers. That would increase the officers to 9 with 2 supervisors. Ms. Barnett said NACA (National Animal Control Association) formula for a city this size is actually exactly 20 officers, 9 in the shelter to deal with the animals and then 11 in the field. Commissioner Philbrook said holy moly, okay. Not what I wanted to hear but it’s just the truth I guess.

What other cities in our area have a breed specific regulation. Ms. Barnett said I think a lot of your Johnson County cities still have them. I know your surrounding cities like Bonner Springs, Lenexa, Kansas City, Missouri; they don’t prohibit any kind of breed of dog. Actually, there’s about only 2% of cities nationwide still have these laws. They were laws enacted in the 1980s and over time, we’ve had much better understanding of dog behavior and public safety in
the trend, of course, now that we have all that information is to target animals based on the way they behave instead of the way they look. We certainly don’t target animal cruelty based on the way the animal looks. We treat all animals as individuals.

Commissioner Philbrook said this question goes to both of you. I believe I heard you say it would be well and good that we change policy and codes, but without follow through and other changes we’re kind of wasting our time. Is that what I’m hearing? Ms. Barnett said yes.

Commissioner Philbrook asked would the people that have been working together consider continuing to work together to further some measurable results on this plus add a few folks. Ms. Barnett said yes I think—actually I think all the stakeholders that I identified are here today. We have someone from the Health Department, I believe Chief Hanson is here, and someone from the Legal Department. I believe everyone is open to continuing to work together to make this happen.

Commissioner Walker said I didn’t see them, but is Bonner Rescue in this. Ms. Barnett said no. Commissioner Walker said they’re not. Ms. Barnett said no, they’re not. Commissioner Walker asked are you familiar with them. Ms. Barnett said yes. Commissioner Walker said the only reason I am is I had a dear friend that worked for them and another friend that, one of them has passed, but she was always hitting me up for money for Bonner Rescue at some fundraising project. Ms. Barnett said they’re here today because they certainly do have an interest in the changes. Commissioner Walker said I just wondered if them being in the county whether they were involved in this. Ms. Barnett said they’re certainly supportive of it and they’re here tonight. Commissioner Walker said okay; good.

Commissioner Maddox asked will we see them again before the budget. Commissioner Philbrook said oh, well, okay, here is what I’m going to recommend is that we have the oversight committee to review the changes that are proposed by the committee and how they want to allocate funds and a timeline for us. The people to be on that would be, of course, I’m volunteering myself because this is near and dear to me and I’m asking Hal to help out with that. Again, thank you, Hal. Commissioner Walker said I’m the one always voting for special use permits so yes, I’ll work on this. Commissioner Philbrook said thank you. I appreciate that. Livable Neighborhoods, I believe, need to be involved with this. Keep the Health Department in,
of course, because it is all to do about our Healthy Communities. The Humane Society and, of course, our Legal Department along with Ms. Barnett.

Commissioner Walker said well, basically, what you’re recommending is that we approve the two of us, as representatives of the commission, serve as the representatives of the commission with this group of people and try to bring forward a final proposal for the commission to consider, which includes both budget recommendations and ordinance changes. Commissioner Philbrook said in the meantime maybe we can ask our police people if it would be okay if they went ahead and targeted the trapping of dog packs and seize and report of dogs at large. Is that possible? Captain Angell said we have begun that and we have a trap at 22nd just south of Quindaro, I believe, to work on that pack. Last they told me, we had taken just in a week time, we had taken like four dogs out of that area. We’ve got another neighbor—because they kind of get wise to it, we’ve got another person in that general vicinity that has agreed to have a trap in their yard and we’re going to be moving it there this week to continue working on that pack.

Commissioner Walker said the hour is late on this and we’ve got another committee. We’ve got a motion to do what I recommended. The only qualification is—and the Mayor’s representative is, well, I see Bill, he can carry it tomorrow. I mean if we’re going to serve on a committee as representatives of the commission, I want the Mayor to agree to that in some way, either verbally or in writing. That would be the mission to try to bring all these diverse issues together in a package for commission consideration. Commissioner Philbrook said correct. Commissioner Walker said we could talk for hours about this issue obviously. Commissioner Philbrook said I know, I know. Sorry it took so long but it’s very important. Commissioner Walker said I have motion. Is there a second? Commissioner Philbrook said me, of course.

Action: Commissioner Walker made a motion, seconded by Commissioner Philbrook, to serve as representatives of the commission with this group of people and try to bring forward a final proposal for the commission to consider, which includes both budget recommendations and ordinance changes.

Commissioner Maddox said I apologize. You spoke about a dysfunction or the possibility of the phone dysfunctioning or whatever the case, I just want to know if a citizen wants to just get
online and say there’s a stray dog here, is there a possibility of that where they can go online and mention stray animals period. **Captain Angell** said there is. If they go to the Animal Control link off the KCKPD website, there is like a contact, the commander, and it sends me an email and believe me, I get tons. It is being used.

Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Maddox, Walker, Kane.

Public Agenda:

**ITEM NO. 1 – 140097….APPEARANCE: KATIE BARNETT**

**Synopsis:** Discussion regarding animal control legislation and policy changes.

**Action:** This item was heard with Committee Agenda Item No. 6.

Adjourn

**Chairman Kane** adjourned the meeting at 6:38 p.m.

tp
Staff Request for Commission Action

Tracking No. 140152

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 5/12/2014

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 6/5/2014

Confmed Date: 6/5/2014

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>
<th>Department / Division:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/30/2014</td>
<td>Commissioner Walters</td>
<td>573-5040</td>
<td><a href="mailto:jwalters@wycokck.org">jwalters@wycokck.org</a></td>
<td></td>
<td>Commission</td>
</tr>
</tbody>
</table>

Item Description:
The CNIP program procedures were adopted in July 2012. A copy of the program approved is attached. I am requesting the Board of Commissioners reconsider the issue of District 7; specifically, that District 7 receive full funding equal to other districts for Phase II CNIP dollars.

Action Requested:
For approval of the policy change by the Board of Commissioners.

Publication Required

Budget Impact: (if applicable)

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

File Attachment
Proposed Concept from Commission:

- A total of $4.4 million is allocated to this program to be spent on neighborhood infrastructure. $4.0 million is for construction and $400K for engineering design and associated costs.
- Funds to be split equally between the 8 Commission Districts and the 2 at-large Districts, excepting that District 7 is adjusted proportionally to exclude areas not in KCK.
- Funds to be spent in two rounds: half for construction in 2013 and the other half for construction in 2015. Planning and design begins in 2012 & the second round in 2014.
- The total program must be approved by the Commission. Each Commissioner will have the primary role of selecting the projects from their district. Each Commissioner can select the project or projects from the commission-approved list of project categories.

Program requirements

- Program funded from sales tax dollars.
- Projects need to be used for “neighborhood infrastructure, including construction, repair, and maintenance of roads, curbs and sidewalks."
- Project selection needs to be completed by August 31st, 2013 construction due to debt funding.

Staff Recommended eligible projects:

- We recommend projects be primarily limited to the following types:
  - Replacements of existing curb and gutter
  - Replacements of existing sidewalk, or addition of new sidewalk on existing curbed streets, or in other areas where sidewalk can be built without street reconstruction.
  - Trails or side paths for walking in areas with ditched streets.
  - Minor storm drainage improvements that can be accomplished with the amount of dollars available.
  - Alley paving and repairs.

- The program is envisioned as being constructed in two rounds. We would prefer to stagger it so that we are primarily working in only some of the districts one year, then others the next cycle. There will be extensive communication with the Commissioner as their projects go forward.
An Ordinance establishing a Sanitary Sewer Buy-In Connection Fee to partially reimburse the Unified Government for the design and construction cost of approximately 9,000 linear feet of permanent sanitary sewer utility improvements south of Leavenworth Road between 115th Street and 119th Street. The extension of the sanitary sewer system to the Upper Connor Creek Watershed will provide sanitary sewer services to an area that is not currently served by sanitary sewer and will assist in opening the area up to significant new development that will require sanitary sewer service in order to develop.

Action Requested: Forward to the Full Commission for approval.

☑ Publication Required

Publication Date: 

Budget Impact: (if applicable)

Amount: $

Source:

☐ Included In Budget

☑ Other (explain) Provides revenue source for this sewer extension.
MEMORANDUM

TO: Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas

FROM: Misty Brown
Senior Counsel

DATE: April 30, 2014

RE: Sanitary Sewer Buy-In Connection Fee

Background:

On February 20, 2014, the Unified Government Board of Commissioners authorized the Unified Government to enter into a Development Agreement with Village West Apartments II, LLC by virtue of the passage of Resolution No. R-15-14. The Unified Government thereby committed to constructing approximately 9,000 linear feet of permanent sanitary sewer utility improvements south of Leavenworth Road between 115th Street and 119th Street to extend the necessary sanitary sewer system to the Upper Connor Creek Watershed. A connection fee was considered to partially reimburse the Unified Government for the capital improvements necessary to provide sanitary sewer service to the defined area that will benefit from the service and which currently is not receiving sanitary sewer service. To that end, an ordinance was drafted creating the Upper Connor Creek Watershed Sanitary Sewer Buy-In Connection Fee.

Summary:

- The Buy-In Connection Fee (“Fee”) will be imposed only on those who apply for new connections to the sanitary sewer system that is being installed.
- The fee is based on the category of connection sought.
- The fee must be paid prior to connection to the sanitary sewer system.
- The fees collected may only be used to repay the principal and interest on the bonds issued to fund the Project.
- The fee will sunset when the principal and interests on the bonds issued to finance the Project are repaid in full or when the fee is repealed, amended or modified.
ORDINANCE NO. ____________

AN ORDINANCE relating to the establishment of the Upper Connor Creek Watershed Sanitary Sewer Buy-In Connection Fee for the design, construction, and property acquisition in connection with the construction of approximately 9,000 linear feet of permanent sanitary sewer utility improvements south of Leavenworth Road between 115th Street and 119th Street; creating a new ordinance, Chapter 30, Article X of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas.

WHEREAS, the Upper Connor Creek Watershed (“Area”) is currently not served by sanitary sewer, but there is existing development that is in need of sanitary sewer to prevent private sewage disposal system, septic tank and holding tank failures, and in which the Unified Government anticipates significant new development that will require sanitary sewers in order to develop; and

WHEREAS, the Unified Government has considered the most cost effective manner in which to provide sanitary sewer service to the Area, including, but not limited to, considerations of current growth and development in the area, estimated future growth and development, capacity analyses, estimated peak flows, the effects of infiltration and inflow and flow monitoring; and

WHEREAS, the Unified Government’s intent is to exercise its police power to establish a fee for the provision of an essential service in an amount sufficient to fund the capital improvements necessary to provide the service to the defined geographic area which will benefit from the provision of the service and in which such service is presently not provided; and

WHEREAS, the Unified Government finds that a Sanitary Sewer Buy-In Connection Fee (“Fee”) will best enable the Unified Government to design, construct, and acquire property in connection with the construction of approximately 9,000 linear feet of permanent sanitary sewer utility improvements south of Leavenworth Road between 115th Street and 119th Street to extend the necessary sanitary sewer system (“Project”) to the Upper Connor Creek Watershed; and

WHEREAS, the Fee will be imposed for the purpose of creating a source of funds to partially reimburse the Unified Government for principal and interest payment made to construct and install the Upper Connor Creek Watershed Main Sanitary Sewer line and appurtenant sanitary sewer system facilities necessary to provide sewage disposal service to the Area; and

WHEREAS, in order to promote and protect the public health, safety and welfare of residents and property owners within the area and in the Unified Government as a whole, the Unified Government intends to: (1) provide the necessary sanitary sewer system to the entire Area through the construction of a main trunk sewer line and appurtenant facilities; (2) establish the cost thereof; (3) allocate the cost by the categories of connection within the Area to reflect the
relative need for the sanitary sewer system by such properties and to ensure that such properties receive reasonable benefits therefrom; (4) collect such fee in full at the time of connection to the sanitary sewer system; (5) restrict the use of the fees collected to reimbursement to the Unified Government for payments of principal and interest on the Unified Government’s bonds that were issued to fund the Upper Connor Creek Watershed Sanitary Sewer Project; and (6) ensure that all applicable legal standards and criteria are properly incorporated herein; and

WHEREAS, the Unified Government finds that the allocation of the costs of providing such sanitary sewer service to the Area, much of which is presently undeveloped and in which ultimate uses, densities/intensities and types of development are presently unknown, will be best met by utilizing a fee based on the categories of connections which equitably spreads the costs of the sanitary sewer system throughout the defined geographic area; and

WHEREAS, the Unified Government further finds that, because the fee is imposed and collected only at the time of connection to the sanitary sewer system, is a one-time charge, is imposed against a person seeking connection and not against the property itself, is only imposed if connection is applied for and made, and reflects only a portion of the actual cost of providing the service, the fee has none of the characteristics of and, therefore, is not a tax nor a special assessment; and

WHEREAS, the Unified Government has, by virtue of the passage of Resolution No. R-15-14 on February 20, 2014, authorized the Project when the Development Agreement with Village West Apartments II, LLC was approved; and

WHEREAS, the Unified Government exempted itself from the provisions of K.S.A. § 12-3101 through K.S.A § 3107 and provided substitute and additional provisions on the same subject relating to and authorizing the imposition of charges, including service fees, on sanitary sewer customers to pay the costs associated with Sanitary Sewer Program, including but not limited to the costs to plan, study, design, alter, acquire, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, and regulate the use of a sewer system or sewer systems in Charter Ordinance No. CO-04-08, and (2) Section 5 of Article 12 of the Kansas Constitution (the "Home Rule Amendment") empowering cities to determine their local affairs and government through the enactment of charter ordinances.

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

Section 1. That a new Chapter 30, Article X, entitled “Upper Connor Creek Watershed Sanitary Sewer Buy-In Connection Fee” is hereby created to read as follows:
Sec. 30-360. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Applicant means any person in the Upper Connor Creek Watershed who makes an application for a connection permit to connect to the sanitary sewer system.

Area Or Upper Connor Creek Watershed means that area within the City limits of the City of Kansas City, Kansas that will be served by the main trunk sewer line and appurtenances thereto, which is south of Leavenworth Road between 115th Street and 119th Street in Kansas City, Kansas. The area includes all properties which can be served by the sanitary sewer system. Connections to the sanitary sewer system by Applicants outside of the City limits shall be permitted only upon written agreement.

Connection Permit means the permit required for connection to the Unified Government’s sanitary sewer system, which requires the payment of a "tap fee" as set forth in Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Extra Capacity Facilities means improvements to the Unified Government’s sanitary sewer system that provide increased capacity to serve new or expanded development.

Fee Or Upper Connor Creek Sanitary Sewer Buy-In Connection Fee means the fee imposed on applicants wishing to connect to the sanitary sewer system within the Area which represents a monetary exaction determined by the category of connection being sought, to be paid for connection to the Area sanitary sewer system so as to defray the costs, including principal and interest associated with constructing the sanitary sewer system. The fee is in addition and supplemental to all other fees and charges otherwise imposed on Applicants, including but not limited to building permit fees, fees for a certificate of occupancy, and tap fees, each of which is for a different service.

Holding Tank means a watertight receptacle for the retention of sewage either before, during or after treatment.

Laterals means sanitary sewer lines emanating from a main trunk sewer line and providing service to subareas within a drainage area.

Person means an individual, joint tenants, tenants in common, partnership, corporation or any other legal entity which owns property in the Area.

Private Sewage Disposal System means any soil absorption system or evapotranspiration system used for the collection and disposal of domestic sewage from an individual establishment.

Sanitary Sewer System or Upper Connor Creek Watershed Sanitary Sewer System means the main trunk sewer line, force main, pump station and appurtenant facilities (including planning, design, engineering, land acquisition, right-of-way acquisition and other costs directly
related to the provision of these facilities) necessary to extend the sanitary sewer system to the area, but excluding "extra capacity facilities" and laterals.

*Septic Tank* means a watertight, accessible covered receptacle designed and constructed to receive and to process sewage through settling of solids and digestion of accumulated solids by aerobic action.

**Sec. 30-361. General Provisions and Applicability.**

(a) Term. The fee shall remain in effect until the principal and interest on the bonds issued to finance the Project are repaid in full or until such fee is repealed, amended or modified by the Governing Body of the Unified Government in accordance with applicable law.

(b) Annual Review. At least once each year, the Unified Government shall prepare a report summarizing:

1. the fee income received during the preceding year;
2. the annual and cumulative total in fees that has been paid;
3. the annual and cumulative total in interest that has accrued from the fees paid;
4. the remaining principal and interest due on the bonds issued to finance the Project.

(c) Type of Development Affected.

1. All applicants for connection permits to the sanitary sewer system shall be required to pay the applicable fee.
2. All persons whose property or development is served by a private sewage disposal system, septic tank and/or holding tank which is determined, pursuant to Code of the Unified Government of Wyandotte County/Kansas City, Kansas, to violate the standards and conditions thereof and to be, in fact, dangerous, unsafe, unsanitary, or a menace to life, health and property may be required to connect to the sanitary sewer system, to obtain a connection permit and to pay the fee.

(d) Type of Development Not Affected. Applications for building permits, certificates of occupancy, for rezoning of property, for subdivision approval and for the use of land, such as agriculture, which do not require sanitary sewer service, shall not be required to pay the fee at the time of such applications; provided, however, that when applications for connection permits to the sanitary sewer system are made with respect to such properties, fee payment will be required and shall be a condition precedent to such connection.

(e) Effect of Fee Requirement and Payment on Land Use. Neither the requirement for payment of the fee nor the actual fee payment shall affect in any way the permissible use of property, the permissible density/intensity of development, applicable design and improvement standards or otherwise applicable City land use and development regulations, all of which shall be operative and remain in full force and effect without
limitation. This fee payment requirement is a separate, independent and additional requirement.

Sec. 30-362. Determination of Fee Amount.

Methodology. The fee shall be determined by the following categories of connections to the sanitary sewer main within the Area.

(1) Residential, including houses, apartments, mobile homes, etc., to be charged $400.00 per each dwelling unit.
(2) Hotels, motels to be charged $62.50 per unit.
(3) Planned nonretail business district CP-0, to be charged $312.00 per connection (no lot size restriction, four-inch connection only).
(4) Limited business C-1, planned limited business CP-1, commercial C-3, central business C-0 (except for areas on east side of 6th Street which are C-2 general business), planned light industrial MP-1, to be charged $400.00 per connection for the first and each additional 3,000 square feet of floor space (four-inch and six-inch connections only).
(5) Industrial districts (SIC), M-2 general industrial, MP-1 planned light industrial, M-3 heavy industrial will be charged based on the following size connections:
   a. Four inch connections will be charged $625.00.
   b. Six inch connections will be charged $1,400.00.
   c. Eight inch connections will be charged $2,500.00.
   d. Ten inch connections will be charged $3,900.00.
   e. Twelve inch connections will be charged $5,624.00.
   f. Fifteen inch connections will be charged $8,786.00.
   Larger connections will be reviewed and appropriate fees determined by the County Administrator on an individual connection basis.
(6) Churches, schools and similar institutions:
   a. To be assessed $250.00 for the first 3,000 square feet of building floor space
   b. To be assessed $125.00 for each additional 3,000 square feet of building floor space.

Sec. 30-363. Imposition, Calculation and Collection of Fee.

(a) Collection of Fee. The applicable fee shall be imposed on all applicants, as that term is defined herein.

(b) Calculation of Fee As To Specific Applicant. Upon receipt of an application for a connection permit to the sanitary sewer system from an applicant within the area, the Unified Government official in receipt of such application shall provide the applicant with an "Upper Connor Creek Watershed Sanitary Sewer Buy-In Connection Fee Payment Form," which shall include, but not be limited to, the following information: the name, address and telephone number of the property owner(s); the general location of the property; the categories of connection being sought; the existing use of and the existing
development on the property, if any; and the date of application for the connection permit to the sanitary sewer system.

(c) Effect of Failure of Applicant to Pay Fee When Due. If a connection is made to the sanitary sewer system without a connection permit being issued, the fee shall be immediately due and payable. In addition to all other remedies available to the Unified Government for such unlawful connection to the sanitary sewer system, the Unified Government Attorney may bring such appropriate legal proceedings, in law or in equity, as are necessary to collect the fee and/or to prevent use of the sanitary sewer system by such property owner.

(d) Collection of Fee. The Director, or his duly designated representative, shall collect the full amount of the fee prior to or at the time of application for a connection permit to the sanitary sewer system. No connection permit shall be issued nor shall connection be authorized until the fee is paid in full.

Sec. 30-364. Establishment of Fee Account.

An interest-bearing Upper Connor Creek Watershed Sanitary Sewer Buy-In Connection Fee Account ("Account") shall be established by the Unified Government’s Chief Financial Officer, which account shall be capable of being accounted for independently of all other Unified Government accounts and subaccounts. All fees collected shall be deposited into such account. All interest earned by the account shall be considered funds of the account. The funds in the account may be pooled with other City funds solely for the purpose of investment and for financial management; provided, however, that appropriate accounting controls have been adopted and implemented to ensure that the fees collected and deposited to such account are utilized only for the purposes specified herein and pursuant to applicable legal requirements.

Sec. 30-365. Limitation on Use of Funds.

Fees collected and deposited to the account may be used only for the purpose of funding the cost of providing the sanitary sewer system in the area, including, but not limited to, the repayment of principal and interest on the bonds issued to fund the Project.

Sec. 30-366. Appeals.

An appeals process is available to any person aggrieved by an action of the Director or his designee pursuant to Section 30-5.

Section 2. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.
PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CIYT, KANSAS

THIS _______ DAY OF ____________________, 2014.

____________________________________
Mark Holland
Mayor/CEO

ATTEST:

____________________________________
Unified Government Clerk

Approved as to form:

____________________________________
Misty S. Brown
Assistant Counsel
The Unified Government and the Board of Public Utilities have long cooperated in the operations, construction and maintenance of the Traffic Signal system within Kansas City, Kansas. UG has provided the construction and transportation expertise while BPU’s trained staff have provided operations, maintenance and field control. It is a partnership that has worked well for the citizens of Kansas City. As time has passed, the needs of both organizations have evolved. For the last several years, BPU and UG senior staff have worked on a Memorandum of Understanding that more accurately reflects the responsibilities of both organizations. This MOU would replace the previous understanding that was documented in a letter from 1968. The biggest change involves construction and maintenance. The past agreement envisioned a split on all work between labor (provided by BPU) and equipment (provided by UG). This created numerous logistic, financial, and scheduling difficulties for both teams. The new agreement clarifies that the U.G. will provide the full funding for new construction and major rehabilitations. Likewise, the BPU will budget for labor and replacement parts necessary for operations. The MOU also memorializes our agreements towards improved communications and partnership.

UG anticipates that the overall cost impact of this agreement is neutral, in that BPU’s resources in either scenario were fixed. What this agreement does do is allow both organizations to more rationally plan for their respective obligations. A similar MOU is also being developed regarding our Street Lighting system and will be presented at a later time.

Action Requested:
For approval and submission to full commission.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
□ Included In Budget
□ Other (explain) Neutral over time. See above for explanation

File Attachment
Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas and the Kansas City Board of Public Utilities relating to the Installation and Maintenance of Traffic Control Signals

This Memorandum of Understanding (“MOU”) is by and between the Unified Government of Wyandotte County/Kansas City, Kansas hereafter referred to as ("UG"), and the Kansas City Board of Public Utilities ("BPU") an administrative agency of the Unified Government of Wyandotte County, Kansas City, Kansas, and is effective this ___ day of ____________, 2014.

Background

WHEREAS, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) owns a traffic control system and related telecommunication and network infrastructure (the “System”) within the jurisdictional limits of the City of Kansas City, Kansas for the benefit of the public health, safety and welfare of the general public; and

WHEREAS, the BPU is able to assist with the maintenance of the System; and

WHEREAS, Kansas City Board of Public Utilities is an administrative agency of the Unified Government of Wyandotte County/Kansas City, Kansas (“BPU”) and is governed by a governing body and is separately funded through rates set by the Board; and

WHEREAS, the parties wish to set out their rights and responsibilities for the System and

THEREFORE, the parties agree as follows:

Agreement

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. GOVERNANCE COMMITTEE

The County Administrator and the General Manager will each appoint two members who have knowledge of the System to a Governance Committee that will be charged with managing this agreement. The Governance Committee will have the authority to appoint subcommittees as needed with appointees as needed from the Unified Government and the BPU. Subcommittees may include, but are not limited to an Operations Committee. The parties agree to work cooperatively with one another to maintain and administer this system. Issues that are not able to be resolve by the Governance Committee will be escalated to the County Administrator and General Manager for resolution.

The full Governance Committee will meet at least once a year and subcommittee meetings will occur as needed.
2. **TERM**

This MOU will remain in effect for twenty years and may be extended by written agreement of the parties.

3. **DEFINITIONS**

Traffic Control Devices – known hereinafter as TCD, will mean the various signal control equipment, traffic lights, controllers, cabinets, wiring, and components including the various microprocessor or electronic-based traffic signal control equipment, controllers, traffic lights, gateways, telecommunications media and infrastructure, wiring, and associated communications infrastructure that links traffic signals, lights and beacons together and allows remote operations, maintenance and synchronization of the signal system, as well as video cameras and other detection devices that are installed along with other TCD’s on traffic signal systems that may be used for signal operations, traffic monitoring, incident management or other functions.

Traffic Operations – will mean all activities related to operating individual traffic signals or groups of traffic signals in a particular manner to improve streamline traffic flows efficiencies, and reduce motorist delays at isolated locations or along a corridor. For example, at an isolated location, the traffic operations focus would finely tune all aspects of signal detection and timing to reduce delays for all approaching vehicles. Along a corridor, traffic operations would focus on enabling vehicles to travel through several signals without stopping – while minimizing delays for side street traffic. Traffic operations may involve basic time-of-day coordination, traffic responsive signal control, and/or traffic adaptive signal control.

4. **STAFFING AND COMMUNICATIONS**

The UG will designate a City Traffic Engineer with responsibility for planning, designs, and oversight of consultants with respect to work in this agreement. The City Traffic Engineer will be a licensed professional engineer in the State of Kansas. Additional staff or qualified consultants will be designated and hired as needed.

The BPU will designate a technical representative to work with the UG to support maintenance planning and system operations. The BPU will employ or contract for a qualified staff of traffic signal technicians, electrical linemen, labor crews, and supervisors necessary to conduct maintenance, operations and other responsibilities outlined in this agreement.

5. **DESIGN AND PLANNING**

The UG will prepare plans for all new installations, major updates, minor modifications and removals of electronic traffic control devices, utilizing the services of a properly qualified and competent traffic engineering staff member or a properly qualified and competent traffic engineering consultant. Design and planning will include collection of
field survey information, research of rights-of-way and property lines, collection and
analysis of traffic data, collection of information relating to utilities’ locations,
preparation of construction drawings, and development of phasing and timing plans. The
City Traffic Engineer, in coordination with the BPU, will prepare and approve
specifications for all TCD. The UG will prepare master plans, studies, financial
projections and other program management documents as needed to maintain, upgrade
and modernize the network. All such costs will be paid by the UG.

6. **NEW INSTALLATIONS AND MAJOR UPDATES**

The UG will furnish and install all TCD at new installations or at existing installations
when needed as part of a major traffic signal system updates. A new installation is any
traffic signal project that occurs at a new or previously un-signalized intersection. A
major update is any project in which all or nearly all of the existing TCD installations at
an intersection are removed and replaced, either as a stand-alone project or as part of
other UG-funded street improvements. The Projects will include all equipment, devices,
materials, supplies, labor and construction necessary to complete the installation work
and procure an initial spare stock level. The UG will also furnish, install, and replace all
traffic detection devices TCD embedded in the pavement when such devices are damaged
or moved as a result of street maintenance and resurfacing efforts. All such costs will be
paid by the UG. The UG will involve the BPU in the coordination, design, construction
and final acceptance of such projects. Final authority for approval and acceptance of all
work, however, lies with the UG.

7. **MAINTENANCE AND MINOR MODIFICATIONS**

The BPU will furnish, install, and/or repair all TCD necessary for the maintenance of
existing signalized intersections, and such as well as for making minor modifications as
may be needed to ensure continued operation of signals in light of changing standards
and technology.

Maintenance includes repairs and replacements needed for all causes, including traffic
accidents, weather damage, normal wear-and-tear, electrical and mechanical malfunction,
and incompatibility of components with other replacement parts. Maintenance also
includes proactive measures to ensure systems remain in good working order, such as
component testing, cleaning, and planned replacements. The BPU will also furnish,
install and replace all traffic detection devices embedded in the pavement when such
devices are damaged by causes other than UG street maintenance and resurfacing efforts.
The BPU will purchase replacement parts and maintain inventories suitable for timely
repairs. All such costs will be paid by the BPU.

8. **TRAFFIC OPERATIONS**

The UG will provide the primary source of system planning and design. The BPU will
provide the primary source of technical staff (signal technicians and engineering support)
to deploy, run, monitor and troubleshoot the operations equipment, as well as the staff to
monitor normal traffic and initiate operational responses.
Both BPU and UG will each provide logistical support to operations, including traffic operations computers and, communications equipment, communications infrastructure, and other specialized equipment, systems, and software. The parties will also provide and maintain physical and cyber security systems, programs, plans, and personnel as required to support the operations.

The deployment of major new traffic operations infrastructure will be treated as a New Installation or Major Upgrade under Section 6 of this agreement. BPU maintenance and service personnel required to program, inspect, optimize, and trouble-shoot and effect repairs to the operational commands and equipment will be considered and defined as “handled as if Maintenance” under Section 7 of this agreement.

9. REMOVALS OF TRAFFIC CONTROL DEVICES

The BPU will furnish all labor and construction equipment for the disconnection, dismantling, or removal of TCD, except as when such removals is a part of major updates that are otherwise planned, contracted and paid for by the UG, as described in Section 4.

10. OWNERSHIP

All TCD will be owned by the UG, and any required electric service, capacity and electricity energy needed to operate such devices will be provided by the BPU. Electricity will be charged as per the current policies.

11. CASH BASIS

This contract may be subject to the Kansas Cash Basis Law, K.S.A. 10-1101, and any automatic renewal of the terms of this contract shall create no legal obligation on the BPU. The BPU is obligated only to pay periodic payments or monthly installments under the agreement as may be lawfully made from (a) funds budgeted and appropriated for the purpose during such municipality’s current budget year or (b) funds made available from any lawfully operated revenue producing source.

12. MAINTENANCE OF RECORDS

All records maintained by each party will be furnished with the other upon reasonable written request. The UG and the BPU will prepare an end of year annual report summarizing related to the operation of the traffic signal network and of construction and maintenance of TCD.

13. QUALITY CONTROL

The UG will include BPU in the selection and specification of new and upgraded equipment. There should be consensus agreement between the UG and BPU on the most cost effective traffic signal system components.
The UG will notify the BPU of any defect in, or malfunction of, or damage to, any TCD of which it has knowledge.

The UG will be responsible for performing quality assurance inspections during construction. The UG and BPU will complete a post installation inspection to ensure the construction was performed according to specification. All issues requiring contractor recourse will be identified during the post inspection and the UG will take recourse to remedy any problems.

14. **NO THIRD PARTY BENEFITS**

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties to this Agreement.

15. **CONTACT INFORMATION**

The following persons are considered to be the primary contact for purposes of administration of this MOU. Any notice required under this MOU will be provided to the contact person and the County Administrator and General Manager of the BPU.

For the BPU:

William A. Johnson  
Manager of Electric Operations & Technology  
Kansas City Board of Public Utilities  
6742 Riverview Ave.  
Kansas City Kansas 66102  
913-573-9553  
wajohnson@bpu.com

For the UG:

Bob Roddy  
Director of Public Works  
Wyandotte County/ Kansas City, Kansas  
701 N 7th Street Room  
Kansas City, Kansas 66101  
Main- 913-573-5700  
broddy@wycokck.org
IN WITNESS WHEREOF, the parties hereto have signed this MOU on the dates set forth below.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS

By: ____________________________
   Doug Bach
   County Administrator

Date: ____________________________

KANSAS CITY BOARD OF PUBLIC
UTILITIES

By: ____________________________
   Donald Gray
   General Manager

Date: ____________________________
Board of City Commissioners  
City Hall, 6th & Ann Avenue  
Kansas City, Kansas  66101

Attention –  Mr. Hugh P. Doherty,  
Commissioner of Streets, Parks and Boulevards

Re – Planning, Installing, Maintaining and the Cost of Adequate  
Street Lighting, Including Traffic Signal Systems

Gentlemen:

As discussed in a recent meeting with Mr. Hugh P. Doherty,  
Commissioner of Streets, Parks, and Boulevards, we are writing in regard to certain procedures and matters relating to the street lighting, traffic control signals and lighting of certain public ways and areas in the City of Kansas City, Kansas.

In this discussion, it was suggested that a letter be written in lieu of a formal joint resolution between the two Boards. Therefore, we wish to define and designate several matters, areas and duties to be undertaken and performed jointly and mutually by the City and the Board and suggest that the following procedures be followed.

1. The City shall purchase, pay for and shall furnish to the Board all equipment, devices, materials and supplies required for the installation and replacement of all approved street lighting, automatic traffic control systems and all other traffic lighting control devices, other than equipment either damaged or destroyed by traffic accidents and similar casualties, as the same shall be mutually agreed upon and approved by the City and the Board, within the confines of Kansas City, Kansas.

2. The Board shall furnish and pay for all necessary labor and construction equipment for the installation and maintenance of all equipment, devices, materials and supplies needed and required for such mutually agreed upon and approved projects, as the same are specifically referred to in paragraph 1 above.

3. The planning, engineering, location or position, and spacing of street lighting units, type or types of luminaries, lamps and related materials shall be determined and specified by the Engineering Department of the Board, under the supervision of a qualified engineer, and the same shall be submitted to the City Engineer, or a designated representative of the City, for his preliminary
approval and endorsement. In the event said designated representatives of the 
Board and the City shall fail to agree on such matters, then the matters or areas of 
dispute shall be referred to and resolved by mutual agreement between the Board 
of City Commissioners of the City and members of The Board of Public Utilities.

4. Only planned and engineered projects which have been approved 
jointly by the City and the Board shall be undertaken, constructed and maintained.

5. The Board shall operate, maintain and furnish electrical current, 
without charge, for the operation of all street lighting equipment and all automatic 
traffic control systems now installed or hereafter to be installed within the 
confines of the City of Kansas City, Kansas as outlined in paragraph #1 above.

6. With respect to public or municipally-owned areas, such as all 
publicways other than streets, alleys, parks and all other public areas requiring 
lighting for the safety, use and protection of the public, as the same shall be 
determined, designated and requested by the City, the Board shall purchase, 
supply, furnish, install, operate and maintain such equipment and will furnish 
electrical current therefore, and such costs including the cost of supplying 
electrical current shall be billed either on a monthly or annual basis by the Board 
to the City. The City shall remit to the Board the amounts of such billings at the 
said intervals agreed upon and stated.

In view of the urgent requests for lighting, we trust that the foregoing 
procedures will be agreeable with you in order that we may proceed with the 
design of street lighting and traffic control systems in the immediate future.

Very truly yours,

BOARD OF PUBLIC UTILITIES

Paul A. Haas, Electrical Engineer 
and Assistant Manager of 
Production and Distribution

PAH:mz
**Staff Request for Commission Action**

**Type:** Standard  
**Committee:** Public Works and Safety Committee

**Date of Standing Committee Action:** 5/12/2014

(If none, please explain):

**Proposed for the following Full Commission Meeting Date: **5/1/2014

**Confirmed Date:** 5/1/2014

**Contact Name:** Bill Heatherman  
**Contact Phone:** 573-5400  
**Contact Email:** bheatherman@wycokck....  
**Department / Division:** Public Works

**Item Description:**
MARC Transportation and Federal TIGER Grant Updates: UG staff submitted 9 project applications to MARC for federal transportation funding. Copies of the applications can be found at MARC’s website and public comments are accepted. The projects include improvements to Bus Route 107, the 12th & 10th Street Bikeway, Central Ave and 18th Street, Leavenworth Road, Minnesota Ave, and various Safe Routes to Schools projects. In addition, submissions for TIGER grants were due. The UG did not pursue its own applications for either Village West and State Avenue or for KU Transportation enhancements. We did sign on in support of a TIGER Application from KDOT for upgrades to I-35 and MARC for KC Workforce Connex.

**Action Requested:**
Communications only. Staff will have information to share on all these projects.

**Budget Impact:** (if applicable)

<table>
<thead>
<tr>
<th>Amount:</th>
<th>$</th>
<th>Source:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□ Included In Budget</td>
</tr>
</tbody>
</table>

**Publication Required**

□ Publication Required

**File Attachment**

- [File Attachment]
- [File Attachment]
- [File Attachment]
- [File Attachment]
Godsil, Carol

To: Cobbins, Bridgette D  
Subject: RE: Request

From: Guilfoil, Janet  
Sent: Tuesday, April 22, 2014 11:22 AM  
To: Cobbins, Bridgette D; Markley, Angela; Kane, Mike; Walker, Harold  
Cc: Murguia, Ann; Godsil, Carol  
Subject: Request

Bridgette, Commissioners Markley, Kane & Walker,

Ann Murguia, Executive Director of the Argentine Neighborhood Development Association would like to request to appear before the PWS Standing Committee Meeting, scheduled for May 12, 2014 (this is the date of the next meeting) requesting approval to make a donation to the Unified Government for the Parks Dept/Foundation for Park Improvements and additional donation of land to the Police Dept. for new Public Safety building.

Please feel free to contact me with any questions.

Thanks,

Janet Guilfoil  
Commission Office  
913-573-5023