Full Commission Meeting Agenda  
Thursday, September 03, 2015  
7:00 PM

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

<table>
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<tr>
<th>Name</th>
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<td>Mayor Mark Holland</td>
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<td>Commissioner Melissa Bynum</td>
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<td>Commissioner Hal Walker</td>
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<td>Commissioner Gayle Townsend</td>
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<td>Commissioner Brian McKiernan</td>
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<td>Commissioner Ann Brandau-Murguia</td>
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<td>Commissioner Harold Johnson Jr.</td>
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<td>Commissioner Mike Kane</td>
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<td>Commissioner Angela Markley</td>
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<td>Commissioner James Walters</td>
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<td>Commissioner Jane Philbrook</td>
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I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION GIVEN BY REVEREND MIKE MAY (RET.), ST. LUKE'S LUTHERAN CHURCH

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO SEPTEMBER 3, 2015 AGENDA

VI. MAYOR’S AGENDA

VII. CONSENT AGENDA  
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VIII. PUBLIC HEARING AGENDA

IX. STANDING COMMITTEES’ AGENDA
X. ADMINISTRATOR'S AGENDA
XI. COMMISSIONERS' AGENDA
XII. LAND BANK BOARD OF TRUSTEES' AGENDA
XIII. PUBLIC ANNOUNCEMENTS
XIV. ADJOURN

SERGEANT-AT-ARMS: CAPTAIN RANCE QUINN

VI. MAYOR'S AGENDA

Item No. 1 - 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.
Tracking #: 980266

VII. CONSENT AGENDA

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.
Tracking #: MINUTES

Item No. 2 - WEEKLY BUSINESS MATERIAL

Synopsis:
Weekly business material dated August 27, 2015.
Tracking #: WEEKLY BUSINESS MATERIAL

VIII. PUBLIC HEARING AGENDA
IX. STANDING COMMITTEES' AGENDA

Item No. 1 - 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.
Tracking #: 150208

X. ADMINISTRATOR'S AGENDA

Item No. 1 - 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.

Tracking #: 150251

XI. COMMISSIONERS' AGENDA
XII. LAND BANK BOARD OF TRUSTEES' AGENDA

XIII. PUBLIC ANNOUNCEMENTS

XIV. ADJOURN
August 21, 2015

Dear City Clerks or City Managers/City Administrators:

We are pleased the League’s Annual Conference in Topeka, October 10-12, 2015, is shaping up to be an exciting experience. We have an outstanding program of speakers, panel discussions and workshops planned which are highlighted in the July issue of the Kansas Government Journal.

I am writing to invite your city governing body to register its League voting delegates. State law provides that the governing body of each member city of the League may elect city delegates from among the city’s officers to represent the city in the conduct and management of the affairs of the League. League bylaws provide that a city voting delegate or alternate delegate qualifies by having his or her name, city title and address registered with the executive director.

Each member city needs to file new registration forms with the League of Kansas Municipalities, 300 SW 8th Avenue, Topeka, KS 66603, by Friday, September 18th.

Article 4, Sec. 5 of the League Bylaws prescribes the total number of votes provided to each member city based on population. The number of delegate registration forms enclosed is based on the following table.

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A business and policy session of city voting delegates will be held on Monday afternoon, October 12th, at the conference in Topeka.

I look forward to hearing from you.

Sincerely,

Erik A. Sartorius
Executive Director

Enclosures
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Monday, July 27, 2015, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. Murguia, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Lew Levin, Chief Financial Officer; Reginald Lindsey, Budget Director; Debbie Jonscher, Asst. Finance Director; Mike Tobin, Interim Director of Public Works; Jason Banks, Asst. to the Mayor/Manager; Marlon Goff, Economic Development Dept.; and Patrolman John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, July 27, 2015, at 6:00 p.m. after the public hearing in the 5th floor conference room of the Municipal Office Building for a budget workshop.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.
Mayor Holland said we have a full agenda so we’re going to plow through this as best we can. I want to say we certainly want to give all due consideration that the Commission would like to make. I would say let’s stay focused on items that affect this coming budget. If there are items that deserve a wider conversation, we can plan to do those after the budget, but all of these were asked for by the Commission in terms of this budget.

I look at some of the items and there might be areas that need additional conversation that we can continue afterwards as well. I don’t want anyone to feel like we’re rushing the conversation, but I do want to stay clicking forward on time.

Mr. Bach said as the Mayor said we have about eleven items on the board tonight which will have either presentations or material to present and talk about. We put together information for most of these items. A couple of them are commissioner topics where we didn’t really have presentation material put together based on the topic as it was just thrown out there in more of a general sense.

Waiver of Building Fees
Mr. Bach said this was a question as it’s currently set out. Our ordinance ends at the end of 2015. That was how it was set out. It initially had a sunset period when we extended it this past winter we extended to go through the end of 2015. With that I had staff get together and put
information together really as far as facts for building fees and I will turn this over to Asst. County Administrator Gordon Criswell who is going to present this topic tonight.

Gordon Criswell, Asst. County Administrator, said we have about four slides to present to you all tonight on the permit waiver policy. This first slide is a line graph that just shows for selected cities their building permit waiver fees from 2010 to 2014. As you can see this red line represents Kansas City, Kansas from 2010 through 2014 and if you look at the other lines you see it’s kind of flat and that’s just the activity from 2010 through 2014.
Our next slide is building permits to date. Again, KCK sort of trending except for Kansas City, Missouri which is kind of the outlier, but the other municipalities that we surveyed are all sort of trending in kind of a similar direction. KCK is right here so it kind of shows you from say our high in 2010 through 2014 we’ve sort of gone up and now we sort of leveled out like the rest of the cities we surveyed.

This is probably the most telling of the slides we have. We went out and looked at some MARC survey data from 2014 to show what other municipalities on both sides of the river charge for various connection activities so permits, safety—I think safety here is the tapping fees, the utilities what they charge, all of these add up to for our community about $5,400. If you pull out this number and this number, you get that number right there. As you can see in Kansas communities we are by far the lowest of the cities that we surveyed. We split out Missouri cities because their structure is a little bit different than ours because of some of their ordinances and such and so we were trying to compare apples to apples when you look at selected cities on the Missouri side of the river.
This slide sort of represents that second line graph of where we are to date and as you can see we are to date about 88. We were at a high of 169 in 2014. The cost year-to-date that it’s cost the UG is just under $192K from the waiving of these building permit fees.

I think, Mayor, one of the questions is when you see this leveling out are we making a difference by having our fees waived. I think that’s the policy question for you all to consider.

**Commissioner Bynum** said the slide with the bar graph, what is the difference between the green and the blue, is that when the fee waiver started? **Mr. Criswell** said the green is number of permits without the fee waiver and the blue is with the fee waiver. **Commissioner Bynum** said so if you look at that slide it appears that the number of single family building permits have gone up with the waiver versus without. **Mr. Criswell** said the blue is KCK and we started in 2012 here. **Commissioner Bynum** asked am I reading that correctly. **Mr. Criswell** said yes. **Mr. Bach** said, commissioner, that’s when we started to see the upswing in the housing trend and we wanted to make sure we jumped in on the market and I think that’s how you look at the other slide to show where our fee waivers compared to others and tried to show if there is a distinguishable difference we think or at least we wanted to present you with that information for consideration that we think our fee waivers made a difference over those communities that didn’t have it.
Commissioner Bynum said, Mr. Bach, in one of your updates that you sent since I’ve been here you made note of one of the months so it would have been April, May or June being the highest month that we’ve seen in quite some time for single-family permits. Do you remember what I’m talking about? Mr. Bach said yes I do. We had a high impact month this year. I’m not sure that the trend on permits pulled so far this year isn’t held down a little bit because of the wet weather. We had some wet months in there and then all at once people were able to pull permits so we saw one of the months jump up a little bit in the late springtime which like I said I probably attribute to the fact that they weren’t able to pull them in earlier months so they’re not going to come out and pull them until they can get in the ground.

Commissioner Kane said I support it and what we’ve done in the past, it would have been nice to see that there are 88 permits pulled, it cost us $191K, but how much money in taxes did we get off the houses that were built? Mr. Criswell said we didn’t gather that. Commissioner Kane said if we’re trying to grow a community and we haven’t and if you look in 2012 when we got started with this we’re growing it, it costs us a little bit to grow it, but if we want to continue growth, continue to build our tax base; this is one way to do it.

Commissioner Walker said I’m in favor of continuing it but I also want to state there is a point in which we have to be able to try to evaluate from data whether we’re getting more houses because of this or whether we would have gotten as many houses anyway. I don’t know from any of the information I was shown to do that. One might see a similar bar graph in other communities where the market about ‘07, ‘06, somewhere in that vicinity crashed and no houses were being built and it’s starting to come back up. Actually I would rather we just do it for a two year period at the end of 2017, try to evaluate and I don’t know how you do that whether we’ve got more houses or whether we’ve got the same number of houses and we just did not get $192K a year that we should have gotten.

Commissioner Bynum said I support it also. I think one way you could get to the data is by surveying the builders and asking them a basic set of questions. I appreciated the comments of the gentleman when we were in the public hearing downstairs. I think he kind of spoke to Commissioner Kane’s point of we’re waiving the fees, but we’re generating personal property
tax which we know is building the tax base and that’s what I think this Commission is about is rebuilding our tax base and we’ve got builders and developers here who are still struggling with the other economic recovery issues such banks and their lending practices. If we can give them just one tool to use, then I would be in support of that.

**Commissioner Philbrook** said I’m also in support of continuing this. I like the idea, thank you Hal, of two years instead of just coming back in a year and talking about it again. Just back it two years and by the end of that two years figure out some way that we can indicate if this waiving is actually accomplishing something or if we’re going to grow anyway whether we waive or not.

**Commissioner McKiernan** said, Lew, check me on this if I’m right, let’s just for the sake of argument say it’s a $200K house appraised value. That’s going to generate roughly $4K in taxes a year, roughly, of which half of that roughly $2K would come to us and the value of the waiver is about 4 to 5, the dollars of waiver; so it takes three years for this to really end up paying for itself. I’m willing to look at this like an NRA provided that there isn’t NRA or any similar program in place; do these houses pay full taxes in their first year? **Mr. Bach** said it depends on where the house is built. The houses in the NRA area—**Commissioner McKiernan** said let’s assume it’s not in an NRA area. **Mr. Bach** said yes. **Commissioner McKiernan** said okay, it would pay full taxes in the first year, but a house in a NRA area gets this break and then gets a rebate on those taxes in addition to this break, correct? **Mr. Bach** said yes, for five to ten years depending on where they’re built. **Commissioner McKiernan** said I think that’s the bigger question we need to think about here. We’re already in an NRA area, we’re already forfeiting 95% of the incremental gain and so it’s a double whammy in that case. I agree that in all cases that when the NRA finally expires and we get those taxes, it is tremendous and when we finally crossover point for these and we get paid back the amount of the waiver, it’s tremendous as well. As long as we’re comfortable putting this off like we do our NRA Program then I think this ultimately is a good program because it builds long-term value which is what we really want.

**Commissioner Townsend** said I would support continuing the waiver, but I would like to see as Commissioner Kane alluded a number that would let me know—we already know the amount of
the fees that we’re waiving based on the number of permits, but I would like to know for a same period of time either since April or a year from now the value of taxes that would come in. I need some numeric comparison to see basically if the amount of fees that we’re giving up by the waiver is offset and in what degree by the taxes coming in. I would like to see that for a year. I think I would have a better view of it and picture overall in a year. I don’t know about two years, but I am in favor of continuing the waiver for at least another year so clearly for 2016.

Mr. Criswell said just out of full disclosure around this subject we did get a staff report from one of our Enterprise Zones, Water Pollution Control Division, and they are not supporting extending the waiver primarily because of some of the CSO Consent Decree requirements we have to make. I just put that out there as additional information for the governing body to consider as you discuss the waiver. Mr. Bach said, Gordon, why don’t you put that chart up there that shows the fees so you can clarify that point. You’re asking a lot of questions about the taxes on the issue, the building permit fee of $550 is what we waive. You can look at the comparison to taxes. There is no comparison. Our taxes of a new house blow that away. The question you should look at is, and that’s what the builders talked about tonight, is this a tool to help stimulate, when we go out into the market and they try to sell a house someone else doesn’t have. I think one of them noted our taxes are higher in our community; $4K in one year pays back $550. I mean I can run that over one year, five years, ten; however many you like, one year pays that back. We can size down on a different scale of a house, it whether or not the stimulus to drop—you know, as Gordon noted, we have the lowest fees to come in Kansas in the comparable ones, more comparable to some in Missouri; but they’re not always apples to apples. If you’re looking at by waiving the fee, does that make a difference, the point that Gordon just made on the utilities which is the larger fee up there of the $3K—I’m sorry I didn’t include the Safety which is at $1,460, but the $3K we don’t get that back in taxes so that’s a different. You have to look at that as your enterprise so compare that. Your other houses within the utility are subsidizing any new house that comes on, now they will pay their fees, but that’s a user fee for actual cost. If you’re building more houses in one area, houses in the other area are subsidizing those houses that come on because we’ve got to make up that $3K per house to put them on their system and that was the point our Water Pollution Control Director is making. We have a 7% utility increase on our budget this year to come into it and we are under the gun to raise the
revenues there and so if we give away money in that program, we’re going to have to pull it back from somewhere else and that’s fee increases and such like that from one part of our community if we waive them in another. That’s just a key point you should look at.

Mayor Holland said I would like to ask too, we’re already a third of what the three Johnson County cities are for overall fees, we’re at roughly $5,400; you have $14K, $14K, almost $16K so we’re already very low and there are only two other Missouri cities I think that are comparable—three others that are lower than we are in overall fee structure. One is we’re already very low. The other is the NRA, if I’m not mistaken, you get the 95% over five or ten years but you have to pay your taxes, right? Then we do a rebate so I wonder—one of the things I’m concerned about is—and I know the builders who are here tonight are certainly benevolent, but there are surely builders out there who are not and there is no guarantee when we waive $5,400 for our fees that that gets passed on to the homeowner and doesn’t get pocketed by the developer. There is just no way to know that.

If we set this up as a rebate like we do the NRA, then it would go directly to the homeowner and they would pay their taxes, we would send a rebate back and the builder could advertise the house as they do with NRA to say hey you’re going to get a rebate on your taxes. Then we know the check goes to the homeowner and not to the developer. If they want to raise up the cost of the house $5K to overcome that, that’s their marketing decision in terms of selling their product but there is no guarantee to this body that $200K or however much we give away each year actually goes—into whose pocket does that go. We don’t know. I think there would be some benefit looking to the next year to structure it like NRA to make sure it goes to the homeowner and then they can use it in their marketing strategy to sell the house because that’s the goal, right, to make the house sell competitive. I don’t think we would set up the NRA Program where we gave that amount over five or ten years directly to the builder trusting that they’re going to sell the house for less.

In every economic development deal that we do we have clawback provisions to make sure that if you perform, then if you don’t perform, then we get the money back. This would guarantee that the performance is there and that the homeowners are the ones who is benefitting from it. I just think it’s a smarter way. I would say we have a couple of developers who are local to Wyandotte County. The vast majority of people building houses in our county are not
local. That doesn’t mean they’re not good people and not doing a good job. I just want to make sure the locals get the benefit of the local money and an out-of-town developer isn’t getting a check from us for $5,400 with no guarantee it’s getting passed along. I put that out as a recommendation. I don’t know what you all think about that.

**Commissioner McKiernan** said, Doug, refresh my memory. Have we talked recently about extending the NRA zone further west? **Mr. Bach** said yes. There was discussion into the Piper district this year and I believe we did it for rehab. **Commissioner McKiernan** said in some ways it’s related, but not relevant to this particular discussion, but would the extension or the expansion of the NRA Program further west for both rebuild and maybe for new construction. I don’t know; get to the heart of what the Mayor was just talking about which is the high taxes and providing an incentive to get into those—and I don’t know what we would lose in terms of taxes that we would rebate, but as we go forward; not for today not for this budget year, but think about the pros and cons of extending the NRA further west and into new construction not just rebuild and would it eventually come out in our favor as it’s starting to do in my district where we’ve got houses that are coming off NRA now for both construction and rehabilitation. I just kind of throw that out.

**Commissioner Townsend** said the Administrator’s clarification made a light go off I wasn’t focusing on before. When we’re saying building permit fees I was looking only at the $550 so it’s not the $550 only that we’re waiving, we’re waiving for each permit roughly $5,400. **Mr. Criswell** said no we aren’t. **Mayor Holland** asked how much are we waiving. **Mr. Criswell** said we’re waiving the $550 and the $1,460. **Commissioner Townsend** asked what about the utilities, is that being waived? **Mr. Criswell** said no. **Mr. Bach** said the BPU does waive their fee right now but that’s not our decision.

**Commissioner Townsend** said so you’re saying we need to be looking at those costs versus what? **Mr. Bach** said the Safety fee is what we charge for Water Pollution, is that right? **Mr. Criswell** said yes. Well, it’s called different things in different places, but we think that’s tap fees—**Mr. Bach** said that’s what ours is under there. **Mr. Criswell** said that is what ours is under. **Mr. Bach** said so basically right now when we did our waiver in 2012 the BPU followed our lead and they went ahead and waived permits and they have continued to. We won’t know

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their decision on theirs under the utilities I believe of the $3K, if that’s correct, until they do their budget in a couple of months. What you control is about a $2K number and this is based on the average new house that is being built so it’s the $550 which we structure in for the building permit and then the utility fee of about $1,460 which is what Water Pollution is collecting for their tap fees and such like that to come in and get into our water pollution system. Commissioner Townsend said and they are opposing the waiver of that fee because—Mr. Bach said they are fee based system so their Enterprise—they don’t collect money off our taxes that we get in subsequent years so if they waive the fee, they don’t ever get it back. If you just add a house onto the system and then they pay money into the overall system which is fee based, based on the number of houses.

Commissioner Townsend said because of that I really—if I was going to go along with this, would go for just the one year instead of two to see how this goes for right now.

Commissioner Bynum said I would support an extension of one year of the fee waiver for the 2016 year and during that year we look at an NRA or an NRA like program for those portions of our community that don’t have NRA right now which I believe is Piper.

Mayor Holland said the other question I have is what is the typical value of the new homes that are being built in Wyandotte County right now? I know the average sell price is around $85K, but what is the average value of a new home built in Wyandotte County? It’s much higher than that. Do we have a number? Mr. Criswell said I don’t have a number. Mayor Holland said I would guess it’s over $200K. Mr. Bach said it is. I want to say it’s like $220K something. Mayor Holland said we’re getting some nods back there, about $225K, $230K, $250K. Mr. Levin said I think $200K is a good number. Mayor Holland said let’s take $200K because it’s a round number. If we take a $2K waiver is one percent of the cost of the house? That’s money, but I don’t know that it’s—I just want to know that it’s the deal that’s getting the deal done. If we’re offering one percent off the cost—now in Piper it’s no doubt higher than that so we’re looking at less than one percent of the value of the house. We don’t have any guarantee it’s being passed on to the homeowner. I’m not opposed to it. I’m fine doing it. I just think we need to think about it. I think one year would be fine, but I think we need to do some more evaluation. I’m just not comfortable giving money to non-resident developers when one percent isn’t going
to change whether or not they build the house. I can’t believe one percent is going to change whether or not they build the house.

**Commissioner Kane** asked could we just do a straw poll for one year. **Mayor Holland** said sure. **Commissioner Kane** said because I think what Commissioner Bynum said is right. We get more information in a year; it doesn’t give them the two year. They know we’re working on it, they know we’re looking at it and we would have more solid answers after a year versus this. **Mayor Holland** said that’s good. Let me hear from Philbrook and Walker and then I will take a straw poll.

**Commissioner Philbrook** said when you were talking, Mayor, about the NRA doesn’t the Piper School Board have a lot to play with in whether we have an NRA out there or not. In the past they have not been in favor of that so we can wish a lot of things, but unless we get support from folks out there that want to do that, we’re not going to be able to anything with that. That being said, I do like the concept that you brought up about a rebate system to the person for their monies that they give us. I like that idea. **Mr. Bach** said on the NRA Program, commissioner, you’re correct. The school board as well as the community college has a large say. In fact, they must sign off on the NRA Program for us to go into any area and do it. It requires an interlocal agreement that we will sign off between each school district that we move around and the community college across the entire community when we put that in place.

I will also note there is a budgetary impact that we should probably factor into this. I think we built in a fairly conservative number when we look at these, Lew, because I know when we look at these commercials are the largest part of our building fees but we will build in roughly that we would get 100 houses at that $550 number so you know I think we’re around $60K or so that we build into our budget that we would see. It’s not a huge number but it is a number to address. The other one is in the Enterprise Fund. I have a larger buffer that I work with there, but that is where that money is built in as well that they would collect that fee.

**Commissioner Walker** said I don’t really care who gets the money, whether it’s the builder or whether it’s the buyer. From the builder’s standpoint and I’m no builder, but if you want me to build houses here I need to make money. I’m not going to come in here and not make money.
and I’m going to build the same house here that’s going to cost twice as much in Johnson County. The fees, the acre of ground, the location, the other amenities; so my profit margin in the way I think on materials, it’s the same materials, same wood, same roofing, same toiletries, same everything goes into the house. I can remember a few years back when an employee who left here, a Wyandotte County builder or a builder in Wyandotte County, built him exactly the same house in Johnson County actually in Lenexa. It was identical in size, the amount of ground and that house was $80K or $90K more in Johnson County. Part of it was land, the land was more expensive, part of it was fees, so I’m okay with a rebate going back to the homeowner, but I also think it needs to be said that building here is not as easy in many ways as building in Johnson County. If they’re pocketing the money right now and it’s causing them to go ahead and build houses here, is that a bad thing? I don’t know. I don’t know enough about the construction business to speak intelligently but if it helps build houses that’s the bottom line for me and I don’t really care who gets the money.

Mayor Holland said we have a recommendation to continue this for one year through 2016 and then evaluate in the coming year some more data and perhaps looking at the possibility of a rebate in the future. What’s been proposed tonight is to continue with the program as is through 2016 so let’s take a straw poll and just see where folks are and if that’s where the folks are, then we will just continue to include that in the budget. If you are in favor of continuing this, raise your hand. Mayor Holland said I think that’s a consensus. That’s a good way to start off the night, our first item unanimous.
Commissioner McKiernan said I hope it’s appropriate that I am making this presentation on behalf of the SSMID. I rationalize it two ways. First of all we have a historical agreement with the district and it’s an opportunity now for us to have some discussion on the request that they are bringing forward.

First of all the SSMID, however you say it, is a Self-Supported Municipal Improvement District. It was formed in 2008 and it roughly covers the area from 4th Street on the east to 18th Street on the west and from Washington Blvd. on the north to Sandusky Avenue on the south so it is really the entirety of our downtown and fringed downtown areas. It covers four commission districts: mine, Commissioner Johnson’s and then the At-Large Districts of Commissioners Bynum and Walker so it covers four commission districts. It was formed in 2008 and the premise behind the SSMID is that commercial property owners in the district pay an additional levy against their property taxes to support the activities of the district. Historically the activities of the district were some extra cleaning for our downtown, some extra security for our downtown, marketing our downtown and taking care of the landscaping downtown. Because of some budget constraints the SSMID itself now is pulled back to just the extra cleaning and the extra security to keep the downtown clean and safe.

The NBR Downtown Shareholders has taken over the marketing aspect and they are doing the landscaping on an as needed basis. The UG is a property owner and receives services from the SSMID, but the UG is not taxed as the other property owners are and, therefore, entered
into an agreement with the SSMID when it was first developed to contribute an annual fee in lieu of a percent of taxation.

There is still some question as to whether that was an oral agreement or written agreement and there was some question as to the dollar value of that initial agreement. It ranged anywhere from $75K to $150K in terms of the initial agreement in the first full year which was 2009. Irregardless of where it started we lowered our annual contribution to the SSMID to $50K in 2010 as a part of the budget crisis we found ourselves in and we have kept it there in all years since.

The SSMID is asking for the UG to increase the annual contribution for services provided by $50K to $100K total which depending on where you see the original agreement is either a little higher or a little lower. One of the rationales’ is that $100K would be a conservative estimate of the SSMID assessment that the UG would pay based on the extent of the property it owns and based on that property being appraised as government property and not regular commercial property and so $100K a doubling of our current contribution is what the request is, but at this point and time the SSMID says that any increase that they can get from us would help them provide services and certainly would prevent the eventual reduction of services that might come about if the cost of providing those continues to rise.

That’s just a little background on a request from the Self-Supported Municipal Improvement District for the UG to increase its annual contribution by $50K to a total of $100K for services received.

Commissioner Kane said I like how you give us a little bit of an out because if we had an opportunity to give everybody all the money that they had we would maybe wave a magic wand and be done. I would be more inclined to give them $25K than I would $50K.

Commissioner Walters said I support $50K if you’re looking for input. Commissioner Walker said $50K.

Commissioner Philbrook asked is this $50K in addition or is that just the $50K where it’s at. Someone said an additional $50K. Commissioner Philbrook said I just wanted to make sure I understood that was an additional. (Commissioner Walters made a statement but was

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inaudible) Commissioner McKiernan said it’s their proposal that I present an additional $50K. Commissioner Johnson said it’s in my district so I certainly support $50K. Commissioner Philbrook said I support the $50K.

Commissioner Townsend said it’s not that I don’t think the $50K is a good idea, I also heard that there was some question about whether there was a writing that actually established the UGs responsibility, but I would support $25K right now with the hope that I know some more money is coming that we could maybe increase it later. Right now I would support $25K.

Mayor Holland said I think we do a straw poll. If you would support leaving it the same at zero increase, but leaving it at $50K, if you would support a zero; raise your hand. If you would support $25K, raise your hand. There are four. If you would support $50K, raise your hand. Okay, so I see $50K as the recommendation. We would ask the Administrator to figure that out. (Several people were talking and was inaudible). Mayor Holland said the Administrator is going to have to come back with a recommendation. Commissioner McKiernan said if it is possible to make that happen. I understand that everything else that is still on this list could further impact the change orders that are coming in this week. Mayor Holland said we had another request at the budget hearing tonight for $50K.
Mayor Holland said Commissioner Townsend had asked for this. I agreed. Anytime we get to talk about the Parks & Rec funding, I’m excited about it.

Mr. Bach said we put together a presentation to really give a little bit history on the Parks Program and really since Jeremy Rogers coming in he hasn’t had an opportunity to come present in front of the governing body for everybody. I thought it would be a good chance for Jeremy to go through and give some of his overall thoughts on the park process and as we’ve worked through some of the recommendations.

I will say as Jeremy put this presentation together and brought it in because I said let’s get all the historical information we have since we started cutting money from parks, it was a little more dramatic even though I represented that when I presented the Parks Program just how much we’ve cut them along with everybody else and then we went back and cut another $1M out of the Parks Program and then we would go back and cut them again. I think it’s well illustrated tonight in Jeremy’s presentation, but we are moving it in the right direction.

Commissioner, if you would like, we will go through our presentation and then let you go from there.

Jeremy Rogers, Director of Parks & Recreation, said I’m going to give you an overview of what my department consists of. For time purposes I will just highlight the main areas.
The Parks Division is divided into two groups, the east operations and west operations. They oversee 54 parks, 15 cemeteries, 10.5 miles of shoreline, 29 acres of medians, and 2,200 vacant lots. They maintain all recreation facilities, ballfields, everything in our infrastructure they oversee. There are 34 fulltime employees and 12 seasonal employees with our summer mowing program.

Mayor Holland said can I point out Noxious Weed is a specific legal term by the State of Kansas. That does not mean weeds that are obnoxious. They’re specific weeds that are designated by the State of Kansas that Parks & Rec has requirements to keep under control. I just wanted to specify because we will say we’ve got noxious weeds in the lot next door to us. Well maybe it’s not one of those picked out by the State of Kansas as noxious per se, but this is just a point of information; that’s a specific State program that we’re required to run. Mr. Rogers said correct thank you and if you call our department they can tell you every weed, but I cannot, I don’t have that list memorized.

Our Recreation Division is divided into community centers, special populations, special events, sports and aquatics/youth programs. We oversee seven community centers, one swimming pool, three spray parks, 36 athletic fields, and numerous special events. One of them that many of you attended this weekend was Christmas In July so thank you for those who attended. There are 11
fulltime employees, 9 part-time, and 26 seasonal positions. Most of the seasonal positions are at the pool.

The 2015 Budget for the Parks & Recreation Department was just over $7M, of that Recreation was $1M or 15%, Parks was $4.8M or 68%, Administration was $.3M or 5% and the Golf Course is in there as well at $.8M or 12%.

**Mayor Holland** asked does the Golf Course generate that $.8M or is that a cover on top of what money that the golf course generates. **Mr. Rogers** said that’s a cover on top of what the golf course generates.
As Mr. Bach mentioned, some of the trends to the Parks & Recreation budget has not been very exciting over the last ten years. In 2005 our budget was over $12M, right at $12.2M and in 2013 I saw its lowest point at $6.9M and now we’re just over that at $7M. It has gone down drastically.

Throughout those cuts one of the biggest cuts, a one-time cut was 2009-2010; it was cut by $1.2M. All Capital Projects were eliminated; eleven fulltime positions were cut through attrition. When folks left we just chose not to fill those positions. In 2013 overtime was cut by $100K. Our overtime for our department is mostly in snow removal and the summer mowing
program. Since 2011 the Recreation budget has been cut by $1M. Most of that came from the summer programs at our rec centers, the youth programs. This year it’s privatized at two of our rec centers, Argentine and Eisenhower. Last year it was at JFK. This year there was no one to run that program so that had to be eliminated. Of that money that was cut $250K was cut from five fulltime positions. Overtime for the Recreation Division was completely eliminated.

The new initiatives for the 2015-2016 Budgets added staff. We have a lot as you guys saw earlier; we have a lot that we take care of. We need more maintenance people. This is a great start with a Maintenance Tech and a Horticulturalist. We’re looking to add online registration systems so folks can register for our programs and events online and they won’t have to come into our office. Funding for an inclusive playground planning, that is my dream to have an inclusive playground here in the Unified Government in Wyandotte County. I did that in my previous job and I have spoken to many of you about it before and I would like to see that come forth and then a Parks and Recreation Master Plan.
The purpose of a Master Plan is it provides guidance and policy direction. Answers three questions: What do we do? For whom do we do it? How do we excel at doing it? It analyzes the current condition and challenges of our entire departments’ infrastructure and it sets short and long term goals for the department.

The process for a Master Plan is about 12 to 18 months. We start by hiring a firm, we have community engagement and then finally they write it and we adopt that plan.

The conclusion of a Master Plan will be to have a road map to guide the department for many, many years.
As the new director my vision for this department is to provide recreational activities for all Wyandotte County citizens. As I spoke of earlier, implement inclusive play into all facets of the department. Realign staff duties to match skill sets with the department needs. This has already started in motion.

Finally, I want to say thank you for all of your support and for what you have provided us and even during those lean years you still supported us.

Commissioner Philbrook said first I would like to thank you for taking on the reins of this and I know you’re walking into a lot of work and I appreciate that. I would like for you though for the people out in TV land to understand what inclusive playground planning means. Mr. Rogers said inclusive play is designed for everyone despite abilities, disabilities, whatever. It includes everyone. Commissioner Philbrook said it includes the ADA type stuff so for disabilities as well-if you have a family that has a child that needs play equipment that is ADA approved, that would be part of that so all the kids can go to the same playground and enjoy themselves. Is that what I’m hearing? Mr. Rogers said absolutely. ADA which today is the anniversary of ADA, it allows a child in a wheelchair to get to that play equipment. It is up to that child to then navigate throughout that play system. Inclusive play takes it to the next step. It allows that person in a wheelchair to move around in their wheelchair and there are no transfer stations as ADA so it is ADA, but goes above and beyond.

I want to thank some folks out in TV land that have actually helped us a lot over the years and that’s our Foundation Board for Parks & Rec and several other organizations. One of which is PILOT Club who came up with matching funds to help with an ADA location so everybody that’s been out there helping in the down years, keep helping and I know you are going to lead us on Jeremy.

Commissioner Kane said well I don’t want to thank you in advance for the park that needs to be in Piper. I appreciate your effort already. I have a list of the properties that are owned in Piper. Emerick got that for me and so perhaps you, Emerick and I can sit down and go over it and plan a very nice park in a place where we don’t have one.
Commissioner Bynum said I just wanted to throw a few things out for the Master Planning process just for you to think about. One of which is the Christmas in July event on Saturday was wonderful and driving home from that I started daydreaming or night dreaming about a bike and walking lane at least partially around the winding roads of the lake. I thought I wonder what that would cost, probably a lot. I throw that out as a master planning question. I also think the park in Piper is long overdue. I have shared with Commissioner Kane that I now want a Botanical Garden, I don’t want much, and I keep thinking about a place for our visitors that is near the amenities that they are here to visit that is free and that would be a park. Perhaps a park in Piper would serve that purpose, but again, when we travel we always find someplace free that we can go to elevate some of the time that we’re spending, spending money in other communities and I just throw that out kind of something for you to think about with your master planning process.

Lastly, a question on the inclusive play, does that include older adults? Mr. Rogers said yes it does, it’s for everyone.

Mayor Holland said I just want to say I’m not sure I want to help our guest not spend money. I do want to say that if I did the math correctly if we’re at $7M down from $12.2M that’s a 43% reduction in overall department budget since before the recession. Is that right? (Answer was inaudible). Mayor Holland asked has any other department come close to that level of hacking. (Answer was inaudible). Mayor Holland said just 311 so I think when we look at our priorities as a community our parks and rec infrastructure is very important and it is in sad condition. I do think the master planning for Wyandotte County Lake and for Pierson Park and for Wyandotte County Park, the three signature parks; the largest parks that we have, there are literally tens of millions of dollars in deferred maintenance inside each of those. If we’re going to restore them to the caliber of which they were built, it’s going to take a major Capital outlay and a major plan for how we’re going to fund that. We’re way behind in our parks and I think we forget that parks are for two additional purposes and I want to emphasize this.

When I first ran for office I supported pools, parks, playground and paths for exercise, the four Ps because everyone loves alliteration. It turns out since I’ve been up here we’ve done nothing but cut it and it was the right thing to do because we had other departments that were hurting, we were in a recession, but the paradigm shift for me has come with healthy communities and healthy communities infrastructure that parks are more than just fun and
games. They are certainly fun and games, but they’re also an opportunity for a healthy lifestyle and if we can an inclusive park, continue to add ADA equipment to all of our parks, we’re going to be able to help our community make more healthy choices in terms of their day-to-day living. I think that’s a commitment we need to have and parks are also a significant economic development driver. I think more people would want to build houses in Piper if there was a park there that they could use as well. There is no question that parks help grow the quality of life and are an economic development driver for quality of life and so are hiking trails. People like to be around hiking trails and places that have hiking trails and more than just a sidewalk, a wider sidewalk that are paths that people can ride their bikes, rollerblade, walk on; very important infrastructure. I think the Master Plan is critical and I want to make sure that’s done well.

The other thing I want to talk about a little bit is recreation. Do we still offer a T-Ball and baseball Program? Mr. Rogers said yes we do. Mayor Holland said one of the things that some cities are doing, and I was just down in the city of Wichita talking to them about how they provide recreation to their community. I want as part of the Master Plan—the Master Plan is going to have a couple of components. One is going to be for the park infrastructure and hopefully the other is in terms of the kinds of services our community needs to provide to the community, but partnering with our not-for-profit partners like RBI, which is imminently affordable. I think it’s like $10 a year for someone to play; they have over 1,000 kids playing this year. It’s a partnership with major league baseball, it’s a well-run program, it’s a not-for-profit group that’s running and they are doing an outstanding job providing baseball for a lot of kids. We also have WYCO Sports that is doing the same thing. One of the things I want to consider is, are there programs that a third party or a non-governmental entity could provide that we could partner with and could even provide it at a higher level than we could provide ourselves and are there ways to work into those agreements safeguards to make sure that it stays affordable that our kids could still access it. I don’t think RBI is any more expensive than our program and if we had a program that’s growing that we could support. We also have football programs out there, soccer programs, there are a lot of groups providing these and I think there are some risks to turning that over to the not-for-profit sector in terms of losing control of it, but I think there is also an opportunity that I want to fully explore to say what I want are great affordable rec opportunities available for our kids. It’s not as important to me who runs the

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program as long as it’s well-run and it’s safe. If we can spend our money on building better facilities—WYCO Sports could use better facilities, RBI could use better facilities, the football program, the soccer programs could all use better facilities and would our money be better spent investing in the capital infrastructure in upkeep and maintenance and not necessarily on the running of the programs. A lot of groups can run programs, not everybody has the capital outlay to take care of the facilities. As we look at this Master Plan I really want to look at our partnering agencies and make sure it’s fair and make sure it’s open to everyone, but there might just be a better way that other cities are moving to. The city of Wichita pays almost nothing for recreation programs in their parks, but they have a huge number of recreation programs that are available to the public, largely through the YMCA if I could through a plug in for the YMCA of Wichita. They are running the vast majority of their recreation programs for the city. It’s a not-for-profit and everyone is able to be involved and so this Master Plan is an opportunity to really look at the paradigm shift because I don’t think we’re going to go back 30 years to where the cities are providing most of the recreational opportunities. We may be at a new place where the not-for-profits are going to be doing it and we need to partner with them. I throw that out as a lot of opportunity but I think this graph is telling that we have got to keep a commitment to our parks to even get back close to where we were several years ago.

**Commissioner Townsend** said I attended the Christmas in July event this past Saturday at Wyandotte Lake and it’s a reminder what a beautiful asset Wyandotte County Lake is and I wanted to thank all the people who put effort into that event. I would also like to know what other special events beside that type Parks & Rec supports? I think you said there were about 11, you don’t have to name all ten of them, but just for instance like what are some of the others and then maybe this is for Mr. Levin’s group, where items like that would be found in the budget line? **Mr. Rogers** said to answer your first question, tomorrow morning at 6:00 a.m. we have the 340 Race at Kaw Point where it’s a 340 mile canoe ride down the Missouri River and it kicks off at Kaw Point. That’s a very large event. There will be a lot of media there and so I’m excited for that to kickoff tomorrow morning. **Commissioner Townsend** asked where are those types of events shown in terms of the budget so when I’m looking at the budget I’ll know how much money is allocated for that type of expense. While that’s being looked at I’ll move on to the next thing.
I agree with the Mayor that the use of our public parks is one of the least expensive ways for our citizens to improve their health. Let me go to some of the specific questions I had about infrastructure in a couple of areas in District One. Parkwood Pool, when I was looking on page 320 I noticed that there was for 2016 Parkwood Pool Improvements and something the county, $646 is that $646K or $646? Mr. Rogers said $646. Commissioner Townsend said I know a couple of years ago a slide had been requested before you, before me, so I just wanted to get at the heart of that because of course with the pool we have a very limited time during the summer to use that and I appreciate the improvements that have been made there. There have been some picnic tables put there with new umbrellas for the stands where our lifeguards sit and it’s brighten up the pool. The staff there does a remarkable job because that is the best babysitting location for the city at $1. There are hundreds and hundreds of kids that visit that pool every week during the summer and the staff there does a great job with them. It is also a site for kids to receive a meal during the summer so one of the things that they have asked for that I forgot to include earlier are merely some folding tables so that the kids as they’re eating have a place to sit. Right now they’re just on concrete or standing and I would like to know if this $646 includes a slide, if not, I would like money put in the budget for 2016 for a waterslide there because for hundreds of kids Parkwood Pool is their Schlitterbahn. It’s just important to have as many amenities there as we can.

The other thing I would like to know about is Quindaro Park. This goes to an infrastructure. Just as the Mayor said, I would like to see money spent on infrastructure in supporting these parks. I visited Quindaro Park last summer and about a month ago and it’s in a really sad condition. Regardless of the leagues whether it’s RBI or some of the other leagues, other leagues that come from outside are actually refusing to play our kids on Quindaro because of the condition there. I’ve slid into a base or two in my time so there are so many rocks there it’s just really deplorable, the backstop, the benches, so I would like to know where in the budget line we would see those types of park improvement or from what pot of money in Recreation would that be shown?

Mr. Rogers said I will start off by addressing the pool. You spoke of the pool, the slide. I just found out about that today that a slide was on the hot seat a few years ago so my staff is gathering bids for that. We’re going to get three bids. It all depends on how fancy you want to go but anywhere from $30K to over $100K is the budget number for a slide. It depends
on how high it is, how far you have to drill down, how much concrete work you have to do. Parkwood Pool is a very old pool so once you dig down you’re jeopardizing that and so that is where that money does come from. It does sound like a large amount of money, however; it has to be when you’re dealing with something that is that old the safety aspect comes in too.

As far as Quindaro Park, the ball field, that is one issue that we will be addressed in the Parks & Recreation Master Plan. I think we could go around the room with every commissioner and talk about a park or a field in their district that is dilapidated and needs improvements. That definitely will be addressed in the Parks & Recreation Master Plan.

Commissioner Townsend said this season is pretty much gone, but what about for next season making it useable. That’s my real concern with it and what that would take to get it dragged, to get rocks off of it, I don’t know that we really need a master plan just for that. That’s really my concern and what can be done about that and would it be possible to get some kind of numbers on a slide reasonable. I understand that Parkwood has been around I think since the late 60s or early 70s, but just a pool that would be suitable for that to go into the deep end. I would really like to see some numbers so if there is any chance in getting that in 2016 this body could look at some numbers.

The other concern is where would out of this budget money come if heaven forbid there was a pump problem? Is that a CMIP issue or would that type of thing just come from the Park & Rec budget itself for repair? Mr. Rogers said that would come from the Parks & Recreation budget and that is something we would have to look at as a department of where do we take from to fix those. That pump system was—the filter system is a whole other issue. It’s very aging but the pumps are fairly new and are in good shape so that is a non-expense we budget for. We don’t anticipate those going out any time soon. Commissioner Townsend said is there a contingency in here? I’m just interested in knowing what kind of line item that type of thing would come from or be shown. Ms. Jonscher said I do know that there are maintenance line items within the Parks & Rec budget that would—there used to be one for Parkwood Pool. It wasn’t a whole lot of money, but I don’t know if that one is still in there or if it’s been combined with some of the other maintenance projects, but there is maintenance in both the Consolidated Parks General Fund as well as the Special Parks Fund for annual maintenance. Commissioner Townsend said so there’s not necessary a separate line for Parkwood. I saw Parkwood at $646 and that was the first thing I thought about heaven forbid if there is a filter or a major pump
problem because it wouldn’t be the type of thing that I would just want to hear well we just can’t do it this summer.

Commissioner Townsend said on one of the slides you mentioned that there was a reduction in staff in some centers or maybe I missed that. I just wanted you to go over that again. I want to see that slide again. Mr. Rogers said five fulltime recreation positions were cut. Commissioner Townsend asked what is at JFK right now. Mr. Rogers asked as far as staffing. Commissioner Townsend said yes. Mr. Rogers said we have one rec specialist at that facility, that is a fulltime position.

Commissioner Johnson said I just wanted to throw whatever influence I have behind Commissioner Townsend’s recommendations as well because we’re looking and we’re talking about providing a service for many disenfranchised youth that don’t have the opportunities maybe to go to a lot of the places that some others would that are more fortunate. I would certainly throw my weight behind that. I would also as a means of reducing our costs associated with running programs agree with the Mayor’s recommendation of looking at strategic partners in the non-profit community. The Roberson’s just walked out, but they have an organization as well that could be a potential partner that would be beneficial in many ways, but certainly as it relates to our staffing concerns on an ongoing basis so I wanted to throw that in there as well. Mayor Holland said I believe that is KC United Football. Mr. Rogers said we do partner with them on some levels.

Commissioner Philbrook said I have a question and I’m sure I knew this at one time, but I need to be reminded. How much money do we get off the tickets for the T-Bones, the comeback to Parks & Rec? Don’t we get some money back off of that off of each ticket sold? Mr. Bach said yes we do. We get .50 cents a ticket and, Lew, do you have an estimate or, Marlon, as to what we are receiving? We changed the structure of that deal since we took it over to have them pay us on a monthly basis as we had gone some time without really seeing consistent payments. We will have to see if we can pull that number out for you. Commissioner Philbrook said I was just kind of curious about that because that would be—because I don’t know what some of the other funds that come into us are, that one was one funding that I know that we have for Parks & Rec. I just thought I would throw that out in front of you, commissioner, just in case you would
like to take ahold of that so maybe we can ask for some of that money to go for some of that. Mr. Bach said no, that money doesn’t come to us directly. The money goes to the Turf Fund so that is overseen by a Board that is laid out from the original development agreement that we did with the T-Bones so it has board members that are made up of members of the T-Bone. The money is put into the Turf Fund and is kept by the Community Foundation. Commissioner Philbrook asked do we apply for that money to that for certain things. Mr. Bach said yes, different things come up. I think our Parks Department will take in different ideas so they listen to us quite a bit about what our recommendations are for Parks & Recreation activity and then that’s typically what it is used for is different types of playground equipment or—I don’t know if you know Jeremy, but I think that’s a lot of what it has been spent on over the past several years. Commissioner Philbrook said so basically that Board regulates what it goes to. Mr. Bach said yes. Mayor Holland said we have a commissioner on that I believe. Commissioner Walker, is it you? No. Commissioner Walker said not that I’ve ever been told.

Mayor Holland said there is a commissioner on there as well. Commissioner Walker said well if it’s me, I haven’t been doing the job because I didn’t know I was on it. Mayor Holland said we will make sure. I think that’s my appointment so if we’re not sure who it is and that might be on my desk, but we need to make sure and it would be an appropriate application to ask for a slide for Parkwood. That would be a perfectly legitimate request from that fund and so there is a potential funding source for that out there. I will say too when we had the CNIP Program when I was Commissioner-At-Large I put all of that into park playgrounds because our playgrounds were in such deplorable condition and so I’ve worked to build eight different new playgrounds in the city at different parks and you can see those around the community as well. There is some new equipment out there. I think there is some rusting equipment that still needs to go. Our kids deserve better than that but I think we’re making progress little by little.

Commissioner Townsend said I want to say again how much we appreciate last year this body adding $55K to the budget. It was relatively a low amount in terms of some of the other things we asked for, but it had an appreciable, noticeable impact in the community. Commissioner Kane’s idea that it would also give some people some summer jobs, that’s good so I’m happy to see its $70K and I appreciate that effort is still continuing and has been increased.
Commissioner Bynum said just a thought with respect to your point, Mayor, about the partnerships for the recreation programs. Commissioner Markley, Turner Rec seems to be a very robust commission. I wonder if that would be a place we could look at for how that goes on. Commissioner Markley said we did go through a master planning process at Turner Rec while I was on the board there before I was elected here so they have just sort of finished up that master planning process so it might be a good resource just to talk to them about what they thought was good about that process and what was bad since it was fairly recent. Yes, we are very proud of the Turner Recreation Commission there, it’s a great organization.

Mayor Holland said I don’t see any more comments. I want to thank you, Mr. Rogers, for the presentation on the parks. We have been going for one hour and 20 minutes. We’re going to take about a 15 minute break and come back at 25 till and so we will take a 15 minute break and then continue down our list.

Mayor Holland said I will note we’ve done 30% of our agenda by number. The next item is the Fair.

Mr. Bach said the presentation we’ve put together tonight in regard to the fair as referenced by Commissioner Walker last week. We worked through the course of the last year to kind of go through and do a little bit of analysis of what was going on with the proposed recommendations
of the fair and some of the proposals they were working with. We wanted to give a little bit of a report on that and then of course their request is to work with just additional money for operating purposes but at least we want to start with walking through with what we did with our analysis on the proposals that had come forth last year. We had presented this to a smaller working group of commissioners that showed where we were at. I have Marlon Goff with Economic Department here tonight and Marlon is going to walk through a little bit of historical information on the fair and what we did with that analysis.

**Marlon Goff, Economic Development**, said as Mr. Bach pointed out staff was tasked with essentially to evaluate in this proposal as we would any other typical economic development project that has advanced through our shop.

To start I thought we would take a look at the map to properly orientate members in the audience who may not be familiar with the current location of the fairgrounds. What you see in the foreground is Highway 7 as you travel north towards the Leavenworth County line. Then you actually access the site on Polfer Road. This parcel here bordering K-7 is actually owned by the Unified Government. It’s about 47 acres and it was acquired along with the site here which outlines the footprint of the existing fairgrounds property. Their site in total is about 110 acres or so.
At this time I’m just going to give a quick snapshot of some milestones that have occurred over the last five years or so as they built out at the current location. Starting in 2005 with that Memorandum of Understanding as part of the Schlitterbahn Project the Unified Government agreed to compensate or reimburse the Fair Association from the proceeds from that sale in the amount of $4.6M. We also acquired 360 acres of vacant property that we just saw on the previous slide. From there we conveyed or transferred the 110 acres which at the time was valued at $2.2M to the fair as part of their proposal to redevelop that site.

Commissioner Walker said that $4.6M that was paid, where did that money come from? Mr. Bach said that money came directly from the Schlitterbahn transaction that we did. Commissioner Walker said so that was money that—that’s not $4.6M that the Unified Government gave them out of their own money. Mr. Bach said it was money we negotiated into the Schlitterbahn deal. Commissioner Walker said so Schlitterbahn is actually paying that. Mr. Bach said they did pay it to us and then we transferred it to them. Commissioner Walker said I just wanted to be clear so everyone was clear the Unified Government didn’t give the Wyandotte County Fair $4.6M of general tax funds so anybody new to the Commission that thought maybe that was the case. Commissioner Walters said could I ask what the point of that is. You just talked a few minutes ago that it doesn’t matter whether the tax rebate goes to the builder or the homeowner, it’s all money. That $4.6M would have been ours if we hadn’t contracted them to give it to them, wouldn’t it? Commissioner Walker said the Wyandotte
County Fair had to give up property that was improvements on the real estate that were there. We own the underneath real estate. We didn’t own the improvements on the ground. It wouldn’t have been all our money in either so it’s not apples to apples. It’s a little different and they had a full facility with full amenities so in order to get out of the lease because we were going to have a lot more at Schlitterbahn, if you will recall, if you read through and remember what the paper said there was going to be a lot more built on Schlitterbahn than actually has come to be the current situation, river park, hotels, tree houses in the sky for overnight stays, all kinds of things that have never come to fruition. I just wanted to make that point.

Mayor Holland said the relocation of the fair from where it was to Polfer was a $6.8M move. Is that right? Mr. Bach said yes. Mayor Holland said so $4.6M of cash for the improvement and $2.2M for the land and so it was a $6.8M relocation that came from the sale of Schlitterbahn. Mr. Bach said yes.

Mr. Goff said as we roll through these slides; feel free to just jump in. I understand this is a workshop. In fairness, a handful of commissioners have already seen this presentation.

This chart is actually a five-year trend analysis. Budget staff provided us with this data. Essentially what it represents is the previous five years or so as the operations have been going on at the current site. It also includes the proposed budget amount for 2016.

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As part of the fairs relocation and built out at the new site the organization also contracted out for a feasibility study. This was done in 2009 and Mr. Harris who spoke earlier at the public hearing and the fair representatives provided us with a copy of that study and we were able to take a look at it and evaluate it. Three of the primary revenue streams in that study contemplated were an Exhibition Hall of approximately 40K square feet, the RV Park and the Shooting Range which they would be able to do their shooting arts.

This site plan illustration was done by a local engineering firm and basically you are able to see the outline from the footprint of their proposed Master Plan Development. The RV Park as you
can see here is actually on the property that the UG currently owns as well as spaced carved out for future development for agriculture industry. If you reference back to the previous slide, we can begin to see some of the site development that’s already taken place including the sidewalks, the pavilions, stall barn and the parking surface. What’s also contemplated in their proposal is the development of a pocket park and trail system here to the eastern edge of the fair site.

Referencing back to that feasibility study and our approach as staff to evaluate the proposals one of things that stood out in the evaluation is the 2009 study called for 40K sq. ft. exhibition hall. To date what’s constructed is a 22K sq. ft. stall barn. Again, this previous slide shows an RV Park of 80 stalls as part of their phase II proposal. The feasibility study contemplated 150 pads RV Park. I will note as it relates to the shooting station and the fact that only five are built, this had everything to do with only being able to get approval of the Special Use Permit for only five stations as opposed to the 12. I understand there was some vocal opposition at the time when they were proposing to construct that so that’s no fault of the association.
The funding request that we evaluate as a staff as part of their expansion is $1.72M in taxable bonds to help build out the site plan and increase their funding to $250K annually. It also calls for, as we saw on the previous slide, the UG to allow conveyed property or a long-term lease for their site of the RV Park and as referenced earlier that parcel that the UG owns and this is a 2014 value, just under $1M at $943K.

In summary, again, we were able as the staff to evaluate the fair’s financial statements and operations. They graciously provided that to the Legislative Auditor at the request of the County Administrator. We’ve also asked them based on the variances between the 2009 Feasibility
Study and what they’re proposing to build out, we asked them to get a quote for an update to that study and they have done that and you see here this is the amount represented. With that, that concludes the just of my presentation.

Mr. Bach said I will just note with Marlon’s presentation this kind of gives a little bit of historical summary where we were. We were looking at this a lot last year. The fair’s proposal this year was additional funding to assist with the operation, I believe as Mr. Harris pointed out tonight. As their current operations they can maintain where they’re at, but they’re not able to do any expansion or whatever and I believe that’s where they put in for $156K as a request for the budget and is what they requested this year. My budget based on that with all outside funding agencies I did not operate under any direction to increase funding to outside funding agencies and then built them in. Actually an $800 increase I guess is a round number to work with, but that’s where we stayed at.

Commissioner Walker said the proposal, and I’m not sure of the length of the proposed bonding whether it’s 15 or 20 years, I guess that would be an evaluation of interest rates and financial documents that we’re not prepared to make until you’re ready to actually do that. For purposes of discussion let’s say it’s a 20-year bond, the proposal would be that in the funding for the $250K on an annual basis we would withhold the bond payment or insure in some other manner in escrow or whatever financial device is used that’s necessary to market the bonds that funding was put in there and whatever that number is the remainder would be the budget plus whatever revenues the CFA was able to generate through its various activities.

We’ve discussed in general the idea of this campground. At least in the proposal the campground is somewhat more attractive and has more amenities than a similar business that’s further up the road on K-7 called Cottonwood. It’s pretty basic; you know gravel roads and so forth. The idea of our land, I don’t know that I was enchanted with the idea of giving up title to that real estate, but I did think we would have a lease details to be determined that would be coterminous with the issuance of the bonds. In other words when the bonds are paid off their lease on that would be subject to a negotiated either we want to extend it or we would want to sell it or we would want to put some other form of development on that property. All of that
would be a very detailed agreement probably as a pardoned parcel of debt issuance so a debtor would know what their sources of revenue and sources of income were.

If you have been out to the fair, you know we don’t have the things that a fair should have in my opinion. Most of you weren’t here and I was a staff person, but I can assure you and I think the historical record would reflect that the idea of the fair moving to this ground was contemplated to be an upgrade in the fairgrounds that they were going to have an arena, an exhibition hall, and an event center. They were going to be able to have a few staff people, an Executive Director, Marketer, some labor people. I think we heard earlier that they’re operating on the sheer goodwill of many very committed volunteers and 4-H kids. We’ve had comparisons to what other counties do in the past. I seem to remember because we always seem to look at Johnson County that they only give $89K. Well they give $89K for a Fair Association to use a park for one week and then it goes back to being a park.

Fundamentally this is ideally going to be an enterprise operation. They are going to generate revenue from political events I suppose like the old one did at the exhibition hall, weddings, parties, and those kinds of things. The trap and skeet shooting which is in very high demand and most of the people I know that do hunting and skeet hunting, they go some other place and it’s not in this county and often not in this state because there is nowhere to go here. If you don’t do that, that’s not very important to you, but for people who do it for recreation it is a bonafide—well how do I put this, there is no debate that the second amendment was intended to cover guys hunting. Trap and skeet shooting is an activity enjoyed by many. I’m not very good at it so I don’t go very often, but it is revenue producing. If you go to pay and do it, you know what I mean.

I don’t know how to get this thing off dead center like it is. We limp along every year like this and as you can see we now have for at ‘12, but it goes back further than that, that we’ve been limping. This is the best proposal that I’ve heard that would get us to a point of having like this county had grown to anticipate and expect every year with the County Fair.

I know the buildings were metal out at the old fairgrounds and they were a little bit old. Everything was maintained. They brought in good entertainment, there were weddings out there, there were horse sales out there, there were bar-b-que contest out there, there were probably many more events out there than I was even included in and know about. They had people marketing that and bringing revenue into this county. I think we need to do something about
this. I think there are a lot of our people that we represent that expect a better show for the fair than we’re currently providing. I think you don’t have what the MOU Agreement says, but clearly in that to me as an attorney there was this sometime in the future we might issue the debt and I believe that was an inducement between people acting in good faith to generate a move. I don’t think $4.2M which basically is what the land was worth, the money that’s involved was never intended to replace everything that they had at the other fairgrounds and I think a document trail and a financial analysis of—even at the date this occurred is overwhelming in support of. They knew all along, people in the know, knew all along at some point in the future it was going to take additional funds to complete this project and that’s why that bond provision was put in the MOU.

I’ve said all I can say on it. I’m 100% in favor of this or something that moves us forward with this project and this seems to me the most reasonable and the most affordable and hopefully the most realistic.

Commissioner Kane said for you new commissioners when this first got started, well not first, probably the second or third year we were working on this the community voted on an increase to the mill levy for the fair. I don’t know how it ever got removed, but it was voted on. Commissioner Philbrook said I don’t think it was removed. Commissioner Kane said well then they’re not getting it. Commissioner Walker said we rolled all our mill levies into a General Fund so that you didn’t have an individual mill levy for the Library, Historical Society—Commissioner Kane said okay, but at one time they had one slotted for them. Correct? Commissioner Walker said and we never reached anywhere near the maximum of the mill levy allowed under the State Statute. Commissioner Kane said this is one of the things that’s used by all four corners of Wyandotte County from every district somebody goes to the fair, somebody is involved with the fair, somebody does something with the fair and then if you look at the long range plan as far as the National Trap Shoot is in Illinois being held right now. There is no reason why—I know some people don’t like him, but Don Budd was second in the world last year in Trap and first the year before and he has major connections. You don’t have to like the guy, I personally do but there are people that can attract professionals here and then we have our kids that do the Beebe shooting and three or four of them are the best in the State and they have to drive over 100 miles to someplace where there is no wind and whatever they do. In

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my mind, and I’m not sure exactly what the number would be, but I don’t think 78 is going to get it and it’s also a requirement that we have a fair. There is more than just one or two things to look at and I think Hal is right, I think we promised a bunch and delivered nothing is how I feel.

Commissioner Philbrook said as to my understanding I think you’re 100% right Mike. In my recollections way back when we chose to sell the property to another entity and move the fair off I think there probably were a lot of promises. How many of them were in writing only God knows now because things have a way of getting lost in government, but having said that, number one we keep confusing a fair with an open entity that we use year-round. A fair, a week, 10 tens and that’s it and that is what Hal alluded to the monies that Johnson County gave out. They have a fair and that’s it. They’re not using a facility year-round to bring people in for any kind of activity. What a lot of people are used to, especially us older ones, are used to the fact that we did have a lot of activities at the fairgrounds and that there were a lot of things going on. I mean just as recently like in the last year or two that we still had the fairground. We had the International folks come in for Caber Tossing. You know where they take the big gigantic poles and throw them, but what I’m saying is that this fairground brought in a lot of activity to our community that a lot of other people around our community couldn’t provide because they didn’t have the facilities nor the parking.

The other thing is that I really would like to have our 4-H kids be able to have a location where they can depend on coming in and having activities and gives them a location where a lot of the inner-city kids can come out to too. Even though it’s way the heck out we have been known to load up a few vans and buses to bring people out to do activities and the 4-H people have hearts of gold and if there is a way to get kids involved, they’re going to do it.

The other thing is now when we get down to the money part out of the bleeding heart part of this that everybody likes to bash on other people about because they do have bleeding hearts. I would like to say first off we have to have the money to update the study. We can’t do squat without updating that study. The study is too old. The second thing is they are going to have to have an executive director that can put everything together and can keep everybody on the ball in going in the direction they need and before we can give them this money or find a way to get other people that will invest in this with us we’re going to have to have that minimum five-
year business plan put in front of us just like any banker would want to show us where the money is coming from and where it’s going.

**Commissioner Bynum** said I have two questions in the slide presentation. The first one is on the slide titled CFA Funding Request. I just want to clarify at the very bottom, the UG property valued at almost $1M, is that the 47 acres that we own? **Mr. Lindsey** said yes.

**Commissioner Bynum** said the other question is on I think a previous slide the funding history. Just help me understand payment versus reimbursement and I understand that they total the total column, but what is that again? **Mr. Lindsey** said the payment is the amount that the Unified Government gives them each year and then reimbursement is what we require to give them based on them giving out ribbons and other things they give out during their fair time. **Commissioner Bynum** said this is reimbursement for actual fair costs. **Mr. Lindsey** said fair expenses. **Mr. Bach** said the reimbursement is actually legislatively required that we reimburse for feed and stuff like that during the time of the fair and historically that’s kind of the number you see, it ranges right in there. **Commissioner Bynum** said so basically the reimbursement column is cost that they are outlaying that we are required to reimburse them for so it’s certainly not money ahead. Would that be correct? **Mr. Bach** said correct. I mean that’s and I think what Commissioner Kane alluded to, if you said you’re not giving them any payment each year and made them do it all on their own, we would be required to give that reimbursement column each year.

**Commissioner Bynum** said I spent several nights at the fair this year and I do every year and my children participate in the fair and I feel closely associated with the fair to that degree. I saw a very diverse population attending the fair and it was very pleasant to experience so many different people and kinds of people attending the fair. I would like to find a way to support them to a level a little higher than what we are right now for 2016. I just want to state my support for that.

**Mayor Holland** said I have a question. The funding for the $25K for their updated feasibility study, did I understand that they wrote a grant for the Casino funds and received that grant money for that $25K. Is that what that $25K was for? **Commissioner Kane** said the trap house. **Mayor Holland** said the $25K for the updated study has not been funded. **Commissioner Kane**
said the thing with the trap house, Mayor, is—how many do you have?  **Mr. Harris** said zero right now but with your funding we might build one. **Commissioner Kane** said they are $25K a piece and they can’t make a dime until they get all five in there and I would like to see you get all 12 because we would get some sort of thing. We’ve been jacking with this stuff since I’ve been commissioner.  I know that Commissioner McKiernan when he is asking for $50K and we’re covering a pretty good size area multiple districts.  Well this is one of the very few things that cover all the districts.  I think it’s important what Commissioner Bynum said, there are all walks of life out there that use this and I don’t think we should turn away and not fund this in some sort of way.

**Commissioner Townsend** said just a couple of questions for clarification.  The $25K would update a study that would tell us what.  What would that outline or what would that tell us?  **Mr. Goff** said this chart here helps illustrate a few of the differences that are contemplated from the original study and that Site Master Plan that you see here.  If we reference the original study, for example, it calls for an exhibition hall which is different than a stall barn or a 150 pad RV Park represents a different revenue stream than an 80 pad RV Park.  When we’re evaluating the feasibility, for example, if we were to issue bonds and their ability to service the bonds of debt or operation, those things will factor in as well as the amount of time that’s lapped since 2009 that could represent any shift in the market for this particular type of product.  The feasibility study would kind of flush out some of those things that represent the variances between what was proposed then, what’s either actually constructed now or represented in this Master Plan.

**Commissioner Townsend** said the other question I wanted to try to better understand or situation and I think maybe Commissioner Kane has already alluded to it.  I was wondering what prevents the fair now from holding the trap shooting/skeet shooting? **Commissioner Kane** said they don’t have enough stations.

**Commissioner Kane** asked, Hal, did you have a magical number that you were thinking?  **Commissioner Walker** said I was under the impression when I received the staff presentation that we were looking at the number of $250K from which we would deduct what the annual bond payment turned out to be depending on the actual amount of the bonds and that would be dependent on what we actually agree.  They have a number up there of $1.7 but maybe it’s $1.6,
it could be $1.3 and we would withhold that until the bonds were paid. They would then go build and complete the stall barn which it’s my understanding—Dennis, I may have this wrong, but the exhibition hall and stall barn all you have to do is put the doors and winterize and air-condition, isn’t it? I mean that’s what I understood was they wanted to enclose the existing building so it could be used year-round, build an arena. I know we don’t bring people up so I’m doing the best I can from memory. The idea would be that would generate revenue, they would do all they could with $1.7M, whatever it is, they would get their skeet going and that would generate revenue and we would have this lease on this ground—we don’t have anything going out there right now. If we do, I haven’t heard about it. Nobody is knocking the doors down to get that property. Maybe when they finally decide what they’re going to do with K-7 10 or 15 years from now and get it done, that will be prime real estate development; but I wouldn’t buy that ground now not knowing what access you’re going to have off of K-7. That’s me, I wouldn’t buy it anyway because I haven’t got the money, but the bottom line is a 15 or 20 year lease of that property is not unusual. At the end of that period we move forward or we don’t.

**Commissioner Kane** said I want to do everything Hal said, but I think we need this study so we can make an intelligent decision so the study tells us this is feasible and this is how you get there. Hal, I would love to give them all the money because I believe in them, but it would be easier to explain once we got that information back and we can make intelligent sense so I would like to see us get $25K for those folks. **Mayor Holland** said so you’re promoting $25K.

**Commissioner Markley** said I just want to ask procedurally, say we do the $25K and they get their study done, we don’t have to wait until the next budget year because this could come before us as a regular development project for the bond issuance, right, it would be the $250K that we would have to wait until the following budget year to put into the budget. Am I correct? **Mr. Bach** said yes, I think that’s correct. We would set this up—if we came back after we had the study, saw the business plan, and put the proposal before the Commission and you determine that was something you wanted to fund then we would go out and I assume we would issue a bond for that because they would get the direct proceeds for it. **Commissioner Philbrook** said GO Bonds, right? **Mr. Bach** said yes. They would have to be a GO Bond because it would be one we would look for special revenue, but we would have to GO back, back it; but the theory is they...
would be able to make payments on all or at least part of what would be the annual payments and it would really be—I don’t think we’ve had Lew sit down and have his staff do an analysis with it as to what the term would be, commissioner, yet. That’s always based on the facilities that are built.

**Mayor Holland** said we have a proposal to add $25K for the fair to complete the study, update the study, and then hopefully that could be done by the end of the year and then we could have some time as a Commission to work through it to look at the economic development program and then to plan for budget implementation with a bond issue. Just a straw poll, we have a $25K recommendation. If you’re generally in favor of that, raise your hand. If you’re opposed, alright so we have consensus to go ahead with the $25K for the study and then we will come back once that study is complete and look at the economic development proposal based on the revenue streams that study recognizes.

**CNIP Program**

**Mr. Bach** said this question was raised—there are a few open questions with this, but I have Ms. Jonscher here this evening who is really going to walk through and talk a little bit about just what money we put into the CNIP Program originally and then I believe Commissioner Townsend probably wanted to make a few statements about it from her questions. We thought at least to show historically what we did and how we funded the CNIP Program initially was a good place to start.
Ms. Jonscher said this slide just shows what we put into CNIP. The first allocation was in 2013 we issued $2M in bonds for that and we split the payment out over four years so it would keep in line with being paid and it’s being paid out of the Dedicated Sales Tax Fund. We also put in in the year before that we added $200K of cash from the Dedicated Sales Tax Fund so that we could work with the consultants to design the projects that were approved for the CNIP Program. In 2015 we added a second phase of that. Another $2M that was split—both of these were split out among all ten districts. The first year the allocation was a little bit different. I think District 7 got a little bit less, but in the second allocation all ten districts got $200K each and I’ve shown the payments for the second allocation go from 2016 through 2019. The payments range approximately around $600K per year.

Commissioner Townsend said I asked for this because when our class came in they were in the midst of this so I just kind of wanted to understand and I guess my concern is my current understanding is that this program is about to end. I saw the value in it because it allowed us as commissioners to target special projects in certain areas so overall I was interested in seeing how much was left, if any, uncommitted and what it might take if not in this budget year to do a similar one if other members of the Commission saw the value of continuing this program. Mr. Bach said there is no uncommitted money. I mean you can look at the Dedicated Sales Tax Fund I guess and say if we took money from that we’re currently—Commissioner Townsend asked is that shown here. Mr. Bach said no. Ms. Jonscher said the breakout of what’s paid in
the Dedicated Sales Tax is in your budget book on page 105. It funds Police Operations, Fire Operations and Infrastructure and there is a breakdown of how much is currently budgeted for 2015 and 2016. Mr. Bach said I would probably say, commissioner, what you’re looking at is it’s a $2M project to do it like we did in the previous two years in 2013 and then what’s being funded this year is $2M. In 2013 we identified the Dedicated Sales Tax Fund as a source for that because it was approved for three things. I mean it was for Police & Fire so Public Safety to be roughly two-thirds of what we would get from the Dedicated Sales Tax Fund and the other was to go for neighborhood infrastructure. The Commission looking at that when they were looking at the third back in 2012 into 2013 when we essentially started this program looked at it and said how do we make an impact with that money so let’s—like we do other projects we kind of grabbed together and said let’s go after enough money that we can do something of an impact in different neighborhoods, and the commissioners that were here could correct me if they remember that differently, and determined going after $200K each time would allow them to do projects via they do something in the parks or curbs or sidewalks and there have been a range of different things that have been done. That’s what we did, that’s why the Dedicated Sales Tax Fund was utilized for that.

The reality of the Dedicated Sales Tax Fund is it is time sensitive. I think it has been a very beneficial fund to us because we’ve been able to maintain particularly through the recession and more difficult times, we’ve been able to do things in Police & Fire that I think otherwise we would have had to cut both of those departments. As we’ve gone through all the different budget discussions and see what we’ve done to different departments we basically left Police & Fire untouched. We didn’t buy as much Capital for them, other than that they maintain their numbers and such like that as we’ve went through these years where we went into other departments like Parks and you know cut their budget by 40 plus percent.

The Dedicated Sales Tax Fund would have to be renewed in 2020 going forward for it to be—so you can’t just look at this and say well I’m going to issue a new layer of debt going out into 2025 because it’s not approved yet. You don’t know for sure you have that source of revenue but you can look at other sources you have as far as bond revenues or things like that if you wanted to do it. It’s really a good strategic planning discussion you may have if you want to look forward to where you could come together in the fall and say hey I think we ought to go for $2M more and look at 2017 or 2018 or some year in the future and say we want to do this and

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what funding source would you look at and you kind of layer that in with your other strategies on
debt or other priorities.

**Mayor Holland** said you said we kept the Fire & Police flat. In fact Police, Fire and Sheriff
over the nine years, previous nine years, actually had a 40% increase in total payout by
department on average so in nine years there is a 40% increase in spending in Public Safety
which is just an unsustainable line item while we cut everybody else. We’ve left all the other
departments flat by reducing staffing by 20% in all non-Public Safety Departments. In order to
keep it flat because of the increased cost of personnel with health insurance and pensions we had
to cut staff to keep it flat, but Public Safety would not do that and if we had not had this
money—this money was from a vote from the people for a 3/8 cent sales tax. It generates about
$6M a year. If it were not for this fund, we would not have been able to maintain. That’s why
he is saying we’re not guaranteed this revenue stream after 2020. We would have to take it back
to the voters and ask the voters to renew it so it’s not something we can extend the payment on
this fund to continue this program. We can’t guarantee it. We couldn’t make that decision until
after we decide we wanted to go after it again, put it back on the ballot, and give the people an
opportunity to vote which we will have to decide in the next four years. We will have to decide
if we want to go back after the sales tax revenue. If we were to do it, we would start it with a
different revenue stream from other funding and then we would be paying for it while we’re still
paying this one off unless we started it after 2019. If we skipped 2017 and went to 2019, then we
would not be paying for both at the same time, but if we started it in 2017 we could—as long as
we identified a funding stream. I think that’s the strategic planning piece to understand that this
came from that sales tax that was a voter approval.

**Commissioner Townsend** said I appreciate this presentation because this has helped
me to understand the source a little bit better and I was not really looking for any impact on
2016, but to set it up for 2017 or what would be appropriate because it does give—I felt
empowered to help my particular district by targeting money to certain areas and programs. Yes,
that would be a good strategic plan so thank you for that information.

**Mayor Holland** said what I’m going to do next is I’m going to jump down to the third from the
bottom item, Commission Meeting Action Items. This is the list of items that we’re going to

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walk through on Thursday night for our official vote and then we still have four items left. We have to cover the Commission Meeting Action Items just because I like people to read through them and be familiar so you don’t see them for the first time when we show up on Thursday for the vote. We’re going to jump to that and then if we have time we will keep going. Again, I will ask you after we walk through this how much more time you want to go. We could push because we’re already committed to the 5:00 p.m. on Thursday anyway, we could push some of these remaining items to Thursday or we can continue tonight so I think there is additional opportunity.

Mr. Bach, if you would lead us through the Action Items, that would be very helpful and they are in our packet on page 23 is the beginning.

Commission Meeting Action Items

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A. Adoption of the following resolutions and ordinances regarding the 2015 Amended Budget, the 2016 Proposed Budget, and the CDBG Consolidated Action Plan.

1. RESOLUTION
A resolution expressing the property tax policies 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.

2. ORDINANCE
An ordinance expressing the property tax policies 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.

3. ORDINANCE
A resolution adopting a regulation establishing the rate for sewer service charges effective January 1, 2016.
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Mr. Bach said there is the large print one so if you flip back another couple pages in your book, you will see that you have some that are on the PowerPoint, but then you will have the actual Action Items in a larger print on the 8.5x11 sheet. I think it’s the first stapled piece in your packet. There are several different things we will be doing. For those of you that have not approved a budget it’s not all wrapped up into one vote. It’s wrapped up into a series of votes that we do to take action on the various things that are done.

The first item on this is the Library Fund. That’s the taxation policy that sets out what the Library Fund has recommended to bring forward to us for their approval. Lew, what is being
recommended by the Library Fund this year? They are recommending a status quo tax I believe, correct? Mr. Levin said that’s not correct. I need to pull my book out. Mr. Bach said while Lew is grabbing that information I’ll move on. I jumped him with that and I apologize for that.

Mr. Bach said the next item on this is for the SSMID which we noted tonight so when we approved our published budget we noted that the SSMID would be published at their current tax levy rate. That’s where it will be published at. This would approve it. What you would be taking action on with your budget would be to give an additional $50K to them so I do not believe that would be included here because their rate is set and we are outside of their rate.

Mr. Bach said the next item is the rate for the Sewer Service. As I presented by budget I noted that I would be recommending a 7% increase for that as for Water Pollution Control to continue that funding so that is what that one approves.

Mr. Bach said Item No. 4 is a resolution setting our PILOT with the Board of Public Utilities. That PILOT is also the rate we use for Water Pollution Control, but that is internal so we don’t—this is one we have to set out for the BPU. Mayor Holland asked is there any change recommended. Mr. Bach said there is no change. It recommended to stay where it has been. Commissioner Kane asked have we notified BPU of that. Mr. Bach said they know what our recommendation is built into the budget, yes. Commissioner Walker said there is a statute or ordinance requirement of formal written notice if I recall correctly. Mr. Bach said there is a formal written notice if we want to meet and confer if we’re going to change the rate or increase the rate which we’re not doing. Otherwise we approve the rate and then we have to send them a formal notice of what it will be for the coming year.

Mr. Bach said the Special Assets Fund is the fund we have to just create it so this is a little bit different one that is just this time. The one we created for the theater and the hotel if we’re able to bring revenues in for that so that just establishes that.

Mr. Bach said the one-year extension for the deadline for the YMCA Program that you all discussed.

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Mr. Bach said I had number 7 built in here for a resolution extending the building permit fees. I have that a question mark because we weren’t sure where we were at as we started tonight’s meeting. This would go ahead and extend that a year.

Mr. Bach said Item No. 8 is really your overall budget items so approves the budget as we proposed it and then if we have any amendments which we will have now, we did not have before tonight, but we will have to make some adjustments and submit a sheet that will show amendments to the budget. We will be approving that here. Jody, will we do that with Item No. 8 with the amendments or will we do the yellow sheet as a separate sheet, separate approval? Ms. Boeding said last year we attached the changes and then the resolution is changed to say that it’s approved as submitted by the County Administrator and as amended by the Commission. Mr. Bach said and that all will be under that one Action Item.

Mr. Bach said Item Nos. 9 and 10 are both CDBG. Number 9 is the One-Year Action Plan for 2014-2015 Amendment and then No. 10 is the new Five-Year Consolidated Plan which covers the 2016 Annual Budget.

That’s your series. We will have ten different actionable items to take on Thursday night to approve the budget that we’ve been working on.

Mr. Bach said, Lew, do you have a clarification for us on the Library Board. Mr. Levin said I don’t know if you have your budget books in front you. I’m going to refer you to two pages. Page 47 shows expenditures by fund and at the bottom what’s being proposed for the County Library Fund is a 2016 Proposed Budget of $2,805,604 and that requires an increase in the Mill Levy for the County Library Fund of .384 mills. The more detailed breakdown of the County Library budget is presented on page 86 of the budget document. Commissioner Philbrook said I know you have told us 9M times, but what are the Other Transfers on expenses, page 86. Mr. Levin said the Library Fund receives the monies and then it’s budgeted as transfers to the respective libraries being the KCK Library, Turner Library and Bonner Springs Library.

Commissioner Bynum said I just need to clarify being new. When we voted here to set our maximum mill levy, do I remember we gave ourselves wiggle room by half a mill on both the
County and the City side, is that correct? **Mr. Bach** said yes. **Commissioner Bynum** asked is that the money that we are going to use to fund these additional things we’ve asked for tonight. No, I’m rolling around in my head—I love supporting the things that have come forward and having the breathing room to be able to do that and I want to thank people like Commissioner Kane who endured those years of having to say no, no, no. It’s nice to be able to say yes, but where does that money come from? It’s not in that half a mill? **Mayor Holland** said to my knowledge so far we’ve approved $50K for the SSMID and $25K for the fair and we gave away $60K in building fees so we’re at $135K and the Administrator’s job will be to go back and figure it out and come with us on Thursday about where he is going to find that money. **Commissioner Walker** asked why wouldn’t he just drop it to the bottom line. **Mayor Holland** said that may be his recommendation but we set the policy. **Commissioner Walker** said it’s certainly not doing any good with the Reserve Fund before—we got proposed so why not just make $135K lower than it is. **Mayor Holland** said so anyway that is why Mr. Bach gets the big dollars to figure it out. **Commissioner Markley** said could I just say I like that you were thinking of that because when—especially Brian McKiernan and I always harp on the fact that these final budget meetings we sit around the table and we say we want to spend $30K on this and that and we often don’t think about the big picture of we could be spending that $30K on a police car versus, no offense Commissioner Townsend, versus a slide. We tend to have a little skewed view when we set in these sessions and it’s nice to know you want to know where that money is coming from.

**Mayor Holland** said we did not get budget direction for the slide. **Commissioner Markley** said I was just using that as an example. **Mayor Holland** said just to be clear. **Commissioner Townsend** said but a slide is going to cost a whole lot less than a police car too. **Mayor Holland** said well maybe. A police car is $30K; the slide might be $100K from what he said so it might be worth three police cars.

**Mr. Bach** said I will say, commissioner, these are numbers I can work with. If you were to really get going here, then there would be a different conversation about where we would have to start to look at other things that we would need to prioritize on.
Mayor Holland said I for sure want to do one more item because Mr. Welker has been sitting here for a number of hours and I want to get to the Bus Shelters. It would be sad if he stayed here all these hours and we decided we were done and he had to come back and do it again. Let’s go ahead to the Transportation piece. I’m not skipping any items. I’m just skipping around the agenda so I will have Mr. Welker to come forward.

Bus Shelters

Justus Welker, Director of Transportation, said I’m going to run through this real quick. I was asked to compile some numbers regarding bus stops, system wide bus stops and transit stop amenities in our community.
All total we have about 414 bus stops in our community. Of those 414 we have various shelters. The difference between these shelters is the 10 ft. and 15 ft. are self-explanatory. They are just the length. They are your basic rectangle blue in color. As you progress a little further on you have different levels of amenities within those shelters so you will go to a super shelter which isn’t listed there. Past the super shelter is a Connex which we have up and down State Avenue and then the top of the line is the BRT your Bus Rapid Transit. Within our community we have 56 benches and 46 trash cans.
This kind of shows the route and the number of bus stops associated with each of our routes in the county. We have ten routes, ten fixed routes operating in Wyandotte County here in Kansas City, Kansas. We also have the weekday average ridership of each of those routes. There is a link there on the bottom that kind of gives a great rundown of each of those routes and where they travel within our community.

There is criteria for when you add amenity to a bus stop and it’s based on—it’s triggered by daily passenger boarding’s equal to our 20 passenger boarding’s so this is individuals boarding a bus at one bus stop throughout the day. So if we have 20 boarding’s at one bus stop location that triggers a bench. If we have equal to or greater than 50, that triggers a shelter. We do have other criteria for amenities: funding obviously, right of way issues, land use compatibility, ADA requirements, population density, visibility, streetscape, that kind of thing.
Capital & Maintenance cost associated with these bus stops and amenities as you can see the shelters range in price from $20K to $63K for the BRT. Benches are anywhere from $750 to $1,500 depending on the material they are constructed of. Trash cans, two different styles, one concrete and one steel. There are also maintenance fees associated with those amenities. These are annual estimates so for any one shelter it costs us approximately $2,496 to maintain that shelter, so on and so forth. The bench is a little less than the shelter. Service on trash cans $269 a year. The mowing, most of our bus stops are located in right-of-ways so they’re maintained by our Street Department or Public Works Department and then the shelters are rehabbed as needed.

That’s kind of a quick and fast rundown.

Commissioner Townsend said thank you because with that very brief presentation you hit the nail on the head with some of the points I wanted to make. The criteria for some of the amenities, my concern and the reason I wanted this on the agenda is not that I was actually going after shelters per se, but I have noticed in my area a traverse from say 3rd & Quindaro all the way out to at least 27th & Quindaro and from 7th & Quindaro south to Parallel, a corridor that is getting a lot of buzz about getting something done with it. One of the, I thought, relatively inexpensive things that can be done that people see immediately is just upkeep of some of the things that we have. I would like to see the benches that are there, say at 5th & Quindaro up to 7th Street, well start at 3rd & Quindaro up to 7th St. They appear to be in poor repair. There are no trash cans by them. The fact that there is a bench or a shelter ought to equate to the presence of a
trash can there because what happens is it becomes an accumulation point. People should not litter. We all know that and I would like to see this for another discussion some camera’s to catch some of these people dumping and littering, but I will save that for another day. At minimum I would like to see the benches painted, fixed, whatever it would take to get them in an order the people would want to sit on them and trash cans. Not blue, not the blue barrels put at least at each of the benches. There was a really nice stop in front of I think it’s a Dollar General store at about 27th & Quindaro with a shelter and all that, but there was no trash can there so in this really nice shelter there is an accumulation of hamburger wrappers and this, that and the other, so people should not litter but we ought to make it easy for them to dispose of their trash. At least in the corridor that’s what I was looking at.

You also with this presentation answered a question. I didn’t know whose responsibility it was to keep those areas mowed. A lot of these, or several, I don’t see a lot but a good portion of maybe some of these benches are by houses that may or may not be occupied or just vacant lots, they still need to be for the benefit of our public who uses public transportation in a way that fashion that’s presentable. Nobody would want to sit on a bench, shelter, whatever it is surrounding by weeds and trash. I don’t know if that requires us to get or me to make a special ask for this or could we just step this up, I don’t know, but thank you so much for the presentation because you did clarify some things. This goes right in with the synergy that we’re trying to create in the northeast area.

Commissioner Bynum said KCATA they don’t have any responsibility for this part of the transportation system. Mr. Welker said there is no written agreement for this route. When we had the TIGER Funds and we redid State Avenue the Connex System part of that agreement was the maintenance and upkeep of the shelters along that transit line. Commissioner Bynum said not just maintenance but placement. Your original slide was about 10% of our existing stops have places to sit down. Is that correct? Mr. Welker said yes and that’s based on daily passenger boarding. Commissioner Bynum said there is no agreement or responsibility on the part of KCATA to provide benches, covers, shade trees or any of that. Am I correct or not? Mr. Welker said they don’t have any responsibility. They adhere to the same policy we do and amenities are triggered by the passenger boarding. Mayor Holland said so I guess the question is if—some of the routes are ATA, some of the routes are UG. Do we pay for the benches and
shelters on all routes regardless of who is running the bus? **Mr. Welker** said yes. **Mayor Holland** said they do not take care of their shelters on their routes and we take care of our shelters on our routes. **Mr. Welker** said we share some maintenance procedures between the two providers, but as for placement of benches or shelters, that’s our responsibility. **Mayor Holland** said the capital investment is our responsibility. **Commissioner Bynum** said I would like to spend some time on this at strategic planning. We can do better than 10% can’t we? **Mr. Bach** said I think that might take a little bit of clarification too because you are counting in every time we put a pole out, right Justus? **Mr. Welker** said yes. **Mr. Bach** said so we put poles out in a lot of areas where it’s very infrequent to make it easier so if somebody wants to come in and get a bus they can walk up to the pole, you may get one person there a day. That number is skewed somewhat because we go out and say you’re down a line. If you come up to this pole we will pick you up so the 10% number—speak to it if you would because I’m not an expert in this area, but that throws off that number when you look at it that way.

**Mr. Justus** said the guidance suggests that a person will walk roughly a half mile to a bus stop so we try to put a bus stop every 880 yards to make it convenient for them, but based on passenger boarding’s a lot of our boarding’s and lighting’s we have transit centers within the community at 7th & Minnesota and 47th Street. The majority of the connections are made at those two transit centers. **Commissioner Bynum** said those are great. I love those transit centers. I deal with older adults and a couple of folks who have disabilities that this is their mode of transportation. To think on a day like Saturday my volunteer who met me to work a Health Fair was standing in that heat possibly with not even an opportunity to sit down is a little disturbing. That’s where I’m coming from. I appreciate the information very much.

**Mayor Holland** asked do we have a bench everywhere we have 20 or more people getting on and do we have a shelter everywhere there is 50 people getting on because I think that might be the place to start is if you could give us an outline of—if you go back to your numbers of stuff, if you came back and had another line at the bottom—you know the bus stops are really poles, right? **Mr. Welker** said the majority of them. **Mayor Holland** said if you could say how many benches do we lack based on that 20 person ridership and how many shelters do we lack based on the 50 person daily ridership, that would give us an idea of a capital investment needed in order to just catch up with our own policy because it would be one thing if we were meeting our
policy needs, we’re not, and before we go beyond our policy needs we should at least meet it. That would be helpful because then we would have a number for a capital investment that we would know and we could talk about in strategic planning about how we could work towards getting to that number.

Commissioner McKiernan said first of all I think you’re discovering just how expensive it is for the transit system. If you drill down into OpenGov here, we’re going to spend $5.7M on just our share of transit this year so it’s enormously expensive and recover here in Wyandotte County about 5% of that through rider fares, system wide about 15% of that comes back through rider fares. It’s heavily subsidized and we make the decision to do that and that’s fine, but it’s enormously expensive. My question is can STP Funds cooperatively through MARC help us accomplish any of these stop enhancements to purchase any of this. Mr. Welker said absolutely. Commissioner McKiernan said so if through RTCC we could make that a funding priority for the metro wide, it’s possible that we could go for federal Surface Transportation Program, STP Funds, to help fund the one-time purchase of stop improvements cooperatively with ATA, Indian Joe, and maybe get some money that can be distributed across the region easier than we might be able to get that money ourselves. I need to look at what our 2015 priorities are there and make sure they reflect stop enhancements. Mayor Holland said I want to thank Commissioner McKiernan for the shout out for OpenGov and everyone who does the shout out for OpenGov during the budget cycle does get extra credit.

Commissioner Philbrook said I do have a couple of comments and then a question. There are a lot of stops that don’t have them. I get to experience 101 a lot because I have had employees that travel 101 and have taken a few trips myself. We are blessed by wonderful transportation compared to a lot of communities around us.

That being said I want to also thank you for looking into the 72nd Street transportation issues that our police have brought to our attention to helping folks being able to get up to State Avenue and actually be able to get somewhere. Past that I do have a definite question.

I’ve always hit a brick wall when I ask this so I don’t mind hitting the wall again, but the question is why cannot people in our community actually adopt a stop and put in something, a bench to sit on, maintain that area. Why haven’t we allowed other people to do that because I

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Mayor Holland asked is there a program in place for that. Mr. Welker said there is not a program. We do have some private/public partnerships, but we’ve never approached individuals. Mayor Holland said if an individual came and said I have $5K burning a hole in my pocket and I want to install a bench and trash can and a shelter, would you let them? Mr. Welker said there is no policy in place at this time. We would have to get with Legal and see if we could accept the funds. Mr. Bach said I think it would be pretty easy for us to set up something like that and probably the point would be—I don’t know that we have anybody asking to do that right now, but if we were to put a program in place and market it, then we would find out so it would probably be more of looking. We can take a look at that. I’m sure there are some models out there of other ones.

To speak to one your points and it’s one you brought earlier, Commissioner Townsend, as a rule and particularly around the signs or around things in our community the expectation is for the property owner to mow their grass so be that a commercial property or be that a homeowner somebody is supposed to mow out to the curb. If we have a sign in the yard that has speed limit 35 miles an hour on it, I don’t send street crews out to everybody’s yard and mow around that sign and I don’t mow around every fire hydrant in everybody’s front yard either. Bus stops are the same thing. He had on the one sign up there who’s responsibility is that and it’s UG, well that’s Unified Government’s responsibility as far as our ordinances and ordinance tells people they are supposed to mow their yard. If you have a speed limit sign or a stop sign or something, I would guess most of us mow around that in the same expectation is there if that’s a bus stop sign. I think where we’re missing it and that’s an issue that this brought to light is when it’s one of our Land Bank pieces of property those are the ones we need to put on our list or it’s a
property we’ve acquired or it’s vacant or something; we need to make sure we’re going out and hitting those lots because those are the ones that can cause us a real problem. Other ones when somebody just doesn’t mow it that’s a different issue and we should address that through Code Enforcement. I think there is a couple of things in play there and one is there is our issue that we need to just make sure we have a different list of properties we’ve acquired over time and make sure if there is a bus stop in any way on that, then we’re going out and treating it different than we do the rest of our vacant lots.

**Commissioner Townsend** said I just wanted to make it clear that I was not, as Commissioner Bynum talked about, adding shelters that would be fantastic and beautiful so people are not unnecessarily exposed to the heat and elements. For this budget cycle I would just like to see if we can do this by Thursday what the cost would be just to paint or whatever maintenance is appropriate for those strips of areas that I mentioned and what the cost of putting a trash can there would be, just very simple. **Commissioner McKiernan** said you have to estimate that across the system. **Commissioner Townsend** said that would be great. I’m just saying a little bite might be easier to do. Yes, we can do it across the system; those are areas I see every day. There is a vacant house as you mentioned the person rehabbed it and then left the country, but there is a bus stop there that is just overgrown and people are going to say that’s the city so I’m just concerned about what we can do immediately to get money to take care of those areas in that corridor that I talked about. **Mr. Bach** said Justus, the benches that we have, are those ATA benches? **Mr. Welker** said ATA supplies the benches. We paid for them and they supplied them and put them in. **Mr. Bach** said they put them in so don’t we pay a maintenance charge? We don’t pay it on all the benches? **Mr. Welker** said it depends on which route it is and where it’s located. The benches you are referring to are made out of a recycle composite material and that’s why they are kind of drab in color. There is a steel component holding up the composite material but the material itself is going—I don’t even know if you can paint or surface it. **Commissioner Bynum** said it’s gray so it does look like weather wood but it’s actually a composite plastic and so it’s not deteriorated, it’s just that it’s plastic and for some reason they choose a color that was gray. It looks like gray wood that’s not been maintained. **Commissioner Townsend** said some of them I can tell what color it is, they just look bad and there has to be some way to maintain them. They do not look good. They do not look like just

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They just look old and dilapidated to me. I would just like to know what the cost of a paint job or some appropriate maintenance would be in that area and the addition of trash cans. That’s a number I would like to know for Thursday. **Mr. Bach** said I think we have the trash can number. That’s on the other slide. If we want to add a trash can, that’s $500 to put the trash can in or $1,100 to go to steel and then you have a $269 annual cost to have them go through and dump it. **Commissioner Townsend** said I guess I could just count the number of benches or if I could get somebody to count the number of benches in that strip that I’m talking about then we would have a multiplier for the trash cans and also to look at the benches to see what would be the appropriate maintenance. **Mr. Bach** said, Justus, do you know the area she is talking about? **Mr. Welker** said I believe there are about six benches right there between 5th & 7th. There is one on every corner at 7th & Quindaro—**Commissioner Townsend** said up to 27th & Quindaro.

**Commissioner Walker** said there are 300 bus stops that don’t have benches or any kind of seating according to this. Is that right? **Mr. Welker** said yes. **Commissioner Walker** said and we’re not proposing to put anymore benches in. **Mayor Holland** asked how much is a bench. **Mr. Bach** said I think she was just proposing to fix up benches and add trash cans. **Mayor Holland** said so we would be looking at $450K, a half million dollars would put benches at most of our places but then we would need a maintenance cost, no that’s not right—a wood bench or a composite you could do it for half that so for $250K you could do a bench everywhere and then you would have to put in $1,500 per, per year so it costs as much to maintain it as it does to install it. You can just install a new one every year. That’s seems like a lot. **Commissioner Walker** asked what have we allocated in total maintenance of benches, trash cans, etc. **Mayor Holland** said it’s on a budget line. What page are we on? **Mr. Lindsey** said page 327. **Commissioner Walker** said I guess the point to my question is how much have we allocated and how much can we get done with that in furtherance of Commissioner Townsend’s request. **Mr. Bach** said I’m going to probably contend that we have most all of our money allocated that’s already in the maintenance budget. Justus may have a little bit of room, but that’s probably just for things that come up through the year. What Commissioner Townsend has requested on number of trash cans and cost it would be about a little less than $5K to add six new trash cans to our service and then have the annual maintenance for them and of course then you have the $1,600 annually to keep those trash cans going forward and taking care of them. We can look at

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the maintenance of those benches and we can probably factor that in somewhere with his maintenance budget to see what we have as far as getting that done. **Commissioner Walker** said I would like to join that request of Commissioner Townsend. If we don’t have it somewhere else, that we add $5K to the budget for those bench improvements.

**Mayor Holland** asked is there a consensus to add $5K for these bench improvements. We will do our regular straw poll. If you would support that, raise your hand. If you would like to throw this proposal in the trash, raise your hand. Okay, it passes. **Mr. Welker** said but that just gets you from 3rd to 7th. **Commissioner Townsend** said right, this is just a start. **Mr. Bach** said, Justus, did I miss that number anywhere. I’m just talking six trash cans. Does that look about right? **Mr. Welker** said the proposal is to add trash cans to these sites also, is that correct? **Commissioner Townsend** said yes. **Mr. Bach** said we will look at doing some maintenance on them and then put six trash cans in.

**Mayor Holland** said I don’t know about everybody else, its 9:00 p.m. and I’m done. The last two items Tremont/Quindaro, Distressed Area Gap Funding, and Errors/Omissions will be dropped to the 5:00 p.m. Thursday. That 5:00 p.m. Thursday will also include CDBG discussion so those are the items we have remaining.

**Commissioner Walters** said the Gap Funding issue is a question about debt and whether we wanted to borrow that $3M versus spend it out of current resources so I don’t think we’re really going to have time to address that before this budget is approved so why don’t we just put that on our strategic planning. **Mayor Holland** said okay, if you’re comfortable with that, we will do that and then we will do the Tremont/Quindaro Development Plan on Thursday.

**MAYOR HOLLAND ADJOURNED**

THE MEETING AT 8:57 P.M.

Bridgette Cobbins  
Unified Government Clerk

July 27, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, July 30, 2015, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District (via telephone); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO; presiding. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Ken Moore, Deputy Chief Legal Counsel; Lew Levin, Chief Financial Officer; Debbie Jonscher, Asst. Finance Director; Jason Banks, Asst. to the Mayor/Manager; Robin Hicks, Legislative Auditor’s Office; Mike Tobin, Interim Director of Public Works; Emerick Cross, Commission Liaison; Mike Taylor, Public Relations Director; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Patrolman John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 30, 2015, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for a budget workshop.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in
such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Tremont/Quindaro Development Plan

Commissioner Townsend said this is titled the Tremont/Quindaro Development Plan, but it is really a broader concept than that so we will refer to as the Northeast Master Plan. I noticed since I’ve been in office any number of my constituents and constituents from neighboring districts have asked about what’s going to happen in the northeast corridor and that means different things to different people.

Every time we’ve had Strategic Planning I kind of brought this issue up. Thanks to Bob Hughes who has been a catalyst for me in trying to understand what might be done that is different than what’s done in the past with Ad Hoc Projects so that we might look at a strategic way to spur development in the northeast end. That’s what this is about and from here if you don’t mind, Mayor, I would like to yield whatever time you were going to allow me to speak to a couple of my fellow commissioners, Commissioner Johnson and Commissioner Bynum, if they want to say anything.

Commissioner Johnson said I will say to the Commission that this request that I’m going to make is a bit late and I do apologize, but I just think that the time is upon us to move forward with some progress in the northeast quadrant of Wyandotte County. With that said I would like

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to put forth a request along with Commissioner Townsend to request a commitment, and I say the word commitment as opposed to an allocation, in the budget for 2016 to use as a potential investment as a tool to empower staff and ourselves to go out and find matching dollars to fund a Comprehensive Master Plan for the northeast section and quadrant of Wyandotte County. This is not an actual allocation, but it would be something that we could use as a tool to go out and ask the funding community as it stands to invest in Wyandotte County and it shows that we have a commitment from Wyandotte County as well.

We’ve talked with the staff and had a lengthy conversation. We feel that a plan would run in the neighborhood of about $120K. The reason why we use the term commitment is that if we don’t find funding, it has no impact upon the budget.

We’ve also talked about the fact that there have been plans that we’ve utilized, for instance, the State Avenue Plan and anyone can correct me, but as I understand it didn’t cost us little or anything to get that done at all. If it’s possible for us to find the funding in and of itself to finance this or to fund this, then it wouldn’t cost the government anything. This will allow us to have a seed, it would allow us to have a show that we’ve got some skin the game and to help us to leverage further dollars and that’s what we would like to ask for tonight because we think that the northeast quadrant of town has been disinvested, it’s been disenfranchised for far too long and we would like to take this time to utilize this and then go out and use that seed to go out and try to secure further dollars.

Commissioner Bynum said so I believe the request is $60K, a commitment, from the body for $60K and a commitment from us to raise the additional $60K because of the $120K cost estimate that staff has given us. The reason we’re asking, even though we know it’s late, is because Planning staff has informed that even if we had the money right now they could not start due to their staffing issues until possibly September of next year. If they can’t start until September of next year, that’s this budget cycle and that’s why we’re here with this late request but I think the request is valid, $60K with us and stakeholders finding the other half.

Commissioner Townsend said the other thing I wanted to mention from the meeting with the Planning staff the other day, let’s say we had the money available to do this master plan today and that staff had the time to do it or get started on it immediately, we estimate it would take
about 12 to 18 months so the point is we need to get going and we would like, as we said, at least a commitment from the body to find $60K in the budget contingent upon and to allow Planning staff to start looking now for the other $60K to leverage it.

**Commissioner Kane** said we want $60K but we don’t need it for 18 months, is that correct? **Commissioner Townsend** said no, the 18 months would be the approximate time it would take to do the master plan. That is why we would like to start now with getting the funding together. **Commissioner Kane** asked would it be possible to do $30K this year and $30K next year. I’m just asking. **Commissioner Townsend** said we’re not making this request to raise the tax rate, we want to hold that. **Commissioner Kane** said you have $30K to do that—**Doug Bach, County Administrator**, said I would probably say if they’re looking for a commitment and the project will be in 2016, then we would probably try to keep it all in fiscal year 2016. I believe what I’m hearing is a request of this governing body that if we go out and over the course of the next 12 months raise $60K in matching funds that this governing body would then be willing to allocate and make that a priority as we either amend next year’s budget or look to the future that we would put that much money toward this kind of project. We wouldn’t necessarily have to act on it tonight or amend our 2016 Budget. I’m hopeful too that we would identify—you know things are going really good in the fundraising efforts like in our Rosedale Master Plan. If that continues at the level it’s at, maybe there is $10K left on the table from that deal that we had allocated from our own budget or something like that so there may be some other ways to adjust that. That’s what I’m hearing, you’re looking for that commitment so we know if we’re building the budget next year, or I do, that if we get matching funds in place; we would be able to work in that direction.

**Commissioner Philbrook** said point of information, are we allowed to do any motions or do we just make recommendations at this point? **Mayor Holland** said I think if we have a consensus at this table and we’re not making a budget change request at this time, it would come in to Amended 2016, then I don’t think we need a motion for that. I think we’re looking for a consensus at this point. **Commissioner Philbrook** said I’m for the $60K and for going out to OMP, other people’s money; to do this because I know we’re bringing on an additional person to
work the northeast for development so now is the time and things seem to be popping, so let’s grab it and go.

**Commissioner Walker** said it’s been said. I support this. I would join with the consensus. **Mayor Holland** said the good news is we’ve had success. We were able to win a grant with Mid-America Regional Council for the K-32 Study. We were able to secure philanthropic money for the Health Campus, $115K for that. A lot of funding for the Rosedale Master Plan with stakeholders down there so we have shown that these master plans are fundable and that there are groups out there that can help and I think if we continue to be aggressive, I think anyone would be hard-pressed to say the northeast area does not need a master plan.

**Commissioner Bynum** said one last thing, we’re sorry that it’s at the last minute. We were only able to schedule our very first conversation about it two days ago only because of all the other work we’re doing on the budget and work schedules and so we do apologize for that but we are grateful. **Commissioner Townsend** said but only so much because not knowing when to bring this up. Every time we’ve kind of met I brought it up. It might have been called something different, but thanks to staff and all the commissioners who formally and informally have said that it’s time and the constituents from various parts of the city have said it’s time so thank you.

**Mayor Holland** said we will take a straw poll in terms of support so we can gauge the level of support. If you would be in favor of this moving forward, raise your hand. Alright, that looks unanimous. Commissioner Murguia, would you like to weigh in on the straw poll? **Commissioner Murguia** said yes, I think it’s a great idea. **Mayor Holland** said it’s unanimously and we will move forward.

**CDBG**

**Mayor Holland** said we have the report from Wilba who has prepared the document. It has gone through some iteration and if you can go to where your slides here:
When we look at this the way it’s going now is we have $400K for ABC, Argentine/Highland Crest and Emergency Home Repair went back from $200K to $300K. The rest of the allocations for Homeless Funds and all the other recurring there was broad consensus on. I would say there has been broad consensus on 90% of this. There is still concern about the $400K ABC application for Argentine & Highland Crest. I will say this. We have worked hard on this budget in terms of establishing a consensus and I think we’ve done a very good job. There are some sticking points once in a while and I think this is one of them and so I want to raise some
issues with this. I’ve asked a lot of questions since our budget hearing on Monday, ten days ago, and have asked and received some information that I find to be troubling in the way that it looks.

The legal issue is, is there impropriety. I don’t think there is any impropriety. I don’t think anyone is making any accusations of legal impropriety. The ethical standard is the appearance of impropriety and so whether or not something is ethical it’s not only is it legal, but that it doesn’t look bad. I have some concerns about how I think this $400K looks and I want to walk you through five incidents that in their totality I feel like look bad and hurt our ability to convince the public that we’re doing things the right way. Again, no accusation of impropriety, simply my perspective that I believe it doesn’t look good and so I would like to walk through that at this time and I would ask my staff if they could please pass out the sheet that I have prepared to look at. It has five dates on it.

As that’s being passed out I will say we’ve done a lot of work to increase the transparency of our processes. One is obviously putting all of our meetings on television. We’ve done a lot to try to streamline our processes in terms of how we’re moving forward. In light of that I think we could do a better job in transparency or apparent transparency of this that would help us move forward in a positive way. I want to read through these and just share with you my view and then I have a specific idea about the $400K.

2014/2015 Grant Allocations
July 30, 2015

January 29, 2014

In the first year that formal applications are required, the UG receives 38 proposals totaling $6.2 million in requests. Nine of the applications were potentially eligible for CDBG funds and only two projects are recommended for funding:

i. Doing Real Work: $50,000

ii. ABC/ANDA: $258,000 in CDBG appropriations for a housing project adjacent to Commissioner Murguia’s home on Strong Avenue. Many of the parcels at this site are owned by ANDA.
July 31, 2014

ABC is designated to receive a total of $500,000 in CDBG re-appropriations for Turner, Highland Crest, without filling out an application.

February 20 – July 2015

The UG receives 14 proposals totaling $1.1 million in requests. Five of these are potentially CDBG eligible and only one is forwarded for recommendation. This funding recommendation will be voted on tonight by the UG Commission.

ABC/ANDA: Recommended to receive $400,000 (originally $500,000) for “Argentine and Highland Crest Economic Development.”

June 2, 2015

Commissioner Murguia presents a financial pro forma to the CDBG sub-committee regarding the development of 14 villa-style units that is tied to the project at 1351 S. 26th Street. The pro forma - which lists ANDA, not ABC, as the project manager - contemplates $500,000 of CDBG money and a $50,000 development fee. No other groups with a project were on the agenda to present before the CDBG sub-committee.

June 25, 2015

ABC receives $45,000 in Casino Grant funds from Commissioners Murguia; ANDA is listed as a “Key Community Partner” in the application.

On January 29, 2014, I believe everyone has this. I think Tim can put this up on the screen too. On January 29th the first year that formal applications were required the Unified Government received 38 proposals totaling $6.2M in requests. Nine were potentially eligible for CDBG and only two projects were recommended for funding. One was Doing Real Work for $50K and the other was an ABC/ANDA application for $258K in CDBG appropriations for a housing project that’s adjacent to Commissioner Murguia’s home on Strong Avenue in an area where many of the parcels at the site are owned by ANDA.

On July 31st of that same year ABC is designated an additional $500K in CDBG reappropriations for Turner, Highland Crest, but there was not an application. It was a reappropriation. It was not application. It didn’t go through the formal area. My concern is regardless of the legitimacy of that program, and I support the $500K for Highland Crest, my

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concern is when there was no formal application to come in the front door that it looks bad for us in terms of the optics of it, in terms of how they received $258K with an application and an additional $500K for another project without an application.

February 20 to July, 2015 the UG received 14 proposals totaling $1.1M in requests for during our public budget hearing. Five of these are potentially CDBG eligible. Only one is awarded for recommendation. This funding recommendation will be voted on tonight by the Commission and this is the ABC/ANDA recommended to receive $400K, originally $500K requested, but received $400K in recommendation for “Argentine and Highland Crest Economic Development.”

June 2, 2015 Commissioner Murguia presents a financial pro forma to the CDBG subcommittee regarding the development of 14 villa-style units. The pro forma which lists ANDA as the project manager contemplates $500K of CDBG money and a $50K development fee. There are layers of concerns about this. One, ANDA is not eligible to receive CDBG money nor a development fee from said money, but also ANDA had a live application in front of this committee for $500K that they had submitted and was being considered. That $500K recommendation was made on June 8th, the next week, to the full commission, but I don’t know that any other organization had access for a presentation to the subcommittee. My understanding was a decision was going to be made based on the paper applications and not on interviews. My concern is how it looks regardless of how legitimate; how it looks that one group and none others had an opportunity to make a presentation to the subcommittee that would be making the decision. Further, the presentation was made by the commissioner who is sitting on the funding committee. I just think that’s a troubling look and I think it’s hard to say to others outside of that process that that was a fair process to other organizations who did not have that opportunity to present to the subcommittee.

Finally, on June 25th ABC received $45K in Casino Grant’s from Commissioner Murguia; ANDA is listed in that application as well as a “Key Community Partner” in the application; an issue that has been raised by our Ethics Administrator.

I want to go through with the $400K. I support the $400K staying with the new vision of economic development and for housing. My concern is the allocation to ABC. I believe we need to move it into protective, we don’t want to send it back to HUD, but we also want to make

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sure that there is a fair and open process for all groups to apply for this money. I have seven reasons why, if it passes in its current form, I will veto our Five-Year Plan.

1) The Ethics Administrator wrote plainly in the closing sentence of July 27th opinion, “the appearance is if there would be a sharing of funds between ABC and ANDA.” I don’t believe a black marker through a line on the application changes that.

2) I heard several individuals speak Monday at the public budget hearing expressing concern about this process. I just received another letter from Mt. Carmel Redevelopment Corp. saying that if they had known this money was available, they would have applied for it themselves.

3) The CDBG Subcommittee changed the focus to bricks and mortar in 2015 and no one was notified of that change. They recommended just one application that had come in before the paradigm change was adopted by the Commission. I don’t think there was enough opportunity for other community organizations to apply.

4) ABC is slated to receive $258K, $500K and another $400K. ABC is slated to receive $1.2M or 96% of all new non-reoccurring allocation that has been given out in the last two years. One organization is receiving 96% of the new allocations given out over the last two years.

5) The UG has rejected 49 other applications with $6.6M in requests and even allocated money without an application at all. ABC/ANDA also in their application for this $400K lists the following budget expenses: Personnel of $30K, supplies $5K, and Other $465K. I don’t think you can put $465K in the Other category of your application and expect it to be funded. We don’t have a plan here, we have an idea and I don’t think we give $400K to an idea. I think we have to give it to a plan.

6) ABC has not spent the first $758K in allocations that they have. In fact I’ve not seen evidence that they’ve spent any of the first $758K in allocations and I don’t think its good practice to give money to a group that has not yet been successful with the first amount. I also think it’s unfair to under groups who could put that money to use immediately and not have to wait for someone else to spend their money and receive additional money on top of it.

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7) Finally, ABC has never done a residential development and now with ANDA withdrawing from the application just yesterday from the application, I believe ABC no longer has the capacity to do this project. They’ve never done a residential project, they’ve not spent any of the money they have already and I don’t think they have the capacity to complete this work and I think it would not be responsible for us to give them additional money before they’ve demonstrated that.

That’s my presentation tonight. I am open to conversation and I hope we can work this out in a manner that is where we can reach a consensus by the end of the evening.

**Commissioner Markley** said first I would like to comment on the June 2nd meeting because I think it’s been mischaracterized and, Mayor, you weren’t there so it’s not your fault, you might have heard something different.

During the course of our discussions with HUD we were told by HUD and sort of discussed with HUD that it was easier to talk about how regulations apply when you talk about a specific project because as we were going back and forth it’s just confusing to try to talk about hypotheticals and can you do this and can you do that and there are a million different rules as you all know.

Commissioner Murguia brought a pro forma of what this project might look like so that we could see how it would or wouldn’t cash flow with the use of CDBG funds. It wasn’t a presentation meant to be a presentation of the project to the committee. It was meant to be an educational discussion with HUD as to how the funds could be spent and how they couldn’t be spent and how those rules apply. I just wanted to make that clear because I don’t think anybody on the committee thought that was a presentation of the project. It was meant to be an example for HUD to give us feedback on how the rules would or wouldn’t apply at a certain situation.

The CDBG Committee formed at the Mayor’s recommendation two years ago and it has been one of the hardest working committee’s I have ever led. They were task with finding the most effective way of using our CDBG funds in light of our Strategic Plan and it became more clear every day of the complexity of that task.

They met regarding this year’s budget more times in total than this entire Commission has met to discuss this years’ budget. Meetings were noticed for the benefit of the

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commissioners and the public and the committee reviewed the Commission letting approved process of accepting public applications.

They set-aside time to meet with HUD to learn about what types of projects would be best funded through CDBG. They along with staff and our Five-Year Plan consultant logged a record number of hours trying to find the manner of using CDBG funds that would most benefit this county.

I am very proud of their dedication and to understanding this complex funding system and I’m very proud to have worked with each of them in this capacity. Because of their willingness to accept and tackle with great dedication very difficult work above their normal Commission duties it was particularly offensive when Mayor Holland brought forward on July 13th, just two weeks before budget adoption, a concern he apparently believed was critical, but a concern into which he had done no prior research.

The Mayor and commissioners had more than four months to review the budget applications submitted by the public and the Mayor has multiple staff members in his own office to assist in that review. He has spent many hours in the presence of committee members including one-on-one sessions with each commissioner per his own tradition offering him every opportunity to raise any questions regarding the CDBG application submitted or the intent of that committee. Never once did the Mayor ask a committee member about the ABC application prior to publicly alleging ethical violations on July 13th.

As we all know now, and I will state again for the public, our Ethic’s Administrator confirmed by memo this week that no ethics violation occurred and merely recommended that our application form be amended to clarify that only those entities receiving money should be listed as partnering agencies on our budget application.

The Ethic’s Administrator remedy I quote “having said the above but asking all of you to cooperate with each other, a simple solution to this is to have Mario Escobar from ABC go to City Hall and prior to the vote of July 30, 2015 take a marker and delete ANDA as partnering agency. I clearly can’t compel that, but it would resolve the problem and allow a potentially worthwhile project to go forward.”

The procedural concern raised by the Ethic’s Administrator is easily resolved. What is left easily resolved is a Mayor who publicly demanded that commissioners pick up the phone and call before raising controversial issues in a public meeting, but failed to follow his own

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advice before attempting to damage the reputation of multiple hardworking and honorable commissioners.

That being said I would call for a straw poll that we, as Ms. Benien stated, cooperate with each other and follow her advice. ABC has already for their part removed ANDAs name from the application per the advice of Ms. Benien.

**Commissioner Walker** said, Mayor, this has certainly been the most troubling aspect of being on the Commission since I have taken office. It may not be for the other commissioners that have been here longer, but there are a number of things that need to be said. Number one, I certainly don’t fancy myself the best lawyer in the world, but I have read this opinion at least four times and I can find nothing in this opinion that would suggest the slightest impropriety of wrongdoing on the part of ANDA, on the part of Ann Murguia, on the part of Mario Escobar, and I forget the number 8, 9, 10 extremely honorable decent people, taxpayers, blue collar people that have been drug through the mud in this particular instance. I know it was not your intent to do so, but the aspersion that they have somehow engaged in some type of unethical activity is out there. A simple reading of Facebook would show most people that there are opinions all over the board on this matter.

I do want to read one thing from the opinion. There are many things in here I would like to read but it’s publicly known, it’s been publicly read I assume by the people that are interested. It said Commissioner Murguia is also entitled as the Executive Director that would be of ANDA, to partner with any local or private group, etc. so long as ANDA does not receive any UG funds and she is not inappropriately using her title as UG Commissioner. Any commissioner is entitled to act in such capacity so long as they do not personally receive UG funds or have a substantial interest in the entity. I would say that going back through the history of committees and subcommittees these are not secret confidential executive sessions in which you are prohibited from reaching out to the public. In fact, it’s my understanding, Mayor, that at the CDBG meetings you had staff attend most if not all of the meetings. It was well known what was occurring in this committee to your office.

I would say that if I knew that funding was available, it would be my responsibility as a commissioner to go out and reach out to the groups in my district, which I guess we can say I’ve got the south half and Ms. Bynum has the north, but we both really represent the entire

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community and we should reach out and tip them off, if that’s the word, that there is going to be money available and they should apply for it. I am at a lost for why CHWC, Habitat, Northeast, none of the groups that are available, and these are great groups, I have no problem with any of them in what they’re doing. In fact, it’s my belief, it would be my hope that any group that wants to build houses in Highland Crest or in any other part of this community should be able to go anywhere where they have an opportunity and do reconstruction. I hope you would agree with that.

There is no exclusive turf. Where you want to do your work you do it and I’m troubled by this because this is a secular government and I respect your views, I respect you as a man, I respect you as a pastor, but I do not always agree with your optics of a situation just the same way I assume the bible is not always interpreted by two pastors in the same manner.

Having said that I’m—I mean I go back to this opinion. It’s clear there was nothing wrong, there was nothing done wrong. Your sensibilities of right and wrong, you make reference to a building that’s near Commissioner Murguia’s house; I’m going to tell you that I know that building. I know that building long before Commissioner Murguia was there, long before the housing development occurred in that area and I can tell you that probably 30 years ago that building should have been torn down. It is a troubling eyesore at a commercial intersection in the Argentine area. There are seven buildings, if I counted right in my mind, on the north side of Strong Avenue across from the fire station that are in dilapidated terrible condition. Now, down the road the fact that Commissioner Murguia lives a block away from there is that going to be an impediment to ABC or somebody else because her neighborhood improves. I live four blocks from the Highland Crest area. If Highland Crest area improves, I might tangentially get some benefit in my assessed value because I now live in a better area, a better attractive area.

We can take this to whatever length. I can point out all kinds of appearances of conflict that the public sees that have commented to me on how we do various things like hiring practices and who gets jobs and promotions and other things which they’re bonafide, they’re legal, but people think there is an appearance and appearance is not an actuality. That’s the only way government works in a secular way. I would say in closing that I read this opinion I’m not going to fault Wilba or whoever drew up the form, they find more fault with the form than they do with the process. They say Commissioner Murguia can partner with anybody. That could mean give
advice. Certainly I would call on her, I would call on the director of CHWC, I would call on anybody that has done this kind of work and that would be a good business practice. I would also tell you, and I don’t mean any criticism, Wilba; would you happen to know how much money, and if you don’t, I would like to have that number not necessarily before tonight or the budget, how many hundreds of thousands of dollars or millions that we have given CHWC since they first began or for that matter Habitat for Humanity or any other major development groups; City Vision Ministries how much money or tax benefits we’ve given them. Wilba Miller, Director of Community Development, said no, commissioner, I do not have that at my fingertips right now. Commissioner Walker said I think there is a number and I think we would all be surprised in how much money has gone to these groups in prior years.

The fact that CHWC and Habitat did not apply, well you can read it that they didn’t know about it and they should have been informed or you can just simply say that they did not chose to apply because they didn’t think they were going to get any money and that’s a choice you make. I would welcome them applying for money and doing work and I would welcome them in Highland Crest but this hurts me particularly bad when we change this from the Highland Crest area because I can tell you for a fact that the Argentine area until the advent of ANDA and ABC did not get hundreds of thousands of dollars in CDBG money. I don’t believe any CDBG money of any significance has ever gone into Highland Crest and yet every commissioner I’ve spoken to, and I have not spoken to all of you, admits to me that that area is in dire need of redevelopment dollars. When others feel neglected I’m going to tell you you’re not the only part of the community that’s neglected. Highland Crest is neglected and there is a need there for those dollars. I will not be supporting at least initially this—I’m standing pat with the money was properly done and through an open process.

Commissioner McKiernan said as a member of this committee there is almost nothing I can say that’s not going to come off potentially as being defensive or making excuses, but I want to point out just a couple of things. First of all I think there was an issue of timing that we did not fully anticipate when we started this process. We were to vision and create a new Five-Year Plan for the use of CDBG. It turned out the first year of the new Five-Year Plan was this budget year that we’re voting on today. That puts us in a real bind because it compresses the time that we have available to have a thoughtful, meaningful, strategic discussion about how we could shape the

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CDBG Program to have the biggest impact. We are not able to have that thoughtful discussion. We are instead under the gun to let’s get something funded because that deadline is coming and we have the 30 day or the 90 day or whatever publication deadline and it’s coming so that is not to make that as an excuse, but it is an overlay here that because we did not start the Five-Year process earlier than we did, the planning process for the Five-Year Plan, we got compressed. I don’t believe that led to the best possible outcome that we could have had.

There have been several concerns expressed to me in the process of this. The first concern you alluded to and that’s a concern that too much money was being shifted toward potential bricks and mortar type development projects at the expense of projects that could be labeled under the broad heading of Social Service Agencies or the Social Services. I have said that I do believe that’s a good shift. It’s probably a discussion we should have all had as a group long before any decisions were made on funding, we didn’t, alright. We have something we need to correct. Now let’s see how we can correct that.

I do believe it’s the right shift, but you know I’m okay if we shift all of our money over into the Social Services because as many of you know I’ve just started reading this book “The American Health Care Paradox” that suggests our very poor health outcomes in the United States are not because we don’t spend more than anybody else in the world on healthcare, our poor outcomes are due to the fact that we don’t spend as much on the Social Services on supporting the social determents of health. So, if we were to reallocate all that money into Social Services, we would still benefit. I just don’t think we would build our community the way we want to and this I’ve said to everybody who has asked, I really do think if we value supporting the Social Services and programs like Emergency Home Repair, we need to thoughtfully and intentionally move that money into the General Fund where we control the funding, we make sure those programs happen because if I’m not mistaken the Senate last week contemplated a 93% reduction in HOME. Did I get that wrong, Wilba? Ms. Miller said that’s correct.

Commissioner McKiernan said they did, so these funds are so volatile because we don’t control them I would propose, and if we would have had this discussion a while ago, I would have proposed to the whole group that we consider project funding for that volatile funding and that we consider those things that we really want out of the General Fund where we control the funding and we make sure that those programs happen without interruption. So, there’s a little tidbit toward our continuing discussion about strategy for the Five-Year Plan.

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A second concern that has been expressed to me is about the clarity and the timing of the application process and you know I understand and the Ethic’s Administrator in her opinion said we could use a better form, we could use better instructions, we could use better publication; I cannot argue with any of those things. Having said I can’t argue, I think we’re better than we were two years ago so we are in an evolving process. I cannot say to anybody it is the best because it’s not and we all know that, but it is evolving and I think it has gotten better.

The third piece about a potentially improper relationship between a sitting city commissioner and the agency that ultimately received the funding this year I think that has been handled by other people. I don’t think that our Ethics Administrator has found that to be the case but Mrs. Shivers and I don’t have my glasses on so I don’t know if she’s here tonight. (Someone said she’s right here.) Commissioner McKiernan said so Mrs. Shivers when she came in the other night and she spoke at the public hearing she brought up the one thing that had been on my mind about this year’s process. ABC they did their due-diligence, they played by the rules, they put in their application, but she brought up the fact that she has been asked to demonstrate capacity before getting any more money and I thought you know what, that probably is something that we should all think about when we think about serial applications to the same group.

I had thought that a potential compromise in this situation might be that we broadly allocate that $400K under the heading of Rehabilitation/Reconstruction, whatever the broad heading is now, but hold them back from ABC pending a demonstration of capacity. Mr. Escobar, I know that you are working really hard on these projects that you already have lined up and so it occurs to me that rather than piling on we could give you some breathing room to accomplish those projects to demonstrate the capacity to bring a project home to completion. If we held the $400K back, we might establish some criteria and a timeframe which demonstrates acceptable progress in an acceptable time and if ABC meets those criteria, the $400K is released as per the initial application and if they don’t, that money goes back into a new RFP offer. I thought of this this afternoon and thought I would just throw it out and offer it as a potential for solving a problem that is immediate and before us today and that’s all I will say.

Commissioner Townsend said I think I want to continue down the path that Commissioner McKiernan has walked down and opened up. For me this was not so much about appearance of
anything and I was also on the committee but I will say I have the utmost regard for the work that was done by Commissioner’s McKiernan, Murguia and Markley. They were there when I could not be and I tried to keep up with what was going on but there is nothing like being in the room. I do believe that the straw poll that we took, if that stands, I don’t know if we need another motion; I absolutely positively believe that minimally $300K should be officially put in that Emergency Home Repair fund. When I came to that last committee meeting it had been zeroed. I think Commissioner Markley said it correctly a couple weeks ago it’s a philosophical difference, but as I said I think we’re all trying to do the best for our constituents. Some can afford better housing than others, some may not be able to afford new housing, but they’re desperately trying to stay where they are and avoid getting into problems with code violations so absolutely we need that safety net.

One of the reasons that I can speak personally about why NEDC did not apply this year is that last year with this capacity situation I told them you have to use what you have already and so I could not support an application, a new application, if they had not completed or eaten what’s on their plate already. To me where this other $400K goes is a matter of procedure and treating similarly situated entities the same way. I like Commissioner McKiernan’s idea about holding this money only until we can determine capacity, but I would like it maybe to be held so that anybody who had demonstrated capacity to be fair because that’s what I’m talking about. Maybe we do need to reopen that process just for that so anybody that’s clear to any and everybody now, you can’t sit on the money; you have to use what you already have and that’s what NEDC has done and that’s why they did not apply. I think that would be the fairer thing to do and just reopen it for anybody and that’s what I would move to see done.

**Commissioner Murguia** said, Mayor, I am trying to do this all by cell phone which means I’m trying to talk on the phone and also at the same time read the document of your five concerns that you provided to staff and so it’s very difficult for me to do that but I will see if I can pull this up. It’s not allowing me to do that. Okay, here we go.

I will start off with your first concern. It appears that you are concerned about where my house is located, my personal residence, in proximity to this project. I do live in Argentine. I live at 2502 Strong Ave. It is next to the 14 unit Villa Project that you discussed absolutely. I’m really not clear about what you are trying to imply, but I will tell you the project is next to

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my house but the reason the project occurred is because it is attached to a $5.5M project on the other side that ANDA is doing in the way of housing for people 55 and older. I will also remind the Commission that this is low income housing so if it’s a concern that you’re expressing, I’m not concerned. I have very low income housing that surrounds my personal residence where I raise my family and I’m okay with that. It doesn’t concern me. I think when you’re going to be a leader in a community you need to lead by example and one of the areas that we really struggle in Wyandotte County is having people be accepting of very low income people. I’m very accepting of that and I have no objection to it being next to my house if that was the concern.

Mayor, you’re going to have to help me here. What was your second concern? Can you keep it kind of short though because you break up when you talk for a long time? Mayor Holland said my second item was that ABC had received an additional $500K in the same funding year without submitting an application. Commissioner Murguia said you know I don’t know about that. I apparently missed that. I was not involved in the actual filling out of the application that ABC filled out. Again, we’re just there to provide technical advice to ABC. You’re right when you say that they have not built a residential structure. (Inaudible) currently a $3.5M grocery store in Argentine that you would know as the Save-A-Lot off 18th Street Expressway so I can’t speak to that, Mayor, because either I missed that meeting or you know I just don’t know if that was the case. I’m sure what you’re stating is correct.

Your next question, your concern was what? Mayor Holland said the next question was that ABC and ANDA were recommended for this $400K, the next $400K, and that’s the $400K actually that we’re talking about now because no one has made any—I have not suggested that we should not do the $285K nor have I suggested we shouldn’t do the $500K. It’s the $400K here and one of the concerns I raised about that is that the application only says personal and other, $465K of other. It looks like we’re funding an idea and not a plan and I think that’s problematic and that $400K allocation it’s also the money that represented the difference and the focus that others were not allowed—did not know to apply for. They were not not allowed, but they did not know to apply for. Commissioner Murguia said okay, so it sounds like you are concerned about the way the budget is written out in the application and I will (inaudible) I have not seen that budget. I have not looked at that in detail and I don’t have it in front of me right now so I don’t know what to tell you there. You would need to speak to Mr. Escobar and his Board of Directors. I know the general concept of what the application
consisted of. I know what Mr. Escobar asked my advice on which was the acquisition and rehabilitation of homes in the Highland Crest neighborhood. As to the details of how that money would be spent, since that money does not come to ANDA, that really was not a concern of mine in the role that I was playing with ABC.

You brought up that I presented the 14 unit cottages or villas that you have said are next to my house. I did not present on that, the budget you’re talking about. That was presented by ANDAs attorney and development attorney for Maxwell, Polsinelli Law Firm. Again, I think Markley has summed that up well for you. That was an example development deal as you know, Mayor, from your work with the Downtown Healthy Campus, are very complicated in urban settings and as a result the committee that was attending the meetings consisted of McKiernan, Markley and myself decided it was best to present an example so the Commission had something to base the strategy that they were developing off of. We used that example, like I said; I think Markley spoke to that exactly how it occurred.

You mentioned something about Casino money. I’m a little apprehensive to talk about Casino money given this is a public hearing and you didn’t notice up Casino money discussion, but since you brought it up I will comment on it. You mentioned something about the Ethics Administrator being concerned about that. Well, I actually spoke to the Ethics Administrator yesterday to get some clarity on your interpretation of her ruling and my interpretation of her ruling and during that conversation we veered off into a very in-depth discussion in regard to ethics. Never one time did she mention any concern about ANDA being listed as a partner to any organization anywhere in Wyandotte County, however, she did mention concern about the Unified Government’s actual application that in the future for the benefit of all commissioners, and even you, Mayor; if they are to be listed as partners, it’s great for transparency but there needs to be a section added that says clearly that elected official in any capacity are not financially benefitting. Really we all know that and we all abide by that rule to my knowledge, but she wants that added to our actual application for the public’s clarity on that. I had a great discussion with her and as I said she’s not raised any issues with me and I was very clear, in fact, my exact words to Ms. Benien were Ms. Benien have I violated ethics in any way? She reported back to me no and I said well that does not seem to be the interpretation of our Mayor and she said “as far as I am concerned you have not violated ethics and this matter is closed.” That was basically the end of our discussion.

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Mayor, again, if I’ve missed a question that you want me to answer, please have that before I just make my—Mayor Holland said no, those were the five items that I listed.

Commissioner Murguia said, Mayor, all I really have to say is I’m really disappointed that if you had five major concerns about this, that still never one time have you picked up the phone to call me. It is exactly what Commissioner Markley said. You asked me to do that with you and I’ve done that since you have requested that and you have not returned that same kind of treatment. That is concerning and candidly I will tell you good leaders, in my opinion, gather their facts before they jump to conclusions and that includes speaking to people that they are making accusations about. Your accusations, Mayor, are very, very personal. I think it’s unprofessional and inappropriate and if you were concerned, you absolutely could have called me and I could have explained all of this instead of this turning into some political theater. I’m very disappointed in that. It is what it is, the situation has occurred. I’m also disappointed that after the straw poll was already taken you’re asking for another straw poll to be taken. I’m also disappointed to hear that you are calling commissioners and threatening them that if they don’t change their vote that it’s going to cause problems for them. I really hope for whatever reason that you are angry at me, for what apparently I don’t know, that if you want to really resolve this and move all of Wyandotte County forward and rebuild what I thought was a great relationship with you and the Commission that we get together as soon as possible and talk about whatever is bothering you.

With that I will close and defer to whatever is appropriate.

Mayor Holland said I don’t see any other commissioners stepping in. We do have two options on the table.

Commissioner Walker said I just wanted to say that in listening to Commissioner McKiernan and regardless of how this comes out tonight I, in most instances, think disagreement and lack of unanimity is probably a good thing. Too much unanimity does not always end up in the best result. However, the thing that troubles me, and I heard it the last time, I heard there was a rule that if you had money you haven’t spent, you can’t get any more money. Well, that was a rule that I was told that in fact did not exist and that we had never followed that rule. I think the idea of being confined to an area because that’s where your home base is and you can’t do work

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anywhere else, there is no such rule in CDBG or in the federal regulations that I could find. Admittedly they are voluminous and some ambulant to read, but regardless of the outcome of this what’s clear to me and what had bothered me is that as a lawyer there is this thing called ex post facto. You can’t create a rule and apply it ex post facto to events that occurred prior and I hear some of that in the comments tonight that these are the rules or this is what people understood and when in fact they never existed. I would certainly urge the Mayor to convene the Committee as a Whole or at Strategic Planning and we chart out these specifics. I certainly have no problem with any CDC or CHDO working anywhere in this community if it’s legal and the funding permits it. I would like to see lots of people coming to Highland Crest. CHWC, Habitat, ANDA if they have other funding, ABC, all of them and if we want to make that clear and if we want to make some of these rules regarding CDBG funding about not spending money or not being allocated money if you haven’t spent your other money, then let’s make that clear. Let’s make that a policy. I like written policies and prefer those to this sort of after the fact well everybody knew that’s the way we did business because no, no they didn’t, everybody did not know we did business that way and I don’t know that we do do business that way. I would ask that you include that in either a special session or in the Strategic Planning.

**Commissioner McKiernan** said a little bit off the topic of this discussion, but I want to say I’m a big boy. If I make a mistake I will own it and I will learn from it and I will move on from it, but I would ask—this is an open request to all the staff within the UG. If you see me start to walk off a cliff in the future, if you say to yourself oh I’ve got a bad feeling about this, I would appreciate it if you would pull me aside and privately say you’re wrong before I make a mistake rather than after I do. That’s just kind of an open request that I really—and I’ve expressed this to the Mayor and I’ve expressed this to Doug that I certainly—I think we all value a more close strategic relationship between electives and staff and that we help each other to achieve higher heights, that’s kind of redundant, but higher heights than either of us could alone. I’m just going to throw that out there.

**Commissioner Philbrook** said thank you Commissioner McKiernan. I really appreciate the thought you’ve put into the possible way to remediate this that serves everybody. I also want to thank our fellow commissioners for being very pleasant as we’re going through this nasty little
process because sometimes we get very emotional and I being one that does. I also agree with Hal that if there are these unwritten policy things that we think we know that really aren’t there that maybe are convenient to use now and maybe not last time, you know all that kind I’m not going to use the word, murky, creates a murky atmosphere for people to operate in. I think we need to address those and I appreciate you bringing that up Hal.

I don’t think there was any intent from anybody to hold back information or create an atmosphere that this happened and that I feel had happened because as Hal said they felt pressured to come up with some answers in a really fast manner and they done some extremely in-depth work I understand with a whole lot of meetings with the federal people and so on to see what our options really are. I can’t say that I don’t appreciate all the wonderful work that everybody has put into it. I’m just sadden that it turned out with some of the problems that we’ve had and I know between our employees and the Commission we’re going to make this look very good and it’s going to look excellent by the time this comes around next year because there is no reason why it shouldn’t because now we have the problems in front of us. They’re all out there.

**Commissioner Kane** said, Mayor, can you explain that when you mentioned about if we voted—did the straw poll the way we did that you would veto. Could you explain what you’re talking about? **Mayor Holland** said we have three things on the table. We have the original straw poll that was taken ten days ago on Monday here where the decision of the Commission was on a 6-4 vote that they would go ahead and allocate the $400K to ABC. I’ve decided I will veto that and a veto, I would ask Legal, how many votes does it take to override a veto? **Jody Boeding, Chief Legal Counsel,** said seven. **Mayor Holland** said so it would take seven votes to override a veto. What we can do, I think we should take the original straw poll again and see how many votes there are and if there are less than seven, then you can count on me vetoing that and then we can talk about it. We have two others offers, one from McKiernan and one from Townsend about a way forward and those two are to sort of put the $400K in escrow, if you will, for ABC until certain criteria is met and the other one by Townsend is to put that $400K back into CDBG for housing development that would be available for anyone to apply for and we would need to set up some clear criteria clearly for everyone to agree to. Those are the three things that are on the table right now but I think we need to—I think we have an obligation to
retake the original straw poll with the way it was originally intended by the group and then see what way we have forward from there.

**Commissioner Bynum** said I have a whole page of notes around the application process and I won’t take our time now. If there will be time later, perhaps at a Strategic Planning Session, I see many, many opportunities for improving the application process. **Mayor Holland** said agreed.

**Commissioner Johnson** said I will first of all just extend my appreciation to the work that has been put in by the standing committee on this. Again, I was told I had six months to use by newbie card, I think I have about 2.5 more months and so I’m going to milk it, I’m going to get all the value that I can out of it as I’m continuing to learn and be a sponge to all of these processes. I do want to just say for the record that there has been a CDC in my district that has stepped forward to say that they were not aware that these funds were available and had they been aware they would have applied for them. Now, whether or not that is you know—we could debate that a lot of different ways, maybe they got it too late, I don’t know; but I do want to state for the record that there is an organization in my district that has said and, unsolicited for me at least, made be aware that if they would have known that these funds were available that they would have in fact applied for these funds.

I think I agree with the plan or the idea, suggestion that Commissioner Townsend has put forward in terms of giving those opportunities to other organizations. Again, I admit my ignorance on some of these matters, but at the same time I’m trying to operate in the essence of fairness, knowing I’m sitting next to a lawyer, in terms of the letter of the law but the essence of the law as well. I would petition from that posture.

**Commissioner Townsend** said I just want to make sure that everybody understands that I’m not advocating when I say everyone should be treated equally trying to impose rules that were not written. I take full ownership in what I told NEDC last year because it’s the fair thing to do. At the meeting—and by that I mean not sit on money if you are not already ready to go with your project in the year that you get it and if you already have money that you have not used. The money that we’re talking about can also be used for Emergency Home Repair. When you have
the Emergency Home Repair fund that was zeroed out, I think it is patently unfair that money just be pooled in a situation. That’s why I told NEDC I could not support you if you did not use or eat what you had on your plate so to speak. I’m not saying there was a rube, but this is a matter of equity and fairness if you are going to zero out an account where we go from $400K to help people that may have sewer problems or in need of a roof or need of a furnace, just to put it in bricks and mortar.

**Commissioner Walters** said in general I see some policy issues that have been raised that we have opportunities for improvement on. I see more implementation issues that we probably have an opportunity for improvement on and I see commissioners and the Board of Commissioners makes policies, staff implements those policies. I think the conversation has been sort of focused on the Commission, but there are a lot of opportunities for improvement here as we go forward.

I would like to comment on the idea of reconsidering the application by ABC. I’ve responded to a lot of RFP’s in my life and when we’ve received an RFP from somebody, from an organization that we thought we had a really good relationship with and we received an RFP that we were not expecting to see or that we had no idea what it contained, we saw that as a real breakdown on our part. I think the organizations that are now coming out and commenting that if we had only known we would have done this or the organizations that have forwarded us promotional material about their successes which is all great, but if they are trying to comment about the process and their lack of participation, I think they probably need to look in the mirror a little bit and question just how close a working relationship they have with the UG, either the commissioners or the Mayor’s Office or the UG staff and maybe those relationships need to be worked on a little bit.

I do not think that this money should be reallocated to other groups. There will be a new and improved process next year and as Hal said, I hope they all apply for it and move the county forward.

**Commissioner Kane** said I agree with Commissioner Walters and what he just said everything we’ve done in the past is we make a decision now and we make modifications for the following year. We’ve done that the whole ten years I’ve been here. I don’t believe there is any reason to change now.
Mayor Holland said alright, I believe we’re ready to take the straw poll. The original straw poll was to allocate the $400K to ABC as discussed ten days ago on our Monday position. If you would support the original proposal to allocate $400K to ABC, raise your hand. Commissioner Murguia, would you like to vote? Commissioner Murguia said yes, I would vote in favor of that. Mayor Holland said that’s six votes in favor which is a majority to carry action. I would veto that if it were upstairs for a vote and then we would need to either override the veto or we would need to come up with an alternative from one of the two or another one that someone else could propose in terms of that.

The question now is we have before us the escrow of ABC money to hold it for them or to open it up to other groups. I don’t know if people care in what order we take these two.

Commissioner Kane asked is anybody upset with what he just did—that he wants to veto? I’ve been here ten years and never seen it. Never seen it and what happens if he doesn’t get his way, then he goes around the bushes and shakes them all up and then has another revote and this is wrong. Mayor, you should be bringing us together as a group instead of splitting us up and by your threat right out of the gate that you’re going to do a veto shows lack of leadership. The way it should have been done is exactly what we were talking about earlier. We made this decision and you said, and you said you would go along with the majority of the Commission when we were absent a commissioner. Now we’re at that point where the majority of the Commission has spoken and then you try to bully the Commission by saying no, I don’t like what you said, I’m going to veto it and that’s absolutely the wrong thing to do. That’s why I was sitting here trying to think why are you threatening us right out of the gate and then you throw that out there well if I don’t like what I’m doing, I’m going to this and we are splintered and you’re not helping. I’m extremely disappointed that you would throw that out there and act like well what do you do because I’m the Mayor. We’re all elected to represent the people. The majority of the people have spoken and what you’re talking about has never been used since I’ve been here. In fact when I got back on the Commission we reversed a veto of Carol Marinovich and for the folks that if this is in your area and you worked your tail off on a separate committee and you did something that you felt proud of and then you got raked over the coals for it, you would be extremely disappointed and we are not where we’re supposed to be. We’re supposed to be a unit, we’re supposed to be representing the entire community and it’s frustrating for me when we
stand there when the majority says we’re going to do this and I realize we have a strong Mayor, but this is ridiculous. We don’t throw that power out there like I’m going to do it no matter what you folks say because if this issue was in your area or something going on in your area and you were on that committee, think about how that committee feels.

Mayor Holland said alright, there are two recommendations on the table. One is the escrow option and the other is Commissioner Townsend’s to just open it back up for further consideration.

Commissioner Bynum asked can you explain the first one again, the escrow option. Mayor Holland said let me see if I can explain it. That the $400K would be set-aside and ABC would not have access to that money, and correct me if I’m wrong McKiernan, until they met some criteria that we set up. That we would set some benchmarks and when they reach those benchmarks whether it’s a percentage of their spend or a certain amount complete then they would get the additional $400K released to them, but the money would not be eligible for anyone else until ABC had either met and received the money or not met and had the money go back to others. It would be held and we would have to determine an amount of time presumably that it could be held for them to reach those benchmarks before it were released. The other option is to simply put it back for economic development in housing, eligible for anyone to apply to and we would need to set up the criteria of that application.

Mayor Holland asked do we flip a coin on which one we take a straw poll on first. I’ll take Commissioner Townsends first. If you would support the reallocation of the $400K available to other groups and we would need to set up the criteria for that, would you vote now, if you would support Commissioner Townsend’s reallocation to other groups? Commissioner Townsend said and, Mayor, that would include ABC. That would be open to any group. Mayor Holland said any group could apply, four votes. Commissioner Murguia, would you like to vote on that? Commissioner Murguia said I’ve already cast my vote Mayor, but thank you very much.

Mayor Holland said so if you would then take McKiernan’s position of the ABC to hold it in escrow for ABC with some criteria, would you vote now, okay four votes,
Commissioner Murguia, would you like to vote on that one? **Commissioner Murguia** said as I said I already cast my vote.

**Mayor Holland** said alright, so we did not pass either of those. Is there an additional alternative that someone would like to propose at this time or would someone change their position? **Commissioner Markley** said, Mayor, I think the alternative is that you follow the majority and don’t use your veto power as the majority as clearly spoken twice on this issue. **Mayor Holland** said I will just restate what I said at the beginning. I think there is a look to this in its intended totality that I have heard from many people and I believe myself. I said I don’t think anything illegal has happened, I don’t think that—it’s the difference between impropriety and the appearance of impropriety and I think these items as a totality don’t look good and don’t present a fair process to our whole community and I’m going to stand by that. I think we need a fair process. I would advocate for reopening this $400K up to other groups. I think that’s a good option.

**Commissioner Walker** said, Mike, we have to adopt the budget tonight and we have to make some kind of a decision that will address this or we’re going to have to do it—I don’t know if we can even delay adopting the budget. I’m not changing my view about ABC and the escrowing of the money, but what I would suggest in order to get us off this hook tonight is that we allocate the $400K for bricks and mortar and at a later date we come back and decide whether we’re going to put it in escrow or we’re going to put it in—open up the process. I don’t know that anybody is going to change their vote by doing it later. I’m not trying to suggest that. I just think if we’re not going to make a decision tonight, we can’t adopt the budget or we can’t adopt at least one piece of the budget and we’re going to have to continue until we do.

**Commissioner Townsend** said I think that’s a reasonable alternative. It sounds to me pretty much like what we were talking about before. We do have to get off of stuck. **Commissioner Walker** said we’re not agreeing that we’re going to open up the process, we’re going to defer whether it stays in escrow or we open up the process until later and to me that’s different. That’s not saying that all of a sudden open it up to these other groups. I’m just trying to get us through tonight and we can do something on this next week, next month, whenever after maybe a cooling
down period from it. Commissioner Townsend said let me ask this just for clarification. Are you saying it would automatically—I get the bricks and mortar, but would it automatically be put in escrow to go to the entity that we were talking about? Commissioner Walker said no, we will have to decide whether it goes to ABC or whether we open it up to everybody. Commissioner Townsend said okay, so that’s still on the table then. Commissioner Walker said unless somebody has an idea of how we’re going to move votes tonight. Commissioner Townsend said that sounds reasonable to me. Again, just so I’m clear, we do have $300K in the Emergency Fund. Mayor Holland said yes, that is correct.

Commissioner Bynum said I think one of the questions that’s been bothering me from the get-go was if I didn’t make this question clear before, in prior years when the CDBG budget was adopted was that an automatic allocation of those funds to certain entities? Mayor Holland said say that again. Commissioner Bynum said what has struck me all along about this particular process is by adopting the budget we are automatically allocating dollars to certain entities and I’m trying to grasp whether that has traditionally been the process. Commissioner Markley said in the past we have allocated to specific projects. It’s not required as I understand it, Wilba, that we do that; but it has made the process easier than having a committee go and discuss it, adopting the and then having the committee come back later and decide which projects the money was going to go to. Commissioner Bynum said because I’ve been struggling with all along why can’t we adopt the budget and then allocate the money. Why are those things so intricately tied together? Mr. Bach said we have done it both ways. We have done it where we’ve just approved it where you could do similar to what was brought up that you could just say this is for housing and economic development and then you will award to those later. It’s just join the process is somewhat to avoid doing it twice.

Mayor Holland said we have a third option that I will call limbo where we will put the $400K in limbo neither allocated nor not allocated to come back to a later time which will allow us to pass our Five-Year Plan in a timely manner tonight and to make this decision another time. Is that articulating it correctly? Commissioner Walker said well except for the limbo has a name, Limbo Bricks and Mortar. Mayor Holland said that’s right. We’re still holding on to the bricks
and mortar component because I don’t think there was disagreement in terms of whether or not we would do that.

Mr. Bach said, Wilba, just for clarification the bricks and mortar I think we would need to call that for Housing and Economic Development purposes. Ms. Miller said we could call it something like redevelopment. Mr. Bach said and that would meet the HUD standards. Ms. Miller said yes.

Mayor Holland said we have that option on the table. I will take a straw poll. If you would vote for this new category, would you raise your hand? Commissioner Murguia, everyone here has raised their hand. Would you like to vote? Commissioner Murguia said I would support the group. Mayor Holland said I would support this as well. I think that’s an excellent idea. Thank you Hal. Thank you all of you. I do want to say I do appreciate the caliber of this dialogue. It was unhappy, but I will say I appreciate everyone expressing themselves in an appropriate way so thank you very much for that. If we can do that well in a tight time that we significantly disagree, I think that’s a good sign.

Mayor Holland said we have a couple of housekeeping items before we go downstairs to vote on the budget.
Mr. Bach said the next slide is our Attachment A which is basically amendments to the budget as I presented to the Commission. So essentially when you receive the action items tonight you will be approving the budget as I presented it with these exceptions. Number 1 on this list for Attachment A is Waiver of Building Fees so it contemplates the fact as we start 2016 we will have the reduction in the building permits or we will do the building permits and then reduce—and the sewer connection fees. The impact on those two is stated up here. We projected about $66,500 in building permit fees and $146,000 over in the Sewer Enterprise Fund. I will say we did that off of a very conservative projection of housing so it was not a real adverse number to go back and back out of our budget.

Number 2 is the SSMID. It was the recommendation by the straw poll that we would add $50K to this. This comes from the City General Fund. You all moved to put $25K toward the fair. That will come from our County General Fund and then we asked to put $5K into Transit which will come from the City General Fund and so how I have accounted for that is essentially in the City General Fund I’ve taken the $55K and increased expenses and reduced them from the Reserves line item which is part of the Operating account but it’s undedicated so it’s the Reserve line item. Then on the County General Fund I reduced that $25K. Now to take for the reduction in the Revenue portions what I’ve done is taken that down to the net change to
the Fund Balance so you have $66,500 in the City General Fund and $146,000 in the Sewer Enterprise Fund. Since we reduced our revenues in I’ve lowered the bottom line in the Fund Balance so on the City side in 2016 that’s projected at $2,354,000 and then in the Sewer Enterprise Fund we’re at $4.3M, that’s how those end up.

Also, noting the fact that the mill rate which I believe was your intent all along because you approved us to do a maximum mill levy a little bit higher so I just made it clear here we’re approving it at the 26.845 and the 30.771 which was the recommended amount which was no change to the mill rate. So approval of this, this will be attached to the main part of the budget and I think it accounts for all of your changes in this and how it’s going to impact the budget.

Then we have the CD Budget. It’s a separate Attachment A that’s attached to the CD Budget. What we’ve done here is increase the Emergency Home Repair Fund by $100K and then we’ve decreased the amount of money that was allocated toward the Argentine-Highland Crest Economic Development by $100K and then of course when you make your motion for this you will just need to make the amendment that the money is directed toward housing and economic development without a specific awardee at this point. I believe that accounts for the changes we have made.
**Commissioner Bynum** asked is there a need then within the budget vote to express the support for the proposal that Commissioner Townsend and Commissioner Johnson brought forward tonight for the Master Planning. *Mr. Bach* said no.

**Commissioner Walker** said at the risk of creating ire among my fellow commissioners I know I’m going to be in trouble with all of you for bringing this up and before I do I want to say I am responsible, at least in part, because I failed in my review of the applications to consider the one for Doing Work, Real Work, I’m sorry; Doing Real Work. We funded the program last year. There were so many requests and I tried to collaborate most of my requests, if not all of them, with other commissioners since I’m At-Large trying to spread the money further and I did not catch that the entity had put in an application. I feel very strongly that what they do is important in this community and it is a function in which they—at least I am advised by those that deal directly with that group that they do very well at. They are having as much or more success than anybody else and we have not funded them and it is not a high budget request. It is, I believe, they asked for $50K. If we use the same method that allocates charitable funds I don’t know that I would give them $50K next year, but I certainly would have sought out partnerships with some of you to make at least some of that finance occur. I know it’s the eleventh hour and if you want to say no, you say no, but I would like to see us find some money whether we change the budget or not; I would like us to find some money because they are going to be hard hit if they lose our money and I’m at fault. I’m at fault, I missed it so I’m asking and you guys are going to have to decide whether you believe that it’s worthy of any further consideration. I won’t be mad at anybody but I cannot feel good tonight when I go home if I don’t ask this question. **Mayor Holland** said this was funded through CDBG last year so I would be inclined to say it needs to come out of CDBG this year and the only money available in CDBG we just placed in Limbo. I think the question is if we wanted to put $50K towards that group, Doing Real Work, and reduce the Limbo Fund to $350K, we could do that. I think that is the simplest path forward at this time.

**Commissioner Bynum** said I would defer to the committee members and staff because I think it’s a different category. **Mayor Holland** said it is. It’s Social Services. **Commissioner Bynum** said I think that category is spent. **Mayor Holland** said well we would have to change
the allocations is what we would have to do because there is not any—the Social Service money remember we had it all in bricks and mortar and then we went back and forth in terms of how much Social Service money for Home Repair, there are different allocations so that’s the only—

**Commissioner Markley** said we did allocate funds for several Social Service items that are to be particularly allocated within our budget. There was an amount before we hit the cap if I recall correctly that was not spent. **Mayor Holland** asked have we hit the cap. **Ms. Miller** said we’re close I think. **Ms. Miller** said it’s 15% of our allocation. I don’t have that with me right now.

**Commissioner McKiernan** said I will just go back and this is one more reason why I say if we truly value these things, maybe not this year, we will figure this year out; but for future years we figure out a way to fund this, not through CDBG which is volatile funding which is percent limited and we figure out a way to put these in monies that we control so that we can fund these without hitting that 15% cap or running up against a fund that gets taken away from us from the federal level. I’ll just go on record with that.

**Commissioner Philbrook** said, Commissioner Walker, I’m glad you brought that up and as you well know those that were present when they were originally funded I was one of their flag bearers and really pushed hard for them to get into that program with our judicial system. I do understand they have done really good work and filled a gap that we needed there and I agree with you. I think we need to find funds whether it’s this year or next year, but we do need to take care of that area of our judicial because it does make a big difference as to whether somebody shows up to court and/or gets warranted in because they don’t understand the system so that makes a big difference.

**Commissioner Walker** said I’m only going to say in the past over many years we have used General Tax Revenues to support charitable funding. It hasn’t always been at a CDBG. I think the argument on this gentleman’s behalf or his entity businesses, every man or woman that he keeps out of jail and keeps working and keeps moving forward does not cost us when that person becomes a recidivist and goes back to jail and we pay for every day. Again, I’m in the eleventh hour in the eleventh minute of the eleventh day and I’m not trying to undercut myself. I believe
in this particular work. I think it’s important and he is doing good work and we should find a way whether we do it tonight or whether we do it next week.

Commissioner Kane asked can we take $25K out of CDBG and then $25K out of the General Fund to get this accomplished. Mayor Holland said I think we can do whatever the Commission assigns the Administrator to do. Ms. Miller said 15% of our $2M budget is $303K. We have room for $50K. Mayor Holland said I suggest we do that. Ms. Miller said and I’m saying that using my telephone, which I’m not all that sure of, instead of a calculator. Mayor Holland said we have a recommendation that it could come out of that $400K. Let’s take a straw poll, are people willing to reallocate $50K of that $400K for Doing Real Work. If you are willing to do that, please raise your hand. Commissioner Murguia, would you like to vote? (Response inaudible). We have six votes to do it. We now have $350K in aforementioned bricks and mortar Limbo for economic development and housing and we now have $50K for Doing Real Work.

Errors/Omissions

Errors/Omissions

- Page 42: Notice of Budget Hearing: City of Kansas City, Adjustments to Less Transfers and Net Expenditure, for both 2015 and 2016 Proposed Budget
- Page 43: Notice of Budget Hearing, Wyandotte County, Adjustment to Lease Purchase Principle, in 2016 Proposed Budget
- Page 47: Summary Budgeted Expenditures by Fund & Mill Levies, Adjustment to Change in Mill Levy Rate from 2015, in 2016 Proposed Budget
- Pages 99-100: Property, Motor Vehicle and Sales Tax Summary by Fund, 2015 Amended and 2016 Budget Information was not present in prior information and has been added

Mayor Holland said you do have this in writing. I would just ask you to make reference to these. Are there any of these that are substantive and non-clerical? Mr. Bach said no. These are just as every year when we put out a 500 plus page document and then we go through it we

July 30, 2015
always find some things that Budget staff needs to go through and correct on pages, change words, or they will find something that was left out and none of this is substantive from the policy decision-making you’ve been making through the year. They are all things that are consistent with the thought process.

We also attached and we just didn’t get to it but we had the question that was asked to us about the overtime versus the salary savings in the Sheriff’s Department that was also put in your budget package on July 27th so you got that answer back as well.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 6:41 P.M.

Bridgette Cobbins
Unified Government Clerk

July 30, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, August 13, 2015, with eight members present: Bynum, Commissioner At-Large First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; Holland, Mayor/CEO; presiding. Walker, Commissioner-At-Large Second District; Townsend, Commissioner First District; and Murguia, Commissioner Third District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Conner, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Jason Banks, Asst. to the Mayor/Manager; Lew Levin, Chief Financial Officer; and Misty Brown, Senior Attorney.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, August 13, 2015, at 5:00 p.m. in the 9th floor conference room of the Municipal Office Building for an executive session regarding litigation and labor.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.
Commissioner Philbrook made a motion, seconded by Commissioner Walters, to go into executive session from 5:06 p.m. to 6:40 p.m. minutes regarding litigation and labor. Motion carried unanimously.

MAYOR HOLLAND RECONVENED INTO SPECIAL SESSION
AND ADJOURNED THE MEETING AT 6:29 P.M.

Bridgette Cobbins
dt
Unified Government Clerk

August 13, 2015
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in special session, Thursday, August 27, 2015, with nine members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Holland, Mayor/CEO; presiding. Townsend, Commissioner First District; and Philbrook, Commissioner Eighth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Asst. County Administrator; Joe Connor, Asst. County Administrator; Melissa Mundt, Asst. County Administrator; Ken Moore, Deputy Chief Legal Counsel; Rob Richardson, Director of Urban Planning & Land Use; Emerick Cross, Commission Liaison; Patrick Waters, Senior Attorney; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Officer John Turner, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, August 27, 2015, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building regarding vending machines. Immediately following will be an executive session in the 9th floor conference room regarding security and personnel.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.
Rob Richardson, Director of Urban Planning & Land Use, said over the last few months we’ve had a couple of occasions to talk about outdoor vending and commercial zoning districts. I have about four slides tonight just to kind of discuss where we are with our current regulations, what the issues are and where we fit in with other communities in the metro area.

This slide has a lot of information on it, but basically in our accessory use ordinance for commercial districts we regulate the exterior sales and vending on private property in two ways. Basically A through J are where you put it, the limitation on how many vending machines you can have, don’t block the sidewalk; things like that. K was instituted along with our commercial overlay zone which originally impacted the area west of 94th Street, but with the Citywide Master Plan from 2008 it affects all new projects and projects in newly planned districts. Basically that regulation says that we don’t permit outdoor vending at new facilities.
We have three issues, I think, and you all may identify more. This really was brought to head with the new Walmart Neighborhood Market at 24th & Metropolitan. They would like to do outdoor vending, not have in their vestibule areas.

The Walmart at Village West has always complied with this regulation and we’ve identified that the Legend’s Shopping Center added vending machines within that center and I will be informing them that despite a previous comment from me that the machines are in violation of the landscape plan and must be removed.

How do we relate to other communities? I asked the Mid-America Regional Council to assist with a regional survey. We had 17 communities respond. Five communities don’t regulate them at all, eight communities regulate them by ordinance or policy; similar to how we would do it in those letters A through J that I mentioned to begin with; where can you place it, how many can there be, don’t block the sidewalk and things like that. In four communities including the UG require the vending to be indoors.

That’s a brief summary of the issues that I was aware of. I know there have been discussions on how a policy might be derived from this, but at this time staff is seeking direction from the Commission on whether or not to prepare an ordinance to amend this section of our code.

Mayor Holland said I’m going to ask, Commissioner Walker, you had originally asked for this item and so I want to turn it over to you for your thoughts and comments.
Commissioner Walker said I think the decision to place a vending machine in front of a particular business is a business decision related to that particular business. I think when we start trying to regulate what looks good or is pretty or not pretty we enter into a gray area where opinions are going to vastly differ.

I’ve heard the argument that people like to break into them. To me, if I’m going to put a vending machine out that I own and that I’m responsible for, I’m going to be responsible for providing the security that’s necessary to do it. I think it’s an issue of public convenience. I know there was some comment about obesity, but I think that misses the mark by a mile. It has nothing to do with obesity. People make choices whether they have to walk inside to get the sugared pop or they can do it outside. For me it’s a matter of convenience. I don’t think the machines that are out there today are particularly unattractive. I’ve made note of that. I’ve made note of vast types of businesses, just today driving around that we allow, not vending machines apparently, but we allow them to stack every imaginable thing that a person might want. In fact, to the point one in particular at 7-Eleven had stacks of coca cola and diet coke and other coke products packed out between the gas tanks presumably to emphasize a sale I guess or the convenience of you just grabbing one and doing it. They have wood, they have propane, and all of it’s on the walk into the store. It’s not a public sidewalk; it is a public ingress and egress.

I think the whole issue of vending machines that we’re trying to regulate or prevent is absolutely a ridiculous question that’s best left to the business community.

Commissioner Kane said I was in Branson this weekend, Branson Landing, all over Branson and there were vending machines all over Branson and these are nice places. I’m kind of like Commissioner Walker I don’t want to tell a businessman how to do his business because I’m not in that business. If a person owns a business and they want to put a vending machine outside, they’re the business owner, we’re not and I don’t think it looks bad. It didn’t look bad when it was installed and the ones they took out and I think that is overstepping our bounds.

Commissioner Murguia said I would just agree with Commissioner Walker and Commissioner Kane. I have been around here for eight years and I receive a ton of calls from constituents about concerns that they have in a neighborhood to do code violations and things like that and things that look bad. I have never received a call or complaint about a vending machine ever.
Commissioner Walters asked could you tell us which cities have absolutely no regulations and which cities only allow them indoors. Mr. Richardson said Platte County has no regulation, Olathe has no regulation, Blue Springs requires them inside, Harrisonville has no regulation, North Kansas City has no regulation, Lee’s Summit and UG requires the higher level of regulation and I think Shawnee is the other one.

Mayor Holland said I’ll say we’ve had the ordinance since 2008 and the only complaint I’ve heard by a company wanting them was the Walmart down on Metropolitan Avenue which as I understand it it’s a 24 hour store so they are open all the time for people to walk in and use a vending machine so I don’t know that it’s blocking people out. I did learn when we first started talking about this that the Legend’s had put them out and when I looked at those I think they look horrible and I think it’s right that—they just littered the sidewalks with them and I think they need to be removed. I don’t think it’s in keeping with the astatic of that area either.

We’ve had the regulation since 2008. The only complaint I’ve heard, and I’ve been up here since I was seven, the only complaint I’ve heard is the Walmart on Metropolitan Avenue that wanted to do outside vending. I’ve not heard another business, another company, anybody come to us and say they want to change it back to the way it was before 2008. I think it’s a fine regulation and I don’t think it’s hurting anybody and if it’s a 24 hour store, then it’s no inconvenience that people can’t walk inside and use the machines. I would be inclined to just leave it as it is unless there is some pressing reason to change it.

Commissioner Bynum asked would you clarify again the first slide. We had specifically said for the Legend’s development that we didn’t want them, is that right. Mr. Richardson said the overlay zone was completed I believe in 2004 or 2005. At that time this regulation was put in place for the areas west of 94th Street which included all of the Legend’s areas. At that time there was discussion about the overlay zone and are we creating two different cities here because we didn’t want the urban part of the city to look substantially different with new development than the newly urbanizing part of the city out west. The decision by the Commission that was made at that time was to wait until we completed the master plan, have some time with overlay zone under our belt and then decide. With the 2008 Master Plan the Commission decided to by ordinance adopt the master plan which included making the overlay zone apply citywide and so
at that time we decided—the Board of Commissioners made that policy citywide. **Commissioner Bynum** said when you say citywide; you’re referring to planned districts. **Mr. Richardson** said actually if somebody was to come in with a new development even if it wasn’t in a planned district, this would apply. They would still have to meet the master plan; they just wouldn’t go before the Planning Commission unless they disagreed with our interpretation. If you had an old gas station that had them out there since 1963, they could keep them there. **Commissioner Bynum** said what if you had an old gas station that wanted them now. **Mr. Richardson** said if they hadn’t had them before, it wouldn’t be an existing non-conforming use.

**Commissioner Murguia** said just for clarity, Mayor, the 24th & Metropolitan Walmart Market only complained because they had vending machines out front and they were cited by Codes for violating codes and then when a bigger look was taken of the whole area, there were—the reason no one was complaining is because no one is complying. There are vending machines everywhere. If you go to the Sun Fresh off 18th & I-70, they have vending machines in the front. If you go to the Legend’s, there are vending machines out there, if you go out towards 78th Street—the other day I was out there, there is a commercial area, commercial strip, there are vending machines in front of those stores. I think it’s been a while now, but I took several pictures of different businesses all over the county that had vending machines in the front of them so I think the complaint was more that the 24th & Metropolitan Walmart Market received a ticket for vending machines when they were all over the city, all over the county.

**Commissioner Walker** said we have a number of ordinances that because they look good and they feel good we adopt them and I can attest to many years of having witnessed that. They meet some kind of best practices or—Overland Park has it and we want to be Overland Park or something to that effect, that kind of logic. We’re Kansas City, Kansas; we represent a different group of people. You couldn’t even put a garage sale sign in your yard in Leawena with the draconian sign ordinance they have. You can’t put a for sale sign in your vehicle and park it in a supermarket even if you’re in the supermarket. You have to take the sign down.

We have banner signs which admittedly I think there are so many but clearly our businesses derive some benefit from those banner signs. They are not people who live in Leawood or Prairie Village or other areas. They find those signs beneficial. We would have a
holocaust of sorts of signage if we tried to take down all the banner signs that are in this community that already exist. We couldn’t do it and they have been illegal all the time if I’m correct. We would not have the resources to police that and we sometimes forget that we pass these ordinances without the ability to do the job, only when we want to do it, under what circumstances and this is another example of we’re not going to get all these machines. We’re not going to send the police out or the Code people out and find every machine in this community and write tickets. We’re not going to do it. I guess I have come to the reasoning that not every time you adopt an ordinance because it feels good and it looks good on paper, is it a good thing for the community.

I don’t care if this has been here since 2008. Maybe it wasn’t recognized for what it is. Have you read Chapter 27 and do you know every word and phrase and subparagraph and exceptions and provisions? I would bet there is no one on this Commission that does including myself and I was in the Legal Department for 30 years. It is beyond the ability of people to comprehend the way it’s written and it has to be written that way because if you don’t, some lawyer is going to finesse his way out of the enforcement of it. I’m just saying what is the big deal about a vending machine? We’ve spent 20 minutes of our lives that we will never get back over a question about somebody being able to walk up to a vending machine at a business and instead of going inside, finding the cooler of soft drinks or other drinks, putting their money in the thing or sliding their card and turnaround and walking back to their car. To me it is not that big a deal. I obviously think that if I’m a small mom and pop operation and I’ve got a pop machine in my area and there are no grocery stores around, there are no convenience stores, there are no gas stations; but I’ve got a pop machine and that’s where the kids will come to get that pop—I’m not going to get into the debate whether you ought to be drinking soda pop or not, it’s like saying we shouldn’t have liquor; well we do and we’ve got it and live with it. Mayor Holland said but not in vending machines. Commissioner Walker said not here, but they are in vending machines elsewhere.

Commissioner Kane asked are you going to make a motion. Commissioner Walker said well I don’t know what the motion is to make and, again, we’re stuck on this rule that we can’t make any decisions at 5:00 p.m. which I’m going to bring up at Strategic Planning. Mayor Holland said let me say this, the key is before we send our Legal staff and our Planning staff to draft an
ordinance there ought to be a consensus on the Commission that it’s even worth doing. I think it’s a good use of our time to have the discussion first to see if it’s even worth doing before we have them draft an ordinance and then we vote on an ordinance that we just wasted their time because there is not any support for it anyway. I think that having the special sessions to have the discussion is critical because before we assign—I don’t want all of us every time we have an idea send our Legal staff to do a couple hours work drafting something that no one else supports. I think it’s worthwhile to have these discussions in this order and if this group says that they want to move forward with a revision to our ordinance, then we direct staff to work on it and then we will bring it to a vote. I think that’s the proper order.

Commissioner Johnson asked is there any imperial data that would suggest that having vending machines has some type of negative impact on the community. Mr. Richardson said not that I’m aware of, no specific data. Commissioner Johnson asked is it possible then maybe to, and I’m thinking about the vending machines, I know there is a 7-Eleven close to where I live and they have the video rental machine; the little Red Box deal, I don’t do the videos but could we have some type of special ordinance or special exception that if certain requirements—I’m just putting this out to everyone, if certain requirements are met such as identified in Item D that maybe we could look at something like that? Mr. Richardson said I would say that item under D was written specifically for the 7-Eleven on Washington Blvd. south of Minnesota Avenue. It took great time and effort and thought to create such an ordinance.

Commissioner Walker asked and would you agree that it would be impossible to determine all of those criteria unless you happen to maybe have a 24 hour camera or other device or someone stationed there to do the counting. Those all look really good but are you going to tell me you know that 15% of the facility traffic is generated by pedestrians? How are you going to know that? Mr. Richardson said there are actually people that do pedestrian counts and things, so you can know that. Commissioner Walker said and so it’s one of those that we could enforce and selectively will enforce, but we don’t generally—we’re not putting one up on the store he is talking about to see if they meet the requirements. Mr. Richardson said I think it’s pretty obvious by watching that store that that is a highly pedestrian oriented store and most aren’t. I mean it’s a very unique—it’s got like two or three usable parking places. The neighborhood
walks to it, the kids from school walk to it. **Commissioner Walker** said I still think somebody has to make a rather selective, in most cases, determination about whether there is 15% of silly traffic of pedestrians.

**Commissioner Bynum** asked am I correct that Code Enforcement is our enforcement arm for Planning & Zoning. **Mr. Richardson** said that’s correct. I think in the Walmart case actually we were holding their TCO because they had them out and I don’t know if we actually got to Code Enforcement. **Mayor Holland** asked can you translate TCO for the viewer’s at home. **Mr. Richardson** said Temporary Certificate of Occupancy. When we go out—the first arm of defense for our Code is when we review a new development to make sure it meets the plans that were submitted and so that one kind of came about originally at that point and time and they may have progressed later, I don’t know the specific history on it. In that case the Planning staff is the code enforcement because if they are in violation of codes already when we go out to inspect a brand new development, we list those violations and so in that case it’s the Planning staff, but as time progresses it would become the Code Enforcement staff working with us. **Commissioner Bynum** said I was just wondering if modifying Item K in this part of the Code would alleviate some of that effort, some of that work that Code Enforcement has to do because of Planning & Zoning complaints. I have no idea if it would even be noticeable. **Mr. Richardson** said I don’t know that we’ve worked a lot of vending machine complaints. There are multiple areas of the Code where if you took the view that we can’t enforce it, we shouldn’t do it and we have a lot of compliance because people want to do the right thing. That’s a double edge sword because we don’t have enough Code Enforcement to do a lot of things and we do have a lot of people that comply.

**Commissioner Markley** said I think that I was going to assume direction that you were, Commissioner Bynum, in terms of what are we going—they ask for direction so we need to provide them with some. Is our thought that we would do away with Item K and then perhaps review the other requirements to decide which are most enforceable or most easily enforceable in terms of codes and things like 15% traffic probably is not the most easily enforceable? I guess that’s what I’m thinking our direction might be but I think we need to give them a better idea.
than we don’t like it, go back and figure something else out. Commissioner Walker said I would be inclined to agree with that.

Commissioner McKiernan said I was taking notes a moment ago. Did I hear you say that there might be some historical grandfathering of existing machines as legal non-conforming? Mr. Richardson said yes, I think there would be. I don’t have any data on that. I haven’t gone out and surveyed to know that but it would be rationale. I think there is an old gas station across the street from Lowe’s that has been there for a long time and they have had vending machines out there—it’s probably an old McCall’s station. How long ago has McCall’s been out, but they’ve had vending there forever. Commissioner McKiernan said so based on the fact that we already allow video vending machines, based on the fact that propane tanks and cords of wood and cases of pop are already stacked in front of these stores I would agree with Commissioner Markley that if we could simply adapt something here that would be universal across—and based on the fact that Red Box’s would still be in front of stores. Mr. Richardson said there is only one Red Box in front of a store in our community that’s legal. Commissioner McKiernan said but based on the fact that we would have legal non-conforming uses potentially, based on the fact that I haven’t gotten complaints—I get complaints about trash, about parking, about condition of buildings; I haven’t gotten any complaints about this. I would suggest if there is a way that we can simply use this as a guideline for a uniform law—I mean because clearly it restricts to, it determines whether or not it can impede traffic; there are guidelines here that would regulate but still allow. Mr. Richardson said but, for instance, if you just eliminated K, the stacks of pop, the wood, all that stuff; that’s been illegal since at least 1983 when the original code was written. Commissioner Murguia said I don’t know anybody that doesn’t do that. Commissioner Walker said I don’t know any convenience store type of attachment. Commissioner Murguia said Quik Trip. Mr. Richardson said Quik Trip doesn’t do it anymore. Commissioner Murguia said they do on Kansas Avenue. Mr. Richardson said not in the new store they won’t. In the latest new generation stores they don’t do that anymore. Commissioner Markley said we don’t have a new generation store. Mr. Richardson said on 78th Street they do. Commissioner Murguia said windshield washer fluid is also stacked up out front. Mr. Richardson said at the 78th Street store and their new generation they have decided they want a cleaner look and they want to move beyond that in all communities.

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Mayor Holland said I sense a consensus in the Commission that we want some direction for revamping our vending machine ordinances. Is that accurate? So the question is who wants to work on this? Who would like to volunteer your life energy to revamping this code and coming up with a recommendation? Here’s my sense. If there are a couple of commissioners that want to work with Rob and Legal to put this together, then you can bring it back as a written ordinance for adoption. Mr. Richardson said it would need to go through the Planning Commission. It’s part of the zoning code so whatever we come up with it will go through the Planning Commission with their recommendation back to you all. Mayor Holland asked is there anyone, any volunteers who want to work on this code. Commissioner Walker said I will volunteer with Brian. Mayor Holland said alright Commissioner McKiernan and Commissioner Walker. That’s the consensus I’ve heard. Does that sound accurate to everyone? (Several said yes.)

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into executive session at 5:40 p.m. for 45 minutes regarding security and personnel. Motion carried unanimously.

Mayor Holland reconvened the special session at 6:25 p.m.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to reconvene into executive session for 30 minutes. Motion carried unanimously.

MAYOR HOLLAND RECONVENED INTO SPECIAL SESSION
AND ADJOURNED THE MEETING AT 6:49 P.M.

Bridgette Cobbins
Unified Government Clerk

August 27, 2015
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 Johns on, 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**

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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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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.

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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

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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.

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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 Madovisions 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?

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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.

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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.

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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 landfill 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.
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 said 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.

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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 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

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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
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.
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.

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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
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.

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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 manner. 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** said or a muffler shop or an auto mechanic. **Mr. Richardson** said correct. If you were a transmission shop and you wanted to start doing tires then you would have to go through the process. **Commissioner Bynum** said okay, so if you change what you’re doing. **Mr. Richardson** said if you change what you’re doing or if it’s a new business at a new location, they would have to go through this process.

**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. **July 30, 2015**
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.
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

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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:
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.
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.

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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 contemplated in Resolution No. R-69-13.

**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.

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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.

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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
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, August 13, 2015, with ten members present: Melissa Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District (via phone); McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO presiding. Commissioner Murguia, Third District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Joe Connor, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Lew Levin, Chief Financial Officer; George Brajkovic, Economic Development Director; Jason Banks, Asst. to the Mayor/Manager; Ken Moore, Deputy Chief Counsel; Emerick Cross, Commission Liaison; Jenny Myers, Legal; Charles Brockman, Economic Development; Angie Masloski, Public Safety Business Office; Maureen Mahoney, Asst. to Mayor/Chief of Staff; and Captain Robert Angell, Sergeant-at-Arms.

**MAYOR HOLLAND** called the meeting to order.

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

**INVOCATION** was given by Reverend George Kemper, Ebenezer Ministries.

**Mayor Holland** asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, stated yes, there is a revision to the agenda. Consent Agenda Item No. 3, it’s a grant for the FY16 Victims of Crime Act (VOCA.) There is a change to the VOCA grant request from the original information submitted. The request for the FY16 Victims of Crime Act grant, the revised amount now is $244,654 to continue the Victim’s Unit. The match amount is now $49,
015 from the approved Police operating budget and their in-kind amount is proposed $12,149. That total is going to be $305,818.

**Mayor Holland** asked if there were any set-asides on the Consent Agenda. There were none.

**MAYOR'S AGENDA**

No items

**CONSENT AGENDA**

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

**Mayor Holland** said we do want to thank Commissioner Townsend for being at the meeting by phone tonight.

**ITEM NO. 1 – 150178... GRANT: FY15 EDWARD BYRNE MEMORIAL JAG**

**SYNOPSIS:** Request to apply for the FY15 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $90,101 ($23,645-Sheriff Dept. training 2016-2018, $66,456-Police Dept. equipment purchase and equipment/software upgrade), submitted by Angie Masloski, Public Safety Business Office. No match required. On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

**ITEM NO. 2 – 150180...GRANT: FY15 EDWARD BYRNE MEMORIAL JAG**
SYNOPSIS: Request to apply for the FY15 Edward Byrne Memorial Justice Assistant Grant (JAG) in the amount of $234,496 to fund two deputies and one detective in the Offender Registration Unit from 10/1/15 to 9/30/16, submitted by Angie Masloski, Public Safety Business Office. No match required. On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 3 – 150184...GRANT: FY16 VOCA

SYNOPSIS: Request to apply for the FY16 Victims of Crime Act (VOCA) grant in the amount of $215,000 to continue sustaining the Victim Services Unit, submitted by Kristen Czugala, Police Department Match: $40,425 from approved Police Operating Budget and $13,325 in-kind. On July 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – 150187...ORDINANCE: OFFENSE CODE

SYNOPSIS: An ordinance amending Chapter 22, Miscellaneous Provisions and Offenses of the Ug Code, as it relates to the weapons laws that now allow concealed carry, open carry and knives in the city, submitted by Jenny Myers, Legal. On June 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

ITEM NO. 5 – 150188…ORDINANCE: TRAFFIC CODE

SYNOPSIS: An ordinance amending Chapter 35, Traffic of the UG Code, to comply with state statute, submitted by Jenny Myers, Legal. On June 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.


August 13, 2015
ITEM NO. 6 – 150189…ORDINANCE: SECURITY GUARD PERMITS

SYNOPSIS: An ordinance amending Chapter 19, Licenses, Permits and Miscellaneous Business Regulations of the UG Code as it relates to security guard permits, submitted by Jenny Myers, Legal. On June 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 7 – 150204…REQUEST: SHERIFF’S DEPARTMENT MEMORIAL

SYNOPSIS: A request by FOP 40 (Sheriff’s Union) for a Sheriff’s Department Memorial to be built on the northeast side of the Wyandotte County Court House, submitted by Doug Bach, County Administrator. FOP 40 will fund the proposed memorial and the UG will assist with some sidewalk and footing cost. On June 20, 2015, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

ITEM NO. 8 – 150212… ORDINANCE: PREMIER AUTOMOTIVE IRBS
SYNOPSIS: An ordinance authorizing the issuance of $12M in taxable industrial revenue bonds by SVVI, LLC to Premier Automotive of Kansas City, LLC for the construction of three new auto dealerships in Project Area 2 of the Amended and Restated Vacation Village District. On May 14, 2015, the full commission adopted Resolution No. R-30-15, consenting to the assignment of said IRB benefits.

Action: ORDINANCE NO. O-51-15, “An ordinance authorizing the issuance by the Unified Government of Wyandotte County/Kansas City, Kansas of not to exceed $8,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds (Premier Automotive of Kansas City, LLC project), Series 2015, to provide funds to acquire, construct and equip a project for Premier Automotive of Kansas City, LLC, and authorizing and approving certain documents and actions in connection with the issuance of said bonds.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken on the motion and there were nine “Ayes,” Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 9 – 970013...APPOINTMENTS/REAPPOINTMENT: BOARDS AND COMMISSIONS

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

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

August 13, 2015
ITEM NO. 10 – 150238...PLAT: WYANDOTTE YOUTH SOCCER COMPLEX

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

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

ITEM NO. 11 – MINUTES

SYNOPSIS: Minutes from special sessions of July 9, 13, 16, 20 and 23, 2015; and regular sessions of July 9 and 23, 2015.

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

ITEM NO. 12 – WEEKLY BUSINESS MATERIAL


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

Mayor Holland said I would like to recognize another elected official who is here, Mr. Chuck Stites, City Council for Edwardsville. Thank you for being here.

August 13, 2015
PUBLIC HEARING AGENDA

ITEM NO. 1 – 150220...HEARING/ORDINANCE: 57TH & STATE REDEVELOPMENT TIF DISTRICT

SYNOPSIS: Conduct a public hearing to consider an ordinance establishing the 57th & State Redevelopment TIF District (NW and SW corners of the intersection of 57th St. and State Avenue), submitted by Charles Brockman, Economic Development. On July 9, 2015, the full commission adopted Resolution No. R-40-15, setting the public hearing date.

Charles Brockman, Economic Development, said tonight staff is conducting a public hearing to hear comments establishing the 57th & State TIF Redevelopment District. Tonight we have Mr. Dale, his sons and Korb Maxwell, representing Polsinelli and the developer, in the audience. Tonight we have a proposal considering the creation of a TIF district and no immediate plan to advance a TIF plan. Tonight, the action item requested before you is to approve the ordinance establishing the 57th & State Redevelopment TIF District. What I’d like to do right now is go over some landmarks that we have in the area.
As you can see, the proposed TIF this is where the proposed TIF is and then here we have 57th Street going down to I-70. When you go north on 57th it becomes Meadowlark Lane.

### Surrounding Investment Activity

1. Street Resurfacing (State Avenue and Meadowlark Lane)
2. Transit Connection
3. KCKCC Technical Education Campus
4. USD 500 District Offices
5. Escalade Heights Redevelopment
6. USD 500 Stadium Complex

Some of the landmarks here we have are the Escalade Redevelopment Project Area, which now has approximately 22 new single-family homes there. We have the headquarters for the USD 500 and then to the west we have the Kansas City, Kansas Community College Technical Center. Some of the other landmarks other than that is the new USD 500 Stadium Complex that’s being built. Then of course we have street resurfacing going on Meadowlark Lane and State Avenue and the new transit connection.

### Proposed Redevelopment TIF Boundary

Here is the outline in the hash marks of the redevelopment TIF district. I’d like to make a point that we put the right-of-way in there as part of the district so we can establish that as part of the
TIF eligible cost. Also, it’s about 45 acres without the right-of-way and about 48 acres with the right-of-way. We really think this area is very unique. Right now, proposed in the district is moving this mountain of dirt that’s about 20 ft. tall cliff and bringing it and infilling it to the south, and then creating one district, leveling it down and preparing it for a future plan.

A little bit about the developer themselves Clifford Dale, Sr., Clifford Dale, Jr. and Travis Dale are the owners, which I pointed out in the audience today. They are the owners of 4101 Powell Avenue, LLC and they actually own all of the property within the TIF district. The Dale family has been around since 1984 and has purchased the State Tractor and Equipment and started a fleet service repair company. In 2006, they expanded into the State Tractor Trucking Company and the business is located within the TIF district.
Some discussion points that I’d like to talk about is there is no UG commitment on the potential value of future TIF dollars on this. All we’re doing is creating a TIF district and then establishing a base. The TIF is a projected pay-as-you-go which takes the UG away from any type of redevelopment risk. Staff supports the 5 year window to advance the TIF plan. Not only does it establish the basis I discussed, but they have 3 – 4 years of moving the dirt and rock from the north to the south and leveling the property, getting it ready to start marketing.

As a third party cost prior to anything, they’re going to be spending about $5M and that’s moving 250,000 yards of dirt and rock. They’re not asking for any bonding, just creating the base year. Once that is established, after the 5 year mark and they present a plan, that would start a 20 year clock on the plan.

We think it’s a real opportunity in this area. I mean there’s not a whole lot of retail or any kind of commercial going from I-70 up to Parallel, maybe a little past, east of west. It will give a good opportunity for new businesses to come and create revenue.

At this time I’d like to introduce Korb Maxwell and the team you can come up if you want here. He’ll talk about the project, what the company has been doing and their future plans. He can answer any questions you may have.

Korb Maxwell, Polsinelli Law Firm, said Charles did an excellent job and I know you have many of my other partners to hear from tonight so I’ll try to make it relatively short. Charles did a great job. I am with the Dale Brothers, 4101 Powell, LLC. We come before you with a staff recommendation of support and also a unanimous recommendation out of the ED&F Committee, but what are we really asking for tonight. We’re really asking just for this Unified Government to make a showing to the market and to the redevelopment world that you’re interested in 57th & State by creating this TIF district. After that, the Dales will do it all on their dime, their nickel with essentially no commitments from the Unified Government whatsoever.

We are only asking that you create this TIF district, but we’re not asking that these be eligible costs that we advance a TIF plan. We just want to get out there and get to work and get this site in a place where it could be ready for a developer to come forward in future years. Right now on the north side, rocks standing 20 ft. high and on the south side it going 20 ft. low, there’s no developer that could come and put their dollars into that. With the Dales and their business and what they do and how they work and how they’ve built their business over time in
this county, we think they can get started, get working on this, start taking these hills down and get this in a place where hopefully a few years from now I’m back in front of you with a development client that’s interested in doing development and bringing forward a TIF plan. At that time, there would be a development agreement with commitments and others involved in it but right now it’s just that TIF district.

Mayor Holland opened the public hearing.

Mayor Holland said let the record show no one came forward.

Mayor Holland closed the public hearing.

Action: ORDINANCE NO. O-52-15, “An ordinance making certain findings and establishing the 57th and State Redevelopment District in the Unified Government of Wyandotte County/Kansas City, Kansas, pursuant to K.S.A. 12-1770 et seq.” Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.

Commissioner Walker said the only thing is, for the record, I don’t think I am required to do this but I represented Mr. Dale, Sr. after my retirement on a small matter in which his attorney, Mr. McGiffert, could not handle. I doubt Mr. Dale remembers me since we did it by phone and by letter. I didn’t want anyone later bringing up that as having any involvement. After that, I don’t believe I had any contact with any of the Dale’s but I wanted that on the record. I also wanted to say I want to support this project because I think that corner has great potential if there is someone really moving this project, Korb.

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

August 13, 2015
ITEM NO. 2 – 150203…HEARING/ORDINANCE/RESOLUTION: TURNER WOODS CID

SYNOPSIS: Conduct a public hearing to consider an ordinance creating the Turner Woods Community Improvement District (south of I-70 & Riverview, along the SW corridor of the Turner Diagonal), the issuance of industrial revenue bonds, and the development agreement between the UG and NorthPoint Development, LLC, submitted by George Brajkovic, Economic Development Director. On July 23, 2015, the full commission adopted Resolution No. R-43-15, setting the public hearing date.

Action Items:
- Ordinance creating CID and approving the Development Agreement
- Resolution of Intent to Issue $69M in IRBs

George Brajkovic, Economic Development Director, said I’ll make a couple of quick introductions as well. Todd LaSala is here with Stinson. He assisted the UG on this deal. Brent Miles, with NorthPoint, who is representing the developer’s interest in this; Craig Gaffney with Country Club Bank, who’s the current property owner; and Chase Simmons who’s representing the developer on this deal.

What We’re Here for Tonight

- Conduct Public Hearing to consider creation of CID
- Ordinance approving CID & Development Agreement
- Resolution of Intent for IRBs

We want to conduct a public hearing that we advertised for according to the CID statute. During that time, we’re also going to present some items that are key elements of the
redevelopment plan for the particular property. Ultimately, hopefully, if you see fit after the hearing, we’d like an ordinance approved which creates the CID as well as approves the development agreement. The incentive structure on this deal includes both a CID as well as IRBs, so we also have a separate resolution of intent on the IRBs to consider.

Again, our development partner on this is NorthPoint—should not be unfamiliar to you by now. They’ve done quite a few light industrial, business park developments as well as Phase I and II of the Village West Luxury Apartments which were the first true class A marketrate type apartments we had in our community in recent history, like five decades or more. Mayor Holland said forty years.
Mr. Brajkovic said so before we jump into Turner Woods, which is actually on the very south end of this illustration or this aerial, we’re going to kind of talk about the potential of the whole Turner Diagonal Corridor as we have areas like Fairfax Industrial area quickly filling up and available ground to build new structures on is not going to be available any time soon. We’re looking for new corridors for this type of use; not heavy industrial, but more of a logistics, business park type setting.

We think that there are some real opportunities both along the Turner Diagonal Corridor as well as that I-70 Corridor that intersects in that immediate area. For tonight, we are here specifically to talk about the Turner Woods area. I know that Brent, they’ve rebranded this area and it’s now going to be called the Turner Commerce Center, and he’ll expand on that, but really for our purposes, it is 130 acres of continuous ground. It’s actually represented by four separate parcels. It’s all under the same ownership currently with Country Club Bank. You see there, it’s got access just south of Riverview Avenue along Turner Diagonal and then it also has a parcel that has access to 65th St.

Before we jump into the incentive structure, I’m going to turn it over to Brent and let him talk a little bit about the nature of the development and what they’re trying to get accomplished here.
Brent Miles, NorthPoint Development, said, Mayor and Commission, thanks again for having us tonight. As always we always love doing projects in your community. You’ve been a great partner with us and I think we’ve performed and delivered on our promises as well. There are several things that sort of merged just from the beginning of how we got here. Many of you remember some time ago there was a chase for a project called Project Socrates, a million square footer that ultimately landed down near Tulsa; we later found out was the Macy’s Distribution Center. That got everybody’s kind of wheels churning on this site being an industrial site and how it would work and accommodating access from Riverview, so that happened.

Country Club Bank has had this property for some time, if you’ve been out there undulating isn’t the right term for this. It is just like the one before us. You’re seeing a very similar type 20 ft. drops, 20 ft. peaks. We’re moving about a million cubic yards and they are moving about 225,000 cubic yards to put that in perspective.

The next thing that happened was Riverside Horizons was very popular for us. I know that’s not popular for me to say here. It’s the reality, the business park setting came off the ground and it’s been really successful, which lured us into Kaw Point. If you haven’t heard, just like Village West Apartments was for us, Kaw Point might ultimately be our best industrial building we’ve done in our 11 million square foot portfolio. We tour it three times more than we tour Riverside and some of that is related to access and some of it’s related to being in the state of Kansas. There are lots of reasons why it’s very popular.
When I came to get the approval for Kaw Point, I say this multiple times, Commissioner Walker said that’s great, why don’t you take Riverside and pick it up and put it here? Okay, so this is where we’re at. Mayor Holland said whatever Commissioner Walker wants, that’s right. Mr. Miles said if Commissioner Walker wants $79M of investment, I guess Commissioner Walker gets it. All joking aside—Commissioner Walker said I have another one up the road I want you to look at too. Mr. Miles said let’s get this one approved first. In all seriousness, finding 130 contiguous acres inside the 435 loop is very difficult. We didn’t want to go to Olathe, Lenexa, that isn’t what we do. We like things that other people don’t see. People didn’t see Public Levee and people sure didn’t see Turner Woods because you go out there, there’s no access. I’m sorry the access is very poor. The hills, you got to go through rezoning. There are no utilities, there’s just a bunch of work to do and that’s kind of our specialty.

If you’ve been to Riverside Horizons, some of you have seen it, the exact same buildings that we’re buildings that we’re building there is what we have proposed here. They are literally in the market known as Class A investment grade industrial buildings. We think this one has publically more of a distribution use, meaning that someone that really likes that access to I-70 and I-635. You might see some light manufacturing or assembly. These are large buildings, 391,000 ft. building. That’s the smallest one here. To put that in perspective, that is the same size almost as Kaw Point. Anybody that has been seeing the Kaw Point building happen, these buildings will be larger than that. Going through the gauntlet of all of this, we did our engineering.

George will talk later a little bit about the access and the incentive to help offset that cost with the UG but we spent a lot of time on this site, engineered it, hired Continental and they’ve done a tremendous job. We had our community meeting. We actually had two people that were at the community meeting that spoke in favor Monday night at the Planning Commission for this project. Again, I don’t think anybody saw it coming. It wasn’t marketed as an industrial site but we saw the opportunity and obviously continued in our investment with you all. We go where capital is welcome and you guys have always welcomed our capital from the very beginning.
That being said, I can maybe, I don’t know George if you have another site—these are buildings in Riverside, exactly what we’ll build here. The top building is Grainger, so that building is filled floor to ceiling with nuts, bolts and fasteners. The building on the lower right-hand corner is Gallagher that is the North American headquarters for that company. They are out of New Zealand. Sir William Gallagher invented the electric fence, he is knighted in New Zealand and this is in Riverside. If you buy a fence at Tractor Supply or something like that, it’s probably a Gallagher fence. The one on the left is Velocity. That is their interior finish which is unbelievable.

Basically, the offices go in where you see the glass corners, people put their offices there and inside the guts of the building are either distribution, racking, light manufacturing; it could be dashboards, it could be gear shifts, it could be floor, ceiling, nuts and bolts. We’re building these all on a speculative basis meaning we’re going to plop down about $20M per building and hope somebody comes and fills it and when they do we’ll plop down another $20M and build the next one. Just like Kaw Point, as of today we’re 25% leased on Kaw Point without the roof on and we think after tomorrow at 9 a.m. we’ll be 50% leased without the roof on. When we announce that one it supports a very, very major employer in the Fairfax District. That’s going to be a nice win for everybody. With that, I’ll turn it back over to George and we’ll talk a little bit more about the incentive structure.
Mr. Brajkovic said as Brent mentioned, it’s about a $69M total capital investment; so between the site acquisition and the cost they have with prepping that interesting typography in that area, we’re estimating about $60M for the three buildings total. As you can see on their site plan, they are relatively about the same size buildings. We actually brought this project before ED&F twice in June and just this last Monday again. One of the initial feedback items we had was how many jobs are going to be created here. We asked Brent and the NorthPoint team to look at the project that they did in Riverside and on a per square foot basis calculate what kind of job creation we can expect to see in this very similar product. They gave us that number and we actually watered it down a little bit and even doing that in the formula we’re still coming up with over 600 new jobs projected at that site. I think we have a later slide that actually also includes projected salaries based on what they are seeing in those similar products in Riverside.
It kind of leads to—that’s what the developer’s obligation is on this deal and what are they asking for from the UG besides the incentive structure and it’s primarily this improved access. As Brent mentioned, it’s limited or not adequate for redeveloping 130 acres. We’ve agreed in the structure of the deal that the UG would be responsible for that. We’ve got some detailed slides to follow that we show the way the incentives are set up is that there’s actually a cost sharing from the developer’s perspective to help us offset that public infrastructure.

The bridge, if you’re not familiar with it, as I-70 is under construction, I peel off of eastbound I-70 and go this way almost every day. The slide on the left is pretty much as you come off that
ramp of eastbound I-70 to southbound Turner Diagonal, you can see immediately the Riverview Ave. exit is to your right. It’s a small stacking capacity type lane that ultimately ends in a stop sign. Really, the photo that’s more interesting is the bridge itself and you can see that we placed jersey barriers on either side of that. It’s not optimal. It doesn’t allow, I don’t believe, for enough clearance for two large trucks to pass at the same time. The bridge itself, because of the timeframe it was constructed, as you pass southbound it actually has one clearance height, which is 13 ft. and some inches and as you’re coming northbound it’s actually 14 ft. and some inches because of the way the ground works. I don’t think Bill Heatherman is here tonight, but I’m no engineer, there he is. Bill, I don’t know if that meets DOT requirements or not, thank you.

Bill actually had a study issued in late 2014, I think is the date on it that showed a couple of different options with the Riverview Avenue Bridge and whether you go to replace the bridge itself with a new bridge or you go to an at-grade intersection, really the premise of it was to kind of move it all south. Those original photos we showed it gives you some of that additional capacity as you come off of I-70 and it allows from a design perspective to kind of play with those two options.

The incentive structure itself then is, again, using two tools, the IRBs and the CID. Tonight, the public hearing is to create one large CID that covers the entire site. The IRBs would be offered on a per building basis. The way it would work is you give an IRB, you give 100% abatement on the IRB and then you stack back in the CID special assessment that’s assessed at $1.04 per sqft on the building size and there is a split in that incentive so $0.52 to the UG and $0.52 back
to the developer to recoup their eligible cost. That’s the structure of it but I wanted to highlight a couple of the financial pieces of that.

Currently, that 130 acres is producing a grand total of $4,500 in annual property tax. When we calculate the PILOT, we don’t push aside that current base. It’s going to be part of the PILOT calculation. What we’re projecting for year one on the PILOT for the first building is again, just the UG share is $203,000. Again, a like amount would go back to the developer. As that building comes off the 10-year PILOT term, which is really the term that the CID special assessment affects that, its full tax value is being currently projected at about $567,000 a year. That’s total taxes so we’d have to apply roughly 47.5% to get the UG’s share. That’s the way we’ve structured it.

We’ve put in on safeguard though. Well, there’s a multitude of safeguards. As the project progresses, we don’t really have an obligation to build this bridge until they give us notice that they are ready to proceed with the first building. Even though we know that the bridge has got some issues and may show up on out capital improvement in years to come, we don’t have to make it a priority until they give us notice. We’ve built in timeframes to both design and construct whatever, whether it’s a replacement bridge or at-grade. Now, the way the incentives are structured, we have a higher probability of paying for an at grade intersection at almost at full cost than we do a bridge, but either way we are getting this project to pay for some share and quite possibly a very large share of that public infrastructure.
Return on investment, that was something that Commissioner Walker asked us at the initial standing committee we went to. We said, well, it’s not like a typical financial statement for us but these are the things we think are very important. We get projected one million new square feet of industrial space in the community. We don’t have that right now. We don’t have that capacity anywhere. We’ve got these projected 600 jobs and as I was kidding with Brent at standing committee, once we backed out the salaries of the executives at NorthPoint, we were still at $42,000 in annual salaries for similar jobs. The number actually went up when they backed them out. Of course we’ve got this opportunity that the UG’s got a partner, a proven partner in our community, that again is willing to cost share in our efforts to replace aging infrastructure. With that, that concludes our presentation. As Brent mentioned, we can stand and are available for any questions.

**Mayor Holland opened the public hearing.**

**Greg Kindle, President of Wyandotte Economic Development Council,** said I told Brent that every word I say is worth a certain amount of money. I’m here in support of this proposal of the Turner Woods Community Improvement District, the issuance of the industrial revenue bonds and the development agreement between the Unified Government and NorthPoint Development.

As George alluded to, if the trend continues as it has over the last several years, we’re leasing or building about 2.5M sq. ft. per year. The 1.2M sqft plan for this site is desperately needed to keep up with the demand. We have an awful lot of projects that would like to be in Wyandotte County. Brent noted that in their traffic through the building at Kaw Point Park, but today we don’t have a lot of product left to work with. We need to get more product in the queue in order to be developed and built so we can meet the overall supply. As many of you know, we’ve been working alongside the UG team now for over two years. Brent acknowledged Project Socrates at this location so we can continue to move product and move projects forward.

We think that this development not only spurs additional job creation as noted, but also is a great use of this site as $4,500 versus over $200,000 a year, even during the development term. We’ve seen consistently the NorthPoint Development’s commitment to following through on these development agreements and providing a good product for this community. This is an incredibly challenging site beyond reproach in respect as the Mayor noted, it’s more suited for

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*August 13, 2015*
billy goats but we think that this proposed agreement overcomes that through the incentives and the proposed agreement.

We truly commend the developer and the UG team for the creativity and innovation in this proposal to move this site together. We appreciate it and we urge you all to support this project.

Mayor Holland asked would anyone else like to speak in favor. Let the record show no one else is coming to speak in favor. Would anyone like to speak in opposition? Let the record show no one is coming to speak in opposition.

Mayor Holland closed the public hearing.

Commissioner Kane said you’re talking these guys are going to make $20+ an hour. Mr. Miles said that’s our average in Riverside. Commissioner Kane said is it really? What’s the average down in Fairfax? Mr. Miles said for the two we’ve signed. I don’t know. In Riverside we’re required to track it because Riverside gets half of the state income tax in Missouri. They have a Super TIF. Commissioner Kane said I would like you to use some local contractors when you’re building this and you know that. You’ve heard this speech. Mr. Miles said yes. On this one we will have—we said this at the—we actually had somebody in the community say this at the community outreach meeting. On Kaw Point and on these we will have Miller Stauch bid this. Miller Stauch is a KCK company. We’ll have ARCO Clayco and Miller Stauch. We have three contractors that have the bonding capacity and price competitiveness to do this one. We’re building that first building, the 391, we’re building a 364 with Miller Stauch. That’s the biggest industrial building they’ve built to date. They got bonded to do it and they’ve done a great job so far, so they’ll be on the list again on the bidding for sure. Commissioner Kane said just so you’ll know, I’m going to track this. Mr. Miles said I understand. Commissioner Kane said for everyone else that hadn’t been on the commission before, we go a long ways back and this conversation is more for you guys because I will follow-up. He hasn’t failed me yet, but I want to make sure everyone knows that we’re having this conversation, it’s on TV and it’s recorded. Mr. Miles said absolutely. Commissioner Kane said thank you sir.
Commissioner Bynum said I appreciate Commissioner Kane’s comments and just to follow-up on that but in a bit of a different vein for the purpose of the public. Two things, number one, I called you after you had your neighborhood meeting to ask you how it went. I appreciate the way you and your company responded to what I thought were very basic quality of life issues for the residence in the area. I commend you for that because it shows me that yet once again you want to be a good neighbor. Mr. Miles said I’ll recap real quick. Commissioner Bynum said please do.

Mr. Miles said the neighborhood, we sent notices, I’m going to round it off about 65 notices went out and we had about 20 folks show up to the KCK Technical Center, Dr. Burke Center. The number one issue that they brought up from a community standpoint was stormwater. Speaker Road floods now and the folks that live just south of the site live on the south side of Speaker Road, it floods now. Our study says it floods at the one-year event so every times it rains, they’re getting Speaker Road washed out and getting water across Speaker Road.

We’re building 7 to 9 detention ponds. Continental has designed this and studied it. It’s into review and I’m not sure if the stormwater part has been reviewed by Bill and Rob’s team so I don’t want to speak for them but in my summary in my words, we’re in great shape with that.

The number two issue was when there was a housing development plan approved here; there was a TIF and 300 and some houses proposed. They had a community meeting and they were routing the sanitary sewer down the creek and then tying into a series of manholes that were along Speaker Road, basically in these folk’s front yards. That creek is derogating really fast. We would have gone down backyards, the creek, tear out trees and it’s mostly heavily wooded along that creek of course. Continental found a way to gravity flow the sewer to the north up to Riverview and tie into existing systems so we don’t have any easements that we need at all. We don’t have to disrupt anybody’s yard, the creek, anything. Kudos to Continental for figuring it out because we heard that was an issue.

Number three, and this isn’t disparaging to anybody else, but they’ve been complaining about J E Dunn’s operation and the noise of it and so we did a sound study on what the sound would be of a truck backing up and extrapolated it to the lot line and it extrapolates out to about 80 decibels off memory which is two people talking at 3 feet apart. We had some people in the

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community kind of say well we live by the train and I hear I-70. It was a little bit further down. With some people it was big deal for and some it wasn’t.

Fourth, there are no sidewalks on Riverview and so you have about 30 kids congregating at 70th Terrace off memory. Of course they’re congregating about the time everybody is going to work at BPU.

Something needs to be done, obviously with the new infrastructure you can handle sidewalks and you can address that. We said, and we still need to talk with the school and get through Planning and figure this out, but these are going to be concrete buildings. We can build some forms and do our washout over here. If we can build a pad for these kids to stand on, you know while they wait for the bus, we’ll figure out some way to do that to accommodate them. Those were the four to five community issues. I mentioned two people that spoke in support. They came to the Planning Commission Monday night and I know one of those residents has lived there for 40 some years. There was one gentleman that came to the Planning Commission who had concerns about the noise and we gave him—he wasn’t at the neighborhood meeting but we gave him the decibel study and I don’t know if his issue was resolved, he just said he still was worried about this. That was a summary of the community issues.

**Action:** ORDINANCE NO. O-53-15, “An ordinance authorizing the creation of the Turner Woods Community Improvement District in the city of Kansas City, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; levying special assessments within such district and providing for the method of financing the same.” Commissioner Walker made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken on the motion and there were nine “Ayes,” Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

Mr. Brajkovic said, Mayor, we were also looking for action on the resolution of intent for the IRBs.
RESOLUTION NO. R-53-15, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its Industrial Revenue Bonds in the amount of approximately $69,000,000 to finance the costs of acquiring, constructing, improving and equipping commercial facilities for the benefit of UG NorthPoint Development, LLC.” Commissioner Walker made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were nine “Ayes,” Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 150181/150217…HEARING/ORDINANCE: VACATION VILLAGE STAR BOND DISTRICT

SYNOPSIS: Conduct a public hearing to consider the following, submitted by George Brajkovic, Economic Development Director, and Lew Levin, Chief Financial Officer. On July 9, 2015, the full commission adopted Resolution No. R-41-15, setting the public hearing date. This item was presented to the Economic Development and Finance Standing Committee on August 10, 2015. It was requested, and approved by the Mayor, to fast track this item to the August 13, 2015 full commission meeting.

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

George Brajkovic, Economic Development Director, said with Lew Levin we’re going to try to save some time tonight and do a joint presentation between kind of the procedural issues we have with some of the changes that are before you along with, we just happen to be in a spot where we’re ready to advance the financing component of this. Todd LaSala who has also worked with us on this deal and then we have Richard Napper, with EPR, representing the

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developer’s interest, Chuck Stites with Schlitterbahn and then Curt Petersen with Polsinelli, representing the developer and property owners here.

What are we here for tonight. We’ve got a long list of things we’re here for tonight but we’re only going to ask for one action item. We need to change some documents because again, in a nutshell we’ll have some more details on this in the slides to follow. We created this district expanded and amended district last year. We had a Project Area 2 and this is contemplating changing Project Area 2 and splitting it into 2A and 2B and to do that we have to have an amendment to the STAR Bond District Plan and we have to amend the project plan for Area 2 and specifically address the project plan for Area 2A and we also have to amend the development agreement. Lew is going to talk in much more detail about the financing behind this and we’re ready to issue some STAR Bonds on the project and then, again, ultimately if you see fit we’ve prepared a single ordinance that would adopt and approve all of these items at once.

August 13, 2015
Just to kind of go through a recap, in 2007 we created this original STAR Bond District for Schlitterbahn. Again, it was all one contiguous area, bound by Parallel on the north, State Avenue on the south, I-435 on the west and 94th St. on the east. Last year we came back and had some changes and wanted to add project areas that would give each project area a calendar of that 20 year window to take advantage of.

Again, Area 1 is kind of that tan shaded area and that represents the existing waterpark itself. Area 2 is kind of that gold yellow color where the automall and some additional pad site development on the east side of 98th St. is occurring. Really, the changes that we’re going to talk about tonight are solely focused on that goldish colored area. Area 3 then is what we refer to as the front fifty, it’s that lime green color and really right at the intersection of France Family and 98th, the current intersection is where the Dairy Farmer’s Project is going to go in and you can see still on the gold color that borders the lime green where the S curve is being constructed for 98th St. We have Area 4 in purple. Area 4 in that middle contiguous area represents the 40 acres that the US Soccer Project is leasing from Schlitterbahn for this. The purple area on the right or to the east is the Speer Family property. The area on the left is the overlay back into the Village West area.

I am sure Lew may touch on this later, I just want to point out too the overlay on Village West that is anticipating the new increment that is generated there. We currently have a STAR Bond District in Village West, that’s anticipated to payoff and then we’ll close that out. We’ve all kind of talked about what the new value, we know Village West produces $650M in annual

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sales approximately and our share of that sales tax is approximately $12M. This project doesn’t touch any of that. As Lew pointed out to me earlier, there’s additional Transient Guest Tax dollars that equate to about another $2M of our revenue that is generated in that area. That isn’t touched in this project either. It’s just that incremental value from the retail sales tax that we would be pledged back into US Soccer and all of that was already considered as well. Area 5 is the future waterpark expansion.

I know it’s hard to tell. This is Project Area 2 and you can kind of see that there’s different shading for Area 2A and then 2B and we’ve got a little more detail on those.
This is Area 2A, again, bound by I-435 on the west, Parallel on the north. Here’s 98th St. and then these are new interior roads that the developer is putting in place for these car lots that are ready to go with interested parties that have purchased or have the options on those properties.

I think we’re going to have things under construction this year. Yes, according to Richard, yes. (inaudible) and then the pad sites here, you’ve got the C–Store on the corner and then some additional sites here, and then Project Area 2B and this is a little harder to tell. This is an auto pad that’s not yet been sold or a part of this 2A package as well as these two on the south end and then you’ve got the pads that go to the east of 98th.

With that, those again the changes to Area 2, that will be reflected in the project plan, splitting it into 2A and 2B affects the district plan which we’ve presented in an amended fashion tonight. The development agreement accounts for that and also accounts for—originally the development agreement anticipated one bond issuance by splitting it into 2A and 2B we’ll have at least two issuances off of this and with that I’ll turn it into Lew so he can kind of walk through the mechanics and the numbers of that.
Lew Levin, Chief Financial Officer, said as George said the action before you approves a number of items including the amendment to the district plan, approval of the project plan, the two separate areas but I’m here to discuss the financing. As George stated, the original agreement contemplated a single bond issue. What this amendment will allow us is to have two separate STAR Bond issues and we’re ready to move forward with the first issuance. What we’re looking at is that first issue would have two different series of bonds, a Series A and a Series B Bond. The Series A Bonds, the proceeds are primarily pledged to the developer. As you can see we’re projecting about $63M. There will be reimbursement for cost that the Unified Governments’ occurring, a little under $1M, that includes the traffic signal to be built at 98th & State and sewer improvements that have occurred.

The second series of bonds at $10M will pay for street improvement cost that we’ve already spent to date on 98th St. and the S curve that we’re building. We’ve already issued debt for that $10M and so what we’re doing is repaying ourselves. I should say that the B Bonds are subordinate to the A Bonds and so the way the revenue flow will work, the initial pledge will be towards the A Bonds but we have—and I’m going to discuss that a little further on the next slide, some of the protections we have built into the issue.
The A Bonds, I’m going to refer to those as Special Obligation Revenue Bonds. The revenue pledge the Unified Government’s not backing it. It’s strictly the incremental revenues generated by the project. That includes the state sales tax, currently at 6.5% and the city and county, I’ll say general sales tax which are about 1% each and it would be our share of the county sales tax and any Transient Guest Tax, so if a hotel was built on the site, the Transient Guest Tax revenue which would be pledged. However, the agreement allows for us, us being the Unified Government as well as the state, to retain the base tax and that’s because two of the existing auto dealerships are being relocated from Wyandotte County and we would retain the base level of sales associated with that developer.

We’re projecting the base on that as $15.5M of actual retail sales which equals that $1.3M that you see there. In addition to the base tax, we are not pledging our EMS or Dedicated Sales Tax and those two taxes after the dealerships are built, we’re projecting by 2017 that will generate over $800,000 to the Unified Government. That’s really the structure of the A Bonds, where the B Bonds I said are subordinate.

The way the cash flow will work, the first incremental revenues will be dedicated towards payment of the A Bonds but we’ve built in—we’ll have an annual appropriation backing behind the B Bonds. However, the agreement we’ve reached with the state is that of the—I had eluded to that $15.5M of base sales on the A Bonds that’s retained, the state is pledging approximately two-thirds of the revenue associated with that base and we’re pledging our comparable percentage and that’s $844,000 and you can see that’s $844,000 of the $1.3M.
That’s going to be held in escrow. It will be released on an annual basis if there was sufficient incremental revenue to cover the debt service. If I could simplify that a little bit, we have an annual appropriation backing behind the B Bonds, but the expectation is we will not—we have sort of two levels of protection. We believe first of all there’s going to be sufficient incremental revenues to pay the debt and if there is a shortfall we have the base sales tax, which the major portion of it is the state sales tax as I’ll say a backup towards that debt service. What George mentioned is that the amendment will allow for a future bond issuance. On the 2B sites there’s the potential and the expectation upon the developer that within, I’m going to say a one to two year period, they’ll have leases in place and they’ll be ready to move forward with that phase of the project and then we’ll do an additional STAR Bond financing.

The agreement establishes, once we go forward with additional STAR Bond financing, we’re going to remove that annual appropriation pledge on our B Bonds and then we’ll have not only the incremental revenue associated with the A Bonds, we’ll have senior status on the B Bonds as a backing on that annual appropriation pledge. What we believe is we have a structure in place that allows for that repayment of that debt that we’ve already issued, that $10M to recover our costs. Although we have an annual appropriation backing in the initial years, we feel we have strong protection and we’re able to go forward with the financing. We contemplate that the financing will occur at the end of this month with the actual closing in mid-September.

With that I’ll just return to the initial slide that George had and the one, the single ordinance will allow us to cover each of these actions.
Mayor Holland opened the public hearing.

Mayor Holland said let the record show no one came forward in favor or opposition to the proposal.

Mayor Holland closed the public hearing.

Commissioner Kane said, Lew, that’s way over my pay grade. You always do a good job and if we weren’t confused before, we are now. We appreciate what you guys are doing out there. The land sat still for a long time. We love the work that you’re doing and I will continue to support you.

Action: ORDINANCE NO. O-54-15, “An ordinance approving the 2015 Star Bond District Amendment and Project Area 2A Plan; authorizing the issuance of Sales Tax Special Obligation Revenue Bonds (Vacation Village Project Areas 1 and 2A), Series 2015A and Series 2015B in an aggregate original principal amount not to exceed $95,000,000 for the purpose of providing funds to finance certain costs relating to the Vacation Village Star Bond Project Plan; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; and authorizing certain other actions in connection with the issuance of said bonds.” Commissioner Kane made a motion, seconded by Commissioner Walker, to approve the ordinance. Roll call was taken on the motion and there were nine “Ayes,” Walker, Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

STANDING COMMITTEES' AGENDA
No items

ADMINISTRATOR'S AGENDA
No items
COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR HOLLAND

ADJOURNED THE MEETING AT 7:55 P.M.

August 13, 2015

Bridgette D. Cobbins
Unified Government Clerk
To: Doug Bach  
County Administrator

From: Bridgette Cobbins  
UG Clerk

Date: August 27, 2015

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment
1. **COMMUNICATION:**

   Dennis Degner, Chief, Solid Waste Permits Section, KDHE, to Ken Mack, Kansas City HHW, 5033 State Ave., renewing Permit No. 0677 for household hazardous waste; Wyandotte County, for the period of September 18, 2015 through September 17, 2017.

   **Action:** Received and filed.

2. **COMMUNICATION:**

   Bridgette Cobbins, UG Clerk, listing bids received on August 26, 2015, for Project ID #5044 – Stony Point Storm Sewer – Phase 1.

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

3. **COMMUNICATIONS:**

   Lew Levin, Chief Financial Officer, regarding warrant cancellations:

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   **Action:** Received and filed.

4. **PERSONNEL ACTION COMMUNICATION, DATED AUGUST 25, 2015:**

   **Section I - Appointments**

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Section II - Transfer

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Section III - Separations

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<td>Akiem J. Jones</td>
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<td>Steven E. Wheeler</td>
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<td>Public Safety Dispatcher</td>
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Section VIII - Other Requests

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<td>Amend PAC 08/20/15 to reflect transfer from Comm Corr Admin Supt Asst to Admin Supt Specialist</td>
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<td>Rebecca G. Haymes</td>
<td>Comm Corr/CJP</td>
<td>Amend PAC 8/20/15 to reflect ACD change effective 8/27/15</td>
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Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 27, 2015:

Section I - Appointments

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<td>Stephanie N. Campbell</td>
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<tr>
<td>Keith A. Gatson</td>
<td>PW/Parking</td>
<td>8/27/15</td>
<td>School Crossing Guard</td>
</tr>
<tr>
<td>Ryan S. Hurst</td>
<td>Transportation</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>Adam M. Browne</td>
<td>Leg. Auditor</td>
<td>8/27/15</td>
<td>Auditor</td>
<td>Sr Audit Manager</td>
</tr>
<tr>
<td>Bryonne L. Cummings</td>
<td>Leg. Auditor</td>
<td>9/10/15</td>
<td>ISO I</td>
<td>Auditor</td>
</tr>
<tr>
<td>JoEllen Garcia</td>
<td>Finance/Treasury</td>
<td>8/27/15</td>
<td>Fiscal Supt Specialist</td>
<td>Prof Fiscal Assistant</td>
</tr>
<tr>
<td>Jeron L. Manlove</td>
<td>B &amp; L/Security</td>
<td>8/13/15</td>
<td>Security Officer</td>
<td>Security Officer</td>
</tr>
<tr>
<td>Derek VanBrocklin</td>
<td>B &amp; L</td>
<td>8/13/15</td>
<td>Fac Maint Specialist</td>
<td>Skilled Tradesperson</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>Dalton M. Garrett</td>
<td>Parks/Rec</td>
<td>8/5/15</td>
<td>Summer Laborer</td>
</tr>
<tr>
<td>Lyric D. Lewis</td>
<td>Municipal Court</td>
<td>7/31/15</td>
<td>Court Clerk I</td>
</tr>
<tr>
<td>Peter C. Williams</td>
<td>PW/WPC</td>
<td>8/21/15</td>
<td>Engineering Specialist</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>Artis D. Smith</td>
<td>Parks/Rec</td>
<td>7/30/15</td>
<td>8/29/15</td>
</tr>
</tbody>
</table>

Section V - Increase per Memorandum of Understanding

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Division</th>
<th>Eff. Date</th>
<th>Job Title</th>
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</thead>
<tbody>
<tr>
<td>Marnika S. Sappington</td>
<td>Municipal Court</td>
<td>9/5/15</td>
<td>Court Clerk I</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>Gabriel Torres</td>
<td>Police</td>
<td>ACD change effective 9/3/15</td>
</tr>
<tr>
<td>Steve Williams</td>
<td>Police</td>
<td>ACD change effective 9/3/15</td>
</tr>
</tbody>
</table>

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

6. CLAIMS FOR DAMAGES:

Brenda Keith, 801-B NE Westwind, KCMO, alleging damage to vehicle caused by a UG employee who was mowing.
Justin Daniels, 5101 Douglas Avenue, KCK, alleging damage to tires and wheels when the vehicle hit rocks on Oak Grove Rd.

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

7. **TRAVEL REQUESTS:**

   Edwin Birch, Public Relations, travel to Kansas City, MO, August 5, 2015, to attend National Seminars Training Professional Development, Employee Training/Travel.

   William Howard, Police/Operations/Community Support Division, travel to Kansas City, MO, August 11, 2015 – October 13, 2015, to attend Dale Carnegie Training, SLETF.

   Cotarino Mendez, Internal Affairs, travel to Plano, TX, November 8 – 13, 2015, to attend the Internal Affairs Professional Standards and Ethics Course, SLETF-State.

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

8. **APPLICATIONS FOR DRINKING ESTABLISHMENT:**

   LaTinajera, LLC/William Hutton DBA Casa Agave, 1340 Village West Pkwy.
   Medina Enterprises, LLC/Anthony Russo DBA Martita’s Place, 4960 State Ave.

   **Action:** Referred to License.

9. **APPLICATION FOR PRIVATE CLUB CLASS A:**

   American Legion Post 199/Mitchell Shaffer DBA American Legion Post 199, 7942 Leavenworth Rd.

   **Action:** Referred to License.

10. **APPLICATION FOR LIQUOR TEMPORARY LICENSE:**

    Christ the King Catholic Church/Father Mark Mertes, temporary permit for August 29, 2015, from 5:00 p.m. to 10:00 p.m., 3024 N. 53rd St.

    **Action:** Referred to License.

11. **APPLICATIONS FOR PRIVATE SECURITY BUSINESS:**

    MVM Inc./Michael Haynes DBA MVM, Inc., 44620 Guilford Dr. #150, Ashburn, VA
    Watchman on the Wall, LLC/Ludie Sutton DBA Watchman on the Wall, 333 Walker Ave.

    **Action:** Referred to License.
12. APPLICATIONS FOR MASSAGE THERAPY BUSINESS LICENSE:

Denise Johnson d/b/with Chateau Avalon, 701 Village WestPkwy.
Jennifer Walls d/b/with Great Wolf Lodge (Elements Spa), 10401 Cabela Drive

**Action:** Referred to License.
**Staff Request for Commission Action**

**Tracking No. 150208**

- [ ] Revised
- [ ] On Going

**Type:** Standard  
**Committee:** Economic Development and Finance Committee

**Date of Standing Committee Action:** 8/10/2015  
(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 8/27/2015  
**Confirmed Date:** 8/27/2015

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
<th>Department / Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/23/2015</td>
<td>Dave Clark</td>
<td>5721</td>
<td><a href="mailto:kjmoore@wycokck.org">kjmoore@wycokck.org</a></td>
<td></td>
<td>Public Works</td>
</tr>
</tbody>
</table>

**Item Description:**  
The Commission previously passed Resolution R-107-13 authorizing $510,000 in GO debt for the Kaw Point Park Connector Trail CMIP 971-7865. This Project is administered by KDOT and requires a 20% local match. Construction bids exceeded initial estimates requiring an increase in the match. The attached resolution increases the authorized funds to $760,000. This project is included in the proposed 2015 amended CMIP budget.

**Action Requested:**  
Adopt resolution.

- [ ] Publication Required

**Budget Impact: (if applicable)**

- **Amount:** $  
- **Source:**
  - [x] Included In Budget  
  - [ ] Other (explain)  
  - Consistent with proposed amended 2015 budget
RESOLUTION NO. ______________

A RESOLUTION AMENDING RESOLUTION NO. R-107-13
AUTHORIZING CERTAIN STREET, SIDEWALK AND
RECREATIONAL FACILITY IMPROVEMENTS, AND PROVIDING
FOR THE MANNER OF PAYING FOR THE SAME.

WHEREAS, the Unified Government is authorized and empowered pursuant to Charter Ordinance No. CO-03-09 and Article 12, Section 5(a) of the Constitution of the State of Kansas, to issue general obligation bonds for the purpose of paying for street improvements; and

WHEREAS, on November 21, 2013, the Unified Government adopted Resolution R-107-13 authorizing the KAW POINT PARK CONNECTOR TRAIL 2013, CMIP 971-7865 improvements, as more fully described therein; and

WHEREAS, it is necessary to amend Resolution No. R-107-13 to increase the estimated cost of the improvements and the amount of general obligation bonds and/or temporary notes to be issued for the improvements, as provided herein.

NOW, THEREFORE: BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That Section 2 of Resolution No. R-107-13 is hereby amended to read as follows:

Section 2. For the purpose of providing funds for the Improvements, all as approved by the governing body, the Unified Government hereby authorizes the issuance of its general obligation bonds pursuant to Article 12, Section 5(a) of the Constitution of the State of Kansas and Charter Ordinance No. CO-03-09, in an amount not in excess of $760,000, plus capitalized interest and costs of issuance. Temporary Notes of the Unified Government are hereby authorized to be issued from time to time by resolution in an amount not to exceed the amount of general obligation bonds herein authorized.

Section 2. The Unified Government expects to make capital expenditures in connection with the Improvements and intends to reimburse itself for such expenditures with the proceeds of general obligation bonds and/or temporary notes in an amount not to exceed $760,000, plus capitalized interest and costs of issuance. Any general obligation bonds and/or temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of adoption of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.
Section 3. Resolution No. **R-107-13**, as amended by this Resolution, is hereby ratified and confirmed, and shall remain in full force and effect.

Section 4. This Resolution shall take effect and be in full force immediately after its adoption by the governing body.

THIS RESOLUTION WAS PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF ______________________, 2015, AND APPROVED BY THE MAYOR.

(SEAL)  

____________________________________________  
Mayor/CEO

ATTEST:

____________________________________________  
Unified Government Clerk
Staff Request for Commission Action

Tracking No. 150251

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action:
(Governing body approved financing 7/12/12 previously.

Proposed for the following Full Commission Meeting Date: 9/3/2015

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

Date: 8/28/2015
Contact Name: Lew Levin
Contact Phone: x-5186
Contact Email: llevin@wycokck.org
Ref:
Department / Division: Finance

Item Description:

1. Ordinance authorizing and providing for the issuance of $280,000 principal amount of taxable special obligation annual appropriation refunding bonds (Wyandotte Plaza project), series 2015 of the Unified Government of Wyandotte County/Kansas City, Kansas, and authorizing several other documents and actions.
2. Resolution indicating the terms and definitions associated with the financing.
3. This action allows for the issuance of the $280,000 to cover the scheduled principal payment due October 1, 2015. This is a temporary 6 month financing. A full refinancing of the Wyandotte Plaza debt is expected to occur during the fourth quarter of 2015. The future refinancing will remove the government's annual appropriation pledge.

Action Requested:
Approve ordinance and resolution.

Publication Required

Budget Impact: (if applicable)

Amount: $275,000
Source:

Included In Budget
This action will result in a budget savings of $275,000 for 2015.

Other (explain)

File Attachment

ORNANCE NO. O-___-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.

WHEREAS, the Unified Government is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”) as a consolidated city-county having all the powers, functions and duties of a county and a city of the first class; and

WHEREAS, pursuant to Ordinance No. O-43-12 of the Unified Government (the “Home Rule Ordinance”) and Article 12, Section 5 of the Constitution of Kansas, all as amended and supplemented, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government has authorized redevelopment of the Wyandotte Plaza Shopping Center located at 78th & State Avenue by making an economic development grant to Legacy Wyandotte LLC or assigns, all for economic development purposes (the “Improvements”); and

WHEREAS, the Unified Government previously issued its Special Obligation Annual Appropriation Bonds (Wyandotte Plaza Redevelopment Project), Series 2012-C in the principal amount of $8,115,000 (the “Series 2012-C Bonds”) for the purpose of paying the costs of the Improvements; and

WHEREAS, in order to restructure the debt payments on the Series 2012-C Bonds maturing on October 1, 2015 (the “Refunded Bonds”), the governing body of the Unified Government hereby finds and determines that it is necessary and appropriate to issue its Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015 (the “Bonds”), for the purpose of refunding the Refunded Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein and in the hereafter defined Bond Resolution, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including the Home Rule Ordinance of the Unified Government and Article 12, Section 5 of the Constitution of Kansas, all as amended and supplemented from time to time.
“Authorized Costs” means the amount of expenditure for an Improvement which has been authorized to be paid by the Unified Government by a resolution or ordinance of the Unified Government less (1) the amount of any notes or bonds of the Unified Government which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which has been previously paid by the Unified Government or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

“Bond Resolution” means the resolution to be adopted by the governing body of the Unified Government prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the Unified Government’s Taxable Special Obligation Annual Appropriation Refunding Bonds, (Wyandotte Plaza Redevelopment Project), Series 2012-C in the aggregate principal amount of $280,000, and dated the Issue Date, authorized by this Ordinance.

“Event of Nonappropriation” means failure of the Unified Government to budget and appropriate on or before the last day of any fiscal year, moneys sufficient to pay the debt service due and payable on the Bonds during the next fiscal year.

“Improvements” means the improvements referred to in the preamble to this Ordinance.

“Mayor/CEO” means the duly elected and acting Mayor/CEO of the Unified Government or, in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Unified Government.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means on the Series 2012-C Bonds maturing on October 1, 2015.

“Series 2012-C Bonds” means the Unified Government’s Special Obligation Annual Appropriation Bonds (Wyandotte Plaza Redevelopment Project), Series 2012-C in the principal amount of $8,115,000

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Unified Government Clerk” means the duly appointed and acting Clerk of the Unified Government or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015, of the Unified Government in the principal amount of $280,000, for the purpose of providing funds to: (a) refund the Refunded Bonds; and (b) pay costs of issuance of the Bonds.

Section 3. Annual Appropriations. The Unified Government intends, on or before the last day of each fiscal year, to budget and appropriate, specifically with respect to this Ordinance and the Bond Resolution, moneys sufficient to pay all the debt service payments on the Bonds for the next succeeding fiscal year. If the governing body of the Unified Government shall not have made the appropriation necessary to pay the debt service payments to become due on the Bonds during such succeeding fiscal year, the Unified Government shall give notice to bondholders by December 31st of such Event of Nonappropriation.
Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution.

Section 5. Covenant to Request Appropriations. The Unified Government covenants and agrees that the officer of the Unified Government at any time charged with the responsibility of formulating budget proposals is hereby directed to include in the budget proposal submitted to the governing body for each fiscal year that the Bonds are outstanding a request for an appropriation of the amounts necessary to pay the debt service payments to become due on the Bonds during such succeeding fiscal year at the times and in the manner provided in the Bond Resolution hereafter adopted by the governing body of the Unified Government describing the form and details of the Bonds, it being the intention of the Unified Government that the decision to appropriate or not to appropriate under this Ordinance shall be made solely by the governing body of the Unified Government and not by any other official of the Unified Government. The Unified Government intends, subject to the provisions above respecting the failure of the Unified Government to budget or appropriate sufficient funds, to make the debt service payments on the Bonds hereunder. The Unified Government reasonably believes that legally available funds in an amount sufficient to make all debt service payments on the Bonds during each fiscal year can be obtained. The Unified Government further intends to do all things lawfully within its power to obtain and maintain funds from which the debt service payments on the Bonds may be paid, including making provision for such debt service payments on the Bonds to the extent necessary in each proposed annual budget submitted for approval in accordance with applicable procedures of the Unified Government and to exhaust all available reviews and appeals in the event such portion of the budget is not approved. The Unified Government’s Chief Financial Officer is directed to do all things lawfully within his power to obtain and maintain funds from which the debt service payments on the Bonds may be paid, including making provision for such debt service payments on the Bonds to the extent necessary in each proposed annual budget submitted for approval or by supplemental appropriation in accordance with applicable procedures of the Unified Government and to exhaust all available reviews and appeals in the event such portion of the budget or supplemental appropriation is not approved. Notwithstanding the foregoing, the decision to budget and appropriate funds is to be made in accordance with the Unified Government’s normal procedures for such decisions.

Section 6. Payments to Constitute Current Expenses of the Unified Government. The debt service payments on the Bonds shall constitute currently budgeted expenditures of the Unified Government, and shall not in any way be construed or interpreted as creating a liability or a general obligation or debt of the Unified Government in contravention of any applicable constitutional or statutory limitation or requirements concerning the creation of indebtedness by the Unified Government, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the Unified Government. The Unified Government’s obligations to pay debt service payments hereunder shall be from year to year only, and shall not constitute a mandatory payment obligation of the Unified Government in any ensuing fiscal year beyond the then current fiscal year. Neither this Ordinance nor the issuance of the Bonds shall directly or indirectly obligate the Unified Government to levy or pledge any form of taxation or make any appropriation or make any payments beyond those appropriated for the Unified Government’s then current fiscal year, but in each fiscal year the debt service payments on the Bonds shall be payable solely from the amounts budgeted or appropriated therefor out of the income and revenue provided for such year, plus any unencumbered balances from previous years. Failure of the Unified Government to budget and appropriate said moneys on or before December 31 of any year shall be deemed an Event of Nonappropriation.
Section 7. Further Authority. The Mayor/CEO, Unified Government Clerk and other Unified Government officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 8. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 9. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Unified Government, approval by the Mayor/CEO and publication in the official Unified Government newspaper.

PASSED by the governing body of the Unified Government on September 3, 2015 and APPROVED AND SIGNED by the Mayor/CEO.

(SEAL)                                                                                     Mayor/CEO
ATTEST:

______________________________
Unified Government Clerk
RESOLUTION NO. R-____-15

OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

ADOPTED

SEPTEMBER 3, 2015

$280,000
TAXABLE SPECIAL OBLIGATION ANNUAL APPROPRIATION REFUNDING BONDS
(WYANDOTTE PLAZA REDEVELOPMENT PROJECT)
SERIES 2015
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RESOLUTION NO. R-____-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 UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-____-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.

WHEREAS, the Issuer has heretofore adopted the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein and in the Ordinance, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including Ordinance No. O-43-12 of the Issuer, and Article 12, Section 5 of the Constitution of Kansas, all as amended and supplemented from time to time.

“Authorized Costs” means the amount of expenditure for an Improvement which has been authorized to be paid by the Unified Government by agreement, resolution or ordinance of the Unified Government.

“Authorized Denomination” means $5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.
“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Purchase Agreement” means the Bond Purchase Agreement relating to the sale of the Bonds between the Issuer and the Purchaser.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the State Treasurer, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” means the Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.


“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means the Issue Date.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“DeFeasance Obligations” means any of the following obligations:
(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution
(other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Instructions) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Event of Nonappropriation” means failure of the Unified Government to budget and appropriate on or before the last day of any fiscal year, moneys sufficient to pay the debt service due and payable on the Bonds during the next Fiscal Year.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in Section 501 hereof.

“Improvements” means the following improvements for which the Unified Government is authorized to issue the Bonds:

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Authorization</th>
<th>Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyandotte Plaza Redevelopment Project</td>
<td>Ordinance O-43-12</td>
<td>$7,125,000.00</td>
</tr>
<tr>
<td>TOTAL SERIES 2012-C =</td>
<td></td>
<td>$7,125,000.00</td>
</tr>
</tbody>
</table>

*Excludes costs of issuance, capitalized interest and any necessary reserves

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be at maturity or earlier redemption.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the Unified Government and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor/CEO” means the duly elected and acting Mayor/CEO, or in the Mayor/CEO’s absence, the duly appointed and/or elected Vice Mayor/CEO or Acting Mayor/CEO of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101
Attn: Clerk

with a copy to:

Chief Legal Counsel
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101

(b) To the Paying Agent at:

Security Bank of Kansas City
Corporate Trust Department
701 Minnesota Avenue
Suite 206, P.O. Box 171297
Kansas City, Kansas  66117
Fax: (913) 279-7960

(c) To the Purchaser:

Security Bank of Kansas City
701 Minnesota Avenue
Suite 206, P.O. Box 171297
Kansas City, Kansas  66117
Fax: (913) 279-7960

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

(a) With respect to the Issuer, the Unified Government Clerk and Chief Legal Counsel.
(b) With respect to the Bond Registrar and Paying Agent, the Manager of the Corporate Trust Department.
(c) With respect to any Purchaser, the manager of its Municipal Bond Department.

“Ordinance” means Ordinance No. O-____-15 of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
(b) Bonds deemed to be paid in accordance with the provisions of Section 701 hereof; and
(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.
“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means Security Bank of Kansas City, Kansas City, Kansas, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the Issuer which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 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 securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Principal and Interest Account” means the Principal and Interest Account for Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015 created pursuant to Section 501 hereof.

“Purchase Price” means the principal amount of the Bonds.

“Purchaser” means Security Bank of Kansas City, Kansas City, Kansas, the original purchaser of the Bonds, and any successor and assigns.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.
“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Bonds” means on the Series 2012-C Bonds maturing on October 1, 2015.

“Refunded Bonds Paying Agent” means the State Treasurer.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with Section 210 hereof.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2012-C Bonds” means the Unified Government’s Special Obligation Annual Appropriation Bonds (Wyandotte Plaza Redevelopment Project), Series 2012-C in the principal amount of $8,115,000

“Special Record Date” means the date fixed by the Paying Agent pursuant to Section 204 hereof for the payment of Defaulted Interest.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Unified Government Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.
ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of $280,000, for the purpose of providing funds to: (a) refund the Refunded Bonds; and (b) pay Costs of Issuance.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof and the Certificate of Final Terms, and shall bear interest at the rates per annum as follows:

<table>
<thead>
<tr>
<th>Stated Maturity</th>
<th>Principal Amount</th>
<th>Annual Rate of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 2016</td>
<td>$280,000</td>
<td>2.75%</td>
</tr>
</tbody>
</table>

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in Section 204 hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as EXHIBIT A or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 et seq.

Section 203. Designation of Paying Agent and Bond Registrar. Security Bank of Kansas City, Kansas, City, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor/CEO of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar, and shall appoint a successor Paying Agent, by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 et seq. and K.S.A. 10-620 et seq., respectively.
Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.
Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner’s duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to Section 303 hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to Section 204 hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner’s order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor/CEO, attested by the manual or facsimile signature of the Unified Government Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor/CEO and Unified Government Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Unified Government Clerk, which registration shall be evidenced by the manual or facsimile signature of the Unified Government Clerk with the seal of the
Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor/CEO and Unified Government Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as EXHIBIT A hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer’s request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.
Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency
under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Sale and Terms of the Bonds; Authorization and Execution of Bond Purchase Agreement. The Bonds will be sold to the Purchaser under the terms of the Bond Purchase Agreement. The Mayor/CEO is authorized to execute the Bond Purchase Agreement for and on behalf of and as the act and deed of the Issuer.

ARTICLE III
REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Bonds may be called for redemption and payment prior to their Stated Maturity, at any time, in whole only at a Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Bonds to be Redeemed.

(a) In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in Section 303 are met.

(b) Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the
Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

(c) In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of the a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such a minimum Authorized Denomination, the Owner or the Owner’s duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the State Treasurer and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 10 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will
notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed.

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

**ARTICLE IV**

**SECURITY FOR BONDS**

**Section 401. Annual Appropriations.** Unified Government intends, on or before the last day of each fiscal year, to budget and appropriate, specifically with respect to this Ordinance and the Bond Resolution, moneys sufficient to pay all the debt service payments on the Bonds for the next succeeding
fiscal year. If the governing body of the Unified Government shall not have made the appropriation necessary to pay the debt service payments to become due on the Bonds during such succeeding fiscal year, the Unified Government shall give notice to bondholders by December 31st of such Event of Nonappropriation.

Section 402. Covenant to Request Appropriations. The Issuer covenants and agrees that the officer of the Issuer at any time charged with the responsibility of formulating budget proposals is hereby directed to include in the budget proposal submitted to the governing body for each fiscal year that the Bonds are Outstanding a request for an appropriation of the amounts for transfer to the Principal and Interest Account at the times and in the manner provided in this Resolution, it being the intention of the Issuer that the decision to appropriate or not to appropriate under the Ordinance or this Resolution shall be made solely by the governing body of the Issuer and not by any other official of the Issuer. The Issuer intends, subject to the provisions above respecting the failure of the Issuer to budget or appropriate sufficient funds to make the debt service payments on the Bonds hereunder. The Issuer reasonably believes that legally available funds in an amount sufficient to make all debt service payments on the Bonds during each fiscal year can be obtained. The Issuer further intends to do all things lawfully within its power to obtain and maintain funds from which the debt service payments on the Bonds may be made, including making provision for such debt service payments on the Bonds to the extent necessary in each proposed annual budget submitted for approval in accordance with applicable procedures of the Issuer and to exhaust all available reviews and appeals in the event such portion of the budget is not approved. The Issuer’s Chief Financial Officer is directed to do all things lawfully within his power to obtain and maintain funds from which the debt service payments on the Bonds may be made, including making provision for such debt service payments on the Bonds to the extent necessary in each proposed annual budget submitted for approval or by supplemental appropriation in accordance with applicable procedures of the Issuer and to exhaust all available reviews and appeals in the event such portion of the budget or supplemental appropriation is not approved. Notwithstanding the foregoing, the decision to budget and appropriate funds is to be made in accordance with the Issuer’s normal procedures for such decisions.

Section 403. Payments to Constitute Current Expense of the Issuer. The debt service payments on the Bonds shall constitute currently budgeted expenditures of the Issuer, and shall not in any way be construed or interpreted as creating a liability or a general obligation or debt of the Issuer in contravention of any applicable constitutional or statutory limitation or requirements concerning the creation of indebtedness by the Issuer, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the Issuer. The Issuer’s obligations to pay debt service payments hereunder shall be from year to year only, and shall not constitute a mandatory payment obligation of the Issuer in any ensuing fiscal year beyond the then current fiscal year. Neither the Ordinance, this Resolution, nor the issuance of the Bonds shall directly or indirectly obligate the Issuer to levy or pledge any form of taxation or make any appropriation or make any payments beyond those appropriated for the Issuer’s then current fiscal year, but in each fiscal year the debt service payments on the Bonds shall be payable solely from the amounts budgeted or appropriated therefor out of the income and revenue provided for such year, plus any unencumbered balances from previous years. Failure of the Issuer to budget and appropriate said moneys on or before December 31 of any year shall be deemed an Event of Nonappropriation

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

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Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following funds and accounts:

(a) Redemption Fund for Refunded Bonds; and

(b) Principal and Interest Account for Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015.

(c) Costs of Issuance Account for Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) The sum of $5,000.00 shall be deposited in the Costs of Issuance Account.

(c) The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the Redemption Fund.

Section 503. Application of Moneys in the Redemption Fund. Moneys in the Redemption Fund shall be paid and transferred to the Refunded Bonds Paying Agent with irrevocable instructions to apply such amount to the payment of the Refunded Bonds on the Refunded Bonds Redemption Date. Any moneys remaining in the Redemption Fund not needed to retire the Refunded Bonds shall be transferred to the Principal and Interest Account.

Section 504. Application of Moneys in Principal and Interest Account. All amounts paid and credited to the Principal and Interest Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Principal and Interest Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued may be used by the Issuer for any legal purpose.
Section 505. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in a bank, savings and loan association or savings bank: (a) organized under the laws of the State or the United States with main offices located in the Issuer; or (b) under certain conditions of State law, organized under the laws of the United States or any other State thereof, with main offices located outside of the State, but with a branch located in the Issuer. All such depositaries shall be members of the Federal Deposit Insurance Corporation. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account.

ARTICLE VI
DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.
Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer’s faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with Section 302(a) of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.
ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 801. Amendments. Except as set forth herein, the rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may not be amended or modified at any time or in any respect by resolution of the Issuer without the written consent of the Owners of not less than seventy-five percent (75%) in aggregate principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Unified Government Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution (including those provisions set forth in subparagraphs (a) through (d) of this Section 801) may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of one hundred percent (100%) of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein; to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners; or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Unified Government Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Unified Government Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Unified Government Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.
The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 802. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee’s right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 803. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 804. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 805. Further Authority. The officers and officials of the Issuer, including the Mayor/CEO and Unified Government Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the
purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 806. Severability.** If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

**Section 807. Governing Law.** This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 808. Effective Date.** This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on September 3, 2015.

(SEAL)

__________________________
Mayor/CEO

ATTEST:

__________________________
Unified Government Clerk
EXHIBIT A
(FORM OF BONDS)

REGISTERED NUMBER __
REGISTERED NUMBER __

$ Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
TAXABLE SPECIAL OBLIGATION ANNUAL APPROPRIATION REFUNDING BOND
(WYANDOTTE PLAZA REDEVELOPMENT PROJECT)
SERIES 2015

Interest Rate: Date: Maturity Date: Dated: Date: __________, 2015
CUSIP:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the Unified Government of Wyandotte County/Kansas City, Kansas, in the County of Wyandotte, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable at maturity or earlier redemption (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Security Bank of Kansas City, Kansas City, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this
Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s) for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or, (b) in the case of an interest payment to Cede & Co. or any Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated “Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015,” aggregating the principal amount of $280,000 (the “Bonds”) issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (jointly the “Bond Resolution”). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 et seq., Ordinance No. O-43-12 of the Issuer, and Article 12, Section 5 of the Constitution of Kansas, all as amended and supplemented, and all other provisions of the laws of the State of Kansas applicable thereto.

Limited Obligations. The Issuer intends, on or before the last day of each fiscal year, to budget and appropriate, specifically with respect to the Ordinance and the Resolution, moneys sufficient to pay all the debt service payments on the Bonds for the next succeeding fiscal year. The debt service payments on the Bonds shall constitute currently budgeted expenditures of the Issuer, and shall not in any way be construed or interpreted as creating a liability or a general obligation or debt of the Issuer in contravention of any applicable constitutional or statutory limitation or requirements concerning the creation of indebtedness by the Issuer, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the Issuer. The Issuer’s obligations to pay debt service payments on the Bonds shall be from year to year only, and shall not constitute a mandatory payment obligation of the Issuer in any ensuing fiscal year beyond the then current fiscal year. Neither the Ordinance, the Resolution, nor the issuance of the Bonds shall directly or indirectly obligate the Issuer to levy or pledge any form of taxation or make any appropriation or make any payments beyond those appropriated for the Issuer’s then current fiscal year, but in each fiscal year the debt service payments on the Bonds shall be payable solely from the amounts budgeted or appropriated therefor out of the income and revenue provided for such year, plus any unencumbered balances from previous years.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity in accordance with the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system
will evidence positions held in the Bonds by the Securities Depository’s participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinafore contained, payments of principal, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner’s duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]
IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor/CEO and attested by the manual or facsimile signature of its Unified Government Clerk, and its seal to be affixed hereto or imprinted hereon.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

(Facsimile Seal) By: _____________________________ (facsimile)
Mayor/CEO

ATTEST:

By: _____________________________ (facsimile)
Unified Government Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of Taxable Special Obligation Annual Appropriation Refunding Bonds (Wyandotte Plaza Redevelopment Project), Series 2015, of the Unified Government of Wyandotte County/Kansas City, Kansas, described in the within-mentioned Bond Resolution.

Registration Date ______________________________

Security Bank of Kansas City,
Kansas City, Kansas,
as Bond Registrar and Paying Agent

By ________________________________

Registration Number ________________________________
CERTIFICATE OF UNIFIED GOVERNMENT CLERK

STATE OF KANSAS  )
   ) SS.
COUNTY OF WYANDOTTE  )

The undersigned, Unified Government Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of __________ ___, 2015.

WITNESS my hand and official seal.

(Facsimile Seal)      By:    (facsimile)
Unified Government Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

RON ESTES, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on ________________.

WITNESS my hand and official seal.

(Seal)      By:    ________________
Treasurer of the State of Kansas
BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

__________________________________________________________
(Name and Address)

__________________________________________________________
(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $___________, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint ____________________ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated ____________________

Name

__________________________
Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s) appear on the face of Certificate)

Signature guarantee:

By ________________________
LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.
Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri  64108

(PRINTED LEGAL OPINION)