

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, May 21, 2018**

The meeting of the Public Works and Safety Standing Committee was held on Monday, May 21, 2018, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Johnson, McKiernan for Commissioner Kane, and Tom Groneman, BPU Board Member. Commissioner Kane was absent. The following officials were also in attendance: Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Emerick Cross, Commission Liaison; Henry Couchman and Misty Brown, Senior Attorneys; Jeff Fisher, Executive Director of Public Works; and Brent Thompson, Director of Engineering/County Surveyor.

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

Approval of standing committee minutes from March 19, 2018. **On motion of Commissioner Markley, seconded by Commissioner Philbrook, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 18227...DISCUSSION: ROADSIDE MEMORIALS POLICY

Synopsis: Discussion on creating a policy for roadside memorials, submitted by Emerick Cross, Commission Liaison.

Emerick Cross, Commission Liaison, said roadside memorials are an issue that every community and city throughout the country is dealing with. Some of our commissioners have been approached by citizens both for and against roadside memorials. I was working with Public Works. We had no official UG policy at the time regarding roadside memorials so they created a short presentation, done some research on the issue, and we would like to present that tonight for

discussion only and see where this takes us. I would like to turn it over to Brent Thompson of Public Works for the presentation.

Road Side Memorials

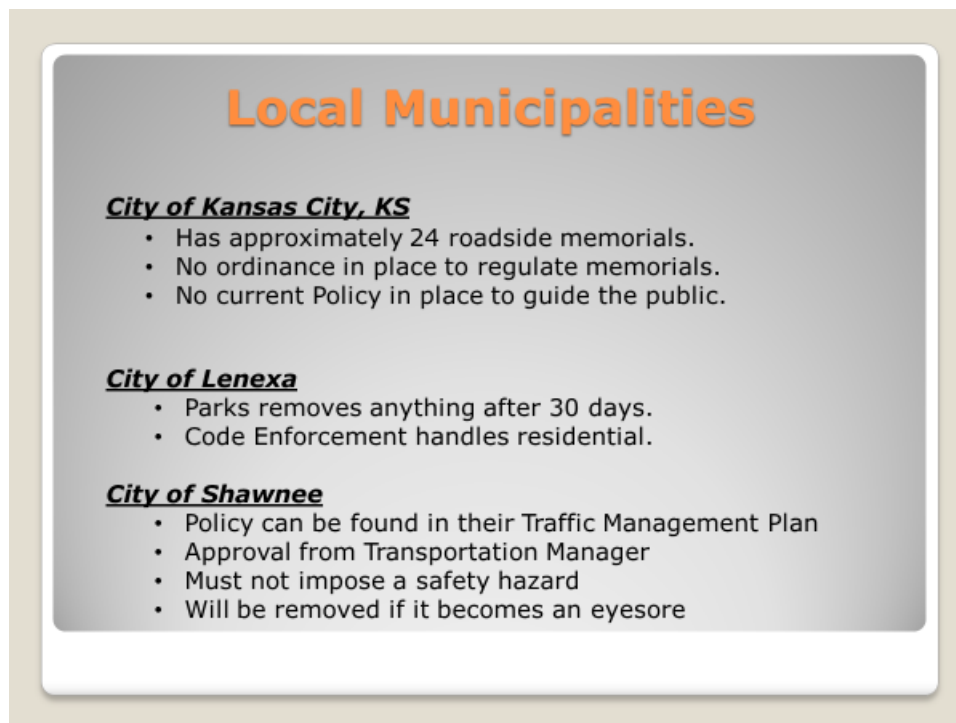
A place to grieve or a safety concern?



Notables about Roadside Memorials

- They mark a spot where a loved one died
- Mean a great deal to those who erect them
- Reminders to drive safely
- They can be distracting
- Cause problems for Municipalities
- Cause problems for adjacent property owners
- Draw crowds putting both drivers and pedestrians in jeopardy.

Brent Thompson, Director of Engineering/County Surveyor, said as Emerick said, on the roadside memorials, some notables I'd like to just mention before getting into it; they do mark a spot where a loved one has died. They mean a great deal to those who erect them. They are reminders to all of us to drive safely. With that said, they can be distracting. They can cause problems for municipalities. Some of the municipalities have been taken and had lawsuits against them for these. They cause problems for adjacent property owners maintaining grass, cutting and so forth. They draw crowds putting both drivers and pedestrians in jeopardy.



In looking at this, as Emerick said, we went through and did some local municipalities. As Emerick mentioned, the UG, we have approximately 24 roadside memorials out there now. There's no ordinance in place to regulate them, and there's not a current policy in place to guide the public on how to go about putting them in place.

The City of Lenexa, the Parks Department does all the mowing so after 30 days, they remove any memorials that are out there. Code Enforcement handles anything inside the residential areas. The City of Shawnee, their policy can be found in their Traffic Management Plan. They get an approval from the transportation manager and it must not impose a safety hazard of any kind. It will be removed if it becomes an eyesore, and that's pretty much the going with all of the municipalities and DOTs that we've seen.

Municipalities

Kirkland Washington

- Application process
- Motor vehicle accident
- Time limit
 - Long term & Short term
- \$400 fee (design, material, installation)
- Pre-designed signs generic messages
 - "Slow Down"
 - "Buckle Up"
 - "Speeding Kills" (etc)



Another municipality in Kirkland, Washington. They do have an application process. It has to be a motor vehicle accident only. They have a time limit. They have a long-term and a short-term. A short-term is more of an informal memorial that has been erected and is allowed to stay in place for 14 days. After that, the city will remove it. For the long-term, there's a \$400 fee to design, the material, and installation of the sign. There's also pre-designed signs that are generic messages. A couple of examples there, and the one on the right as well, and what you can do in purchasing those.

Municipalities

Clearwater Florida

- Application process
- Motor vehicle, pedestrian or bicycle
- 1 year time period
- \$300 fee (design, material, installation)
- Pre-designed signs generic messages
 - "Slow Down"
 - "Buckle Up"
 - "Speeding Kills" (etc)



In Clearwater, Florida, you can see the example to the right. The same type of thing, an application. It must be a motor vehicle, pedestrian or bicycle accident. It's a one-year time period. They also have a \$300 fee. The exact same kind of pre-designed signs as well.

Kansas Department of Transportation

DUI ROADSIDE MEMORIAL MARKER PROGRAM

The Kyle Thornburg and Kylie Jobe Believe Act

- DUI related only
- \$450 one time fee
- 10 year timespan
- Reapply after 10 years
- Placed along R/W Line



- Cannot decorate
- Can request the sign to be taken down at anytime

Going to KDOT. KDOT has the DUI Roadside Memorial Marker Program. This fee is only DUI related only. It is a \$450 one-time fee. That fee covers the sign, the post, and the installation. Fifty percent of that money goes for maintenance over that 10-year timespan. After that, you can reapply for another 10 years. If the accident happens within the median, the sign is placed outside closest to the right-of-way line, in all instances actually. You cannot decorate them. You're not allowed to go out there and hang balloons on them, ribbons, tie teddy bears around them or anything else. The sign is what it is. The sign can be requested by the owner to be taken down and they can receive that sign.

Commissioner Philbrook said that's only for state highways. Is that correct? **Mr. Thompson** said that's in KDOT. That's right for state highways. **Commissioner Philbrook** said so it's state highways. **Mr. Thompson** said yes. If there are certain roads that aren't state, this does not apply. **Commissioner Philbrook** said so like the interstate, no. **Mr. Thompson** said yes, so I-70, interstates like that, yes. Any state road, yes; but if it's a county road, no. **Commissioner Philbrook** said alright, thanks.

OTHER DOT'S

Virginia DOT

- Application required
- Traffic related fatality
- Family only can apply
- Placement R-O-W only
- 2 year limit, 1 yr ext.



Arizona DOT

- Application required
- Traffic related fatality
- Family only can apply
- Placement R-O-W only
- Marker no more than
 - 30" high
 - 18" wide
 - Plaque allowed
 - No photos allowed

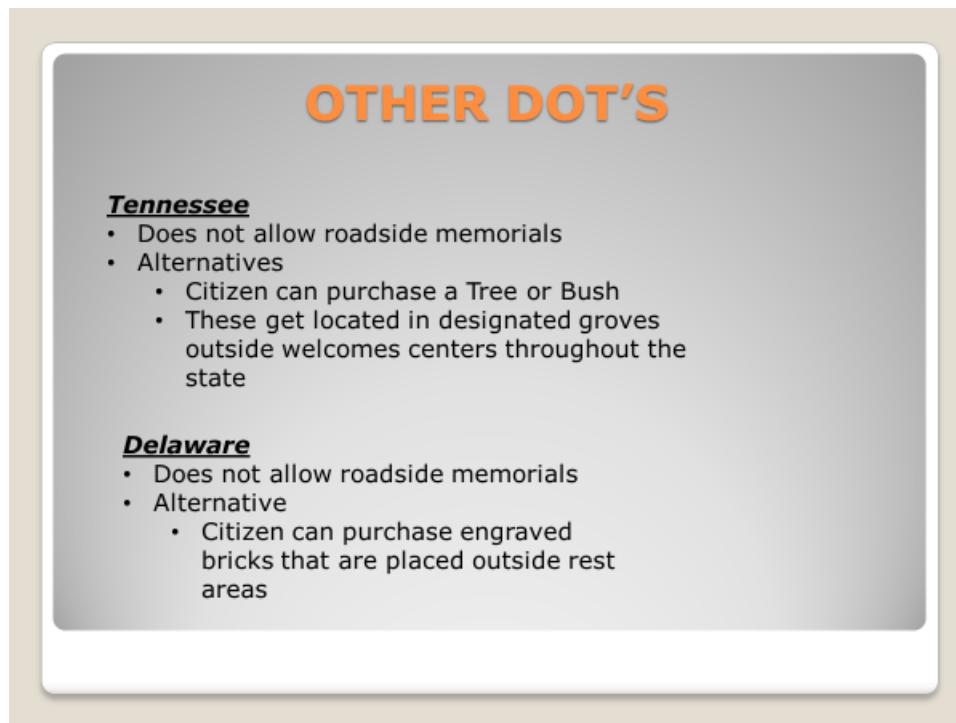
Wisconsin DOT

- No application required
- Investigate immediately
- Allowed to stay one year
- No standard marker

Mr. Thompson said some other DOTs, Virginia has an application process. It has to be a traffic related fatality as well. The family only can apply for it. It also is placed along the right-of-way. They place it as close as they can to the accident. It has a two-year limit with a one-year extension. The photograph off to the right is an example of theirs.

Again, as you can see, Arizona, the same way, application, traffic related fatality. Their marker is no more than 30" high and 18" wide. They are allowing you to be able to put like a cross or something in that fashion out there.

Wisconsin, there is no application required. If they find one, they investigate it immediately. They make sure that there's no traffic hazard, safety or anything else. It's allowed to stay there one year. Again, they don't have a standard marker.



Other DOT's, Tennessee and Delaware do not allow roadside memorials. They have an alternative. Tennessee, a citizen can purchase a tree or a bush that gets located in a designated grow area, along welcome centers, along the highways. Delaware itself, they have—you can purchase engraved bricks that are placed outside rest areas.

In Conclusion

- State and Municipalities have compassion for grieving families.
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- The Agencies recognize there is a safety concern with these memorials.
- Try to provide alternatives for families that meet their needs and public safety.
- Informal Roadside Memorials are occurring more.
- More and More City and State's are working on policies and ordinances to guide the public.

In conclusion, it basically states, municipalities have compassion for grieving families. In everything we've researched we've seen this. The agencies recognize there's a safety concern with these memorials. We try to provide alternatives for families that meet their needs and public safety. Informal roadside memorials are occurring more as Emerick eluded to. More and more cities and states are working on policies and ordinances to guide the public. Some notable things, I think, that we think about for us and everything else is that we would like to see this captured in our Traffic Management Plan, our guide that we had been bringing to you. If this was something that we would do, we would like to maybe put that in that place, but there are other options.

Again, permitting would probably be done through our right-of-way manager. Maybe putting a time limit of six months or a year, however we would do it. After looking into and discussing this, I think a sign that meets the MUTCD requirements, that would be the simplest. We could take a stab at creating a policy. We can take a stab at creating an ordinance to bring in front of the Commission and to get input and be able to move forward that way.

Chairman Bynum said the MTU...**Mr. Thompson** said MUTCD. **Commissioner Philbrook** asked what's that? **Mr. Thompson** said Manual Uniformed Traffic Control Devices. **Chairman Bynum** asked is that part of your Traffic Management Plan or is that the traffic management? **Mr. Thompson** said that's governed by them. That's a part of it. It dictates sign sizes and so

forth like that. **Chairman Bynum** said so you're saying your recommendation would be that if we were to have a policy, it'd be in the Traffic Management Plan. **Jeff Fisher, Executive Director of Public Works**, said with some very simple parameters that you would help us develop. **Chairman Bynum** said okay, thanks.

Commissioner Philbrook said some folks have said to me that they noticed that the guys and gals that mow sometimes are having issues. They don't want to knock it down. They don't want to knock it over, but sometimes it causes some problems having to make sure that you treat somebody's—treat that with respect, but yet still get the mowing done in a good manner and not have to spend extra, multiple hours on doing that is an issue.

The other issue is sometimes they get ignored and dilapidated and when do you take them sort of thing. It's the same issue about not wanting to hurt somebody's—their culture too. It's a cultural thing, and you don't want to cause issues around a cultural thing, I know some of the first times I saw some of those were when I was traveling in some other countries. They've started happening more and more around here.

What kind of feedback or have you gotten any feedback from Public Works on their mowing and issues around them or have you? **Mr. Thompson** said I don't know if we've had as much feedback on the mowing issues. The Riverview/Turner Diagonal Bridge, when that came down and all that in there, there was a memorial that was there that we had to—we moved for the lady and so forth and was in communication with her. Once the project was done, we had to pick a different area because it just wasn't suitable for there. We've had to deal with the public in that, but I think just Public Works crews and everything else just kind work around it and go on. There are some that are still well maintained and there are some that have been left to—**Commissioner Philbrook** asked what's Missouri's laws. Do they have laws on those? **Mr. Thompson** said when we looked into that, we didn't look into Missouri. We just basically looked right in here in Kansas. When you search for roadside memorials, the most popular ones came up and had different options. Like I said, bushes, bricks, plaques and different things like that.

Commissioner Markley said I don't know that I'm in favor of this idea of charging for a sign or something like that. I mean I think there are some families that might be interested in that, but I think there are other families that would say really, you're going to charge us money to have a

memorial for our loved one. I have mixed feelings about that. What I would like to see is just a policy that gives us some guidelines if we have a neighborhood that is concerned about a memorial in their neighborhood, they have some sort of avenue. They need to know what department they can talk to and what might happen to that memorial.

I would say we need to have a guideline for after how long can we remove a memorial and under what circumstances, particularly if it's not being maintained. In my mind, I would treat it more like a codes violation and say if it's been up for six months and it's creating maybe additional mowing concerns and/or it's a code violation because it's not being well maintained, then we may remove it. We want to have some ability to, I think, exercise some judgment over individual memorials because depending on whether it's out in the country or its right in front of some person's house because that's where I've seen some weirdness where the car accident happened in the front yard of Bob, but Bob has no relationship to the victim, and Bob is saying I don't really want this in my front yard anymore.

I would like to see a policy. I'd like it to be flexible and just give some direction to our staff and give authority to our staff to handle memorials under certain circumstances. I don't necessarily want to say we're going to charge you for something or it has to go away after three months. I want it to be flexible enough that we can apply it under the circumstances. It needs to probably address who owns the land the memorial is on because I think that makes a difference in the—what's the adjacent property.

Commissioner Philbrook asked Angela, do you think they should ask permission before they put it up or just put it up and then we deal with it after. I'm just kind of curious. **Commissioner Markley** said I think even if you had a policy saying they had to ask permission, that's not going to happen because the day the accident happens, is when that memorial is going to sort of appear and we're not—no offense, but we're not quick enough the day of the accident to issue out some sort of formal application. I just don't think it could happen. I think it's got to happen on the back end. I think you have to give a certain minimal amount of time where no matter what, we're going to leave stuff up for a little while, but we need to create this parameter at what point can we or should we start exercising some judgement depending on certain factors. You guys might need to be the ones that kind of tell us what those factors or how those factors weigh out. **Commissioner Philbrook** said it kind of sounds like you're saying how long, where it is, where it can't be, the size of it and dilapidation there of sort of thing.

Mr. Fisher said I think the important part is that there's a process, that there's a permit, someone's reviewing it, making sure it's in the right location, and maybe there's property owner permission that needs to be obtained; there's a defined period of time that it's there. If you're going to go no fee, I say you go away from the sign. Let them put in some space, whatever it is they like there, and then go with it for whatever that period of time is. If you want a sign, I think you have to go with a fee.

Commissioner Markley said, and we may even, I mean we talked about this briefly during agenda review, but I think there's a difference in the ones that are more in a highway area versus in a neighborhood and that's because of the proximity of neighbors' houses. If you are living in the neighborhood and the memorial's right outside your house, that's different than driving by one on the highway where nobody lives around it. We may want to try to address the neighborhood aspect of the size of the road in terms of a highway memorial. Honestly, for most people, you're like it can stay up forever. I drive by it. I don't care. It's far from the road. It's not impacting your daily life. The one that is right in your front yard or in your neighbor's front yard might impact your life in a different way.

Commissioner Johnson said I just say that maybe we give them some options. In other words, I really prefer a more standardized process with the sign. I agree with what you're saying in terms of maybe we may not want to charge them. Maybe we can give them an option. If they want to have a sign or something that's standardized, we charge them a nominal fee of whatever that would be as opposed to just saying, we don't have it at all. Like I said, I'd prefer something much more standardized, but I do understand there's a cost involved with that.

Commissioner Philbrook said I just want to say that I really do like the fact that you're putting out there the option of because if somebody really does want to memorialize their loved one for like ten years or something like that, they would have that option to do that and it wouldn't be as much of a possible eyesore as another would be and then put a limit on the ones that are less regulated. We will need to talk more about what that time period would be but just to kind of take a look at that. **Chairman Bynum** said I appreciate all the comments.

Ken McReynolds said I reside in Turner. I do a lot of things in the community. There's a memorial at 55th & Miami. A young man got killed there probably six years ago and this is right on the corner and it's fairly well kept up. His friends have a gathering in his honor on the anniversary of his death every year. Now the first year, there was probably 200 people there which caused a little bit of a problem. I see some out on K-32 and I see some on the Turner Diagonal that have not been well kept and this kind of thing. I think that's a big deal with the amount of support that that particular memorial had. I don't know how you could determine that other than just public input. This thing is right on the corner. It's around a utility pole. There are bears, flowers, crosses, and all kinds of stuff. It's something that needs to be addressed and I think it's a good idea. I think like the Commissioner said, have some kind of fairly strict guidelines, but at the same time, be—I don't know how you'd do that. **Chairman Bynum** said right, have some flexibility. You want a little of both. **Commissioner Johnson** said leave it up to these persons here.

Chairman Bynum said I think Mr. McReynolds, though, you add an important point, at least that I'm picking up, and that is that maybe if we draft a policy that we also address future memorial gatherings that may take place around or near that. That might be an added issue that we would want to try to handle and not have a danger created by having a memorial gathering later. That's all good information.

I trust that you have some level of feedback that you can take back and use and maybe draft up a—**Mr. Fisher** said I believe so. Maybe we can come back in June with a Traffic Management Guide, rate this and give you—I think we all hear process, permit, flexibility and we'll try to capture all that, suggest that to you and then you can twist direction.

Chairman Bynum said I appreciate that. Thank you for bringing it to us and the work that you did to find out what the other states and municipalities are doing. I appreciate it.

Action: **For discussion only.**

Item No. 2 – 18254...RESOLUTION: INTERLOCAL AGREEMENT WITH BONNER SPRINGS

Synopsis: Addendum to the Interlocal Cooperation Agreement between the UG and Bonner Springs, KS, for street maintenance and police services to the unincorporated area of Loring, submitted by Jeff Fisher, Executive Director of Public Works.

Misty Brown, Senior Attorney, said this is an addendum to our over 20-year old interlocal agreement. This involves street maintenance in the area and the emergency services in the unincorporated area of Loring. It expired earlier this year. As any agreement that's 20 plus years old, it needs a little bit of TLC and touching because things have changed over the years.

What we have done, is we've done a one-year addendum because some issues came up where law enforcement in Bonner Springs' have issues with jurisdiction and going to the unincorporated area and issuing citations and summons. This is a stop gap measure as staff continues to work with Bonner Springs' staff to come up with another longer-term agreement. We'll plan to be back in November with the new terms of that agreement.

Chairman Bynum said so what we're doing now is just getting legal and in compliance and getting the time we need to bring the new agreement forward. **Ms. Brown** said that's correct. By statute, we do need Commission action since it's agreement between two municipalities.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, McKiernan, Johnson, Bynum.

Item No. 3 – 18255...GRANT: STRATEGIES FOR POLICING INNOVATION PROJECT SAFE NEIGHBORHOODS

Synopsis: The Police Department is seeking a Strategies for Policing Innovation Program/Project Safe Neighborhoods grant from the U.S. Department of Justice's Bureau of Justice Assistance in the amount of \$700,000, submitted by Terry Zeigler, Police Chief. The grant is focused on reducing violent crime. No match is required.

Gordon Criswell, Assistant County Administrator, said this is a grant opportunity that would allow the Police Department to go after a three-year grant totaling \$700,000. We were approached—**Chairman Bynum** asked how much? **Mr. Criswell** said \$700,000 over three years. We were approached by the Feds to make application for this granting opportunity. It's attractive to the Police Department because they're already doing some of the things that the grant calls for around data collection and innovative policing. We think we have a really good shot at getting this grant. The nice thing is there is no match and we've already got a pretty good dataset on how we are attacking crime using data driven techniques. **Chairman Bynum** said that's easy.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, McKiernan, Johnson, Bynum.

Adjourn

Chairman Bynum adjourned the meeting at 5:25 p.m.

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