Full Commission Meeting Agenda
Thursday, August 13, 2015
7:00 PM

Location:
Municipal Office Building
701 N 7th Street, Lobby
Kansas City, Kansas 66101
Commission Chambers

Qdp h
Mayor Mark Holland
Commissioner Melissa Bynum
Commissioner Hal Walker
Commissioner Gayle Townsend
Commissioner Brian McKiernan
Commissioner Ann Brandau-Murguia
Commissioner Harold Johnson Jr.
Commissioner Mike Kane
Commissioner Angela Markley
Commissioner James Walters
Commissioner Jane Philbrook

I. CALL TO ORDER
II. ROLL CALL
III. INVOCATION GIVEN BY REVEREND CYNTHIA SMART, MASON MEMORIAL UNITED METHODIST CHURCH
IV. PLEDGE OF ALLEGIANCE
V. REVISIONS TO AUGUST 13, 2015 AGENDA
VI. MAYOR’S AGENDA
VII. CONSENT AGENDA
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VIII. PUBLIC HEARING AGENDA
IX. STANDING COMMITTEES’ AGENDA
VI 1  MAYOR'S AGENDA

VII 1  CONSENT AGENDA

Item No. 1 - GRANT: FY15 EDWARD BYRNE MEMORIAL JAG

Synopsis:
Request to apply for the FY15 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $90,101 ($23,645-Sheriff Dept. training 2016-2018, $66,456-Police Dept. equipment purchase and equipment/software upgrade), submitted by Angie Masloski, Public Safety Business Office. No match required.

*On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 150178

Item No. 2 - GRANT: FY15 EDWARD BYRNE MEMORIAL JAG

Synopsis:
Request to apply for the FY15 Edward Byrne Memorial Justice Assistant Grant (JAG) in the amount of $234,496.00 to fund two deputies and one detective in the Offender Registration Unit from 10/1/15 to 9/30/16, submitted by Angie Masloski, Public Safety Business Office. No match required.

*On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 150180
Item No. 3 - GRANT: FY16 VOCA

Synopsis:
Request to apply for the FY16 Victims of Crime Act (VOCA) grant in the amount of $215,000 to continue sustaining the Victim Services Unit, submitted by Kristen Czugala, Police Dept. Match: $40,425 from approved Police Operating Budget and $13,325 in-kind.

On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
Tracking #: 150184

Item No. 4 - ORDINANCE: OFFENSE CODE

Synopsis:
An ordinance amending Chapter 22, Miscellaneous Provisions and Offenses of the UG Code, as it relates to the weapons laws that now allow concealed carry, open carry and knives in the city, submitted by Jenny Myers, Legal.

On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
Tracking #: 150187

Item No. 5 - ORDINANCE: TRAFFIC CODE

Synopsis:
An ordinance amending Chapter 35, Traffic of the UG Code, to comply with state statute, submitted by Jenny Myers, Legal.

On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
Tracking #: 150188
Item No. 6 - ORDINANCE: SECURITY GUARD PERMITS

Synopsis:
An ordinance amending Chapter 19, Licenses, Permits and Miscellaneous Business Regulations of the UG Code as it relates to security guard permits, submitted by Jenny Myers, Legal.

On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
Tracking #: 150189

Item No. 7 - REQUEST: SHERIFF'S DEPARTMENT MEMORIAL

Synopsis:
A request by FOP 40 (Sheriff’s Union) for a Sheriff’s Department Memorial to be built on the northeast side of the Wyandotte County Court House, submitted by Doug Bach, County Administrator. FOP 40 will fund the proposed memorial and the UG will assist with some sidewalk and footing cost.

On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.
Tracking #: 150204

Item No. 8 - ORDINANCE: PREMIER AUTOMOTIVE IRBS

Synopsis:
An ordinance authorizing the issuance of $12M in taxable industrial revenue bonds by SVVI, LLC to Premier Automotive of Kansas City, LLC for the construction of three new auto dealerships in Project Area 2 of the Amended and Restated Vacation Village District.

On May 14, 2015, the full commission adopted Resolution No. R-30-15, consenting to the assignment of said IRB benefits.
Tracking #: 150212
Item No. 9 - APPOINTMENTS/REAPPOINTMENT: BOARDS AND COMMISSIONS

Synopsis:
Appointments/Reappointment to Boards and Commissions:
Appointment of Mike Benitez to Self-Supported Municipal Improvement District (SSMID), 8/13/15 - 5/30/19, submitted by Commissioner Walker
Reappointment of Ben Blagg to Advisory Committee on Disability Issues, 8/13/15 - 5/30/17, submitted by Commissioner Kane
Appointment of Jack Knight to Advisory Committee on Disability Issues, 8/13/15 - 5/30/17, submitted by Commissioner Walters
Tracking #: 970013

Item No. 10 - PLAT: WYANDOTTE YOUTH SOCCER COMPLEX

Synopsis:
Plat of Wyandotte Youth Soccer Complex located at 90th Street between State Avenue and Parallel Parkway being developed by Ongoal, LLC, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.
Tracking #: 150238

Item No. 11 - MINUTES

Synopsis:
Minutes from special sessions of July 9, 13, 16, 20 and 23, 2015; and regular sessions of July 9 and 23, 2015.
Tracking #: MINUTES

Item No. 12 - WEEKLY BUSINESS MATERIAL

Synopsis:
Weekly business material dated July 23, 30, and August 6, 2015.
Tracking #: WEEKLY BUSINESS MATERIAL
VIII: Public Hearing Agenda

Item No. 1 - HEARING/ORDINANCE: 57TH & STATE REDEVELOPMENT TIF DISTRICT

Synopsis:
Conduct a public hearing to consider an ordinance establishing the 57th and State Redevelopment TIF District (NW and SW corners of the intersection of 57th St. and State Avenue), submitted by Charles Brockman, Economic Development.

On July 9, 2015, the full commission adopted Resolution No. R-40-15, setting the public hearing date.
Tracking #: 150220

Item No. 2 - HEARING/ORDINANCE: TURNER WOODS CID

Synopsis:
Conduct a public hearing to consider an ordinance creating the Turner Woods Community Improvement District (south of I-70 & Riverview, along the SW corridor of the Turner Diagonal), the issuance of industrial revenue bonds, and a development agreement between the UG and Northpoint Development, LLC, submitted by George Brajkovic, Economic Development Director.

Action Items:

- Ordinance creating CID and approving the Development Agreement
- Resolution of Intent to issue $69M in IRBs

On July 23, 2015, the full commission adopted Resolution No. R-43-15, setting the public hearing date.
Tracking #: 150203
Item No. 3 - HEARING/ORDINANCE: VACATION VILLAGE STAR BOND DISTRICT

Synopsis:
Conduct a public hearing to consider the following, submitted by George Brajkovic, Economic Development Director and Lew Levin, Chief Financial Officer:

- First Amendment to Amended and Restated STAR Bond District Plan
- First Amended and Restated STAR Bond Project Plan (Project Area 2A)
- First Amendment to Amended and Restated Development Agreement
- Authorizing the issuance of $95M Sales Tax Special Obligation Revenue Bonds (Vacation Project Areas 1 and 2A)*
- A single ordinance collectively approving the above listed items

On July 9, 2015, the full commission adopted Resolution No. R-41-15, setting the public hearing date.

*This item was presented to the Economic Development and Finance Standing Committee on August 10, 2015. It was requested, and approved by the Mayor, to fast track this item to the August 13, 2015 full commission meeting.

Tracking #: 150181/150217

IX 1  STANDING COMMITTEES' AGENDA

X 1  ADMINISTRATOR'S AGENDA

XI 1  COMMISSIONERS' AGENDA

XII 1  LAND BANK BOARD OF TRUSTEES' AGENDA

XIII 1  PUBLIC ANNOUNCEMENTS
XIV 1  ADJOURN
**Staff Request for Commission Action**

**Type:** Standard  
**Committee:** Public Works and Safety Committee

<table>
<thead>
<tr>
<th>Date of Standing Committee Action: 7/20/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If none, please explain):</td>
</tr>
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</table>

**Proposed for the following Full Commission Meeting Date:** 8/13/2015  
**Confirmed Date:** 8/13/2015

**Changes Recommended By Standing Committee (New Action Form required with signatures)**

<table>
<thead>
<tr>
<th>Date: 6/25/2015</th>
<th>Contact Name: Angie Masloski</th>
<th>Contact Phone: 5853</th>
<th>Contact Email: <a href="mailto:amasloski@wycokck.org">amasloski@wycokck.org</a></th>
<th>Ref:</th>
<th>Department / Division: PSBO</th>
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**Item Description:**
The Sheriff's Department and the Police Department are applying for the FY15 JAG funding. The total grant award is $90,101. The Sheriff's Department is requesting $23,645 to send 9 separate staff to trainings between 2016-2018. The Police Department is requesting $66,456 to upgrade equipment. $6,857.32 will be used to purchase cameras, lenses, and memory cards for the Crime Scene Investigations (CSI) Unit; $38,600 to upgrade Internal Affairs software; and $20,999.42 to purchase body camera storage area networks and hard drives.

**Action Requested:**
Approval to apply for the FY15 Edward Byrne Memorial Justice Assistance Grant, Local Solicitation (JAG)

**Publication Required:**

**Budget Impact: (if applicable)**

<table>
<thead>
<tr>
<th>Amount: $0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source:</td>
</tr>
<tr>
<td>- Included In Budget</td>
</tr>
<tr>
<td>- Other (explain) Grant funded.</td>
</tr>
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</table>

**File Attachment**
Program Narrative

Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Sheriff Department training

Amount Requested: $23,645

Program Goal(s): To ensure staff in the Sheriff’s Department are adequately trained.

Statement of Problem: Due to budget restrictions, the Sheriff’s Department personnel are not able to attend trainings as needed to stay current in best practices, current issues, and training techniques.

Program Design and Implementation: Over the course of the grant, the Sheriff’s Department will send 9 different employees to 10 trainings:

<table>
<thead>
<tr>
<th>Event</th>
<th>Location</th>
<th>Employees</th>
<th>Dates</th>
<th>Reg</th>
<th>Hotel</th>
<th>Food</th>
<th>Flight</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSA (National Sheriff's Assoc)</td>
<td>MN</td>
<td>3</td>
<td>2016-June</td>
<td>475</td>
<td>1120</td>
<td>473</td>
<td>300</td>
<td>7104</td>
</tr>
<tr>
<td>NSA (National Sheriff's Assoc)</td>
<td>NV</td>
<td>3</td>
<td>2017-June</td>
<td>475</td>
<td>840</td>
<td>340</td>
<td>500</td>
<td>6465</td>
</tr>
<tr>
<td>NSA (National Sheriff's Assoc)</td>
<td>LA</td>
<td>3</td>
<td>2018-June</td>
<td>475</td>
<td>1400</td>
<td>473</td>
<td>250</td>
<td>7794</td>
</tr>
<tr>
<td>CA Tactical Assoc</td>
<td>CA</td>
<td>1</td>
<td>Fall 2016</td>
<td>255</td>
<td>1125</td>
<td>402</td>
<td>500</td>
<td>2282</td>
</tr>
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</table>

Timeline: All trainings will be completed by June of 2018
Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Police Crime Scene Investigations (CSI) equipment replacement

Amount Requested: $6,857.32

Program Goal(s): To collect the best evidence possible to solve a crime to apprehend and prosecute the correct criminal.

Statement of Problem: Current Police Department CSI camera equipment was purchased in 2008. The current equipment is outdated and worn out due to regular use.

Program Design and Implementation: Quotes will be requested from at least three vendors for specific digital and recording cameras. Based on the quotes, the Police Department will determine the best pricing for the equipment needed. The new equipment will replace the most outdated equipment.

Timeline: The camera equipment will be purchased in the first year of the grant.
Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Police Department Internal Affairs software upgrade

Amount Requested: $38,600

Program Goal(s): Replace the out of date software

Statement of Problem: Currently the Internal Affairs Unit houses all of its data and statistics in an Access Database that was created in-house in 2007. The current database is antiquated and does not readily provide key information to assist the Department with monitoring and managing internal affair complaints. The current system also does not allow for field supervisors to enter data concerning “Other Contacts/Informal Complaints” they are responsible for investigating or data regarding use of force and pursuit incidents that are needed in the Internal Affairs Unit.

Program Design and Implementation:
With the implementation of IAPro and BlueTeam the data from the current Access Database can be migrated into the IAPro format. IAPro is a full service software that supports the Internal Affairs unit and the Professional Standards units to ensure the Police Department attains the highest level of professional standards and excellence. IAPro assists agencies in identifying potential problems early on, so proactive action can be taken and ensure the most efficient handling of citizen complaints, administrative investigations, use of force reporting, and other types of incidents while providing the means to analyze and identify areas of concerns. IAPro has automatic reminders to ensure the necessary casework is completed in a timely manner and documented. A broad range of statistical reports and charts are provided which include aggregate trend, exception and comparative formats. Users access to IAPro information is fully controlled and thoroughly audited.

BlueTeam software allows officers and supervisors to enter and manage incidents for the field using a simple internet style interface which minimizes training requirements. BlueTeam speeds and streamlines the flow of crucial information from the field. Use-of-force, field-level discipline, complaints, vehicle accidents and pursuits – are entered and can then be routed through the chain-of-command with review and approval at each step. Instead of relying on information entered onto a written form, BlueTeam enforces the entry of required information. The web form utilizes pick-list values enforcing consistency of the data entered. This results in more consistent and pertinent statistical reports. BlueTeam is a browser-based web application, it resides on a web server and no installation of software is required on the users’ PC’s.

Timeline: Installed and training completed by December 2017
Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Body camera storage area network

Amount Requested: $20,999.42

Program Goal(s): Store Police Department body camera data for 12 body cameras

Statement of Problem: The Police Department does not have enough storage or hard drives to meet the increased data storage demand. The life of storage media are cut short by at least three factors: media durability; media usage, storage and handling; and media obsolescence. This proposal is necessary to migrate current Police Department technologies to meet the demand of added recording devises such as body cameras.

Program Design and Implementation: Police Department technology staff will install and configure the new body camera storage area network and hard drives. The new storage will be used specifically to upload body camera data. The body cameras will automatically upload to the database after every shift.

Timeline: Completed by September 2016
## Sheriff Department Request

<table>
<thead>
<tr>
<th>Training for 3 staff members</th>
<th>Location</th>
<th>Number</th>
<th>Dates</th>
<th>Registration: $475/person x 3 = $1,425</th>
<th>Airfare: $300ea x 3 = $900</th>
<th>Lodging: $160/night x 7 nights x 3 = $3,360</th>
<th>Meal Per Diem: $473/person = $1,419</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training for 3 staff members</td>
<td>Minneapolis, MN</td>
<td>3</td>
<td>2016-June</td>
<td>Registration: $475/person x 3 = $1,425</td>
<td>Airfare: $300ea x 3 = $900</td>
<td>Lodging: $160/night x 7 nights x 3 = $3,360</td>
<td>Meal Per Diem: $473/person = $1,419</td>
<td>$7,104.00</td>
</tr>
<tr>
<td>Training for 3 staff members</td>
<td>Reno, NV</td>
<td>3</td>
<td>2017-June</td>
<td>Registration: $475/person x 3 = $1,425</td>
<td>Airfare: $500/person x 3 = $1,500</td>
<td>Lodging: $120/night x 7 nights x 3 = $2,520</td>
<td>Meal Per Diem: $340/person = $1,020</td>
<td>$6,465.00</td>
</tr>
<tr>
<td>Training for 3 staff members</td>
<td>New Orleans, LA</td>
<td>3</td>
<td>2018-June</td>
<td>Registration: $475/person x 3 = $1,425</td>
<td>Airfare: $250 x 3 = $750</td>
<td>Lodging: $200/night x 7 nights x 3 = $4,200</td>
<td>Meal Per Diem: $473/person x 3 = $1,419</td>
<td>$7,794.00</td>
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<tr>
<td>Training for 1 staff member</td>
<td>California</td>
<td>1</td>
<td>2016-Fall</td>
<td>Registration: $255</td>
<td>Airfare: $500</td>
<td>Lodging $225/night x 5 nights = $1,125</td>
<td>Meal Per Diem: $402</td>
<td>$2,282.00</td>
</tr>
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</table>

**Total Travel/Training $23,645.00**
## Police Department Request

<table>
<thead>
<tr>
<th>Equipment Item</th>
<th>Computation</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Nikon D7200 DSLR Camera with 18-140mm Lens</td>
<td>$1,496.95/camera x 3 = $4,490.85</td>
<td>$4,490.85</td>
</tr>
<tr>
<td>Nikon AF-S DX Nikkor 55-300mm f/4.5-5.6G ED VR Lens</td>
<td>$246.95/lens x 3 = $493.90</td>
<td>$740.85</td>
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<tr>
<td>Nikon AF-S DX Micro Nikkor 85mm f/3.5G ED VR Lens</td>
<td>$426.95/lens x 3 = $1,280.85</td>
<td>$1,280.85</td>
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<tr>
<td>SanDisk 32GB Ultra Memory Card</td>
<td>$14.99/card x 23 = $344.77</td>
<td>$344.77</td>
</tr>
<tr>
<td>IAPro professional standards software</td>
<td>Unlimited-use Site License, unlimited number of users, unlimited number of workstations, installation, pre-load of employee information, maintenance, 3 day on-site training</td>
<td>$22,600.00</td>
</tr>
<tr>
<td>BlueTeam field support services software</td>
<td>Unlimited-use Site License, Unlimited number of users, unlimited number of workstations, installation, maintenance, 2 day on-site training</td>
<td>$16,000.00</td>
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<tr>
<td>VNXE 3200 Storage Area Network</td>
<td>Storage, hard drives, support services</td>
<td>$20,999.42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$66,456.74</td>
</tr>
</tbody>
</table>
**Project Abstract**

**Applicant’s Name:** Unified Government of Wyandotte County/Kansas City, Kansas  
**Project Title:** Training and replacement outdated equipment and software  
**Amount Requested:** $90,101

**Problem to be addressed:** Replace outdated equipment, software, and training

**Targeted area/population:** Wyandotte County/Kansas City, KS

**Program Goal(s):**
Replace outdated camera equipment in the Crime Scene Investigators Unit. The updated camera equipment will assist officers in collecting evidence to solve crimes. This will allow the Police Department to take the high quality pictures of crime scenes which will be used to solve crimes and assist in prosecution.

Update the Internal Affairs process servers to ensure the Police Department attains the highest level of professional standards and excellence.

Provide training to Sheriff’s Department staff regarding best practices, new innovations, insight on current issues, training techniques, and network with officers from other jurisdictions. Training is vital to officer and community safety

**Description of Strategies to be Used:**
Travel/training expenses for nine staff members to attend the National Sheriff’s Association trainings. Throughout the grant award, the Sheriff’s Department will send three employees in 2016, 2017, and 2018. The Sheriff’s Department will send one employee to the 2016 California Association of Tactical Officers Training.

The funds received will pay for Police Department digital cameras and memory cards to be used at crime scenes.

Software will be purchased to provide key information that assists the Police Department with monitoring and managing internal affairs complaints and addressing the Early Warning system.

Storage Area Networks need to be purchased to store Police Department data due to an increased demand in media storage

**Project Identifiers (must identify up to 5 project identifiers):**
1. Officer Safety  
2. Equipment General  
3. System Improvements  
4. Computer software/hardware  
5. Conferences and Trainings
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

Date: Contact Name: Contact Phone: Contact Email: Ref: Department / Division:
6/30/2015 Angie Masloski 5853 amasloski@wycokck.org

Item Description:
Edward Byrne Memorial Justice Assistance Grant to continue funding 2 deputies & 1 detective in the Offender Registration Unit. The grant request is $234,001.83 from 10/1/15 to 9/30/16. The FY15 award amount was $222,246, the increase is due to potential health insurance & and salary increase. This grant has been funded for 2 years, this request is to fund a third year. Grant funds allow additional staff to register & reregister offenders, verify addresses & employment, & investigate people who are out of compliance with required registrations. In 2012, the number of people not in compliance with offender registry was 454, in 2015 that number is 44. Before the grant funded staff, the ratio was one deputy to 1,138 offenders, the ratio now is one deputy to 284 offenders.

Action Requested:
Approve application to the Governor's Grants Program to fund two deputies and one detective in the Offender Registration Unit.

Publication Required

Budget Impact: (if applicable)

Amount: $ 0
Source:
☐ Included In Budget
☑ Other (explain) Grant funding.

File Attachment

File Attachment

File Attachment

File Attachment
The KCKPD Victim Services Unit has been sustained by the VOCA Grant since 1999. In FY 2015, VOCA provided approximately $150,000 in grant funds to the VSU. Congress approved a 3.5x increase in the annual VOCA Cap, which will significantly increase the funds available to our Unit for FY 2016. We have been instructed by the Kansas Governor’s Grants Program to focus requests for funding on increased staffing and technology. In addition to our standard requests to VOCA for funding, I propose to request funds to create a PFA Advocate position for our Unit. Funds requested will be similar to prior fiscal years, with the addition of the PFA Advocate. We will be cognizant of the match requirement and will utilize existing sources rather than request additional funds from the UG. The FY2016 Application is expected to release in early July.

Action Requested:
Permission to apply for the VOCA FY 2016 Grant to continue sustaining the Victim Services Unit, including the creation of a new position for PFA Advocate to be 100% grant funded. Approval of the Match items estimated to be $53,750 for a federal fund request of approximately $215,000. Approximately $39,000 in match dollars will come from existing personnel and fringe expenses, $1,425 from the PD Operating Budget for office supplies and 25% of our annual software contract, and $13,325 in-kind for gas and mileage for city vehicles. All match funds are utilized from already existing sources, and no additional dollars are being requested from the UG.

Budget Impact: (if applicable)
Amount: $53,750
Source: Police Operating Budget
✓ Included In Budget
☐ Other (explain) $40,425 Operating Budget; $13,325 in-kind
*MEMORANDUM*

TO: Major Michael York  
FROM: Kristen A. K. Czugala  
DATE: July 9, 2015  
SUBJECT: VOCA FY 2016 Grant Application

I am requesting permission from the Chief's Office to submit an application for the VOCA FY 2016 Grant. The VOCA Grant has sustained our Unit since 1999 and is renewed annually. In FY 2015, VOCA provided approximately $150,000 in grant funds to the VSU. Congress approved a 3.5x increase in the annual VOCA Cap, which will significantly increase the funds available to our Unit for FY 2016. After speaking with the Grant Monitor, I was advised that this level of funding was expected to continue over the next several years.

I have been instructed by the Kansas Governor's Grants Program to focus requests for funding on increased staffing and technology. They expect to release the application packet in early July. Therefore, I would need to appear before the Public Works and Safety Standing Committee on July 20, 2015 in order to have approval before the application deadline.

In addition to our standard requests to VOCA for funding, I propose to request funds to create a PFA Advocate position for our Unit. Major York and I have discussed these options at length before his leave and he is supportive of my proposal. Please see the justification below.

**PFA Advocate anticipated job duties**
- Screen applicants for PFA or PFS
- Conduct lethality assessment
- Search through records for history of DV in the relationship
- Assist victim with completing the paperwork
- Accompany the victim to see the Judge for the temporary order
- Explain service requirements and hearing expectations
- Conduct safety planning
- Attend regular Wednesday PFA docket and assist victims and Judge as necessary
- Must be bilingual in English & Spanish
Currently, the UG does not have a PFA Advocate to assist with the processing and filing of protection orders in the court. The District Court is unable to fund such a position due to increasing budget cuts that are expected to continue. The lack of a PFA Advocate has created the following problems:

- Victims are turned away if they do not apply at the correct time – no lethality assessment
- Abusers are obtaining protection orders against their victims
- Victims are applying for the wrong type of order and are denied the order
- Spanish Speaking victims are sent to Rebecca for help completing forms – time consuming
- No safety planning is conducted which increases Officers’ calls for violations or new abuse

Having a PFA Advocate provides the following benefits:

- Ability to screen applicants for the type of order they need
- Ability to search police records to obtain a history to prevent abusers from getting orders
- Makes sure the paperwork is complete
- Screen for lethality after the 1000 hours deadline and assist with emergency order
- Conduct safety planning – decreases calls for service on violations for officers
- Can assist Spanish-speaking victims with obtaining orders faster
- Develop an emergency screening process for high lethality cases

On June 17th, I met with Chief Judge Lampson and Judge Lynch (PFA Docket) and they are very supportive of this proposal. They have committed to providing the advocate with an office in the courthouse and will assist with training the advocate in court procedures. Judge Lynch has offered to attend the Standing Committee meeting to support this request and Chief Judge Lampson has offered to write a letter of support if one is needed.

The District Attorney’s Office as well as the City Prosecutor’s Office support this endeavor. Neither office is able to house a PFA Advocate nor does the position entirely fit within either office. They agree that the KCKPD Victim Services Unit is the best place to house a PFA Advocate and will provide the best support to victims of domestic violence and stalking. It is anticipated that the Municipal Court will also see a decrease in the number of cases for prosecution, in particular PFA Violations, as the number of reports after a protection order is obtained is expected to decrease due to better safety planning at the time of application.

VOCA would fund this position at 100%. There will be no additional cost to the UG to create the PFA Advocate position. VOCA funds will pay for salary, benefits, equipment (computer, printer), supplies, etc. The PFA Advocate would not be subject to the VSU on-call schedule and would therefore not need a city car, cell phone, or radio. VOCA funding is very secure and increased funding at this higher rate is expected for several years.

Please see the attached letter of support from ADA Susan Alig & example of FY 2015 solicitation.
To:            Kristen Czugala
Re:          Support for PFA Advocate Position

Dear Kristen:

I am writing to express and explain my support for your effort to hire a PFA advocate to join the KCKPD victim services team.

In my work prosecuting domestic violence cases, I have observed firsthand my victims’ need for an advocate to help them navigate the process of applying for a PFA or PFS order. Even though PFAs are designed to help victims who need protection quickly, the process is still a daunting one for victims in crisis. There are multiple forms that must be completed, rules about when a victim may appear in court, threshold screening questions that may bar victims from getting the help they need, and various time limitations, deadlines, and court dates that can be confusing and difficult to navigate. Some victims who are not eligible to go in front of the judge based on Domestic Court Services’ screening questions may in fact be the people who most need protection. An advocate could assist those victims who desperately need civil orders to navigate the barriers to obtaining a PFA successfully.

The KCKPD’s victim services unit is a groundbreaking way to deliver services to victims in the moments that they need them the most. Providing a PFA advocate through the police department instead of the DA’s Office is the most efficient way to get help to victims who need it. The DA’s Office only becomes involved after a felony case is charged. The group of victims who need PFA advocacy is broader than the group of victims whose felony cases will be filed by the DA’s Office. The police department is more likely to encounter and identify these victims than any other Unified Government agency. Furthermore, a police department-based advocate can help victims obtain a PFA quickly, even before a case can be submitted for charging.

Finally, from my perspective as a domestic violence prosecutor, there are two distinct advantages to a KCKPD PFA advocate. The first is that increasing the number of victims who are protected by PFAs would increase the chargeability of stalking, intimidation, and violation of protection order crimes, thus enhancing victim safety. The second is that it connects victims to services and protection early in the case. By the time I make my initial phone call to a victim, weeks may have passed since the charged incident. Victims
who feel that we have forgotten about them or done nothing to protect them in the intervening weeks may decide that their safety is better served by appeasing the defendant and thus recant. Conversely, a victim who received assistance with a PFA and the extra attention of a PFA advocate may be more willing to trust our system and remain cooperative.

I wholeheartedly support your efforts to add a PFA advocate to your victim services team and look forward to assisting you any way I can.

Sincerely,

[Signature]

Susan Alig
Assistant District Attorney
**Staff Request for Commission Action**

**Tracking No. 150187**

- **Type:** Standard
- **Committee:** Public Works and Safety Committee

**Date of Standing Committee Action:** 7/20/2015

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 8/13/2015

**Confirmed Date:** 8/13/2015

**Changes Recommended By Standing Committee (New Action Form required with signatures)**

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<th>Contact Phone</th>
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<td>7/8/2015</td>
<td>Jenny Myers</td>
<td>5060</td>
<td><a href="mailto:jmyers@wycokck.org">jmyers@wycokck.org</a></td>
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**Item Description:**

Amendments to Chapter 22, Miscellaneous Provisions and Offenses of the UG Code, including amending the weapons laws that now allow concealed carry, open carry and knives in our city. Many other changes are made in order to comply with state statutes.

**Action Requested:**

Approval of the proposed changes to the Offense Code.

- **Publication Required**

- **Budget Impact: (if applicable)**

  - **Amount:** $
  - **Source:**
    - [ ] Included In Budget
    - [✓] Other (explain) Policy action by Commission.
To: Board of Commissioners  
Jody Boeding, Chief Counsel  
From: Jennifer Myers, Assistant Counsel  
Date: July 7, 2015  
RE: Amendments to the Offense Code

This memo is to explain the changes and additions to the current Offense Code made in the attached ordinance. Many of the changes are being made to comply with State Statute and the Kansas League of Municipalities.

Chapter 22 changes:

- The following ordinances are amended to reflect changes in the state statute regarding culpable mental state.
  - 1-12 Liability for crimes of another
  - 22-34 Battery
  - 22-36 Endangering a child
  - 22-38 Contributing to a child’s misconduct or deprivation
  - 22-79 Criminal Damage to property
  - 22-80 Tampering with a traffic signal
  - 22-116 Unlawful assembly
  - 22-153 Creating a hazard
  - 22-154 Throwing stones, bricks, woods, etc
  - 22-350 Interference: conduct, public business in public building
  - 22-380 Littering
• The following ordinances are amended to add/delete language to be consistent with state statute and KLM. No substantive changes
  o Section 22-38 Contributing to a child’s misconduct
  o Section 22-80 Tampering with a traffic signal – new penalty section
  o Section 22-116 Unlawful assembly: remaining at an unlawful assembly
  o Section 22-117 Riot
  o Section 22-120 Giving a False Alarm- removed language/added penalty section
  o Section 22-270 Possession of a gambling device; defense
• Section 22-39 Mistreatment of a confined person
  o Ordinance should apply to all confined persons not only the disabled.
• Section 22-73 Theft
  o Removed “petty” from title to comply with state statute
  o Added theft to include theft of property or services to comply with state statute
    ▪ Theft of services was previously included in Sec. 22-75. This section can now be deleted.
  o Changed the language from “regardless of the value” to now read a value “less than $1,000 in the section regarding theft from three separate establishments within a 72 hours is a felony.
  o Theft of a firearm of the value of less than $25,000 is a felony.
  o Added definition section to comply with statute.
• Section 22-74 Evidentiary rules
  o Renamed: Intent: Permanently Deprive to comply with State Statute
  o Added removing a theft detection device and added the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels comply with statute.
  o Added language regarding theft of services that was previously in section 22-75 to comply with statute.
  o Added a definitions section to comply with statute.
• Section 22-75 Theft of services
  o Deleted this section as it has been included in Section 22-73
• Section 22-76 Criminal deprivation
  o Criminal deprivation of a firearm is now a felony.
  o Added language for criminal deprivation of property that is a motor vehicle to comply with statute.
• Section 22-77 Criminal trespass
  o Formatting and technical changes that do not affect the substance.
  o Included KSA 32-1013, Taking wildlife without permission on land posted “by written permission only” to define criminal trespass. (2013 addition)
  o Added exceptions for land surveyors and railroad property to comply with statute
• Section 22-88 Theft of lost or mislaid property
- Renamed: Theft of property lost, mislaid or delivered by mistake to comply with state statute
- Reformatted to avoid alternative means confusion
- Included definition of “property delivered by mistake” to comply with statute

- Section 22-89 Tampering with a landmark
  - Changed culpable mental state
  - Removed language regarding milepost, milestone, or guideboards which is not included in state statute or KLM

- Section 22-90 Criminal Desecration
  - Changed culpable mental state
  - Added language regarding penalty to comply with state statute

- Section 22-92 Trespassing on railroad property
  - Formatting, wording, and statue number correction with no substantive change.
  - Changed culpable mental state

- Section 22-95 Criminal use of a financial card
  - Changed culpable mental state
  - Changed “communication services” to “services” consistent with state statute

- Section 22-115 Disorderly conduct
  - Changed entire ordinance to be consistent with state statute

- Section 22-177 Unlawful use of weapons
  - Complete change to consistent with state statute and KLM
  - Removed knife prohibition as required by state law
  - Removed carrying and transportation of firearm as required by state law
  - Removed language regarding martial arts weapons that is not included in state statute
  - Added language regarding selling, giving, or transferring firearms to those under 18 years of age, to those addicted to and unlawful user of drugs, those who are mentally ill
  - Added refusing to surrender from school property when requested by school employee or law enforcement officer
  - Amended exemption paragraphs to comply with state law

- Section 222-178 Defacing identification marks of a firearm
  - Repealed. This is a felony

- Section 22-180 Criminal Disposal of a Firearm
  - Repealed. This language is found in other sections

- Section 22-181 Possessing, carrying, or transporting concealed explosives
  - Repealed. Sections 181- and 182 are redundant.

- Section 22-204 Furnishing cigarettes to minors
  - Renamed: Selling, Giving or Furnishing cigarettes or tobacco products to a minor
  - Added electronic cigarettes and updated definition
  - Changed the penalty from a “C” to a “B”
- Section 22-232 Definitions regarding prostitution
  - Repealed. These terms are no longer used in the statute.
- Section 22-233 Prostitution
  - Renamed: “Selling sexual relations”
  - This section was very outdated and the section was completely changed.
  - Affirmative defense added if the person who was selling sexual relations was a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.
- Section 22-234 Promoting prostitution
  - Repealed. This is now a felony.
- Section 22-235 Patronizing a prostitute
  - Renamed: “Buying sexual relations.”
  - Definitions updated to comply with state statute
  - A person convicted shall be fined $2,500. All fines collected shall be remitted to the human trafficking victim assistance fund. (2013 amendment).
  - Added language that the court may order the person convicted to enter into an educational and treatment program regarding commercial sexual exploitation to comply with statute.
- Section 22-236 Soliciting for unlawful sexual activity
  - Repealed. It can be charged as solicitation to commit buying sexual relations.
- Section 22-269 Permitting premises to be used for commercial gambling
  - Renamed: Commercial gambling consistent with state statute
  - Changed culpable mental state
- Section 22-271 Cockfighting
  - Changed culpable mental state
  - Added additional penalty that can also be charged with cruelty to animals
- Section 22-342 Unlawful interference with firefighter
  - Changed culpable mental state
  - Removed language to be consistent with KSA and KLM
  - Added language with regard to penalties
- Section 22-344 Battery against a law enforcement officer
  - Amended definition number of Battery as defined in this statute
  - Added language to define law enforcement officer for purposes of this section to comply with statute.
- Section 22-345 Escape from custody
  - Included “commitment to the state security hospital…in the definition section of Custody to comply with statute.
  - Added language to comply with statute.
  - Added that it is a class A violation.
- Section 22-346 Resisting, obstructing, etc., any law enforcement officer
- Repealed. This language is now included in a new section for Interference with a law enforcement officer
- Section 22-347 Falsely reporting a crime
  - Repealed. This language is now included in a new section for Interference with a law enforcement officer
- Section 22-349 Interference; administration of justice
  - Renamed: Interference with the Judicial Process to comply with new state statute
  - Amended entire ordinance to comply with state statute
- Section 25-50 Animals, hunting and firearms
  - Removed language prohibiting firearms
- New Section 22-97 Unlawful acts concerning computers
  - Unlawful to disclose a number, code, password, or other means of access to a computer, computer system, social networking website or personal electronic content or for any person to access or attempt to access any social networking website, computer, computer system, network, software, program, documentation, data or property contained in any computer, computer system or computer network without authority.
  - Class A violation
- New Section 22-180 Criminal Distribution of Firearms to a Felon
  - Cannot transfer firearm to felons. Mirrors state statute
- New section 22-346 Interference with a Law enforcement officer is:
  - New statute in 2012, updated in 2013. Consistent with state statute
  - Class A violation if the underling offense is a code violation or a civil case.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 1, General Provisions, Sections 1-12 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 1-12. - Liability for crimes of another.

(a) A person is criminally responsible for an offense committed by another if such person, acting with the mental culpability required for the commission thereof, advises, hires, counsels or procures the other to commit the offense or intentionally aids the other in committing the conduct constituting the offense.

(b) A person liable under subsection (a) of this section is also liable for any other offense committed in pursuance of the intended offense if reasonably foreseeable by such person as a probable consequence of committing or attempting to commit the crime intended.

(c) A person liable under this section may be charged with and convicted of the offense although the person alleged to have directly committed the act constituting the offense:

(1) Lacked criminal or legal capacity;
(2) has not been convicted;
(3) has been acquitted; or
(4) has been convicted of some other degree of the offense or of some other offense based on the same act.

ARTICLE II. – OFFENSES AGAINST PERSONS

Sec. 22-34. - Battery.

(a) Battery is defined as:
   (1) Knowingly or recklessly causing bodily harm to another person; or
   (2) Knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) A battery is a class B violation.

Sec. 22-36. - Endangering a child.

(a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child’s life, body or health may be injured or endangered.

(b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means along through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(c) Endangering a child is a class A violation.

Sec. 22-38. - Contributing to a child's misconduct or deprivation.

(a) As used in this section, the term "runaway" means a child under 18 years of age who is voluntarily absent from:
   (1) The child's home without the consent of the child's parent or other custodian; or
   (2) A court-ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee.

(b) Contributing to a child's misconduct or deprivation is:
   (1) Knowingly causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the state code for the care of children;
   (2) Knowingly causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or K.S.A. 74-8810(j);
   (3) Failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has
regarding a runaway, with intent to aid the runaway in avoiding detection or
apprehension; or

(4) Knowingly causing or encouraging a child to violate the terms or conditions of the
child’s probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-2361,
and amendments thereto.

(c) Contributing to a child's misconduct or deprivation is a class A violation.

(d) A person may be found guilty of contributing to a child's misconduct or deprivation even though
no prosecution of the child whose misconduct or deprivation the defendant caused or encouraged
has been commenced pursuant to the state code for care of children, state juvenile offenders code
or state criminal code.

Sec. 22-39. - Mistreatment of confined person.

(a) Mistreatment of a confined person is knowingly abusing, neglecting or ill-treating any person,
who is detained or confined by any law enforcement officer or by any person in charge of or
employed by the owner or operator of any correctional institution.

(b) Mistreatment of a confined person is a class A violation.

ARTICLE III. – OFFENSES AGAINST PROPERTY

Sec. 22-73. Theft.

(a) Theft is any of the following acts done with intent to permanently deprive the owner of the
possession, use, or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) Obtaining control over property or services by deception;

(3) Obtaining control over property or services by threat;

(4) Obtaining control over stolen property or services knowing the property or services to
have been stolen by another; or

(5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor
vehicle at an establishment in which motor fuel is offered for retail sale and leaving the
premises of the establishment without making payment for the motor fuel.

(b) Theft of property or services of the value of less than $1,000 is a class A violation, except as
provided below.

(1) Property of the value of less than $1,000 from three separate mercantile establishments
within a period of 72 hours as part of the same act or transaction or in two or more acts
or transactions connected together or constituting parts of a common scheme or course
of conduct;

(2) Property of the value of less than $1,000 if committed by a person who has been
convicted of theft two or more times; and

(3) Property which is a firearm of the value of less than $25,000.

(c) As used in this section:

(1) **Conviction or convicted** includes being convicted of a violation of K.S.A. 21-3701 prior to
its repeal, this section or a municipal ordinance which prohibits the acts that this section
prohibits;

(2) **regulated scrap metal** means the same as in Supp. 50-6,109, and amendments thereto; and
Sec. 22-74 Intent; Permanently Deprive

(a) In any prosecution under this article, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:

1. The giving of a false identification or fictitious name, address or place of employment at the time of obtaining control over the property;

2. The failure of a person who leases or rents personal property and fails to return the same within ten days after the date set forth in the lease or rental agreement for the return of property, if notice is given to the person renting or leasing the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;

3. Destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;

4. Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;

5. The failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

6. The failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying:
   a. The time and place to return the vehicle; and
   b. That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;

7. Removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or

8. Under the provisions of Section 22-73(a)(5) or K.S.A. 21-5801(a)(5), and amendments thereto, the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.

(b) In any prosecution in which the object of the alleged theft is a book or other material borrowed from the library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return
of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In a prosecution for theft as defined in Sec. 22-73 and amendments thereto, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) As used in this section:

(1) “Notice” means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library material at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and

(2) “tampering” includes, but is not limited to:

(a) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;
(b) defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;
(c) preventing any such meters from properly measuring or registering;
(d) knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity, water or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or
(e) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

Sec. 22-76. Criminal deprivation.

(a) Criminal deprivation of property is obtaining or exerting unauthorized control over property with intent to deprive the owner of the temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property.

(b) Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year’s imprisonment and fined not less than $100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year’s imprisonment and fined not less than $200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any persons where such application would result in a manifest injustice.

(c) Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a person shall be sentenced to not less than 30 days imprisonment and fined not less than $100, except that the provision of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.
Sec. 22-77. Criminal trespass.

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

(1) **Health care facility** means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) **Health care provider** means any person:
   a. Licensed to practice a branch of the healing art;
   b. Licensed to practice psychology;
   c. Licensed to practice professional or practical nursing;
   d. Licensed to practice dentistry;
   e. Licensed to practice optometry;
   f. Licensed to practice pharmacy;
   g. Registered to practice podiatry;
   h. Licensed as a social worker; or
   i. Registered to practice physical therapy.

(b) Criminal trespass is defined as:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft, other than railroad property, by a person who knows such person is not authorized or privileged to do so; and:
   a. Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person;
   b. Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or
   c. Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained; or

(2) Entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(c) Criminal trespass is a class B violation.

(d) Upon a conviction of a violation of subsection (b)(1)(c), a person shall be sentenced to not less than 48 consecutive hours of imprisonment, which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

(e) This section shall not apply to:

(1) A land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor’s authorized agents and employees who enter upon lands, waters, and other premises in the marking of a survey.

(2) Railroad property as defined in K.S.A. 21-5809, and amendments thereto, or nuclear generating facility as defined in K.S.A. 66-2302, and amendments thereto.
Sec. 22-79. - Criminal damage to property.

(a) Criminal damage to property is by means other than by fire or explosive:

(1) Knowingly damaging, defacing, destroying, or substantially impairing the use of any property in which another has an interest without the consent of such other person; or
(2) Damaging, defacing, destroying, or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.

(b) Criminal damage to property is a class B violation if the property damaged is of the value of less than $1,000.00 or is of the value of $1,000.00 or more and is damaged to the extent of less than $1,000.00.

Sec. 22-80. - Tampering with a traffic signal.

(a) Tampering with a traffic signal is knowingly manipulating, altering, destroying or removing any light, sign, marker, railroad switching device or other signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft.

(b) Tampering with a traffic sign is a class C violation.

(c) Any person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for violating sections 22-73 (Theft) and 22-88 (Theft of Lost or Mislaid Property).

Sec. 22-88. Theft of property lost, mislaid or delivered by mistake.

(a) Theft of property lost, mislaid or delivered by mistake is obtaining control of property of another by a person who:

(1) Knows or learns the identity of the owner thereof;
(2) fails to take reasonable measures to restore to the owner lost property, mislaid property or property delivered by a mistake; and
(3) intends to permanently deprive the owner of the possession, use or benefit of the property.

(b) As used in this section, “property delivered by mistake” includes, but is not limited to, a mistake as to the:

(1) Nature or amount of the property; or
(2) identity of the recipient of the property.

(c) Theft of property lost, mislaid or delivered by mistake of a value of less than $1,000 is a class A violation.

Sec. 22-89. - Tampering with a landmark.

(a) Tampering with a landmark is doing any of the following acts with intent to fraudulently alter a boundary:

(1) Removing any monument of stone or other durable material established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, of the state, or any legal subdivision thereof;
(2) Defacing or altering marks upon any tree, post or other monument made for the purpose of designating any point on such boundary;
(3) Cutting down or removing any tree, post or other monument upon which any such marks have been made for such purpose with intent to destroy such marks;
(4) Defacing or altering any inscription on any such marker or monument; or
(5) Altering, removing, damaging or destroying any public land survey corner or accessory without complying with the provisions of K.S.A. 58-2011.

(b) Tampering with a landmark is a class C violation. Upon a conviction for this offense, the convicted party or parties shall be responsible for the cost of restoring the landmark to its original condition.

Sec. 22-90. - Criminal desecration.

(a) Criminal desecration is:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being;
(2) Recklessly by means other than by fire or explosive:
   a. Damaging, defacing or destroying the flag, ensign or other symbol of the United States, of this state, or of any of its political subdivisions in which another has a property interest without the consent of such other person;
   b. Damaging, defacing or destroying any public monument or structure;
   c. Damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or
   d. Damaging, defacing or destroying any place of worship.

(b) Criminal desecration, as described in subsections (a)(2)(b), (a)(2)(c) or (a)(2)(d) of this section, is a class A violation if the property is damaged to the extent of less than $1,000. Upon a conviction for this offense, the convicted party or parties shall be responsible for the cost of restoring the object to its original condition.

(c) Criminal desecration as described in subsections (a)(1) or (a)(2)(a) is a Class A violation.

Sec. 22-92. - Trespassing on railroad property.

(a) Trespassing on railroad property is:

(1) Entering or remaining on railroad property, without consent of the owner or the owner’s agent, knowing that it is railroad property; or
(2) Recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.

(b) Violation of subsection (a) of this section which results in a demonstrable monetary loss, damage or destruction of railroad property, when such loss is valued at less than $1,500.00, upon conviction, shall be considered a class A violation.

(c) Subsection (a) of this section shall not be construed to interfere with the lawful use of a public or private crossing.

(d) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad from conducting such business as provided under the Railway Labor Act (45 USC §141 et seq.) and other federal labor laws.

(e) As used in this section, the term "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company.
Sec. 22-95. - Criminal use of a financial card.

(a) Criminal use of a financial card is any of the following acts done with intent to defraud and to obtain money, goods, property or services:

1. Using a financial card without the consent of the cardholder;
2. Using a financial card, or the number or description thereof, which has been revoked or canceled; or
3. Using a falsified, mutilated, altered or nonexistent financial card or number or description thereof.

(b) For the purposes of this section:

1. Financial card means identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions; and
2. Cardholder means the person or entity to whom or for whose benefit a financial card is issued.

(c) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(d) Criminal use of a financial card is a class A violation if the money, goods, property or services obtained within a seven-day period are of value of less than $1,000.00.

ARTICLE IV.- OFFENSES AGAINST PUBLIC PEACE

Sec. 22-115. - Disorderly conduct.

(a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:

1. Brawling or fighting;
2. Disturbing an assembly, meeting or procession not unlawful in character; or
3. Using fighting words or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

(b) As used in this section, fighting words means words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace.

(c) Disorderly conduct is a class C violation.

Sec. 22-116. - Unlawful assembly; remaining at an unlawful assembly.

(a) An unlawful assembly is

1. The meeting or coming together of not less than five persons with the intent to engage in conduct constituting:
   a. Disorderly conduct, as prohibited in section 22-115; or
   b. a riot, as defined by section 22-117; or
2. When a lawful assembly of not less than five persons, agreeing to engage in such conduct constituting disorderly conduct or riot.

(b) Unlawful assembly is a class B violation.
(c) Remaining at an unlawful assembly is intentionally failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer.
(d) Remaining at an unlawful assembly is a class A violation.

Sec. 22-117. - Riot.

(a) Riot is five or more persons acting together and without lawful authority engaging in any:
   (1) Use of force or violence which produces a breach of the public peace; or
   (2) Threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution.
(b) Riot is a class A violation.

Sec. 22-120. - Giving a false alarm.

(a) Giving a false alarm is:
   (1) Transmitting in any manner to the fire department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
   (2) Making a call in any manner for emergency service assistance, including police, fire, medical or other emergency service provided under K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of such call that there is no reasonable ground for believing such assistance is needed.
(b) Giving a false alarm is a class A violation.
(c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement.

ARTICLE V. - OFFENSES AGAINST PUBLIC SAFETY

Sec. 22-153. - Creating a hazard.

(a) Creating a hazard is recklessly:
   (1) Storing or abandoning in any place accessible to children a container which has a compartment of more than 1½ cubic-foot capacity and a door or lid which locks or fastens automatically when closed and failing to remove the door, lock, lid or fastening device on such container;
   (2) Being the owner or otherwise having possession of property upon which a cistern, well or cesspool is located and failing to cover the same with protective covering of sufficient strength and quality to exclude human beings and domestic animals therefrom; or
   (3) Exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children.
(b) Creating a hazard is a class B violation.
Sec. 22-154. - Throwing stones, bricks, wood, etc., generally.

(a) It is unlawful to recklessly throw, push, pitch or otherwise cast any rock, stone or other object, matter or thing onto a street, road, highway, railroad right-of-way, alley, or upon any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock thereon. Any person violating this section is guilty of a Class B violation.

(b) Any person violating subsection (a) of this section who damages any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock lawfully on the street, highway or railroad right-of-way by the thrown or cast rock, stone or other object is guilty of a class A violation.

Sec. 22-177 - Unlawful use of weapons.

(a) Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, carrying or possessing any bludgeon, sandclub, metal knuckles or throwing star;

2. Carrying or possessing with the intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, or any other dangerous or deadly weapon or instrument of like character;

3. Carrying or possessing on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

4. Setting a spring gun;

5. Discharging or firing any air rifle, pellet gun or BB gun within the city limits while on the streets, alleys or public places;

6. Discharging any gun, revolver, pistol, or firearm of any description within the city;

7. Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

8. Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

9. Selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

10. Possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

11. Possessing any firearm by any person, other than a law enforcement officer in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

12. Refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;
 Possession of any pistol, revolver or other firearm concealed on one’s person if such person is under 21 years of age, except when on such person’s land or in such person’s abode or fixed place of business.

(b) Subsections (a)(1) and (a)(2) of this section shall not apply to or affect any of the following:

(1) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the state national guard while in the performance of their official duty;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under subsections (b)(1)—(b)(3) of this section to possess such weapons;

(c) Subsection (a)(5) and (a)(6) of this section shall not apply to the discharge of firearms in any licensed shooting gallery, by a gunsmith in carrying on his trade, or by any officer of the law in the discharge of his official duties.

(d) Subsection (a)(11) of this section shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) Possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) Possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;

(4) Possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) Possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.

(e) Subsection (a)(9) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. Supp. 75-7c26, and amendments thereto.

(f) Unlawful use of weapons is a class A violation.

ARTICLE VI. – OFFENSES AGAINST PUBLIC MORALS
Sec. 22-204. Selling, Giving or Furnishing cigarettes or tobacco products to a minor.

(a) It shall be unlawful for any person to:

(1) Sell, furnish or distribute to any person under the age of 18 years any cigarettes, electronic cigarettes, or tobacco products; or

(2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 18 years of age.

(b) It shall be a defense to a prosecution under subsection (a) of this section if:

(1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

(c) It shall be a defense to a prosecution under subsection (a) of this section if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 18 or more years of age.

(d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(e) **Electronic cigarette or e-cigarette** means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. E-cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(f) Violation of this section is a class B violation punishable by a minimum fine of $200.

### Sec. 22-233. Selling sexual relations

(a) Selling sexual relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

(1) Sexual intercourse;

(2) Sodomy; or

(3) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.

(b) Selling sexual relations is a class B nonperson misdemeanor.

(c) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto.

### Sec. 22-235. Buying sexual relations.

(a) Buying sexual relations is knowingly:

(1) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or
another, sexual intercourse, sodomy or any unlawful sexual act with a person who is 18 years of age or older; or

(2) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful act.

(b) (1) Buying sexual relations is a class A person misdemeanor on conviction of a first offense.

(2) In addition to any other sentence imposed, a person convicted under this section shall be fined $2,500. All fines collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund.

(3) In addition to any other sentence imposed, for any conviction under this section, the court may order the person convicted to enter into and complete a suitable educational and treatment program regarding commercial sexual exploitation.

Sec. 22-269. - Commercial Gambling.

(a) Commercial gambling is knowingly:

(1) Granting the use or allowing the continued use of a place as a gambling place; or

(2) Permitting another to set up a gambling device for use in a place under the offender's control.

(b) Commercial gambling is a class B violation.

Sec. 22-270. - Possession of a gambling device; defense.

(a) It shall be unlawful for any person to possess a gambling device.

(b) It shall be a defense to a prosecution under this section that the gambling device is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or the defendant's possession. A slot machine shall be deemed an antique slot machine if it was manufactured prior to the year 1950.

(c) It shall be a defense to a prosecution under this section that the gambling device is possessed or under custody or control of a manufacturer registered under the Federal Gambling Devices Act of 1962 (15 USC 1171 et seq.), or a transporter under contract with such manufacturer with intent to transfer for use:

(1) By the state lottery or state lottery retailers as authorized law and rules and regulations adopted by the state lottery commission;

(2) By a licensee of the state racing commission as authorized by law and rules and regulations adopted by the commission;

(3) In a state other than this state; or

(4) In tribal gaming.

(d) Possession of a gambling device is a class B violation.
Sec. 22-271. - Cockfighting.

(a) Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers, or anything worn by a gamecock during a fight to further the killing power of such gamecock.

(b) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.

(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.

(d) Unlawful possession of cockfighting paraphernalia is a class A violation.

(e) Unlawful attendance of cockfighting is a class B violation.

ARTICLE VII.- OFFENSES AGAINST GOVERNMENT FUNCTIONS

Sec. 22-342. - Unlawful interference with firefighter.

(a) Unlawful interference with a firefighter is knowingly:

   (1) interfering with any firefighter while engaged in the performance of such firefighter's duties; or

   (2) obstructing, interfering with or impeding the efforts of any firefighter to reach the location of a fire or other emergency.

(b) Unlawful interference with a firefighter is a Class B violation.

(c) Any person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

Sec. 22-344. Battery against a law enforcement officer.

(a) Battery against a law enforcement officer is a battery, as defined in section 22-34(a)(2), committed against:

   (1) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or

   (2) a uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer’s duty.

(b) Battery against a law enforcement officer is a class A violation.

Sec. 22-345. Escape from custody.

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

   (1) Custody means arrest; detention in a facility for holding persons charged with or convicted of crimes, detention for extradition or deportation, detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program;
commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. "Custody" does not include general supervision of a person on probation or parole or constraint incidental to release on bail.

(2) *Escape* means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court.

(b) Escape from custody is escaping while held in custody on a:

(1) Charge, conviction of or arrest for a misdemeanor or ordinance violation;

(2) Commitment to the state security hospital as provided by K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor or ordinance violation.

(c) As used in this section, the term *charge* shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender’s escape from custody.

(d) Escape from custody is a Class A violation.

**Sec. 22-349. - Interference with the Judicial Process**

(a) Interference with the judicial process is:

(1) Committing any of the following acts, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor:

(a) Communicating in any manner a threat of violence to any judicial officer or any prosecutor;

(b) Harassing a judicial officer or a prosecutor by repeated vituperative communication; or

(c) Picketing, parading or demonstrating near such officer's or prosecutor's residence or place of abode;

(2) Picketing, parading or demonstrating in or near a building housing a judicial officer or a prosecutor with intent to impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor;

(3) Knowingly accepting or agreeing to accept anything of value as consideration for a promise:

(a) Not to initiate or aid in the prosecution of a person who has committed a crime; or

(b) To conceal or destroy evidence of a crime;

(4) Knowingly or intentionally in any criminal proceeding or investigation:

(a) Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document or thing;

(b) Withholding or unreasonably delaying in producing any testimony, information, document or thing after a court orders the production of such testimony, information, document or thing;

(c) Altering, damaging, removing or destroying any record, document or thing, with the intent to prevent it from being produced or used as evidence; or

(d) Making, presenting or using a false record, document or thing with the intent that the record, document or thing, material to such criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master or law enforcement officer; or

(5) Knowingly making available by any means personal information about a judge or the judge's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the judge's safety or the safety of such judge's immediate
family member, and the person making the information available knows or reasonably should know of the imminent and serious threat.

(b) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.

(c) As used in this section:
   (1) “Immediate family member” means a judge's spouse, child, parent or any other blood relative who lives in the same residence as such judge.
   (2) “Judge” means any duly elected or appointed justice of the Supreme Court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge.
   (3) “Personal information” means a judge's home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, personal photograph, immediate family member photograph, photograph of the judge's home, and information about the judge's motor vehicle, any immediate family member's motor vehicle, any immediate family member's place of employment, any immediate family member's child care or day care facility and any immediate family member's public or private school that offers instruction in any or all of the grades kindergarten through 12.

(d) Interference with the judicial process is a Class A violation, except that a second or subsequent conviction of section (a)(5) is a severity level 9, person felony.

Sec. 22-350. - Interference; conduct, public business in public building.

(a) Interference with the conduct of public business in public buildings is:
   (1) Conduct at or in any public building owned, operated or controlled by the state or any of its political subdivisions so as to intentionally deny to any public official, public employee, or any invitee on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities, or to leave any such public building;
   (2) Knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof;
   (3) Knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or such officer’s designee, charged with maintaining order in such public building, if such person is committing, threatens to commit or incites others to commit any act which did or would, if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in such public building;
   (4) Knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any public building by any act of intrusion into the chamber or other areas designated for the use of the body, or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body, or any official engaged in the performance of duties at such meeting or session;
   (5) Knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.

(b) Interference with the conduct of public business in public buildings is a class A violation.
ARTICLE VIII. – OTHER OFFENSES

Sec. 22-380. - Littering.

(a) Littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about:
   (1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct to permit such acts; or
   (2) Any private property without the consent of the owner or occupant of such property.
(b) Littering is a class C violation.

Section 3. That Chapter 25 Parks and Recreation, Section 25-50 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE III. - CONDUCT IN PARKS

Sec. 25-50. - Animals, hunting and firearms.

(a) No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles at or give toxic substances to any animal, reptile or bird. No person shall remove or have in his possession the young of any wild animal or the eggs, nests or the young of any reptile or bird.
(b) No person shall use, carry or possess air rifles, spring guns, bows and arrows, slings, any other forms potentially inimical to wildlife and dangerous to human safety, or any kind of trapping device.

Section 4. That new sections 22-97, 22-180, and 22-346 be added to Chapter 22, Articles III, V, and VII, respectively, of the Unified Government code as follows:

ARTICLE III. – OFFENSES AGAINST PROPERTY

New Section: 22-97 Unlawful acts concerning computers

(a) It is unlawful for any person to:
   (1) Knowingly and without authorization, disclose a number, code, password or other means of access to a computer, computer network, social networking website or personal electronic content; or
   (2) Knowingly and without authorization, access or attempt to access any computer, computer system, social networking website, computer network or computer software, program, documentation, data or property contained in any computer, computer system or computer network.
(b) Violation of this section is a class A misdemeanor.
(c) As used in this section:
“Access” means to instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network;

“computer” means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic or communication and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network;

“computer network” means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers;

“computer program” means a series of instructions or statements in a form acceptable to a computer which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system;

“computer software” means computer programs, procedures and associated documentation concerned with the operation of a computer system;

“computer system” means a set of related computer equipment or devices and computer software which may be connected or unconnected;

“financial instrument” means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card or marketable security;

“personal electronic content” means the electronically stored content of an individual including, but not limited to, pictures, videos, emails and other data files;

“property” includes, but is not limited to, financial instruments, information, electronically produced or stored data, supporting documentation and computer software in either machine or human readable form;

“services” includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work;

“social networking website” means a privacy-protected internet website which allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom the individual shares a connection within the system and view and navigate the list of users with whom the individual shares a connection and those lists of users made by others within the system; and

“supporting documentation” includes, but is not limited to, all documentation used in the construction, classification, implementation, use or modification of computer software, computer programs or data.

State Law Reference – KSA 21-5839

ARTICLE V. – OFFENSES AGAINST PUBLIC SAFETY

New Section 22-180 Criminal Distribution of Firearms to a Felon

(a) Criminal distribution of firearms to a felon is knowingly:

(1) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in subsection (c), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was not found to have been in possession of a firearm at the time of the commission of the felony;

(2) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies, but was not found to have been in possession of a firearm at the time of the commission of the
felony, or has been released from imprisonment for such a felony, and has not had the conviction of such felony expunged or been pardoned for such felony; or

(3) selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the felony.

(b) Criminal distribution of firearms to a felon is a class A nonperson misdemeanor.

(c) Subsection (a)(2) shall apply to a felony under K.S.A. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) or (b) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of 21-5807, and amendments thereto, K.S.A. 21-5705 or 21-5706, and amendments thereto, or K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b or 65-4160 through 65-4165, prior to their repeal, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(d) It is not a defense that the distributor did not know or have reason to know:

(1) The precise felony the recipient committed;

(2) that the recipient was in possession of a firearm at the time of the commission of the recipient's prior felony; or

(3) that the convictions for such felony have not been expunged or pardoned.

State Law Reference KSA 21-6303

ARTICLE VII. – OFFENSES AGAINST GOVERNMENT FUNCTIONS

New Section 22-346 Interference with law enforcement

(a) Interference with law enforcement is:

(1) Falsely reporting to a law enforcement officer, law enforcement agency or state investigative agency:

(a) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(b) that a law enforcement officer has committed a crime or committed misconduct in the performance of such officer’s duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or

(c) any information, knowing that such information is false and intending to influence, impede or obstruct such officer’s or agency’s duty; or

(2) concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or

(3) knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

(b) Interference with a law enforcement is a Class A violation if the underlying offense is a code violation or a civil case.

State Law Reference- Similar Provisions K.S.A. 21-5904

22-350, 22-380, and Chapter 25 Parks and Recreation, Section 25-50 of the Unified Government Code are hereby repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _____ DAY OF ____________________, 2015.

__________________________________________
Mark Holland, Mayor/CEO

Attest:

__________________________________________
Unified Government Clerk

Approved As To Form:

__________________________________________
Jennifer Myers, Assistant Counsel
Staff Request for Commission Action

Tracking No. 150188

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Confirmed Date: 8/13/2015

☐ Changes Recommended By Standing Committee (New Action Form required with signatures)

Date: 7/8/2015
Contact Name: Jenny Myers
Contact Phone: 5060
Contact Email: jmyers@wycokck.org
Ref: Legal
Department / Division:

Item Description:
Amendments to Chapter 35, Traffic ordinances, to comply with State Statute.

Action Requested:
Approval of the proposed changes to the Traffic Code.

☐ Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☐ Other (explain) Policy action by Commission.
To: Unified Government Board of Commissioners  
From: Jennifer Myers, Assistant Counsel  
Cc: Jody Boeding, Chief Counsel  
Date: July 7, 2015  
RE: Amendments to the Traffic Code

This memo is to explain the changes and additions to the current Traffic Code made in the attached ordinance. Many of the changes bring our ordinance in compliance with Kansas State Statute and the Kansas League of Municipalities.

Chapter 35 changes:

- Section 35-1 Definitions  
  - The following definitions were changed to comply with state statute:
    - “Alcohol or drug-related conviction”, “Controlled substances”, “Occurrence” (as it relates to DUI’s), “Traveler Trailer”, and “Vehicle”.

- Section 35-10 Motor Vehicle liability insurance  
  - Proof of insurance can now be displayed on a cellular phone or any other type of portable electronic device.
  - Expanded the requirements that must be included on the insurance card to comply with state statute.
- Amended sentencing options for a violation including fine and/or imprisonment to comply with state statute.

- Section 35-137 Accident involving death or personal injuries: penalties
  - Included language regarding penalties for property damage.

- Section 35-138 Accident involving damage to property repealed
  - The language in this section is already included in section 35-138.

- Section 35-139 Duty to give information and render aid.
  - Included language that was erroneously admitted
  - Expanded the requirements that must be included on the insurance card to comply with state statute.
  - Proof of insurance can now be displayed on a cellular phone or any other type of portable electronic device.

- Section 35-141 Duty to report accidents repealed
  - Repealed by state statute and KLM. This language is included in 35-139.

- Section 35-227 Fleeing or attempting to elude a police officer
  - Changed “prison” to “jail” in the sentencing paragraph.
  - Included language regarding determination of first, second, or third conviction to comply with 2014 amendment to state law.

- Section 35-250 Driving while under the influence of alcohol or drugs or both; penalties
  - (a)(6) omitted language defining DUI to comply with state statute.
  - Amended language defining whether a conviction is a first, second, or third, amended and added definitions, and added language with regard to suspension of driving privileges to comply with statute.

- Section 35-254.1 Refusal to submit to alcohol or drug test
  - Included second conviction, class A nonperson misdemeanors, to comply with statute
  - Updated statute numbers
  - Added aggravated battery committed while DUI, if convicted when such person was 18 years of age or older, as a conviction which shall be taken into account to determine whether a conviction can be used as a prior conviction for purposes of determine whether a conviction is a first, second, third, fourth, or subsequent.

- Section 35-255 Tampering with ignition interlock device, etc.
  - Added penalties that are in state statute

- Section 35-257 Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties
  - Technical change of language to comply with state statute
  - Amended language defining whether a conviction is a first, second, or third to comply with statute.
- Added aggravated battery committed while DUI as a conviction that shall be taken into account when determining whether a conviction is a first, second, third, fourth, or subsequent.
- Added language with regard to suspension of driving privileges to comply with statute.
- Amended and added definitions to comply with statute.
- Section 35-311 When passing on the right permitted
  - Authorizes transit bus to pass on the right consistent with state statute
- The following ordinances had minor wording changes to comply with state statute and the KLM
  - Section 35-477 Stopping, standing or parking prohibited in specified places
  - Section 35-634 Crossing fire hose
  - Section 35-645 Riding in house trailer prohibited
  - Section 35-653 Traffic control signal preemption devices (added culpable mental state)
  - Section 35-794 Visibility of reflectors, clearance lamps and marker lamps
  - Section 35-809 School buses
  - Section 35-810 Church buses and day care buses (corrected citations)
  - Section 35-849 Head lamps
  - Section 35-852 Stop lamps
- Section 35-922 Driving while licensing suspended or revoked
  - Updated state law citations
- Other minor changes were made throughout the document. These changes were not substantive in nature.
Published

**ORDINANCE NO. ________________**


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

**Section 1.** That Chapter 35 Traffic, Sections 35-1, 35-10, 35-137, 35-139, 35-227, 35-250, 35-254.1, 35-255, 35-257, 35-311, 35-477, 35-634, 35-645, 35-653, 35-794, 35-809, 35-810, 35-849, 35-852 and 35-922, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

***ARTICLE I. - IN GENERAL***

**Sec. 35-1 Definitions**

*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 subsection (b)(3) of K.S.A. 21-5413, 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.
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.

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.

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.

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

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.

Sec. 35-10. Motor vehicle liability insurance.

(a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the provisions of the state Automobile Injury Reparations Act (K.S.A. 40-3101 et seq.) for every motor vehicle owned by such person, unless such motor vehicle:

1. Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f);
2. Is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school;
(3) Is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in K.S.A. 40-3106(b) has been filed; or

(4) Is otherwise expressly exempted from said requirement pursuant to the laws of the state.

(b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the insurance requirement pursuant to the laws of the state.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the insurance requirement pursuant to the laws of the state.

(d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display evidence of financial security to a law enforcement officer upon demand. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court. No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) of this section is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the subsection (e) of this section. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

(e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c), or (d) of this section shall be convicted if such person produces in court, within ten days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any
other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration date of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form, the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge of violating subsections (b), (c), or (d) of this section shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

(f) Violation of this section is a class B violation, and conviction is punishable by a fine of not less than $300.00 or more than $1,000.00, by imprisonment for not more than six months, or by both. Any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a class A misdemeanor and shall be subject to a fine of not less than $800.00 or more than $2,500.00, or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.
ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 35-137. - Accident involving death or personal injuries; penalties.

(a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to, or death of any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of section 35-139 of this article and amendments thereto.

(b) Any person who violations subsection (a) when an accident results in:

(1) Total property damages of less than $1,000 shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 35-71.

(2) Injury to any person or total property damages in excess of $1,000 or more shall be punished by imprisonment for not more than one year of by a fine of not more than $2,500, or by both such fine and imprisonment.

(c) The driver shall comply with the provisions of Section 35-144.

(d) The municipal court does not have jurisdiction to hear cases involving failure to stop and remain at the scene of an accident involving great bodily harm to any person or death of any person.

Sec. 35-139 Duty to give information and render aid.

(a) (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or property shall give such driver's name, address and the registration number of the vehicle such driver is driving, and upon request, shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and, upon request, exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.

(2) Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:

1. There is apparently property damage of $1,000.00 or more;
2. Any person involved in the accident is injured or killed; or
3. The persons specified in subsection (a) of this section are not present or in condition to receive such information.

Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a) shall be convicted if such person produces in court, within ten days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence also may be produced by displaying on a cellular phone or other type of portable electronic device evidence of financial security required by this subsection. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic devices.

Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form, the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in
force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

ARTICLE IV. RECKLESS DRIVING, DRIVING WHILE INTOXICATED, ETC.

Sec. 35-227. - Fleeing or attempting to elude a police officer.

(a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (c).

(2) Any driver of a motor vehicle who willfully flees or attempts to elude a pursuing police vehicle or police bicycle when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).

(3) It shall be an affirmative defense to any prosecution under subsection (a)(1) that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) The signal given by the police officer may be by hand, voice, emergency light, or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(c) Every person convicted of violating subsection (a) of this section, shall upon a first conviction, be sentenced to not more than six months in jail, fined not more than $1,000.00, or be subject to both. Every person convicted of violating this section shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed $2,500.00 or both.

(d) For the purpose of this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) Appropriately marked official police vehicle or police bicycle shall include but not be limited to any police vehicle or bicycle equipped with functional emergency lights or siren or both and on which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.
Sec. 35-250  Driving while under the influence of alcohol or drugs or both; penalties

(a)  Driving under the influence is operating or attempting to operate any vehicle within this city while:

(1)  The alcohol concentration in the person's blood, breath, urine or other bodily fluid as shown by any competent evidence, including other competent evidence is 0.08 or more;

(2)  The alcohol concentration in the person's blood, breath, urine or other bodily fluid as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3)  Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4)  Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5)  Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vehicle.

(b)  (1)  Driving under the influence is:

a.  On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months imprisonment, or in the court's discretion 100 hours of public service, and fined not less than $750.00 nor more than $1,000.00. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment;

b.  On a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250.00 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five-days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing
to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

c. "On a third conviction a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1567(b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,750.00 nor more than $2,500.00. The person convicted shall be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the remainder only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's
punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the one month enhanced penalty, the judge may order the person on house arrest, work release, or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) (1) Upon filing a complaint, citation or notice to appear alleging a violation of this section, and prior to a conviction thereof, the city attorney shall request and shall receive from the:
   a. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
   b. Kansas Bureau of Investigation central repository of all criminal history record information concerning such person.

   (2) If the elements of a violation of this section are the same as the elements of a violation of K.S.A. 8-1567 that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the district attorney for prosecution.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.

(i) For the purposes of determining whether a conviction is a first, second or third conviction in sentencing under this section:
   (1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county
which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceeding on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person’s lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person’s lifetime shall be taken into account:

a. Refusing to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. Supp. 8-1025 or Section 35-254.1;

b. driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto or Section 35-257;

c. operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

d. involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;

e. aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and

f. aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) conviction includes:

a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2);

b. conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and

c. receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person’s lifetime.
(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection 23-13(a)(5) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section:

1. “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

2. “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

3. “drug” includes toxic vapors as such term is defined in K.S.A. 2011 Supp. 21–5712, and amendments thereto.

Sec. 35-254.1. Refusal to submit to alcohol or drug test.

(a) Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests deemed consented to under subsection (a) of K.S.A. 8-1001, and amendments thereto, if such person has:

1. Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred:
   a. On or after July 1, 2001; and
   b. When such person was 18 years of age or older; or

2. Any prior conviction for a violation of K.S.A. 8-1567 or K.S.A. 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a
diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred:

(a) On or after July 1, 2001; and

(b) When such person was 18 years of age or older.

(b) Refusing to submit to a test to determine the presence of alcohol or drugs is:

(1) On a first conviction, a class A nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(2) On a second conviction, a class A nonperson misdemeanor, except as provided in K.S.A. 8-1025(b)(1)(C). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted
under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(3) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(e) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(f) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(g) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:
(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring:
   a. On or after July 1, 2001; and
   b. When such person was 18 years of age or older. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense.

(2) Any convictions for a violation of the following sections which occurred during a person's lifetime shall be taken into account, but only convictions occurring when such person was 18 years of age or older:
   a. This section or K.S.A. 8-1025;
   b. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or Section 35-257;
   c. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
   d. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
   e. Aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-5413 and amendments thereto; and
   f. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto.

(3) Conviction includes:
   a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (g)(2);
   b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (g)(1) or (g)(2); and
   c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (g)(1) or (g)(2) if committed off a military reservation in this state.
(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense;
(5) Multiple convictions of any crime described in subsection (g)(1) or (g)(2) of this section arising from the same arrest shall only be counted as one conviction;
(6) The prior conviction that is an element of the crime of refusing to submit to a test to determine the presence of alcohol or drugs shall not be used for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section and shall not be considered in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense; and
(7) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, or an ordinance which prohibits the acts of this section, only once during the person's lifetime.

(h) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(i) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(j) Upon the filing of a complaint, citation or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:
   (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
   (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(k) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(l) As used in this section, imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
Sec. 35-255. - Tampering with ignition interlock device, etc.

(a) No person shall:

(1) Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative;

(2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such a device;

(3) Blow into an ignition interlock device or start a motor vehicle equipped with such device providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such a device; or

(4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.

(b) Violation of this section shall be punished by a fine of not more than $2,500.00, by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) In addition to any other penalties provided by law:

(1) (a) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

(b) on a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

(2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

Sec. 35-257. Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties.

(a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in K.S.A. 8-1013(f)(1) and amendments thereto, is 0.04 or more;

(2) The alcohol concentration in the person's blood or breath as measured within three hours of the time of driving a commercial motor vehicle is 0.04 or more; or

(3) Committing a violation of section 35-250(a) of this chapter and amendments thereto.

(b) Driving a commercial vehicle under the influence is:
a. On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than $750.00 nor more than $1,000.00. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspensions or reduction of sentence or parole or other release;

b. On a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250.00 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served
consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in the amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed at not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall be due on that date.

(g) Upon filing a complaint, citation or notice to appear alleging a person has violated this section, and prior to conviction thereof, the city attorney shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint, citation or notice to appear of this section to the division. Prior to sentencing under this section, the court shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and,

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall:

(1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto: and

(2) suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection 23-13(a)(5) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) For the purposes of determining whether a conviction is a first or second in sentencing under this section:

1. Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

2. Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

   a. This section or K.S.A. 8-2,144;
   b. refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 8-1025, and amendments thereto or 35-254.1;
   c. operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
   d. involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 21-5405, and amendments thereto;
   e. aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto; and
   f. aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

3. “conviction” includes:

   a. A plea of guilty or nolo contendere entered into with the court's permission;
   b. A finding of guilt by a fact finder.

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

   (2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

      a. This section or K.S.A. 8-2,144;
      b. refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 8-1025, and amendments thereto or 35-254.1;
      c. operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
      d. involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 21-5405, and amendments thereto;
      e. aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto; and
      f. aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

   (3) “conviction” includes:

      a. A plea of guilty or nolo contendere entered into with the court's permission;
      b. A finding of guilt by a fact finder.
(a) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2);
(b) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and
(c) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;
(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purpose of this section:
(1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
(3) “drug” includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

ARTICLE VI. DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING; USE OF ROADWAY

Sec. 35-311. - When passing on the right permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
(1) When the vehicle overtaken is making or about to make a left turn; or
(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
(3) A transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway, except as authorized under K.S.A. 75-5091, and amendments thereto.
ARTICLE XI. STOPPING, STANDING OR PARKING GENERALLY

Sec. 35-477. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:
   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
   b. On a sidewalk;
   c. Within an intersection;
   d. On a crosswalk;
   e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
   f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
   g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
   h. On any railroad tracks;
   i. On any controlled-access highway;
   j. In the area between roadways of a divided highway, including crossovers; or
   k. At any place where official signs prohibit stopping.

(2) Stand or park a vehicle whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
   a. In front of a public or private driveway;
   b. Within 15 feet of a fire hydrant;
   c. Within 20 feet of a crosswalk at an intersection;
   d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
   e. Within 20 feet of a driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when properly sign-posted; or
   f. At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
   a. Within 50 feet of the nearest rail of a railroad crossing;
   b. At any place where official signs prohibit parking; or
   c. In any fire lane officially designated as such by the fire chief or his designated representative, whether on public or private property.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited
area or away from a curb such a distance as is unlawful.

ARTICLE XIII. MISCELLANEOUS RULES

Sec. 35-634. - Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 35-645. - Riding in house trailer prohibited.

No person or persons shall occupy a house trailer, manufactured home as defined in subsection (a) of K.S.A 58-4202, or mobile home, as defined in subsection (b) of K.S.A. 58-4202 while it is being moved upon a public street or highway.

Sec. 35-653. - Traffic control signal preemption devices.

(a) Except as provided in subsection (c) of this section, it shall be unlawful for any person to knowingly possess a traffic control signal preemption device.

(b) A person convicted of violating subsection (a) of this section shall be subject to a fine of not more than $1,000.00, by imprisonment for not more than six months, or by both such fine and imprisonment.

(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:

(1) Publicly owned fire department vehicles;
(2) Publicly owned police vehicles; or
(3) Motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq.

ARTICLE XVI. MOTOR VEHICLE EQUIPMENT GENERALLY

Sec. 35-794. - Visibility of reflectors, clearance lamps and marker lamps.

(a) Every reflector upon any vehicle referred to in section 35-790 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of
the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear respectively of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted.

Sec. 35-809. - School Buses.

(a) Every school bus, in addition to any other equipment and distinctive markings required by this chapter:

(1) shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight; and

(2) every new school bus put into initial service after July 1, 2007, shall be equipped with a white flashing strobe light mounted on the roof of such bus to afford optimum visibility.

(b) Any school bus, in addition to the lights required by subsection (a) of this section, may be equipped with:

(1) Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet but not more than 1,000 feet before every stop at which the alternately flashing red lights required by subsection (a) of this section will be actuated; or

(2) Head lamps that alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.

(c) The provisions of subsections (a) and (b) of this section shall be subject to the provisions contained in K.S.A. 8-2009a.

(d) Any person who purchases a motor vehicle which was operated by the seller as a school bus is hereby required to repaint such vehicle a color other than yellow and, except when such bus is being used as a church bus or day care program bus, disassemble and remove the "stop arm" and disconnect all flashing or rotating warning lights on such vehicle before it is operated on the public highways of this state for any purpose other than those set forth in the definitions of a school bus.
Sec. 35-810. - Church buses and day care program buses.

Any church bus or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with:

(1) Signal lamps which conform to the requirements of section 35-809, and rules and regulations of the secretary applicable to school buses; and

(2) A stop signal arm that conforms to requirements therefor applicable to school buses that have been adopted by rules and regulations of the state board of education.

ARTICLE XVII. EQUIPMENT ON MOTORCYCLES AND MOTOR DRIVEN CYCLES

Sec. 35-849 Head lamps.

(a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this article.

(b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in section 35-785(d).

(c) Any headlamp, required by this section, may be wired with a headlamp modulation system provided the headlamp modulation system complies with federal standards established by 49 C.F.R. §571.108.

Sec. 35-852. Stop lamps.

(a) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of section 35-802(a).

(b) Every motorcycle manufactured after January 1, 1973, shall he equipped with electric turn signals meeting the requirements of section 35-802(b). Motor-driven cycles may, but need not, be equipped with electric turn signals.

(c) In addition to the lamps otherwise permitted by this article, a motorcycle may be equipped with lamps on the sides thereof, visible from the side of the motorcycle but not from the front or the rear thereof, which lamps, together with mountings or receptacles, shall be set into depressions or recesses in the body or wheel of the motorcycle and shall not protrude beyond or outside the body or the wheel of the motorcycle. The light source may emit only white, amber or red light without glare.
ARTICLE XIX. DRIVERS’ LICENSES, VEHICLE TAGS, ETC.

Sec. 35-922. - Driving while licensing suspended or revoked.

(a) No person shall operate a motor vehicle or motorized bicycle on any public street or highway of this city at a time when such person's privilege to do so is canceled, suspended, or revoked or while such person's privilege to obtain a driver's license is suspended or revoked.

(b) No person shall be convicted under this section if such person, at the time of arrest was entitled under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(c) Except under the circumstances set out in subsection (c)(3) of this section, the following penalties shall apply to a person convicted of violating this section:

(1) Upon a first conviction, a person shall be sentenced to not less than five days' nor more than six months' imprisonment and fined not less than $100.00 nor more than $1,000.00.

(2) Upon a second conviction of a violation of this section, a person shall be sentenced to not less than five days' nor more than one year's imprisonment and fined not less than $100.00 nor more than $2,500.00. The person convicted must serve five consecutive days' imprisonment either before or as a condition of any grant of probation, parole, or suspension or reduction of sentence.

(3) If a person is convicted of any of the following, the person shall not be eligible for suspension of sentence, probation, or parole until the person has served as least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

a. Is convicted of a violation of this section committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of section 35-250 of this chapter, and amendments thereto, K.S.A. 8-1567, and amendments thereto, K.S.A. 8-2,144, or K.S.A. 8-1025, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by those statutes; and

b. Is or has been also convicted of a violation of section 35-250, and amendments thereto, or K.S.A. 8-1567, and amendments thereto, K.S.A. 8-2,144, K.S.A. 8-1025, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked.

(4) Upon a third or subsequent conviction of this section, a person shall be sentenced to not less than 90 days imprisonment and fined not less than $1,500.00 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:

a. Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
b. Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

c. Was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in subsection (a)(3) of K.S.A. 21-5405, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

d. Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(5) The person convicted under the circumstances of subsection (c)(4) of this section shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentences only after such person has served 48 consecutive hours' imprisonment.

(d) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

(e) For the purposes of this section, if any person operates a motor vehicle or a motorized bicycle on any public highway of this city at a time when such person's privilege to do so has been restricted by the division, by a judge of a court of competent jurisdiction or by a diversion agreement entered into by the person pursuant to K.S.A. 12-4413 et seq., and amendments thereto, and such operation violates or is outside the scope of such restrictions, such person shall be deemed to be operating a motor vehicle or motorized bicycle when such person's privilege to do so has been suspended, or revoked.


Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.
PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS ______ DAY OF ______________________, 2015.

_________________________________________
Mark Holland, Mayor/CEO

Attest:

_________________________________________
Unified Government Clerk

Approved As To Form:

_________________________________________
Jennifer Myers, Assistant Counsel
Staff Request for Commission Action

Tracking No. 150189

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Confirmed Date: 8/13/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>7/8/2015</td>
<td>Jenny Myers</td>
<td>5060</td>
<td><a href="mailto:jmyers@wycokck.org">jmyers@wycokck.org</a></td>
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</table>

Item Description:
Amendments to Chapter 19, Licenses, Permits and Miscellaneous Business Regulations, Article V, Private Security Businesses and Private Security Officers, removing the requirements for security guards to test, qualify and register firearms with the Police Department in order to comply with recent state legislation prohibiting cities from regulating the carrying, storage, and transportation of firearms.

Action Requested:
Approval of the proposed changes to the Chapter 19 Code as it relates to security guard permits.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:

- Included In Budget
- Other (explain) Policy action by Commission.
To: Unified Government Board of Commissioners  
From: Jennifer Myers, Assistant Counsel  
Cc: Jody Boeding, Chief Counsel  
Date: July 8, 2015  
RE: Amendments to Ordinances related to security guards

This memo is to explain the changes to the ordinances related to Security Guards in Chapter 19 of the UG Code. The changes are due to the recent changes in the firearms laws that prohibits cities from regulating the carrying and transportation of firearms. I do not believe that we can require any sort of testing or qualification in order for our security guards to carry firearms. Therefore, most references to firearms are being deleted.

Section 19-108 Definitions
- Removed firearm permit as security guards are no longer required to have a permit in order to carry a firearm.

Section 19-111 Application for permit to operate as private security officer
- Lessened the amount of documentation that is needed to apply for the permit as it is not needed.

Section 19-115 Standards for issuance of permit to act as private security officer
- Cannot prohibit anyone under 21 from carrying a firearm. Added language that any applicant under 21 years of age may not conceal carry a firearm as required by state statute.
• No longer requiring testing or qualification for firearms.

Section 19-118 Firearms
• Removing this entire section as we can no longer regulate or prohibit the carrying, storage, or transportation of firearms.

Section 19-123 Private security officer identification card
• Removing the requirement of providing thumbprints

Section 19-126 Duties of permit holders and license holders
• Remove language requiring security businesses to supply information related to vehicles being used by the business as no longer necessary.
• Remove language requiring security officers to file a discharge of firearms report with the PD anytime they discharge a firearm.
• Remove language that they can only carry a weapon registered with the PD.
Published

ORDINANCE NO. ______________


BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 19, Licenses, Permits and Miscellaneous Business Regulations, Article V., Sections 19-108, 19-111, 19-115, 19-123, and 19-126 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 19-108 Definitions

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

Chief of police means the chief of police of the city or the designated representative of the chief of police.

Firearm means:

(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridges; or

(2) Any other weapon which will or is designed to expel a projectile by the action of any explosive and which is designed to be fired by the use of a single hand.

Law enforcement officer means a law enforcement officer as defined by K.S.A. 21-3110.

Offense of moral turpitude means those crimes involving prostitution, pimping, lewd and lascivious behavior, indecent exposure, illegal use, possession or sale of narcotics, marijuana, and any and all "controlled substances" as that term is defined at K.S.A. 65-4101 et seq., incest, gambling, the offenses listed in chapter 22, article VI of this Code and similar violations in other jurisdictions and forfeiture of bond to appear in court to answer charges for any of these crimes.
Permit means the permit to act as a private security officer, issued by the chief of police to the individuals employed by a security agency or business as private watchmen, private security officers, or private security guards.

Police department means the city police department.

Private detective means any person who engages in detective business as defined by K.S.A. 75-7b01.

Private security business means the business of furnishing private watchmen, officers, guards, or other persons to protect persons or property or to prevent the theft and unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind. This term shall not include a business that furnishes state licensed private investigative services, as defined in K.S.A. 75-7b01. This term shall not include a business that employs private security officers to patrol only the premises of that business.

Private security officer means an individual who agrees to perform services as a watchman, guard, officer, or patrolman to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind.

Sec. 19-111. - Application for permit to operate as private security officer.

Application for a permit to operate as a private security officer shall be made to the chief of police and shall include the following:

(1) Name, age, all residences within the last five years, all employment for the last five years, and social security number;
(2) Whether the person signing the application is a citizen of the United States;
(3) A statement as to the general nature of the business in which the applicant intends to engage;
(4) A list of the applicant's record of arrests and convictions in this or any other state, including violations under the Uniform Code Of Military Justice that would be equivalent to a misdemeanor or felony conviction in a state court;
(5) A list of any aliases or nicknames used by the applicant, whether at present or in the past;
Sec. 19-115. - Standards for issuance of permit to act as private security officer.

No permit to act as a private security officer will be issued unless each applicant shall meet the following standards:

(1) The applicant is at least 18 years of age. No applicant under 21 years of age may conceal carry a firearm.

(2) The applicant has not been convicted of a felony or of an offense of moral turpitude.

(3) The applicant has not been convicted of a crime of carrying or possessing a dangerous weapon during the ten-year period immediately prior to the date of application.

(4) The applicant has not been refused a license under this article, has not been refused a license under a similar law of any other jurisdiction, or has not had a license revoked or suspended under a similar law of any other jurisdiction.

(5) The applicant has not been convicted of the offense of impersonating or permitting or aiding and abetting a person to impersonate a law enforcement officer.

(6) The applicant does not have active warrants filed against him in any jurisdiction.

(7) The applicant has not been denied a permit or had a permit revoked or suspended under this chapter during the five-year period immediately before the date of application.

(8) The applicant has not provided false information on the application.

(9) The applicant has not been convicted of a misdemeanor assault or battery during the five-year period immediately before the date of application.

(10) If the applicant is not a resident of the state, the application has appointed in writing as his agent a resident of the state.

Sec. 19-123. - Private security officer identification card.

Each private security officer granted a permit shall be issued an identification card by the chief of police. The card will identify the permit holder and will include a recent photograph. The card shall be carried by the permit holder whenever he is engaged as a private security officer and shall be presented for inspection to any law enforcement officer upon demand.

Sec. 19-126. - Duties of permit holders and license holders.

(a) Any private security business hiring a security officer shall furnish the name of that officer and his permit number to the chief of police within 24 hours of hiring.

(b) Private security businesses shall notify the chief of police in writing of the termination of employment of any private security officers.
(c) All private security businesses shall maintain a current list of employees with the chief of police.

(d) All private security officers shall immediately notify the chief of police in writing of any change of residence or employment.

(e) All permit holders and all license holders under this article shall advise the chief of police of the type, color, and description of the uniform to be worn during the course of any duty authorized by the permit or license. Uniforms must be approved by the chief of police. No uniform identical to or bearing a close resemblance to the uniform used by the police department will be approved.

(f) All permit holders under this article shall advise the chief of police of any conviction for crimes specified in section 19-130(a)(5). All permit holders under this article shall advise the chief of police of any felony charges filed against the permit holder.

(g) It shall be unlawful for any permit holder to fail to follow the notice requirements of subsection (f) of this section.


Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _______ DAY OF ____________________, 2015.

____________________________________
Mark Holland, Mayor/CEO

Attest:

____________________________________
Unified Government Clerk

Approved As To Form:

____________________________________
Jennifer Myers, Assistant Counsel
**Staff Request for Commission Action**

**Type:** Blue Sheet Amendment  
**Committee:** Public Works and Safety Committee  
**Tracking No. 150204**  
☐ Revised  
☐ On Going

---

**Date of Standing Committee Action:** 7/20/2015  
(If none, please explain):

---

**Proposed for the following Full Commission Meeting Date:** 8/13/2015  
**Confirmed Date:** 8/13/2015

---

**Changes Recommended By Standing Committee (New Action Form required with signatures)**

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<tr>
<td>7/17/2015</td>
<td>Doug Bach</td>
<td>5030</td>
<td><a href="mailto:jleverich@wycokck.org">jleverich@wycokck.org</a></td>
<td>j</td>
<td>CAO</td>
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**Item Description:**
Presentation by FOP 40 (Sheriff's Union) for a Sheriff's Department Memorial to be built on the northeast side of the Wyandotte County Courthouse. Union representatives will work with UG staff to finalize the plan for the memorial and meet any necessary planning and zoning requirements.

FOP 40 will be funding the proposed memorial and the UG will assist with some sidewalk and footing cost.

---

**Action Requested:**
Approval to move forward with proposed memorial.

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☐ Publication Required

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**Budget Impact:** (if applicable)

**Amount:** $
**Source:**
☐ Included In Budget  
☑️ Other (explain)  
Policy action by Commission. FOP 40 is funding.
**Staff Request for Commission Action**

**Tracking No. 150212**

- [ ] Revised
- [ ] On Going

**Type: Standard**

**Committee:** Full Commission

**Date of Standing Committee Action:** 2/2/2015

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 8/13/2015

**Confirmed Date:** 8/13/2015

- [ ] Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>7/27/2015</td>
<td>Marlon Goff</td>
<td>573-5545</td>
<td><a href="mailto:mgoff@wycokck.org">mgoff@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
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**Item Description:**

R-30-15, adopted on 5/14/15 is a resolution authorizing the assignment of $12M in taxable industrial revenue bonds by SVVI, LLC to Premier Automotive of Kansas City, LLC for the construction of (3) new auto dealerships in Project Area 2 of the Amended and Restated Vacation Village District.

Premier Automotive has completed the pre-development site work and is prepared to start construction on (2) new dealerships at the Legends Auto Plaza.

There is no tax abatement associated with this project.

**Action Requested:**

An ordinance authorizing the issuance of $8M in taxable IRB's for Premier Automotive of Kansas City, LLC.

- [ ] Publication Required

**Budget Impact: (if applicable)**

- **Amount:** $ 1,000.00
- **Source:**
  - [ ] Included In Budget
  - [✓] Other (explain) IRB application fee paid to U.G.

---

File Attachments:

- [File Attachment]  
- [File Attachment]  
- [File Attachment]
ORDINANCE NO. O-___-15

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS OF NOT TO EXCEED $8,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS (PREMIER AUTOMOTIVE OF KANSAS CITY, LLC PROJECT), SERIES 2015, TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR PREMIER AUTOMOTIVE OF KANSAS CITY, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (collectively, the “Act”), to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds (Premier Automotive of Kansas City, LLC Project), Series 2015 (the “Bonds”), in an aggregate principal amount not to exceed $8,000,000, for the purpose of (a) acquiring, constructing and equipping a commercial facility for Premier Automotive of Kansas City, LLC, an Kansas limited liability company (the “Company”), and (b) paying certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Bond Indenture”), by and between the Issuer and BOKF, N.A., as Bond Trustee (the “Bond Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement of even date herewith (the “Base Lease”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS
FOLLOWS:

Section 1. Findings and Determinations. The Issuer hereby makes the following findings and
determinations with respect to the Company and the Bonds to be issued by the Issuer, based upon
representations made to the Issuer:

(a) The Company has properly requested the Issuer’s assistance in financing the costs
of the Project;

(b) The issuance of the Bonds for the purpose of providing funds to finance the costs
of the Project is in furtherance of the public purposes set forth in the Act; and

(c) The Bonds are being issued for a valid purpose under and in accordance with the
provisions of the Act.

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the
aggregate principal amount of not to exceed $8,000,000, which shall be issued under and secured by and
shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at an
interest rate not to exceed 2.00% per annum, and shall mature not later than the year 2017, and shall have
such redemption provisions, including premiums, and other terms as set forth in the Bond Indenture. The
final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the
Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer’s
approval thereof.

Section 3. Limited Obligations. The Bonds shall be limited obligations of the Issuer, payable
solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a
transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the
Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond
Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer,
the State of Kansas (the “State”) or of any political subdivision thereof within the meaning of any State
constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of
the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds
provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly,
indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form
of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such
pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer
or any charge upon its general credit or against its taxing power.

Section 4. Authorization and Approval of Documents. The following documents are hereby
approved in substantially the forms presented to and reviewed by the Issuer (copies of which documents,
upon execution thereof, shall be filed in the office of the City Clerk), and the Issuer is hereby authorized to
execute and deliver each of such documents (the “Issuer Documents”) with such changes therein (including
the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such
officials’ signatures thereon being conclusive evidence of their approval and the Issuer’s approval thereof:

(a) Bond Indenture;

(b) Base Lease Agreement;
(c) Lease Agreement; and

(d) Bond Purchase Agreement.

Section 5. Execution of Bonds and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor/CEO of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The Unified Government Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

PASSED by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas this 13th day of August, 2015.

Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas

(Seal)

ATTEST:

Unified Government Clerk
NOTICE OF PENDING APPOINTMENT

DATE: July 6, 2015

BOARD POSITION: Self-Supported Municipal Improvement District (SSMID)

INCUMBENT REPLACED: Mary Lou Jaramillo

TERM EXPIRATION DATE: May 30, 2015

APPOINTING COMMISSIONER: Commissioner Harold T. “Hal” Walker

REVIEW DATE: July 14, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mike Benitz

ADDRESS: 720 Minnesota Avenue, KCK 66104

CELL NUMBER AND EMAIL ADDRESS: 913-871-6867

TERM OF OFFICE: Aug 13, 2015 TO 5/30/2019

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.
NOTICE OF PENDING APPOINTMENT

DATE: July 7, 2015

BOARD POSITION: Advisory Committee on Disability Issues

INCUMBENT REPLACED: Ben Blagg

TERM EXPIRATION DATE: October 1, 2013

APPOINTING COMMISSIONER: Commissioner Mike Kane

REVIEW DATE: July 9, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Ben Blagg

ADDRESS: 2151 Lombardy, Kansas City, KS 66102

CELL NUMBER AND EMAIL ADDRESS: 913-321-9200

TERM OF OFFICE: Aug 13, 2015 TO 5/30/2017

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.
NOTICE OF PENDING APPOINTMENT

DATE: July 7, 2015

BOARD POSITION: Advisory Committee on Disability Issues

INCUMBENT REPLACED: Rebecca Carter

TERM EXPIRATION DATE: October 1, 2013

APPOINTING COMMISSIONER: Commissioner Tom Cooley

REVIEW DATE: July 9, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Jack Knight

ADDRESS: 402 E. 2nd Street, Bonner Springs, KS 66012-1039

CELL NUMBER AND EMAIL ADDRESS: 913-207-5110

TERM OF OFFICE: Aug 15, 2015 TO 5/30/2017

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.
August 10, 2015

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of WYANDOTTE YOUTH SOCCER COMPLEX located along 90th street between Parallel Parkway and State Avenue being owned by Charles F. Speer ET. Al. and developed by Ongolal, LLC.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, R.L.S.
County Surveyor

[Signature]

William J. Heatherman, P.E.
County Engineer

Attachments
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, July 9, 2015, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District (arrived at 5:39 p.m.); McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. Walker, Commissioner At-Large Second District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator, Melissa Mundt, Asst. County Administrator; Lew Levin, Chief Financial Officer; and Patrolman John Turner and Patrolman Steven Kopp, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 9, 2015, at 5:30 p.m. in the 5th floor conference room of the Municipal Office Building regarding the Administrator’s Quarterly Report. Immediately following there will be an executive session in the 9th floor conference room regarding labor.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.
Doug Bach, County Administrator, said this is actually the Quarterly Report from the first quarter of this year. We were trying to get it on the schedule earlier. We had some conflicts that came up and it was an item that got pushed a couple of times so now the second quarter has occurred but we wanted to get this information out to you. I think much like the last time we had the Quarterly Report, it’s kind of evolving process as we go through it.

I changed a little bit of the format. I also know the intent of the commissioners is as we set measureable goals that those will factor in, but this is the first Quarterly Report and many of those measureable goals were just coming out in the first quarter and many of them even in the second quarter so they’re not woven into this. I will start to figure out and I will have those into the next Quarterly Report at least to what they are and then move forward.

As Commissioner Kane points out, this Quarterly Report really packs in the ground.
The first category is Public Safety and this just highlights the different involvement and different activities we were doing through the major activities support to the Taskforce, working for recruitment, started recruitment for the Fire Department, did a recruit class for the Sheriff’s Department, Memorandum of Understanding to address staffing crisis that we had in the Juvenile Detention Center was worked through. We got our Fire Study underway and working on a target for this summer to have it completed. We started the Jail Study. We had Vehicle Enforcement Blitzes which were underway in the first quarter. We started a new Chief of Police with several of the initiatives that he put into place and are listed as well.
Infrastructure – I don’t know that I need to list through each one of these things. This report has been sent to all of you now so you all have a copy of it in your file that you will be able to go through and look at your leisure. If you have any questions as you go through it, if you want to come back to myself or any of my staff members on any of these, but we move forward and I think this was presented to the Commission on the Wastewater Systems video so we’re moving through that and the Storm Water Quality Education Program and so that’s an ongoing process that we’re doing in the community. We’ve got the ADA Sidewalk Ramp Replacement that’s underway for 2015. Those are mainly in the design stage in that quarter. We’re working on a new Biosolids Dewatering Unit Pump Stations at the locations listed. Sewer Extensions for the Connor Creek Construction were started. Worked on Merriam Lane Roadway improvements. Continued major road work on our computer models and analyses of sanitary sewer as part of the EPA Overflow Control Program which is a citywide effort which is divided up into three zones and that will be coming back in the fall with information on that. We issued a Notice of Need for South Patrol.

Commissioner Philbrook asked what does that mean exactly. Mr. Bach said the Notice of Need was for the project work to be done on it and actually you will see more information on the South Patrol just went out in the Agenda packet today regarding the property. You will get a full update and you’re on that committee so you will get that at that meeting in a week and a half.
I included a greater Projects List for your information so that will be in your packet if you want to go through that. You can see the different ones that we initiated in the first quarter of the year. I won’t go through each of those here.

In terms of Customer Service which continues to be a Commission priority, I’ll note this first one. It’s really not one that you see but we had to replace a 20-year old timekeeping management system and that was mainly because it would shut down the system we had used with Kansas City, Missouri for a number of years. Not necessarily that we are over onto a better system in regard—it was really our Public Safety areas that recorded under that, but we did have to replace it and put something in place to work and get them shifted over to what the rest of our government works their timekeeping on.

Human Resources rolled out all their training. That was something we had demonstrated to you in the last quarter of last year. It was the first quarter of this year when we started rolling out and doing the training through our departments. This was the training we took the information from KU on and we are continuing to train throughout this year.

Advancements in the Awesome Q in the Auto License Division has progressed well for us. I will note when I was out at the annex the morning after the storm when we had the power outage it worked well for people. Some chose to use it and look up, they could see that they could come downtown and get in line versus many chose to just stand out there but others
hopped in their car and drove downtown because they could get queued in. It works that way or it works for people at home when they opt to use it and it works well.

We continue to do redevelopment work on 311 Operating Systems. This is targeted more for completion and activities for our tracking information and reporting that will come out in the fourth quarter of this year.

In other terms of Innovation, we developed a system for the District Attorney’s office that allows his people to use mobile technology when they’re serving warrants in the field so this is a great timesaver for them. This is really the efforts of our technology unit and working with the DA to come up with how that could be done.

Restructuring the departments and services completed. That was overall and I’ve got a sheet showing on that.

Eighty-nine community connections were done for Google. This relates back to our Google contracts so these are all public facilities put in place. Now it has started to slow down after this point. It took a while to get up to this and started getting all these different sites connected. Three more are scheduled to come in. It has taken a little bit longer to move through with some of them because sites we had located on our original list of like 120 some they weren’t running by and our contract did not require Google to go runoff down a side street to connect them. However, we have had a couple that are within a range where we have asked
Google to price them and let us know what it costs if we were to run the additional fiber line down the street to connect into those areas.

**Commissioner Bynum** asked what kind of sites is 89 community locations were on. **Mr. Bach** said the sites we had listed for that range from our public buildings so once we had it out and around it could be from the Fleet Center, fire stations, police headquarters to schools throughout the community so that ranged in all the different school districts we have. When they would run down those areas they would connect a line that they could come into and hook them up. I would say that was the majority of the different kinds of sites that were there. Libraries were on the list. **Commissioner Philbrook** said so you’re saying basically all the community site buildings. Is that what you’re talking about? **Mr. Bach** said yes, not all but all of these were community buildings. Why don’t we pull that list out for the commissioners and send them a list of what all sites we’ve connected so they have that information. **Commissioner Bynum** said just to stop there for a minute. Part of the reason I’m asking is because I was under the impression that our KCK School District had determined that connecting to Google for school buildings was cost prohibitive and so I’m just curious if school buildings are part of what has been connected.

My second piece is that when the Google rollout occurred my recollection was we were going to connect all of Wyandotte County or I should say perhaps all of KCK. I’m not sure which but personally I’m with a handful of folks where I live that cannot access Google and Google is telling us we will not be able to access and so part of my question is personal. I do have neighbors continually asking and of course the answer we keep getting is we’re not coming up your street. **Commissioner Philbrook** said there are a lot of pockets. **Mr. Bach** said there are a couple of questions within that.

First on the community buildings, correct in that not all the school districts determined that there would be any value gain. They have contracts; they have fiber already running through their facilities. If they are already in a contract, it provides for how they are doing it that the business case scenario—it wasn’t even in play. Schools were just putting that together, but for some they didn’t determine there would be as much value so that all of them got hooked up or not—some of them just took the fiber line and they are doing some things but they’re not as valuable for it. USD 500, a big entity, many different things; I think they had a pretty good contract as far as what they’re doing for fiber. Probably less likely than I think at one time and I
don’t know how it worked out in the end but I talked to the Superintendent or Principal like at Piper, smaller school district where they thought it would be very advantageous to them so I think that varied as to how that was used.

Google is not required to go everywhere. There was a number equation that came to it and so it was kind of a loose commitment to come and say they would connect throughout but they had to have a certain number of houses and such like that that were ready to hook on before they would go into each area and that’s where the stopping point.

**Commissioner Markley** said that’s not true either because I specifically told them I would go through all of Morris and that I could get them whatever number of signatures they wanted and they said it doesn’t matter we will not come there. They did come to part of Morris after I pestered them for two years so part of my Morris is covered now but the other part is not and they said it never will be. **Commissioner Bynum** said that is the answer I basically got as well because it’s Morris and where I live are more rural and so they came halfway up my road and stopped and me and several others live on the other half of the road. We would take full advantage of this but anyway I keep asking as well so I probably won’t stop asking.

**Commissioner Kane** said I don’t have them hooked up and I’m never going to have them hooked up and they took a whole bunch of their trash and took it around the corner and dumped it and when I asked the guy what he was doing he responded with like who are you and then we had a little bit of trouble. I don’t think they told us the truth and they didn’t deliver what they were going to deliver. In fact, they damaged quite a few of the yards when they were doing it and I still think that the local people could have performed that work if we would have been union made, but I don’t think they have been as good a partner to them as what we thought they were going to be. That’s frustrating for me and I will never have them because when I called to log a complaint with the lady that represents them, she said well what do you want me to do. I don’t what I want you to do, but I know what you’re going to do and we don’t need businesses in here trashing our neighborhood when they are going to deliver something and then they didn’t deliver the whole package such as Commissioner Markley is talking about. I’m still frustrated with them and I’ll never have them.

**Mr. Bach** said the next item reporting on as we started the procurement of a new Agenda Management Software; we’re going through that stage with them and how we will go about

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putting that in place and that will be for use later. I don’t know for sure what the timeline is on that off the top of my head. I could probably have my Clerk report on it but I won’t call her out now.

Open Data Dashboards reporting for departments, we started that with the technology unit. I think this will be something as a management tool as we get this all figured out and be able to see projects listed, we will be able to see where they are in status as we get that figured out and that’s both on the frontend and backend so it’s not only the tool, but it’s getting all the departments to be able to enter the data or have the data as they turn it in that’s linked right into this so we can see it.

Continue our installation of our new Computer Aided Dispatch System which is really revolutionary changes from the last system which was installed in 1997. This will be a great assistance for our Public Safety in that area but I also think there are some other tools that we will be able to use in other areas which are kind of dynamic about it, but our first preference is getting everything done from what we need for dispatch.

System and Service Assessments conducted by the Technology Department when they are going into different departments. They are taking their Project Manager in and working through different things that are going on there and trying to improve their use of technology or the technology tools that we currently have today.

Commissioner Philbrook asked where does Chameleon come into all that. That’s the stuff that Animal Control uses. Mr. Bach said I would have to look up and see where that—Commissioner Philbrook said because it’s a new IT program. Mr. Bach said I don’t know the answer to that question. Commissioner Philbrook said it would fall under Police I believe. Mr. Bach said I don’t know if it’s related—well I do not know if it’s related at all to the CAD. I don’t think so. I think it’s its own system. I will have to report back to you on that. Commissioner Philbrook said well when we get the head honcho of the IT group we can talk about it because we need to do some coordinating.
Mr. Bach said just a couple things under Economic Development. We finished the US Soccer National Training Center Agreement. Back in the first quarter initiated a process to sell some UG property. It included the Legends Movie Theater and Hilton Garden Inn so we’re marketing both of those now and actually have proposals on both of them and as you’ve seen on the theater we’ve came through with the proposed concept as to how we would sell it under that. That is still working and then we’ve had proposals come in on the Hilton Garden Inn and we’re working on those.

The Public Levee, completion started there, a 300,000 sq. ft. facility down in that location.
Here is a list of some other projects that happened or came before the Commission for consideration on different aspects of them. As you can see like the Legends Apartments, not a done deal, but that was one that was brought back before the Commission. The other ones haven’t moved forward.

In terms of Housing, we had a building permit increase; the highest in five years.

We selected our consultant for the Five-Year Plan.
Education/Workforce/Development, the Economic Development staff continues to be working within that and partnering with WYEDC, USD 500, the Community College, MAMTC and Workforce.

Under Multimodal Transportation, increase in ridership is probably the key to what’s going on there, 27.6%. A lot of that being done with our local buses, working with area transit agencies to provide regional fares which was key. We actually locked that in I think during the last quarter. We were working with them to get that set up and then it has been in the last quarter that our Transit Director was getting that coordinated so now when you go on and pay your fare here, you can walk on to other buses that cross into other jurisdictions and keep going.

We started our K-32 Corridor Study.

Healthy Communities

- Parks & Recreation
  - Youth Basketball – 454 participants at Eisenhower, Bethany, Joe Amayo Argentine & JF Rec centers
  - Adult Volleyball – 16 teams participated at Eisenhower & Joe Amayo Argentine Rec Centers
  - Indoor Futsal – 15 teams participated at Kensington Gym
  - Trail Runs – 4 events were held at Pierson Park & WYCO Lake
  - Disc Golf Ice Bowl – Event held at Rosedale Park
  - Spring Break Camp – Event held at Joe Amayo Argentine Center; attended by 21 youth between ages of 5-13

Youth Basketball, 454 participants; Adult Volleyball, and you can just see the list here of each one of these programs that were done under our Parks & Recreation.
Continuing on that we had a grant received from General Motors for $5,000 in the Health Department. Construction of a new recreational trail proceeds and Latino Health For All and so there were several grants that were brought forward to the governing body and given approval to proceed with. The Healthcare Foundation awarded a grant for $56K for the 20/20/20 Campaign.

Commissioner Philbrook said before you go any further I want to thank whoever I need to for getting those Futsal Courts done at Welborn Park. They look very nice. We got two of them so I’m excited, that’s great. Mr. Bach said good, those are advancing forward. The four that are, and I believe I sent you all the update on those last week, but the four that we were going in and doing the overlays on over existing courts were the first ones to go after and then the other four they are still in the planning phases with that or design phases with that with Sporting as to how they will be done. As soon as I get timelines, they will probably be individual timelines, we will get those out. Mr. Tobin is my Project Manager working that so I will give him the credit.
On the Environment, Storm & Sanitary Spot Repairs, continue to create mitigation plans for compliance according to the EPA consent decree.

A few big hires in personnel; Trenton Fogelsong was hired for Water Pollution Control Director and while he was an internal promotion he is someone we hired from the outside a couple of years ago and brought in and really doing good and right up to the point above him, the point on the EPA consent decree was assuming Project Manager for many of those things so he has stepped up well and will guide us through many millions of expenditures in that area as we go forward. We hired Kathy Briney as a Deputy Appraiser filling a void in that area. Miss Mundt was hired as Assistant County Administrator and Terry Brecheisen in Public Health. So as has been the case since I have been the County Administrator we had quite a few vacancies at the Director level and I have continued to fill those and I feel like we’re building a very good team.

Someone (inaudible) said what was Fogelsong, was he Interim. Mr. Bach said yes, he was Interim.
This is the organizational chart that I presented earlier in the year so that was put in play leaving out and it’s in the other documents that you should have too.

Under Finance a financial strategy was presented to the Commission on 1/22/15 which you have been able to work with strategic planning.

We completed our annual bond and note sale which is always a major achievement for our Finance Department. Many approvals come to the governing body but there are many, many hours spent by Lew Levin and his team working on this before it ever gets before you.
A budget public hearing was conducted for the Commission. We did our CAFR, first and second quarter of 2015. Finance was directly responsible working to receive the KC land payment and worked through that deal, that property tax settlement that was done with that organization.

We began our STAR Bond financing for the US Soccer and Schlitterbahn which is actually leading up to where we’re at tonight which will be on your agenda so it shows any of these STAR Bond financing projects take a fair amount of time to work through and get to the point where you can actually do final approval of them.

Our CDBG subcommittee held April 28th, I guess that’s a little out of that quarter, I can put it on the next report too. Commissioner Markley said we met in that quarter too.

Mr. Bach said under the area of Commission Communication which is one of the other notes in the goals for me. We’ve got the weekly notes, emergency notification and I think we utilized it 25 times to the commissioners during that timeframe. We utilized the on 3’s. Individual commissioner meetings held and Hollywood Grant Process started and RFP Activity Updates.

Mr. Bach said that concludes the Quarterly Report. I know I kind of flew through this fast but I know we kind of went that way. It’s to get the information in front of you so you have it. You will have this report, as I said, if you want to spend more time with it and look through it and if
you have any other questions or if you have any other questions tonight, I will be happy to address them.

Mr. Bach said with that, Mayor, I would recommend that we move to an executive session regarding labor and I would also like to add litigation to that so we can give you a brief update there as well.

The above special session ended at 5:54 p.m.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into executive session at 6:00 p.m. for 40 minutes regarding labor and litigation. Motion carried unanimously.

Mayor Holland reconvened the special session at 6:40 p.m.

Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to reconvene into executive session for 10 minutes. Motion carried unanimously.

MAYOR HOLLAND RECONVENED INTO SPECIAL SESSION AND ADJOURNED THE MEETING AT 6:50 P.M.

_____________________________________________
Bridgette Cobbins
dt
Unified Government Clerk

July 9, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Monday, July 13, 2015, with nine members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eight District; and Holland, Mayor/CEO; presiding. Walker, Commissioner At-Large Second District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator, Joe Connor, Asst. County Administrator; Melissa Mundt, Assistant County Administrator; Lew Levin, Chief Financial Officer; Reginald Lindsey, Budget Director; Jason Banks, Asst. to the Mayor/Manager; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Mike Taylor, Public Relations Director; Robin Hicks, Legislative Auditor’s Office; Budget staff; and Patrolman Steven Kopp, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, July 13, 2015, at 5:00 p.m. in the Commission Chambers of the Municipal Office Building regarding the presentation of the Administrator’s Budget.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.
Mayor Holland said we usually don’t schedule someone to offer a prayer but if we’re ever going to pray, it should be before the budget proceedings. Mayor Holland gave the invocation.

Mayor Holland said we are here for the 2016 Budget Presentation. I’m going to turn it over to Administrator Doug Bach.

Doug Bach, County Administrator, said it’s a pleasure to be here this afternoon and present to you my Amended 2015 and Proposed 2016 Budget. It has taken a great effort to get to this point, but I will say some of the best efforts that put forth into this was from the Commission. The whole move to go through Strategic Planning and do our budget process year around maybe gets a little painful from that perspective, but it certainly allows us to be much more strategic in the way we go about working on this and putting together starting initiatives, planning them through, and then also giving the public more time to weigh in months in advance and us to elevate their proposals before we get to this point.

I also want to say as we start into this a special thank you to my Budget staff. I will start with the Chief Financial Officer Lew Levin, Reginald Lindsey; Debbie Jonscher is the Deputy Finance Director, and also the Budget staff. They put a lot of hard hours in.
I’m going to start out this year talking about the highlights that I’ve built into this budget and then we will get into the details of what’s in the budget from a numbers perspective and then I will go back into the highlights and present a little bit more detail within each one.

This year’s budget is a no change to the mill rate. It builds our fund balance which has been a directive of this Commission to add money to it. Repay some of the Special Funds which we deferred money from over the past several years or we’ve borrowed from in order to balance the end. It enhances our Parks and Recreation Programs. It also puts money toward our Public Safety Task Force recommendations. It addresses Employee Compensation which has only seen a 2% increase over the last five years. We see Capital Investment. There is a new Urban Redevelopment Plan. We address Animal Control which has been a hot topic this year as well as new initiatives toward Open Data and Innovation.
Before we get into this we will break this out, but I want to start with a little bit of revenue trends that we’re seeing in our community. We’re up about 4.5% in the city and county from an evaluation perspective. This results in about $1.1M for the city and $1.5M for the county budget. Our sales tax is up about $600K and through a special economic development initiative we are seeing a one-time land payment of $9.5M in our 2015 Budget. The casino hotel, while we were disappointed not to see the hotel move forward this year or last year, within our development agreement we had a penalty in place that penalizes them $1.4M or it’s about 1% of their gross operating revenues and we will continue to receive this penalty until such time that they move forward with construction. Our forecast regarding our Utility PILOTS are down a little bit. This is really a result of us forecasting a little higher than projected when we looked at our 2015 and our 2016 Budgets and then the Mortgage Registration Tax is down due to legislative action from last year and this is one of those gifts that will kind of keep on giving each year until it eventually all goes away. We lost about $500K this year and another $400K next year and it will just be a compounding number until it is essentially gone.

With that I’m going to turn this over to Reginald Lindsey, Budget Director, and let him walk through where our numbers are for this coming year, but as I present this one of the keys I want to point out to you is you’re going to see a significant number change in the overall dollars and cents. Last year our budget was built in or this year was at about $295M. This year’s budget comes in at a little over $323M. These are largely a result of two accounting measures versus operation change that we have put forth in our budget. One we’ve talked more about and that’s the STAR Bonds and how they’re reflected. We have to show those from an accounting
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perspective and that’s a $6M increase to reflect in our budget because in the event those bonds didn’t pay, we’re supposed to be able to show that we can make those payments. The reality and always has been the reality with the STAR Bonds, all the revenue—there has been plenty of revenue with those accounts to fund them each year and the fact is we all know in our community we’re well ahead of schedule. They’re not due to be paid off until 2021 and they should be paid off by the end of next year, but from an accounting perspective we show that $6M additional over what we had not previously shown so that’s really revenues and expenses that are both detailed in our budget.

Additionally I built a Special Asset Fund in this year’s budget and that’s in direct relation to one of the initiatives put forth this year to sell both the Hilton Garden Inn and the Legend’s Theatre and so we account for numbers in our budget that will take the revenue in from those sells and then if we have to do anything to it, expense it out. It really has no impact on our bottom line unless you all elect to do something with it. If we are fortunate enough to see a couple million dollars of revenues, we can move that over and expend it in the General Fund, but at this point it’s really an accounting measure that adds $18M for those two to account for our potential revenue and an expense, but they are not in the General Fund areas but they are showing in the whole budget.

With that I will turn it over to Mr. Lindsey and let him walk through from this point.

Reginald Lindsey, Budget Director, said our 2016 Proposed Budget is a total of $323M. It funds 30 State Certified funds and also over 200 services for the community.
The sources of revenue as illustrated on the screen mostly come from property tax, sales tax, franchise tax, and charges for services coming in at a close third.

On the Expenditure side of our $323M budget Public Safety is our largest category that we fund at 39%. Next is Public Works and then Community Services. In this Expenditure Budget we funded $7M more in Capital than we did in 2015.

Here with the City General Fund we have our Sources of Support on one side that shows our balanced budget and then our Expenditures on the next side that shows our expenditures going out. Our sources of support are property tax, sales tax and franchise tax. Sales tax is becoming a larger part of our budget. It has grown over 10% in the last three years and it’s making property tax a lesser piece of the pie. On the Expenditure side we can see Personnel is almost 70% of our budget and also in this budget we funded $1.5M more dollars in Capital than we did in 2015.
Here we have our County General Budget which is $54M and our largest source of revenue is our property tax coming in at $32M. Over on our Expenditure side our largest expenditure category is Personnel and then Services which is $13M. Of this $13M $6M goes out for inmate housing and inmate medical on the county side. Also, in this expenditure budget for the County General Fund we funded $.5M more dollars in Capital than we did in 2015.

This slide right here illustrates all the other State Certified Funds that make up our $323M budget and there is a total of 28 funds here with the largest funds being the Sewer System coming in at $36M and then also EMS and also our Bond Fund.
The dollar bill illustrates how much of your dollar goes to taxes within the Unified Government if you stay in the USD 500 and we see there at the bottom of the dollar bill there are six taxing entities. Two of those the city of Kansas City and Wyandotte County and you can see the Unified Government makes up 49% of your tax dollar while other entities make up 51%.

I will turn it back over to Doug now.

**Mr. Bach** said now I will go into the highlights really to the points and this is the first one to note where we’re going to keep the mill rate constant. This just notes that at 82 mills. This is where we moved to several years ago and we stayed at that level.
Enhancement of Parks and Recreation Funding – Back in 2007-2008 when we started to cut our budget we cut many of the Non-Public Safety if not all of the Non-Public Safety Departments 15-20%. Our Parks Department received even greater cuts probably cutting it closer to 40% overall from an operational perspective. This budget starts to take a movement back toward putting more money into our Parks & Recreational Program. As we do this one of the keys in bringing on our new Parks Director this year and in discussion with him is we need to take a look at our parks. Let’s do a Parks Master Plan that gives us a five and ten year look to say if we’re going to invest more money into them, where should it be and let’s do it from a strategic standpoint and so it puts money forth to do this Parks Master Plan next year and then a highlight within this is a movement toward an accessible playground. Now, this is planning money for that design so once we determine where would be the right place for this to go we then could do the design work for this to come forward. It’s also hopeful that we could find considerable grants to go along with such a program as this.

Last year the Commission put forth an initiative to say if we’re going to ask our residents to mow their yards, we need to mow our own so we put money toward a Summer Mowing Program which I will say with all the rain we’re still seeing our parks looking in a little better condition than they previously were. We’re continuing that program with this and expanding it putting more money toward this so we can hire a couple more youth or part-time people during the summer months to make sure we have all the proper equipment to go to.

We’ve also added on-line scheduling for payment of park facility. This is a module add to our system later in the year so when people go to enroll for what facilities they want to use, they don’t have to line up coming at the beginning of the year and see which facilities they can
use. We can string this out over different times of the year and time our programming for people to schedule these and they can do it from the convenience of their home.

A couple of new positions, a Horticulturalist as well as a Maintenance person, this will protect the right-of-ways, the areas we spent money on in the parks so we can keep our plants, shrubs and everything growing in that area and it also keeps our facilities up to par.

We’re increasing our marketing programs and then also in the picture you see one of our new Futsal Courts. This is one of our economic development projects in relation to Sporting Kansas City where they are coming in and doing eight different locations within our community. Four of them where they were going in and resurfacing and putting in new things within existing parks, they are doing double courts and this is one of them at Welborn Park. Those four are either complete or under construction now and then we will have four more locations that are still in the design phase because they were going from a starting point so we’re working with the Planning Department and Sporting as to how we go through and put those in play.

Over the course of the last year the Mayor has led a Task Force that has looked into recruitment, hiring and promotions. Particular emphasis on that is to look forward to what we’re doing for bringing in additional minority recruits within the Police, Fire and Sheriff Departments. This Task Force came forward with several recommendations as to what we could do as a community to improve this. Several of these required some financial measures and I’ve built these into our budget. The first two really come to the recruitment side of that equation and one is an HR Recruitment Specialist and a budget to go with it. This Recruitment Specialist will work across all different areas between the Police, Fire and Sheriff Departments and work with the Human

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Resources team so they’re all part of what they can put forth to bring in more people, get out to different venues, and then work with people who would be more specialized within those departments as needed.

We’re also going to continue our Certification of Promotional Testing putting money toward that in our budgets.

We’re restoring the Police Cadet Program which really was unfunded this year as our cadets went out. We’re down to just one cadet so this builds us back up to six cadets in the Police Department during 2016.

We’re establishing a Fire Trainee Program and its difference from a Cadet Program is that this program is really designed as we go out and we hire new recruits to come in and they will have their certification from being a firefighter/paramedic, a firefighter/EMT, we can also hire someone that’s not certified as an EMT yet, but they will be in a Trainee Program. We’re still working on the program design which Chief Jones, but it’s intended that this person would have a year to go through and get their EMT Certification and then after that in our next recruit class as we’re ready to move forward they will be able to move right in and be able to advance with that. With that works the fire recruit age dropping from 21 to 19 so if we hire a 19 year old within that recruit class, they pass their certifications for EMT then they would be ready to advance.

Employee Compensation is also addressed within this budget. We built in money for a 1.5% adjustment in 2015, 1.5% in 2016, but also putting forth the commitment that in 2017 we’re looking to make a cost-of-living increase of 2% to our employees.

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This budget underlines how economic development can make an impact back in our community. Many of us know that already what happens in the Village West area and with the casino project and everything out there it’s generating almost $20M in property taxes that come back to our community. That property tax dollar is broken up between the taxing entities that Mr. Lindsey demonstrated before so the Unified Government gets about half of that money. That is money from those economic development projects that really help sustain us over the downturn in our economy and loss revenue we didn’t receive once Machinery & Equipment went away through State legislative changes. Having that in place has made a big impact across our whole community. This year we focus more toward a one-time Land Payment that’s come in at about $9.5M from our deal with Cerner and Sporting Kansas City which is allowing us to repay some of the funds we had to borrow from in previous years and also target money toward new Capital in our community.

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<th>Revenue</th>
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<td>2015 Operating Costs</td>
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<td>2016 Operating Costs</td>
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<td>Employee Health Fund</td>
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<td>Worker's Compensation Fund</td>
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<td>Capital Equipment</td>
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<td>Total</td>
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To breakout that $9.5M this way we were expecting about $3M through that deal, we’re keeping that in the Operating line items where we’re using $2M to go toward restoring our Fund Balance, $2M toward repayment or to our Health Fund where we deferred some payments previously. We’re also putting $500K toward Worker’s Compensation Fund, the Water Pollution Fund and our Environmental Trust Fund. Then there is $1M that’s set-aside for Capital Equipment. This is really intended to be a cash payment for many areas we were doing debt or leasing in Capital, this will be cash that will go toward putting back in some equipment that previously were underfunded.

I broke out a few different areas in Capital which just really puts an emphasis on where we’re at. Sometimes we overlook the fact just how much money we spend in our Street and Infrastructure, 2015 and 2016 budgets targets $18M in this area. This is toward construction, maintenance and I noted on here that we’re spending $700K more toward our ADA Ramp Replacement and that’s up from where we were at $200K and we’re up to $900K significantly making a movement toward our federal agreement that says we’re going to spend more money to do ADA ramps across our community.

The other area where we’re working toward where it would be a future consent decree with the EPA, we’re spending $24M on Storm and Wastewater Projects.

Also noted through the course of this year we’ve been doing a Fire Study that is looking at operations within the Fire Department and where we can do things to improve to make that better, but we’re also looking at each one of our fire stations and determining our highest priorities as to which fire stations may need to be replaced or is there the opportunity to
consolidate some of those fire stations. There is $400K in the 2016 Budget which allows us once that’s identified with this study to move forward and design and plan that station out after it’s determined what the highest priority is so we’re ready to move forward on that next year. In future years we will have to have the Capital money in line, but this gets us going right away after we get the study completed.

I’ve also listed out several different areas where we were able to make some significant investments in equipment. Ones where we have really been light on funding, years where we’ve come up and hardly bought or didn’t buy any police cars. This enables us this year and next year to make a significant impact in those areas so we’re somewhat caught up. I won’t say we will be all the way to where we should be, but it advances us a long ways.

I’ve also noted body cameras up here. This is in relation to a grant that we’ve applied for. There is a lot of studying we will still do before we would ever enact that but it puts money in play in the event we’re able to win successfully a $.5M grant, we would have matching money here to put this in place.

All the Capital Projects & Equipment are detailed out in the budget which is going online now as we’re moving forward with this presentation.

Animal Control is another area of emphasis. Three areas that have been addressed, one is hiring a civilian manager. This is significant in the sense that we’ve had good management out there, but it’s been a sworn person who typically looks to move on somewhere else. May get promoted within the Police Department, they learned some expertise about what they’re doing out there and then we move them on to another area which is where they’re tented in other parts of the
Police Department. This hires a civilian manager who will come in with the expertise knowledge base of how to run facilities like ours and then stay with it and gain a good knowledge of the community. Chief Zeigler has moved forward with this initiative since coming forward as the Chief at the beginning of the year and in fact our new Animal Control Manager will start work this Thursday.

The budget funds for a new Animal Control Officer is in 2016 and also some additional facility renovations and additions.

A new initiative I’m excited about is toward our Urban Development. Over the years we found out that I think we know how to do development in green space and we have a good formula to do things toward manufacturing/industrial. When it comes to our urban areas we often find that we have a gap so I’m putting this forth as our new Urban Development Gap Fund appropriately named. As we look at this how can we put money in something to match other dollars and leverage additional dollars and so if we’re working on a project and it’s worth a couple million dollars, we’ve set forth and found ourselves to be a few hundred thousand dollars short. Now we used the formula to say how can a project pay for itself and one of the ways you look at the new sales tax generated, new property tax generated; but it doesn’t always get there and we have this gap. I’m proposing that we put $3M out in debt financing that we can go to when we come forward with a good project, we determine that it’s there, this will leverage a lot more money into our community and we can advance some projects that we otherwise would just see go away and help to stimulate things within the core of our community.

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I’ve noted key areas that often come up but I don’t want to limit it to just this, but that’s land acquisition, demolition and infrastructure. Those all things we’re always trying to figure out how to solve for because they’re usually a higher number because something is already existing on the site that we need to take out or there is infrastructure in the ground that needs to be replaced or streets above ground that have to be demoed and then fixed and so that’s why I target those areas.

We’re also proposing a new small business startup fund. This is to put $50K in 2016 toward helping to move in where we have a business owner and a tenant and usually there is a couple thousand dollars gap so we may be able to throw this money into the project to fill a storefront and such like that. It’s an initiative brought forward by the Economic Development Department and I think it has a lot of merit and I think we can make a change with it.

Within these areas also we have put forward strategic money toward demolition and boarding up of houses. There is $110K in the upcoming budget where now we have a lot of projects that are lined up for demolition and we can’t get to them. There may be something within an area that we are looking to acquire property or we do acquire property if they’re going through tax sales and such, but as we’re going to hold that property until we can do something with it we need to make sure vagrants don’t get into it, it doesn’t get tore up, somebody come in and reinvest or we just determine that’s a house that needs to go away because it will make a neighborhood that much better right off the bat. We can go in and strategically put this money in for demolition, take it down. It may be 200 down on the list from a need when we look at it just from a demolition perspective, but from community betterment it’s at the top of the list so that money is put forth with that.

With that we’re putting an Urban Development Specialist into the budget and all this works really under the Economic Development Department. This Urban Development Specialist will be part of that team so they can all work collaborative together to make a difference in Urban Development.
One of the Commissions big initiatives is how can we do more to let our public know what’s going on within the government and that’s Open Data. Also, what additional innovative projects can we come forward with that will really make a difference so we can take advantage in change in times, we can take advantage of good ideas that are in the department. To present this information I’m going to turn this over to our Assistant County Administrator Joe Connor who is going to give you more details about this and he’s also going to introduce an exciting new platform that we are rolling out today.

Joe Connor, Assistant County Administrator, said I just want to walk you through a little bit about our Open Data/Innovation activities. I think some of this stuff you may have heard before but I just want to tell you how we started and how we got to where we’re at today.

First thing is we structure our technology services and we’ve kind of realigned things and we’ve used that opportunity to create a Chief Knowledge Officer position. This position will kind of lead the effort on Open Data/Innovation as well as our current technology services and that search is still underway. We expect to have someone hired before the end of this year.

We also have built into this budget costs for Open Data and Innovation activities whether that be people or additional programs or something along those lines. We want the Chief Knowledge Officer to come in and do an assessment of what we need and how we’re going to meet the Commission goals and have the ability to do that.

As Doug mentioned, OpenGov is our new initial format for open data platform and I’ll talk about that here in just a second.
Included in the budget or currently underway are just some things I wanted to kind of run through with you. The first is our Website Content Management System. We get pretty poor marks for our website, not being very user friendly. We don’t get a lot of usage out of it. We would like to make that better and we think this new Content Management System will allow us to do that.

There is a new initiative from the Commission perspective. There are a lot of things that happen off budget, there are a lot of things whether it be a project or an innovation or something that needs to happen that the Commission would like to see so we want to set up this Initiative Contingency Fund that would be driven by the Commission. It would be on a program base or project basis and it could be used for either innovation or project, something that’s off budget that we want to try to have planning money for that we want to try to investigate a little further and figure out if it’s actually something that the Commission wants to get into.

The Agenda and Minutes Management System, the one you’re currently used to that has the RFAs that gets submitted by departments that you’re using now will go away here sometime this year. I don’t have a rollout date for you yet. This new system will be much more robust, much easier for you to use and much easier for the public to access which is the goal.

Our GIS System has been recently upgraded. I believe that ended in June and we have phase one of our new GIS System in place. There will be other phases to it, other layers will be added to the maps, but that’s been recently rolled out.

Our CAD System, our Computer Aided Dispatch System is currently underway to be upgraded. We should roll that out at the beginning of 2016. This will be a massive overhaul of
one of our most important backbone systems for Public Safety and we expect that to have a lot more customer friendly aspects to it and a lot more usable for Public Safety first and foremost, but for the public as well.

In the Motor Vehicle Department, this has been a department that a year ago I think was under a lot of scrutiny. There was a lot of frustration with our Motor Vehicle, there was a lot of frustration with the lines and how long it took and accuracies and so on and so forth so the staff in Motor Vehicle have really responded to that challenge not only with staffing but also with technology. They implemented the Q System and that recently has been upgraded to include not only can you come in and make an appointment if there is a long line, you can actually get online ahead of time and decide which office you want to go to, how long the line is to wait for it and you can chose which office you want to go to and make your appointment. It should enhance the customer experience and we’re actually seeing more consistent wait times and more consistent customer experience.

The Register of Deeds Office is doing historical records conversion. This is going to take records back to 1975 and put them all online. Again, this will enhance the efficiency of that office; it should provide a better customer experience for people that want to look at records. They won’t have to be pulled manually unless it’s before 1975 which is quite a ways back but it’s just going back to 1975 now for that so that’s going to be a nice addition for that office.

We mentioned the Parks and Recreation online reservation system and payment.

Our Purchasing Department has upgraded their eProcurement site so that allows for easier access by people that want to do business with the Unified Government. They can get in and respond to bids and we can put things out more electronically and, again, the customer being—a lot of times the staff here trying to get things purchased we should be able to have a better experience.

Our Municipal Court, you can pay your tickets online now. If you have been on two, especially on some of the heavy days, there are long lines out in that hallway. The goal is to reduce those lines, give people the opportunity to pay their tickets online and not have to come into this building to do so.

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With that I want to talk a little about OpenGov in particular. Again, this is our initial open data platform that we’re going to start. This is financial data only and what OpenGov says is they will transform the way financial information is analyzed, shared and compared and we believe that to be true.

We’ve already loaded ten years’ worth of financial data into this platform including the 2015 Amended and 2016 Proposed Budgets. Those are all loaded out there on the site. It does make our financial information much more accessible and much more transparent and we knew it was going to improve staff efficiency but you can talk to the budget staff that has been working on this for a few weeks, they found it is a benefit for themselves in doing their job going into the future once they got this system up and running. They have already seen the benefit of that. I think it’s going to be helpful for them and we think it’s going to be helpful throughout the organization as well.

One of the things we want to work with the commissioners and Mayor on is providing you with shortcuts to the links whether it be on your phone, your tablet, or your desktop. If you will let us know, work through Janet in the Commission office, we will get you scheduled and get that put on for you whatever device or all of them if you would like to use so you can have easier access to that particular system.
What does it have the ability to do? You can track revenues, expenses and multi-year trends. Obviously, we have ten years’ worth of data there. You can create your own reports or utilize our saved views. Saved views are going to be like frequently asked questions so as the budget office or others get questions for request for information on a certain topic and we get the same thing over and over and over, we’re just going to put it out there as a saved view. That way we can point to it, click on it and send it to them. I will say that the saved views as we update information every time we make payments whether they be expense or payroll, they’re updated automatically. We don’t have to go back and change our frequently asked questions. That information gets updated.

You can download this data or share it directly from your email or use social media and I will show you how to do that here in just a minute. Anybody that goes in and uses this system has the ability to create what they want, save it, download it, or send it.

The website address is there, and again, for the Mayor and commissioners we will be providing that for you whichever way you would like to have it or multiple ways.

Right now the Budget Office is going to be our lead department on that and that is the number to contact the main Budget Office, but Michael and Jud are the two main people in the Budget Office that are over this particular system.
I want to walk through a couple of examples. One of the questions that we’ve been analyzing a lot here in the last 1.5 years or so was how much does Public Safety spend on overtime. In the past if you were to look that up, you would have to go to the budget page, and this is just a sample of the Police Department’s budget page, we’ve highlighted the Personnel cost. You would have to call the Budget Office or call the Administrator’s Office or call the Clerk and make a request for additional information on how much is overtime in this particular budget, give it to me for all three departments and then we would perform this analysis and make it happen.

I’m going to have Michael log on to OpenGov. This site is live right now by the way.

You will get a welcome page. You can either do a how to if you are a little too tutorial about, you can do a budget one-on-one or you can just get started and jump right into it.
This is ten years’ worth of Unified Government financial information. So the question was how much does Public Safety spend on overtime. What Michael is going to do is search our expense categories for overtime pay throughout the Unified Government. He is going to filter that down even further by looking at Public Safety and there is your ten year what we spend on Public Safety and what we’re budgeting for into the future.

You can hover over those particular ones and show what department, how much money, what the number is or if you’re interested in—if you prefer a spreadsheet or a table format, you just scroll down and it gives you the same information, but just in a table format. That’s one example of looking at a group of departments in an expense category over time.

You might want to pull up the current year too to look at May. We have information loaded through May of this year so when you pull up the current view it will show you May and where they were at in that kind of spending in May of those particular years and back in history. Again, that’s a little different view. It kind of shows you—sometimes some of these budgets are time sensitive to time of year, this will give you an example of what that looked like in May of the previous years back.

Another example is going to be from a department level and Doug has mentioned Animal Control so we wanted to kind of highlight that. Again, if you had to do it the way we’re doing it now, you have to pull the budget page and this is a picture of that. We’ve highlighted Animal Control and the numbers for 2013, 2014, and 2015 budgets and that’s what you would have to do to analyze that.
But under OpenGov you basically use a budget milestone view, search by departments, and again with the search feature you just type in the name and it will come up and it’s going to add the expense report to it. That’s where we’re at with Animal Control over the last few years.

One of the things you can also do if you don’t want to look at all those years, you can shrink that down by just moving that over and that gives you the last couple of years’ worth. You can look at it a lot of different ways you know forward or backwards.

If you want to hover over the download to show them, that’s what you need to do to download it or if you want to share it, you know Facebook, Google, Twitter or you can email it right from that particular place. When you create a chart or graph you can email it right then and there. **Mayor Holland** said show a different chart form, graph form like a line chart. **Mr. Connor** said that’s what it looks like in a line chart form.
Our last example I wanted to bring up was just from expense only. If you’re interested in—and our example we’re going to talk about fuel, how much gas do we buy in the Unified Government? Looking at our Public Works Department if you go back to OpenGov, you can just search it by fuel and figure out what we’re buying and how much of it and how much did we spend. Michael has that as a saved view so you click on saved view, clicks on Public Works and he is going to filter it one more time, there is gasoline, diesel fuel, and propane. Those are the three types of fuel that we buy in the Unified Government and in the Public Works Department and it goes back quite a few years so you can kind of see where we’re at.

If you wanted to do it by all departments that purchase fuel, that’s all departments. (Michael was clicking on the PowerPoint). Again, if you hover over one of the categories, it will tell you how much is in each one.

That’s kind of it for our interactive presentation. I certainly would encourage you to use it. We’re going to be encouraging staff to use it. We think it’s a great management tool for us and a great way to analyze things on the fly as opposed to having to do the manual calculations and all the work that goes into that. I will say that every time there is an expense check cut this system will be updated so just about every Friday you are going to get an update to OpenGov from our office.

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Mr. Bach said I think what turned out to be a project that we were getting into to say okay how can we make our financial data more available to the public. When we started investigating the different systems that are out there we found this system to be one that not only I think makes the information very accessible for the public and our constituency to see and for you to see, but also becomes a great management tool that is far more interactive than flipping through what we call our B103 which is a very static report now when we want to look at year to year data and look at information and breakdown line items. I think for many managers now they have to go back and get their financial analyst and they start working through this and it takes them many hours to put information together. Now I think they will be able to put this together in minutes and I think there are still a lot of things we will be discovering. It’s just like Joe said, I think the Budget staff found it to be a useful tool for them and they’ve got everything broke down in about every way they can but they can find it to be much more efficient.
With this in mind our Community Outlook is positive. Up here we show that the population growth is up 4,000 since the 2010 census. It’s the first time we’ve been able to say that in four decades. New single family building permits remain stable in 2015 after a sharp uptick in 2014. New county development projects are over $630M and I think we’re trending to exceed $800M this year if not to go more. Wyandotte County remains strong in job growth ranking 28th nationally out of 339 of our largest counties so we continue to create jobs for our citizens and others to come into.

Mr. Bach said that concludes my budget presentation but now without pointing out how much time again that we’ve spent on this.

This Commission started on November 1 the Strategic Planning. We did our financial strategy in January and our first public hearing on February 19th where people came forward and presented
many different ideas, concepts, areas that they thought we should put our emphasis in for budgets and then a few requests for money. Our Community Development Block Grant group met in several subcommittee meetings and again we went into more Strategic Planning and did our Capital Maintenance and Equipment Projects.

Our July budget calendar is laid out so we start our first workshop on July 16th. We will do a budget overview and go into the budget book in a little more detail at that time. We will also look to set our maximum mill levy which is our maximum tax rate and then spend some time with our Community Development Block Grant proposal as we’ve already done several times but we will get back into that in more detail and then we will lay out agenda’s for our future sessions as we move forward.

We’ve also noted the Mayor’s Listening Tour as we think about how we plan out in advance. He is looking at this for 2017 hearing different ideas and thoughts that the public has moving forward as we start to do our Strategic Planning as we come in later in the year.
I would like to recognize Lew Levin, our Chief Financial Officer, to come forward and present our Distinguished Budget Award which we received from the Government Finance Officers Association. Mr. Levin has been with us a number of years as our Chief Financial Officer and is a long-term employee before that so with that, Lew, I will turn this over to you and I would also ask the Mayor if you would come down and help with this presentation.

**Mr. Levin** said just a few brief comments. This award we received earlier this year but the process was we submit our budget document on an annual basis to the Government Finance Officers Association. We did it most recently in late October or early November of last year and we received notification I think it was sometime during the first quarter of this year that the national organization had reviewed the document and had given us this award. The GFOA or the Government Finance Officers Association looks at the document and evaluates to see if the budget document meets certain criteria and they focus specifically on four different guidelines. They basically say does the budget document serve as a tool for these purposes and those purposes include: Does it provide policy for the government? Does it provide a financial plan for the government including the future that might include both the Capital Improvement Plan as well as a financial forecast for the future? Does it provide an operation guide for the government meaning does it provide a structure for the current year budget that departments can adhere to as it relates to their revenues and expenditures? Finally, does it serve as a communication device for both internal users as well as the external users including the public? Basically to receive the award the document must meet each of those specific areas.
One of the things we work with the governing body in particular in 2014 was to establish clear financial policies and directives for the government and those are included both in the budget document that you will receive this evening as well as the one that we submitted and so that was an important requirement that had to be included in the budget document.

I guess one final thing I’ll mention is probably our Budget staff is unique throughout the State of Kansas. We prepare a City Budget as well as a County Budget and so when Reginald discussed and mentioned the number of funds that are included in our budget as well as the number of programs we really, I will say, distinguish ourselves from other governments in Kansas just because of the volume or the depth of our budget.

In addition, this year the Budget staff worked closely with Technology in implementing the OpenGov initiative that Joe went over this evening.

With that, I will ask the Budget staff to come forward; Michael Peterson, Tyszu Woolridge, Judi Her, Jud Knapp; and Debbie Jonscher of Finance can join us also.

Mr. Bach said, Mayor and Commission, with that that’s the Proposed 2016 Budget and thank you very much. We look forward to working through the month with you to bring this to resolution at the end of the month.

Mayor Holland said I do want to recognize too after a couple weeks of absence we’re glad to welcome fellow elected official MaryAnn Flunder from the Community College back to her front row seat so welcome back.

Commissioner Kane said, Reginald, I would have never forgot you. I can’t believe Lew forgot you and, Doug, this looks really good. This is probably the most colorful one. It’s not near as thick as the one in the past and I appreciate what you’re doing. Maybe that’s going to make the budget that much shorter.

Joseph Connor, 1975 was not that long ago. It was a great year, Joe, I graduated from high school. You graduated six years later, maybe you’re older than I am, but I didn’t realize that in 1975 you would be an antique. Mayor Holland said only in regards to the registration of our city.
**Mayor Holland** said I do want to encourage the commissioners as we have done in the past I want to encourage you to spend some time in the next couple of days reviewing the budget document especially the Executive Summary that gives you the overview. This presentation is available in it as well and start documenting your list of questions or projects that you want to discuss during the budgeting process. What I do if you will get those to me in my office, Jason has been our lead in terms of the budget, if you would get Jason whatever topics you want discussed; I’ll work with our Administrator to work out a calendar that gives ample time, ample notice for the groups that you want to talk with and ample time as we shuffle. If we have several short ones, we would group those together. If we have some that we anticipate will be longer based on past experience, we would group those differently but I will assure you every year we get every topic in, but make sure you get that to me and we will be sure to work through it.

We’re underway and I will say I cannot emphasize enough, Mr. Bach already said it, working for an entire year on our budget instead of the last three weeks makes a world of difference. It’s a pyridine shift for us a couple of years ago and it has been well received and that work is going to continue. We do have three intense weeks when we try to finalize everything, but the work we have already done in our Strategic Planning time and in our public hearing time will bear fruit for us as we move forward in July.

**MAYOR HOLLAND ADJOURNED**

**THE MEETING AT 5:55 P.M.**

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Bridgette Cobbins  
Unified Government Clerk

July 13, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, July 16, 2015, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District (arrived at 5:10 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Lew Levin, Chief Financial Officer; Debbie Jonscher, Assistant Finance Director; Wilba Miller, Director of Community Development; Mike Tobin, Interim Public Works Director; Emerick Cross, Commission Liaison; Jason Banks, Asst. to the Mayor/Manager; Maureen Mahoney, Asst. to Mayor/Chief of Staff; Robin Hicks, Legislative Auditor’s Office; Reginald Lindsey, Budget Director; Janet Leverich, Administrator’s Office, Cecilia Anderson, Community Development; and Patrolman Steven Kopp, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 16, 2015, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for the purpose of a Budget Workshop and setting the maximum Mill Levy.
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Holland said tonight is our first budget workshop. You have a cover page and then the second page is our agenda for tonight. I would direct your attention to that. As we look at the agenda we do want to thank our fellow elected official who is here MaryAnn Flunder, Community College Board.
Today we’re going to cover overview of the budget, discuss the maximum mill levy which we need to set tonight in order to be on track for our budget adoption, we’re going to talk about CDBG and then we’re going to talk about topics for future budget workshops. As we are working through tonight, be sure to take notes if there are topics that you want to be sure to cover so we can get them on the agenda and we will go from there. We’re going to start with an Overview of the proposed budget document.

Doug Bach, County Administrator, said it was a pleasure to produce the budget and get it in place. We have $323M identified in this years’ budget so I’ve asked our Finance/Budget staff to walk through this. There are several pages they will go through, but everything they are talking about will now be in your budget document where they go through and just hit a few different highlights as we move through the budget. Obviously, as we do this we’re moving toward—and I will just take this point to jump to Item 2. One of the objectives of tonight’s meeting is to adopt a maximum mill levy or tax rate tonight. That’s not at any point that we come to and say we’re trying to say that’s what our final budget is or anything. For the new commissioners that’s a key point. It just says we can’t ever go over that budget. As Lew, Debbie and Reggie walk through this tonight they will point out some of those key pages as we go through.

Reginald Lindsey, Budget Director, said our 2016 Proposed Budget is available online and our website and it’s also available at our OpenGov website. Hard copies are also available at our
libraries which would be the Downtown Library, Argentine Library, Turner, West Branch and Bonner Springs Libraries.

The first section of our budget document is the Table of Contents that kind of covers and takes you through all the different sections of our budget document.
The second section of our budget document is our County Administrator’s message which covers the County Administrator’s budget message and then also the presentation that was held this past Monday.

It’s in your book if you want to follow along with me. The whole presentation that we gave on Monday is there and it starts at CAO-12.

Mr. Bach said I will note as Reginald points out that my message is there. I go into more detail in this message on a summary and really that’s what it is, a summary of what’s in the budget of trying to hit the points that are changes. You know if there is something in there where
we—I don’t highlight everything when I’m going through the big presentation, but I do try to highlight those points here like I added a staff position in the Appraiser’s Office to help us get through all that process. I try to spell those out as I go through here. There is an Intern position in the District Attorney’s Office or something like that.

Mr. Lindsey said our next section is the Commissioners’ Vision, Values & Goals and Budget Guidance. This section includes our Vision Statement, our Values Statement, Goals and also Org Charts. If you turn to page 6, you can see our Org Charts and they are right next to each other. There is one for elected officials and there is also one for internal.
The next section is Community Profile and that starts on page 10. What it does is give the history of the Unified Government and then also the form of government we are and the major services that are provided by the Unified Government.

The next section is the Budget Overview. Here we have our budget policies and also a budget calendar and then a Glossary of Terms.
The next section is our Financial Overview and Debbie Jonscher is going to take you through that.

Debbie Jonscher, Assistant Finance Director, said in the Financial Overview section the first couple of pages just gives you the summary pages of the City and County General Fund as well as the Self-Supporting Municipal Improvement District. I think Lew will go over those in a little more detail later on.
What is shown on the screen here is the Expenditures by fund and the Mill Levies. This lists all of our tax funds as well as our other funds and what the expenditure levels are for 2015 Amended and 2016 as well as the Mill Levies that you will be adopting for 2016.

The next part of that gives you the Fund Summaries. We’re just going to go through one of them or a couple of them. This is the City General Fund and it just shows the beginning balances, revenues and expenditures as well as the ending fund balance that’s budgeted and there is one in here for each of the funds. On the City General Fund I’ll just use this to point out in the presentation it was mentioned that there were a couple of accounting entry’s that affected the revenue totals. Why the revenues increased, one of them was the STAR Bond—or the Annual Appropriations and I’ll just point that that shows on the revenue side it’s the second line and you will see we had mentioned that it increases about $6M so you can see that the 2015 Original Budget was $6.2M and for 2015 Amended that’s jumped to $12.1M. That also shows up on the expenditure side. Down at the bottom there is a debt for Annual Appropriation line and you will see those same numbers down there.

Commissioner Walters said and why was that big increase? Ms. Jonscher said we’re required to show the Annual Appropriations for the STAR Bonds in our budget. We started doing that a couple years ago. There was one issue, the 1999 Speedway Series, was not included in that number and we were informed by our Auditors that we needed to include that in the
Annual Appropriation so that’s the increase. It’s neutral to the ending fund balance, but it shows both on the revenue and expenditure side.

**Mayor Holland** asked can we do a little more detail on that because this was a change for us two years ago and I think it would be helpful to review. It was our Auditors who asked us to add this, is that right. **Ms. Jonscher** said right. We have an Annual Appropriation backing so if the STAR Bond revenue did not cover the Annual Debt Service payment then we would have to make the payment, but right now all of our STAR Bond revenues are covering those Debt Service payments. **Mayor Holland** said and always has. Is that right? **Ms. Jonscher** said yes.

**Lew Levin, Chief Financial Officer,** said I will just add it was not only our external auditors, it was our bond counsel and so part of our documents when we issue the bonds for these particular issues, we said we would provide an Annual Appropriation backing if in the instance there was insufficient STAR Bond revenue or in the case we have a couple TDD Districts, some of our older TDD Districts have that backing. What we added this year was this 1999 Speedway Bond Issue and so we’re actually almost 20 years into those issues beginning with that 1999 issue. We’ve never had to provide funds for that Annual Appropriation backing, but what bond counsel said we needed to do specifically was be consistent with the bond document and we had to visibly show in our budget that we’ve provided that Annual Appropriation backing. **Mayor Holland** said so it’s not a change in the expenditures of the Unified Government. **Mr. Levin** said no. Debbie, can you point out in the prior years’ where we show zero Actual Expenditures? **Ms. Jonscher** said right, for 2013 and 2014 this line shows zero so we only include it in the budget so it’s in the 2015 Original and 2015 Amended and 2016. **Mayor Holland** said so in the event of, for instance, a natural disaster; a giant earthquake opens and swallows Village West and we can’t make the bond payments, knock on wood that seems unlikely, then we have general obligation backing and we would have to fund those bonds, is that right? **Ms. Jonscher** said yes. **Mayor Holland** said barring that, I think we’re in pretty good shape. **Mr. Bach** said we’re usually six months in the tail behind that and we’re going to pay off by the end of 2016. **Ms. Jonscher** said I will also point out; we talked about the $9.5M Land Sale payment. That shows up in this other financing source and you will see that number jumps up for 2015 and then the expenditures that we discuss—were going to be used with that funding are down below in the expenditure lines.
Commissioner Walters said the 2014 CAFR that we just discussed a few weeks ago, our final budget for Debt Service was $7.8M, but our Actuals were $880K which is a $7M deviation. Will we expect to see a similar deviation in the 2015 CAFR? Ms. Jonscher said it would be even larger. I think the actual Debt Service payment is about $1.1M or $1.2M. This line right here showed the actual Debt Service that we would have. There are two series of bonds that we are paying the Debt Service on and we budget those. Those you will see the payment. The Annual STAR Bond one here, you will not see an amount. Commissioner Walters said when you say I won’t see an amount; we’re budgeting to spend $12M that we won’t have to spend. Ms. Jonscher said right, the only instance that we would have to spend it is if the STAR Bond revenues didn’t cover the annual Debt Service payment.

Mayor Holland said for instance, it would be—this is worth spending some time on because it is legitimately confusing. The Debt Service on the STAR Bonds is about $12M a year, is that right? Ms. Jonscher said yes. Mayor Holland said because the project is recovering. Is that right? Mr. Levin said that $12M includes STAR Bonds as well as the Speedway bond issue, the 1999—and that particular issue was really more similar to an IRB and so the Speedway is not—in lieu of paying property taxes, they are covering the debt on that. It’s essentially the cost to build the Speedway so there are actually two different revenue sources. If you include the TDD issues, there is the Transportation District Tax, there is the STAR Bond revenue stream as well as the Speedway is paying their Debt Service on their facility. Mayor Holland said so even in the height of the recession did we have to cover any Debt Service on Village West? Mr. Levin said no.

Commissioner Philbrook said I know you probably have it broken down somewhere in this document about those different entities for that one line you know for the STAR Bonds and the TDD, is it somewhere in here broken down? In and out you know. Mr. Levin said have that in—we can provide that as a response. We will make a note.

Commissioner Walters said so from just a big picture look, last year our revenue was about $5M less than budgeted, but our expenditures were about $8M less than budgeted so we had a $3M surplus. The savings or the expenditure deviation was mostly in that Debt Service number, right, $7M that we budgeted as an expense, but we didn’t have to incur. Mr. Levin said we probably incurred about $1M of it. Commissioner Walters said $888K. Mr. Levin said yes. Commissioner Walters said so to this years’ budget we’re showing expenditures of
$148\text{M} with revenues of $142\text{M} which sounds like a $6\text{M} reduction in our fund balances, but in reality we’re not expecting to spend that $12\text{M} so we should anticipate maybe a $6\text{M} surplus over budget. Mr. Levin said no, not necessarily, because we have that same $12\text{M} shown as a revenue and an expense so what I believe is what we will incur neither of those. We won’t receive the revenue—or we won’t need to apply the revenue. The revenue payments will be made outside the General Fund or will be received outside the General Fund and then the expenditures also will be made by—they’re actually made by the bank trustee so the revenues go directly to the bank trustee and they make the expenditure. What you will see when we have the 2016 we will not have received that $12\text{M} or my expectation is we will not have received it nor will we have expended it. To the point of your question, there is a $6\text{M} differential. We know, however; in that differential there are Reserves for expenditures that we don’t expect to spend. Under budget law we cannot spend more than we budget so we expect if we’re able to—and this is historically what we’ve been able to—if we create a one to two percent savings, that’s another—that would roll to the bottom line and the same on the revenue side. Hopefully, we budgeted our revenues conservatively that will exceed budget.

Mr. Bach said I just want to make sure you’re clear commissioner. The bottom line is the way we build this into the budget, we don’t expect any real expense to come to us and we have no revenue surplus because we budget, we build in a $12\text{M} mark in order to allow us to cover this from an accounting perspective. We won’t have the expense, we will not see $12\text{M} fall to our bottom line because we won’t—then if we don’t get it, that means we’re not getting the revenue that would have come from to pay that source so it covers revenue expense and it’s an odd accounting measure. Really, I would say, practically speaking; was better done the way it was done before and kind of just done off budget because it doesn’t affect anything we do or decision-making we can have or anything to our bottom line, but that’s not what the law says so we follow the accounting rule and this is how it’s done. There is no decision-making you can do about it on this and there is no surplus money we’re going to see because of that STAR Bond dollars if everything goes as we anticipate.

Mayor Holland said the second line shows STAR Bond revenue in the Revenue line and then down below under Expense line, you have the STAR Bond TDD and it’s an in and out.

Commissioner Townsend said but for this accounting change that’s requiring us to show $12\text{M} instead of say $6\text{M}, where would that money have been shown in the budget, in what line

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item? Mr. Levin said previously we did not show it. Mayor Holland said it would have shown up in the audit but it didn’t show up in the budget. Commissioner Townsend said and so like you said it’s clean in and out. Mayor Holland said clean from a dollars perspective and out of perception perspective.

Commissioner Johnson said under your expenses we have a line item for the last line item is Reserves $400K. The Amended is $600K and then the budget is—what is that particular line item for? Mr. Levin said the Reserve line item just gives us budget authority in the event there are circumstances that we have to spend money that’s unanticipated. Commissioner Johnson said so like just kind of a contingency. Mr. Levin said we sort of have two items. We have a Contingency line item that is built in under the category Transfers, Others. Reggie, do you remember what that number is for the General Fund? Mr. Lindsey said $135K. Mr. Levin said somewhere between $100K and $200K and that’s where we would first go to if we have an unanticipated expense. The Reserve is really for something that you know if we had a major storm or some type of event that created an expenditure that was unplanned. Mr. Bach said we went to this a few years ago when we were raking all department budgets off so they were making them pretty close because let’s say departments had the tendency to build a little bit of pad at the end because they don’t want to run out of money because it’s hard to do anything when you’re out. But when something comes about, you have to be able to protect against it, like he said, the storm. The Contingency line I actually expect to probably spend most of that because something will come up within some department. It may be a boiler goes out that we hadn’t anticipated or like he said a storm or something. The Reserves not so much, but if something did come up, and we try to make the Reserves fall to the bottom line, but it just offers us a little bit of room and fortunately I believe we have been able to move the Reserves—have just fallen to the bottom line year after year. Commissioner Johnson said that’s kind of where I was going with this. I suppose this pot of money would be the amount that we would look at in addition to other areas potentially in other funds there might be a similar line item. Mr. Bach said we might, but we don’t really worry about it so much in the other fund areas. The General Funds and maybe the Consolidated Fund Parks & Rec for parks, but it’s mainly the City and County General Funds that have the most concerned and have it built it in here.
Commissioner Johnson said my final question is just to get a better understanding of the Miscellaneous Revenues, what are the larger line items that typically fall into that bucket? I know they’re in here somewhere, I just don’t know where to look. Mr. Levin said there is some revenue detail that begins on page 91 and we list just a few of the miscellaneous items, but then we actually roll them up into the category Miscellaneous Receipts. What you see on page 91, for example, there is probably about 50 revenue categories listed whereas the General Fund has probably closer to 100 revenue categories and they could be very small amount of items. What we’ve tried to show here are the more significant revenue categories. Commissioner Johnson said I knew it was there somewhere; I just didn’t know exactly where to look. I’ll look through it a little bit further.

Ms. Jonscher said the next fund we’re going to talk about is the Special Assets Fund. This is a new fund that we’ve added this year in the 2015 Amended Budget and it’s to record revenues and expenditures associated with the sale or acquisition of significant government assets. The amounts here are specifically related to a potential sale of the Legend’s Theatre and the Downtown Hotel. We’ve budgeted a revenue estimate of just under $17M. If that were to occur, we have budgeted to pay off the debt service on both the theatre and the Section 108 loan on the hotel as well as we built in an amount for some future capital improvements to the Reardon Center.
Mayor Holland said we have a number of special funds so we’re highlighting the new one this year. Ms. Jonscher said right.

Commissioner Walters asked did you say that you were budgeting improvements to the Reardon Center. Ms. Jonscher said there is an amount in there for future capital improvements if needed. Mr. Bach said what this is, commissioner, if as part of a sale structure we do something in regard to this, this gives us money within that sale. Let’s say you could do a sale and they pay for it as it comes through or somebody may come through and say I’ll give you this amount of money, but you have to do these improvements. This allocates for that. Whatever we do, we would have to come back and approve it in the end, but if we don’t have it in our budget it makes it a little harder to do even if it’s part of that transaction. There may be different ways to do it, but I think it’s sitting down and discussing with Mr. Levin. I determined it was probably in our best interest to build this Special Asset Fund so we see what anticipated revenues, potential expenses; none of this may occur and—well no sell may happen or they may occur for any expense may occur pre-actual transaction and be part of the deal then we just see what happens at the end of the day as far as the bottom line. This just gives us a little bit more flexibility. All the revenue and expense here are tied to specific deals that will come back on both of those facilities.

Commissioner Walker said the money that’s appropriated there, is that money appropriated from the General Tax Levy? Mr. Levin said it’s solely from the sale of those assets. Commissioner Walker said so it’s somewhat a loser. Is that the correct word? There is no real money setting in a fund at the end of this year for $1.5M and if we don’t spend it, if we don’t sell the hotel, we’re going to be able to reallocate that $1.5M to another project or projects. Mr. Bach said yes, you’re correct. No, there is nothing here. Now if we end up with a positive higher sale, we could end up with $1M positive for it, but the way this is set out no, we’re not—there is no money allocated from any General Fund. That’s why I had them build it as a Special Asset so it’s kind of like its own Enterprise Fund in a way, commissioner, it has to make some money in order to spend some money and if it doesn’t do any of that, it won’t show up. Commissioner Walker said I guess I’m trying to get to, you show revenues of almost $17M. Is that the projected sell price, our portion in our partnership agreement that you would expect or you’re hoping to get? Mr. Bach said that’s a number and it’s probably a high number, but if it comes in at that, yes. If we came in and both assets and earned that money and we only had the

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following expenses to pay stuff off in the end, then we would have a surplus of $4.3M. That’s higher than probably where we will end up. **Commissioner Walker** said unfortunately being government, we’re telegraphing potential buyers what were—are we not? **Mr. Bach** said we’re already on the market on both items. We have bid prices come in on both assets. It’s a matter of structure appeals that will come in so these numbers wouldn’t be anything that would make a potential buyer be surprised or think anything different from where we’re at. **Commissioner Walker** said and the Capital Outlay you’re expecting that to come from the sale price. **Mr. Bach** said let’s say you came in on the sale of the hotel and the only way to close that deal was we needed to put in $1.5M into the Reardon Center or maybe back into the hotel. There are some special things that have come about from the Hilton even though we just upgraded the flag so you had to put money back into it. This allows us to receive the money that they would pay us and then expend it if we determine that was the way we wanted to do the deal.

**Mayor Holland** said tell us the alternative if we didn’t do this fund. We don’t have to do this fund, but we would have to amend the budget. **Mr. Bach** said well yes. The concern was if we went through it, we did a deal where we receive the money and then we needed to spend a $1.5M of the money we had received, if we didn’t budget for it this way we couldn’t do it and we would have to find $1.5M within our existing budget which you know as we just went through we don’t have $1.5M in our Reserve line item to throw over and do this. Even though we would be receiving that $1.5M in revenue, I couldn’t do it—I couldn’t finish the deal because I wouldn’t be able to expend the money. It may very well exist just like in a closing of a house, you go through and you say as part of that deal we will give you x amount of money and then of that x amount of money this amount is going to be spent on this repair and this job. That would all work and it wouldn’t have to show up in the budget. With these two being large sales with a lot of different potential things that come about as we sit down and went through it, I think I decided as a precaution I had Lew go build this Special Asset Fund so we could handle various scenarios if they come out and I didn’t want something like that to stop us from closing one of these deals.

**Mr. Levin** said if I may add, the big item of expenditure is that debt and so this budget essentially allows us to pay off the debt on the 108 Loan which we’ve talked about a number of times and then also our outstanding debt on the theatre. If we didn’t have it built into the budget, we would be unable to make those debt expenditures even if we have received the revenue.
Commissioner Philbrook asked do you want to say a little bit more about that. Mayor Holland said let me take a shot at this. If we didn’t have this Special Asset Fund and we just went and sold the hotel, we received money for it, that’s money that’s not in our budget so we have this revenue that just came in. If we wanted to expend it either to do some upgrades as part of the contract or even to pay off the debt on that hotel, we don’t have budget authority to spend the money because you can’t—if you take in—so if we get and this is going to happen one day when I’m up here, it’s never happened before; we’re going to take in so much more money than we budgeted for we’re not going to know what to do with it. That hasn’t happened yet, but I’m optimistic that one day we’re just going to have a windfall of revenue, but even with a windfall of revenue you have to drop it to the bottom line; you can’t spend more than you’ve budgeted for by state law. What we would have to do in order to make the debt payment once that revenue came in is we would have to come and do an amended budget, we would have to do a listening period, we would have to have a public hearing on it, we would have to go through a long process to be able to spend revenue that came in. Because we anticipate this revenue coming in it makes sense to set up this special fund, do it as part of our public hearing now in anticipation of that sale rather than just waiting to be surprised by it and it would allow us to move the project much more quickly. Did I represent that accurately? Commissioner Philbrook said I wanted that said out loud.
Mr. Lindsey said starting on page 107 we have the descriptive department expenditure budgets. There are seven different sections. There is a Mayor and Commission section, Administration, Public Safety, Judicial Services, Community Services, Public Works and Other programs.

One of the pages that I’m going to go through in detail is the Parks & Recreation Department and it is on page 316. On the left-hand side of the page we have the Department Overview which gives a description of the department and also an overview of what it does throughout the year. Then we cover Important Issues and then Highlights that they have had throughout the year and then New Initiatives that they plan to take on in 2016. I would recommend that this is something that each one of us should read through because the departments take up a lot of time during the budget process to write these up and they are pretty accurate as far as their issues and highlights that have gone on within their department.
On the next page on the right-hand side of the book we have the financial page which covers the categories of expenditures going down the left-hand side of the page and then also it touches on the budgeted FTEs for the department as they are for 2016 and also prior years. In the middle section we have the funds that each department has within it and how the department is funded throughout several different funds. The next section covers the expenditures by the divisions that roll up to the department. We also have pages that are division pages that have programs that roll up to the division so on those division pages at the bottom of the page we will see the programs that roll up to those pages.

Commissioner Walker said you know I have been gone and I’ve not done more than a cursory review of what I could get done late Tuesday night until today. I did not see in Parks & Recreation an initiative for this ADA Park that I am proposing and a small amount of initial funding skin in the game, if you will, that would allow us to proceed to get additional grants.

I come from the vantage point that you prepare a budget as staff and the administration, but it’s not your budget, it’s our budget as the Commission. What we bring up—I mean I brought it up on a couple of occasions, maybe I’m the only one that wants to pursue this and the rest of my fellow commissioners are opposed to this—Mayor Holland said it’s in there. Commissioner Walker asked where is it. I didn’t see it on the first page. Mayor Holland said let’s ask. It’s in the Executive Summary that it’s included so let’s find out where it is. Mr. Bach said it would be referenced under the CMIP Budget I believe. Is that where the funding shows
Mr. Lindsey said yes. Mr. Bach said what we did is we built in design money in 2016. What we wanted to do and I did go over this when I did my budget presentation on Monday, but I noted that we would do the Parks Master Plan in 2016 and then that would help us identify where we would put a handicap accessible type park so the design for that would come about probably later in 2016 enabling us to have a better idea of which park would be the appropriate one to come into. What we did was allocate I believe, and staff will find it, I believe we allocated $40K in 2016 to do that design work. Commissioner Walker said I apologize, but it did not read, and as I read the front page of their document, I saw nothing referenced in there. Again, I have not thoroughly examined the document to date. Ms. Jonscher said it’s on page 385. It’s actually in the Parks section, but it’s under the County General Fund and its $40K for 2016. Mr. Bach said it on page 316 in the highlights. No, that’s different. That’s one we already did. Commissioner Walker said I would have assumed it to be a highlight as well. Mr. Bach said I would agree with that, commissioner, we should have had that in the Parks page highlight.

Ms. Jonscher said we will start with the CMIP.
This first section which starts on page 377 is the CMIP Projects. It starts out with the CMIP Policy and then goes right into the detail. There is a sheet in there that shows all of the markings on the document. I think we went over that once before, but it’s easy to forget those because there are a lot of different markings for what a new box means or what a box around the amount means as opposed to an underline. It shows the detail. It starts out with all of the cash projects and it goes by fund and then by department within those funds and then behind that we have the debt section. This year we’ve also included at the back of the debt section all of the unfunded projects. I don’t think there has been much change since we had the CMIP meetings at the beginning of June with the exception—I will point out in the presentation we talked about the $3M bond amount under Urban Development. We did include that under the Economic Development section of the debt which is on page 393. The next section after that is the CMIP Equipment and we did not go over that in the CMIP meeting, but all of the equipment is listed here also by fund and then by department. Commissioner Philbrook asked what did you say the $3M was for. Ms. Jonscher said that was the Urban Development. It was under the Urban Development section that was talked about in the presentation. This was to cover gap funding on economic development projects. Commissioner Walker asked what gap. Mr. Bach said it’s part of—one of the initiatives that I put forth was a new Urban Development Fund. I think I might have reviewed it here a couple of weeks ago and talking preliminary about it so to do that what we’re doing is establishing a Debt Fund that we can go to so if we determine there is a few
hundred thousand dollars needed for a project, we put forth $3M in this fund area so not really anticipating that’s one project, but—Commissioner Walker said it’s not allocated to a specific project yet. Mr. Bach said no sir. Those will be deals that will come back before you just like we would do any economic development deal we would bring it forth and then instead of being at that point where we have—here’s how the project is paying for itself but it needs a few hundred thousand dollars more or maybe more to finish the deal then that’s where we use that.

Commissioner Kane said I don’t know why we would put No. 8 Fire Station as a new floor replacement. In fact, and I think and everyone knows that is the worse place we’ve got. Mayor Holland asked what page are you on? Commissioner Kane said I’m on page 383. I’m looking at Fire Stations for Replacement. I’m sorry I’m bouncing back and forth. I apologize. It’s new and towards the bottom, Fire Station Floor Replacement. I would think we would make that the top thing that we’re going to do for the fire stations considering that’s the worse one we got and we know those guys are going to come back and say hey this thing is a mess. If we’re putting $3M aside for the Urban part and those of us that live out west and we have a terrible fire, I wouldn’t even call it a fire station, we need to reprioritize what we think so we won’t have another incident like we had at 4’s the other day where the sewer backs up. Mr. Bach said I guess I would like to know for sure that we’re going to keep 8’s like it is before I dump money into it and part of the station review potentially could come back with that being a complete replacement of the station. While I definitely agree there is a need—Commissioner Kane said I agree maybe that’s not the right location, but I think we need to put money aside for it now knowing that this is going to happen. Mr. Bach said I do have the $400K that’s in place to go through with the different design or planning which I would say we would have room to reallocate that. I mean that thought process was we could be looking at design for one new station, a couple of remodels or multiple remodels and then that money instead of doing it on the design side, if we say here is $20K - $50K that is an immediate need we could move it from that. We did put that $400K and where does that show up Debbie? Ms. Jonscher said the $400K is actually split. The project itself is listed in the debt on page 391 listed as a new fire station. In 2016 we’ve got $200K listed here and then there is also $200K in the General Fund. Mayor Holland said I would say too Commissioner Kane is right. If you visited these fire stations, they are in deplorable condition and maybe half of them are worth keeping in terms of the structure,
half of them are dozier realty right now. They just are not good for our employees, they are not good for our city and so we’re going to have to take this on. I think that’s why the Fire Study is so essential to tell us which ones we should rebuild, which ones we should keep because part of the assessment is the condition of it. I mean it might be in the right location but it’s in deplorable condition and if we’ve got a good one, we may have to shift the plan to make sure we capture a good fire station that we already have and we’re rebuilding the ones—Commissioner Kane, you could list five right off the top of your head that have to be replaced right now. I think having this $400K in—because I don’t want to get this Fire Study and then have to wait a 1.5 years before we can even address it. I want to get that Fire Study; I want to start allocating money for the plans to start building what we need to build so we can allocate funding to get it done. There is no question if you look at our facilities the fire stations, and I would encourage all the commissioners to drive around and take a look at them, there are very few that are worth much. Commissioner Kane said, Doug, I agree with you. You know the one by Turner High School and up the hill I guess it’s Highland Crest, those are ones I think we could put a station in Pierson Park and kind of cut—I agree with that part and with you, Mayor, that I have at least five. These are things that are hard decisions that we need to say okay we’re going to plan for this now and whether it’s us here or somebody else because we don’t want—I wouldn’t want to live there a third of the time and I don’t think any of us would either. Mayor Holland said that’s right.

Commissioner Johnson asked can someone explain the mechanics and the terms of the Urban Gap funding. How will that process work when a project is located or brought to the table? How will the mechanics and the terms of that fund or that financing, I suppose, work out? Mr. Bach said first I’m going to say there is still a little bit of work to be done with that and it probably kind of comes to the first one we bring to you, but I would say like many other items we have in economic development the Commission kind of goes through and structures a little bit of the policy that we probably need to refine and build on it. What we will do is go through an evaluate a project; we will look at it from what is the private sector leverage money that’s being paid into the project. We will look at the amount of public dollars so if there is sales tax or property tax dollars that could be generated by the project that’s a net new being brought into the community we would look at that over a 10, 20 year basis and give an analysis to say okay this is
what this project can repay in so that’s the whole scenario of making a project pay for itself. Of course, when we hit the gap is when we do that and we come up with this project is $300K, $400K, $500K short, and I think that’s a critical review that our staff has to review because I know once developers see it, it’s kind of to your point earlier, Commissioner Walker, when you talk about us putting out what we may sell something for. If we tell people we have $3M in the Gap Fund, I can tell you they will line up and say everybody has a gap now so we will have to be very critical and analytical as to how we go about doing that and determine when that is needed to really make a project come and I guess you put that back up on staff when we come here before you to show why we think it is truly a gap. That’s why we’ve identified it more toward the urban areas because those are areas that we’re just not seeing a whole bunch of projects come forward. We’ve gone into other areas of our community and been able to do it without—Wyandotte Plaza is a great example. We’re able to close that gap with the revenues that are coming in from that project and so that’s an older area. That store was originally built in 1969. It had a lot, 1961, okay; a lot of date to it and it needed complete rehab, tear down, everything that you would look at that are expenditures to happen because you have to demolish something that existed and then build up new. That bare cost of green space but we were able to do with a good developer who came in and identified that way. I don’t know if that gives you a lot of mechanics. Commissioner Johnson said that’s financing. It’s not funding. It’s money that has to be repaid, those Gap dollars. Mr. Bach said the Gap dollars will be repaid by us. That would be our commitment to say they are $100K short, we don’t anticipate project revenues. We may be able to give you a case scenario or moderate case scenario which Lew and his staff will often times look at and say we believe this project will cover this. You could look at an aggressive case scenario and say well maybe over 20 years it will cover all of it, but you shouldn’t count on that commissioner. You should count on the fact that you are going to make the Debt Service on this until its done and that’s how we will present it and you go into with your eyes wide open and we just plan on that. If we get lucky and the project covers, great. If not, then we’re going to close the gap.

Commissioner Philbrook said so just to recap. I just want to make sure I understand. This Urban Gap Fund no matter what the amount of money we’re contributing to closing a deal will come before the Commission. Is that what I’m hearing? Mayor Holland said absolutely.
Commissioner Philbrook said that’s what I wanted to know. Commissioner Johnson said and it will be identified as part of—Commissioner Philbrook said that Urban Gap Fund. Mr. Bach said it will probably come multiple times because as you know when we issue debt we go through and approve our debt here for what we’re going to do for projects and then we bring back the debt later on in the year and say are you sure you want to issue that debt and then we bring it back to you and say okay you just approved us to issue that debt four times. Commissioner Philbrook said I would rather you ping me multiple times on do you really want to spend this than not ask me at all. Mr. Bach said we would get as part of the project and then we would come back later and issue the debt like we did on one of the projects a couple weeks ago.

Commissioner Walker asked is the word urban used to identify this in terms of a territorial boundary or is it just a catchy term because urban to me relates to—I guess I’m suggesting that if we’re going to use this Gap funding, is it literally countywide that we’re considering urban or are we considering east of 435, east of 635. Is there any territorial definition that is implied in the use of the word urban rather than being a project Gap funding? Mr. Bach said I will say my intention to the terminology urban, commissioner, was that I believe that in our areas that have been here and been developed for years that is typically our more challenging area. I intentionally did not try to put a geographic boundary around it because not everything falls within one geographic area. If I were to say I would probably assume this to be primarily east of 635 type activity that would go on though I fully recognize there are areas that move down into the Turner area that would have equally challenging that could be out around you know down 55th Street or something like that that you could say that’s a prime candidate for it and you wouldn’t exclude it out. I would say it’s not likely—it would not be something we would go in and even look to out around some project that we were doing in the Village West area. Commissioner Walker said I was going to get to the clarification of whether—I would not be favorable of looking at this for a project in Village West considering the amount of development that should independently support other development as a location but Indian Springs comes to mind while west of 635 is clearly an area that is of concern to me, Turner there are some areas there, Argentine. We have plenty of places east of 635 that are going to be difficult if they even come to fruition. Mayor Holland said even Leavenworth Road way out west. Commissioner Philbrook asked you mean Sunset Plaza? Mayor Holland said
yes. That’s 61st Street but taking Leavenworth Road all the way out to almost 91st Street is one of the oldest established areas of our whole city and you could make an easy argument that could be an urban area just because of the challenges with utilities and such to redevelop that area. **Commissioner Walker** said alright, the short answer is there is no territorial boundary although the intent is to try to focus on the “more urban older areas.”

**Mayor Holland** said it could be called a Redevelopment Gap Fund because that’s the areas we’re talking about when we’re trying to redevelop something that’s already there. **Commissioner Philbrook** asked would you be willing to modify your recommendation so we can call it something else. **Mr. Bach** said I’m open. You can call it whatever you want to really. I just want the tool to be able—**Commissioner Philbrook** said we just don’t want it to be—you only confuse us people, yes, redevelopment.

**Commissioner Townsend** said the question that Commissioner Walker asked was the one that I asked when I first heard this because of what the term urban can note, but I think it’s clear from the discussion here that it’s meant for distressed area redevelopment. I would rather have that term used so that we keep in mind why we have this. Even though we will let go of term urban I think it’s clear from the discussion that we’re talking about areas that have been distressed and underdeveloped. I would like to see maybe that tag put on it so that we keep in mind why that money is being set-aside. **Mayor Holland** said I just want to make sure we don’t put a tag on it like CDBG that’s low to mod income census tracks and tie us into something because some of these urban areas—distressed areas are going to be just as challenging. **Commissioner Walker** said I would agree with Commissioner Townsend.
Mr. Lindsey said our next section is our Grant Inventory section. It starts on page 409. Our Grant Inventory section is broke into four parts: federal, state, and a combination of federal and state, and also private funds. As you are looking at the page you can see going across the top of the page we have the department, the grant name, the description and then the allocation amount. We should have a total of $16M in grants for the 2016 budget.

Commissioner Philbrook said I really appreciate all the hard work the Health Department does to getting all these grants that they do. They really turn out the grants and thank you Health Department.
Mr. Lindsey said our next section is our Appendix. It contains our Financial Policies, our Position Inventory and our Employee Paid Benefits.

On page 424 we have the Table of Contents for all 14 of our financial policies. Some of our other financial policies are within our book in other places such as the Budget Policy and the CMIP Policies are not in this location. You can see most of our policies are here starting on page 424.
The next section is our Position Inventory. We have our position inventory by department and also fund starting on page 512 and is our position inventory by department.

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<tr>
<th>Department</th>
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<th>2016</th>
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<tr>
<td>Administration/Clk</td>
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<tr>
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<tr>
<td>Program Coordinator</td>
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We can see we have it starting by department and then also the position title and the number of FTEs in each department. Going down the left-hand side of the page we can see the name of the departments and then the middle sections is the name of the positions that are within each department.
The next Position Inventory that we have is by our different funds. We see listed down the left-side of the page is each type of fund we have. The Tax Levy Fund, Special Revenue Fund, Enterprise Fund and the Grant Funds and then we show who the FTEs are for the 2015 Amended Budget and also the 2016 Approved Budget.

The next page shows our Employer Paid Benefits and these are benefits that our employees receive. We have them listed by the amount that is paid annually for them and then also the percentage that is paid annually based on their salaries. We see going down the left-hand side of
the different type of employee paid benefits. We have the Health Insurance, Dental Insurance, Vision Insurance, and then also our KPERS rates for our different classes of employees. This is listed for 2015 Amended and the 2016 Proposed Budgets.

**Commissioner Walker** said, Mayor, looking through our proposed workshop schedule, if there are issues that may be in the budget, but I’m going to be honest with you; without an accounting decree it’s pretty heavy weighting for me to read all that and to catch everything as was earlier. Things are not where I would have expected them to be on my park although I suppose they rationally make sense to the way the budget is constructed. Is there going to be a time where the commissioners who have issues they want to bring up that will have some type of budget impact? **Mayor Holland** said yes. On our agenda it says Commission Topics and I made this request on Monday if any commissioner, and we do this every year, if commissioners have different topics that they want to talk through all you need to do is get that to me or my office. Jason is typically my point on that, but give it to me or Jason and we will get it on the agenda. What we do is when we get the request—you know we usually get four or five requests in a week and I talk to Mr. Bach it and see how much time his staff is going to need to prepare for that topic, how long we think it’s going to take to cover that topic. Some issues are pretty quick that we can walk through. Some of them are going to take some dialogue and what we do is then we set the calendar based on time of preparation and length of anticipated discussion and try to put the pieces together in a way that makes sense. If you have topics that you want, absolutely bring them forward. We do this every year and then we will set them up on the calendar. The other thing that people like is as we put them out on the calendar you can make sure, and most of us will be here for every meeting, but if there is a meeting that your particularly interested in, we can try to push something if you know you’re going to miss one then we can make sure your topic is on a date that you’re going to be here.
Mr. Bach said I mentioned this as we started, in your second group under the heading of Maximum Mill Levy and these documents were in the budget, but I had Lew print these out. There was one section and it really has nothing to do with the overall taxing funds, but there is a clarification he made just on some numbers in one section. These are the Actual Maximum Mill Rate sheets we would have to adopt for the City and the County and then the Special Improvement District Downtown. These sheets are laid out as recommended in my budget which leaves it at a flat mill rate. One thing I just want to clarify is that last year when we went into this process we thought about that and you approved a higher number that we published. Whatever number you approve here, you can’t go above it in your adoption of your final budget, you can always go under it and that’s what you did last year I think because I had recommended the floating of the two mills from City to the County. You said let’s spend a couple weeks and work through that process so you adopted a couple of mills higher on the funds so you could work through it. You had some good discussion on that as we went through, but it left you flexibility between the funds.

While I have recommended the budget as it is, I would probably recommend to you that you look at the motions there and if you want to recommend at least putting it up $500K on each fund, that way if you find some City expense or a County expense you want to add and you want to look at the whole gambit of both General Funds. Say you may want to move a tenth of a mill from one to the other, you would have the ability to do it. If you adopt it as it’s presented, then you don’t have that flexibility to move between. You can always cut something and then move it.
between but you’re restricted by the way the two funds are set up. I just offer that to you as an idea and it really works with the idea that you all put on the table last year. I didn’t recommend that. You guys kicked it around and it made a lot of sense. We didn’t go that way, but you had that as a tool to work with as you went through.

**Mr. Levin** said I will go over the packet that you have before you. Each of you should have a packet labeled Maximum Mill Levy. The first page of your packet is going to have some example motions and we would get to this after we go through the tables, but these are potential motions that could be made.

There are three things we’re doing when we do the motion. We’re actually setting the date of the public hearing; we’re setting what the maximum mill rate is and then the maximum level of expenditures.

The next page that you have in your packet is going to say Revenue Impact of an Adjustment to the Mill Rate. This could work in either direction. If we lower the mill rate, for example, a tenth of a mill on the County Budget, the impact is $106K. Conversely if we were to raise the mill a tenth of a mill that would be the impact and you see it accordingly for the City. Mr. Bach just mentioned the number of approximately if we wanted to give ourselves additional authority of approximately $500K, that would be a mill levy adjustment of .5 mills. I’m not advocating either increase or decrease.
The next page says Notice of Public Hearing and you see that for—the first page is the City of Kansas City, Kansas. Reggie, if you don’t mind pointing at the top where it shows the date of the hearing, that’s July 27th. Our intention is whatever action the Commission takes tonight we’re going to do a special publication tomorrow in the *Wyandotte County Echo* and that’s to conform to a ten-day notice prior to the public hearing so we would be setting the date and location of the public hearing.

The next action is on the far right where we’re setting the amount of—if you go over two columns, Reggie, to the $251M that would be the maximum level of expenditures. The next two columns show the Ad Valorem Tax associated with those expenditures and then the final column on the right what would be the mill rate. That’s the action that we would be taking.

We have given you this handout because we made a couple of corrections from what appears in the document. The corrections actually pertain to the level of transfers and its all information below the line where we’ve made some corrections on the actual amount of debt and the level of transfers. In the General Fund they were actually rather insignificant, but anyways that’s what it is for the City. I don’t know if you want to look at each of these funds one at a time or if you want me to go through all three of the funds. I will go through all three of the funds.

*July 16, 2015*
**Commissioner Kane** asked if we leave it all the exact same way it is right now, the way it’s set up that all of our employees will get a raise on both the hourly side and the union side, correct. **Mr. Levin** said this budget here in the Level of Expenditures reflects the Administrator’s proposal. **Commissioner Kane** said, Lew, a yes would have been just fine. Lew, do me a favor and just say yes. **Mr. Levin** said yes.

**Mayor Holland** said the question really is, do we want to adopt it just as it is or do we want to add a .5 mill of $500K on each City and County that give us some flexibility should we want to shift costs back and forth between the City and County without having to republish the budget. The recommendation I heard from Mr. Bach is this is the mill levy. The budget recommendation is flat on the mill levy, but in terms of being able to do our budget work if we had a .5 mill or so on either side, it would give us the flexibility to move money between the City and County more easily which is unique to the Unified Government because no other City or County has a combined government in Kansas. If we wanted to do that, we could set the maximum mill levy a .5 mill higher on City and a .5 mill higher on County or a whole mill whatever. It’s really immaterial, I think we did two last year and then just set it and then when we adopt our budget we would adopt it based on what we come up with. Do people have feelings about that? Do you have a recommendation?

**Commissioner Walker** said I would only say you know I raised the issue about Commission Topics because I did not see it in the workshop. I didn’t see that at the bottom. If we adopt the maximum mill levy tonight and keep it level, then we might as well do away with Commission Topics, at least as far as I’m concerned, because there will be no additional funding or ability to move any funding to take care of that so the Commission Topics are just a waste of time unless they are cost neutral, you know an idea that doesn’t cost anything.

**Commissioner McKiernan** said well reflecting that then I would recommend that we set the maximum mill levy for the City at a half mill higher than published in the Administrator’s budget 43.973.
Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to set the Maximum Mill Levy for the City a half mill higher.

Commissioner Murguia said just a comment. I’m totally fine with what just occurred, but I do want to say this Commission, in particular our new Administrator, I think has done a fantastic job of really drilling down and getting our budget early on and organizing it in a way that it’s better to understand. My eyes are still a little bit new, but had you had the benefit of the budgets eight years ago, there would probably be a greater appreciation for the way they look now. They are way better. I appreciate—I know McKiernan, Markley, Mayor and our Administrator have worked very hard on them and I appreciate that.

This is what I want to get away from, not saying this will occur, but I’m saying it now. I want to get away from emotional spending at the last minute of the last hour where someone comes forward and holds up pictures of darling little children and saying how we need to fund food for them at the very last minute of the very last hour of the budget. There could be a million organizations in Wyandotte County that could bring forward pictures of very heart wrenching emotional things that are in need of funding, but the reality is we can’t fund everything and I don’t want to be making emotional decisions at the last minute.

With all that said you will know how I feel if that comes forward, but I’m open to some flexibility within the budget we currently have.

Commissioner Walker said I agree with that wholeheartedly. I think maybe, unlike my colleagues, great ideas don’t come to me in a roll and I spit them all out at one time. I think of things sometimes like an old computer. It works but it sometimes takes time to spit it out. The idea of the Commission Topics, Commission Initiatives; perhaps I’m saying should come earlier rather than later. I know we’ve had opportunities to talk about things, but every time I bring up an idea or I hear one of my colleagues bring up an idea, we don’t always get a response from administration unless we’ve actually had it in a meeting and there has been a vote to move forward on that. I’ve heard Doug say that. One commissioner saying I want such and such in the budget does not mean it’s going to show up. Correct me if I’m wrong. Mayor Holland said that’s right. Commissioner Walker said we need a forum earlier in the process, in my opinion,
where we up or down our great ideas, if you want to call them that, by our fellow commissioners so they get incorporated earlier in the budget process.

I’m going to have a couple of ideas and they are going to have some cost to them. I’m not necessarily expecting that everyone is going to be thrilled with them, but clearly doing it after you adopt this is not the time to do this. To that extent I agree with the commissioner that we can’t let somebody walk in at the final public hearing with the heartfelt and legitimate claim and do something at that point in the process. Maybe I’m saying a month before now next year we all have a deadline to submit our great ideas for the budget. **Mayor Holland** said I would say I think we have done that. I think the Commission from our Strategic Plan and other places have brought up ideas. I mean we’re adding a position for Urban Director and I think it’s the benefit of being on Monday’s presentation because Mr. Bach went through a number of Commission raised initiatives that are getting funded in the budget that came exactly from this table of commissioners who said we want this and it got into the budget. There was a consensus around the table that it was something we wanted to do and then it got funded so I do agree that we need to do that. I think we have. Now, the last several weeks we need some flexibility because as we dig into it things are going to come up and so we need some flexibility built into that. I agree with that. **Commissioner Walker** said this Strategic Plan takes us on a higher level. I’m not going to give an example, but these ideas that usually come at the eleventh hour are down in the weeds. They are little things. If you want to call them nickel and dime, they’re nickel and dime. I’m not going to be asking that we spend $3M on a new line item. I may be asking for $30K for a line item. Clearly, I have outlined one to Doug involving the Kansas State Extension Service. Whether that needs to go into the budget or not I’ve not been made clear, but we need—that’s a nickel and dime issue when you look in a $300M thing, but until I get the support of a majority of the Commission in some opportunity, and I’m not going to bring that up at a Strategic Planning meeting, that’s not the level of idea commitment that you do in Strategic Planning nor should be doing.

**Mayor Holland** said we have a motion and second.

**Commissioner Philbrook** said I agree partially on your level of what you’re saying that yes I think there are things that did kind of come through and maybe we didn’t follow through on it.
and have more conversation on and I think it should happen earlier in the year. I agree with you, but I also agree that we’ve really accomplished a whole lot through the 5:00 p.m. meetings and whatever else times they’ve been and through the special meetings and all that. We’re doing great, we can always do better, I like that idea, Hal, thank you and I move the question.

**Mayor Holland** said we have Kansas City, Kansas before us for a recommended Maximum Mill Levy that’s a half mill above what’s listed.

**Roll call** was taken and there were ten “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

**Mayor Holland** said that takes us to the County Budget.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to raise the County Budget a half mill which will be 38.988. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.
Mayor Holland said that brings us to the SSMID.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to establish the SSMID Mill Rate at 12.500 as laid out in the Administrator’s Proposed Budget. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

Commissioner Murguia said, Mayor, I do have one follow-up question on this SSMID. That’s the one where 51% of the businesses have to agree to tax themselves, right. Mayor Holland said that’s right. Commissioner Murguia said that's all I need. Nobody needs to elaborate.
Mayor Holland said that brings us to CDBG. We had this conversation about a month ago and brought it back. We had a recommendation from the committee. That recommendation is in front of us. There were a number of discussion points that we did not resolve, but we need to resolve them today or set up a path for resolution. We asked a number of questions and so we need to walk down the path. There is also a lot of information that was asked for. We could spend a lot of time on the packet that was given to us. If we could just get the brief highlights of what’s in the packet, it’s a sheet that says Handout Includes. The Revised Budget is where I think we’re going to spend most of our time.

We do have Emergency Home Repair for the last three years and by census tract and it’s going to show dots so you can see where that money has been allocated and spent. It also tells you what was spent on each of those dots so what kind of repair was done.

We also have fact sheets on the NSP1 and NSP3 which were the Stimulus Programs that are passed. That information on the Emergency Home Repair was something that was asked for as we were debating.

What I want to do is with that information in hand; I don’t really want to—unless people need to dive into each of those items, I want to give that information for your information, but then I want to spend time looking at the CDBG Revised 2015 and Proposed 2016 Budgets.
Really where we left off was we were having a philosophical conversation about shifting from predominately Emergency Home Repair to a different kind of investment, more project based, more strategically based that would be focused on larger expenditures. Then there was a question about—originally we had $400K in Emergency Home Repairs and that was recommended by the committee to reduce it to $200K and what we did is we left at that point, but I think we need to pick up the conversation now with where we are. We’ve done the review of all of it and we need to complete the conversation about how we’re going to spend the money, what number we’re going to add to—what number we’re going to settle on for Emergency Home Repairs.
Repair and what money we’re going to settle on for Special Projects and then if we’re going allocate those Special Projects now or if we’re going to put placeholders in place for future expenditures. Does that make sense? I believe that’s where we left off. I will open it up to the commission. Would anyone like to make a recommendation in terms of what—we have the proposal from the committee in front of us that’s exactly as they presented it to us last time.

**Commissioner Bynum** said I have a question that I thought of when we were looking at the earlier budget presentation and that is we saw a slide on the potential Special Fund set up for the potential sale of the Hilton Garden Inn. It had a line item that said if we sold that, we would pay off a Section 108 Fund. My question is if that occurred before the end of this year, we have $280K in a Section 108 repayment in CDBG and I’m wondering if that would free up that money. **Wilba Miller, Director of Community Department**, said the payment is due by the first of August so unless we sold it, we still have to make that payment. **Someone** said something inaudible. **Mr. Bach** said not this year, but hopefully that pre-set up for future years. **Commissioner Bynum** asked we are talking about our 2016 Budget correct? **Mayor Holland** said and the 2015 Revised, yes.

**Commissioner Townsend** said correct me if I’m wrong. I’m looking at the Community Development Revised 2015 & Proposed 2016 Budgets which looks like the first page. The Emergency Home Repair amount proposed for 2016 is $200K. The last time we met as a group here on a workshop this issue came up. I advocated that we have at least $300K in there. I appreciate the information that was provided. I just took a quick glance with the dots. It pretty much is confirmed what I had said earlier in terms of geographically where a lot of these repairs may need to be, but I was reminded again this week how important this fund is that there be money available at least in that amount from one of the constituents who is having a sewer problem. To have nothing with the demonstrated need and we’ve got 2015 here, I’m sure you can keep going back with expenditures about the $400K- $300K mark. Again, I would put forward that we increase that Proposed 2016 amount to at least $300K. **Mayor Holland** said okay, so there is a proposal for $300K.
Commissioner Walker said I don’t really have any objections to that. I guess I feel very strongly that you created a committee, the committee worked hard. Interested parties had full opportunity to participate in those committee hearings and be heard. I will defer to the committee’s recommendations simply because they did the work. They ground this thing out. In fact, if I’m not misinformed; this committee probably met more on CDBG than we will have met on CDBG and so while I obviously don’t find any of us infallible and while I’m sympathetic to emergency needs, there was nothing that struck me as particularly bad about what was proposed. If the committee members, other committee members are fine with the proposed $300K and I guess taking $100K from what, the Highland Crest Development deal. Mayor Holland said it would be ABC application for 2016. Commissioner Walker said I’m okay with that, but I feel very strongly that the committee of my colleagues that does the work and grinds it out and that we all have a chance to provide input into, we should have high regard and respect for that unless compelled by circumstances that show they’re erroneous and I don’t see that they were clearly erroneous in what they recommended.

Commissioner McKiernan said I certainly have no problem with Commissioner Townsend’s recommendation of $300K. We’ve had several conversations and I wrote down some thoughts because I wasn’t here for our last meeting it was on. I didn’t realize how hard it is to participate in a group discussion by phone. I do think that we should be directing more of our CDBG money into rehabilitating or building new housing stock that’s higher quality yet still affordable to our low and moderate income residents. As I’ve talked to urban specialist throughout the country they confirm that transforming our housing stock should be our goal. Many people after our last meeting said that’s a great long-term plan, but we’ve committed to Emergency Home Repair and we can’t abandon that process for those homes that are already occupied in our current low and moderate income census tracts. Even if our plan is to ultimately replace them with newer, better housing stock and so in hindsight I guess I agree we probably shouldn’t take such a drastic step, but I think we need to start taking deliberate steps in that direction. I have some suggestions.

First of all I think we need to step up to the plate and allocate money from our General Fund if we truly believe that Emergency Home Repair is a valuable expenditure within our community until the day when our housing stock has been transformed.

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I do have another new piece of information I thought of for Community Development. I would love to know how many homes did we repair last year using CDBG funds and it may certainly be within what you gave me, but I would love to get your staffs’ best guess on this. How many homes in our community would have qualified for Emergency Home Repair dollars if they had made application, if we had known about them, if we hadn’t run out of money for those repairs, and the difference between that best guess as to the number of homes that are in our community and the number we funded would give us some idea of how much we would need to make up to truly do a comprehensive job because what I don’t want to do is I don’t want to make it so that only the people who know the secret handshake get the Emergency Home Repair or the first ten callers on line 3 or whatever it might be. I want to make sure that if we go after this, we go after this very intentionally and thoughtfully and we make a communitywide impact, not a very selected impact.

Second, I ask this or I recommend this, we need to engage the process earlier than I think we do. I can take you to a house in my district where by the look of that roof it needed an emergency home repair ten years ago or more. So, what I wonder is when Code Enforcement writes a ticket do they automatically send a note to your office to alert you to the fact that there is the potential need for home repair support on the basis of that ticket. What I’m getting at is this. If they did that and we got after our repairs earlier, then we might prevent a secondary soffit collapse, siding collapse, interior wall collapse, floor collapse that would also then need to be repaired.

My second thought is could we initiate this process earlier and the linkage to me I think would be between Code Enforcement and Community Development.

The third thing I wonder is should we if we get an emergency home repair ticket, should we consider a full rehabilitation of said house rather than the patch. Should we consider a way that we could do a full rehabilitation to turn it into a house that is attractive and affordable and safe for years if not decades to come and so look beyond the patch and be more thoughtful in terms of a more full scale approach to that and it’s heck when I have time to think about stuff.

The last thing I wonder is have we fully mobilized our community partners who are out there who have either money or labor that they can put toward home repair and I’m thinking, for example, of Christmas in October or Habitat for Humanity. I had a representative of one of our community partners tell me a couple years ago that their agency had to turn back grant money

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because they couldn’t find homes on which to spend it and I just went oh man we’re leaving money on the table. I just wonder if there is a way for us to improve our relationship with our community partners so that we fully leverage their money and their in-kind to grow our ability to carry this out on a broader scale than we do today.

I’m fine with the $300K, but I do have some thoughts on how we might be able to make the program even better with the same amount of money.

Ms. Miller said I would kind of like to respond especially to the last one. Liveable Neighborhoods has developed a committee of partners that deal with any kind of home repairs: Shepherd Center, Christmas in October, Habitat, The Whole Person; a lot of organizations and we all refer to each other all the time. That has been going on for some time.

As far as the first couple that you talked about where I could quesstimate the housing conditions, how could I ever estimate housing conditions internally and externally? We do roofs and we do sewers, but internally we do plumbing, electrical and furnaces’. The age of the housing stock may not mean much when it comes to is this house fully renovated inside or not. For $200K or even a $300K or $400K budget to do a whole rehab would be very, very expensive. Commissioner McKiernan said I understand and I’m not suggesting we use that money for that, but that we think about a new approach. Ms. Miller said I understand. Commissioner McKiernan said a former commissioner used to say that our home repair money ran out halfway through the year, two-thirds of the way through the year. Ms. Miller said it used to run out. Commissioner McKiernan asked do we still get requests after that. Ms. Miller said yes. Commissioner McKiernan said so maybe a different way to get to my question is, what’s the potential dollar value of the request that comes in after the money has been allocated and spent? This is not something we need to answer today. I’m just throwing those out as some ideas. Ms. Miller said one of the things that was brought up during our CDBG Committee meetings was they wish to go through our program policies and if they go back through the Emergency Home Repair Program Policies, that may eliminate some people or create opportunities for other people based on income, whether or not they’re homeowners or Contract for Deed because we don’t allow that. I mean there are a lot of things that could be changed that would either tighten up or loosen up say the program.
Commissioner Murguia said so do you want me to talk about—address all the issues we talked about at the last meeting or just the non-Emergency Home Repair. Mayor Holland said it’s all on the table. Commissioner Murguia said I was a member of the committee that was assigned to review CDBG and though I attended every meeting where we talked about this money I have to tell you I didn’t put in a fraction of the time or the brainpower that Commissioner Markley and Commissioner McKiernan did. I will say, again, hats off to them. They are—at least Commissioner Markley is very quiet but they both work incredibly hard and I’m just glad to be on the committee with them. I have said this over and over again and I’m going to say it again, each eight commissioners that represent a particular piece of the Wyandotte County puzzle or a little corner of the world, as we call it, have our own unique challenges. Commissioner Townsend in District 1 has different challenges than I have as Commissioner in District 3. We specifically talked about those challenges when we talked about Emergency Home Repair and I along with Commissioners McKiernan and Markley felt that the Emergency Home Repair Fund should be $200K and Commissioner Townsend, though I have great appreciation for her work and what she’s trying to do in her district, when I was making that decision I was thinking in terms of my district. Through that discussion what I ended up coming back and offering which we had consensus on is let’s leave the $200K in there and let’s earmark that for District 1. I will continue to stand by that. I feel so strongly with this Commission and we all agree that growing our city is the only way that our city is going to get better in a variety of ways. It’s good now, but in order to make it better we need to grow our city and I believe the best way to do that along with several of my committee members is through economic development. I will say, again, I don’t know that I’m not allowed to do this or I am, but I would tell you I would sacrifice any portion of that Emergency Home Repair money for District 3 and gladly give it to Commissioner Townsend. I feel strongly, as Hal said, the committee worked very hard, in particular McKiernan and Markley, that the $200K was an ample amount to fund that. I maintain that offer to sacrifice District 3 and to eliminate them from any funds out of the Emergency Home Repair Fund. I would gladly do that.

The second thing is this. We talked about the money given to ABC. I will remind everyone that ABC was the only development application made during the normal application process that we all agreed on. I heard your concerns, Mayor, I’ve received them. If you are nervous about giving funding to a fairly new organization, I can appreciate that. I think we

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should all vote on that and I would say this, I am not in favor of changing the process especially such a new process. I didn’t say anything that night because I wanted to think about it and be open-minded about it, but I think that sends the wrong message. What I have learned myself is that when you set up a process you need to stick with it especially when you’re going through that process and then when the process is over if we decide that didn’t work and we would like to change that process, we can do that for next year.

I think that covers the two big concerns that I had based on the discussion, but I will just remind everyone, I like Hal; agree when we assign commissioners to serve on a committee and spend extra time for hours in these meetings working on a particular subject to have the recommendations so drastically altered at the last minute, I will just tell you for me, I can’t speak on behalf of the other committee members, is very frustrating and does not make me want to serve on a committee again.

Commissioner McKiernan said having served on a lot of academic committee’s over the years I know the way the committee process very often works. The committee is assigned a task, goes off and researches it, does a lot of work, brings together some findings and maybe evens some recommendations, but it is the committee as a whole. It is the whole body that ends up finally deciding what direction it goes. Certainly made recommendations, brought them back for the consideration of the entire group, but I do think at this point that the entire groups does have certainly the purview to say that’s a great recommendation, let’s change that one and we come as a group to a final consensus on that.

Commissioner Kane said, Ann, you’re right. The committee worked their tail off and they come back and if I was on a committee and it made changes, it would probably get me for a couple of minutes, maybe a couple of hours, but at the end of the day I would come back tomorrow and I would be okay. What we’re asking the committee to do is make us a recommendation and then we have to live with that recommendation. I got pretty excited at the last meeting and this is a touchy thing for me, but I’m like Gayle, I think that the Emergency Home Repair needs to be $300K. I’m not trying to make anybody mad. We appreciate what you folks did. You always do a good job, but this time we just don’t agree with you 100%.

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Commissioner Philbrook said maybe there is somewhere in here where you told us how much shortfall—I mean how much more money we would have needed if we had actually been able to make it to the end of the year. How much would that have been? I mean because you still had people who were asking for money right. Ms. Miller said yes, commissioner, we did. We don’t know when they’re asking us for money how much it’s going to cost to do their particular item. Commissioner Philbrook said no idea. Ms. Miller said no, because we have denials. We don’t have the staff to go out and check to see what’s wrong with their house and how much it would cost to fix it if we were going to fix it. We don’t want them to think—Commissioner Philbrook said that you’re going to do it. Ms. Miller said yes. Commissioner Philbrook said so we really don’t have any real idea of how short we were. How far on the last two years did we get into the year before we came to a screeching halt? Ms. Miller said we started slowing down in the fall of last year. Right now we’re behind because of the weather. We have no idea where we’re really going to stand because we have so many rooftops that are pending the weather. It’s really hard to tell. If you look at the information that’s in the packet, if you gave us $500K, we could probably spend the $500K. If you gave us $200K, we would spend the $200K. Commissioner Philbrook said I know. If we gave you $1M, you could spend $1M. Ms. Miller was inaudible. Commissioner Philbrook said you would be surprised where the people would come from. The point being is that we could spend every dollar of $400K if we had it. Ms. Miller said sure. Commissioner Philbrook said okay, I just wanted that confirmed.

Mayor Holland said several people have made a request for $300K. It’s clear there’s not unanimity on that. Is there a consensus on that? What I would like to do is come to a consensus tonight and then we will adopt the CDBG Budget formally when we adopt the rest of the budget. What we want to do tonight is get the category numbers where we want them and then we will send it forward and we will officially vote on it on the 30th of July. My question is, do we want to take a straw poll here in terms of where people are at? How many people support the $300K versus how many people support the $200K? Those are the only two proposals I’ve heard at this point. I’ll just ask the question if you would be in favor of the $300K amount, just raise your hand. (Six commissioners raised their hand). If you would not be in favor and you would rather keep it at the $200K, just raise your hand. (Four commissioners raised their hand). It’s six to four with the straw vote so we will enter the $300K on the line. I presume that reduces the ABC
application by $400K directly because that’s the only other place that’s not Operating Expenses in other things. **Ms. Miller** said by 100. **Mayor Holland** said that’s to $400K from $100K. **Commissioner Markley** said we knew what you meant. **Mayor Holland** said thank you, but I didn’t say it right.

**Mayor Holland** said now we need to talk about the ABC application and we need to talk about anything else in this project area we want to talk about.

**Commissioner Bynum** said I have questions in terms of Emergency Repair and yes, I agree with the $300K amount. We’ve heard a couple of commissioners comments that really we know we can spend $400K so this would be a commissioner budget question. **Commissioner McKiernan** said we should be looking at obligating General Fund dollars if we really care about that. I would just ask is there $100K that we could look at in the General Budget to compliment the $300K CDBG. That’s a question that I have.

My second question is that Commissioner Murguia is offering up basically to not allow any CDBG Emergency Repair money in District 3 and I’m asking Legal, this is HUD money, and I don’t know if we can deny something that’s available to the rest of the community to a person that’s geographically—I just ask it as a question. **Jody Boeding, Chief Legal Counsel,** said we will look into that. **Commissioner Murguia** said by the way, that offer still stands even with the amount to $300K. I prefer actually that it go elsewhere. Absolutely, I have become very familiar with my district and I would pony up any money that would come to District 3 and give it to the rest of the county. I would be glad to do that. **Commissioner Bynum** said I just question—**Ms. Miller** said I just have some concerns that when we get contacted by the individual, the homeowner, we just look at their address. We don’t look at what Commission district at that point and time. We look at what’s their income, do they own it, and are they eligible. We haven’t really divided it up into a pie that goes into any Commission district. I would have to say I would be very sad to have to say to somebody from District 3 no I’m sorry but we’re not spending any money there. I’m not sure that HUD—I think they would frown on that by saying we’re discriminating against the people in that district.

**Commissioner McKiernan** said I want to clarify for Commissioner Bynum, in my first budget in 2011 I said for the record that I think if we value the things that we are doing with
CDBG, we need to find a way to fund that out of the General Fund because CDBG will, in my opinion, go away. I think the decreases we’ve seen in four years say that we’re certainly sliding that direction. I am only saying that we need to consider putting it in the General Fund as a matter of strategy for the future. I was not suggesting or recommending that we put it into the General Fund for this year because we have budget that is already very tight to start with.

Commissioner Walker said I was just going to comment. I think the Legal Protection Clause of the Federal Constitution would prohibit us from denying anyone the equal opportunity that are eligible even with the commissioners I think, I will defer to Jody.

Mayor Holland said I would say I would guarantee if—Commissioner Walker said if I needed a roof in District 3 and I found out I couldn’t get it, I would be unhappy. Mayor Holland said they would call the At-Large Commissioner and then they would call the Mayor’s Office.

Ms. Miller said we have to develop program policies and if we put in there that we’re not going to work in a particular district, I think we would be nailed for it. Mayor Holland said I agree. I think that’s an impossibility. Commissioner Walker said good offer.

Commissioner Bynum said Commissioner McKiernan had made a comment about being thorough in outreach with Emergency Repair money and my complimentarily comment would be as well as all other CDBG dollars and I came when I was first elected I attended a few of the committee meetings and I stated at the very first meeting I went that I didn’t appreciate the application process. I still don’t. Ms. Miller asked do you mean for the proposals? Commissioner Bynum said I mean the community funding proposals and I want to say clearly I appreciate very much the notion that this Commission prior to my arrival here was trying to address which was to stop those last minute requests from the community late in our budget process, and therefore, we put a community funding application process together. I appreciate that. I don’t happen to appreciate the particular application and I’m not sure that we were thorough in our marketing of that application and that concerns me. When you look at the application there are no rules associated with it, there are no explanations associated with it as to what we’re looking to fund with the request, I think the application itself needs work.
Commissioner Philbrook said yes, I’ve heard feedback from several groups that have said we don’t have any idea what you’re looking for. How do we know how to write it up and how to appeal to you if we don’t know what you’re even planning on funding and how that’s going to look. It was kind of a cluster guys. I mean it was a great idea, but it kind of ended up being a mess because those folks that would normally come forth and request that were pretty clueless and it left some people wondering why it was that confusing.

Mayor Holland said the piece that I have a problem with, and I asked this question several weeks ago when we first proached this, there was only one application put forward and I asked the CDBG staff for quite a bit of information because I didn’t understand why only one group put in for money when I know there are a bunch of groups that would use money if they knew to ask for it. The first year we did that budget application process where we tried to have a form to standardize it and we moved it all the way to February because what was happening is we were having our budget hearing in May, people were making millions of the dollars’ worth of requests that we couldn’t possibly fund and we didn’t even have time to really vet them to see if we wanted to fund them or not. We push that process to February which I think was better. It was McKiernan’s and Marley’s recommendation that we adopt it at Strategic Plan, push that application to February and then we struggled over whether or not to put out a form because if you put a form, it looks like you’re taking applications. If you don’t put out a form, then you get a hodgepodge and so we put out a form to try to make it uniform so that if people did ask for money, we had a clear form to work from.

The first year we did the form I believe we got $6M in requests and I believe we funded zero of it. If I’m not mistaken, we got $6M worth of requests and we got zero of it. The response then was the groups this year didn’t ask for much money. In fact, the only requests for money was $1M so $5M worth of requests and people gave up hope when they realized we weren’t going to fund it, but we had $1M worth of requests this year because everybody knew we didn’t have any money and we weren’t going to create more money to fund these portions. For instance, there was a request to do a new bus line in Rosedale and Argentine which we all agreed was a good idea and there was a scramble to find the money to do it and we did it and it was a good idea because there is good ridership on it. In terms of having a uniform application, once it was clear that we weren’t going to fund those people stopped asking which I think was
part of the goal. That was part of the goals; we didn’t want people to ask. My concern is there was $1M asked for and only one group—one group asked for $500K of the $1M, half of it. It was ABC asked for half of the money, half of the request was from that one application and they were awarded a $500K award when we didn’t have any money. I’m concerned that—and then there was this conversation about changing the paradigm of CDBG because if we didn’t change the paradigm, there was no money to apply for. My question is, and this is just the optics don’t look good to me, how did ABC know that there was going to be a change of paradigm that would free up $500K and if we changed the paradigm, aren’t we obligated to go back out to the public and say hay we changed the paradigm. We’re actually going to create $400K or $500K for an economic development focus so we want recommendations because we’re going to give out, we’re going to award $400K or $500K. Our preference is one big project or two big projects and so if you have a $250K or $500K project, bring your recommendation. That to me would be more transparent because I have talked to a number of groups and asked them did you know that there was going to be $500K available for CDBG and they all told me no, we didn’t know that was going to be available. I don’t think the luck of the draw that ABC gets the money just because they were lucky enough to ask for it in the same year that the paradigm shift happened. I think if we’re going to shift the paradigm, we have to advertise that because I don’t think the optics look good that one group gets the money that was applied for. I will open that up for discussion. I don’t know if anybody else feels that way about it, but I feel pretty strongly that if we’re going to change the paradigm and offer new economic development money that we’ve never offered before, that everyone has a fair shot at it.

Commissioner Markley said first of all I think you are assuming that things happened in a reversed order of what actually happened because what the committee said is we want to fund bricks and mortar projects. We went back to our notebook and there was only one bricks and mortar project that was requested. Mayor Holland said right. Commissioner Markley said so we said okay one was requested, let’s see if we have enough money to fund it and when we went through and tried to do our shift, we tried to put enough money to fund the one application we got. ABC didn’t have advance notice which seems to be what you’re implying, that we were going to give away $500K. They just happened to be the only ones that applied for any bricks and mortar money, not just they were the ones that applied for the most, no one else applied to
do a bricks and mortar development project in our community which ought to be a red flag to all of us that there is a problem anyway that no one wants to develop our urban areas and no one even made an application to try to access money that, Mayor, they know was there. CDBG has been there every year. It’s not some kind of grand new scheme. It’s been there every year, everybody knows it’s there, it’s mentioned in our application that’s one of the things they can apply for. I don’t understand how it’s such a surprise that somebody actually applied for it.

Commissioner Walker said I am of particular concern because for the first time that I can remember in a long time the Highland Crest area which I would say for 40 years has been undergoing transition from single-family owner homes to absentee landlords, deteriorating properties, failure to maintain. This idea that there is some kind of paradigm change, I don’t agree with that. This has been an open process; everybody has the right to apply. The groups that I know that do brick and mortar, they’re run by sophisticated people. They’re not out there waiting for a set of big block letter instructions on what they need to do. That’s ridiculous. CHWC, how long have they been in the housing game. They have been in it forever. If they wanted to do a housing project, they should have put it forward. Why didn’t they? Well, we didn’t know. Like you said we had $6M of requests the other year and none of them knew either. I mean I don’t see any optics problem. I don’t see anything wrong with it. Yes, they are the only ones, but I don’t see how we appear to be transparent at this point in the eleventh hour. You’re going to say well we’re going to reopen the process so we can bring in all these other people who now would like a piece of the $500K or maybe all of it for what might be another area and I’m very—maybe it’s territorial, maybe it’s possessive, but I don’t live far from Highland Crest and I can tell you there is a lot of work that needs be done there and that is a bonafide legitimate project as much as any other project in any other part of this town. I’m not going to support a reopening of this process. Mayor Holland said I agree that Highland Crest is a priority because the one on 2015 District 6 Housing Project, that’s Highland Crest. That $500K is Highland Crest and I actually made the motion to apply that $500K to Highland Crest for that revision. Highland Crest, I do believe, is a valid location for work. They have $500K committed already and I think that’s good. I raise the question should they not spend that money first before we do another at this point $400K allocation. That’s my question.

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Commissioner Philbrook said I doubt I’m going to make many friends right now, but that’s not my job. I would tell you that I’m deeply disappointed in how this last thing has gone and when I say deeply disappointed I mean—I very seldom have people come and ping at me like they do him. They come after him like gangbusters, but when I have different organizations come at me and tell me that they did not like this process and that they have been involved in this process for a lot of years and did not like it and thought that it was just a little bit murky. I don’t like to appear murky whether it’s intended or not because it’s easy enough to happen as we all know, but when we run for office we can be made to look murky whether we’re bad or good. Appearances do matter in government whether we like it or not and even though a lot of people feel that this has been apropos, everything has been done above board, there are enough people out there that are griping at me that make me wonder why didn’t they apply and the fact of why didn’t they apply because they always do is because they didn’t think they would be given any money so why waste your time applying for something you don’t think—Commissioner Murguia said, Mayor, I have something to say to that. Commissioner Philbrook said I’m not through yet. Commissioner Murguia said that’s fine. Take your time. I just want to make sure I get called on. Commissioner Philbrook said okay, that’s fine. The point being is that I didn’t—I do have a problem with this going forward with it recommended as we have it. I cannot personally defend this. I can’t sit here and defend it to people and say no, there is no problem when it blatantly looks that way because you know what even though you say that all of us had the opportunity to be at all of your meetings on this, well some of us have to work sometimes and we can’t be at every meeting for everything and be involved with every conversation. I take exception to that comment because I don’t expect you at every meeting that I have to go to. Because I wasn’t there that’s my fault I guess except that sometimes I have to pay bills. I will tell you like everybody else that I guess if I would have known earlier on the direction that it was going, I would have been at that meeting and changed my office hours.

Commissioner Murguia said I will just say this, as I said I was not an integrally involved in this committee as Commissioner Markley and Commissioner McKiernan, but if I was them I wouldn’t serve on another committee after that. It’s one thing to disagree and I agree with you, Commissioner McKiernan, the final say has to be the full committee, but there is also a level of respect for each other and this is about the fifth time Commissioner Philbrook has implied there
is some sort of dirty politicians on this Commission. I am very insulted when things like murky and deeply disappointed, you know we all have work schedules. If you cared so much and so passionately about this money and it was distributed, you should have contacted the chairperson and had her work around your work schedule. I know Commissioner Markley like the back of my hand and she would bend over backwards for anyone on this Commission to accommodate their schedule. I think the only thing going on here is bad politics in the other direction. I will tell you if people want to start throwing stones at each other and calling people out for what appears to be dirty or murky, we can absolutely have that discussion. I would rather not; I would rather arise above that fray. When people start insinuating murky things are going on, you should attend the meetings before you spout off and gather your facts.

What I also don’t like is when commissioners come and they say well I talked to someone or I talked to this group of people, you know what if whoever talked to you didn’t get any money and they felt like they got a bad shake, say who it is. Be man or woman enough to standup and say I didn’t get an opportunity here. I can tell you I worked for CHWC for four years, I worked for them, and they got a ton of this money at one time. They absolutely got this money for bricks and mortar. I was there. I was part of that process. They got that money. Donnie Smith, the Executive Director of that organization, knows this money is available and knows absolutely how to apply and get this money. If anyone up here is trying to imply that the three or four person or five person committee got together and decided somehow they weren’t going to give certain people money, before you make those kind of comments make sure you have your facts straight.

I don’t appreciate the insinuation at all, at all and this is like the fifteenth time, Commissioner Philbrook, you have implied that you are above everybody else, you are the moral compass for this Commission and I am frankly tired of it. Commissioner Philbrook said that’s good, I’m glad you have that opinion. I think that we all should have our own opinions and I didn’t say that you in particular did anything. I just told you what was expressed to me and that’s how people were feeling and just because I have the guts to say it—Commissioner Murguia said say who it is Commissioner Philbrook. Say who it is. These arbitrary comments of that person are not helpful, that’s gossipy and ridiculous. Commissioner Philbrook said I agree with you it is gossipy—Commissioner Murguia said if some person has an issue, say who it is. Man up or woman up. Commissioner Philbrook said I agree it’s gossipy.
Mayor Holland said I want to say something because this is where the optics goes badly for me. I pulled the applications for this money and on the application Argentine Betterment Corporation on February 20, 2015 asked for $500K of a $2M budget and they have $1.5M of matching funds. They proposed to start in March of that year which was like three weeks after that event, after the application, but the partnering agency that is listed on this is the Argentine Neighborhood Development Association. ANDA is listed as a partnering agency so I want to know if ANDA is listed on the application as a partnering agency, were the committee members aware that ANDA was a partnering agency with ABC for this. Commissioner Markley said yes, we read the application. Mayor Holland said my question is this and this is where I have a problem, if Argentine Neighborhood Development Association is listed as a partnering agency and the Executive Director is on this subcommittee advocating for this project and no one else—when I talked to CHWC and I talked to Habitat for Humanity and said were you all aware of this project and this money that was available and they said no, we’ve applied before, but it we was clear that CDBG money—they get HOME Funds and they do take advantage of the federal money that we get, but CDBG money has not been made available in this manner before. They did not apply, but the one that did apply is with a partner organization with the commissioner as the executive director advocating for it during the meetings and advocating for it right now without a recusal, without a stated conflict and so—Commissioner Murguia asked what do you think the conflict is, Mayor. What do you think the conflict is? Mayor Holland said that’s my question. I mean I’m just talking about the optics here. I see Argentine Neighborhood Development Association—Commissioner Murguia said then you should ask the question Mayor. What do you think the conflict is? Mayor Holland said so what’s the question. There’s my question. Commissioner Murguia said do you think Argentine Neighborhood Development Association is making money off this particular deal. Is that what the concern is? What do you think is going on that you’re not being clear about?

Mayor Holland said let me ask the question, am I the only one that has a problem with this. Commissioner Philbrook said no. Commissioner Murguia said I’m asking you what do you think the problem is. What are you insinuating? Mayor Holland said I think the problem is if the organization that’s paying your salary is a partner on an application, why are you advocating for it? Would you not recuse yourself like we do and usually the recusal is a $5K
limit. This is $500K application and there was no recusal. Commissioner Murguia said so I will respond to that and say this, because the partnership we have with ABC is free consulting. ANDA does not receive one dime, we consult with ABC, that’s all we do and we do not receive one dime from ABC and those records are open to anyone in the whole public to look. A check has never gone from ABC to Argentine Neighborhood Development Association. We consult with them for free because we are successful developers. Not one dollar—and those books have been open for a long time so instead of people making assumptions, they should ask. They should absolutely ask.

Commissioner Townsend said let me ask this. I believe everyone or every organization in what I think is the same circumstance should be treated the same way. Last year, last budget cycle, I know NEDC Northeast Economic Development project had not completed the house. They’re still developing and learning how to do that and $140K was, I liked your term, Mayor, earmarked or set-aside but I mentioned to them that unless, and this was part of the I guess requirement in the contract; that next year meaning 2016 if they had not moved forward then the agreement was that they would not seek additional funds. Is that the situation that we’re talking about here? If District 6 Housing Project is Highland Crest, what is the status of that? Are they similarly situated to Northeast Economic Development Project because NEDC was under the impression—and I told them you do this house and don’t ask for any more funds the following year so that’s what I’m just trying to understand if similar situations are being treated the same, any other issues aside.

The other thing is I had a conversation after our CDBG last committee meeting with Tom Lally of Habitat and was saying well we’ve had CDBG funds and you know we’re meeting about that. I could be wrong, but I was under the impression that he said that they got HOME Funds so I don’t know because I haven’t asked the question, but I got the impression that since they do new housing, new bricks and mortar, I’m just wondering out loud if they realized that they could have been eligible or why wouldn’t they have applied for some of the funds. I’m just asking the question. I don’t know.

Commissioner Kane said first of all I would rather we not fight in public and the last time I got mad I left because I didn’t want to say anything that would hurt someone so I thought it was
intelligent that I got up and I left and then that way when we went to the upstairs meeting it was done.

I didn’t know who applied for what, I haven’t paid attention to that, but I would ask Legal if what Ann says is correct; can she or can she not get the money? Ms. Boeding said I don’t know all the facts and I don’t know the law, but I will look into it. I believe my office has done that and has—Commissioner Kane said and my point is we need to verify and that’s it. Commissioner Murguia said absolutely. Commissioner Kane said if we verify yes or no, then we move on to the next thing. I don’t think it’s fair to say we’re doing this or we’re doing that and there was an application period, somebody applied for it, we just have to be careful. We are all here to serve the people the best way we can and I think for about ten minutes we weren’t doing that.

Commissioner Bynum said I’m still stuck on the application process and I’m not concerned so much about which came first the application or the paradigm shift if that’s what we want to call it. I am stuck on the process. When I see and read the community funding requests one of which was for housing, bricks and mortar, and the others not and I’ve heard zero discussion since I’ve been here on even entertaining any of the other applications. That’s why I’m stuck on the process because I guess I don’t know what the process is. Those funding applications are put forward to the community somehow, someway that I don’t know about apparently with a deadline apparently that I’m unaware of and they come into the Unified Government and they go to whom? Mayor Holland said they go to this committee. Commissioner Bynum said and they are vetted by whom? Mayor Holland said this committee. Commissioner Bynum said if it’s this committee, then that is a CDBG application is it not? It’s not a community funding application. I’m so confused. Mayor Holland said this is pretty clear. We get these applications in and the staff sits down and looks at them and says these 12 are CDBG eligible, these 12 are not and so they sift them out and then they assign the CDBG eligible ones to this committee to vet. The ones that are not CDBG eligible they send to the County Administrator to vet for inclusion in the budget. We all see all of them to decide if we want to champion one or another, but that’s how this filter is done. What we have found is people often don’t know when they apply for something if it’s CDBG eligible or not, so we have the staff do that. Some people think it is and it’s not and some people think it’s not and it is so we have our staff vet those and
say yes eligible, no not, and then the CDBG eligible ones as ascertained by our staff go to this committee for review. Commissioner Bynum said and the CDBG eligible ones of that group were then one, one application.

Commissioner Markley said I think there were six total that would have been eligible. Five were for social service dollars and the one was the only bricks and mortar, the only non-social service application. Commissioner Bynum said so that’s where the paradigm shift is coming into play and all of this apparently occurred before I was elected or sworn-in because I never saw an application until after the first CDBG meeting that I attended where I asked for them and was given them. I’m still looking for when will we apparently discuss all those other applications and I’m still concerned about the marketing piece involved in this open-ended community funding request application and I guess I’ll stop.

Ms. Miller said, commissioner, Community Development is required to have two public hearings a year before we adopt our plan and in the past we have done them separately, but now we do them with the Unified Government. In February we had a public hearing, it’s advertised not only on our website and in our eNews, but we send ads to The Echo, The Wyandotte Daily News, it’s a news blast that goes out to The Call, The Globe, all of those local little newspapers and then we do an email blast to our Continuum of Care Homeless Agencies and to our other current sub-recipients, I would say, or our other current non-profits and we tell them what we’re going to do at the public hearing. In the notice it does say that we will be announcing the application process, but it’s a joint Unified Government regular budget and Community Development budget application process.

Commissioner Bynum said I’m familiar with the CD public hearing process and you’re saying that is the way we market the availability of the funding applications. Ms. Miller said that’s the first public hearing. The budget last year I believe was our first full year of getting these applications in February and giving people a deadline and they are able to go out to the—Commissioner Bynum said I remember year one very clearly. Ms. Miller said this is year two. Commissioner Bynum said everyone I knew was scrambling to submit an application. Year two being this year, never heard a beep.

Commissioner Walker said I would say and, Wilba, I don’t know if you’ve been here longer than I have, if you started before I did or we started at the city about the same. CDBG has been
around longer than Commissioner Markley has been alive. We have always had money available for funding, admittedly a lot more in years past. I seem to recall once or maybe a number of years we would have a process where everybody came in that wanted CDBG funding and we had a little meeting and they would sit in an audience like this and we would have basically a chalkboard process. I guess I’m at a loss to understand who is it out there that is dependent on grant funding or federal funding or charitable dollars that doesn’t know about CDBG and about being able to apply for money. It would have to be somebody brand new. It’s like we’re saying we have to walk these people in and help them fill it out and put it in the box for them. None of these groups that I’m thinking or we’re talking about anonymously are groups that haven’t done this a thousand times. Commissioner Bynum said that I think is my point. Yes, I’ve known about CDBG for 20 years. I used to get paid with CDBG dollars. CHWC knows about CDBG, Heartland Habitat knows about CDBG and whoever else has a non-profit that they are keeping open with charitable grant dollars and federal and state tax dollars and that is my question. Why did they not know? I guess what I’m being told today is they did know. I guess that’s what I’m being told right now. You’re asking how could they not know and that’s the question I’m trying to get to the answer of, how could they not know, how did they not know, how did they not apply? I just don’t get it. Commissioner Walker said what I’m hearing is that a decision was made by these groups that because of past lack of success they weren’t going to waste their time, take the time, invest the resources in making an application. Mayor Holland said right. Commissioner Bynum said if they’ve tapped the CDBG well in the past successfully for housing dollars, which we know they have, did they fully understand this, Community Funding Application process was their one and only opportunity because we do know we’ve got CDBG for 30 plus years but we’ve done two years of doing it this way. I’m just asking.

Mayor Holland said here’s my question. We have done this process two years this way. The first year we get $6M worth of requests and we fund zero of it so nobody asks again. We’ve never in my eight years up here we have not had an application process where we say we have x number of dollars and this is what we’re looking for and so come apply. I don’t know why a reputable group would spend the time putting together a request for $500K, $1M, $10M, I don’t know why they would spend the time putting together the money when one if you looked at past budgets we weren’t doing that and two, why would you put together a hard and fast application speculatively thinking well they’ve never funded this before, but I’m just going to keep applying.
for no reason. There has got to be a reason why people would apply. They would only apply if they thought there was money there because people thought there was money the first time we had the form and they found out there wasn’t any money and then this year we had very few people apply. One person with bricks and mortar, they put together a half million dollar plan and it gets funded and someone—you’re going to have to convince me why a reputable organization would spend staff time preparing an application for money that doesn’t exist. I don’t know why you would do that. I wouldn’t do that. I wouldn’t apply for money that didn’t exist and so the only group and this is where the optics look bad, the only group that did apply is a group that is co-sponsored by a member of the committee that vets the projects. Does that bother anybody? If I’m the only one that’s bothered by the fact that the only group that applied was co-sponsored by a member of the subcommittee and they just happened to get funded when nobody else knew or did, I’m troubled by that. Commissioner Markley said, Mayor, they didn’t just happen to get funded. They were the only application. Commissioner Bynum said the only bricks and mortar application. Commissioner Murguia said right. They were the only bricks and mortar application. You keep saying co-sponsored like I am personally gaining from the co-sponsor. We are offering free consulting.

Mayor Holland said Hal Walker is a board member of ANDA. He doesn’t get paid by ANDA, but when ANDA comes up for a vote he recuses himself. Commissioner Murguia said he didn’t recuse himself today. We’re not on the agenda. Mayor Holland said the point is ANDA is a part of the application process, you’re the executive director and you didn’t recuse yourself and I want to know that doesn’t fit our practice—Commissioner Murguia said, Mayor, we are just consulting with them on the deal to make it happen. We are not reaping any financial benefit from that. There is no financial benefit to ANDA. We are a very successful Community Development Corporation; they asked for our help, we offered it for free. I’m unclear about what the difference is or what the concern is. We’re not making any money off this. Mayor Holland asked is part of the service you offered shepherding their application through as a member of the committee. Commissioner Murguia said no, it clearly wasn’t and your insinuation is ridiculous. Mayor Holland said it’s not an insinuation, it’s a question. I mean your name is on the application, right, I didn’t write that. Commissioner Murguia said, Mayor, ABC part of their application is serving District 3, absolutely, like everyone else on the committee, like everyone else on this Commission supports projects within their district. I am
very supportive of the work ABC is doing in District 3, but if you note, the application doesn’t just solely ask for funds to do development in District 3. It’s not just in District 3, so absolutely, are you asking me do I advocate for growth that are in my district; all day long and I will do it all day long 24/7 the rest of my life and I don’t care what it looks like. I am advocating for people in my district. **Mayor Holland** said that last statement I think is valid. You don’t care what it looks like. It doesn’t bother you that the only applicant that came in has your organizations name on it and you were sitting on the subcommittee advocating for that application. That doesn’t bother you? **Commissioner Murguia** said it doesn’t, Mayor, we’re not getting any money. We are offering them technical advice for free. I’m uncertain what piece of it bothers you other than our name is on it. I’m offering technical advice to show an organization how to do development. Obviously, if there was a whole plethora of agencies that were able to do urban development, our city wouldn’t look like it does east of 635. So, why don’t we take a look at that? Why don’t we look at the best performing CDC in this county right now with urban development, why don’t we look at that and they’re not getting one dollar of local government money, not one dollar. Anyone in this room, anyone anywhere can request those financials at any time. Again, people need to be very careful about making insinuations that are absolutely 100% not true. That’s called slander and that is a crime. There is nothing—**Mayor Holland** asked what accusation has been made that is not true? **Commissioner Murguia** said what is not true is that ANDA is not personally benefiting. Hal Walker did not recuse himself from a vote. He announced that he has been on the ANDA Board; everybody knows I’m the ANDA Executive Director. We are providing free technical advice to a start-up Community Development Corporation. That’s what we’re providing. **Mayor Holland** said I didn’t insinuate—**Commissioner Murguia** said and I don’t know how that looks bad. **Mayor Holland** said all I said was your name is on the application and you were on the subcommittee that shepherd it through. That’s all I said and my question is, is any of that false? **Commissioner Murguia** asked is any of what false? **Mayor Holland** said your name is on the application, true or false? **Commissioner Murguia** said my name is not on the application. **Mayor Holland** said ANDA, the group that you’re the Executive Director for. **Commissioner Murguia** said Argentine Neighborhood Development is a partnering agency. **Mayor Holland** said on the application and you were on the subcommittee that helped shepherd this application through. **Commissioner Murguia** said absolutely. I don’t understand what is your point. **Mayor
**Holland** said that’s all I’ve said and I’ve said I don’t think that looks good. **Commissioner Murguia** said you said you had concerns with it and what are your concerns with that? **Mayor Holland** said I think it looks like inside baseball.

**Commissioner Murguia** said then when I met with you last week, Mayor, and we had our one-on-one session, why didn’t you say to me, Commissioner, I think this is concerning when we were talking and saying you know what I wouldn’t have—**Mayor Holland** said I just got this information. In preparation for tonight I asked for this application. Maybe everybody else knew. **Commissioner Murguia** said, Mayor, you clearly had the application that you got a copy of and you knew last time we met. **Mayor Holland** said, Commissioner Townsend, you were on this committee; we’re you aware that ANDA was a partnering application? Maybe I’m the only one that missed it. **Commissioner Townsend** said I read all the applications. I did not focus on that. I see your concern for the appearance. I would not say that Commissioner Murguia was trying to put a fast one over. I will say each year I go through this process as a CDBG committee member I see something new that I didn’t see last year or the year before. I think for all situations similar to this if there is a personal connection that probably should be highlighted and not just relied on well you know so and so is the executive director and I guess that’s the concern. Did I think about that at the time, no, but I would like to take this back to just the procedural thing. What I got from the last time we addressed this issue goes back to what I would now counsel the entity in my district. If you haven’t used the money yet, you’re still in the process of building or whatever, why would you earmark money if the money you already have has not been spent. I really think that’s the bigger issue because it’s a procedural one so we will learn this lesson and we can counsel all of our builders or whomever next year for that. That is the thing I would like to focus on because I told NEDC it does not make sense to ask for more money in the new budget year if you have not used the pot you already have. I fought vigorously to maintain that money because in 2014 going into the 2015 budget there was a move to take that away and I said no, that’s not in writing, everybody agreed on the committee, but I also said it’s clear that you have to, NEDC, use that $140K. Therefore, no other requests came forward. Hopefully, next year maybe they can so I think it’s a procedural matter we really need to focus on so that we’re treating all situations similarly.

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Commissioner Bynum said that was one thing I was thinking of prior to tonight in terms of looking through the allocation of the, again, finite dollars that we know we won’t have for that much longer. I think I agree with Commissioner Townsend to the extent that if we’re allocating dollars, you know we need to try to help get those dollars spent before we allocate again. It’s almost, I don’t know, I just keep going back to the marketing issue because we know that we do have more than one organization that would like to help rebuild east of 635. We know that we have issues east of 635. We know there is plenty of rebuilding and redevelopment to do. I would like to look at it kind of in the same way Commissioner Townsend is talking about with show us that you can finish the project. Perhaps for this purpose next year we can please revisit the application process in general, please be specific about tell us what you want the dollars for, by the way here’s what we want to allocate the dollars for. There could be much better guidelines around making the application, much better documentation of how the budget is shown. There are many improvements that can be made to the application process and I think starting with here is our general overview of what we’re looking for from you and then secondarily being fair about treating all the entities equally.

Commissioner Walters said I haven’t been that closely involved in this committee. Obviously, District 7 does not participate in the CDBG funds, but it looks like according to our staff we have an application process. That process was followed. Legal or someone on staff vetted all the applications and you know there are always sour grapes when somebody missed an opportunity and there’s always an opportunity to reflect on making improvements next year. It seems to me that processes were established, processes were followed, and I think we need to approve it, approve the work of the committee and go on. Some very intelligent person told me once that we spend more time talking about CDBG funds than we do about our $330M budget. Commissioner Walker said the same person told me that. Commissioner Walters said at least we’re living up to that portion of history. I think we have a process that we reasonably followed and I think we should go forward with it.

Commissioner Kane said I had mixed emotions when I got here, but after listening to all of it I think Commissioner Walters is right that if we’re—we did it, it happened, the money went there, we want to change it we’ve got between now and next year to change it. If we’ve got some new
blood that wants to volunteer to be on the committee to help the changes, I’m volunteering you right now. Thank you very much and they’ve already accepted. Here’s the thing, I’m like Jim, and I don’t know a whole lot about this stuff. Out west we don’t get this kind of stuff which is fine. It needs to be in the inner-city, but just because we don’t like something now doesn’t mean we can’t make changes and move forward. I think that’s what we need to do. We need to maybe put our swords down for a couple of minutes, move forward and make some changes for next year.

Commissioner Walker said, Mayor, I would ask you to do a straw poll if that’s the appropriate quasi motion.

Mayor Holland said so the question is do we fund this ABC application for next year at $400K based on the committee’s recommendation. I think we take a straw poll to see. I can say, and I will take the straw poll, I’m very concerned about moving forward with this. We will take a straw poll and see if none of the other commissioners are concerned, and then I’m the only one.

If you would support spending the $400K for this ABC application, raise your hand. (6 commissioners raised their hand). If you’re opposed, same sign. Okay, it moves forward.

Mayor Holland said we have another issue, I think, Reappropriations and we can talk about this now. I just asked questions and you asked for all the information and just got it. I have been looking at this. I understand that the $258K project HUD turned us down and said we can’t do that. Is that accurate? Melissa Mundt, Asst. County Administrator, said when we met with them on June 18th they basically indicated that the noise issues were significant. That’s my understanding is that is not going to be moving forward. Commissioner Walker asked what issues were significant. Mayor Holland said sound issues. Mr. Bach said there are environmental issues they are dealing with on that site that I think makes it difficult. Wilba, just to be clear, we’ve published this. We need to proceed forth with this if we get formal word that we don’t think we’re going to be able to do it this way, then I think that would be one we would come back to the subcommittee or Committee of the Whole or whatever and determine if there needs to be a reallocation of that $258K. Ms. Miller said correct. Right now we are bringing to the Consent Agenda next week our Substantial Amendment that describes this project from
acquisition or changes to the project from Acquisition Rehab to Acquisition Demo. We need to have movement on that Substantial Amendment if the environmental when it’s complete shows that we can’t do the project and then we would bring it back to the Commission. Mr. Bach said we’re not quite there yet, but I think to that point HUD has notice us up that we are not spending at the rate we need to be, we’re behind. We have to make significant expenditures from these categories before August of next year or they will say they are going to take some money away and so these projects are outlined.

A question came earlier from Commissioner Townsend I think. As we went through with the one in the Highland Crest area in the course of the last year we’ve redefined how that’s going to be done. I think it’s in a process now where I think we can make some expenditure. How much we’ll get through it is to be determined, but I think we’ve definitely put in a point to make progress with it. The bottom line is we have to spend a lot of these monies so if the $258K can’t be done the way it is anticipated in that Substantial Amendment, we will want to bring that back in the next couple of months and say look for a different use.

Commissioner Philbrook said I wasn’t sure, but is Removal of Barriers Residential Housing, is that like ADA helpful stuff like for ramps and things like that. Ms. Miller said yes. Commissioner Philbrook said and we’re planning on defunding that. Ms. Miller said we can still use money out of the Emergency Home Repair to assist with those. Commissioner Philbrook said okay, I just wanted to double check.

Ms. Miller asked would you like for me to walk through the rest of the budget pages. Mayor Holland said let me ask this question. We’ve walked through it. Do people have other questions or issues? I see a consensus to move it on as we’ve just described, $300K in Emergency Home Repair; $400K for ABC; and I haven’t heard any recommendations on the Revised 2015. I think its set and it’s going to come forward and we will vote on it on July 30th when we vote on the rest of it.

Mayor Holland said in the packet you will see the topics for future budget sessions that are already listed. If you have topics that you want to discuss, we can list those now.
Commissioner Bynum said I don’t know where it would fit. Apparently we have for the last year or so waived building and sewer hookup fees on new construction, I believe single family, and that is in place through the end of this year. Can we have a discussion on the ability to continue that waiver and can we see data on whether we believe that’s been beneficial as it relates to the economic downturn? Commissioner Walker said I agree with that. We heard a lot of noise before as the deadline was running out about how—unless we did this a lot of houses that were going to be built, wouldn’t be built. I would like to see if they delivered on their side of the bargain. Commissioner Kane said I think we need to notify the folks that came up and spoke about that so they can be here and give us the data. I don’t think we could just pull it off the internet or wherever they’ve got it, but whoever came up to see—whoever contacted us, those people need to be contacted and say on this night we’re going to talk about it. Commissioner Walker said Rusty Roberts. Commissioner Kane said Rusty Roberts and another young guy. Mayor Holland said we will continue to publish the dates so we can get the word out to the public and specifically a group that’s directly affected. Commissioner Kane said specifically Rusty Roberts. Mayor Holland said well we had a whole group come to the standing committee. Commissioner Kane said if you contact him, he will get everybody else.

Mayor Holland said I also had a request for a discussion about debt, debt targets, debt goals, and the amount of debt. We talked about it once in CDBG, but I think it’s worth coming back. We carry a lot of debt and to understand how that works and how that Debt Service is handled and what targets we set as a governing body for managing our debt. It will kind of a Debt 101 for all us. It will be an invigorating discussion.

Commissioner Townsend asked when would be the last time that you could put something on. Not that I’m adding, I was just asking that for general information. I do want to go through the book in more detail. The only topic that I’ve mentioned on several occasions during the Strategic Planning and at other times was a development plan for the northeast and it may be given a different name, but that’s basically what it is. I think several of us will be attending a meeting on July 28th so that would be pretty close so I would just like to get it out in discussion to see what might be doable and just get that on the table. Mayor Holland said I will put that down. Commissioner Townsend said I will also be looking at the Parks budget more closely. I

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will let you know if I want to add that. Commissioner Kane said I’m glad she said Parks because once we tear down the pole barn out there we can make a little park where the pole barn is at. Thanks for bringing that up.

Commissioner Johnson said I would like to or in addition to the discussion with regard to the debt, I would also like to talk about our theory and the psychology with regards to us building up our Reserves. Mayor Holland said I think that’s a good reminder as well. We’ve worked hard on Reserves and it’s probably good as we go through this because we did borrow or not fund fully a variety of funds. We’re doing some repayments this year, but I think an update on where all of those funds stand and what work we have cut out for us ahead would be helpful.

Commissioner Walker said I would like to take a look at numbers on Contractual Services that we hire out. I have a feeling we could do cheaper in-house by utilizing the building trade people: painters, electricians, plumbers. We contract a lot of that work out that we used to do in-house and this being a union town I think very strongly that we’re contracting jobs out, certainly not all of them are within the capacity of a one or two man operation, but I would like to have some sense of how much we could save in Contractual Services by doing the work in-house under the existing formula we use for paying union people. Commissioner Kane said second. Mayor Holland said that one might be just thinking of the scope of that, I think we can get a bite of that during this budget. It might be something we need to study longer term, but I think we can maybe take a bite of the apple. Commissioner Walker said I understand, but I really think there are times when we’re contracting out and paying more than it would be for a full-time year-round employee that would be utilized in a thousand different ways.
MAYOR HOLLAND ADJOURNED
THE MEETING AT 7:50 P.M.

Carol Godsil
Deputy Unified Government Clerk

July 16, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Monday, July 20, 2015, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Lew Levin, Chief Financial Officer; Jason Banks, Asst. to the Mayor/Manager; Reginald Lindsey, Budget Director; Debbie Jonscher, Asst. Finance Director; Robin Hicks, Legislative Auditors Office; Mike Tobin, Interim Public Works Director, Kenneth Moore, Deputy Chief Counsel; Chief Zeigler, Police Department; Chief Jones, Fire Department; Undersheriff Roland, Sheriff’s Department; Linda Hendrix, Sheriff’s Office; Lt. Col. Jeff Fewell, Sheriff’s Dept.; Janet Leverich, Administrator’s office; and Officer Steven Kopp, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, July 20, 2015, at 7:00 p.m. in the 5th floor conference room of the Municipal Office Building for a Budget Workshop.
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Holland said we have the full agenda before you and topics for future agenda’s. I would remind the Commission that as we go through the workshops if additional topics come up that you are interested in, please make me aware of those so we can work them onto the calendar to make sure everything you’re interested in gets dealt with during the budget session.

We have a presentation of what’s coming, the next three, so you can take a look at that. Let me know if there are others to add.

At this time we’re going to start off with Public Safety which representing more than half of our total budget is worthwhile spending some additional time on.

Doug Bach, County Administrator, said tonight’s presentation as set out is really one that somewhat plays upon where we were over a year ago when we started to do a little more in-depth review of our Public Safety Departments. It was identified as we went through our different Strategic and Financial Planning sessions. Over half of our budget is expended toward Public Safety so we start to look at and focus on a little bit more from the policy side as to what’s going on. Some of the areas when the three departments came forward last year as they talked
about where they spent their overtime rates, talked about a few different changes we had put in place and some contractually with our union agreements. Some others are just measures as far as operations they have put in place to change those and then overall just different operational things that had been put in place between the departments they were working on.

Also, from that time we’ve also initiated studies. We started the process in the Fire Study that’s going on and looking at operations there and all our different facilities which we will be moving forward with different recommendations on later this year.

In the Sheriff’s Department we’re getting ready to enter into a contract on a Study Detention Facilities and then we’ve identified that we would look at more field operations or operations within the Police Department future, but we wanted to hold on that until our new Chief Ziegler had a chance to be in place and introduce some of the new restructuring things he had and he will talk about some of those tonight. Don Ash, Sheriff, is out of the country and not able to be here tonight but the Undersheriff and his staff are present.

Sheriff’s Department

Larry Roland, Undersheriff, Sheriff’s Department; said I have with me Linda Hendrix, our Budget Manager; Lt. Bob Gunja, and Lt. Col. Jeff Fewell. We are here to discuss reduction of expenditures to the Sheriff’s Department. I’m going to let Ms. Hendrix take the lead on this.

Linda Hendrix, Budget Manager for the Sheriff’s Dept., said the first thing we’re going to talk about is overtime. Overtime continues to be an issue obviously, many of my conversations with budget and the folks who have anything to do with overtime so we will begin with that first. Overtime has been an issue for us for some time. We’ve seen a downward trend in those numbers over the last several years which has been a very good thing, but we are still in a
position where although we’ve seen a downward trend we are still going to be in a position of exceeding what is our budgetary allotment this year for overtime. Our budgetary allotment for total overtime is around $1M this year in our budget and we’re at about $800K now and that does not play well for us. If I was to do a forecast for the balance of the year knowing that the balance of overtime is typically split at about 40/60 between the first six months of the year and the last six months of the year, we’re going to probably be somewhere at about $1.7M that I think would be a reasonable forecast to make regarding that. We realize that has been an issue. Obviously, we’ve taken steps and Mr. Bach alluded to one of them in working with our unions.

One of the things we’re faced with right now is in our Juvenile Detention Center although we have 36 positions that are funded we are currently operating with 24 of those positions filled and anytime you’re operating with two-thirds of your staff, particularly with the guidelines that KDHE imposes on the Juvenile Detention Center regarding staff to resident ratio, that makes it difficult if not impossible. We cannot maintain the operations we are statutorily required to do to meet their expectations, meet the expectations of our governing body as well as the community without utilizing overtime. We have even taken it to the extremes that we borrowed personnel from our Adult Detention Center to help cover those gaps. We’re happy right now to be at 24. We were in a position two months ago when it was even less than that in terms of positions filled.

We’re doing a lot of recruiting. Mr. Bach, again, mentioned working with the unions. The Juvenile Detention Center pay which was woefully low and not very attractive to folks in our community to come work with juveniles it was at $14.56 an hour. Effective this past pay period, this affects the AFSCME union that we have a contract with at the Juvenile Detention Center, this past pay period that was increased to $17.17 an hour. It was a hefty increase in pay, deservedly so. It certainly makes us more market competitive and for those folks looking for a position, certainly that $14.56 was a deterrent. We don’t have obviously any long-term effect to that yet; it just went into effect last pay period. It was only our last posting that we were able to post at $17.17 per hour. We’re hoping that will have a good impact on our hiring capability. Obviously, it’s boots on ground that drive how much overtime we’re going to need and when you have two-thirds of your staff, boots on ground, we’re going to need to utilize overtime.

In the Adult Detention Center currently although we have 103 funded deputy positions we only have 89 of those currently filled so we’re down 14 in terms of what we’re allotted for...
filled positions. We’re down another five when you take into account FMLA, injured on duty, folks attending KLATC for training and LEO Certification. At 103 positions you need to operate at maximum efficiency, we are now operating with boots on ground at 83, that’s virtually 20% of our staff that we’re operating without.

We do have a recruit class coming in this fall. We’re very excited about that. That will help build those numbers back up. While I think we have good plans in place I think there has been a lot of good work done between the Administrator’s Office and the commissioners in terms of working with how we can improve this situation. We’re certainly not going to be where we would like to be at the end of the year. These things take time and there is implementation that’s involved. The new hires that we have coming in for training this fall we probably won’t see them actually boots on ground until latter December or beginning of January. Once they complete their training we certainly want to make sure that they are trained adequately before we put them in the Dentition Center so I think we’re going to see some of the fruits from that as well as the increase in pay on pay on the Juvenile side, hopefully, in the next six to twelve months. No question, we will not be in the position we would like to have been in terms of meeting what Budget had forecasted for us this year on overtime.

That having been said we have operated in terms of our total budget extremely efficiently. If you look at our total (slide on OpenGov) budget expenditures from 2012 through 2014 we’ve stayed fairly static. There has not been an enormous increase. Our 2015 budget projections, we are budgeted to be operating within budget for our 2015 budget for this year. We are using funds that we have, seen the reduction of expenditures due to a reduction of internal inmate housing which results in a lesser need for external inmate housing which is basically our farm-out rates that we have to pay and farm-out per diems that we have to pay. Our inmate population has been reduced somewhat and stayed pretty steady so that’s a blessing. I look at that as just that’s a pure from heaven blessing that we have that those numbers have stayed low. It’s reduced the number the number that we’ve had to farm-out. In that inmate housing line item we’re going to see some reduction of expenditures which has enabled us to fund without having to come to the Unified Government for additional funding.

The money that’s going to be required for the CAD Program, we also have budgeted within that line item the funding for the Jail Feasibility Study. It’s going to be basically a wash at the end of the year, but that has certainly—any reduction of expenditures we’ve seen there has

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enabled us to absorb those costs without having to come and say we can’t do this on our own, we need additional funds. I think that’s very good news.

**Mayor Holland** said you said you were going to be able to stay within your budget. What are the numbers you project from salary not paid what was budgeted with the positions being down versus how much of that salary not paid is absorbed by additional overtime? **Ms. Hendrix** said I don’t have that with me. I’m sorry, Mayor. I have that information for you and I can certainly provide it. **Mayor Holland** said I would be interested in that because I think part of the—we know there is a cost benefit when salaries aren’t being paid you are going to pay additional overtime. You have the positions funded and budgeted for so that’s good.

I also want to say this is the first time in our workshop that we have a live demonstration of OpenGov showing us our charts and graphs live online. I wanted to give the Tech and Budget guys a shout out for that.

**Commissioner Kane** asked are we in the process of hiring some more folks to fill those gaps? **Ms. Hendrix** said we have constantly posted positions for the Juvenile Detention Center. Lt. Col. Fewell, what is the current status on jail hiring? **Lt. Col. Fewell** said the next recruiting class, I believe, is scheduled to start in September and then there is a following hiring after that that will start in February.

**Commissioner Philbrook** asked how much were we paying them an hour when they finally get through being recruited and start working in the Juvenile Detention Center. **Ms. Hendrix** said $17.17. That was increased from $14.56. **Commissioner Philbrook** said and then the Adult. **Ms. Hendrix** said $16.56 starting pay under FOP 40 contract and that is likely to change. They are in the process of finalizing negotiations is my understanding.

**Commissioner McKiernan** said I just want to double check and make sure, the previous view we were looking at I believe was overtime. Am I reading this right that from a 2014 Actual of $1.8M total overtime, the 2015 budget is $1M. **Ms. Hendrix** said yes. **Commissioner McKiernan** said so a reduction of $800K. **Ms. Hendrix** said in the budget line item, correct. **Commissioner McKiernan** said did I hear you say you don’t think you’re going to be able to
meet that particular aspect of the budget? Ms. Hendrix said no sir. We’re at $800K in expenditures now. Commissioner McKiernan said so even not meeting that aspect of your overall budget which is—a total budget of $23.8M for 2016. Ms. Hendrix said yes. Commissioner McKiernan said and a total of $23M even for 2015 so even going over the overtime figure, you’re still going to stay within your overall budget allocations. Is that what I understood? Mr. Hendrix said Operating costs yes. On Personnel, and that’s why I deferred that question that I would have to come back with that. I would need to look at the offset between the dollars that are unexpended due to vacant positions versus the additional overtime dollars. I don’t know what the net gain or loss is on that. I don’t have that number with me, but I can certainly get that to you. Commissioner McKiernan said, Doug, maybe you can help me out, doesn’t this have personnel? That is the total department budget there, correct? Mr. Bach said it should be the entire budget. Commissioner McKiernan said so it looks as if we’re saying within the overall even though that one item is going to end up being higher than budgeted, but it will all work out in the wash. Mr. Bach said you are seeing salary savings because we are down in personnel so we offset salary savings with overtime and then we’re down on the inmate housing.

Commissioner Philbrook said, Mayor, when you get that additional information about the relationship between the overtime, would you please send that out? Mayor Holland said yes. If you would get that to Mr. Bach, we will send that out to all the commissioners so we can all see that.
Mr. Bach said we will move to the next department which is the Police Department.

Overtime -
http://tinyurl.com/PoliceCYOvertime

Chief Zeigler, Police Department, said so this is the OpenGov.com website that has an overview of our actual expenditures from January to June of 2012, 2013, 2014, and to date this year.

Slide was on OpenGov
If you will look at that, you will see that in 2012 and 2013 we made a slight drop. If you look at 2014, we made tremendous grounds this time last year and saved a whole bunch of money. This year we’re up slightly but we’re still—we’ve only spent 47% of our budgeted overtime on the department so we’re slightly under the prorated amount.

To go in more detail I want to talk a little bit about what’s going on inside the PD that we’re up in overtime this year.

The first thing I want to talk about is our sworn strength. The top numbers there are the authorized strength that we’ve had in the Police Department for several years which has been 386. It’s been fairly consistent. When I took office in January of this year I told the County Administrator that based on some analysis that I had done with staffing and manpower that I believe that the Police Department could come in and provide the same level of police service with 369 sworn officers so that’s 17 less positions. You’re probably going to wonder those 17 positions come from. I took some Command, Sergeants, Detectives and seven Officer positions, but when I did that in January through some restructuring we still put 10 more officers on the streets than we had the previous year. The strength that we had—our year-to-date we’re at 346. That number has dropped. One of the reasons we’ve lost ground is because when the State of
Kansas came in and talked about changing our pension several people left unexpectedly in the first quarter of this year and the second quarter of this year. Some of those vacancies we had not planned on. Typically policemen leave at the end of the year, but there was a fear that the legislature would change the rules midstream so officers went ahead and left so we’re at 346.

![Sworn Officers 2016 Projected Strength](image)

The same fear is still inside the Police Department. I would anticipate starting January, 2016 with 333 policemen. Roughly, what we’ve heard is that there are 13 policemen who are anticipating retiring at the end of this year. That’s probably the lowest number of sworn officers I’ve seen in a long time from the PD. We do have the authority to hire a class. We’re in the middle of recruiting right now. We anticipate starting a class of 15 to 20 officers on December 10th of this year which will help us out tremendously. With the vacancies the way they are that is driving some of the overtime, but not all of it.
So when I talk about 2014 and 2015 year-to-date overtime expenses what I did was I contacted PSBO. There is overtime that the Police Department has like when our Task Force Officers and our Wheel Unit, we get reimbursed for their overtime from the State so this slide we deducted out that overtime since it’s reimbursed. That’s why I put this slide up so you could see where we’re at.

If we keep spending the way we’re spending right now, we will exceed last years’ overtime actual. We will be at about $1.5%M spending probably somewhere around 95% of the budgeted amount.

Initiatives Costing overtime

- COP/Problem Solving Training
- CIT for Dispatchers
- CIT for Officers
- FTO to PTO training
- Randy Means Training for Sergeants
I want to talk a little bit about some of the initiatives that we started in the Police Department. We have sworn vacancies that are driving some of the overtime and then we’ve got some of these initiatives that I think are important for the Police Department as we move forward. We have a Community Policing Unit. We started Community Policing back in 1994 thereabouts, and it has remained isolated to one unit so I got together with Operations, Deputy Chief Garner and Captain Melton created a plan because I wanted to train every officer on the Police Department in Community Policing and Problem Solving Policing. We hadn’t done that. I didn’t want to wait until we went through this years’ in-service cycle which would not conclude until June, 2016 so in order to do this there was some overtime associated with it, but it’s putting us in the right direction. In a post Ferguson world the federal government came out with a report that said Police Departments have to measure their success or officers work productivity on something other than citations and pedestrian checks. We’ve got to move to community policing and problem solving so that’s one reason that we moved this initiative forward even though it costs money.

The second initiative we put in place has cost a little bit of overtime is—our dispatchers were not trained in the Crisis Intervention Team. Basically somebody would call dispatch and dispatchers were not trained on how to recognize individuals in mental crisis. We’ve got 50% of them trained now and hoping to have the other 50% trained either the last part of this year or the first part of next year. This is going to help provide better information to the field and direct the appropriate resources to those individuals in mental crisis.

Along those same lines, the officers in the past—when I came into office the CIT Program was a voluntary program meaning that police officers didn’t have to participate if they didn’t want to. Well, this is probably the biggest program that we’ve got since Community Policing. Last year the CIT Program we attributed to saving us about $300K in booking fees because rather than booking people who are in mental crisis in the jail, we can take them to RSI now. This initiative we’ve shifted from a voluntary program to mandatory. We’ve got a third of the department trained. We will have another 20 officers trained by the end of this year and through Wyandot, Inc. they have committed to helping us reach our goal within the next two years. It’s a slow process. We’re in the process now of trying to get the Commanders and the Sergeants trained so they are aware of the technics used by the officers in the field and it will be
supportive. That initiative costs us overtime because we took people out of patrol cars and put them into training.

We switched from a FTO to PTO Program. FTO stands for Field Training Officer Program. It’s the way we train new officers when they come out. We used to put them with a FTO, Field Training Officer, which was a 1967 San Jose model of training policemen. We discovered the PTO Program which was developed in about 2001 in Reno, Nevada through a DOJ grant. What this focuses on is ethical policing, it focuses on leadership, it focuses on community policing and it focuses on problem solving policing. This is what we have to do to position the department so that every officer coming out in the future is trained in community policing. It won’t be an option. It’s a good program but it has significant impact to our budget because we once again had to take officers out of the field and plug them into this training curriculum.

The Randy Means training, Randy Means is a lawyer. He gives leadership training throughout the United States. It’s a very good training. It talks about supervisors holding officers accountable and having the courage administratively to take action to correct officers’ behavior. We gave Randy Means training to every sergeant and every commander on the Police Department and it seems it has had an impact. Let me back up, so here’s the impact; last year in 2014 we had Internal Affairs complaints come in and when they come in we classify some of them as Other Contacts. These are complaints that don’t rise to the level of a full investigation in Internal Affairs, but they are sent out to the supervisors for review. Last year out of those complaints 7% of the time some type of discipline was issued to the officer, counseling form, points, those kinds of things. In 2015 since we’ve done this training 19% of those complaints have received—officers have received discipline. They received counseling, points, those types of things and so we believe because of this training our sergeants are holding our officers more accountable to the standards that we want to see on the Police Department.
Let me talk a little bit about savings now. I’ve told you what we spent money on and how we’ve kind of gotten where we’re at. What you are looking at here, I got with Rebecca Sandow based on the 17 vacancies that I knew that I was going to carry for this year. I asked Rebecca what would be my goal if I set a goal of $2M. Rebecca said that I would have to save $166K a month every month this year. I asked Rebecca if she could start tracking how much money we’re actually saving based on our vacancies and year-to-date we’re at about $1.3M in savings. If we keep going the way we are, I anticipate having a savings this year of about $2M based on the fact that our personnel costs along with our CIT training we’re hoping that it’s going to yield a return of a $300K savings in booking fees again which will get us to the $2M savings this year in our budget.
I was going to talk a little bit organizational changes. I will hit them kind of quick. We restructured the PD, we realigned our division boundaries, changed some of the assignments that Commanders have, tried to give each Commander at least two responsibilities so that they’re more engaged. We increased the presence on the street through the restructure by putting ten more officers on the street at the beginning of the year at the annual bid. We created a Juvenile/Gang Intelligence Squad in CID. In the past we hadn’t had any attention given to juvenile cases in the Detective Bureau so what we did was we did some restructuring in the Detective Bureau and we created a Juvenile Unit. What this unit does is that in the past we would have offence reports come through where charges could have been filed on a juvenile offender, misdemeanor offender but it was missing things like maybe an address, a date of birth, a last name, well the detectives now will look at those reports, fill in the missing pieces and get those sent over to the DA for the possible filing of charges.

Also, part of the responsibility is to track gang members. The State has criteria of eight things that qualify individuals as gang members. If any juvenile in our community meets that criterion, the detectives will enter them into our database so that we can track them for future reference if we need it if we start having drive-by shootings and those things. We believe this is a good focus for the detectives because it enables us to identify problems in the community earlier on.

When I came in Animal Control has been one of those units in the Police Department that goes through change of command quite a bit. About every two or three years we get a new
Commander in there so I talked to the County Administrator and asked Mr. Bach if I could take one of my Captain positions and convert it to a civilian Animal Control Director/Manager position. He agreed and we recently hired Scott Holloway who comes to us from Texas with a lot of experience and we’re looking at him coming in and being here long-term and coming in helping get our program running more smoothly. It’s a good program, but we think he has the expertise to take us to the next level.

We created a new hiring process. We’re going to go to monthly testing and physical agility testing in September. We believe this will help us keep our numbers closer to 369 because we want to hire more frequently and we will have applicants already vetted earlier in the process.

We created a new Cadet Program. Cadets in the past have been put in assignments used for cheap labor. They were an extra set of hands to help out. I hate to say it that way, but it kept us from having to use sworn positions to do things that cadets could do. We changed that. The cadets are now going to be assigned to units in the Police Department. They will be given all the policies and procedures for that unit, they will be given a written test before they are transferred, they get switched every six to eight weeks and they have to score 70% on it. The goal is to insure that the people we hire as cadets become successful police officers and so we believe this program is going to get us in the right direction.

The other thing that I was asked by Mr. Bach when I came in was to increase community engagement. I go to any community group; I go anywhere somebody wants me to come and talk, just invite me. The one thing we hadn’t done was the Police Department had stayed out of the social media realm so I went over to talk to Chief Forte in Kansas City, Missouri over breakfast and he said stay off Facebook, but Twitter and Instagram are good tools to get involved with. I’ve been using Twitter and Instagram, they are tied to our website, you can see all the Twits I put out and you can see the Instagram photos that I put out. I will tell you that since I started doing it the news media has picked up like three positive stories just from the photos and the Twits that have gone out. I think that it’s being successful. We’re championing the good work being done by our police officers. I also put out information about homicides and robberies and those things.
Our Customer Service Initiative was safety first, courtesy always. We can of branded this within the PD and we put it on different things and we’re in the process of putting it on our patrol cars, but this is a reminder to our officers that we realize that when our officers go to work every day that they live in a dangerous world. We know that they have to pay close attention, look for indicators of bad things before they happen and always be on their guard, but at the same time we expect them to always be courteous to the members of our community. Since we’ve done this program I will tell you that we’re halfway through the year and one of the measures that we’re using to determine our success is our Internal Affairs complaints. Attitude and conduct is probably the one thing that we see as probably poor customer service gaging that. Our Internal Affairs complaints on attitude and conduct are down 50% this year from last year so we believe that this program is being effective. We believe that it’s catching on; we believe the officers understand and they are giving better service to the citizens in the community.

Commissioner Walker said you may have answered it in your next to the last slide, I was concerned initially when you said that we’re down—it looked to me if I added correctly at the end of the year 36 positions. Chief Zeigler said yes. Commissioner Walker said and you were going to have a class of 15 to 20. I guess the question was why not have a class that will bring you closer to the authorized strength if that is still what you need to have as authorized strength? Chief Ziegler said I would say that—I’ve talked to the training staff and we’ve had some conversations about packing—we can hold 40 people at our training academy, but we don’t think
that when we pack a big class in the training academy that they get all the attention that they need. We think that our optimal level for training police officers and them grasping what they’re being taught and if anybody is lagging, we can catch them up to speed. It’s somewhere between 15 and 20. I will tell you that the piece we’re looking at in hiring is that we can hire police officers who are Certified Law Enforcement Officers, send them for testing at Hutch, if they pass the written test, they are Certified Kansas Law Enforcement Officers and then we can send them through a modified training academy. That’s one of the things that we’re looking at or exploring to see if we can do the class of 15 or 20 and then six months into next year or so hire some people that are currently law enforcement certified because we can get them out on the streets quicker. We modified our training academy. In the past regardless if you were a police officer in Overland Park or Lenexa, you had to go through a complete training academy and a complete field training process. We’ve done the research and determined that we could come in with a modified process so if we do have those kinds of applicants we can get them on the streets quicker. Commissioner Walker said I would like to see you closer to full strength as soon as you can and do it and get the right people on the street.

Mr. Bach said I might add, or Chief you might speak to this too, you’re going through the traditional model of how you do the recruitment for hiring for this class, what we talked about was his ability to come on with this second class sooner in our change in how we recruit on a month to month basis receiving going forward which will enable you to go through a shorter recruitment period and be ready to go with the next class sooner. You might speak to that a little bit as well.

Chief Zeigler said the traditional way of doing it, it has taken anywhere from a year, to be honest with you, 18 to 24 months to get a class hired. With the new hiring process where we test written tests and agility test every month starting in September, we believe we will be able to start an academy class in 60 to 90 days once we’re given the authorization to do so. If we’re doing that, we will be able to start classes quicker. We are set up that we can run a class every five months in the training academy so we can get two classes out a year, smaller classes; we believe officers better trained to better serve the community.

Commissioner Kane said before I get started I’ve got to say something. Your security detail of the folks that you have is outstanding and I appreciate what they’ve done. I tried to ask some of

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these questions on the one-on-one but was unable to get what I call a desired answer. Could you tell me how much that detail cost us so far or what it costs us at the end of the year? Chief Ziegler asked are you talking about salaries and benefits, overtime. Commissioner Kane said all of it, everything. Chief Zeigler said I would say that we’re probably looking somewhere at about $250K with salaries, benefits, vehicle, overtime, somewhere in there. Commissioner Kane said and we’re how many officers short. Chief Zeigler said right now we’re down 23. Commissioner Kane asked are you aware of any serious threats against the Mayor. Chief Zeigler said I would tell you that any elected official this day and age has a potential to be involved in a violent encounter. We’ve seen the news media, the Commission meetings where people walk in and open fire, school boards; the Police Department took the position that we would rather put something in place for our elected officials which includes the commissioners, the judges, the District Attorney, anybody that would need it where we could respond quickly to threats or potentially prevent threats. We have one of the officers here tonight, Officer Steve Kopp, we think it’s good business having them in meetings, escorting you all I mean when you need it. I’m aware of some incidents on the ninth floor where things kind of got out of hand with citizens getting on the ninth floor and it would have been nice to have an officer there to intervene. Commissioner Kane said the reason I’m asking these questions is when we originally started talking about it, we started talking about having a security guard up on the ninth floor. We did not talk in detail and we should because I think this subject needs to start here in public so the people know and we can finish it in executive session. It was my thoughts that we were going to have security guards on the ninth floor and then we would have some of the folks follow us around. I was at Washington Days in Topeka where there were several governors, Kathleen Sebelius, and a whole bunch of State Reps, Senators, and there might have been one or two detailed people and we were there and yet we were in a friendly neighborhood.

It’s also frustrating that the Mayor goes to a soccer game and takes a detailed person with him at KC Sporting. I think that’s unnecessary. We take him to church on Sunday. That’s frustrating. He has belonged to that church and has been the pastor of that church for a long and I think there is no need. The icing on the cake is I don’t go down to the bar very often after the Commission meeting, but the Mayor takes the security guard down there with him. These are things that we need to look at, that we need to reevaluate and perhaps even hire this outside because at $250K that’s a lot of money, we’re shorthanded and that leaves us two officers short.

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I believe there are other businesses in town that could do this at a cheaper price and I think people need to know that we waste a lot of money.

Commissioner Philbrook said you were talking about a shorter training period for those that had already received a certification from—what did you call that certification? Chief Ziegler said it’s the Law Enforcement Certification from KLETC. Commissioner Philbrook asked what does that look like as far as time period if you hire somebody from that and then put them through the shorter to accumulate them into your protocols. Chief Ziegler said we believe that by going to that model or using that model or that tool that we will be able to get them trained and on the streets in two to two and a half months opposed to taking six to seven months to get a traditional recruit out.

Commissioner Townsend said I think you mentioned that CIT training there was a relationship between the way you’re doing that now and budget savings. Could you just go over that again? Chief Ziegler said last year because RSI opened up last year the department saw a reduction of about $300K in booking fees. When we book somebody in the county jail we have to pay the Sheriff to do that for us. Because of the CIT training and because of RSI opening up and us having an alternative to take people to who are in mental crisis or they’re drunk, we believe that contributed to that savings and we would anticipate seeing that again this year. That’s one reason when you see those kinds of numbers that we want to have everybody on our Police Department CIT trained and probably the one thing I forgot to say was that every recruit that goes through the training academy receives their certification in CIT. Commissioner Townsend asked what was the acronym again, the RSI? Chief Ziegler said Rainbow Services Inc.

Commissioner Townsend said the December class that you mentioned, a class that would begin in December when we look to see it hold a commencement. How long does it take to actually go through? Chief Ziegler said they will not hit the streets until about June of 2016 is when they hit the streets on their own, ready to be turned loose.

Commissioner Townsend said you mentioned Ferguson in our post Ferguson environment. Just the other night I noticed that one of the initiatives that had been supported by this body after Ferguson was having the Police Department do a video and the first version of that first movie involved high school kids and I desperately want us to have that video played to

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every high school kid in every school in USD 500. From the aspect that we’re looking at prevention and stopping things and I know there has been another version that’s currently playing and I would like to thank that officer, Steven Spielberg, of the KCK Police Department. Could you tell his name since we’re on camera? **Chief Ziegler** said Cameron Morgan. **Commissioner Townsend** said yes, Officer Morgan, I thought initially after one of the meet and greet, but I now see that it’s on the UGTV. I think that is a fantastic way to get it out. I still would like to know that that video is played to a captive audience of students every year. Where are we with that and would that have any budget impact? **Chief Ziegler** said we did show it at all the high schools, to all the classes this year. We got that done just before school was out and we created a little pamphlet to go with it about what to do when you’re stopped by the police and how to interact with them. That was little or no impact other than printing. With Cameron Morgan doing the video there was no cost for that. We had him come back and do another version which we put that on UGTV, kind of an adult version if you would, because the high schools changed some of the logos in the video to make it more specific. Really, there is no impact financially on that. The SROs are the ones that carry that into the high schools and have it shown to all the students so that system is in place and that will become part of our program into this school year. Since we got everybody this year we will hit the freshman class so then everybody is getting it from then on so it won’t be so time-consuming or such a major push. We will now start giving that to all the freshman. **Commissioner Townsend** said great, and that’s what I was hoping would happen that you would catch them coming in the door and it’s just part of their indoctrination into high school. I think the preventative benefit would be great, but for all of the adults it’s on UGTV and I would like to thank you, the Mayor, and the Commission for continuing to support that initiative and the school district.

**Mayor Holland** said I want to clarify too, it’s not just in District 500, but we’re doing it in all the school districts in Kansas City, Kansas.

**Commissioner Kane** said, Mayor, I just want to make sure that after the budget that what I talked about is brought up in executive session. **Mayor Holland** said we will be glad to add that to an executive session.
Commissioner Walker said I was just going to say in response to what Commissioner Kane indicated—the specifics of the Mayoral security or dignitary security probably ought to be in executive session. I would agree with that.

Are you as the Chief, do you have a group of people that decides the level of need in circumstances and so forth when a dignitary, whether it be the Mayor or any of us, I can certainly think there are probably some of us at the table that people probably dislike more than the Mayor, but—I guess I’m trying to just understand how this works. I’m aware of Mayor James, you see him in public. Almost anywhere you see him there are guys that honestly are police officers nearby, whatever they’re doing, I guess I’m just curious about process and not so much the details to the extent you feel you can publicly—are you driving this engine in terms of when and how much security the Mayor has? Chief Ziegler said its run out of the Chief’s office. Major Smith who is my Administrative Aide is the one responsible for overseeing it. I would say that right now we believe that with the current level of threats that we have the appropriate amount of officers assigned. We do have resources to assign more if necessary.

Mr. Bach said I would probably add, commissioner, you know as we went into this assessment last year which obviously proceeded Chief Ziegler, however; he was obviously one of the Colonel’s in the command with Chief Hanson when we were evaluating where we thought we were in the world and looking at threats on public officials and went through and started doing the design. I think one of Chief Ziegler’s other Colonels was one of the—Colonel Steele, I believe, was key in doing some of the research that went with this program. He went through and looked at other departments, took a close look at Kansas City, Missouri with what they were doing from that perspective, studied many other cities around comparable size, comparable settings, you know to our community and say what is our threat risk that comes into this. That’s how we built our initial program that we went and talked about some. I would say the Chief has done a good job as he has gone forward with this looking at where we have assigned staff to go over the early months. We’ve really just been through the first six months of that. He has went through and done reassignment from some of those sometimes where we’re spending overtime, where we’re assigning people to go, we’ve changed some of those assignments that happened early on, not doing some of them and others we’ve started in different areas so there is somewhat of a work in progress that’s involved in this because it is a new thing for us, but it’s one we’re trying not to reinvent the wheel and just do something because we’re only Kansas City, Kansas.

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It’s one that we’re looking at other communities, but we also use their intelligence that comes with it and I will say as recently as a few weeks ago the Chief came in with some other recommendations of things he changed on it. There is a work in progress as to what we think is the right level and as he said right now he believes he has the right level of assignments to do it. What they focus on is what he changes from time to time.

**Commissioner Murguia** said, Chief, did you say 36 positions down? **Chief Ziegler** said I believe at the end of the year we will be about 32-33 positions down if everybody retires whose kind of talking about it right now. **Commissioner Murguia** said you said sort of the sweet spot for a training academy for officers is anywhere between 15 and 20 officers. **Chief Ziegler** said yes. **Commissioner Murguia** said currently you run a new class, a new training academy how often once a year, once every two years? **Chief Ziegler** said we ran a class—I think the class part of this one, the nine that are just getting ready to get released, I think we went 18 months without hiring a class. We started this class a year ago, it was last December and we’re going to start another class so 12 months. **Commissioner Murguia** said so you only run one class at a time and depending on how long that takes you would not start another class until that other class was complete or you haven’t in the past. Is that true? **Chief Ziegler** said that’s correct, we haven’t. **Commissioner Murguia** said you were talking about this nine so what happened, was there only nine applicants or did people not make the tests or not get through the—**Chief Ziegler** said at the time I believe we were authorized to hire I think somewhere around 15, but we ended up with nine that made it through the process that we felt were quality people to hire. **Commissioner Murguia** asked do you track say over the last ten years or the last ten academies, for example, do you have an idea of what is the average percentage of those that start the academy and the average percentage that finish the academy? **Chief Ziegler** said I would tell you when we had the larger classes I could speak to the class of 30 that we hired 15 so probably in 2012 I think that was the class of 30, actually a class of 34 that we started with, and we ended up I think graduating 29 to 30. We lost four or five in that class and so typically on the smaller classes we don’t lose as many people, if any, we started with nine and we graduated nine and we’re anticipating nine completing the training. I believe that it’s a higher level of one-on-one training as they go through the academy that makes them better prepared. **Commissioner Murguia** said I’m glad that part of it that the smaller the class the more likely the success rate is,
but do you have an idea of depending on class size what is the percentage that doesn’t make it through the academy or are you looking at that trend? Chief Ziegler said I don’t know that we’ve ever tracked that number on percentages that graduate the academy.

Commissioner Murguia said it seems to me since I’ve been here we’re always operating at a deficit with public safety and frankly I haven’t said a lot about it because your department is multi-faceted, there are many things to consider and I didn’t really feel necessary to dig into the weeds of something that I think you are more than capable of managing. Given that we’re down 32 officers that is very concerning to me. That seems to be the most—am I right ever at least in my time up here? Chief Ziegler said it’s the most I can remember. Commissioner Murguia asked how long have you worked for the Police Department? Chief Ziegler said 24 years. Commissioner Murguia said okay, so there is reason for me to be concerned. Chief Ziegler said I would tell you that there are things that we’re exploring that our number one responsibility is answering 911 calls. Commissioner Murguia said there is already a problem when that happens. Chief Ziegler said you’re right, but our focus is making sure that Colonel Garner has enough officers in the Bureau of Operations and I believe right now we do have adequate staffing. I would tell you that using a little bit of the overtime money we’re able to meet the same level of service. We would like to hire more frequently to stay closer to 369 and I have got a plan to Mr. Bach on how we can do that. Getting caught up, there are just different tools we’re looking at like hiring people that are already certified. Commissioner Murguia said I’m not suggesting, Chief, that you don’t have it completely under control. I’m confident that you have it under control, but I still have a couple more questions.

I assume that the academy costs money. How much does it cost to run one academy? Chief Ziegler said I would have to go back and pull the training academy’s overtime is what I would have to look at. Commissioner Murguia said I guess then—then I am really confused because there isn’t a budget line item that is designate that sticks out in your mind that you need for a training academy every time you have one. Chief Ziegler said when we talk about training them you are talking about outfitting an officer and it costs us $5K to outfit an officer with full uniform so we factor that cost in. The cost that I can’t give you sitting here this evening, I wasn’t prepared for it, was the cost that it takes for us to actually put on a training academy and the reason is this. Depending on when that academy starts and finishes if it hits the in-service cycle then we end up having to pay overtime to keep our academy instructor’s to be able to cover
all the training that needs to take place with your in-service training and with the training academy, the new recruits. That’s a more difficult number that I would have to dig into to get you an answer. Commissioner Murguia asked is there a way to run multiple academy’s at the same time. For example, if you were running two academy’s this year, 15 potential officers, and you knew what the trend was on what the likelihood of success was for the classes to complete or the number of people to complete those classes and you factor that in, just two classes at 15 would not give you the full amount with that, we’re short. I understand that budget determines the number that you can hire so if I’m wrong, I’m saying it like I think I know what I’m talking about so correct me if I’m wrong. If you had two classes with 15 potential officers in each one and then obviously you are going to lose some for a variety of reasons and then whatever you’re budgeted to hire to insure that you hire the full number of officers and to even have some leeway in case you have some unforeseen retirements that you didn’t count on, that you could fill that position immediately. Why wouldn’t you just take the remaining top officers, top performing officers, from those two classes and fill those positions to whatever the budget allows for and then put the remaining qualified officers on a wait list so that when you run short again, you can hit the ground running with officers that are ready to go? Why aren’t we doing that? Chief Ziegler said that was part of the plan that we came up to the DOJ Task Force with Public Safety hiring. That was one of the things that we created. In September we will start the monthly testing. We will be able to start a class in 60 to 90 days from the moment that we’re told that we can hire. That’s quicker than we have ever than we’ve ever done that in the past. That’s very fast for us because we will already have a pool of applicants who have gone through the first two stages of screening and we will already know that they have passed. It will take less time to complete the rest of the application process.

It would be difficult for us to run two classes of say 15 like you were talking about. The problem is that all the training is not done in-house. We have outside contractors, we have people from Legal, the DA’s office, I don’t know that they have the resources that they would be able to simultaneously put on two blocks of instructions with the recruit classes, plus it would be a very demanding schedule because we use those same resources for our in-service training. Trying to be fair and not overburden our partners that help us do this training, we keep their demands to a minimum. We have a lot of commitments that help us out with the in-service which runs every year and then our academy classes when they start.

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We think we’re on the right track. We just haven’t had a chance to get it implemented yet and we think that in September we’re going to be able to get people cranked out a lot quicker. Commissioner Murguia said I think that’s a good start and I understand not over tapping the resources that you have for the training academy, but then why wouldn’t you run one academy after another to insure that you are always having the que qualified officers that are ready to go? Chief Ziegler said that is the plan that’s out there. When this academy class gets about halfway through I will be asking for permission to start another academy class, six months, so in an ideal world for me I would run a class in December, I would start another one in May or June, and then I would start another one in December of next year and I would keep going every six months starting a new training class in order to get caught up. In an ideal world I want to be at 369. The moment I drop to 363 I would start a class of six so my numbers would always stay so much closer to 369. In the past the Police Department has seen a big sway in the number of vacancies. That’s just the way we’ve always done business. We have a plan on the table, we believe it’s a good plan and we believe that in the long run it will keep us closer to our authorized strength. Commissioner Murguia said I understand there is a plan and I understand it’s a new plan, but we thought we had a plan before and we’re 32 short.

Mr. Bach said may I clarify a little bit maybe both the number you’re using too, Chief, because we’re saying we will be 32 down, but if you look at year over year totals, we always count the number of recruits in our total so actually it will be 12 down. When you hit year end you will have 20 hired and then you will have another round of retirements, right? Chief Ziegler said yes. Mr. Bach said which puts you—so our net down will be 12. Chief Ziegler said 12 or 13. Mr. Bach said so actually if you go back and look at year over year and you look at the prior years, they are showing you the number after we filled in recruit classes and such like that and so you can find ebbs and flows closed within the total but at that point we’re only 12. So if we authorize another class within six months or so from there, he would be able to go up to 18 so by July, unless we saw another abnormal retirement rate in the spring or summer which is not, as the Chief said, typically when we see the retirements he would be able to bring in those 12 plus a few more and he would go up to a full 20 in his class and put himself at authorized strength from a hirement and a hiring recruit process in less than a year from today. He has a plan that does work and he’s already got it set up for starting in September how he will do his month to month recruitment which will make us much more nimble and by doing some things we’ve changed
with HR to assist with the hiring, I think we will be able to meet that schedule. He has sit down and gone through with me when we talked about hitting that 369 number, how important it would be to stay at that number and not have him drop down and I will say we’re lower than either one of us wants to be right now and we don’t want the recruit classes to be so backed up, so really if he could come through and he is doing nine or some number like that or ten, that’s probably where we would want to be. As he said if we hit six so you’re moving through year over year like that and so I do think there is that set out and I do think we need to work with the number of what is our actual strength we have including recruits because that’s the year over year comparison we always look at when we look back at previous years. Commissioner Murguia said I appreciate the explanation. I will be anxiously awaiting next years’ budget to see where we’re at on officer positions.

Why do you have to ask us, the Commission, permission to hold an academy? Chief Ziegler said we always go to the County Administrator for permission because all hiring are recommendations to him. He makes the final decision. Commissioner Murguia said but why does that come to the Commission? Mr. Bach said the only thing that comes to the Commission is the authorized strength could we have each year. The authorized strength that we will fund so when we build in the budget for it, that’s what’s build in. I don’t come back to the Commission and ask to move forward with the hiring process. I will inform you of it and tell you where we’re at, but it’s really done on the annual basis as to when we move forward.

Commissioner Walker said kind of a two part question. How many people in our department make lateral transfers out of our department to go somewhere else? Chief Ziegler said I’m not aware of any. I visited with Chief Brown in Topeka and he is the only department that I know of who is getting ready to offer that program, but I’ve never heard of anybody leaving our department for a lateral transfer. Commissioner Walker said and the reverse of that. You indicated you were going out to acquire officers with LEO status, a modified training program. I guess that raises a union question with me. These individuals then will come in at the bottom of the seniority list? Chief Ziegler said yes.

Commissioner Walker said so you’re going to be looking for officers that aren’t necessarily well seasoned, just a little bit. In other words, he has been an LEO somewhere for a year or two, that’s one thing; whereas, if you’ve been an officer in a position for five to ten years
those are not the kind of officers you’re going to be looking for unless they are willing to go to the bottom of the seniority pile. **Chief Ziegler** said from the research that has been done, and we’ve involved the union in this, they were one of the ones that brought that idea forward of being able to shorten the academy; the thing we’ve heard repeatedly with our department is when officers from other agencies, even locally here from Overland Park, Olathe, they don’t want to go back through an entire academy class with a bunch of new offices. That’s one reason we looked at this modified. It wouldn’t really be a lateral transfer, but the officers that we talked to in the area that would like to come to our Police Department doesn’t want to have to sit through six months of training again when they’ve already got five, six, ten years’ worth of experience. Our department has a very good reputation here in the metro and we believe with this modified hiring we will get quality people to apply who are seasoned and who do have five to ten years’ experience on the streets. **Commissioner Walker** said it says to me that we don’t lose anybody, but you at least think we’re going to be able to acquire people. I would say that does that suggest that we pay pretty well? **Chief Ziegler** said I believe we do pay well.

**Mr. Bach** said while they’re changing for the Fire Department to come forward, commissioner, I will just add I believe we also provide an environment and also a career path that others look to our community. We’ve hired year after year, it’s not unusual to see the Chief bring forward academy classes that have people that have worked in other communities because when they want to go into this profession they find Kansas City, Kansas to be one that I think as when they look us would be satisfying from a career challenge and a good career path of how they move up through if they want to go into Command ranks as well. I think we find that both in Police ranks and in Fire. **Commissioner Walker** said I agree with you. I would put it a little differently. I think being a policeman here would provide more opportunities for excitement.
Chief Jones, Fire Department, said I will start out with this first slide to show what our actual expenditures for the fiscal year showing that we’re very consistent year over year for the past several years. One of the issues going into this is going to be overtime.
As you notice overtime was reduced last year as a result of the academy class that came on and had a definite impact. Our overtime is driven by staffing and if we are carrying vacancies will drive the overtime and so you see the reduction now.

Also, it shows that it looks like it levels off, but the issue becomes in this next slide is that as you can see we have a spike in overtime here for 2015. The reason why is because we’re carrying 21 vacancies right now. Again, the vacancies drive the overtime because of the staffing requirements to operate at a minimum level. The one thing I have to point out is that we have a
recruit academy scheduled to begin in I believe September 3rd and it may be delayed an additional week beyond that. We hope to get that going by at least the second week of September. Right after that we anticipate that we could have another 15 to 20 vacancies occur because of retirements. By the first of the year into December we could have approaching anywhere from 35 to 40 vacancies, up to 41 vacancies. With that said, the expectation will be that the overtime will increase because once again they’re driven by the vacancies. The recruit academy typically last approximately 18 weeks. Our plan was to condense this particular academy, accelerate it, but yet still give the same level of training because of the fact that it’s going to be running into the holiday’s. We think we can get this academy in in about 15 weeks. The issue becomes though that there is about five weeks after that that this recruit class will go through a proctorship, a mentorship program when they are released out on the street and so we’re talking spring before this class will have an impact as far as on this overtime. There is a little bit of a lag there and so when you think of the fact that while they’re still in class we’re going to be carrying approximately 35 to 40 vacancies. Then once again in March we anticipate another round of retirements. As far as predicting that number I think it’s between eight and ten right now as far as that March number, but it’s hard to project that far out.

We anticipate that this class will be ready to go. We’re in the final stages of shoring that up and making conditional offers of employment, but the size of the class will make a difference here and as we project in the overtime that may occur as a result of carrying this many vacancies. That’s quite a few vacancies.

I would like to ask if there are any questions on overtime per se. On the Fire Department we do a lot of our training while we are in service. We do have in-service training at a minimum annually that takes the firefighters out of service for a brief period of time. We minimize that impact that it will have on them being in-service and frankly the driver of overtime is the level of staffing to operate at a minimum I must point out.
In relation to the budget something that is really going to have an impact on us going forward is the deferred maintenance and the deferred equipment purchases. Since 2007 our scheduled capital expenditures have been significantly reduced to the point where year over year we went through a tough economic environment over the last eight years and so a lot of those purchases just didn’t happen. Although they were approved in the projected CMIP going years out, year over year they would be delayed and they would be put out into future years and those purchases were deferred. So, where we find ourselves at now is we’re about I believe it’s 16 frontline apparatus behind in our ten year replacement program and we’re finding it difficult to keep the maintenance up on the apparatus that we have in service today. Frankly, our reserve apparatus that we would have to switch out into to perform a lot of this maintenance is not in the best of condition because if our frontline apparatus—you know we’re having a lot of maintenance issues, you can imagine what the reserve apparatus is. It’s difficult to keep them maintained properly also, but you have to have those rigs in service, those fire apparatus in service in order to perform that maintenance and so you have to switch those rigs out.

We have a limited maintenance staff and frankly we’ve been in a temporary shop I believe since 2008 and so when we can get the new project as far as the shop on line that will be a shot in the arm as far as being able to maintain our equipment. I would say with the 16 frontline apparatus being down—the problem is compounded. When you have the deferment for a facility and equipment it compounds because we will have other apparatus that it’s going to go out of the cycle and it’s going to continue. What we’re hoping to do is keep the aging fleet in

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**Deferred Maintenance and Equipment**

- Since 2007 our scheduled capital expenditures have been significantly reduced.
- Specifically, the Fire equipment replacement schedule has been has not been followed.
- The costs of deferment for facilities and equipment compounds.
  - Keeping the aging fleet in service daily is challenging and increasing operating costs for the department.
- Goal is to strategically plan to achieve compliance with the replacement program in the near future.
service daily and that’s challenging with all the maintenance requirements and it increases the operating costs for the department. I will say as far as the apparatus the cost to maintain that apparatus we’re approaching where we’re not going to have the budgeted amount necessary to keep that apparatus maintained I believe throughout the rest of this year.

As far as the facilities that cost as far as what we’re budgeted for I will tell you is at net zero right now. We’ve ran out of money as far as the minimum to maintain and provide for our existing fire stations out there. We’re talking about HVAC systems and the typical things that go wrong plumbing, etc. so that’s where we find ourselves and we’re very concerned about that.

Our goal is to strategically plan to achieve compliance with our apparatus replacement program so we can get back into cycle which is our ten year cycle. We have apparatus out there that are 17, 18 and in one case I believe is 24 years old. Hopefully, going forward I guess the goal is to get us to where a lot of those purchases can be made over time to get us back to where we need to be.

In the budget it shows as unfunded. We did a strategic plan of action if we had to rebuild or replace some of these aging facilities and put a cost estimate and I believe we’re at 11 fire stations, I think the average cost was about $3.5M each and our plan was between now and 2020 is what we showed. One of those stations that was approved in prior budget years I believe was first in 2011 was additional western area fire station and I believe that was put off in the budget. It still shows as funded now in 2017, but the difficulty as far as strategic planning when you look at what it costs to maintain our facilities and what it costs to maintain our equipment over time, the issue is when you have the economic environment that we’ve had over the last eight years it became increasingly difficult to make these purchases. The problem compounds itself to where we find ourselves today where all these kind of stacks up. If you want to catch up, then we’re going to have to address it probably sooner than later, but I think having a good sound strategy to get where we need to be, especially over the next four or five years, I think will be very important. I will tell you I am concerned about the condition of the apparatus that we have out there now. We’re maintaining it—well we wouldn’t have it in service if it shouldn’t be in service, but it has been an undertaking and I would like to entertain any questions about that, if anybody has any questions about our facilities or apparatus.

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Commissioner Kane said you mean the pole barn number 8 has running water? Chief Jones said yes it does. Commissioner Kane said this goes back into what I talked about the other day about when a police car went by you couldn’t tell it was a police car. Then you hear what the Chief is saying and we need to start buying this equipment because sooner or later we’re not going to be able to fix it. Then we put our constituents at risk and then we put the people that work for us at risk so I don’t think we just need fire stations and police stations, but we need police and fire apparatus to get back to some sort of normal to where not only do they run and they help us perform our job, but they look halfway decent as well.

Commissioner Walker said I have a question for Doug. Don’t we still debt finance all of this capital equipment or are we trying to divert? Mr. Bach said we lease finance the equipment. When we move to a facility improvement of course part of that will come out, as the Chief noted, working toward the strategy that we will have as we determine what stations we will most likely do debt financing for the stations. The equipment is purchased on a lease funded basis. Commissioner Walker said I guess I’m wondering why we don’t do a major debt financing of fire equipment if it’s as bad as the Chief says. Those are the guys that are coming to your house to save your life. We’ve got to get the guys there, but you know this job is a hard job. Anybody who thinks being a commissioner is easy has got it wrong. I don’t want to spend the money and I certainly don’t under any circumstance want to raise tax, but I don’t want my fire truck breaking down or getting to my house and not being able to squirt the water because we have decided we can get one more year out of it by just maintaining. I’ve seen some of the equipment. I live in an area that—it doesn’t have a pole barn, but it’s got a gnome house for a firehouse. It was a township firehouse. That was there before I was born and I will be 65 years old. There is no excuse that we cannot undertake a progressive aggressive year by year debt financing of this unless people are saying it doesn’t matter. Fire trucks don’t matter. We need roads; I can ride on a bumpy road. I want to be involved in a program of adding new equipment and I don’t mean one piece a year for the next 20 years. I want you to come out to Turner anybody who hasn’t been out there. It’s right up by the old high school right at 55th & Metropolitan. Tell me that doesn’t look like a fairy house out of a fairytale story. It is terrible. I don’t know what they do in there. I mean there is hardly room to move around. Mayor Holland said I can say the bumpy roads actually cost the apparatus at that fire station to lose its gas tank
last year and so we had to weld that back on. Chief Jones said we hit a speedbump and the fuel tank fell off of that particular fire truck.

Mayor Holland said I learned that when I visited that fairy house, but I will say there is no question we put in this budget 30 new police cars. Police cars we need to pay with cash because those are disposable. They run 100,000-125,000 miles a year on them. When the police are done with them you just put them at auction and hope you get money for the tires. I mean there is nothing left. The fire equipment we typically lease/finance over time. We have two new apparatus in this years’ budget which is something. We also have the new facility, operations facility, under construction or getting ready to go under construction. That’s in this budget to get the new fire facility up and running to maintain our equipment. Also, we have a Comprehensive Fire Study that is coming in this summer yet and that’s going to give us some direction. One of my concerns is I’ve been visiting the firehouses and I can’t find one out four worth keeping. We’ve got some shacks out there that are held together with bailing wire and duct tape. I want to make sure that when we invest in the new facility that it’s in the right location. Like you said some of these are old. I didn’t realize they were as old as you said they were, I didn’t know they were as old as you are, but I knew they were outdated. We need to make sure when we invest $3.5M in a fire station that it’s strategically is in the right place for our growing community and not just in a current place where a current firehouse is. That strategic plan is underway and we will get that roll out and start digesting that data and we did put money in the 2016 budget so when we get the go ahead yes, that’s the place we need a firehouse, we can start designing it and get ready to put it in the ground. I’m excited about the proactive steps this budget has, but mercy, we’re way behind. I remember when I came in as a commissioner in 2007 we were on the ten year schedule and then the recession hit and we have fallen woefully behind, but you’re absolutely right, we’ve got to get this equipment and these facilities up-to-date because a lot of them are an embarrassment.

Commissioner Johnson said I will just add, Commissioner Walker, the station at Kensington does look like kind of a fairy house to me as well. Commissioner Walker said it is very similar. Commissioner Johnson said it’s really interesting. Chief Jones said that was constructed in 1924.

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Commissioner Johnson said I think there are just some things in terms of like I look at the emergency medical services and I know there is a shift from the 2015 Original to the 2015 Amended and now into the 2016 Budget. Is that being shown somewhere else? I’m on page 177. Is that being moved somewhere else within the budget. It’s a $4.4M shift and I look at the overall budget and I don’t see that big of a shift. I’m just kind of curious just what that is. Chief Jones asked are you talking about the EMS component of it. I would have to look hard at the numbers, but I think there is some shift in regard to some personnel costs, some equipment costs, etc. I think that’s probably the components that account for that. Commissioner Johnson said so it’s a shift in personnel, it’s not a decrease in personnel; it’s just a shift of where it’s being shown in the financial statements. Chief Jones said I believe that’s correct. Mr. Bach said I think that’s correct. Debbie, do you have that in front of you? I think we took some of the funding and moved it over to one of the other expense areas. Debbie Jonscher, Asst. Finance Director, asked what page are you referring to. Commissioner Johnson said I’m looking at page 177 and 179 in terms of personnel costs for EMS. Mr. Bach said so you’re specifically looking at 2014 Actual Expenses versus where we’re at with 2015 Amended and then 2016 budget numbers. Commissioner Johnson said yes. There is the 2015 Original of $10,991,000 and it drops to $6,555,000 and then the budget is $6,567,000 and I don’t just want to assume that’s an accounting change, but it looks like that. Ms. Jonscher said yes, we have I think for several years—what we’ve done is as we bring in new firefighters or EMS the new positions are shifted to the EMS Fund and then the senior positions are shifted back to the General Fund. We probably have done some shifting. I don’t know specifically how many, but we did shift some people back to the General Fund at the beginning of 2015. Commissioner Johnson said that doesn’t have anything to do with the comment about the 21 vacancies though, is that correct? Mr. Jonscher said no, these would be filled positions.

Commissioner Bynum said a question on the ten year plan that we’ve differed away from. Is what we’re seeing for this year our attempt to get back on that plan and fulfill that plan? Mr. Bach said I think a couple things will come from that. One is what year of a cycle we should be in. I hope to get a little bit of input from our study when we’re looking at and you know when it comes out to say ten years, ten years was our previous goal. We achieved that one time for one year that I’m aware of over my history here so to say that’s a hard and fast rule that we have to

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be on ten years I think stands a little bit just to look at and say what is the right number on each piece of apparatus that you evaluate, but no, I wouldn’t say—we would have to probably purchase at a little more aggressive rate in order to get there. I think as we go through and do our strategic planning and come through on this and say okay this is what we’re going to fund toward facilities, this is what we’re going to fund toward equipment and then we look at that from a debt structure or a different lease structure and determine how much money—what our need is versus where we’re going to allocate expenses and how we pay those. Even when we put debt as we all know we have to pay for that eventually so marrying those together is where we will be I guess as we study our strategy for the Fire Department.

Chief Jones said to put it in perspective Kansas City, Missouri is on a seven year replacement program for their apparatus. As far as the ten year replacement program, this has gone on for quite some time to the point where it’s hard to get your mind around, but we’re ready for the apparatus that we didn’t bring in to go out of a ten year replacement. In other words when these hit 20 years old, the ones we don’t even have yet are going to go out, if that makes sense. That kind of shows you how far behind you can get. I agree with Doug that the need would be for a more aggressive replacement program because if we set out right now, just to replace—I believe if you total all the apparatus that we haven’t purchased that were somewhere in the budget since 2008, we’re talking about if you just cash purchased them, not ten year lease finance which is what we do which is pretty common. This is a ballpark figure, but somewhere around $32M. Just to catch up with that if you just did a ten year, we’re talking approximately a little over $3M a year to catch up with that alone, not counting the ones that would be going out of compliance as we go forward. That seems like a huge number, but when you’re talking over ten years spread out with a lease purchase it’s a little more palatable. That gives you an idea of the scope of the problem.

Commissioner Townsend said I don’t know, maybe this is not necessarily directed to you, but maybe Mr. Bach or someone on the accounting staff. I was told in my preview of the budget that approximately $400K has been included in this budget to cover the cost associated with the recommendations that were accepted approved from the task force. I thought maybe Commissioner Johnson’s question was going to that in the personnel. Could someone just tell me where you would see that money and do we anticipate in 2016 classes that the new process
for taking in recruits who can get their EMT while they are a recruit, where would I see that in here? **Chief Jones** said as far as going forward with the number of vacancies that we’re going to be carrying going forward and then implementing these new processes, I think we’re going to continue to have retirements. They come in groups at different times of the year so I believe that as far as accounting for the number of vacancies that we have to fill right now let’s say by December, and let’s say if we had a class now or one bigger class or a class now and a class in January or something like that; I believe that the recruitment process that we have now based on some of the efforts over the last several years I think this is going to be a pretty diverse group. As far as the cadet program which I believe ours will be more like a firefighter trainee program and I believe going forward in the next hiring process we will see the fruits of that in 2016. Will it have a direct affect right now, we’re well into the end of this process, and so I believe in 2016 when we have a class—after we go through another hiring process that trainee program and a lot of those changes into the lowering of the requirement as far as the age from 21 to 19 and those other changes we will see those in 2016, but after a 2016 recruit process. **Commissioner Townsend** asked when would that be in the year because what I understand you to say is the newly accepted task force recommendation, the implementation of those items, will not start until 2016. **Chief Jones** said correct. **Commissioner Townsend** asked when might that begin. Is there like a time—Police Chief Ziegler talked about a class in December. Will the Fire Department have a similar class start date or it’s just one at a time or a couple at a time. **Chief Jones** said we do have options. I know before we have had a class size as high as 44 and we actually had one years ago that was 76, but I don’t want to go back to that number because that would mean we’re filling that many vacancies. If in fact we had to have a split class to have two academies essentially going on at the same time, but they can come together at certain points, you know we’ve done that before. It’s doable. It’s an undertaking, but also I guess the option could be to have where we finish one academy before we start another and have them back to back. **Commissioner Townsend** said I’m still not quite clear though what the plan is. When will the recruitment academy under the new task force recommendation begin? **Chief Jones** said that will be in 2016 when we initiate a recruitment process in 2016 and they go forward through that process and when a class is started in 2016 as a result of that process, all the aspects of the recommendations from the task force will be implemented at that time. **Commissioner Townsend** said at this point do we know if in 2016 that will be, and I’m just picking, February,
April? Mr. Bach said we haven’t done a specific date to say when that class will start yet, commissioner. The Chief is starting a new recruit class here September 3rd I think or maybe the week after so he will move them through the 15 to 18 week academy depending on where he gets that structured. As we just discussed here a week ago as we were going through some things on it, the ability to bring in that second class part of the evaluation will be done based on his retirements. He thinks he will have a high number of retirements either coming in the fall or winter. If we see that higher number of retirements come into play that will push up the date when we come to that next academy. Part of the way that we work and run these academies is based on what’s going on in real time and so we look at it and say—I mean if he fills them up and we don’t see any of the retirements come into play like the Chief is anticipating, probably not likely, but if they don’t come to play it wouldn’t put us in a place to start a new recruit class so we may look at a different way to hire some trainees which are the ones that come in pre EMT so we can start that program. Most likely the recruit class will be in place so we would start it probably year round in the first quarter in the new year in 2016 and then we would layer in that trainee program to hire a number of those. We’ve identified, and you asked from the budget on page 193, you will see I believe that’s where your fire training where you put the trainees in, I see the jump in eight that moves up there. I think the adjustment from 2014 to 2015 was just getting that right as to how many people are assigned to that unit, but you see there are eight people assigned there. Reggie, you can correct me if I’m wrong, I think that’s where you budgeted the trainees to come into that unit, it is; so that reflects where those eight additional employees are within the Fire Department that he currently doesn’t have on the budget. Our initiative there is we have them funded, layered in, they work a time period up to where he is ready to get it and could be on staff for a year or he may start a recruit class thereafter. The first year is going to be a little bit of work in progress, commissioner, to get the trainee class layered up so it matches on with the recruit classes because trainees will be hired to go through and get their EMT Certification, how that mirrors with the community college and how they do their EMT Certification are things the Chief will be working on and then when they come out they will be ready to jump into the next recruit class.

Mayor Holland said I want to clarify too, my hope is they are going to take some time to get this training program together and we don’t have to reinvent the wheel, they do the same thing in Kansas City, Missouri. They hire at 19, they hire without their EMT, and so there are
groups all the way around the metropolitan area that are already doing this. My hope is we’re hiring out of next May as people are graduating we’re going to be recruiting all school year. People come out of high school next May and we will have them signed up to go directing into their training class at age 18 at graduation, then they will have a year of training, get their EMT and be ready to go on a fire truck when they have their EMT at the age of 19. If you think about the school year when we’re going to get kids who are 18 years old, it’s going to be at the end of the next school year. The additional recruiter we put in Human Resources for Public Safety, doubling the Human Resources budget for recruiting is going to give us a year round recruiting process to get into the schools starting this fall in August, start getting the word out and getting kids geared up so when they finish high school they are ready to come into a training program and get their EMT on our watch and then get them ready to put on a truck. There is going to be some planning to go into this program for the next year and there is no question we will still need to be hiring some people that already have their EMT just to keep the slots filled.

My goal is we’re going to put this new training program in and hire eight trainees next year who will be ready after they come through to go on a truck. That basically matches—we have about 16 retirements a year on average when you’re not already behind, but if you average about 16 a year, half of those are EMTs, the other half are paramedics so we’re going to need about eight EMTs minimum every year. If we can get those in our training program we’re going to have that number met every year as they retire. That’s one on one. The next level is going to be coming up with a training program for paramedics to match the diversity numbers on paramedics as well. We’ve got to start this first program, but it is going to be a work in progress. We have to hire some people now and we have a new method that we’re going to be hiring that’s going to be layered over that. I feel comfortable in this budget that we have an aggressive program to carry out the Department of Justice recommendations from the task force.

Chief Jones said right, and then the aggressive directive recruiting is still going to be in place to help direct those individuals in our community to go out and get their EMT on their own. There are also some things that are needed like a private vendor has donated a sizeable amount of the money to the community college to the Endowment Fund specifically for a minority scholarship program for those that want to get their EMT or their paramedic license.
**Commissioner Townsend** said just so I’m clear with regard to the upcoming recommendation plan with the Fire Department. Will they also take into account the equipment needs in terms of the age, how many we need, the topic that Commissioner Walker brought up; the study? **Mayor Holland** said yes, the study will come back and give us an idea of—it’s a pretty comprehensive study that’s looking at all aspects of our operations. This is the first comprehensive study of operations in these three departments. The departments have studied different sections of it, but this is the first time we’ve really studied the whole thing at once. My hope is we will get recommendations on equipment as well, but it’s hard for anybody to look at the equipment and say it doesn’t need to be replaced because they’re just an age that it has to go. In terms of the deployment of that equipment and making sure we’re buying the right equipment, the right number of apparatus, the right number of ambulances—because every pumper is about $600K that equates to about $1.2M and these are not small purchases. An ambulance is about—**Chief Jones** said about $220K. **Mayor Holland** said they are all sizeable investments so we need to make sure we’re buying the right number and that study is going to help us with that.

**Chief Jones** said one other point I wanted to make, I don’t have a slide for it, but on a very positive note if you look at the Fire Department, what it takes to run a Fire Department, what it takes to be successful, I mean you have to have the people and you have to have the equipment and we’re working on that; but you have to have the training. The other component is you have to have a motivated Fire Department. We have a very motivated Fire Department. I will tell you I’m very pleased we’ve woven in some additional customer service measures. We’ve always taught customer service going back into the early 90’s, specifically called customer service on the Fire Department, so we’re very pleased with that training. I will tell you they operate on an extremely high level. They are very motivated, but that’s what it takes, the bottom line. They are very well trained, they are very motivated, and as far as having the right number of people I think we’re getting there and having the right equipment and I think that’s the recipe for success. I will tell you the one thing it’s harder to replace than equipment and facilities and that’s a motivated workforce and that’s something that we have. It’s an extreme benefit. They love to serve the public. Everybody is treated like their own family. That’s the standard on the Kansas City, Kansas Fire Department and when we have an academy and although we may bring in firefighters from other departments who are already existing firefighters, that does happen, and
we put them through our academy and we do it our way and we show them Kansas City, Kansas way and our level of expectation for a standard of excellence and I think that has proven to be very successful. The number of complaints that the public would have I could count them on this hand in the last two years. I’m very, very pleased. The praise is hard to recognize. They are a very humble group and they love to play as a team, but I get a lot of letters and sometimes—I thought about this before I came in here and I think it needs to be said because we just don’t do it, the cards and the letters, the hundreds of community events they participate in on duty throughout the year; they really don’t like to talk about it and so it kind of goes unnoticed, but I wanted to make a point.

Commissioner Murguia said, Chief, I just want to confirm. You said there are 41 vacancies. Chief Jones said right now there are 21 and the projection is by December that we could have anywhere from 35 to 41 because I can’t give you an exact number, it depends on the number of retirements but that is a pretty good conservative estimate by the end of the year 35 to 41. I will stick to around 36, 37, and 38 just to be on the safe side. Commissioner Murguia asked is that abnormally a high number of vacancies for fire? Chief Jones said that’s a lot of vacancies. During the worse part of the economy I think we were approaching—we had a class of 44 and that was after the worse part of it and we actually received a grant and we were able to pull that off, but that’s pushing the envelope for sure. Mr. Bach said, again, we will hire a recruit class between now and then so when you look at the actual number of vacancies it won’t be that high by December. Chief Jones said right. The issue though becomes because of the delay and putting them on the street you still achieve that lag, but yes.

Mayor Holland said if we look at our agenda, I’m going to ask the will of the committee here, we have four other points that we need to take up tonight. Mr. Bach, do you have a guesstimation on how long it will take for presentation not counting elegant questions from the commission? Mr. Bach said each one of these could—I mean we could work one or all four of them. We have grouped them together. They were ones that the Finance staff was pretty good about putting the information together so we would have it assuming we had time or wanted to work these tonight. I would say the presentation on each one of these is probably only a few minutes for each one and then how many questions you would have. Mayor Holland said let
me ask the will of the Commission. We can be here as late as you want. My inclination is we’ve already been here—we had a standing committee here earlier from 5:00 p.m. to 7:00 p.m., we’ve been here since 7:00 p.m. My inclination would be that we would either finish tonight or take a ten minute break and come back and commit to another half hour and see how far we get, but it’s just the will of the Commission. After two hours we should take a ten minute break. Do you want to come back tonight and do more and see how far we get or do you want to call it a night and book these for the later meetings? The only risk we run is we make our later meetings longer, but it is 9:00 p.m. and I just want to be conscious there is a diminishing return on how late you go. Commissioner Walker said if we’re going down the row, I say book it for tonight and bring these at the next one. We will start right at 5:00 p.m. on the budget on Thursday as opposed to 7:00 p.m.

Mayor Holland said I will also note our Thursday night agenda doesn’t look terribly long so it is possible that we could take on some additional budget things on Thursday night if we finish in a timly fashion on that.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:48 P.M.

Bridgette Cobbins
dt
Unified Government Clerk

July 20, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, July 23, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (did not return at 7:23 p.m. for the continuation of the Special Session); Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District (arrived at 5:06 p.m.); and Holland, Mayor/CEO; presiding. Murguia, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator, Melissa Mundt, Asst. County Administrator; Ken Moore, Deputy Chief Legal Counsel; Lew Levin, Chief Financial Officer; Reginald Lindsey, Budget Director; Mike Tobin, Interim Public Works Director; Debbie Jonscher, Asst. Finance Director; Jason Banks, Asst. to the Mayor/Manager; Emerick Cross, Commission Liaison; Robin Hicks, Legislative Auditor’s Office; Budget staff; Janet Leverich, County Administrator’s Office; and Officer John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Holland.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 23, 2015, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for a Budget Workshop.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in
such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Doug Bach, County Administrator, said we have several different topics to go through, but first our Election Commissioner is here with us tonight to give a presentation on a few things going on over there and really his outlook going forward as to some items that will be affecting our budget.
Bruce Newby, Election Commissioner, said what I came to talk to you about is the future of elections in Wyandotte County and what we need for the remainder of 2015 as well as what we need for 2016. 2016 as you know is expected to be a pretty big year with a Presidential Election that’s big enough in itself, but in 2016 I will also have two local elections meaning the Unified School District 500 is doing a mail ballot election and Bonner Springs is doing a special election. By August we will be doing the Primary and then November of course is the General Election.

I have provided a memorandum which I notice is buried a little deeper in your handout and it’s a letter that has the office logo on it and that has five attachments to it. I’m going to primarily speak to the attachments because that’s where the meat of this is and what drives the budget for me.

We’ve got three big problems. One is with the building that is provided to us by the UG. The parking lot and voting machines and I will use the attachments to address that.

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For 2015 we’ve already completed the three elections for this year. It was a Primary, General and a Special.

I have listed on the handout the budget priorities for the remainder of 2015. With those budget priorities I have been able to shift some of the fund balance into 2016 to fund elections in 2016 so we wind up with a positive fund balance.
The 2016 schedule and potential elections I mentioned the four. There is also a potential that we could have the three other school districts asking for a local option budget election which is also by mail ballot. The problem I have is my budget has always been based on 3.5 elections per year. I already know I’m going to have four next year so that’s one of the things that drive the cost. The cost is also driven by the fact of the Presidential Election and the need to educate voters more about what their voting options are.

Provided in that handout are the budget priorities that I have for 2016 to make sure that I’m able to pull that out. The Secretary of State asked us earlier this year to start identifying our
resourcing requirements for 2016. When I did that I found that we were going to be very shorthanded come 2016 unless we take some remedial steps to make sure the elections were properly funded in 2016 and so that is what drives the budget.

Our actual expense for the last seven of ten years has exceeded the fund balance. It’s been over the fund balance. The only way I can hold the line is we’ve got to have an increase in the levy. On the handout I provided since 2006 so you’ve got ten years’ worth of data. From 2006 to 2016 what I expect is either the overage, which is in red, or where we’ve been able to bring it in under the fund balance which is just in normal print.

As I said the Amended Budget for 2015 moves some of that fund balance into 2016 so that we wind up with a positive fund balance at the end of next year. The solutions going forward though there are a number of other requirements that have to be met and the only solution that I see is to raise that levy. The levy is independent of all other levies that’s done by the Unified Government and is not subject to any of the restrictions in law. There is some room there and Budget has told me that an increase of like 1% will do this so the numbers are very doable without us going crazy and making the budget way more than it really needs to be. That tax levy funds all the expenses and all the salaries for everybody that works in my office. Those salaries also include all of our temporary help that we call in either on Election Day or for Special Boards.

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If I can talk briefly about election staffing, currently we have seven fulltime and one part-time. At the end of this year in the 2015 Amended/2016 Proposed Budget opens this up so that I will wind up with a fulltime staff of ten. We’re eliminating the one part-time position and converting it to fulltime and then for 2016 and this is not in the budget I actually need ten people to be able to be successful at the elections in 2016. That kind of drives the need for an increase in the levy to be able to cover actual costs.

Voting system, that’s your voting machines. The machines we have been voting on date to 1995. It is a system that is now 21 years old. I am confident that in 2016 we will be able to make our
current system work. It’s still functioning well. We proved that earlier this year when we had a recount where the recount came exactly at what the machine count was, but it’s a 21 year old system and I’m not sure how much longer I can guarantee it being flawless as it is.

Shawnee County is upgrading their system this year. Johnson and Sedgwick Counties plan to upgrade their systems in 2017 and I would like to partner with them to make sure that we get the best price of whatever system the four counties wind up purchasing.

The estimated cost of a new system is $1.7M and I wanted to bring this to the Commission’s attention now because we need to start identifying what will be the funding source to buy new election equipment. Like I said, I can’t guarantee that the election equipment that we have is going to be good from 2017 on. It’s just that old. We have no software support for it. There is very limited repair parts for it and the repair parts are limited by the fact that the vendor who did manufacturer the equipment was bought out by a company called ES&S. ES&S committed to supporting the equipment for the “life of the equipment” but what they’re doing is whatever stock the previous company happened to have in hand is all they have and when they run out of that stock nobody is manufacturing any new parts. We have not had software support now for two years. Software as you know can go bad so that’s the reason that drives the need for a new system.

The systems we have out there right now are really just extensions of what we already have and I’m hoping that by 2017 we will have that next great system come along that will do the things that we need it to do and modernize the thing and get us out of the 1990’s.
The next couple of slides addresses the Election Office building and the parking lot. We moved to this building back in 2006 and at the time I was told it would be a temporary facility. We would be there two years, could I make it work? That was the question. My answer was yes I can make it work. We are now nine years later going on ten in the same building and there are deficiencies to the building and there are deficiencies to that parking lot that needs to be addressed if we’re going to survive 2016.

First and foremost the building is not ADA compliant. It’s flat not compliant with the American’s With Disabilities Act. That’s a problem because that means disabled voters can’t access voting and they are required to be able to access it by federal law. My solution to that, we have a lower area that’s occupied by Court Records storage. It’s just a big storage area. If I could get Court Records to move out of that space and convert that to Advance Voting, then we would have a parking lot in which voters could actually park and be able to come in with ADA access into ADA accessible entrances and exits, be able to vote and go straight back to their car and leave the parking lot. I will address the parking lot in a minute but the parking lot has some serious problems. We need to refurbish the loading dock. It doesn’t have any lights in it. The stairs are broken because of trucks backing into it and the safety rail is no longer there. That’s an OSHA issue.

We need to add exterior lighting. As you remember from last winter when we were doing night voting, it’s dark. We really don’t have adequate lighting outside.

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We have a room in that building that contains asbestos. It’s an old boiler room and that needs to be cleaned out. We have no emergency backup power for the office. The exterior windows get real hot during the day and they radiate an immense amount of heat into the building and if we could have some energy efficient windows, I think that would cut down on our heating and cooling costs.

None of the interior or exterior ramps around the Election Office are ADA compliant. They are all too steep and that is the federal requirement and if they had inspected that back when the compliant audit was done of the UG, we probably wouldn’t be using the Election Office now without a whole lot of additional construction having been done. The restrooms are not ADA assessable, the interior and exterior doors are not ADA compliant.

We would like to seal the concrete floor in the warehouse because the warehouse is just bare concrete, it produces a tremendous amount of dust and that is where the voting machines are stored. The voting machines are like any computer, you store it in a dirty environment, you can’t depend on it continuing to work.

Natural gas pipes, we’ve got some natural gas pipes on the west side of our building. Its right in front of a parking space and literally anybody, truck or vehicle, could run into the natural gas pipes and all of a sudden we’ve got a major natural gas issue. I would like to see those pipes either moved or protected in a better way so it’s not a hazard. I watched a truck that was parked across the street in the Sonic parking lot roll down the hill and I was worried that he was even going to get stopped. Fortunately he got his truck stopped, but if he hadn’t gotten his

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truck stopped, he would have come right into the building. That’s the danger of those natural gas pipes.

**Commissioner Kane** said I can’t even write all this down fast enough. **Mr. Newby** said it’s in the memorandum. **Commissioner Kane** said, Doug, tomorrow morning somebody needs to go over and look at this. Your handrail, your asbestos whether we are exposed or we’re not exposed, the gas—what did you say about the gas pipes? **Mr. Newby** said the gas pipes are on the outside on the west side of the building and they are right at the end of a parking space and it would be very easy for any kind of vehicle to run into them. **Commissioner Kane** said so first thing in the morning someone needs to go over there and address these three issues ASAP because somebody is going to get hurt if we don’t. Now that you know about it, and I realize we’re a municipality, the fine goes from $7K to $70K a piece.

**Mr. Newby** said continuing with the parking lot and why it’s important. The parking lot was an old parking lot when we moved into the building back in 2006. Other than some minor patching that I paid for out of my budget I can’t afford to pay for a total resurfacing. Other than the minor patching that has been done, that parking lot is in a seriously deteriorating condition. More than half of it is just flat not usable. It’s not safe for people to park there, it’s certainly not safe for ADA, and it’s not safe for election workers. Huge ruts, I invite you all to come over and take a look at it. It’s probably the most atrocious parking lot in all of the Unified Government. **Mayor**
Holland said I don’t know. We’ll give you a run for your money on that one. Mr. Newby said the thing that’s interesting is there was a parking lot built at 6th & State Ave., it was right across from that Workforce Partnership, that parking lot was better than what I’ve got, way better, of course they have let it get overgrown now so whoever put that in it was almost a waste of money. The parking lot needs to be resurfaced and we need that done before 2016 so we can do advance voting out of that lower level. The upper level and I know most of you have been over to the building to file for office or whatever you’ve been there for, you get out of your car and you come in that main entrance and there are three stairs; that’s not ADA compliant. The only ADA compliant entrance is you have to go all the way around to the south side of the building and then come in another door. That doesn’t give that person access to the voting area because the voting area, again, in the main office where you check in and then you go to the area where you vote and then there are three steps down before you can get out the door and so negotiation with the stairs it becomes problematic. We have put in a temporary ramp but the temporary ramp does not meet the slope requirements of the ADA and it’s one on twelve slope that’s required. If we put on a one on twelve slope at the stairs inside the building, the stairs would go all the way through the second room. There is just no way to fit one.

The cross slope of the handicap parking spaces that do exist on the west side of the building are steeper than the cross slope allowed by the ADA.

The exit from the parking lot on the east side does not provide minimum safe sight distance to the vehicles entering onto State Avenue. You drive out that exit and you’re taking your life in your hands because traffic comes down State Avenue pretty fast.

We need to replace manual gates with motorized gates. I’ve got an estimate on that and it would cost about $7K to motorize those gates. Of note, one of the security guards, the gates are old, old. Lubricating them doesn’t do any good anymore. I’ve got the security guards closing the gate. When they go to close the gate it’s extremely difficult to get them to start moving and sometimes it has taken two and three people going out there to get it moving and the same thing on opening. The big problem that occurred to us this year about six months ago one of the security guards injured his hand opening the gate in the morning and he has been off-duty ever since and I don’t know if he is coming back or not.

I talked about the ADA access. Even in that upstairs, to get to that and go down the sidewalk and get into that one entrance that we’ve used for ADA access, the sidewalk is uneven.
and it violates the standards of the ADA, American with Disabilities Act, because of the uneven surface. Most of us when we think of handicap we think of somebody that’s otherwise ambulatory that may walk with a cane or may walk with a walker, we have to make these facilities suitable for people in wheelchairs. State law requires that all voting places which include the Election Office must be ADA compliant and we’re not there.

The alternative remedy, and this is a pie in the sky idea, is a different building, a different building that is ADA compliant that provides the space interior and provides the place outside. If you remember back in 2008 when elections were going on and we were doing advance voting, we had lines going three blocks down. That’s not unusual for the Election Office in a Presidential election year. The difference was when we used to be out at 9400 State; those lines could be hidden inside the building. We can’t hide them down there where we are because the only place for people to stand is outside. We’ve been very fortunate with no inclement weather. If we had inclement weather other than putting up tents that people would walk through, there is really no way to protect people from the elements when they’re standing outside. As you remember from the election in February, 2013; we got a big amount of snow.

That’s the things I wanted to cover because I wanted the Unified Government commissioners to be apprised of what the problems really are and why the election levy exists at the level it does and why it needs to increase because some of these things can’t be done unless we have the money to do it.

**Commissioner Kane** said I would like to see Bruce come back in the fall or something like that and tell us about the changes when the elections are coming now that the stuff is going to be moved to fall. I would like all of us to hear it at the same time because it gets kind of complicated.

**Commissioner Philbrook** said so in this dream world that you were in, how many square feet do you need? **Mr. Newby** said when Bob Roddy was here he did a calculation of a number of square feet that we needed for a building and that’s what our current building is based on, but it’s just pure square foot. When I occupied the building I was told that I would have that lower area. Much to my surprise about two months after we had moved in that lower area became Court

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Commissioner Philbrook said that doesn’t answer my question. In other words, you don’t remember. Mr. Newby said yes, I don’t recall, but we can get that information.

Commissioner Johnson said you started out by talking about the fact that the building was intended to be used for just two years so there was a notion at least ten years ago that you would be moving somewhere else. What happened to that strategy? Mayor Holland said I can tell you that. The stock market crashed in 2008 and we had the great recession and everything stood still. Some of it is still standing still as it is. Commissioner Johnson said so the idea and the notion of moving seems to be a depleting notion. Mr. Newby said well that’s in a perfect world and I know we do not live in a perfect world. I would just like to make the facility that we’re in truly be something that we can work with. Commissioner Johnson said I guess the thought I’m going along with in this questioning is, with all the things that need to be done to the building, it might be more advantageous to continue to look for or to find a building that would meet all of those requirements as opposed to trying to get all those done. Mr. Newby said most people think of the Election Office as being a fairly small location, but if you’ve been over there and seen the warehouse and many of you who have been to the Board of Canvasser’s has seen it, you’ve seen the upstairs and we do have a section of the downstairs that we use for additional storage of things like voting signs, voting booths. There are a number of things down there that are only drug out when we’re actually doing an election, but there is quite a bit of square footage requirement to be able to accommodate the entirety of the Election Office.

Commissioner Bynum said just to clarify; you kind of have two issues. You have the need for a levy increase for 2016 and then additionally you have this building issue. Mr. Newby said yes. Commissioner Bynum asked would the building issue either way whether it was making all the repairs and upgrades that are needed in the current location or finding a different building, either way would that be something that would belong in our CMIP budget? Mr. Bach said yes, that’s where that would be. We would need to go through and do the assessments one of two ways where they’re looking at it from what are all the costs of the repairs that Mr. Newby has outlined and then process that as to when you put a cost to that what a different building—it doesn’t necessarily have to be a new building, but a different building would cost to move into and get it outfitted to meet his needs. Mr. Newby said I in fact submitted a CMIP at the County
Administrator’s request, but I don’t own the building and so the real issue is should that be funded out of the Election budget or should it be funded by Buildings & Logistics. I’m an occupant.

Commissioner Townsend said, Mr. Newby, the $1.7M for the voting system is that just the machines or does that also include the software? Mr. Newby said machines, firmware, software; it’s an integrated system so it includes everything. Commissioner Townsend said other than that number do you have just a number that I can keep in my mind that it would take to do all of the renovations that you just articulated to us? Mr. Newby said I don’t have one. What we’ve done is as my budget has allowed and traditionally all I have in my budget is $10K for building repairs; I take care of the stuff that I can take care of, but when it’s a biggie—there’s one year I spent $10K on patching the parking lot and the patches were so small it’s almost like we didn’t do it and they have deteriorated now so it was kind of a waste of money. I hate to continue wasting money by patching things when they generally need to be resurfaced. I don’t have a way to calculate what those costs might be because that’s not what I do. Commissioner Townsend said it would be interesting to know if we’re looking at a fix versus buy or relocate what the cost would be that would make the building ADA compliant and the energy efficient windows. I think it might be easy to see that maybe a new building is the way to go, but it would be great to have what that number is just to make it livable and usable and as you said today bring us up to whatever the codes are and requirements are.

Mr. Bach said I think based on a lot of things Mr. Newby outlined we will have staff go over there and look at some of the immediate things that he has pointed out from a safety perspective, but then we would probably have to bring in somebody to go through and do some analysis. Whether Mr. Tobin has somebody on staff that can go through and do that analysis of the building or we need to bring somebody else in to cost estimate on a few of these items is what we need to do. Then we can build some budget projections for that and then we would probably be able to bring it back. It’s probably a fall type item for us to come back and be able to run through with you about here are the different costs and he has also identified his capital costs which is his area of expertise so he knows what that number is. Those would be ones we would look at for the future.

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**Commissioner Philbrook** said I know that not everybody likes to use the touch screens that you got in 2006, I like it, it’s nice; but how many of those do you have presently? **Mr. Newby** said there are a lot more liking the touch screen than like the paper ballot anymore and that has been one of the problems that has created lines at polling places because I only have 100 of the machines. When you have people standing there to wait because they specifically want to vote on the touch screen and not vote a paper ballot it creates a line because only one person can use that touch screen at a time. This year I added 40 more touch screens that I was able to steal, we paid for them, literally steal from the Yavapai County in Arizona which is upgrading their equipment. I bought 40 new touch screens at $75 apiece. The normal price is $6K. **Commissioner Philbrook** said boy, are you to be applauded. **Mr. Newby** said as these other counties and other states are upgrading and they have similar equipment to us, that’s what I try to do is if it looks like they have serviceable equipment, we were able to verify that with the manufacturer. **Mayor Holland** said so are you saying if we wait long enough, we can get everybody’s leftovers? **Mr. Newby** said, again, it’s 20 year old technology. With no software support I don’t know how much longer we can make them last. **Mayor Holland** asked does the new system—is it all touch screens? **Mr. Newby** said the industry, and that’s what I’m not happy with right now with what’s out there, the industry is going backwards and going back to paper ballots. Those voters that have gotten very accustomed to using the touch screen are not going to be happy.

**Mayor Holland** said thank you for your presentation. Mr. Bach and his team can do some evaluation on this, but we appreciate you coming out tonight.

**Healthy Campus & Community Center**

**Mayor Holland** said the next item on the agenda is a Healthy Campus update. This is towards the back of your packet. It actually says Healthy Campus & Community Center handouts. There is one and it’s kind of hard to read so we have some larger copies. Folks at home are going to have a hard time seeing this.
What this represents, the community center fundraising timeline, I will bring you up-to-date of kind of where we are. The community center/grocery store two years ago when I came into office had the makings of a Healthy Campus so we started looking into this in earnest and in 2013 this Commission gave a commitment of $6M of casino money, revenue money, for a new community center to be ran by the YMCA. It was a match offer with a two year sunset and so what I’m here today to do is we’ve done quarterly updates on the progress of the Healthy Campus to keep you apprised of what’s going on. What I want to do is give you that update today, but the ask today—obviously, we’re not going to vote in this session, but the ask is going to be when we vote next Thursday on our final budget one of the items that’s going to be requested for you to vote on is to extend the sunset on the fundraising for one additional year. I want to do is talk about why that is and walk through the syncing up of this process because it’s fairly complicated.

If you look at the Kansas City, Kansas Community Center YMCA, that’s the language in red and you will see that in July of 2012 the Greater Kansas City YMCA presented a plan to move forward with new Y’s. The Greater Kansas City YMCA is in purple above it. All the way back in October, 2011 there is a facility relocation plan presented to the YMCA Board and they were recommended a 10th & Grand site in Kansas City, Missouri. They also did a feasibility study in Kansas City, Kansas that showed the fundraising capacity, $35M possible in KCMO and $5M available in Kansas City, Kansas. Well $5M isn’t enough money to build a new community center and so we were struggling with how we would get there.
The UG Commission in August, 2013 committed $6M to the new community center as a matching grant presuming we could raise the other half. We also tied our fundraising to the Greater Kansas City YMCAs fundraising effort for their downtown Y. Greater Kansas City Y has built a new Y in Atchison. They finished the fundraising and it’s under construction. They are building a new Y at Linwood. They have finished the fundraising and are under construction at Linwood and the two that they want to finish are the two downtown Y’s, KCMO and KCK and they want to present a dual fundraising ask to the large donors in our community. Frankly, we need that support with Kansas City, Missouri because the philanthropic community in Kansas City, Kansas does not have the capacity to raise the other $7M that we need. By pitching our trailer, if you will, to the larger Y we are committed to following their fundraising schedule because many of the largest groups, and you think about a Hall Foundation or a Cerner, groups that have a presence on both sides of the State line; strategically they want to make one ask, a portion for Kansas City, Missouri and a portion for Kansas City, Kansas. The concern being that if you went to any of them with the first project coming back to them later for the second would not be well received. From a fundraising strategic perspective we tied ourselves to the Kansas City, Missouri fundraising which I still believe was the right decision though it has offered some timeline complications that have slowed our process.

Just to follow the timeline at the top right after the commitment, not right after, but after the commitment by the Unified Government the 10th & Grand location in December, 2013 fails and it fails because they needed a $10M parking garage and the donors did not want to give money to a parking garage so they began looking for another site. Meanwhile the Wyandotte Health Foundation committed $1M to the Kansas City, Kansas site so we now have $7M of the projected $14M needed.

In June, 2014 the new study identified a Lyric Theater site for Kansas City, Missouri and in November, 2014 to the present the YMCA has begun doing conceptual drawings for our fundraising. In May, 2015, which is recently, Kansas City, Missouri approves TIF funding for the Lyric Theater site. You can see they lost more than a year from December of 2013 to May of 2015 when the Kansas City, Missouri City Council approved $17.5M in TIF funding for the Lyric Theater. Essentially we started fundraising in May of this year because they had to postpone for more than a year waiting for a new site that they could identify for the Missouri
donors which is why today I’m before you to consider a one year extension for the Kansas City, Kansas fundraising. We just couldn’t get it done working with the Kansas City, Missouri group. Now while that fundraising drama has been going, and I will say we’ve not been turned down for a request yet, we just haven’t done them. We’ve done a handful, we’ve had good positive responses, people have been wanting to see where the Missouri side is going to end up. Now that they have that firm commitment from the City of Kansas City, Missouri we’re ready to move forward.

In a related manor while we were working on the Y we’ve also been working on the grocery store. The grocery store, we issued that RFP to look for a downtown grocery store in June, 2012. We received those proposals in September and in May we engaged RH Johnson with the Chas Ball team to begin working on this. At that point though we hit the pause button on the grocery store because we were looking at the master planning for the Healthy Campus and the reason for that was if we’re going to do a master plan, we want to make sure that—we’re only going to build one grocery store in downtown, we want to make sure we build it in the right location. We’re only going to build one community center in the downtown, we want to make sure we build it in the right location and so the Healthy Campus piece in blue at the bottom, $115K in grant funds from the Greater Kansas City Health Foundation, Retail Foundation and LISC contributed philanthropic dollars for us to do the master plan that you all have seen that Gould Evans performed. We had a kickoff with Gould Evans on May 8, 2014; the National Resource Network which is a White House initiative engaged with us in November, 2014 and is still working with us. Then the UG Commission adopted the Healthy Campus Plan in December, 2014. The National Resource Network from the White House identified a need for us to have a Project Manager and we went back to our funders and we found philanthropic money to hire a group. We did an RFP and Bill Crandall group who many of you are familiar with, the group that was the Project Manager at the Legend’s, was hired as the Project Manager for our Downtown Healthy Campus. They just started working in June. They are working on site identification, identifying other business investments, and working on the site acquisition for a grocery store and a community center.

All of this stuff has been moving forward and the reason for this spreadsheet is to show there has been a ton of activity on this project. It is not that the project has stalled; it is not that the project is being unsuccessful or that we’re being turned down, it’s simply because of the
timeline and the multiple moving pieces that we’ve had. Essentially we paused the project to do the study and then Kansas City, Missouri paused the project while they found another site. Each of those was about a year of lost time that we had to hold off on the initial fundraising. I do believe this, I believe it’s better to do it right than right now and I believe that our fundraising ask is stronger because we have the Healthy Campus Plan and because we have a Project Manager and because we’re moving forward with Kansas City, Missouri.

The extension would simply sunset a year from August 1, 2016. It would give us an additional year to do the actual fundraising that we thought we could do much sooner. It is unrelated to whether or not we support the current 8th Street Y. I want to separate those two conversations. What I want to do first is just talk about the request to extend the fundraising effort for one additional year and then after that talk about, if anyone would like to, talk about the support for the 8th Street Y.

Any question about the timeline or the extension as it has been presented to you?

Commissioner Kane said, Mayor, in your mind what is positive responses? In my mind that’s money. Mayor Holland said the positive responses have been from the foundations to say we like the project and you know you make an initial visit to the different foundations, they have a process that you go through, and they tee you up to get into their processes and say we would like—we have the request to come to a Board in September. They have said we like the project, we want it to move forward to a formal request from our Board and so we’ve been working with Kansas City, Missouri to see how much we’re going to ask jointly, how much of that would be Kansas City, Missouri and how much would be Kansas City, Kansas. That’s what I mean by a positive response. We haven’t had anyone say you know we’re not doing that, that’s not a good idea, etc. Commissioner Kane said one of the things when we very first took off and we were talking about this, all we were talking about was the YMCA, or at least in my mind. Then it magnified to the grocery store and to the Health Campus. I know that we said, we all want healthy kids, but I think we need to take one bite of the apple at a time and not take a bite so big that we can’t get even a portion of what we want to go is my concern.

Commissioner Walker said could you explain, Mayor, refresh my recollection, and maybe for the benefit of the newer commissioners; I guess mine is the same question. Could we build a
grocery store and could we build the YMCA and that would be Phase 1; but just those two items without the other pieces to the campus. I mean is there an interest on the part of Charles Ball Grocers to build—maybe what I’m getting at is explain the interrelationship between these two parts financially because they seem to be dependent on different financial resources. **Mayor Holland** said that’s a great question. They are absolutely independent and the grocery store as soon as the final funding gap is closed and the site selection is complete and the property acquisition is done, we can move forward with that deal. The community center fundraising is not holding up the grocery store by any stretch of the imagination. The grocery store we’ve been working on since June, 2012. It’s been a three year process and we are putting together a development deal right now to move that project forward. The relationship is this. If we built a downtown grocery store that would be a huge win. We all would be excited, high five, go to the ribbon cutting, love it. If we built the community center by itself, it would be a huge win. High five, everybody wins, we cut the ribbon and it would be fantastic.

The issue though is our downtown is in such dilapidated shape that if we could leverage these two together into a planned development where they would have synergy with one another because if you just put one over here and one over here, you would have a ton of blight in-between. If you could put those two together in a planned location where they would actually leverage further development where people with housing would want to come and say we want to do some housing near this site now because there are two amenities that people like to walk to. If you make sure they are on the bus path, on the 101 on Minnesota Ave., that’s our major bus path. The original plan had both of these facilities off of the bus line and if you go anywhere in the United States right now, every city is talking about transit and development. You’ve got to put the grocery store and the community center directly on the bus line to leverage that buildout.

We were also looking at putting the community center on top of JFK. The community engagement that we did made it very clear that people did not want that on top of JFK, they wanted it somewhere else and if we hadn’t done that planning, we wouldn’t have known that.

We also have the 10th Street bike path. We have a $1.5M grant from the Mid America Regional Council for a bike path from Metropolitan Avenue all the way to Quindaro. It’s going to connect our entire city north and south. That’s on this route on 10th Street so we’re leveraging other economic development assets to bring together a critical mass that we can build off of east and west down Minnesota and north and south off of that same area.

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The projects are fully independent financially, but now we have the idea of the location of where we want them and the proximity we want them in. That plan was very important for that and I just think it makes a better development when it’s planned out rather than getting one in the ground as fast as we can though the impatience is growing. No one is more impatient for this than I am, but I can say I want to do it right and I want to leverage this $30M joint capital investment for a transformation of our whole downtown where two plus two equals more than four.

**Commissioner McKiernan** said I have been involved with the grocery store piece of this from the beginning and I do appreciate that these are really going down parallel but separate tracks and I really do think that we could get a great synergy out of this. Pursue them both independently, separately, but in parallel with the ultimate goal of bringing them together so that they do multiply each other. I think we could really get a product that’s greater than the sum of its parts if we can pull it off and pull these two together and they may not come at the same time. We may reach the end of one and have it done and still have a time lag before the other gets completed, but I think the unified plan does allow us to bring them together in a more positive way than if we pursued them entirely separately. I do favor moving forward in parallel, but with a unified plan.

**Commissioner Kane** said I think Hal said it better than I did. I want the grocery store and especially a healthy one where we can go down and get something to eat and I didn’t know they didn’t want the Community Center at JFK. This is the first time I’ve heard that. I believe we should put the two close to each other and I know that one is going to come before the other without a doubt. This Healthy Community thing I’m having trouble with because we start out with one and now we’ve got three and that’s okay except sometimes you have to take a small bite and then a bigger bite and I just think this bite is too big.

**Commissioner Philbrook** said I know that Commissioner McKiernan has been involved in a lot of economic stuff downtown and with the development. In listening to him over several beers I have to admit he has told me—it was me, I was drinking the beer, I didn’t say him; but he expressed to me that now days in urban settings that you take a good part of your city and you

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build from that and you build out and so I think that’s taking that concept because he has some nice homes close to there that have really done well. You have a beautiful park right there that people use all the time, you have Big Eleven Lake that is a draw, and I think using all of those things and then building from that it makes sense at least from some of the things I’ve read since he mentioned that sort of work. I understand that it looks daunting, but we’ve done a lot more daunting things in Wyandotte County.

Commissioner Kane said I agree, but the best example I’ve got is what we did at 100th & Parallel. We built Walmart, Kohl’s and then the other stuff started coming in and I guess that’s my point. Let’s work on these two and then bring the third one—or if that third one comes first, that’s okay. If I use that out there, there are still empty pads out there, but it’s filling up and we all want the inner-city to fill up as well. Like I said before, that’s the one issue I’m worried about and a perfect example of how it works is what happened out west at 110th. It took a while and in fact if you remember correctly, you and I and Ann were here; a lot of people were upset at first and then it took a while for them to say alright we see what’s happening here. There were some really upset people that there was a Walmart going out there in a union area and I supported that and still do. I guess that’s my best example.

Commissioner Townsend said I would support an extension of the project for another year. My concern has always been the grocery store and getting that done. One of the reasons that the Community Center/Y I was supportive of is that it was explained to us that it would be more favorable to those in the philanthropic community if there was a central concept with the Healthy Campus concept. That’s why I supported and I still do, but the thing I made clear then and just want to reiterate is that the grocery store is key. I hope that the Y/Community Center succeeds because there was a time limit on it, qualifications or limitations, about the amount of money to be raised and what the Commission had voted on. I hope that’s successful. Heaven forbid that it’s not; it’s still the grocery store so I think that’s what this whole Healthy Campus concept was about. That’s the way I understood it. Commissioner Kane, what was the third thing you were talking about? The community center, the grocery store, what was the third thing? Commissioner Kane said the YMCA. Commissioner Townsend said oh okay. I was putting that aside because I’m thinking with a new community center—Mayor Holland said community center ran by the Y, those are one in the same. Commissioner Townsend said okay.
Commissioner Walker said, Mayor, I’ve accepted the notion that you and I have discussed on a number of occasions that the location for this grocery store from the retailers standpoint is the best we can do. I have not accepted this is the final solution to the problem, grocery availability in the northeast area. There are numerous affordable sites, in my opinion, closer to those people that are more in need and maybe it’s not going to be a Price Chopper size or Hen House size grocery store, but we still have people that are going to find it difficult to get to 10th & State and get back home with five or six bags of groceries. That’s not to diminish this. I will take this because I understand this is not the government driving it to this location, it’s because the retail looks at rooftops, median income, you know the various things that bankers look at, but for those that care at this table I don’t see this as the end solution to grocery needs in the northeast. It’s a step. Mayor Holland said you’re exactly right. In fact, I tell people all the time in the last eight years we have public/private partnerships to build six new grocery stores in Wyandotte County. The first six in 30 years and we need six more so this is one of many other grocery stores that we need so I couldn’t agree more. Our need for grocery stores is broad and wide in our community and this one—I’m telling you if this one was easy, someone would have done it and taken credit for it because this is as hard a grocery project that there is and it’s no surprise they have gone in other areas first. This is the hardest area to build a grocery store and that’s why we’re struggling the most.

Commissioner Johnson asked do we have any idea, Mayor, how or the progress that the YMCA is having right now in their fundraising efforts, since we’re linked in, so it seems, to their fundraising. Mayor Holland said they’re right where we are because they had to hold off because the philanthropic community went out and nixed their 10th & Grand site and said we’re not going to give $10M for a parking garage, they had to scrape that project altogether. They took more than a year—vetted several more sites in downtown Kansas City, Missouri and found the Lyric Theater which is a historic building and found a receptive community that said we would love for the Lyric Theater—and what they will probably do is prop up the façade of that building and gut it and it will look like the Lyric Theater from the outside, I don’t know how these architects do this, but I think they have found their site. The site was satisfactory enough that the City of Kansas City, Missouri committed $17.5M in TIF funding. That’s a big signal to the philanthropic community just like the $6M this group committed is a huge signal of the
philanthropic community that we’re all in. Their commitment there, and again that just came in May, so everyone said wait until we find out because if you don’t get TIF funding, we’re not giving you anything because it won’t go. Now that they have the TIF funding the feasibility study pencils on Kansas City, Missouri side and we can start in earnest in the next several months doing all the asks and of course as those asks move forward, I will be bringing forward reports to you all. We do a quarterly update anyway and let you know what progress we’ve made. I think we’re now on track where I think we should have been a year ago. We paused it for a little bit for the Healthy Campus, but we would be at this point last year if the 10th & Grand site had not fallen apart for Kansas City, Missouri.

Commissioner Johnson said I would say that I would support extension of the fundraising. I share Commissioner Walker’s feeling concerning the food desert that is in the northeast section and I would agree with you that we definitely need to look at something in the future, but I think relative to this project without sacrificing one subproject for the other. In other words, without us sacrificing the grocery store for the sake of the Y, I think the philanthropic community would probably appreciate a more consolidated plan. With the idea, and I think I’m sensing this that everyone is saying that if one is ready to go before the other, then let’s make it happen. I think it fits well with the idea of an overall strategy such as we had with Village West and so there were certain items that went in first and there are things that are going on even right now, but it was part of an overarching plan and I would continue to support it in that format.

Mayor Holland said I will say the grocery store going in the ground would help our philanthropic efforts for the community center. People seeing that grocery store moving forward would say well that Healthy Campus is really going to happen. You could do it the other way. Obviously if someone comes up, anyone in the audience or anyone watching on TV tonight who has $7M they would like to contribute, we will name it after you and you can make that commitment tonight and that would probably help the grocery store too. The grocery store, getting that in the ground will leapfrog us on the community center.

Commissioner Bynum asked do you think that bringing Bill Crandall’s group onboard is going to accelerate that. Mayor Holland said I do. I think he brings a lot of credibility particularly from the development community. He has done projects all over the region and all over the

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nation and is well respected and I think he brings a level of credibility. When he talks dollars and cents, developers listen and he gets the business side of it. The big thing about the grocery store, and Commissioner Townsend and I have talked about this several times, we don’t want a grocery store that’s going to be open for four or five years and then close because it’s not financially viable and we don’t want a grocery store that has to sell it’s produce so much higher than other places that people can’t afford to shop there. We want a grocery store that pencils and is affordable to our community. That’s the kind of grocery store we’re looking for and Mr. Crandall gets that development need and I think as he’s working now with the negotiations with the grocer—because the grocer wants to build it, they want to do it. They’re excited about it; we’ve just got to get there. I appreciate that question.

Commissioner Kane said and now that we beat that horse to death I think it’s time we talk about—I would like to see us support the current Y while we go through getting funding for the other one. I wish some of you would go over there in the evening or first thing in the morning to see all the kids, especially now this time of year, all the kids that are there and the excitement that place brings to those kids. In fact there were several volunteers over there the last couple of weeks from Iowa that were impressed with how the kids were behaving and the kids were being kids, but I don’t know what goes on in Iowa, but the kids did a really good job. There are a lot of people, especially the youth that use that facility, and I don’t want to see that shutdown as we reach for another one. Mayor Holland said alright and so we can segway at that point. I don’t see anyone else wanting to speak about the extension. It’s a one year extension, same commitment as before; it would move it one year.

Commissioner Walters asked was that original decision ever documented in any of our Commission meetings. Mayor Holland said the decision to commit the $6M? Commissioner Walters said yes. Mayor Holland said yes, it was voted on in the budget session of 2013. The last night when we go through all the budget things that was one of the items that was voted on, it is documented. Commissioners Walters said I don’t remember ever having a discussion about it at a Commission sitting, that’s fine, but just for clarity; do I understand that we’re committing $6M contingent on the YMCA raising $6M for a $12M community building? Mayor Holland said yes. The $6M was described as a match fund for $6M more dollars. We
have $1M and we need $5M more to qualify for that match. My expectation is to raise more than that. I want to build a bigger Y. The $6M is committed. Commissioner Walters asked our contribution is capped at $6M. Mayor Holland said yes it is. Our contribution at this point is capped at $6M and it would take action by the Commission to change that.

Commissioner Walker said one final question and thought, this joint philanthropic effort then is going to be divided. Have you and Mayor James or somebody decided how this is going to be split up? Mayor Holland said yes, it also depends—the donors decide. If they want to give $6M to a project, they can say well I want to $4M to go to KCMO and I want $2M to KCK. There are some who will only give to Kansas City, Kansas. There are a lot that will only give to Kansas City, Missouri. There are a significant number that will give to both, but ultimately the donor will decide that. We can make it an ask and basically it’s two-thirds and a third is sort of the split that we would like to see in terms of the scale. They have to raise $20M more for their side and we only have to raise $7M so we’re trying to think about—that’s a three to one in terms of number of total dollars, but the ask typically has been two to one to try to split that that way. We’ve worked this and it varies by donor. Some donors are really fired up about the KCK Healthy Campus and some donors are pretty fired up about a downtown Kansas City, Missouri Y if they are invested in both sides. Donors will tell you and say I don’t want to fund that one or I will only give a little bit for that so there is no hard and fast formula.

Mayor Holland said so one year extension. That will be voted upon at the budget next Thursday. We have like eight or ten things that we have to go through and vote. It takes multiple votes to approve a budget. That will be one of them that you will be asked to approve and then we will go to the next one and on down the line. I appreciate the consensus received today and your support for this complicated, but exciting project.

Segway to Commissioner Kane’s point, I will ask Mr. Bach to describe. We had a request come back from the Y and I’ve asked Mr. Bach to give us some of the history of the Y funding. (Someone inaudible said something). Mayor Holland said I did not invite them today. They came and made their presentation. They would have come in a minute if we would have asked them. I’ll ask Mr. Bach to describe and there was a decision made by this group to give partial funding to tonight so we can make a decision during the budget process. That was a concern, one of the legitimate concerns, as we’re trying to tighten up all of our asks into the
normal budget cycle. There was a portion given and now I will ask Mr. Bach to describe where
we are and where we’ve been and where we’re going.

Mr. Bach said for the YMCA we previously had—when they started the program and I didn’t go
refresh my numbers, I believe in the first years they looked for support we were around $87K is
what we used as matching support money. They came back last year; they were looking for us
for support for $75K to get through the year. We extended that and extended it partially into this
year. As you recall they came before the Commission I want to say in April and at that point
Commission elected to go ahead and fund them through the budget cycle. I believe we funded
them through August of this year so you could consider their whole funding which would be
more a package funding of $75K for fiscal year 2015. I have the money built in the CMIP Plan;
it shows up in the CMIP Plan at their $75K as the whole gift for this year and then built it for
2016. It is currently in there. It’s a cash allocation. I should have highlighted that in the Parks
page. I didn’t highlight that as a notation, but I should have got that done so it would be easy to
see. I didn’t really I guess pull it out. As I went through it we were building this in the line item
early on so it is in there and noted under the CMIP. Debbie, can you tell me what page that is
on? Ms. Jonscher said page 384. Mr. Bach said it’s on page 384 so if you care to see it, it
shows up in that section if it doesn’t go beyond 2016 in CMIP where it shows individual. It’s set
up to match them at their requested amount to continue operating the Y downtown for 2015 and
through 2016.

Commissioner Townsend said I hope the Y continues to be successful, but I’ve done some
consideration back from 2013 right before this current configuration of the Commission came to
be. I was under the impression of whatever that amount was it was going to be a one-time thing.
I think several times it’s been extended. We gave them a proportion amount to get this far, but I
do have a problem of approving more for this year and taking it out of the Parks Budget. As I
see we’re coming to the sunset or are at the sunset of the CNIP Program and what we’ve been
able to do to improve parks and streets and other targeted areas. I believe if we roll the tape back
to the April meeting the number of dollars that have been given thus far to the Y in these special
asks is about $120K thus far. I support them. They do wonderful work but so do a lot of other
private areas and it would be hard for me to tell people in District One or to hear any of my
fellow commissioners tell their constituents about why certain things aren’t happening in a park with $75K going for really a private enterprise.

**Commissioner Philbrook** said I understand the private enterprise part, but I also know that they have sliding scales and so they have things that had they made it available to this community around here that we maybe not have made available through our Park system and they’ve been doing it for a long time. I’m not pro or con about who does it, but they seem to be doing a really good job right now and because of the fact that they do a sliding scale on charges and that, they don’t charge everybody the same. I know we’re looking forward to a different setup with the new Y that comes in about making sure that everybody has access to that Y, is that correct Mayor? **Mayor Holland** said that’s right. I will say Commissioner Townsend asked me the other day, she said are we sending good money after bad in that 8th Street Y and I said—**Commissioner Townsend** I don’t remember I said that. **Mayor Holland** said I thought that’s what you said, are we sending good money after bad in the 8th Street Y and I said yes, the 8th Street Y is a money pit that’s got to go. I wouldn’t want to spend a nickel on revitalizing that building as a YMCA. I think it’s going to be very cool housing. I think there are groups that are already interested in flipping that into housing once the Y is out of there, but I wouldn’t support—if we didn’t have a plan, and if we weren’t looking forward to a new community center downtown run by the Y and we didn’t have that plan or a year from now we just weren’t able to raise the money and that plans goes away, I think this funding goes away and the downtown Y goes away and we just hold hands and cry a little cry and we just lost the Y because you can’t sustain the caliber of programming necessary that our community deserves in that facility. The only reason I support this bridge, and I think of it as bridge money, I don’t think of it as long-term money. The only reason I support it is maintaining that membership core. If we let that membership core go and then two years later we open a community center run by the Y, we’ve got to regain all that membership base. I think maintaining that membership core in this facility while we’re working on the other one makes a lot of sense.

I will tell you this, if at this time next year I come back and I say we can’t raise the money and we don’t have a Plan B for a community center, I would be hard-pressed to be convinced that we should put any more money towards the 8th Street Y to keep it operating. Maybe there would be a Plan B or D or F that would come up with a reason to do that, but I
don’t see it right now. The only reason I support this funding at this level is they also offer a ton of free programs. It’s not just a slow sliding scale, they offer a ton of free programs to our kids and families and a lot of health based programs. I support the bridge, but I would not—this is not an economic model that makes sense long-term. I think that’s a fair statement.

Commissioner Townsend asked did I say that, Mayor. Mayor Holland said you did. I thought you did. I attributed it to you. Commissioner Townsend said you know what? Maybe the conversation had gone toward the building because I think of the Y as bigger than the building. Mayor Holland said no, that’s right, it was specifically about the building. Your statement was specifically about the building. Commissioner Townsend said well let me drag Commissioner Walters into this too. I thought he made a legitimate point. I think it was probably also at that April meeting, but I never heard the answer. It was a question to the representative about increasing the fees. I mean we had already made a contribution, but what about the membership increasing the fees and it seemed like that number was less than $2. It was something nominal. Again, I just have a real heartburn with another $75K. It’s not as though we haven’t given them something already. When I think about what $55K did for the community at large last year out of Parks & Rec’s budget, how that little bit made a big impact and we were able to also give employment to people. That’s where I am. I hope it succeeds. I think about it more than just a building, but there has already been $120K given.

Commissioner Johnson said I’m glad you all worked out that discussion about sending good money after bad because I thought that’s what I said too. Mayor Holland said it’s a theme. It’s a recurring theme in referring to the building of course. Commissioner Johnson said I share in Commissioner Townsend’s heartburn with regard to this. I think because we’ve already made a commitment to the YMCA up to this point, from what I’ve understood, that we probably need to at least fund them for one more year. It pains me to say that until we know the outcome of the fundraising. Having said that, can we in any way put a caveat, if we approve this, I would say that the approval would need to be with some type of caveat. I don’t know how you would define that and I guess that would be a legal discussion or perhaps Doug could speak to that, that this would be a final support and it would be contingent upon the fundraising of this Healthy Campus initiative so that we would have some kind of definitive markers of our funding for this project.

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Commissioner Kane said I think we just tell them this is it. You’ve got a year to get together and I want that thing to stay open as long as possible, but we have given them a lot of money for several. Maybe we tell them alright if we’re successful, you’re going to be successful but if we’re not, then you need to figure out a way to raise the money on your own.

Commissioner Walker said I don’t disagree with Commissioner Kane. I have made that statement twice and backed up on it that I wouldn’t vote to approve anymore and probably will a third time. But realistically, Mayor, if you come back to us this time next year and say you have the money and we’re all very happy and we hope that’s the outcome; we’re still looking at two more years of keeping that Y open probably before it’s built and operating. Unless this Commission decides that some of this money that’s been raised goes as a part of our—of course that depends on what the donors agree to, but you’re looking at three more years before that Y is open unless next week the Mayor gets $6M or $7M in money and they start building it sooner. I’m saying this isn’t going to be the last ask. This will not be the last time. There will be at least one more year after this and maybe two and if I’m wrong, please tell me. Mayor Holland said I think one of the things that we can do at this time next year we will know are we moving forward with building a new one or not. I think that will be pretty clear. I pray that will be clear because I either need to build this thing or move on with my life because it has consumed an enormous amount of time in my own time and energy and so I agree with that. I also think once we move toward building the new one we come up with a transition plan that can be potentially incorporated into the cost of the new Y. I think that’s something you could bundle in terms of the cost of moving. There might be some equipment, there might be two or three pieces of equipment worth taking to the new center, but I think as we think of a transition plan I would tell the Y this. If they just come and make another straight ask for support, they might get booed out of the building. They might need to come with a transition plan. They can show how their fundraising efforts are going to help bridge the two years while they’re building a building. I think if we can put some of that into the philanthropic community, I think that would be beneficial.

Mayor Holland said I look forward to your next quarterly update and I want to thank my team Jason and Lindsey. I can’t tell you how many iterations of this timeline was completely unreadable starting with the one I drew on three pieces of paper and taped together. They came

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up with this and so I think that Hercules effort deserves a word of appreciation. **Commissioner Walker** said it was very readable and very informative. **Mayor Holland** said I thought it really showed the progress so thank you for that.

**Mayor Holland** said we are at 6:25 p.m. I want to end in 25 minutes. It will give us 10 minutes to go downstairs for our 7:00 p.m. What I want to do is keep working on this. I’m going to have Commissioner McKiernan and then my anticipation is, and I’ve been surprised before, but in my humble review of the agenda at 7:00 p.m. it looks like it’s about a 15 minute agenda. We would then take a 10 minute break and come back up here and continue to plug through this list. That’s the plan at this point. I’m going to turn it over to Commissioner McKiernan for Community Partners.

**Community Partners**

**Commissioner McKiernan** said I want to take just a couple of minutes because in our conversations over the past week Community Housing of Wyandotte County has come up more than once. It occurred to me that at least some of you here at this table might not be really

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familiar with an organization that works in our community especially in my district but now branching out so I asked the Mayor if I could just take a couple of minutes and give you some information about Community Housing of Wyandotte County. They are a 501c3 not-for-profit Community Development Corporation or a CDC and I asked Donnie Smith, their Executive Director, to give me this piece of paper which was produced for them by NeighborWorks America which is a national housing improvement organization. They are NeighborWorks America Organization and at the top of that you can see their mission, to stabilize, revitalize, and reinvest in Kansas City, Kansas neighborhoods through improved housing and other quality of life initiatives. This handout has a lot of interesting numbers on it that you can take and read at your leisure.

I want to point out three. In 2014 which is the year that this handout covered CHWC had 35 new homeowners who came through their programs and that doesn’t mean 35 new homes, but 35 people who owned homes through programming and possibly financial support provided by CHWC and that’s powerful here in our districts on the east end of the county I believe. They also run homebuyer education programs so over 200 customers were counseled and educated not just on how to be a homeowner, but in how to be successful in managing their household. One other number that I want to point out on this sheet of paper is the bottom left-hand number, $742K. CHWCs products and their participants do generate lots of dollars into the property tax coffers of the Unified Government and they are growing the tax base of our county on an annual basis.

I just want to give you some numbers that Donnie gave me that kind of indicate their scope. They have been around for roughly 20 years. They started really in District Two in the St. Peters/Waterway neighborhood. They have since branched out of the neighborhoods and they have branched out to other districts, now District One and District Four. By invitation they are continuing to build homes in new areas of Kansas City, Kansas. I wanted to give you a profile of the last two years and you can extrapolate over 20 and kind of get an estimate of the impact that they’ve had. In the last two years they worked in the Meadowlark Valley, Riverview, Douglas/Sumner, St. Peters/Waterway, and the Strawberry Hill neighborhoods. They have completed 43 new homes. They have four homes currently under construction with at least 18 in the moderate to final planning stages; they’ve completed 6 major rehabilitation projects. That’s gut rehab, that’s not a minor rehab, that’s taking it down to studs and putting it all back
and that’s just in the last two years; 43 new, 4 under construction, 12-18 in the planning stages and 6 major rehabs in those neighborhoods. It’s more than just houses for them. It’s also building community so I wanted to give you some other things that they have done to help build the community.

They were featured on KCUR, public radio here in Kansas City in 2013 and at that time their Art Squad, they’re teenage artist, had painted murals on over 20 garages along alleyways that were targets for graffiti in their service area and remarkably cut down on the graffiti where they painted those murals.

CHWC and their community partners have together contributed or put in, by my estimate, over $250K into improving Waterway Park, an amazing community resource, and really a vocal point for life and energy in their service area.

They’ve also worked with some other partners on community building projects with accessible arts. They opened the Epic Arts Clay Studio down here at 6th & Barnett with Loreto Properties. They opened A Cup on the Hill coffee shop in the 700 block of Minnesota. With the University Of Kansas School Of Architecture they opened a Design Center that they call Dotte Agency also down on 6th Street and they took three Land Bank lots down on Splitlog and created Splitlog Farm right down near M.E. Pearson Grade School and to me that farm is really a great example of how a community garden can be created that not only provides fresh produce for the neighborhood, but the M.E. Pearson students come over and they have learning labs at the farm and they learn about how to plant and how to cultivate and how to take care of bees. It’s a marvelous example of how a community garden can also be a learning lab for local school children.

I just wanted to give you a little bit of a taste of what I’ve kind of grown very used to is that their productivity on an annual basis in terms of building, rehabilitating, building community and I think the data would suggest that they are one of the top, if not the top, CDCs in the metro area and I am so appreciative of the work that they do in the eastern end of Wyandotte County. Thanks for that opportunity to share.

Mayor Holland said we had a number of requests from commissioners for some topics and a lot of these are review topics. As I look at these five listed they are all ones that deserve additional
review on a regular basis. I’m going to turn this over to Mr. Bach to walk us through as many as we can in the next 15 or so minutes.

Mr. Bach said we’ve had the request to talk about Reserves, General Fund Balance, Fund Repayments, Annual Appropriations, and Debt which are all financed related categories. The Finance team is making their way up to the table and each one of them will be done in an individual presentation. We will give a brief presentation on it and then if the commissioner that brought it forward or other commissioners have questions or additional information on that area, we will dig into it from that perspective but we will start each one with a brief overview on some information.

Presentation regarding Finance Policies and Allocations

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Debbie Jonscher, Asst. Finance Director, said when we went through the budget book last week on the General Fund we talked a little bit about the Reserves that were built into the City General Fund. The question was asked what Reserves were built into the rest of the budget. What we did here was just list all the funds and what Reserves are built into each of those budgets. Over on the side I have also listed the fund summary for each of the funds and it’s

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listed in the Financial Overview Section and I’ve listed the page number for each of those so that you can go through to each fund and look at those Reserves if you have any questions on them.

I would just comment that you will notice that the 2015 Reserve amount is higher than the 2016. Typically we build a higher number of Reserves in the current year so that if an unexpected cost does come up, once the budget is approved we have the ability to fund that if we need to. **Mayor Holland** asked can you explain that again. **Ms. Jonscher** said we build a higher number of Reserves into the current year. If the fund can afford it we would build it into the current year so that once the budget is approved if we have an emergency expense come up between now and the end of the year, we would be able to fund it. **Mayor Holland** said I see. That’s 2015 Amended. **Ms. Jonscher** said that’s correct. **Mayor Holland** said so you add at the amendment time additional funding into the current year Reserves. **Ms. Jonscher** said if it’s available.

**Mr. Bach** said we have going forward once you adopt the budget unless we were to come back and do an amended whole budget process we have no other ability to react so that’s where we build this Reserve if something comes up versus 2016 something could come up. We’re still operating well within—you know we’re only six, seven months into the year before we’re back, we could address it during an amended budget process if we needed to. Ideally, most of these numbers drop to the bottom line and then they fall into the Fund Balance. However, I will say in the City General Fund areas we have touched these a little bit because we’re budgeted so close with many of the departments to hit yearend and buyouts and stuff like that. Something could surprise us, a big storm at the end of the year, something like that.

**Commissioner Walker** said I want to be clear. This $5.8M these funds aren’t what we talk about when we talk about the Reserve Fund that we’re wanting to supplement. Is that correct? I mean a lot of these are Reserve Funds for Enterprise Funds which can’t be spent for anything other than the Enterprise. The County numbers are County funds which are separate from the City so we’re still looking at $2M give or take on the bottom line for our Reserve Fund for the City General Fund. **Mayor Holland** said this is the important distinction and I think that’s why having these two back to back the differentiation between Reserve Funds and Fund Balance and so we’re going to go to Fund Balance next, but I find this—which is why it’s important to review these on a regular basis, this can be very confusing. Because we use the words in English
interchangeably, Fund Balance, Reserves; you know we kind of think of them in the same way. Reserves are a specific budgeted item in funds that allow for emergencies in those funds. The goal is for that to drop at the end of the year to the bottom line which goes into the Fund Balance that we carry forward. Does that make sense? It’s a budgeted item versus the Fund Balance. The difference between Reserves and Fund Balance is pretty critical. Lew, do you want to say more about that? I defer whatever I said to whatever Lew says.

Lew Levin, Chief Financial Officer, said if you have your budget document and you turn to page 50. For example, the bottom right-hand side of the page you will see for the Amended Budget and the 2016 Budget there are two key items. There is Reserves and for the City General Fund you see the $600K and the $400K and then our ending Fund Balance of $2.4M for the City General Fund. Under State Budget Statute there are limitations on what we can budget as an ending Fund Balance and it’s actually 5% of total expenditures. Under State Statute we could actually budget an ending Fund Balance of $7.5M. We would have to increase our mill levy considerably to do that and under Reserves that’s considered a miscellaneous line item. We’re allowed to budget up to $10M of our total expenditures so really under State Statute we could budget $14M or $15M for the General Fund if we were going to take that approach and that’s how you really end up with a very strong Fund Balance. It’s really Reserves do address emergencies, but they also at the same time give you the ability to increase your ending Fund Balance.

Commissioner Philbrook said the ones in 2016 that has zeros in it, does that mean that we don’t expect any additional expenditure or we think we will be able to follow easily under what we’ve already allocated. Ms. Jonscher said we would probably review that when we go through the Amended Budget process next year. Once we review where they’re tracking our revenues and expenses and then build in Reserves at that time.

Commissioner Johnson said we’ve been having conversations about improving the amount in our budget for Parks & Rec and I just want to talk about the relationship between the increase in Parks & Rec in the budget for this year for 2016 and the fact that there is a zero there for the fund—is that the Fund Balance or what does that net zero represent there? Ms. Jonscher said that zero is the Reserves for 2016. The one you are looking at is the Special Parks and Rec Fund.

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You’ve also got the Consolidated Parks & Recreation Fund which is the second line. **Commissioner Johnson** said okay, which is $20K. It’s a relatively low number so the relationship is that we’re spending more in that area so as a result we should not expect to see a larger amount in the Fund Balance portion part in the Reserves. I want to make sure I’m saying these things properly. This is a learning experience for me. Is there a correlation between that increase in spending versus—I’m kind of processing and I guess it would be, but I just want to kind of hear your psychology on this. **Mr. Levin** said yes, there is definitely a correlation. If we were to—really where the larger number of Parks expenditure occurs is in the Consolidated Parks General Fund. The Special Parks is money we received from the State from the Alcohol Tax and we dedicate it primarily for Capital Improvements and so we budget close to 100% of those monies.

The Consolidated Parks General Fund I would probably like to see a higher level of Reserves and the only way we can do that is either reduce the expenditures in the fund or increase the taxing effort or increase fees.

**Commissioner Walters** said could you explain why we have to have a Reserve on Bond & Interest? **Mr. Levin** said our Bond & Interest Fund it is a fund we really do a multiyear forecast and so we know when we issue debt what our future obligations are and we’re looking really at a horizon of five plus years. We know our Debt Service is going to be increasing 2018 through 2020 and so we’re trying to get into that fund a higher level of Reserves so we can maintain a constant mill rate. In theory we can lower the mill rate this year and then reduce the level of Reserves and then in following years we would have to increase the mill rate and Debbie is going to talk a little bit about that, but it’s the one fund that we really do a forecast and we’re trying to maintain a constant mill rate in that fund. The other reason for a higher level of Reserves is we’ve given our government back into that fund and if for some reason there was a shortfall in tax revenue, if we have major taxpayers that were delinquent or late in payment, we would need the level of Reserves probably not at that high level you see there, but that certainly gives us flexibility. That fund, we have expenditures somewhere around $27M so I mean although that number seems large, it’s under 10% of the expenditures in that fund. **Commissioner Walters** said what I hear you saying is we’re collecting money from the taxpayers now because we think in a few years interest rates are going to go up. **Mr. Levin** said
no, it’s not that interest rates are going to go up. We’ve issued debt that we know is going to increase in the out years. **Commissioner Walters** said so instead of collecting the money in a few years when we need it, we’re collecting it now. **Mr. Levin** said I think we found it easier to try to keep a constant tax rate as opposed to having a tax rate that fluctuates.

**Mayor Holland** asked any more questions on the Reserve Fund.

**Commissioner Walker** said it’s not really on the Reserve Fund, but at some point before we conclude these workshops could you highlight for me—when we talk about Parks & Recreation how much of that allocation is Recreation. **Mayor Holland** said in fact by popular demand Parks & Recreation is on our Monday agenda. We’re going to ask the head of Parks & Rec to come and do a presentation about that department and give us an overview. **Commissioner Walker** said I would hope that individual would breakdown in some detail what we include in our Recreation. I’m concerned that we don’t have enough. We’ve got baseball fields that people use, there are basketball courts that people use in community centers and so forth, but I’m talking about that old fashion recreation that used to be provided for kids during the summer when I was a kid and I know that’s a long time ago, but we made bookmarks and we painted pictures. You know whatever it is, I would like to know what we do and still do.

**Mayor Holland** said we are going to do Reserves and then I think we’re going to head downstairs. Any questions about Reserves?

**Commissioner Townsend** said one quick question and I will use Parks & Recreation, I understand that money is built in to carry us through the end of 2015 and maybe it will be used and maybe not if there are no emergencies. So this time next year might the zero be some other number for year 2016 or are we saying it will be zero this time next year as well? **Ms. Jonscher** said no, when we go through the budget process next year if we didn’t spend that and it fell to the bottom line, we would probably build that in as a Reserve in 2016. **Commissioner Townsend** said okay, I guess that’s what I was getting at, would it go to the bottom or would we put as a Reserve.
Commissioner Philbrook said somebody explain to me the big difference in Reserves on Street and Highway between $200K and $25K. Ms. Jonscher said that’s one of those instances where we chose to put more Reserves into the current year. We could have split it evenly, but we wanted to have that flexibility this year in case of a storm at the end of the year that caused them to expend all of their budget. Commissioner Philbrook said I thought maybe that was one of those things you just put in there to see if we’re looking.

Mayor Holland said we have several more items that we will come back up for after our 7:00 p.m. meeting, but we will be in recess which just isn’t what it used to be I can tell you that, but we will be in recess for 15 minutes and reconvene downstairs. (The special session resumed at 7:23 p.m. and Commissioner Kane did not return to the meeting.)

(Someone inaudible asked a question). Ms. Jonscher said $190M which would mean we would need $19M. Mayor Holland said so if our goal would be $19M and at $14M we had $7.3 we need about $12M in Fund Balance to get there and what do you anticipate 2015 and 2016 looking like? Ms. Jonscher said I think our total—2015 was going to be higher. We have that Land Payment in 2015 and we are taking $2M of that and dropping it to the Fund Balance so that was increasing there. Our budgeted amount in 2016 actually drops, but that includes the Reserves that we build in that we usually don’t anticipate spending. Mr. Bach said the key thing that you’re looking at here this is actual Fund Balance. If you’re comparing the apples to apples of what we have budgeted in 2015 and 2016 versus what we had budgeted originally in these years, it was much lower. I mean you go back to 2010 our budgeted Fund Balance if you go up to the top line on the City General Fund was very low. I think we were like at a .2 some item on there as far as what we were budgeting to get through and we ended up with $619K which we were very happy with. You know as we go through the year we hold in all areas, we have the Reserves that we budget in and we try to carry those to the bottom line and then we try to carry some money in every operating department you know where we can find efficiencies throughout the year. Ultimately our goal is that within you know what we’re seeing—we’re budgeting—what’s our number for this year, Debbie, for 2016 or at least for the City General Fund? Ms. Jonscher said the ending Fund Balance, $2.4M. Mr. Bach said $2.4M which you can see is a

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lot less than what we ended with in 2014, but as you go through all the different categories you
know all the budgets will get there to a higher number so that’s the key difference. You’re
looking at what we’re having for Fund Balance versus what we’re budgeting.

**Commissioner Walker** asked is there any way to quantify the relationship—I think the hard part
for me is to try to quantify the Fund Balance and its relationship to the interest rate and the
differential costs over time to the city. In general it’s my understanding that these credit
agencies look at you and they evaluate a number of factors, but one of the key components of
their determination of how they rate you is the Fund Balance that you’re able to maintain. They
also look at your General Revenue streams, are they increasing, are they flat, are they decreasing
and things like that. We got 4% basic; if we had 10% how much would that save us over 15
years in interest rates? It’s probably not easy to articulate but the point is there is a savings that
we’re losing because we don’t have a Fund Balance. **Mr. Levin** said you’re absolutely correct
and we saw the impact this year. Moody’s downgraded our credit rating from the AA category
to an A level. We’re still AA at Standard & Poor’s so we have a mixed rating but both agencies
if we were at the A level, and this is just typical, if we do a bond issue there might be a half
percent difference on our interest rate for that particular bond issue. A half percent doesn’t seem
like much, but if you have a $20M bond issue and you’re borrowing $20M over 20 years and
you’ve got a half percent differential and instead of paying maybe a little under 3%, you’re
paying 3.5%, you’ve increased your borrowing rate 15% or something overall. It can certainly
be significant. **Commissioner Walker** said I ask you that question because for the public that
watches there is this discussion and listening tour going on and the importance of this Fund
Balance to the taxpayer is that the more we pay out in interest over 20 years, the more they are
going to pay in taxes whereas $12M for a one-time reduction tax is not going to equate to the 20
year increase if we don’t get our bond rating back up. I know it’s difficult to understand because
it’s not immediate and for some people they don’t see the immediate benefit, but we can’t
operate at a 4% Fund Reserve in perpetuity and expect to get any kind of decent credit. **Mayor
Holland** said we’ve already seen this at the State of Kansas. The State of Kansas has been
downgraded multiple times for the same reason which only adds to the long-term borrowing cost
and the tax on the remaining revenues—the weight on their remaining revenues because of the
poor bond rating and the need to be able to borrow money. Our policy has been—and this

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Commission has probably in the last four years been the most in tune prior to the four years I was here prior, this group has been much more in tune to the need to grow that Fund Balance as a policy and to make sure that we’re getting to that 10% mark in as timely a manner as we can. As we look at 2012 as unexciting as it is to the public to drop money to the bottom line, its part of our stewardship as elected officials to understand the bigger picture and to make sure that we do a good job explaining why that matters to the public even if it’s not as exciting as some new expenditure but that’s part of our role.

**Commissioner Johnson** said to kind of dovetail off of what you were saying in terms of policy, is there what I would call a short-term, midterm, long-term view? Would you call it a projection, however you would categorize it that we are operating under right now as it relates to increasing our Fund Balance over the next three, five, seven, ten years to get to this point of 10%. How long do we think it would take barring any unforeseen incidents, I kind of say that tongue in cheek, to get to the 10% level? **Mr. Bach** said our goal is to get to that 10% obviously as you stated and of course there is a difference here between you’re looking at what the actual Fund Balance is and then what our budgeted Fund Balance is so we’re just at a close mark really for what we’re projecting. We’re a little bit behind this number really and what we’re projecting just to get there for our budgeted Fund Balance. We haven’t laid it out to say how much money we’re going to let fall to the bottom line yet because really this is our first year I would say in doing budgets in many past several years that we’ve had a little bit of movement to go back and spend some money on some different programs and put some money to the bottom line. I can’t say one year establishes a trend as to where we are. We are looking at some new revenues that will come in in 2017. I think those are the ones that Commissioner Walker just alluded to and the advantages of allowing some of that money to fall into the bottom line and I know the Commission has made that statement before that we can take out chunks of our need by one year letting it fall to the bottom line then it stays there and it’s there the next year and each year following that. That’s a good move and then it’s seeing the positive increases of revenues flowing into the community the other opportunities. We could set a goal of trying to—you know I think that’s probably one I would just say I don’t want to throw out an arbitrary number, but I mean well let’s put a million more at the bottom line every year, okay, well let’s base that in
something as to what we’re going to weigh that against as to other factors and if we do that, we will cut that term down and in the next five years we’ve made up a lot of our need to get there.

Mayor Holland said and I say on this listening tour one of the things I say that usually is just to give people a realistic view of what $12M represents, it’s about 4% of our total budget which is not as exciting a number as $12M sounds like. We could put all $12M to the bottom line and get to 10%. We could put all $12M into salaries and catch up. We could put all $12M into infrastructure and maybe still be behind. We could put $12M into a lot of things so the balance we’ve got to find is that magic balance of how much do we put into tax reduction, how much into Fund Balance, how much into infrastructure, how much into salaries; we’ve got to look at the big picture across the board. It is a little depressing that we could put all of it just here and do that one job the first year. The good news is every dollar of that $12M we put towards Fund Balance we get to spend the next year because it comes back. It’s not committed over time, it’s dropped to the bottom line so there is good news about dropping money to the bottom line, but it is part our job to weigh those options. It’s probably the least exciting thing you can do with public money is drop it to the bottom line.

Ms. Jonscher said this slide just shows some of the other funds that we have either borrowed from or we have deferred payments from so this shows the effort that we're making for this year and next year’s budgets to replenish some of those funds or put money back into those funds and

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shows the remaining balance of what would still need to be replenished to get them back to where they were.

**Mayor Holland** said so the numbers in parenthesis are new money we’ve put in, is that right? **Ms. Jonscher** said yes. For instance the Employee Health Fund we started out with deferred payments of about $4.8M. From 2012-2014 we put $850K back to that fund and then in 2015 we are taking $2M and putting it back to that fund. We would still have remaining $1.9M. **Mayor Holland** said that we need to put back in. **Ms. Jonscher** said to still put back. **Mayor Holland** said so that’s the balance of deficit, not the balance in the fund. **Ms. Jonscher** said right, that’s correct. **Mayor Holland** said because the other one was the balance in the fund so I have to switch my brain a little bit. **Ms. Jonscher** said the $1.9M is what would be left to be put back into the fund to replenish the amount of deferred payments that we didn’t make.

**Mayor Holland** said the bottom one, is that right? Is the bottom one right? **Mr. Levin** said the bottom one is slightly different. We’re showing the cash position in that fund and so that fund is actually operating at a deficit and we’re trying to get that back to a positive stay. The first three we’ve either borrowed money, transferred or deferred payments and those numbers represent the balance. The fourth one we have a fund that we’ve underfunded and we’re trying to get a cash position back to zero or greater. **Mayor Holland** asked so is that about $11M that is still needed to replenish all of those funds? (Someone inaudible say yes). **Mayor Holland** said that’s the math I just did but is that about right? **Mr. Levin** said that’s about right. **Mayor Holland** said so we could put all $12M on this page or all $12M on the last page, right? Are you with me? (Someone inaudible said one year and you’re done). **Mayor Holland** said one year with this one we’re done, one year with the next one we’re done so in three years we could do something else. It’s a little depressing, but it’s better that we know, right, we need to keep these numbers in front of us and we need to keep them as part of our Strategic Plan.

I will say our Strategic Plan this fall we need to spend a lot of time because next summer will be the first summer that we budget for the 2017 where we will have the new revenue. Our Strategic Planning this fall has to balance all these things.

**Commissioner Walker** said since you mentioned that and it has nothing to do with the budget, when do you propose to establish a date for the fall? **Mayor Holland** said right away. I think we can start sending out emails to you all to start picking. This is one of the hardest topics in America is to get eleven elected officials in the same room for four to six hours. We will
begin that work I think probably right after the budget is done. We will start sending out an email and try to establish that. Commissioner Walker said obviously and I’m sure other people do, we have some plans for October.

![Annual Appropriation - City General Fund](image)

Ms. Jonscher said this slide just spells out in detail the Annual Appropriation amounts that we talked about last week when we went over the General Fund. We talked about the $12M that we put in. We budget on the expense side as well as budgeting offsetting revenue for the Annual Appropriation debt. This just details out what bonds series are included in that $12M. Mayor Holland said I didn’t understand that. Commissioner Bynum doesn’t either so can you do that again? Ms. Jonscher said the Annual Appropriation that we include in the budget for these series of bonds there are TDD Bonds as well as STAR Bonds and the Speedway Bonds. We have an Annual Appropriation backing to those bonds so we’re required to budget them. The payments are being covered with sales tax revenues so they don’t actually show up in our Actual totals, but we’re required to budget those amounts. Mr. Bach said this was the accounting measure that we put in the budget and we added the additional $6M. A couple of years ago we did the other six. You all asked for us to break this out in detail and show you what was being paid for under this and so this is the detail behind that.

Ms. Jonscher said the very last entry, the 1999 Speedway Taxable series, that was the amount that we had not previously included in the Annual Appropriation so that was the increase in the 2015 amount.

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Commissioner Bynum said I thought Plaza at the Speedway, Walmart, etc. had TDD. Is that not correct or some entity—Mr. Bach said that is correct but there is no backing or anything tied back to that where we have to show it in our account. Is that correct Lew? Mr. Levin said yes, that’s correct. On certain bond issues for a TDD, for example, we may say that our only pledge is the project revenues and if the project revenues are insufficient, that’s to the detriment to the bondholders. In this case on these two financing Happy Foods and Prescott we said if the revenues are not there, the government will appropriate funds and cover any shortfalls. That’s the difference and it’s really the level of government pledge. Mr. Bach said just to reiterate, we’re not paying on any of these. All of these projects are covering all of the expenses so we budget revenue coming in and expenses going out on these because all of these projects pay for themselves.

Mayor Holland said it is an important policy decision. When we go out and back a project we can issue a TDD for someone, but whether or not we put our General Obligation backing behind a project is a different decision and it affects their ability to—it affects the interest rate that they can get. If we put our General Obligation behind something then basically we become the bank and the bank is confident that we’re going to cover it and so we do. We’re very careful about issuing General Obligation backing and it has to be a prudent decision and we always go into these economic development deals with our eyes wide open. Are we General Obligation bonding this, backing it or not, are we putting our full faith and credit behind this project or not and that’s a policy decision that we are very careful about and our record with these have been very good because we’ve never paid anything for any of these bond issues. Commissioner Philbrook said thanks Mayor for saying that because that’s exactly where I was going because the more I thought about this and this is one of the reasons why I asked for it. I wanted to see actually how many good things we’ve done that are paying for themselves so I don’t worry so much about our decisions to do more of these things. It gives me more confidence in our administration.

Commissioner Johnson said so in essence this is a guarantee I suppose. I’m putting it in banker terms for these funds and in terms of process this appropriation just gets carried over into the next year presumably when we don’t have to use them. They just get carried over for the next

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year’s obligations. **Mr. Bach** said well as far as showing up on our books. There are differences on each one of these. I will say the STAR Bonds, the 2004 and 2012 you know that’s $3.9M, that project is speeding off about $48M annually so yes, that’s a pretty good guarantee that we’re not going to do anything and we know it’s almost paid off and so it’s clearly there. The other ones, the ones that are there for the Speedway, KSIC which is the Speedway as well, and those bonds they go out long enough. You know anything could happen. Yes, they’re very secure now. I think we have banked on that, Lew, a couple of years in Reserve or something like that and you know they’ve always covered for years, but—**Mr. Levin** said we’re actually getting revenue in excess of the bond payments on the 1999 issues and approximately a little under $1M a year which we build into the budget and so that’s money that’s in excess that’s required under the bond governing guidelines for those issues. **Mr. Bach** said I think that’s a key point. People think we’re getting no tax dollars from the Kansas Speedway because it’s on a tax exempt status, but if I filled all these buckets up and filled up Reserves, and as Lew just said, they’re paying almost $1M a year in sales tax that we get off that project because it over funds. That’s pretty secure I believe in your industry background. You would probably classify it that way. I don’t know what the backup is on Happy Foods and Prescott as far as the amount of money, but—early years on both those projects they were very thin in terms of making it happen but as they progressed, filled out the center at Prescott Plaza, it’s filled out and has much more robust, the property tax value has gone up as well. Once they are established they become much more secure.

**Mayor Holland** said an interesting sheet that we can look at again that commissioners have looked at for the last couple of years is looking at our TIF issues because there is concern that our TIFs were upside down and they weren’t working. The analysis we found is all of our commercial TIFs are doing fine. It’s our handful of residential TIFs that predated one of the recessions either in 2001 or 2008 and were the only ones that had struggled. We have a very conservative track record of meeting our obligations and even generating more revenue. In our economic development deals we’ve been very conservative in making sure that the deal pays for itself and then some. That’s always our goal. There’s really not much—very few items are worth making a deal that doesn’t pay money if we’re not going to benefit from it so I think this is a good reminder that we are doing very well in our economic development end and particularly on the commercial side.

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Mr. Levin said I will just give you some additional magnitude. On Happy Foods our annual debt payments are shown around $14K. The revenue from that project annually is about $50K so it’s covering more than three to one. Prescott, the annual revenue is over $200K so, again, the coverage is over four to one.

Debt

Ms. Jonscher said the next two slides pertain to the City and County Bond & Interest Fund. I went through this slide pretty quickly when we did the CMIP Projects. Just to show this is the City Bond & Interest Fund and this is the total number of our outstanding debt service payments, the debt service on our outstanding debt. The total here if you were to look at the City Bond & Interest Fund Summary in your budget book, it would match to the 2015 and 2016 numbers, the total at the bottom. What I’ve done is broken it out by revenue source. The first line is the GO Debt. All of the projects that are covered here are paid for strictly by property tax. The TIF payments are also paid by property tax, but they are paid with the TIF increment that comes from those developments. The other funds are mostly the Enterprise Funds which do pay for their own debt with the revenue that comes to those funds.

The graph that is shown below pertains to the highlighted line just the GO portion so that you can see where our debt payments are. For a while we’ve have this $20M target that we
wanted to keep our GO Debt Service payments at $20M or below and you can see we’ve pretty much met that. We do start creeping up to that $20M line in 2017 and actually extend. We’ve included in this graph estimates of our future debt service payments for 2016 through 2019 in this graph.

**Commissioner Walker** said this is based on what assumptions for the years 2016, 2017, and 2018 out that we’re not going to issue any additional debt or is there a number in mind that you expect us to issue? **Ms. Jonscher** said we built in that we would issue approximately $12M; we would bond $12M in projects per year. That’s the amount that we built in to those outer years. **Commissioner Walker** said so if we had an interactive system we could then play with that and say well okay what happens if we only issue $9M. How does that affect 2017, 2018, 2019? Have you done that? Have you done what number it would take us to reduce our annual bonded indebtedness to keep us below or at the $20M threshold for the out years of 2017 through 2020? **Ms. Jonscher** said I haven’t done that. I do know that for each $12M it’s approximately $960K that increases the annual debt per year by that number. We know that we’re going to have debt in the outer years. We’ve already got I think $67M currently in outstanding temp notes that haven’t gone to permanent financing yet. Those projects are currently in progress so we know that over the next several years those projects will go to bond as well as we will issue new temp notes for new projects.

**Commissioner Walker** said I’m trying to relate it to a personal budget, a very small budget, and if you know that you’re going to have those kind of increases and expenses, isn’t it the prudent thing to do is to reduce what’s driving that increase by not doing so much GO Debt financing which obviously means we don’t do as many roads, bridges, infrastructure, etc. If it’s in fact our objective to keep our debt no higher than $20M, what’s going to happen in these out years? I fear as that debt increases, and it may increase even more than you projected, we’re going to take money that’s coming in that we ought to use for other things and perhaps some of that could be GO Debt financing substitute, that $12M and whatever number that equates to in the future and we’re not going to put it in the Reserve Fund because we’re going to need it to keep from having to raise taxes in 2017, 2018, 2019 like the history of the previous Commissions were between 2003 and 2010 where tax increases were avoided only by depleting the Reserve Fund. Is that not correct? Would it be correct to say that to avoid reaching that $20M if that’s
going to stay the goal standard, we’ve got to somehow reduce the amount of debt we’re incurring as we go on down the road? **Ms. Jonscher** said I will say we have done that probably prior to the recession. When we looked at the debt projects for the CMIP our level each year for new projects was $18M to $20M. We have reduced that. We’re now down to the $13M to $15M range as to what we want to include for new projects every year so we have reduced that.

**Mr. Bach** said you’re right on with what you’re saying commissioner. I think we’re faced with the practical reality of the fact that to do that we would probably be down to a couple of million dollars of debt a year. It would be pretty hard to keep up with the infrastructure in our city. I would say we are limited right now, and when I sit down with our Public Works Director and our County Engineer and give them $12M to $13M, which they don’t get it all; it subtracts out other things that go into some of the different areas we have, it’s pretty limiting. It’s an excellent point. Some of the things we have to look ahead as we’re coming into these future years is you hope that with this many mills—your next slide has that up there doesn’t it? **Ms. Jonscher** said right.

![Graph](image)

**Mr. Bach** said we have 16.5 mills that are allocated to the Debt Fund. We were up to 17 and we moved that half a mill over to one of the other accounts, but if we were at 16.6 mills—if the community grows in value, the value of that mill increases and that’s a key thing that we hope

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that by, I shouldn’t say hope, I mean based on our current trends we will see an offset at some of that by the time you get to 2018 and 2019 where our expense comes up. Our alternative to that point is either the mill rate will have to go up to match what our Fund Balance will be or we don’t issue the debt. Commissioner Walker said it’s certainly true that the mill increases in value if your community increases the value. It’s true that each mill becomes more valuable the more valuable your community is. However, what was the increase in our total assessed value in Wyandotte County? Do you have a slide for that? It’s probably in the book somewhere. Mr. Levin said it was in your highlights Doug. The increase I believe was 4.5%. Commissioner Walker asked that was between 2013 and 2014? Mr. Levin said 2014 to 2015. Commissioner Walker asked are we expecting that kind of continued growth projecting out. Mr. Levin said we’re hopeful. Our 2015 valuation still remains below where we were at our peak in I think 2008. Mr. Bach said the peak we’re showing is at—it’s page 9 under my brief. So we were at the $1,270,000 mark for valuation. Commissioner Walker said I guess I’m getting at if we increase 4.5%, then we’re increasing our revenue stream roughly on a billion dollars of $40.5M a year. A little more each year because the number gets bigger but using a billion as a round number. You’re anticipating the value of our tax levies in total will increase $40.5M on a billion dollars at 4.5% growth? Am I figuring that wrong? Mr. Levin said on a 4.5% growth we’re going to get about $3M additional in property tax revenue. (Someone speaking but inaudible). Commissioner Walker said $3.5M. (Someone speaking but inaudible). Commissioner Walker said I’m just trying to get a sense of additional money coming in to address General Obligation. Mr. Bach said if you look you could even more on the CAO under the presentation that I did for the initial presentation on page 13. City valuation up by 4% equaled $1.1M and then County valuation up by 4.5% is $1.5M. That number, Lew, was our number? Mr. Levin said those numbers were the impact for the General Funds. Mr. Bach said so that’s across our City General Funds, you know it’s going to impact debt in the General Fund. I will say 4.5% we’re not projecting that. If you said give me a five year projection, I wouldn’t tell staff—I would let them give me their recommendation, but I would be surprised if they came back and said we’re going up 4.5% every year. It would probably be more like a 2% type program.

Mayor Holland said, Lew, I’m also interested if you go back to the bar graph which having looked at it for eight years I think I understand it. This is the $20M of debt payment that we make. Is that right? Ms. Jonscher said that’s correct. Mayor Holland asked so how much
Ms. Jonscher said I think our current outstanding debt on the City General Fund was like $278M approximately. Mayor Holland said which is very close to one years’ annual income. Is that right, because we have about $320M budget now, $300M budget; so our total debt is equal to about one year of our total revenue. Commissioner Walker asked that’s City and County. Ms. Jonscher said that was just City. The County is a lot smaller. I know with total—that didn’t include temp notes either. I think total with temp notes and our permanent financings our total is around I think $390M. That includes temp notes that have not gone to permanent financing yet. Mayor Holland said that’s a much scarier number then the $20M. Commissioner Walker said add to it the BPUs which people are still responsible for in a different way.

Commissioner Walters said the reason I asked for this to be on the agenda is this topic and specifically the $3M of borrowing that’s in the Proposed Budget which is the Gap Funding. I like the idea of the Gap Funding approach, but I was a little bit disappointed that we would be borrowing that money. I would be I think more interested in it if it were paid for out of Operational Funds, but this chart I guess I have a question. Why don’t you include temporary notes into the overall Debt Service? Wouldn’t that give you a more comprehensive view of what our net payments are? Ms. Jonscher said usually the temp notes are issued for one year and then we pay the full amount off. If we had a project that was $3M and we only end up spending $1.5M then we would pay the other $1.5M back so it wouldn’t be a full—Commissioner Walters said so if we just didn’t go to permanent financing we would stay below our $20M target, just keep it all in temp notes? Mr. Levin said I think when Debbie started on this we said we would build in estimates and how much we were going to bond for each of the next four years in projects and we base those assumptions on the amount of outstanding temporary notes that we already have plus the projects we’re building into the budget.

Commissioner Walters said I did ask for an overview of our debt and I think this is the first time I’m seeing the years 2019 and 2020 going up so dramatically which I think is not good policy. I don’t know that we can sit here tonight and strategize amount this because it sounds like it’s already committed based on our past actions. I agree with Commissioner Walker that getting in a habit of just borrowing money for various projects I think has to be more carefully considered. Maybe we can take that up in our strategy session in September. Mayor Holland

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said I think so. I think debt—if we came up with a five-ten year plan on refilling fund balances, I think that would be helpful to have a plan in terms of what we would anticipate doing and if we looked at a plan in terms of what we wanted to keep our debt service at I think that would be worthwhile. Commissioner Walters said that’s a question. Should we pay off debt or should we put more money in the bank and I guess we would ask for some advice on that from our financial experts. I think if I were to ask my constituents what they would prefer for their tax money to be used for; it’s probably not to put in the bank as you said. It’s probably more beneficial in their mind to reduce our future debt.

Commissioner Townsend said the question I have I was thinking about what Commissioner Walker was talking about in trying to keep the debt payment—is the money for the long-term debt say for fire equipment, public safety is that included in this number? Ms. Jonscher said the Capital leases that we would do for the fire trucks—Commissioner Townsend said I’m thinking about what the Chief—his presentation to us a couple of nights ago about how we need to be considering—well past considering, replacing trucks, ladders, that type of thing and I hear the concern about us trying to keep the lid on debt but I’m just wondering so I understand with that type of debt if and when we occur it, be reflected here? Ms. Jonscher said it is not. This is strictly projects that are financed with long-term bonds that they equipment that we purchase is a lease purchase and those are shown. We paid for those with cash. Commissioner Townsend said there is no long-term financing of—Ms. Jonscher said not in these totals for Capital Equipment. Mr. Bach said there is long-term financing but we pay for it off of cash. It doesn’t come out of the Debt Fund each year. Ms. Jonscher said most of those are listed in the City General Fund. Mr. Bach said so it’s out of our Operating.

Commissioner Bynum said I just need a question about Commissioner Walters comment. When you speak to seeing the 19 and 20 years go up so dramatically, are you referring to the top line in the highlight versus the 2011 line for example? I want to make sure I understand Commissioner Walters comment. I want to make sure I heard what you said because—Commissioner Walters said I think that graph is graphing the GO Debt which is the highlighted yellow. Commissioner Bynum said okay, because I’m looking at 2011 to 2020 and I’m seeing $3M difference and that’s why I was trying to clarify what you meant by something going up so
dramatically unless I don’t understand. Commissioner Walters said look at the purple line on 2019 and 2020 do you see how it grows from 2018 that’s what I was referring to. If we have a $20M target, we missed it. Commissioner Bynum said that’s true. I just wanted to make sure I understood what you were pointing out.

Commissioner McKiernan said just another thing to point out on this graph is the purple especially on the very top from 2016 to 2020 just kind of shows that we’re projecting adding more payments than we’re getting rid of as we pay off old debt. We’re not retiring old debt as fast as we’re adding new in those years and so that’s another kind of strategy or kind of a policy direction that we’ve kind of spoken to here is do we want to adjust the rate at which we add or adjust the rate at which we retire or both?

Mayor Holland said the other question too, it seems like every time we issue bonds there is a refinancing of a set, not quite every time, but it seems like that’s a pretty common piece and it’s been because we’ve had such favorable interest rates that we’ve been able to do that. Do you anticipate as part of your projection the refinancing that you do on a regular basis as we issue new debt or does this consider that there would be refinancing to keep it at this level? Mr. Levin said refinancing offers the opportunity to reduce future debt and we’ve not built that into this model. We’re well aware that opportunity presents itself. When we do a bond issue and if it’s for a 20 year period they will have the terms of that bond issue will say they’re callable after ten years and the higher rates are out years so we have the ability after year ten to refinance debt. We have certain projects or bond issues from 2008 to 2010 that if interest rates are still favorable we will be able to refinance those and create a savings. Mayor Holland said and potentially bring that purple line down under the—Mr. Levin said we will have the opportunity from what Commissioner McKiernan just said, how we structure that debt, whether we want to structure it so we’re paying more of the principal in the early years or defer it to the later years, but we will certainly take advantage of lower interest rates if they exist. Mayor Holland asked do we always bond for 20 years. Mr. Levin said it depends. On some issues they’re less than 20 years if the life of the project or the asset that we’re borrowing is less than that. For example, the Emergency Communication Project on the County level, I think those were 15 year bond issues because the life of the asset was less. Mayor Holland said which is why I don’t like to
lease/finance police cars because they’re disposable. You should pay cash with those because they’re going to go away in three years.

**Mr. Levin** said, Debbie, can you jump back to the Reserve. I think it was the very first slide we had on Reserves and we had the question and Bond and Interest Fund that I think Commissioner Walters raised about why we have that level of Reserves we have in this particular fund. We realize it’s a little higher level of Reserves, it’s not extraordinary but it provides some security for that fund but it also will allow us to stabilize the mill rate over the next five years also. Our level of Reserves will go down but we will be able to keep the mill rate constant. **Mr. Bach** said this is the strategy I’ve been hearing from you all is to keep that mill rate from going so it’s keeping this one flat but putting money into the account so we can account for the years when we know we’re going to have the higher payments.

**Commissioner Walker** said when you refinance even when you get a favorable interest rate, it’s just like when you refinance your house, you’re not shortening your debt; you’re extending it out farther into the future and yes you save money on the interest but only if you don’t incur any more debt on top of that refinance. The refinance creates a little bit of space; it lowers the amount of your monthly payment like on a house. Okay, that’s great, but if you load up that house with more debt you really haven’t done anything to save any money. You saved it on a specific bond issue but you still have added more debt on top of it and our practice has been to continually refinance for as long as I can remember us doing this. We refinance, we get a better interest rate, but we would extend the debt out another ten years or fifteen years and then the very same year we did that we would issue new debt on top of that meaning that the payment that was actually required to serve as debt never really went down significantly. What it did was it gave us a gap in breathing space to do more projects or bridges, more roads, more construction.

I note on this one if I’m looking at it right, we had a little bit of an uncharacteristic drop between 2011 and 2014 unless I’m looking at it from an angle and it didn’t really drop. Did it drop some the amount of our payment? **Mr. Levin** said well those were difficult years you might remember and we structured our debt to reflect our revenue capacity and so when we had new bond issues we put less principle upfront knowing that our outlook was better in the future. **Commissioner Walker** said it just seems like at some point we have to either pay more as we go or stop issuing so much debt if we want to keep to this policy. I don’t know if there is anything

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magic about $20M or whether it ought to be $22M or $18M or whatever. **Mr. Levin** said we certainly haven’t adjusted that number for inflation so I think that number is a little artificially low to begin with. I think you’re certainly correct if we want to reduce the level of our future debt payments we have to cut back on the amount of projects that we debt finance. That’s clear.

I will just clarify, when we refinance if we have a debt that was issued for 20 years to begin with and we refinance it in year 11, under law we can only refinance it for 10 years. We’re not extending it another 10 years so we’re achieving that savings during the remaining life of that debt financing. **Commissioner Walker** said that’s a real savings except when you then go out and issue more debt on top of it. **Mr. Levin** said you’re correct. **Commissioner Walker** said you’re not getting ahead on the bottom line. It’s like you having a credit card you payoff but you go out and run up the other credit cards on top of it. **Mr. Levin** said this Commission certainly you can look at what projects are authorized in the CMIP and you as the Commission have the opportunity to say we want to reduce the amount of debt issued and we can strike projects from the CMIP. I don’t want to speak for the Administrator but that’s certainly an option. **Commissioner Walker** said I would speak for myself. I understand that, but I look at the CMIP Projects and those that we actually do there aren’t any feel good luxury projects. We’re not building swimming pools for people who need them. **Mayor Holland** said hopefully we’re going to build one. **Commissioner Walker** said yeah and we’re not building unnecessary infrastructure. We’re doing what we absolutely have to do and so it’s hard when you’re looking at CMIP to say these aren’t great projects, but what we’re not seeing is at the time we’re approving these, we’re not able to say what is this and the impact on this. We don’t get this chart until this time of year. **Mayor Holland** said it’s going to be the same. It’s the same chart we’ve had every year. **Commissioner Walker** said I know. I’m just saying when you look at CMIP and you’re trying to decide the priorities, that doesn’t give you a picture well this ought to be number one. Say we ought to buy ten fire engines, that’s a feel good project, we’re getting good stuff out there but I don’t get to see what that does 15 years out. I don’t have that ability, I’m sorry, in my mind to conceptualize how that impacts our debt and our mill levy. There is no interactive data system available to me to judge each decision that we make in terms of the impact but once a year we see what the end result is. Yes, I’m more inclined to say we do less even though they are very needed, we’re creating a burden for future generations of not only
commissioners but the taxpayers of this community and at some point you’ve got to say enough is enough. I don’t have an answer but it just seems like you can’t go on forever living in debt.

**Mayor Holland** said if it would comfort anyone to know, the city of Leawood issues no debt ever. **Commissioner Walker** said I did not know that. I would have assumed they paid it off the first year if they did.

**Mayor Holland** said this is something we need to keep in front us and when we do Strategic Planning we need to keep the Fund Balances in front us; we need to keep the Debt Service in front us. It’s very easy to spend our time in Strategic Planning thinking about the exciting projects we want to do. We have to keep our eye on this bottom line so I anticipate this community will continue to carry a debt load into the future. The question is what is an appropriate debt load that we can manage and fund appropriately, that’s the question. I would be surprised if any time in the future we go to a zero debt service program, but I think from a policy question, and this is something we could look into even for our Strategic Plan. If we looked at communities across the country, if we looked at what the rating companies tell us, what is a typical bond payment or typical debt carry for a city of our size and our budget, I think that would be an interesting benchmark to kind of look at how other communities are doing it so we can get an idea. Do we have way more debt than anybody else, do we have way less debt than anyone else, are we kind of in the middle of the pack? I think that would be helpful to try to benchmark ourselves and of course it would depend on the age of the city. The older the city the more infrastructure needs.

**Commissioner Bynum** said just to backup one step I guess. With that conversation in mind how does the second line TIF play in. I mean just a couple of sentences on if we want to keep in mind this conversation around debt, just help me understand how the TIF line factors into that. Is that another item that we would want to also take up in a Strategic Planning session in terms of projects that we authorize a TIF for? **Mr. Bach** said it relates. She only has the yellow line is the only things you’re seeing that we’re talking about that’s funded from that Debt Fund so if we have to fund TIF Projects and build monies for those, we would fund those off of the cash side—are they coming off the General Fund or Special Project? **Ms. Jonscher** said the TIF Projects

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are still debt funded. The total at the bottom is our total debt service payment. I reclassify them differently because we get TIF Increment to pay for the debt service on those bonds, but they’re still long-term bonds. **Mr. Bach** said I would actually probably argue the strategy behind the TIF Project is one where you are creating value in the community. You may be lengthening, you may have a 10 year period, a 20 year period before you get, but you’ve gone from a piece of property that had—well a good example is the Village West area. When we started on that 400 acres we collected about $250K in taxes. It didn’t have a TIF because we collected property taxes right away; we collect about $12M off of that property now. If you go into an area that has relatively low property taxes, you do a TIF on it, 10 to 20 years down the road then that property is now generating real dollars. When Prescott Plaza pays off its TIF, our government will recognize a whole new—it will bump in value because that whole Plaza will all at once come back on the tax roll. **Commissioner Bynum** asked so it is a form of debt financing, however, the things we have going on now are paying for themselves. **Mr. Bach** said yes.

**Mayor Holland** said I think all we can say is to be continued. This conversation will be continued.

**Contractual Services**

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**Mr. Bach** said this is a question asked and I will have Mr. Tobin come up to the microphone. When we looked at our Building & Logistics just how much money are we spending on an

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annual basis so we looked at last year to determine whether this is a topic we want to readdress, if we think it is something and may be something we want to spend future time in the fall looking at. I think when we dug into it, it is actually somewhat disappointing how little money we do spend on outside contractual services but I will turn this over to Mike Tobin.

Mike Tobin, Interim Director of Public Works, said please note that this is contractual services for maintenance work that’s performed by in-house staff. Since I’ve been in this building which is quite some time we’ve always had skilled trades people that have worked for us. Some carpenters, electricians, plumbers, painters, all of those union groups and as we moved into this building it became a more complexed operation we also had mechanical and HVAC skilled trades people.

The number on the bottom, I will start down there because that’s an average salary for those eight employees that we have that fit that category. They work on all of our buildings but principally they work on the eight major buildings that are our biggest entities and that house the most employees, this building, the Court House, etc.

The number on top, the $93K, that is work that is performed by outside contractors for maintenance in those buildings. Some of it is the result of annual maintenance agreements. Most of it is the result of HVAC work because when the seasons change and you have buildings as old as the Court House and the Court Services building the requirements to—for example, the Court House has I believe seven different HVAC systems. There is no centralized heating and cooling in that building so staff just could not keep up with that. Only a small portion of that $93K is for non HVAC work. It’s about $10K or $12K is all.

Also, the number on top, the contractor’s cost does not include projects. If we have a total remodel project such as what was done in the Health Department a couple of years ago or one that if we were going to redo part of a floor in this building, those costs would be covered in a different area.

Commissioner Walker said I brought the question up because and I’m certainly pleased but a little surprised that that number is so low. How much of the remodeling expenses do you believe could have been done by in-house people? We used to have people that did that in-house. We did the Legal Department when I was there was remodeled by in-house people. Mr. Tobin said
yes, and they do quite a bit of it Hal. **Mr. Bach** said, Mike, actually the Health Department I believe was all in-house wasn’t it? **Mr. Tobin** said yes it was. **Commissioner Walker** said good, I’m glad to hear that. **Mr. Bach** said I know when we did some—in this building I think we had a lot of outside contractor work. I mean all the windows being replaced, stuff like that. There was a great deal of expertize, different kind of work that came in so it’s probably project based.

**Commissioner Walker** could I ask Mr. Tobin a question? It kind of relates to maintenance. It’s not related to these and he doesn’t have to answer tonight, but you know we do have constituents that watch this program, people unable to sleep and I was called about our bridge maintenance and if I understand correctly the question that was being asked was the extent to which we allocate resources to maintain or clean out the draining. The way it was explained to me was we have bridges in which small trees and shrubs are growing out of and that we don’t always clean them out. You know the debris that collects in there, a weed, a tree seed, something will happen, it’s wet and it creates more and more and becomes somewhat of a solid block. Then when we get ice and we put salt on it, it won’t drain the salt and the salt then rusts out the drain and this process is a several year process. I didn’t have the answer for the individual so if you have an answer I would appreciate it because obviously if the bridges don’t drain, we’re replacing drains on a regular basis. How do you maintain the drains? What it is that we are doing or not doing? **Mr. Tobin** said we try to maintain those, commissioner, on a regular basis. It’s part of the street cleaning operations. We run those street cleaners over all of our bridges and it’s part of the hand work that they’re supposed to do to follow that up. To the best of my knowledge I think we do a pretty good job of it.

Certainly you will notice even at this time of year especially with as much rain as we’ve had you can even see some greenery coming out of the catch basins or between the curb and the street, etc., etc. It’s hard to control.

The use of more sand since the crash in 2008 and because of what the State of Kansas has done to us is also part of this problem because when you use a lot of sand instead of all salt like we used to, the sand collects in the pipes, in the drains, it maintains the seeds and holds them in there. Not just the seeds, but also the debris and then eventually quite a bit of it in the eastern section of the county ends up in our sanitary sewer facilities.
Commissioner Walker said okay, thank you for the answer. Just maintain those bridges. Mr. Tobin said so noted. Commissioner Walker said the gentleman was very serious and he was knowledgeable. I’m not making any light of it at all. It’s just simply his belief that we could do a better job of cleaning out those drains on the bridges especially the bridges and because of the salt so take a look at that, will you please. Mr. Tobin said yes sir.

Mr. Bach said, Mike, I will say as you mentioned the sand; we have increased our salt budget back up to the levels where we used to be so it’s not really a highlight topic that we talked about, but we’re back to the point where our mix won’t be so heavy in the sand. Is that correct or are we still down on that? Mr. Tobin said we’re still down. We’re better but we will still be using 25%-30% sand where we used to not use any at all. Please note that a lot of that is due to the fact that the salt was always purchased with Special City Street & Highway money which the State has cut drastically.

Mayor Holland said that brings us to the end of our agenda tonight. We have a full agenda geared up for Monday starting with a 5:00 p.m. Public Budget Hearing. We are required by law to do a Public Budget Hearing prior to the adoption. We previously did our first Public Budget Hearing in May—well we used to do it in May and learned there was no way to respond to the public budget requests in May so we bumped it back to February. The last three years we’ve done it in February so we have time to look at that and then we have our final Public Budget Hearing. So anyone out there in TV land who wants to come Monday at 5:00 p.m. to express your interest in the budget, you’re welcome to do that. That will be in the Commission Chamber and whatever time that ends, and that depends on how many people show up. I have been to 30 minute budget hearings and I have been to three hour budget hearings and so we will see how many people come, but then we will come up from that to our budget workshop.

We have a budget workshop scheduled at 5:00 p.m. on Thursday, July 30th that currently has no agenda items. That is our safety gap should we need it if we don’t finish what’s on here or if over the weekend when you’re having trouble sleeping, you come up with another topic that you want to discuss for the budget hearing. We will provide an order of—I don’t know that we will go in exactly the order listed on this bullet section, but we may prioritize those in terms of the ones that have the most immediate decision relevant for this budget. Some of
these things we may not be able to do much with this budget season so we can push it back a little bit but we will keep that in order. If you have additional items, let me know now.

Commissioner Walker said, Mayor, I spoke to you this morning and I think since the County Fair is going on—I don’t have to discuss the County Fair issue during the budget, but I don’t want to be told next month that if we bring up the County Fair, we’re too late and we have to wait until next years’ budget to do anything about it. I have had meetings with George Brajkovic who I think has met with some of the commissioners. He has at least proffered a plan, a possibility; of how to address what my concerns are at least regarding the County Fair and its current status and what I feel is the county’s obligation to the fair. Mayor Holland said I would suggest we leave it on the agenda for Monday and at least talk about the scope of where we are.

Commissioner Walters said so we got a presentation tonight about debt and I think I know a little bit more about the bigger picture so if I were to want to discuss further this $3M Gap Funding and any potential alternatives to borrowing money to do that, when would an appropriate time be for that? Mayor Holland said I think we put it on the agenda for Monday and I would move it up the list to make sure because that would be a budget decision that would potentially affect our adoption.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:35 P.M.

Bridgette Cobbins
Unified Government Clerk

July 23, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 9, 2015, with nine members present: Melissa Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO. Commissioners Murguia, Third District; and Walker, Commissioner At-Large District 2; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Lew Levin, Chief Financial Officer; George Brajkovic, Economic Development Director; Tyrone Garner, Deputy Chief of Police; Maureen Mahoney, Assistant to Mayor/Chief of Staff; and Captain Greg Lawson, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

INVOCATION was given by Reverend George Kemper, Ebenezer Ministries.

Mayor Holland asked if there were any revisions to the agenda. Bridgette Cobbins, UG Clerk, stated there were none.

MAYOR'S AGENDA

No items of business.
CONSENT AGENDA

Mayor Holland asked if any member of the Commission, staff or citizen in attendance tonight wish to set-aside an item for tonight’s Consent Agenda. Commissioner Bynum said she would like to set-aside Item No. 2, the ordinance on parades and marathons.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda, excluding the set-aside. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 1 – 150161...RESOLUTION: 2600 N. 131ST ST. SHORT SPAN BRIDGE REPLACEMENT

SYNOPSIS: A resolution declaring the necessity and authorizing a survey of land to be acquired for the 2600 N. 131st St. Short Span Bridge Replacement Project (CMIP 5303), submitted by John Menkhus, Engineering. On June 22, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: RESOLUTION NO. R-39-15, “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 2600 N. 131st St. Short Span Bridge Replacement (CMIP 5303), all in Wyandotte County, Kansas.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.
ITEM NO. 2 – 150162…ORDINANCE: PARADES AND MARATHONS

SYNOPSIS: An ordinance governing parades and marathons, submitted by Gordon Criswell, Assistant County Administrator. On June 22, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Commissioner Bynum said I really just have one question that I guess is more of a request. I’ve been visiting with the folks at our Convention & Visitor’s Bureau because I feel like a large part of their work is marketing and working with groups that bring in these types of events. It leads me to just request that we communicate well with them regarding the parades, the marathons, the runs, the permits, and to the extent that we approve or deny them and that’s really all I had to say. I just wanted to make that request out loud and for the record that the CVB be communicated with as it regards to these events.

Tyrone Garner, Deputy Chief of Police, said our goal is to basically continue those relationships with our local stakeholders and event planners here locally. The Chief of Police is going to vet all those out and as far as any fees or anything like that up front, the plan is not to charge local citizens, residents, and organizers that are KCK based with any types of fees, and continue the relationship we’ve always had of vetting those out and making sure that we accommodate where we can.


Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

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ITEM NO. 3 - 150140...ORDINANCE: PROHIBIT ELECTRONIC CIGARETTE USAGE

SYNOPSIS: An ordinance amending the UG's smoke free environment ordinance to ensure electronic cigarette usage remains prohibited in specific areas, submitted by Misty Brown, Legal. Additional changes were made to ensure compliance with state law. On June 22, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: ORDINANCE NO. O-35-15, “An ordinance relating to smoking regulations in the City of Kansas City, Kansas and on property owned, controlled or leased by the Unified Government of Wyandotte County/Kansas City, Kansas; amending Sections 17-133, 17-135(a), 17-136(b), and 17-137 and repealing original Section 17-141.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 4 – 970013...APPOINTMENTS: BOARDS AND COMMISSIONS

SYNOPSIS: Appointments to Boards and Commissions:
Roderick Bettis to Self-Supported Municipal Improvement District (SSMID), 7/9/15 - 5/30/19, submitted by Commissioner Bynum
Emma Fonseca to Advisory Board on Disability Issues, 7/9/15 - 5/30/17, submitted by Commissioner Townsend

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.
ITEM NO. 5 – MINUTES
SYNOPSIS: Minutes from special sessions of June 8 and 25, 2015.

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve fund transfers and receive and file. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

PUBLIC HEARING AGENDA
No items of business.

STANDING COMMITTEES' AGENDA
Mayor Holland said the next three items on our agenda are from the Standing Committee. They are on our agenda because they were fast tracked. All of them received unanimous approval.

ITEM NO. 1 – 150175... RESOLUTION: SET PUBLIC HEARING FOR 57TH & STATE REDEVELOPMENT TIF DISTRICT
SYNOPSIS: Request approval of a resolution setting a public hearing date of August 13, 2015, to consider the 57th & State Redevelopment TIF District, submitted by Charles Brockman, Economic Development. The district is bounded by N. 57th St. and Meadowlark Lane on the east, approximately N. 59th Pl. on the west, State Ave. on the north, south of State Ave. on the south. On July 6, 2015, this item was presented at the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan. It was requested, and approved by
the Mayor, to fast track the scheduling of the public hearing item to the July 9, 2015 full commission meeting.

**Action:** **RESOLUTION NO. R-40-15,** “A resolution calling and providing for notice of a public hearing to be held on August 13, 2015, on the advisability of creating the 57th and State Redevelopment District in the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 2 – 150176...ORDINANCE: VACATION VILLAGE PROJECT AREA 4 BONDS**

**SYNOPSIS:** An ordinance authorizing the issuance of Sales Tax Special Obligation Capital Appreciation Revenue Bonds (Vacation Village Project Area 4, major multi-sport athletic complex project), Series 2015 in an amount not to exceed $66M, submitted by Lew Levin, Chief Financial Officer. On July 6, 2015, this item was presented at the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan. It was requested, and approved by the Mayor, to fast track this item to the July 9, 2015 full commission meeting for preparation of the necessary bond sale documents.

**Commissioner Walters** said, Mayor, I need to recuse from this item since my firm is doing site work on the project

**Action:** **ORDINANCE NO. O-36-15,** ‘An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Sales Tax Special Obligation Capital Appreciation Revenue Bonds (Vacation Village Project Area 4 – Major Multi-Sport Athletic Complex Project), Series 2015 in an aggregate original principal amount not to exceed $66,000,000 for the purpose of providing funds to finance certain costs relating to the Vacation Village STAR Bond Project

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Plan; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; authorizing the removal of certain property from the Prairie-Delaware Redevelopment District upon satisfaction of an event; and authorizing certain other actions in connection with the issuance of said bonds."

Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve the ordinance. Roll call was taken and there were seven “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Philbrook.

(Commissioner Walters rejoined the meeting.)

ITEM NO. 3 - 150181… RESOLUTION: SET PUBLIC HEARING FOR VACATION VILLAGE

SYNOPSIS: A resolution setting the public hearing date of August 13, 2015, to consider the First Amended STAR Bond District Plan and Project Area 2A Plan (Vacation Village), submitted by George Brajkovic, Economic Development Director. On July 6, 2015, this item was presented at the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan. It was requested, and approved by the Mayor, to fast track the scheduling of the public hearing item to the July 9, 2015 full commission meeting.

Action: RESOLUTION NO. R-41-15, “A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas establishing the date of August 13, 2015, for a public hearing regarding a proposed First Amended and Restated STAR Bond District Plan and a Proposed First Amended and Restated STAR Bond Project Plan for Project Area 2A, all within the proposed expanded STAR Bond District in the city of Kansas City, Kansas, and providing for the giving of notice of such public hearing (Vacation Village).” Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

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ADMINISTRATOR'S AGENDA

No items of business.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 150183...ORDINANCE: MORATORIUM ON VENDING MACHINES

SYNOPSIS: An ordinance establishing an additional 90-day moratorium on the enforcement of Ordinances in Chapter 27 of the Code of Ordinances and Resolutions as they relate to existing vending machines located in Kansas City, Kansas, submitted by Jody Boeding, Chief Legal Counsel. The Commission previously granted a 120-day moratorium on such enforcement beginning March 5, 2015.

Mayor Holland said we had slated discussion for this month but because some interested parties were not able to be at the scheduled meeting, we are going to extend that until after the budget. We’re just going to extend the moratorium until after the budget.

Action: ORDINANCE NO. O-37-15, “An ordinance continuing the moratorium on the enforcement of Ordinances in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as they relate to existing vending machines located in Kansas City, Kansas.” Commissioner Kane made a motion seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

Mayor Holland recognized two boy scouts. Devin Rice and Andrew Hart are both in 7th Grade, Troup #160 from St. Pat’s.
ITEM NO. 2 – 150164…PRESENTATION: ONEARTSKC REGIONAL ARTS COUNCIL

SYNOPSIS: A presentation from OneArtsKC Regional Arts Council. On June 22, 2015, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Holland said this was conceptually approved by the standing committee. The presentation is now ready. Since the standing committee had moved it forward, we’ll hear the presentation for the whole Commission.

Allan Gray, City Councilman of Lee’s Summit, MO, stated it’s good to see everyone. Many of you know that I am not Harlan Brownlee. My name is Allan Gray. I am a city councilman in Lee’s Summit. I want to thank you for the opportunity to miss my city council meeting tonight. Harlan Brownlee could not attend unfortunately tonight so I’m going to try to go through this presentation the best I can. If I skip over a few things, it’s not from a lack of knowledge. If I see your eyes glazing over, I’m going to try to be considerate.
Before I begin, I want to thank each of you for your support and your interest and allowing us to talk with you prior to this meeting. Mayor Holland, I appreciate the time you and your staff had extended to us.

ArtsKC is your Regional Arts Council. We have been embarking over the last 18 months on what we think is one of the most significant initiatives to become engaged in in the arts community for some time and that’s the Regional Culture Plan.

The arts have a ripple effect in our community as you probably are aware of. The arts, some of our benefits, the arts are an economic driver. Nationally, the arts are a $132B economic engine for the country. The arts are also important for building community, building community in a lot of directions in terms of connecting, connecting communities, educating communities, helping communities to promote and develop their own ideas.
What is the Regional Cultural Plan? We’ll, it’s the first ever regional cultural plan in the nation. It sets forth a vision for successful cultural development. It’s a new collaboration of county governments for the arts. Identifies investments for counties and cities to meet the cultural needs of their constituents. It establishes a regional platform for continued arts development.

This is the first Regional Cultural Plan of this type. It brings together five counties over two states. It sets forth a vision, as we indicated, for cultural development. I had the opportunity to attend the American for the Arts a couple of weeks ago in Chicago. I was very proud to stand next to individuals from communities such as New York City, Florida, Dade County in Florida, Chicago, San Jose, many communities, Charlotte, NC, for one. Many communities have been engaged in cultural planning. Cultural planning is simply put as a way of bringing arts and culture into the DNA of your community. Allowing arts and culture to help our communities to achieve greatness, allow arts and culture to achieve infrastructure needs, cultural needs, bring communities together along diversity. It’s very important.
The overreaching goals of the Regional Cultural Plan are to advance the remarkable arts and cultural life of communities throughout the five counties of the Kansas City. To increase public benefits from arts and culture through greater coordination and resource sharing. To envision a future where the arts are imbedded in daily life. Creating a foundation for critical and engaged populace who are part of inventing a dynamic, responsive, and resilient region.

As we look at ways for our communities to have that competitive edge, a community is more and more looking at arts and cultural. Those are communities large and small. I spent some time at Paducah, KY, recently where that community of some, I think, 32,000, 33,000 people had invested in a performing arts center, local theatre. It’s also had an effect on them allowing them to put in condos along the river and to increase their tourism. Arts and culture do have a great impact on communities and enabling communities to begin to plan to look at how to attract individuals from a wide grouping of backgrounds into their community.
The Regional Cultural Plan supporters have been five county government: Clay, Jackson, Johnson, Platte & Wyandotte and this is not in any particular order of importance. We are very appreciative of the support that Wyandotte County has extended.

We have a variety of foundations that have been involved. The Francis Family Foundation, The Ewing Kauffman Foundation, Sprint Foundation, Missouri Arts Council, and the National Endowment for the Arts, which incidentally the CEO for the National Endowment for the Arts, Jane Chu is from this region and had a chance again to talk with her recently about the cultural plan and the NEA continues to be very excited about what we’re doing here.
Developing the Regional Cultural Plan. We engaged stakeholders from across the region and we ask them what do residents in each county value about the cultural life of their town. We ask them about what are the cultural assets that come to mind. What are the aspirations for the cultural life of their communities and the region (what would success look like)?
Utilizing MySidewalk as an online survey system, just over 1,800 participants were involved in this process. Even Wyandotte County provided us with five individuals that served on the steering committee. The steering committee was involved in each of these areas that you see before you. We chose a bottom-up approach where we didn’t go out and get the usual suspects but we got people from the community; people that were engaged in a variety of activities and involvements in their neighborhoods and community centers and businesses. They were the ones that helped us to formulate the plan.
What were the key findings of the plan? Well, we discovered that arts education was one of them. Arts education for life-long learning and from K-12.

Communicating the unique arts and cultural offerings of all counties to the region. One of the things that consistently came back was that there was a great deal of activity in the arts and cultural communities but quite often, one community doesn’t know what is taking place in the other community. What we expect to come forward is a mechanism by which we can market our entire region where eastern Jackson County knows what’s going on in Wyandotte County or Wyandotte County knows what’s going on in Cass County or Cass County knows what’s going on in Johnson County. Through that and through that collective approach, we’ll be able to support organizations in a unique way.

Creating places for people to gather to create, collaborate and participate in the arts. I’m sure everyone has heard about the crossroads at this time. As we look around the country, communities are using the arts to develop neighborhoods. They’re using the arts to create centers of interest to attract tourism.

We found support for collaboration of arts organizations across counties and arts playing a role in connecting the counties.
There are six core strategies that evolved out of the plan. One, a strengthening and deepening arts education and arts integration in schools throughout the region. Improving public access to information about the region’s cultural offerings through coordinated marketing and promotion. Three, supporting creative placemaking.
Four, strengthening the capacity of the cultural sector to deliver services to their communities. ArtsKC serving as a primary advocate for the arts in the five-county region and supporting economic development of a regional creative economy.
There were funding considerations, of course, that go along with this. We believe the counties can contract with ArtsKC, for example, and other qualified agencies for services. An example of that might be ArtsKC assisting with deciding which organizations should be supported. That would enable the counties in other communities to not be weighted down with making those decisions and staffing up to make decisions for the arts; essentially serving as a consultant for the counties.

The ArtsKC Fund. This is a fund that’s been in place now for some eight years. This year we just announced that we raised a record amount for the ArtsKC Fund some $500,000 plus. Those funds would go to expand re-granting services for counties and new granting areas. Continue to garner private support, regional support for our counties’ specific support. We’ve also looked at perhaps an arts ticket surcharge. Maybe a $1 or $2 added to each ticket price that would go into a collective fund.

A community wide tax. That’s the politically correct way of saying the b word and that’s bi-state. As we talked to each of you and talked around the community, we first of all expressed that this was not a roundabout way to get to a bi-state tax and we stand firm with that. We received enough feedback and that question kept coming up and coming up that we felt that it was important to put this as a funding consideration. It’s there, we don’t know if that is
something that will come forward as a need in the future, but it’s an option their consultants and communities that we spoke with felt we should include so we were ingenious.

Public benefits. There are many public benefits with greater access to the availability of arts education experiences for children and young people. That is a benefit and an idea and a need that consistently came back during our process.

A greater capacity to imagine, plan, and implement creative solutions for complex problems and communities. The arts aren’t just fluffed. The arts can be used to address educational needs. They can be used to address social needs. By example, Wyandotte County is the home of the Kansas City Friends of Alvin Ailey, Ailey Camp. I’m proud to say that’s an organization that I founded some 30 years ago. We’ve been conducting Ailey Camps for 27 years. Last night was our 27th annual performance. I only say that to say that Ailey Camp is not an art program that is designed to create dancers. It’s a program that’s designed to give children tools for survival. It’s a program that’s designed to lift self-esteem, to enhance cognizant skills and learning. It’s a program that enables kids for maybe for the first time in their life to take control of their lives and see a future beyond the end of their block. That’s just an example that I
know works. It has been working. In fact, there are nine Ailey Camps around the country now. Wyandotte County is the home of one of the first Ailey Camps in the country.

One of the benefits is to increase attraction and retention for businesses. Increase the attraction and retention of talented people as businesses look at where they will locate and put their resources. Art and culture remains high on the top of their list. I’d like to give the example of Brown Company that years ago decided to move from New York City and they had about six different communities that they were looking at and one of them was Atlanta. I happened to be living in Atlanta at the time. As the CEO had come down and visited and went back to New York to talk about where they might go, his wife had a conversation with him. She said I don’t want to go anywhere—well, let me put it in a positive—I want to go someplace where there’s ballet, where there’s an opera, where there’s a symphony, where there are museums for our children to have access to and based upon that, the Brown Company decided to select Atlanta. That happens over and over again and we’re seeing that as we see the influx of companies into the Kansas City region where we’re developing a reputation of a community that does have creative talent that can support the business needs of corporations and companies and entrepreneurs.
There’s the increase awareness and participation of the rich and often hidden or overlooked array of regional cultural opportunities. There is increased tourism. Increased pride and sense of place for taxpayers and workers in all five counties.

Commissioner Bynum said I saw Missouri Arts Council. What about Kansas Humanities Council or is there an organization on the Kansas side that mirrors that that you can reach out to? Mr. Gray said there is the Kansas Arts Council. I don’t know the latest information on how they were supported this year for the budget but yes, there is a counter for that. I used to serve as the chair of the Missouri Arts Council and those art councils continue to be important.

Now on a local level, what we found in talking with some communities and some cities is that the cities are interested in how their local arts councils can tie into the cultural plan. How the cultural plan can help provide some structure, some direction and some vision for how cities and communities can achieve their needs with their own arts council.

I’m from Lee’s Summit. We have an arts council and we actually did our first cultural plan back in 2007. We are about to embark on our second cultural plan. As a result, we were
able to enhance our arts council. It now serves under the Parks and Recreation Department. We have established an array of programming. Two years ago in 2013, I believe, we were able to pass a $3M no tax bond increase to build a downtown cultural space, outdoor performance space, to build our first historic museum and to expand an amphitheater at Legacy Park.

Commissioner Johnson said, Mr. Gray, I was just looking at the arts participation by region or by area. Kansas City, Kansas, is significantly lower than the metropolitan average and certainly be compared by other regions and/or counties I suppose as well as the arts spending per capita being the lowest. How do you see Wyandotte County fitting within your overall plan and scope in terms of at least increasing the participation numbers? Have those conversations been had? Is there a sense of how that can be increased? Mr. Gray said that’s a good question. One of the strengths of this plan is that it’s not cookie cutter. What our intent is is to work with each county to prioritize what’s important for those counties. As we move into implementation, it would be our intent to work with Wyandotte County to determine just how do you increase your audiences? How do you strengthen your existing arts organizations and create capacity with those arts organizations that would in turn bring about greater participation?

One of the areas that we remain diligent to, and quite honestly we have to continue to do a better job, and that’s reaching out to the broad spectrum of communities for their participation. That’s just not putting people in the seats. Quite often we get that confused. It’s getting people completely engaged in the arts and understanding the relationship of the arts to their own lives and to their own neighborhoods. That’s where you begin to get the total buy-in.

The flipside of that is Kansas City, or our region is ranked third and actually ahead of New York and so that’s something that’s encouraging in terms of per capita participation.

Commissioner Johnson said the only other comment that I would have, and I noticed that you have already identified the fact and we already know, that we are one of the most diverse counties in the country. I would suppose that part of that would be to increase that diversity, the cultural aspects of the arts so that it speaks to all of the audiences in our community. Mr. Gray said you’re right, Commissioner. One of the issues that we identified is that with many of our merging communities and the wide variety and diversity of cultures, we have a lot of cultures that are coming into our communities and they don’t necessarily see themselves as arts

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organizations or having a formal structure for the arts. Their celebration of the arts is really the celebration of their culture. That’s why we say this is an arts and cultural plan because we recognize that as this moves forward—and this is just the first generation. This cultural plan will evolve and it will evolve according to the needs of different communities. One of the areas that we have identified is to work with those communities and try to bridge that understanding that how they celebrate their culture is part of the arts community, if you will.

Commissioner Philbrook said you guys have done so much wonderful work already. I almost hesitate to suggest that you contact a few more organizations. Mr. Gray said we’ll be glad to. Commissioner Philbrook said well, the Kansas Arts Council and the Kansas Humanities Council have not been that active in Wyandotte County for a while. I was wondering if you might like put a hand out and encourage them to come east young people, come east, come to Wyandotte County and help establish some work with them again.

The other thing is, our Wyandotte County Historical Museum has a lot of our arts and a lot of our background that you can refer to to help on the diversity. They are just one great group. Mr. Gray said excellent. We welcome any ideas and thoughts and directions. Again, we’re at the front end of this.

I’m really excited about this because this gives every community an opportunity to put their particular fingerprints on it and to design it in a way that is relevant to what they need. Many times you see plans, and I’ve worked with consultants and I’ve been a consultant, and you get a cookie cutter. It comes in and says well this worked in x community and so we know it’ll work in your community. We don’t want to plan like that. We want a plan that is actually, it’s a living document. Our children and our grandchildren will have an opportunity to address this.

One of the things that ArtsKC does as part of our mission is to advocate and so we want to be your advocate. If there is a need to reach out to the Kansas Arts and Humanities Council or the Kansas Arts Council or any agency or any group, we’re the organization that is set and established, and by this plan is supported to take on that need.

Commissioner Philbrook said well, I am sure that there are a lot of people that are very artistically inclined in this community and are very, very happy with their heritage in a lot of
different areas that are excited about this. How could they not. Thank you so much. Mr. Gray said thank you so much.

Mayor Holland asked is it your request for each of the counties to formally adopt your proposal. Mr. Gray said yes. Mayor Holland asked that’s the request that we have tonight. Mr. Gray said yes.

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

Mayor Holland said I would add one word of commentary that the state of Kansas would do well to fund arts education in the schools and to fund the arts generally in our state. It’s an embarrassment that our state is not supporting the arts the way other states are. Thank you, sir, for coming over. Give our best to our friends in Lee’s Summit. Mr. Gray said thank you very much.

LAND BANK BOARD OF TRUSTEES' AGENDA
No items of business.

PUBLIC ANNOUNCEMENTS
No items business.

MAYOR HOLLAND
ADJOURNED THE MEETING AT 7:30 P.M.
July 9, 2015

Bridgette D. Cobbins
Unified Government Clerk

July 9, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 23, 2015, with ten members present: Melissa Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. Commissioner Murguia, Third District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Greg Talkin, Director of Neighborhood Resource Center; George Brajkovic, Economic Development Director; Chris Slaughter, Land Bank Manager; Jason Banks, Asst. to the Mayor/Manager; Ken Moore, Deputy Chief Counsel; Don Gray, BPU General Manager; BPU Board Member Mary Gonzales; Sam DeLeon, Human Resources Director; BPU Board Member Jeff Bryant; Brent Miles, President of the Wyandotte Economic Counsel; and Captain Victor Webb, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Holland.

INVOCATION was given by Reverend Ken Nettling, Faith Lutheran Church.

MAYOR'S AGENDA

ITEM NO. 1 – 150205…PRESENTATION: APPA RP3 AWARD

SYNOPSIS: Presentation of the American Public Power Association (APPA) Reliable Public Power Provider (RP3) Award, by Don Gray, Manager.
Don Gray, BPU General Manager, said first of all I want to thank the Mayor, Commissioners, Doug Bach and staff for allowing me to be with you this evening to announce our organization has received what they call the Reliable Public Power Provider Award. It’s commonly referred to in our business as the RP3 Award. We presented this award to our Board of Directors at one of our recent meetings. The Board recommended that we come before the Mayor and Commission to inform you as well. In fact, we have Jeff Bryant and Mary Gonzales from our Board here this evening. We also have a key staff person, Sam DeLeon, who I credit really for doing all the hard work of pulling all the information together as it was submitted by other staff, tidying it up and then submitting it to meet the deadline.

What is RP3? This is an award provided by the American Public Power Association, which is a trade association which we are a member of. There are over 2,000 municipal utilities that are members of the APPA. They represent small communities. It could be as small as 23 services or 23 meters, to large cities, the size of Los Angeles, San Antonio, Seattle, Orlando, Omaha, Austin, Colorado Springs and our neighbor to the east, the city of Independence are just a few of the larger cities that are members of the American Public Power Association.

The RP3 Award recognizes public power utilities that demonstrate leading practices in reliability, safety, work force development and system improvement. We submit information or data under each of the four mentioned categories which demonstrates our utility-wide commitment to safe and reliable delivery of electricity and that we are following industry standards of best practices in our operation.

Applications are evaluated and scored by an 18 member panel of peers chosen by the American Public Power Association leadership. Again, it takes a lot of time to pull the information together and to submit it. Basically, you have three levels of awards. You have the Diamond and it’s scored by points. Diamond is the highest and that’s the goal we all try to achieve. It’s 98-100. Platinum is 90-97 points and the Gold is 80-89 points. Our score of 92 provides us the Platinum level of recognition. It is for three years. Naturally, we will continue to work hard at achieving the highest level which would be Diamond.

This is the fourth time we have received the Platinum level award. The first time we received it was in 2006. This year we were 1 of only 40 public utilities from the 2,000 plus public power organizations to earn this prestigious APPA RP3 award for 2015.
At this time, if I may, I look at the utility as being a key partner and agency within the Unified Government so we wanted to make sure we got an additional plaque to present to the Mayor and the Commission to exemplify our employee’s achievement.

Mayor Holland said thank you very much. Congratulations. Thank you. I want to thank our partners at the Board of Public Utilities, our fellow elected Board Members and the staff there for all of your hard work day in and day out. The best compliment you usually receive is when people don’t notice. They flick the switch and the light comes on. They turn on the faucet and the water comes out and everything is going fine. We appreciate all of your great work to make that happen for each of us every day.

Action: Award presented.

Before we move to the Consent Agenda, I do want to recognize Marcia Harrington who’s here with our partner city Bonner Springs, the Economic Development Director. We appreciate your being here. Her item is on the Consent Agenda.

CONSENT AGENDA

Mayor Holland asked would anyone on the Commission or in attendance tonight like to remove any item from the Consent Agenda. If so, please move to the microphone now. Any item not removed will be voted on by a single vote. Let the record show no one is moving to remove any item.

Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 1 – 150134...ORDINANCE: REMOVE LANDLORD TRAINING REQUIREMENT

SYNOPSIS: An ordinance relating to residential rental dwellings and the regulating of the issuance of rental dwelling licenses; amending Section 19-237, submitted by Debby Graber,
NRC/Rental Licensing. On July 6, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

**Action:** ORDINANCE NO. O-38-15, “An ordinance relating to residential rental dwellings and the regulating of the issuance of rental dwelling licenses; amending Section 19-237; and repealing original section 19-237(9).” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 2 – 150179…RESOLUTION: BONNER SPRINGS NSP NO. 5**

**SYNOPSIS:** A resolution adopting an interlocal agreement with the city of Bonner Springs whereby the UG adopts and consents to the city of Bonner Springs Neighborhood Revitalization Plan No. 5, submitted by Ken Moore, Deputy Counsel.

**Action:** RESOLUTION NO. R-42-15, “A resolution authorizing the Mayor/CEO of the Unified Government of Wyandotte County/Kansas to execute an Interlocal Agreement with the City of Bonner Springs, Kansas, consenting to and adopting “the City of Bonner Springs Neighborhood Revitalization Plan No. 5.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 3 – 150190…ORDINANCE: MERRIAM LANE-COUNTY LINE RD TO 24TH ST. IMPROVEMENT**

**SYNOPSIS:** An ordinance authorizing the Chief Counsel to institute proceedings to acquire property for the Merriam Lane-County Line Road to 24th Street (CMIP 1052) Improvement Project (KDOT Project No. 105-N-0599-01), submitted by Bill Heatherman, County Engineer.
On November 6, 2014, the commission unanimously adopted R-72-14, declaring the project to be a necessary and valid public improvement and authorizing a survey of land for said project.

**Action:** ORDINANCE NO. O-39-15, “An ordinance condemning land for the Merriam Lane—County Line Road to 24th Street (CMIP 1052) Improvement Project (KDOT Project No. 105-N-0599-01), and acquiring easements for such purposes, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

**ITEM NO. 4 – 150203...RESOLUTION: SET PUBLIC HEARING FOR TURNER WOODS CID**

**SYNOPSIS:** A resolution setting a public hearing date of August 13, 2015, to consider the creation of a Community Improvement District (CID) for the Turner Woods Project (130 acres south of both I-70 and Riverview Ave., along the SW corridor of the Turner Diagonal), submitted by George Brajkovic, Economic Development Director. On June 1, 2015, this proposal was presented to the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, for information only.

**Action:** RESOLUTION NO. R-43-15, “A resolution calling and providing for the giving of notice of a public hearing to be held August 13, 2015, on the advisability of creating a community improvement district in the city of Kansas City, Kansas, to be known as the Turner Woods Community Improvement District and regarding the city’s intent to levy community improvement special assessments within such district.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

July 23, 2015
ITEM NO. 5 – 140165…PLAT: KAW POINT INDUSTRIAL PARK

SYNOPSIS: Plat of Kaw Point Industrial Park located along Fairfax Road next to Kaw Park being developed by NorthPoint and owned by the UG, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 6 – 150114…PLAT: AZ-ZAHRA CENTER

SYNOPSIS: Plat of AZ-ZAHRA Center located at 84th and Leavenworth Road being developed by AZ-ZAHRA Center, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 7 – 150118…PLAT: FAMILY DOLLAR PLACE

SYNOPSIS: Plat of Family Dollar Place located at 34th and Leavenworth Road and being developed by Triple C Development, submitted by Brent Thompson, County Surveyor, and William Heatherman, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.
ITEM NO. 8 – MINUTES
SYNOPSIS: Minutes from regular session of June 4, 2015.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

PUBLIC HEARING AGENDA
No items

STANDING COMMITTEES' AGENDA
No items

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 150206... RESOLUTION: MOU WITH UFCW

SYNOPSIS: A resolution authorizing execution of a Memorandum of Understanding (MOU) with the United Food & Commercial Workers (UFCW), District Union Local Two, submitted by Jody Boeding, Chief Counsel. The MOU represents agreement between the UG and public safety dispatchers represented by the UFCW bargaining unit. The term of the MOU is January 1, 2015 through December 31, 2017. The Union has ratified the agreement. The terms contained in the agreement have been previously presented to and discussed with the Commission in executive session.
**Doug Bach, County Administrator**, said we have before you tonight, we’ve reached agreement with United Food and Commercial Union for a three year contract, 2015, 2016 and 2017. The terms of this agreement are consistent with those which I’ve discussed with you in executive session and they are all in the terms of the contract that are here today.

**Action:** RESOLUTION NO. R-44-15, “A resolution authorizing the County Administrator to sign a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the United Food & Commercial Workers, District Union Local Two, Public Safety Dispatch Division, for the period January 1, 2015, through December 31, 2017.”

**Commissioner Kane made a motion, seconded by Commissioner McKiernan,** to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

**COMMISSIONERS' AGENDA**

No items

**Mayor Holland** adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

**LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**ITEM NO. 1 – 150173... COMMUNICATION: LAND BANK APPLICATIONS**

**SYNOPSIS:** Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Board of Trustees has recommended approval. On July 6, 2015, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

**Mayor Holland** said we have a consent item before us. Anyone who would like to remove a consent item, please come forward at this time and have it removed. All items not removed will
be moved forward as recommended by the committee. Let the record show no one is moving to pull an item.

Applications for yard extension unless noted otherwise
1907 N. 8th St. - Jose Alvarez-Aguiniga
820 Stewart Ave. - James Bray, Sr.
81 S. 24th St. - Sebastian Manriquez
1845 N. 24th St. - Ismael Salmeron
717 Garfield Ave. - Rigoberto Funez
1042 Lafayette Ave. - Erika Avila
2444 Farrow Ave. - Shellaine Bradford
*8833 State Ave. - Kevin Pahls & Chris Handlin for commercial

Transfers to Land Bank
1500 N. 5th St. from Unified Government
1512 N. 5th St. from City of Kansas City, KS
1900 N. 8th St. from Unified Government
1901 N. 8th St. from Unified Government
1903 N. 8th St. from Unified Government
1904 N. 8th St. from Unified Government
1905 N. 8th St. from Unified Government
2000 N. 9th St. from Unified Government
2001 N. 9th St. from Unified Government
2004 N. 9th St. from Unified Government
1043 Armstrong Ave. from Unified Government
727 Barnett Ave. from City of Kansas City, KS
504 Everett Ave. from Unified Government
514 Everett Ave. from Unified Government
*645 Minnesota Ave. from Unified Government
*655 Minnesota Ave. from City of Kansas City, KS
1001 Minnesota Ave. from Unified Government
509 Oakland Ave. from Unified Government
512 Oakland Ave. from Unified Government
517 Oakland Ave. from Unified Government
521 Oakland Ave. from Unified Government
826 Ohio Ave. from Unified Government
808 Splitlog Ave. from Unified Government
*632 State Ave. from Unified Government
522 Washington Blvd. from Unified Government
(Per the December 2014 NCD Standing Committee meeting, property controlled by the UG/City of KCK & Board of County Commissioners that are delinquent will be transferred to the Land Bank to have delinquent property taxes abated.)

* Properties with an improvement
Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook.

PUBLIC ANNOUNCEMENTS

No items

Mayor Holland said that concludes our business here. We will now take a 10 minute recess and convene at 20 after on the 5th Floor as we continue our public budget meeting.

MAYOR HOLLAND
ADJOURNED THE MEETING AT 7:12 P.M.

July 23, 2015

Bridgette D. Cobbins
Unified Government Clerk

tpl
Memorandum

To: Doug Bach  
   County Administrator

From: Bridgette Cobbins  
      UG Clerk

Date: July 23, 2015

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cm

Attachment
Weekly Business Material for July 23, 2015

1. COMMUNICATION:


   Action: Received and filed.

2. PUBLIC NOTICES:

   All City Tow Service, 1015 S. Bethany, held public auto auctions on June 11 and July 9, 2015.

   Action: Received and filed.

3. COMMUNICATION:

   Charles Brockman, Analyst, Economic Development, providing notice of a public hearing on August 13, 2015 at 7:00 p.m., in the Commission Chambers, to consider approval of the First Amended STAR Bond District Plan and the adoption of the Project Area 2A Plan.

   Action: Received and filed.

4. COMMUNICATIONS:

   Lew Levin, Chief Financial Officer, regarding warrant cancellations:

<table>
<thead>
<tr>
<th>WT. NO.</th>
<th>ISSUED</th>
<th>AMOUNT</th>
<th>FUND / VENDOR</th>
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<tr>
<td>759720</td>
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<td>$153.05</td>
<td>790/Tax Collection Fund</td>
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<td></td>
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<td></td>
<td>V #0871Q</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wrong Vendor</td>
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<tr>
<td>766595</td>
<td>5/22/2015</td>
<td>$523.85</td>
<td>160/County General Fund</td>
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<td>Lost Warrant</td>
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<td>768408</td>
<td>6/12/2015</td>
<td>$232.77</td>
<td>750/Payroll Deduction Clearing Fund</td>
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<td>V #PA028</td>
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<td>Garnishment Cancelled</td>
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<td>765905</td>
<td>5/8/2015</td>
<td>$111.73</td>
<td>790/Tax Collection Fund</td>
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<td></td>
<td></td>
<td>V #1487Q</td>
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<td>$1,324.72</td>
<td>790/Tax Collection Fund</td>
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<td></td>
<td></td>
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<td>V #4976P</td>
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</table>

July 23, 2015
Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED JULY 21, 2015:

Section I - Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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</thead>
<tbody>
<tr>
<td>Garrett D. Weddle</td>
<td>Fire Comm.</td>
<td>7/30/15</td>
<td>Fire Comm. Dispatcher</td>
</tr>
</tbody>
</table>

Section II - Transfers

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
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<tbody>
<tr>
<td>Deana M. Logan</td>
<td>NRC/Building Inspection</td>
<td>7/16/15</td>
<td>Clerk</td>
<td>Admin Supt Specialist</td>
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<tr>
<td>Kari R. Neill</td>
<td>Health</td>
<td>7/30/15</td>
<td>Prog. Coordinator</td>
<td>Manager</td>
</tr>
<tr>
<td>Reed J. Partridge</td>
<td>Leg. Auditor</td>
<td>7/30/15</td>
<td>Sr. Audit Mgr.</td>
<td>Law Enf. Auditor</td>
</tr>
</tbody>
</table>

Section III - Separations

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>John B. Boling</td>
<td>Sheriff/Juvenile</td>
<td>7/6/15</td>
<td>Juv Det Officer</td>
</tr>
<tr>
<td>Jon R. Brown</td>
<td>PW/WPC</td>
<td>7/1/15</td>
<td>Sewer Maint. Worker II</td>
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<tr>
<td>Lorena Holguin</td>
<td>Sheriff/Admin</td>
<td>7/13/15</td>
<td>Clerk</td>
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<tr>
<td>Lesley A. Newton</td>
<td>Health</td>
<td>7/17/15</td>
<td>Public Health Nurse</td>
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Section V - Increase per Memorandum of Understanding

<table>
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<tr>
<th>Name</th>
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<th>Eff. Date</th>
<th>Job Title</th>
<th>P.I.#</th>
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</thead>
<tbody>
<tr>
<td>John D. Schmidt</td>
<td>Transportation</td>
<td>7/15/15</td>
<td>Transit Operator</td>
<td>6019</td>
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</table>

Section VIII - Other Requests

<table>
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<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
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</thead>
<tbody>
<tr>
<td>Theresa K. Bauer</td>
<td>Contract Compliance</td>
<td>Dept/Division change to Economic Development effective 5/7/15</td>
</tr>
<tr>
<td>Debra Brownlee</td>
<td>Municipal Court</td>
<td>Out of class pay effective 7/20/15</td>
</tr>
<tr>
<td>Olliea R. Jarrett</td>
<td>Health Dept.</td>
<td>Out of class pay effective 7/20/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED JULY 23, 2015:

Section III - Separation

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norman R. Harp II</td>
<td>Health</td>
<td>7/24/15</td>
<td>Medical Tech</td>
</tr>
</tbody>
</table>

Section V - Increases per Memorandum of Understanding

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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</thead>
<tbody>
<tr>
<td>Matthew R. Blevins</td>
<td>Fire/EMS</td>
<td>7/25/15</td>
<td>Firefighter MICT II</td>
</tr>
<tr>
<td>Jacob M. Bolend</td>
<td>Fire/EMS</td>
<td>7/25/15</td>
<td>Firefighter MICT II</td>
</tr>
<tr>
<td>Nicholas A. Bonci</td>
<td>Fire/EMS</td>
<td>7/25/15</td>
<td>Firefighter MICT II</td>
</tr>
</tbody>
</table>

July 23, 2015
7. NOTICE OF SECTION 106 FILING:

File #0006872915, TCNS #128697, for a new tower submission packet, submitted by Union Pacific Railroad Company on July 14, 2015, to install a 100’ lattice tower and associated equipment in an existing train yard (0.26-mile NNE of Kindleberger Rd. and NE Highway 69).

Action: Received and filed. Copy previously forwarded to Legal.

8. CLAIMS FOR DAMAGES:

Kevin R. Drum, 108 South 25th St., alleging the KCKPD and KCKFD violated his rights to proper medical care resulting in bodily injuries.

Aqua Works Plumbing, LLC, Juan R. Turello, P.O. Box 691, Shawnee Mission, KS, requesting payment for plumbing services provided at 1743 Cleveland Avenue after backup from collapsed sewer.

Action: Received and filed. Copies previously forwarded to Legal Department.

9. SECOND REVISED NOTICE OF CLAIM:

Kista Wilson, 6231 Arcadia St., through attorneys James M. Barnett and G. Stuart Englebert, 816 Ann Avenue, alleging bodily injuries sustained on March 18, 2014.

Action: Received and filed. Copy previously forwarded to Legal.

10. TRAVEL REQUESTS:

James B. Bauer, Police/Operations/TFO-JTTF, travel to Fredericksburg, VA, August 10 – 14, 2015, to attend Intermediate Radiological Threats Course training, FBI.

Terry Brecheisen, Public Health-Administration, travel to Manhattan, KS, September 15 – 17, 2015, to attend 72nd Annual Kansas Public Health Association Conference, General Fund.

July 23, 2015

Emerick James Cross, County Administrator’s Office, travel to Wichita, KS, November 3 – 5, 2015, to attend Kansas Association of Counties Annual Conference, Employee Training & Travel.

Patrick Dunn, Fire Suppression, travel to Tulsa, OK, July 11 – 14, 2015, to attend Summer IFSTA Conference, Employee Training & Travel.

Jeff Farmer, Fire Department, travel to Denver, CO, July 20 – 22, 2015, to serve as a funeral honor guard.

William Heatherman and Brent E. Thompson, Public Works/Engineering, travel to Phoenix, AZ, August 29 – September 2, 2015, to attend National Public Works Association Annual Conference.

Angie Masloski and Lisa Stimetz, PSBO, travel to Bellevue, NE, August 18, 2015, to attend Federal Equitable Sharing Training, Employee Training & Travel.

Mallory Super, Fire Department, travel to Arvada, CO, July 20 – 22, 2015, to serve as a funeral honor guard.

**Action:** Approved by County Administrator’s Office and received and filed.

11. **CERTIFICATES OF INSURANCE:**

   Acme Sign Hanger, Inc.
   Ed & Betty Burlingame d/b/a Pride Amusements, LLC
   Garda World Security Corporation
   Kansas City Taxi, LLC (2)
   M. A. H. Cab & Limo Service Inc.
   Norred & Associates, Inc.
   Norred & Associates, Inc. Security Company
   Ole Ole d/b/a Arrive Airport Shuttle

**Action:** Referred to License.

12. **BUSINESS BONDS:**

   Electrical Contractor’s Bonds:
   Jerred Electric, LLC
   William Greenleaf
   KOTA, Inc.
   Leath & Sons, Inc.
   Nabholz Construction Corporation

   General Contractor’s Bond:
   J & S Plumbing and Heating LLC

July 23, 2015
Plumber’s Bonds:
   NPL Construction Co.
   Santa Fe Trails Plumbing Inc.

Action: Referred to License.

13. CONTINUATION OF CERTIFICATES:

   Electrical Contractor’s Bonds:
      A & A Electrical Inc.
      Gordon L. Graham
      M & E Electric
      William Powell, III

   Heating and Cooling Bond:
      Lancaster Brothers Heating and Cooling

   Mechanical Contractor’s Bond:
      Gordon L. Graham

   Plumber’s Bonds:
      America On The Go Plumbing, LLC
      K & S Plumbing LLC

   Second Hand and Junk Dealer’s Bond:
      Steve’s Used Parts, LLC

Action: Referred to License.

14. REINSTATEMENT NOTICE:

   G & G Mechanical Contractors, Inc.

Action: Referred to License.

15. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

   Metro Protective, Inc./Michael English d/b/a Metro Protective, 8160 Parallel Pkwy.

Action: Referred to License.
Memorandum

To: Doug Bach  
County Administrator

From: Bridgette Cobbins  
UG Clerk

Date: July 30, 2015

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment
1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on July 29, 2015, for Project ID #1023–Speedway Blvd. Resurfacing Project.

Action: Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor and Public Works.

2. COMMUNICATION:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

- 759243 2/20/2015 $404.04 790/Tax Collection Fund V #4858P Wrong Vendor
- 761543 3/20/2015 $300.00 113/Parks & Rec. V #41087/Newman Lost Warrant
- 766489 5/22/2015 $2,600.00 563/Stormwater Enterprise V#15143, Forster, Cliff Past 45 days
- 766491 5/22/2015 $1,500.00 560/Sewer System V #15143 Past 45 days

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JULY 28, 2015:

Section I - Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
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<tbody>
<tr>
<td>Katrina M. Carrillo</td>
<td>DA's Office</td>
<td>7/30/15</td>
<td>Admin Supt Specialist</td>
</tr>
<tr>
<td>Britney K. Lee</td>
<td>Fire Comm</td>
<td>7/30/15</td>
<td>Fire Comm Dispatcher</td>
</tr>
<tr>
<td>Lisa A. Osborne</td>
<td>Sheriff/Juv</td>
<td>7/30/15</td>
<td>Juv Det Officer</td>
</tr>
<tr>
<td>Jaya M. Paden</td>
<td>Sheriff/Juv</td>
<td>7/30/15</td>
<td>Juv Det Officer</td>
</tr>
<tr>
<td>Jayna A. Whitham</td>
<td>Fire Comm</td>
<td>7/30/15</td>
<td>Fire Comm Dispatcher</td>
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<tr>
<td>Dillon B. Williams</td>
<td>Sheriff/Juv</td>
<td>7/30/15</td>
<td>Juv Det Officer</td>
</tr>
</tbody>
</table>

Section II - Transfers

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
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<tbody>
<tr>
<td>Gregory S. Lawson</td>
<td>Police/Operations</td>
<td>7/16/15</td>
<td>Police Captain</td>
<td>Police Major</td>
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Section III - Separation

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<th>Name</th>
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<tr>
<td>Vera H. Davis</td>
<td>Election Office</td>
<td>7/15/15</td>
<td>Admin Supt Specialist</td>
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Section V - Increase per Memorandum of Understanding

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<th>Name</th>
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<th>Eff. Date</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Robert F. Rome</td>
<td>Sheriff/Detention</td>
<td>1/8/14</td>
<td>Sergeant</td>
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Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED JULY 30, 2015:

Section III - Separations

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<th>Name</th>
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<tr>
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Section VII - Reclassifications

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<th>New Job Title</th>
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Section VIII - Other Requests

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<tr>
<td>Steven Kopp</td>
<td>Police</td>
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5. **CLAIM FOR DAMAGES:**

Mary A. Kielbowick, 1309 S. 38th St., KCK, alleging property damages due to trees on city-owned property.

**Action:** Received and filed. Copy previously forwarded to Legal.

6. **NOTICE OF HEALTH PRACTITIONER/CLINIC LIEN:**

Dr. James M. Burkhart Jr., D.C., 214 W. 39th St., KCMO, for services rendered to Angelia Ewing, 2208 N. 26th St., from 6/8/15 – 7/9/15.

**Action:** Received and filed. Copy previously forwarded to Legal.

7. **TRAVEL REQUESTS:**

Susan Alig, District Attorney’s Office, travel to Minneapolis, MN, September 21 – 25, 2015, to attend the Prosecution of Human Trafficking Course, Employee Training/Travel.

Andy Bettinger and Jack Webb, Parks and Recreation Department, travel to Las Vegas, NV, September 15 – 17, 2015, to attend NRPA Conference, Employee Training/Travel.

Anna Wolf, District Attorney’s Office, travel to St. Charles, MO, September 1 – 5, 2015, to attend the 2015 Protect Our Children Conference, Employee Training/Travel.

**Action:** Approved by County Administrator’s Office and received and filed.

8. **CANCELLATION NOTICE:**

Electrical Bond:

Paul B. Lantz-Simmons

**Action:** Referred to License.
Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: August 6, 2015

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cm

Attachment
Weekly Business Material for August 6, 2015

1. AGREEMENTS:

Michael S. King, Secretary of Transportation, KDOT, for Reconstruction, Project No. 105 N-0600-01 STP-N060(001).

Michael S. King, Secretary of Transportation, KDOT, for Construction of Sidewalk at Elementary Schools, Project No. 105 N-0629-01 TA-N062(901).


Action: Approved by County Administrator and received and filed.

2. CONTRACT:

Tom Irish, Dale Brothers, for Pierson Lake Dam & Spillway Repair, Project No. 4424, $249,610.70.

Action: Approved by County Administrator and received and filed.

3. COMMUNICATION:

Dennis A. Degner, Chief, Solid Waste Permits Section, KDHE, to Rex Wallis, Amsted Rail Company (Griffin Wheel), 7111 Griffin Road, KCK, renewing Permit No. 0235 – Industrial for their solid waste facility for the period of July 1, 2015 through June 30, 2016.

Action: Received and filed. Copy forwarded to Public Works.

4. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., held public auto auction on August 4, 2015.

Action: Received and filed.

5. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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August 6, 2015
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267/Special Development Disabilities Grant
790/Tax Collection Fund
160/County General Fund

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August 6, 2015
Warrants over 2 years old

Action: Received and filed.

6. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 4, 2015:

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Section III - Separations

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<td>Jason E. Gilmore</td>
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<td>Sergeant</td>
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<tr>
<td>Robert N. Hammon</td>
<td>Police</td>
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<td>Master Sergeant</td>
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<td>Rebbecca L. Johnson</td>
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<td>7/14/15</td>
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<td>Melissa A. Nead</td>
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<td>Vince P. Singer</td>
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Section V - Increases per Memorandum of Understanding

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Section VII - Reclassification

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Section VIII - Other Requests

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<tr>
<td>Dianetta Nicholson</td>
<td>Health Dept.</td>
<td>ACD change effective 7/16/15</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.

7. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 6, 2015:

Section I - Appointment

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph C. Johnson</td>
<td>Pretrial Services</td>
<td>8/27/15</td>
<td>Prof Programs Asst.</td>
</tr>
</tbody>
</table>

Section II - Transfer

<table>
<thead>
<tr>
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<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
</tr>
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<tbody>
<tr>
<td>Gwendolyn S. Thomas</td>
<td>B &amp; L</td>
<td>7/28/15</td>
<td>Prof Asst.</td>
<td>Prof Asst.</td>
</tr>
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Section III - Separations

<table>
<thead>
<tr>
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<th>Eff. Date</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dairi M. Amaya</td>
<td>Health/PHS</td>
<td>8/12/15</td>
<td>Program Coord.</td>
</tr>
<tr>
<td>Diana J. Main</td>
<td>Sheriff/Juvenile</td>
<td>7/29/15</td>
<td>Program Specialist</td>
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</table>

Section IV - Leave of Absence

<table>
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<tr>
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<th>Leave Beg.</th>
<th>Leave Ends</th>
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<tbody>
<tr>
<td>Amanda J. Bergman</td>
<td>Fire/Admin</td>
<td>8/4/15</td>
<td>9/2/15</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.

8. CLAIMS FOR DAMAGES:

James E. Griffin, 2016 N. 14th Street, alleging damage to vehicle tire from open manhole cover in street.

Michelle Stallard, 15976 Fairview, Oskaloosa, KS, alleging a rock from a city employee’s weed eater hit window, shattering and damaging vehicle.

Damar West, 5635 Belfontaine, Kansas City, MO, vs. Unified Government/Wyandotte County/KCKS, et al., through Donald T. Taylor, Attorney, Robb, Taylor & O’Connor, 827 Armstrong Ave., alleging injuries sustained while in custody at the Adult Detention Center (KS Tort Claim).

**Action:** Received and filed. Copies previously forwarded to Legal Department.

August 6, 2015
9. NOTICE OF CLAIM:

Eva Ayalla, P. O. Box 174, Mission, KS, vs. The Unified Government of Wyandotte County, Kansas City, Kansas, and Daniel Morris, Owner, MS K-MO, LLC, and Bob Terry, Employee of MS K-MO, alleging numerous claims surrounding sewer work done in and around property at 2410 West 42nd Ave.

Action: Received and filed. Copy previously forwarded to Legal.

10. TRAVEL REQUESTS:

John Paul Jones and John Peterson, Fire Department/Administration, travel to Atlanta, GA, August 25 – 29, 2015, to attend Fire – Rescue International 2015 Conference, Employee Training & Travel.

Mike Taylor, County Administration/Public Relations, travel to Topeka, KS, October 11 – 12, 2015, to attend League of Kansas Municipalities 2015 Annual Conference, Employee Training & Travel.

Mike Taylor, County Administration/Public Relations, travel to Wichita, KS, November 3 – 5, 2015, to attend Kansas Association of Counties 40th Annual Conference, Employee Training & Travel.

Action: Approved by County Administrator’s Office and received and filed.

11. BUSINESS BONDS:

Electrical Contractor’s Bonds:
   CH Electric & Technology, LLC
   Davin Electric, Inc.
   Perry Electrical Systems LLC

Mechanical Contractor’s Bond:
   Midwest Heating, Cooling & Plumbing, LLC

Mechanical/HVAC Bonds:
   Jack McIntosh and Company, Inc. d/b/a McIntosh Heating & Cooling
   Olathe Heating and Cooling, Inc.

Plumber’s Bonds:
   Master’s Touch Construction, Inc.
   MMC Contractors National, Inc.
   Noone Plumbing & Excavating, LLC

Second Hand and Junk Dealer’s Bond:
   Shostak Iron & Metal Co., Inc.

Action: Referred to License.

August 6, 2015
12. RESCIND CANCELLATION NOTICE:

Mechanical/HVAC:
   Neil Powell d/b/a NP Heating & Cooling

   Action: Referred to License.

13. AMENDED CONTINUATION CERTIFICATE:

   Electrical Contractor’s Bond:
      J. Warren Company, Inc.

   Action: Referred to License.

14. CONTINUATION OF CERTIFICATES:

   Electrical Contractor’s Bonds:
      Rohan R. Kerr d/b/a Kingston Electric
      MD Electric Inc.
      Midwest Comfort Homes, LLC
      Simmons Electrical
      T. D. Electric, LLC

   Plumber’s Bond:
      Miller Plumbing Company, Inc.

   Second Hand and Junk Dealer’s Bonds:
      Budget Auto Parts #2 & #3

   Action: Referred to License.

15. APPLICATIONS FOR DRINKING ESTABLISHMENT:

   Apple Central KC LLC/Rick Rehorn d/b/a Applebee’s Neighborhood Grill and Bar, 3404 Rainbow Blvd.
   Apple Central KC LLC/Rick Rehorn d/b/a Applebee’s Neighborhood Grill and Bar, 1700 Village West Pkwy.
   Chipotle Mexican Grill of Kansas LLC/Rick Rehorn d/b/a Chipotle Mexican Grill #891, 1813 Village West Pkwy.
   Red Lobster of Kansas LLC/Rick Rehorn d/b/a Red Lobster #6364, 10700 Parallel Pkwy.
   SIK Texas License Corp/Teresea Cawthon d/b/a Johnny Carino’s, 10706 Village West Pkwy.

   Action: Referred to License.

August 6, 2015
16. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT:

HOA Kansas Restaurant Holder LLC/Teresa Cawthon d/b/a Hooters of Kansas Speedway, 1712 Village West Pkwy.

**Action:** Referred to License.

17. APPLICATION FOR PRIVATE CLUB CLASS A:

David Patrzykont/David Patrzykont d/b/a Fraternal Order of Eagles Aerie 87, 1969 N. 63rd Dr.

**Action:** Referred to License.

18. APPLICATION FOR PRIVATE CLUB CLASS B:

Darwin and Teresa Saunders DARTEA, LLC/Lind Swanson d/b/a Bill’s 32 West, 6500 Kaw Dr.

**Action:** Referred to License.
Staff Request for Commission Action

Type: Standard
Committee: Full Commission

Date of Standing Committee Action: 7/6/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date</th>
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<th>Contact Phone</th>
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<tbody>
<tr>
<td>8/3/2015</td>
<td>Charles Brockman</td>
<td>x5733</td>
<td><a href="mailto:cbrockman@wycokck.org">cbrockman@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
</tr>
</tbody>
</table>

Item Description:
At the July 9, 2015 full commission meeting, Resolution R-40-15 was unanimously adopted thus setting August 13, 2015 to hear public comments to consider the establishment of the 57th and State Redevelopment TIF District. This redevelopment district is generally described as an area located at the Northwest and Southwest corners of the intersection of 57th Street and State Avenue in Wyandotte County, Kansas City, Kansas. The buildings, facilities, and improvements to be constructed or improved within the Redevelopment District are described in a general manner as consisting of some or all of the following uses, without limitation: retail uses and any other commercial structure or use (including but not limited to retail, commercial, residential, office, non-profit, governmental, or community use), and including associated site, infrastructure, utilities, storm water, street, landscaping, structured and surface parking, and other items allowable under the K.S.A. 12-1770 et seq.

Action Requested:
Approve ordinance establishing the 57th and State Redevelopment District.

Publication Required
Publication Date: 8/20/2015

Budget Impact: (if applicable)

Amount: $
Source:

☐ Included In Budget
☐ Other (explain) The TIF for this project will allow for future redevelopment of a site that is constrained by various geographic features. A future project plan will be required for the project to advance for Commission consideration.
ORDINANCE NO. O-____-15

AN ORDINANCE MAKING CERTAIN FINDINGS AND ESTABLISHING
THE 57TH AND STATE REDEVELOPMENT DISTRICT IN THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ.

WHEREAS, K.S.A. 12-1770 et seq., as amended (the “Act”), provides for the creation of
redevelopment districts and the approval of redevelopment plans, and permits the issuance of tax
increment bonds in accordance with the terms of the Act; and

WHEREAS, the 57th and State Redevelopment District (the “Redevelopment District”)
consists of an area located within the boundaries of Kansas City, Kansas described on the
attached Exhibit A and generally delineated on the map attached as Exhibit B, and which is
generally described as an area located at the Northwest and Southwest corners of the intersection
of 57th Street and State Avenue in Wyandotte County, Kansas City, Kansas; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the
“Unified Government”) desires to promote, stimulate, and develop the general and economic
welfare of Kansas City, Kansas and to assist in the development and redevelopment of eligible
areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the
Unified Government; and

WHEREAS, pursuant to the provisions of the Act, the Unified Government is authorized
to establish redevelopment districts within eligible areas of Kansas City, Kansas, as said terms
are defined in the Act, to approve redevelopment district plans for the completion of
redevelopment projects within such redevelopment districts, and to finance all or a portion of
redevelopment project costs from tax increment revenues and various fees collected within such
redevelopment district, revenues derived from redevelopment projects, revenues derived from
local sales taxes, other revenues described in the Act, or a combination thereof, or from the
proceeds of full faith and credit tax increment bonds of the Unified Government payable from
such described revenues; and

WHEREAS, the Unified Government desires to create the 57th and State Redevelopment
District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT:

Section 1. It is hereby found that pursuant to the authority granted by the Act, the
Unified Government adopted Resolution No. R-40-15 on July 9, 2015 (the “Resolution”), giving
notice of a public hearing to consider the establishment of a redevelopment district to be known as
the 57th and State Redevelopment District, and all required notices under the Act were properly and
timely given.
Section 2. A public hearing was held on August 13, 2015, with presentation of the above-described Redevelopment District’s boundaries and an opportunity for all interested persons to be heard, and the Board of Commissioners of the Unified Government (the “Governing Body”) hereby finds that the real property described in Exhibit A and generally depicted on Exhibit B is the same real property designated in the notice of public hearing given as required by the Act and the Resolution No. R-40-15.

Section 3. The Governing Body, after receiving and reviewing a Blight Analysis related to the proposed Redevelopment District, hereby finds and determines that the Redevelopment District is an eligible area as a “blighted area” as defined by K.S.A. 12-1770a(c) because of the presence of the following factors, which substantially impair or arrest the development and growth of the Unified Government or constitute an economic or social liability or is a menace to the public health, safety, morals, or welfare in its present condition and use: (1) a substantial number of deteriorated or deteriorating structures; (2) a predominance of defective or inadequate street layout; (3) unsanitary or unsafe conditions; (4) deterioration of site improvements; (5) improper subdivision or obsolete platting or land uses; (6) the existence of conditions which endanger life or property by fire or other causes; and (7) conditions which create economic obsolescence.

Section 4. The Governing Body hereby finds that the conservation, development, or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

Section 5. The Governing Body hereby approves the district plan for the Redevelopment District, which identifies all of the proposed redevelopment project areas and identifies in a general manner all of the buildings, facilities, and improvements in each that are proposed to be constructed or improved in each redevelopment project area, and which is attached hereto as Exhibit C and incorporated herein by reference (the “District Plan”).

Section 6. The Governing Body, having considered and reviewed the proposed Redevelopment District, hereby approves and establishes the 57th and State Redevelopment District.

Section 7. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

Section 8. The Act authorizes the issuance by the Unified Government of full faith and credit tax increment bonds (the “Bonds”) to finance all or a portion of the costs of implementing the District Plan, in the sole discretion of the Governing Body.

Section 9. This Ordinance shall take effect and be in full force after its passage, approval, and publication in The Wyandotte Echo.
PASSED BY THE MAJORITY OF THE BOARD OF COMMISSIONERS
OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 13th DAY OF AUGUST 2015.

By: __________________________
    Mark Holland, Mayor/CEO

ATTEST:

By: __________________________
    Unified Government Clerk

APPROVED AS TO FORM:

______________________________
Unified Government Counsel
EXHIBIT A

Legal Description of Redevelopment District

A tract of land in the Southwest Quarter of the Southeast Quarter of Section 02, Township 11, Range 24, also a tract of land in the North Half of Section 11, Township 11, Range 24 all in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 2; thence North 01°59'15" West, along the East line of said Southwest Quarter, a distance of 110.64 feet; thence North 88°00'45" East, a distance of 40.00 feet to a point of the East Right of Way line of 57th street; thence North 01°59'15" West, along said East Right of Way line, a distance of 220.13 feet; thence North 05°43'19" West, continuing along said East Right of Way line, a distance of 196.50 feet; thence South 87°45'19" West, a distance of 684.39 feet; thence North 02°22'49" West, a distance of 137.53 feet; thence South 88°07'37" West, a distance of 391.81 feet; thence South 01°11'54" East, a distance of 344.52 feet; thence South 88°07'37" West, a distance of 325.79 feet to a point on the West Right of Way line of 59th Street; thence South 01°51'49" East, along said West Right of Way line, a distance of 237.23 feet to a point on the North Right of Way line of State Avenue; thence South 87°53'36" West, along the North Right of Way line, a distance of 197.47 feet; thence North 01°06'06" West, continuing along said North Right of Way line, a distance of 65.01 feet; thence South 87°53'36" West, a distance of 110.05 feet; thence South 01°45'27" East, a distance of 559.19 feet; thence South 88°14'00" West, a distance of 134.81 feet; thence South 01°44'56" East, a distance of 442.33 feet; thence North 88°14'35" East, a distance of 489.23 feet; thence South 01°43'37" East, a distance of 481.12 feet; thence North 88°05'17" East, a distance of 447.36 feet; thence North 01°42'10" West, a distance of 87.71 feet; thence North 83°18'03" East, a distance of 58.40 feet; thence South 40°56'19" East, a distance of 119.80 feet; thence North 87°59'13" East, a distance of 292.68 feet; thence North 01°48'36" West, a distance of 664.86 feet; thence North 87°59'38" East, a distance of 254.41 feet; thence North 01°43'16" West, a distance of 208.09 feet; thence North 87°50'33" East, a distance of 256.18 feet to a point on the East Right of Way line of 57th Street; thence North 00°42'48" East, along said East Right of Way line, a distance of 118.34 feet; thence South 87°38'23" West, a distance of 512.04 feet; thence North 02°49'13" West, a distance of 352.11 feet to a point on the South line of said Southeast Quarter; thence North 88°07'37" East, along said South line, a distance of 461.75 feet to the point of beginning.

Contains 55 acres more or less
EXHIBIT B

General Map of Redevelopment District
EXHIBIT C

Redevelopment District Plan

The Redevelopment District shall consist of one or more redevelopment project areas, the names and boundaries of which will be determined at the time of the Project Plan. The buildings, facilities, and improvements to be constructed or improved within the Redevelopment District may be described in a general manner as consisting of some or all of the following uses, without limitation: retail uses and any other commercial structure or use (including but not limited to residential, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), other associated and appurtenant structures and facilities, and any other items allowable under K.S.A. 12-1770 et seq.
Staff Request for Commission Action

Type: Standard
Committee: Full Commission

Date of Standing Committee Action: 6/1/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 7/23/2015

Confirmed Date: 7/23/2015

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<th>Contact Email</th>
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<tr>
<td>7/17/2015</td>
<td>George Brjakovic</td>
<td>3749</td>
<td><a href="mailto:gbbrjakovic@wycokck.org">gbbrjakovic@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
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</table>

Item Description:
At the 06/01/2015 ED&F meeting, NorthPoint Development representatives and UG staff outlined a development proposal for the currently vacant 130 acre site known as Turner Woods. The redevelopment contemplates up to 1 million square feet of new industrial product in a Business Park like setting, with a projected capital investment of approximately $69M. There is a requested incentive structure which includes the use of Industrial Revenue Bonds (IRBs) and a Community Improvement District (CID) special assessment. The CID petition was filed with the UG Clerk’s office on 07/01/2015. In accordance with statutory requirements, a Public Hearing is required to consider the creation of a CID District. As such, staff has submitted a Resolution which sets 08/13/2015 as the date for a Public Hearing. At such time, the CID, IRB and Development Agreement will all be submitted for consideration.

Action Requested:
Adopt Resolution establishing a Public Hearing date of August 13, 2015 for the Creation of a Community Improvement District (CID) for the Turner Woods project.

Please note - two publication dates for the Resolution of July 30th and August 6th.

Publication Required

Publication Date: 7/30/2015

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☐ Other (explain) Policy action by Commission. Significant development project.

File Attachment
File Attachment
File Attachment
RESOLUTION NO. R-43-15

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF KANSAS CITY, KANSAS TO BE KNOWN AS THE TURNER WOODS COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE UNIFIED GOVERNMENTS INTENT TO LEVY COMMUNITY IMPROVEMENT SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 et. seq. (the “Act”) authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

WHEREAS, a petition (the “Petition”) was filed with the Unified Government Clerk on July 1, 2015, proposing the creation of the Turner Woods Community Improvement District (“CID”) under the Act, the imposition of a special assessments in order to pay the costs of projects as described in the Petition (the “Projects”); and

WHEREAS, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) intends to create the CID and to levy a community improvement district special assessments as requested in the Petition (the “CID Special Assessment”); and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects set forth in the Petition and levying the CID Special Assessment, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects set forth in Petition, and whether to impose a CID Special Assessments such public hearing to be held on August 13, 2015 at 7:00 p.m., or as soon thereafter as the matter can be heard, at in the Commission Chambers, lobby level of the Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, under the authority of the Act.

SECTION 3. Proposed CID Projects. The general nature of the CID Project is as follows:
The development and construction of approximately 1,250,000 square feet of light industrial and manufacturing space on 130 acres of real property generally located south of the intersection of Riverview Avenue and the Turner Diagonal Highway, but north of Speaker Road, all located in the Kansas City, Kansas ("Private Project"). The redevelopment shall include the construction of an industrial park, including, but not limited to, light industrial, distribution and manufacturing space, parking lots, internal access roads, site work, signage, streetscapes, and other related infrastructure and improvements, all as may be reimbursable pursuant to the Act.

The CID Project shall also include the replacement of the Riverview Avenue bridge over Turner Diagonal, which replacement may include an at-grade crossing at Turner Diagonal (as opposed to a replacement of the bridge), and a new interchange off of Turner Diagonal (the "Road Project") in accordance with the Act.

SECTION 4. Estimated Cost. The estimated total CID Project costs are $69,000,000 plus an additional $10,000,000 for the Road Project and any financing costs which are eligible pursuant to the Act, and any fees or expenses of the UG in connection with the CID Project. Additionally, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the CID Project shall be eligible for reimbursement. Notwithstanding anything in this Petition to the contrary, only eligible CID costs as set forth in the Act shall be reimbursable under the CID Project. A specific budget related to the estimated cost of the CID Project will be set forth in the Development Agreement to be negotiated and executed by and between the UG and the petitioner or successors in title.

SECTION 5. Method of Financing and Community Improvement District Special Assessments. The costs of the CID Project will be financed with CID Special Assessments levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act.

The Petition requests financing only by CID Special Assessments, and not any CID sales tax. The Petition does not request the issuance of bonds, including full faith and credit bonds pursuant to the Act for the Private Project. The Road Project may be financed with the issuance of bonds, including full faith and credit bonds issued pursuant to the Act.

It is proposed that a CID be created that will impose CID Special Assessments on a $1.04 per building square foot basis. Accordingly, within the 22 year CID lifespan, CID Special Assessments will be imposed on individual buildings and CID Special Assessments will begin on the date each building is issued a certificate of occupancy and will continue for a period of 10 years thereafter. Each building’s 10 year period will be specific to that building and may cover different years than buildings built at different times. Each building’s CID Special Assessments will last 10 years from the date of issuance of the certificate of occupancy and no CID Special Assessments shall be imposed or extended beyond the 22 year life of the CID. Notwithstanding the foregoing, if only one building is completed in the CID on which CID Special Assessments have been imposed, then at the end of the 10 year period of CID Special Assessments for that building, and at such time, there are no additional buildings on which to impose CID Special Assessments, then CID Special Assessments will continue on that one building at a $0.52 per square foot basis until the earlier of (a) that date when the Road Project costs have been paid for or reimbursed in full, (b) an additional building is completed and issued a certificate of occupancy and CID Special Assessments have been imposed on the additional building, or (c) the end of the 22 year CID lifespan.

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on Exhibit A attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as Exhibit B hereto, and incorporated by reference herein.
SECTION 7. Notice of Hearing. The Unified Government Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The Unified Government Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Reimbursement. The Unified Government expects to make capital expenditures after the date of this Resolution in connection with the Projects, and the City intends to reimburse itself for such expenditures with the proceeds of obligations in the maximum principal amount of $10,000,000.

SECTION 9. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.


__________________________
Mayor/CEO

__________________________
Unified Government Clerk
CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. R-____-15 of the Unified Government of Wyandotte County/Kansas City, Kansas adopted by the Governing Body on July 23, 2015 as the same appears of record in my office.

DATED: July____, 2013.

________________________________________
Unified Government Clerk
EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED TURNER WOODS COMMUNITY IMPROVEMENT DISTRICT

The following property located in Wyandotte County, Kansas City, Kansas:

TRACT I
Parcel A:
A tract of land in the Northeast Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 11, Range 24, in Kansas City, Wyandotte County, Kansas described as follows:

Beginning at a point which is 112.0 feet North of the Southwest corner of the Northeast Quarter of said Section 15, thence North 87 degrees 13 minutes 30 seconds West, parallel with the South line of the Northeast Quarter of said Section 16, 748.43 feet to a point on the Wyandotte Delaware Reserve Line; thence South 0 degrees 04 minutes 30 seconds East and along said Wyandotte Delaware Reserve Line, 20.0 feet to its intersection with the South line of the Northeast Quarter of said Section 16, thence South 87 degrees 13 minutes 30 seconds East and along the South line of said Northeast Quarter of Section 16, 860.43 feet to the southeast corner thereof, thence North 89 degrees 34 minutes 30 seconds East and along the South line of the Northeast Quarter of said Section 15, 2358.24 feet to a point which is 207.0 feet West of the Southeast corner of said Northwest Quarter of Section 16; thence North 0 degrees 21 minutes West parallel with the East line of the Northwest Quarter of said Section 15, 1815.0 feet, thence North 89 degrees 34 minutes 30 seconds East parallel with the South line of said Northeast Quarter of Section 15, 158.38 feet to a point on the Southwesterly right of way line of the Turner Diagonal Right of Way Line, thence Northeasterly and along the Turner Diagonal Right of Way Line on a curve to the right, having a radius of 2418.46 feet, an arc distance of 1194.22 feet to a point, which is 165.40 feet South of and 138.30 feet East of the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 15, thence North 77 degrees 10 minutes 30 seconds West and along the Southwesterly right of way line of said Turner Diagonal Right of Way Line, 141.42 feet to a point which is 132.4 feet South of the Northwest corner thereof, thence South 0 degrees 36 minutes 30 seconds East 987.60 feet, thence South 89 degrees 20 minutes West, parallel with the North line of the Northwest Quarter of said Section 16, 1284.75 feet to a point on the center of Mill Creek, aid point being also, on the South line of Strickland Subdivision, according to the recorded plat thereof; thence Southwesterly along the meanderings of said Mill Creek to a point which is South 37 degrees 29 minutes 50 seconds West, a distance of 250.65 feet from the last described point, thence due South, parallel with the East line of the Northeast Quarter of said Section 16, 1340.0 feet to the point of beginning, less that part taken or used for road purposes.

Parcel B:
The East 60 feet of the following described tract of land:

Beginning at a point on the North line of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, 450 feet East of the Northwest corner of said Section; thence East 870 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 15; thence South 1120 feet; thence West 870 feet; thence North 1120 feet to the point of beginning, except the East 438.72 feet thereof, also except that part taken for road purposes.
TRACT 2:
The East 439.72 feet of the following described real property:

Beginning at a point on the North line of Section 15, Township 11, Range 24; in Kansas City, Wyandotte County, Kansas, 450 feet East of the Northwest corner of said Section, thence East 870 feet to the Northwest Quarter of the Northwest Quarter of Section 15, thence East 1120 feet; thence West 870 feet, thence North 1120 feet to the Point of Beginning, all in Wyandotte County, Kansas, EXCEPT that part in road, if any.

TRACT 3:
Beginning at a point on the North line of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, 450 feet East of the Northwest corner of the Northwest Quarter of said Section 15, thence East 870 feet, thence South 1120 feet, thence West 870 feet, thence North 1120 feet to Point of Beginning except the East 499.72 feet thereof, less that part taken or used for road purposes.

TRACT 4:
Parcel A:
The East 297 feet of the South Half of the North Half of the following described tract of land:

Beginning at a point 19 and 29/49 poles North at the southwest corner of the Northeast Quarter of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, thence East 80 poles; thence North 41 and 24-49 poles; thence West 98 poles; thence South 41 and 24/49 poles; thence East 18 poles to the point of beginning.

Parcel B:
The South Half of the North Half of the following described tract of land:

Beginning at a point 19 and 29/49 poles North of the Southwest corner of the Northeast Quarter of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas; thence East 80 poles, thence North 41 and 24-49 poles, thence West 98 poles; thence South 41 and 24/49 poles; thence East 18 poles to the point of beginning, except that part taken or used for public road purposes, except the East 297 feet thereof.
EXHIBIT B

MAP OF PROPOSED TURNER WOODS COMMUNITY IMPROVEMENT DISTRICT
(Published in *The Wyandotte Echo* on August 20, 2015)

**ORDINANCE NO. O-____-15**

AN ORDINANCE AUTHORIZING THE CREATION OF THE TURNER WOODS COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF KANSAS CITY, KANSAS; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.

WHEREAS, K.S.A. 12-6a26 et. seq. (the “Act”) authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

WHEREAS, a petition (the “Petition”) was filed with the Unified Government Clerk on July 1, 2015, proposing the creation of the Turner Woods Community Improvement District (“CID”) under the Act with the imposition of a special assessments in order to pay the costs of projects as described in the Petition (the “Project”); and

WHEREAS, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) intends to create the CID and to levy community improvement district special assessments as requested in the Petition (the “CID Special Assessments”); and

WHEREAS, the Act provides that prior to creating any community improvement district that may include the issuance of full and credit bonds, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) adopted Resolution No. R-43-15 on July 23, 2015 (the “Resolution”) directing that a public hearing on the proposed CID within the Unified Government be held on August 13, 2015, declaring its intent to impose a community improvement district sales tax, and requiring that the Unified Government Clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS, the Resolution was mailed (by certified mail) to all property owners within the proposed CID on July 28, 2015, and published once each week for two (2) consecutive weeks in *The Wyandotte Echo*, the official Unified Government newspaper, on July 30 and August 6, 2015; and
WHEREAS, on August 13, 2015, the Governing Body conducted a public hearing on the advisability of the proposed CID; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to create the CID and set forth the boundaries thereof, authorize the Project relating thereto, approve the estimated costs of the Project and approve the method of financing the same, all in accordance with the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY:

SECTION 1. Creation of Community Improvement District; Boundaries. That the Governing Body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the CID within the Unified Government to be referred to as the Turner Woods Community Improvement District. A legal description of the boundaries of the proposed CID is set forth on Exhibit A, attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as Exhibit B, attached hereto and incorporated by reference herein.


(a) The general nature of the CID Project is approved as follows:

The development and construction of approximately 1,250,000 square feet of light industrial and manufacturing space on 130 acres of real property generally located south of the intersection of Riverview Avenue and the Turner Diagonal Highway, but north of Speaker Road, all located in Kansas City, Kansas (“Private Project”). The redevelopment shall include the construction of an industrial park, including, but not limited to, light industrial, distribution and manufacturing space, parking lots, internal access roads, site work, signage, streetscapes, and other related infrastructure and improvements, all as may be reimbursable pursuant to the Act.

The CID Project shall also include the replacement of the Riverview Avenue bridge over Turner Diagonal, which replacement may include an at-grade crossing at Turner Diagonal (as opposed to a replacement of the bridge), and a new interchange off of Turner Diagonal (the “Road Project”) in accordance with the Act.

(b) The total estimated total CID Project costs are $69,000,000 plus an additional $10,000,000 for the Road Project and any financing costs which are eligible pursuant to the Act, and any fees or expenses of the Unified Government in connection with the CID Project. Additionally, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the CID Project shall be eligible for reimbursement.


(a) The costs of the CID Project will be financed with CID Special Assessments levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act.

(b) There will be no CID sales tax.
(c) There will be no issuance of bonds, including full faith and credit bonds pursuant to the Act for the Private Project. The Road Project may be financed with the issuance of bonds, including full faith and credit bonds issued pursuant to the Act.

(d) CID Special Assessments are hereby imposed in the CID on a $1.04 per building square foot basis in accordance with the provisions hereof and the Development Agreement (as hereinafter defined). Accordingly, within the twenty-two (22) year CID lifespan, CID Special Assessments will be imposed on individual buildings and CID Special Assessments will begin on the date each building is issued a certificate of occupancy and will continue for a period of ten (10) years thereafter. Each building’s ten (10) year period will be specific to that building and may cover different years than buildings built at different times. Each building’s CID Special Assessments will last ten (10) years from the date of issuance of the certificate of occupancy and no CID Special Assessments shall be imposed or extended beyond the twenty-two (22) year life of the CID. Notwithstanding the foregoing, if only one building is completed in the CID on which CID Special Assessments have been imposed, then at the end of the ten (10) year period of CID Special Assessments for that building, and at such time, there are no additional buildings on which to impose CID Special Assessments, then CID Special Assessments will continue on that one building at a $0.52 per square foot basis until the earlier of (a) that date when the Road Project costs have been paid for or reimbursed in full, (b) an additional building is completed and issued a certificate of occupancy and CID Special Assessments, or (c) the end of the twenty-two (22) year CID lifespan. The CID Special Assessments for each building will become effective when included in a budget adopted by the Governing Body.

SECTION 5. Approval of Development Agreement. The Development Agreement for Turner Woods Industrial Park between the Unified Government and Northpoint Development, LLC (the “Development Agreement”), in substantially the form presented to and reviewed by the Unified Government at this meeting (a copy of which shall be filed in the official records of the Unified Government) is hereby approved and the officers of the Unified Government are hereby authorized to execute and deliver the Development Agreement such officials’ signatures thereon being conclusive evidence of their approval and the Unified Government’s approval thereof, and to execute and deliver all necessary documents.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED by the Governing Body of the Unified Government on August 13, 2015 and APPROVED AND SIGNED by the Mayor/CEO.

[SEAL]

ATTEST:

_______________________________
Mayor/CEO

_______________________________
Unified Government Clerk
EXHIBIT A

LEGAL DESCRIPTION OF THE TURNER WOODS
COMMUNITY IMPROVEMENT DISTRICT

The following property located in Wyandotte County, Kansas City, Kansas:

TRACT I
Parcel A:
A tract of land in the Northeast Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 11, Range 24, in Kansas City, Wyandotte County, Kansas described as follows:

Beginning at a point which is 112.0 feet North of the Southwest corner of the Northwest Quarter of said Section 15, thence North 87 degrees 13 minutes 30 seconds West, parallel with the South line of the Northeast Quarter of said Section 16, 748.43 feet to a point on the Wyandotte Delaware Reserve Line; thence South 0 degrees 04 minutes 30 seconds East and along said Wyandotte Delaware Reserve Line, 20.0 feet to the intersection with the South line of the Northeast Quarter of said Section 16, thence South 87 degrees 13 minutes 30 seconds East and along the South line of said Northeast Quarter of Section 16, 860.43 feet to the southeast corner thereof, thence North 89 degrees 34 minutes 30 seconds East and along the South line of the Northeast Quarter of said Section 15, 2358.24 feet to a point which is 207.0 feet West of the Southeast corner of said Northwest Quarter of Section 16; thence North 0 degrees 21 minutes West parallel with the East line of the Northwest Quarter of said Section 15, 1815.0 feet, thence North 89 degrees 34 minutes 30 seconds East parallel with the South line of said Northeast Quarter of Section 15, 158.38 feet to a point on the Southwesterly right of way line of the Turner Diagonal Right of Way Line, thence Northeasterly and along the Turner Diagonal Right of Way Line on a curve to the right, having a radius of 2418.46 feet, an arc distance of 1194.22 feet to a point, which is 165.40 feet South of and 138.30 feet East of the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 15, thence North 77 degrees 10 minutes 30 seconds West and along the Southwesterly right of way line of said Turner Diagonal Right of Way Line, 141.42 feet to a point which is 132.4 feet South of the Northwest corner thereof, thence South 0 degrees 36 minutes 30 seconds East 987.60 feet, thence South 89 degrees 20 minutes West, parallel with the North line of the Northwest Quarter of said Section 16, 1284.75 feet to a point on the center of Mill Creek, aid point being also, on the South line of Strickland Subdivision, according to the recorded plat thereof; thence Southwesterly along the meanderings of said Mill Creek to a point which is South 37 degrees 29 minutes 50 seconds West, a distance of 250.65 feet from the last described point, thence due South, parallel with the East line of the Northeast Quarter of said Section 16, 1340.0 feet to the point of beginning, less that part taken or used for road purposes.

Parcel B:
The East 60 feet of the following described tract of land:

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TRACT 2:
The East 439.72 feet of the following described real property:

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TRACT 3:
Beginning at a point on the North line of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, 450 feet East of the Northwest corner of the Northwest Quarter of said Section 15, thence East 870 feet, thence South 1120 feet, thence West 870 feet, thence North 1120 feet to Point of Beginning except the East 499.72 feet thereof, less that part taken or used for road purposes.

TRACT 4:
Parcel A:
The East 297 feet of the South Half of the North Half of the following described tract of land:

Beginning at a point 19 and 29/49 poles North at the southwest corner of the Northeast Quarter of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, thence East 80 poles; thence North 41 and 24-49 poles; thence West 98 poles; thence South 41 and 24/49 poles; thence East 18 poles to the point of beginning.

Parcel B:
The South Half of the North Half of the following described tract of land:

Beginning at a point 19 and 29/49 poles North of the Southwest corner of the Northeast Quarter of Section 15, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas; thence East 80 poles, thence North 41 and 24-49 poles, thence West 98 poles; thence South 41 and 24/49 poles; thence East 18 poles to the point of beginning, except that part taken or used for public road purposes, except the East 297 feet thereof.
EXHIBIT B
MAP OF TURNER WOODS COMMUNITY IMPROVEMENT DISTRICT
Staff Request for Commission Action

Type: Blue Sheet Amendment
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 7/6/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 7/9/2015
Confirmed Date: 7/9/2015

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<td>George Brajkovic</td>
<td>x 5749</td>
<td><a href="mailto:gbrajkovic@wycokck.org">gbrajkovic@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
</tr>
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Item Description:
On August 28, 2014, the Full Commission passed Ordinance O-47-14 that approved the Expanded STAR Bond District known as Vacation Village with five separate Project Areas, adopted the Amended STAR Bond District Plan, and established Plans for Project Areas 1, 2 and 4. At this time, SVV I, LLC (Developer) is requesting an amendment that would split Project Area 2 into Area 2A and Area 2B, as detailed in the Plans filed with Clerk's Office on June 24, 2015. In accordance with Statutory requirements, staff is requesting a Public Hearing to be set on August 13, 2015 to consider the proposed amendments.

A significant amount of site work progress has been made within Project Area 2, and a portion of the project is ready to move towards Bond issuance. To take advantage of favorable bond market conditions, the Developer would like to proceed with that portion of the Project that has established commitments, which corresponds to proposed Area 2A.

Action Requested:
Fast track Resolution setting a Public Hearing on August 13, 2015, to the July 9, 2015 FC meeting.

The Resolution will require publication on July 30 and August 6, 2015.

☑ Publication Required
Publication Date: 7/30/2015

Budget Impact: (if applicable)

| Amount: $ |
| Source: |
| ☐ Included In Budget |
| ☑ Other (explain) Provides financing to reimburse UG for 98th Street/DFA expenses. Includes UG annual appropriation backing of a subordinate $10 million issuance. Part of State and local sales tax base is a backstop. |

File Attachment
EXECUTIVE SUMMARY
FIRST AMENDMENT TO AMENDED AND RESTATED VACATION VILLAGE DEVELOPMENT AGREEMENT

1. **Parties.** UG and SVV I, LLC (“SVV”), a Kansas limited liability company.

2. **Nature of Agreement.** This is a first amendment (the "First Amendment") to the Amended and Restated Vacation Village Development Agreement ("Agreement") entered into between UG and SVV on August 28, 2014, which incorporated six prior amendments to the original Vacation Village Development Agreement and set forth five distinct Project Areas: (1) Project Area 1 - Schlitterbahn waterpark, with potential for other future commercial uses; (2) Project Area 2 – the automotive plaza, restaurant pad sites, convenience store, and approximately 150 room extended-stay hotel; (3) Project Area 3 - approximately 400,000 square feet of entertainment/retail facilities; (4) Project Area 4 - U.S. Soccer training and coaching facility and tournament fields complex (governed by a separate agreement between UG and a different SVV); and (5) Project Area 5 - potential for various types of lodging facilities in the future. This First Amendment divides Project Area 2 (the Automotive Plaza) into two separate project areas—Project Area 2A and Project Area 2B, and provides for two separate, phased STAR Bond issuances, instead of the single issuance that was originally contemplated by the Agreement.

3. **The Project/Timing.** The First Amendment contemplates dividing Project Area 2 into two separate project areas: (1) Project Area 2A – four automotive dealerships, a convenience store, and two restaurant pad sites on the west side of 98th Street; and (2) Project Area 2B – the remaining automotive dealerships, extended stay hotel, and two restaurant pad sites on the east side of 98th Street.

   (i) All other Project Areas are unmodified by this First Amendment.

   (ii) The four automotive dealerships in Project Area 2A shall be completed and opened for business by December 31, 2016, and the convenience store and restaurant pad sites shall be completed and opened for business by December 31, 2017. The other automotive dealerships in Project Area 2B shall be completed and opened for business by December 31, 2017. Developer shall not be obligated to commence construction on the rest of the improvements in Project Area 2B until construction of the U.S. Soccer training and coaching facility in Project Area 4 is substantially complete.

4. **Amendments to STAR Bond Financing.** SVV's budget indicates that it has previously spent approximately $222M on the Project, and the budget also estimates approximately $115M in new capital investment for the auto plaza/restaurants/hotel project in Project Area 2 and approximately $187M for the retail/entertainment project in Project Area 3. Section 4.2 of the Agreement originally contemplates a single STAR Bond issuance for the Project in the first quarter of 2015, based on the Incremental Sales Taxes created by the Waterpark in Project Area 1 and the auto mall/restaurants/hotel in Project Area 2. This STAR Bond issue would be capped at $100M of net proceeds (subject to marketability). Of this $100M, approximately $10M is to cover the UG's costs for $5.4M of temporary notes (plus interest) that it incurred in improving 98th Street, and to pay for the costs of the so-called "S Curve" required by the DFA transaction -- to provide a better connection of the north and south sides of 98th Street at France Family Drive -- and the balance of the $90M is generally to cover the costs of Developer's project. The parties have also agreed to the following changes in the STAR Bond financing:

   (a) There will be two separate STAR Bond Issuances instead of one.

   (b) The revenues from Project Area 1 and Project Area 2A will be pledged to the First STAR Bond Issue, which is expected to yield approximately $78M of proceeds. There will be two series in this First STAR Bond Issue – (i) Series A, which should yield approximately $65M, and (ii) Series B, which...
should yield approximately $10M of additional STAR Bond proceeds. Series B will be subordinate to Series A and the UG will pledge its annual appropriation to support Series B. The UG will receive the $10M of proceeds from Series B to pay for the UG's 98th Street Costs and S Curve Costs (as described above). If and when the parties do a Second STAR Bond Issue, the proceeds of that Second STAR Bond Issue shall be used first to fully redeem and retire all of Series B.

(c) The First STAR Bond Issue shall occur on or before November 1, 2015 (the original date in the Agreement was September 1, 2015). The Second STAR Bond Issue shall occur, if at all, prior to that date which is 7 years after the U.S. Soccer Facility opens. The Developer's net proceeds from the First STAR Bond Issue and the Second STAR Bond Issue shall still be capped at $90M.

(d) The UG will still have access to net STAR Bond proceeds from Series A of the First STAR Bond Issue for a new traffic signal at 98th and State Avenue (with a currently estimated cost of $275,000) and an additional $665,000 for the remaining costs of the previously-constructed sewer lift station that feeds to the Marshall Creek Sewer Interceptor.

(e) In the original Agreement, SVV's access to $25M of STAR Bond Proceeds from the First STAR Bond issue (the "Held Back Proceeds") was to be held back and restricted until such time as SVV met certain development thresholds and conditions. Most of these conditions have been met, but the remaining condition is to be modified as follows:

(i) SVV will not receive $500,000 of the Held Back Proceeds until it (1) cleans up, rough-grades and seeds the 59 acres in Project Area 3, and (2) timely completes the improvements related to St. Patrick's Catholic as required by the Agreement (and as discussed below).

5. **Church and Current Schlitterebahn Entrance Drive Improvements.** SVV has agreed to complete certain entrance drive improvements for St. Patrick's, along with providing new connecting drives to the medical plaza located to the west of St. Patrick's and closing the existing Schlitterbahn entrance drive. SVV was originally obligated to commence these improvements by September 15, 2015, but the First Amendment will allow SVV to commence these improvements no later than December 31, 2016, as long as SVV shall close the current Schlitterbahn entrance drive on or before December 31, 2015.

6. **Changes in Uses – Car Wash Restriction.** Section 1.a of the First Amendment says that SVV may not change any of the uses in the Auto Plaza Project, unless such changes are approved in writing by the UG's County Administrator. Also, Section 5.b of the First Amendment slightly modifies the "car wash restriction" to allow no more than one car wash – which may either be a stand-alone car wash facility or constructed in connection with a convenience store or other use.
RESOLUTION NO. R- _____-15

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING A PROPOSED FIRST AMENDED AND RESTATED STAR BOND DISTRICT PLAN AND A PROPOSED FIRST AMENDED AND RESTATED STAR BOND PROJECT PLAN FOR PROJECT AREA 2A, ALL WITHIN THE PROPOSED EXPANDED STAR BOND DISTRICT IN THE CITY OF KANSAS CITY, KANSAS AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (VACATION VILLAGE).

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of Kansas City, Kansas and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the State and the Unified Government, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended, as now authorized under the STAR Bonds Financing Act, K.S.A. 12-17,160, et seq., as amended (the “Act”), the Unified Government on October 20, 2005, adopted Ordinance No. O-76-05, which created a redevelopment district within Kansas City, Kansas (the “City”), the boundaries of which were defined in said Ordinance (the “Original District”) and contained one redevelopment project area; and

WHEREAS, on November 14, 2005 a Vacation Village Special Bond Project Plan (“Original Redevelopment Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, on November 14, 2005 the Planning Commission of the Unified Government made a finding that the Original Redevelopment Project Plan was consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on December 20, 2005, after proper notice in accordance with the Act, a public hearing was held on the Original Redevelopment Project Plan and the Unified Government then adopted Ordinance No. O-96-05 approving the Original Redevelopment Project Plan; and

WHEREAS, on December 23, 2005 the Secretary of Commerce of the State of Kansas (the “Secretary”), determined that the Original Redevelopment District was an “eligible area” under the Act, designated the redevelopment project as a “special bond project” and approved the issuance of STAR Bonds for the project; and

WHEREAS, on November 9, 2007 an Amended and Restated STAR Bond Project Plan (Vacation Village Project Plan) (“First Amended Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, a public hearing was held on November 15, 2007, after due published notice, regarding the First Amended Project Plan; and
WHEREAS, on November 29, 2007, the Unified Government adopted Ordinance No. O-100-07 approving the First Amended Project Plan; and

WHEREAS, an Amended and Restated STAR Bond District Plan dated July 8, 2014 (the “Amended STAR Bond District Plan”) has been filed with the Clerk, which Amended STAR Bond District Plan would expand the Original District to add additional property (the “Expanded STAR Bond District”) and would divide the Expanded STAR Bond District into five project areas; and

WHEREAS, a Second Amended and Restated STAR Bond Project Plan (Village East Project Plan – Project Area 1) dated July 8, 2014 was filed with the Unified Government Clerk, as amended (the “Project Area 1 Plan”); and

WHEREAS, a STAR Bond Project Plan (Village East Project Plan – Project Area 2) dated July 8, 2014 was filed with the Unified Government Clerk, as amended (the “Project Area 2 Plan”); and

WHEREAS, a STAR Bond Financing Project Plan (Village East Project Plan – Project Area 4) dated July 8, 2014 was filed with the Unified Government Clerk, as amended (the “Project Area 4 Plan”); and

WHEREAS, on July 14, 2014 the Planning Commission of the Unified Government made a finding that the Project Area 1 Plan, Project Area 2 Plan and Project Area 4 Plan were each consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, in accordance with the Act, on August 28, 2014 the governing body of the Unified Government held a public hearing to consider approval of the Expanded STAR Bond District, and adoption of the Amended STAR Bond District Plan, Project Area 1 Plan, Project Area 2 Plan, and Project Area 4 Plan, after proper notice of such public hearing in accordance with the Act; and

WHEREAS, on August 28, 2014 the governing body of the Unified Government passed Ordinance No. O-47-14 that approved of the Expanded STAR Bond District, and adopted the Amended STAR Bond District Plan, Project Area 1 Plan, Project Area 2 Plan, and Project Area 4 Plan and such ordinance was published on September 4, 2014; and

WHEREAS, a First Amended and Restated STAR Bond District Plan dated June 23, 2015 (the “First Amended STAR Bond District Plan”) was filed with the Unified Government Clerk on June 24, 2015, which First Amended STAR Bond District Plan would divide Project Area 2 into Project Area 2A and Project Area 2B; and

WHEREAS, a First Amended and Restated STAR Bond Project Plan (Village East Project Plan – Project Area 2A) dated June 23, 2015 was filed with the Unified Government Clerk on June 24, 2015 (the “Project Area 2A Plan”); and

WHEREAS, in accordance with the Act as a substantial change, the governing body of the City wishes to hold a public hearing to consider adoption of the First Amended STAR Bond District Plan and Project Area 2A Plan, and the governing body shall provide notice of such public hearing in accordance with the Act; and

WHEREAS, at the public hearing a representative of the Unified Government shall present the proposed First Amended STAR Bond District Plan and the Project Area 2A Plan and all interested persons shall be given an opportunity to be heard; and
WHEREAS, following the conclusion of such public hearing, the governing body may adopt the First Amended STAR Bond District Plan by ordinance upon a majority vote, and the governing body may adopt the Project Area 2A Plan by ordinance passed upon a 2/3 vote; and

WHEREAS, the City Council desires to establish August 13, 2015 as the date for the public hearing on the First Amended STAR Bond District Plan and the Project Area 2A Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Consideration of First Amended STAR Bond District Plan and Project Area 2A Plan. The Unified Government is considering the approval of the First Amended STAR Bond District and Project Area 2A Plan, all pursuant to the Act.

Section 2. STAR Bond District. A map and legal description of the STAR Bond District with six project areas is attached hereto as Exhibit A, which is incorporated herein by reference. Also, attached are maps showing the proposed Project Areas 2A and 2B.

Section 3. Proposed Project Area 2A Plan. The proposed Project Area 2A Plan, including a summary of the feasibility study, market study, relocation assistance plan and financial guarantees of the developer and a legal description and map of the area to be redeveloped or developed are public records and are available for public inspection during regular office hours in the office of the Unified Government Clerk, Municipal Office Building, 701 North 7th Street, Kansas City, Kansas.

Section 4. Public Hearing. Notice is hereby given that a public hearing will be held by the Commission to consider the approval of the First Amended STAR Bond District Plan and the adoption of the Project Area 2A Plan on August 13, 2015, at the Commission Meeting Room, located at Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, the public hearing to commence at 7:00 p.m. or as soon thereafter as the Commission can hear the matter. At the public hearing, the governing body will receive public comment on the proposed First Amended STAR Bond District Plan and Project Area 2A Plan and may, after the conclusion of such public hearing, consider the findings necessary for approval of the First Amended STAR Bond District Plan and adoption of the Project Area 2A Plan pursuant to the Act.

Section 5. Notice of Public Hearing. The Unified Government Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to:

(i) the Board of County Commissioners of Wyandotte County, Kansas;

(ii) the Board of Education of U.S.D. No. 500 and U.S.D. 203;

(iii) each owner and occupant of land within the proposed Expanded STAR Bond District.
(b) This resolution, specifically including Exhibits A and B attached hereto, shall be published once in the official newspaper of the Unified Government not less than one week nor more than two weeks preceding the date of the public hearing.

Section 6. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, including the County Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

Section 7. Effective Date. This resolution shall be effective upon its adoption by the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.

ADOPTED by the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas on July 9, 2015.

[SEAL]

______________________________

Mayor/CEO

Attest:

______________________________

Unified Government Clerk
EXHIBIT A

MAP AND LEGAL DESCRIPTION OF EXPANDED STAR BOND DISTRICT AND PROJECT AREAS 1-5
A-2
File No. 014-0347
Schlitterbahn
July 10, 2014

Overall Star Bond Project Areas 1 thru 5 Description:

Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:

Star Bond Project Area 1
Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in the Southeast Quarter of Section 1, Township 11 South, Range 23 East, being more particularly described as follows:
BEGINNING at the Northwest corner of the Southeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 87 degrees 30 minutes 09 seconds East, along the North line of said Southeast Quarter, a distance of 1,003.58 feet; thence South 00 degrees 00 minutes 00 seconds East, departing the North line of said Southeast Quarter, a distance of 685.13 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 696.01 feet; thence South 69 degrees 44 minutes 32 seconds East, a distance of 730.33 feet, to a point on the Easterly line of said Lot 1; thence North 87 degrees 45 minutes 28 seconds, along the Easterly line of said Lot 1, a distance of 272.37 feet, to a point on the West Right-of-Way line of N. 94th Street, as now established; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 910.24 feet; thence South 87 degrees 45 minutes 28 seconds West, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 15.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing along the Easterly line of said Lot 1, and along the West Right-of-Way line of said N. 94th Street, a distance of 645.04 feet to the point of intersection of the West Right-of-Way line said N. 94th Street and the North Right-of-Way line of State Avenue, as now established; thence South 53 degrees 02 minutes 04 seconds West, continuing along the Easterly line of said Lot 1, and along the North Right-of-Way line of said State Avenue, a distance of 61.51 feet; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 881.99 feet; thence North 64 degrees 52 minutes 17 seconds West, continuing along the South line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 13.73 feet; thence in a Westerly direction, departing the South line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to a point of intersection of the South Right-of-Way line of said State Avenue and the South line of said Lot 1; thence South 87 degrees 42 minutes 57 seconds West, along the South line of said Lot 1 and continuing along the North Right-of-Way line of said State Avenue, a distance of 61.75 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence North 02 degrees 18 minutes 50 seconds West, departing the North Right-of-Way line of said State Avenue and along the Northeasterly Right-of-Way line of said N. 98th Street and continuing along the Southerly line of said Lot 1, a distance of 65.74 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1 and along a curve to the left, having a radius of 575.00 feet and a central angle of 96 degrees 39 minutes 25 seconds, an arc length of 970.01 feet; thence North 00 degrees 00 minutes 00 seconds East, departing the Northeasterly Right-of-Way line of said N. 98th Street and the Southerly line of said Lot 1, a distance of 681.26 feet; thence North 78 degrees 38 minutes 12 seconds West, a distance of 570.99 feet, to a point on the West line of the
Southeast Quarter of said Section 1; thence North 02 degrees 20 minutes 41 seconds West, along the West line of the Southeast Quarter of said Section 1, a distance of 1,102.14 feet to the POINT OF BEGINNING.

AND ALSO:

Project Area 2A Description:

All of Lots 1, 4-A, 4-B, 5 and 6 Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas.

Project Area 2B Description:

Part of Lots 1, 2 and all of Tract B, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, all being in Sections 1, Township 11 South, Range 23 East, and that part of Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 44 degrees 44 minutes 36 seconds West, a distance of 346.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Westerly line of said Lot 2, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Lot 2, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Northerly line of said Lot 2, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Northerly line of said Lot 2, and along a curve to the left, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1, and along a curve to the right, having a radius of 575.00 feet and a central angle of 122 degrees 03 minutes 50 seconds, an arc
length of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of said Lot 1, a distance of 65.73 feet, to the point of intersection of the Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of said Lot 1 and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of said Lot 1, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of said Lot 1, and continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of said Lot 1, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of said Lot 1, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of said Lot 1, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of said Lot 1, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, departing the North Right-of-Way line of said State Avenue, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue to the point of intersection of the South Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the Point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along the South line of Lot 3 of said Schlitterbahn Vacation Village, a distance of 925.88 feet to a point of curvature, said point also being the point of intersection of the North Right-of-Way line of said State Avenue and the Southwesterly Right-of-Way line of said N. 98th Street; thence Northeasterly, Northerly and Northwesterly, departing the North Right-of-Way line of said State Avenue, and along the Southwesterly Right-of-Way line of said N. 98th Street, and along the Easterly and Northeasterly line of said Lot 3, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly,
continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Lot 3 and along the Northerly line of said Tract A, and along a curve to the right, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 938.56 feet; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 15 degrees 56 minutes 18 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and along the West line of said Legends Auto Plaza, a distance of 568.70 feet; thence North 74 degrees 54 minutes 27 seconds West, departing the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Legends Auto Plaza, a distance of 130.08 feet; thence North 01 degrees 35 minutes 51 seconds West, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Parallel Parkway, a distance of 140.02 feet; thence North 54 degrees 20 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 72.12 feet; thence North 88 degrees 01 minutes 07 seconds East, a distance of 61.99 feet; thence South 02 degrees 22 minutes 58 seconds East, a distance of 10.00 feet, to a point on the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway of the North line of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along said Westerly prolongation and along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 243.64 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-
Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 84.91 feet; thence North 82 degrees 59 minutes 09 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 170.99 feet, to a point on the North line of said Lot 1; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Lot 1, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Lot 1, a distance of 183.19 feet; thence South 00 degrees 55 minutes 56 seconds East, departing the South Right-of-Way line of said State Avenue and the North line of said Lot 1, a distance of 582.69 feet; thence South 89 degrees 01 minutes 58 seconds West, a distance of 148.05 feet; thence North 29 degrees 19 minutes 48 seconds West, a distance of 62.94 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 190.36, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent line; thence North 89 degrees 03 minutes 39 seconds East, a distance of 264.66 feet; thence South 01 degrees 01 minutes 00 seconds East, a distance of 295.50 feet; thence South 89 degrees 00 minutes 58 seconds West, a distance of 195.18 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of Lots 1, 4-A, 4-B, 5 and 6, of said Legends Auto Plaza.

AND ALSO:

**Project Area 3 Description:**
Part of Lots 1 and 2, and all of Lot 3 and Tract A, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows:
COMMENCING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to the POINT OF BEGINNING; thence South 02 degrees 20 minutes 41 seconds East, continuing along the East line of said Southwest Quarter, a distance of 1,052.15 feet; thence South 78 degrees 38 minutes 12 seconds East, departing the East line of said Southwest Quarter, a distance of 570.99 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 681.26 feet, to a point on a non-tangent curve, said point also being on the Southerly line of said Lot 1, said point also being on the Northeasterly Right-of-Way line of N. 98th Street, as now established; thence Southwesterly, along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing is South 81 degrees 01 minutes 18 seconds West, having a radius of 575.00 feet, and a central angle of 25 degrees 24 minutes 25 seconds, an arc length of 254.98 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 675.00 feet and a central angle of
76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of tangency, said point hereinafter referred to as Point “A”; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southerly line of said Lot 1 and the Northeasterly Right-of-Way line of said N. 98th Street, and along the Southwesterly line of said Lot 2, a distance of 624.55 feet, to a point of curvature; thence Northwesterly, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 253.32 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the Southwesterly line of said Lot 2 and the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 324.54 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence North 87 degrees 20 minutes 51 seconds East, along the South Right-of-Way line of said France Family Drive, and its Easterly prolongation, a distance of 281.92 feet, to the POINT OF BEGINNING.

AND ALSO:

COMMENCING at the aforementioned Point “A”; thence South 53 degrees 36 minutes 09 seconds West, a distance of 152.81 feet, to a point on the Southwesterly Right-of-Way line of said N. 98th Street, said point also being on the Northerly line of said Tract A, said point also being the POINT OF BEGINNING; thence South 47 degrees 24 minutes 39 seconds East, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, and along a curve to the left, having a radius of 825.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of reverse curvature; thence Northeasterly, Easterly and Southeasterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly and Northeasterly line of said Lot 3, and along a curve to the right, having a radius of 425.00 feet and a central angle of 93 degrees 25 minutes 01 seconds, an arc length of 692.93 feet, to a point of compound curvature; thence Southeasterly, Southerly Southwesterly, and Westerly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Easterly line of said Lot 3, and along a curve to the right, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of tangency, said point also being the point of intersection of the Southwesterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence South 87 degrees 42 minutes 57 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Lot 3 and Tract A, a distance of 925.88 feet; thence North 77 degrees 39 minutes 21 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 86 degrees 36 minutes 43 seconds West, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435; thence North 27 degrees 56 minutes 39 seconds West, departing the North Right-of-Way line of said State Avenue, and along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract A, a distance of 549.00 feet; thence North 42 degrees 35 minutes 21 seconds East, departing the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the Westerly line of said Tract A, a distance of 25.00 feet, to the POINT OF BEGINNING.
AND ALSO:

Project Area 4 Description:
Part of platted and unplatted land in Section 01, Township 11 South, Range 23 East, Section 02, Township 11 South, Range 23 East, Section 11, Township 11 South, Range 23 East, Section 12, Township 11 South, Range 23 East, Section 35, Township 10 South, Range 23 East, Section 36, Township 10 South, Range 23 East, Section 6, Township 11 South, Range 24 East, and Section 7, Township 11 South, Range 24 East, all being in Kansas City, Wyandotte County, Kansas and being more particularly described as follows:
COMMENCING at the Northwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence South 01 degrees 58 minutes 52 seconds East, a distance of 50.00 feet, to a point on the South Right-of-Way line of Parallel Parkway, as now established, said point also being on the North line of Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, said point also being the POINT OF BEGINNING; thence South 88 degrees 01 minutes 07 seconds West, along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 173.97 feet; thence South 82 degrees 59 minutes 09 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 170.99 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 84.91 feet; thence South 89 degrees 14 minutes 18 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 234.91 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village, a distance of 460.02 feet; thence North 02 degrees 22 minutes 58 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 10.00 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 42.17 feet; thence South 54 degrees 19 minutes 23 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 72.10 feet; thence South 88 degrees 01 minutes 07 seconds West, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 325.52 feet, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of Interstate Highway No. 435, as now established; thence Westerly to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Southeasterly, along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Northerly Right-of-Way line of State Avenue, as now established; thence Southerly, continuing along the West Right-of-Way line of said Interstate Highway No. 435, to the point of intersection of the West Right-of-Way line of said Interstate Highway No. 435 and the Easterly Right-of-Way line of Village West Parkway, as now established; thence Northwesterly to the point of intersection of the Southwesterly Right-of-Way line of said State Avenue and the Westerly Right-of-Way line of said Village West Parkway; thence Northeasterly to the point of intersection of the Northeasterly Right-of-Way line of said State Avenue and the Northerly Right-of-Way line of said Village West Parkway; thence Northwesterly then Westerly, along the Northeasterly and Northerly Right-of-Way line of said State Avenue, to the point of intersection of the Northerly Right-of-Way line of said State Avenue and the East Right-of-Way line of 110th Street, as now established; thence Northerly, along the East Right-of-Way line of said 110th Street, to the point of intersection of the East Right-of-Way line of said 110th Street and the South Right-of-Way line of said Parallel Parkway; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the Southerly prolongation of the East line of
Parallel Heights, a subdivision in Kansas City, Wyandotte County, Kansas; thence Northerly, along said Southerly prolongation and along the East line of said Parallel Heights, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of said Interstate Highway No. 435; thence Easterly, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the East Right-of-Way line of said Interstate Highway No. 435; thence Easterly, along the North Right-of-Way line of said Parallel Parkway, to the point of intersection of the North Right-of-Way line of said Parallel Parkway and the Northerly prolongation of the East Right-of-Way line of N. 94th Street, as now established; thence Southerly, along said Northerly prolongation and along the East Right-of-Way line of said N. 94th Street, to the point of intersection of the East Right-of-Way line of said N. 94th Street and the North line of the Southwest Quarter of said Section 6, Township 11 South, Range 24 East; thence Easterly, along the North line of said Southwest Quarter to the point of intersection of the North line of said Southwest Quarter and the West Right-of-Way line of N. 90th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 90th Street, to the Northeast corner of Parcel No. 938501; thence Westerly, along the North line of said Parcel No. 938501, to the Northwest corner thereof; thence Southerly, along the West line of Parcel Nos. 938501 thru 938508, to the Southwest corner of said Parcel No. 938508, said point also being on the North Right-of-Way line of said State Avenue; thence Easterly, along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 90th Street; thence Easterly to the point of intersection of the North Right-of-Way line of said State Avenue and the East Right-of-Way line of said N. 90th Street; thence Southerly, to the point of intersection of the East Right-of-Way line of said N. 90th Street and the South Right-of-Way line of said State Avenue; thence Westerly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the Westerly prolongation of the South Right-of-Way line of said State Avenue and the West Right-of-Way line of said N. 94th Street; thence Northerly, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said State Avenue; thence Easterly, along the South Right-of-Way line of said State Avenue, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 645.04 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 15.00 feet; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street at the Southeast corner of an unplatted tract of land; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of an unplatted tract of land and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence North 02 degrees 14 minutes 32 seconds West, continuing along the West Right-of-Way line of said N. 94th Street and the East line of said Schlitterbahn Vacation Village, a distance of 910.24 feet, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Northerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along the East line of unplatted tracts of land, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the South Right-of-Way line of said Parallel Parkway; thence Westerly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of South Right-of-Way line of said Parallel Parkway and the North line of said Schlitterbahn Vacation Village at the Northwest corner of an unplatted tract of land; thence South 02 degrees 11 minutes 59 seconds East, departing the South Right-of-Way line of said Parallel Parkway, and along the East line of
said Schlitterbahn Vacation Village, a distance of 245.05 feet; thence South 62 degrees 48 minutes 12 seconds West, departing the East line of said Schlitterbahn Vacation Village, a distance of 301.92 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence South 34 degrees 59 minutes 43 seconds West, a distance of 207.82 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence South 75 degrees 42 minutes 31 seconds West, a distance of 930.96 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 770.80 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 258.55 feet; thence South 89 degrees 03 minutes 39 seconds West 264.66 feet, to a point on a non-tangent curve; thence Northerly, along a curve to the right, whose initial tangent bearing is North 13 degrees 39 minutes 50 seconds West, having a radius of 5,654.58 feet and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 190.36 feet; thence South 29 degrees 19 minutes 48 seconds East, a distance of 62.94 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 148.05 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 582.69 feet, to a point on the North line of said Schlitterbahn Vacation Village, said point also being on the South Right-of-Way line of said Parallel Parkway; thence South 88 degrees 00 minutes 23 seconds West, along the North line of said Schlitterbahn Vacation Village and the South Right-of-Way line of said Parallel Parkway, a distance of 183.19 feet, to the POINT OF BEGINNING. EXCEPTING therefrom Lots 1 thru 16, Lots 23 thru 34 and Lot 107, San Marcos Village Addition, a subdivision in Kansas City, Wyandotte County, Kansas, AND ALSO EXCEPTING Parcel Nos. 938509 and 938510.

AND ALSO:

Project Area 5 Description:
Part of Lot 1, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas, along with a portion of unplatted land, all being in Section 1, Township 11 South, Range 23 East, being more particularly described as follows: BEGINNING at the Southwest corner of the Northeast Quarter of said Section 1, Township 11 South, Range 23 East; thence North 02 degrees 19 minutes 21 seconds West, along the West line of said Northeast Quarter, a distance of 57.88 feet; thence North 11 degrees 57 minutes 29 seconds West, departing the West line of said Northeast Quarter, a distance of 276.31 feet; thence North 89 degrees 01 minutes 58 seconds East, a distance of 195.18 feet; thence North 01 degrees 01 minutes 01 seconds West, a distance of 36.96 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 770.80 feet; thence North 75 degrees 42 minutes 31 seconds East, a distance of 930.96 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 492.40 feet; thence North 34 degrees 59 minutes 43 seconds East, a distance of 207.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 181.85 feet; thence North 62 degrees 48 minutes 12 seconds East, a distance of 301.92 feet, to a point on the Easterly line of said Schlitterbahn Vacation Village; thence North 02 degrees 11 minutes 59 seconds West, along the Easterly line of said Schlitterbahn Vacation Village, a distance of 245.05 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the South Right-of-Way line of Parallel Parkway, as now established; thence Easterly, along the South Right-of-Way line of said Parallel Parkway, to the point of intersection of the South Right-of-Way line of said Parallel Parkway and the West Right-of-Way line of N. 94th Street, as now established; thence Southerly, along the West Right-of-Way line of said N. 94th Street and along the East line of an unplatted tract of land and along the East line of Replat of Lots 5 to 37, Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, to the point of intersection of the West Right-of-Way line of said N. 94th Street and the Easterly line of said Schlitterbahn Vacation Village; thence South 02 degrees 11 minutes 59 seconds East, continuing along the West Right-of-Way line of said N. 94th Street, and along the East line of said Schlitterbahn Vacation Village, a distance of 50.00 feet, to the point of intersection of the Easterly line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street; thence Southerly, departing the East line of said Schlitterbahn Vacation Village, and continuing along the West
Right-of-Way line of said N. 94th Street and along the East line of Shepherd Hills, a subdivision in Kansas City, Wyandotte County, Kansas, and along an unplatted tract of land, to the point of intersection of the East line of said Schlitterbahn Vacation Village and the West Right-of-Way line of said N. 94th Street, at the Southeast corner of an unplatted tract of land; thence South 87 degrees 45 minutes 28 seconds West, departing the West Right-of-Way line of said N. 94th Street, and along the Easterly line of said Schlitterbahn Vacation Village, a distance of 272.37 feet; thence North 69 degrees 44 minutes 32 seconds West, departing the Easterly line of said Schlitterbahn Vacation Village, a distance of 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 696.01 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 685.13 feet, to a point on the North line of the Southeast Quarter of said Section 1; thence South 87 degrees 30 minutes 09 seconds West, along the North line of the Southeast Quarter of said Section 1, a distance of 1,003.58 feet, to the POINT OF BEGINNING.
FIRST AMENDMENT TO AMENDED AND RESTATED
VACATION VILLAGE DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO AMENDED AND RESTATED VACATION VILLAGE DEVELOPMENT AGREEMENT (the "Amendment") is made as of the ___ day of __________, 2015 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and SVV I, LLC, a Kansas limited liability company ("SVV").

RECITALS:

A. On December 20, 2005 the UG and SVV entered into that certain Vacation Village Development Agreement, as subsequently amended (the "Original Development Agreement").

B. On October 20, 2005, in accordance with and pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770, et seq., as amended, the predecessor of the Kansas STAR Bond Financing Act, K.S.A. 12-17,160 et seq. (the "Act"), the UG duly adopted Ordinance No. 0-76-05, which created the Vacation Village Redevelopment District (the "Original District"), within Kansas City, Kansas (the "City"), the boundaries of which were defined in said Ordinance, and contained a general development plan for the Original District (the "Original District Plan"). On November 29, 2007, the UG adopted a project plan for the sole redevelopment project area within the Original District (the “Original Project Plan”), which was subsequently amended and restated.

C. On August 28, 2014, the UG duly adopted Ordinance 47-14 (the “2014 Ordinance”), which amended and restated the Original District and Original District Plan (the “Amended District Plan”), to expand the boundaries of the Original District and to include five (5) distinct Project Areas (each referred to herein as a "Project Area" and collectively referred to herein as the "Project Areas"). The amended and restated Vacation Village STAR Bond Project District (the “District”) contains all of the same real property that was included in the Original District – approximately 380 acres, bounded on the west by Interstate 435, on the south by State Avenue, on the north by Parallel Parkway and on the east by the east right-of-way line of 94th Street, plus certain real property located east of N. 94th Street for the Tournament Fields (as defined in Section 2.2(a)(iv) of the Amended & Restated Development Agreement (as defined below)) and to create an overlay district on top of a portion of the currently-existing STAR Bond district covering the Village West development.

D. The Amended District Plan calls for the design, development and construction of the following improvements and amenities within the five (5) respective Project Areas: a Schlitterbahn waterpark (the "Waterpark"), with the potential for other future commercial uses ("Project Area 1"); an automotive plaza consisting of at least four (4) automobile dealerships, four (4) restaurant pad sites, a convenience store and an approximately 150-room, extended-stay hotel ("Project Area 2"); approximately 400,000 square feet of entertainment/retail facilities ("Project Area 3"); and the potential for various types of lodging facilities in the future ("Project Area 5"). Additionally, one of the Project Areas that is not governed by the terms and conditions of this Agreement, but is expected to include a U.S. Soccer training and coaching facility and a tournament fields complex ("Project Area 4"). All of these improvements and Project Areas are described in further detail in Section 2.2 of the Amended & Restated Development Agreement (as defined below).

1 The UG’s original creation of the STAR Bond project district was as a “Redevelopment District” under the Kansas Tax Increment Financing Act, K.S.A. 12-1770, et seq., as amended. After creation of the Vacation Village Redevelopment District, the Kansas Legislature moved the relevant statutory provisions to the Kansas STAR Bond Financing Act, K.S.A. 12-17,160, et seq. (the “Act”), and the terminology for such a district under the Act changed to “STAR Bond project district,” rather than “redevelopment district.”
E. On August 28, 2014, the Unified Government duly adopted 2014 Ordinance, which (among other things) adopted the STAR Bond Project Plan for Project Area 2 within the District (“Original Auto Plaza Project Plan”). The Original Auto Plaza Project Plan calls for SVV, along with its tenants and transferees, to design, develop, complete and operate a nine (9) lot automotive plaza to be occupied by between four (4) and seven (7) automobile dealerships, an approximately 150-room, extended-stay hotel, four (4) restaurant pad sites, and a convenience store (as more fully described in Section 2.2 of the Amended & Restated Development Agreement) along with other related infrastructure and amenities (collectively, the "Auto Plaza Project").

F. In conjunction therewith, the UG and SVV entered into that certain Amended and Restated Vacation Village Development Agreement dated August 28, 2014 (the “Amended & Restated Development Agreement”).

G. On ________, 2015, the UG duly adopted Ordinance __-__ (the “2015 Ordinance”), which amended the Amended District Plan (the “Second Amended District Plan”), to divide Project Area 2 into two separate project areas – “Project Area 2A” and “Project Area 2B,” which provides for the Auto Plaza Project to be divided into two parts – with certain portions of the Auto Plaza Project being located in Project Area 2A and the balance of the Auto Plaza Project to be located in Project Area 2B, as more fully described herein.

H. On ___________, 2015, by adoption of the 2015 Ordinance, the UG approved the Amended and Restated STAR Bond Project Plan for Project Area 2A as the STAR Bond Project Plan for Project Area 2A (the “Auto Plaza – Phase 1 Project Plan”).

I. Additionally, Sections 4.2 and 4.3 of the Amended & Restated Development Agreement contemplated a single STAR Bond issuance and a single Closing; however, the parties have now agreed to two (2) separate, phased STAR Bond issuances – a STAR Bond issuance and a Closing for Project Areas 1 and 2A (the “First Closing”) and a second, subsequent STAR Bond issuance and closing for Project Area 2B (the "Second Closing”), subject to the terms and conditions more fully set forth herein.

J. Capitalized terms used but not defined in this Amendment shall have the respective meanings set forth in the Amended & Restated Development Agreement.

K. The parties desire to further modify the Amended & Restated Development Agreement as provided herein.

AGREEMENT

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and SVV hereby agree as follows:

1. CHANGES TO REFLECT SEPARATION OF ORIGINAL PROJECT AREA 2 INTO PROJECT AREAS 2A AND 2B.

a. References to “Project Area 2” in the Amended & Restated Development Agreement. References in the Amended & Restated Development Agreement to “Project Area 2” shall be interpreted to be inclusive of Project Areas 2A and 2B, unless otherwise specifically stated herein.

b. Location of Project Area 2 Improvements. The parties hereby agree that (i) Project Area 2A shall include four (4) of the Auto Dealerships, the C-Store and the two (2) Restaurant Pads located on the west side of 98th Street, and (ii) Project Area 2B shall include the remaining Auto Dealerships, the Extended Stay Hotel, and the two (2) Restaurant Pads on the east side of 98th Street. Notwithstanding anything set forth in
Section 2.2(a)(ii) of the Original Development to the contrary, the parties hereby understand and agree that Auto Plaza Project uses set forth above may only be modified or amended by SVV with the prior written approval of the UG's County Administrator.

c. Conditions to First Closing. The parties hereby understand and agree that all of the conditions set forth in Section 3.1 of the Amended & Restated Development Agreement shall be applicable to the First Closing, with the following modifications to certain conditions:

i. Section 3.1(b) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“The UG shall have adopted and approved the Waterpark Project Plan as provided in Recital E of this Agreement and the Auto Plaza – Phase 1 Project Plan as provided in Recital E of this Agreement.”

ii. Section 3.1(c) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“The confidential review by the UG’s representatives and the UG’s reasonable satisfaction with the terms and conditions of SVV’s private financing, including evidence that SVV has procured and will, upon the STAR Bond Closing, close on financing transactions for the Private Contribution for the Infrastructure Improvements and its portion of the design and construction work for the portion of the Auto Plaza Project within Project Area 2A, the net proceeds of which, when added to the demonstrable equity commitments of SVV, are sufficient and available to fully fund the costs of such improvements, which will not be paid for with STAR Bonds;”

iii. Section 3.1(e) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“SVV shall have obtained rezoning/preliminary development plan and final plat approvals, and shall have constructed the Infrastructure Improvements necessary to make the Auto Plaza Project lots within Project Area 2A Pad Ready (except that if the U.S. Soccer Facility project has not yet committed to move forward in the vicinity of the southeast corner of 98th Street and Parallel Parkway within Project Area 4, then in no event shall Infrastructure Improvements on the east side of 98th Street shall be required for purposes of this subsection (e));”

iv. Section 3.1(g) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“If SVV has not already substantially completed the Infrastructure Improvements necessary to make the Auto Plaza Project lots located within Project Area 2A Pad Ready, SVV shall obtain and deliver to the UG (i) the payment and performance bonds described in Section 6.9 hereof, and (ii) a
guaranteed maximum price design-build construction contract, related to improvements to be undertaken by SVV (as opposed to its tenants and transferees) within Project Area 2A, with the General Contractor (as defined in Section 6.3) or another contractor with sufficient financial strength, reputation and experience to complete such work in accordance with the agreed-upon construction and completion schedule set forth herein;”

d. **Conditions for Second Closing.** The parties hereby understand and agree that the conditions for the Second Closing shall be as follows:

i. The UG shall have adopted and approved a STAR Bond Project Plan for Project Area 2B;

ii. The confidential review by the UG's representatives and the UG's reasonable satisfaction with the terms and conditions of SVV's private financing, including evidence that SVV has procured and will, upon the Second Closing, close on financing transactions for the Private Contribution for the Infrastructure Improvements and its portion of the design and construction work for the portion of the Auto Plaza Project within Project Area 2B, the net proceeds of which, when added to the demonstrable equity commitments of SVV, are sufficient and available to fully fund the costs of such improvements, which will not be paid for with STAR Bonds;

iii. SVV shall have fully executed, commercially reasonable leases and/or purchase and sale agreements for all or a portion of the uses in Project Area 2B and shall have provided the UG's representatives an opportunity to confidentially review such leases and/or purchase and sale agreements to confirm satisfaction of this condition;

iv. SVV shall have obtained rezoning/preliminary development plan and final plat approvals, and shall have constructed the Infrastructure Improvements necessary to make the Auto Plaza Project lots within Project Area 2B Pad Ready;

v. If SVV has not already substantially completed the Infrastructure Improvements necessary to make the Auto Plaza Project lots located within Project Area 2B Pad Ready, SVV shall obtain and deliver to the UG (i) the payment and performance bonds described in Section 6.9 hereof, and (ii) a guaranteed maximum price design-build construction contract, related to improvements to be undertaken by SVV (as opposed to its tenants and transferees) within Project Area 2B, with the General Contractor (as defined in Section 6.3) or another contractor with sufficient financial strength, reputation and experience to complete such work in accordance with the agreed-upon construction and completion schedule set forth herein;

vi. the Kansas Department of Commerce shall have approved the Total Project Budget (attached hereto as **Exhibit 7**), including the line items set forth therein, along with the amount of authorized STAR Bonds, the terms of the STAR Bonds and the costs of issuance for the Second Closing; and
vii. The Second Closing shall occur, if at all, on or before that date which is seven (7) years after the substantial completion and opening of the U.S. Soccer training and coaching facility in Project Area 4.

e. **Amount of STAR Bonds.** Section 4.2(a) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“It is contemplated that for the **two (2)** STAR Bond issuances to which STAR Bond revenues from Project Areas 1 and 2A, and 2B will be pledged, **which STAR Bond issuances shall be in simultaneous or phased issuances**, the STAR Bonds described herein shall be sold in an amount which results in a maximum principal amount that yields up to $90,000,000 of Net STAR Bond Proceeds, excluding any portion of such STAR Bond Proceeds paid to the UG for the 98th Street Costs and the S Curve Costs, and also exclusive of financing costs, issuance-related fees, and applicable reserves ("Net STAR Bond Proceeds") for use in funding Auto Plaza Project STAR Bond Project Costs as well as the other Eligible STAR Bond Expenses specifically identified in Exhibit 7 attached hereto. The parties hereby agree that, except as specifically set forth in Section 4.2(h) below, in no event shall more STAR Bonds be issued in connection with the Auto Plaza Project than the amount necessary to yield $90,000,000 in Net STAR Bond Proceeds in the aggregate from both STAR Bond issuances, excluding any portion of such proceeds paid to the UG for the 98th Street Costs and the S Curve Costs, and also exclusive of financing costs, issuance-related fees, and applicable reserves. All disbursements of Net STAR Bond Proceeds shall be made only to pay Project Costs which are (i) eligible for payment or reimbursement pursuant to the STAR Bond Act, and (ii) agreed-upon by the parties and identified on Exhibit 7 attached hereto (the "Eligible STAR Bond Expenses"). Among other things, the parties have agreed that no more than $10,000,000 of the site work expenses for the portion of the Auto Plaza Project that is west of 98th Street shall be Eligible STAR Bond Expenses; the balance of such expenses shall be paid for with private funds.”

f. **Collection of Incremental Taxes.** Section 4.2(b) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“The STAR Bonds shall be paid from (i) incremental State sales and use taxes imposed pursuant to K.S.A. 79-3601 *et seq.* and 79-3701 *et seq.*, (ii) local sales and use taxes imposed pursuant to K.S.A. 12-187 *et seq.* consisting of the current City of Kansas City sales tax excluding any local sales tax committed to other uses by election of voters (currently 1%, calculated as the total sales tax rate of 1.625% less the dedicated amounts of 0.25% for emergency medical service and 0.375% for public safety and neighborhood infrastructure) and the UG’s share of the current County’s 1% sales tax (currently 93.98%) and (iii) 7.84% of the current UG’s transient guest tax (i.e., 8% transient guest tax net of the State’s 2% share), all collected within the District (collectively, the "Incremental Taxes") each and every year for a period of twenty (20) years from the approval of the Project Plan for each
respective Project Area. For purposes of illustrative example, the parties hereby agree that (i) the Original Project Plan for Project Area 1 was approved on November 29, 2007 and so the Incremental Taxes shall be collected in Project Area 1 until November 28, 2027; but (ii) the Auto Plaza Project Plan (amended and restated as the Auto Plaza – Phase 1 Project Plan) was approved on August 28, 2014 and so Incremental Taxes shall be collected in Project Area 2A until August 27, 2034. The allocation of Incremental Taxes for Projects Areas 2B, 3, 4 and 5, shall continue until that date which is twenty (20) years from the approval of a project plan for each such respective Project Area. Such Incremental Taxes for Project Areas 1 and 2 shall be measured against the State and local sales and use taxes from a base year which is twelve (12) months immediately prior to the month in which the STAR Bond District was established in October of 2005 (the "Base Year Revenues"). For a period of twenty (20) years from the approval of the Project Plan for each particular Project Area, the UG shall cooperate with the State of Kansas and the Bond Trustee to properly allocate Incremental Taxes collected within the STAR Bond District to pay and amortize STAR Bonds issued for the Project Areas, unless such STAR Bonds shall be paid in full and retired prior to the end of such twenty (20) year period.”

g. **Anticipated STAR Bond Structure.** As of the Effective Date, the parties anticipate the first STAR Bond issuance will pledge the STAR Bond revenues from Project Area 1 and Project Area 2A, and shall be made up of two series (the “First Issuance”). The proceeds of Series A of the First Issuance would be used to pay for and/or reimburse Eligible STAR Bond Expenses incurred by, or which are otherwise the responsibility of, SVV. Series B of the First Issuance would be subordinate to Series A and the UG would pledge its annual appropriation to Series B. The revenue waterfall for the First Issuance shall provide for the application of the Incremental Taxes as follows: First, payment of scheduled principal and interest on the Series A, Second, payment of scheduled principal and interest on the Series B, Third, payment of super sinker redemption of the Series A. Notwithstanding anything set forth in Section 4.2(h) of the Amended & Restated Development Agreement which is seemingly to the contrary, the parties agree that the proceeds of Series B would be used to pay for and/or reimburse the UG for the S Curve Costs and 98th Street Costs. Subject to the conditions for the Second Closing described in Section 1.d of this Amendment and the terms and conditions set forth in Section 4.3 of the Amended & Restated Development Agreement (including without limitation, Section 4.3(d) thereof), the parties anticipate that at some time after the First Issuance, a second issuance of STAR Bonds (the “Second Issuance”) will be issued to which the STAR Bond revenues from Project Area 2B will be pledged. SVV hereby understands and agrees that upon any such Second Issuance, the proceeds from the Second Issuance shall first be used to fully redeem and retire all Series B before any proceeds are made available to SVV. SVV agrees to fully cooperate with the UG in connection with completion of the Second Issuance.

h. **No UG Guaranty or Credit Enhancement of Incremental Taxes.** Section 4.3(c) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“The UG **may issue its annual appropriation pledge to support the issuance and sale of Series B of the First Issuance of the STAR Bonds, but** the UG shall not
otherwise be required to, in any way, guaranty or lend its credit to secure any other portion of the STAR Bonds.”

i. Modification of the 50% Limitation Regarding Project Area 4. The parties hereby agree that the second sentence of Section 4.2(f) of the Amended & Restated Development Agreement regarding the 50% Limitation shall be deleted and replaced with the following:

"The parties understand and agree that the developer of Project Area 4 will have an agreement with the UG, similar to this Agreement, which will include the requirement set forth in this subsection (f). For purposes of such developer’s satisfaction of such requirement, the developer of Project Area 4, in designing, building, and constructing the U.S. Soccer Facility and Tournament Fields, may, with the written consent of the Secretary of Commerce, count up to $60,000,000 of Private Contribution made by SVV within the District toward meeting the 50% Rule, but only to the extent necessary (e.g., if Project Area 4 is funded with $60,000,000 in STAR Bonds and $10,000,000 of Private Contributions, $60,000,000 of SVV’s Private Contribution will be credited to such developer for satisfaction of the 50% Rule), unless otherwise agreed to in writing by SVV in its sole and absolute discretion."

2. ACKNOWLEDGMENT OF SATISFACTION OF CERTAIN CONDITIONS RELATED TO US SOCCER FACILITY AND OFFICE HQ.

a. 98th Street Costs and S Curve Costs. The parties acknowledge and agree that the conditions related to the Office HQ set forth in Section 4.2(h) of the Amended & Restated Development Agreement for the shift of the responsibility of the 98th Street Costs, S Curve construction, and S Curve Costs to the UG have been fully satisfied, and the UG has therefore assumed the responsibility of all of same pursuant to the terms of Section 4.2(h) of the Amended & Restated Development Agreement (including the UG’s assumption of all responsibilities relating to any landscaping or other work within the median of the S Curve). In connection with the UG’s construction of the S Curve, upon SVV’s dedication of the additional right-of-way needed to accommodate the S Curve, the UG shall simultaneously vacate the portions of the France Family Drive right-of-way no longer utilized by France Family Drive after construction of the S Curve.

b. Held-Back Proceeds. The parties acknowledge and agree that the conditions set forth in Section 4.2(e)(ii) of the Amended & Restated Development Agreement for release of $10,000,000 of the Held-Back Proceeds requirements have been satisfied in full, and thus there will be no Held-Back Proceeds from the issuance of STAR Bonds. Though most, but not all of the conditions set forth in Section 4.2(e)(i) have been fully satisfied, the parties hereby agree to delete Section 4.2(e)(i) in its entirety and replace it with the following:

"(i) SVV shall not be entitled to receive $500,000 of the Held Back Proceeds unless and until (x) the improvements SVV is required to perform related to St. Patrick's Catholic Church as described in Section 6.5(b) and
Exhibit 4 of the Agreement have been fully completed; and (y) SVV shall have removed construction equipment and debris, buildings and structures and otherwise cleaned up the approximately 59 acres of land within Project Area 3, as well as rough grading and seeding such land as set forth in Section 6.5(a) below, all to the reasonable satisfaction of the UG; provided however, that SVV shall not be required to demolish or remove the two (2) red brick buildings located south of 98th Street in order to satisfy this subsection (y). Satisfaction of (x) and (y) above shall release $500,000 of the Held Back Proceeds."

c. **City/State Agreement.** The parties acknowledge and agree that the STAR Bonds issuance condition set forth in Section 4.2(h) requiring that the UG have entered into a City/State Agreement with the Kansas Department of Commerce has been satisfied.

d. **UG Purchase Option.** The parties acknowledge and agree that the conditions set forth in Section 5.2(e) of the Amended & Restated Development Agreement for nullification of the UG’s right under Section 5.2 of the Amended & Restated Development Agreement to purchase the land that comprises Project Area 3 have been satisfied in full, and thus in no circumstances does the UG have the right to purchase such land. In connection with the nullification of the UG’s Option, the parties hereby agree that the last two (2) sentences of Section 9.2 of the Amended & Restated Development Agreement shall be deleted in their entirety.

e. **Release of Office HQ Parcel from Amended & Restated Development Agreement.** The parcel of land SVV will convey to DFA for construction of the Office HQ (the “Office HQ Parcel”), as legally described on Exhibit A attached hereto, upon such conveyance, shall be released from the Amended & Restated Development Agreement and any related document/agreement and neither SVV nor DFA, nor their successors and assigns, shall have any rights or obligations under the Amended & Restated Development Agreement, as amended from time to time, with respect to the Office HQ Parcel.

3. **ACKNOWLEDGMENT OF APPROVED DESIGN CRITERIA AND LANDSCAPE PLAN.** [Subject to confirmation with UG Planning]

   a. **Design Criteria.** The parties acknowledge and agree that the Design Criteria were approved by the UG as part of the UG’s approval of the preliminary development plan for the Auto Plaza Project in full satisfaction of the requirements set forth in Section 6.2(a) of the Amended & Restated Development Agreement. The parties agree that the Design Criteria may be amended for any particular component of the Auto Plaza Project if and when approved in writing by SVV and by the UG as part of an approved final development plan.

   b. **Landscaping Plan.** The parties acknowledge and agree that the Landscape Plan was approved by the UG as part of the UG’s approval of the preliminary development plan for the Auto Plaza Project in full satisfaction of the requirements set forth in Section 6.2(b) of the Amended & Restated Development Agreement.

4. **TIMING ADJUSTMENTS.**
a. **Deadline for Satisfaction of Bond Issuance Conditions.** Section 3.2 of the Amended & Restated Development Agreement is amended to change the deadline for satisfaction of the bond issuance conditions set forth in Section 3.1 of the Amended & Restated Development Agreement to November 1, 2015.

b. **Issuance of Obligations.** The first paragraph of Section 4.3 of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“**Project Area 2A** may be issued in the first third quarter of 2015 and that the UG, in its sole discretion, may authorize the issuance of additional STAR Bonds for other parts of the Project in the future, as provided for under Applicable Laws and Requirements, including without limitation the Act. The terms and conditions of this Section 4.3 (including the conditions set forth in Section 4.3(d) below) shall govern and control the issuance of such STAR Bonds.”

c. **Project Area 3 – Grading and Seeding.** The deadline for completion of the work within Project Area 3 set forth in Section 6.5(a) of the Amended & Restated Development Agreement shall be December 31, 2015. The parties agree that the timing of the Office HQ project and the S Curve construction will have an impact on when the subject work within Project Area 3 can be completed without requiring SVV to grade and/or seed Project Area 3 more than once. The parties agree that the timing of such work should be such that the work will only need to be completed once. Accordingly, if the actual timing of the Office HQ project and/or the S Curve construction ultimately suggests that the most efficient timing of the Project Area 3 work would extend beyond December 31, 2015, the County Administrator may, in his reasonable discretion, grant any required extension to the deadline set forth above.

d. **Church and Current Schlitterbahn Entrance Drive.** Section 6.5(b) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“SVV has agreed to complete the entrance drive improvements for St. Patrick's Catholic Church (the "Church"), along with a connecting drive between the Church's parking facility and the medical plaza located to the west of the Church, as such improvements are depicted on **Exhibit 4** attached hereto. SVV shall commence such improvements **contemporaneously with commencement of redevelopment of the SVV property that is directly across from the Church on the north side of State Avenue, on which the former County Annex building is presently located** (the “Annex Property”), but in no event later than December 31, 2016. No later than September 15, 2015, and **SVV** shall diligently and continuously continue such work to completion; provided however, **SVV** will not be required to proceed with such work unless and until the UG confirms with the Church and the medical plaza property owner that they consent to such improvements being constructed by SVV and the UG secures for SVV, at no cost to SVV, necessary construction easements and any necessary zoning, platting, and/or development plan approvals, as well as any necessary cross access or other permanent easements needed as part of
constructing the improvements. Contemporaneously with SVV’s construction of such improvements, SVV shall construct improvements necessary to restrict the intersection of State Avenue and the current Schlitterbahn entrance, which is located across State Avenue from the Church property (the “Current Schlitterbahn Entrance Drive”), to right-in / right-out turning movements. Additionally, on or before December 31, 2015, SVV shall either: (x) close the Current Schlitterbahn Entrance Drive on State Avenue just west of 94th Street (the “Current Schlitterbahn Entrance Drive”). As part of and contemporaneously with the redevelopment of the Annex Property, but in no event later than December 31, 2016, SVV shall (y) relocate the Current Schlitterbahn Entrance Drive to align with the new western-most access drive to the Church property to be constructed as set forth above (z) request the UG’s consent to an extension of the December 31, 2015 deadline, which the UG shall reasonably accept or deny in its sole discretion.”

e. Auto Dealerships in First Bond Issuance. Section 6.6(a) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“SVV hereby agrees that commencement of construction (which shall include lot grading) of at least four (4) of the Auto Dealerships, shall occur on or before December 31, 2014, and SVV further agrees that the four (4) Auto Dealerships included in the Project Area 2A bond issuance as actually issued and sold at least four (4) of the Auto Dealerships shall be completed and opened for business no later than December 31, 2016. The C-Store and the improvements on the two (2) Restaurant Pads located west of 98th Street shall commence construction on or before December 31, 2016 and shall be completed and open for business no later than December 31, 2017.”

f. Auto Dealerships in Second Bond Issuance. Section 6.6(b) of the Amended & Restated Development Agreement shall be replaced in its entirety with the following:

“SVV agrees that the remainder of the Auto Plaza Project that is included in the Project Area 2B bond issuance as actually issued and sold at the Second Closing shall commence construction on or before December 31, 2016 and shall be completed and open for business no later than December 31, 2017; provided that, notwithstanding anything in this Agreement to the contrary, SVV shall not be obligated to commence construction or cause construction to be commenced on any improvements within Project Area 2 east of 98th Street unless and until the U.S. Soccer Facility is constructed substantially complete within Project Area 4 as planned.”

5. MISCELLANEOUS. In connection with this Amendment, the parties hereby agree as follows:

a. The parties hereto agree that all obligations of the parties under the Amended & Restated Development Agreement relating to the conveyance of the UG Property, KDOT Property and the New Fairgrounds Site (as such terms were defined in the Amended & Restated Development Agreement) have been satisfied, and the parties have no further obligations to one another related to same.
b. The parties hereby agree that the restriction in Section 2.4(b)(ii) of the Amended & Restated Development Agreement shall be replaced with the following:

"Other than in connection with the one (1) C-Store in Project Area 2, which is hereby expressly permitted, a gas station. No more than one (1) car wash facility shall be allowed, whether the same is a separate, stand-alone retail car wash facility or the same is in connection with a C-Store or other use."

c. SVV hereby agrees that the obligation to make its first lump sum donation, as described in the third sentence of Section 7.17 of the Amended & Restated Development Agreement, shall be made by SVV on or before the Closing of the First Issuance as described in this Amendment.

d. SVV hereby understands and agrees that Kansas resident employees shall be given priority consideration for employment on the Project as required by K.S.A. 12-17,166(m) of the STAR Bond Act.

e. The Recitals set forth above are hereby incorporated as though more fully set forth herein.

f. Except as specifically modified by this Amendment, the Amended & Restated Development Agreement shall be and remain in full force and effect in accordance with the terms thereof.

g. This Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

h. This Amendment may be executed in counterparts.

i. This Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank. Signature pages immediately follow.]
IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

UG:

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By:________________________________________
   Mark R. Holland, Mayor/CEO

STATE OF KANSAS )
   ) SS.
COUNTY OF WYANDOTTE )

This instrument was acknowledged before me on ____________, 2015 by Mark R. Holland as Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas.

Printed Name:________________________________________
   Notary Public in and for said State
   Commissioned in ____________ County

My commission expires

________________________________________
SVV:

SVV I, LLC, a Kansas limited liability company

By:____________________________________
    Gary Henry, Manager

STATE OF _________________ )
COUNTY OF _______________ ) SS.

This instrument was acknowledged before me on ____________ ___, 2015 by
Gary Henry as Manager of SVV I, LLC, a Kansas limited liability company.

Printed Name:______________________________
Notary Public in and for said State
Commissioned in ______________ County

My commission expires:

______________________________
EXHIBIT A

LEGAL DESCRIPTION OF OFFICE HQ PARCEL

All that part of Lots 1 and 2, Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of Fractional Section 1, Township 11 South, Range 23 East; thence South 87 degrees 20 minutes 51 seconds West, along the North line of the Southwest Quarter of said Section 1-T11S-R23E, a distance of 379.58 feet; thence South 02 degrees 39 minutes 09 seconds East, departing the North line of the Southwest Quarter of said Section 1-T11S-R23E, a distance of 125.46 feet, to the POINT OF BEGINNING; thence South 06 degrees 20 minutes 50 seconds East, a distance of 652.85 feet; thence South 66 degrees 53 minutes 22 seconds West, a distance of 916.00 feet, to a point on the Easterly Right-of-Way line of Schlitterbahn Drive, as established with Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; thence North 20 degrees 06 minutes 06 seconds West, along the East Right-of-Way line of said Schlitterbahn Drive, a distance of 179.00 feet, to a point of curvature; thence Northwesterly, Northerly and Northeasterly, departing the East Right-of-Way line of said Schlitterbahn Drive, and along a curve to the right, having a radius of 500.00 feet, through a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point of tangency; thence North 72 degrees 44 minutes 36 seconds East, a distance of 346.32 feet, to a point of curvature; thence Northeasterly, along a curve to the left, having a radius of 650.00 feet, and through a central angle of 17 degrees 43 minutes 52 seconds, an arc length of 201.15 feet, to the POINT OF BEGINNING, containing 588,498 square feet or 13.510 acres, more or less.

Olsson Associates
File No. 2014-0347
Schlitterbahn
December 15, 2014
EXH6
Staff Request for Commission Action

Tracking No. 150217

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 8/10/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Confined Date: 8/13/2015

Item Description:
An ordinance approving the 2015 STAR Bond District amendment and project 2A plan; and authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Sales Tax Special Obligation Revenue Bonds (Vacation Village Projects Areas 1 and 2a), Series 2015A and 2015 B in an aggregate principal amount not to exceed $95,000,000 for the purpose of providing funds to finance certain costs relating to the Vacation Village STAR Bond Project Plan; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; and authorizing certain other actions in connection with the issuance of said bonds. Bond pricing is tentatively scheduled August 27th and 28th.

The Series B Bonds will reimburse the government for street-related expenditures associated with the 98th Street and Dairy Farmer improvement projects. The Series B bonds have an annual appropriation backing by the UG, and are also supported by a pledge of a portion of the bases local and State sales tax revenues if required.

Action Requested:
Adopt ordinance and forward to the Full Commission. Fast track to the Full Commission meeting on 8/13/15. Action on this item should occur after the Public Hearing at the 8/13/15 Commission meeting.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:

☐ Included In Budget
☑ Other (explain) The debt service for the Series A and B bonds are paid from future State and local STAR Bond incremental revenues in these project areas. EMS and dedicated sales revenues are not pledged.

File Attachments
ORDINANCE NO. O-___-15

AN ORDINANCE APPROVING THE 2015 STAR BOND DISTRICT AMENDMENT AND PROJECT AREA 2A PLAN; AUTHORIZING THE ISSUANCE OF SALES TAX SPECIAL OBLIGATION REVENUE BONDS (VACATION VILLAGE PROJECT AREAS 1 AND 2A), SERIES 2015A AND SERIES 2015B IN AN AGGREGATE ORIGINAL PRINCIPAL AMOUNT NOT TO EXCEED $95,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE CERTAIN COSTS RELATING TO THE VACATION VILLAGE STAR BOND PROJECT PLAN; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, the Unified Government desires to promote, stimulate and develop the general and economic welfare of Kansas City, Kansas and the State of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the State and the Unified Government, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended, as now authorized under the STAR Bonds Financing Act, K.S.A. 12-17,160, et seq., as amended (the “Act”), the Board of Commissioners of the Unified Government (the “Governing Body”) on October 20, 2005, adopted Ordinance No. O-76-05, which created a redevelopment district within Kansas City, Kansas (the “City”), the boundaries of which were defined in said Ordinance (the “Original District”) and contained one redevelopment project area; and

WHEREAS, on November 14, 2005 a Vacation Village Special Bond Project Plan (“Original Redevelopment Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, on November 14, 2005 the Planning Commission of the Unified Government made a finding that the Original Redevelopment Project Plan was consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on December 20, 2005, after proper notice in accordance with the Act, a public hearing was held on the Original Redevelopment Project Plan and the Governing Body then adopted Ordinance No. O-96-05 approving the Original Redevelopment Project Plan; and

WHEREAS, on December 23, 2005 the Secretary of Commerce of the State (the “Secretary”), determined that the Original District was an “eligible area” under the Act, designated the redevelopment
project as a “special bond project” and approved the issuance of STAR Bonds for the project; and

WHEREAS, on November 9, 2007, an Amended and Restated STAR Bond Project Plan (Vacation Village Project Plan) (“First Amended Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, a public hearing was held on November 15, 2007, after due published notice, regarding the First Amended Project Plan; and

WHEREAS, on November 29, 2007 the Governing Body adopted Ordinance No. O-100-07 approving the First Amended Project Plan; and

WHEREAS, an Amended and Restated STAR Bond District Plan dated July 8, 2014 (the “2014 STAR Bond District Plan”) was filed with the Unified Government Clerk, which 2014 STAR Bond District Plan expanded the Original District to add additional property (the “STAR Bond District”) and divided the STAR Bond District into five (5) project areas; and

WHEREAS, a Second Amended and Restated STAR Bond Project Plan (Village East Project Plan – Project Area 1) dated July 8, 2014 was filed with the Unified Government Clerk (the “Project Area 1 Plan”); and

WHEREAS, a STAR Bond Project Plan (Village East Project Plan – Project Area 2) dated July 8, 2014 was filed with the Unified Government Clerk (the “Project Area 2 Plan”); and

WHEREAS, a STAR Bond Financing Project Plan (Village East Project Plan – Project Area 4) dated July 8, 2014 was filed with the Unified Government Clerk (the “Project Area 4 Plan”); and

WHEREAS, on July 14, 2014 the Planning Commission of the Unified Government made a finding that the Project Area 1 Plan, Project Area 2 Plan and Project Area 4 Plan were each consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, in accordance with the Act, on August 28, 2014, the Governing Body held a public hearing to consider approval of the STAR Bond District and adoption of the 2014 STAR Bond District Plan, Project Area 1 Plan, Project Area 2 Plan, and Project Area 4 Plan, after proper notice of such public hearing in accordance with the Act; and

WHEREAS, on August 28, 2014, the Governing Body adopted Ordinance No.O-47-14 that adopted the 2014 STAR Bond District Plan, the Project Area 1 Plan, the Project Area 2 Plan, and the Project Area 4 Plan; and

WHEREAS, on September 24, 2014 the Secretary (a) determined that the STAR Bond District constituted an “eligible area” under the Act, (b) approved the 2014 STAR Bond District Plan consisting of the five project areas described therein and (c) approved the issuance of up to $160,000,000 (exclusive of approved financing costs) of STAR Bonds to be issued pursuant to the 2014 STAR Bond District Plan, including up to $97,000,000 (exclusive of approved financing costs) with respect to Project Areas 1 and 2; and

WHEREAS, on June 30, 2015, the Secretary approved (a) the First Amendment to Amended and Restated District Plan for Village East STAR Bond District dated June 23, 2015 (the “2015 STAR Bond District Amendment”), which amended the 2014 STAR Bond District Plan and divided the STAR Bond District into six (6) project areas, including (b) the division of Project Area 2 into Project Area 2A and Project Area 2B, (c) the First Amended and Restated STAR Bond Project Plan (Village East Project Plan – Project Area 2A) dated June 23, 2015; and

WHEREAS, on June 30, 2015, the Secretary approved (d) the First Amendment to Amended and Restated District Plan for Village East STAR Bond District dated June 23, 2015 (the “2015 STAR Bond District Amendment”), which amended the 2014 STAR Bond District Plan and divided the STAR Bond District into six (6) project areas, including (e) the division of Project Area 2 into Project Area 2A and Project Area 2B, (f) the First Amended and Restated STAR Bond Project Plan (Village East Project Plan – Project Area 2B) dated June 23, 2015; and
Plan– Project Area 2A) dated June 23, 2015 (the “Project Area 2A Plan”) with respect to Project Area 2A within the STAR Bond District (“Project Area 2A”), and (d) an increase in the amount of STAR Bonds to be issued with respect to Project Areas 1 and 2 (both 2A and 2B) to $100,000,000 (exclusive of approved financing costs); and

WHEREAS, on August 13, 2015, the Governing Body desires to approve the 2015 STAR Bond District Amendment and the Project Area 2A Plan; and

WHEREAS, pursuant to the Act, the Unified Government is authorized to issue its Sales Tax Special Obligation Revenue Bonds (Vacation Village Project Areas 1 and 2A), Series 2015A (the “Series 2015A Bonds”) and its Sales Tax Special Obligation Revenue Bonds (Vacation Village Project Areas 1 and 2A), Subordinate Lien Series 2015B (the “Series 2015B Bonds”) in the aggregate original principal amount not to exceed $95,000,000 (the Series 2015A Bonds and the Series 2015B Bonds are collectively, the “Series 2015 Bonds”) under the hereinafter described Bond Indentures, for the purpose of implementing the Project Area 1 and 2A Plans by providing funds to (a) finance a portion of the Costs of the Project (as defined in the Bond Indentures), (b) fund a deposit to each Debt Service Reserve Fund, (c) fund a deposit to each Capitalized Interest Fund, and (d) pay certain costs related to the issuance of the Series 2015 Bonds; and

WHEREAS, the Governing Body hereby finds and determines that the issuance of the Series 2015 Bonds to provide funds for the purposes described herein in the manner provided in the Act and pursuant to the provisions of the Bond Indentures, will serve one or more of the public purposes set forth in the Act and will promote, stimulate and develop the general and economic welfare of the Unified Government; and

WHEREAS, the Governing Body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of the Series 2015 Bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. 2015 STAR Bond District Amendment and Project Area 2A Plan. The Governing Body approves the 2015 STAR Bond District Amendment and Project Area 2A Plan, all pursuant to the Act. The Governing Body hereby finds that the ad valorem property tax revenues of the county and each affected school district will not be adversely affected by the Project Area 2A Plan. The map and legal descriptions of Project Areas 2A and 2B are approved and attached hereto as Exhibits A and B.

Section 2. Authorization of the Series 2015 Bonds. The Unified Government is hereby authorized to issue and sell the Series 2015 Bonds in an aggregate original principal amount not to exceed $95,000,000, the proceeds of which will be used to (a) pay Costs of the Project, (b) fund deposits to debt service reserve funds with respect to the Series 2015 Bonds, (c) fund capitalized interest on the Series 2015 Bonds and (d) pay certain costs related to the issuance of the Series 2015 Bonds. The Series 2015 Bonds shall be issued and secured pursuant to the herein authorized Bond Indentures and shall bear such dates, shall be in such denominations, shall be in such forms, shall mature on the dates and in the principal amounts and maturity amounts, shall bear interest at rates not to exceed the maximum rate permitted by law and shall be subject to redemption on the dates and in the principal amounts as provided
in the Bond Indentures and Purchase Contracts (as hereinafter defined), and shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the Bond Indentures. The Series 2015 Bonds shall be sold and delivered to the order of the purchasers thereof in accordance with the terms and conditions of the Purchase Contracts, at such prices as are set forth therein.

The Series 2015 Bonds, together with interest and premium, if any, thereon are not general obligations of the Unified Government but are limited obligations payable solely from the trust estate pledged to the payment thereof under the Bond Indentures and shall be a valid claim of the respective holders thereof only against the trust estate and other moneys held by the Trustee and the revenues so pledged as aforesaid. In no event shall the Series 2015 Bonds be payable out of any funds or properties other than those pledged or acquired under the Bond Indentures, and the Series 2015 Bonds shall not be deemed to constitute a debt or liability of the State, the Unified Government or of any political subdivision thereof and the issuance of the Series 2015 Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Series 2015 Bonds, the Bond Indentures, the proceedings of the Unified Government authorizing the Series 2015 Bonds or the Act shall be construed to be a debt or loan of credit of the Unified Government, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

Section 3. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to the Unified Government at this meeting, and the Unified Government is hereby authorized to execute and deliver each of such documents (the “Unified Government Documents”) with such changes therein as shall be approved by the officer or officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Unified Government's approval thereof:

(a) Bond Trust Indenture dated as of the date stated therein for the Series 2015A Bonds (the “Series 2015A Bond Indenture”) and a Bond Trust Indenture dated as of the date stated therein for the Series 2015B Bonds (the “Series 2015B Bond Indenture, and with the Series 2015A Bond Indenture collectively, the “Bond Indentures”), each between the Unified Government and Security Bank of Kansas City, Kansas City, Kansas, as trustee (the “Trustee”), authorizing the issuance of the Series 2015 Bonds.

(b) Purchase Contract dated as of the date stated therein for the Series 2015A Bonds and a Purchase Contract dated as of the date stated therein for the Series 2015B Bonds (collectively, the “Purchase Contracts”), each among the Unified Government and Stifel, Nicolaus & Company, Incorporated (the “Underwriter”), relating to the purchase of the Series 2015 Bonds.

(c) Tax Compliance Agreement dated as of the date stated therein for the Series 2015A Bonds and a Tax Compliance Agreement dated as of the date stated therein for the Series 2015B Bonds, each between the Unified Government and the Trustee, relating to the Series 2015 Bonds.

(d) Issuer's Continuing Disclosure Agreement for the Series 2015A Bonds and an Issuer's Continuing Disclosure Agreement for the Series 2015B Bonds, each dated as of the date stated therein between the Unified Government and the Trustee, as dissemination agent, relating to the Series 2015 Bonds.
(e) Tax Distribution Agreement dated as of the date set forth therein (the “Tax Distribution Agreement”) among the Unified Government, the Trustee and the other parties named therein, which provides for certain distributions of tax revenues for the benefit of the Series 2015 Bonds.

(f) Escrow Agreement dated as of the date set forth therein (the “Escrow Agreement”) among the Unified Government and the other parties named therein, which provides for certain distributions of tax revenues.


The Series 2015 Official Statements and the use and distribution thereof by the Underwriter are hereby approved. For the purpose of enabling the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the “Rule”), the Mayor/CEO of the Unified Government is hereby authorized and directed to deem the Series 2015 Official Statements to be “final” as of their respective dates, except for the omission of such information as is permitted by the Rule, and, if requested, to provide the Underwriter a letter or certification to such effect and to take such other actions or execute such other documents as the Mayor/CEO of the Unified Government in his reasonable judgment deems necessary to enable the Underwriter to comply with the requirements of such Rule.

Section 5. Appropriations Covenants for the Series 2015B Bonds.

(a) The Unified Government intends, on or before the last day of each fiscal year, to budget and appropriate, specifically with respect to the Series 2015B Bond Indenture, Available Issuer Funds (as defined in the Series 2015B Bond Indenture) sufficient to pay all the Debt Service Requirements (as defined in the Series 2015B Bond Indenture) on the Series 2015B Bonds for the next succeeding fiscal year. The decision to appropriate or not to appropriate Available Issuer Funds under the Series 2015B Indenture shall be made solely by the Governing Body. The Unified Government shall deliver written notice to the Trustee no later than 15 days after the commencement of its fiscal year stating whether or not the Governing Body of the Unified Government has appropriated Available Issuer Funds sufficient for the purpose of paying the Debt Service Requirements to become due on the Series 2015B Bonds during such fiscal year.

(b) The Unified Government covenants and agrees that the County Administrator of the Unified Government or any other officer at any time charged with the responsibility of formulating budget proposals is hereby directed to include in the budget proposal submitted to the Governing Body for each fiscal year that the Series 2015B Bonds are outstanding a request for an appropriation of Available Issuer Funds for transfer to the Trustee at the times and in the manner provided in the Series 2015B Bond Indenture. The Unified Government reasonably believes that legally available funds in an amount sufficient to make all Debt Service Requirements on the Series 2015B Bonds during each fiscal year can be obtained, subject to appropriation by the Governing Body.
The Unified Government acknowledges and agrees that the Debt Service Requirements on the Series 2015B Bonds set forth in the Series 2015B Bond Indenture shall constitute currently budgeted expenditures of the Unified Government, and shall not in any way be construed or interpreted as creating a liability or a general obligation or debt of the Unified Government in contravention of any applicable constitutional or statutory limitation or requirements concerning the creation of indebtedness by the Unified Government, nor shall anything contained herein or in the Series 2015B Bond Indenture constitute a pledge of the general credit, tax revenues (except the Revenues, as defined in the Series 2015B Bond Indenture), funds or moneys of the Unified Government. The Unified Government’s obligations to pay Debt Service Requirements under the Series 2015B Bond Indenture shall be from year to year only, and shall not constitute a mandatory payment obligation of the Unified Government in any ensuing fiscal year beyond the then current fiscal year. Neither the Series 2015B Bond Indenture nor the issuance of the Series 2015B Bonds shall directly or indirectly obligate the Unified Government to levy or pledge any form of taxation (other than the Revenues) or make any appropriation or make any payments beyond those appropriated for the Unified Government’s then current fiscal year, but in each fiscal year the Debt Service Requirements on the Series 2015B Bonds shall be payable solely from the Revenues and the amounts appropriated therefor from Available Issuer Funds.

Section 6. Approval of First Amendment. The First Amendment to Amended and Restated Vacation Village Development Agreement between the Unified Government and SVV I, LLC (the “First Amendment”), in substantially the form presented to and reviewed by the Unified Government at this meeting (a copy of which shall be filed in the official records of the Unified Government) is hereby approved and the officers of the Unified Government are hereby authorized to execute and deliver the First Amendment, such officials’ signatures thereon being conclusive evidence of their approval and the Unified Government’s approval thereof, and to execute and deliver all necessary documents.

Section 7. Execution of Bonds and Documents. The Mayor/CEO of the Unified Government is hereby authorized and directed to execute the Series 2015 Bonds and to deliver the Series 2015 Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Bond Indentures. The Mayor/CEO of the Unified Government is hereby authorized and directed to execute the Unified Government Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, with such changes as the Mayor/CEO deems necessary or appropriate, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Series 2015 Bonds, the Unified Government Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 8. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, including without limitation documents relating to the qualifications of the Bonds under the “blue sky” laws of the various states of the United States of America, documents necessary to obtain approvals of the Secretary as required by law, and any agreements with respect to the investment of funds held under the Bond Indentures, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Series 2015 Bonds and the Unified Government Documents.

Section 9. Severability. The provisions of this Ordinance shall not be severable.
Section 10. Effective Date. This Ordinance shall take effect and be in full force after its adoption by the Unified Government and publication once in the official newspaper of the Unified Government.

PASSED by the Governing Body of the Unified Government this 13th day of August, 2015.

(Seal)

ATTEST:

_______________________________
Unified Government Clerk

Approved as to Form:

_______________________________
Chief Counsel

Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas
PROJECT AREA 2B
EXHIBIT B

LEGAL DESCRIPTIONS OF PROJECT AREAS 2A AND 2B

PROJECT AREA 2A
All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:
All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:
BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:
BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly
line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 second, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point on the East line of said Lot 5, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.
PROJECT AREA 2B

File No. 014-0347
Schlitterbahn
April 15, 2015

Project Area 2B Description:

Part of Tract A, Lot Line Adjustment Survey, Lots 1 & 2, Schlitterbahn Vacation Village; All of Tract B, and all of that part of France Family Drive, State Avenue and N. 98th Street Right-of-Ways as established within Schlitterbahn Vacation Village, a subdivision in Kansas City, Wyandotte County, Kansas; All of Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas; along with a portion of unplatted land, lying in Section 1, Township 11 South, Range 23 East, and Section 12, Township 11 South, Range 23 East, all being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of said Section 1, Township 11 South, Range 23 East; thence South 02 degrees 20 minutes 41 seconds East, along the East line of said Southwest Quarter, a distance of 49.99 feet, to a point on the South Right-of-Way line of France Family Drive, as now established; thence South 87 degrees 20 minutes 51 seconds West, along the South Right-of-Way line of said France Family Drive, a distance of 281.92 feet, to a point on a non-tangent curve; thence Southwesterly, departing the South Right-of-Way line of said France Family Drive, and along the Northeasterly prolongation of the Northerly line of Tract B of said Lot Line Adjustment Survey, and along a curve to the right, whose initial tangent bearing is South 44 degrees 08 minutes 09 seconds West, having a radius of 650.00 feet, and a central angle of 28 degrees 36 minutes 27 seconds, an arc length of 324.54 feet, to a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, continuing along the Northerly line of said Tract B, a distance of 304.32 feet, to a point of curvature; thence Southwesterly, Southerly and Southeasterly, continuing along the Northerly line and along the Westerly line of said Tract B, and along a curve to the left, having a radius of 500.00 feet and a central angle of 92 degrees 50 minutes 42 seconds, an arc length of 810.22 feet, to a point on the Northeasterly Right-of-Way line of N. 98th Street, as now established, said point also being on the Northerly line of said Tract B, said point also being a point of tangency; thence South 20 degrees 06 minutes 06 seconds East, along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of said Tract B, and along the Westerly Line of Tract A of said Lot Line Adjustment Survey, a distance of 253.32 feet, to a point of curvature; thence Southeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 725.00 feet and a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence South 47 degrees 24 minutes 39 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Westerly and Southerly line of Tract A of said Lot Line Adjustment Survey, a distance of 624.55 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the right, having a radius of 675.00 feet and a central angle of 76 degrees 58 minutes 27 seconds, an arc length of 906.83 feet, to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A and along the Westerly line of Tract A, of said Lot Line Adjustment Survey, and along a curve to the left, having a radius of 1,224.99 feet, to a point of tangency; thence South 02 degrees 19 minutes 17 seconds East, continuing along the Northeasterly Right-of-Way line of said N. 98th Street and along the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 65.73 feet, to the point of intersection of the...
Northeasterly Right-of-Way line of said N. 98th Street and the North Right-of-Way line of State Avenue, as now established; thence North 87 degrees 42 minutes 57 seconds East, continuing along the Southerly line of Tract A, of said Lot Line Adjustment Survey, and along the North Right-of-Way line of said State Avenue, a distance of 61.74 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the West side of an unplatted piece of land; thence Southerly, departing the Southerly line of Tract A, of said Lot Line Adjustment Survey, and continuing along the North Right-of-Way line of said State Avenue; thence Easterly, continuing along the North Right-of-Way line of said State Avenue, to the point of intersection of the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, lying on the East side of an unplatted piece of land; thence South 64 degrees 52 minutes 17 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 13.73 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 881.99 feet; thence North 53 degrees 02 minutes 04 seconds East, continuing along the North Right-of-Way line of said State Avenue and the Southerly line of Tract A, of said Lot Line Adjustment Survey, a distance of 61.51 feet, to the point of intersection of the North Right-of-Way line of said State Avenue and the Easterly Right-of-Way line of Interstate Highway No. 435, as now established; thence Northerly, departing the South Right-of-Way line of said State Avenue and along the Easterly Right-of-Way line of said Interstate Highway No. 435 to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the North Right-of-Way line of said State Avenue, said point also being the Southwesterly corner of Tract A of said Schlitterbahn Vacation Village; thence South 86 degrees 36 minutes 43 seconds East, along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 246.20 feet; thence South 77 degrees 39 minutes 21 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, a distance of 92.23 feet; thence North 87 degrees 42 minutes 57 seconds East, continuing along the North Right-of-Way line of said State Avenue and the South line of said Tract A, and along a curve to the left, having a radius of 182.00 feet and a central angle of 118 degrees 41 minutes 03 seconds, an arc length of 377.00 feet, to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and along the Easterly and Northerly line of said Lot 3, and along a curve to the left, having a radius of 425.00 feet and a central angle of 76 degrees 58 minutes 28 seconds, an arc length of 1,108.35 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly Right-of-Way line of said N. 98th Street and the Northerly line of said Tract A, a distance of 29.19 feet, to the Southeast corner of Tract B of said Schlitterbahn Vacation Village; thence South 42 degrees 35 minutes 21 seconds West, departing the Southwesterly Right-of-Way line of said N. 98th Street, along the Southeasterly line of said Tract B, and continuing along the Northerly line of said Tract A, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of said Interstate Highway No. 435, said point also being on the Westerly line of said
Tract B; thence North 47 degrees 24 minutes 39 seconds West, along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the Westerly line of said Tract B, a distance of 814.00 feet; thence North 20 degrees 07 minutes 39 seconds West, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435 and the West line of said Tract B, a distance of 1,498.22 feet to a point on the South line of the Northwest Quarter of said Section 1, said point also being the Southwest corner of said Legends Auto Plaza; thence North 13 degrees 58 minutes 29 seconds East, continuing along the Easterly Right-of-Way line of said Interstate Highway No. 435, and along the West line of said Legends Auto Plaza, a distance of 255.72 feet to the Westerly prolongation of the South Right-of-Way line of Parallel Parkway, as now established; thence North 88 degrees 01 minutes 07 seconds East, along the Westerly prolongation of the South Right-of-Way line of said Parallel Parkway, a distance of 370.61 feet, to the point of intersection of the Easterly Right-of-Way line of said Interstate Highway No. 435 and the South Right-of-Way line of said Parallel Parkway, said point also being the Northwest corner of said Legends Auto Plaza; thence North 88 degrees 01 minutes 07 seconds East, along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 150.00 feet; thence North 01 degrees 07 minutes 53 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 10.00 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, and along the North line of said Legends Auto Plaza, a distance of 451.28 feet; thence North 89 degrees 11 minutes 40 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 170.99 feet, to a point on the North line of Tract A of said Lot Line Adjustment Survey; thence North 88 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 183.19 feet; thence North 89 degrees 01 minutes 07 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and along the North line of said Legends Auto Plaza, a distance of 582.69 feet; thence South 00 degrees 55 minutes 56 seconds West, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 173.97 feet; thence North 88 degrees 00 minutes 23 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 183.19 feet; thence South 88 degrees 00 minutes 01 seconds East, continuing along the South Right-of-Way line of said Parallel Parkway, a distance of 62.94 feet; thence South 00 degrees 55 minutes 56 seconds West, departing the South Right-of-Way line of said State Avenue and the North line of Tract A of said Lot Line Adjustment Survey, a distance of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent curve; thence Southerly, along a curve to the left, whose initial tangent bearing is South 07 degrees 20 minutes 18 seconds East, having a radius of 5,654.58 feet, and a central angle of 06 degrees 19 minutes 32 seconds, an arc length of 624.28 feet, to a point on a non-tangent curve; thence
Southerly, along a curve to the right, whose initial tangent bearing is South 13 degrees 19 minutes 19 seconds East, having a radius of 5,804.58 feet and a central angle of 02 degrees 43 minutes 40 seconds, an arc length of 276.34 feet, to a point on a non-tangent line, said point also being on the East line of the Northwest Quarter of said Section 1; thence South 02 degrees 19 minutes 21 seconds East, along the East line of said Northwest Quarter, a distance of 57.88 feet, to the POINT OF BEGINNING.

EXCEPTING therefrom, all of the following described tracts;

All of Lots 1, 3, 4-A, 4-B & 7, along with part of Tracts A & B and Lots 5, & 6, Legends Auto Plaza, a subdivision in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Tract 1:

All of Lots 1, 4-A & 4-B of said Legends Auto Plaza.

AND ALSO:

Tract 2:

BEGINNING at the Northeast corner of said Lot 3, said point also being the point of intersection of the South Right-of-Way line of Parallel Parkway and the West Right-of-Way line of N. 98th Street, as established with said Legends Auto Plaza; thence Southerly, along the East line of Lot 3, Tract B, and Lot 6, and along the West Right-of-Way line of said N. 98th Street, and along a curve to the left, whose initial tangent bearing of South 02 degrees 13 minutes 58 seconds East, having a radius of 5,804.58 feet and through a central angle of 05 degrees 58 minutes 07 seconds, an arc length of 604.68 feet; thence South 81 degrees 30 minutes 09 seconds West, departing the East line of said Lot 6 and the West Right-of-Way line of said N. 98th Street, a distance of 0.08 feet, to a point of curvature; thence Westerly, along a curve to the right, having a radius of 220.00 feet and through a central angle of 17 degrees 18 minutes 38 seconds, an arc length of 66.47 feet, to a point of tangency; thence North 81 degrees 11 minutes 14 seconds West, a distance of 138.78 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 280.00 feet and through a central angle of 17 degrees 48 minutes 27 seconds, an arc length of 87.02 feet, to a point on the Southerly prolongation of the West line of said Lot 3; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 3 and its Southerly prolongation, a distance of 576.20 feet, to the Northwest corner of said Lot 3, said point also being on the South Right-of-Way line of said Parallel Parkway; thence North 89 degrees 14 minutes 17 seconds East, along the North line of said Lot 3 and along the South Right-of-Way line of said Parallel Parkway, a distance of 175.43 feet; thence North 88 degrees 01 minutes 07 seconds East, continuing along the North line of said Lot 3 and the South Right-of-Way line of said Parallel Parkway, a distance of 59.91 feet, to the POINT OF BEGINNING.

AND ALSO:

Tract 3:

BEGINNING at the Southwest corner of said Lot 5, said point also being on the Easterly line of said Tract B; thence North 00 degrees 00 minutes 50 seconds West, along the West line of said Lot 5 and along the Easterly line of said Tract B, a distance of 559.99 feet, to a point of curvature; thence Northerly, Northeasterly and Easterly, continuing along the West line and along the North line of said Lot 5, and continuing along the Easterly line and along the Southerly line of said Tract B, and along a curve to the right, having a radius of 15.00 feet and through a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 23.57 feet, to a point of tangency; thence South 89 degrees 59 minutes 00 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, a distance of 79.87 feet, to a point of curvature; thence Easterly and Northeasterly, continuing along the North line of
said Lot 5 and along the Southerly line of said Tract B, and along a curve to the left, having a radius of 330.00 feet and through a central angle of 23 degrees 15 minutes 39 seconds, an arc length of 133.97 feet, to a point of tangency; thence North 66 degrees 45 minutes 21 seconds East, continuing along the North line of said Lot 5 and along the Southerly line of said Tract B, and their Easterly prolongation, a distance of 256.87 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right, having a radius of 185.00 feet and through a central angle of 38 degrees 46 minutes 48 seconds, an arc length of 125.22 feet, to a point of reverse curvature; thence Southeasterly and Easterly, along a curve to the left, having a radius of 515.00 and through a central angle of 06 degrees 50 minutes 11 seconds, an arc length of 61.45 feet, to a point of tangency; thence South 81 degrees 18 minutes 03 seconds East, a distance of 74.97 feet, to a point of curvature; thence Easterly, along a curve to the left, having a radius of 290.00 feet and through a central angle of 17 degrees 11 minutes 48 seconds, an arc length of 87.04 feet, to a point of tangency; thence North 81 degrees 30 minutes 09 seconds East, a distance of 0.14 feet, to a point on the East line of said Lot 6, said point also being on the West Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Southerly and Southeasterly, along the East line of Lots 6 and 7 and the Easterly line of said Tract B, and along a curve to the left, whose initial tangent bearing is South 08 degrees 53 minutes 33 seconds East, having a radius of 5,804.58 feet and through a central angle of 04 degrees 46 minutes 23 seconds, an arc length of 483.54 feet, to the Northeasterly corner of said Tract A; thence South 76 degrees 23 minutes 16 seconds West, departing the West Right-of-Way line of said N. 98th Street, a distance of 60.00 feet; thence North 82 degrees 31 minutes 36 seconds West, a distance of 330.64 feet; thence South 89 degrees 59 minutes 10 seconds West, a distance of 184.56 feet; thence South 00 degrees 01 minutes 03 seconds West, a distance of 241.90 feet, to a point on the South line of said Lot 5, said point also being on the North line of Lot 9 of said Legends Auto Plaza; thence North 89 degrees 58 minutes 57 seconds West, along the South line of said Lot 5 and along the North line of said Lot 9 a distance of 328.41 feet, to the POINT OF BEGINNING.