

Approved February 14, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at
Chairperson

9:00 a.m./~~xxx~~p.m. on February 13, 1991 in room 531-N of the Capitol.

All members were present except:

Senators Gaines and Petty

Committee staff present:

Mike Heim, Legislative Research
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Sen. Doug Walker
George Zakoura, County Commissioner from Paola
George Boyd, Director of Aviation for KDOT
Charles Freeman, City Commissioner from Osawatomie
Joe Toune, Miami County Commissioner
Representative Nancy Brown

SB 116 - An act authorizing the board of county commissioners of Miami County to establish an airport authority.

Sen. Doug Walker, author of the bill, introduced the Miami County commissioners who had come in support of the bill.

George Zakoura, County Commissioner from Paola, gave testimony in support of SB 116. (Attachment 1).

Sen. Montgomery asked Mr. Zakoura the advantage of establishing the airport authority. Mr. Zakoura explained that it would provide moneys to be used for the operation of the airport. He said the farm land surrounding the airport is leased at \$6,000.00 which at present goes into the general fund, but with the airport authority, the money would go to the airport which needs the revenue.

Sen. Steineger began a discussion as to why a statute is needed as he feels the same thing could be accomplished by a home rule charter ordinance which would allow them to set up their own airport authority. Mike Heim noted that the home rule ordinance would not make it a separate taxing entity as the bill does. Further discussion followed regarding the authority given by the bill for the airport authority to levy taxes. Mr. Zakoura stated that the commissioners' intent in requesting the bill was to allow the airport to have its own budget, and they had not been particularly motivated by any desire for the ability to levy taxes. Sen. Steineger reiterated that he believes that this can be accomplished by the use of home rule power. Sen. Burke felt that the authority given to other airports such as in Salina or Topeka could be amended in to give Miami County what it wants which is simply a separate authority for the airport which would free the county commissioners from from the responsibility. It was agreed that staff will work on finding the solution in another chapter.

George Boyd, Director of Aviation for KDOT, testified in support of the administrative effort the Miami County Commissioners are making.

Charles Freeman, City Commissioner from Osawatomie, briefly testified in support of the bill as an asset for industrial development. He is involved in industrial development in Osawatomie and has found that businesses from other areas are surprised to find that some airports in Kansas do not have the ability to handle larger planes. The establishment of the airport

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT
room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~^{xxx} on February 13, 19

authority would create a budget which would allow needed improvements to accomodate these larger airplanes.

Joe Toune, Miami County Commissioner, testified that Miami County wants someone to operate the airport who is qualified and has time to oversee it rather than leaving it in the hands of the commissioners.

Sen. Steineger stated that if taxing authority is not wanted, a simple county charter ordinance is all that is needed. Staff was in agreement. This concluded the hearing on SB 116.

The Chairman turned the committee's attention to SB 24 concerning fire districts which had been previously heard. Rep. Nancy Brown testified in answer to the City of Overland Park's testimony that it should be excluded from the bill. Rep. Brown stated that she feels it is important that Overland Park be left in the bill. In 1985, legislation was passed setting Overland Park apart which resulted in its taking in more fire districts. This has resulted in the loss of volunteer firemen and consequences she feels the general population is not aware of. She feels the exclusion of Overland Park from the bill would allow further damage to be done if more area should be taken in.

Theresa Kiernan felt the sales tax section would have to be amended to correct the sales tax distribution. Mike Heim felt that before making such an amendment as this, they would want to research what the impact would be first. The Chairman said he feels taxes would be a different issue.

Sen. Allen made a motion to recommend SB 24 favorable for passage, Sen. Daniels seconded.

Sen. Langworthy made a substitute motion to strike the language dealing with Overland Park, Sen. Steineger seconded. The Chairman asked for a show of hands, and Sen. Langworthy's motion failed.

The Chairman called for a show of hands on the original motion to pass SB 24 as is, and the motion carried with Sen. Langworthy voting "No".

The minutes of February 12 were approved.

The Chairman noted that SB 126 involving the removal of home rule power for a particular area will be heard tomorrow. The bill has created a great deal of interest.

Ms. Kiernan distributed copies of a balloon of SB 57 concerning the repair or removal of unsafe or dangerous structures which had been previously heard. (Attachment 2).

The meeting was adjourned at 9:50 a.m.

Gentleman and Ladies:

I am George E. Zakoura, County Commissioner for the Third District of Miami County, Kansas.

I am here to show cause for passage, and to recommend Senate Bill #116, which will allow Miami County to establish an Airport Authority.

Miami County is adjacent to the south side of Johnson County. Johnson County is reputed to be the fastest growing county in Kansas, whereas, Miami County statistically, is the eighth fastest growing county in Kansas. In some areas, such as the F.A.A (Federal Aviation Administration), Miami County is considered to be within the Kansas City Metro area. Consequently, we must look to the progressive future of Miami County.

The airport has a runway of 2825 feet in length and 28 feet wide, which is not acceptable to many aeroplanes.

The airport had a line item from the County Commissioners budget of \$35,000. This amount includes the purchase of aeroplane fuel, and when this fuel is sold, the money is not retained by the airport, since it has no Airport Authority, but the income from the fuel is returned to the County's General Fund, even at a profit.

Miami County has requested funding from the F.A.A. to upgrade the airport, namely the runway. The Master Plan for the airport is about to be completed by Bucher, Willis, and Ratcliff Consulting Firm of Kansas City, Missouri. This plan must be completed and approved by the F.A.A. before any funding can be forthcoming from the F.A.A., and with an Airport Authority, it would enhance the opportunity for funding. There has been no opposition from the anyone regarding this matter.

The County Commissioners of Miami County asked you to consider favorable and pass Senate Bill #116. Thank you kindly for the opportunity of appearing before you.

George E. Zakoura

Senate L.G.
2-13-91
Attachment 1

SENATE BILL No. 57

By Committee on Local Government

1-24

AN ACT concerning the repair or removal of unsafe or dangerous structures; amending K.S.A. 12-1751, 12-1752 and 12-1753 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 12-1751 is hereby amended to read as follows: 12-1751. The governing body of any city shall have power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. The governing body may appoint a structures appeals board of not less than three electors of the city to conduct the hearing required by K.S.A. 12-1752, and amendments thereto.

Sec. 2. K.S.A. 12-1752 is hereby amended to read as follows: 12-1752. Whenever the enforcing officer files with the governing body of the city a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, the governing body shall, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week days at least five days apart. At least 30 five days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within no later than three days after its first publication to each such owner, agent, lienholder and occupant, at addressed to the last known place of residence, and shall be marked "deliver to addressee only." As an alternative to mailing a copy of such resolution, the resolution may be served personally on each such owner, agent, lienholder and occupant.

Sec. 3. K.S.A. 12-1753 is hereby amended to read as follows: 12-1753. On the date fixed for hearing or any adjournment thereof, the governing body or the structures appeals board shall hear all evidence submitted by the owner, his or her the owner's agent, lienholders of records and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the

Senate L.G.
2-13-91
Attachment 2

tatement and shall make its findings by resolution in writing. If
 2 such hearing is conducted by the structures appeals board, the
 3 board, at the conclusion of the hearing, shall make findings and
 4 transmit its written findings to the governing body for its review, ✓
 5 ~~on the record, of such hearing and findings.~~ After such review or
 6 after the conclusion of a hearing conducted by the governing body,
 7 the governing body shall adopt findings by resolution. If the gov-
 8 erning body of the city shall find finds that such structure is unsafe
 9 or dangerous, such resolution shall direct the structure to be repaired
 10 or removed and the premises made safe and secure. Such resolution
 11 shall be published once in the official city paper and a copy
 12 mailed to the owners, agents, lienholders of record and oc-
 13 cupants in the same manner provided for the notice of hearing.
 14 The resolution shall fix a reasonable time within which the repair
 15 or removal of such structure shall be commenced and a statement
 16 that if the owner of such structure fails to commence the repair or
 17 removal of such structure within the time stated or fails to diligently
 18 prosecute the same until the work is completed, the governing body
 19 will may cause the structure to be ~~razed and~~ removed. Such res-
 20 olution shall be published once in the official city newspaper and a
 21 copy shall be mailed or served on the owners, agents, lienholders
 22 of record and occupants in the same manner provided for the giving
 23 of notice of the hearing in K.S.A. 12-1752, and amendments thereto.

repaired or

24 Sec. 4. K.S.A. 12-1751, 12-1752 and 12-1753 are hereby
25 repealed.

26 Sec. 5. This act shall take effect and be in force from and after
27 its publication in the statute book.

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Proposed Amendment to Senate Bill No. 57

Insert following:

Sec. 1. K.S.A. 12-1750 is hereby amended to read as follows:
 12-1750. ~~The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section~~ When used in this act:

(a) "Structure" ~~shall mean and include~~ means any building, wall or other structure; and

(b) "enforcing officer" ~~shall mean~~ means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act;

(c) "repair" means to make a structure safe and secure.

Sec. 2. K.S.A. 1990 Supp. 12-1755 is hereby amended to read as follows: 12-1755. (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to ~~raze and repair~~ remove such structure, make the premises safe and secure, or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of repairing or removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs and the cost of publications of notice and any postage for mailing of notice, after the payment

of all costs, shall be paid to the owner of the premises upon which the structure was located.

(b) The city shall give notice to the owner of such structure by restricted mail of the total cost incurred by the city in repairing or removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid within the thirty-day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. ~~1985~~ 1990 Supp. 12-1,115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. ~~1985~~ 1990 Supp. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

Whenever any structure is removed from any premises under the provisions of this act, the city clerk shall certify to the county appraiser that such structure, describing the same, has

been removed.

(c) If there is no salvageable material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work and the cost of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act the governing body of such city shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. ~~1985~~ 1990 Supp. 12-1,115, and amendments thereto, when and if paid, shall be placed in the general fund of the city.