

**NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MINUTES
Monday, January 5, 2015**

The meeting of the Neighborhood and Community Development Standing Committee was held on Monday, January 5, 2015, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner McKiernan, Chairman; Commissioners Walker, Townsend, Murguia (arrived at 5:10 p.m.) and Walters. The following officials were also in attendance: Patrick Waters, Deputy Chief Legal Counsel; Gordon Criswell, Assistant County Administrator.

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

Approval of standing committee minutes for November 3, 2014. **On motion of Commissioner Walters, seconded by Commissioner Townsend, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 140400... DISCUSSION: POTENTIAL PLANNING RELATED PROJECTS

Synopsis: Discussion to prioritize potential Planning related projects over the next three years, submitted by Rob Richardson, Urban Planning & Land Use Director.

Rob Richardson, Urban Planning and Land Use Director, said I'm excited because a lot of commissioners and other community folks have talked to me about planning projects recently and different ways we can make our community better through the planning and zoning process and through code refinements and things like that, so many in fact that I'm at a little bit of a quandary on how to get them all accomplished. I've presented them to you here this evening. There are 19 items on the list. I'll just go through them briefly.

The first three are items that have somewhat of an amount of funding identified. The first is a Rosedale Master Plan update and you can see that we anticipate most of that being grant

funded. The Mayor, Commissioner Murguia, Rosedale Development, are working on that project with the KU entities, the KU Medical School, the University of Kansas Hospital, and the KU Endowment. That would be a revision to the 2005 Rosedale Master Plan.

The second one is the K-32 Corridor Plan. This is something we applied for with the help of Commissioner Walters and the Cities of Bonner Springs and Edwardsville at the Mid-America Regional Council. We've received that and that process is going to be getting underway. Our first meeting with MARC as far as consultant selection and those kinds of things are here in January.

The third item on here is a project I've been working towards with the Mayor and our Economic Development folks. This is a piece of software that's on the Internet that allows us to let people say I want to build or open a bistro in Kansas City, Kansas. It will show them the zoning on a map where the zoning is available to build that, and it will show them a list of for sale, for lease, and UG Land Bank properties that they could purchase or lease to open that whatever land use or business that they wanted to open. That accomplishes a couple things.

One, I think its very business friendly and innovative. We would be the first ones in the metro area to have something like that. It gets Land Bank properties out on the Internet and it helps to advertise other UG properties and any other properties that are for sale or for lease. I think it's a great economic development tool. WYEDC has agreed to put some money into that if we get that going. I'm working with them to make sure that the Land Bank properties can be part of that. They're working on that kind of as we speak. I should get an update on that in the next week or so.

The next series of projects are what I call smaller staff level projects. We're working on Historic Environs Ordinance review. That'll actually go to Land Bank tonight, not Land Bank to Landmarks tonight, Planning Commission next week, and to you all at the end of the month. Commissioner McKiernan and Strawberry Hill have requested some rezoning, and the Fifth and Sixth street corridors that we're working on, getting legal descriptions written for those, an amendment to the Food Truck Ordinance that would allow that to be done administratively. Obviously you all are aware of issues we've had with some of the Dollar Stores. The Mayor's requested an ordinance amendment to deal with those.

We've had issues and questions related to social services in the Downtown area and how those impact the availability of our police force and how we provide services to our community

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and many other issues. There are some amendments that are required related to recent Animal Code amendments that we will have to process through the Planning and Zoning process. Then there's some issues related to vending machines at commercial properties we need to address.

Under Full Project Funding Needed, and these are some of the bigger ticket items, I know Commissioner Walker has mentioned before and other commissioners have mentioned a City-Wide Zoning Code amendment, a Sign Code Amendment. If you do those two together, you'll probably save a little bit of money there, but those are very expensive.

We talked about a Northeast Area Plan. We addressed the Northeast Area and much of the urban core in the City-Wide Master Plan by saying we needed more specific planning in those areas, but we needed good urban redevelopment policies to address those. The Plan contains some of those policies, but I will say this for the next three items, the Northeast Area, the Armourdale Area, and the Central Avenue Area, all need more specific planning. The only one that really hasn't had the community come to me is the Armourdale Area. The reason I put that on the list is that there continues to be industrial vs. residential conflicts in the periphery of the residential areas in Armourdale. We need a good way to address that versus just as soon as the house gets torn down the industrial user to the south or the north buys it and then waits for the next one to get torn down. If we want to maintain that community over time, we need a good plan for in it. Otherwise, there won't be a residential community there in the next century. It'll just get eaten up as housing goes away.

We have more work to do with Healthy Communities Wyandotte related to food planning. Obviously, we have a lot of food issues and food desert issues in the community. The Infrastructure Action Team, they've done a lot of work as to prioritization of different activities. When Healthy Communities Wyandotte started out Mayor Reardon wanted that to be a very quick process and get some things going. It did that and it succeeded in that, but as we moved forward over time, we've discovered that some of those things probably needed to be memorialized in the Master Plan so that we can help implement those through the Planning and Zoning process.

The last item under this is Additional Innovation and Electronic Plan Review Online Submission and Payment. We made a big step this year in being able to do all of our reviews electronically. We've got a couple more steps in that process to really make it sing so to speak. One is to be able to submit those plans online. One of the issues with that is that we could have

them submitted online now but they would be in an open portal area where anybody could copy those plans out of that. Out of respect to our architects and engineers we work with we know that those products have value to them. We don't want them to be able to just be copied in and out of there. So we need to work through that process and then we need to be able to submit electronic payment along with the online application with that. Greg Talkin is here as well this evening, and he and I are working on that particular piece of that but there is a cost to that.

If you put that item along with the ability to check your zoning and figure out where your business could be located and where the zoning was available and the properties were available in Kansas City, Kansas, if you put those two items together, I don't know of anyone else in the nation that would be as online friendly to development and business development as we would be here in Kansas City, Kansas. That's really our goal with that.

The next two items are personnel related. There's a lot of planning to do on this. We have myself and two other planners in the department. We are busy. I'm not making that up. In the last two or three years we've done about \$2.5 billion worth of business in the community. There's nobody else in the nation that I know of that could say that with three planners. We need some more staff to be able to accomplish these things for the community. I would say the place to do that would be in a long-range planner position. Many years ago when I worked in the City of Independence I managed the Long-Range Planning department. There were five people in a community of similar size just doing long-range planning. Now, one of them was the GIS person. We had a lot of people working on making sure that we could accommodate the types of request that we've seen here.

Finally, I believe that it's important as we move forward to do high quality neighborhood planning that my staff should be LEED Neighborhood Development certified. I would propose that as a part of this year's goals for my staff that we would go through the LEED process. There's two steps to that. There's an initial step that everyone has to go through to get to LEED credential and then do the Neighborhood Development on top of that.

So that's the list. Basically what I'm asking for, and I know that this is probably not something that you're going to do tonight, but as we move through the budget process and the amendment to the 2015 process in the summer and the 2016 budget, these are things that if we want to get them done we need to address, not just in conversations between commissioners and

myself or NBR and myself, but I need your input into how to prioritize those and need your help to fund those in many cases. I'd be happy to stand for questions.

And this may not be a complete list. If you have others I'm happy to add them or folks in the community have others they'd like to add, I'm happy to add those to the list. I keep pretty detailed lists of what folks have talked to me about. This doesn't include necessarily all the lists that I have like the Major Zoning Amendment to the Zoning Code would take care of three or four pages of the items I have with our current Zoning Code that I think ought to be updated that we just haven't had time to go to the process with. With that I'll stand for questions.

Commissioner Walker said since I'm the substitute tonight and will not address this again until it probably comes to full commission, I have since I took office been urging the creation or the follow-through from Mayor Reardon's term, for lack of a better name, an Industrial Task Force. Now, in some of these proposed planning projects, perhaps the Armourdale Plan, there is some aspect of that that may touch upon this. As you know, when you cross the river into Riverside, and view what's going on there, we're losing the ability to compete at certain levels of manufacturing. I don't know that that's necessarily a smokestack, but certainly in the M2, M3 or M1, I get them backwards as to which is the heaviest, M3. M1 and M2, the buildings that we're offering are either older buildings that have to be retrofitted or they are buildings that we have to build from the ground up as needed. We do not have a new industrial park. We have Fairfax, still viable, still has a future but we are not making any plans for the future. To me that needs to be on this list of potential priorities to be decided upon. Where, I mean lots of opportunities depending on what money could be found to be available. But to do nothing and not have it as part of a planning process, I mean we're just surrendering these businesses to the surrounding communities. My opinion is it needs to be on the list and we need to urge the Mayor's office to move forward on this in some concrete manner. **Mr. Richardson** said if I were to put that on my list, I'd put a large scale new industrial park facility, location and planning. Is that accurate? **Commissioner Walker** said that would probably cover it.

Commissioner Townsend said I'll say that it was quite a relief to hear you didn't expect us to do this tonight. That was my biggest concern and I didn't bring a pillow. But I do have just a couple of questions for clarification on some of these.

Let me start out with the easiest one. I was happy to see this Northeast Area Plan. One of the questions I had about this as well as some of the other costs under the column UG Cost Over Three Years, are those amounts expected to be borne internally? Is this the cost for our employees to participate in these projects or do you anticipate, for instance with the Northeast Area Plan for example \$120,000, that that is the cost that will be borne by us to have someone do that plan externally? **Mr. Richardson** said that would be a consultant cost. The one staff member would be the staff necessary to basically facilitate, organize, and accomplish these with consultants over that time period. If you want these done in-house you're talking five or six people and not one. These are estimates. They might fluctuate from that, but I thought the Northeast Area would probably have enough extra community involvement issues that we would have extra meetings and it would be a little bit more expensive than the other ones as far as what it would take to get that done and make sure that we did it correctly and had enough public involvement that the community felt like they could support the plan.

Commissioner Townsend said so under that heading, though, not only for that project but for all of these, this is money that the UG would pay externally? **Mr. Richardson** said correct. **Commissioner Townsend** said regardless of the project. **Mr. Richardson** said correct. Except on the staff, the staff is an internal, under the planner position that's a three year cost. I assume \$75,000 salary and benefits for someone that would have the experience and be able to facilitate those. That is our staff to help facilitate those. Where you see the total cost, that's the cost of the project. Whether or not I think there are great funds on the horizon, there might be for some more of these but I can't predict that. We can't do this all in one year. I thought we could accomplish all these things over three years so some of that is over a three year total, especially when you get down to the bottom what we would spend over three years less the grant funding. You're at about \$1.5 million over three years, about \$500,000 per year, to accomplish this list.

Commissioner Townsend said as I heard you explain number three here, the Internet for Sale Property, I would think that the items that are listed at positions 13, 14, and 15 here, the Northeast Plan, Armourdale, Central Avenue Plan would dovetail in nicely to have those done at the same time or soon thereafter. Based on the fact that if this Internet for Sale Property is to identify property available throughout the city, it seems to me that it would make sense to have

these plans so we know what would fit well. I know that's a particular concern in the Northeast Area.

With regard to the City-Wide Zoning Code, complete revision of the City Zoning Code, what are we talking about here? **Mr. Richardson** said the substance of this Code was written probably in 1971-4. Based on other codes that look exactly like that all over the country that were written in that same timeframe, our list of uses are outdated. The way we address some of those uses within the Code is outdated. It's not easy to use. There are ways to make the Code easier to use, better definitions, more graphically illustrated, current up-to-date uses for what we see now, and what the uses are available to folks now that we don't really address in the uses. For instance, I don't know that this is a particular example, but title loans. In 1971 we didn't have title loan companies. We do now and we don't really address those. We've taken an interim step to address those but there are many other uses that don't draw as much attention that need that same type of work to help make sure they fit in the community well. **Commissioner Townsend** said thank you, I think those were all the specific questions.

Chairman McKiernan said so what I've heard you say here is that you would like all the commissioners, not just the ones on this committee, to look over this list and to give you feedback relative to whether or not the list is thorough, it includes all the projects that they believe should be on this list. **Mr. Richardson** said correct. **Chairman McKiernan** said and then also to give you feedback on priorities as they see it from this list and any items that might be added, especially as those priorities relate to funding through the budgets for the next three years. **Mr. Richardson** said correct. **Chairman McKiernan** said is that an e-mail that you could write to the commission and just say the Neighborhood and Community Development Standing Committee requested everyone please look at this list with the following aims in mind: review for thoroughness and review for prioritization and for potential funding in the next three budgets.

I really appreciate having this list put together because it is a nice tool to begin to wrap your brain around the entirety of the larger scale planning projects that we could and should undertake in the next three years. **Mr. Richardson** said there's one that I didn't put on the list. That's a Major Street Plan update and that will probably come from the County Engineer, Mr. Heatherman, because we need to make sure that we have a good street plan. There are state laws related to that. We have three or four documents that make that up. This isn't the only planning

related thing, but there'll be some engineering planning that'll go into this in different ways as well. I thought I'd reserve that for him on his list.

Commissioner Walker said I'm looking at some of these. Four through ten where you have \$1000, I'm assuming that \$1000 is just sort of a rough ballpark of staff costs. **Mr. Richardson** said and publication. It's really just publication. I don't know how much the legal descriptions will take and things for that. **Commissioner Walker** said each of those, in my opinion, could be addressed far in advance of the City-Wide Zoning complete revision which you're optimistic to believe that that's going to be done in 16 to 20 months with that price tag. My opinion, just mine. While I don't want to necessarily put it all off on legal, there's plenty of examples out in the Ordinance Service that address each of these for exemplars of how other cities have advanced them.

I've asked legal for an opinion or for an ordinance, I'm actually I think going to get a memo on this vending machine one which has some currency in which I don't want to wait four months for. **Mr. Richardson** said we are working on those, yes. **Commissioner Walker** said and I'm saying this as much to Patrick as to you that I'm expecting something in the next couple of weeks that identifies how this might be addressed so that we can choose a format for that ordinance and address that without any undue delay. Not that it's the number one priority, it's obviously not, but the small marginal incremental things that we can change, we need to address those now and worry about assimilating them into a comprehensive zoning ordinance two to three years down the road. **Mr. Richardson** said I don't disagree with that, commissioner. Part of the issue that I have is when I have requests from four commissioners for items to be done and they're important to that commissioner, for me to prioritize them becomes a difficult task sometimes. I don't want to upset any of you individually because I put you at the top, but we are working on these. As we have staff time we are addressing them. I say three to four months and we can address those. I know Patrick was working, I learned more about that particular issue after this list was put out, but we are working those and those will be processed as we can. It does take some time and it takes staff availability. You're aware of those things. **Commissioner Walker** said you just have to pick and choose which commissioner you think is more important. **Mr. Richardson** said no sir. I won't do that.

Chairman McKiernan said if you could go ahead and just send a reminder note out to the entire commission to review this list and get thoroughness and priorities back to you. It

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really has to be fairly timely since we're going to start our formal budget process about a month from now.

Commissioner Murguia said I have just one question, Rob. I think this could also be helpful to the other commissioners. I'll just tell you I have a particular interest in seeing the vending machine section of our Code rewritten and that costs \$1000. This is just an honest question, if I'm able to come up with \$1000 can you take care of that really quickly? **Mr. Richardson** said those are publication fees. I'll do those probably out of my budget. I noted at the bottom that I have about \$30,000 annually that I can appropriate within my budget to do some of these things. Those things will be covered under that. Over the three years I'll have \$90,000 that I can do some of those things and that's what I intend to do with those. Like I said we've already started, I didn't realize at the time that we'd already started working on the Vending Machine Ordinance. It should have a star by it, but this went out before I knew that that was going on. We are working on those.

I've got somebody that's going to start doing research, that's already started research on the Food Truck of little bit, the Dollar Stores. Some of that is ongoing, but I didn't want to leave them off of the list because I thought you would ask questions about those particular things too. Yes, all those things I could probably get done in the next year and wipe those off of the list. I would imagine that at any one time there will be five to ten items on that list that we're moving through the system as we can. They're not the large scale as some of the other items but I wanted you to be aware that we are working on those and that they're on our list.

Commissioner Murguia said just a suggestion if you think this would work at all is that some of our neighborhood groups have some pretty decent capacity. In the future maybe if you thought it would be helpful to us, because I know you don't have a big staff, you and I we've talked about this before, if it would be helpful to put out to do that, it's going to cost this amount of money. Some neighborhood groups might opt to find somebody to do that work and pay for it. If that's an option, maybe that you roll it out there as an option for people, something that you would find acceptable or somebody that you could work with to get that done. Does that make sense? **Mr. Richardson** said sure, kind of like what we're doing with KU and the Rosedale Plan. We knew we needed to do that and we identified funders and we're working through that process. We'll hire a consultant. Doing that and the K-32 Plan this year, we're going to be busy.

That's why I don't think I can take on any other great big projects this year with those two things going on unless development just goes to nothing which I don't anticipate that either.

Gordon Criswell, Assistant County Administrator, said Rob I just have a question on Item 13, the Northeast Area Plan. Starting the second year now, the Federal Reserve, the E-commerce Project has been working with the grassroots set of stakeholders in the northeast. It sounds like from the meetings I've attended this planning that they're doing with the Federal Reserve dovetails very well into this need for an area plan. I'm just wondering if it's valuable to have a conversation with the folks at the Federal Reserve about how we can weave both of these into one plan. We're going down very similar tracts. **Mr. Richardson** said I'd be happy to do that. **Mr. Criswell** said I'll get you the contact people.

Commissioner Townsend said with regard to what Deputy Criswell just mentioned, I forgot to ask this question. When we were talking about the Northeast Area what districts or what are the boundaries that are being envisioned in that? I know the last information I had about the project that Deputy Criswell was talking about was confined only to zip code 66101. I would want to see a development plan that is much broader than that. So when we talk about the Northeast Plan that'll be very important to talk about the boundaries. **Mr. Richardson** said I haven't set any boundaries on this, but if I had to tell you what I envision probably Washington Boulevard to the River to 635. That would be kind of what I would envision as the Northeast area. You might cut that different ways but for that amount of money I think we could do that large open area if you thought it could all be accomplished effectively in one fell swoop. Most of that, I think, is probably your district or a lot of it is. **Commissioner Townsend** said a lot of that is Four, too. **Mr. Richardson** said there's a lot of detail left to do in these but I would envision a large area, not a small area.

Chairman McKiernan said any other questions and comments. Mr. Richardson, thank you very much for bringing this forward. We will provide additional input to you prior to budget time.

Action: **No action required.**

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Item No. 2 – 140418... ORDINANCE: CODE ENFORCEMENT CITATIONS & FINES

Synopsis: An ordinance relating to the creation of a Code Enforcement administrative fine process, submitted by Wayne Wilson, NRC/Code Enforcement.

Colin Welsh, Deputy Legal Counsel, said we're here to invite discussion on the administrative codes enforcement idea. A lot of different people, a lot of entities have been working on this, NRC Administration, the Administrator's office in general. My understanding is a few commissioners have been working on this and have endorsed the idea. The Abandoned Housing Task Force has been looking at this and also Judge Nichols-Brajkovic has been working on it. I wanted to recognize all of them as well.

Since this seems to be kind of a confluence I'll keep it brief here. Basically, the framework that we're proposing in it, a party responsible for a property with a violation upon it can be issued a citation with a monetary civil penalty. One is expected to pay this penalty, or if they wish to contest it, they can request an administrative hearing. They would be going to an administrative hearing officer. This would free up Code Enforcement time as well as judicial resources because a lot of this would be taking place in front of the administrative hearing officer as opposed to in court.

If the final penalty is not paid, then the lien can be attached to the real property. This lien could then be foreclosed in a manner similar to a defaulted mortgage or it could be rolled into the tax assessment. In any case, the idea is that we're trying to prevent the property being conveyed with a clean title if we still have issues or if we've had some in the past.

There is an ordinance before you. It's not perfect. The first manner in which it's not perfect is that there are some typos. It was submitted under the fog of the flu. None of these corrections are going to affect the substance of it. Should you forward this to the full commission those will be corrected, but again, those will not affect the substance of it. Wayne has a few packets and in fact that packet does include my corrections of those typos. And we'll get a properly edited version to you.

The other way in which this is not absolutely perfect is that there is no other Kansas local government that is currently doing this so we are in Home Rule territory. There is no state statute directly on point here, but do to breadth of our police powers, I think we're on firm legal footing. That's all I have as an introduction and I'll entertain questions, all of us will.

Chairman McKiernan said my understanding of this is that the reasons for doing this are to decrease the burden on the court, is that correct? **Mr. Welsh** said that's one thing. **Chairman McKiernan** said so administratively handle some of the items that right now go before a judge, freeing up the judge's time to devote to other matters. **Mr. Welsh** said right. Our code officers are in court every Wednesday morning for a duration of two to three hours. They also will have their time freed up. **Chairman McKiernan** said so it would free up the code officers as well in terms of administrative time spent in court would be reduced. Do we believe it might lead to the faster resolution or a greater resolution of outstanding violations? **Mr. Welsh** said yes and I should have broached that but that's our hope as well. Of course, with the threat of compounding these citations, we're hoping that that'll put a fire under individuals.

Commissioner Walker said who will be serving, and not by name because I doubt we are down that far, but who's the administrative? **Mr. Welsh** said that hasn't been determined. The ordinance that I have states that the County Administrator would elect somebody, choose somebody. **Commissioner Walker** said will this person be from outside the organization? **Mr. Welsh** said in most of the examples, Mr. Talkin has looked at a lot of examples, and in most of those it has been somebody from outside. **Commissioner Walker** said it seems to me it needs to be somebody independent of, impartial, balanced, fair, all the words that you would apply, having the same qualities of decision-making as a judicial officer. I would not be favorable towards any internal staff, certainly no one from Code Enforcement or that department. It would seem to me that this would be a person that would have to be answerable or serve by contract with the Administrator's office. That definition of this officer's duties has yet to be defined? **Mr. Welsh** said yes and I apologize.

I've kind of covered my direct territory, but the other thing is that this is a big mechanism and we have a lot of items that need to be ironed out. We're getting to the point that we're going to start expending funds exploring it and trying to get the rubber to meet the road at this point so we're bringing it to you to make sure that we've got the thumbs up to keep going. There are a number of issues that we need to iron out. We're hoping to come online September. Right now that's what we've been talking about but there are database issues, handling of funds, etc. That one is a big one and I appreciate your input.

Commissioner Walker said I like the concept. The appeal of an administrative decision, have you researched that? **Mr. Welsh** said the appeal? Well, yes. As it stands now a lot of this territory is under the Urban Renewal Act. In there you can appeal to District Court. I don't specifically have that pinpointed in the ordinance. Of course, like a writ of mandamus or an injunction request, that would always be. **Commissioner Walker** said the point is whatever you decide to do, the appeal, in my opinion, should go to the District Court. You should not go through Municipal Court because you're only going to compound the problem. They're just going to carry it through every step. **Mr. Welsh** said I think I proposed that to somebody and they redirected me. **Commissioner Walker** said it seems to me there is a statute and maybe it is only for Urban Renewal, but I thought it was any agency decision by a local government can be appealed to the District Court for review. It is not a trial de novo. It is a review to see if there is any basis in law or fact for the decision. Take a look at that and see if that is still the case. I don't think this is going to work if we appeal it through Municipal Court. It has to go to District Court. They're going to have to file a case over there. **Mr. Welsh** said I agree, thank you.

Commissioner Townsend said as Commissioner Walker just stated, I conceptually am not opposed to this. The devil's in the details of this. I have some specific questions if you'll bear with me.

In Section One we're talking about imposing an administrative fine on a person who has violated any provision of the code ordinances. How will this work that a person has been determined that they've violated an ordinance? Is that different than the process being used now? Code Enforcement Officer goes out and makes a determination or how does that work? **Mr. Welsh** said it would be very similar. The investigatory part would be, as far as I can think, completely the same.

Greg Talkin, Director of Neighborhood Code Enforcement, said it would be pretty much the same as Colin stated. Ultimately when we're in front of the Municipal Court Judge, part of the legitimacy of that case is also determined. That role would kind of go to the hearing officer, that would be part of the hearing officer's role, too, if the individual is trying to state that that's not a Code Enforcement violation, and ultimately District Court if its appealed further, could be part of the decision that they make. **Commissioner Townsend** said again I'm trying to understand step-by-step how this is going to work. Code Enforcement comes out, a citation is written and then what, notice is given of the particular amount for a fine and then the person can

either go with that, pay the fine, remediate whatever the problem is or they can challenge that there has been a violation.

Mr. Welsh said right now the way that we have it written is that as we have with our code violations going to Municipal Court, there is a warning notice that is given prior to the citation. Typically on the judicial side of it we're getting, I think it was 80-85% compliance with that first letter. We still have that provision in this scheme as well. So they'd be given an opportunity to correct it before actually receiving a citation. Once they receive the citation, then, in our opinion, they need to pay the civil penalty unless the administrative hearing officer deems otherwise. **Commissioner Townsend** said okay.

The notice, I guess we're still in Section 1, subheading Notice of Violation, the public officer shall provide notice in a reasonable time. Will the time given to correct the violation vary based on the type of violation alleged? **Mr. Welsh** said yes, and this will be up to the discretion of the individual Codes Officer to determine when that needs to be done. **Commissioner Townsend** said what about the amount of the fine? Will that vary based on the type of fine or just whether it's a first violation, second violation, third violation? **Mr. Welsh** said we just have it a first, second and beyond right now, but if you have a better idea, please bring it forward. **Commissioner Townsend** said no, I was just asking for clarification. It doesn't matter what the fine is. If it's the first violation, it's \$100.

Sticking with the money trail in Section 4, if a citizen wants to contest the administrative citation, there's a process that includes depositing with the public officer \$25.00 amount for the review. **Mr. Welsh** said right. **Commissioner Townsend** said why are we requiring a payment? **Mr. Welsh** said just to help pay our expenses. That's going to take time. We're also going to have to pay the hearing officer. **Mr. Talkin** said if I could come in here. I think the key is we want to make sure that the people appealing aren't just appealing for the heck of it. We want them to have a firm belief that they are correct in their appeal and if they do win their appeal those dollars go back to them. We just don't want everybody appealing just for the sake of appealing. As we looked at other cities that have done this, which are primarily on the east and west coasts, they all have an appeal fee in their ordinance. It's similar to any of our other appeals that we have, whether it to Planning or Board of Building and Fire Code appeals. They have fees, too, although they're more significant than us. Those are \$100-150. We settled at \$25 because we know that this is a different type of case. Some people are going to probably have

problems paying that. I believe there are provisions in this ordinance that if they have a hardship, we will have a way for them to fill out a form and work on that.

Commissioner Townsend said you hit the nail on the head of the concern that I had when I saw this. There may be people who, indeed, feel they have a legitimate issue before the court, but the \$25 deposit may pose an additional hardship on them. Now you're saying if they prevail, though, at the hearing, they would receive the \$25 back. **Mr. Talkin** said yes. **Commissioner Townsend** said is that stated here in the ordinance. **Mr. Talkin** said I believe so. **Mr. Welsh** said I think we discussed that at some point. It was decided that that was going to be broached later. I'm not seeing it right now, but I think if you want it we could put that in. **Commissioner Townsend** said if that's going to be what happens, I would appreciate seeing it. I think citizens who read that would like to know that too, which leads me to the next issue that Commissioner Walker's already raised, the review process.

I would like to see here where it says Review Officer on the second page something more specific in terms of who the County Commissioner will designate. I think a competent person, a person who serves as review officer is just too broad. I was wondering would it come from Code Enforcement and/or legal. Again, I thought that was too close as Commissioner Walker has already made mention of. Whoever it is, I think that needs to be identified more specifically here. **Mr. Welsh** said do you mean qualifications need to be more specifically identified? **Commissioner Townsend** said at least more specifically who or the universe that this review officer is going to come from. I don't know who it's going to be. I agree with Commissioner Walker that internally would be too close, I think. Who it is I think we need to, whoever you decide it's going to be I think it needs to be articulated more specifically here than just what's there.

Also, with the appeal procedure, I think it's important for citizens to know what the appeal procedure is, what venue they would be before, and I think that needs to be written into the ordinance. I think that's most important.

Chairman McKiernan said I had a couple of things additionally. On the second page of the ordinance there are three different references to a time frame for response. Two of the three specify working days, one specifies working day, one specifies business day and one just

specifies day. I'd like to see us be consistent in whether it's a business day or a calendar day and be consistent in how we reference that throughout.

Then another question that I had was we talk about budget impact on the last page here. It also talks about, somewhere here I was reading about that there would be the potential for these fines to be directed into a fund that could be used then to help support rectification of code violations for those people who are financially otherwise not able to do it. I just wanted to make sure that before we would create such a fund, as great as that would be, that we would use revenues from this program to offset the costs of this program and at least think about how do we cover the costs from the program to reduce the annual budget impact of this program. **Mr. Welsh** said would you be suggesting that we get it rolling first and then kind of see where we are as far as income/outcome and determining if we have some money to set aside. **Chairman McKiernan** said I certainly think that would be a great approach to take because to set aside, again, a fund to help, as great as that would be, could end up doubling the impact or increasing the budget impact of this over the long haul. I'd like us just to look at that.

Commissioner Murguia said I just have a comment. First of all, Commissioner McKiernan, I agree wholeheartedly with the last part of your comment. I think we should cover our costs before we're setting up programs, because we have to pay ourselves to do the work we do. I think that would be great if we could do that.

I just want to say thanks very much to Judge Nichols. She did a fantastic job and this is the first time in the eight years that I've been here that I've had a judge get this involved, roll up their sleeves and come up with some good ideas, kudos to Codes for bringing this forward. You know it's a big issue with me, it's very important. Anything that makes that department more effective and more efficient is just fantastic with me. I think everybody else covered the details. I just wanted to tell you all great job.

Mr. Talkin said one of the other advantages to this program is we have a lot of LLCs and out-of-state property owners that we're not able to punish for not adhering to the codes of our city. Through this process we can still administer a fine to those individuals even though we cannot get them into Municipal Court. If we issue a bench warrant to an out-of-state owner, they're not going to drive here just to pay a fine and nothing ever happens with that. They either correct

their problem or don't. If they don't, we're left stuck with that situation. Through this means we can imply a fine against them that they have to pay. If they fail to, then, correct the situation, it can be done again. That's where the fine schedule elevates. So after a period of time we can make a significant impression on their wallet to correct the violations.

Also we just did a very preliminary guestimate on the billing that would go out based on the number of cases that we did in 2013 and also as up through December 18, 2014. Based on the 15% problematic individuals that we have to deal with on a regular basis, the 5% that are repeat offenders and the 2% of the people that just don't care one way or the other, they're going to do what they want to do. Based on those figures the amount of billing that would possibly go out for 2013 would have been \$455,000 and for 2014 would have been \$441,000. The actual number of people that would pay those amounts I'm sure would be significantly lower than that, but as far as funding the program, we're hoping that we can. By individuals paying these fines, we can actually get some funding back towards this program to make it work more effectively.

Mr. Criswell said, Wayne, I just had a question. Can we require companies that are listed as LLCs to have a registered agent that we can then go after because they represent that LLC. Is that legal, Colin, can we do that? **Mr. Welsh** said I think we're getting back into the property registration idea, or abandoned property registration idea, which is something that we've kicked around quite a bit. My last impression was that we didn't want to go forward with that. One of the items before was how much are we going to charge and there were a lot of challenges being made to the expense even if they were federally backed. Anyway, I have thought about that in drafting this that that might be a good compliment, but it would be my advice that we wouldn't want to attach much of a fee, if any, to that registration. I guess I give that back to the commission to decide. **Mr. Criswell** said not the registration, but if we are going to assess a penalty to the LLC and we can't contact them, can we assess that penalty to their local representative which is a body? **Mr. Welsh** said no we would have to assess it to the LLC. We're going to end up putting it on the property, hopefully. That's the more effective method.

Commissioner Walker said we require in alcoholic beverage establishments, liquor establishments, a local that is Wyandotte County resident to be either the resident agent which is often a local attorney or an individual who lives here but you often find where the actual owner-in-interest, the equitable owner, is somewhere else. Corporations that own property that are

authorized to do business in the State of Kansas have to have a registered agent in Topeka for the acceptance of service of all legal process. I don't know if that extends to LLCs or not, that I'm not sure of. Wherever that is available we should take advantage of it because service on the registered agent is service on the company which will eventually roll those fines into tax levies against the property. While we may not get it immediately, if they ever abandon or sell the property, we will recover that. That should be looked into as a possibility. **Mr. Welsh** said that's one of the other things to iron out, how far are we going to look into the state resources as far as tracking down who has an interest in the property.

Commissioner Walker said along the lines of Commissioner Townsend, I'm not opposed where you have someone of economic need having time to paint the house or put on a new roof or some other alternative. The thing that gets me is you can get away with cutting your grass about three times a year if you fight with Code Enforcement. To me, once they've had notice of the violation, one size does not fit all. Not all code violations are equal. Having somebody with their yard constantly overgrown is far more irritating than a roof that, yeah it needs to be fixed but it's not something that is visible or is noticeable. I don't want to see a situation like we've got now where you give them notice, they go to court, they appeal. Finally, at some point, they correct it by cutting the grass and walk away. People need to cut their grass and nobody's too poor to cut their grass once a month. It's a pet peeve of mine and I'm sure some of the other commissioners that we get more complaints about uncut grass. That includes us too, city owned property. I realize that. If you have to live next to somebody that doesn't take care of their yard like I did for 14 years, then it's a constant fight.

Mr. Talkin said Commissioner, if I can comment on that. Similar to what we did on the code violations in the current process that helps cut some of the time off even though I understand we don't have a lot of mowers and getting people to cut their grass sometimes is in their control other than the hammer we're trying to bring down on them. In this process we also did put for all the violations that if they've been served a notice in the last 24 months, then they're notice is given and we go straight to an administrative citation. No NOV, or Notice of Violation, will be sent again on that type of code violation.

The other thing I'd like to mention real quick, this is kind of a major process change for us. Because of that our plan would be to roll it out on a couple of different types of violations to

get the notices perfected, get the process perfected, before we start expanding this. I will tell you if this works as we believe it will, we believe we can expand that not only to all the Code Enforcement processes, but we believe it will be a benefit to the Rental License Program as well as our Building Inspection Program where we're dealing with violators and also our zoning enforcement issues too. We want to make sure we get this perfected in one or two violations first and then start rolling it out what we've learned into all types of violations.

Commissioner Townsend asked and what types do you anticipate starting with. **Mr. Talkin** said our initial thought is, right now we have the abatement programs and it's a perfect fit for those because if you guys recall, when you used to approve the specials on the grass cutting, a lot of comments I received from commissioners, we should be charging them more. We were only able to charge the cost. Not only on the abatement processes will we be charging a cost, we'll be charging a fine or this administrative citation cost on top of that. Not only that, the notice procedure for that is almost similar or exact to what we're doing here so we're going to be able to merge the wording of this process with our abatement process. We believe that's a good fit.

The other item that we believe that will be the next step would be our structural type violations, the painting of the house, the outside window repairs, roofs, things along that line. Those are ones where we find a lot of out-of-state and corporation concerns where sometimes we have problems holding somebody accountable. People tell us all the time, I'm out of town go ahead and summons me to court, I'm not coming. Here we can say that's fine, we'll go ahead and send you a fee notice. If you don't pay it, we're going to place it on the property.

Chairman McKiernan said so the request for action that we have before us tonight is to approve the ordinance as submitted, and I would assume as now clarified and corrected as a function of our discussion. **Mr. Welsh** said right. I don't think I heard anything tonight, or the recommendations from you all, nothing seemed contentious. I think I can add everything if you just want to move it forward and it would be available then for the full commission with the changes you proposed or we can bring it back next month to the Standing Committee again.

Commissioner Townsend said I for one would like to see it before we roll it to the full commission. I think this is so important and I know you're making every effort, especially with

the stepped up compliance aspect that you've talked about. I would really like to see what I am recommending moving forward first.

Action: Commissioner Townsend made a motion, seconded by Commissioner Walters, to reconsider the matter on the February agenda. Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, Walker, McKiernan.

Item No. 3-140421... COMMUNICATION: LAND BANK APPLICATIONS

Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval of the applications.

Applications-yard extension unless noted otherwise

2104 Brown Ave. - Vincent Cade

640 Orville Ave. - Adam Wittmer

1729 Yecker Ave. - Morrisleen Huggins

3101 Waverly Ave. - Van Ervin

2610 Ann Ave. - John Smith

2813 S. 37th St. - June Guterrez

333 Haskell Ave. - Nicholas Hunter, property maintenance

341 Haskell Ave. - Nicholas Hunter, property maintenance

345 Haskell Ave. - Nicholas Hunter, property maintenance

3425 N. 63rd St. - Michael Crosier

1908 N. 5th St. - Jeffrey Hollinshed

1949 N. Thompson St. - Jeff Hollinshed

2909 N. 27th St. - Kaen Valee

3516 Silver Ave. - Victor Lopez

2935 Huthchings St. - Chris Williams

2939 Huthchings St. - Chris Williams

338 N. Valley St. - Jimmy Bryant

1944 N. Thompson St. - Monica Marrufo

3513 Silver Ave. - Joseph Alejandro

Commissioner Murguia asked do you need to go through these Chris. **Chris Slaughter, Land Bank Manager**, said I can put them on the record if you need to. **Commissioner Murguia** said for me all the detail is on here. I hate to do that to you, but you lay it out fairly easy to understand.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Walker, to approve and forward to full commission.** Roll call was taken and there were five “Ayes,” Walters, Murguia, Townsend, Walker, McKiernan

Measurable Goals

Item No. 1 – 120136... MEASURABLE GOALS: NCD

Synopsis: Measurable goals presented by Neighborhood Resource Center (NRC).

Action: **No action taken.**

Adjourn

Chairman McKiernan adjourned the meeting at 6:02 p.m.

mls

January 5, 2015