



**Public Works and Safety Committee**  
**Standing Committee Meeting Agenda**  
**Monday, July 22, 2019**  
**5:00 PM**

**Location:**

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

Name

Absent

Commissioner Melissa Bynum, Chair

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

Commissioner Angela Markley

☐

Commissioner Jane Philbrook

☐

Tom Groneman, BPU Board Member

☐

- I.**        **Call to Order/Roll Call**
- II.**       **Revisions to July 22, 2019 Agenda**
- III.**      **Approval of standing committee minutes from May 20, 2019.**
- IV.**      **Committee Agenda**

**Item No. 1 - UPDATE: KC LEVEE PROJECT**

**Synopsis:** Update on the progress of the Kansas City Levee Project and schedule of upcoming tasks, submitted by Jeff Fisher, Executive Director of Public Works.

*For information only.*

**Tracking #: 19866**

**Item No. 2 - RESOLUTION: KC LEVEES ALONG ARGENTINE, ARMOURDALE, AND CID LEVEE SYSTEM**

**Synopsis:** A resolution declaring the necessity and authorizing a survey and descriptions of lands for the Kansas City Levees Project along Argentine, Armourdale, and CID levee system, CMIP 5057 (57th St. to State Line on the north and south banks of the Kansas River), submitted by James Bain, Assistant Counsel.

**Tracking #: 19867**

**Item No. 3 - ORDINANCE: AMENDING THE DEFINITION OF “ELECTRIC-ASSISTED SCOOTERS”**

**Synopsis:** An ordinance amending Section 35-1 regarding the definition of “electric-assisted

scooters,” to match the new definition in state law, submitted by Patrick Waters, Senior Attorney.

**Tracking #: 19864**

**Item No. 4 - ORDINANCE: OPERATION OF ELECTRIC-ASSISTED SCOOTERS**

**Synopsis:** An ordinance pertaining to the operation of electric-assisted scooters, amending Sections 35-692 and 35-697, submitted by Patrick Waters, Senior Attorney.

**Tracking #: 19865**

**Item No. 5 - RESOLUTION: INTERGOVERNMENTAL DEVELOPMENT AGREEMENT WITH PIPER SCHOOL DISTRICT**

**Synopsis:** A resolution approving an agreement with Piper Public Schools for the design and construction of additional improvements related to the school at 131<sup>st</sup> and Leavenworth Road, submitted by Troy Shaw, County Engineer.

**Tracking #: 19868**

**Item No. 6 - RESOLUTION: INTERGOVERNMENTAL AGREEMENT WITH EDWARDSVILLE, KS**

**Synopsis:** A resolution approving an agreement with Edwardsville, KS, for sidewalk and roadwork improvements on Fourth Street in Edwardsville in connection with the Quiet Zone, submitted by Jeff Fisher, Executive Director of Public Works. Edwardsville will pay for all additional costs of the work.

**Tracking #: 19863**

**V. Public Agenda**

**VI. Adjourn**

**PUBLIC WORKS AND SAFETY  
STANDING COMMITTEE MINUTES  
Monday, May 20, 2019**

The meeting of the Public Works and Safety Standing Committee was held on Monday, May 20, 2019, at 5:07 p.m., in the 5<sup>th</sup> Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Kane, Johnson, and BPU Board Member Groneman. The following officials were also in attendance: Gordon Criswell, Emerick Cross and Alan Howze, Assistant County Administrators; Misty Brown, Deputy Chief Counsel; Casey Meyer, Assistant Counsel; Rance Quinn, Police Major; Jeremy Rogers, Director of Parks & Recreation; Jack Webb, Deputy Director of Parks & Recreation; Jennifer Stewart, Director of Animal Services; Angel Obert, Recreation Division Manager; and Jay Doleshal, Sergeant-At-Arms.

**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 18, 2019. **On motion of Commissioner Kane, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

**Item No. 1 – 19739...PRESENTATION: ROSEDALE SUBSTATION**

**Synopsis:** Presentation by BPU staff on: the new Rosedale substation that will replace the Fisher substation, construction of a new transmission line from the new substation to the existing Barber substation, and the upgrade of two new transmissions lines, submitted by Jeff Fisher, Executive Director of Public Works.



## Rosedale Project Plan

### Rosedale Reliability Plan Update 20 May 2019

**Mark Russell, Rosedale Reliability Plan Project Manager,** said I appreciate the opportunity to spend 10-15 minutes with you to update you on the Rosedale Reliability Plan. I've been on the project since August 2018.



### Project Benefits

- Increased Reliability
  - Eliminate Transmission and Substation Single Point of Failure
  - 69kV to 161kV Capacity
  - Late 1960 Substation Technology to 2020 Technology
- Support Rosedale Area Growth
- Area Improvements
  - Reduce / Eliminate Aging Distribution
  - Eliminate Fisher Substation - Fisher Park Expansion
  - Add Sidewalk Along S. Minnie to S. Iowa
  - Additional Purchased Land (Walking Trails Master Plan)

Why the Rosedale Reliability Plan? If you don't know, the BPU is spending enormous amounts of money to improve reliability in the Rosedale area. Right now, with the Fisher sub, we look at it as a single point of failure having two transmission lines coming out of the Fisher sub, not to mention on one switch gear. The Rosedale Reliability Plan will now separate that one line into two, one 161kV lines. That's an upgrade from a 69kV line and then multiple switch gears. We've now increased that reliability in the Rosedale area, which is critical for the KU Med Center and then all the local businesses that are there.

In addition, we'll eventually eliminate the Fisher substation, which is 1960s technology, and bring it up to 2020 technology. That will support enormous growth for the Rosedale area. We have that capability. We will bring that capability in at the end of 2019, which will bring

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businesses in, be able to thrive, and support it for many, many years to come.

The other one is we'll look at area improvements within there. We'll eliminate the aging distribution. As we build out that new Rosedale sub, all of our distribution, our distribution feeders will also come back up into 2020 technology.

I mentioned the Fisher Park. Once we're done with the Fisher Park, we will take down the Fisher Park and demo that in 2020, 2021, currently on the schedule. That will be given back to the Unified Government for future park expansion; that green space, that critical green space in that area will be given back.

Not to mention along the sidewalk, right there on South Minnie, one of the things that the BPU is doing, is we're connecting South Minnie to South Iowa. If you've ever been down South Minnie Street, it's a pretty steep, kind of turn switch back type of street, very narrow. We'll be doing a sidewalk along there as part of that area improvement.

Then on the additional side, one of the other benefits, with all the walking trails that are back there, we, the BPU has purchased land on the other side of South Minnie. That's to connect those walking trails because are the current, and I'll show you pictures here, where the current Rosedale sub is going, there are walking trails up there. Our plan is to give that back to the Unified Government, look at those walking trails and connect those walking trails. We're looking at this as a huge win, not only for the city, but for the BPU customers.

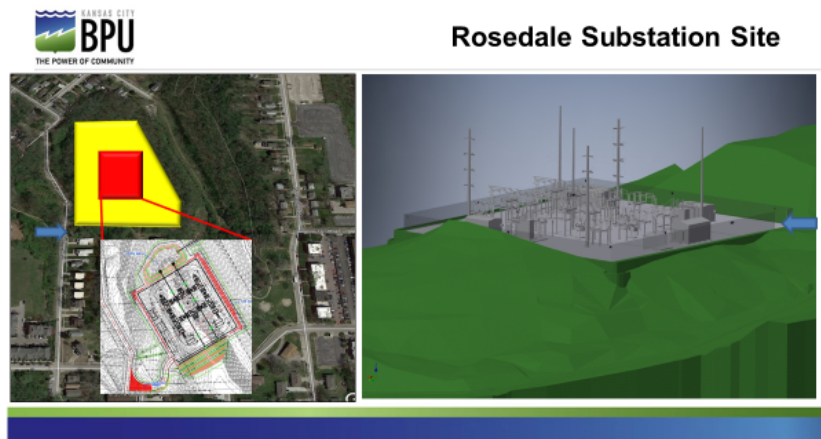


## Project Description

- Convert Barber 69kV Substation On-site to 161kV
- Build Rosedale Greenfield 161kV Substation
- Construct New 161kV Line from Barber to Rosedale
- Rebuild 69kV to New 161kV line from Armourdale to Rosedale
- Convert 15kV Feeders to New Rosedale (2020)
- Retire Fisher 69kV Substation (2021)

Here's the project description. Again, we're going to convert substation to substation. These two lines go from the current Rosedale sub to the Barber sub. We'll upgrade that Barber sub onsite. We'll build out a greenfield substation, which we're currently in active construction now. We'll construct the two new 161kV lines. Those constructions will start in the August timeframe and

end in the December timeframe. Then we'll convert 15kV Feeders to the New Rosedale sub in 2020 and that's that critical distribution that I just talked about and then retire the Fisher sub in 2021.



Getting into the Rosedale sub and this is the first thing that we looked at. If you look over here, right here is about Fisher Park kind of covered up and then here in this area will be the KU Medical Center. Down right over along here is Southwest Boulevard, you can't see it in the picture.

The Board of Public Utilities purchased this land on this hilltop. Right now, we are in active construction to build out this model right here in this substation. We have removed all the trees within that land. We now have a current pad on that land and we have a contractor that is now currently putting foundations in for things like transformers, control buildings and switch gear buildings, etc. That is an active construction.



When we looked at the active construction, that was the top of the hill. About August when I took

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over of 2018, South Minnie, these are the homes right here along South Minnie, you'll see right there part of South Minnie. In about October of 2018 when we cleared off the trees, you'll see that the remainder of the hill was there. We actually removed 70,000 cubic yards of dirt to get the surface down below the tree line, and that's critical, because here when we were done in December of 2018, January of 2019 you'll see that the current substation is all below that tree line. We kept the entire tree line around there to prevent line of sight into the sub, to prevent kind of that eyesore that people naturally associate with substations. Like right now, the current Fisher sub is right next to a park. It's a chain length fence. That's not the case here. This one is below the tree line. We'll have a decorative stone cass fence around it which will make it look nice for the local community.



### Substation Procurement / Construction Timeline

| Task Name                           | Start         | Finish        |
|-------------------------------------|---------------|---------------|
| <b>Procurement (RFP)</b>            |               |               |
| ❖ Long Lead Time BOM                | 7 June 2018   | 3 April 2019  |
| ❖ Switch Gear                       | 10 Oct 2018   | 1 Feb 2019    |
| ❖ Rosedale Above Grade Construction | 6 Feb 2019    | 15 April 2019 |
| ❖ Control Enclosure                 | 12 March 2019 | 15 April 2019 |
| <b>Construction</b>                 |               |               |
| ❖ Rosedale Vegetation Clearing      | 1 Nov 2018    | 1 Dec 2018    |
| ❖ Rosedale Pad and Earthwork        | 1 Dec 2018    | 15 April 2019 |
| ❖ Rosedale Above Grade Construction | 15 May 2019   | 30 Sep 2019   |

We're currently on track and this is what project managers do all the time. They keep schedules on track or they get fired. We've ordered all of our long lead time building materials. We have those currently arriving, things like transformers arriving next week, things like switch gear, control enclosures, all on time. We started active construction on the Rosedale sub and we continue that active construction all the way until October and November as it starts to get built out. We are also currently doing vegetation clearing to bring in those two transmission lines into the substation.

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## Transmission Lines



Besides the sub, we also have two transmission lines going from a 69kV to a 161kV transmission line. The slide on the left shows the current route going outside of the Fisher substation right down here at the bottom where the red laser pointer is. The red box is the current new rebuild of the Rosedale substation. Eventually, we're going to take it off of the Fisher substation and put two T-Lines onto the Rosedale substation. Right now, we have a single point of failure going all the way to this point. If a semi-tractor trailer was to hit a truck, if a line was to go down or a pole was to go down, that entire area would cause enormous stress on the system, so part of the reliability is to take a look at dividing out those two lines.

Here's the same picture with the Rosedale sub and now we've gotten rid of that single point of failure. One of these T-Lines can support the local area. Therefore, we've made it more reliable.

Now the critical thing is, and I know you're going to vote on it later, but we have actively been pursuing easements to get these lines. We've worked with our customers, we've worked with landowners to be fair and equitable within those. We've actually accomplished most of the easements that we need to build this line out. We feel very confident. It's been a long process working with a local real estate firm and a law firm to get those easements and it's been a pretty smooth transition.



## T-Line Procurement / Construction Timeline

| Task Name                                    | Start        | Finish        |
|----------------------------------------------|--------------|---------------|
| Procurement (RFP)                            |              |               |
| ❖ Steel                                      | 17 Dec 2018  | 15 March 2019 |
| ❖ Conductor / OPGW                           | 7 Jan 2019   | 15 May 2019   |
| ❖ Construction (Foundations and T-Line RFPs) | 14 Mar 2019  | 17 June 2019  |
| Transmission Line Construction               |              |               |
| ❖ Barber - Rosedale- Armourdale Line         | 17 July 2019 | 11 Oct 2019   |
| ❖ Rosedale - Armourdale Line                 | 1 Sep 2019   | 15 Dec 2019   |

On the T-Line and procurement construction timeline, we currently have steel that is currently in manufacturing that's going to be delivered in the July, August and September timeframe. It's an enormous amount. It's 68 poles but it comes on hundreds of trucks so that will be sequenced in. We have all of our steel, all of our conductor, everything else to erect these two lines. We will start with the Barber line first in the July timeframe and normally you don't see transmission line construction because you don't take transmission lines out during the summer because of the heat of the summer.

Well, the first line that we're building is called a greenfield build so, therefore, we don't have to take any outages so we can actually start that construction in the July timeframe. We'll finish out that Barber line. We will energize that line and then we'll move over and then do the Armourdale line. The goal is to have both of those transmission lines done by the 15<sup>th</sup> of December 2019 timeframe.



## Landowner Concerns



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No project is without concerns. We've had our challenges, we've had our concerns, but we have a fully competent team that handles those concerns that is proactive on those concerns. I'd like to talk about three landowners that we had while building out the substation.



### 3805 South Minnie

Concerns:  
Land Value  
Road Right of Way Next to House  
View of Substation  
Screening / Fence



Again, the substation is going in, in this area. We had three landowners that considered that they were impacted by that sub. To be perfectly honest, when you have that type of construction going on right in your backyard and you have that type of infrastructure going up, there is some effect to people's daily lives and just what they see every day, looking out their window or going to work. We have been dealing with those landowners and I'd like to just briefly touch on each one really quick.

The first one is at 38 South Minnie. This landowner, when we got our conditional use permit through the Unified Government, where this sidewalk ends that's actually a plotted street, 38<sup>th</sup> Street, which was supposed to go up to the next street and I can't remember the name. I apologize, but anyways, the Unified Government asked us to take that street and to use it as part of the entrance into our substation and that's the way we planned it; however, when you live right here and you now find out that a street is going in right there, that's an impact to you.

We worked hand in hand with this landowner and Rob Richardson. We've been in constant contact with Rob and one of the things that we have done is we've asked—you know first of all a lot of this is road right-of-way so the street won't actually go in right, right there. We all know that. One of the things we'll work on with them is screening for them. We will also, if there's any additional sidewalk, it will go on the other side of the street and not right here, right along the

side of their house. That is one way to work with this landowner, but they did have some concerns with that street going in. That was always going to be the entrance to the sub but now it's more of a plotted street. It will look like a street but we'll actually dead end and T this street off just in the back of their house.



### 3800 Lloyd Street

Concerns:  
View  
Land Value  
T Dead-end at Lloyd



The second landowner is up on Lloyd Street and that's where 38<sup>th</sup> Street eventually would connect up to Lloyd Street. As you can see, this is kind of a modern home. It was a KU kind of experimental home. It was supposed to be modern and energy efficient and everything else. What you don't see is this is the living room to the home. The back of the home has also this kind of wide-open area that she looks out. The back of that home is this person's bedroom and remember we said that we built the substation we took it down in there. Well, now right out the back of that individual's bedroom they actually look down onto the substation.

That's not really an issue because of the foliage in the back during 9 months out of the year; however, during those three to four months when there's limited foliage and we're waiting for spring to come, that does put an impact on this landowner. We will also work with her with some screening, but one of our main concerns is, as you can see, is that her home just drops off right at the back here. It's hard to get mature trees up there in the screening.

The other one that this landowner—part of the conditional use permit, the Unified Government wanted us, and we're still in negotiation with them, to put a dead end, a cul-de-sac or a T at the end of Lloyd Street. This resident has a slight issue with that because at the end that's where people now park, congest and the garbage that was there. We're still working through that issue.

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### 3725 South Thompson Circle

Concerns:  
EMF and Cancer  
View  
Photography Business Impact  
Land Value



The third one is actually on top. This individual's a little bit further away from the substation. Looking out the back, the substation would be right back out here, of course, below the tree line. This is one of a very premier photographer in the Wyandotte area. Part of her backyard, she actually uses for studio purposes. Not only does she have a studio in her basement, but she also has some planner boxes, some area for sitting and she takes professional grade photography out there.

Again, during that three to four months when you have limited foliage, her backdrop now becomes a little bit of the substation. With this landowner we've also worked with her about screening different types of trees that she can have just by her studio space so that she still maintains that business. We've worked with her, a lovely woman and been inside of her house and we're happy with the arrangement that we've had.



### Project Restoration

- Rosedale Substation
  - Fix / Replace **Negligent** Curb Damage
  - Add S. Minnie Sidewalk
  - Provide Vegetation Screening for Impacted Landowners
  - Work with Parks Department on Access to Walking Trails Around and West of the Substation
- Fisher Substation
  - Demo and Remove all Above Grade Equipment
  - Return Unused Property to UG / Retain Easement(s)
- Transmission Lines
  - Repair / Restore Access Routes
  - Demo and Remove Unnecessary Distribution

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The other one and the last one is, you know we're going to build some things and like any builder, there's going to be some things that get a little dirty and our promise is that we are going to restore it better and back to new. Things like negligent curb damage. I just mentioned that we moved 70,000-cubic yards of rock out of there. We've had one or two areas where there's been some curb damage and we know that we have to replace that. We're adding the sidewalk along South Minnie. That will be a restoration part of the project.

We'll work, and continue to work, with the Parks Department where we're going to connect those walking trails. When I say we, the BPU is not going to do that, but allow the Parks Department access to that land that the BPU bought and purchased so that those walking trails can now be connected. Currently, before the project went on, that was privately owned land. Although people walked there and you had it, now it could be a project for the Parks Department that is there and viable.

In addition, I mentioned we'll have the substation, you know removal for the Fisher substation and then we will repair all the access, ingress and egress routes when we do the transmission lines this fall.

**Chairman Bynum** asked are there questions or comments from the committee members. I for one appreciate the presentation. I will say that I appreciate that we have Mr. Bill Johnson, our brand-new General Manager, at the Board of Utilities here. Thank you for taking your time to be here. Jeremy Ash, also with the BPU, on standby for questions and support. I know it's a big project. This is an information only item; however; is there any member of the public that wants to comment on this item.

There were none.

**Action:** For information only.

**Item No. 2 – 19743...RESOLUTION: BPU BARBER-ROSEDALE 161KV  
TRANSMISSION LINE**

**Synopsis:** A resolution declaring the BPU Barber-Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project,

submitted by James Bain, Assistant Counsel.

**James Bain, Assistant Counsel**, said the first item is the approval of a survey which starts the eminent domain proceeding should that be necessary. Mr. Russell told me before the meeting started that on the western line, the Barber line, they're down to only needing one easement, which potentially making that negotiation and not needing any eminent domain proceedings, but that's the first item, is approving that survey.

**Chairman Bynum** said questions or comments. If not, I'll take a motion.

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve.**

**Chairman Bynum** asked if there were questions or comments from the public on the item.

There were none.

Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

**Item No. 3 – 19744...RESOLUTION: BPU ARMOURDALE TO ROSEDALE 161KV TRANSMISSION LINE**

**Synopsis:** A resolution declaring the BPU Armourdale to Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel.

**James Bain, Assistant Counsel**, said this is the northern line that was going north. Mr. Russell told me that there were four properties left to acquire easements and those are railroad easements so we know that will be a little more challenging. Again, this is the first step in the eminent domain process.

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

**Item No. 4 – 19745...ORDINANCE: REPEAL BAN ON PIT BULL DOGS**

**Synopsis:** An ordinance repealing the existing prohibition on owning or possessing pit bull dogs within the city limits, submitted by Jeff Conway, Assistant Counsel. This ordinance is sponsored by Commissioners Bynum and Philbrook.

**Jeff Conway, Assistant Counsel,** said I think in your packet you may have the actual ordinance itself but I can read it and go through the terms if you’d like. **Chairman Bynum** said I think what I would prefer, if I understand correctly and you can give this to us maybe in just a quick summary, but I think the action is that the vote would be to repeal just a portion of the language in the current ordinance that eliminates the pit bull language. **Mr. Conway** said correct. Currently, there’s a prohibition as an ordinance. The action would repeal that prohibition and thereby permit pit bulls in the county. **Chairman Bynum** said and that’s basically it in a nutshell. **Mr. Conway** said that’s it. The ordinance does identify the three breeds. **Chairman Bynum** said why don’t you go ahead and specify those. **Mr. Conway** said yes. There’s the Staffordshire Bull Terrier, The American Pit Bull Terrier and the American Staffordshire Terrier, and then dogs that have characteristics of those breeds.

**Chairman Bynum** said for purposes of clarity around the item, in 2014 the Unified Government Commission adopted a dangerous dog ordinance which is why—and it’s encompassing of any breed of dog, which is why we believe, one of the reasons why we believed, we could bring forward now the repeal of the pit bull type language in the existing ordinance. We will hear from the public on this item but first we’ll hear from any members of our committee that have questions or comments and, again, we do have staff here if we have questions about data or information relating to our animal services. Are there comments or questions?

**Commissioner Philbrook** said yes, comments and questions. When was the pit bull ordinance brought into effect? Do you remember that? **Mr. Conway** said from the history, it looks like it may have come in in 2003. **Commissioner Philbrook** said I believe you probably need to look a

little further back. I don't like to argue with our lawyers but I think it was in the 1990ish timeframe at any rate, it was in effect before we came before the Commission—**Chairman Bynum** said it was made into effect May of 1990. **Commissioner Philbrook** said there you go, May of 1990. It was in effect quite a while. Then by the time we got to 2014 and initiated a law, thank God, we had plenty of people in the Legal Department that worked really hard to put that together because it's very distinct and captures an outline of how we deal with animals that are not behaving in a manner which you want them to be part of your community. If the dog's dangerous or they're acting up, we have exact laws to deal with it and it doesn't matter what kind of dog it is. We don't have to look for that.

Am I correct in saying that those animals that are picked up and are thought to be dangerous, bit somebody or running around the neighborhood and attacking things—now this is just assuming it's a dangerous dog, not any particular kind of dog, then there is a ticket written or something like that for the owner. Is that correct? **Jennifer Stewart, Director of Animal Services**, said that is correct. **Commissioner Philbrook** said and then that ticket and the owner has to go to court. **Ms. Stewart** said correct. **Commissioner Philbrook** said and that's when it's determined whether that dog is a dangerous dog or not. **Ms. Stewart** said yes. **Commissioner Philbrook** said but we already have guidelines for the judges to follow, depending on what is determined. It's pretty cut and dried as far as what happens. We don't have to think about what kind of dog, it's just that dog. That particular animal was acting act and was dangerous and then a lot of other different sections on down. That takes care of that part. I just want to make sure people understood that we have laws already in place that make owners responsible for their dogs if we bring them in for doing something like that.

Now, in case you guys don't remember, way back in 2016, we did a community survey and it literally asked people in that survey, and that was for 7 of the 8 districts, District 7 we didn't ask because those two cities in that district already have repealed that ban so they don't have a pit bull ban. It was asked though in the others, and it came out to be about 83%–84%, of those people said they wanted the pit bull ban repealed. That's telling us, as commissioners, that our people want something done.

With that in mind, we have been collecting data. I shouldn't say we, you have been collecting data, letting us know what the bred specific law is costing us and how that's working, and so 24% of our total budget is spent on bred specific services. That's \$246,000 just on bred

specific. That means that instead of being able to look at the animals, just any animal that's acting up and doing something wrong, we get sent out to pick up an animal that's been said, that is a pit bull. Well, there's a lot of animals out there that look like pit bulls. We have quite a few people that have gotten their animals taken and \$4,000 or \$5,000 later, after they prove that their dog is not a pit bull or they give up, they have to find somebody that will house that dog that's out of this county; then, you know, that's pretty expensive. Plus, we have to spend extra time housing that animal. That's also kind of tough for us.

There are a lot of other comments I would like to make but I'm going to wait and see what other people have to say and if there's things that weren't brought up, please do tell me. I have had, and I'm not going to use any officers' names, to protect the innocent. I have had officers tell me that they are kind of upset with the fact there are times when they would like to have animals picked up but we don't have enough officers in Animal Control or Animal Services to do that. They would really like to see us be able to pick up those dogs that they are seeing acting up instead of just picking up a dog that looks a certain way. I've gotten that feedback from the officers. They're kind of frustrated with that too. They have to come out to repeated calls because an animal has been killing cats or whatever that animal's been doing, but we don't have the availability to send our other officers out and Animal Services to deal with it. We are strapped for money, so spending a quarter of our money just on a bred specific dog is really, I think, a waste of money. We need to be more effective in how we do it.

Are there any other numbers you'd like to add to any of this, that's been affecting you? Please do. I'm asking you to tell us because you're the one that has to deal with it. **Ms. Stewart** said I think the most interesting number is our length of stay, our average length of stay for a current bred, a pit bull basically. That just encompasses all three that Mr. Conway had mentioned. The average length of stay is 71 days for a pit bull and the average length of stay for a non-pit bull is 52 days. We're keeping these dogs for a significant amount of time that we do our best to try to find them homes. We are limited in where we can send a foster or to have the animal adopted. That causes us to take up a space in a kennel that is pretty precious because we have 81 kennels for a population of 150,000 in our community. I don't know how many animals there are but most homes have at least one dog. That ban is really keeping us from getting animals adopted at a rate that a non-band dog would be adopted. That really hurts us.

**Commissioner Philbrook** said well, part of the problem too, if I'm one of those owners and somebody picks up my dog, because you know how dogs are, sometimes they like to get out and I don't care whether it's a Chihuahua or a Mastiff. Sometimes they have a way of getting out and when that happens and somebody picks them up and they end up down at the shelter, then am I going to go back down and pick that dog up if it's deemed illegal? Probably not. I'm going to leave you holding the bag with that animal and trying to find a home for it because I won't come down to get it.

Not speaking personally because I don't have one, I don't have any dogs right now, but the point being is, is that I don't want other folks to feel like their loved animal, they can't go down and get it because it got out and got picked up and then we the people have to pay to take care of that animal or frontal. We don't recoup any of our money on that. It's not like when other dogs get picked up, that get reclaimed, and the folks pay for that. It doesn't happen with them. I just wanted to mention that because I know you know it. I appreciate that. What else do you want to tell us?

**Ms. Stewart** said I think that just the average length of stay is probably the most important part. You already touched on the money. It's well over a quarter of a million dollars. We could use that money for more space to pick up more animals. We could use that money for an adoption counselor coordinator, just more space in general is what we need and more staff to help facilitate moving these animals into homes where other rescues are.

**Commissioner Philbrook** said spay and neutering and chipping. That means we can take that money—how much did you say you thought it would cost. I think we were talking one time, you told me about how much you thought it cost us to chip all the animals that came in. **Ms. Stewart** said about \$18,000. **Commissioner Philbrook** said and we don't have that money right now and if we could chip those animals, then we could find them if they got loose again. We wouldn't have to look for them and we know who their owner was. **Ms. Stewart** said we get a lot of return customers. It would be nice to know where the animals are supposed to go to. Our number, it kind of varies. I did the number for 2018. Our pit bull count was at about 19%. Today I did an inventory and it's 38%, so it varies, but overall for last year it was 19% and today as we speak it's

38%. Again, it varies, but that 25 dogs right now that we are going to have a hard time finding a home for.

**Commissioner Philbrook** said besides the \$240,000, how much money are we missing out on from not being able to get grants because we have a breed specific law. **Ms. Stewart** said I don't know how many. I know one specifically. I've heard it's anywhere between \$30,000–\$50,000 and that was to help us with an adoption coordinator, some kind of staffing position but from my understanding—**Commissioner Philbrook** said it's just that one grant and you haven't bothered trying to look because they won't—**Ms. Stewart** said right because there are very few that will offer a grant that has breed specific language right now. **Commissioner Philbrook** asked is there anything else that you'd like to say right now? **Ms. Stewart** said no. **Commissioner Philbrook** said we may have more questions for you but thank you. I appreciate your help.

**Chairman Bynum** asked are there questions or comments from the Commission.

**Commissioner Johnson** said with regard to the violations and penalty section of the current ordinance, if this repeal goes into place, how will the penalties differ, if at all, from what is currently in the current ordinance for pit bulls. **Mr. Conway** said I'd like to clarify too because I don't think I was all that clear. This measure would repeal the pit bull ordinance and in place would remain the other sections about dangerous animals and vicious animals. Those penalties are still the same; dangerous animal, I believe, is \$300 minimum—**Commissioner Johnson** said right, and a \$1000 maximum. The court may sentence the defendant to imprisonment up to 90 days. The language would continue in the dangerous dog legislation. **Mr. Conway** said correct and this measure does not touch that at all. It stays as current law and vicious animal, you'd probably lose the dog.

**Chairman Bynum** said I think we have some folks in the audience that would like to speak to this issue and the way I think I'll take it is this. If you're here two, three or four of you in agreement with repealing the pit bull language in our ordinance, we'd ask you to step to the microphone, introduce yourself, city of residence and you'll be given three minutes. We'll do the same for any audience members that are here in opposition to the repeal. I hope I've made myself clear.

**Kate Fields, CEO & President of the Humane Society of Greater Kansas City**, said thank you all for this time and for what you do for the community. I appreciate your time and the fact that I would be able to speak to you about what we run up against in the community. We're proud to be partners with KCK Animal Services. We're the veterinarian of license and what that means is that we are down every day, sometimes six days a week taking care of the Animal Control animals, Animal Services.

What we're up against, we have a shelter, we have a clinic and what we find is that—and we take any of the hurt, abuse, neglected animals from Animal Services. We repair them, we take care of them on our dime and then we try to find homes for them. Animal Services is full and they do have I think 38% pit bull mixes. We've got roughly 40% in our shelter and we're not a big shelter. Part of the problem that we find is when we take the animals that are hurt a lot of them do come in, pit bull mixes, we fix them and then we have to try to find homes outside of our community. Ten years we put the Ray of Hope program into place to help take animals out of KCK that weren't being adopted to Olathe PetSmart to be adopted. We're still doing that. It's our volunteers that are still taking animals out to Olathe and getting them adopted.

Thank God, now that Jennifer's around and we are being able to adopt animals out of Animal Control, but it's still a hardship when we have to take them 30 minutes away. It's stressful for the animals and if they don't get adopted, 30 minutes back is stressful. I will say too, that since we are down there every day of the week, you're all paying us to take care of those animals and they're in a stressful condition and I don't care how nice a kennel is, it's still a kennel. They're capable of picking up anything, any type of disease because of the stress that they're under, so you're paying us and we're happy to do it, but that's a big cost to the Unified Government.

When we take these animals in and if a pit bull gets loose, pit bull mix, and it's hit by a car, we take that animal and we take care of it. It's not easy on us. It's a hardship. I have to go out and raise money to try and do this.

We were the first no kill shelter in the great Kansas City area. We're proud to be that way and we're proud with what Animal Services has done to become close to being a no kill shelter. That's the way it should be. This is an outdated, archaic law. I would appreciate you thinking about this. It's just not easy on us. We're the only shelter in KCK and when people are coming

to us to say hey, can you take animals, Animal Services is full and I have to say we are too, you know because we can't adopt out in our own community.

I appreciate the fact that you're looking at this for us. It definitely is a compromise. We already have dangerous dog laws on our books and it just seems redundant to me, but I appreciate it and I'll be available if anybody needs me.

**Kay Lee** said I just want to say good evening. Thank you all for the opportunity and for being here tonight. I've been a resident here for 8 years now and I've recently moved to District 2 from 4. I actually just want to talk about my experience when I was younger and how it impacted me and what I've learned from that.

When I was about 4, I was actually attacked by my dog. He was a Doberman Pinscher and it took the top of my head off. Basically, my mom had told me not to go out, not to let the dog out and I naturally did the opposite. I was playing with newspapers and like playing towards the dog and his natural instinct would be to protect himself. Me, as a child, not knowing that the dog may react that way, I didn't think anything of it. As I grew a little older, my mom reintroduced me to dogs, taught me how to approach a dog, the proper way to do that, and how to behave around dogs as well as obviously kept an eye on me in any type of situation.

The event could have definitely been avoided. As a child, my mom took responsibility for that. It really wasn't the dog's fault per se. It was definitely ours and it could have been avoided. I think it is more so the behavior of any animal that we need to be looking at versus the breed. Any dog can show signs of aggression. It's not just one thing in particular, one breed specifically.

Recently within the last couple of years I started volunteering at Unleashed, excuse me, it's a pet rescue. I've worked with many different types of dogs, most of them being pit bulls and I've actually found that they're one of my favorite type of dogs. They're very loving and never been scared to approach one and I think it's important that we're informed about the behavior of an animal and to pay attention to signs of aggression. That's all I have. Any questions?

**Chairman Bynum** said thank you very much. Are there one or maybe two more speakers in favor of repeal? You'll have three minutes.

**Brandon Filbert** said I am in Commissioner Philbrook's district. Thank you. I voted for you. You're doing a great job. **Commissioner Philbrook** said no, we'll see how she votes next time. **Ms. Filbert** said I am watching you. Thank you very much for hearing us on this very important matter. I could talk a lot about stats and about any data points because I think you can pretty much find whatever point of view that you want to support your own point of view if you dig deep enough and hard enough. I thought rather than doing that I'd just share my own personal experience.

As Commissioner Philbrook shared a little earlier, there are a lot of situations where people are just saying, hey, this looks like a pit bull and I'm mad at my neighbor. We actually had that happen to us, where my neighbor came over and he told me I want to first of all apologize because I didn't mean to do it. She got mad because we had an older German Shepard mix that went over and he left a deposit in her yard and he is an older dog with some incontinence issues and we didn't catch him before he made his way over there. Anyway, he came over and he said my wife got mad and she knows that you just took in another dog and she reported you for having a pit bull. He said we're very sorry because we know this is going to create an issue and sure enough, I got up to my front door and there was a notice from Animal Control that I needed to contact them.

I called them and left a message and this was 4:30 or 5 o'clock in the afternoon. I called them again at 8 o'clock the next morning as soon as their office hours were open and then called again the following morning at 8 a.m. to let them know that we were trying to get this taken care of because the notification basically said that they needed us to call. Then at the end of the third day Animal Control comes, pulls in my driveway and he walks in and introduces himself, delightful gentleman and he said I have to—I've got to investigate this complaint of a dangerous dog in a pit bull. He said can you show me the dog. At about this time, of course, she's bouncing around his ankles and I said that's the one. He said well that's not a pit bull. He's like, that's a Mastiff and you can't miss the fact she's a Mastiff.

I mean it was funny because when we adopted her from Animal Control, they were even the ones that told us she was a Mastiff. It was just one of those situations that was very frustrating because it had taken him the amount of time to come out and put the notice on our door and then there was also, whatever was going on that he could have been doing and not coming to our house. I know it was at least a half an hour that he was there because he was very gracious and he spent time with us and just gave us suggestions about managing, you know, neighbor relations and you

know of course now we do everything we can to make sure that we follow, bob around with the pooper scooper, so that it doesn't happen again.

Where we live in Wyandotte County we are surrounded by lots and lots of open space and a lot of stray dogs running around. We have livestock. We have packs of dogs that are roaming around neighborhoods that truly are dangerous. Thank you very much for hearing us on this very important matter.

**Chairman Bynum** said thank you very much. Yes, one more speaker in favor of and then we'll move on.

**Angie Ridemyer** said I live in District 5. Thank you for your time and this opportunity to testify in favor of the repeal. I have strong ties to the Kansas City, Kansas community. I've lived here most of my life and I've been a homeowner for the past 9 years. I still work in the community. I've taught in both the KCK and Piper School Districts for the past five years. I'm very involved in rescue and I have fostered many animals from Kansas City Kansas Animal Services over the past 6 years. Dogs and children are very dear to my heart. Between having owned dogs all of my life and my involvement in animal welfare, I've worked with dogs of all breeds and behaviors.

Pit bull dogs are just dogs like any other and should be treated as individuals. It's impossible to predict if a dog is dangerous based on its looks and not its behavior and any breed of dog can be dangerous. KCK has a dangerous dog ordinance that is much more effective at addressing the behavior of all dog breeds, regardless of how it looks. It does not make sense for the UG to have both ordinances.

The dangerous dog ordinance is much easier to enforce, while the breed ban is expensive and does not work. Also, labeling a dog by its looks is subjective and many dogs are misidentified as pit bulls when they're not. When this happens, then the dog owners rack up thousands of dollars in legal bills fighting citations and possibly having to give up their beloved dogs. This causes hardship for many people who cannot afford it and it results in having to make a hard decision to not fight an incorrect identification and abandoning their dog at the shelter.

The breed ban also, as she just spoke about, can be bad for relationships among neighbors. The Animal Services officers need to spend their valuable time not investigating the complaints and picking up stray animals or enforcing the dangerous dog ordinance instead.

In conclusion, it is time to repeal the pit bull Ban in KCK and stop wasting valuable resources on an ordinance that does not only not work, it causes harm and hardship in our community. We are all better off if we focus on enforcing the dangerous dog ordinance instead.

**Chairman Bynum** asked are there people here in the audience that are here in favor of lifting the breed specific language or the pit bull language in our ordinance. If so, would you like to stand up if you did not get a chance to speak at this time. (Approximately 31 people stood.)

**Chairman Bynum** asked is there anyone here in the audience that would like to come to the podium to speak against the repeal of this ordinance. There were none.

**Commissioner Markley** said I did just want to make a couple of observations. All of us have been receiving emails from people who are in opposition to lifting this ban and one thing that they keep providing is statistical information, which I love. Everyone knows I love statistics. What I find interesting about the statistics is that they're sending us information from Kansas City, MO which has a pit bull ban. What those statistics show is that there are still pit bull attacks happening in Kansas City, MO.

We know people here own pit bulls and they're obviously owning them in Kansas City, MO, despite the fact there's an ordinance saying they can't own them. What we're trying to do is create an environment where people can own a pit bull and they're punished for the right reasons if the pit bull is misbehaving. I want to recognize we are getting those emails. I'm seeing them, I'm reading them but I think, in fact, they might be reinforcing what we're trying to do here.

**Commissioner Kane** said just for the record, I never wanted the ban in the first place. You can't clap. You can't clap. I would love for you to clap but you can't clap. What the last speaker just said happened to us. My daughter had two pit bulls in college down at Pittsburg State. She was staying by herself. We wanted a little extra protection and they were strictly teddy bears. When she came home from college, she couldn't have been home for more than 5 minutes, she was going to take the dogs to the farm. She let the dog out of the car, 5 minutes later I've got somebody standing at my doorway saying where are your pit bulls.

Somebody turned me in. It was at the pool when I lived in Westmore Downs. It's not the dogs; it's never been the dogs. You know I had a German Shepherd when I was growing up. My wife had a German Shepherd and the biggest Doberman Pinscher you've ever saw in your life. All of them, good dogs. Why we single this one breed out is wrong. It's not the dog. It's the people that raise the dog and Jane up to you.

**Chairman Bynum** asked, Commissioner Philbrook, did you want to make any additional comments.

**Commissioner Philbrook** said well, the whole reason of bringing this back up is because of exactly the fact that we are wasting money and we need that money sorely to take care of business. We're way undermanned. A city this size should have 20 officers and we have how many? Four active officers. What does that tell you? That tells they are undermanned. I've got a word to use, underpersoned, and need a lot more help and we've got a million-dollar budget. I'm going to go ahead and mention the fact that between the KCK Pet Project and the HELP Program, those people have worked so hard. They have spent, raised and whatever a million dollars this year to help just Wyandotte County folks.

This is not what we have spent. This is other people helping us take care of our community and without them you don't even want to think how bad it would be out there. They have helped us. They have been spaying, neutering and vaccinating to the tune of—this is KCK Pet Help, 2018, \$239,000 that they've spent. The volunteers have been working up to 24 hours a week in 2018. That's 2,800 hours to get a hold of dogs. For cats, they've caught 1,800 feral cats, spay, neuter, clip the ear and returned them back. We're talking about food and all kinds of things. The list is long and I can't tell those folks how much, there's no way, I'm sorry I'm getting all teary. It's exciting to me to see people who actually care about our community and go out and help us. Thank you. Thank you very much.

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

**Item No. 5 – 19746...RESOLUTION: JOHNSON COUNTY 911 INTERLOCAL AGREEMENT**

**Synopsis:** A resolution approving an interlocal agreement with Johnson County, Kansas, for usage of their Communications Center's existing 911 phone and radio communications equipment as emergency backup, submitted by Terry Zeigler, Police Chief.

**Casey Meyer, Assistant Counsel,** said I'm not going to repeat what you just said because that's exactly what it is. We have Major Quinn here as a representative from the Police Department if you have any questions. It's a very basic contract with Johnson County and the Police Department would only be using their dispatch services in the case of an emergency.

**Chairman Bynum** asked this item is separate from and different from the Communications Center Remodel Project. **Rance Quinn, Police Major,** said yes, that's correct. **Chairman Bynum** asked could you expand on that just briefly because aren't we also going to use them as a backup plan for that as well. **Mr. Quinn** said we are and at this time they have decided that for our run of the mill emergency situations where we need a backup center, that's the interlocal agreement here. **Chairman Bynum** said okay. **Mr. Quinn** said they have not come forth with an agreement to allow us to use during the remodel process. They've basically just stated verbally that this would be a test for us to utilize their center. We're going to do it now and again this fall. Currently, there's been no discussions of any kind of additional charges in that. **Chairman Bynum** said okay, that's easy. Is there a motion on this item?

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

**Item No. 6 – 19750...REPORT: JOE E. AMAYO ARGENTINE COMMUNITY CENTER**

**Synopsis:** Report on the operation of the Joe E. Amayo, Argentine Community Center, 2810 Metropolitan Avenue, submitted by Jeremy Rogers, Director of Parks & Recreation.



## Background

- According to the 2016 County Health Rankings, Wyandotte County is ranked 101 out of 101
- The Unified Government of Wyandotte County is dedicated to improving the quality of life for all its residents by meeting their health, living, and recreational needs

**Jeremy Rogers, Director of Parks & Recreation,** said in 2016 the County Health Rankings came out and as we all know we finished last, 101 of 101. The UG made a commitment to dedicate to improving the quality of life for all its residents by meeting their health, living and recreational needs.



## Background

- According to the 2016 County Health Rankings, Wyandotte County is ranked 101 out of 101
- The Unified Government of Wyandotte County is dedicated to improving the quality of life for all its residents by meeting their health, living, and recreational needs

With that in mind, the budget workshops were held to discuss the possibility of potential upgrades at the Joe E. Amayo Community Center. The Commission voted in July of 2016 to move forward with funding necessary upgrades to house a fitness facility. The County Administration instructed Parks & Recreation to request a Notice of Need for a proposed fitness center at the Joe E. Amayo Community Center. That Notice of Need was posted on August 15, 2016.

## Notice of Need

| Proposed Project Schedule Date | Event                                                                          |
|--------------------------------|--------------------------------------------------------------------------------|
| August 15, 2016                | Distribution of NON                                                            |
| August 22, 2016                | Deadline for respondents to submit written questions (Noon, CST)               |
| August 25, 2016                | Deadline for answering questions from respondents will be provided (1:00m CST) |
| September 7, 2016              | Responses due before 2:00 p.m. CST                                             |
| September 16, 2016             | Notice of Award                                                                |
| April 22, 2017                 | Contract Start Date                                                            |

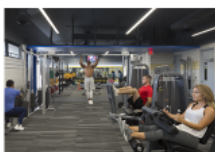
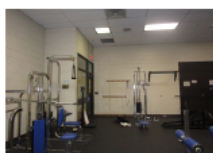
Here's that timeline for that Notice of Need. It went out. We received proposals and it was awarded on September 16, 2016 to Metro 24 Fitness. That contract with them started on April 22, 2017.

## Phase I Bid Process

- Phase I went out to bid December 15<sup>th</sup>, 2016 and were due on December 28<sup>th</sup>, 2016
- Bids ranged from \$370,000-\$520,000
- B. Dean Construction submitted the lowest bid and was awarded the contract
- Construction began February 2017 and finished April 2017

The construction process went out to bid on December 15, 2016. Those bids that we received ranged from \$370,000 – \$520,000. B. Dean Construction submitted the lowest bid and we awarded that contract to them. Construction of the facility began on February 2017 and finished in April of that same year.

## Phase I



- Scope of services:
  - Parking lot lighting and new lighting for renovated areas
  - ADA access through west entrance
  - Entrance modifications for control and 24/7 access
  - Renovation of existing multi-purpose and fitness room into new spaces
    - Approximately 6,087 sf renovated, fitness center makes up about 3,300 sf
  - Upgrade interior finishes at corridor
  - Restroom renovations, upgraded to meet ADA
  - Security cameras

Project Total Phase I= \$388,400

Some of the things that were done during Phase I was parking lot and outdoor lights were upgraded, ADA access through the west entrance, entrance modifications for 24/7 access into that fitness facility, renovation of the existing multi-purpose and fitness room was renovated into a new usable

space. Approximately, just over 6,000 square feet renovated. The fitness center of that space makes up 3,300 square feet. We also upgraded the interior finishes at the corridor. The restrooms were renovated to become ADA compliant and then security cameras were added. That Phase I project total cost \$388,400.



## Phase II

### • Scope of services:

- Lobby reconstruction:
  - Conversion of lobby and conference room into multi-purpose room for classes and rentals
  - Updated lighting and entrance doors
  - Grounded and polished concrete flooring
  - New outdoor signage
- Air conditioning in gymnasium
  - 4 rooftop air units
  - 4 rooftop air unit install
  - Engineering & special air conditioning custom mount construction
  - Additional architectural fees

Project Total Phase II= \$224,000

Phase II, which was just recently completed, was the front entrance in the lobby reconstruction as well as adding air conditioning, four new air conditioning units into the gymnasium. That project cost \$224,000.

## Project Total

| Funding Source                    | Amount    |
|-----------------------------------|-----------|
| UG Funds                          | \$332,000 |
| Outside Funds (ANDA and Wal-Mart) | \$280,000 |
| Metro 24 Contribution             | \$200,000 |

Total Facility Upgrades = \$812,000

For the total project costs of renovations to that facility was \$812,000. Of that \$812,000, \$332,000 was voted/funded by the Commission. Outside funds from grants were \$280,000 and then Metro 24 Fitness contribution was \$200,000.

## Contract

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- Contract began April 22, 2017
- Responsibilities of Metro 24 Fitness include:
  - Manage and operate the Fitness Center as a full service, first class Fitness Center
  - Provide memberships at \$19.99/month for residents
  - Actively market, advertise, and promote the fitness center
  - Provide information, membership, and/or usage reports to the UG
  - Expected to operate and manage the fitness center for at least 18 continuous months after the date it first opens
- Current contract valid until December 31, 2020
- Upon expiration of initial contract, it can be renewed annually with mutual agreements



Metro 24 Fitness entered into a contract with the UG that began on April 22, 2017. Some of the responsibilities of Metro 24 is to provide a state-of-the-art full-service fitness center 24/7. They are to provide memberships at \$19.99 a month for Wyandotte County residents. They actively market, advertise and promote the fitness center. They provide information, membership, and or usage reports to the UG. They are expected to operate and manage the fitness center for at least 18 continuous months after the date it first opens. The current contract is valid until December 31, 2020. After that expires, it can be renewed annually with mutual agreements between the UG and Metro 24 Fitness.

## Usage

- Parks and Recreation handles the scheduling of programs, activities, and events that take place in the Joe E. Amayo Community Center
- Phase II renovations provided a larger and more efficient multi-purpose room to allow for more programs and meeting space for the community to utilize
- The community center is open to the public for use through the Parks and Recreation reservation process
- The studio room is predominantly reserved through Parks and Recreation by Metro 24 Fitness for programming, but is a shared space
- Addition of Metro 24 Fitness has increased center usage



Parks & Recreation currently handles all the scheduling of programs, activities, and events that take place in the Joe E. Amayo Community Center. That is all done through our office at 50<sup>th</sup> & State. The Phase II renovations provided a larger and more efficient multi-purpose room to allow for programs and meeting space for the community to utilize. The community center is opened to the public for use through the Parks and Recreation reservation process as I mentioned. The studio room is predominantly reserved through Parks and Recreation by Metro 24 Fitness for programming, but it is a shared space. The addition of Metro 24 Fitness has increased the center usage as a whole.

If you look at this chart on the right, previously we had our own little fitness center. We had about 50 members per year. Metro 24 is up to almost 1,200. They're doing better than we did.

## Programming

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- Around 20 groups were relocated during the renovation process
  - Accommodations were made available for these groups at other community centers
- Upon completion of construction, each user group was contacted and offered to return to the center
  - Groups were either happy at their new location, relocated back to Joe E. Amayo community center, or disbanded due to low participation numbers
- To date, an average of 45 user groups have ongoing reservations
  - Metro 24 Fitness has added 10+ classes (Zumba, boot camp, yoga, etc.)



Around 20 groups were relocated during the renovation during the construction process. Accommodations were made available for these groups at other community centers such as the B. Lee Community Center, the Armourdale Community Center, Kensington and whatnot. Upon completion of the construction, each user group was contacted and offered to return to the center. Groups were either happy at their new location, relocated back to the Joe E. Amayo Community Center, or disbanded due to low participation numbers. To date, an average of 45 user groups have ongoing reservations. Metro 24 Fitness has several of those with their fitness programs.

## FAQ

- 300+ patrons frequent the community center/Metro 24 Fitness Center per day
  - Highest use day in 2017 = 93 visits
  - Highest use day in 2019 = 330 visits
- 95% of members from Wyandotte County
- Metro 24 Fitness occupies 3,300 sf
  - Gym = 7,050 sf
  - Common area (office, restrooms & multipurpose room)= 6,500
  - Total sf of community center = 16,850 sf
- Parks and Recreation controls 13,550 sf



300+ patrons between Metro 24 and the community center has over 300 people going through the center per day. The highest use in 2017 was 93 visits. Previous to Metro 24, the highest usage this year so far is 330 patrons through that facility. 95% of the members of Metro 24 Fitness are from Wyandotte County. If you look over here at this chart right here, this is a layout of the building. This is the gymnasium. This is Metro 24 right there. This is the shared space that I talked about earlier. The gym is just over 7,000 square feet. This little entry where our office, multipurpose room, the community room is now, that's 6,500 square feet. The building as a whole, the whole thing is 16,850 square feet. Of that, Parks & Recreation controls 13,550 and that concludes my presentation.

**Commissioner Markley** said as some of you know this community center is on the cusp of Commissioner Murguia's district and my district. I have been there frequently. Before this change occurred, you'd go in the center and you might be the only person there, the only human in the whole building. We rented it for a family event once and we were the only people there. ABC offered a winter program where they put up bouncy houses in the gym and my husband would take our little guy there and he and two other kids would be the only people in the building.

This is an amazing transformation and now if you go down there, it's busy all the time. There's a whole variety of events happening, all different types of people all the time. That's how a community center should be. We want all of our community centers to be full of activities

whether that happens because we're just offering additional programming or because in this case, we had a partnership that increased traffic.

I think the great thing is even people that are not members of the fitness center, they have been exposed to the building in different ways because of just increased traffic. It's exciting to see everyone busy in that building. It's exciting to have the problem for once of not having enough space for everything that we want to see happen there.

We went through a similar transition in my district at Turner Rec where we started out with a building that had very little activity and now it's overflowing. That's the kind of problem we want to have. I'd love to have that problem at more of our community centers and be having that kind of discussion about how to find more space for our awesome programming and for services to our community.

**Commissioner Philbrook** asked does Metro 24 Fitness pay any kind of lease moneys or we just let them operate. **Mr. Rogers** said no, in their contract they do not pay a lease at this current time. **Commissioner Philbrook** said no, do not clap. Sorry guys. These are just point of information. Do not clap back there. Please, you'll have your opportunity. That was the agreement for them coming in and helping us upgrade that particular facility. That's what we saw as the reason for doing that. **Mr. Rogers** said absolutely. I wasn't involved in those negotiations but I do understand that another aspect of having them there and not pay a lease is to subsidize to keep that user fee at \$19.99 per month. If you go elsewhere—if you go to the YMCA or other competitors, it is more expensive. That was one of the caveats to that contract.

**Commissioner Philbrook** said at the time—I don't know how much the Y charges. Now, I know as a senior citizen it was like \$39 a month and that's just with the Y and that's one person. I can see where \$18, \$19 would look a whole lot better to some folks than the \$40 or whatever it might be, but on the other hand maintaining a workout center is expensive. I believe that—because I was involved in it. I think it was nobody wants to go into this kind of business. You don't want to be faint of heart to try to open up a fitness center. You got to know what the heck you're doing. You have to have money to put into it. I don't believe we really wanted to run a fitness center and I believe that's one of the reasons we did it, if I remember correctly. Is that? Yes. Okay.

**Commissioner Johnson** said I just want to get some clarification. Under programming you said around 20 groups were relocated during the renovation process and that those groups were contacted and offered to return to the center. If for some reason say one of those were in my district, they chose—they had a choice as to whether or not they would go back to the center at Argentine. **Mr. Rogers** said yes. **Commissioner Johnson** said so what you're suggesting is they were happy with their new location if they chose not to go back. **Angel Obert, Recreation Division Manager**, said yes, that's correct. **Commissioner Johnson** said asked was any of community offered an opportunity to speak one way or the other as to whether they should move, stay permanently or stay temporarily in a particular center. Were they asked, any one from the community asked or brought into that discussion? **Mr. Rogers** said not to my knowledge. I know there was—this did go before the Park's Board but Joe Connor came to speak to it at the Park's Board. They did not have quorum that night.

**Commissioner Johnson** said that's a good way for me to come back around and ask my question. I was concerned. I'm wondering if the Park's Board—was that ever brought up to them at any point relative to where the groups would either stay for a temporary basis or for a permanent basis? If a group wanted to stay there in a particular group outside of Argentine, was that discussed at the Park Board level? **Mr. Rogers** said no, it was not. **Commissioner Johnson** said I think it probably should be because I think you might get some interesting response from those that are on the Park Board for that particular issue. I have no other comments relative to—**Commissioner Philbrook** said I'd like to talk about the Park's Board. The Park's Board is an Advisory Board and some people seem to think that the Park's Board can vote something in and move it to Commission and I don't want people to get that idea but the Park's Board is very important because they're supposed to be representing our city and the folks in it and letting us know what we think, what they think. You know tell us what we need to think, tell us, put it in there because we don't always know. We get some people who let us know but usually folks don't call us or let us know things unless they feel very, very passionate about it. A lot of people it's pretty much eh, okay they can do this, eh, it's alright that and so we don't hear anything.

**Commissioner Johnson** said to your point I would say then, to the extent we get the Park's Board advice as our representation it would be nice to see what they think about the new reconfiguration of the programming that has been moved from Argentine into other areas of the community. I

really particularly sensitive to the 4<sup>th</sup> District, obviously, but if there are any comments or any pushback in terms of their advice, I would certainly love to hear that at that level. **Mr. Rogers** said absolutely.

**Commissioner Philbrook** said yes, thank you and I'd also ask that when we get ready to do some stuff like this that we actually go to the Park's Board and let them know that we're planning on doing some things so they can be part of the community vetting process. Does that make sense to you? **Mr. Rogers** said absolutely, I concur. **Commissioner Philbrook** said I really do because the people on this Park's Board are dedicated to caring about our community because it's not like they get paid to be on there. They care about it and they want to make sure that their communities are represented, but up until recently they've helped with things, but we haven't let them play a formative vision in this. I would appreciate that.

**Chairman Bynum** said, Jeremy, on your FAQ page, that one, highest used day in 2019 is 330 visits. Now, do you know the balance of those visits between community center or fitness center. I mean you said you're tracking the numbers. They're reporting to you their numbers and you're tracking the numbers. Is it 330 visits, 50% of which were at a community center function and 50% of which were going to the fitness center or do we have that breakdown?

**Mr. Rogers** said I don't have that breakdown at this time. I can get that. For this project, we combined them. I apologize. I don't have them. **Chairman Bynum** said okay. That might be helpful to know but in an earlier slide I thought you said that the fitness center is—Parks and Rec handles the scheduling, activities and events. I don't know. I thought I saw a bullet point that made reference to them reporting to you their usage. **Commissioner Markley** said it's in the contract slide. **Chairman Bynum** said it's in the contract slide. Thank you. Here we go Metro 24 provides information, membership and or usage reports. I would think through that reporting you'd begin to be able to extrapolate. **Mr. Rogers** said yes. **Chairman Bynum** said and we have a daily highest use of 330 we would know. **Mr. Rogers** said correct. **Chairman Bynum** said it's kids rec, parks and rec or it's fitness. It would be good and interesting for us to know that data. **Mr. Rogers** said I can report that back to you.

**Chairman Bynum** said I would say that I have asked our Legal Department to render a decision to us on the role of our Parks Board. It seems to be an item of conversation as this and other parks and rec topics come up. Soon, I hope we will know what our Legal Department interprets our own laws to be and we can all have a full understanding of this advisory board/policy making board. That is the place where I would rely on to get that ruling on what the purpose of our Park's Board is. I will say that this item, the reason this item is on our agenda tonight is at my request because we had a request from a community member to speak on this topic and it was Ms. Aguirre. Are you here? If we don't have any other comments or questions from our committee members, I would invite you to the podium to give your comments. Personally, I wanted to have some clarification around data and information. I appreciate that you're here.

**Diana Aguirre** said I'm sure you guys are familiar with me. I live in Argentina. I've been a community activist over 22 years. I've lived in Argentina 35, 22 years, we volunteered, my husband and me. We've always had events at the community center for 17 years. Youth nights, we would get 350 kids at the youth nights. They would be in the community center. They would have a great time. We never asked anything from Parks & Rec. We did it all on a volunteer basis. Trick or Treat Villages, we'd have like 1,700 kids on Halloween Day to get candy, all the community would be invited.

We had dance programs. We have boxing programs that we'd like to be put in there but I want to start out really by saying I really think I need an apology from the Unified Government, Doug Bach, because he put on their website that there was a group of residents concerned about the future of the recreation centers, that we were spreading misinformed information and fueling rumors about the centers, that they were going to privatize them to the fitness centers. I would like to have an apology from him, Mr. Bach and Jeremy. He said at the time, Doug Bach, but we won't move forward on any proposed changes at this time. That's not until we turn around and are not looking.

As far as the Parks Board, they are a policy making board. Back in April 23, 1998 it states that they are a policy making board, that Doug Bach or whoever is the County Administrator at the time, to come to the Park's Board and create the budget with them. That has not been done for probably, since the time that I went in front of them because some commissioner was trying to put a \$29—\$175,000 home on Clopper Field. At that time Park's & Rec voted to keep Clopper Field

a park. Thank you. Park Board members at the time I do have the proof here and really quick, I just want to say we were at the board meeting and there was supposed to be a vote but there wasn't.

I have talked to the Taxation Department in Topeka and I have told them about what has been happening at the Amayo Center. I have given them every information. They sent me an email and I know I don't have enough time, but I do have so much documentation, so much proof that you went behind our back. We did not have a public meeting. You guys discussed it back in 2015, not with the community but amongst yourself. We are the voters. We pay taxes to be able to give a for-profit company, and that's what they are, they make \$20 a month for 12 months; they make over \$250,000 off of our community where our kids pay \$15 every time they are playing a sport at the parks and here are your quarterly reports Jeremy. May I speak a few more? **Chairman Bynum** said let me stop you just briefly so I can take a motion for two more minutes of time for you. Is there a motion?

**Action: Chairman Bynum made a motion, seconded by Commissioner Markley, to approve two more minutes of time. Motion carried unanimously.**

**Ms. Aguirre** said really quick these are the quarterly reports. This is who signs in. That is the quarterly report. If I handed that into my boss, I would be reprimanded or fired and there it is 2018 – 2019. Here is the lease. They are not a management company. That's what you're trying to tell everybody, that they're a management company. They own it. I have a video from the ribbon cutting stating the commissioner at the time stating that Matt Warner owns the 24 Fitness Center.

I also have the contracts. I also have a purchase order that's \$500,000, that was put back into the Argentine Community Center for air conditioning. For years our kids suffered in the heat. This gentleman comes around and we spend \$500,000 on—probably his gym equipment, security that we can't get into our own community centers. They're kicking our kids out. They've spent half a million dollars and I hear you guys saying we don't have any money. You had \$500,000 to give to a for-profit when our kids pay \$15 to play basketball down there. I don't understand that.

As far as the gentleman from taxation, he did tell me, and I have the letter right here, his name is Mr. Hamm. He is the Deputy Director of the Kansas Department of Revenue and Division of Property Valuation. He is forcing or they are going to ask the UG, the city to reapply for tax

exemption from the changes being used in the center. This is actually a unified person, a person from Topeka that is stating that they are going to have to reapply for that taxation.

**Chairman Bynum** said thank you very much for coming tonight and giving us your thoughts and opinions. Now I have a question. The documents that you've brought, do you want us to have them? **Ms. Aguirre** said sure. I want you to have everything that I have. **Chairman Bynum** said, Mr. Cross, can you go around and collect the documents that Ms. Aguirre has brought forward? **Ms. Aguirre** said not that I don't trust you, can I go with you to make sure that I make the copies? And also, presentation—I do want to say this really quick. Thank you, Jeremy, for the presentation that came out two years later. This should have been presented in front of the public.

**Chairman Bynum** said thank you very much. It was important to bring this presentation forward. I will concur. Yes, if you don't mind. Mr. Cross will help get a set of copies made so that we can have a set. Are there any other people that want to speak on this item? Please come forward.

**Faith Rivera** said I am a precinct leader in Rosedale. I have been in Rosedale—I'm a third generation Rosedalian. I am also too a—I have a fourth generation. I am raising two fourth generation Rosedalians who also use the community center.

On Saturdays, earlier morning on Saturdays, my children would dance for DMB. I've put the pictures out to show that in these pictures on my Facebook pages that all of the kids in these pictures are kids that danced at DMB. There were 200 children that were displaced, that's UG's definition, where I call it kicked out. DMB was not told that they were going to be displaced. My kids were not able to dance and were displaced.

When you say that—Ms. Markley, when you say the community center was empty, it was not. We were filled on Saturday during the day. We got up early on Saturday and danced. We were a community; the gym was full. We had people in and out. We couldn't even move in those hallways, so I want to say that and I have pictures to prove that. They are also too on my Facebook page. Also, all of the board meetings are also too on my Facebook page. I go live.

About the gym, we have a gym in Rosedale. It's called Southwest Boulevard Family Fitness. It's been since 2012. It's a non-for-profit gym. They have actually certified fitness

personal instructors. There are also two. Next door is a health center. When they say we needed this, we didn't. We have one and actually it's let's expensive to use. Actually, the first month is \$10 for a single member, \$15 for new families. They also too have a great calendar telling you what you can do and if you can't afford it, guess what, they'll subsidize you. You just bring in your W-2s. I've been there. I've been their member for quite some time.

Also, I want to say per the Amayo website, they only have one staff member, a Facilities Manager, Caesar Sanchez. No information on his credentials but it does tell you he can speak English or Spanish. If you need some help there, he'll help you there.

Again, like I said certified personal trainers are at the Southwest Fitness Center. They've got Alma, Erin, Joel, Priscilla, Shanna and they're all certified in CPR as well. They also too have—thank you.

**Chairman Bynum** said thank you very much. I appreciate that you took the time to come and be with us tonight. It looks like we don't have any other speakers on this item. Yes sir. You'll be our final speaker on this item.

**Dylan Constena, FRB, Lakewood Corners**, said this is the second time I've been here. Now I understand what my—Flanco Ramirez, you know our vice president is the one who got me in this. I'm the treasurer. I was not—got up to time. But it make perfect sense from a money standpoint where Parks & Recreation stands because it makes them look good, more people. But one thing you've got to understand, when you give something to the community, don't take advantage of it unless you incentivize them some way somehow, by programs, by costing them a little bit. That's why they are showing up in more numbers. If I pay \$19, I may show up and get my \$19 worth, right.

Well, I'm here today just to kind of figure out why they would not let us rent it to do a boxing show. We were denied. We asked and their reasoning, and you cannot ask me that because they didn't talk to me, they talked to Marcos. Their reasoning is because too much traffic would put scuffs on the floor, right. It's a community center, right. It's supposed to—whatever you try to do there is supposed to benefit the community.

Now, you guys know this area better than I do, right. You understand the balance of kids that don't have a good family structure. That's where all the kids that are acting bad, in juvenile

hall or acting that where they come. I'm one of those kids, I was. I'm a grown man now, right, but I'm one of those kids and all we want is significance. All we want is to be heard, to be cared, maybe to be loved. Right.

Where out of all the sports, boxing is one of those few sports that gives you significance with your family, your peers and more likely than not where you need it. What's better for the community than a boxing show and discipline than that. All we want to do is have the ability to rent the gymnasium, put on a good show, use the boxing game. USA Boxing Game can vouch for us. We put the best boxing shows on in the metro area you know. That's all I got. Just let me rent the community center for the community.

**Chairman Bynum** said thank you sir. I appreciate that you came out and took the time to be with us tonight.

Public Agenda:

**Item No. 1 – 19747... APPEARANCE: TSCHER MANCK**

**Synopsis:** Appearance of Tscher Manck to request Klamm Park and Quindaro Park's tennis courts be repaved and lined.

**Tscher Manck** said I live in Wyandotte County off of 38<sup>th</sup> Street. Ms. Bynum and Mr. Johnson, I actually put this in place long before our meeting tomorrow and I look forward to that still. My son is graduating in 20 minutes so I'm going to be quick with mine but I'm going to let—This is Robert Harrison. I'm going to let him kind of finish up where I left off.

I wanted to start by saying I remember when we were at BPU, Ms. Bynum, and you told me Mr. Rogers said that tennis was not a popular sport. Well, he is the head coach of Sumner's tennis team and this is just the 50 girls that signed up. This is not even the boys. It's not a matter that it's not popular, it's a matter that we don't have an opportunity to play the sport. We don't have a place to play it at other than way out at Eisenhower. The kids down here don't have a tennis court to use.

Also, I wanted—well, I had a thing written out but I'm going to let him go ahead and kind of take over. **Chairman Bynum** said I want to thank you for coming and waiting and we will turn

the balance of your time over to the gentleman and we want to wish a very happy graduation to your son.

**Robert Harrison** said I'm a lifelong resident of Kansas City, KS and I'm here to kind of echo what she said and also what the gentleman before me came up and spoke about. I started playing tennis years ago. I never played before in my life, hated it. I played baseball on the tennis courts.

One day I was going through the channels and I happened to see Arthur Ashe on television. He was about 38 years old. Nobody expected him to win. He was playing against Jimmy Connors number one seed. Somehow or the other Arthur Ashe won that tournament, Wimbledon. I went out and bought a racket that day and I've been playing ever since.

I started teaching my son. I'd work with him up at Wyandotte High School and a gentleman, his wife and dog would walk past us each day. Finally, he asked me do you teach tennis. At first, I said no, but even though I was teaching my son each day and he was getting very good and then he asked me the second time. I said, well yes. The gentleman's name was Bert Cavin. Anybody know him there? Bert used to be head of—Director of Parks & Recreation. He hired me to teach tennis and I started teaching at the Klammm Park, 27<sup>th</sup>, right off of Cleveland or something like that, and we had the thing going. We were able to give tournaments and everything like that and it was growing.

I had gone to a USTA meeting in Dallas and they told me about the Arthur Ashe–Nick Bollettieri Cities Program and I said, we have to have this in Kansas City. I came back. They said the criteria was you couldn't have a program already in place, which we did not.

Anyway, Mayor Steineger was our Mayor in Kansas City, KS. Mayor Emanuel Cleaver in Kansas City, MO. I got both of them to come together and we generated a lot of enthusiasm but it wasn't quite enough to get it done. I told the people I had met them at the Ashe-Bollettieri Camp, I had spoken with them. I said if we could get Arthur Ashe to come to Kansas City, I think we could get this done.

Lo and behold, about a week later Arthur Ashe came to Kansas City, came to Klammm Park. This park that we're trying to save and fix back up. The thing about Klammm Park, it's right in the inner city. There's a lot of disadvantaged kids that don't have the opportunity to play tennis. They don't have \$80 an hour for lessons. We would be able to give them lessons at a very inexpensive

cost. I went by Klamme and like I said, it's there. The kids are ready to play. I'm trying to really promote it on an elementary school level.

I look at the news and I see all these horrible things that are happening. A lot of that is because the kids don't have activities to do. Tennis is a lifetime sport. Unlike football, basketball, which I loved playing growing up, but you know you won't play football at 65, 70 years old like me. There's just a win-win situation. I'm not sure exactly what it would cost to fix up Klamme. I'm going to do that research but it's very, very needed. It can eliminate a problem. If you save one child, it's worth it, you can save many. **Chairman Bynum** said sir. Thank you so much. I believe your time is up but don't step away just yet. I have two questions that I want to make sure I understand. **Mr. Harrison** said okay. Go ahead.

**Chairman Bynum** said when Ms. Manck had been emailing, I think both Commissioner Johnson and myself, I did ask her if she had to pick one, which one was her choice and I think she did say Klamme. Do you know if I'm right? **Mr. Harrison** said yes. I'm pretty sure. **Chairman Bynum** said between Parkwood and Klamme. **Mr. Harrison** said yes, definitely. Klamme has six courts. Parkwood has two. **Chairman Bynum** said okay and did I understand her to introduce you as Sumner Academy's tennis coach? **Mr. Harrison** said yes. **Chairman Bynum** said and you have 50 students signed up right now that would like to be on the tennis team. **Mr. Harrison** said yes. She took—I had copies of all that. **Chairman Bynum** said that's okay. I just wanted to make sure I heard that correctly. **Mr. Harrison** said and that wasn't even including the boys. **Chairman Bynum** said oh, that was the young ladies. I don't know if you're joining us in the morning. Commissioner Johnson and I, Mr. Rogers, and Mr. Webb, we have a meeting in the morning. **Mr. Harrison** asked what time will that be? **Chairman Bynum** said I think 9:30. **Mr. Harrison** said I'm available. **Chairman Bynum** said we'll be here meeting with Ms. Manck on the 9<sup>th</sup> floor so just join the meeting and thank you so much for taking the time to come tonight.

**Action:** For presentation only.

Adjourn:

**Chairman Bynum** adjourned the meeting at 6:46 p.m.

tpl

**May 20, 2019**



# Staff Request for Commission Action

Tracking No. 19866

**Full Commission Meeting Date:** NA

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 7/10/2019    | Jeff Fisher          | x5415                 | jfisher@wycokck.org   | Public Works                |

Item Description:

An update about the progress of the Kansas City Levee Project and schedule of upcoming tasks.

Action Requested:

No action, information only.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



# Staff Request for Commission Action

Tracking No. 19867

**Full Commission Meeting Date:** 8/15/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** Yes 8/22/2019

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 7/10/2019    | James Bain           | x5077                 | jbain@wycokck.org     | Legal                       |

Item Description:

**Project Name:** Kansas City Levees project along Argentine, Armourdale, and CID levee system CMIP 5057

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is to raise the levee, upgrade the pumps, and perform other construction activities. Approximate location is from 57<sup>th</sup> St. to State Line on both the North and South banks of the Kansas River. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1 Resolution.KC Levees.Argentine.Armourdale.CID levee system, KCL - Program Overview (003)

(Published \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION** declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **Kansas City Levees project along Argentine, Armourdale, and CID levee system – CMIP 5057**, all in Wyandotte County, Kansas.

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

**SECTION 1.** It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **Kansas City Levees project along Argentine, Armourdale, and CID levee system – CMIP 5057**. The project is to raise the levee, upgrade the pumps, and perform other construction activities. Approximate location is from 57<sup>th</sup> St. to State Line on both the North and South banks of the Kansas River. This project is all in Wyandotte County, Kansas.

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

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

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

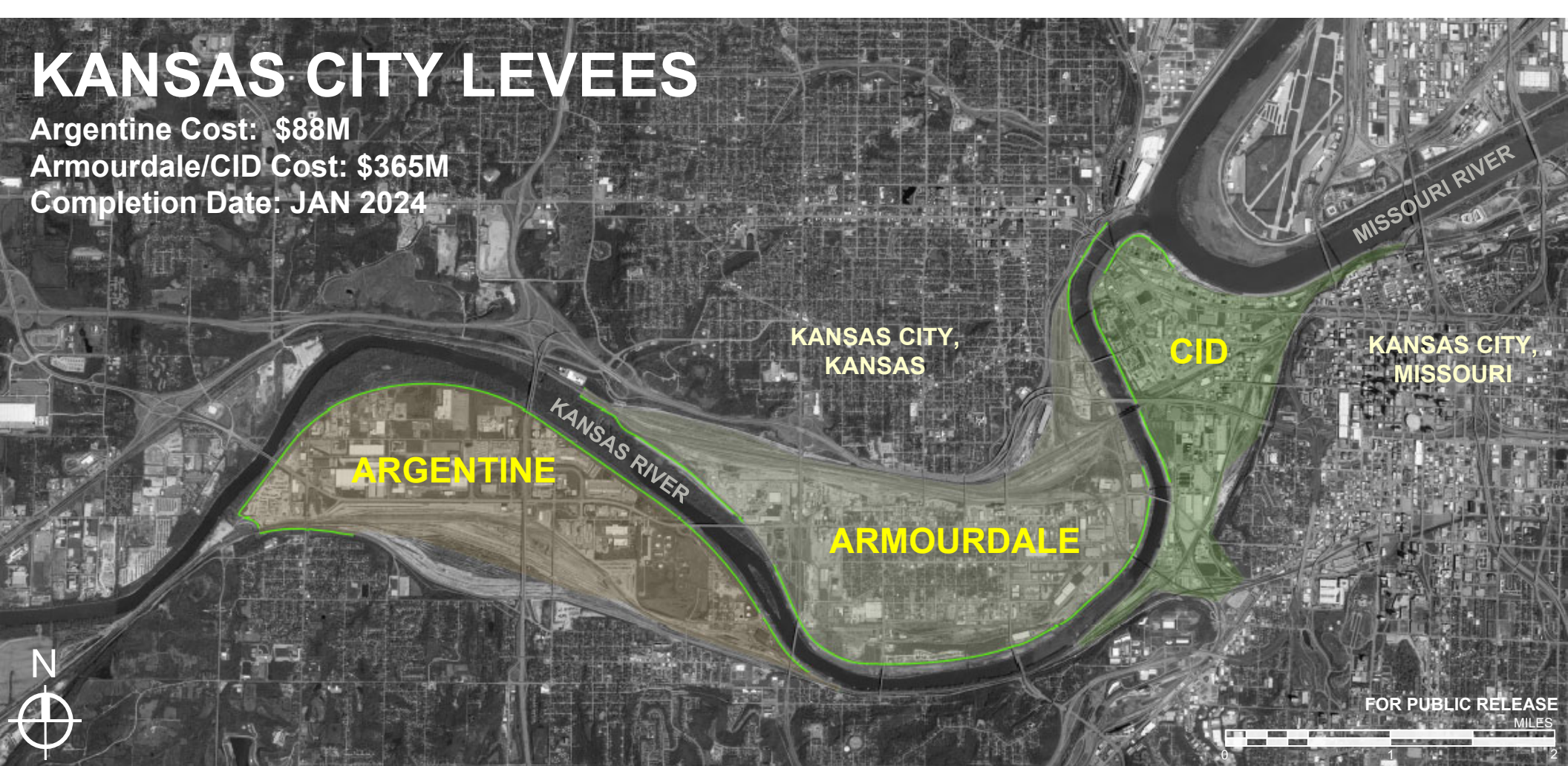
\_\_\_\_\_  
Edward J. Bain  
Assistant Counsel

# KANSAS CITY LEVEES

Argentine Cost: \$88M

Armourdale/CID Cost: \$365M

Completion Date: JAN 2024



| ARGENTINE LEVEE UNIT       |                                        | ARMOURDALE LEVEE UNIT     |                                           | CENTRAL INDUSTRIAL DISTRICT LEVEE UNIT |                                                                      |
|----------------------------|----------------------------------------|---------------------------|-------------------------------------------|----------------------------------------|----------------------------------------------------------------------|
| PROJECT FEATURES           | IMPROVEMENTS                           | PROJECT FEATURES          | IMPROVEMENTS                              | PROJECT FEATURES                       | IMPROVEMENTS                                                         |
| Constructed: 1951          | Improved performance reliability       | Constructed: 1951         | Improved performance reliability          | Constructed: 1950                      | Improved performance reliability                                     |
| Total Miles: 5.48 mi.      | Five feet of levee and floodwall raise | Total Miles: 6.58 mi.     | Four feet of levee and floodwall raise    | Total Miles: 4.83 mi.                  | Four feet of levee and floodwall raise. Adding 600 feet of floodwall |
| Embankment: 5.21 mi        | Installation of ~50 relief wells       | Embankment: 5.30 mi       | Installation of ~75 relief wells          | Embankment: 1.84 mi                    | Installation of ~75 relief wells                                     |
| Floodwall: 0.27 mi         | Stability improvement measures         | Floodwall: 1.28 mi        | Stability improvement measures            | Floodwall: 2.99 mi                     | Stability improvement measures                                       |
| Closure Structures: 2      | Two closure structure replacements     | Closure Structures: 5     | Modifying or replacing closure structures | Closure Structures: 11                 | Modifying or replacing closure structures                            |
| Population at Risk: 10,700 | Replace two pump stations              | Population at Risk: 6,700 | Modifying seven pump stations             | Population at Risk: 7,494              | Modifying five pump stations                                         |
| Structures at Risk: 723    | Repair one pump station                | Structures at Risk: 1,468 | Abandoning two pump stations              | Structures at Risk: 526                | Abandoning two pump stations                                         |
| Property Value: \$3.05B    | Utility Relocations                    | Property Value: \$3.06B   | Utility Relocations                       | Property Value: \$3.36B                | Utility Relocations                                                  |
| Leveed Area: 3.09 sq. mi.  | Modifying drainage structures          | Leveed Area: 3.08 sq. mi. | Modifying drainage structures             | Leveed Area: 1.48 sq. mi.              | Modifying drainage structures                                        |



# Staff Request for Commission Action

Tracking No. 19864

**Full Commission Meeting Date:** 8/15/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** Yes 8/22/2019

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u>     | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|---------------------------|-----------------------------|
| 7/9/2019     | Patrick Waters       | x5079                 | patrickwaters@wycokck.org | Legal                       |

Item Description:

An ordinance amending the definition of “electric-assisted scooters”, amending Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance amending Section 35-1 - clean copy, Ordinance amending Section 35-1

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending the definition of “electric-assisted scooters”, amending Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 35-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or the number of grams of alcohol per 210 liters of breath.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Alcohol or drug-related conviction* means any of the following:

- (1) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567; or K.S.A. 8-1025, and amendments thereto, or conviction of a violation of aggravated battery as described in K.S.A. 21-5413(b)(3), and amendments thereto.
- (2) Conviction of a violation of a law of another state that would constitute a crime described in subsection (1) of this definition if committed in this state;

- (3) Conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (1) of this definition, whether or not such conviction is in a court of record; or
- (4) Conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144, K.S.A. 8-1567, or K.S.A. 8-1025 and amendments thereto, or would constitute a crime described in subsection (1) of this definition if committed off a military reservation in this state.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Alcoholic beverage* means any alcoholic liquor, as defined by K.S.A. 41-10 or any cereal malt beverage, as defined by K.S.A. 41-2701.

*Alcoholic liquor* means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than 3.2 percent alcohol by weight.

*Alcohol-related offense* means a violation of any law or ordinance specified in the definition of "alcohol or drug related conviction" in this section.

*Alley* or *alleyway* means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1402.

*Arterial street* means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

**State Law reference**— Similar provisions, K.S.A. 8-1403.

*Authorized emergency vehicle* means such fire department vehicles, police bicycles, or police vehicles which are publicly owned, motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329 and having a certificate of public service from the state corporation commission, and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010.

**State Law reference**— Similar provisions, K.S.A. 8-1404.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so used is designated dB(A) or dBA.

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

**State Law reference**— Similar provisions, K.S.A. 8-1405.

*Bus* means:

- (1) Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

- (2) Every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**State Law reference**— Similar provisions, K.S.A. 8-1406.

*Bus stop or zone* means a portion of a roadway adjacent to the curb which has been marked by appropriate signs or painted markings and which is primarily reserved for the use of buses while loading and unloading passengers.

*Business district* means the territory contiguous to and including a highway when, within any 600 feet along such highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

**State Law reference**— Similar provisions, K.S.A. 8-1407.

*Cereal malt beverage* means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but shall not include any such liquor that is more than 3.2 percent alcohol by weight.

*Chief of police* means the chief of police or any member of the police department of the unified government designated by the chief of police to act in the chief's place.

*Church bus* means every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, "religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

**State Law reference**— Similar provisions, K.S.A. 8-1730a.

*Commercial driver's license* means a license issued pursuant to K.S.A. 8-234b that authorizes the operation of a commercial class vehicle.

*Commercial motor vehicle* means any of the following motor vehicles or combinations, if propelled by motor fuel and used, designed or maintained for the transportation of persons or property, and:

- (1) Has two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds or 12,000 kilograms;
- (2) Has three or more axles, regardless of weight; or
- (3) Is used in combination when the weight of such combination exceeds 26,000 pounds or 12,000 kilograms gross vehicle weight or registered gross weight.

**State Law reference**— Similar provisions, K.S.A. 79-34,108.

*Compression release engine braking system* means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

**State Law reference**— Similar provisions, K.S.A. 8-1761(b).

*Controlled-access highway* means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

**State Law reference**— Similar provisions, K.S.A. 8-1410.

*Controlled substance* means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 and amendments thereto.

*Conviction* means an unvacated, adjudication of guilt, or a determination that a person has violated or failed to comply with the law and, in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Crosswalk* means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**State Law reference**— Similar provisions, K.S.A. 8-1411.

*Day care program* has the meaning assigned to it in K.S.A. 39-1006.

**State Law reference**— Similar provisions, K.S.A. 8-1730a.

*Day care program bus* means every motor vehicle used primarily to carry out functions of a day care program.

*Decibel* means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals or 20 micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/meter<sup>2</sup>).

*Department* means the state department of transportation.

**State Law reference**— Similar provisions, K.S.A. 8-1409.

*Director* means the director of vehicles for the state.

**State Law reference**— Similar provisions, K.S.A. 8-1412.

*Divided highway* means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1414.

*Division* means the division of vehicles of the state department of revenue.

**State Law reference**— Similar provisions, K.S.A. 8-1413.

*Double parking* means the standing or stopping of a vehicle in the line of traffic and:

- (1) To the rear of a vehicle angle parked or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or
- (2) To the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

*Drawbar* means a bar across the rear of a motor vehicle or a device securely attached to the motor vehicle which maintains a fixed position and to which a towbar may be coupled.

**State Law reference**— Similar provisions, K.S.A. 8-1414a.

*Drive* means to drive, operate or be in physical control of a motor vehicle.

*Driver* means every person who drives or is in actual physical control of a vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1416.

*Driver's license* means any license to operate a motor vehicle issued under the laws of the state.

**State Law reference**— Similar provisions, K.S.A. 8-1417.

*Driveway-towaway operations* means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Electric-assisted bicycle* means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Electric-assisted scooter* means every self-propelled device that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. The electric-assisted scooter's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 15 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 15 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1489.

*Electric personal assistive mobility device* means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

**State Law reference**— Similar provisions, K.S.A. 8-1491.

*Essential parts* means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

**State Law reference**— Similar provisions, K.S.A. 8-1418.

*Explosives* means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

**State Law reference**— Similar provisions, K.S.A. 8-1419.

*Farm tractor* means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. Such term shall include every self-propelled implement of husbandry.

**State Law reference**— Similar provisions, K.S.A. 8-1420.

*Flammable liquid* means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

**State Law reference**— Similar provisions, K.S.A. 8-1421.

*Gross vehicle weight rating* means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating,") is the gross vehicle weight rating of the towed unit or units.

**State Law reference**— Similar provisions, K.S.A. 8-1489.

*Gross weight* means the weight of a vehicle without load plus the weight of any load thereon.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Hazardous materials* has the same meaning as that found in section 103 of the Hazardous Materials Transportation Act, 49 USC 1801 et seq.

*House trailer* means:

- (1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (2) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined in subsection (1) of this definition, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

The term "house trailer" does not include a manufactured home or a mobile home as defined in K.S.A. 58-4202.

**State Law reference**— Similar provisions, K.S.A. 8-1425.

*Identifying numbers* means the numbers and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1426.

*Ignition interlock device* means a device that uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Implement of husbandry* means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated on the highways. Such term shall include, but not be limited to a fertilizer spreader, nurse tank, or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust, or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202 and amendments thereto, regardless of ownership. The term "implement of husbandry" shall not include:

- (1) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (2) A mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (3) A truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals thereto, regardless of ownership.

**State Law reference**— Similar provisions, K.S.A. 8-1427.

*Intersection* means:

- (1) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

**State Law reference**— Similar provisions, K.S.A. 8-1428.

*Laned roadway* means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1429.

*Law enforcement officer* has the meaning provided by K.S.A. 21-3110 and includes any person authorized by law to make an arrest on a military reservation and the license administrator for purposes of enforcement of this chapter's provisions on vehicle size, weight and load.

*License or license to operate a motor vehicle* means any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

- (1) Any temporary license or instruction permit.
- (2) The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license.
- (3) Any nonresident's operating privilege.

**State Law reference**— Similar provisions, K.S.A. 8-1430.

*Light transmission* means the ratio of the amount of total light to pass through a product or material, including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Lightweight roadable vehicle* means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction or, the federal aviation administration.

*Line, center*, means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

*Line, lane*, means a continuous or broken longitudinal line marked on the surface of a roadway separating two traffic lanes controlling vehicles moving in the same direction.

*Litter* means garbage, refuse, rubbish and all other waste material or any combination thereof.

*Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Low speed vehicle* means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 CFR. 571.500.

**State Law reference**— Similar provisions, K.S.A. 8-1488.

*Luminous reflectants* means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Mail* means to deposit in the United States mail properly addressed and with postage prepaid.

**State Law reference**— Similar provisions, K.S.A. 8-1433.

*Metal tire* means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

**State Law reference**— Similar provisions, K.S.A. 8-1435.

*Micro utility truck* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. The term "micro utility truck" does not include a work-site utility vehicle.

*Motor-driven cycle* means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower and every bicycle with a motor attached, except a motorized bicycle or an electric-assisted bicycle.

**State Law reference**— Similar provisions, K.S.A. 8-1439.

*Motor vehicle* means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

**State Law reference**— Similar provisions, K.S.A. 8-1437.

*Motorcycle* means every vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**State Law reference**— Similar provisions, K.S.A. 8-1438.

*Motorized bicycle* means every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor or by both and which has:

- (1) A motor that produces not more than 3½ brake horsepower;
- (2) A cylinder capacity of not more than 130 cubic centimeters;
- (3) An automatic transmission; and
- (4) The capability of a maximum design speed of no more than 30 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1439a.

*Motorized skateboard* means every self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground. An electric-assisted scooter shall not be considered to be a motorized skateboard.

*Motorized wheelchair* means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1439c.

*Muffler* means a sound dissipative device for abating the sound of escaping gases of an internal combustion engine.

*Nonreflective* means a product or material designed to absorb light rather than to reflect it.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Nonresident* means every person who is not a resident of this state.

**State Law reference**— Similar provisions, K.S.A. 8-1440.

*Nonresident's operating privilege* means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle or the use of a vehicle owned by such person in this state.

**State Law reference**— Similar provisions, K.S.A. 8-1441.

*Occurrence* means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of the ordinance from which this section is derived.

*Official traffic-control devices* means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purposes of regulating, warning or guiding traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1442.

*Official traffic-control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*One-way street* means any street upon which all vehicular and bicycle traffic is restricted to movement in one direction only.

*Other competent evidence* includes:

- (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and
- (2) Readings obtained from a partial alcohol concentration test on a breath testing machine.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Owner* means a person, other than a lienholder, having the property in or title to a vehicle. Such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

**State Law reference**— Similar provisions, K.S.A. 8-1443.

*Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**State Law reference**— Similar provisions, K.S.A. 8-1444.

*Parking meter* means a device for the purpose of measuring the time lapsed since the deposit of a coin in the slot provided and equipped with a mechanism to indicate the legal time a vehicle may remain in the designated place.

*Passenger car* means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or fewer.

**State Law reference**— "Passenger car" defined, K.S.A. 8-1445.

*Passenger zone* means an area adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

*Pedestrian* means:

- (1) Any person afoot;
- (2) Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (3) Any person using an electric personal assistive mobility device.

**State Law reference**— Similar provisions, K.S.A. 8-1446.

*Person with a disability* means any individual who:

- (1) Has a severe visual impairment;
- (2) Cannot walk 100 feet without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (5) Uses portable oxygen;
- (6) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (7) Is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

**State Law reference**— Similar provisions, K.S.A. 8-1,124.

*Pneumatic tire* means every tire in which compressed air is designed to support the load.

**State Law reference**— Similar provisions, K.S.A. 8-1448.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes or structural members capable generally of sustaining themselves as beams between the supporting connections.

**State Law reference**— Similar provisions, K.S.A. 8-1449.

*Police officer* means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**State Law reference**— Similar provisions, K.S.A. 8-1450.

*Private road or driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**State Law reference**— Similar provisions, K.S.A. 8-1451.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

**State Law reference**— Similar provisions, K.S.A. 8-1452.

*Railroad sign or signal* means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**State Law reference**— Similar provisions, K.S.A. 8-1453.

*Railroad train* means a steam engine, electric engine, or other motor, with or without cars coupled thereto, operated upon rails.

**State Law reference**— Similar provisions, K.S.A. 8-1454.

*Recreational vehicle* means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation, or travel use and which has its own motive power or is mounted on or drawn by another vehicle and which has a body width not exceeding 102 inches and a body length not exceeding 45 feet; such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the Uniform Standards Code for Mobile Homes and Recreational Vehicles, K.S.A. 75-1211—75-1225.

**State Law reference**— Similar provisions, K.S.A. 79-5118.

*Registered gross weight* means that weight for which a vehicle should be registered in the jurisdiction in which it is registered.

*Registration* means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

**State Law reference**— Similar provisions, K.S.A. 8-1455.

*Residential district* means any area where the property is zoned for residential occupancy, including single-family, two-family, multifamily dwellings and territory contiguous thereto for 300 feet in any direction.

**State Law reference**— "Residence district" defined, K.S.A. 8-1456.

*Revocation of driver's license* means the termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the public highways; such termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

**State Law reference**— Similar provisions, K.S.A. 8-1457.

*Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**State Law reference**— Similar provisions, K.S.A. 8-1458.

*Road construction zone* means the portions of a highway that are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

**State Law reference**— Similar provisions, K.S.A. 8-1458a.

*Roadway* means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

**State Law reference**— Similar provisions, K.S.A. 8-1459.

*Safety hitch* means a chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar fails or becomes disconnected.

**State Law reference**— Similar provisions, K.S.A. 8-1459a.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**State Law reference**— Similar provisions, K.S.A. 8-1460.

*Samples* includes breath supplied directly for testing which is not preserved.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*School bus* means every motor vehicle defined and designated as a school bus in K.S.A. 72-8301.

**State Law reference**— Similar provisions, K.S.A. 8-1461.

*School crossing guard* means any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized by a school district or by the unified government to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

*Secretary* means the secretary of transportation for the state.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Shared Electric-assisted Bicycles* shall mean a dockless network of electric-assisted bicycles, as defined in this Section, placed in the public right-of-way and for rent in short term increments, that

provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

*Shared Electric-assisted Scooters* shall mean a dockless network or system of electric-assisted scooters, as defined in this Section, placed in the public right-of-way and for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

*Shared Small Vehicle Program* shall mean a dockless network of Shared Electric-assisted Scooters and/or Shared Electric Assisted Bicycles, placed in the public right-of-way and available for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

**State Law reference**— Similar provisions, K.S.A. 8-1409.

*Semitrailer* means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1464.

*Sidewalk* means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

**State Law reference**— Similar provisions, K.S.A. 8-1465.

*Solid rubber tire* means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.

**State Law reference**— Similar provisions, K.S.A. 8-1466.

*Special mobile equipment* means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

**State Law reference**— Similar provisions, K.S.A. 8-1467.

*Special vehicle combination* means a truck-tractor, semitrailer-trailer and trailer combination of vehicles. A trailer may consist of a converter dolly and a semitrailer. It may also be referred to as an "SVC."

*Specially constructed vehicle* means every vehicle of a type required to be registered in this state not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

**State Law reference**— Similar provisions, K.S.A. 8-1468.

*Stand* or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**State Law reference**— Similar provisions, K.S.A. 8-1469.

*Stop*, when required, means complete cessation of movement.

**State Law reference**— Similar provisions, K.S.A. 8-1471.

*Stop* or *stopping*, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**State Law reference**— Similar provisions, K.S.A. 8-1472.

*Street* or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" are used in this chapter, they shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public ways for vehicular travel by whatever name, unless the context clearly indicates otherwise.

**State Law reference**— Similar provisions, K.S.A. 8-1473.

*Sun screening device* means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing material for reducing the effects of the sun.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Suspension of a driver's license* means the temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, such temporary withdrawal being for a period specifically designated by the division.

**State Law reference**— Similar provisions, K.S.A. 8-1474.

*Taxicab stand* means that portion of a public street approved for the standing of taxicabs, and so marked.

*Test failure* or *fails a test* refers to a person having results of a test administered pursuant to this chapter, other than a preliminary screening test, which show an alcohol concentration of 0.08 or greater in the person's blood or breath.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Test refusal* or *refuses a test* refers to a person's failure to submit to or complete any test, other than a preliminary screening test, in accordance with this chapter.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Through highway* means every highway or portion thereof on which traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this chapter.

**State Law reference**— Similar provisions, K.S.A. 8-1475.

*Towbar* means a rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1475a.

*Traffic* means pedestrians, ridden or herded animals, vehicles and other conveyances, whether singly or together, while using any highway for purposes of travel.

**State Law reference**— Similar provisions, K.S.A. 8-1477.

*Traffic-control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**State Law reference**— Similar provisions, K.S.A. 8-1478.

*Traffic-control signal preemption device* means any device instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

**State Law reference**— Similar provisions, K.S.A. 21-4223.

*Traffic infraction* means a violation of any section of this chapter that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118(c).

**State Law reference**— Similar provisions, K.S.A. 21-3105.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1479.

*Travel trailer* means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

**State Law reference**— Similar provisions, K.S.A. 8-1490.

*Truck* means every motor vehicle designed, used, or maintained primarily for the transportation of property.

**State Law reference**— Similar provisions, K.S.A. 8-1481.

*Truck-camper* means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

**State Law reference**— Similar provisions, K.S.A. 8-1482.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle so drawn.

**State Law reference**— Similar provisions, K.S.A. 8-1483.

*Urban district* means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

**State Law reference**— Similar provisions, K.S.A. 8-1484.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

**State Law reference**— Similar provisions, K.S.A. 8-1485.

*Wide-base single tires* means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

**State Law reference**— Similar provisions, K.S.A. 8-1742b.

*Wireless communication device* means any wireless electronic communication device that provides for voice or data communication between two or more parties, including but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. Wireless communication device does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

*Work-site utility vehicle* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, or not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side by side, and may be equipped with a bed or cargo box for hauling materials. The term "work-site utility vehicle" does not include a micro utility truck.

*Write, send or read a written communication* means using a wireless communication device to manually type, send or read a written communication, including, but not limited to a text message, instant message or electronic mail.

(Code 1964, § 36-1; Code 1988, § 35-1; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 1, 8-3-1976; Ord. No. 58345, § 1, 7-27-1978; Ord. No. 61738, § 1, 7-31-1980; Ord. No. 63953, § 1, 7-1-1982; Ord. No. 64705, § 1, 9-20-1984; Ord. No. 64834, § 1, 7-1-1985; Ord. No. 65069, §§ 1, 2, 10-16-1986; Ord. No. 65198, § 1, 9-3-1987; Ord. No. 65342, § 1, 8-18-1988; Ord. No. 65343,

§ 1, 8-18-1988; Ord. No. 65479, §§ 1, 2, 11-16-1989; Ord. No. 65589, § 1, 12-20-1990; Ord. No. 65822, §§ 1-3, 7-8-1993; Ord. No. 66164, §§ 1, 2, 10-17-1996; Ord. No. O-44-02, § 2, 6-6-2002; Ord. No. O-19-04, § 1, 3-4-2004; Ord. No. O-2-05, §§ 1, 2, 1-6-2005; Ord. No. O-103-06, § 1, 10-5-2006; Ord. No. O-8-08, §§ 1, 2, 1-31-2008; Ord. No. O-60-08, § 1, 9-4-2008; Ord. No. O-85-09, § 1, 11-5-2009; Ord. No. O-52-10, § 1, 9-16-2010; Ord. No. O-51-12, § 1, 9-6-2012; Ord. No. [O-49-15](#), § 1, 8-13-2015)

**Cross reference**— Definitions generally, § 1-2.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_ DAY OF AUGUST, 2019.

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending the definition of “electric-assisted scooters”, amending Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

**Sec. 35-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or the number of grams of alcohol per 210 liters of breath.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Alcohol or drug-related conviction* means any of the following:

- (1) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567; or K.S.A. 8-1025, and amendments thereto, or conviction of a violation of aggravated battery as described in K.S.A. 21-5413(b)(3), and amendments thereto.
- (2) Conviction of a violation of a law of another state that would constitute a crime described in subsection (1) of this definition if committed in this state;

- (3) Conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (1) of this definition, whether or not such conviction is in a court of record; or
- (4) Conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144, K.S.A. 8-1567, or K.S.A. 8-1025 and amendments thereto, or would constitute a crime described in subsection (1) of this definition if committed off a military reservation in this state.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Alcoholic beverage* means any alcoholic liquor, as defined by K.S.A. 41-10 or any cereal malt beverage, as defined by K.S.A. 41-2701.

*Alcoholic liquor* means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than 3.2 percent alcohol by weight.

*Alcohol-related offense* means a violation of any law or ordinance specified in the definition of "alcohol or drug related conviction" in this section.

*Alley or alleyway* means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1402.

*Arterial street* means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

**State Law reference**— Similar provisions, K.S.A. 8-1403.

*Authorized emergency vehicle* means such fire department vehicles, police bicycles, or police vehicles which are publicly owned, motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329 and having a certificate of public service from the state corporation commission, and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010.

**State Law reference**— Similar provisions, K.S.A. 8-1404.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so used is designated dB(A) or dBA.

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

**State Law reference**— Similar provisions, K.S.A. 8-1405.

*Bus* means:

- (1) Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

- (2) Every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**State Law reference**— Similar provisions, K.S.A. 8-1406.

*Bus stop or zone* means a portion of a roadway adjacent to the curb which has been marked by appropriate signs or painted markings and which is primarily reserved for the use of buses while loading and unloading passengers.

*Business district* means the territory contiguous to and including a highway when, within any 600 feet along such highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

**State Law reference**— Similar provisions, K.S.A. 8-1407.

*Cereal malt beverage* means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but shall not include any such liquor that is more than 3.2 percent alcohol by weight.

*Chief of police* means the chief of police or any member of the police department of the unified government designated by the chief of police to act in the chief's place.

*Church bus* means every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, "religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

**State Law reference**— Similar provisions, K.S.A. 8-1730a.

*Commercial driver's license* means a license issued pursuant to K.S.A. 8-234b that authorizes the operation of a commercial class vehicle.

*Commercial motor vehicle* means any of the following motor vehicles or combinations, if propelled by motor fuel and used, designed or maintained for the transportation of persons or property, and:

- (1) Has two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds or 12,000 kilograms;
- (2) Has three or more axles, regardless of weight; or
- (3) Is used in combination when the weight of such combination exceeds 26,000 pounds or 12,000 kilograms gross vehicle weight or registered gross weight.

**State Law reference**— Similar provisions, K.S.A. 79-34,108.

*Compression release engine braking system* means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

**State Law reference**— Similar provisions, K.S.A. 8-1761(b).

*Controlled-access highway* means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

**State Law reference**— Similar provisions, K.S.A. 8-1410.

*Controlled substance* means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 and amendments thereto.

*Conviction* means an unvacated, adjudication of guilt, or a determination that a person has violated or failed to comply with the law and, in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Crosswalk* means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**State Law reference**— Similar provisions, K.S.A. 8-1411.

*Day care program* has the meaning assigned to it in K.S.A. 39-1006.

**State Law reference**— Similar provisions, K.S.A. 8-1730a.

*Day care program bus* means every motor vehicle used primarily to carry out functions of a day care program.

*Decibel* means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals or 20 micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/meter<sup>2</sup>).

*Department* means the state department of transportation.

**State Law reference**— Similar provisions, K.S.A. 8-1409.

*Director* means the director of vehicles for the state.

**State Law reference**— Similar provisions, K.S.A. 8-1412.

*Divided highway* means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1414.

*Division* means the division of vehicles of the state department of revenue.

**State Law reference**— Similar provisions, K.S.A. 8-1413.

*Double parking* means the standing or stopping of a vehicle in the line of traffic and:

- (1) To the rear of a vehicle angle parked or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or
- (2) To the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

*Drawbar* means a bar across the rear of a motor vehicle or a device securely attached to the motor vehicle which maintains a fixed position and to which a towbar may be coupled.

**State Law reference**— Similar provisions, K.S.A. 8-1414a.

*Drive* means to drive, operate or be in physical control of a motor vehicle.

*Driver* means every person who drives or is in actual physical control of a vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1416.

*Driver's license* means any license to operate a motor vehicle issued under the laws of the state.

**State Law reference**— Similar provisions, K.S.A. 8-1417.

*Driveway-towaway operations* means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Electric-assisted bicycle* means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Electric-assisted scooter* means every self-propelled device that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding. ~~with an electric motor, a deck upon which a person may ride, handlebars, a brake and at least two wheels in contact with the ground.~~ The electric-assisted scooter's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 15 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 15 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1489.

*Electric personal assistive mobility device* means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

**State Law reference**— Similar provisions, K.S.A. 8-1491.

*Essential parts* means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

**State Law reference**— Similar provisions, K.S.A. 8-1418.

*Explosives* means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

**State Law reference**— Similar provisions, K.S.A. 8-1419.

*Farm tractor* means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. Such term shall include every self-propelled implement of husbandry.

**State Law reference**— Similar provisions, K.S.A. 8-1420.

*Flammable liquid* means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

**State Law reference**— Similar provisions, K.S.A. 8-1421.

*Gross vehicle weight rating* means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating,") is the gross vehicle weight rating of the towed unit or units.

**State Law reference**— Similar provisions, K.S.A. 8-1489.

*Gross weight* means the weight of a vehicle without load plus the weight of any load thereon.

**State Law reference**— Similar provisions, K.S.A. 8-2,128.

*Hazardous materials* has the same meaning as that found in section 103 of the Hazardous Materials Transportation Act, 49 USC 1801 et seq.

*House trailer* means:

- (1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

- (2) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined in subsection (1) of this definition, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

The term "house trailer" does not include a manufactured home or a mobile home as defined in K.S.A. 58-4202.

**State Law reference**— Similar provisions, K.S.A. 8-1425.

*Identifying numbers* means the numbers and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1426.

*Ignition interlock device* means a device that uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Implement of husbandry* means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated on the highways. Such term shall include, but not be limited to a fertilizer spreader, nurse tank, or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust, or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202 and amendments thereto, regardless of ownership. The term "implement of husbandry" shall not include:

- (1) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (2) A mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (3) A truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals thereto, regardless of ownership.

**State Law reference**— Similar provisions, K.S.A. 8-1427.

*Intersection* means:

- (1) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

**State Law reference**— Similar provisions, K.S.A. 8-1428.

*Laned roadway* means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1429.

*Law enforcement officer* has the meaning provided by K.S.A. 21-3110 and includes any person authorized by law to make an arrest on a military reservation and the license administrator for purposes of enforcement of this chapter's provisions on vehicle size, weight and load.

*License* or *license to operate a motor vehicle* means any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

- (1) Any temporary license or instruction permit.
- (2) The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license.
- (3) Any nonresident's operating privilege.

**State Law reference**— Similar provisions, K.S.A. 8-1430.

*Light transmission* means the ratio of the amount of total light to pass through a product or material, including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Lightweight roadable vehicle* means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction or, the federal aviation administration.

*Line, center,* means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

*Line, lane,* means a continuous or broken longitudinal line marked on the surface of a roadway separating two traffic lanes controlling vehicles moving in the same direction.

*Litter* means garbage, refuse, rubbish and all other waste material or any combination thereof.

*Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Low speed vehicle* means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 CFR. 571.500.

**State Law reference**— Similar provisions, K.S.A. 8-1488.

*Luminous reflectants* means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Mail* means to deposit in the United States mail properly addressed and with postage prepaid.

**State Law reference**— Similar provisions, K.S.A. 8-1433.

*Metal tire* means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

**State Law reference**— Similar provisions, K.S.A. 8-1435.

*Micro utility truck* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. The term "micro utility truck" does not include a work-site utility vehicle.

*Motor-driven cycle* means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower and every bicycle with a motor attached, except a motorized bicycle or an electric-assisted bicycle.

**State Law reference**— Similar provisions, K.S.A. 8-1439.

*Motor vehicle* means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

**State Law reference**— Similar provisions, K.S.A. 8-1437.

*Motorcycle* means every vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**State Law reference**— Similar provisions, K.S.A. 8-1438.

*Motorized bicycle* means every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor or by both and which has:

- (1) A motor that produces not more than 3½ brake horsepower;
- (2) A cylinder capacity of not more than 130 cubic centimeters;
- (3) An automatic transmission; and
- (4) The capability of a maximum design speed of no more than 30 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1439a.

*Motorized skateboard* means every self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground. An electric-assisted scooter shall not be considered to be a motorized skateboard.

*Motorized wheelchair* means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

**State Law reference**— Similar provisions, K.S.A. 8-1439c.

*Muffler* means a sound dissipative device for abating the sound of escaping gases of an internal combustion engine.

*Nonreflective* means a product or material designed to absorb light rather than to reflect it.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Nonresident* means every person who is not a resident of this state.

**State Law reference**— Similar provisions, K.S.A. 8-1440.

*Nonresident's operating privilege* means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle or the use of a vehicle owned by such person in this state.

**State Law reference**— Similar provisions, K.S.A. 8-1441.

*Occurrence* means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of the ordinance from which this section is derived.

*Official traffic-control devices* means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purposes of regulating, warning or guiding traffic.

**State Law reference**— Similar provisions, K.S.A. 8-1442.

*Official traffic-control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*One-way street* means any street upon which all vehicular and bicycle traffic is restricted to movement in one direction only.

*Other competent evidence* includes:

- (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and
- (2) Readings obtained from a partial alcohol concentration test on a breath testing machine.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Owner* means a person, other than a lienholder, having the property in or title to a vehicle. Such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

**State Law reference**— Similar provisions, K.S.A. 8-1443.

*Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**State Law reference**— Similar provisions, K.S.A. 8-1444.

*Parking meter* means a device for the purpose of measuring the time lapsed since the deposit of a coin in the slot provided and equipped with a mechanism to indicate the legal time a vehicle may remain in the designated place.

*Passenger car* means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or fewer.

**State Law reference**— "Passenger car" defined, K.S.A. 8-1445.

*Passenger zone* means an area adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

*Pedestrian* means:

- (1) Any person afoot;
- (2) Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (3) Any person using an electric personal assistive mobility device.

**State Law reference**— Similar provisions, K.S.A. 8-1446.

*Person with a disability* means any individual who:

- (1) Has a severe visual impairment;
- (2) Cannot walk 100 feet without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (5) Uses portable oxygen;
- (6) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (7) Is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

**State Law reference**— Similar provisions, K.S.A. 8-1,124.

*Pneumatic tire* means every tire in which compressed air is designed to support the load.

**State Law reference**— Similar provisions, K.S.A. 8-1448.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes or structural members capable generally of sustaining themselves as beams between the supporting connections.

**State Law reference**— Similar provisions, K.S.A. 8-1449.

*Police officer* means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**State Law reference**— Similar provisions, K.S.A. 8-1450.

*Private road or driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**State Law reference**— Similar provisions, K.S.A. 8-1451.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

**State Law reference**— Similar provisions, K.S.A. 8-1452.

*Railroad sign or signal* means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**State Law reference**— Similar provisions, K.S.A. 8-1453.

*Railroad train* means a steam engine, electric engine, or other motor, with or without cars coupled thereto, operated upon rails.

**State Law reference**— Similar provisions, K.S.A. 8-1454.

*Recreational vehicle* means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation, or travel use and which has its own motive power or is mounted on or drawn by another vehicle and which has a body width not exceeding 102 inches and a body length not exceeding 45 feet; such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the Uniform Standards Code for Mobile Homes and Recreational Vehicles, K.S.A. 75-1211—75-1225.

**State Law reference**— Similar provisions, K.S.A. 79-5118.

*Registered gross weight* means that weight for which a vehicle should be registered in the jurisdiction in which it is registered.

*Registration* means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

**State Law reference**— Similar provisions, K.S.A. 8-1455.

*Residential district* means any area where the property is zoned for residential occupancy, including single-family, two-family, multifamily dwellings and territory contiguous thereto for 300 feet in any direction.

**State Law reference**— "Residence district" defined, K.S.A. 8-1456.

*Revocation of driver's license* means the termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the public highways; such termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

**State Law reference**— Similar provisions, K.S.A. 8-1457.

*Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**State Law reference**— Similar provisions, K.S.A. 8-1458.

*Road construction zone* means the portions of a highway that are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

**State Law reference**— Similar provisions, K.S.A. 8-1458a.

*Roadway* means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

**State Law reference**— Similar provisions, K.S.A. 8-1459.

*Safety hitch* means a chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar fails or becomes disconnected.

**State Law reference**— Similar provisions, K.S.A. 8-1459a.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**State Law reference**— Similar provisions, K.S.A. 8-1460.

*Samples* includes breath supplied directly for testing which is not preserved.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*School bus* means every motor vehicle defined and designated as a school bus in K.S.A. 72-8301.

**State Law reference**— Similar provisions, K.S.A. 8-1461.

*School crossing guard* means any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized by a school district or by the unified government to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

*Secretary* means the secretary of transportation for the state.

**State Law reference**— Similar provisions, K.S.A. 8-1415.

*Shared Electric-assisted Bicycles* shall mean a dockless network of electric-assisted bicycles, as

defined in this Section, placed in the public right-of-way and for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

*Shared Electric-assisted Scooters* shall mean a dockless network or system of electric-assisted scooters, as defined in this Section, placed in the public right-of-way and for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

*Shared Small Vehicle Program* shall mean a dockless network of Shared Electric-assisted Scooters and/or Shared Electric Assisted Bicycles, placed in the public right-of-way and available for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

**State Law reference**— Similar provisions, K.S.A. 8-1409.

*Semitrailer* means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1464.

*Sidewalk* means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

**State Law reference**— Similar provisions, K.S.A. 8-1465.

*Solid rubber tire* means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.

**State Law reference**— Similar provisions, K.S.A. 8-1466.

*Special mobile equipment* means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

**State Law reference**— Similar provisions, K.S.A. 8-1467.

*Special vehicle combination* means a truck-tractor, semitrailer-trailer and trailer combination of vehicles. A trailer may consist of a converter dolly and a semitrailer. It may also be referred to as an "SVC."

*Specially constructed vehicle* means every vehicle of a type required to be registered in this state not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

**State Law reference**— Similar provisions, K.S.A. 8-1468.

*Stand* or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**State Law reference**— Similar provisions, K.S.A. 8-1469.

*Stop*, when required, means complete cessation of movement.

**State Law reference**— Similar provisions, K.S.A. 8-1471.

*Stop* or *stopping*, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**State Law reference**— Similar provisions, K.S.A. 8-1472.

*Street* or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" are used in this chapter, they shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public ways for vehicular travel by whatever name, unless the context clearly indicates otherwise.

**State Law reference**— Similar provisions, K.S.A. 8-1473.

*Sun screening device* means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing material for reducing the effects of the sun.

**State Law reference**— Similar provisions, K.S.A. 8-1749b.

*Suspension of a driver's license* means the temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, such temporary withdrawal being for a period specifically designated by the division.

**State Law reference**— Similar provisions, K.S.A. 8-1474.

*Taxicab stand* means that portion of a public street approved for the standing of taxicabs, and so marked.

*Test failure* or *fails a test* refers to a person having results of a test administered pursuant to this chapter, other than a preliminary screening test, which show an alcohol concentration of 0.08 or greater in the person's blood or breath.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Test refusal* or *refuses a test* refers to a person's failure to submit to or complete any test, other than a preliminary screening test, in accordance with this chapter.

**State Law reference**— Similar provisions, K.S.A. 8-1013.

*Through highway* means every highway or portion thereof on which traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this chapter.

**State Law reference**— Similar provisions, K.S.A. 8-1475.

*Towbar* means a rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1475a.

*Traffic* means pedestrians, ridden or herded animals, vehicles and other conveyances, whether singly or together, while using any highway for purposes of travel.

**State Law reference**— Similar provisions, K.S.A. 8-1477.

*Traffic-control signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**State Law reference**— Similar provisions, K.S.A. 8-1478.

*Traffic-control signal preemption device* means any device instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

**State Law reference**— Similar provisions, K.S.A. 21-4223.

*Traffic infraction* means a violation of any section of this chapter that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118(c).

**State Law reference**— Similar provisions, K.S.A. 21-3105.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**State Law reference**— Similar provisions, K.S.A. 8-1479.

*Travel trailer* means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

**State Law reference**— Similar provisions, K.S.A. 8-1490.

*Truck* means every motor vehicle designed, used, or maintained primarily for the transportation of property.

**State Law reference**— Similar provisions, K.S.A. 8-1481.

*Truck-camper* means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

**State Law reference**— Similar provisions, K.S.A. 8-1482.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle so drawn.

**State Law reference**— Similar provisions, K.S.A. 8-1483.

*Urban district* means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

**State Law reference**— Similar provisions, K.S.A. 8-1484.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

**State Law reference**— Similar provisions, K.S.A. 8-1485.

*Wide-base single tires* means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

**State Law reference**— Similar provisions, K.S.A. 8-1742b.

*Wireless communication device* means any wireless electronic communication device that provides for voice or data communication between two or more parties, including but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. Wireless communication device does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

*Work-site utility vehicle* means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, or not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side by side, and may be equipped with a bed or cargo box for hauling materials. The term "work-site utility vehicle" does not include a micro utility truck.

*Write, send or read a written communication* means using a wireless communication device to manually type, send or read a written communication, including, but not limited to a text message, instant message or electronic mail.

(Code 1964, § 36-1; Code 1988, § 35-1; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 1, 8-3-1976; Ord. No. 58345, § 1, 7-27-1978; Ord. No. 61738, § 1, 7-31-1980; Ord. No. 63953, § 1, 7-1-1982; Ord. No. 64705, § 1, 9-20-1984; Ord. No. 64834, § 1, 7-1-1985; Ord. No. 65069, §§ 1, 2, 10-16-1986; Ord. No. 65198, § 1, 9-3-1987; Ord. No. 65342, § 1, 8-18-1988; Ord. No. 65343,

§ 1, 8-18-1988; Ord. No. 65479, §§ 1, 2, 11-16-1989; Ord. No. 65589, § 1, 12-20-1990; Ord. No. 65822, §§ 1-3, 7-8-1993; Ord. No. 66164, §§ 1, 2, 10-17-1996; Ord. No. O-44-02, § 2, 6-6-2002; Ord. No. O-19-04, § 1, 3-4-2004; Ord. No. O-2-05, §§ 1, 2, 1-6-2005; Ord. No. O-103-06, § 1, 10-5-2006; Ord. No. O-8-08, §§ 1, 2, 1-31-2008; Ord. No. O-60-08, § 1, 9-4-2008; Ord. No. O-85-09, § 1, 11-5-2009; Ord. No. O-52-10, § 1, 9-16-2010; Ord. No. O-51-12, § 1, 9-6-2012; Ord. No. [O-49-15](#), § 1, 8-13-2015)

**Cross reference**— Definitions generally, § 1-2.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 1st DAY OF AUGUST, 2019.

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk



# Staff Request for Commission Action

Tracking No. 19865

**Full Commission Meeting Date:** 8/15/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** Yes 8/22/2019

|                                                                                                                                                                                                                                                                                |                                        |                                |                                                    |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------|----------------------------------------------------|--------------------------------------|
| <u>Date:</u><br>7/9/2019                                                                                                                                                                                                                                                       | <u>Contact Name:</u><br>Patrick Waters | <u>Contact Phone:</u><br>x5079 | <u>Contact Email:</u><br>patrickwaters@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br>Ordinance pertaining to the operation of electric-assisted scooters, amending Sec. 35-692 and 35-697 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas. |                                        |                                |                                                    |                                      |
| <u>Action Requested:</u>                                                                                                                                                                                                                                                       |                                        |                                |                                                    |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                         |                                        |                                |                                                    |                                      |
| <u>Attachments List:</u><br>Ordinance amending Sec. 35-692 and 35-697 - clean copy, Ordinance amending Sec. 35-692 and 35-697                                                                                                                                                  |                                        |                                |                                                    |                                      |

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE pertaining to the operation of electric-assisted scooters, amending Sec. 35-692 and 35-697 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Sections 35-692 and 35-697 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

ARTICLE XIV. - OPERATION OF BICYCLES, ELECTRIC-ASSISTED SCOOTERS AND PLAY VEHICLES<sup>[14]</sup>

**State Law reference**— Similar provisions, K.S.A. 8-1589.

Sec. 35-692. - Riding on roadways and bicycle paths.

- (a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right of the roadway as practicable, except under any of the following situations when:
  - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - (2) Preparing for a left turn at an intersection or into a private road or driveway; or
  - (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.
- (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

(e) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway. However, the provisions of subsection (e) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.

(Code 1964, § 36-213; Code 1988, § 35-627; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 66164, § 25, 10-17-1996)

Sec. 35-697. – Operation of Electric-assisted Scooters.

- (a) Electric-assisted scooters are to be operated in bike lanes and bike paths where available. Electric-assisted scooters are to offer the right of way to bicycles in bike lanes and on bike paths.
- (b) Electric-assisted scooters shall not be operated on any interstate highway, federal highway or state highway.
- (c) Electric-assisted scooters shall not be operated on any street within the corporate limits of the city with a speed limit in excess of 35 miles per hour unless the electric-assisted scooter is operated within a bike lane or bike path.
- (d) Electric-assisted scooters shall not be operated on any public sidewalk.
- (e) Electric-assisted scooters shall not be operated at a speed of more than 15 miles per hour.
- (f) No person under the age of 18 shall operate or ride upon an electric-assisted scooter on any public street, road or highway.
- (g) The use of protective bicycle helmets is highly encouraged while operating electric-assisted scooters.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_ DAY OF AUGUST, 2019.

---

David Alvey, Mayor/CEO

Attest:

---

Unified Government Clerk

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE pertaining to the operation of electric-assisted scooters, amending Sec. 35-692 and 35-697 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Sections 35-692 and 35-697 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

ARTICLE XIV. - OPERATION OF BICYCLES, ELECTRIC-ASSISTED SCOOTERS AND PLAY VEHICLES<sup>[14]</sup>

**State Law reference**— Similar provisions, K.S.A. 8-1589.

Sec. 35-692. - Riding on roadways and bicycle paths.

- (a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right of the roadway as practicable, except under any of the following situations when:
  - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - (2) Preparing for a left turn at an intersection or into a private road or driveway; or
  - (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.
- (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

(e) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway. However, the provisions of subsection (e) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.

(Code 1964, § 36-213; Code 1988, § 35-627; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 66164, § 25, 10-17-1996)

Sec. 35-697. – Operation of Electric-assisted Scooters.

- (a) Electric-assisted scooters are to be operated in bike lanes and bike paths where available. Electric-assisted scooters are to offer the right of way to bicycles in bike lanes and on bike paths.
- (b) Electric-assisted scooters shall not be operated on any interstate highway, federal highway or state highway.
- (c) Electric-assisted scooters shall not be operated on any ~~public highway or~~ street within the corporate limits of the city with a speed limit in excess of 35 miles per hour unless the electric-assisted scooter is operated within a bike lane or bike path.
- (d) Electric-assisted scooters shall not be operated on any public sidewalk.
- (e) Electric-assisted scooters shall not be operated at a speed of more than 15 miles per hour.
- (f) No person under the age of 18 shall operate or ride upon an electric-assisted scooter on any public street, road or highway.
- (g) The use of protective bicycle helmets is highly encouraged while operating electric-assisted scooters.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 1st DAY OF AUGUST, 2019.

---

David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk



# Staff Request for Commission Action

Tracking No. 19868

**Full Commission Meeting Date:** 8/15/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 7/10/2019    | Troy Shaw            | x5416                 | tshaw@wycokck.org     | Public Works                |

Item Description:

Request approval to enter into an agreement with Piper Public Schools for the design and construction of improvements related to the school at 131<sup>st</sup> and Leavenworth Road.

Action Requested:

To adopt the resolution authorizing entry into the agreement.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Piper school development agreement interlocal authorizing resolution, 77Y1321-Intergovernmental Agreement - USD 203 and U.G. 6-28-19

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AND PIPER  
SCHOOL DISTRICT FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS  
RELATED TO THE SCHOOL AT 131<sup>ST</sup> STREET AND LEAVENWORTH ROAD

**Whereas**, the Piper Public School District (“District”) and the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) are empowered by the laws of Kansas to enter into agreements with each other to perform any governmental service, activity, or undertaking which each is authorized by law to perform;

**Whereas**, the District and the Unified Government desire to enter into an Agreement to design and construct additional improvements related to the school at 131<sup>st</sup> Street and Leavenworth Road;

**Whereas**, an agreement has been prepared describing the parties’ cooperation and responsibilities regarding such design and construction of improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT AS FOLLOWS: That the Unified Government is hereby authorized to enter said agreement by signature of the County Administrator.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/ KANSAS CITY, KANSAS

By: \_\_\_\_\_

David Alvey

Mayor/ CEO

(SEAL)  
ATTEST

\_\_\_\_\_  
Unified Government Clerk

**INTERGOVERNMENTAL DEVELOPMENT AGREEMENT BETWEEN THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AND PIPER  
SCHOOL DISTRICT FOR THE CONSTRUCTION OF ADDITIONAL  
IMPROVEMENTS RELATED TO THE SCHOOL AT 131<sup>ST</sup> STREET AND  
LEAVENWORTH ROAD**

**THIS INTERGOVERNMENTAL AGREEMENT** (the “Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 (the “Effective Date”) by and between the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) and the Piper School District (“the District”), both Parties having been organized under the laws of the State of Kansas.

WHEREAS, the District owns land located at the southeast corner of Leavenworth Road and 131<sup>st</sup> Street on which it intends to construct a school building (the “Property”), and

WHEREAS, the school building will initially serve as an elementary school (“Phase I”) and will subsequently be converted into a high school at a later date to be determined by the District (“Phase II), and

WHEREAS, the development of the elementary school will serve the needs of the increasing population in the area, and

WHEREAS, the development of the elementary school will contribute to the need for improved transportation, storm, and sanitary infrastructure in the area (the “Improvements”), and

WHEREAS, the definition of “municipality” in K.S.A. 12-2908 includes both the Unified Government and the District, and

WHEREAS, K.S.A. 12-2908 authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements contained herein, and for other good and valuable consideration, the Parties agree as follows:

**1. PURPOSE AND CONSTRUCTION**

1.1. PURPOSE OF THE AGREEMENT. The Parties enter into this Agreement for the purposes of clarifying how funding and construction of the Improvements will be handled between the Parties.

1.2. AMENDMENTS. This Agreement may not be modified or changed by any verbal statement, promise or agreement, and no modification, change or amendment shall be binding on the Parties unless it has been agreed to in writing and signed by both Parties.

1.3. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

1.4. CASH BASIS LAW. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto. This Agreement shall be construed and interpreted so as to ensure that the Parties shall at all times stay in conformity with such laws and, as a condition of this Agreement, either party reserves the right to unilaterally terminate this Agreement if the Agreement is deemed to violate the terms of such law. The Parties are obligated only to make payments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during each party's current budget year; or (b) funds made available from any lawfully operated revenue producing source.

1.5. EFFECTIVE DATE. This Agreement shall become effective upon its adoption by the governing bodies of the Unified Government and the District, and upon the signing of the Agreement by the authorized representatives of the Unified Government and the District.

1.6. DURATION AND TERMINATION OF AGREEMENT. This Agreement shall be effective from the date of the last signatory as set forth above, and shall remain in effect until the completion of the Phase II Improvements.

## **2. THE PROJECT AND IMPROVEMENTS**

2.1. The Parties hereby agree that the "Project" shall include the design, construction, and development of an elementary school building, parking lots, transportation access, and athletic facilities to be completed in phases, as depicted in the plans and drawings attached as Exhibit A. The District hereby contemplates that the Project as generally depicted on Exhibit A attached hereto shall be developed, constructed, completed and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approvals as may be granted or amended from time to time by the Unified Government's Planning Commission or other relevant bodies if any.

2.1.1. The signage for the Project shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the Unified Government Planning Commission.

2.1.2. The Project shall include parking improvements containing the number of spaces, islands, and landscaping as required by the Applicable Laws and Requirements for the Project and as required by the Unified Government Planning Commission.

2.2. The Parties hereby agree that the “Improvements” shall include the design, construction, development, and/or financing of the infrastructure improvements herein described and depicted in attached Exhibits. The Parties agree that all such Improvements shall be developed, constructed, completed, and maintained in substantial accordance and compliance with the terms and conditions of this Agreement.

2.3. “Phase I Improvements” shall refer to the Improvements as required for use as an elementary school.

2.4. “Phase II Improvements” shall refer to Improvements as required for the future addition of a high school to the property.

2.4.1. The signage for the Improvements shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the Unified Government Planning Commission.

2.5. General Agreements. The Parties agree to promptly and completely perform each and all of its obligations under this Agreement.

### **3. TRANSPORTATION IMPROVEMENTS ON LEAVENWORTH ROAD**

3.1. The District will contract with a consultant and shall pay for the design of improvements to the intersection at 131<sup>st</sup> Street and Leavenworth Road and improvements along Leavenworth Road (the “Design Work”). This Design Work cost is estimated at One Hundred Nine Thousand Dollars and NO/100 (\$109,000.00)(the “Estimated Design Costs”). Any increase in Design Work fees beyond the Estimated Costs shall be paid for by the District.

3.2. Any additional permits, fees, testing or inspections for the improvements to the intersection will be paid for by the Unified Government. The Unified Government shall pay for the sidewalk/multi-use trail adjacent to the intersection improvements. Any costs associated with sidewalk/multi-use trail outside of the limits of improvements for the intersection project shall be paid for by the District.

3.2.1. The Design Work shall include improvements to Leavenworth Road to be approved by the Unified Government.

3.2.2. The Design Work shall be consistent with a future midblock crossing and trail connection to the Piper Creek subdivision using the existing north/south right of way near the northeast corner of the site.

3.2.3. The Design Work shall comply with Unified Government design standards and include ADA sidewalk ramps.

3.3. The Unified Government shall bid the improvements to the intersection of 131<sup>st</sup> Street and Leavenworth Road and improvements to Leavenworth Road as a public project and pay for its construction, as generally depicted in Exhibit B (the “Improvements”). This cost is estimated at but not limited to One Million Six Hundred Thousand Dollars and NO/100 (\$1,600,000.00). The Unified Government shall be responsible for any increase in cost for the Improvements.

3.4. The District shall design, construct, pay for and maintain a 10-foot wide multi-use path on the south side of Leavenworth Road from 131<sup>st</sup> Street to 128<sup>th</sup> Street in accordance with Unified Government design standards (the “Multi-use Path”).

3.4.1. The Multi-use Path shall be constructed in a manner such that ADA compliance is met and future connections can be made while maintaining ADA compliance with the Multi-use Path.

3.4.2. The Multi-use Path from 131<sup>st</sup> Street to the Westerly Entrance to the school property shall be paid for by the Unified Government with the intersection improvements noted in 3.2 above. The remainder of the Multi-use Path shall be paid for and built by the District.

3.4.3. The District shall design, construct, pay for and maintain a grass paver system where Roswell Avenue touches the District’s property, of sufficient size to allow emergency vehicles to turn around. The District shall design, construct, pay for and maintain an emergency gate that allows emergency vehicles access to the turn around area.

3.5. The Unified Government shall design and construct a 5-foot sidewalk on the north side of Leavenworth Road from 131<sup>st</sup> Street to the limits of the Improvements if the whole street is improved.

#### **4. TRANSPORTATION IMPROVEMENTS ON 131<sup>st</sup> STREET**

4.1. The Parties anticipate that Phase II of this Project will cause additional traffic flow and necessitate further transportation improvements. At this time the Parties cannot predict where transportation improvements will be required. The District shall commission a traffic study with

the proposed Phase II development plan submittal. The District shall pay Five Hundred Thousand Dollars and NO/100 (\$500,000.00) toward any improvements recommended by the traffic study that are attributable to increased traffic due to Phase II of the Project (the “Phase II Improvements”). Such payment shall be paid to the Unified Government within thirty (30) days of the District’s bond issuance for the Phase II Improvements. Phase II is contingent upon passage of bond funding for Phase II by the district.

4.2. Concurrent with Phase II of the Project, the District shall donate its right-of-way to the Unified Government for the necessary street widening and pay for the design and construction of improvements to the East half of 131<sup>st</sup> Street from Leavenworth Road to the southern boundary of the Project site

4.2.1. The Phase II Improvements shall include street reconstruction, widening, sidewalk, stormwater infrastructure and improvements and any other necessary items to complete the work as described above.

## **5. SANITARY SEWER IMPROVEMENTS**

5.1. The District shall make a one-time payment of Eight Hundred Eighty Thousand Dollars and NO/100 (\$880,000.00) to Unified Government Water Pollution Control as a sewer connection fee within ten (10) days of the Effective Date of this Agreement

5.2. The District shall grant sanitary sewer easements to the Unified Government in accordance with Unified Government standards and criteria upon the establishment of the final public sanitary sewer alignment.

## **6. STORM SEWER IMPROVEMENTS**

6.1. The Unified Government shall design and procure the storm sewer crossing on 131<sup>st</sup> Street according to its procurement regulations. The District shall pay for the design and reimburse the Unified Government for the cost of the construction work related to these improvements. Such reimbursement shall be paid to the Unified Government within thirty (30) days of the District’s receipt of a written invoice.

6.2. The District shall comply with any and all applicable United States Army Corps of Engineers (“USACE”) requirements regarding the wetlands within the creek on the Project site as a condition precedent to construction permit acquisition.

## **7. RESERVATION OF UNIFIED GOVERNMENT’S AUTHORITY; NO WAIVER.**

Nothing in this Agreement is intended to limit or waive the Unified Government's authority to perform additional public works projects on or near the area described in herein.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by each of the Parties hereto on the day and year first above written.

THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

By \_\_\_\_\_  
Douglas G. Bach  
County Administrator  
UNIFIED GOVERNMENT

ATTEST:

\_\_\_\_\_  
Bridgette Cobbins  
Clerk of the Unified Government

PIPER UNIFIED SCHOOL DISTRICT No. 203

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, CITY CLERK



# Staff Request for Commission Action

Tracking No. 19863

**Full Commission Meeting Date:** 8/15/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/22/19

(If none, please explain):

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 7/9/2019     | Jeff Fisher          | x5415                 | jfisher@wycokck.org   | Public Works                |

Item Description:

Intergovernmental Agreement Between the Unified Government of Wyandotte County/Kansas City, Kansas and the City of Edwardsville, Kansas for the Construction of Additional Improvements on 4th Street in Edwardsville, Kansas, pertaining to Quiet Zones for the railroad.

Action Requested:

Intergovernmental Agreement Between the Unified Government of Wyandotte County/Kansas City, Kansas and the City of Edwardsville, Kansas for the Construction of Additional Improvements on 4th Street in Edwardsville, Kansas

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution authorizing Intergovernmental Agreement between UG and Edwardsville, QZ Agreement UG-Edwardsville (06-24-19)(final) (002), Exhibit A - UG-Edwardville final

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
AND THE CITY OF EDWARDSVILLE, KANSAS FOR THE CONSTRUCTION OF  
ADDITIONAL IMPROVEMENTS ON 4<sup>TH</sup> ST. IN EDWARDSVILLE, KANSAS

WHEREAS, pursuant to Resolution R-80-16 and Charter Resolution CR-01-16, the Unified Government has authorized funding for Quiet Zone railroad crossing improvements (the “Improvements”) immediately south of K-32 at the Union Pacific Railroad crossings on 98<sup>th</sup> Street, 9<sup>th</sup> Street and 4<sup>th</sup> Streets in Edwardsville; and

WHEREAS, the Improvements will include the construction of new medians and curbs, as well as new sidewalks on 4<sup>th</sup> Street and the removal of some existing roadway pavement; and

WHEREAS, the Parties have previously entered into a Right of Entry Agreement which will allow the Unified Government and its contractors to enter the property to construct the Improvements; and

WHEREAS, in addition to the Improvements required for the Quiet Zone, Edwardsville desires to construct additional improvements to 4<sup>th</sup> Street immediately south of the required Improvements (the “Additional Improvements”); and

WHEREAS, constructing the Additional Improvements to 4<sup>th</sup> Street contemporaneously with the required Quiet Zone Improvements will save time and financial resources by avoiding duplication of manpower, engineering and construction efforts; and

WHEREAS, the Intergovernmental Agreement is attached hereto as Exhibit 1; and

WHEREAS, K.S.A. 12-2908 authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:**

Section 1. That the Unified Government Board of Commissioners hereby adopts the Intergovernmental Agreement between the Unified Government and Edwardsville in substantially the form attached hereto as Exhibit 1.

Section 2. That the Mayor/CEO of the Unified Government is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Intergovernmental Agreement, and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and that the County Administrator and all other Unified Government officials are authorized to take any further action necessary to carry out and comply with the intent of this Resolution.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.**

---

**David Alvey, Mayor/CEO**

**Attest:**

---

**Unified Government Clerk**

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE CITY OF EDWARDSVILLE, KANSAS FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS ON 4TH STREET IN EDWARDSVILLE, KANSAS.**

**THIS INTERGOVERNMENTAL AGREEMENT** (the “Agreement”) is made and entered into this 24th day of June, 2019 (the “Effective Date”) by and between the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) and the City of Edwardsville, Kansas (“Edwardsville”)(collectively “the Parties”) both Parties having been organized under the laws of the State of Kansas.

WHEREAS, pursuant to Resolution R-80-16 and Charter Resolution CR-01-16, the Unified Government has authorized funding for Quiet Zone railroad crossing improvements (the “Improvements”) immediately south of K-32 at the Union Pacific Railroad crossings on 98<sup>th</sup> Street, 9<sup>th</sup> Street and 4<sup>th</sup> Streets in Edwardsville; and

WHEREAS, the Improvements will include the construction of new medians and curbs, as well as new sidewalks on 4<sup>th</sup> Street and the removal of some existing roadway pavement; and

WHEREAS, the Parties have previously entered into a Right of Entry Agreement which will allow the Unified Government and its contractors to enter the property to construct the Improvements; and

WHEREAS, in addition to the Improvements required for the Quiet Zone, Edwardsville desires to construct additional improvements to 4<sup>th</sup> Street immediately south of the required Improvements (the “Additional Improvements”); and

WHEREAS, constructing the Additional Improvements to 4<sup>th</sup> Street contemporaneously with the required Quiet Zone Improvements will save time and financial resources by avoiding duplication of manpower, engineering and construction efforts; and

WHEREAS, a description of the Additional Improvements is attached hereto as Exhibit A; and

WHEREAS, K.S.A. 12-2908 authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements contained herein, and for other good and valuable consideration, the Parties agree as follows:

1. PURPOSE OF AGREEMENT. The Parties enter into this Agreement for the purposes of clarifying how funding and construction of the Additional Improvements will be handled between the Parties.

2. FUNDING AND CONSTRUCTION OF THE ADDITIONAL IMPROVEMENTS.

The Unified Government will request bids for contractors to construct the Improvements and the Additional Improvements. If, after the Unified Government has bid the project, but prior to award of bid, Edwardsville believes the costs of the Additional Improvement are unreasonable, Edwardsville may terminate this Agreement by providing written notice to the Unified Government within ten (10) days of receipt of the bid amount and the Unified Government shall have no obligation to pay for construction of the Additional Improvements. If Edwardsville provides written approval of the costs of the Additional Improvements within ten (10) days of receipt of the bid amount, the Unified Government will award that portion of the bid according to its standard procurement procedures. If, after the start of construction, change orders cause the costs of the Additional Improvements to be higher than anticipated, through no fault, actions, or lack of action by the Unified Government, Edwardsville agrees to pay for any such additional costs up to fifteen percent (15%) above the original cost of the Additional Improvements. If, for any reason, the costs of the Additional Improvements are expected to go higher than fifteen percent (15%) above the Additional Improvements Costs, Edwardsville shall have the right to stop further construction of the Additional Improvements and shall not be liable for any further costs associated therewith. However, neither the Unified Government nor its

contractors shall be liable for completing construction of the Additional Improvements unless it is fully funded.

3. RIGHT OF ENTRY. The Unified Government and its employees, contractors and assigns may enter upon the property described in Exhibit A in order to construct the Additional Improvements.
4. DURATION AND TERMINATION OF AGREEMENT. This Agreement shall be effective from the date of the last signatory as set forth below, until the completion of the Additional Improvements, so long as the Additional Improvements are completed by June 30, 2020. If the Additional Improvements are not completed by June 30, 2020, the Parties may enter into a new agreement extending the time for completion. If, for any reason, the Unified Government determines that it or its contractors are not able to construct the Additional Improvements, the Unified Government shall return the Additional Improvements Costs to Edwardsville within thirty (30) days of such decision.
5. RESERVATION OF EDWARDSVILLE'S AUTHORITY; NO WAIVER. Nothing in this Agreement is intended to limit or waive Edwardsville's authority to perform additional public works projects on or near the area described in Exhibit A, so long as such work does not interfere with construction of the Improvements or Additional Improvements.
6. AMENDMENTS. This Agreement may not be modified or changed by any verbal statement, promise or agreement, and no modification, change or amendment shall be binding on the Parties unless it has been agreed to in writing and signed by both Parties.
7. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.
8. CASH BASIS LAW. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto. This Agreement shall be construed

and interpreted so as to ensure that the Parties shall at all times stay in conformity with such laws and, as a condition of this Agreement, either party reserves the right to unilaterally terminate this Agreement if the Agreement is deemed to violate the terms of such law. The Parties are obligated only to make payments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during each party's current budget year; or (b) funds made available from any lawfully operated revenue producing source.

9. EFFECTIVE DATE. This Agreement shall become effective upon its adoption by the governing bodies of the Unified Government and Edwardsville, and upon the signing of the Agreement by the mayors of the Unified Government and Edwardsville.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by each of the Parties hereto on the day and year first above written.

THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

By \_\_\_\_\_  
David Alvey  
Mayor/CEO

ATTEST:

\_\_\_\_\_  
Bridgette Cobbins  
Clerk of the Unified Government

CITY OF EDWARDSVILLE, KANSAS

By \_\_\_\_\_  
John McTaggart  
Mayor

ATTEST:

\_\_\_\_\_  
Zack Daniels  
Assistant City Manager/City Clerk

Exhibit A

Additional Improvements



**Project Area B – 9<sup>th</sup> Street**



Project Area C – 98<sup>th</sup> Street

