



Administration and Human Services
Committee
Standing Committee Meeting Agenda
Monday, January 28, 2019
Immediately upon adjournment of earlier committee.

Location:

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

Name

Absent

Commissioner Angela Markley, Chair

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Commissioner Melissa Bynum

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Commissioner Mike Kane

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Commissioner Harold Johnson

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Commissioner Jane Philbrook

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- I. Call to Order/Roll Call**
- II. Revisions to January 28, 2019 Agenda**
- III. Approval of standing committee minutes from October 22, 2018 and November 26, 2018.**
- IV. Committee Agenda**

Item No. 1 - UPDATE: UG'S OPEN DATA EFFORTS

Synopsis: Annual update on the Unified Government's Open Data Policy regarding efforts to make more data publicly available, submitted by Alan Howze, Chief Knowledge Officer.

For information only.

Tracking #: 18554

- V. Public Agenda**
- VI. Adjourn**

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, October 22, 2018**

The meeting of the Administration and Human Services Standing Committee was held on Monday, October 22, 2018, at 7:17 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Johnson, Bynum, and Kane. The following officials were also in attendance: Melissa Sieben and Joe Connor, Assistant County Administrators; Patrick Waters, Senior Attorney; Kathleen VonAchen, Chief Financial Officer; Terry Brecheisen, Director of Public Health; Commissioner McKiernan; Kirk Suther, Program Coordinator in Public Works; James Bain, Assistant Counsel; Casey Meyer, Assistant Counsel; Police Chief Zeigler; Deputy Chief Mike York; Juliann VanLiew, Health Department; and Officer Jay Doleshal, Sergeant-at-Arms.

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

Approval of standing committee minutes from August 27, 2018. **On motion of Commissioner Bynum, seconded by Commissioner Philbrook, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 18458...ORDINANCE/RESOLUTION: INSPECTION OF PUBLIC POOLS

Synopsis: An ordinance/resolution amending Sec. 33-1(a) of the Code to expand the jurisdiction of the Wyandotte County Health Department to inspect public pools in the entire Unified Government territory, submitted by Terry Brecheisen, Director of Public Health.

Terry Brecheisen, Director of Public Health, said I have a few people with me tonight. Rollin Sachs to my left, he is the head of our Environmental Health and Air Quality Division. To my

right is Juliann VanLiew. She is the head of our Health Improvement and Planning Division. The next person over is James Bain from the Legal Department.

I've got the first two items here. The first one is the pool ordinance. There's one small change in line A. The pool ordinance, it states, the provisions of this chapter apply only to the city. We want to change it to, this chapter applies to all territory under the jurisdiction of the Unified Government. In other words, expanding the Health Departments authority to inspect the pools, apply enforcement on violations and stuff, to the whole county instead of just KCK.

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

Item No. 2 – 18445...RESOLUTION: COMMUNITY HEALTH IMPROVEMENT PLAN (CHIP)

Synopsis: A resolution supporting the Wyandotte County Health Department's Community Health Improvement Plan (CHIP), submitted by James Bain, Assistant Counsel. On August 30, 2018, the CHIP was presented to the Commission during a special session.

Terry Brecheisen, Director of Public Health, said at the end of August, we presented in this room a 45-minute program concerning the Community Health Improvement Plan for Wyandotte County. That was in special session to all the commissioners. What we're looking for is a resolution to—I guess put the stamp of approval of the commissioners on the CHIP Program. It will just enhance our abilities to go out and get new partners. The Governments on board, the Health Department's on board, the communities on board, everybody's on board, so get on board. That's what we're seeking.

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

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Item No. 3 – 18455...ORDINANCE: ALCOHOLIC BEVERAGES

Synopsis: An ordinance amending Chapter 4 – Alcoholic Beverages, Sec. 4-105 – Happy hours, etc.; hours of sale, etc.; amending the hours a club or drinking establishment shall prohibit the serving, mixing or consumption of alcoholic liquor on licensed premises, submitted by Casey Meyer, Assistant Counsel.

Casey Meyer, Assistant Counsel, said this liquor law ordinance simply amends our current section to add or change the allowance of liquor sales to 6 a.m., which is simply consistent with state statute.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were five “Ayes,” Philbrook, Johnson, Kane, Bynum, Markley.

Item No. 4 – 18456...ORDINANCE: NOISE DISTURBANCE

Synopsis: An ordinance relating to Chapter 22 - Miscellaneous Provisions and Offenses, Article IV Offenses Against Public Peace, submitted by Terry Zeigler, Police Chief.

Mike York, Deputy Chief, said we want to talk about changing or adopting a noise ordinance. I’ve been around here for a few years and I can tell you that we’ve never had, as far as I can tell, a noise ordinance to combat loud parties, loud music, coming from neighborhoods.

BACKGROUND

- Kansas City Kansas Police Department received 2002 noise complaints from September 1, 2017 through August 31, 2018.
- Of the 2002, no report or unfounded on 1932 of those complaints.
- No ordinance to address the majority of city's noise complaints.

What a typical noise disturbance will look like would be the officers are dispatched to a, for example, a loud noise complaint. They would go talk to that person that's responsible and they would turn it down. That's a typical call for service when it comes to a noise complaint, but not all people do that.

What we've run across is this, we go to the house, we ask them to turn it down, they do. In 30 minutes, we're dispatched again to a loud noise disturbance. We go back, we ask them again to turn it down, they do. About an hours' time goes by and we're back. We get to the point where we have to ask the neighborhood to sign a complaint against their neighbors for disorderly conduct because we don't have a noise ordinance. We convince a neighbor to sign a summons and we arrest the subject for disorderly conduct. Not very efficient, we've been out there four or five different times. Now a neighbor has to go to court for this noise disturbance.

Last year we had 2,002 noise disturbances. No report or it was an unfounded disturbance and that was about 1,900 of those complaints. That's what we're dealing with.

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LOUD MUSIC/NOISE COMPLAINTS

KCKPD: LOUD MUSIC/NOISE COMPLAINTS - 09-01-2017 thru 08-31-2018

District	Month	2017				2018								Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
UNK				1				1				1		3
111		11	8	6	4	6	6	7	7	15	13	7	6	96
113		10	4	6	4	10	3	5	10	11	17	13	5	98
114		33	43	28	26	17	11	24	38	38	45	24	29	356
115		24	17	7	8	13	6	18	11	15	17	22	8	166
221		15	6	5	3	4	4	6	7	12	7	4	6	79
222		4	10	7	6	5	6	5	13	17	18	22	18	131
223		4	6	1					1	2	4		2	20
224		1	5		1		2		1	1	1	2		14
225				1	2			1			1	1	1	7
331		20	8	8	6	8	2	5	7	15	10	7	14	110
332		28	16	14	10	11	18	12	15	22	19	10	13	188
333		3	6	1	4	3	5	5	6	3	6	6	7	55
334		13	17	12	8	8	9	12	22	15	14	10	8	148
335		4	4	1	3		2	5		5	7	2	10	43
441		6	4	13	4	4	2	4	5	3	14	10	11	80
442		19	15	11	9	13	6	16	18	14	6	23	18	168
443		25	10	9		2	3	3	7	23	13	8	13	116
444		7	15	8	10	10	6	7	10	17	16	7	11	124
Overall		227	194	139	108	114	91	136	178	228	228	179	180	2002

Next slide would be, we pulled some data, those are all the patrol districts. As you can see, 114 has the highest amount of noise disturbance complaints. That's basically, Wood Ave. to the north, Ray Ave. to the south, 10th St. to the east and 27th St. to the west. Second place there is the KU, 332's, which that's the KU/Rosedale area. Why that is, I'm not sure why the St. Peter's neighborhood has so many complaints, a lot of houses, a lot of people in that neighborhood. For whatever reason, they have the most complaints.

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DISPOSITION

KCKPD: LOUD MUSIC/NOISE COMPLAINTS - 09-01-2017 thru 08-31-2018

Disposition	Month	2017				2018								Total
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
Alarm False			1											1
Arrest		1	1		1		2				1		1	7
Cancelled		8	1	1	2	2	2	1	4	3	2	5		36
Citation				2						1				3
Handled by Other Agency								1						1
No Report		121	108	76	58	73	55	80	99	144	133	86	108	1141
Report Taken		2		1			1	1	5	1	5	1	3	20
Unfounded		95	83	59	47	39	30	53	69	79	87	87	63	791
Warning Citation							1		1					2
Grand Total		227	194	139	108	114	91	136	178	228	228	179	180	2002

Commissioner Johnson said give me 114, again. **Deputy Chief York** asked for the district boundaries. **Commissioner Johnson** said boundaries, yes. It was me and Brian, I just wanted to make sure. **Deputy Chief York** said its Wood Ave. to north, Ray, basically which is the furthest southern street to the south, 10th St. to the east and 27th St. to the west. **Commissioner Johnson** said thank you.

Deputy Chief York said on these arrest as you can see. We made seven arrests last year. That would be probably the disorderly conduct things, I just described to you guys. That also could be, we get there, and a person has warrants and they would be arrested. There's seven arrests that we did for all those noise disturbances. 1,141 were no report, which means, I'm assuming that means the officers cleared it by asking them to turn it down and they did.

They gave them a verbal warning basically, and they handled it without taking a report. Twenty reports were taken, so I have to believe that that would be probably some type of arrest report or an incident supplement report. They documented what they did, 791 of these calls were unfounded, which means noise disturbance are low priority calls so we will get to them when we can. Probably they are unfounded because they're probably an hour or two old and the party's broken up.

I did pull some more data. When it comes to these noise disturbances, we had some

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repeat offenders. I can just give you the address, 3821 Walker had 28 calls last year for just noise disturbance. That means the officers went out there 28 difference times. That could have five times in one shift, that could have been 15times in one week, I'm not sure, but they went out there 38 times.

CURRENT ORDINANCES

- Sec. 33-20: "Swimming Noise" – only addresses noise coming from swimming pools. Request repeal.
- Sec. 22-124: "Noise from Stationary Engines" – addresses car engines/motors
- Sec. 22-125: "Excessive Noise from Radios in or on Vehicles" – addresses music coming from cars, which can be heard 50 feet from car

Casey Meyer, Assistant Counsel, said when it was requested that I prepare a proposed noise ordinance, I did a lot of research. First of all, our code only has three things that address noise. When having swimming noise, which we're requesting to repeal this because the new ordinance would address anything coming from swimming pools.

We have section 22-124 and 22-125. Most of those ordinances we plan on leaving in the code and they address noise from vehicles. You have a stationary engine one and then you have excessive noise from a car, which would have to do with a radio in a car. That would be noise from a radio which can be heard from 50 feet.

NEW NOISE ORDINANCE

- (a) It shall be unlawful for any person to:
 - (1) Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise in such manner as to disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal auditory sensitivity residing in the area. A determination of whether a sound violates this subsection (a)(1) may include consideration of factors such as the sound's cause, volume, intensity, nature, and duration, as well as consideration of the time of day or night and zoning and location of where the sound can be heard.
 - (2) Use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area.
 - (3) Operate self-contained, portable, non-vehicular music or sound production devices on a public space or right of way in such a manner as to be plainly audible at a distance of fifty feet (50') in any direction from the operator between the hours of 7:00 A.M. and 10:00 P.M. Between the hours of 10:00 P.M. and 7:00 A.M, sound from such equipment operated on a public space, shall not be plainly audible by any person other than the operator.
 - (4) Congregate because of, participate in or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of any reasonable person of normal auditory sensitivity residing in any residential area. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this ordinance; provided: however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants residing in the dwelling unit where the party or gathering occurs shall, upon request of a police officer, cooperate fully in abating the disturbance and failing to do so shall be in violation of this ordinance.
- (b) Prima Facie Violation: The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise- or sound-producing or amplifying device at any time in such a manner as to be plainly audible across a property boundary line in a residential area, or for fifty feet (50') or more in the case of a multiple-family dwelling between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. shall be prima facie evidence of a violation of this Section.

I don't feel the need to read the proposed ordinance unless you want me to. I can address each section to kind of explain what that section means. A (1), that's just kind of the general—it would address most situations in our community when there was an excessive noise complaint. We included some factors that law enforcement or the judge would likely consider when evaluating something like this if somebody was issued a citation. Consideration of factors such as the sound's cause, volume, intensity, nature and duration, as well as consideration of the time of day or night and zoning and location of where the sound can be heard.

The second subsection would be the Use. Operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area. That would deal with more—well it could potentially deal with residential areas, but more and likely that's going to be commercial areas, places where there's businesses.

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Commissioner Philbrook said does that deal with the trash trucks backing up at 6am or 5am in the morning making a lot of noise? **Ms. Meyer** said we included exceptions and I think—**Commissioner Philbrook** said I haven't read it all. **Ms. Meyer** said right, I would probably say, because that's a very limited time period and it's for a specific purpose, I would say no. **Commissioner Philbrook** said of course you would because you are not living by it.

Ms. Meyer said the third section, to operate a self-contained portable, non-vehicular music or sound production device on a public space or right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7 a.m. and 10 p.m. Note that, that is during regular hours of the day, and then between the hours 10 p.m. and 7 a.m. sound from such equipment operated on a public space, shall not be plainly audible by any person other than the operator. That one is pretty specific.

Commissioner Kane said we don't have too many of these here but what happens if somebody wanted to have a rally? **Commissioner Markley** asked they would need a permit, right? **Ms. Meyer** said I don't know that our code addresses rally's specifically.

EXCEPTIONS

- **(c) Exceptions:** The following shall not be considered to be violations of this Section:
- (1) Sound from law enforcement motor vehicles and other emergency motor vehicles including, but not limited to, snow-clearing equipment;
- (2) Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities employed by a governmental agency engaged in preparing for or remedying a potentially hazardous situation in which immediate physical trauma or property damage is occurring or threatened;
- (3) Sound that a person is making or causing to be made when said person has received and maintains a valid license or permit that specifically allows the sound from any department, board or commission of the City authorized to issue a license or permit; and
- (4) Sound from the operation of emergency generators used in emergency situations when electricity from the grid is unavailable;
- (5) Sound from racing events; and
- (6) Sound from alarm systems.

In our code we have yet—you have to get a permit for parades to block off the streets. Included in this we've excepted out any time, sound that a person is making or causing to be made when

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said person has received and maintains a valid license or permit, that specifically allows the sound from any department, board or commission. Anytime anybody would get a permit or a license, that would be excepted out from this ordinance. This ordinance would not apply.

Commissioner Kane said if I wanted to have a rally, I'd have to come see you guys and get a permission slip. **Ms. Casey** said that would be one way. We're mindful of time, place and manner restrictions when it has to do with noise. Obviously, people have a first amendment right to peaceably assemble. The government is allowed to make specific and reasonable ordinances or laws to promote the public health and safety of its community and this is a suggestion.

Commissioner Markley said that's a very legal way of saying you can't do your rally at midnight and you're not going to want to do your rally in a residential neighborhood anyway, right? You're going to want to do it out where people are going to see you in a business area and so there's a different level there. **Commission Kane** said it would be a very organized, well maintained, no garbage, no nothing, we do it in Topeka all the time.

You never know, we might be down here saying, hey, we don't like what our elected body is doing in Topeka. In fact, we might have some of the commissioners go out there and say something about that. For one, I'm all for this, don't get the wrong impression. We got to have something, but if I'm going to have an organized rally to say I don't like what somebody did in Topeka, I want to be able to say it and it would be—most of those rallies are like a half-hour, 45 minutes at the most. They're well maintained, there would be police officers, it would be the whole shooting match. We wouldn't be out of control either. Might be a little loud, but we wouldn't be out of control. I just don't want to handcuff us.

Ms. Meyer said I understand that concern and I—a permit or a license would allow that, but also the part that would be restricted would be if you used an amplification device or a portable sound device that went into a residential area. It says property boundary line but really the intent of that is, if someone can hear your speech with an amplification device or a radio or anything like that in their residence, then that would be addressed in this ordinance. You obviously have your right to peaceably assemble on your free speech, but it's limited in this very narrow way.

Section B, the prima Facie Violation; which addresses basically noise during sleeping times, 8 p.m. to 7 a.m., some people go to bed way later than that, but I go to bed very early. Anybody else have any questions, exceptions?

Commissioner Bynum asked did I miss the penalty part. **Ms. Casey** said the penalty part is right here, violation, it's a Class C violation. This is not an arrestable offense. This would be a ticket offense, you would get a ticket. **Commissioner Bynum** said you could get a ticket and then another ticket and another ticket. **Ms. Meyer** said absolutely. You would get a summons, you would come to court and the city Prosecutor's Office could either handle this as you get a \$100 fine or they may do graduated fines where if you get a ticket, let's say you get three tickets in a night, I would hope that wouldn't happen, your fine would be raised.

Commissioner Bynum asked if I don't care how many tickets I get, and I just keep doing this behavior, is there a remedy or that. **Ms. Meyer** said like a public nuisance, community members could still try to go through the public nuisance process. **Commissioner Philbrook** said I don't understand what that means. **Commissioner Bynum** asked does that mean someone else then would have to—**Ms. Meyer** said right, well law enforcement wouldn't be able to initiate that. My understanding is usually if there's a certain location that allows a nuisance to exist, which noise can be considered a nuisance, then they can petition or request. It's my understanding the District Attorney's office to find that place to be a public nuisance.

Commissioner Kane said I live fairly close to Piper High School. Football games get loud and homecoming gets really loud, the parade gets pretty intense. I know we need something, but you have to be very, very careful. I think we have the announcer for Bishop Ward over here. I know he can hear it where he lives at if he was there. I'm not sure we're ready to tie this button up or ribbon or whatever. **Commissioner Markley** said that's covered in the exceptions.

Commissioner Kane said I still haven't gotten past my rally part. Like I said, we've never held one here. I know we're going to hold one in Topeka. It wouldn't be—we would want to be where people could hear us or we wouldn't do it. **Commissioner Markley** asked do you mean you would want to be by peoples houses or you would want to be in area where there—**Commissioner Kane** said I'd like to be on the front porch of this place if I'm going to complain about Topeka.

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Commissioner Markley said when Casey talks about time, place and manner, there's a different treatment of being in front of somebody's house versus being in front of City Hall. People are living in the houses, people are not sleeping in City Hall, we hope.

Commissioner Philbrook said I haven't read this all over and I know you know it intimately since you got to write it. As a point of information, I'm going down in this rabbit hole with Commissioner Kane. Let's say there is a rally and it's in a public location like this, but who would lodge a complaint? Would it have to be somebody called the police and lodged a complaint? That's what I'm trying to understand, who creates the motion forward on that?

If he and I are out here and we're talking loudly, and we have a megaphone and we're trying to get everybody going on something and I'm sure it'll have something to do with the state if we were to do that. How would that come about? What would that look like if we were loud? **Deputy Chief York** said I think what could happen would be, if we did receive that 911 call, we're going to respond obviously to the call. **Commissioner Philbrook** asked so it would be from somebody around here. **Deputy Chief York** said yes. It would be from a citizen calling the police, we would respond, ask—**Commissioner Philbrook** said that we be more quiet. **Deputy Chief York** said in a courteous manner to be more quiet. Obviously, they would be told we've had citizen complaints and we're addressing those. **Commissioner Philbrook** said then you'd give us a ticket, if necessary, and then that ticket goes to Municipal Court? **Ms. Meyer** said correct. **Commissioner Philbrook** said then it's up to the judge what we get fined. **Ms. Meyer** said correct. Again, this is a proposed ordinance so if you have suggestions on how you would like the fines to work if you want them to be graduated. Like some cities specifically graduate them, which I think that is a good idea, but that's part of the reason we're here.

Ms. Meyer said just to differentiate, disorderly conducts have to be initiated by a complainant like a victim. The noise ordinance, the Police Department could be the complainant if they wanted to be. **Commissioner Kane** said is there another city we can compare ourselves too so we can—**Melissa Sieben, Assistant County Administrator**, said, Commissioner Bynum, we've actually looked at other cities. We're bringing forward a standard noise ordinance. The reason this is brought forward was a SOAR request. People were telling us their neighborhood was a victim of a certain corner with very loud preaching. Then when I was talking to Casey, it became clear that we actually didn't have anything on the books to address noise which is

standard protocol to help neighborhoods. It felt like it was a good thing to bring forward to help neighborhoods with Neighborhoods Up, that the Mayor was suggesting. It also met and addressed one of the complaints that we had folks saying we'd move out of here if we could because we're really tired of listening to this.

Commissioner Bynum said I would like to make a motion to approve the ordinance and encourage the commissioners to give suggestions on levels of fines to legal staff. I agree that graduated fees are probably a good idea. I'm making a motion to approve the ordinance.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve the ordinance.**

Commissioner Kane said I wasn't finished, I was rudely interrupted. I want the noise thing to stop. We might want to figure out a way, and there may never be a rally here, but I don't want to come here and say we're going to have a rally and not be able to have one. I think we need to leave us some leeway that says, we will consider other options in case that happens. Very simple.

Commissioner Philbrook asked how would that look you think? **Commissioner Kane** said I don't think that it's going to happen that often, but if somebody wanted to have a rally and let's they want it by Harold's church—**Commissioner Johnson** said which I do every year. **Commissioner Kane** said okay, so for one day or one hour, whatever it is, you'd have amplified stuff and then you'd shut it down. We would be shut down by the time the police officers would arrive. We're pretty quick. I want to be able for you to do that and for me. The rallies in Topeka, 20 or 30 minutes, we're done. I think we need to—if someone has a request, it would be looked at and approved by the Police Department, you or whoever.

Commissioner Markley said I will tell you, Commissioner Kane, I just googled the Shawnee County; the Topeka noise ordinance and it is a match for ours. It says 50 feet from the premises building, no amplifying device. I think they—I'm guessing they probably have a similar system. You can get a permit for any kind of rally, but it seems like their language and you haven't gotten arrested there it doesn't sound like. **Commissioner Kane** said I guarantee you they use an amplified system. **Commissioner Markley** said that's what I'm saying. I'm saying, I think. **Commissioner Kane** said I don't need one, but they do. **Commissioner**

Markley said they're probably treating their rallies under some kind of time, place and manner, common law, but their language is the same as what we're considering.

Commissioner Kane asked do we have an avenue to go down that we can explore saying that we're going to do this on such and such date from 1:00 to 3:00 or something like that. Like I said, I don't know if we're ever going to do it. We do three or four a year in Topeka, 20 minutes they're done. Lots of screaming, hooting and hollering and there will be more in November.

Commissioner Philbrook asked is it possible to put in something separately or do another one that allows for a permit to do something like this for a certain period of time. **Commissioner Johnson** said that's what this says. **Commissioner Philbrook** asked does it say what the maximum noise level is. **Commissioner Markley** asked the permit would allow you not to abide by this ordinance, right. **Commissioner Johnson** said that's correct. **Commissioner Markley** said correct. **Commissioner Philbrook** said we can do this kind of permit thing.

Commissioner Johnson said I'm good with that. Obviously, as a preacher, I heard the word preaching and my ears went up. Also, community organizing sometimes we do have rallies for different things. As long as we have the ability to get a permit and not be hampered in terms of our endeavors. The other thing that I was going to ask Deputy Chief York is, under this ordinance as it's proposed, what would be the process if somebody has a complaint? Somebody might be out playing noise late at nighttime. What's the process? Will they get ticketed on the first incident or if there is a complaint?

Mr. York said we would respond and the preferred method would be, I believe we are going to train this, would be a verbal warning. Like I said, most of the time that works. If we go back out again because they didn't turn it down and after we left, they turned it back up, we would cite them. Cite them and release, we would not arrest and book. **Commissioner Johnson** asked site means what. **Deputy Chief York** said have them sign a misdemeanor ticket. **Commissioner Johnson** said a ticket, thank you.

Ms. Sieben said I just wanted to apologize. I didn't mean to cut you off. I was just trying to make sure that we all understood, as a group, that we actually had gone out and researched this information. We wouldn't want to bring something forward that hadn't been tested elsewhere in

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this space. It's important that we bring things that have been tested and certainly what I would suggest is that we have staff look at the process for folks to be able gather, that was not obviously the intent of this. It wasn't to limit rallies or public displays of frustration with their government or any other entities.

I think clearly, Casey and I, weren't anticipating going to rallies in front of City Hall. We were looking at neighborhoods. These ordinances are very standard. They read virtually the same in every state, so we need to come back on something separate to make sure that you understand how to go about doing that. **Commissioner Kane** said as long as we have a little avenue to make sure we can still do what we want to do, the preaching at that church. **Ms. Sieben** said if you knew what I was talking about, I am not referring to a preacher. **Commissioner Kane** said I know. This thing is bigger than what we're looking at today, I promise you.

Patty Orth, 316 N. 15th St., said I'm also president of Cathedral Neighborhood Association. We're in favor of this noise ordinance. Our primary problem is 18th & Central which I'd like to thank the UG for how wonderful 18th & Central has turned out. The traffic is amazing. There's not the delay of two, three minutes like we used to have.

The problem is on weekends, Saturdays and Sundays, all day long, bullhorn is used. I live approximately five to six blocks from 18th & Central. With my windows shut, I can hear this noise. This has been brought up at several of our neighborhood meetings, is there anything we can do about this noise. It's constant, it's eight hours constant, from 18th & Central with a bullhorn. They pass it off to the next person and it's just constant. That's why we were in favor of this ordinance because of that noise level.

I mean, you talk about a car stereo, we have a lot of that problem in our neighborhood too, where the car stereo can be heard further away than 50 feet. I'm way further away than 50 feet. I hear this every single weekend for eight hours on Saturdays and Sundays. That's why, we as a neighborhood, are in favor of this ordinance. **Commissioner Bynum** asked, Patty, the bullhorn, is it a person. **Ms. Orth** said it's a person at a time. **Commissioner Bynum** asked, and they are on the corner of 18th & Central. **Ms. Orth** said they're sometimes in the middle of the street, sometimes they're on, mostly they're on the corner of the—probably it would be the southeast corner of 18th & Central that they talk from. Once one person stops, another will take

up. **Commissioner Bynum** asked, and it goes on all day? **Ms. Orth** said yes ma'am, two days, on weekends, Saturdays and Sundays. **Commissioner Bynum** said okay, wow.

Paul Soptick, 65 S. 24th St., said remember that address. This last Saturday we heard a lot of thumping, I guess they called it music right outside my door, at least I thought it was. I followed the sound and ended up at 15th just off of Pacific. I was hearing that sound at my house at 24th St. from 15th & Lowell. That's 12 blocks as a crow flies, 14 if you bend the corner. I can hear that sound just like I could hear you guys talking. We definitely would like some help on this noise ordinance. We hear the same, I hate to say this, the preaching on 18th St., I get multiple calls.

I'm the President of Wyandotte Countians Against Crime and we get call after call, after call, about the noise on 18th & Central so we definitely need some help there. I know we meet at Dynamic Life Baptist Church and they say they have problems with hearing that sound in the church while they're trying to hold their services. You can tell how loud it really gets. We definitely would like some help there.

One of the things that I'm not too sharp on here is, when you get a permit either for a rally or for a live music or for any type of a get together, they had one at the National Guard Army about three weeks ago. We got multiple calls about the volume of music coming through there. When the police went down there, they said they had a permit to play. Well, they did, and they kept playing and we kept getting calls on how loud it was. I'm sitting blocks away from the Armory and we could here it just crystal clear in our backyard and the wife in the house too. Anything you can do on this noise ordinance to protect that type of stuff, especially the one that you can hear twelve blocks away, that's just a little much. I'd hate to be their neighbor. Anyway, we do support the noise ordinance.

Commissioner Bynum said upon approval at this level and then assuming it will be approved at the Commission level, when would the ordinance be in effect? **Ms. Meyer** said as soon as it's published and really, I don't know how long it usually takes to get published, a couple of weeks. So, a couple weeks after approval. **Commissioner Bynum** said beautiful and potentially at least before the end of this year. **Ms. Meyer** said correct. **Commissioner Bynum** said okay, thank you.

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Commissioner Markley said I believe I have a motion and a second on the table, is that still the case? **Deputy Chief York** asked can we clarify the motion, especially the latter part of it. **Commissioner Bynum** said the motion that I made was to approve the ordinance as it was brought forward. **Commissioner Philbrook** said and I seconded it. **Deputy Chief York** said okay.

Commissioner Kane said for one, I want this. If somebody wants a special request, they would have to come up and go through the process to get a permit. **Ms. Meyer** said correct. **Commissioner Kane** said and that's all I'm asking, not to modify this. Let's make sure we can get a permit to do it and then everyone would know what's going on. **Commissioner Markley** said, Commissioner, the ordinance we're proposing here today already makes an exception for anybody that has a permit and we already have a process to get a permit. What additional language would make you comfortable? If you have a permit, you are exempted from this ordinance, it says that in black and white. **Commissioner Kane** said I am not getting a warm fuzzy out of black and white.

Commissioner Markley asked what do you need it to say. It already says if you have a permit, you're exempted. **Commissioner Kane** said you know, Commissioner, if you want to argue, I can argue. You're not a rally type person, I am. **Commissioner Markley** said you're asking us to do something and I'm trying to clarify what do you want us to do because it's already in there. **Commissioner Kane** asked, Casey, is it in there like that.

Ms. Casey said I would point to Subsection 2, I'm sorry, Subsection 3. Here's another suggestion, there is a way to get a permit or a license if it would help. We could, I guess delineate in our code in our place where we can get permits and things for certain assemblies. I don't know that it's completely spelled out in our code that there's an option to get a permit. To address your specific request, that would be something that we could address in the permit license area of the code. It wouldn't be in this ordinance, but it would be in that section.

Deputy Chief York asked if I can ask, back to the original motion, at the end of the motion there was something added about progressive fines. Is that part of the motion? **Commissioner Bynum** said it can be, I'd like to cut off the motion at approval of this ordinance. Then I would just further comment that I personally agree with the notion of graduated fines. Legal had just

asked for our suggestions on how to handle the fine side of that. That part was just a suggestion, not a part of my motion. **Deputy Chief York** asked the motion is to approve as written. **Commissioner Bynum** said correct.

Action: Roll call was taken and there were five “Ayes,” Philbrook, Johnson, Kane, Bynum, Markley.

Adjourn

Chairman Markley adjourned the meeting at 7:55 p.m.

mbb

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, November 26, 2018**

The meeting of the Administration and Human Services Standing Committee was held on Monday, November 26, 2018, at 6:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Johnson, Bynum, and Kane. The following officials were also in attendance: Commissioner McKiernan; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Kathryn Devlin, Assistant Counsel; Misty Brown, Deputy Chief Counsel; Reginald Lindsey, Budget Manager; Kathleen VonAchen, Chief Financial Officer; Jeff Fisher, Executive Director of Public Works; Patrick Waters, Senior Attorney; Susan Alig, Assistant Counsel; Mike Tobin, Deputy Director of Public Works; Brandon Grover, Asset Coordination Manager for Public Works; Zachary Flanders, Planner in Planning Dept; Troy Shaw, County Engineer; Chief Michael Callahan, Fire Dept.; Mike Taylor, Public Relations Director; Rob Richardson, Director of Planning; Assistant Police Chief Waldeck; and Officer Jay Doleshal, Sergeant-at-Arms.

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

Approval of standing committee minutes from September 17, 2018. **On motion of Commissioner Kane, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 18515... ORDINANCE: AMENDING PRIVATE ONSITE WASTEWATER SYSTEMS

Synopsis: Ordinance amending Sec. 30-225 through 30-265 of the Code of the Unified Government. The proposed change would modernize and update the Private On-Site Wastewater Systems regulations, submitted by James Bain, Legal.

James Bain, Assistant Counsel, said with me is Rahlyn Sac, he's the Division Director of Air Quality & Environmental Health, and Jim McDaniel who is an Environmental Health Specialist, and they can take you through some of the details.

Rahlyn Sac, Division Director of Air Quality & Environmental Health, said this is a pretty straight forward proposal that we are wanting to update. I've got a few bullet points that I'd just like to point out, the major changes. We're going to formalize the construction permitting process including application requirements, field data standards, and onsite inspections. We will require septic tank installers to be licensed and outline the licensing procedure that's going to increase customer service and better protect public health.

This update will align the UG code with minimum state standards that have been updated since the last revision to this code. It will allow sewage holding tanks for commercial businesses which is something the current code doesn't address. Additionally, it will modernize and specify requirements for absorption fields, lateral locations of septic tanks, capacities and a soil testing process. That's it in a nutshell.

Commissioner Philbrook said then that means that would help our properties that are north of the ridge, up towards the Missouri River, in some type of adaptive sewage control. Because us hooking up to our sewer system up there is way too expensive, then we can possibly develop those areas up there then? I know that is kind of an off the wall question for you, but the folks that have to deal with our sewers—we've had several groups of people wanting to come in and develop up north of there and none of their sewer treatment possibilities were allowed in our codes in the way we had things. That's why I ask that question. **Mr. Sac** said it would have to be looked at on a case-by-case basis, but possibly. **Commissioner Philbrook** said but it opens it up for more—**Mr. Sac** said the update does allow for some non-traditional systems in those that have a limited footprint, so yes.

Mr. Bain said one note I would make on that question if I can, in the City-Wide Master Plan that was already adopted, it calls for a minimum three acres for a septic system. This code has been one acre minimum. Traditionally it remains one acre in this proposal and updates. So, there is that bit of inconsistency, but it's a policy decision for you all. **Commissioner Philbrook** said

well, that's making an assumption that that's the only type of system you could use. I'm assuming that, I don't want to get too much down the weeds but were already there.

Real quickly, there's combinations of hydroponics along with all other kinds of ways to utilize a complete control system where none of it leaves the property of 10 acres. I'm just remembering off the top of my head, a proposal that was made to put in a place that grew their own food, and they had a certain number of departments, and they took care of all their own waste. At the time when they came with that proposal, we didn't have the leeway, as I understand it, to put that all together and address that, that's what I'm saying. You're saying that—repeat what you said again so I exactly understand it. **Mr. Bain** said I was saying in the traditional septic system, the City-Wide Master Plan that was already adopted, specifies a minimum of three acres to have a septic system. This code, the current code is one acre minimum, this updated code is one acre minimum as well, so there is that inconsistency. As I understand it, a 3-acre lot was presented to the Commission years ago and the Commission did not approve that change, and so that's why we left it. **Commissioner Philbrook** said we're still at one. **Mr. Bain** said this update is at one, but the City-Wide Master Plan that was adopted was three-acres minimal.

Commissioner Philbrook said, Rob, do you want to come forward? **Chairman Markley** said it's just a bonus that he's here for a later item. **Commissioner Philbrook** said I know, but I want to understand what they were up to.

Rob Richardson, Director of Planning, said when we approve a development plan, we use the master plan. If somebody rezones property and does a subdivision, they'll be held to the three-acre standard. That doesn't affect existing systems or the instance that you just spoke about would have been on a much larger tract so that wouldn't have come into effect.

The real concern is in places where you don't have good soil, being able to replace those because these systems do fail. You can't necessarily rebuild it in the exact same place. We been having people make sure they have at least two places on them. Since it's in the master plan it a suggested guideline. We've had people, between 2 ½ and 3 acres, in a couple situations, but generally we've done it three acres for those. I don't when an ordinance was presented, but the master plan was adopted by the Board of Commissioners in 2012 that says three acres. That's what we've been following, that's what we'll continue to follow. This just creates confusion for

the people that read the ordinance and think that they can do an acre, then they come and see me to do a subdivision, and I say no, you can't do that.

Commissioner Philbrook asked that sounds to me like we need to figure out what we really want our policy to be? **Mr. Richardson** said the master plan is the policy. This is just the code that implements that. **Commissioner Philbrook** said until we change it, if we choose to. **Mr. Richardson** said right. **Commissioner Philbrook** said that's our job. You're doing your job, I'm just trying to find out for sure what our job is. I can't tell you what to do, that would not be good, you have a boss. **Mr. Richardson** said yes you do, I mean, yes you can, I'm sorry. **Commissioner Philbrook** said I can try, but I know the answer to that.

Commissioner Philbrook said I just wanted to understand the confusion between that and so I understand the confusion in it, and so maybe that's a future conversation to get it taken care of.

Chairman Markley asked are there additional questions from the Commission or from the public. Commissioner Philbrook, are you comfortable moving forward tonight with the idea of it in the future we might need to discuss this conflict? **Commissioner Philbrook** said I do think we need to discuss the conflict because we legislate and create ordinances and policies, and it's our job to not make it as more difficult for everybody, but to make it easier for folks. Yeah, I think we need to come together to have another conversation about this.

Chairman Markley said staff can you make note of that request. That being said, if we're going to move forward on this item, I will need a motion.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve under the condition they can come together and have another conversation about this.** Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Markley.

Item No. 2 – 18516... REVISION TO HUMAN RESOURCES POLICIES

Synopsis: The Human Resources Department is submitting three Human Resource Guide Policies: Health Care Benefits, Employee Assistance Program and Flexible Spending Account

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Plans, with revisions for review and consideration for approval, submitted by Renee Ramirez, Human Resources.

Renee Ramirez, Human Resources Director, said this evening I have with me to my left Bonnie Bloesser, who's our Benefits Administrator. To my right, Brian Johnson, who is our consultant for health care and Shakeva Christian, the HR Manager. HR is presenting three policies.

The first of many revisions to the Human Resources Guide. These revisions to the HR Guide are just to comply with current practices and updates on current federal laws. The first is the Health Care Benefits Policy that we'd like to have some revisions for consideration to approve. Those are just to comply with some of the practices that we've been having. The last time we revised this policy was several years ago, so we've just made some minor modifications to that.

The second one, is the Employee Assistance Program. Again, that's just to comply with some of the practices that we've instituted on the Employee Assistance Program. Then, the last is the Flexible Spending Account. Those changes are just to comply with some of the ACA updates that have taken place.

Chairman Markley said I will note for anyone watching this meeting that those edits are available in the agenda. Because of the nature of the edits we're not going to walk through every one. I would say, I appreciate the fact that you took advantage of the opportunity to just make some edits that clear things up and shorten things up so that is appreciated as well.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve all three sets of revisions.** Roll call was taken and there were five "Ayes," Philbrook, Johnson, Kane, Bynum, Markley.

Item No. 3 – 18518...ORDINANCE: ALCOHOLIC BEVERAGES

Synopsis: Discuss updating the City-Wide Master Plan through a series of area plans covering all of the city, submitted by Rob Richardson, Director of Planning.

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Rob Richardson, Director of Planning, said you may know that there's—while we just talked about the City-Wide Master Plan, that covers the entire city. We have not addressed in a specific way all areas of our community. As we were addressing the Northeast Area Master Plan, we realized that we were telling people—it was being stated as this is kind of a once and a life time opportunity. That's really not the right way to do planning because it puts us way beyond our CMIP, it puts us way beyond any kind of reasonable time horizon for a lot short-term actions. Zach has put together a program that will allow us to touch every part of the city, every five years, within what's currently allocated for planning purposes in our budget. I'm going to turn it over to Zach and let him present his great idea.

Zach Flanders, Planner in the Planning Department, said basically this came up as we do more and more area plans. We've done a lot of planning work since 2004ish. Before that I don't think we had updated any of our plans since about 1989. We've done a lot of this great work. I want to make sure that we're not painting ourselves into a corner as we do more and more area plans, and that we're doing in a way that it all fits together into one whole and that we can touch each part of the city. I'll get into this.

What is a Comprehensive Plan?

- Authorized by state statute
- Regulate and plan for:
 - Land use
 - Building standards
 - Public facilities
 - Transportation
 - Natural resources
 - Financial plan for public facilities and capital improvements
 - Implementation plan

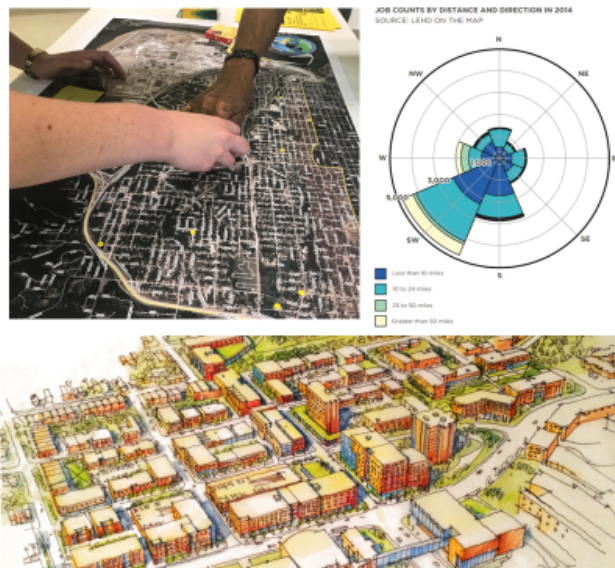
12-747. Same; comprehensive plan; contents; procedure for adoption; annual review of plan.

- (a) A city planning commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within the same county in which such city is located, which in the opinion of the planning commission, forms the total community of which the city is a part. The city shall notify the board of county commissioners in writing of its intent to extend the planning area into the county. A county planning commission is authorized to make or cause to be made a comprehensive plan for the coordinated development of the county, including references to planning for cities as deemed appropriate. The provisions of this subsection may be varied through interlocal agreements.
- (b) The planning commission may adopt and amend a comprehensive plan as a whole by a single resolution, or by successive resolutions, the planning commission may adopt or amend parts of the plan. Such resolution shall identify specifically any written presentations, maps, plats, charts or other materials made a part of such plan. In the preparation of such plan, the planning commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and may include any other element deemed necessary to the comprehensive plan. Such proposed plan shall show the commission's recommendations for the development or redevelopment of the territory including:
 - (a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;
 - (b) population and building intensity standards and restrictions and the application of the same;
 - (c) public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;
 - (d) public improvement programming based upon a determination of relative urgency;
 - (e) the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;
 - (f) utilization and conservation of natural resources; and
 - (g) any other element deemed necessary to the proper development or redevelopment of the area

First of all, I just wanted to point out that comprehensive plan or master plan, they're interchangeable terms, really, it's authorized by our state statute. This came around in the 1920's, as zoning and planning became more popular in cities. It calls out some specific items about the plan is used for land use; building standards, public facilities, transportation, natural resources, a financial plan for public facilities and capital improvements, and implementation plans. It really is kind of comprehensive over our overarching policy document that addresses nearly everything a city does. All departments should be looking at the comprehensive plan when they're doing their work to make sure that their work complies with the comprehensive plan which is the stated policy of the city.

Why Plan?

- Align government action and decision making with the community's vision and goals.
- Establish a sound basis in fact for decisions
- Build an informed constituency and involve a broad array of interests in a discussion about the future.
- Coordinate local decision making.
- Give guidance and reduce uncertainty for landowners and developers.



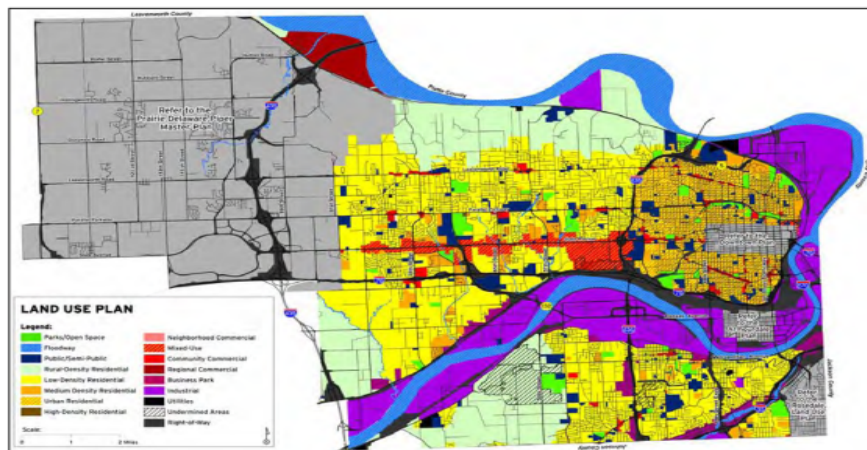
Why do it? For me, the most compelling reason is that we're all public servants. It's a chance for us to go out and talk to the community and make sure that all of our work is aligning with the communities' vision and the communities goal. It's also the one chance we have to look at the big picture and look demographic trends, trends in the economy, and real estate, and look at long-term where we're going as a city. It's a chance to build and form constituency and involve a broad ray of interest in discussion about the future. That's what we do with our Steering Committees with people who are meeting who don't normally talk to each other.

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Coordinating local decision-making with other entities like BPU or the school board, then give guidance and reduce uncertainty for landowners and developers. I really think planning can help generate economic development because it reduces uncertainty.

Existing

Existing City-Wide Land Use Plan



What we're doing now, this is our City-Wide Master Plan and I just wanted to point out that even when we did the City-Wide Master Plan we had several area plans. With the Piper Plan, this is referred to the Downtown Plan, Armourdale and Rosedale, we are just completing the

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Northeast Master Plan. Then next year we will be starting on the Central Area Plan. We're at a point now where we have really more area plans than we have City-Wide Master Plan. I want to make sure that as we continue to do area plans, I think that's the right approach, that we aren't painting ourselves in the corner.

Existing Area Master Plans



Another issue is, we have all these great plans, but they're all a little bit different in how they're organized, and I think consolidating the format and making sure that we're making them very consistent can help the usability of these plans.

Other Plans



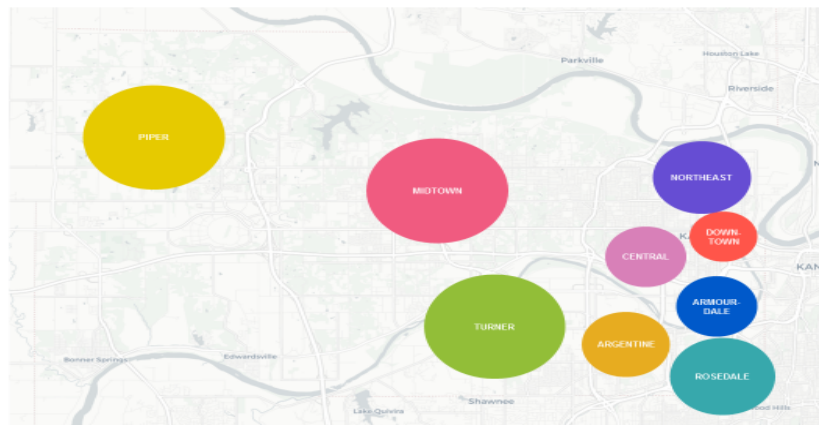
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Then, we also have other plans that either address corridors or specific issues that kind of overlaps so it's difficult to know sometimes which plan to refer to. I think that this can help clear that up as well.

Proposal

Create 9 Districts for Area Planning

- Comprehensive coverage of the city with 9 distinct area plans.
- Avoid overlapping plans.
- Ensure that every area of the city is included in an area plan.



The proposal is that we create nine districts for area planning. I've shown these as bubbles on the map here. We've done some work about thinking about where the exact boundaries are. For now, I just wanted to present this as bubbles. This will be nine areas and then a city-wide update that we would do on a rotating basis. It will allow us to touch each area every five years.

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Create Consistency Across Area Plans

- Use consistent methodology, outline, and formatting.
- Don't reinvent the wheel with each plan.



If we use a consistent methodology in outline in formatting and we're not reinventing the wheel each time, allows us to do more efficiently.

Create an Interdepartmental team

- Include representatives from across the UG including budget, public works, parks, eco devo, mapping, etc.
- Take on more ownership of the planning process, use consultants for smaller, specific tasks.

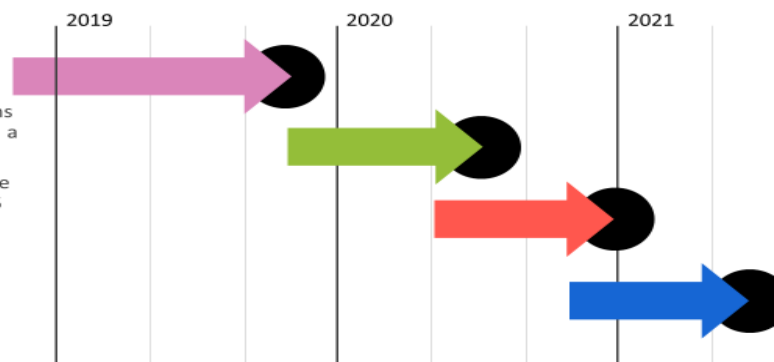


I think that we can use the staff that we have. We have a lot of talented people that work for the UG and involve more of the departments. We're already doing this with our Steering Committees, but I think we can do more of this. That will allow us to be more efficient as well.

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Complete Area Plans Faster with a More Near-Term Focus

- Consistent methodology will allow plans to be complete more efficiently and on a shorter time frame.
- Revisit each area plus conduct city-wide vision, goals, and policy update every 5 years
- Align Plans with CMIP budget
- Plans become more relevant with a shorter planning horizon.



How this could work is that, right now we're getting started in the Central Area Plan. We're anticipating that will be completed in 2019 along with the zoning code update. Then we can start doing one of these plans and kind of having them overlap a little bit so that we are starting one as we're completing the next one and getting two each year.

I think another advantage of this is that it would align with our CMIP budget. Right now, we're looking at long-term visions which we would still be doing with these plans, but we would know how much money we have in the next five years to actually implement. So, we can talk about the real things, the real steps that we're going to take in the next five years to get to the long-term vision.

Mr. Richardson said I would just add to that one point, and that's sometimes when you look at the whole master plan, you say how much is this going to cost. Some of its visionary, it's not all going to be our money, but with this type of approach we can align that to the CMIP. We can say that these are things that we're going to go make CMIP requests for in this five-year period. They may, or may not all be funded, but that's what—you'll have direct input from the community on each one of these on a rotating basis for where they want to be over five years.

Example: Kansas City, MO

- 18 Area Plans
- All area plans have been updated since 2010



Mr. Flanders said I just wanted to give a quick example of our neighbor across the river here, across the State Line. They do a similar way of doing their plans where they have 18 area plans. They've actually updated all of them. The oldest one is 2010 and they're actually redoing that one now which was the Greater Downtown Area Plan. It's very similar to what many other cities are doing including Kansas City Missouri.

Discussion

With that, I wanted to just keep it quick, but it's not a real complex proposal, just wanted to make sure we're not painting ourselves in the corner, that we're having a better organizational

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framework that has better user experience, that we don't have overlapping plans and that we align it better with our budget in the CMIP Plan.

Chairman Markley said I love this idea. I think it will create much more usable plans than the 20-year toms we use to create then throw in the corner, so I appreciate it.

Commissioner Kane said I think it's outstanding because in five years something is going to change. Then in five years there might be some other school that comes up or some other business who wants to come in and we're not prepared for it. I think it's a great idea.

Commissioner Bynum said I just want to echo Commissioner Kane, that is so true. I think we're seeing that in Piper right now, but also, I think it invites more community engagement into these processes. We can never go wrong by doing that, so I appreciate it.

Commissioner Philbrook said I want to echo both of them. I really do love the concept because we have been kind of in the path, kind of a knee jerk reaction to things and we, okay, it's time to do this again, maybe in 10 years and it's so outdated, so worthless for us to use, that it's like why did we ever do it. We hear from our constituents, at least I do, like, why do you create a master plan, you're not doing anything. You're not creating anything with it. You know, what are you going to do. Well let's see, that one was ten years old and it won't fit into what we need to do now. **Mr. Richardson** said have them call me and I can tell them what we've been doing, we keep track of that. **Commissioner Philbrook** said I'm afraid you would, but yeah, no, I understand what you're saying but, the point being, as I said, when you get more community involvement on a regular basis then they feel part of the decision, and you don't hear that as much. Thank you for doing this hard work.

Commissioner Johnson said I, of course, you know I am all for this. It creates activity, creates new thoughts every five years. The question I have though is, will it require more resources, i.e. staffing, money, etcetera? **Mr. Richardson** said we currently have money allocated in two places in the budgets. There's some in a consulting line item and there's some in the Capital

Plan. If you put those two numbers together, it's about 300,000 a year which will allow us to do the two planning processes. Zach will be the leader of those processes.

I think for the foreseeable future that amount is adequate, and we'll be able to move forward under that budget number if it continues like that and its consolidated in one budget number. The thing that we'll look at as we move forward is, would it be worthwhile to have another full-time staff member that can offset that money in a more significant way and get more bang for our buck by having somebody internally working on that.

We'll be evaluating that as we move forward, and we'll bring that to you all as we move through each year's budget. We look at how we could or should have done something differently or can do it differently in the future. Zach's been giving that a lot of thought, but as you know the Central Area Plan is scheduled in 2019. I think with this process we would be able to move the Armourdale Plan to start mid-2019 instead of waiting till 2020. Then we will—those are the two that are on the table. We will come back to you with a plan for how to get the rest of them, the specific boundaries, and those kinds of things, but that's where we would move forward from right now.

Commissioner Johnson said rough math, you'd be doing two updates per year on a rolling basis. **Mr. Richardson** said correct. A couple of them will be new. I mean, when we go to the, you know, between 635 and 435, and we go to Turner, those in Argentine really have never had any plans. Those won't be an update, those will be brand new the first time. I'm very much looking forward to getting into those parts of the community and talking to those people. **Commissioner Johnson** asked how will we look at them, also like the State Avenue Plan, the Parks Master Plan and all of the other ancillary plans that we have. How would we incorporate, or will we incorporate those? **Mr. Richardson** said we left the number at nine intentionally because we know that we will have something else we will need to update on that other. That may be a city-wide effort, it might be a sidewalk and trail plan.

The Parks Plan is kind of outside of what we do, that's in the Parks Department, we'll incorporate that. As we go through these, we will incorporate the role of importations into that so that we know that you only have to look at one document. We'll incorporate those as we move forward for the State Avenue Plan or the K-32 Plan. Those will get incorporated and updated as we move forward.

Chairman Markley said we don't have to approve it, it is for information only. I'm sure they're happy to know that we are nodding our approval. **Mr. Richardson** said that's great, so we will move forward with this and outline it in the budget. We will be back with boundary lines and proposed sequencing that'll might be, have a more interesting discussion. Thank you for your comments tonight.

Action: **For information only.**

Item No. 4 – 18519... COMMUNICATION: MUNICIPAL COURT FACT SHEET

Synopsis: Provide information regarding the status of Municipal Court's actions to improve outcomes for parking violation citations, submitted by Crystal Sprague, Municipal Court.

Crystal Sprague, Municipal Court Administrator, said we're here this evening to update the Commission on Municipal Courts parking citation enforcement effort. I want to thank Judge Brajkovic for accompanying me tonight. Judge Ryan is out and unable to attend and Rhonda Green, the manager from Parking Control, is with me as well. The purpose of the presentation, which will be brief, this evening is to provide information regarding the course of action that Municipal Court took to improve processing of parking citations, not only to the Commission, but also to the citizens tonight.

You each should have a prepared fact sheet. I hope that you have that for overview, but I'm going to give a little bit more context. In 2016 the court adopted a Strategic Management Plan. We shared that plan with the Commission and the Mayor in April of that year. During the internal evaluation process to get to our Strategic Management Plan it was pretty clear to us that we had some ineffective processing when it came to parking citations, both those written by police officers, uniformed officers and parking control enforcement. As context, parking citations making up about 22% of all cases filed in the Municipal Court.

The low prioritization of parking citations over several years resulted in a large amount of unprocessed tickets. When I say large amount, it was an extraordinary amount. Many areas had been seriously impacted. The four most important were identified is the years of inaction had resulted in a learned complacency, not only from our citizens and violators, but also from our staff and the people who write and process those tickets.

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We taught ourselves and the community not to take parking violations and tickets seriously. Uneven application of the courts duties to efficiently process all cases filed were seriously impacted. Not allowing ourselves to see those tickets as the same as any other ticket provided a bias on the courts perspective to say these are just parking tickets.

We had a decrease in the deposits to Parking Lot Improvement Fund. That definitely impacted what parking control could do and what the city could do to improve the neighborhood areas and parking lot availability for citizens. What I consider the most concerning of all those impacts was the unfair treatment to citizens who feed the meter, who pay their tickets on time, who follow the city ordinance by parking legally and to those who need access to that parking not only at 2900 Adams, but also at 600 Minnesota.

The effective and efficient enforcement of parking tickets was identified in our Three-Year Strategic Management Plan as goal 1.11. We got to work isolating the barriers and we looked at barriers both perceived and real, old and new. At the time of the review we had some 48,000 open parking citations and we were adding 7,000 per year to that backlog. We knew by some quick math that by the end of 2018 we would be looking at in excess of 70,000 open parking citations that did not have resolution. An additional barrier where those tickets were filed with our court without a registered owners name and with some limited information. We had tag numbers, vin numbers, possibly maybe a color of the vehicle, but no person to tie that too.

At that time we did not have appropriate staffing levels to look up each individual ticket, each individual vin, and relate that back to a registered owner. We also had some serious questions and concerns about our data conversion in 2014, which had tickets that had been fully paid recorded as unpaid in our current computer system. We had concerns about duplicate ticket entry, malfunctioning e-citation machines, and quite frankly, substandard data entry and ticket chain of command concerns.

There was the issue of age. How could we be looking at a fair resolution on cases for parking that were over four years old. It was incredibly overwhelming, but we saw it as not an impossibility and we had to make changes on several fronts over a period of 3 ½ years. We embarked on a three-year multi-stem plan that spanned between 2016 and 2019 to compensate for those barriers while addressing the issues moving forward so we did not find ourselves back

in the same situation. Some of those highlights include in 2016, we went through a thorough evaluation.

We changed our ticket entry and change of command processes. We addressed the e-ticket machines and the malfunctioning equipment that we had. By judicial order we dismissed all parking violations that were issued prior to January 1, 2014 and we removed all late fees from the remaining parking tickets, to name a few.

The second step was to clean. We had a lot of data to clean individually. We did an individual review of any case with a zero balance and any offense date prior to 2013, and in that year individually reviewed, and closed 26,000 cases one at a time. In early 2018 we moved into review and testing. We wanted to test the approach to see how long it would take us internally with our current staffing levels to research, to send notice, and to find disposition on cases. We embarked on that by notifying about 100 violators who had 10 or more active parking tickets. At the conclusion of that, found that this was not something that we had the capability of doing internally. It would take us several years to be able to go through those tickets.

We considered outsourcing. We wanted to outsource to a vendor that was a trusted vendor, worked with Legal, and identified the Collections Bureau of Kansas who is a trusted vendor who works with 88 other cities across the state. They had access to DMV records and personal locators that we did not, including historical data. They were not going to be contracted to send any information to credit reporting bureaus, but rather help us at no cost to the UG locate possible violators, notify them and collect. They also were the lowest cost agency per ticket, per individual. We did not want to impact or community anymore with late fees or considerable fees on top of the \$30 or \$35 average parking fine.

In late 2018 we moved into the collections process. August 15 is when the first set of collections letters went out. I'm sure that you guys got phone calls on August the 17th because our office certainly had an increase in telephone calls. Collections letters went out on violations dates 2014 through 2016. We continue to do a lot of cleanup and a lot of review, and a lot of customer service, but we also send out just recently public notifications in the ENews and, The Citizen will have a publication and we can post this fact sheet. At the end of this year we will have closed close to 52,000 parking tickets. Some paid, some closed for inability to enforce, all different types of manor, but every single one of those parking tickets have been looked at by my staff individually.

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In early 2019 we're going to institutionalize this change. Mainly for the 2017 and 2018 tickets that are still open, we're sending notice from the court to the defendant to let them know they have an outstanding parking violation. We've already started to identify anyone who has recently received 10 or more parking violations and sent them individual notice through certified mail. In 2019, which is our biggest change yet, we will notice the defendants or registered owner by mail within 30 days of receipt of a ticket. Those are the major changes moving forward.

Lessons learned here for us at Municipal Court has been many. One of them has been not to underestimate early public and often notice. We underestimated the number of citizens that it would touch, these letters would touch that went out, so we have learned our lesson there as well as early notice to internal stakeholder so that they might be better prepared. This had a huge impact on our 311 Department. Being able to notice them early and often so that we can be prepared. Also increase our internal customer service preparations and invest upfront so that we are sending letters to citizens, not necessarily from a vendor, but from us. Ultimately, the lesson learned here has been one that we knew from the start which was to never find ourselves in this situation again.

We did have some great positives that I'd like to sight. One has been our team customer support and service. It's really been tested over the last 2 ½ months, but my team has been wonderful, they've dealt with citizens who have called, dealt with cases, and we have moved those along. I'd also like to say I've got some early indications that behavior has been changing so as a court, both the judges and I agree, that behavior modification is our job. We want to modify compliance and we're seeing some early indications that tickets that were issued in 2018 are getting paid, or resolved I should say, not just paid, at a faster rate. Most of all, I think the positive outcome might be in a year when we look back, that we've got a quality improvement to our court as well as modified our behavior internally and externally. Then, preserve those places to park for our citizens when they come downtown to do business or to go to Slaps.

Commissioner Bynum said I don't know if it's a question, maybe you do have the answer. It strikes me as one that maybe we won't ever know the answer to, and it might be screened maybe that would need to come forward. You know what we were hearing, what alerted us to your efforts, if you will, were the people contacting us, numerous people to say, I've got a letter, I was never ever given a parking ticket. We heard that, not from two people we heard it from a lot of

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people. That to me is the mystery that I don't know that I've heard the answer to yet where are the missing parking tickets that never got placed on vehicles?

Ms. Sprague said well service is an interesting issue. It's the service of the ticket to the defendant. First let me say moving forward we shouldn't have the issue because we will be notifying them if we have not heard from them within 30 days but let me address it in a couple of ways. Legally it's not the court to decide whether or not, I say court, the Clerks Office, to decide whether or not the citizen got service. It's a slippery path for us to go down in the Clerk's Office if we start saying, oh you must not have gotten the ticket so it must be, it is more appropriate for us to get that person in front of a judge so a judge can make that decision and the city has to prove that service was delivered.

With that being said, there are a couple of things that I would note. One would be, as we are going through this case closure process, we are keeping track of how cases are brought to us so what is the citizens complaint. We're tracking that so we can reflect it back to the departments and say we've had this percent of complaints have been for no service.

The last thing that I would say was normally with a parking ticket you have a limited amount of time that the court is open to you for protest. Because we knew these tickets were old we wanted to open that timeframe up and say to any citizen who has gotten any notice, if you did not get service, please let me make a time and place for you to get in front of judge so that service issue can be addressed. **Commissioner Bynum** said I did appreciate that. I mean I appreciated very much the professional way that you and the department handled the aftermath, if you will. I sincerely appreciate that. It was just baffling because it was people who, well, they don't strike you as folks who would just shred a parking ticket, you know people who work downtown, and they know what the parking is. I'm saying downtown because those are the people I was hearing from.

Ms. Sprague said I always try to say, Commissioner, as a court clerk and to train my court clerks that we are not here to pass judgment. If we were, we'd be sitting on a different place in the courtroom. We don't get to pass judgment whether or not you are a good person or a bad person or you're not telling the truth, or you are telling the truth. I need to get you in front of the person who can help make that decision.

Judge Brandy Brajkovic said also, I'd like to add to one thing, that she doesn't always toot her own horn as far as how organized she is. One of things we were looking at, she has this extensive grid, is who was making the complaints for lack of service, what agency did they come back to. At that point in time when we looked at it, there was no pinpointing which is unusual with this service issue. The people that write parking tickets for us are KU Police, KCK Police, our Parking Control and our Sheriff's Office.

What we found is kind of across the board everybody was complaining about service issues. Well when that happens, of course, is not everybody is having service issues, but when somebody trips and falls into a good defense and it's really hard for us to identify was there an actual service issue or was there not. That was one of the issues that kind of popped up with this.

Chairman Markley said I also imagine giving the shorter timeframe going forward, it would be easier to look back and say what day were you downtown. Were there 80 miles per hour winds that day? What sort of issues might there be where when it four years old, there was no way to do that kind of research and figure out what might have happened?

Ms. Sprague said I will also say that Ms. Green and I have a meeting later this week, and one of the things that I will be presenting to her is an idea that possibly if we have increased our Parking Control Improvement Fund, maybe what the officers should be afforded is some picture ability to take pictures. If they have the ability to take pictures, then that alleviates some of that concern of that's not my car or I didn't get service. Certainly, then the court following back up and sending notice within 30 days.

Commissioner Philbrook said I'm so happy that we're looking at this in the rearview mirror now and I'm sure you are. The initial influx to myself was more of shock and dismay from the folks that called me. They were like, well I would have paid that if I knew it was there. I'm like okay, alright. My first response because they got one and I said well don't pay anything, don't do anything, let me find out what's going on because this could be a scam. That's how it came across at first, it was like whoa, what is this! I found out right away, I called several of those folks and told them, nope, it's legit. Make sure you talk to Crystal or to the court and get them taking care of, whatever you have to do. I did get good positive feedback, they were very

pleased Crystal with you. **Ms. Sprague** said thank you. **Commissioner Philbrook** said how you handle things. They thought you were very professional. Just came in and paid what they owed and are happy little campers. They just didn't like having something like that out against them.

I'm glad you did clean this up. It's very easy to find issues, but its when you go above and beyond, actually take care of them and clean them up, is really phenomenal. **Ms. Sprague** said when I say we've closed 52,000 cases, that hasn't been me. That's been my staff for the last two years who have nothing but look at parking tickets, but in all fairness when its 22% of all of our filing volume, we should be paying that much attention to them. My staff has painstaking mistakenly gone through each one of those tickets. We know better we do better. **Commissioner Philbrook** said well we know you can't do it by yourself, but you are the leader. **Mr. Sprague** said well thank you. **Commissioner Philbrook** said you're welcome.

Action: For information only.

Adjourn

Chairman Markley adjourned the meeting at 6:43 p.m.

mbb

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Staff Request for Commission Action

Tracking No. 18554

Full Commission Meeting Date: NA

Committee: Administration & Human Services

Date of Standing Committee Action: 1/28/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/16/2019	<u>Contact Name:</u> Alan Howze	<u>Contact Phone:</u> x8951	<u>Contact Email:</u> ahowze@wycokck.org	<u>Department/Division:</u> Knowledge
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Item Description:

The Unified Government's Open Data Policy, signed in 2016, stipulates an annual update to the Commission on efforts to make more data publicly available, and how data is being used to support transparency and decision making.

Action Requested:

For information only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List: