

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, December 14, 2020**

The meeting of the Public Works and Safety Standing Committee was held on Monday, November 14, 2020, at 5:00 p.m., remotely via Zoom or on-site. The following members were present: Commissioner Bynum, Chairman; Commissioners Markley, Kane, Philbrook, and BPU Board Member Tom Groneman. Commissioner Ramirez was absent. The following officials were also in attendance: Melissa Sieben, Emerick Cross and Alan Howze, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Misty Brown, Deputy Chief Counsel; James Bain, Assistant Counsel; Kris Finger, Project Engineer; Rocki Mayes, Executive Assistant to County Administrator; Kent Anderson, Deputy Chief, Police Department; Alley Porter, Commission Liaison; Dave Clark, Project Manager; and Casey Meyer, Assistant Counsel.

Chairman Bynum said we will call the Public Works and Safety Standing Committee meeting for December 14th to order. As I call the meeting to order, I do want to announce that due to COVID-19, some committee members, staff and public are attending remotely by Zoom as well as some on site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During our meeting, make sure you announce yourself by name and title when you speak so the public knows who is speaking. This is critical given the number of remote participants and it's also guidance from our Kansas Attorney General.

Due to COVID-19 requirements, in person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments will be included in the record of our meeting.

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

Chairman Bynum said we don't have any revisions on tonight's agenda and there are no minutes to consider there so we can go straight to our committee agenda for the evening.

Committee Agenda:

Item No. 1 – 20521...RESOLUTION: PUMP STATION 15 ABANDONMENT - CMIP 0520

Synopsis: A resolution declaring the necessity and authorizing a survey of lands necessary for the Pump Station 15 Abandonment Project, North 106th Street & Georgia Avenue, CMIP 0520, submitted by James Bain, Assistant Counsel.

James Bain, Assistant Counsel, said this resolution declares the Pump Station 15 Abatement Project to be necessary and a valid improvement project. The resolution authorizes a survey to determine the properties needed to complete the work. Kris Finger, Project Manager, I believe is on the call to talk you through the project and answer any questions. **Chairman Bynum** said thank you.

Commissioner Philbrook asked, where is that located? **Mr. Bain** said I think there's a map that was submitted. **Commissioner Philbrook** said just tell me approximately. I'm not going to dig all that out. **Mr. Bain** said it is, well, I was thinking it could be shown on the screen. **Commissioner Kane** said 106th & Georgia. **Commissioner Philbrook** thanks, Mike.

Mr. Bain said maybe Kris is having a hard time getting in.

Action: **Commissioner Kane made a motion for approval.**

Kris Finger, Project Engineer, asked, James, can you hear me? **Mr. Bain** said hey, there you are. **Mr. Finger** said I had my hand raised. They had me in the public side. This pump station project is located at about 103rd, 104th & Georgia. That's currently where the pump station is, just basically north of Sam's Club. This force main for this pump station ties into the Pump Station 50 force main, which is being abandoned as part of the Lower Conner Creek Interceptor that is being constructed along 435 to go down to the new Wolcott Treatment Plant.

So, with the lack of a new conveyance, or the overly large conveyance source of the Pump Station 50 force main, we're looking at options of how to abandon or realign the flows from Pump Station 15.

Commissioner Philbrook said I second Mike Kane's motion to approve.

Chairman Bynum said thank you. We have a motion and a second for approval. Before we vote, are there questions or comments from our committee and Madam Clerk, do we have any comments from the public? **Ms. Portley Lott** said no comments received.

Roll call was taken on the motion and there were five "Ayes," Groneman, Philbrook, Kane, Markley, Bynum.

Item No. 2 – 20571...RESOLUTION: 7TH & CENTRAL INTERSECTION IMPROVEMENTS

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the 7th and Central Intersection Improvement Project (KDOT Project No. 105 KA-5148-01), submitted by James Bain, Assistant Counsel.

James Bain, Assistant Counsel, said this resolution declares the 7th & Central Intersection Improvement Project to be a necessary and a valid improvement and authorizes a survey to determine the easements that are needed to complete the project. Dave Clark is the Project Manager and I believe he is on to give you more details about the project and answer any questions. **Chairman Bynum** said thank you.

Chairman Bynum said I did have a question. We did receive a map of this in our packet and I'm just curious. Right now we are authorizing the survey for the project, but, Dave, does it anticipate the closure of Simpson Avenue by chance?

Dave Clark, Project Manager, said, yes, we're still going through comments from KDOT about, well I guess, I should clarify first. Do you mean permanently or do you mean just temporarily while the construction—**Chairman Bynum** said I meant permanently. That's not part of it, is it? **Mr. Clark** said no, no, it's not. **Chairman Bynum** said okay. Yes, because that makes a little triangle there.

Okay, any other questions from the committee or, Mr. Clark, did I interrupt? Are there things you want us to know? **Mr. Clark** said no, it's just general geometric improvements to widen the radii at 7th & Central, primarily, and then there's a mill and overlay as well that goes from Homer to Reynolds, and then on from Simpson to Tremont on Central Avenue. **Chairman Bynum** said great.

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

Chairman Bynum said great. Excellent. I will add that anytime we can widen the radii, I'm all in favor of it. Any comments from the public? **Ms. Portley Lott** said there were no comments received.

Roll call was taken on the motion and there were five "Ayes," Groneman, Philbrook, Kane, Markley, Bynum.

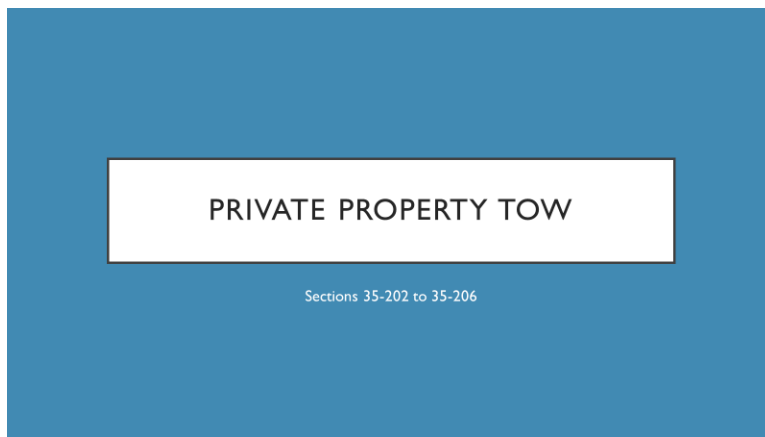
Item No. 3 – 20570...ORDINANCE: AMENDING CHAPTER 35 TRAFFIC, VEHICLE TOWING, IMPOUNDMENT, ETC.

Synopsis: An ordinance relating to Chapter 35 Traffic, Article III – Vehicle Towing, Impoundment, etc., adding new Sections 35-202 to 35-206 addressing the towing or immobilization of motor vehicles from privately owned property and creating a criminal violation for failure to comply with the provisions, submitted by Michael York, Acting Police Chief.

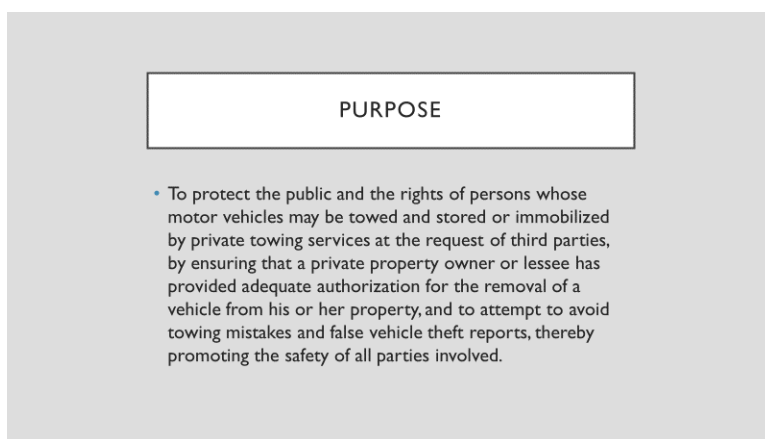
Chairman Bynum asked do I see Chief York on the call tonight? **Casey Meyer, Assistant Counsel**, said Major Anderson. **Chairman Bynum** said excellent. Okay, Kent Anderson, if you would walk us through this discussion, please, and I think there's a presentation. Is there not? **Ms. Meyer** said there is. **Chairman Bynum** said okay. Kent you're muted. Now you're not muted. Are you ready to go?

Kent Anderson, Deputy Chief, Police Department asked, can you hear me? **Chairman Bynum** said yes. **Major Anderson** said okay. Casey is going to be giving the presentation as well and—but it's basically a private property tow ordinance that we asked Legal to look into

because we've had some issues with people parking on private property such as businesses, and then tow companies kind of coming for third parties either towing their vehicle, hooking up their vehicle and not allowing them to leave. Kind of like predatory charging them fees once this is done, and that's kind of what this ordinance that Casey Meyer has put together, kind of looks at. I'll try to share the screen. Well, I thought it would work. **Chairman Bynum** said that's how it always goes.

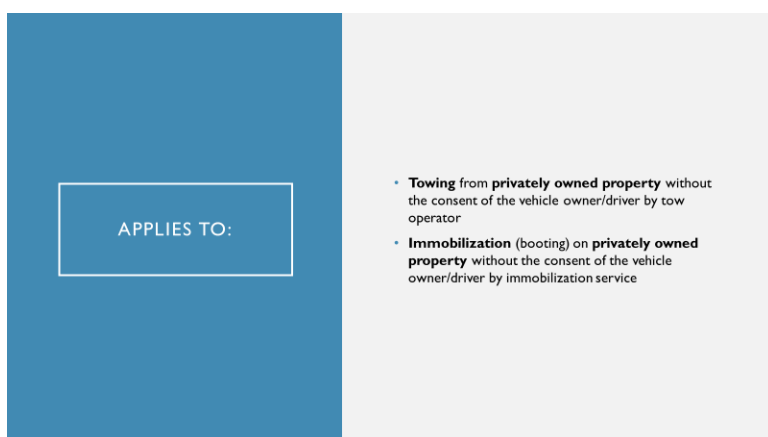


Deputy Chief Anderson said, Casey, do you want to try to share yours and see if you have better luck? **Ms. Meyer** said you got it. It's on there. **Deputy Chief Anderson** asked, can you see it? **Ms. Meyer** said yes. **Deputy Chief Anderson** said okay. I'll let you take over from here. **Ms. Meyer** said okay. Thank you. In response to the Police Department's request, I pulled ordinances from some other nearby cities which included Lenexa, Overland Park, Kansas City, Missouri, Wichita.



I'd like to add that this ordinance was also requested by an outside attorney who represents some local tow companies who operate within Wyandotte County. So, that also was included in the motivation to propose this ordinance regarding tows from private property. So, the purpose as is included here is—I'm not going to read it to you, but in response to these kind of predatory practices from tow companies, and also there's a statute that requires if we authorize tow from private property that we include certain things in our ordinance, and so that is what is some of the language.

Also, its purpose is to hopefully deter false vehicle theft reports because a lot of times when people's vehicles are towed and they don't know where their car went, they make a theft report to the Police Department and obviously, to hopefully decrease any arguments or fighting that might happen when somebody's car is towed when they don't believe that they had proper notice.



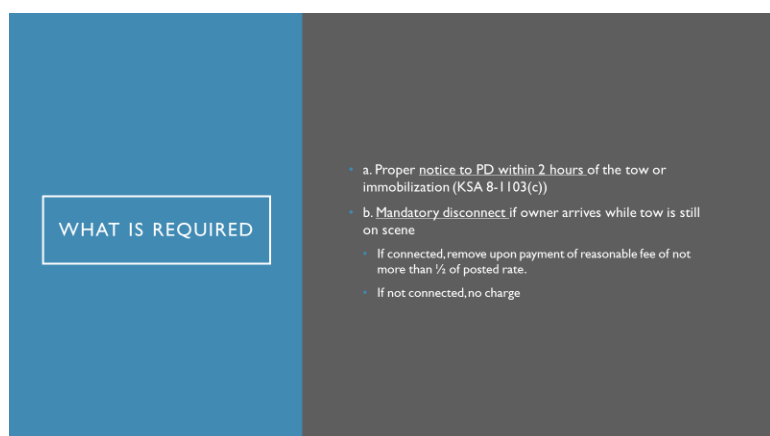
APPLIES TO:

- **Towing from privately owned property** without the consent of the vehicle owner/driver by tow operator
- **Immobilization (booting) on privately owned property** without the consent of the vehicle owner/driver by immobilization service

So, like I said, these sections only apply to privately owned property. As you know, we already have ordinances that apply to tows from public property and these would be the ones without the consent of the vehicle owner or driver, so like when a third party is requesting that your vehicle be towed. This also includes immobilization; which we normally call booting, right? So, when somebody puts a device on your tire, that doesn't allow you to move your vehicle.



Like I said, it doesn't apply to public streets. We already have ordinances for that. It doesn't apply for tows when they have a contract with our city, nor does it apply to request by Code Enforcement personnel, law enforcement or Fire Department personnel.



Okay, so what is required in the ordinance? First of all, proper notice to the Police Department within two hours of the tow or immobilization. That's actually a statutory requirement under KSA 8-1103(c) and that's obviously to notify the Police Department that someone's car has been towed and where it has been towed to so the individual trying to find their car knows that they just need to call the tow company.

Also we included a section on mandatory disconnect. So, if you come to the scene and your vehicle has not yet been connected to the tow truck, then they would be required to not connect your car for no charge. If it is connected already, then they would be required to remove your car upon a payment of a reasonable fee of not more than half of their posted rate. Their posted rate is their going rate, and later on you'll see that their rates cannot exceed 120% of our city contract fees.

WHAT IS REQUIRED

- c. Notice and Sign Requirements:
- **EXCEPT for:**
 - Property appurtenant to and a part of a single-family residence, and to include duplexes, townhomes, residential planned unit developments
 - When notice is personally given to a vehicle owner or operator that the area is reserved or otherwise unavailable for unauthorized vehicles subject to tow or immobilization
 - When private property owner attempting to comply with Chapter 8, Sec. 302.8 of Property Maintenance Code regarding inoperable vehicles

Notice and sign requirements. So, except for property that's appurtenant to or part of a single-family residence, which will include duplexes, townhomes, residential planned unit developments, or when notice is personally given to an owner or driver that the area is reserved or otherwise unavailable for unauthorized vehicles, or when a private property owner's just attempting to comply with our property maintenance code regarding inoperable vehicles. So in those situations, you won't need a sign.

WHAT IS REQUIRED

- Notice for Tow:
- 1. The notice must be prominently placed at each primary driveway access or curb cut allowing vehicular access to the property.
- 2. The notice must clearly indicate with light-reflective letters on a contrasting background, that "Unauthorized Vehicles Will be Towed", "Tow Away Zone" or "Violators Will be Towed".
- 3. The sign structure containing the required notices shall be permanently installed and continuously maintained on the property for not less than twenty-four (24) hours prior to the towing, removal, or immobilization of vehicles.
- 4. All requirements of this section shall be in accordance with the provisions set forth in Chapter 27, Division II of this Code

But, you will need a sign at these locations. So, the notice must be prominently placed at each primary driveway access location so when somebody comes on to the lot, they can actually see the sign. That was a big issue with some of these calls for service that Major Anderson was referencing earlier. Just a note, a sign that clearly indicates that the vehicles will be towed or it's a towaway zone or violators will be towed. The sign structure needs to be a permanent structure that has been there for at least 24 hours and then, of course, we have a large code section that deals with signs

and so I didn't want to conflict with any of that so everybody has to comply with the requirements of our Chapter 27, Division II.

WHAT IS REQUIRED

- d. **Owner Access:** Any owner of towed vehicle shall have access to personal property for up to 48 hours after tow and property shall be released to owner unless held as evidence (KSA 8-1103(c))
- e. **Maximum Tow and Storage Fees:** shall not exceed 120% of the rates charged by city tow contracts (KSA 8-1103(c))

Okay. Additionally, there's a section that provides owner access to their personal property for up to 48 hours after the tow. That's, again, a statutory requirement under KSA 8-1103(c), unless, of course, that property is being held as evidence. Then the final is the maximum tow and storage fees which shall not exceed 120% of the rates charged by city tow contracts. That's also establishing the maximum tow and storage fees as is included as a requirement under KSA 8-1103(c).

WHAT IS REQUIRED

- f. **Notice/Conditions for Immobilization:**
 - Affix notice on driver's side window regarding:
 - potential damage to vehicle
 - contact info to remove device
 - fee to remove which shall not exceed \$75.00
 - when and why immobilized

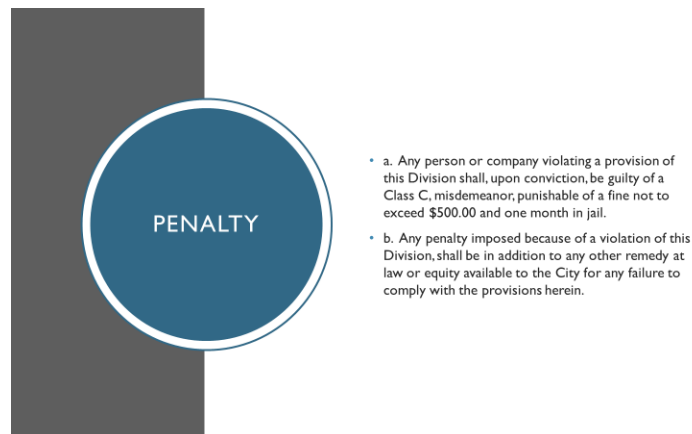
Immobilization service to identify their vehicle, have 24 hour service to remove device, and respond within 1 hour.

Then these are the notice/conditions for the boot. So, we were having several issues where Major Anderson was including. A lot of times they might not tow your vehicle, they were just coming in, they were attaching various things to vehicles not allowing it to move. It wasn't always the standard boot that we're used to. Sometimes it was wires, chains, whatever. This section just

requires that if you're going to boot somebody's vehicle, you put a notice on the driver's window indicating that if they start to try to drive with the boot on that it might damage their vehicle.

It includes the contact information that they can call for someone to remove the device. It also requires that the company that can remove the device, have a 24-hour service for that, which is pretty common and that they respond within one hour. Also, notification of when and why it was immobilized, and then the fee to remove the immobilization device shall not exceed \$75.

Deputy Chief Anderson said I just like to add on some of the incidents that we went out on. They were putting large cables around the tires and this is at night. If you didn't inspect your vehicle before you left, you wouldn't even know that it had been immobilized, that you couldn't drive away. So that's part of this PowerPoint.



Ms. Meyer said and then finally, the penalty. It's just a low, it's a Class C misdemeanor, which is punishable by a fine not to exceed \$500 or 30 days in jail and that's it.

Chairman Bynum said, Casey the very last slide, the penalty. Who would that be imposed upon?

Ms. Meyer said that would be imposed upon the person who didn't follow the requirements prior to actually towing the vehicle or immobilizing the vehicle. So, in these situations, it would be the tow company, the tow operator, or the person who affixed the immobilization device.

Chairman Bynum said so, on a big commercial property where there's a big parking lot, for example, if the property owner did not have appropriate signage and requested the tow, then that property owner might receive that violation. Is that correct or will it always be the—**Ms. Meyer** said yes, but the intent of this is that if the property owner requests the tow and doesn't have proper signage, then the responding tow company or the tow service or immobilization

service actually does it, then you could either ticket either the requester or the tow company, most likely Major Anderson, you would ticket the tow company, correct? **Deputy Chief Anderson** said that's correct. That's the intent.

Chairman Bynum said just another quick question. If this vehicle is on my private property at my home and they've left it, I would have the right to request that be towed. Is that right? **Ms. Meyer** said correct.

Chairman Bynum said once this passes through our committee, it's going to make its way to the full Commission I don't necessarily see that it's being fast tracked so I'm guessing it's going to show up in January sometime. Then at what point, assuming it passes full Commission, does it take effect as law? **Ms. Meyer** said after it's published, which is, Bridgette, a couple of weeks? **Chairman Bynum** said okay. Generally a couple of weeks after the vote it's published and then it's effective as law. **Ms. Meyer** said yes. **Chairman Bynum** said okay.

Chairman Bynum asked, any other questions from the committee? (There were none.) Any comments from the public received on this item? **Ms. Portley Lott** said, no, Chair, there were no comments received.

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

Adjourn:

Chairman Bynum adjourned the meeting at 5:22 p.m.

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