Full Commission Meeting Agenda
Thursday, September 24, 2015
7:00 PM

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

Name                      Absent
Mayor Mark Holland          ☐
Commissioner At-Large Dist. 1 – Melissa Bynum ☐
Commissioner At-Large Dist. 2 – Hal Walker ☐
Commissioner Gayle Townsend ☐
Commissioner Brian McKiernan ☐
Commissioner Ann Brandau-Murguia ☐
Commissioner Harold Johnson ☐
Commissioner Mike Kane ☐
Commissioner Angela Markley ☐
Commissioner James Walters ☐
Commissioner Jane Philbrook ☐

SERGEANT-AT-ARMS: CAPTAIN THOMAS JOYCE

I. CALL TO ORDER / ROLL CALL
II. INVOCATION GIVEN BY REVEREND GEORGE KEMPER, EBENEZER MINISTRIES
III. PLEDGE OF ALLEGIANCE
IV. REVISIONS TO SEPTEMBER 24, 2015 AGENDA
V. MAYOR'S AGENDA
Item No. 1 - PERFORMANCE EVALUATION FORM: COUNTY ADMINISTRATOR

Synopsis:
County Administrator's performance evaluation form.

*For information only.*

Tracking #: 15100

Item No. 2 - PRESENTATION: LAND BANK PORTAL

Synopsis:
Presentation on the Land Bank portal, submitted by Chris Slaughter, Land Bank Manager.

*For discussion only.*

Tracking #: 15101

VI. 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.)

Item No. 1 -

RESOLUTION: CASH MANAGEMENT & INVESTMENT POLICY

Synopsis:
A resolution adopting the revised Cash Management and Investment Policy, submitted by Lew Levin, Chief Financial Officer.

*On September 14, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 1594

Item No. 2 - RESOLUTION: UG MEDICAL CLINIC FINANCING

Synopsis:
A resolution authorizing funding for the UG Medical Clinic to be financed with Public Building Commission Revenue Bonds, submitted by Debbie Jonscher, Finance.

*On September 14, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 1593
Item No. 3 - RESOLUTION: SALE OF ADVANCED AUTO PARTS

Synopsis:
A resolution authorizing the execution of a Transfer Acknowledgement and Assumption Agreement for Advanced Auto Parts within Wyandotte Plaza, submitted by George Brajkovic, Economic Development Director.

On September 14, 2015 the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.
Tracking #: 1590

Item No. 4 - RESOLUTION: MAINSTREET SKILLED NURSING FACILITY

Synopsis:
A resolution granting consent to the assignment of the base lease & performance agreement from MS Kansas City, LLC to Health Care REIT, Inc. as part of the Mainstreet Skilled Nursing Facility, 8900 Parallel Parkway, submitted by Marlon Goff, Economic Development.

On September 14, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.
Tracking #: 1592
Item No. 5 - APPOINTMENTS: BOARDS AND COMMISSIONS

Synopsis:
Appointments to Boards and Commissions:
Margarito Belmares to Human Relations Committee, 9/24/15 - 5/30/17, submitted by Commissioner Philbrook
Don Jolley to Advisory Committee on Disability Issues, 9/24/15 - 5/30/19, submitted by Commissioner Murguia
Mark Mohler to Golf Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Pat Pettrey to Wyandotte County Library Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Daniel Serda to Planning Commission/Board of Zoning Appeals, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Erin Stryka to Wyandotte County Parks Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Linda Warner to Housing Authority, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Chris Wing to Planning Commission/Board of Zoning Appeals, 9/24/15 - 5/30/19, submitted by Commissioner Murguia
Maria Cecilia Ysaac to Law Enforcement Advisory Board, 9/24/15 - 5/30/17, submitted by Commissioner Philbrook

Tracking #: 1599

Item No. 6 - MINUTES

Synopsis:
Minutes from regular sessions of July 30 and September 3, 2015.

Tracking #: 1598

Item No. 7 - WEEKLY BUSINESS MATERIAL

Synopsis:
Weekly business material dated September 3, 10, and 17, 2015.

Tracking #: WEEKLY BUSINESS MATERIAL

VII. PUBLIC HEARING AGENDA
VIII. STANDING COMMITTEES' AGENDA
IX. ADMINISTRATOR'S AGENDA
X. COMMISSIONERS' AGENDA
XI. LAND BANK BOARD OF TRUSTEES' AGENDA
XII. PUBLIC ANNOUNCEMENTS
XIII. ADJOURN
**Staff Request for Commission Action**

**Full Commission Meeting Date:** 09/24/2015  
**Committee:** Full Commission

Date of Standing Committee Action: NA  
(If none, please explain):

**Publication Required:** No

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<th>Contact Phone:</th>
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<tr>
<td>09/21/2015</td>
<td>Jason Banks, Asst to the Mayor/Manager</td>
<td>x5010</td>
<td><a href="mailto:jbanks@wycokck.org">jbanks@wycokck.org</a></td>
<td>Mayor's Office</td>
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**Item Description:**  
County Administrator's Annual Performance form

**Action Requested:**

**Budget Impact: (if applicable)**

**Amount:**

**Source:**
- Included In Budget:  
- Other (explain):

**Attachments List:**
- Administrator's Evaluation Form
MEMORANDUM

To:   Board of Commissioners
From:   Mayor Mark Holland
Date:   September 21st, 2015
RE:   County Administrator Annual Performance Evaluation

In preparation for County Administrator Doug Bach's annual performance evaluation on October 1, 2015 I am sharing the attached scoring matrix we will use to record performance. Based on feedback from last year’s evaluation, I have met with Commissioners Walters and Walker to revise this document. It is similar in format and about half the number of pages.

Please use the remainder of this week and next to both reacquaint yourselves with the form and begin to formulate your scoring responses. Mr. Bach will share his quarterly report this Thursday, September 24, 2015 at the 7pm Commission Meeting. We will then meet in Executive Session on October 1, 2015 at 5pm to perform the group evaluation. Following the Executive Session, I will then gather the forms, tally them, and compile results. I will then meet with Mr. Bach one-on-one to give him his final evaluation. Please contact Jason Banks in my office if you have questions.

Sincerely,

Mark R. Holland
UNIFIED GOVERNMENT COUNTY ADMINISTRATOR
PERFORMANCE EVALUATION

PURPOSE
The purpose of the County Administrator Performance Evaluation is to establish a formal process by which the Mayor and Unified Government Commission communicate with the County Administrator regarding his/her performance with respect to their assigned duties and responsibilities. Additionally, this tool will be used as an ongoing measure of the County Administrator’s progress towards implementing the stated goals of the Unified Government Mayor and Commissioners.

RATING SCALE DEFINITIONS
(1) Unsatisfactory: The County Administrator’s work performance is inadequate and inferior to the standards required for the position.
(2) Improvement Necessary: The County Administrator’s work performance does not consistently meet the standards required for the position.
(3) Meets Standards: The County Administrator’s work performance consistently meets the standards required for the position.
(4) Exceeds Standards: The County Administrator’s work performance is frequently above the standards required for the position.
(5) Exemplary Performance: The County Administrator’s work performance is consistently above the standards required for the position.

INSTRUCTIONS
Please circle only 1 rating for each of the evaluation criteria. Evaluative comments may be made directly on the form and additional notes may be submitted on separate sheets if necessary.
SECTION 1: DIRECT COMMISSION GOALS
These are goals over which the County Administrator has direct and substantial influence. Evaluation will be based on actions and measures taken by the County Administrator. All goals are ongoing, except where noted.

1. Public Safety: 1 2 3 4 5
   Comments:

2. Infrastructure 1 2 3 4 5
   Comments:

3. Customer Service: 1 2 3 4 5
   Comments:

4. Innovation / Open Data: 1 2 3 4 5
   Comments:

5. Economic Development: 1 2 3 4 5
   Comments:
SECTION 2: SUPPORT COMMISSION GOALS
These are goals over which the County Administrator provides support for the Commission to advance. Evaluation will be based on the level of the County Administrator’s supportive efforts.

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SECTION 3: ADMINISTRATIVE FOCUS AREAS
This section covers personnel management, and preparation and presentation of the Unified
Government budget.

1. Personnel:  (Performance, Effectiveness, and Efficiency)
   Comments:

2. Budget / Finance:  
   Comments:
SECTION 4: PROFESSIONAL RELATIONS
This section covers the County Administrator’s professionalism while working with the Governing Body, UG staff, and members of the public.

1. Mayor / Commission
   Comments:

2. Staff
   Comments:

3. Public
   Comments:
Staff Request for Commission Action

Full Commission Meeting Date: 09/24/2015
Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

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<tbody>
<tr>
<td>09/21/2015</td>
<td>Chris Slaughter, Management Analyst</td>
<td>x8977</td>
<td><a href="mailto:cslaughter@wycokck.org">cslaughter@wycokck.org</a></td>
<td>Land Bank</td>
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Item Description:
Land Bank portal presentation

Action Requested:
*For discussion only.*

Budget Impact: (if applicable)
Amount: 
Source:
- Included In Budget:
- Other (explain):

Attachments List:
**Item Description:**

The State of Kansas has granted the Unified Government with Expanded Investment Authority allowing the government to invest funds for up to a 4-year period. On an annual basis, the governing body is required to review and adopt its Cash Management and Investment Policy.

The government's Cash Management Committee has reviewed the current policy and recommends one change regarding qualifications of the Cash Manager. Specific training, within one-year of appointment, is required, if the "Cash Manager does not possess the requisite investment experience". Page 4 - Section 8 (C)

**Action Requested:**
Adopt resolution

**Budget Impact: (if applicable)**
Amount: 
Source: 
  - Included In Budget: 
  - Other (explain): 

**Attachments List:**
Resolution, Cash Management Policy
RESOLUTION NO. ____________________

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

That the Board of Commissioners hereby adopts the attached Cash Management and Investment Policy dated September 24, 2015, which revises and supersedes the previous policy adopted September 25, 2014.

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

THIS 24TH DAY OF SEPTEMBER.

________________________
Unified Government Clerk
Section 1. General Purpose Statement

The Board of Commissioners has authority to invest all funds held by or belonging to Wyandotte County/Kansas City, Kansas ("Unified Government" or "UG"). The purpose of this Cash Management and Investment Policy is to identify the policies and statements of the Unified Government regarding the safe and responsible management of the Unified Government funds; and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

Section 2. Legal Authority

The Unified Government Board of Commissioners is granted the authority to invest temporarily idle funds, i.e. those funds which are not immediately required for the purposes for which the moneys were collected or received and the investment of which is not subject to or regulated by any other statute, under K.S.A. 12-1675 which also identifies the types of investments the Unified Government may purchase.

Section 3. Policy Statement

The policy of the Unified Government is to invest its funds in a manner which will provide a reasonable rate of return with the maximum security while meeting the daily cash flow demands of the Unified Government and conforming to all statutes governing the investment of such funds.

Section 4. Scope

This Cash Management and Investment Policy shall apply uniformly to all officials, employees, departments, agencies, representatives and authorized agents in the performance of their official duties and to the processing and management of all investment transactions of the Unified Government’s idle funds. All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials will conduct themselves as good stewards of public funds that will promote public confidence in the Unified Government’s ability to govern effectively.

This Cash Management and Investment Policy applies to the Unified Government’s cash management and investment activities, except for the debt service funds, reserve funds, and other financial assets held by various fiscal agents and trustees as provided under various bond ordinances and which are not under the direct control of the Director of Revenue.

Section 5. Adoption and Annual Review

This Cash Management and Investment Policy shall be adopted by resolution of the Board of Commissioners. The Policy shall be reviewed on an annual basis by the Cash Management Committee and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to this Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

Section 6. Cash Management Committee; Delegation of Authority

A Cash Management Committee shall be established. The Cash Management Committee (CMC) shall consist of the Unified Government’s Chief Financial Officer, the Clerk, the Director of Revenue/Treasurer, the Chief Counsel or designee, the Legislative Auditor or designee as a non-voting member, and one non-voting member from the financial advisor of the Unified Government. The Chief Financial Officer shall serve as the Chairperson of the CMC.
Cash Management and Investment Policy

Responsibility for the operation of the investment program is delegated to the CMC which shall establish procedures and internal controls for the operation of the investment program consistent with this Policy.

Daily and routine investments of Unified Government idle funds will be made by the Chief Financial Officer or designee, under the guidelines set forth in this Policy and as recommended by the CMC.

Section 7. Investment Procedures

This Policy is administered through a separate set of written Investment Procedures, which should be referred to in conjunction with this Policy. The Cash Management Committee is hereby authorized to adopt written Investment Procedures consistent with this Cash Management and Investment Policy. Such Procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the Procedures adopted by the Cash Management Committee. The Director of Revenue shall be responsible for all transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

In the development of the system of internal controls, consideration shall be given to documentation of strategies and transactions, techniques for avoiding collusion, separation of functions, delegation of authority, limitations of authority, and custodial safekeeping.

Section 8. Staff Qualifications

A. The Unified Government shall hire a Cash Manager or shall retain an outside manager to manage investments. The Cash Manager will have the necessary qualifications to perform investment duties as outlined in the Cash Management and Investment Policy and the Cash Management and Investment Procedures and will be supervised by the Chief Financial Officer or designee.

B. Duties of the Cash Manager position include the following:

1. Management of the short-term and long-term investment portfolios in accordance with K.S.A. 12-1675 and 12-1677b and amendments thereto, with any other applicable statutes or ordinances or resolutions, and with this Cash Management and Investment Policy and the Cash Management and Investment Procedures and amendments thereto;

2. Tracking investment transactions; ensuring accuracy and security of investments, monitoring record keeping of investments;

3. Performing inspections on safekeeping receipts held as collateral to cover investments; alerting banks regarding insufficient collateral;

4. Prepare cash flow forecasts;

5. Generate investment performance statistics and activity reports; and

6. Other duties as assigned by the Chief Financial Officer or the Director of Revenue/Treasurer.

C. Specific qualifications include a bachelor’s degree in Finance, Accounting, Economics, Business, or Public Administration and two years of progressively responsible investing or accounting experience, or any equivalent combination of education and experience sufficient to successfully perform the essential duties of the job. If the individual appointed to the Cash Manager position does not possess the requisite investment experience, the individual will attend government investment training approved by the Chief Financial Officer within one year of appointment.
Section 9.  Investment Advisor

The Chief Financial Officer, with the approval of the Cash Management Committee, may appoint an independent Investment Advisor registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940 and the rules adopted thereunder, or a “Municipal Advisor” as defined by Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, amending Section 15B of the Securities Exchange Act of 1934, and interpreted by the Securities and Exchange Commission in its final rules adopted September 10, 2013, to advise the Unified Government on investment activities. The Investment Advisor will be selected through a competitive process under the Unified Government’s Procurement Code. The terms and conditions of such relationship shall be set out in a contract. The duties and responsibilities of the Investment Advisor at a minimum shall include the following.

1. Providing advice and analysis on the Unified Government’s Investment Policy, portfolio management techniques, portfolio structures, and new investment securities and products;
2. Assistance in developing or improving and implementing cash flow modeling;
3. Providing advice on investment benchmarking and performance reporting;
4. Evaluation of the capabilities and usage of software utilized in management of and accounting for the investments;
5. Assisting in any investment related presentations to the Cash Management Committee or Board of Commissioners; and
6. Providing analysis, advice, and assistance on other investment-related matters, including investment of bond proceeds.

Section 10.  Standards of Care

A.  Prudence

The standard of prudence to be used by investment officials shall be the “prudent person standard” and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering first the safety and liquidity of their capital and next the probable income to be derived. If outside investment professionals are retained, they shall be held to the “prudent expert standard,” that is, they shall exercise the judgment, care, skill, prudence and diligence, under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments so as to minimize the risk of large losses, unless, under the circumstances, it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

The Chief Financial Officer, other investment officials, and the members of the CMC, when acting in accordance with the written Investment Procedures and the Cash Management and Investment Policy, and when exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

B.  Ethics and Conflict of Interest

Unified Government officers and employees authorized to perform investment duties shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. For purposes of this Policy, “officers and employees” means voting members of the Cash Management Committee and the Cash Manager; it shall not mean elected officials.
Cash Management and Investment Policy

No officer or employee shall use his or her official position or office to obtain direct or indirect personal financial gain for himself or herself, his or her family, or any business in which the officer or employee has a financial interest. Officers and employees are governed by this Policy, the Unified Government Code of Ethics, and any applicable state laws.

Investment staff shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Unified Government.

Officers and employees shall disclose annually to the Legislative Auditor and to the Ethics Administrator any financial interest in financial institutions with which the Unified Government conducts business or any benefit which the officer or employee obtains from any Unified Government contract or from placement of an investment of Unified Government funds. For purposes of this Policy, “financial institution” means banks, savings banks, or savings and loan associations as defined in K.S.A. 12-1675a and amendments thereto. For purposes of this Policy, “financial interest” means (a) ownership or any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than $5,000 per year, or its equivalent; (b) ownership of such interest in any property or any business as may be specified by the Ethics Commission; or (c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like or holding any position of management. Financial interest does not include household operating accounts or a depository relationship with a financial institution.

Each financial institution in which the Unified Government deposits funds and each investment manager and each consultant retained by the Unified Government shall be notified of this section of the Policy and shall conform to its provisions and shall not participate in any violation of this section or in any effort to influence any officer or employee to breach the standards of ethical conduct set forth in this section.

Section 11. Objectives

The primary objectives of the Unified Government investment activities, in priority order, shall be:

A. Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. The objective will be to mitigate credit and interest rate risk.

1. Credit Risk

   Credit risk, the risk of loss due to the failure of the security issuer or backer, will be minimized by:

   a. Limiting investment to the safest types of securities;
   b. Pre-qualifying financial institutions, broker/dealers, intermediaries, and advisors with whom the UG will do business; and
   c. Diversifying the investment portfolio so that potential loss on individual securities will be minimized.

2. Interest Rate Risk

   Interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, will be minimized by:

   a. Structuring the investment portfolio so that the securities mature to meet cash requirements of the general operating fund, thereby avoiding the need to sell securities prior to maturity; and
   b. Investing general operating funds primarily in shorter-term securities.
B. **Diversification.**

1. **In General**

   It is the policy of the Unified Government to diversify its investment portfolio so as to protect its funds from material losses due to issuer defaults, market price changes, technical complications leading to temporary lack of liquidity, or other risks resulting from an over-concentration of assets in a specific maturity, a specific issuer, or a specific class of securities.

2. **By Institution**

   Investments will be diversified so that reliance on any one issuer or financial institution will not place an undue financial burden on the Unified Government in the event of default. Accordingly, no more than 60% of the total investment portfolio in a given 12-month maturity period shall be with the same institution, unless it would be prudent to do so under prevailing circumstances. If the above limit is exceeded, the Chief Financial Officer will notify the CMC.

3. **By Instrument Type**

   Market risk will be minimized by diversification among investment types. The following are maximum limits for the percentage of Unified Government investable funds to be invested in each investment type.

   a. Certificates of deposit 100%
   b. U. S. Treasury bills or notes 100%
   c. U. S. Government agency obligations 50%
   d. Kansas Municipal Investment Pool 50%
   e. Money market funds 10/100%*
   f. Repurchase agreements 25/100%*
   g. Bank trust department municipal pools 25%
   h. Temporary notes or no-fund warrants 10%

   Because of distortion created by deposit of proceeds from the sale of temporary notes issued by the Unified Government, measurement of the maximum limits on investments by institution and by instrument type for purposes of this subsection 10.B. shall occur at least one week after the deposit of such proceeds.

   * NOTE: Investments in money market funds shall be limited to 10% of investable funds and investments in repurchase agreements shall be limited to 25% of investable funds except as set out below. While it is not the goal to invest 100% of investable funds in either money market funds or repurchase agreements, the ability to invest the maximum limit in these two investment types is recognized as an option in certain market circumstances when these investments offer higher returns than other investment types at minimal risk. The option to invest more than the 10% or 25% limit respectively will be used only when the Cash Manager determines, with the concurrence of the Chief Financial Officer and the Unified Government’s Financial Advisor, that it is advantageous and prudent to do so.

C. **Liquidity.**

1. The Unified Government’s investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated without incurring material losses by structuring the portfolio so that securities mature concurrent with anticipated cash needs. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.
Cash Management and Investment Policy

2. The Unified Government understands the importance of having sufficient funds invested in overnight sweep accounts to meet weekly payrolls, accounts payable, scheduled debt service, and extraordinary expenses that may occur, which may range from 3% to 10% of available investment funds.

3. It is important for a county government to have the necessary funds for the scheduled tax distributions to other governmental entities. In particular, liquidity is essential for the January and June tax distributions. Therefore it is critical to time the maturity of investments to meet this requirement.

D. Maturity.

1. All investments shall be made to mature in accordance with cash needs identified in regularly prepared and updated cash flow forecasts. The Unified Government recognizes that the laddering of investments is a sound approach to mitigate short-term interest rate fluctuations. Additional considerations in the structuring of investments shall include:
   a. Review of economic and financial indicators, such as Federal Reserve monetary policy position statements and the U.S. Treasury yield curve; and
   b. Input from the Unified Government’s financial advisor.

2. The Unified Government has adopted the following maturity target ranges for its core investment portfolio. Core investments exclude the investment of bond proceeds and the health care reserve funds.
   a. 0 – 12 months 30% to 60%
   b. 12 – 24 months 20% to 40%
   c. 24 – 36 months 15% to 30%
   d. 36 – 48 months 10% to 20%

   Notwithstanding the above maturity target ranges, cash flow requirements and existing interest rate markets may dictate the need to adjust the timing of investment maturities.

3. Extending the maturities in the investment portfolio is subject foremost to the cash flow requirements of the Unified Government. To extend the maturity of an investment for an additional12-month period a minimum gain in investment earnings of 10 basis points is required.

4. The sale of securities before maturity shall require the prior approval of the Chief Financial Officer based on the following reasons:
   a. A security with declining credit may be sold early to minimize loss of principal.
   b. Liquidity needs require a security to be sold.
   c. It is advantageous to the portfolio to sell such securities.
   d. Financial failure of the issuer is likely.

5. As long as this Policy continues to be approved by the State Pooled Money Investment Board, the maximum maturity for investments shall be four years. Otherwise the maximum maturity for investments shall be two years.

E. Return on Investment. The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the UG’s investment risk constraints, state statutes, cash flow characteristics of the portfolio, and prudent investment principles.
Cash Management and Investment Policy

As a benchmark for risk-free investment transactions, the three-month constant maturity U.S. Treasury bill rate will be the minimum standard for the portfolio’s rate of return. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

Section 12. Performance Evaluation and Reporting

Investment performance shall be continually monitored and evaluated by the CMC. Investment performance statistics and activity reports will be generated by the Cash Manager. Summary investment reports will be provided quarterly to the Economic Development and Finance Standing Committee of the Unified Government Board of Commissioners, with copies to the County Administrator and to the Unified Government Commission, and to the Cash Management Committee.

Reports shall include but not be limited to information on interest received, interest earned, investment yield, types of investments, distribution by type of investments, maturity schedule by month, weighted average term to maturity, evaluation of portfolio to selected benchmark, and any other information deemed necessary by the Chief Financial Officer or requested by the County Administrator or the Board of Commissioners.

Section 13: Eligible Financial Institutions

A. Minimum Qualifications

1. In order to ensure the safety of principal, the Unified Government shall deposit funds, including those designated for investment purposes, only in eligible financial institutions which meet the minimum criteria set forth below. Financial institutions failing to meet the minimum criteria shall not be considered eligible.

2. Financial institutions must meet the following minimum qualifications:

   a. The deposits of the financial institution are insured by the Federal Deposit Insurance Corporation (FDIC).
   b. The financial institution meets the criteria for eligibility under state law for active or idle funds as appropriate.

3. If a financial institution loses its eligibility under state law after Unified Government funds are deposited or invested, no additional funds shall be deposited in such institution. Funds shall be removed as quickly as is prudent under the circumstances, but funds invested with a prescribed time for maturity need not be withdrawn before such maturity.

B. Depositories for Active Funds

1. Security Required. If a financial institution is designated as an official depository for active funds, before any Unified Government funds are deposited, satisfactory security must be obtained for such deposits. Satisfactory security is as described in K.S.A. 9-1402, as amended, and this Policy.

2. Selection Criteria. In addition to the required criteria listed above, the Unified Government may also consider the following when selecting an institution as a depository for active funds:
   a. Full service capabilities
   b. Submission of financial statements and availability schedules
   c. Acceptable staff experience
Cash Management and Investment Policy

d. Statement of equal opportunity employment practices

e. Extent of reinvestment of deposits in Wyandotte County.

3. **Competitive Selection.** The Chief Financial Officer shall solicit proposals prior to the designation of one or more depositories. The Unified Government's purchasing policies shall be followed when obtaining proposals on the Unified Government's depository specifications. Selection of the depositories shall be based on the capacity of an institution to perform the services required and on the most favorable terms and conditions for handling of Unified Government funds.

4. **Governing Body Designation.** K.S.A. 9-1401, as amended, requires the governing body of the Unified Government to designate by official action the financial institution or institutions, which shall serve as depositories of its active funds.

C. **Idle Funds**

1. **In General.** Idle funds shall be invested only in the manner set out in K.S.A. 12-1675 and 12-1677b, and amendments thereto, and in this Policy. Investment transactions shall only be conducted with:

   a. Qualified financial institutions which meet the minimum requirements contained in this section 12 and the criteria for eligibility under state law; or

   b. Qualified primary government security dealers and broker/dealers as set out below.

2. **Certification.** In order to be qualified for investment of Unified Government idle funds, a financial institution, securities dealer, or broker/dealer must certify in writing that the person responsible for the investment has read and understood and agreed to comply with this Policy.

3. **Competitive Selection.** Investments of idle funds will be offered to all approved institutions and dealers who have requested to be on the list of interested bidders. Investments will be awarded through a competitive process involving solicitation of bids from qualified institutions and dealers.

   A list will be maintained of financial institutions authorized to provide investment services. In addition, a list will be maintained of approved primary government security dealers and broker/dealers.

4. **Primary Government Securities Dealers and Broker/Dealers.**

   Investment transactions may be conducted with primary government securities dealers which report to the market report division of the Federal Reserve Bank of New York or any broker-dealer which is registered in compliance with the requirements of Section 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

   In order to be qualified to conduct investment transactions with the Unified Government, broker/dealers must meet the minimum requirements for credit worthiness established by the Kansas Pooled Money Investment Board, including minimum capital requirements and years of operation, and must be approved by the Cash Management Committee.

   All broker/dealers who wish to become qualified for investment transactions must supply to the Chief Financial Officer on an annual basis the following items as appropriate:
Cash Management and Investment Policy

a. A copy of the most recent audited annual financial statement;
b. If requested by the Unified Government, a copy of the most recent, unaudited annual financial statement;
c. Proof of National Association of Securities Dealers (NASD) certification;
d. Proof of state registration with the Kansas Securities Commission;
e. Completed broker/dealer questionnaire (non-primary dealers only);
f. Business resume of individual assigned to UG account; and
g. Notice of any regulatory action taken against the broker/dealer.

5. Safekeeping and Custody.

All security transactions, including collateral for repurchase agreements, shall occur on a delivery versus payment basis. This ensures that securities are deposited in the eligible financial institutions prior to the release of funds. Safekeeping and custody agreements will be maintained with third-party financial institutions. All securities, including those acquired by repurchase agreements, shall be perfected in the name of the Unified Government and shall be delivered to a third party custodian designated by the Unified Government and evidenced by safekeeping receipts.

Section 14. Authorized Investments

A. Idle Funds

The investments authorized for the idle funds (those funds not immediately required for the purposes for which the moneys were collected) under this Policy shall be in conformance with K.S.A. 12-1675, K.S.A. 12-1677b, and amendments thereto, and any other applicable statutes or ordinances or resolutions and amendments thereto. As long as this Policy continues to be approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1677b shall be authorized investments under this Policy. For purposes of this Policy, “investment rate” means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve system for the previous week.

If for any reason this Policy is not approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1675 shall be the only authorized investments under this Policy until such time as this Policy obtains the approval of the Kansas Pooled Money Investment Board.

As long as this policy continues to be approved by the Kansas Pooled Money Investment Board, the following are authorized investments, pursuant to K.S.A. 12-1675 and 12-1677b. The maximum maturity for investments under this subsection shall be four years.

1. United States Treasury and Agency Securities. Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States-sponsored enterprises which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities. Investments under this paragraph shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, “interest rate risk” means market value changes due to changes in current interest rates.

2. Interest-bearing Time Deposits. In any banks, savings and loan associations, and savings banks which have a main or branch office in Kansas.
Cash Management and Investment Policy

3. **Repurchase Agreements.** With banks, savings and loan associations, and savings banks which have a main or branch office in Kansas or with a primary government securities dealer which reports to the market reports division of the Federal Reserve Bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government-sponsored enterprises which under federal law may be accepted as security for public funds.

4. **Temporary Notes Issued by the Unified Government.**

5. **Municipal Investment Pool Fund.** The fund established in K.S.A. 12-1677a and amendments thereto and managed by the Kansas Pooled Money Investment Board.

6. **Multiple Municipal Client Investment Pools.** Managed by the trust departments of banks which have offices located in Wyandotte County or with trust companies incorporated under the laws of Kansas which have contracted to provide trust services under K.S.A. 9-2107, and amendments thereto. Moneys invested under this paragraph shall be secured as provided in K.S.A. 9-1402, and amendments thereto, and this Policy.

**B. Local Emphasis**

1. Subject to the other requirements of this Policy, funds available for investment under this section will be offered first to eligible financial institutions with a main or branch office located in Wyandotte County. If such financial institutions cannot or will not make the investments available at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, or if such financial institutions are limited from bidding on the investment by the diversification requirements of this Policy, then the funds may be offered to other eligible financial institutions or entities permitted under this Policy.

2. Notwithstanding any other requirements of this Policy, the Unified Government will offer $95,000 to every financial institution with a main or branch office located in Wyandotte County. If such financial institutions will make the investment at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, the Unified Government will make such investment for a term selected by the Unified Government.

**C. Investment of Bond Proceeds**

The Unified Government will invest proceeds of bonds (other than industrial revenue bonds for which the Unified Government is merely a conduit issuer) and temporary notes in conformance with K.S.A.10-131, and amendments thereto. The following lists the investments, which the Unified Government will consider and which shall be authorized for the investment of bond proceeds:

1. Investments authorized for idle funds by K.S.A. 12-1675 and this Policy.
2. The municipal investment pool established pursuant to K.S.A. 12-1677a.
3. Direct obligations of the United States government or any agency thereof;
4. Temporary notes issued by the Unified Government.
5. Interest-bearing time deposits in commercial banks located in Wyandotte County.
Cash Management and Investment Policy

7. Repurchase agreements collateralized by direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or the Federal Home Loan Mortgage Corporation.

8. Investment agreements with or other obligations of a financial institution, the obligations of which at the time of investment are rated in the three highest rating categories by Moody’s Investors Service or Standard and Poor’s Corporation;

9. Investments in shares of units of a money market fund or trust, the portfolio of which is comprised entirely of direct obligations of the U.S. government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

10. Receipts evidencing ownership interest in securities or portions thereof in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

11. Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

12. Bonds of any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

13. No moneys shall be invested in a derivative as that term is defined in K.S.A. 10-131, and amendments thereto.

D. Arbitrage

The Internal Revenue Code provides that on a periodic basis the Unified Government is required to compute rebate on each bond issue. Rebate is the calculated dollar amount representing the difference between what the issuer actually earned from the investment of certain funds related to the bond issue and the amount the issuer would have earned had those same funds been invested at an interest rate equal to the yield on the bond issue. Absent an exception to rebate, the Unified Government is required to pay or “rebate” to the United States the dollar amount representing these excess earnings.

For each bond issue, rebate must be calculated and paid at least once every five years and within 60 days after the last bond of the issue is paid. Payment of rebate is a condition to maintaining the tax-exempt status of each bond issue, and failure by the Unified Government to comply with the rebate requirements may cause the interest on an issue of bonds to become taxable, retroactive to their date of issuance.

The Unified Government’s investment position is to pursue the maximum yield on investments without jeopardizing the tax-exempt status of the bonds. To the extent possible, the Unified Government will seek to comply with applicable exceptions to rebate and when necessary rebate...
Section 15. Collateral Requirements

A. **Full Collateralization Required.** All Unified Government deposits shall be fully collateralized at all times.

B. **Initial Placement.** Moneys to be deposited in financial institutions shall not be released until the financial institution has executed and adopted a security agreement and required custodial agreements. Alternatively, moneys may be invested in financial institutions in the form of a repurchase agreement where the Unified Government takes delivery of the underlying securities.

C. **Allowable Collateral.** Acceptable collateral for Unified Government deposits, including idle fund investments, as permitted by K.S.A. 9-1402, and amendments thereto, shall be limited to:

1. Except as otherwise set out in this subsection C.1., the financial institution may pledge or assign securities owned directly or indirectly by it, the market value of which is equal to 105% of the total deposits at any given time. The following are allowable securities:
   a. Direct obligations of or obligations that are insured as to principal and interest by, the United States or any agency thereof.
   b. Obligations including letters of credit and securities of United States-sponsored corporations which under federal law may be accepted as security for public funds, subject to the following restrictions:
      (1) The letter of credit must be in the format acceptable to the Director of Revenue.
      (2) The Unified Government must be designated as the irrevocable and unconditional beneficiary of the letter of credit.
      (3) The issuer and the depository bank must notify the Director of Revenue by certified or registered mail at least 45 days prior to the cancellation or the non-renewal of a letter of credit.
      (4) The issuer may not provide letters of credit for any one depository bank in an amount which exceeds ten percent of the issuer’s capital and surplus.
      (5) If a letter of credit issued by the Federal Home Loan Bank is to be pledged as collateral, the amount of the letter of credit shall be equal to 100% of the deposits to be collateralized plus the interest expected to be received by the Unified Government upon maturity of the investment.

2. The following securities may be used as collateral only if the financial institution pledges or assigns them in an amount, the market value of which is equal to 125% of the Unified Government deposits. Not more than 5% of the Unified Government’s total idle funds portfolio may be collateralized by the following securities.
   a. Bonds of any Kansas municipality which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or...
obligations the principal of and the interest on which are unconditionally
guaranteed by the United States.

b. Bonds of the State of Kansas.

c. General obligation bonds of any Kansas municipality.

d. Revenue bonds of any Kansas municipality if approved by the state bank (or
savings and loan) commissioner and which are rated at least Aa by Moody’s
Investors Service or AA by Standard and Poor’s Corporation Bonds secured by
revenues of a utility which has been in operation for less than three years will not
be accepted as collateral.

e. Temporary notes of any Kansas municipality which are general obligations of the
municipality issuing the same.

f. Warrants of any Kansas municipality, the issuance of which is authorized by the
State Court of Tax Appeals and which are payable from the proceeds of a
mandatory tax levy.

g. Commercial paper that does not exceed 270 days to maturity and which has
received one of the two highest commercial paper credit ratings by a nationally
recognized investment rating firm.

3. For overnight repurchase agreements in which the Unified Government is the buyer, the
seller shall deliver the following securities to the custodian for the Unified Government in
the amount of 102% of the market value of the securities on the purchase date:

a. Direct obligations of or obligations that are insured as to principal and interest by
the United States or any agency thereof, or

b. Obligations and securities of U.S. government-sponsored corporations which
under federal law may be accepted as security for public funds, subject to any
restrictions contained in Section C.1.b. above.

D. **Peak Period Agreements.** Peak-period agreements permitted under K.S.A. 9-1403 are not
permitted under this Policy.

E. **Collateral Substitution.** Collateralized investments often require substitution of collateral. Any
financial institution requesting substitution must contact the Chief Financial Officer and receive
written approval of any collateral substitution. Substitution of collateral shall be required
whenever, in the opinion of the Unified Government Chief Financial Officer, the collateral no
longer satisfies or complies with the security requirements established under this Policy.
Immediate written notice shall be given to the financial institution when the Chief Financial Officer
makes such determination.

F. **Valuation of Collateral.** For purposes of compliance with this section all collateral shall be
priced on a market value basis. Collateral requirement is defined as the outstanding amount of
UG funds deposited plus accrued interest thereon less federal deposit insurance coverage.

G. **Collateral Compliance Report.** Each financial institution with Unified Government deposits shall
submit monthly to the Chief Financial Officer, or more frequently if requested, a report
documenting the institution’s compliance with the collateral requirements of this Policy.
Cash Management and Investment Policy

H. **Custodial Agreement.** Each depository bank depositing securities with a custodial bank shall enter into a written custodial agreement with the custodial bank and the Unified Government for the safekeeping of the securities.

I. **Failure to Meet Collateral Requirements.** If a depository bank fails to meet requirements established by this Policy, the depository bank shall be offered the following options:

1. Close the account and return to the Unified Government all principal and accrued interest without penalty; or

2. Convert the deposit to a repurchase agreement under terms acceptable to the Unified Government.
Staff Request for Commission Action

**Full Commission Meeting Date:** 09/24/2015  
**Committee:** Full Commission

**Date of Standing Committee Action:** 9/14/15  
(If none, please explain):

**Publication Required:** No

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<td>09/18/2015</td>
<td>Debbie Jonscher, Deputy Director</td>
<td>x5847</td>
<td><a href="mailto:djonscher@wycokck.org">djonscher@wycokck.org</a></td>
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**Item Description:**  
Resolution authorizing funding for the Unified Government Medical Clinic to be financed with Public Building Commission Revenue bonds. Funding will cover property acquisition, site work, building improvements, equipment, furniture and technology improvements. We expect to finance the bonds for 10 years, with the lease payments split between the City (62%) and the County (38%).

**Action Requested:**  
Adopt resolution

**Budget Impact: (if applicable)**

- **Amount:**
- **Source:**
  - Included In Budget:
  - Other (explain):

**Attachments List:**  
UG Medical Clinic
EXEMPLARY OF MINUTES OF A MEETING
OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON SEPTEMBER __, 2015

The Commission (the “Commission”) of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), met in regular session at the Commission Meeting Room at 7:00 P.M. The Mayor/CEO presided and the following members of the Commission were present:

The following members were absent:


*

(Other matters)

*

Thereupon, Commissioner __________ moved, seconded by Commissioner __________, that the Commission adopt the following resolution:

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL ESTATE LOCATED AT 800 ANN AVENUE, AND THE CONSTRUCTING, RECONSTRUCTING, EQUIPPING AND FURNISHING OF A BUILDING LOCATED AT SUCH SITE, ALL FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC TO SERVE EMPLOYEES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; AND REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF.

The motion was approved and the Resolution was adopted by the following roll call vote:

Aye:

Nay:

Thereupon, the Resolution having been adopted by a majority vote of the members of the Commission, was given No. __________, was directed to be signed by the Mayor/CEO and attested by the Unified Government Clerk; and the Unified Government Clerk was further directed to cause a copy of the Resolution to be delivered to the Secretary of the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas.
CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(Seal)

Unified Government Clerk

County Request Resolution Minutes
RESOLUTION NO. R-__-15

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL ESTATE LOCATED AT 800 ANN AVENUE, AND THE CONSTRUCTING, RECONSTRUCTING, EQUIPPING AND FURNISHING OF A BUILDING LOCATED AT SUCH SITE, ALL FOR THE PURPOSE OF ESTABLISHING A MEDICAL CLINIC TO SERVE EMPLOYEES OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS; AND REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, acting as a county (the “Unified Government” or the “County”) hereby deems it advisable to acquire certain real property and the improvements thereon, located at 800 Ann Avenue, Kansas City, Kansas, and to construct, reconstruct, equip and furnish such real property, all for the purpose of establishing a medical clinic to serve employees of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Project”); and

WHEREAS, the Unified Government under the authority of K.S.A. 12-1757 et seq., as amended by Charter Ordinance No. CO-1-98 and Charter Resolution No. CO-1-98 of the County (jointly the “Act”), has previously created the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation of the State of Kansas (the “PBC”); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Project; and

WHEREAS, the Unified Government deems it advisable to request that the PBC provide for the financing of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. Authorization of Project. It is hereby deemed and declared to be necessary to authorize the various components of the Project with the estimated total costs of $1,830,000.

SECTION 2. Financing of Project. In order to pay the costs of the Project, it is necessary and desirable for the PBC to issue revenue bonds in one or more series in an aggregate principal amount not to exceed $1,830,000 plus the cost of any related reserves and financing costs (the “PBC Bonds”). It is hereby requested that the PBC issue the PBC Bonds, in accordance with the provisions of the Act and all other laws of the State of Kansas supplemental thereto or amendatory thereof.

SECTION 3. Leases. The Unified Government hereby declares an intent to enter into a lease or lease-purchase agreement with the PBC pursuant to the Act to provide for the source of repayments of the PBC Bonds and other related expenses of the PBC.

SECTION 4. Reimbursement. The Unified Government hereby declares an intent to be reimbursed for expenditures for the Project made on or after the date which is 60 days before the date of this Resolution, from the proceeds of the PBC Bonds described herein, pursuant to Treasury Regulation 1.150-2.

SECTION 5. Effective Date. This resolution shall be effective from and after its adoption.
ADOPTED AND APPROVED by the Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, on September __, 2015.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

(Seal)

________________________________________
Mayor/CEO

ATTEST:

________________________________________
Unified Government Clerk

APPROVED AS TO FORM:

________________________________________
Chief Counsel
RESOLUTION NO. ___________

A RESOLUTION DECLARING IT NECESSARY FOR THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ACQUIRE REAL ESTATE LOCATED AT 800 ANN AVENUE, AND CONSTRUCT, RECONSTRUCT, EQUIP AND FURNISH A BUILDING LOCATED AT SUCH SITE; ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED $1,830,000 PLUS ANY RELATED RESERVES AND FINANCING COSTS FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS THEREOF; AUTHORIZING THE OFFER FOR SALE OF PUBLIC BUILDING COMMISSION REVENUE BONDS, SERIES 2015-B (800 ANN AVENUE PROJECT); AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION.

WHEREAS, pursuant to K.S.A. 12-1757 et seq. as amended by Charter Ordinance No. CO-1-98 and Charter Resolution No. CR-1-98 (the “Act”) of Unified Government of Wyandotte County/Kansas City, Kansas, acting as a county (the “Unified Government”), the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation of the state of Kansas (the “PBC” or “Issuer”) has previously been created by action duly taken by the Commission (the “Commission”) of the Unified Government, has the authority to issue revenue bonds to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities; and

WHEREAS, the Unified Government Commission has adopted Resolution No. R-____-15: (a) declaring an intent to acquire certain real property and the improvements thereon, located at 800 Ann Avenue, Kansas City, Kansas, and to construct, reconstruct, equip and furnish such real property, all for the purpose of establishing a medical clinic to serve employees of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Project”) at an estimated cost of $1,830,000, (b) requesting that the PBC issue revenue bonds in one or more series in an aggregate principal amount not to exceed $1,830,000 plus any related reserves and financing costs, to provide for the financing of the Project and related reserves and financing costs, and (c) declaring an intent to enter into a lease or lease-purchase agreement with the PBC pursuant to the Act to provide for the source of repayments of the PBC revenue bonds and other expenses; and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Project and related reserves and financing costs; and

WHEREAS, the PBC desires to issue its revenue bonds in an amount of not to exceed $1,830,000 plus any related reserves and financing costs, to finance a portion of the costs of the Project, subject to the notice and protest described below.

BE IT RESOLVED BY THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby deemed and declared to be necessary, based on a request of the Commission, to acquire, construct, reconstruct, furnish, equip and finance the Project.

Section 2. In order to pay all or a portion of the costs of the Project and related reserves and financing costs, it is necessary and desirable for the PBC to issue revenue bonds in one or more series in an
aggregate amount not to exceed $1,830,000 plus any related reserves and financing costs, to be issued in accordance with the provisions of the Act and all other laws of the State of Kansas supplemental thereto or amendatory thereof. Said bonds shall be revenue bonds of the PBC payable solely and only from the rentals received by the PBC from a lease or lease-purchase agreement entered into with the Unified Government pursuant to the Act. Said bonds may be issued to reimburse expenditures made by the Unified Government or the PBC pursuant to Treasury Regulation §1.150-2.

Section 3. Subject to expiration of the protest period described below, the PBC is hereby authorized to offer for sale its Public Building Commission Revenue Bonds (800 Ann Avenue Project), Series 2015-B (the “Series 2015-B Bonds”). The Series 2015-B Bonds may be sold through a private placement or offered at competitive public sale pursuant to a Notice of Bond Sale to be prepared by Bond Counsel and reviewed and approved by the President and the Chief Financial Officer (the “Notice of Bond Sale”).

Section 4. If necessary, the Chief Financial Officer of the Unified Government or his authorized representative (the “CFO”), in conjunction with Springsted Incorporated, Saint Paul, Minnesota (“Financial Advisor”) and Gilmore & Bell, P.C. (“Bond Counsel”), is hereby authorized to cause to be prepared a Preliminary Official Statement (the “Preliminary Official Statement”) relating to the sale of the Series 2015-B Bonds. The President or his duly authorized representative and the CFO are each hereby authorized to approve the form of said Preliminary Official Statement, and to use such document in connection with the public sale of the Series 2015-B Bonds, and to execute the “Certificate Deeming Preliminary Official Statement Final”, such officials’ signatures thereon being conclusive evidence of such officials’ and the PBC’s approval thereof. The PBC hereby consents to the use and public distribution of the Preliminary Official Statement in connection with the offering for sale of the Series 2015-B Bonds.

Section 5. If the bonds are to be sold through a competitive public sale, the CFO, the Financial Advisor and Bond Counsel, are further authorized and directed to give notice of said bond sale, to distribute copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Series 2015-B Bonds and to receive bids for the purchase of the Series 2015-B Bonds upon the terms and conditions set forth in said Notice of Bond Sale, and to deliver all bids so received to the PBC and the Unified Government, at meetings to be held on such date, and at such meetings the PBC and the Unified Government shall review such bids and the PBC, upon recommendation of the Unified Government, shall award the sale of the Series 2015-B Bonds, or reject all bids.

Section 6. If necessary, the PBC agrees to provide to the Purchaser within seven business days of the date of the sale of Series 2015-B Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 7. The President and other officers and representatives of the PBC, the CFO, the Financial Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Series 2015-B Bonds.

Section 8. Before issuing the Bonds, this Resolution shall be published once a week for two (2) consecutive weeks in the official newspaper of the Unified Government, and if within thirty (30) days after the last date of publication of this Resolution a petition in opposition to the same, signed by not less than five (5%) percent of the electors of Wyandotte County, is filed with the Unified Government Clerk, the PBC shall submit the question of the issuance of the Bonds to the voters of Wyandotte County at an election
called for such purpose or at the next general election. If no sufficient protest is filed with the Unified Government Clerk within the period of time hereinbefore stated, then the PBC shall proceed to issue the Bonds.

Section 9. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas on September __, 2015.

PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

(Seal)

__________________________
President

ATTEST:

__________________________
Secretary

PBC Resolution of Intent
CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL

_______________, 20__

To:

Re: Public Building Commission of the Unified Government of Wyandotte
County/Kansas City, Kansas Revenue Bonds (800 Ann Avenue Project), Series
2015-B

Ladies and Gentlemen:

The undersigned, President of the Public Building Commission of the Unified Government of
Wyandotte County/Kansas City, Kansas (the “PBC”) and the Chief Financial Officer of the Unified
Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), are authorized to
deliver this Certificate to the addressee (the “Purchaser”) on behalf of the PBC and the Unified
Government. The PBC has heretofore caused to be delivered to the Purchaser copies of the Preliminary
Official Statement (the “Preliminary Official Statement”), relating to the above-referenced bonds (the
“Series 2015-B Bonds”).

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1)
of the Securities and Exchange Commission (the “Rule”), the PBC and the Unified Government hereby
deeem the information regarding the PBC and the Unified Government, respectively, contained in the
Preliminary Official Statement to be final as of its date, except for the omission of such information as is
permitted by the Rule, such as offering prices, interest rates, aggregate principal amount, principal per
maturity, selling compensation, delivery dates, ratings, identity of the underwriters and other terms of the
Series 2015-B Bonds depending on such matters.

PUBLIC BUILDING COMMISSION OF
THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

President

Chief Financial Officer
Staff Request for Commission Action

Full Commission Meeting Date: 09/24/2015
Committee: Full Commission

Date of Standing Committee Action: 9/14/15

Publication Required: No

Date: 09/18/2015
Contact Name: George Brajkovic, Director
Contact Phone: x5749
Contact Email: gbrajkovic@wycokck.org
Department/Division: Economic Development

Item Description:
As approved by Ordinance O-30-12 on May 17, 2012, the UG had committed to back $9.5M of initial bonds so that the Wyandotte Plaza project could be constructed and attract new tenants. It was expected that the $28M redevelopment would take 2-3 years for construction, new tenant leases, and new tenant performance to reach a level where the Developer could move to permanent financing, and issue new bonds which would take out the UG backed bonds. As a provision of the Development Agreement, while the project was still under the initial financing, the UG has approval rights for the transfer or sale of any portion of the project by RED.

In June 2015, RED notified UG staff and counsel of their intent to sell all or part of the Center. Specifically, the sale of the Advanced Auto Parts was asked to be expedited because of a pending closing date. However, due diligence regarding the prospective buyer required time which RED did not fully allot for. Staff is now presenting the Transfer and Acknowledgement and Assumption Agreement for consideration, however RED notified staff that they completed the transfer prior to our consent because of timing issues.

Action Requested:
Adopt Resolution authorizing the County Administrator to execute the Transfer Acknowledgement and Assumption Agreement for the Advanced Auto parts within Wyandotte Plaza.

Budget Impact: (if applicable)
Amount:
Source:
  Included In Budget:
  Other (explain):

Attachments List:
Resolution, Transferee Acknowledgment
RESOLUTION NO. ______________________

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) and Legacy Wyandotte, LLC (“Developer”) previously entered into the Wyandotte Plaza Redevelopment Agreement dated July 27, 2012, as amended by the First Amendment to Wyandotte Plaza Redevelopment Agreement dated November 21, 2013 (collectively, “Redevelopment Agreement”) concerning redevelopment of certain real property generally located on the northeast corner of 78th Street and State Avenue in Kansas City, Kansas 66112 (“Project Site”).

WHEREAS, Section 7.9 of the Redevelopment Agreement provides for assignment of the Developer’s obligations, covenants, and agreements under the Redevelopment Agreement to third parties, subject to the consent of the Unified Government.

WHEREAS, Developer desires to transfer and sell a portion of the Project Site to Hammar, Inc. (“Transferee”), which portion is more specifically described in Exhibit A attached hereto (“Transferee Property”), and in accordance with this sale, Developer desires to assign certain obligations, covenants, and agreements in the Redevelopment Agreement to Transferee in accordance with Section 7.9 of the Redevelopment Agreement.

WHEREAS, the Unified Government consents to the sale of the Transferee Property to Transferee subject to the terms and conditions of the Transferee Acknowledgement and Assumption Agreement (Wyandotte Plaza).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT:

That the County Administrator of the Unified Government is hereby authorized and directed to execute in the name of the Unified Government as the voluntary act of the Unified Government the Transferee Acknowledgement and Assumption Agreement (Wyandotte Plaza) by and between Developer and the Unified Government, and all other documents and agreements contemplated by this document in substantially the form presented to and reviewed by the Board of Commissioners on September 24, 2015, with such changes therein as shall be approved by the officers of the Unified Government executing these documents, such officers’ signature thereon being conclusive evidence thereof.
ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT THIS 24TH DAY OF SEPTEMBER 2015.

____________________________________
Unified Government Clerk

Approved as to Form:

______________________________
Unified Government Counsel
TRANSFEREE ACKNOWLEDGEMENT AND ASSUMPTION AGREEMENT
(WYANDOTTE PLAZA)

THIS TRANSFEREE ACKNOWLEDGEMENT, ASSUMPTION AND ESTOPPEL AGREEMENT (this “Assumption”), is made and entered into this ____ day of ____________, 2015 (the “Effective Date”) between and among the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS UG, KANSAS (the “UG”), LEGACY WYANDOTTE, LLC, a Kansas limited liability company (the “Developer”) and HAMMAR, INC., a Kentucky corporation (“Transferee”).

RECITALS:

A. Developer is the owner of certain real property which is located in the City of Kansas City, Kansas and is generally located in on the northeast corner of 78th Street and State Avenue, as legally described on Exhibit A attached hereto and generally depicted on Exhibit B attached hereto (the “Project Site”).

B. The UG and Developer have previously entered into that certain Wyandotte Plaza Redevelopment Agreement dated as of July 27, 2012 (the "Original Redevelopment Agreement"), as amended by that certain First Amendment to Wyandotte Plaza Redevelopment Agreement dated as of November 21, 2013 (the “First Amendment;” collectively, the Original Redevelopment Agreement and the First Amendment may be referred to herein as the "Development Agreement") concerning redevelopment of the Project Site. Capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Development Agreement.

C. Section 7.9 of the Development Agreement provides for assignment of the obligations, covenants, and agreements of the Developer under the Development Agreement to third parties, subject to the consent of the UG. Developer desires to transfer and sell a portion of the Project Site to Transferee, which portion is more specifically described in Exhibit C attached hereto (the “Transferee Property”), and in accordance with this sale, Developer desires to assign certain obligations, covenants, and agreements in the Development Agreement to Transferee in accordance with Section 7.9 of the Development Agreement. The UG hereby consents to the sale of the Transferee Property to Transferee subject to the terms and conditions of this Assumption more fully set forth herein.

D. The parties desire to enter into this Assumption so that the Transferee shall acknowledge, assume and agree to perform those obligations, covenants and agreements of the Developer under the Development Agreement, and as the same pertain to the operation and financing of the Transferee Property.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration,
the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Incorporation of Recitals.** The parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. **Term of Agreement.** This Assumption shall commence upon the Effective Date and shall terminate upon the expiration of the Agreement (the “**Term**”).

3. **General Acknowledgement and Assumption.** Transferee hereby acknowledges, assumes and agrees to perform each and every obligation, covenant and agreement of the Developer under the Development Agreement set forth below, but only to the extent that the same shall pertain to the operation and financing of the Transferee Property, each of which is hereby incorporated as though more fully set forth herein and Transferee hereby understands and agrees that the UG may enforce the same directly against Transferee. Without limiting the generality of the foregoing, the parties hereby specifically agree that Transferee shall only be obligated to assume such obligations, covenants and agreements of the Developer expressly set forth in Section 4 of this Assumption immediately below.

4. **Specific Acknowledgement and Assumption.** Transferee specifically acknowledges, assumes and agrees to perform the following obligations, covenants and agreements set forth in the Development Agreement applicable only to the Transferee Property, as modified in certain instances below:

   (a) All of the terms and conditions in Article I (Definitions and Interpretation).

   (b) All of the terms and conditions in Section 4.2(d) (Initial Bond Refinancing), 4.2(f)(i) (Conditions Precedent to Bond Issuance), 4.2(g)(iii)(Other Provisions Regarding Bonds), and 4.4(i)(Document of Sales Taxes for the District). Without limiting the generality of the foregoing, Transferee – as the owner of the Transferee Property - hereby specifically agrees that it shall fully cooperate with the Initial Bond Refinancing.

   (c) All of the terms and conditions of Article VII (Use and Operation).

   (d) All of the terms and conditions set forth in Article IX (Default and Remedies).

   (g) All of the terms and conditions set forth in Section 10.01 (Waiver of Breach) through Section 10.15 (Run With the Land), inclusive. However, the parties hereby understand and agree that the notice address for the Transferee in Section 10.12 (Notices) shall be replaced with the following:

   **To the Transferee:**

   Hammar, Inc.
   c/o Samuel Marcus
   810 Shelby Street
   Frankfort, KY 40601
With copies to:

Charles E. Jones  
McNamara & Jones  
315 High Street  
Frankfort, KY 40601

(h) All of the terms and conditions set forth in Section 3 of the First Amendment, including without limitation, subsection (a)(Consent to Additional CID Sales Tax Portion), subsection (b)(Consent to CID Assessments), and subsection (c)(Consent to Additional CID Assessments). Without limiting the generality of the foregoing, Transferee hereby specifically agrees that the Transferee, and its successors and assigns, hereby consent to (and agree that the Transferee Property shall be subject to) any Additional CID Sales Tax Portion, CID Assessments, and/or Additional CID Assessments as described in Section 3 of the First Amendment, regardless of the benefits to be received by Transferee or any owner of property within the District, and Transferee hereby agrees to fully cooperate with the UG and Developer in the imposition of the same. Transferee further agrees that it hereby waives (i) any and all right to prepay the CID Assessments and/or the right to challenge the method of assessments for the CID Assessments, unless such method is inconsistent with the terms of Section 3(b) of the First Amendment, and (ii) any and all right to prepay the Additional CID Assessments and/or the right to challenge the method of assessments for the Additional CID Assessments, unless such method is inconsistent with the terms of Section 3(c) of the First Amendment.

Each of the foregoing provisions is hereby incorporated by reference and Transferee hereby understands and agrees that the UG may enforce the same against Transferee in connection with the Transferee Property only. Further, the parties understand and agree that if and to the extent the various exhibits attached to the Development Agreement are referenced in the obligations that are acknowledged and assumed by the Transferee, such exhibits are hereby incorporated by reference as though more fully set forth herein.

5. Future Impact of Developer Actions. The parties agree that no future act or omission of Developer in the exercise of its rights, duties, and obligations under the Development Agreement shall affect the Transferee’s rights or obligations under this Assumption.

6. Release of Developer. The UG hereby specifically agrees to release the Developer from the obligations, terms and conditions assumed by the Transferee set forth in Section 4(a) through (g) of this Assumption, but only to the extent that the same pertain to the Transferee Property. Except as to the specific obligations assumed by Transferee in Section 4(a) through (g) of this Assumption for the Transferee Property, the Developer hereby understands and agrees that Developer remains responsible for all of the terms and conditions of the Development Agreement and for the balance of the Project Site. Additionally, nothing in this Assumption shall be deemed to release the Developer from the provisions pertaining to the First Amendment, including those described in Section 4(h) above.

7. Estoppel. The UG and Developer hereby acknowledge and agree that, to the best of their respective actual knowledge, without any duty of inquiry: (a) the Development Agreement is in full force and effect, (b) the Development Agreement, as it relates to the Transferee Property, has not
previously been assigned, modified or amended, except as specifically set forth herein, (c) no uncured default, event of default or breach by Developer or any other party exists under the Development Agreement, (d) no facts or circumstances exist, which, with the passage of time, will or could constitute a default, event of default or breach under the Development Agreement, and (e) the UG has not previously made any claim against Developer alleging Developer’s default under the Development Agreement.

8. **Rights of Successors; Obligations Run With the Land.** The benefits and obligations hereunder shall create mutual benefits and servitudes running with the land. This Assumption shall bind and inure to the benefit of the parties hereto, their respective heirs, representatives, lessees, successors and assigns. The singular number includes the plural and the masculine gender includes the feminine and neuter.

9. **Headings.** The headings herein are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this document nor in any way affect the terms and provisions hereof.

10. **Counterparts.** This Assumption may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

[Remainder of page intentionally left blank. Signature pages immediately follow.]
IN WITNESS WHEREOF, the UG, Transferee and Developer have duly executed this Assumption pursuant to all requisite authorizations as of the date first above written.

LEGACY WYANDOTTE, LLC,
a Kansas limited liability company

By: ________________________________
   Name: Dan Lowe, Manager

“Developer”

STATE OF __________________  )
   ) ss.
COUNTY OF __________________ )

On this _____ day of ____________, 2015, before me personally appeared ____________, to me personally known, who being by me duly sworn did say that he/she is the Manager of Legacy Wyandotte, LLC, a Kansas limited liability company, and that said instrument was signed and delivered on behalf of said limited liability company and acknowledged to me that he/she executed the same as the free act and deed of said limited liability company.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

______________________________________________
   Notary Public
   Printed Name: ________________________________

My Commission Expires:

_____________________________
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS

By: __________________________
Name: __________________________
Its: __________________________

The "UG"

STATE OF KANSAS )
) ss.
COUNTY OF WYANDOTTE )

On this _____ day of ______________, 2015, before me, personally appeared __________________________, personally known, who being by me duly sworn did say that he is the _______________ of the Unified Government of Wyandotte County/Kansas City, Kansas, that said instrument was signed on behalf of said Unified Government, and acknowledged said instrument to be the free act and deed of said Unified Government.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Wyandotte County, Kansas the day and year last above written.

__________________________
Notary Public
Printed Name: __________________________

My commission expires:

__________________________
HAMMAR, INC.,
a Kentucky corporation

By: __________________________
    Samuel Marcus, President

Date of Execution: _____________

STATE OF ___________  )
 ) ss.
COUNTY OF ___________  )

Now on this ______ day of July, 2015, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Samuel Marcus, President of Hammar, Inc., a Kentucky corporation, on behalf of said corporation, who is personally known to me to be the same person who executed the within instrument and who duly acknowledged the execution of the same to be the act and deed of said corporation, duly authorized by its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

____________________________
Notary Public

My Commission Expires: _____________

____________________________
Notary Public
Printed Name: ____________________

My Commission Expires:

____________________________
**Staff Request for Commission Action**

**Full Commission Meeting Date:** 09/24/2015  
**Committee:** Full Commission

**Date of Standing Committee Action:** 9/14/15  
(If none, please explain):

**Publication Required:** No

<table>
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<tr>
<th>Date:</th>
<th>Contact Name:</th>
<th>Contact Phone:</th>
<th>Contact Email:</th>
<th>Department/Division:</th>
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<td>09/18/2015</td>
<td>Marlon Goff, Management Analyst</td>
<td>x5545</td>
<td><a href="mailto:mgoff@wycokck.org">mgoff@wycokck.org</a></td>
<td>Economic Development</td>
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</table>

**Item Description:**

Ordinance O-25-14 was approved authorizing the issuance of $15M in IRB's for construction of the Mainstreet Skilled Nursing Facility at 8900 Parallel Pkwy. The project also features a tax abatement and expected to create 100 new full-time jobs.

Construction at the site is nearing completion. As part of their business model, MS-Kansas City, LLC as owner of the facility will sell the complex to the real estate investment trust Health Care REIT, Inc. Health Care REIT, Inc. has a market capitalization of $24 billion. The Unified Government must grant consent to the assignment of the performance agreement associated with the IRB PILOT.

**Action Requested:**

Adopt resolution

**Budget Impact: (if applicable)**

**Amount:**

**Source:**
- Included In Budget:
- Other (explain):

**Attachments List:**

Resolution, Assignment
RESOLUTION NO.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") approved Ordinance No. O-25-14 on April 10, 2014 to authorize the issuance of Taxable Industrial Revenue Bonds (MS Kansas City, LLC Project), Series 2014 in an aggregate principal amount not to exceed $15,000,000 ("Bonds") for the purpose of (a) acquiring, constructing and equipping a commercial project for MS Kansas City, LLC ("Company") and (b) paying certain costs of issuance as further described in the Bond Indenture between the Unified Government and BOKF, N.A. as Bond Trustee and Lease Agreement ("Lease") between the Unified Government as lessor and Company as lessee; and

WHEREAS, the demised property is commonly known as The Healthcare Resort of Kansas City located at 8900 Parallel Parkway, Kansas City, KS 66112 (the "Property"), as described in Exhibit A attached hereto; and

WHEREAS, the Company leased the Property to the Unified Government pursuant to the Base Lease Agreement ("Base Lease") dated as of June 1, 2014, by and between the Company as lessor and the Unified Government as lessee, which Base Lease granted the Unified Government a leasehold interest in the Property, as evidenced by that certain Memorandum of Base Lease Agreement dated as of June 1, 2014, filed for record July 14, 2014 and recorded as Document No. 2014R-08811 in the office of the Register of Deeds of Wyandotte County, Kansas; and

WHEREAS, the Lease dated as of June 1, 2014 by and between the Unified Government as lessor and the Company as lessee, relating to the Bonds, granted the Company a sub-leasehold interest in the Property, as evidenced by the Memorandum of Lease Agreement dated as of June 1, 2014, filed for record July 14, 2014 and recorded as Document No. 2014R-08812 in the office of the Register of Deeds of Wyandotte County, Kansas; and

WHEREAS, the Unified Government and the Company entered into the Performance Agreement dated as of June 1, 2014 related to the Bonds; and

WHEREAS, the Company has conveyed fee simple title to the Property to Health Care REIT, Inc. ("Assignee") and now desires to assign all of its interests in and obligations under the Base Lease, Lease, and Performance Agreement (the "Rights and Obligations") to Assignee, and Assignee wishes to assume the Rights and Obligations; and
WHEREAS, Section 6.8 of the Lease and Article IV of the Performance Agreement allow for assignment of the Company’s Rights and Obligations to third parties, subject to the consent of the Unified Government and Bondowner; and

WHEREAS, the Unified Government has agreed to consent to the assignment of the Company’s Rights and Obligations to Assignee subject to the terms and conditions of the Assignment and Assumption of Base Lease, Lease, and Performance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT:

Section 1. The Board of Commissioners of the Unified Government hereby consents to the assignment of the Base Lease, Lease, and Performance Agreement by the Lessee to the Assignee pursuant to the Assignment and Assumption of Base Lease, Lease, and Performance Agreement between the Company and Assignee in substantially the form presented. The foregoing consent is contingent upon the satisfaction of all other requirements for assignments contained in the Lease.

Section 2. The Mayor/CEO of the Unified Government is hereby authorized and directed to execute in the name of the Unified Government as the voluntary act of the Unified Government the Assignment and Assumption of Base Lease, Lease, and Performance Agreement by and between the Company and Assignee, and all other documents and agreements contemplated by this document in substantially the form presented to and reviewed by the Board of Commissioners, with such changes therein as shall be approved by the officers of the Unified Government executing these documents, such officers’ signature thereon being conclusive evidence thereof.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT THIS 24th DAY OF SEPTEMBER 2015.

Unified Government Clerk

Approved as to Form:

Unified Government Counsel
Exhibit A

LEGAL DESCRIPTION
A leasehold interest in:

All of Lot 1, MAINSTREET SENIOR LIVING KCK, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the plat recorded November 14, 2013 as 2013R-17164 in Plat Book K-043.
ASSIGNMENT AND ASSUMPTION OF BASE LEASE, LEASE, AND PERFORMANCE AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF BASE LEASE, LEASE, AND PERFORMANCE AGREEMENT (the “Assignment and Assumption”) is made as of the __ day of __________, 2015, by and between MS KANSAS CITY, LLC, an Indiana limited liability company (“Assignor”), and HEALTH CARE REIT, INC., a Delaware corporation (“Assignee”), whose mailing address is 4500 Dorr Street, Toledo, OH 43615-4040.

WHEREAS, the demised premises is commonly known as The Healthcare Resort of Kansas City, 8900 Parallel Parkway, Kansas City, KS 66112 (the “Property”) and is described as set forth in “Exhibit A” attached hereto; and

WHEREAS, that certain Base Lease Agreement (the “Base Lease”), dated June 1, 2014, by and between the Assignor, as lessor, and the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), as lessee, relating to $15,000,000 (Aggregate Maximum Principal Amount) Unified Government of Wyandotte County/Kansas City, Kansas Taxable Industrial Revenue Bonds (MS Kansas City, LLC Project) Series 2014 (the “Bonds”), granted the Unified Government a leasehold interest in the Property, as evidenced by that certain Memorandum of Base Lease Agreement dated June 1, 2014, filed for record July 14, 2014 and recorded as Document No. 2014R-08811 in the office of the Register of Deeds of Wyandotte County, Kansas (the “Base Lease Memorandum”); and

WHEREAS, that certain Lease Agreement (the “Lease”), dated June 1, 2014, by and between the Unified Government, as lessor, and the Assignor, as lessee, relating to the Bonds, granted the Assignor a sub-leasehold interest in the Property, as evidenced by that certain Memorandum of Lease Agreement dated June 1, 2014, filed for record July 14, 2014 and recorded as Document No. 2014R-08812 in the office of the Register of Deeds of Wyandotte County, Kansas (the “Lease Memorandum”); and

WHEREAS, that certain Performance Agreement (the “Performance Agreement”), dated June 1, 2014, by and between the Unified Government and Assignor provided for certain rights and obligations of the Unified Government and Assignor relating to the Bonds; and

WHEREAS, Assignor has conveyed fee simple title to the Property to Assignee pursuant to the Purchase and Sale Agreement (Existing Project Development Agreement) dated __________, 20___ (the “Purchase Agreement”), and now wishes to assign all of its interests in and obligations under the Base Lease, Lease, and Performance Agreement (the “Rights and Obligations”) to Assignee, and Assignee wishes to assume the Rights and Obligations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Assignment. Assignor hereby sells, assigns, transfers and conveys to Assignee all of the Rights and Obligations.
2. **Assumption of Obligations.** Assignee, by its execution hereof, hereby assumes all of the Rights and Obligations, and agrees to perform and observe all obligations that are a part thereof.

3. **Indemnity.**

(a) Without limiting any indemnity or other obligation of Assignor under the Purchase Agreement, and except to the extent that Assignee is able to recover costs or otherwise be indemnified by a third-party warranty or guarantee, or is compensated through valid and collectible insurance policies (net of any reasonable costs incurred by Assignee, including but not limited to, insurance deductibles), Assignor shall indemnify, defend and hold Assignee harmless from and against any and all injuries, damages, losses, claims, liabilities, causes of action, expenses or costs (including reasonable attorneys’ fees) relating to or accruing or occurring under the Rights and Obligations before the date hereof, including, without limitation, by reason of any default or breach by Assignor under the Rights and Obligations before the date hereof that remains uncured as of the date hereof.

(b) Without limiting any indemnity or other obligation of Assignee under the Purchase Agreement, Assignee shall indemnify, defend, and hold Assignor harmless from and against any and all injuries, damages, losses, claims, liabilities, causes of action, expenses, or costs (including reasonable attorneys’ fees) relating to or accruing or occurring under the Rights and Obligations on or after the date hereof, including, without limitation, by reason of any default or breach by Assignee under the Rights and Obligations on or after the date hereof.

5. **Release.** The Unified Government hereby releases Assignor from any obligations that are part of the Rights and Obligations, as of the date hereof.

6. **Notice.** All notices, requests and other communications to Assignor under the Base Lease, Lease, and Performance Agreement shall hereafter be to Assignee at the following addresses:

   To the Assignee at:

   HEALTH CARE REIT, INC.
   4500 Dorr Street
   Toledo, OH 43615-4040

7. **Counterparts.** This Assignment and Assumption may be executed in any number of counterparts each of which shall be deemed an original, but all of which together shall constitute the same instrument.
8. **Applicable Law.** This Assignment and Assumption of Lease shall be governed by and construed in accordance with the laws of the State in which the Property is located without reference to the principles of conflicts of law.

9. **Successors and Assigns.** This Assignment and Assumption shall bind and inure to the benefit of the parties hereto, their heirs, successors and assigns.

10. **Recording.** The parties hereto agree that this Assignment and Assumption shall be recorded against the Property in the office of the Register of Deeds of Wyandotte County, Kansas.

11. **Recitals Incorporated.** The above Recitals are hereby incorporated into this Assignment and Assumption in full and form an integral part hereof.

[NO FURTHER TEXT ON THIS PAGE; SIGNATURE PAGES FOLLOW]
IN WITNESS WHEREOF, the parties hereto have executed this Assignment and Assumption of Lease to be effective as of the day and year first above written.

ASSIGNOR:

MS KANSAS CITY, LLC,
an Indiana limited liability company

By: Mainstreet Asset Management, Inc.,
an Indiana corporation
Its: Manager

By: ________________________________
Name: ________________________________
Title: ________________________________

ASSIGNEE:

HEALTH CARE REIT, INC.,
a Delaware corporation

By: ________________________________
Name: ________________________________
Title: ________________________________
STATE OF INDIANA

COUNTY OF HAMILTON

BE IT REMEMBERED, that on this ___ day of __________, 2015, before me the
undersigned, a Notary Public in and for the County and State aforesaid, came
the ____________, the ____________, of Mainstreet Asset Management, Inc., an
Indiana corporation, the Manager of MS Kansas City, LLC, a limited liability company, organized
and existing under the laws of the State of Indiana, who is personally known to me to be such
officer, and who is personally known to me to be the same person who executed, as such officer,
the within instrument on behalf of said company, and such officer duly acknowledged the
execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the
day and year last above written.

[SEAL]

Notary Public

My commission expires _________________.

50789663.4 5
STATE OF ____________________________
) ss.
COUNTY OF ____________________________

BE IT REMEMBERED, That on this ___ day of _____, 2015, before me, the undersigned, a Notary Public in and for said County and State, came ___________ of Health Care REIT, Inc., a Delaware corporation, who is personally known to me to be the ___________ of such corporation, and who is personally known to me to be the same person who executed, as such ___________, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

__________________________
Notary Public

My appointment expires:
Exhibit A

LEGAL DESCRIPTION
A leasehold interest in:

All of Lot 1, MAINSTREET SENIOR LIVING KCK, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the plat recorded November 14, 2013 as 2013R-17164 in Plat Book 44, Page 43.
CONSENT TO ASSIGNMENT

I, the undersigned, a duly authorized representative of The Unified Government of Wyandotte County/Kansas City, Kansas, the Landlord of the Lease referred to in this Assignment, hereby consent to the Assignment and Assumption entered into between MS Kansas City, LLC to Health Care REIT, Inc. dated ________, 2015, including, without limitation, Section 6 (Release of Assignor) thereof.

Dated: ____________, 2015

LANDLORD:

The Unified Government of Wyandotte County/
Kansas City, Kansas

By: ________________________________
Name: Mark R. Holland
Title: Mayor

STATE OF KANSAS)
) ss.
COUNTY OF WYANDOTTE)

BE IT REMEMBERED, That on this ___ day of ________, 2015, before me, the undersigned, a Notary Public in and for said County and State, came Mark R. Holland of The Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), who is personally known to me to be the Mayor of the UG, and who is personally known to me to be the same person who executed the within instrument on behalf of said UG acknowledged the execution of the same to be the act and deed of the UG.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

______________________________
Notary Public

My appointment expires:

50789663.4
Staff Request for Commission Action

Full Commission Meeting Date: 09/24/2015
Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<table>
<thead>
<tr>
<th>Date:</th>
<th>Contact Name:</th>
<th>Contact Phone:</th>
<th>Contact Email:</th>
<th>Department/Division:</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/21/2015</td>
<td>Emerick Cross, Commission Liaison</td>
<td>x6784</td>
<td><a href="mailto:ecross@wycokck.org">ecross@wycokck.org</a></td>
<td>Administrator's Office</td>
</tr>
</tbody>
</table>

Item Description:
Appointments to Boards and Commissions:
Margarito Belmares to Human Relations Committee, 9/24/15 - 5/30/17, submitted by Commissioner Philbrook
Don Jolley to Advisory Committee on Disability Issues, 9/24/15 - 5/30/19, submitted by Commissioner Murguia
Mark Mohler to Golf Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Pat Pettey to Wyandotte County Library Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Daniel Serda to Planning Commission/Board of Zoning Appeals, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Erin Stryka to Wyandotte County Parks Board, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Linda Warner to Housing Authority, 9/24/15 - 5/30/19, submitted by Commissioner Bynum
Chris Wing to Planning Commission/Board of Zoning Appeals, 9/24/15 - 5/30/19, submitted by Commissioner Murguia
Maria Cecilia Ysaac to Law Enforcement Advisory Board, 9/24/15 - 5/30/17, submitted by Commissioner Philbrook

Action Requested:
Approval of the items presented.

Budget Impact: (if applicable)
Amount:
Source:
- Included In Budget:
- Other (explain):

Attachments List:
Boards and Commissions Appointments
NOTICE OF PENDING APPOINTMENT

DATE: September 15, 2015

BOARD POSITION: Human Relations Committee

INCUMBENT REPLACED: Vacant

TERM EXPIRATION DATE: 10/1/2015

APPOINTING COMMISSIONER: Commissioner Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Margarito Belmares

ADDRESS: 7835 Elizabeth Avenue, Kansas City, Kansas 66112

CELL NUMBER AND EMAIL ADDRESS: 913-788-2011

TERM OF OFFICE: September 24, 2015 TO May 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: September 15, 2015

BOARD POSITION: Advisory Committee on Disability Issues

INCUMBENT REPLACED: Domingo Soto

TERM EXPIRATION DATE: July 23, 2018 (Resigned)

APPOINTING COMMISSIONER: Commissioner Ann Murguia

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Don Jolley

ADDRESS: 5353 N. 107th St., Kansas City, Kansas 66109

CELL NUMBER AND EMAIL ADDRESS: djsdesigndon@yahoo.com

TERM OF OFFICE: September 24, 2015 TO May 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: September 15, 2015

BOARD POSITION: Golf Board

INCUMBENT REPLACED: Paul Palmer

TERM EXPIRATION DATE: October 1, 2015

APPOINTING COMMISSIONER: Commissioner Mark Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mark Mohler

ADDRESS: 3026 South 7th St., Kansas City, Kansas 66103

CELL NUMBER AND EMAIL ADDRESS: 913-677-7005

TERM OF OFFICE: September 24, 2015 TO May 30, 2019

Melissa Byrum /MMI/
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:  September 15, 2015

BOARD POSITION:  Wyandotte County Library Board

INCUMBENT REPLACED:  Alice Banks

TERM EXPIRATION DATE:  8/31/2015

APPOINTING COMMISSIONER:  Commissioner Holland

REVIEW DATE:  September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT:  Pat Pettey

ADDRESS:  5316 Lakewood, Kansas City, Kansas 66106

CELL NUMBER AND EMAIL ADDRESS:  imphp42@yahoo.com

TERM OF OFFICE:  September 24, 2015 TO May 30, 2019

Melissa Byrum  
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: September 15, 2015

BOARD POSITION: Planning & Zoning/Board of Zoning Appeals

INCUMBENT REPLACED: Dave Hurrelbrink

TERM EXPIRATION DATE: 10/1/2015

APPOINTING COMMISSIONER: Commissioner Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Daniel Serda

ADDRESS: 726 Armstrong, Kansas City, Kansas 66101

CELL NUMBER AND EMAIL ADDRESS: 913-371-0705

TERM OF OFFICE: September 24, 2015 TO May 30, 2019

Signature of Appointing Commissioner

* 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: September 15, 2015

BOARD POSITION: Wyandotte County Parks Board

INCUMBENT REPLACED: Joe Peterson

TERM EXPIRATION DATE: October 1, 2010

APPOINTING COMMISSIONER: Commissioner Mark Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Erin Stryka

ADDRESS: 1026 Ann Avenue, Kansas City, Kansas 66102

CELL NUMBER AND EMAIL ADDRESS: 913-677-5097

TERM OF OFFICE: September 24, 2015 TO May 30, 2019

[Signature]

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: September 15, 2015

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: Jimmie Banks

TERM EXPIRATION DATE: October 1, 2015

APPOINTING COMMISSIONER: Commissioner Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Linda Warner

ADDRESS: 1900 North 40th, Kansas City, Kansas 66101

CELL NUMBER AND EMAIL ADDRESS: 913-371-0600 / lwarner@gmail.com

TERM OF OFFICE: September 24, 2015 TO May 30, 2019

Melissa Bynum

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: September 15, 2015

BOARD POSITION: Planning Commissioner/Board of Zoning Appeal

INCUMBENT REPLACED: Mario Escobar

TERM EXPIRATION DATE: October 1, 2015

APPOINTING COMMISSIONER: Commissioner Ann Murguia

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Chris Wing

ADDRESS: 4222 Pebble Beach Dr., Kansas City, Kansas 66109

CELL NUMBER AND EMAIL ADDRESS: 816-806-9132

TERM OF OFFICE: September 24, 2015 TO May 30, 2019

signature of appointing commissioner

* 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: September 15, 2015

BOARD POSITION: Law Enforcement Advisory Board

INCUMBENT REPLACED: Vacant

TERM EXPIRATION DATE: 10/1/2015

APPOINTING COMMISSIONER: Commissioner Holland

REVIEW DATE: September 23, 2015

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Maria Cecilia Ysaac

ADDRESS: 7835 Elizabeth Avenue, Kansas City, Kansas 66112

CELL NUMBER AND EMAIL ADDRESS: 913-706-7881

TERM OF OFFICE: September 24, 2015 TO May 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.
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 30, 2015, with eight 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; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Emerick Cross, Commission Liaison; Rob Richardson, Director of Urban Planning and Land Use; Byron Toy, Planner; Jamie Ferris, Planner, Janet Parker, Administrative Assistant; Lew Levin, Chief Financial Officer; Debbie Jonscher, Deputy Chief Finance Officer; Reginald Lindsay, Budget Director; and Captain Robert Angell, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Commissioner Harold Johnson, Pastor at Faith Deliverance Family Worship Center.

Mayor Holland recognized fellow elected official, Mary Ann Flunder, who is here tonight from the community college. Also, former Commissioner Joe Vaught is in the house.

Bridgette Cobbins, UG Clerk, said we have a couple of revisions to the agenda tonight. Under Section 9, Non-Planning Agenda, we have two corrections: Item No. 5 and Item No. 10. Item
No. 5 should read: Resolution for the Special Assets Fund. Ordinance should not have been included on the agenda. Item No. 10 will be provided by our Legal Counsel, Jody Boeding.

Mayor Holland said before we do the Planning and Zoning items, I would like to turn it over to Mr. Bach for a special announcement today.

Doug Bach, County Administrator, said thank you, Mayor, Commission. As we move into tonight’s session and eventual approval of our budget later on, I just wanted to take a moment to recognize a staff member that has been with us a long time. She started here in 1981. Today she is making her announcement that she is going to retire from our organization and she sits up here with us all the time. I want to recognize Jody Boeding, our Chief Counsel, for all of her great years of service. She will be continuing with us through September 10, but she is making an official announcement today. I want to thank you very much and recognize her at this time before we move forward.

Mayor Holland said Commissioner Kane was at our 5:00 meeting and he had an urgent family matter to attend to so he has left but he had intended to be here. We just want to keep them in our thoughts and prayers.

Ms. Cobbins asked if any members of the Commission wished to disclose any contacts with proponents or opponents. There were none.

Mayor Holland asked if there were any set-asides on the Planning and Zoning Consent Agenda. Jeff Letterman, 1323 N. 90th St., asked to set-aside C-1. Mayor Holland said the variation at 9020 State Avenue. Joe Vaught, KCK, asked to set-aside Ordinance Amendment D, Item 2 and Item 3 on the following page. Mayor Holland said E-3. Yes, they are related. Barbara Weidner, 1415 N. 47th St., said I would like to talk to my neighbor, I think its Item No. 5 about the horse. I need to work out some things with him. Mayor Holland said Item B-5, Cabrena and Corrales on N. 47th St. will be set-aside.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the Planning and Zoning Consent Agenda, excluding
the set-asides. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**PLANNING AND ZONING CONSENT AGENDA**

**CHANGE OF ZONE APPLICATION**

**ITEM NO. 1 – 150195...CHANGE OF ZONE APPLICATION #3091 – MARVIN AND DEBORAH MCINTOSH**

**SYNOPSIS:** Change of zone from C-O Nonretail Business District to R-1(B) Single Family District for an existing residential home at 616 North 9th Street, submitted by Robin Richardson, Director of Planning. The applicants want to rezone this property for an existing home that is currently used as an office in order to sell the property as a residence. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3091, subject to:

**Urban Planning and Land Use Comments**

The proposed change of zone is in line with the surrounding residential uses. No outstanding issues stand with this case.

**Public Works Comments:** None.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3091. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**SPECIAL USE PERMIT APPLICATIONS**

**ITEM NO. 1 – 150033...SPECIAL USE PERMIT APPLICATION #SP-2015-3 – WIL ANDERSON WITH BHC RHODES**

**SYNOPSIS:** Special use permit for the temporary use of land for a trailer at 6500 Inland Drive, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of Frank Perry, wants to use a trailer temporarily as an office at 6500 Inland Drive. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-3, subject to:

**Urban Planning and Land Use Comments**

1. Subject to approval, this special use permit shall be valid for two years.

**Public Works Comments**

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*July 30, 2015*
1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-3 for two years. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 2 – 150196...SPECIAL USE PERMIT APPLICATION #SP-2015-31 – TODD BOND WITH BHC RHODES**

**SYNOPSIS:** Special use permit for an auto auction parking facility at 8501 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The applicant, on behalf of Greater Peoria Properties LLC, wants to build a parking lot for an auto auction business on 14.09 acres at 8501 Gibbs Road. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-31, subject to:

**Urban Planning and Land Use Comments**

1. Per the Business License Department:
   a. Applicant has maintained and is current on occupation tax filing at an adjoining property. If this permit would be for expanded operation of that current location, that record would be adjusted accordingly. If this would be to operate as a different and separate entity, they will need to register and file the occupation tax application with this office for the new location.

2. Per the Building Inspection Department:
   a. This will be a DRC project.

For assistance, please contact Trey Maevers, Development Review Planner at (913) 573-8664.

3. Sec. 27-552(a)(5)a-b.
   a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

*July 30, 2015*
b. Storage of other material or equipment may be allowed if not subject to major
damage by floods, if firmly anchored to prevent flotation, or if readily removable
from the area within the time available after a flood warning.

A LOMA-F will be required prior to issuance of a building permit.

4. The fence around the perimeter of this expansion shall be completely screened from
public view.

5. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines
common to or across an alley from residentially zoned property and shall consist of an
area 15’ in width improved with a six-foot architectural screen adjacent to the property
line, and one row of shade trees spaced not more than 40 feet on center and one row of
large shrubs not spaced more than eight feet on center.

6. Sec. 27-700(b)(4) Trees may be required depending on the particular location and
surroundings of the project up to a maximum of one tree per 15,000 square feet of site
area. Auto salvage yards shall be enclosed by a minimum eight-foot tall architectural
screen fence, and nothing shall be stored to a height greater than the height of the fence.

7. Parking surface is not permitted to be gravel. Parking and maneuvering areas must be
improved surfaces. These permitted surfaces are asphalt or concrete.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can
recommend approval: None.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific
submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner
Markley, to approve Special Use Permit Application #SP-2015-31 for two
years, subject to the stipulations. Roll call was taken and there were eight
“Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters,
Philbrook.

July 30, 2015
ITEM NO. 3 – 150203...SPECIAL USE PERMIT APPLICATION #SP-2015-37 – MURRAY D. ANDERSON, SR.

SYNOPSIS: Special use permit for live entertainment in conjunction with restaurant at 1017 North 6th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to use the former 19,948 YWCA building for live entertainment in conjunction with a roasterie/restaurant and an office for entrepreneurial self-employment assistance workforce development education and training at 1017 North 6th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-37, subject to:

Urban Planning and Land Use Comments

1. Per Sec. 27-671-two or more uses may provide for required parking in a common parking lot if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by the Planning Commission if it can be demonstrated that the hours of peak parking demand for the uses are so different that a lower total will provide adequately for all uses served by the facility. A properly drawn legal instrument shall be executed by the responsible parties and joint use parking privileges shall continue in effect only so long as it remains in force and the approved uses and hours continue.

Per Sec. 27-672 - Required off-street parking shall be on the same zoning lot as the principal use served or within 100 feet, or in the case of employee parking, within 300 feet of the same lot. Please provide a signed parking agreement with an adjacent agreeing property owner for the parking required to operate live entertainment at 1017 North 6th Street. The agreement shall list the terms, the number of spaces being used and the hours in which they may be used.

Applicant Response: My landlord owns the building and associated parking lot at 552 State Avenue. There are 14 parking spaces in that lot. I am entering into a lease agreement with the Unified Government Parking Control Department to lease 100 spaces at Parking Lot #5 located at 6th and State Avenue.

July 30, 2015
2. Per Sec. 27-668(a)(12) - The parking ratio for establishments with live entertainment is one space for each 50 square feet of seating or assembly area plus one space for each remaining 200 square feet of total floor area.

Applicant Response: Acknowledged.

3. Since this building is over 19,000 square feet, are you intending on separating the uses on different floors, such as the office is going to be restricted to the second floor, the restaurant and live entertainment is in the basement and first floor? Staff needs to determine what areas of the building will be used for live entertainment so we can calculate the required number of parking spaces for the venue.

Applicant Response: The main floor – upscale theater entertainment area consists of approximately 5,000 square feet, including a common seating area consisting of approximately 2,500 square feet, and shall be marketed as a roasterie coffee and French Pastries Shop along with meeting space offering free Wi-Fi and fine dining area.

The second floor consists of approximately 3,900 square feet and is dedicated to the executive and administrative offices of Taylor Madevisions LLC and is, in fact, always closed to the general public and open by appointment only.

The lower floor consists of approximately 8,500 square feet of classroom and office space to facilitate the TMV entrepreneurial training and small business development model and is, in fact, open to students and faculty only.

Staff Response: Because the property is zoned C-D Central Business District, parking is not required for the administrative offices, classrooms and general office space. Based on the 5,000 square feet of seating area for the community/theater room and ancillary seating in the “common area”, 100 parking spaces are required in addition to the 4 spaces for the kitchen and control room. 114 spaces are able to be provided, which exceeds the code requirement.

4. What are your proposed hours of operation for the office, restaurant and live entertainment events?

July 30, 2015
Applicant’s Response: The hours of operation are as follows:

- Aixois Roasterie Coffee Shop: Monday through Sunday – 8:00 AM to 8:00 PM
- Aixois Restaurant: Monday through Sunday – 11:00 AM to 9:00 PM
- Live Music: Friday 5:00 PM to 2:00 AM, Saturday 3:00 PM to 2:00 AM, and Sunday Brunch 11:00 AM to 3:00 PM
- Networking Breakfast: Tuesday through Thursday – 8:00 AM to 10:00 AM
- Investment Forum Luncheon: Tuesday through Thursday – 11:00 AM to 2:00 PM
- Economic Inclusion/Voter Registration Breakfast Forum: Saturday – 8:00 AM to 2:00 PM

5. Your letter states live entertainment/video productions. Could you please be more specific. Are you planning on having DJ’s, live musicians, selected authors/poets?

Applicant Response: The live entertainment that I am referring to is political speakers, authors, poets, R&B and Gospel musicians, and business investment speakers.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Staff Conclusion

The applicant, Mr. Anderson, has answered and addressed staff’s questions and comments. Once the lease is executed with the Parking Control Department, the landlord at 1017 North 6th Street, CAROJOTO, LLC will have 100 spaces available to use on a monthly basis in Lot #5 at 6th and State Avenue. Mr. Anderson has sent an invoice request for the 100 spaces to the Parking Control Department. As stated previously, 14 spaces are available at 552 State Avenue because the landlord owns both properties. Staff recommends approval of this petition subject to the following:

1. The parking contract for 100 spaces at City Parking Lot #5 is executed between the UG Parking Control Department and the applicant, Mr. Murray Anderson, and the landlord, CAROJOTO, LLC. No live entertainment events may be held until the contract is signed.

July 30, 2015
between both parties.

2. If there is any live entertainment related issues brought to staff within two years, this permit may be submitted to the Board of Commissioners for revocation.

3. If the parking leases expire or are terminated, the special use permit becomes null and void.

4. The special use permit shall be approved for two years.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-37 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 4 – 150198...SPECIAL USE PERMIT APPLICATION #SP-2015-38 – MARCIE HUCKABY/MME LLC

SYNOPSIS: Special use permit for live entertainment in conjunction with restaurant/drinking establishment at 8121, 8123 and 8125 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The existing restaurant/drinking establishment operates as The Dotte Bar & Grill at 8123 Parallel Parkway. This address was formerly the Sunset Bar & Grill that operated from 2002 to March 2015. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-38, subject to:

Urban Planning and Land Use Comments

1. Because this is a strip center, there are not designated parking stalls for each tenant space. Please submit a detailed site plan that accurately shows the parking spaces in the parking lot. The parking ratio for establishments with live entertainment is one space for each 50 square feet of seating or assembly area plus one space for each remaining 200 square feet of total floor area. Based on the floor plan that was provided to staff, we determined the building is 3,340 square feet. The seating area is 2,330 square feet. The required parking for this building is 52 spaces.

Applicant Response: Attached please find a detailed site plan that accurately shows the parking spaces in the parking lot to be 101 spaces, including 4 handicap spaces – well
exceeding the 52 spaces required. The two center rows of parking alone (55 spaces) will fulfill the parking requirements.

2. There is no record of a special use permit for live entertainment for the previous owners of Sunset Bar & Grill.

Applicant Response: In addition to state and city liquor licenses, the previous owner also had an annual entertainment license issued by the city. The applicant is without knowledge as to the reason the previous owner was not required to obtain a special use permit.

3. The applicant has stated that the proposed hours of operation are as follows:
   a. Doors: Monday through Saturday from 11:00 AM to 2:00 AM
   b. DJ and/or Karaoke: Friday and Saturday from 9:00 PM to 1:30 AM
   c. Restaurant (kitchen): Monday through Saturday from 11:00 AM to 10:00 PM

   The majority of the businesses within the strip center close before 9:00 PM

   Applicant Response: The hours of operation are correct with the exception
   b) in that the applicant will have DJ/karaoke every Saturday and occasionally on Friday.

4. The applicant has stated that the estimated average attendance will be 50 people when there is entertainment.

   Applicant Response: Average attendance of 50 people is based on the attendance over the years for identical entertainment at the same location and time.

5. Do you intend on employing security officers on Fridays and Saturdays? If so, whom, how many and how will they be dispersed through the building?

   Applicant Response: At this time the applicant does not intend to employ security officers on Saturday and the occasional Friday when they have the DJ/karaoke. Again, they base this on their experience over the years when they were employed by the previous owner. We want to be abundantly clear that the current owner desires to offer the exact same entertainment as the previous owner. Because the owners are aware of the importance of security, they have consulted with Rick Whitby, retired Chief Deputy, Wyandotte County Sheriff’s Department, regarding security needs and he has agreed to assist them with securing off-duty law enforcement should it ever be an issue or the anticipated size of an event would require security officers.

6. Doors shall remain closed at all times as not to project sound through the parking lot to the surrounding residences.

   July 30, 2015
Applicant Response: The doors will remain closed at all times.

Public Works Comments
1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Staff Conclusion
The applicant has worked with staff to resolve lingering questions pertaining to the site plan, hours of operation and security. If there is any live entertainment related issues brought to staff within two years, this permit may be submitted to the Board of Commissioners for revocation. Staff recommends approval of this petition for two years.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-38 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 5 – 150200...SPECIAL USE PERMIT APPLICATION #SP-2015-41 – MONICA CABRERA AND JOSE CORRALES
SYNOPSIS: Special use permit to keep one horse at 1411 North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicants want to keep one horse in a stall on their property in order to provide proper care for the horse. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2015-41, subject to:

Urban Planning and Land Use Comments
1. How many structures are on your property? What are the dimensions of each structure?
   Applicant’s Response: There are two structures on our property. The first is a small older shed that came with the property. Its dimensions are 10ft (length) x 7ft (width) x 8ft (height). The second structure is the horse’s stall. The stall is 12 x 12 x 9. There is an open space (which serves like a window) for the horse facing west. At the top of the stall, 12 inches were left open all the way around for ventilation.

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2. How often will horse waste be disposed of and in what way?
Applicant’s Response: As in regards to the disposal of the horse manure, it will be removed from the stall on a daily basis and placed in a closed trash bin. We have two trash bins and when they are both filled up (about every 2 weeks) we take them to a friend of ours who has a small farm and can use the manure. As sort of a backup, we know that the land fill in Johnson County takes manure as a special waste.

3. Are plans in place to remove the pile of animal waste as stated in the Conservation District’s comments?
Applicant’s Response: The pine shavings inside the stall are completely replaced approximately every 2 to 3 weeks. We have properly disposed of the pine shavings that were on the top of the hill on Everett Ave. We would like to clarify that it was not animal waste, just pine shavings. There is a picture attached that proves this issue has been taken care of and the area is now clean.

4. What measures will be taken to ensure adequate ground cover?
Applicant’s Response: As far as the ground goes, the horse is taken to a park for trail riding every Sunday. This will reduce the amount of erosion that could be caused by always having the horse here. We have supplied enough sand to cover an area that is used specifically for the horse to train on. The horse will not be freely grazing in the front of the yard. Our acre is divided into sections and the back part of our property is what will be used for grazing, grooming and training.

5. What will the horse’s diet consist of and where will feed be stored?
Applicant’s Response: The horse’s diet consists of grain (Vitality perform 14, Omolene 200 and Oats) and hay (alfalfa or brome). We give the horse 5 gallons of water first thing in the morning. The water is checked at noon and if it needs to be refilled, it is. This always depends on the weather. We give the horse another 5 gallons every evening around 5:00 pm. We also give the horse additional vitamins and supplements. They are usually in a liquid form that is mixed with the grain. We have a block of salt that is available for the horse too. All of the feed and hay will be stored inside the shed to avoid moisture.

Animal Control Comments
If SP-2015-41 is approved by the Board of Commissioners, an animal control permit must be obtained through the Animal Control office.

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Conservation District Comments

There is one major soil type identified: Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. This site is not well suited to a grazing operation. The tree cover is too thick for good grass growth. The horse traffic also destroys the leaf litter and causes erosion. The animal waste needs to be controlled so not to contaminate the surrounding area. The pile of animal waste at the top of the hill of Everett Avenue is not environmentally acceptable. All waste needs to be disposed of in a proper manner that protects the community from contamination.

Staff Conclusion

Staff recommends approval for a special use permit to board one horse, subject to the following:

1. Approval for two years
2. Supplementation of hay and grain provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site
3. Application of additional seed/sod to the area in an effort to establish better ground cover
4. Application for a building permit and communication with Building Inspections Department to ensure stall’s compliance with R-1 Single Family District accessory structure regulations
5. Obtainment of an animal control permit for one horse

Jose Corrales, 1411 N. 47th St., appeared in support of his application. Mayor Holland asked you’re requesting to keep one horse. Mr. Corrales said yes. Mayor Holland asked do you have any comments you’d like to make about that other than what’s in your application. Mr. Corrales said no.

Mayor Holland asked if anyone would like to speak in favor of this item to please come forward at this time.

No one appeared in support.

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**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

**Debra Michel, 3108 Brown Ave.,** said I have a few neighbors that used to have horses or got horses or don’t have horses or something like that. I don’t have a problem with it but there’s a woman that lives in a green house on Delavan and she’s wondering how many horses can they have in the backyard at a time?

**Rob Richardson, Director of Urban Planning and Land Use,** said, Mayor, that is subject to a special use permit if it’s under five acres. If it’s over five acres, then it’s subject to the agricultural zoning regulations which would not limit the number of horses currently. **Mayor Holland** asked so what situation are we in right now. **Mr. Richardson** said I don’t know the particular address on Delavan that she’s referring to so I don’t know. **Mayor Holland** asked is that referencing, ma’am, to the 1411 N. 47th St. **Ms. Michel** said it’s about having a horse in the city. I don’t mind having a horse in the city. I don’t mind that they do the thing on the sidewalk. I don’t even mind that. I kind of find that neat really. Some people question in my neighborhood how many can they have.

**Mr. Richardson** said they should call our office and I can provide her with one of my cards. It’s actually property—**Ms. Michel** said just to wash them and bring them and then they would dry them like that. Then they used to go around and put their little saddles on them and they would go down on the trails which I don’t have a problem with that either. **Mayor Holland** said, ma’am, the issue we have is by design. We can only discuss the one horse at 1411 N. 47th St. If you have general questions about horses, our staff would be glad to answer those for you but we can’t do that during this public hearing.

**Bob Kernaghan, 1423 N. 47th St.,** said I live two houses down from where the horses are going to reside. I guess, for some reason. That was my neighbor, Bobby Weidner, who was up here earlier and had it set-aside for working out some stipulations with them and stuff. I don’t see the point of having a horse in the city right in town especially when you don’t have access to where the horse is other than using the city’s access road or the neighbor’s property.

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Barbara Weidner, 1415 N. 47th St., said one thing, I don’t like horses being tied up. I suppose that’s not an issue. My driveway is getting destroyed from everybody driving their trucks up and down to have access to the horse. My son had agreed that occasionally it was okay to use the driveway, but that didn’t mean everyday and that it was okay to park there. Granted, my house is not in very good shape. It got hit by a tornado a few years ago. I do intend to fix it and move back in. My understanding is that it’s illegal to park on unpaved or ungraveled surfaces. This probably is going to sound like an assault on my neighbor, but they’ve been parking their trucks behind where my driveway ends and have pretty much destroyed the yard there. I know they only have room for two parking places in their driveway, however, they do have the city access road. Based on destroying my driveway and my yard, I vote against the horse being there if that’s the reason they’re doing this.

Mr. Richardson asked, ma’am, what was your address. Ms. Weidner said 1415 N. 47th St. Mayor Holland asked do you currently live there. Ms. Weidner said no. I need to do some more repairs before I can move back in. I’m hoping three to four months is all.

No one else appeared.

Mr. Corrales said if driving on her driveway is a problem, I can just go around to Everett that’s supposed to be a street and just drive on that street that way I don’t use his driveway. I told her son. He let me use his driveway because I was supposed to cut the yard at his house because the grass was too tall. I agreed with her son on using his driveway and I cut the grass. The house was alone for probably seven or eight years. If using their driveway is going to be a problem, I’ll just go around and don’t mess with their property. Mayor Holland asked are you willing to make that a stipulation as part of this agreement. Mr. Corrales said yes. Mayor Holland asked is that necessary. Rob, do you have an opinion on that? Mr. Richardson said well, if the neighbor doesn’t want them driving on their property, they can tell him not to and there’s other remedies for that. We can make it a stipulation. Mayor Holland asked well, if the agreement is you won’t do it anymore and there are other remedies, then we can—it would add requirements to us in terms of voting. If we don’t need to do that then that’s okay. You do agree today, on record, that you will not use his driveway for this purpose. Mr. Corrales said yes.
**Mayor Holland** asked, Mr. Richardson, do you have any other statements in terms of this application. **Mr. Richardson** said no, sir.

**Mayor Holland** closed the public hearing.

**Commissioner McKiernan** said it looks like from the material in our packet that these objections were not raised at the time of the Planning Commission meeting. Is that correct? **Mr. Richardson** said that’s correct. **Commissioner McKiernan** said so those Commissioners did not hear any of this. **Mr. Richardson** said that’s correct.

**Commissioner Philbrook** said I’m going to start out by saying I love horses. I’ve had horses most of my life. I also realize that animals, large animals, can do a lot of damage to property. As I read over the recommendations and the comments from our Conservation District, I would ask that a stipulation be put in there that we check and make sure that they actually do deal with the seed and or sodding of the property so they don’t get all that erosion and that they address that also where they’ve been parking on the other person’s property.

**Mayor Holland** said so you’d like to see a stipulation of the seeding and sodding and some follow-up by our—who would be the follow-up agent, Mr. Richardson. **Mr. Richardson** said I guess that would be either my staff or Code Enforcement. It is a two-year limit permit. If they want to come back, they would have to show us that they have done that at that time. **Mayor Holland** asked so would you like it as a stipulation. **Commissioner Philbrook** said yeah, I’m sorry, Rob, I’m just going to get pushier about this. I’d like to see that things happen in a faster manner than two years.

**Commissioner McKiernan** said if I look in the materials under staff conclusion, Item No. 3 is application of additional seed/sod in an effort to establish better ground cover. Is this adding to that above and beyond that? **Commissioner Philbrook** said well, I don’t know if that part included the other people’s property where they’ve been parking or not; that’s number one. Number two, my only issue was, yes, fine, they can have a two-year but I want us to make sure that they’re being in compliance long before the two-years.
Mayor Holland said that’s fair. It is true, a special use permit, if it’s not upheld at any time during that two years, if the stipulations are not held, it can be revoked. The stipulation is in there for the sodding; it would be an addition to the grass. It would include the neighbors area where the parking had taken place.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application #SP-2015-41 for two years, subject to the stipulations with the additional stipulation just articulated. Roll call was taken and there were six “Ayes,” Bynum, Townsend, McKiernan, Johnson, Markley, Philbrook; and two “Nos,” Walker, Walters. (Motion failed.)

Action: Commissioner Walters made a motion, seconded by Commissioner McKiernan, to approve it as originally submitted without the additional stipulation of seeding the neighbor’s property. Roll call was taken and there were seven “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters; and one “No,” Philbrook.

VACATION APPLICATIONS
ITEM NO. 1 – 150201…VACATION APPLICATION #R/W-2015-4 – TIMOTHY KLINK WITH POLSINELLI
SYNOPSIS: Vacation of right-of-way at 9020 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of Vinebrick Acquisitions LLC wants to vacate lots, rights-of-way and streets on land in between 90th and 94th Streets on State Avenue and preliminary and final plat 66.75 acres to develop land for the Wyandotte Youth Soccer Complex. The Planning Commission voted 7 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2015-4, subject to:

Urban Planning and Land Use Comments
1. Please submit exhibits of all the proposed vacations for this development.

Applicant Response: The property is subject to a residential plat from 1950, and the portion of said plat located on the property was never developed. Most of the lots were previously vacated, however, the previous owner mistakenly failed to vacate certain items within said plat located upon the property. We are seeking to vacate all dedicated
lots, easements, streets, and other items set forth on the prior, defunct plat and located within the property. As such, the boundaries of the vacation are simply the boundaries of the property per the application and per the aerial shown on the front page of the draft comments. We are including in this response a copy of the original plat with a line around the undeveloped portion that is part of this project.

2. Please provide a site plan to explain sanitary and traffic improvements.
   Applicant Response: Per our pre-application meeting with Rob, a site plan for this project has been developed. The sanitary sewer and traffic memos have attempted to examine the existing facilities and their capacities to serve the project from 90th Street. Without a site plan for the project, we cannot define the required improvements until the planning process has begun.

3. When the final plat is submitted for this development, construction drawings will be included in the submittal.
   Applicant Response: The application was for the final plat to subdivide the property for the purposes of the land transaction described earlier. Construction drawings will be submitted in the future during the planning process.

4. The plat may not be filed or the vacation published until all utilities have been relocated and new easements provided or new easements are provided for existing utilities.
   Applicant Response: There are no utilities located within the property’s platted rights-of-way or elsewhere that do not already have recorded easements, and as such, there are no easements to be recorded or utilities to be relocated. We are only seeking vacation of the former platted items and no other dedicated easements.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: Were there any existing utility within the right-of-way that would require an easement or relocation?
   Applicant Response: There are no utilities located within the right-of-way of the property, and as such, there are no easements to be recorded or utilities to be relocated.

2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

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Phil Gibbs, Jr., Continental Consulting Engineers, said we’re acting as engineer and surveyor on the project. What you have before you is a vacation of an old subdivision that was platted in 1950. Portions of it were, of course, never built and that is the portion we are seeking to vacate. There was an old vacation ordinance that was passed, but some of the single lots and the right-of-way was not included in that vacation at that time. What we’re asking is that it be very clear that the rest of the SanMarcos Addition be vacated with this action.

As they get the picture up here, you can see in the tan color, those are the existing homes that exist today and then, of course, where it was previously green and the field there. There was platted subdivision lots for the rest of that area with some public streets that were never constructed. That is what we’re asking too to make sure that everything has cleared the way for this upcoming soccer project.

Rob Richardson, Director of Urban Planning and Land Use, said, Mr. Gibbs, Mr. Mayor, you might indicate if this affects any of the existing homeowners. I would anticipate that’s going to be a question and how that affects the existing lots and streets and things. Mr. Gibbs said this is an exhibit we submitted in our response that outlines very clearly what portion of the plat that we’re asking be vacated without harming anyone that has a current residence on that area. To answer Rob’s question, we are not vacating anything where someone else owns it other than the Speer family that currently owns the property that is being sold.

Mayor Holland opened the public hearing.

No one appeared in support.

The following appeared in opposition:

Jeff Letterman, 1323 N. 90th St., said my questions are more toward the classification of the thoroughfare to: a) which makes the width 120 ft. and I’m worried about eminent domain or claiming of a property or anything like that to widen the road.

Mr. Richardson said that classification is from our major street system. It is not subject to this application. That is an existing fact. Given that we just rebuilt 90th Street, I don’t think that will be an issue. There are no plans to widen or rebuild 90th Street or any new right-of-way that I’m

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aware of. I wouldn’t anticipate given to how new that street is. **Mr. Gibbs** said I’m sorry. What was that last part? **Mr. Richardson** said I would not anticipate any expansion of that street. We rebuilt it six years ago.

**Mr. Gibbs** said if there are any additional services provided for the complex or anything, can those same services be provided to the people for the properties around. I’m speaking more toward Google Fiber. I don’t know if that’s part of this. **Mr. Richardson** said I don’t know that we can speak to that.

**Mayor Holland** asked you’re in one of those pockets that doesn’t have Google Fiber. **Mr. Gibbs** said the cable runs down the pole right outside my house, but I’m not in a fiber hood. I’m one block away from where it’s at and I’m on a street with a hospital which gets it for free. I was kind of hoping I could just tap into the pole. **Mayor Holland** said I would discourage you doing that on your own. I would say, we can’t speak to that. If the soccer complex was able to bring Google then that could be worked out with that group. That would be something that would be outside of our ability to mandate as the elected body.

Commissioner Bynum, would you like to speak to that speaking of living in a pocket without Google. **Commissioner Bynum** said I feel your pain. I don’t live in a fiber hood either. I wish I had the fiber hanging right off of a pole right outside my house. I wish you luck with that. **Mr. Gibbs** said thank you. **Mayor Holland** asked anything else.

**Mr. Gibbs** asked does this also include the portion of the two acres for a separate plat I think is what we call. **Mr. Richardson** said yes, if you see on the screen there, there’s one large tract here. This is the final plat. There is one large lot and then a smaller lot on the east side of the property. **Mr. Gibbs** said I was wondering if we could get some clarification on what the reasoning is or why they’re carving that two acres out, maybe for tax purposes or legal. **Mr. Richardson** said it’s an ownership issue between the open air fields and there will be an indoor facility on that lot too. So it’s just a matter of ownership. Mr. Bach might be able—**Doug Bach**, County Administrator, said you’re right on there. It’s how they’re structuring their deal and how they’re going to run their facility. They just wanted to have the parcel that’s the indoor facility in a separate structure or separate plat.

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Mr. Gibbs said one last question, it would be around noise control. Would they be offering any assistance to residence around the area on like new windows, landscaping to prevent noise. Mr. Richardson said this is a preliminary action related to the vacation and the plat. The plan review will come through later. If you received a notice for this, you will also receive a notice for that action as well. We will discuss those types of things when we actually have a site plan in front of us. I don’t know where to anticipate the noise at this time at this level of the process. Mr. Gibbs said I’m in favor.

No one else appeared.

Mayor Holland closed the public hearing.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Right-of-Way Vacation Application #R/W-2015-4, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 2 – 150055...VACATION APPLICATION #R/W-2015-5 – PHILLIP BROWN
FOR BOARD OF PUBLIC UTILITIES
SYNOPSIS: Vacation of right-of-way at 1130 Ray Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to vacate right-of-way, alleys and streets in order to build an electrical substation on 1.7 acres at 1130 Ray Avenue. The Planning Commission voted 7 to 0 to recommend approval of Right-Of-Way Vacation Application #R/W-2015-5, subject to:

Urban Planning and Land Use Comments
1. Staff has amended the vacation legal description “I” as BPU is not the property owner to the north, along Allen Avenue between South 12th and Bethany Streets. Only the southern half of the alley will be transferred to BPU.
2. The vacation ordinance will not be published until the special use permit for the proposed substation is approved by the Unified Government Board of Commissioners.

Public Works Comments
1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Right-of-Way Vacation Application #R/W-2015-5, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ORDINANCE AMENDMENTS

ITEM NO. 1 – 110164....ORDINANCE AMENDMENT

SYNOPSIS: Amendment to the existing floodplain management ordinance, Sec. 27-548-Sec. 27-555, Planning and Development of Kansas City, Kansas Code of Ordinances, in order to continue eligibility in the National Flood Insurance Program (NFIP). This amendment is only updating dates to reflect the new effective date of September 2, 2015, on all the Flood Insurance Rate Maps (FIRMs) for the community, submitted by Robin Richardson, Director of Planning.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance amendment. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 2 – 100200...ORDINANCE AMENDMENT

SYNOPSIS: A new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for tire shops, automotive mechanical shops, used car lots, and automotive salvage yards. This provision generally concerns signage, landscaping, screening, and condition of automobiles AND

Miscellaneous Ordinance Item No. 3 – 100200... ORDINANCE

SYNOPSIS: Certain amendments to Section 27-340 and Section 27-609(6), Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and

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the use of yard area for non-residential parking purposes in residential districts submitted by Robin H. Richardson, Director of Planning.

Rob Richardson, Director of Urban Planning and Land Use, said a few months ago at a standing committee meeting, we had a request from the Commission to prepare an ordinance that would require special use permits for used car lots. When we looked at that, we thought that there were some other items that were of similar function of a used car lot, similar look, similar issues and so we also included in that the mechanic shops, some limited salvage operations, and the used car lots and the tire shops. We developed an ordinance that would require a special use permit to operate this facility as directed, and it also includes some standards and explanations in there to help those that might apply for those to understand what we would be asking for.

Joe Vaught, 9231 Leavenworth Road, said I’m a commercial real estate broker with the Vaught Group and I’m also an ex-used car dealer. In fact, I started selling used cars when I was 14 and I was the youngest Studebaker dealer in the United States when I was 23. Some of you don’t even know what a Studebaker is.

The reason I’m up here is because this came to my attention strictly because as a commercial real estate broker, I was selling a piece of property at 1703 Kansas Avenue to a gentleman that was going to use it for a used car lot. I say used car lot but actually it was a used car dealership. This piece of property is listed at $500,000. His investment and building and so on would be upwards of $500,000 so it will be a million dollar investment in this piece of property. It’s right on the corner of 18th & Kansas Avenue. It was an old warehouse that was torn down. It looks very sad as it is right now.

The problem now with him is he has to get a special use permit for this car lot. There is no bank in the world that is going to loan him money for a car lot or for his business enterprise with a two-year special use permit. I sold used cars in this city. I sold new cars in this city.

On top of everything else, you’re really putting in two classes of dealerships here. You’re saying that new car dealers that sell used cars and service cars and sell tires and do all the things that this ordinance calls for do not have to have a special use permit. A car dealer, a tire dealer, etc., is going to have to have a two-year special use permit which means he can’t borrow money. Common sense tells you that. It’s not fair to the car dealers. You’re saying to the new car dealers that they will control the car business totally in Wyandotte County.
One of the biggest new car dealers in the United States is just to the south of us, CARMAX. They’ve got a beautiful facility. A multi-million dollar, generates hundreds of thousands of dollars in sales tax revenue. They could not come into Wyandotte County under this provision. You’ve got ordinances in place. I know why you’re doing this. I understand. A lot of these car dealerships don’t look very nice but you’ve got ordinances in place. If I don’t cut the grass on some of my property, I’m notified about it. If they don’t do what they’re supposed to do to keep their property nice, they should be notified and taken to court. You shouldn’t penalize all car dealers and make it absolutely impossible for new car dealers or used car dealers coming into this city. They’re not welcome. They can’t do it.

**Commissioner Walker made a motion, seconded by Commissioner Markley, to extend Mr. Vaught’s time for another two minutes.** Motion carried unanimously.

**Mr. Vaught** said the other thing is that of the used car, the sales tax revenue that’s currently—and I tried to get these figures from the state of Kansas and I couldn’t, but it’s substantial, the sales tax revenue that comes to this city. Really, what I’m saying on this is I think it might be illegal. That would be up to you to figure out but more importantly, it’s unfair. It’s unfair that you’re classifying a group of people, used car dealers, who contribute to this community, a lot of them live here and saying you’re not welcome here. It’s not only the used car dealers like I said, it’s the tire dealers, it’s the transmission shops, all of them. If you’ve got to upgrade the ordinances, I welcome that. I live here. I want to see this community look as nice as possible. Please don’t make it impossible for these people that are entrepreneurs that want to be here and sell cars here and be a part of this community to be here because they can’t.

**Mayor Holland** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Holland** closed the public hearing.
**Commissioner Walker** said I initiated the ordinance as it applied to used car lots. It has grown to include other automotive uses. The idea behind it, and I’m not sure I entirely disagree with Mr. Vaught, but I believe he was here when we limited the number of pawn shops in this community. There were only eight licenses authorized. The reason for that was the belief, as I recall it, that they attracted stolen merchandise. There were other issues related to recordkeeping and the sale of weapons and so forth. We saw a problem and we addressed it. Today we still have only eight licenses for pawnbrokers.

The idea behind this, at least as it applies to used car lots, was that unfortunately vacant property that cannot be used for anything else should not become the next used car lot. We’re not required to only allow two years. It’s based on circumstances. I have urged that we deal with these in an individual manor. In other circumstances, there are some things like a salvage yard where I would never give it more than a two-year permit to begin with until it established a track record of compliance and simple obedience with the law. I’m not sure I feel the same about used car lots. There is, and in a particular instance you described, I would be more inclined to support a longer special use permit. We do that when circumstances justify it and when a case can be made.

I can give you an example and Commissioner Markley where a Sonic went out of business. An individual bought it with the intent of making it a used car lot because it had a very small wood building which was assuming would be retrofitted as some kind of office and maybe space for 15 or 20 cars spread around the perimeter. This was the entrance to the Argentine area where we’re investing resources and money to try to restore it to some of it’s former glory.

I don’t necessarily—I’m certainly not condemning automotive mechanical shops. I go to them. I’ve bought cars at used car lots. I even bought a part years ago from a salvage yard. I think there was a need to regulate the unrestricted proliferation of otherwise unusable property or unsaleable property. Instead of every one of them becoming a used car lot, which by the way I don’t think we have any shortage of used car lots in this town. I think if you drive down any major thoroughfare from one end of this county to another, you’ll find plenty of them already exist.

Initially, I thought we would limit the number, count the ones we had and factor it in a way but I thought we would let the business community, the capitalist system, whatever you want to call it, decide how many is the right number. If you have too many, then some of them go out of business. We needed something to regulate the location of these.

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The entrance to a community should not be a used car lot. That’s my opinion. I don’t like tires piled up in a used tire facility. It should be hidden away. It should be not visible, not creating a visual disturbance. That was the justification for my advancing it and it has gone through several rewrites and morse. I stand by it. I understand your dilemma, Mr. Vaught. Certainly, if a man came in and was going to invest that kind of money and a case was made, I would be the first to urge a longer special use permit process or period.

Commissioner Markley said I was just going to comment that we sort of had this discussion before in relation to the vending machines as to what extent our codes are already covering the things that we’re talking about with relation to the new ordinances. I think it bears some discussion on our part as a Commission. Do we have codes that we aren’t enforcing in terms of just our regular code language that’s been causing us to add additional language in other places? What if we just enforced our codes and said you’re not supposed to have tires piled up out front. I’m pretty sure we wouldn’t let tires be piled in front of a residence at the end of their driveway but somehow it happens with businesses and we’re not maybe being as diligent about it. I would be interested in just exploring that; maybe have that discussion at a later date as to what extent our codes just need to be enforced better and that would prevent us from having to do additional work in terms of individualized ordinances.

Commissioner Bynum said I have some questions. Rob, one would be, I read through the packet but I could not see whether existing businesses of this type are grandfathered or because I thought I read mention of when they come up for their business license. Help me with that. Mr. Richardson, Director of Urban Planning and Land Use, said if there’s an existing used car dealer with a license, they would be allowed to continue as they are. Commissioner Bynum asked would it be correct that if we adopt this, part of speaking to what Mr. Vaught’s concern is that we could grant longer terms than two years. We could grant five, we could grant ten? Mr. Richardson said the way the special use permit code is written, it’s
automatically two years unless there’s a substantial investment. We have used that in terms of various substantial investment such as Schlitterbahn or the casino, but that could certainly be revisited. We haven’t put down that million dollar range because at the time that was done and when we were dealing with some of the live entertainment uses, the folks might spend a million dollars on a bar that didn’t exactly operate the way that we thought that it would when they came in.

**Commissioner Bynum** said I have many, many automobile related businesses along Leavenworth Rd. most of which are family owned, people who live right here in Wyandotte County. They are clean and well kept. When they shut down overnight, it’s tidy. It’s not cars and car parts all over the place or you can’t even see the business from the road.

I’d be curious to know if we can find out the sales tax amount that’s being collected. I’ve bought every single car I’ve ever owned since I was old enough to drive from a Wyandotte County used car dealer. I know that the sales tax amount being collected by these used car dealers has to be substantial. **Mr. Richardson** said Mr. Levin indicated it might be possible to get that number but he’s not sure it can be broken out. **Commissioner Bynum** said I’m making a point that I want to do business with Wyandotte County people. I’ve never once in my life bought a brand new car. I do lean toward Mr. Vaught’s position that this makes it difficult for good, honest car dealers to do business here. I do know that there are a few that muddy up the waters every time for all the good folks and they don’t follow the rules. I throw out there that perhaps it is a Code Enforcement issue.

**Mayor Holland** said I want to express my disappointment that Mr. Levin doesn’t know the sales tax of used cars off the top of his head. I think you’re slipping a little bit, Lew.

**Commissioner Philbrook** said I’m glad you brought that to light about Leavenworth Road. I also have a lot of folks in my Commission area that are small business. I think sometimes as Commissioners and as a big community, Wyandotte County, we have a tendency sometimes to overlook the little guy. Sometimes we put in a lot of regulations and extra work for the little guy to have to hop to and we don’t consider them as important or maybe what they consider investing a million dollars into something or $500,000 is a big amount to them. We do business of multi-millions all the time. We just kind of kick them to the curb a little bit. I’m kind of—it’s not often I agree with Joe Vaught and he knows that. I openly say so. I do understand his
concern around this. I guess if we’re going to add more work for people that includes our Codes, our Planning and Zoning folks to have to take care of a whole lot more permits of people wanting to come in, maybe we’re better spent putting the money toward keeping our codes in front of people so they know that they have to do and what they’re supposed to instead of putting more regiment in and put some more money into our code enforcement area.

Commissioner Walters said I have a question for Mr. Richardson. I am concerned about the issues that Mr. Vaught brought up. I’m thinking to a new used car facility that was just built in District 7. It’s not in Kansas City, Kansas, but it’s a very nice facility and we certainly have our share of pop-up used car lots. This was a huge improvement and it was really surprising. I would like to do everything we could to encourage people like that. I don’t know the cost of it but it’s substantial. I just wonder if this change were enacted, would you see a good policy in making like a 20-year special use permit so somebody could do financing for a million or $2 million dollars.

Mr. Richardson said I think that once you get to 20 years, it’s pretty much indefinite. That’s a long period of time. I haven’t given a lot of thought to the term. This issue hasn’t come up for quite a while. I know on occasion it’s been raised but it hasn’t ever been something that we were directed to go look at the particular financials of certain business aspects and could they or couldn’t they get a loan based on the special use permit term. I haven’t had anybody come to me and say I can’t get a loan because of the special use permit term. I haven’t had that happen the entire time that we’ve had this ordinance in effect for two years. It’s a process. If you come in at the end of the month, it’s only 70 days. If you come in at the beginning of the month, it’s a 90-day process because of the timing of our meeting schedules. There is a time factor there. There is uncertainty about whether or not you’d be approved. There’s probably extra cost if you read the ordinance. If it’s a brand new building, they have to comply with the commercial overlay zone anyway. If there’s an existing building, we have them fixing the building up and not completely bringing it up to code but adding landscaping and adding features to the building they’re going to make it more expensive. There is a cost factor there.

My neighborhood isn’t like Ms. Bynum’s or Ms. Philbrook’s. Mine has all of the junky ones. I see the other side of that. We’re dealing with one today that they went out and painted the whole side of the building with a big tire on it without a sign permit. Some of the folks they come in and take a lot over. They don’t even think about what the codes are. It’s doesn’t appear
that they even care. We have to tell them that they’ve got to go get a business license. There are
two sides to that. I don’t know where the regulatory balance is just off the top of my head. Mr.
Vaught’s got a point and there’s the other side of that too that brought this issue forward that
some of these are really just fly by night, so to speak, and they are detracting from the other
neighborhoods. I don’t know where the balance is. We tried to strike a balance in the code and
try to improve the community and that’s where we are tonight.

**Commissioner Walters** said if I could ask. If somebody came in and wanted a special use
permit, are you saying we’ll have esthetic requirements to their operation? How will we
determine? **Mr. Richardson** said yes. If you look on page 3 of the staff report, we talk about
repurposing of structures for used car lots, light automotive services and maintenance. Upgrade
the parking including striping or resurfacing if deemed necessary. Landscaping, screening and
façade improvements to meet the commercial design guidelines. Signage, noting that permit
signs require permitting and approval. Special event displays require approval. No display on
the sidewalks.

Then for façade and landscaping, we looked at new buildings and then separately for
existing structures. There are five items listed under such modifications on existing structures,
restoring the original brick, repairing the façade, new doors or windows if they’re in disrepair.
Substantial effort behind just painting the existing brick that’s there. The one I was describing
today went out and painted it bright green. It’s a brick building. It could look very nice. Maybe
you like lime green, but it’s not the most attractive building in my opinion. If it’s not a brick
building, to add some embellishments that might make it a more attractive facility. Those are the
items that we talked about with an existing facility, existing building that would help it to
improve the stock of the commercial structures within the community.

**Commissioner Walker** said the idea here number one, so we’re clear, and I think Rob made it
clear, nobody in business as of today and before this is published is impacted. If they change
their use, we have all kinds of businesses that are subject to having to come back in here and get
the permit if they change the kind of use or they deviate from the permitted uses within the
zoning.

Under this, no one is prohibited from going into business. They simply have to come for
a special use permit. It does add a little time but I will tell you that once you have a used car lot,
under the current code of zoning, you will never get rid of that car lot. There are no
requirements for screening for any kind of attractiveness to it. Unfortunately, we live in a world where laws are made not because of the good guys, but because of the ones that either take advantage of or don’t care what kind of an impact they have. I can’t believe that anybody on this Commission would like an automobile/salvage yard to open up next door to a piece of property that you own in a commercial district just simply because it can or a tire shop with the attended 500 tires piled up behind the building full of water attracting rats, vermin’s and rodents and not have anybody with the ability to stop that from being in that location in the first place.

Code Enforcement is a tool but the codes do not determine if a business use is appropriate for a particular area. We have no handle on how long they operate if they don’t operate in a good, neighbor fashion. Family businesses, good people, I’m all for them. I want to do it.

Unfortunately, I have to be honest and Mr. Vaught and I have been friends for a number of years. It’s not directed at anyone in particular, but our business community and our real estate community are not driven by the niceties of ecstatic’s. They do not care whether this will be landscaped, screened, made pretty, the integral part of a neighborhood that you want to drive down and see wonderful things. It’s about the dollars and cents of the deal. That’s the way it is. I don’t blame them for that. That’s why these kinds of things do go into place. I am concerned, in my world, that not every vacant building, every vacant Sonic, every fast food joint that closes and I can take you to them because they can’t get another similar use, it becomes a perfect spot for a used car lot. It has plenty of concrete and enough space to show automobiles.

I’m all for taking an individual look at each application. I’m all for considering financing if there is a financing issue that would require longer than a five or a ten-year special use permit. We have that authority already. We don’t need to ask Rob if it’s okay. We can do that. It’s up to us to decide based on the Planning Commission’s initial dissection of it and recommendation and then our review of it after listening to these people who bring it forward. Understand, I’m not trying to get anybody who’s in business. I just want us to have a handle on them before they get in business. If afterwards they violate codes, we still have code enforcement and we have whatever stipulations. It’s just a method of not having the unrestricted proliferation of these types of businesses in an area where maybe you would like to have a dress shop and not a used car lot. I’m just giving us a handle on it; trying to.

**Commissioner Townsend** sad well, Commissioner Walker just used the quarter word I was going to use tonight as I reviewed that. To me, when I reviewed this, it was a proliferation issue.

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District 1 extends a lot farther west than people realize. I’m very familiar with the car lots and the way that Leavenworth Road looks, which may be slightly different in it’s character than the more eastern part of my district. I think the concern is not that we don’t have codes and Code Enforcement but as Commissioner Walker talked about and it’s really protection for those already in business. How many come and where they come and what they’re willing to do to come. I do agree that maybe the issue lies in what might be the right balance in the length. Maybe two years is too short from a financing perspective, maybe 20 is too long. They’re there. I believe as Mr. Richardson says, once they’re there that long so maybe there is some in-between that would be appropriate. I think we addressed a similar issue, in my mind at least, with proliferation of certain types of businesses when we talked about the Dollar stores, so that’s how I saw this.

Commissioner Johnson said I, too, express the same concern. I think that the ordinance, as it stands, presents a broad stroke across the industry of these businesses. The idea of what might be a good business idea in one area of town in a way it’s seen in another area of town are two different things. I see those in District 4 as well and share that concern.

I’m wondering if there is an alternative to addressing this issue without such a broad stroke that will be an impediment to those businesses where they have good intents of keeping up their properties as opposed to those that are just there today and gone tomorrow and they come in and paint a big—I think we probably see the same thing where they come and paint a big tire on the side of the building. Are there alternatives that will allow us to address this issue so that we can move forward?

Mr. Richardson said I think intent is very hard because I’ve never had anybody not say they intended to do it well for a long time. Some of them immediately violate that, some of them violate that when times get tough and some of them do a good job all the time. I think there might be a way but I don’t know that the individual’s intent is the way—I don’t know how we would ever measure that and that’s kind of where the term of the special use permit comes in. If they come in for a couple of years and they do a great job, then we give lots of people 5, 10 year permits after that because they’ve proven their track record. That’s kind of what we’ve looked at on this as well. Intent is so hard to tell on any business really. You know some of the national chains, you can look at them and what their track record is at other places. When it’s an individual coming in or something like that, it’s a little bit harder.

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I don’t want to discourage anybody but some people have a track record in another community and we look at that even on some small businesses. They’ve done a great job. If they’ve been a live entertainment person in another community, they say Lee’s Summit didn’t have any problems with them and they’ve done a good job. We don’t have that very often.

**Commissioner Johnson** said I would love to see a CARMAX east of I-635. I doubt that that happens so we have to deal with the ones that we have. **Mr. Richardson** said we do have some nice ones. There are some that are very nice in Districts 1, 2, 3, and 4.

**Action:** Commissioner Walker made a motion, seconded by Commissioner Markley, to approve the new provision to Section 27-593(a) otherwise identified as D-2 on our agenda tonight.

**Mayor Holland** said I have a question for our legal team. Can we include E-3, the enabling ordinance at the same time or do those need to be separate motions? **Jody Boeding, Chief Legal Counsel**, said you could do it in one vote unless someone wants to vote differently.

**Action:** **ORDINANCE NO. O-42-15**, “An ordinance concerning tire shops, automotive mechanical shops, used car lots, and automotive salvage yards, except when concerning new automotive dealerships; amending Chapter 27, Article VIII, Sections 27-340 and 27-593 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion to approve both at the same time, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley; and two “Nos,” Walters, Philbrook.

**ITEM NO. 3 – 150202... ORDINANCE AMENDMENT**

**SYNOPSIS:** Certain amendments to Section 27-340 and Section 27-609(6), Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and
the use of yard area for non-residential parking purposes in residential districts, submitted by Robin Richardson, Director of Planning.

**Action:** Commissioner Walker made a motion, seconded by Commissioner Markley, to approve the ordinance amendment. Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook, Walker.

**MISCELLANEOUS – ORDINANCES (FINAL ACTION ON PREVIOUSLY APPROVED ITEMS)**

**ITEM NO. 1 – 150202…ORDINANCE**

**SYNOPSIS:** An ordinance prohibiting the use of any yard area for commercial or any nonresidential or ongoing non-resident parking purposes in residential districts, submitted by Robin Richardson, Director of Planning.

**Action:** ORDINANCE NO. O-40-15, “An ordinance prohibiting the use of any yard area for commercial or any non-residential or ongoing non-resident parking purposes in residential districts; amending Chapter 27, Article VIII, Sections 27-340 and 27-609 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM 2 – 110164….ORDINANCE**

**SYNOPSIS:** An ordinance amending the existing floodplain management ordinances to reflect the new effective date of September 2, 2015 on all of the FIRM panels, submitted by Robin Richardson, Director of Planning.
**Action:** ORDINANCE NO. O-41-15, “An ordinance amending the existing floodplain management ordinances to reflect the new effective date of September 2, 2015, on all of the FIRM panels; amending Chapter 27, Article VIII, Sections 27-548 to 27-555 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

**ITEM NO. 3 – 100200...ORDINANCE**

**SYNOPSIS:** An ordinance concerning tire shops, automotive mechanical shops, used car lots, and automotive salvage yards, except when concerning new automotive dealerships; amending Chapter 27, Article VIII, Sections 27-340 and 27-593 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas submitted by Robin Richardson, Director of Planning.

**Action:** This item was previously heard in conjunction with Ordinance Amendment No. 2 – 100200...Ordinance Amendment.

**ITEM NO. 4 – 150130....ORDINANCE**

**SYNOPSIS:** Rezoning property at 2035 North 109th Street (#3088), submitted by Robin Richardson, Director of Planning.

**Action:** ORDINANCE NO. O-43-15, “An ordinance rezoning property hereinafter described located at approximately 2035 North 109th Street in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Marley, Walters, Philbrook.
ITEM NO. 5 – 150082...ORDINANCE

SYNOPSIS: An ordinance vacating property at 1022 Merriam Lane (#A-2015-3), submitted by Robin H. Richardson, Director of Planning.

Action: ORDINANCE NO. O-44-15, “An ordinance vacating the Southeasterly 1/2 of a 15 foot wide alley adjacent to a portion of Lot 40, and all of Lots 41 through 45, Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 1022 Merriam Lane.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 130035...SPECIAL USE PERMIT APPLICATION #SP-2015-16 – RANDEL AND BARBARA VANBEBEBER

SYNOPSIS: Renewal of a special use permit (#SP-2013-8) to keep two goats at 3415 North 63rd Street, submitted by Robin Richardson, Director of Planning. The applicants are requesting to continue to keep two goats on 1.4 acres of property. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2015-16, subject to:

Urban Planning and Land Use Comments

1. The opinions of surrounding property owners are critical. Are there significant complaints made by surrounding property owners?
   Applicant’s Response: None.

2. What is the goats’ diet? What is the square footage of the fenced area where the goats graze?
   Applicant’s Response: Molasses, corn, oats, hay, carrots and cabbage, will add fencing totaling 1.5 acres.

3. What measures do you take to ensure that the fenced area is not overgrazed and trampled?
   Applicant’s Response: The goats are fed enough molasses, corn, oats, hay, carrots and cabbage to not need to graze a lot.

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4. Do you plan to increase the fenced, grazing area for your two goats?
   Applicant’s Response: Yes.

5. How often do you clean up the goats’ waste?
   Applicant’s Response: Every day – waste goes in the garden.

Staff recommends approval subject to:
- Approval would be for five years
- Property owners maintain daily disposal of goats’ waste
- Property owners complete fence addition within a three month time span
- The goats’ diet remain as stated in applicant’s response—molasses, corn, oats, hay, carrots, and cabbage—to ensure that the grass is not overgrazed

As per Animal Control, they do not foresee any issues.
Applicant’s Response: Okay.

Conservation District Comments
There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes silt loam and Knox silt loam 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.

This site is not being managed well. The seeding is in bad shape. It is overgrazed and trampled. The lack of vegetation will create undo runoff from the site. The runoff will be polluted with animal waste which can cause health issues downstream. This site is too small for these animals. This size of goat needs to have at least one acre of well managed pasture per goat. If it is poorly managed, then you will need two to three acres of pasture. Goats also like a larger percent of browse material in the pasture mix.

There is a larger area to the back of the property that can be fenced and allow for more pasture area. The goats should not be allowed in the present location. Runoff from this site will go directly into the drainage way to the south.
Applicant’s Response: Okay.

Animal waste needs to be cleaned up on a daily bases and disposed of properly.
This site will cause excessive runoff and carry animal waste with it.
Applicant’s Response: Okay.

Public Works Comments  No comments.

Update – July 13, 2015 Planning Commission Meeting
The Planning Commission voted to HOLD OVER Special Use Permit Application #SP-2015-16 for one month for the applicants to provide the medical records and invite Animal Control and Code Enforcement onto their property to inspect the living conditions.

The applicants contacted Animal Control on June 15, 2015, and were instructed to get rid of their pit bull mix dog, as pit bulls are not allowed in the city. The applicants submitted a letter to staff stating they would get rid of the pit bull mix dog on June 15, 2015. A notice from Animal Control from May 11, 2015, was also submitted by the applicant that stated, on complaint of 2 illegal pit bulls, no violation was observed. Code Enforcement reported no current violations for this property.

The applicants submitted immunization records for both goats as well as their dogs. Records were submitted for their dogs in response to a neighbor’s concern of no immunization records for all animals on the property. Documentation stating the applicants have given away their pit bull-mix dog was also received by staff.

Staff also contacted the Humane Society in Kansas City, Kansas, and they stated that they had not had any calls for issues on this property.

Staff Conclusion

Staff recommends approval subject to:

- Approval would be for five years
- Property owners maintain daily disposal of goats’ waste
- Property owners complete fence addition within a three month time span
- The goats’ diet remain as stated in applicant’s response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed
- Animal Control Permit issued for two goats

**Randy VanBeber, 3415 N. 63rd St.,** said I just have them for pets for the neighbors, for my kids, grandkids to play with. They become pets. I keep my place pretty cleaned up and dispose of all the waste and give it to some farmers and feed them good. They don’t bother anybody.

**Mayor Holland** opened the public hearing.

No one appeared in support.

The following appeared in opposition:

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Brian Margo, 6240 Edith Ave., said I don’t know, this may be a little unusual. I’m actually going to ask that this be carried over for 30 days as I just came into the understanding that I do have some evidence that can be submitted and I’d like to get that processed to bring in for the next hearing.

Mayor Holland said alright. You are making a request to the Commission to carry this over for 30 days. Mr. Margo said let me be more clear, to the next hearing, to next meeting. Mayor Holland asked, Mr. Richardson, can you tell us when that would be. Mr. Richardson said the next meeting of this Board on these issues would be August 27. Mayor Holland said okay. That request has been made. I’ll ask you to have a seat at this time. Is there anyone else who would like to speak in opposition?

No one else appeared.

Mayor Holland said I’m not going to close the public hearing yet based on the decision that the Commission makes. In the event that it is not held over, then I’ll give you an opportunity to speak.

Commissioner Walker asked precisely where is this located. Which Commission district? Commissioner Philbrook said mine. Commissioner Walker said I’d be certainly interested to hear Commissioner Philbrook’s thoughts on this.

Commissioner McKiernan said I guess I need to clarify because you said August 27. That would be the next Planning and Zoning meeting of the Board of Commissioners but isn’t he asking to go to the next Planning Commission meeting, you’re not. Mr. Margo said no, we’ve already been there. Commissioner McKiernan said you’ve been to the Planning Commission. You’re wishing to come here. Thank you, that’s all I needed.

Commissioner Philbrook said well again, my concerns are around soil erosion. I guess if we’re not going to pay any attention or much attention to what the conservation people are telling us, then why even get their reports back to us. That’s just a slam on our overall the way we’re doing it right now. There are a lot of issues around property eroding in the northeast district around animals and so on. I really believe that this has not been maintained in a manner in which it
should be, this property. I would like to hold this over and take another look at this. If that means going back to Planning and Zoning, I don’t care.

**Mayor Holland** said well, we would take a motion and there are two options. One is to send it back to Planning and Zoning, which, I believe, would require six votes. The other option is to hold it over for 30 days which, I believe, also requires six votes. If you want the said evidence presented to Planning and Zoning first, then you would send it back there. If you want to handle it here, you would just hold it over for 30 days.

**Commissioner Philbrook** said, Rob, help. I would like to see a little bit more work from us on this particular one. What do you recommend? **Mr. Richardson** said related to the erosion and the conservation comments, the comments, and our recommendation about completing the fence would expand the area where the goats could be so they wouldn’t be trampling in the same spot all the time. We think that issue of the grass, the grass would grow sufficiently so that there wouldn’t be erosion at that time. That’s why that comment is in there that way. They didn’t do that the last time. I have not seen the evidence that the gentleman wants to present. I don’t know that it makes a difference if that goes to you all or to the Planning Commission. It would done and decided August 27 if you keep it here. We couldn’t get it on the August Planning Commission more than likely so it would probably go to the September 14, Planning Commission.

**Mayor Holland** said I would be inclined to see it go back, if I could offer, back to Planning and Zoning and let them work out the details if there is additional discussion to be had. That’s my inclination but you can make whatever motion you want.

**Action:** **Commissioner Philbrook** made a motion, seconded by Commissioner Walker, to send Special Use Permit Application #SP-2015-16 back to Planning and Zoning to hear evidence provided by the petitioner.

**Commissioner Walker** said I was going to try to clarify what new evidence that could possibly be about this that could not have been presented tonight. Sending it back, we’ll let the Planning Commission sort that out and make a recommendation. **Commissioner Philbrook** said I
happened to be present during Planning and Zoning on this one. I can tell you that he expressed some other issues that had not been brought forward and I would like to see those come forward.

Roll call was taken on the motion and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

NON-PLANNING AGENDA

A. Adoption of the following resolutions and ordinances regarding the 2015 Amended Budget, the 2016 Proposed Budget, the CDBG Five-Year Consolidated Action Plan, the 2015-2016 Annual Action Plan, and the Citizen Participation Plan. (150213)

Doug Bach, County Administrator, said the items in front of you are the summation of activities after going through several months of preparation and putting the budget together and then, of course, the last month that you all have held in workshops going through and vetting these. Each one of these lays out different actions that would adopt the budget as it’s been explained to you in the workshop sessions and taking in accordance with the attachments that you would need to approve it with the amendments you made during those workshops. I would recommend approval for each of those items and note the attachments which would be in place with Item 8 and then, of course, the modified attachment that we’re submitting for attachment No. 10. Also, I believe we amended Number 5 to scratch the word ordinance so it’s just a resolution.

ITEM NO. 1 – 150213...RESOLUTION: WYANDOTTE COUNTY LIBRARY BUDGET

SYNOPSIS: A resolution expressing the property taxation policy of the Unified Government with respect to financing of the 2016 annual budget for the Wyandotte County Library; approving and adopting the 2016 budget of the Wyandotte County Library; levying a tax for the Library to fund the budget set by the Wyandotte County Library Board within the Wyandotte County Library District (Piper, Edwardsville, and Turner); and appropriating the funds on behalf of the Wyandotte County Library.

Action: RESOLUTION NO. R-45-15, “A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas,

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with respect to financing the 2016 annual budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2016.”

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 2 – 150213... ORDINANCE: SSMID BUDGET

SYNOPSIS: An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2016 annual budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2016.

Action: ORDINANCE NO. O-45-15, “An ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing the 2016 annual budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2016.”

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 3 – 150213... ORDINANCE: SEWER SERVICE RATE

SYNOPSIS: An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2016.

Action: ORDINANCE NO. O-46-15, “An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2016, as authorized by Section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.”

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

July 30, 2015
ITEM NO. 4 – 150213... RESOLUTION: PILOT

SYNOPSIS: A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2016 (the PILOT).

Action: RESOLUTION NO. R-46-15, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2016.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.

Commissioner Walker said in general, I want the record to reflect that I am opposed to this because we have in years past made a commitment to reduce the PILOT when we adopted the rate that we now have. We have never done anything about it and we are in a breach of faith with the Board of Public Utilities. However, for the spirit of unanimity, I am going to go ahead and vote in the affirmative for this. This constant neglect of our commitment to reduce PILOT must be addressed. Our ratepayers are sick of it. I’m personally sick of it because of the impact it has. The idea that every year we can just count on this 11.9% without doing anything to make the burden easier on the BPU is just simply unacceptable.

Roll call was taken on the motion to adopt the resolution and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 5 – 150213...RESOLUTION: SPECIAL ASSETS FUND

SYNOPSIS: A resolution creating a Special Assets Fund for revenues received from the sale of significant assets and for expenditures associated with a Unified Government-owned asset or the acquisition of land or buildings by the Unified Government.

Mayor Holland said please note that this is not an ordinance; it is a resolution only.

Action: RESOLUTION NO. R-47-15, “A resolution that a Special Assets Fund is hereby created to record revenues and expenditures associated with the sale of significant government assets, including land and buildings. That the revenues accrued in this fund shall be committed for the following specific purposes and activities: debt payments related to the asset sale; operating and/or capital expenditures

July 30, 2015
associated with a Unified Government-owned asset; future land and building
acquisition costs; and capital equipment purchases and infrastructure-related
expenditures associated with a Unified Government-owned asset. That the
County Administrator is hereby authorized and directed to take action necessary
to implement the intent of this resolution.” Commissioner McKiernan made a
motion, seconded by Commissioner Markley, to adopt the resolution. Roll
call was taken and there were eight “Ayes,” Bynum, Walker, Townsend,
McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 6 – 150213...RESOLUTION: YMCA FUNDRAISING EXTENSION
SYNOPSIS: A resolution authorizing a one-year extension of the deadline to August 1, 2016,
for the completion of the fundraising efforts by the YMCA in order to receive the contribution

Action: RESOLUTION NO. R-48-15, “A resolution that the deadline of August 1, 2015,
referred to in paragraph #3 of Resolution No. R-69-13 is hereby extended for one
year until August 1, 2016. That paragraph #3 of Resolution No. R-69-13 is
hereby repealed.” Commissioner McKiernan made a motion, seconded by
Commissioner Markley, to adopt the resolution. Roll call was taken and there
were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley,
Walters, Philbrook.

ITEM NO. 7 – 150213... RESOLUTION: BUILDING PERMIT/SEWER CONNECTION
FEES
SYNOPSIS: A resolution authorizing waiver of building permit fees and sanitary sewer
connection fees for single-family construction through December 31, 2016.

Action: RESOLUTION NO. R-49-15, “A resolution authorizing waiver of building
permit and sanitary sewer connection fees for single-family construction through
December 31, 2016.” Commissioner McKiernan made a motion, seconded by
Commissioner Markley, to adopt the resolution. Roll call was taken and there
were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley,
Walters, Philbrook.

July 30, 2015
ITEM NO. 8 – 150213.... RESOLUTION AND ORDINANCE: 2016 ANNUAL BUDGET

SYNOPSIS: A resolution and an ordinance approving, adopting, and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the amended 2015 budget and the 2016 budget for the year beginning January 1, 2016, as submitted by the County Administrator and amended by Attachment A.

Action: RESOLUTION NO. R-50-15 AND ORDINANCE NO. O-47-15, “A resolution and ordinance approving, adopting and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas for the amended 2015 Budget and the 2016 Budget for the year beginning January 1, 2016, as submitted and amended.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution and approve the ordinance as amended on the appropriate attachments. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

ITEM NO. 9 – 150213...RESOLUTION: ONE-YEAR ACTION PLAN AMENDMENT

SYNOPSIS: A resolution approving and authorizing submission of Amendment #1 to the 2014-2015 One-Year Action Plan to the U.S. Department of Housing and Urban Development.

Action: RESOLUTION NO. R-51-15, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government to Amendment #1 of the 2014-2015 One Year Action Plan as a voluntary act of the Unified Government for submission to the U.S. Department of Housing and Urban Development.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.
ITEM NO. 10 – 150213....RESOLUTION: FIVE-YEAR CONSOLIDATED PLAN, ANNUAL ACTION PLAN, CITIZEN PARTICIPATION PLAN

SYNOPSIS: A resolution approving and authorizing execution of the 2015-2019 Five-Year Consolidated Plan and the 2015-2016 Annual Action Plan and the Citizen Participation Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development and authorizing implementation of the 2015-2016 Annual Action Plan Strategy.

Action: RESOLUTION NO. R-52-15, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the 2015-2019 Five Year Consolidated Plan, the 2015-2016 Annual Action Plan and the Citizen Participation Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with the Certificates for Entitlement Grantees by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development in substantially the form as the attached documents and as amended by the Unified Government Commission. That the County Administrator is hereby authorized to implement the 2015-2016 Annual Action Plan Strategy for the 2015-2019 Five Year Consolidated Plan upon approval.” Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.

Mayor Holland said I’ll give folks a moment to look at this and ask our Chief Legal Counsel to clarify. There were some changes made to this at the 5:00. Jody Boeding, Chief Legal Counsel, said the change in the resolution is to adopt by reference, the attachment A. Attachment A is somewhat changed from the 5:00 as discussed by the Commission. Mayor

July 30, 2015
Holland said I think you can see the actions taken on Attachment A-2. I think those are in keeping in what we discussed.

Commissioner Bynum said question just for clarification—capturing that final compromise on that. Mr. Bach said yes it is. You'll notice it has the fund Housing and Redevelopment (bricks and mortar) that will be unallocated $350,000, and then $50,000 toward the funding of Doing Real Work.

Roll call was taken on the motion to adopt the resolution and there were eight “Ayes,” Bynum, Walker, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook.

Mayor Holland said as we close, I would like to congratulate our Administrator, Doug Bach, on an excellent budget and on our Budget staff and Finance staff. Thank you all very much.

Commissioner McKiernan said I would just like to add my congratulations and thanks on top of yours, Mayor, and I totally agree with you. Mr. Bach and his staff still in a challenging time for us, still with many challenges ahead of us have done a great job of settling us down, making us stronger and moving us forward toward a stronger future.

Mayor Holland said thank you to all the Commissioners for your hard work during this process.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:26 P.M.
July 30, 2015

Bridgette D. Cobbins
Unified Government Clerk

July 30, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 3, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via phone); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. Commissioner Markley, Sixth 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; Lew Levin, Chief Financial Officer; Ken Moore, Deputy Chief Counsel; Emerick Cross, Commission Liaison; and Captain Rance Quinn, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Mike May, St. Luke’s Lutheran Church.

Mayor Holland asked if there were any revisions to the agenda. Bridgette Cobbins, UG Clerk, stated there are no revisions to the agenda.

Mayor Holland said we’ll have an announcement from Administrator Doug Bach.

Doug Bach, County Administrator, said last week was an important week around the Unified Government. It was a week which we had recognition, Employee Appreciation Week, which is a good week for me. I’m able to go out and see a lot of employees. A week ago we also did
recognition of employees who had been here for various years of service, however, I did want to state that tonight I made a mistake in that awards ceremony last week and I left off one of our employees that I would say takes quite a bit to get to ten years of service. Tonight, I want to call him out and recognize Commissioner Kane and give him his award for ten years of service which I failed to do last week.

MAYOR'S AGENDA
ITEM NO. 1 – 980266...VOTING DELEGATES: LKM CONFERENCE

SYNOPSIS: Designation of Gordon Criswell and Mike Taylor as voting delegates for the League of Kansas Municipalities Annual Conference to be held in October in Topeka, KS.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.

CONSENT AGENDA

Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.

ITEM NO. 1 – MINUTES

SYNOPSIS: Minutes from special sessions of July 27 (6:00 pm), July 30, August 13 and August 27, 2015; and regular sessions of July 30 and August 13, 2015.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.
ITEM NO. 2 – WEEKLY BUSINESS MATERIAL


Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to receive and file. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 150208...RESOLUTION: FUNDING INCREASE-KAW POINT PARK TRAIL

SYNOPSIS: A resolution increasing authorized funds to $760,000 (a $250,000 increase) for the Kaw Point Park Connector Trail 2013, CMIP 971-7865 improvements, submitted by Dave Clark, Public Works. This project is included in the 2015 Amended CMIP Budget. On November 21, 2013, the commission unanimously adopted Resolution No. R-107-13, authorizing $510,000 in GO debt for the project. As this project was previously authorized by the commission and funded with temporary notes, if it is not advanced as a project, all expenses incurred to date will need to be refunded with cash in 2016. This amount is approximately $200,000. On August 10, 2015, the Economic Development and Finance Standing Committee, co-chaired by Commissioner Walker, voted 5 to 1 to approve and forward to full commission. On August 27, 2015, the full commission voted 5 to 5 to disapprove the resolution.

Mayor Holland said I do want to thank everyone for coming out for this issue tonight. I will remind everyone that we do honor the decorum of the chamber, though interesting, never mellow drama so we do not cheer or boo if you agree or disagree with someone. We do appreciate that and we do take safety seriously so we appreciate your coming prepared.
Action: RESOLUTION NO. R-56-15, “A resolution amending Resolution No. R-107-13 authorizing certain street, sidewalk and recreational facility improvements known as the Kaw Point Park Connector Trail 2013, CMIP 971-7865 improvements, and providing for the manner of paying for the same.” Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were six “Ayes,” Townsend, McKiernan, Johnson, Philbrook, Bynum, Holland; and four “Nos,” Murguia, Kane, Walters, Walker.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 150251…ORDINANCE & RESOLUTION: WYANDOTTE PLAZA PROJECT

SYNOPSIS: Request approval of the following documents to cover the scheduled principal payment due October 1, 2015, submitted by Lew Levin, Chief Financial Officer.

- Ordinance authorizing the issuance of $280,000 of Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza project), Series 2015; and authorizing several other documents and actions.

- Resolution indicating the terms and definitions associated with the financing.

Mayor Holland said we need two votes, the first for the ordinance, a second for the resolution. If you would like to hear the presentation, Mr. Levin is ready.

Action: ORDINANCE NO. O-57-15, “An ordinance authorizing and providing for the issuance of $280,000 principal amount of Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015 of the Unified Government of Wyandotte County/Kansas City, Kansas; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.” Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve the
ordinance. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.

RESOLUTION NO. R-57-15, “A resolution prescribing the form and details of and authorizing and directing the sale and delivery of $280,000 principal amount of Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015 of the Unified Government of Wyandotte County/Kansas City, Kansas, previously authorized by Ordinance No. O-57-15 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.” Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Walker.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

Mayor Holland said that brings us to the conclusion of our agenda. I will say you cannot give a better gift to an outgoing Chief Counsel, Jody Boeding, who has been with the organization for thirty-four years; Chief Counsel for five years. What a nice gift to give her for her last meeting, a five minute meeting. Congratulations, Jody.
MAYOR HOLLAND

ADJOURNED THE MEETING AT 7:07 P.M.

September 3, 2015

_________________________________________
Bridgette D. Cobbins
Unified Government Clerk

September 3, 2015
Memorandum

To: Doug Bach
   County Administrator

From: Bridgette Cobbins
      UG Clerk

Date: September 3, 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 September 3, 2015

1. PUBLIC NOTICE:

All Star Tow, 900 S. 66th Terrace, held a public auto auction on August 25, 2015 at 10:00 a.m.

Action: Received and filed.

2. CONTRACTS:

Mega Industries Corporation for the CID Pump Station Bar Screen Improvements, Project No. 6220, $360,114.55.

Wiedenmann, Inc., for the Merriam Lane and Puckett Road Sanitary Sewer Repairs, Project No. 6301, $211,876.

Action: Approved by County Administrator and received and filed.

3. COMMUNICATION:

Rick Mikesic, Manager of Accounting, regarding Cash Transfer Memorandum May 2015

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<th>FUND FROM</th>
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<th>PURPOSE</th>
<th>AMOUNT</th>
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<td>Re-class Tax Revenue</td>
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<td>Tax Collection</td>
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<td>5,528.52</td>
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<td>County General</td>
<td>Tax Collection</td>
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<td>Various Agencies</td>
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<td>City General</td>
<td>Various Agencies</td>
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<td>County General</td>
<td>City General</td>
<td>May Auto Liability Insurance</td>
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<td>City General</td>
<td>Non Debt Int. Improv.</td>
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<td>49.00</td>
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<td>Sewer System</td>
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<td>^</td>
<td>60.00</td>
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<td>WDDS</td>
<td>City General</td>
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<td>125.00</td>
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<td>Dedicated Sales Tax</td>
<td>Employee Benefits</td>
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<td>634.82</td>
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<td>Health Dept.</td>
<td>City General</td>
<td>Parking Stickers</td>
<td>1,000.00</td>
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<td>County General</td>
<td>Other Sp. Grants</td>
<td>Re-class Expense</td>
<td>1,013.98</td>
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<td>Special Grants</td>
<td>City General</td>
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<td>2,124.49</td>
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<td>Health Dept. Grant</td>
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<td>Dedicated Sales Tax</td>
<td>County General</td>
<td>April Police Jail Expense</td>
<td>23,026.75</td>
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<td>Various Agencies</td>
<td>City General</td>
<td>May Fuel Reimbursement</td>
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<td>Various Agencies</td>
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<td>5&amp;6 Retiree Health Insurance</td>
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<td>County General</td>
<td>2,3&amp; Apr Police Jail Expense</td>
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**TOTAL** 563,447.35

Action: Received and filed.
4. COMMUNICATIONS:

Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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<td>8/21/2015</td>
<td>$187.00</td>
<td>165/County Aging</td>
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<td>V #17717 Duplicate Payment</td>
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<td>772434</td>
<td>8/7/2015</td>
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<td>750/Payroll Deduction Clearing</td>
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<td>V #PA018 Garnishment Cancelled</td>
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<td>768018</td>
<td>6/12/2015</td>
<td>$117.20</td>
<td>274/SLETF</td>
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<td>V #82565 Lost Warrant</td>
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<td>762158</td>
<td>3/27/2015</td>
<td>$2,324.18</td>
<td>160/County General Fund</td>
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<td></td>
<td></td>
<td>V #28064 Wt. over 45 days old</td>
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<tr>
<td>758187</td>
<td>2/4/2015</td>
<td>$115.07</td>
<td>110/City General Fund</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>V #X1718 Wt. over 45 days old</td>
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</table>

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 1, 2015:

**Section III - Separations**

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<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>Sean C. Behen</td>
<td>Police</td>
<td>8/27/15</td>
<td>Master Patrolman I</td>
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<tr>
<td>Mychal B. Nelson</td>
<td>Health/PHS</td>
<td>8/26/15</td>
<td>Admin Supt Asst.</td>
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**Section VIII - Other Request**

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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>Lyric D. Lewis</td>
<td>Municipal Court</td>
<td>Amend PAC 8/27/15 to reflect separation effective 8/4/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 3, 2015:

No items.

Action: Received and filed. Copy previously forwarded to Payroll.

7. CLAIMS FOR DAMAGES:

Jim Boyce, 2209 N. Six Mile Church Road, Independence, MO, alleging damages to vehicle after hitting an asphalt ramp going over railroad tracks.

September 3, 2015
May Vang, 3730 Bryant Circle, Apt. #30, alleging damage to vehicle when hit by rock from a UG worker’s mower.

Action: Received and filed. Copies previously forwarded to Legal Department.

8. REQUESTS FOR DEFENSE AND NOTIFICATION OF SUITS PURSUANT TO THE KANSAS TORT CLAIM ACT IN CASE #15-9130-JWL-JPO, MCKINNIS et al vs:

Abigail Fithian #1949
Lucas Graves #1963
Kenneth Hickerson #1952
Scott Ladish #1785
Jeremy Shepard #1891
Andrew Wilcox #1960

Action: Received and filed. Copies previously forwarded to Legal.

9. TRAVEL REQUEST:

David J. Toland, Sheriff’s Office/Training, attend Leadership 2000 training, October 9, 2015 – June 8, 2016, at various locations throughout Wyandotte County, Employee Training & Travel.

Action: Approved by County Administrator’s Office and received and filed.

10. APPLICATION FOR DRINKING ESTABLISHMENT:

Kimberly Pond d/b/a Red Eye, 6102 State Ave.

Action: Referred to License.

11. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT:

KCK Investors LLC/Merle Parks d/b/a Hilton Garden Inn, 520 Minnesota Ave.

Action: Referred to License.

12. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Reyes Media Group/Diana Raymer, temporary permit for September 6, 2015 from 12:00 p.m. to 10:00 p.m., Wyandotte County Fairgrounds, 13700 Polfer Rd.

Action: Referred to License.
13. APPLICATION FOR MASSAGE THERAPIST LICENSE 2015-2016:

Hayley Balcom d/b/with Beauty Brands, 1811 Village West Pkwy.

Action: Referred to License.
Memorandum

To: Doug Bach  
County Administrator

From: Bridgette Cobbins  
UG Clerk

Date: September 10, 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

Weekly Business Material for September 10, 2015
1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on September 9, 2015, for Project B25761 – Softball Field Renovations.

Action: Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor and Public Works.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., listing vehicles sold at public auction on September 1, 2015.

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 8, 2015:

Section I - Appointments

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<tr>
<th>Name</th>
<th>Department/Division</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Rebecca D. Garza</td>
<td>Health</td>
<td>9/10/15</td>
<td>Program Coordinator</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>
</tr>
</thead>
<tbody>
<tr>
<td>Tammie R. DePeralta</td>
<td>Del Real Estate</td>
<td>9/24/15</td>
<td>Admin Supt Specialist</td>
<td>Real Estate Abstractor</td>
</tr>
<tr>
<td>Brian J. Tucker</td>
<td>Sheriff/Admin</td>
<td>8/27/15</td>
<td>Lieutenant</td>
<td>Deputy</td>
</tr>
</tbody>
</table>

Section IV - Leave of Absence

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Lv. Beg</th>
<th>Lv. Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Celisha S. Towers</td>
<td>Sheriff/Detention</td>
<td>8/31/15</td>
<td>9/29/15</td>
</tr>
</tbody>
</table>

Section VIII - Other Request

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony A. McDaniel</td>
<td>Public Works/Parking Control</td>
<td>Out of Class pay effective 9/1/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 10, 2015:
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>Ashley R. Folsom</td>
<td>Health/PHS/FP/PN</td>
<td>9/11/15</td>
<td>Program Coordinator</td>
</tr>
<tr>
<td>Davis M. Owens</td>
<td>Health/PHS/STD</td>
<td>09/15/15</td>
<td>Disease Intervention Specialist</td>
</tr>
<tr>
<td>Lauren E. Reiman</td>
<td>Intern</td>
<td>8/28/15</td>
<td>Intern</td>
</tr>
</tbody>
</table>

Section IV - Leave of Absence

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Lv. Beg</th>
<th>Lv. Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrick R. Clingen</td>
<td>Fire EMS/Transport</td>
<td>7/30/15</td>
<td>8/30/15</td>
</tr>
</tbody>
</table>

Section VIII - Other Requests

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theresa Bauer</td>
<td>Economic Dev.</td>
<td>ACD change effective 9/10/15</td>
</tr>
</tbody>
</table>

**Action:** Received and filed. Copy previously forwarded to Payroll.

5. **CLAIMS FOR DAMAGES:**


Brittani Hanson, 2254 South 10th St., KCK, alleging damage to vehicle when hit by rock from a UG worker’s tractor.

Brandy Wells, 13045 Swartz Rd., Bonner Springs, KS, alleging damage to vehicle while in Parking Lot E.

**Action:** Received and filed. Copies previously forwarded to Legal Department.

6. **REQUEST FOR DEFENSE AND NOTIFICATION OF SUIT PURSUANT TO THE KANSAS TORT CLAIM ACT IN CASE #15-9130-JWL-JPO, MCKINNIS et al vs:**

Kathleen Hill #1886

**Action:** Received and filed. Copy previously forwarded to Legal.

7. **TRAVEL REQUESTS:**
Terry Brecheisen, Health, travel to Topeka, KS, September 8, 2015, to attend KDHE NE Kansas Regional Meeting, Employee Training & Travel.


Gene Bryan, Appraiser’s Office, travel to Topeka, KS, September 4, 2015, to attend KAC Legislative Policy Committee Meeting to Consider 2016 Requests, Employee Training/Travel.

Greg Talkin, NRC, travel to Long Beach, CA, September 27 – October 2, 2015, to attend 2015 ICC Annual Conference and Group A Public Comment Hearings, Employee Training & Travel.


**Action:** Approved by County Administrator’s Office and received and filed.

8. **APPLICATION FOR DRINKING ESTABLISHMENT:**

Andrea Behrman/DBA Jerry’s Sports Pub, 8048 Leavenworth Rd.

**Action:** Referred to License.

9. **APPLICATIONS FOR LIQUOR TEMPORARY LICENSE:**

Fairfax Industrial Association, temporary permit for September 10, 2015 from 3:00 p.m. to 6:00 p.m., Fairfax Industrial Association, 1 River City Drive.

Mayra Romero/William Hutton, temporary permit for September 5, 2015 from 12:00 p.m. to 11:00 p.m., Bonito Michoacan, 1150 Minnesota Ave.

**Action:** Referred to License.
Memorandum

To: Doug Bach  
   County Administrator

From: Bridgette Cobbins  
      UG Clerk

Date: September 17, 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 September 17, 2015

1. **NOTICE OF MECHANIC’S LIEN:**

Marco A. Gonzales d/b/a T. G. Interiors, 3314 Lipizzan Drive, Denton, TX vs. Meyer & Najem, Inc., H & H Drywall Specialists, Inc. and MS Kansas City, LLC, Case No. 2015-SL-390.

**Action:** Received and filed. Copy previously forwarded to Legal.

2. **COMMUNICATION:**

Rick Mikesic, Manager of Accounting, regarding Cash Transfer Memorandum July 2015

<table>
<thead>
<tr>
<th>FUND FROM</th>
<th>FUND TO</th>
<th>PURPOSE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Trust</td>
<td>Tax Collection</td>
<td>Re-class Tax Revenue</td>
<td>59.24</td>
</tr>
<tr>
<td>Tax Collection</td>
<td>County General</td>
<td>^</td>
<td>5,273.59</td>
</tr>
<tr>
<td>County General</td>
<td>Tax Collection</td>
<td>^</td>
<td>14,444.23</td>
</tr>
<tr>
<td>Sewer System</td>
<td>City General</td>
<td>May BPU Abatement</td>
<td>320,719.34</td>
</tr>
<tr>
<td>Various Agencies</td>
<td>City General</td>
<td>Auto Liability</td>
<td>11,076.46</td>
</tr>
<tr>
<td>Special Grants</td>
<td>City General</td>
<td>Re-class Expense</td>
<td>74.89</td>
</tr>
<tr>
<td>Special Grants</td>
<td>County General</td>
<td>^</td>
<td>3,007.34</td>
</tr>
<tr>
<td>Non-Debt Int. Improv</td>
<td>Internal Improvement</td>
<td>^</td>
<td>6,943.66</td>
</tr>
<tr>
<td>City General</td>
<td>Other Sp. Grants</td>
<td>^</td>
<td>19,640.00</td>
</tr>
<tr>
<td>Health Dept. Grants</td>
<td>Health Dept.</td>
<td>^</td>
<td>41,283.58</td>
</tr>
<tr>
<td>Various Agencies</td>
<td>Employee Hosp.</td>
<td>07/2015 Retiree Healthcare</td>
<td>46,812.67</td>
</tr>
<tr>
<td>Various Agencies</td>
<td>City General</td>
<td>June Fuel</td>
<td>61,422.88</td>
</tr>
<tr>
<td>Various Agencies</td>
<td>Various Agencies</td>
<td>Operating Transfer</td>
<td>9,447,731.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td>9,978,488.88</td>
</tr>
</tbody>
</table>

**Action:** Received and filed.

3. **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>
</tr>
</thead>
<tbody>
<tr>
<td>770623</td>
<td>7/17/2015</td>
<td>$ 1,000.00</td>
<td>274/SLETF/ Federal Forfeitures</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #24050/ Overland Park Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Duplicate Payment</td>
</tr>
<tr>
<td>770860</td>
<td>7/17/2015</td>
<td>$ 12.23</td>
<td>160/County General Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V # J7719</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Past 45 days</td>
</tr>
<tr>
<td>772633</td>
<td>8/14/2015</td>
<td>$ 1,461.10</td>
<td>790/Tax Collection Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>V #21163</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lost Warrant</td>
</tr>
</tbody>
</table>

**Action:** Received and filed.

September 17, 2015
4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 15, 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>Crystal K. Her</td>
<td>DOTS</td>
<td>9/10/15</td>
<td>Info Sys Coordinator</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>Keith A Gaston</td>
<td>PW/Parking Control</td>
<td>9/9/15</td>
<td>School Crossing Guard</td>
</tr>
<tr>
<td>Crystal K Her</td>
<td>DOTS</td>
<td>9/9/15</td>
<td>Intern</td>
</tr>
<tr>
<td>Ruben D. Ontiveros</td>
<td>PW/WPC</td>
<td>9/9/15</td>
<td>Construction Worker I</td>
</tr>
<tr>
<td>Magdalena F. Villanueva</td>
<td>Police</td>
<td>9/4/15</td>
<td>Patrolman III</td>
</tr>
</tbody>
</table>

Section IV - Leave of Absence

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Leave Begins</th>
<th>Leave Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artis D. Smith</td>
<td>Parks/Rec</td>
<td>8/29/15</td>
<td>9/28/15</td>
</tr>
</tbody>
</table>

Section VII - Reclassifications

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Former Job Title</th>
<th>New Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judi C. Her</td>
<td>Finance/Budget</td>
<td>9/24/15</td>
<td>Fiscal Officer</td>
<td>Mgt. Analyst</td>
</tr>
<tr>
<td>Jud R. Knapp</td>
<td>Finance/Budget</td>
<td>9/24/15</td>
<td>Fiscal Officer</td>
<td>Mgt. Analyst</td>
</tr>
<tr>
<td>Michael A. Peterson</td>
<td>Finance/Budget</td>
<td>9/24/15</td>
<td>Fiscal Officer</td>
<td>Mgt. Analyst</td>
</tr>
</tbody>
</table>

Section VIII - Other Request

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shane M. Pfannensüel</td>
<td>Sheriff/Detention</td>
<td>OC Code change effective 8/21/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 17, 2015:

Section VIII - Other Request

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Action Requested and Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magdalena F. Villanueva</td>
<td>Police</td>
<td>Amend PAC 9/15/15 to reflect holiday and bonus effective 9/4/15</td>
</tr>
</tbody>
</table>

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIMS FOR DAMAGES:

Catherine A. Haberlein, 1046 Riverview Ave., alleging damage to yard, driveway and vehicle due to broken water line.


September 17, 2015
Action: Received and filed. Copies previously forwarded to Legal Department.

7. REQUEST FOR DEFENSE AND NOTIFICATION OF SUIT PURSUANT TO THE KANSAS TOR CLAIM ACT:

Walter Jones, Kansas City Kansas Police Department, McKinnis et al, Case NO. 15-9130-JWL-JPO.

Action: Received and filed. Copies previously forwarded to Legal Department.

8. NOTICE OF CLAIMS PURSUANT TO THE KANSAS TORT CLAIM:

Sallie Crane and Johnny L. Crain et al, 3050 North 30th Street, through attorney Reginald Keith Davis, 750 Ann Avenue, for wrongful death of Kennardrick Tims on November 29, 2013.

Action: Received and filed. Copies previously forwarded to Legal.

9. TRAVEL REQUESTS:

Bruce Andersen, Air Quality, travel to New Orleans, LA, October 4 – 7, 2015, to attend 2015 NACAA Fall Membership Meeting, Federal.

Anthony W. Bigby, KCKFD/Haz-Mat, travel to Pueblo, CO, October 25 – 31, 2015, to attend PER-290 Tank Car Specialist (TCS) Course, N/A.

Terry Brecheisen, Public Health, travel to Topeka, KS, October 30 – November 2, 2015, to attend 2015 KEHA Fall Conference, General Fund.


Dwight Buxton and Andrew Carver, Sheriff’s Dept./Investigations, travel to Midwest City, OK, August 3 – 6, 2015, to attend Criminal Investigation of Police Officer Involved Shootings Course, LETF.

Bridgette D. Cobbins, Department of Administration/Clerk, travel to Holton, KS, October 2, 2015, to attend 2015 Northeast Kansas County Officials Association Meeting, Employee Training & Travel.

Christian Cooley, DOTS/Geo-Spatial Services, travel to Oakland, CA, September 29 – October 2, 2015, to attend The Code for America Summit, Employee Training & Travel.

Melissa Mundt and Emerick Cross, County Administration, travel to Holton, KS, October 2, 2015, to attend Northeast Kansas County Officials Association Meeting.

Chris Blake and Michael Eckel, Police/Operations/Special Operations Unit, travel to Camp Dodge, IA, September 20 – 25, 2015, to attend Advanced SWAT Training, SLETF.

September 17, 2015
Mark Williams, Eric Bond and Chris Handlin, Fire/Training, travel to Pittsburgh, PA, September 9 – 11, 2015, for training and equipment inspection, N/A.


Matt May, Emergency Management Department, travel to Las Vegas, NV, November 14 – 19, 2015, to attend International Association of Emergency Managers Annual Conference, Employee Training & Travel.

Romulo O’Reilly, Police/EOD Unit, travel to Huntsville, AL, March 21 – April 1, 2016, to attend ATF 2016 Advance Explosives Disposal Techniques Training, ATF.

George Sims, Police/Operations/West Division, travel to Camp Dodge, IA, September 20 – 25, 2015, to attend Advanced SWAT Training, SLETF.

Rodney Smith, Police/Chief’s Office, travel to Plano, TX, September 20 – 26, 2015, to attend Ethics Train-the-Trainer, SLETF.

Rebecca Haymes and Leslie Stumpff, Community Corrections/Adult Intensive Supervision, travel to Sheridan, WY, September 27 – October 1, 2015, to attend Truthought Certification Training, N/A.

David Weaver and Carl Webb, Police/Operations/Special Operations Unit, travel to Camp Dodge, IA, September 20 – 25, 2015, to attend Advanced SWAT Training, SLETF.


**Action:** Approved by County Administrator’s Office and received and filed.

10. CANCELLATION NOTICES:

Electrical Contractor’s Bonds
Arnaldo Electric, LLC
Jimmie Frost d/b/a Wire Nutz

Mechanical/HVAC Contractor’s Bonds:
John E. Briscoe d/b/a Biscoe Air & Heating
Erick L. Bush d/b/a 5 Star Heating & Cooling
Davenport Service Company Inc.
Green Field Energy Group, Inc.

Miscellaneous Bond:
Mike Busby d/b/a Total Home Service
John E. Briscoe d/b/a Biscoe Air & Heating

September 17, 2015
11. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:


Garda CL Southwest, Inc./Wayne Norman d/b/a Garda CI Southwest, 1740 N. Reynolds, Kansas City, MO.

Security + More, Inc./Don Fletcher d/b/a Security + More, 400 State Ave.

Simmons Security & Protection Services, Inc./John Turner d/b/a Simmons Security & Protection Services, 726 Minnesota Ave.

Action: Referred to License.