I. Call to Order/Roll Call

II. Approval of standing committee minutes for January 7, 2013.

III. Committee Agenda

Item No. 1 - QUARTERLY INVESTMENT REPORT

Synopsis:
Fourth quarter investment report and budget revisions $10,000 or greater, submitted by Lew Levin, Chief Financial Officer.

No action required.
Tracking #: 970146
Item No. 2 - SAFER GRANT FOR FIRE DEPARTMENT

Synopsis:
Request assistance of the Staffing for Adequate Fire and Emergency Response (SAFER) grant which would allow the hiring of 16 new firefighters in 2013, submitted by Craig Duke, Fire Department. No matching funds required.

*It is requested that this item be fast tracked to the February 7, 2013 full commission meeting.*

Tracking #: 130040

Item No. 3 - RESOLUTION: RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS

Synopsis:
A resolution providing for the reallocation of improvement costs to be financed with the proceeds of Taxable General Obligation Bonds (Recovery Zone Economic Development Bonds - Direct Pay), Series 2010-C; Taxable General Obligation Improvement Bonds (Build America Bonds - Direct Pay, Series 2010-D and Taxable General Obligation Bonds (Recovery Zone Economic Development Bonds - Direct Pay, Series 2010-F, all previously issued by the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Debbie Jonscher, Finance. All projects consistent with CMIP and previously approved by Commission.

Tracking #: 130059

Item No. 4 - RESOLUTION: HOME RULE EMERGENCY COMMUNICATION SYSTEM

Synopsis:
A home rule resolution of the Unified Government of Wyandotte County/Kansas City, Kansas authorizing the acquisition and construction of an emergency communication system to serve the county; authorizing the issuance of General Obligation Bonds of the Unified Government to finance the costs of the same, submitted by Lew Levin, Chief Financial Officer.

Tracking #: 130064
Item No. 5 - MEMORANDUM: ED 2012 ACCOMPLISHMENTS

Synopsis:
A memo highlighting the 2012 accomplishments of the Economic Development Department; including over $411M in Capital Investment; return in tax revenues from both terminated TIF districts and expired Tax Abatements; new policies; and the addition of staff, submitted by George Brajkovic, Director of Economic Development. No action required
Tracking #: 130057

Item No. 6 - RESOLUTION: SCHLITTERBAHN VACATION VILLAGE PETITION FOR CID

Synopsis:
Schlitterbahn Vacation Village has submitted a petition requesting the consideration of a Community Improvement District for a portion of their property. The request is for a 2% sales tax add-on, on a pay-as-you-go basis, for an estimated $8.9M in total Project Costs, submitted by George Brajkovic, Director of Economic Development.

It is requested that this item be fast tracked to the February 7, 2013 full commission meeting.
Tracking #: 130060

Item No. 7 - RESOLUTION: REVITALIZING AUTO COMMUNITIES ENVIRONMENT...

Synopsis:
The Revitalizing Auto Communities Environmental Response (RACER) Trust, an independent trust, has a mission to remediate and redevelop former GM locations, included is the old GM site in Fairfax, an approximate 80 acre site at Fairfax and Kindleberger Rd in Kansas City, Kansas. As such, RACER has allowed the UG to participate in the marketing and selection of a potential purchaser/developer for the site, submitted by George Brajkovic, Director of Economic Development.
Tracking #: 130062
IV. PUBLIC AGENDA

Item No. 1 - APPEARANCE

Synopsis:
Appearance by Randy George for the Family Life Resource Center following up on a grant that was submitted.
Tracking #: 130069

V. ADJOURN
The meeting of the Economic Development and Finance Standing Committee was held on Monday, January 7, 2013, at 6:00 p.m., in the 6th Floor Human Resources Training Room of the Municipal Office Building. The following members were present: Commissioner Holland, Chairman; Commissioners Kane, Maddox (arrived at 6:01), McKiernan, Barnes, and BPU Board Member David Alvey.

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

II. Approval of standing committee minutes from December 3, 2012. On motion of Commissioner McKiernan, seconded by Commissioner Kane, the minutes were approved. Motion carried unanimously.

III. Committee Agenda:

**Item No. 1 – 130002…1 RESOLUTION/2 ORDINANCES: PLAZA AT THE SPEEDWAY**

**Synopsis:** One resolution and two ordinances relative to the Plaza at the Speedway, submitted by Lew Levin, Chief Financial Officer.

a. Resolution to enter into a third amendment to the redevelopment agreement with Plaza at the Speedway. This amendment will allow the UG to proceed with TIF and TDD bond financing.

b. Ordinance authorizing the issuance of Special Obligation Tax Increment Revenue Bonds (Plaza at the Speedway Project), Series 2013, in the maximum principal amount of $34,500,000.

c. Ordinance authorizing the issuance of Taxable Special Obligation Sales Tax Revenue Bonds (Plaza at the Speedway TDD Nos. 1 and 2 Project), Series 2013, in the maximum principal amount of $10,500,000.
Lew Levin, Chief Financial Officer, stated before you this evening is several actions relating to financing at the Plaza at the Speedway. We feel pleased we are finally in this position. We have been looking forward with this financing about four or five years or even longer. Doug, did you have any introductory comments before I talk about the specifics of the financing.

Doug Bach, Deputy County Administrator, stated for a few of you Commissioners this is a project that came about really before you were here so I’ll give it a little of a set up. As we were working out in that area looking for the expansion opportunity, this developer approached us about doing some of the big box development that was coming into the area. Our push back to them at the time was we didn’t want to see a one all type of development. We didn’t want to see us come in, slot in, and do a Walmart and a piece. They were kind of looking at various levels of assembly. We worked back with them so they went after and assembled a large chunk of property at that time. We also put a lot of requirements on them about how they would design it and make it look like it belonged out in the area near the Village West area, also the berm and the wall between the neighboring residential area. There was a lot of things that happened in this project that put some cost back on them and that’s really the initiative where this came from, why they did the TIF that they did and they moved forward with it to make it work. As it advanced forward over the time unfortunately we hit the recession that fell into play after this was approved in 2006. Fortunately for us, the developer forged on forward and keep moving forward. If you think about a lot of projects that started right around 2007 they died or went into a real stagnant state at that point, ours kept moving forward. We weren’t able to move forward with the bond issue as it was proposed that we thought we’d be able to get done. Their lenders let them keep the project funded. They kept moving forward. We had to do some restructuring in the deal. I think what Lew is going to go through and outline to you is a good deal for us. It puts us in a better financial position then we are in today and it helps the developer go forward and fund different aspects of the project that they need to move to the final stages of the project.

Mr. Levin stated present in the audience this evening our three individuals that have really been involved in this project, Joe Hemberger with McAnany Law Firm has been involved as the lead drafter of the various development agreements that have occurred over time and worked on this
third amendment. John Hansen of Integra Realty is here representing the developer. I think Matt Webster of Oppenheimer is involved as the investment banker on this transaction. They are available for any specific questions. I want to try to go through briefly and summarize each of the three actions that are before you this evening.

The first action is an amendment to the development agreement. We feel, from the Unified Government’s perspective, pleased with this amendment. It contains several items. It spells out specifically the amount of the financing that will be in the project. It establishes a split of sales tax revenue and specific timelines for property tax pledge to the TIF District. Essentially, property tax is a pledge for each parcel, once developed, for a ten-year period. For example, Walmart has already received the property tax increment for the past three years that it has been opened. They are only going to receive that increment for seven additional years.

The last item that we’ve included in this amendment specifies an ongoing funding using Transportation Development Districts for maintenance of the berm. This has been an important issue to the community adjacent to the development. It spells out essentially that the Unified Government will direct that maintenance of the berm and that on a quarterly basis a minimum funding is established to pay the costs for that maintenance.

Commissioner Barnes stated when you say the maintenance of the berm and you’re saying $35,000 a year -- Mr. Levin stated correct. Commissioner Barnes stated it’s going to cost that much to maintain a berm on a yearly basis. Mr. Levin stated that’s essentially what it costs approximately this year.

BPU Board Member Alvey stated this includes irrigation I assume. Mr. Bach stated yes, it costs. Understand what Lew is saying. We are using this as a backstop. The maintenance of the berm is still the responsibility of the developer to be done; however, we’re taking it to make sure it gets done and then we are submitting the bill to them, they pay us. If for some reason that payment didn’t get made, then we can draw upon revenues from the TDD to backstop it until that payment is made.
Commissioner Barnes stated what I’m most concerned about is if the money is not used. That’s an guestimate. I assume that’s a guestimate the $35,000. What happens if the money is not used? Mr. Bach stated it goes in the TDD fund and they can use it for what they had originally intended it to be used for. Commissioner Barnes stated that’s my concern. Is that if that’s a real number, the $35,000, or is just an additional funding mechanism for them to do other things. If we are approving money for a berm and it’s not being used for a berm -- Mr. Bach stated it’s not additional funding. Actually, what would be happening here is we would be taking the money away from them if we use it for the berm funding. Commissioner Barnes stated I understand, I agree with that. If you don’t use it for the berm fund, it’s goes into the TDD. It almost looks like we’re using the berm fund to raise funds for them to do something else with. That’s my concern. Mr. Bach stated the TDD is already established. Commissioner Barnes stated if they do what they’re supposed to do and if the $35,000 is not utilized for maintenance of the berm, what happens to the $35,000? Mr. Levin stated 20 years from now the developer will have access to that $35,000. Commissioner Barnes stated that’s what I’m saying. It looks like we’re using the berm to raise funds is what I’m saying. Mr. Levin stated it’s actually money the developer is not receiving upfront. It’s not going to be available to them for a 20-year period. Commissioner Holland stated it’s their money in the agreement and we’re taking it from them to do the maintenance. If it’s not getting done, we have the authority to take it automatically in the development agreement so we don’t have to go through the shenanigans.

Commissioner Kane stated this wall has been a really bad deal. I agree with $35,000. I love the overall project. I just don’t like more of the fence. If they’re not doing it and we’re going to do it, that’s fine but if they don’t do it we ought to fine them and then do it. Mr. Levin stated you can say we are fining them because we are taking $20,000 and instead of money going to the developer it is going to go to replace money in the berm account on a quarterly basis. Commissioner Kane stated so you’re telling me the $35,000 is the same as a fine. We are going to do it then bill them. Mr. Levin stated if they don’t meet their obligations, then we have the ability to distribute money from the TDD quarterly to the developer. We are going to look at first is that berm account fully funded before we pass those funds on to the developer so the developer will receive it.
Commissioner Holland stated it sounds like to me the berm has been a problem and rather than waiting and complaining and fining them we’re just going to cut it and bill them. Since we have access to their revenue stream in this development agreement we’re going to make sure that costs comes to the citizens first for doing it before they get their money. According to the way this TDD is set up, they are collecting the sales tax and then we have to pay it to them as part of the development. What we are putting in this development, we are changing our development to say yes we’ll pay you your money that we owe you, but we are going to hold back the money that we are going to spend to take care of the berm that hasn’t been adequately cared for. Is that right? Commissioner Kane stated is $35,000 enough? Mr. Levin stated that’s what Public Works has estimated and we have cost of living escalator in it, two percent.

Commissioner Barnes stated so say for instance after five years you have $100,000 in there, can they borrow against it, can they use it, do they have access to it or does it become a financing tool for them to use? Mr. Bach stated it doesn’t build up. The escrow account stays to what we need to cover ourselves through a quarter. As long as we do the work, charge them the bill and they pay for, we don’t ever draw any more money from the TDD back into it. They get the use of the TDD just like the original development agreement plan. It doesn’t get any bigger than this amount. Commissioner Barnes stated it doesn’t get any bigger than the $35,000? Mr. Bach stated right, other than the COLA. Commissioner Kane stated if one year they use $10,000, they get $10,000 more and the next year if they use $15,000, they get $15,000. Commissioner Holland stated from their money. Mr. Bach stated we replenish it. We will build it back up from the TDD from the quarterly draw. Commissioner Barnes stated the maximum in that account will be $35,000. Mr. Bach stated $20,000 in the account. Commissioner Holland stated no more than $20,000. It is a quarterly basis. It is an annual cost. Mr. Levin stated initially we are putting $35,000 into the account. BPU Board Member Alvey stated I like this better than a bonding agreement.

Commissioner Kane stated he says it $20,000 and you are saying it’s $35,000. Mr. Levin stated we are going to start with the initial funding of $35,000. On a quarterly basis we can put $20,000. If they spend $20,000 then we can spend $25,000 to build it up. Over the course of a year in theory we can put $80,000. Commissioner Kane asked are one of these guys going to
be responsible for that? **Mr. Hansen** stated the way it reads is the $35,000 is an annual cap. We felt that on a quarterly basis if there were $40,000 in there, that would cover it, each quarter. That is $80,000. If the annual cap is $35,000, we felt $20,000 was sufficient. If we believe it’s not sufficient, that is should be $35,000, initially $35,000 each quarterly review, we will deal with that. **Commissioner Kane** stated it is $35,000 and we’re adjusting it to $20,000. **Mr. Bach** stated we went and had Public Works, Mike Tobin and Bob Roddy work out and the number and came back with the numbers and came up with this.

**Commissioner Holland** stated there is $35,000 in this account. Somebody goes out there and pushes a mower across it and we bill them. We bill them $15,000 for that quarter. It costs us $15,000 for that quarter to mow that berm. Now there is only $20,000 in there. That next quarter we can replenish that amount of money up to $20,000 at a time from their own revenues that we already owe them. It’s their money that we are withholding to mow this grass.

**BPU Board Member Alvey** stated with the first tap on the stream of revenues.

**Commissioner Barnes** stated I was just trying to get the total amount for maintenance of the berm annually, that’s what I’m asking. **Mr. Levin** stated Public Works has estimated $35,000 will be sufficient. **Commissioner Barnes** stated annually, but you’re putting $20,000 in there a quarter. **Commissioner Holland** stated if needed. **Commissioner Kane** stated sometimes they’ll have to have mulch and stuff like that and other times they won’t, winter time. They will cut it more in the summer and in the fall. I promise you Lew and everybody else I’m going to be all over this.

**Mr. Bach** stated I hope we’ve come up with a solution here because of all the big things and stuff going on with the project this berm as caused you and all of us more problems and issues than anything than it ever should of and that’s why the way we structured this agreement allows us to get out there and probably do what we probably didn’t want to do, but on the frontend we can just make sure that it’s taken care of. We assume they are going to reimburse us and pay us for it, but if they don’t and I don’t think their lenders or anybody will like us tapping into the TDD revenue source because that’s to reimburse them for costs they’re already out of pocket, so
I don’t think that’s ever the plan; but it’s there in case it’s needed and this covers us for however many years are left.

**Commissioner Barnes** stated you kind of explained it for the ones that weren’t here at the time when all this transpired, but normally you usually have some comparative of additions or strikes from the previous agreement. Is all of this new stuff? **Mr. Levin** stated it doesn’t show the changes but I will review these for you. **Mr. Bach** stated Joe is our attorney working for us from McAnany on the outside and he worked on the original deal.

**Joe Hemberger, McAnany Law Firm**, stated working from memory Commissioner - **Commissioner Barnes** stated not just for me. I don’t know if anybody else wants to hear it but I’m just saying normally we would have those comparisons available to us to make it clear. Right now I have somewhat of a recollection of what’s happened over the past but we have two or three new people here. I don’t know if they want that information and I don’t want to bore them with it if they don’t want to hear it. I was just pointing out the fact that normally we would have here is what we are presenting tonight and here’s what the difference is from what had in the past. It made it a lot clearer. If you could have it available for the full Commission or something. **Mr. Levin** stated I think what you are requesting is simply a red line copy of the previous amendment. We can provide that. I am ready to go over some of the changes.

Probably in addition to the berm the item that is from our perspective that is a significant change is the sharing sales tax revenue. The terms that the Unified Government - once we went to permanent bond financing we would only receive 5.5% of sales tax revenues plus 50% of any excess from needed for the bond issuance. What we’ve changed that is that for the next four years through 2016 we are going to get 15% upfront plus the split of the 50% of excess share of revenue. On an annual basis we are projecting that can be as much as $700,000 additional sales tax revenue to the Unified Government. That’s a key thing. The reason we wanted to make that change through 2016 in particular is that if you remember the STAR Bonds are projected to be paid off by the end of 2016, so that really provides an additional revenue source to the government over the next four years.
**Commissioner Holland** stated this did not drawdown STAR Bonds. **Mr. Levin** stated this is not on STAR Bonds. The amendment change gives us greater access to the sharing of sales tax revenues. We’ve specifically identified terms for property tax abatement and I think in the original RFA that went out Thursday was not attached. It was attached to the formal publication for this meeting. I wanted to make sure you had that available before you considered this item. For example, it says Walmart is first on the page. It’s TIF tax years are from 2009 to 2018. They will expire and then it lists out each additional property. The bottom half of the page specifies for the undeveloped parcels. If and when they are developed, the developer will receive the pledge that property tax increment for a ten-year period. If it’s not developed, for example, for five years; they may only receive that increment for a five-year period.

**Commissioner Barnes** stated we are locked in on these so there is no way - can they protest this at a later date? **Mr. Bach** stated the values are subject to annual evaluation. There is no fixed PILOT based on their valuation. **Commissioner Holland** stated so they can sue us for their value. **Mr. Bach** stated they can. At this point and especially for their first ten-years, whatever they reduce the value is a direct payment back to them.

**Mr. Levin** stated our pledge on this bond issue is what’s considered a private placement. We are working with Mission Bank and they are going to be the purchaser of the bonds. However, the risk is totally going to be on Mission Bank. We have no general obligation bond backing to it. If a property tax protest was done and the revenue stream is lower that would essentially result in less money available towards bond payments. The risk isn’t to the purchaser of the bonds. **Commissioner Holland** stated is it pretty standard practice to have an agreement with bond purchasers that you won’t do that, that they won’t protest. **Mr. Bach** stated I don’t think that is one we can legally put in place where they don’t have the right to protest their taxes. **Commissioner Holland** stated I mean with Mission Bank in agreement to buy these bonds, would they not put in a piece in there to say while we are buying your bonds please don’t protest the valuation to lower the revenue stream. **Mr. Levin** stated right now Walmart is already developed for example so they don’t have any leverage with Walmart. Walmart has the right as any corporate citizen to protest. **Mr. Bach** stated I don’t think we’ve had a lot of issues or as much in this area. If there’s been some protest, it’s been fairly standard. Nothing really
outrageous we’ve seen. **Mr. Levin** stated we did put an amendment that addresses this. No I’m thinking that’s in the Indenture. **Mr. Bach** stated there are some provisions in the Indenture. **Mr. Levin** stated the Indenture is the governing that bond counsel prepares on how money is distributed. If there is a protest in place we are going to hold, I believe the number is 20% of the taxes in case we have to have a rebate back to the protestee.

**Mr. Bach** stated we are not at risk on the bonds at all. If they protest and lower the value, there is no impact back to us.

**Mr. Levin** stated if you turn to that page that says Executive Summary we have a little more detail on the structure of the bonds. One of the key things is that we are establishing interest rates for a 24-month period and then there is a slight 1% bump thereafter but we have the ability to call the bonds. That gives us a little flexibility after two years of projects performing stronger than it is today or projected to we have the ability to seek a more attractive financing and in that instance we would have more money to share prior to distribution to the developer. That was the key point negotiated with the developer. **Commissioner Barnes** asked is there a fee involved for us going through this process all over again with them and did we capture any dollars? **Mr. Levin** stated there is a bond issuance fee and we will capture that total. There has been some clause that we had agreed to that we are not going to be reimbursed to the government until this financing occurs and they are actually pretty significant. We had $488,000 in street related improvements that with this bond issuance we will capture from the TDD immediately. We’re also going to reserve approximately $450,000 that the bank trustee will hold for future relocation of utility poles. We were waiting to finish that on the permanent financing of this issuance. On the bond issuance fee we are going to get approximately $128,000.

**Commissioner Barnes** asked do we capture the number of manhours spent on projects like this. **Mr. Bach** stated internally we don’t really track it. Externally any outside fees we know what those are and we try to balance those so we won’t spend that much. Internally we don’t capture all our hours.
Mr. Levin stated the main thing is this financing really removes any future obligation from the government to the developer based on the terms of our initial agreements. Commissioner Holland asked do these terms assume the full functioning of Sam’s Club. I know these negotiations began before that opened. Mr. Levin stated they do and that’s one of the reasons we wanted to add the ability to call the bonds in two years because if we knew with a little greater certainty how Sam’s Club was going to perform over an extended period, and that extended period might be six to twelve months. We might be able to do a different type of sale other than a private placement and possibly get lower interest rates. We wanted to maintain that ability to look at how the Sam’s Club is performing.

Commissioner Holland stated is it appropriate to know there is a lot of empty parcels out there that are listed here. Are there any announcements pending in terms of more development out there? I know Sam’s was a big announcement. Is there anything else coming soon? Mr. Bach stated I don’t know that we have anything pending. John, do you know of anything you could speak of tonight that would be available you could tell the Commission. John Hansen, Integra Realty, stated our firm has been the financial advisor to the developer since about 2004 on the project even in the very beginning stages of contemplated projects. There aren’t any specifics that I can share with you, but I can give you a couple of data points. One small multi-tenant building is nearing completion and/or opened at this point. We have contracts being negotiated on two additional pad sites on Parallel and we have a significant interest from junior anchors who would go in line between Sam’s and Kohl’s. While we can’t share any specific tenant announcement at this time because we are having conversations with these folks, there is a lot of activity out there. In general the retail market is looking up quite a bit at this time. This financing will help enable to free up capital for us to be able to expand the project.

Commissioner Holland stated the building built by Best Buy is that a building that could be turned to another tenant easily? Mr. Hansen stated Best Buy owns that building. They are marketing that building for sale or lease, however they would like to do that. I don’t have any specific update or news at this time. There are some tenants that are appropriate size to take that building or it’s possible it could be two tenants that could take a building. Commissioner Holland asked does your development work to make that happen or is that totally Best Buy’s
Mr. Hansen stated obviously Block & Company is a very active retail broker in the area. If they have interest from a tenant, they would certainly bring that to Best Buy’s attention and their own tenant representation of that space. Yes, we would bring and are interested in bringing but we do not control the space. Commissioner Holland asked do you anticipate what percent built out in the next two to five years? Mr. Hansen stated we anticipate that over the next five years the entire center will be complete. There has been a recent appraisal on the property. We’ve seen a draft of that appraisal and that independent third party projected a four year absorption of the project and thinks that is conservative. Mr. Bach stated I will add the junior anchors and the Best Buy noted, the revenues from those projected are not built into the revenue stream we put in this bond issue so those would add to over and above what the developers share in our 15% would be and allow us to do a public sale which would be better to. Commissioner Holland stated so it could accelerate the payout. Mr. Bach stated yes.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve a resolution to enter into a third amendment. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve ordinance authorizing Special Obligation Tax Increment Revenue Bonds. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve ordinance authorizing Taxable Special Obligation Sales Tax Revenue Bonds. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland.

Item No. 2 – 130010…CLARIFICATION: HOUSING TAX CREDIT POLICY

Synopsis: Clarification of the procedure for implementation of the Housing Tax Credit policy.

January 7, 2013
**Jody Boeding, Chief Counsel**, stated you requested by our procedure under our Housing Tax Credit Policy. The State of Kansas requires a local review process prior to consideration of Housing Tax Credit proposals and they will not consider an application without a Resolution of Support from the local government. The Commission has adopted a policy, a Housing Tax Credit Policy and that policy provides that an applicant must first meet certain prerequisites outlined in the policy and then must obtain a minimum of 50 points under the policy criteria in order for the application to be forwarded to the Commission for Resolution of Support. It has various categories. The policy provides the applications are reviewed by staff and forwarded to this standing committee for review before forwarding to the full Commission. Since the Commission adopted the policy that sets out the criteria, those are the criteria that you are looking at. The function of this committee is to review whether the points have correctly been tallied under the policy.

**BPU Board Member Alvey** stated in other words if this committee reviews and decides that the 50 points have been awarded fairly, is there really a need for a vote. Would you almost have to have a vote saying we do not find this to be in compliance. **Ms. Boeding** stated I would say that. If the policy provides you review it, it doesn’t really provide that you approve it so if you review it and find that the policy has the correct number of points have been accumulated, then you would just automatically go for it. **BPU Board Member Alvey** stated the only action you could really take is to vote to say this would not be the criteria. **Ms. Boeding** stated that the policy did not meet the criteria.

**Commissioner Maddox** stated I understand that with all respect but part of the LBE/WBE is still an issue. It should be a point of reference from as far as the Commissioners because those were put into form to be on a grading scale. **Ms. Boeding** stated it is in the policy if they obtain the 50 points without using the LBE/WBE/MBE it can still go forward. It doesn’t say which 50 points.

**Commissioner Holland** stated this is the policy level decision for the Commission. The selling point that Ms. Boeding brings up is our subcommittee, we worked it, but the whole Commission adopted the criteria. We don’t have the ability at this level to change the Commission’s criteria.

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We made a decision, right or wrong, as a Commission that LBE/MBE/WBE would be criteria points not required factors. We could recommend to the whole Commission that we want to change our grading policy and say if these aren’t met, then forget it, don’t even come forward; then those would have to be met at the beginning before we would offer any approval. What has happened, and this is why I asked for the clarification, is if we disagree with our policy and the way we awarded points to a developer we should recommend to the whole Commission a change in policy and say we want these criteria to be requirements rather than point achievers and then we would need to go to the whole Commission and say this is our recommendation in moving forward. The issue that she mentions in this lawsuit and the reason we went to this scoring criteria and I think we ran into this with McKiernan’s gold, silver, bronze crazy idea that got shot down earlier; we got sued because we were subjective. We talked about let’s make this objective criteria for people to meet and then we were back to being subjective again. The whole goal of the scoring thing is to keep us out of court and to make sure the scoring criteria is consistent across developers. The issue is currently we have a policy that says what is says and we may need to review that policy to make sure we agree with it because we might not. If we don’t agree with the policy, we can’t hold an individual developer to a standard different than the policy. It’s a policy decision.

Commissioner Maddox stated why didn’t that come in a memo like in our mailbox or something. That’s my question. If that was the feeling we were going to move forward on from Legal, why didn’t we have a document in our mailbox just spelling it out.

Commissioner Holland stated I asked for it to be brought forward to the meeting. I felt like as the chair of the committee we needed to be clear on our policy because if we disagree with the policy, we need to recommend to the whole Commission a change in the policy which is our bailiwick to do. That is our responsibility to do. We have two issues, one is if we have a question with the policy then we need to deal with the policy and when we take it to the whole Commission and ask the whole Commission to vote on it and if we want to change it we can. The second issue is once the Commission has adopted the policy we are obligated as a subcommittee to honor that policy in how we ratify groups moving forward. If a group meets the Commission policy with points, and this is going back to being objective instead of subjective, if
they’ve met the criteria the Commission has adopted, and that’s us too, then we need to ratify that and move it forward. If we review it, which is the responsibility we have to review those applications and we say wait a minute this was scored wrong, there is a check and balance with the staff that we have to say no this needs to be scored right or scored wrong. The issue came in, it was scored right but we added criteria that the other Commissioner’s had not approved. That’s the issue. What we want to do tonight is come back and just know how our policy works and then we need to review the application before us because that is the one that they applied under. If we want to change the criteria it can only be for people who have not already applied, is that right. If they’ve applied under the current policy, they’ve applied under the current policy. Ms. Boeding stated I believe so. Commissioner Holland stated so if we don’t like our policy we can say we don’t want our staff receiving anymore until we get this policy fixed or we can continue to receive applications because we made a decision awhile ago to receive rolling applications through the year. That was a policy change we made rather than saving them all up for one time. We need to either, we already have some applications under the current policy, which we have to honor the current policy. If we don’t like the policy we can put a hiatus on this and say we don’t anymore Section 42 tax credits coming to us until we review the policy again. Then, we can start receiving new applications with a new policy if we’d like to. Is that clear, I’m just trying to be helpful here.

Commissioner Barnes stated I just totally disagree with what we have here right now. If we are going to talk about, for instance, what Commissioner Maddox mentioned with LBE/WBE stuff maybe it should be a prerequisite or something like that to start with and not even a part of the point system period. This seems like we’re creating a rubberstamp committee that when something comes that is not subject to approval, it’s already approved when it comes to us if they’ve met the 50 points that we set out. I have some squeamishness about that when it comes to the committee that there is no action we can take other than the fact of reviewing what has already been reviewed by professional staff and presented to us. As a governing body -- this says right here and we do it all the time that I cannot add a stipulation once it comes to us. That’s what is says. Right now we add stipulations to everything that comes to our community. Everything that comes through Planning and Zoning we don’t change but we say we want to do this, we want to vote in the positive on this matter with the stipulation that you get the property
cleaned up or with the stipulation that you agree to do this or agree to do that. I really think this sets precedence for something other than just this particular issue if we have a policy in place. I haven’t seen one thing that we can’t change at City Hall at one of our meetings where we have ten people voting on it. This right here is telling us that we are going to put you into a box and you can’t change it under no circumstances whatsoever unless you have a policy change. I totally disagree with this ruling on this process. It reads additional criteria other than those already set out in the policy are not permissible. I can’t say I want to change something with stipulations. I don’t think that’s the intent of law for us not to be able to act as legislators and not move forward with opportunities for stipulations so I totally disagree with it. If that’s the case, we need to send it back until we get it resolved.

**BPU Board Member Alvey** stated I understand what Ms. Boeding is trying to say here. Once again, when we have a developer approach the city to try and bring forth a project we set out a set of criteria that’s under the UG perview to determine what those criteria are. Once we set that out we obligate them to meet this criteria. We at the same time obligated to abide by those criteria. It just would become arbitrary I think if we could say we have a policy and a procedure that everyone is legally bound but we’re not going to follow it in this case and change policy in the process. That’s not good government. I just don’t see how that works. If the development community such as it were, perceived us as making arbitrary requirements, I wouldn’t take a risk.

**Commissioner McKiernan** stated I think this kind of just points out our ongoing obligation. Every time we make a decision we have to ask ourselves do the rules and regulations that we are currently following meet our needs. Do they help us accomplish the objectives that we want to accomplish? Every time we make a decision, so did it work this time, if the answer is ever no, then we’ve got a clear charge. Change those rules to the processes that we already have laid out for any future case that comes forward but not at this time, not retrospectively. I really do think that if we want to add, if we want to change the policy to say that for due cause a Commissioner may add a stipulation, whatever it might be. Then that is our right and as a matter of fact it’s our duty if we don’t think the policies and procedures are serving the needs of us and the community, we change them. I really do think that it kind of points back to us. We have this ongoing
obligation to make sure that every time we make a decision things are working the way we want them to work from a policy and procedure point and if not, we fix it.

Commissioner Holland stated I think we could easily put as a criteria for our Section 42 approval LBE/MBE/WBE goals because if they want our Unified Government support, it’s legitimate to for us to say we want minority own contractor’s, women owned contractor’s, local owned contractor’s involved in these projects. I don’t know why we couldn’t do that as a part of the stipulation and it would depend, we do this on all of our development agreements, we have done these tax abatements with the PILOT programs which have allowed us to put those stipulations on projects and has proven to be a very smart tool for us. If someone comes in free market and they don’t want anything from us, we don’t have any right to put those stipulations on there. If they are not getting anything from the Unified Government, they don’t have to follow our rules. They have to follow our zoning rules. If it’s there private capital and they want to do it without our financial input -- we made a decision as a Commission if we’re putting money into this project, we want LBE/WBE/MBE. We’ve made that very clear on all of our projects. We could do that with our Section 42 tax credit application process. What we need to do though, we need to evaluate the project that is before us and then we need to tea up for another one of our standing committee meetings to go through the criteria again, which we have done several times but I think we continue to do it, and make sure that we are not offering points for something that are really criteria. If it’s a criteria it shouldn’t be a point. You either get it or you don’t and don’t come forward without out. There are some things that we believe that you shouldn’t come forward without. That’s not how we wrote our policy. Right or wrong we made a mistake but we also had developers applying in good faith under our policy that we voted on and we need to honor that policy. I asked for this presentation today to get it on the table. I would ask for our staff to come forward at our next standing committee meeting with the criteria and to spend some time evaluating the criteria. I would ask each of the Commissioner’s to do is when you get your packet to go through those criteria and say which one of these should be required versus points or maybe some things that we just ramp up the points that it qualifies for. I don’t want something as important as LBE/WBE/MBE to be lost in a rack of points when we think it’s more important than one or two points.

January 7, 2013
**Commissioner Barnes** asked did we get that corrected anyway, that was one of the issues that we were supposed to correct on whether it was ownership or participation. **Commissioner Holland** stated that’s right and we would have to clarify that and this is where Mr. Alvey’s point is valid. We need to tell the developers what the criteria are and then respect them when they meet it. If we wrote it wrong and it feels like they are sneaking around our policy, then we need to fix our policy, not the individual developer. I think that is the key.

**Commissioner Kane** stated I’ve been here coming up on eight years. Normally if staff thinks we made a mistake or something like that, they call us and say let me have a couple minutes of your time and they say you know what you did last night maybe wasn’t quite square. In my mind it’s like they are trying to whip us because I voted against this thing last night. I’m going to ask the same questions every single time. That’s who I am and that’s how it’s going to go. I would appreciate and I actually thought we had this somewhat worked out because I think the project coming up is a good project, but to bring this forward now and then the next thing we’re going to work on, all you bad boys you have been bad so I just think it was disrespectful to at least me. **Commissioner Holland** stated I’ll take full responsibility for this Commissioner Kane. I asked the question because my concern going forward was the reason we adopted this point system was we got sued and lost. That was my concern. If we adopted this gold, silver, bronze thing I think we’d get sued and lose. My goal is to keep it objective. My goal was not to be confrontational or anything but just to get a legal review to make sure we are all on the same page and we’re moving forward in the right way. That was my intent. I would apologize publicly if that was any a front to you, that certainly wasn’t my intention. It certainly is not legal staff’s responsibility that I asked her to do that.

**Commissioner McKiernan** stated we actually have a copy of the point system, the scoring sheet the Section 42, it’s in our packet. It’s got the scoring for this particular project on it. We don’t even have to wait for the next time a packet comes out. We can actually, proactively go through what’s in there now and do just what you said. We currently have eight that are required. You either have it or the project does not move forward. We have an opportunity to look through the rest of those prior to our next meeting and really bring forward. If we really believe there is
some criteria that you either have or don’t move forward, we have the capacity to change the policy.

**Commissioner Holland** stated and the responsibility. **Commissioner Barnes** stated the criteria versus points. I think there are some things that have to be in place period. **Commissioner McKiernan** stated right and we have the capacity to put them in as required. **Commissioner Barnes** stated I just want to say additional criteria other than those already set out in the policy are not permissible, I have a problem with that. **Commissioner McKiernan** stated let’s change it. **Commissioner Barnes** stated I have a problem with somebody telling me as a legislator that I have to be a rubberstamp committee to policies that we put in place and I can’t touch them. **BPU Board Member Alvey** stated I’m not sure that’s something we can fix. There is a legal obligation on the part of the government to state clearly what it’s policy are so that anyone that comes forward to seek some kind of a benefit or approval by a municipality or city to say these are the playing rules, I see them. We’ve worked on these and then they bring it forward and they say we’re throwing this on top of it, that doesn’t work. If we’re saying that we have a set of criteria – If the agreement is a set of criteria and there is a set of standards that you have to meet in order to earn points to get the approval of the Commission, then we have the obligation to live by that. **Commissioner Barnes** stated I don’t understand the purpose of having a Planning Commission then. If the criteria is set, why do we need a Planning Commission. If it’s set, it should come directly to us. We don’t need a Planning Commission. There is no purpose for a Planning Commission if it’s set in stone, that you answer this. You are going to build a house why go to the Planning Commission. I think the policy should say that subject to additional stipulations as presented by the board itself. When you come forward, yes you’ve answered all of the basics but there is a possibility that somebody might get a bird in their saddle and say I think you need to do this right here. I’m just throwing the ideas out there. It’s not for debate. I know there is nothing written in stone. **Commissioner McKiernan** stated this is a very narrow application of this and so I don’t think it’s fair to equate the Planning Commission to this particular application which is a very narrow slice of the pie as opposed to a much broader Planning Commission. We have our first proposed amendment to our scoring sheet for consideration at our next meeting.
Ms Boeding stated I do recommend that you consider the two applications before you tonight under the current policy. They meet the current policy. Let it go forward to the full Commission under the policy as it’s written now rather than changing the rules of the game.

Commissioner Holland stated what I want to do after we address the other two is I want to ask this group do we want to ask our staff not to receive any other applications until we’ve addressed the policy or do we want to continue to receive them under the current policy. Commissioner Barnes stated I think we can do both as long as we inform them that there is a possibility of policy changes before this makes it to the Commission. I don’t want to turn nobody away.

BPU Board Member Alvey stated it just seems to me that when you set policies, because my day job is policy and it is a legal contract. If I in any way violate the policy as its set, I’m subject to a lawsuit.  The school is subject to a lawsuit.  We can’t send dual messages. We can’t say go ahead and go under this policy and we’ll accept it but it could change.  I’m approaching the UG to try and get approval for the Section 42.  It just makes it appear as we’re being arbitrary. Whatever message you want to send that’s the message you send.

Commissioner McKiernan stated my suggestion would be that if we really do want to deliberate and reconsider the criteria, my suggestion would be that we do not accept any further applications if there is a chance that we could reconsider the criteria.  We clear the one’s that we already have submitted and then call a moratorium, reexamine our scoring, and then open it back up again, that would be my suggestion.

BPU Board Member Alvey stated I think there are two issues.  The first issue is the process that’s in the policy.  The second is whether LBE/MBE/WBE is important.  It certainly is but there are two separate issues.  By saying we need to go look at the policy we are not in any way devaluing the need for the LBE/WBE/MBE.

Commissioner Maddox stated with all due respect to the policy and all that I don’t like feeling like I’m being pushed in a corner and that is what this whole scenario makes me feel like on the surface.  I wanted to say that for the record.  In the future, if it happens again, I’m going to vote
the way I vote regardless because I don’t like feeling like I’m being pushed in a corner so I’m just saying that for the record.

**Commissioner McKiernan** stated I would say that it’s the law which is doing that and that’s what law does.

**Commissioner Holland** stated we’ve all inherited policy that was presented to us by the Commissioners who came before us. We haven’t all been around when the laws were established. We are obligated to follow the laws that we’re given to us that we inherited and to change the ones we disagree with. When I feel pushed in a corner with a policy that I don’t like our own government does, my responsibility is to change that policy or to try and change that policy. If you can get a consensus to do it then we do it. I think our legals staff job is to keep us out of court.

**Ms. Boeding** stated we had the previous case and I put that in the memo and that is the reason I recommend considering the current applications the way I have.

**Commissioner Holland** stated I want to be clear for staff and I don’t know if we need a vote for this. Is there a consensus that we are not receiving additional applications until after next month when we review our policy, is that the consensus we have from this group? **Commissioner McKiernan** stated I would say yes. **Commissioner Holland** asked are we ready to hold applications until next month? **Commissioner Barnes** stated I’m not because I think we are making it a bigger issue than it really is. There are some people that have come to the table that have agreed to the crap and everything else and you are denying them the opportunity to come say I know you guys are crazy and I’ll still agree with your crazy rules and regulations and I still want to move forward. There are people that feel that way and so to deny those people an opportunity I just think that’s an injustice by doing so and there are some people that might even consider that as a strategy to screw them around in some kind of way, form or fashion. I think if somebody wants to go and throw caution to the wind and turn in an application I think they should be allowed to do it as long as they know the consequences and the risk factor. As long as you tell them there is a risk involved if you want to go forward fine and dandy.

January 7, 2013
Commissioner Holland stated what we want to direct staff to do then is next month at our next standing committee is we want to review our policy again and if someone comes to apply during that timeframe they should be notified that the policy might be change. Is that right? I will also say just a disclaimer, the current developer coming forward had nothing to do with this conversation.

**Action:** No action

**Item No. 3 – 120351...APPLICATION FOR HOUSING TAX CREDITS: TARTAN RESIDENTIAL**

**Synopsis:** Application by Tartan Residential, Inc. for the use of Section 42 tax credits for the Buchanan's Crossing project, a 100% accessible single-family home community serving disabled veterans and the mobility impaired at 706 N. 65th St., submitted by Charles Brockman, Economic Development. This is a revision to what was presented to the committee on December 3, 2012.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland.

**Item No. 4 – 130001...APPLICATION FOR HOUSING TAX CREDITS: CHWC AND MESNER DEV.**

**Synopsis:** Application by CHWC and Mesner Development Corp. for the use of Section 42 tax credits for the House to Home Escalade Heights project located within Project Area B of the Escalade Heights TIF, submitted by Charles Brockman, Economic Development. The $4.8M project consist of related site work, the construction of 5 market rate homes that will be for sale and 16 lease purchase homes. All units will have two car garages, three bedrooms, and will be energy efficient.
Mr. Brockman stated CHWC and Mesner Development has submitted an application for a Resolution of Support and they have met the minimum score of 50.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland

**Item No. 5 – 130006…RESOLUTION: DISTRICT #3 SALES TAX FUNDS**

**Synopsis:** A resolution to enter into an agreement with Argentine Betterment Corporation, Inc. for the use of approximately $13,650 of available District #3 sales tax funds for the Metropolitan Avenue Redevelopment project, submitted by Charles Brockman, Economic Development.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Barnes, to approve. Roll call was taken and there were six “Ayes,” Alvey, Kane, Maddox, McKiernan, Barnes, Holland

VI. Adjourn

Chairman Holland adjourned the meeting at 7:05 p.m.

tk
TO: Economic Development and Finance Standing Committee

FROM: Lew Levin, Chief Financial Officer

SUBJECT: Quarterly Investment Report, December 2012

DATE: 1/30/13

Attached you will find three schedules entitled “Investment By Type, Interest Revenue Earned, and Cash By Fund Type”.

The first schedule contains details of the Unified Government cash currently invested indicating investment type, date invested, maturity date, as well as interest rate.

The second schedule is a chart comparing the total interest earned, and the average invested for years 2009, 2010, 2011, and 2012 through December 31, 2012.

The third schedule indicates the total cash held by fund type.

These reports are presented for inclusion in the information packet to the Standing Committee members and no action is required.

cc: Cash Management Committee
INVESTMENT BY TYPE  
UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY /  
KANSAS CITY, KANSAS  
December 31, 2012

<table>
<thead>
<tr>
<th>Amount</th>
<th>Rate</th>
<th>Invest. Date</th>
<th>Mat. Date</th>
<th>Days to Mat.</th>
</tr>
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<tbody>
<tr>
<td>UMB, NBA, Wyandotte - Oper.</td>
<td>$84,156,000</td>
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**TOTAL REPURCHASE AGREEMENTS**  
$92,041,163  
**0.284% Average Rate of Interest**

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<tbody>
<tr>
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<td>First State</td>
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<td>0.250%</td>
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<td>Liberty Bank</td>
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**TOTAL CERTIFICATES OF DEPOSIT**  
$53,683,672  
**0.547% Average Rate of Interest**

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<td>UMB/ FHLB</td>
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<td>UMB/FNMA</td>
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**TOTAL U.S. TREASURY**  
$45,526,493  
**0.844% Average Rate of Interest**

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<td>TAXABLE TEMPORARY NOTES UG</td>
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**STATISTICS**

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<td>Total Investments</td>
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**Overall Average Rate of Interest**  

**Average Investment**  

**Weighted Average Yield**  

**91-day T-Bill Rate (Benchmark)**  

**Average Weighted Maturity**  

**Interest Posted Through December 31, 2012**  

**Total Investments are fully collateralized in compliance with the Unified Government's investment policies and K.S.A. 9-1402.**  

**Interest posted is calculated on a GAAP basis.**
### CASH BY FUND TYPE
**December 31, 2012**

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<td>INTERNAL SERVICE FUND TYPE</td>
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<tr>
<td>TRUST AND AGENCY FUND TYPE</td>
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</tbody>
</table>

**TOTAL CASH**                  190,733,062

The difference between the Cash by Fund Type and the Investment by Type report is the investment of reconciling items, such as outstanding warrants.
<table>
<thead>
<tr>
<th>Date</th>
<th>Category</th>
<th>Department</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 29, 2012</td>
<td>Operating</td>
<td>Police Department</td>
<td>Funds moved to pay for annual</td>
<td>$17,981</td>
</tr>
<tr>
<td>November 28, 2012</td>
<td>Operating</td>
<td>Works/Streets Public</td>
<td>Funds moved to pay for parts.</td>
<td>$20,010</td>
</tr>
<tr>
<td>November 27, 2012</td>
<td>Operating</td>
<td>EMS Fund</td>
<td>Cover cost of medical supplies</td>
<td>$100,000</td>
</tr>
<tr>
<td>November 8, 2012</td>
<td>Operating</td>
<td>Parks/Sunpower</td>
<td>Cover Expenses through fourth quarter</td>
<td>$25,000</td>
</tr>
<tr>
<td>October 31, 2012</td>
<td>Operating</td>
<td>Water Pollution Fund</td>
<td>To pay for Diesel Fuel through the fourth quarter</td>
<td>$29,000</td>
</tr>
<tr>
<td>October 16, 2012</td>
<td>Emergency Replacement of vehicle</td>
<td>Sheriff's Department</td>
<td>Long haul internal transport</td>
<td>$25,000</td>
</tr>
</tbody>
</table>
Staff Request for Commission Action

Tracking No. 130040

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 1/14/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 1/17/2013

Confirmed Date: 1/17/2013

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

<table>
<thead>
<tr>
<th>Date: 1/11/2013</th>
<th>Contact Name: Deputy Chief Craig Duke</th>
<th>Contact Phone: 5950</th>
<th>Contact Email: <a href="mailto:cduke@kckfd.org">cduke@kckfd.org</a></th>
<th>Ref: cg</th>
<th>Department / Division: Fire</th>
</tr>
</thead>
</table>

Item Description:
In 2012, the Fire Department submitted an application to FEMA for a Staffing for Adequate Fire and Emergency Response (SAFER) grant. The department was awarded the SAFER grant in the amount of $1,991,264 to be utilized toward the hiring of firefighters in 2013. The department plans to train and hire 16 firefighters in 2013. The period of the grant is March 2013 through March 2015. No matching funds are required.

Action Requested:
Request acceptance of the grant.

Publication Required

Budget Impact: (if applicable)

Amount: $0
Source:
- Included In Budget
- Other (explain)

File Attachment
Mr. Kevin Shirley
Kansas City, Kansas Fire Department
315 North 6th Street
Kansas City, Kansas 66101-2876

Re: Grant No. EMW-2012-FH-00391

Dear Mr. Shirley:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2012 Staffing for Adequate Fire and Emergency Response (SAFER) grants has been approved. FEMA’s Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to $1,991,264.00. The Federal share is $1,991,264.00 of the approved amount and your share of the costs is $0.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval, via an amendment request, from FEMA.

Once your period of performance has begun, and if your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-274-0980.

Sincerely,

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection
AGREEMENT ARTICLES

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE - Hiring program

GRANTEE: Kansas City, Kansas Fire Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2012-FH-00391

AMENDMENT NUMBER:

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<td>Article II</td>
<td>Grantee Concurrence</td>
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<td>Article III</td>
<td>Period of Performance</td>
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<td>Article IV</td>
<td>Amount Awarded</td>
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<td>Article V</td>
<td>Financial Guidelines</td>
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<td>Article VI</td>
<td>Prohibition on Using Federal Funds</td>
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<tr>
<td>Article X</td>
<td>Central Contractor Registration (CCR)</td>
</tr>
</tbody>
</table>

Article I - Project Description

The purpose of the Staffing for Adequate Fire and Emergency Response program is to provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase or maintain the number of trained, "front line" firefighters available in their communities.

After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the program's purpose and worthy of award. The grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via an amendment request, from FEMA.

Article II - Grantee Concurrence

By providing the Primary Contact's electronic signature and indicating acceptance of the award, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. Grantees agree that they will use the funds provided through the Fiscal Year 2012 Staffing for Adequate Fire and Emergency Response (SAFER) Program to provide the training and related services in accordance with the approved scope of work, as itemized in the application and further described in the grant application's narrative.
Response grant in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2012 Staffing for Adequate Fire and Emergency Response program guidance. All documents submitted as part of the original grant application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from 09-MAR-13 to 08-MAR-15.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. Following are the budgeted estimates for object classes for this grant (including Federal share plus applicable grantee match):

| Personnel:   | $1,543,616.00 |
| Fringe Benefits | $447,648.00 |
| Travel        | $0.00         |
| Equipment     | $0.00         |
| Supplies      | $0.00         |
| Contractual   | $0.00         |
| Other         | $0.00         |
| Indirect Charges | $0.00     |
| **Total**     | **$1,991,264.00** |

NEGOTIATION COMMENTS IF APPLICABLE (max 4000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Francisco Bernal at francisco.bernal1@dhs.gov.

Article V - Financial Guidelines

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

C. Audit Requirements

1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations
Article VI - Prohibition on Using Federal Funds

The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

Article VII - GPD Allocations

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2012 Staffing for Adequate Fire and Emergency Response Program Guidance.

Article VIII - Financial Reporting

Recipients of a SAFER grant will be required to submit a semi-annual Federal Financial Report (FFR) via the automated system on the Standard Form 425 (SF-425). The FFR is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government. The FFR, to be submitted using the online e-grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit an FFR throughout the entire period of performance of the grant.

The reporting periods for the FFR are January 1 through June 30 (report due by July 31), and July 1 through December 31 (report due by January 30).

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report within 90 days after the end of the period of performance.

Article IX - FEMA Officials

Program Officer: The Program Specialist is responsible for the technical and programmatic monitoring of the stages of work and performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant please call the AFG help desk at 866-274-0960 to be directed to a specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

Grants Management Division POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

Article X - Central Contractor Registration (CCR)

Recipients of an AFG grant are required Central Contractor Registration (CCR) in the SAM.gov system. Active registration in the Central Contractor Registry ensures grantees are compliant with Federal regulations under Federal Financial Accountability and Transparency Act (FFATA). CCR registration is free, and may take up to 5 to 10 business days to process. For help with registering in the CCR, please visit SAM.gov for more information.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 4000 characters)
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

<table>
<thead>
<tr>
<th>1. AGREEMENT NO.</th>
<th>2. AMENDMENT NO.</th>
<th>3. RECIPIENT NO.</th>
<th>4. TYPE OF ACTION AWARD</th>
<th>5. CONTROL NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMM-2012-FH-00391</td>
<td></td>
<td></td>
<td></td>
<td>W4S722SN</td>
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</table>

<table>
<thead>
<tr>
<th>6. RECIPIENT NAME AND ADDRESS</th>
<th>7. ISSUING OFFICE AND ADDRESS</th>
<th>8. PAYMENT OFFICE AND ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas City, Kansas Fire Department</td>
<td>Grant Programs Directorate</td>
<td>FEMA, Financial Services Branch</td>
</tr>
<tr>
<td>815 North 8th Street</td>
<td>500 C Street, S.W.</td>
<td>500 C Street, S.W., Room 723</td>
</tr>
<tr>
<td>Kansas City</td>
<td>Washington DC, 20472</td>
<td>Washington DC, 20472</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. NAME OF RECIPIENT PROJECT OFFICER</th>
<th>10. NAME OF PROJECT COORDINATOR</th>
<th>11. EFFECTIVE DATE OF THIS ACTION</th>
<th>12. METHOD OF PAYMENT</th>
<th>13. ASSISTANCE ARRANGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Shirley</td>
<td>Catherine Patterson</td>
<td>05-MAR-13</td>
<td>SF-279</td>
<td>Cost Sharing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14. PERFORMANCE PERIOD</th>
<th>15. DESCRIPTION OF ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: 08-MAR-13 To: 08-MAR-15</td>
<td>a. (Indicate funding data for awards or financial changes)</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>PROGRAM NAME</th>
<th>CFDA NO.</th>
<th>ACCOUNTING DATA (ACCS CODE)</th>
<th>PRIOR TOTAL AWARD</th>
<th>AMOUNT AWARDED THIS ACTION + OR (-)</th>
<th>CURRENT TOTAL AWARD</th>
<th>CUMULATIVE NON-FEDERAL COMMITMENT</th>
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<tbody>
<tr>
<td>SAFER</td>
<td>97.044</td>
<td>2013-1C-C211-P400000D-4101-D</td>
<td>$0.00</td>
<td>$1,991,264.00</td>
<td>$1,991,264.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

| TOTALS       | $0.00   | $1,991,264.00               | $1,991,264.00     | $0.00                               |

b. To describe changes other than funding data or financial changes, attach schedule and check here. N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) DATE
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title) DATE
Andrea Gordon 01-DEC-12


1/7/2013
**Staff Request for Commission Action**

**Tracking No. 130059**

- **Revised**: □
- **On Going**: □

**Type: Standard**

**Committee**: Economic Development and Finance Committee

**Date of Standing Committee Action**: 2/4/2013

**Proposed for the following Full Commission Meeting Date**: 2/21/2013

**Confirmed Date**: 2/21/2013

---

<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>1/30/2013</td>
<td>Debbie Jonscher</td>
<td>5847</td>
<td><a href="mailto:mschrick@wycokck.org">mschrick@wycokck.org</a></td>
<td></td>
<td>Finance</td>
</tr>
</tbody>
</table>

**Item Description**: A resolution providing for the reallocation of improvement costs to be financed with the proceeds of Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds - Direct Pay), Series 2010-C; Taxable General Obligation Improvement Bonds (Build America Bonds - Direct Pay), Series 2010-D and Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds - Direct Pay, Series 2010-F, all previously issued by the Unified Government of Wyandotte County/Kansas City, Kansas.

**Action Requested**: Adopt resolution.

**Publication Required**

**Budget Impact**: (if applicable)

**Amount**: $

**Source**: □ Included In Budget

☑ Required action to reallocate unspent bond proceeds within existing project authority.

☐ Other (explain)
RESOLUTION NO. ____________

A RESOLUTION PROVIDING FOR THE REALLOCATION OF IMPROVEMENT COSTS TO BE FINANCED WITH THE PROCEEDS OF TAXABLE GENERAL OBLIGATION IMPROVEMENT BONDS (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS – DIRECT PAY), SERIES 2010-C; TAXABLE GENERAL OBLIGATION IMPROVEMENT BONDS (BUILD AMERICA BONDS – DIRECT PAY), SERIES 2010-D AND TAXABLE GENERAL OBLIGATION IMPROVEMENT BONDS (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS – DIRECT PAY), SERIES 2010-F, ALL PREVIOUSLY ISSUED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS.

WHEREAS, on February 4, 2010, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) adopted Ordinance No. O-13-10 and Resolution No. R-9-10 (collectively, the “2010-C Resolution”) authorizing the issuance of the Issuer’s Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds – Direct Pay), Series 2010-C in the original principal amount of $7,770,000 (the “2010-C Bonds”); and

WHEREAS, the 2010-C Resolution provided that the proceeds of the 2010-C Bonds would finance the cost of certain Improvements described therein; and

WHEREAS, the 2010-C Bonds were issued on February 26, 2010; and

WHEREAS, on February 4, 2010, the Issuer adopted Ordinance No. O-14-10 and Resolution No. R-10-10 (collectively, the “2010-D Resolution”) authorizing the issuance of the Issuer’s Taxable General Obligation Improvement Bonds (Build America Bonds – Direct Pay), Series 2010-D in the original principal amount of $19,415,000 (the “2010-D Bonds”); and

WHEREAS, the 2010-D Resolution provided that the proceeds of the 2010-D Bonds would finance the cost of certain Improvements described therein; and

WHEREAS, the 2010-D Bonds were issued on February 26, 2010; and

WHEREAS, on November 18, 2010, the Issuer adopted Ordinance No. O-69-10 and Resolution No. R-105-10 (collectively, the “2010-F Resolution”) authorizing the issuance of the Issuer’s Taxable General Obligation Improvement Bonds (Recovery Zone Economic Development Bonds), Series 2010-F in the original principal amount of $10,785,000 (the “2010-F Bonds”, and together with the 2010-C Bonds and the 2010-D Bonds, the “Bonds”); and

WHEREAS, the 2010-F Resolution provided that the proceeds of the 2010-F Bonds would finance the cost of certain Improvements described therein; and

WHEREAS, the 2010-F Bonds were issued on December 16, 2010; and

WHEREAS, after the completion of certain of the improvements, there are moneys remaining in the Improvement Funds related to the Bonds; and

WHEREAS, the Issuer hereby finds it necessary and desirable to authorize the reallocation of the proceeds of the Bonds to pay certain costs of the Improvements.
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS
FOLLOWS:

Section 1. The Governing Body hereby authorizes reallocation of the proceeds of the 2010-C Bonds to certain of the Improvements (as defined in the 2010-C Resolution) as follows:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Initial Allocation of Series 2010-C Principal Amount</th>
<th>New Allocation of Series 2010-C Principal Amount</th>
<th>Change in Amount Financed</th>
</tr>
</thead>
<tbody>
<tr>
<td>962-2130</td>
<td>38th &amp; Hagemann Box Culvert</td>
<td>$35,521.28</td>
<td>$35,499.88</td>
<td>$(21.40)</td>
</tr>
<tr>
<td>941-0410</td>
<td>Arterial/Collector Resurfacing Program 2010</td>
<td>862,659.56</td>
<td>841,156.41</td>
<td>(21,503.15)</td>
</tr>
<tr>
<td>941-0610</td>
<td>Asphalt Street Repairs 2010</td>
<td>213,127.66</td>
<td>212,874.91</td>
<td>(252.75)</td>
</tr>
<tr>
<td>970-1306</td>
<td>Asphalt Street Repairs 2009</td>
<td>152,234.04</td>
<td>147,142.03</td>
<td>(5,092.01)</td>
</tr>
<tr>
<td>941-0310</td>
<td>Concrete Street Repairs 2010</td>
<td>202,978.72</td>
<td>201,990.88</td>
<td>(987.84)</td>
</tr>
<tr>
<td>970-1301</td>
<td>Concrete Street Repairs 2009</td>
<td>126,861.70</td>
<td>126,784.96</td>
<td>(76.74)</td>
</tr>
<tr>
<td>942-0110</td>
<td>Emergency Bridge Repair 2010</td>
<td>152,234.04</td>
<td>152,142.39</td>
<td>(91.65)</td>
</tr>
<tr>
<td>941-0510</td>
<td>Guardrail Program 2010</td>
<td>101,489.36</td>
<td>101,427.84</td>
<td>(61.52)</td>
</tr>
<tr>
<td>970-1215</td>
<td>Hutton Rd - Cleveland Avenue to Leavenworth Rd</td>
<td>228,351.06</td>
<td>187,735.32</td>
<td>(40,615.74)</td>
</tr>
<tr>
<td>941-0110</td>
<td>Industrial District Repairs 2010</td>
<td>183,670.37</td>
<td>183,559.82</td>
<td>(110.55)</td>
</tr>
<tr>
<td>963-6189</td>
<td>Muncie Creek Interceptor</td>
<td>101,489.36</td>
<td>101,427.84</td>
<td>(61.52)</td>
</tr>
<tr>
<td>970-1291</td>
<td>Neighborhood Curb &amp; Sidewalk 2009</td>
<td>76,117.02</td>
<td>76,071.12</td>
<td>(45.90)</td>
</tr>
<tr>
<td>941-0210</td>
<td>Neighborhood St Resurfacing Program 2010</td>
<td>1,826,808.47</td>
<td>1,825,708.72</td>
<td>(1,099.75)</td>
</tr>
<tr>
<td>963-1104</td>
<td>Parallel Parkway 5th to 9th - Sewers</td>
<td>253,723.40</td>
<td>253,570.69</td>
<td>(152.71)</td>
</tr>
<tr>
<td>970-1218</td>
<td>Parallel Parkway Resurf - 65th to 83rd</td>
<td>558,191.48</td>
<td>557,855.55</td>
<td>(335.93)</td>
</tr>
<tr>
<td>946-0310</td>
<td>Sanitary Sewer Repairs 2010</td>
<td>1,344,734.01</td>
<td>1,343,728.08</td>
<td>(1,005.93)</td>
</tr>
<tr>
<td>970-1199</td>
<td>State Ave 82nd to 94th</td>
<td>405,957.44</td>
<td>478,040.18</td>
<td>72,082.74</td>
</tr>
<tr>
<td>945-0110</td>
<td>Stormwater Repairs 2010</td>
<td>710,425.52</td>
<td>709,997.97</td>
<td>(427.55)</td>
</tr>
<tr>
<td>941-0710</td>
<td>Street Lighting 2010</td>
<td>101,489.36</td>
<td>101,428.26</td>
<td>(61.10)</td>
</tr>
<tr>
<td>963-6004</td>
<td>SW Blvd &amp; Mission Rd Sewer Relocation</td>
<td>131,936.17</td>
<td>131,856.73</td>
<td>(79.44)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$7,770,000.00</strong></td>
<td><strong>$7,770,000.00</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>

Section 2. The Governing Body hereby authorizes reallocation of the proceeds of the 2010-D Bonds to certain of the Improvements (as defined in the 2010-D Resolution) as follows:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Initial Allocation of Series 2010-D Principal Amount</th>
<th>New Allocation of Series 2010-D Principal Amount</th>
<th>Change in Amount Financed</th>
</tr>
</thead>
<tbody>
<tr>
<td>970-1193</td>
<td>78th Street, State to I-70</td>
<td>$6,071,146.77</td>
<td>$6,068,540.18</td>
<td>$(2,606.59)</td>
</tr>
<tr>
<td>970-1141</td>
<td>ADA Pedestrian Ramps - 2009</td>
<td>51,238.48</td>
<td>51,117.56</td>
<td>(120.92)</td>
</tr>
<tr>
<td>970-1302</td>
<td>Arterial/Collector Resurfacing Program 2009</td>
<td>717,338.77</td>
<td>713,200.71</td>
<td>(4,138.06)</td>
</tr>
<tr>
<td>970-1402</td>
<td>Central Industrial District Resurfacing</td>
<td>40,474.31</td>
<td>435,368.15</td>
<td>394,893.84</td>
</tr>
<tr>
<td>970-1601</td>
<td>County Line Road - 47th to 55th Street</td>
<td>1,517,786.69</td>
<td>1,176,413.86</td>
<td>(341,372.83)</td>
</tr>
<tr>
<td>969-8167</td>
<td>Elevator Upgrades 2009 - City</td>
<td>253,610.04</td>
<td>241,528.75</td>
<td>(12,081.29)</td>
</tr>
<tr>
<td>962-2301</td>
<td>Emergency Bridge Repair 2009</td>
<td>307,430.90</td>
<td>306,704.69</td>
<td>(726.21)</td>
</tr>
<tr>
<td>963-6166</td>
<td>Emergency System Repairs 2009</td>
<td>256,192.42</td>
<td>255,012.94</td>
<td>(1,179.48)</td>
</tr>
<tr>
<td>Project Number</td>
<td>Project Name</td>
<td>Initial Allocation of Series 2010-D Principal Amount</td>
<td>New Allocation of Series 2010-D Principal Amount</td>
<td>Change in Amount Financed</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>970-1303</td>
<td>Guardrail Program 2009</td>
<td>71,733.88</td>
<td>71,564.60</td>
<td>(169.28)</td>
</tr>
<tr>
<td>941-0110</td>
<td>Industrial District Repairs 2010</td>
<td>322,807.93</td>
<td>322,363.55</td>
<td>(444.38)</td>
</tr>
<tr>
<td>970-1198</td>
<td>Meadowlark Lane Rehabilitation</td>
<td>40,474.31</td>
<td>34,882.91</td>
<td>(5,591.40)</td>
</tr>
<tr>
<td>970-1606</td>
<td>Metropolitan Ave. I-635 to 34th St.</td>
<td>657,707.57</td>
<td>657,423.25</td>
<td>(284.32)</td>
</tr>
<tr>
<td>970-1209</td>
<td>Neighborhood Street Resurfacing 2009</td>
<td>1,537,154.51</td>
<td>1,535,394.35</td>
<td>(1,760.16)</td>
</tr>
<tr>
<td>970-1104</td>
<td>Parallel Parkway 5th to 9th</td>
<td>4,528,063.63</td>
<td>4,526,119.55</td>
<td>(1,944.08)</td>
</tr>
<tr>
<td>970-1307</td>
<td>Railroad Crossing Improvements-2009</td>
<td>51,238.48</td>
<td>51,117.56</td>
<td>(120.92)</td>
</tr>
<tr>
<td>970-3309</td>
<td>Reflective Sign Replacement Program 2009</td>
<td>102,476.97</td>
<td>101,485.15</td>
<td>(991.82)</td>
</tr>
<tr>
<td>963-6301</td>
<td>Sanitary Sewer Repairs - 2009</td>
<td>358,669.39</td>
<td>357,823.08</td>
<td>(846.31)</td>
</tr>
<tr>
<td>970-3328</td>
<td>State Ave - 38th to 65th</td>
<td>1,173,249.11</td>
<td>1,172,741.95</td>
<td>(507.16)</td>
</tr>
<tr>
<td>963-5304</td>
<td>Stormwater Repairs-2009</td>
<td>717,338.77</td>
<td>715,546.20</td>
<td>(1,792.57)</td>
</tr>
<tr>
<td>970-1308</td>
<td>Street Lighting - 2009</td>
<td>102,476.97</td>
<td>102,234.68</td>
<td>(242.29)</td>
</tr>
<tr>
<td>970-1217</td>
<td>Tauromee Ave - 78th to 80th St</td>
<td>126,482.22</td>
<td>109,485.92</td>
<td>(16,996.30)</td>
</tr>
<tr>
<td>963-6304</td>
<td>Trenchless Sewer Repairs 2009</td>
<td>409,907.87</td>
<td>408,930.41</td>
<td>(977.46)</td>
</tr>
</tbody>
</table>

**Total = $19,415,000.00**

Section 3. The Governing Body hereby authorizes reallocation of the proceeds of the 2010-F Bonds to certain of the Improvements (as defined in the 2010-F Resolution) as follows:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Initial Allocation of Series 2010-F Principal Amount</th>
<th>New Allocation of Series 2010-F Principal Amount</th>
<th>Change in Amount Financed</th>
</tr>
</thead>
<tbody>
<tr>
<td>970-1302</td>
<td>Arterial/Collector Resurfacing Program 2011</td>
<td>$849,212.60</td>
<td>$849,212.60</td>
<td>$0.00</td>
</tr>
<tr>
<td>970-1113</td>
<td>Industrial District Resurfacing Program 2011</td>
<td>699,351.55</td>
<td>699,351.55</td>
<td>0.00</td>
</tr>
<tr>
<td>970-1301</td>
<td>Neighborhood Concrete Street Repairs Annual 2011</td>
<td>299,722.09</td>
<td>299,722.09</td>
<td>0.00</td>
</tr>
<tr>
<td>970-1198</td>
<td>Meadowlark Lane Rehabilitation</td>
<td>999,073.65</td>
<td>0.00</td>
<td>(999,073.65)</td>
</tr>
<tr>
<td>970-1161</td>
<td>State Avenue - 73rd to 82nd St</td>
<td>3,197,035.66</td>
<td>4,196,109.31</td>
<td>999,073.65</td>
</tr>
<tr>
<td>970-1217</td>
<td>Tauromee Avenue - 78th to 80th St</td>
<td>974,096.80</td>
<td>974,096.80</td>
<td>0.00</td>
</tr>
<tr>
<td>963-6004</td>
<td>Southwest Boulevard Sewer Interceptor Relocation</td>
<td>769,286.71</td>
<td>769,286.71</td>
<td>0.00</td>
</tr>
<tr>
<td>963-6064</td>
<td>Kaw Point Incinerator Rehab</td>
<td>2,997,220.94</td>
<td>2,997,220.94</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Total = $10,785,000.00**

Section 4. The officers and officials of the Issuer, including the Mayor/CEO, Clerk and Chief Financial Officer, 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 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 5. This Resolution shall take effect and be in full force immediately after its adoption by the governing body.

ADOPTED by the governing body of the Issuer this _____ day of _____________, 20__.

________________________________
Mayor/CEO
(SEAL)

ATTEST:

_______________________________________
Unified Government Clerk
**Item Description:**
A Home Rule resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, authorizing the acquisition and construction of an emergency communication system to serve the county; and authorizing the issuance of General Obligation Bonds of the Unified Government to finance the costs of the same.

This resolution repeals R-111-12 and authorizes an amount not to exceed $15,000,000 for General Obligation project expenses.

Total project costs including PBC financing remains unchanged at $25,000,000.

**Action Requested:**
Adopt resolution.

**Publication Required**

**Budget Impact:** (if applicable)
- **Amount:** $
- **Source:**
  - Included In Budget
  - Other (explain)
RESOLUTION NO. __________

A HOME RULE RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF AN EMERGENCY COMMUNICATION SYSTEM TO SERVE THE COUNTY; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE UNIFIED GOVERNMENT TO FINANCE THE COSTS OF THE SAME.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) pursuant to K.S.A. 12-345(l), the Unified Government has all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of the State of Kansas; and

WHEREAS, the Unified Government is acting as a county in the exercise of its powers in this Resolution; and

WHEREAS, the Unified Government has determined that it is necessary and advisable and in the interest of public safety to acquire and construct an emergency communication system to serve the county and its environs (the “System”) and to issue general obligation bonds of the Unified Government to pay that portion of the costs of the System constituting equipment only (the “Equipment”); and

WHEREAS, K.S.A. 19-101a (the “County Home Rule Act”) empowers counties to transact all county business and perform all powers of local legislation and administration it deems appropriate subject only to the limitations, restrictions or prohibitions set forth therein; and

WHEREAS, the governing body of the Unified Government now further finds and determines that (i) there are no enactments of the Kansas legislature of statewide concern applicable to the Unified Government, acting as a county, relating to the issuance of general obligation bonds to pay the costs of acquiring emergency communications equipment to serve the Unified Government and its environs other than that set forth in K.S.A. 19-101a(a), and (ii) nothing in K.S.A. 19-101a limits, restricts or prohibits the Unified Government, acting as a county, from issuing general obligation bonds to pay the costs of acquiring emergency communications equipment, and (iii) it is not contrary to any enactments of the Kansas legislature relating to the issuance of general obligation bonds to pay the costs of acquiring emergency communications equipment to serve the Unified Government and its environs; and

WHEREAS, it is necessary and advisable to issue general obligation bonds of the Unified Government, acting as a county, under the County Home Rule Act to pay the costs of acquiring the Equipment to serve the Unified Government and its environs; and

WHEREAS, it is the intent of the Unified Government to enter into an agreement with the Board of Public Utilities of the Unified Government (the “BPU”), providing for use by the BPU of certain portions of the System as necessary to carry out functions of the BPU, particularly as they relate to BPU’s responsibilities during emergencies, and further providing for the payment of certain costs of the System.
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Acquisition of System and Equipment. The acquisition of the System, at an
estimated cost of $25,000,000, is hereby authorized.

Section 2. Authorization of Bonds. The costs of the Equipment is authorized to be paid
from the proceeds of the sale of general obligation bonds of the Unified Government (the "Bonds"),
which are authorized to be issued for such purposes pursuant to the authority of the County Home Rule
Act in an amount not to exceed $15,000,000 plus costs of issuance and interest on any temporary
financing, and which may be issued in one or more series, in such principal amounts as are determined by
subsequently enacted ordinances of the governing body of the Unified Government.

Section 3. Resolution R-111-12. Upon the effective date of this Resolution, Resolution R-
111-12 is hereby repealed.

Section 4. Effective Date. This resolution shall be in full force and effect from and after its
passage by a majority of the governing body of the Unified Government, its signature by the Mayor/CEO
and its publication in the official newspaper.

PASSED and APPROVED by a majority of the governing body of the Unified Government of
Wyandotte County/Kansas City, Kansas and SIGNED by the Mayor this ___ day of February, 2013.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

[SEAL]

__________________________________________
Mayor

Attest:

__________________________________________
City Clerk
Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 2/4/2013

Proposed for the following Full Commission Meeting Date: 2/21/2013

Confirmed Date: 2/21/2013

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

Item Description:
A memo to the ED&F Standing Committee highlighting the 2012 accomplishments of the Economic Development department; including: over $411M in Capital Investment; return in tax revenues from both terminated TIF districts and expired Tax Abatements; new policies; and the addition of staff.

Action Requested:
For information only.

Publication Required

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

File Attachment
MEMORANDUM

TO: Economic Development & Finance Standing Committee
FROM: George Brajkovic, Economic Development Manager
DATE: December 31, 2012
RE: 2012 Accomplishments

As we approach the end of 2012, I wanted to provide you a quick recap of the accomplishments of the Economic Development Department:

- Over $411M in Capital Investment (see attached)
- 3 TIF Districts terminated, returning approximately $540k in taxes (see attached)
- 6 tax abatements expired, returning $4M of full taxes (see attached)
- New Policies:
  - Sec 42 Low Income Housing Tax Credits
  - NRA
- Addition of Staff person – Marlon Goff
- Housed two unpaid interns, and provided Project work for them to meet scholastic requirements
- Updated webpage with policies, incentives, etc. - http://www.wycokck.org/economic/
- Participated in RFP’s
  - Midtown
  - Urban Grocer
- Gained additional year for EPA Brownfield grants

Although this is just a brief synopsis of very detailed work, sometimes spanning months at a time, I wanted you to know how proud I am of the first year accomplishments.

Attachments
## 2012 Economic Development Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Investment</th>
<th>Incentive Tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>PQ</td>
<td>$52,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>NorthPoint apartments</td>
<td>$34,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>GM</td>
<td>$120,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>Filio's apartments</td>
<td>$30,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>Randy Curnow</td>
<td>$900,000.00</td>
<td>NRA</td>
</tr>
<tr>
<td>Hazelwood</td>
<td>$15,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>AWG</td>
<td>$6,500,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>IRG Public Levee</td>
<td>$30,000,000.00</td>
<td>TIF, IRB</td>
</tr>
<tr>
<td>Argentine grocery</td>
<td>$3,000,000.00</td>
<td>TIF, IRB, CID, RLF</td>
</tr>
<tr>
<td>39th Rainbow Phase II</td>
<td>$37,500,000.00</td>
<td>TIF, CID, IRB</td>
</tr>
<tr>
<td>Wyandotte Plaza</td>
<td>$28,000,000.00</td>
<td>NRA, CID</td>
</tr>
<tr>
<td>Legends Auto Mall</td>
<td>$14,000,000.00</td>
<td>Home Rule</td>
</tr>
<tr>
<td>Gold Crown apartments</td>
<td>$21,000,000.00</td>
<td>IRB</td>
</tr>
<tr>
<td>EPIQ</td>
<td>$4,000,000.00</td>
<td>NRA</td>
</tr>
<tr>
<td>St Margarets</td>
<td>$11,000,000.00</td>
<td>NRA, LIHTC</td>
</tr>
<tr>
<td>Horace Mann</td>
<td>$3,100,000.00</td>
<td>NRA</td>
</tr>
<tr>
<td>KCK Chamber</td>
<td>$1,000,000.00</td>
<td>NRA</td>
</tr>
<tr>
<td>Happy Foods North</td>
<td>$100,000.00</td>
<td>NRA</td>
</tr>
<tr>
<td>Dynasty Volleyball</td>
<td>$200,000.00</td>
<td>RLF</td>
</tr>
</tbody>
</table>

**Total Investment:** $411,300,000.00
Staff Request for Commission Action

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 12/5/2011
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 12/15/2011
Confirmed Date: 12/15/2011

☐ 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>11/29/2011</td>
<td>Lew Levin</td>
<td>5186</td>
<td><a href="mailto:mschrick@wycokok.org">mschrick@wycokok.org</a></td>
<td></td>
<td>Finance</td>
</tr>
</tbody>
</table>

Item Description:
Ordinances terminating three (3) Redevelopment Districts and terminating tax increment financing with respect to each Redevelopment District as follows:

Woodland Redevelopment District, pursuant to Ordinance No. 66201 and amendment ordinance #66254.
Turtle Hill Redevelopment District, pursuant to Ordinance No. O-20-98.
Sandifer (I-635) Redevelopment District, pursuant to ordinance No. 65731.

This action will add $3.1 million in assessed value to the tax roll and will generate $544,315 in 2011 taxes to be distributed among local tax entities.

Action Requested:
Pass three (3) ordinances.

☑ Publication Required

Budget Impact (if applicable)

Amount: $
Source:
☐ Included In Budget
☐ Other (explain)

☐ Revised
☐ On Going
The following taxes were assessed in 2012 against the mentioned parcels. I cannot tell you how much of this tax was associated with the PILOT.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Owner</th>
<th>2012 Tax Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>903902</td>
<td>Hasty Partners</td>
<td>$23,268</td>
</tr>
<tr>
<td>902601</td>
<td>Arrow Speed</td>
<td>$71,536</td>
</tr>
<tr>
<td>900718</td>
<td>GM</td>
<td>$3,186,697</td>
</tr>
<tr>
<td>262403</td>
<td>Hoovestol</td>
<td>$38,239</td>
</tr>
<tr>
<td>909104</td>
<td>P&amp;G</td>
<td>$499,250</td>
</tr>
<tr>
<td>939602</td>
<td>Fastenal</td>
<td>$290,579</td>
</tr>
</tbody>
</table>

Int’l Multifoods could not find

Hope this helps

Debbie Pack
Director of Revenue/Treasurer
Unified Government of Wyandotte County/Kansas City, Kansas
(913)573-2819
Staff Request for Commission Action

Tracking No. 130060

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 2/4/2013

Proposed for the following Full Commission Meeting Date: 2/7/2013

Confirmed Date: 2/7/2013

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>1/30/2013</td>
<td>George Brajkovic</td>
<td>5749</td>
<td><a href="mailto:gbrajkovic@wycokck.org">gbrajkovic@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
</tr>
</tbody>
</table>

Item Description:
Schlitterbahn Vacation Village has submitted a Petition requesting the consideration of a Community Improvement District for a portion of their property. The request is for a 2% sales tax add-on, on a pay-as-you-go basis, for an estimated $8.9M in total Project Costs. The Project will include, but not limited to, the construction of water park and associated attractions, retail, parking lots and other related infrastructure improvements, ongoing costs associated with the operations, maintenance and upkeep of property. The creation of a CID will require a Public Hearing, and as such this item is requesting to be fast tracked to the Feb 7 FC meeting, so if the Resolution is adopted, the PH can be held on March 7, 2013.
With the progression of this CID, staff will also submit an amendment to our existing Development Agreement with Schlitterbahn to reflect this change, which is currently agreed to as a TDD.

Action Requested:
Fast track to February 7th Full Commission meeting.
Adoption of a Resolution setting a Public Hearing for March 7, 2013.

Publication Required
Publication Date: 2/14/2013

Budget Impact: (if applicable)

<table>
<thead>
<tr>
<th>Amount: $</th>
<th>Source:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ Included In Budget</td>
</tr>
<tr>
<td></td>
<td>☑ Other (explain) Policy decision allowing for developer to proceed with additional improvements</td>
</tr>
</tbody>
</table>

File Attachment
File Attachment
PETITION
for the creation of a
Community Improvement District

TO: Board of Commissioners, Unified Government of Wyandotte County / Kansas City, KS

The undersigned, being the owner of records, whether resident or not, of the following:

1. More than fifty-five (55%) of the land area contained within the hereinafter described community improvement district; and

2. More than fifty-five (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

hereby petitions the Unified Government of Wyandotte County / Kansas City, KS (the “UG”) to create a Community Improvement District (“CID”) and authorize the proposed CID Project (the “CID Project”) hereinafter set forth, all in the manner provided by K.S.A 12-6a26, et seq. (the “Act”). In furtherance of such request, the Petitioner states as follows:

1. GENERAL NATURE

The general nature of the CID Project is as follows:

The development of an approximately 180.61 acre parcel of real property located in Kansas City, KS and generally bounded by State Avenue to the south, 94th Street to the east, I-435 to the west, and Parallel Parkway to the north. Such development shall include, but not be limited to, the construction of a waterpark and associated attractions, retail, lodging, parking lots and other related infrastructure and improvements, ongoing costs associated with the operations, maintenance, and upkeep of property located within the boundaries of the CID, all as may be reimbursable pursuant to the Act.

2. ESTIMATED COST

The estimated cost of the CID Project is $8,948,447.34, plus any fees or expenses of the UG in connection with the CID Project (including an administrative fee of not to exceed 3% of total CID Sales Tax revenues), and costs of issuance of bonds or notes hereunder, if any.

3. PROPOSED METHOD OF FINANCING

The costs of the CID Project will be financed on a pay-as-you-go basis with reimbursements from revenues available from the community improvement sales tax in the CID. The CID Project may be financed with the sale of special obligation bonds or
notes issued by the UG, as permitted by market conditions and other conditions to be agreed upon by the Petitioner (or its successors in title) and the UG and if issuance of such bonds is approved by the governing body of the UG. Petitioner is not seeking the issuance of full faith and credit bonds.

4. **PROPOSED METHOD AND AMOUNT OF ASSESSMENT**

There will be no special assessments on property in the CID.

5. **PROPOSED AMOUNT OF SALES TAX**

Petitioner proposes that the CID Project be financed through the levy of a CID sales tax in the amount of two percent (2.00%) as authorized by the Act.

6. **MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID**

A map showing the general proposed boundaries of the CID is attached hereto at **EXHIBIT A**.

The legal description of the CID is attached hereto at **EXHIBIT B**.

7. **NOTICE TO PETITION SIGNERS**

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS HEREOF AFTER THE COMMISSION COMMENCES CONSIDERATION OF THE PETITION, OR LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE UG CLERK, WHICHEVER OCCURS FIRST.

8. **RECORDING**

The signers and their successors acknowledge that the Unified Government will record this Petition in the real estate records if the CID is approved.
IN WITNESS WHEREOF, the undersigned Petitioner has executed the above foregoing Petition to create the CID on the date set forth below:

SVV I, LLC, a Kansas entity

By: 

Name: Gary Henry

Title: Principal

Date: 1/8/13

ACKNOWLEDGMENT

STATE OF Kansas

COUNTY OF Wyandotte

BE IT REMEMBERED, that on this 18 day of January, 2013 before me, the undersigned, a Notary Public in and for said County and State, came Gary Henry, who is known to me to be the same person who executed this instrument, and such person duly acknowledged the execution of the same.

IT WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written

(Seal)

Notary Public in and for said County and State

My Commission Expires:
08-26-2015
EXHIBIT A

Map of Community Improvement District
EXHIBIT B

Legal Description of Community Improvement District
All that part of Lots 1 and 3, Schlitterbahn Vacation Village, a subdivision, and all that part of Section 1, Township 11 South, Range 23 East, and all that part of the Northeast Quarter of Section 12, Township 11 South, Range 23 East, and all that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of the Northwest Quarter of Section 7, Township 11 South, Range 24 East, all in the City of Kansas City, Wyandotte County, Kansas, more particularly described as follows: beginning at the northeast corner of Lot 1, Schlitterbahn Vacation Village, (the following four courses are all on the easterly line of Lot 1, Schlitterbahn Vacation Village) thence South 02 degrees 11 minutes 59 seconds East, a distance of 366.56 feet; thence South 88 degrees 00 minutes 23 seconds West, a distance of 208.80 feet; thence South 02 degrees 11 minutes 59 seconds East, a distance of 717.24 feet; thence North 87 degrees 46 minutes 33 seconds East, a distance of 571.50 feet to a point on the west right-of-way line of N. 94th Street; thence South 02 degrees 11 minutes 59 seconds East, continuing with the easterly line of said Lot 1, and with the west right-of-way line of N. 94th Street, a distance of 50.00 feet; thence South 87 degrees 46 minutes 33 seconds West, continuing with the easterly line of said Lot 1, and no longer with the west right-of-way line of N. 94th Street, a distance of 143.00 feet; (the following three courses are all on the easterly line of said Lot 1) thence South 02 degrees 11 minutes 59 seconds East, a distance of 150.00 feet; thence South 31 degrees 57 minutes 08 seconds West, a distance of 169.22 feet; thence South 02 degrees 11 minutes 59 seconds East, a distance of 305.04 feet to a point on the north line of the Southeast Quarter of Section 1, Township 11 South, Range 23 East; thence South 87 degrees 30 minutes 09 seconds West, continuing with the easterly line of said Lot 1, and with the north line of the Southeast Quarter of said Section 1, a distance of 366.27 feet; thence South 02 degrees 29 minutes 51 seconds East, continuing with the easterly line of said Lot 1, and no longer with the north line of the Southeast Quarter of said Section 1, a distance of 470.00 feet; thence South 34 degrees 29 minutes 41 seconds East, continuing with the easterly line of said Lot 1, a distance of 621.76 feet; thence North 87 degrees 45 minutes 28 seconds East, continuing with the easterly line of said Lot 1, and its easterly prolongation, a distance of 307.37 feet to a point on the west line of the Southwest Quarter of Section 6, Township 11 South, Range 24 East; thence continuing North 87 degrees 45 minutes 28 seconds East, a distance of 35.00 feet to a point on the east right-of-way line of N. 94th Street; thence (the following eight courses are all on the east right-of-way line of N. 94th Street) South 02 degrees 14 minutes 32 seconds East, a distance of 206.87 feet; thence South 35 degrees 51 minutes 21 seconds East, a distance of 18.06 feet to a point on the north right-of-way line of Everett Avenue; thence South 02 degrees 14 minutes 32 seconds East, a distance of 50.00 feet to a point on the south right-of-way line of Everett Avenue; thence South 25 degrees 53 minutes 07 seconds West, a distance of 16.97 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 885.00 feet; thence South 88 degrees 00 minutes 23 seconds West, a distance of 2.00 feet; thence South 02 degrees 14 minutes 32 seconds East, a distance of 230.00 feet; thence South 88 degrees 00 minutes 23 seconds West, a distance of 5.00 feet; thence South 02 degrees 14 minutes 32 seconds East, continuing with the east right-of-way line of N. 94th Street, and its southerly prolongation, a distance of 258.37 feet to a point on the north line of the Northwest Quarter of Section 7, Township 11 South Range 24 East; thence continuing South 02 degrees 14 minutes 32 seconds East, with the southerly prolongation of the east right-of-way line of N. 94th Street, a distance of 54.73 feet to a point on the easterly prolongation of the south right-of-way line of State Avenue; thence South 87 degrees 27 minutes 46 seconds West, with the south right-of-way line of State Avenue, and its easterly prolongation, a distance of 30.11 feet to a point
on the east line of the Northeast Quarter of Section 12, Township 11 South, Range 23 East; thence continuing South 87 degrees 27 minutes 46 seconds West, with the south right-of-way line of State Avenue and its easterly prolongation, a distance of 994.40 feet; thence North 02 degrees 20 minutes 41 seconds West, and no longer with the south right-of-way line of State Avenue, a distance of 59.26 feet to a point on the south line of the Southeast Quarter of Section 1, Township 11 South, Range 23 East; thence continuing North 02 degrees 20 minutes 41 seconds West, a distance of 76.32 feet to a point on the north right-of-way line of State Avenue and the south line of Lot 1, Schlitterbahn Vacation Village; thence continuing North 02 degrees 20 minutes 41 seconds West, with the southerly line of said Lot 1, a distance of 459.27 feet; thence South 87 degrees 42 minutes 57 seconds West, continuing with the southerly line of said Lot 1, a distance of 425.02 feet; thence South 02 degrees 20 minutes 41 seconds East, continuing with the southerly line of said Lot 1, a distance of 440.59 feet to a point on the north right-of-way line of State Avenue; thence South 87 degrees 42 minutes 57 seconds West, with the southerly line of said Lot 1, and the with the north right-of-way line of State Avenue, a distance of 61.75 feet to a point on the east right-of-way line of N. 98th Street; thence continuing South 87 degrees 42 minutes 57 seconds West, with the westerly prolongation of the southerly line of said Lot 1, a distance of 361.87 feet to a point on the westerly right-of-way line of N. 98th Street, said point also being the southeasterly corner of Lot 3, Schlitterbahn Vacation Village; thence continuing South 87 degrees 42 minutes 57 seconds West, with the north right-of-way line of State Avenue, and with the south line of said Lot 3, a distance of 871.99 feet to the southwest corner of said Lot 3; thence North 48 degrees 47 minutes 17 seconds East, with the west line of said Lot 3, and no longer with the north right-of-way line of State Avenue, a distance of 266.48 feet; thence North 87 degrees 40 minutes 43 seconds East, continuing with the west line of said Lot 3, a distance of 88.14 feet; thence North 00 degrees 00 minutes 00 seconds East, continuing with the west line of said Lot 3, a distance of 191.77 feet to the northwest corner of said Lot 3, said point being on the westerly right-of-way line of N. 98th Street; thence with the north line of said Lot 3, and the westerly right-of-way line of N. 98th Street on a curve to the left having a radius of 825.00 feet, a central angle of 10 degrees 08 minutes 21 seconds, with an initial tangent bearing of North 65 degrees 45 minutes 16 seconds East, an arc distance of 146.00 feet to a point of reverse curvature; thence continuing with the north line of said Lot 3 and the westerly right-of-way line of N. 98th Street on a curve to the right having a radius of 425.00 feet, a central angle of 22 degrees 38 minutes 07 seconds, an arc distance of 167.90 feet; thence North 00 degrees 00 minutes 00 seconds East, and no longer with the north line of said Lot 3 and the westerly right-of-way line of N. 98th Street, a distance of 152.36 feet to a point on the easterly right-of-way line of N. 98th Street; thence continuing North 00 degrees 00 minutes 00 seconds East, a distance of 471.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 614.83 feet; thence North 02 degrees 20 minutes 41 seconds West, a distance of 647.70 feet to a point of curvature; thence on a curve to the left having a radius of 5679.58 feet, a central angle of 07 degrees 19 minutes 16 seconds, an arc distance of 725.71 feet to a point on the south right-of-way line of France Family Drive; thence continuing on said curve to the left and with the west right-of-way line of N. 98th Street and its southerly prolongation, said curve having a radius of 5679.58 feet, a central angle of 04 degrees 40 minutes 42 seconds, an arc distance of 463.75 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 103.12 feet to a point on the east right-of-way line of N. 98th Street; thence continuing North 90 degrees 00 minutes 00 seconds East, a distance of 1341.52 feet; thence North 21 degrees 52 minutes 38 seconds East, a distance of 482.71
feet; thence North 19 degrees 14 minutes 27 seconds West, a distance of 338.78 feet; thence North 87
degrees 44 minutes 21 seconds East, a distance of 228.62 feet; thence North 02 degrees 15 minutes 47
seconds West, a distance of 640.29 feet to a point on the south right-of-way line of Parallel parkway and
the north line of Lot 1, Schlitterbahn Vacation Village; thence North 88 degrees 00 minutes 23 seconds
East, with the north line of said Lot 1, and the south right-of-way line of Parallel Parkway, a distance of
651.49 feet; thence South 63 degrees 51 minutes 10 seconds East, continuing with the north line of said
Lot 1 and the south right-of-way line of Parallel Parkway, a distance of 27.43 feet to the point of
beginning. The above described tract contains 7867431 square feet, or 180.61 acres.

The basis of bearing for the above described tract is Kansas State Plane, North Zone, NAD 83.

I hereby certify that this real property legal description has been prepared by me or under my direct
supervision.

Samuel J. DePriest

Kansas Professional Land Surveyor 1351
Staff Request for Commission Action

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 2/4/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 2/21/2013
Confirmed Date: 2/21/2013

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>
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<tbody>
<tr>
<td>1/30/2013</td>
<td>George Bajkovic</td>
<td>5749</td>
<td><a href="mailto:gbajkovic@wycokck.org">gbajkovic@wycokck.org</a></td>
<td></td>
<td>Economic Development</td>
</tr>
</tbody>
</table>

Item Description:
The Revitalizing Auto Communities Environmental Response (RACER) Trust, an independent trust, has a mission to remediate and redevelop former GM locations; included is the old GM site in Fairfax, an approximate 80 acre site at Fairfax and Kindleberger Rd in Kansas City, KS. As such, RACER has allowed the UG to participate in the marketing and selection of a potential purchaser/developer for the site. RACER has selected NorthPoint Development as the purchaser, and UG staff has negotiated a Development Agreement with the same group. The DA contemplates the use of both IRBs and a CID for the redevelopment of the site into 1M new square feet of industrial space with over $40M in investment.

Action Requested:
For information and input only.

Publication Required

Budget impact: (if applicable)

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

File Attachment

File Attachment

File Attachment
2/4/13 EXECUTIVE SUMMARY
NORTHPOINT/RACER DEVELOPMENT AGREEMENT

1. **Parties.** The UG and Fairfax74, LLC ("Developer"), which is a new, single purpose entity formed in Delaware.

2. **The Project Site.** The site consists of approximately 82 acres of real property located at the former Fairfax I Plant Site. Developer does not yet own the site, but is currently negotiating for the right to buy it pursuant to purchase and sale agreements with the RACER Trust, the current owner of the project site.

3. **The Project.** The design, construction and development of a first-class industrial park, including manufacturing, sequencing, distribution and industrial space. The Project is intended to include approximately 1,000,000 square feet of improvements and capital investments by the Developer (along with its tenants and transferees) of over $40M.

4. **Immediate Investment.** Developer hereby agrees to commence construction of a first phase of infrastructure on the site immediately following closing and completing such Phase I within 12 months. The cost for Phase I, including the site acquisition costs, shall be in excess of $3,000,000.

5. **Incentive Financing Provided.** The UG agrees to provide Developer with access to the following financing mechanisms:

   a. **IRBs.** Industrial revenue bond ("IRB") financing would be available to Developer on a building-by-building basis pursuant to a master resolution of intent and consistent with the UG's current IRB policy. For purposes of these IRBs, the parties would set a market rate ($1.60/sqft) PILOT payment and 75% of the PILOT would be abated for a period of 10 years. For specialty, enhanced quality facilities, an increased PILOT will be agreed upon.

   b. **CID.** The UG would form a community improvement district ("CID") at the site and all of the parcels within the Project will be subject to CID special assessments of $1.20 per building square foot, which special assessments shall be imposed for a 10 year period that corresponds to the 10 year abatements described above. The proceeds of the CID would be available to Developer on a pay-as-you-go basis, but only upon Developer meeting certain capital investment thresholds. Specifically, Developer may have access to 25% of the CID moneys when they have made capital investments of at least $10M, 50% of the CID revenues when they have made capital investments of at least $20M and the balance of the CID money when they invest at least $30M.

   c. **Process for Reimbursements.** Developer will submit eligible project costs to the UG for certification and then reimbursements will be made on a bi-annual basis and only on a pay-as-you-go basis. No bonds shall be issued on this project in any event.

5. **Fairfax Community Improvements.** Developer hereby agrees that for each $1.20 of CID special assessment paid at the Project, the UG shall have a right to retain $0.20 as an administrative fee. Of the $0.20, the UG agrees that $0.17 shall be deposited into a dedicated "Fairfax Fund" which shall be used for certain improvements to infrastructure and other community assets in Fairfax. The UG and Developer agree to work collaboratively with the Fairfax Industrial Association to develop a revitalization program for Fairfax and establish a criteria and protocol for administer the proceeds in the Fairfax Fund.
6. **Prevailing Wages.** Developer agrees to pay prevailing wages as established by the Davis Bacon Act for all aspects of construction of the project. If Developer fails to pay prevailing wage for any part of its Phase 1 infrastructure work, the costs of that portion of such work shall not be eligible for reimbursement by CID proceeds. If prevailing wages are not paid (either by Developer or its transferees) for any particular building or Project on the site, the maximum amount of IRB abatement shall be reduced from 75% to 70%.

7. **MBE/WBE/LBE.** Developer has agreed to set participation goals for construction of the project.

   If Developer fails to meet these goals for any part of its Phase 1 infrastructure work, the percentage difference between its actual participation and the goals shall be used to reduce the amount of Developer's costs eligible for reimbursement by CID proceeds in such Phase 1. If the goals are not met or exceeded (either by Developer or its transferees) for any particular building or Project on the site, the maximum amount of IRB abatement shall be reduced from 75% to 70%. In the event that a particular building or project should fail to pay prevailing wage and also meet the M/W/LBE goals, the maximum IRB abatement would be reduced to 65%.

8. **Competition.** Developer acknowledges that the UG always has the right to grant or deny IRB abatements, but Developer specifically agrees that UG's Commission may, in its sole and absolute discretion, deny IRB abatements for any project that is relocated to the Project from elsewhere in Wyandotte County. Additionally, Developer and its affiliates agree that they will not actively and directly market other properties of Developer (and affiliates) to businesses that are located in the Fairfax community. However, Developer and affiliates may respond to any businesses that request proposals or otherwise reach out to Developer and Northpoint.

9. **Term/Completion Dates.** The Agreement commences upon execution of the document and expires 22 years after the imposition of the first CID assessments at the Project. Developer agrees to complete the balance of the 1,000,000 square feet of improvements that constitute the Project on or before the end of the 12th/22nd year of the project.

10. **Miscellaneous.** The insurance, damage, condemnation, indemnification and utilities provisions are consistent with standard UG language in development agreements.
Kimble, Terri

From: Cobbins, Bridgette D
Sent: Friday, February 01, 2013 11:02 AM
To: Kimble, Terri
Subject: FW:
Importance: High

Terri,

Dennis wants this item to be placed on the ED& F agenda. It will be the last item on the agenda. I will contact him and advise of the date and time of the meeting.

From: Cobbins, Bridgette D
Sent: Wednesday, January 30, 2013 4:24 PM
To: Bach, Doug
Cc: Criswell, Gordon
Subject: FW:
Importance: High

Doug,

According to Mr. George he would like to go before the Standing Committee. Should I bring to agenda review in the a.m. or will it be handled administratively?

----- Forwarded Message ----- 
From: Randy George <rageorg@yahoo.com>
To: "Bcobeins@wyckcks.org" <Bcobeins@wyckcks.org>
Sent: Monday, January 28, 2013 9:20 AM
Subject:

Hello Bridgette Cobbins
I am requesting a follow-up meeting to the Grant that was submitted for the Family Life Resource Center located at 3000 N 27th St at the corner of 27th and Quindaro. We have had meetings with Mr. Gordan Criswell, Commission Nathan Barne and Willma and it was of our understanding that this project would be funded.

Respectfully Elder Randy George