Call to Order / Roll Call

II. Approval of standing committee minutes from August 4, 2014.

III. Committee Agenda

Item No. 1 - REQUEST: ADD NEW SOUTH PATROL FACILITY TO 2015 CMIP

Synopsis:
Request approval to include the new south patrol facility in the 2015 CMIP with GOB debt financing, not to include the tactical unit at this time, submitted by Mike Tobin, Public Works.
Tracking #: 140320
Item No. 2 - ORDINANCE: BONDS FOR KISC PROJECT

Synopsis:
An ordinance authorizing the issuance of not to exceed $13M of Sales Tax Special Obligation Revenue Refunding Bonds (Kansas International Speedway Corporation Project), Series 2014, submitted by Lew Levin, Chief Financial Officer. This is a refunding of the 1999 Kansas Speedway current interest STAR bonds. Preliminary projected net present value savings associated with this refinancing is $2.1M.
Tracking #: 140321

IV. Outcomes

Item No. 1 - RECOMMENDATIONS: LIHTC POLICY

Synopsis:
Recommendations and discussion regarding the Low Income Housing Tax Credit (LIHTC) policy, submitted by Charles Brockman, Economic Development.
Tracking #: 140322

Item No. 2 - OUTCOMES

Synopsis:
Overview/discussion of the next phase.
EDF's outcomes presented at the following standing committee meeting:

December 3, 2012
Environmental Trust Fund

August 26, 2013
Economic Development. Foster an environment in which small and large business thrive, jobs are created, redevelopment continues, tourism continues to grow, and businesses located in the community.

January 6, 2014
1. Relook at the tax credit policy
2. Scoring system
3. Strategy countywide for attracting economic development as it relates to housing
4. How much low-income housing
5. How much fair-market housing
6. Over the last five years, what percentage of new housing has income restrictions - report from Charles Brockman, Economic Development Dept. and Mike Grimm, UG Research Division
7. Data on number of new housing starts; types of new housing starts
8. Total number of dwellings for each project

February 3, 2014
Discussion and presentation on workforce housing and its relationship to the LITCH Program.

March 3, 2014
Communication presenting a TIF financial status report which details each TIF since 1991, submitted by Charles Brockman, Economic Development. In addition to the separation of residential and commercial projects, the financial status is broken into three categories: 1) Current TIF’s 2) TIF’s paid off early, and 3) Other.

Tracking #: 120137

V. Adjourn
The meeting of the Economic Development and Finance Standing Committee was held on Monday, August 4, 2014, at 5:34 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner McKiernan (left at 7:00 p.m.), Chairman; Commissioners Townsend (via telephone), Murguia, Walters; and BPU Board Member David Alvey (arrived at 5:41 p.m.). The following officials were also in attendance: Jody Boeding, Chief Legal Counsel; Joe Connor, Interim Assistant County Administrator; Gordon Criswell, Assistant County Administrator; and Ken Moore, Deputy Chief Counsel.

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

Approval of standing committee minutes for June 2, 2014. On motion of Commissioner Walters, seconded by Commissioner Murguia, the minutes were approved. Motion carried unanimously.

Chairman McKiernan said we have four items on our Committee Agenda tonight. All of them are for information and to generate some discussion to shape some further work. I just will make two clarifications. We did receive an agenda update that contains supporting materials for what was Item No. 4, the Vacation Village STAR Bond Redevelopment District. Everyone should have a blue sheet that has the related information for that. The second thing is Mr. Brajkovic who is presenting Item No. 4 asked if there was no objection, if he could move that item in front of Item No. 3. Make it the third item for consideration on our agenda tonight. Some of the people who are here with him and will present with him have another meeting this evening and want to build in enough time to make it from one meeting to the other. Are there any objections to moving Item No. 4 up so that it becomes Item No. 3. Commissioner Murguia said or just—
want to do it first. **Chairman McKiernan** said we’ll go ahead and make it Item No. 3. We’ll move that up to Item No. 3.

Committee Agenda:
**Item No. 1 – 970146…REPORT: QUARTERLY INVESTMENT REPORT**


**Lew Levin, Chief Financial Officer**, said we’re pleased to retain our Item No. 1 status. This is our quarterly investment report and budget revision report for the second quarter of 2014. Again, it’s for information only. I’ll review the investment portion of the report and Mr. Lindsay will speak to the budget revisions. I believe you have the investment report in your packet. We’re essentially following similar trends. Our total investments at the end of the quarter were slightly under $157M total interest posted so far as the end of the second quarter was slightly under $230,000 and our average rate of interest on our investments 0.56%.

I’ll note that we had during the second quarter we offered local banks the opportunity to invest $95,000 in accordance with our investment policy. Three banks chose to participate on taking that investment and those individual investments, are listed. One thing we’ve tried to do is latter our investments. If you look at the detail on our investments, you’ll see they range from 2014, and this is maturity date, through May of 2018. That allows us to—although interest rates remain low, we garner a slightly higher interest rate on our three and four year investments. If there are not any questions on the investment side of the report, I’ll turn it over…

**Chairman McKiernan** said I have one question, just a curious question. What’s been the trend, if any, in our minuscule interest rate over, let’s say, the last year? Has it been flat or moving in either direction? **Mr. Levin** said it’s generally been pretty constant. Actually, since the beginning of the year the short-term interest rates have dropped. They are aligned with the 10-year, treasury rate. At the beginning of the year, the 10-year treasury was near 3% and it’s dropped to about 2.5%. That’s affected the short-term interest rates that are very low. We’re actually pleased on our overnight investments that our contract with UMB at least guarantees a
floor of 0.25%; but if we didn’t have that guarantee, we would be at a lower rate. Chairman McKiernan said that’s kind of depressing, I just have to say.

Reginald Lindsay, Budget Manager, said the budget revision report we have in front of you is for the second quarter of 2014. There were eight transactions that totaled $648,000. Four of the transactions were brought before the commission within the second quarter. Are there any questions about any of the ones in particular? Chairman McKiernan said so the four that came before us then would have been—Mr. Lindsay said they are the ones that are over $50,000. The one for the 2016 Republican National Convention, YMCA, maintenance to the T-Bones Ball Park and the Upper Conner Creek transaction.

Action: For information only. No action required.

Item No. 2 – 140260…COMMUNICATION: FUND BALANCE POLICY

Synopsis: The Unified Government Commission adopted a “Fund Balance Policy” in May 2012. The overlaying goal of the policy is to ensure that there will be adequate liquid resources to service as a financial cushion against the potential shock of unanticipated circumstances and events, submitted by Rick Mikesic, Accounting Director, and Lew Levin, Chief Financial Officer.

Lew Levin, Chief Financial Officer, said, Commissioners, as you may remember in June of this year, the commission approved the annual 2013 CAFR—our financial statements and based on those financial statements we’ve prepared, and this is the third year we’ve done it, show how our fund balance compares to what our actual fund balance is compared to our state goal for our fund balance policy.
You should have before you a table that shows Fund Balance Actual to Policy 2011–2013. I’m going to point out just a few things in that table. We have it color-coded and so if you look at percentages, where we have blue that indicates that we are above our goal, black indicates we are within a range of our goal and red would be the lower goal. One of the key ones we look at certainly is our general fund balance and on a budgetary basis you see in red and I’m going to look at the line that says subtotal; we ended the year 2013 with a fund balance of 3.2%. That was below the previous year of 5.6% and slightly above the 2011 figure. That’s a percent of fund balance as a percent of expenditures. On our Special Revenue Funds, we’ve trended very well. In most instances we were above our goal. We met our goal or we were above it.
budget basis, it’s really how—some of the differences include how encumbrances are treated when revenues are recorded or expenditures and how capital assets are. Over time what we’ve seen on a GAAP Basis our fund balance is at a higher level than the budgetary basis but for budget performance or for our day-to-day activity we’re required to adhere to a budget basis accounting. No action again is required. **Chairman McKiernan** said I’ll just reiterate a discussion we had extensively just a week ago and two weeks ago is that is we really need to work over the coming year to do whatever we can to move our fund balance. I noticed that the three funds that are in red here are the three—well two of the three that have the most money expended through them, the city general fund and the county general fund. We really do need to work really hard over the coming year to get our fund balance up in both of those funds so that we hedge against any negative change in our bond rating. Thank you, Mr. Levin; thank you, Mr. Lindsey. Mr. Brajkovic, I’m not sure you heard, but we did go ahead and move Item No. 4 up to Item No. 3.

**Action:** For information only. No action required.

**Item No. 3 – 140261... RESOLUTION: VACATION VILLAGE (SVV) STAR BOND REDEVELOPMENT**

**Synopsis:** Executive summary regarding Executive Summary Amended and Restated Vacation Village Redevelopment Agreement, submitted by George Brajkovic, Economic Development Director.

**George Brajkovic, Economic Development Director,** said and again, I do appreciate you considering moving this item forward. I’d like to quickly introduce Todd LaSala with Stinson Leonard Street, LLP. Todd is representing the UG on the negotiations on the development agreement and he’s responsible for all the good ideas within this tonight. What we want to do tonight is have staff come up and present both the structure of the amended STAR District and kind of present what the project plans are but slightly gloss over the details of those project plans. We have both development groups here tonight. There’s a group representing the Schlitterbahn team as well as a group representing the soccer team. What we thought from a

August 4, 2014
staff perspective if we could outline the changes to the district and the project plan and talk about some of the key deal points with Schlitterbahn it could possibly serve as a framework when you’re hearing the details from the developers in terms of what the request might be.

What we are here for tonight

- Executive Summary Deal Points – for information only
- Previous Action:
  - July 14, 2014 – Planning Commission Master Plan Conformance Finding
  - July 24, 2014 – Full Commission adopted Resolution setting August 28, 2014 as Public Hearing date

What are we here for tonight? The executive summary for the deal points, again, this is for information only. In part of why this is for information only is some of the previous action that has occurred on this item. To begin with, in July we went to Planning Commission to get a master plan conformance finding on the project plans for project areas within this district. You’ll see later that’s Project Areas 1, 2, and 4. Actually, the full commission on July 24th considered resolutions that actually set a public hearing date to formally hear these proposals for August 28th. Our commitment to the standing committee was to try to come in advance of that public hearing date to kind of set the parameters or share the deal points that we’ve negotiated to.
I’ll start with this slide, The Original Vacation Village STAR District. This was considered and created in 2005. Subsequently, there was a project plan approved for this in 2007 which kind of started that 20-year calendar for this area. You can see the parameters Parallel on the north, State Avenue on the south, 435 on the west, and 94th St. on the east. As it was originally created, it was one large continuous district and did not have separate project areas.

Which brings us to today and the proposed amended STAR District and what it looks like. You kind of still see, and I’m sorry that the streets aren’t highlighted, but again Parallel on the north, State Avenue on the south, 435 and 94th St. The original area is still contained and you can see we’ve added a few areas as well as the colored-shaded areas represent different project areas.

August 4, 2014
Project Area 1 would be the existing waterpark extended over to 94th St. Area 3 is kind of the northwest quadrant of the original area as well as 98th St. Project Area 2, we’ll kind of refer to that as the front 50 acres. Area 4 is the purple area which represents the US soccer and you’ll see that it has an overlay into the Village West area as well as new property on the east side of North 94th St. One thing to note here is this does not contemplate anything with the existing Village West District. We still plan to retire those STAR Bonds in fashion and it doesn’t represent any access to the existing base sales that are captured within that area. Area 5 would be a future waterpark expansion.

Like I said, the project teams are here and they’ll really delve into what these project areas might contain. As we discuss some of the key deal points, I think you’ll see that some of those will be highlighted anyway. For this new project area, we’re talking about a request for $90M and that bond proceeds from STAR Bonds. Again, that represents financing for Project Areas 1 and 2. Again, Area 1 is the existing waterpark and Area 2 is the northwest quadrant which is an auto mall, hotel, some restaurant pad sites and a C-Store.

From that cap at $90M, there’s $5.4M made available to the UG as a repayment for the improvements that were made to 98th St. In addition to that $5.4M, there’s also money made available for a new traffic signal at 98th & State and the Marshall Creek Sewer Interceptor that has already been installed. You might recall in 2013 we actually created a CID at the waterpark and part of that CID said the first revenues went to repay the UG for the traffic signal and that lift station. This deal contemplates getting repaid for that at the bond issuance and we’ll make some
changes to the CID. Part of the proceeds as well includes a $25M holdback provision. That holdback has some performance provisions attached to the release of the funds back to the developer.

Initially, there could be access for the developer for $15M of that holdback if they do two things. One, execute ground lease showing that they’ve provided free ground On-Goal for the US Soccer Project and then secondly, clean up, rough grade and seed that front 50 acres. That was Project Area 3 or the green shaded area in the new map. Access to the remaining $10M holdback is condition on one of two scenarios. One, that the UG has fully executed an unconditional agreement with US Soccer for their project or that the developer has commenced the project for Project Area 3 which is described as 400,000 square feet of new retail.

Chairman McKiernan said you know because there’s a lot of information here, is it okay if questions come up as we’re going through it that we can just address those as we go through. Mr. Brajkovic said absolutely.

BPU Board Member Alvey said the question I have is obviously the financing is meant to pay for the development costs, those that would be incurred by the Unified Government, the capital infrastructure cost. Does this include any funds set aside for electrical and/or water supply upgrades? Mr. Brajkovic said I know that there are infrastructure improvements within the project budget. These numbers simply represent specific repayment of UG debt. I’m sure the developer can go through that. I did not bring that detailed budget with me, but I know each of the project areas had an infrastructure component attached to it. BPU Board Member Alvey said because my concern is that when the Board of Public Utilities attempts to budget and set-aside money for new development projects that come along, we’re certainly eager to do that because that helps everybody, especially the city and the BPU. It’s more than just the traffic signals. It’s the water supply, the electrical supply and perhaps a new substation.

I don’t know all that it might require, but one of the issues we have raised with Mayor Holland—and I think Commissioner McKiernan was in on the joint meeting between the BPU President, Vice President and the At-Large Commissioner—and Mr. McKiernan, instead would take into account expenditures the BPU would have to make for its capital costs, otherwise it’s happened in the past where the BPU gets caught off guard, is not aware of this and then has to
scramble for the funds. These are the kinds of things that really would require some coordination with the BPU on that matter and I don’t know if, Brian, if you had any more insight on that. I’m not part of those meetings at this time or if Jody might have some. Mr. Brajkovic said we can go back and verify that, that coordination is taking place. I can tell you that I’ve sat in on some of our own Public Works initial review and Planning staff review and I know that those issues have come up. Again, perhaps the developer’s attorney can address that. I’m sure they’ve got a lot of feedback from those planning sessions. I do apologize. I know this is a lot of material and I’m probably flying through it but again, it’s just I’m hoping this can serve as a framework for when the development terms come up and really kind of delve into more of the details.

Beyond the financing pieces of it, giving you maybe a little bit of insight into other parts of the deal, the auto mall is considered again for that northwest quadrant of the original area. Two, and there are commitments there for at least four of the seven dealerships that are proposed. Two of those were former Wyandotte County dealerships. Now although both of those point of sales were in the marketplace and really the way the STAR Bond statute reads is any existing businesses within the district those base sales wouldn’t be calculated towards the new revenue stream. We were able to negotiate with the developer on this that although these businesses were outside of the district, they were existing sales within the county. So between the two dealerships, they represents a base sales value of $15.5M. That was a negotiated piece into their revenue projections.
The STAR calendar, I talked about that a little bit earlier, very similar to a TIF where you establish a district and then as your project plan is approved, you get a 20-year calendar. Project Area 1, where the waterpark is, will assume the balance of that existing calendar from the plan that was approved in 2007. Those revenues will be collected through 2027; however; Project Area 2, if approved, when it’s considered on August 28th, those revenues would be collected through 2034 and then subsequently as the additional project area plans are approved, they would be subject to their own 20-year calendars.

Additional Developer Improvements. There’s a temporary intersection on State Avenue that serves the current Schlitterbahn Water Park entrance. On the north end and on the south end it services the St. Patrick’s Church as well as some medical offices. The agreement here would be that the developer would address those temporary situations and make long-term improvements as were previously submitted when the Schlitterbahn proposal first came through and that includes sidewalks and streetlights. Additionally, although a portion of 98th St. has been improved, the original plans called for an “S” curve as it transitions between the south end of the development and the north end. You can picture where it crosses France Family Drive. It calls for an “S” curve there. Under the current agreement, the developer would be responsible for that additional improvement.

A couple of escrow accounts set up here. One would be for a year’s worth of property tax payments and the second would be for the maintenance of the 50 acres. Again, one of the earlier slides called out that the developer would rough grade and seed that 50 acres. There would be an escrow account just to ensure that that’s properly maintained.

I talked a little bit about the CID earlier as it was established to repay the UG. Now if the UG gets repayment off that initial issuance, the CID would stay on a pay-as-you-go basis but it would go to the developer solely. Again, Project Area 3, that front 50, under this agreement there’s a contemplated 5-year timeframe for the developer’s team to get that project underway. If that doesn’t happen after a 5-year period, the UG would have an option on that property.

Prevailing Wage and L/M/W participation goals. You guys have heard from us a lot about the changes to prevailing wage, however; the developer has agreed to stay committed for any of the project that they are constructing. They will continue to pay the prevailing wage component and then we’ve got L/M/W goals on the construction and the professional services and contemplated on the operations’ piece of this project.
Donations. The original development agreement called for a stair-step donation from the developer back to the community. Looking at what the value of that is, it represents about $750,000 that has not been paid to date. The agreement from the developer under this scenario with the new bond issuance, the $750,000 would be paid as a lump sum and then we kind of start over on the calendar. As those payments increase over time, the starting payment is actually $100,000. They make the $750,000 lump sum payment now. The following year they would go back to starting at the $100,000 payment and go from there.

In talking to Lew earlier, and he’s got some more detail on this, I just wanted to highlight what the request is then from the UG’s revenue pledge on this. In terms of revenue collected for the project, it would represent 1% of city sales tax and the UG’s share of the county sales tax; however, the UG would retain any new property tax that is collected from the new structures associated with it. Like I said, I’m sure Lew’s still here; he’s got some hard numbers that really tell the story of what each one of those might mean.
I thought I would go back to kind of the proposed map. If there are no other questions for me, I’d like to introduce probably the Schlitterbahn development team first, have them come up and maybe go through what they envision on each one of these project areas or at least Areas 1 and 2 that we’re here to consider tonight. Like I said, soccer has a group here as well and they can talk about the plan for Area 4.

Lew Levin, Chief Financial Officer, said I just want to add, one additional part of the pledge would be transient guest tax revenue. I think the developer’s going to mention there’s going to be a hotel as part of the project and that would be part of the revenue stream captured by the first and allocated for STAR Bond, that service.

Curt Petersen, Polsinelli Law Firm, said I’m pleased to be here tonight representing SVB1, the developer and landowner. Also with me is Richard Napper, representing EPR Properties, our lender. Though the lawyer is always tempted to launch into all the details and everything, Mr. Brajkovic, I think, did a very good job of hitting most all of the salient points. While we can launch, maybe we would turn it back to you to see if there are any particular areas you’d like for us to hone in on here on the site plan or any other issues and we could answer those questions.

Gordon Criswell, Assistant County Administrator, said I had a question about the charitable contributions. I know it’s early, but is that something the commission sets criteria for or do you all bring back to them recommendations on how that money is allocated or yet to be determined?
Mr. Petersen said I think it’s yet to be determined. The original documents on the contemplated new documents will say that those donations are really for foundations or other non-profits or charitable opportunities. It is not contemplated that the developer decides how that money gets allocated. I think it’ll ultimately wind up being a UG decision. Mr. Criswell said thank you.

Commissioner Murguia said it’s a bittersweet piece of the development agreement. As a member of the Charitable Giving Committee, it’s been a challenge. I have talked about this tonight already. I did not get this agenda until three minutes prior to this meeting. Could you talk a little bit more about what Gordon is referring to as far as the charitable giving piece of this? Mr. Petersen said sure. The original development agreement had a concept in it where every year the developer was to make a charitable donation to really a cause that was not determined by the development agreement but it says foundations or other non-profit opportunities. That never happened and it was sort of a graduated scale, Commissioner. It started at $100,000 and over a six or seven-year period, it got up to as much as $250,000 a year. Those donations, you know, and there’s history about the project and so forth, but those donations were never made.

As Mr. Brajkovic says, the new deal is that when we go and do the bond issue, all of that $750,000 that’s in arrears that’s not been paid, that will be paid at the time we do that bond issue and close. There will be a lump sum of $750,000 to be allocated to foundations or charitable purposes that the UG will get to determine. Going forward, after this bond closing as George said, we’re going to start this schedule again but they will make a $100,000 payment the year after and graduate up to where it’s a $250,000 payment every year made by the developer.

Commissioner Murguia said just as an FYI, in the future, and this is more for our staff than for you or the developer; in the future, I would appreciate language—I love it that you’re looking out for the charitable world but I’d appreciate more specific language in how that money will be managed from a UG perspective in the future with agreements mostly because we have a charitable fund right now. I can only speak for myself when I say I would like to see all that money go into one charitable fund pot and have one process. The last thing we need is more committees, more funds to manage and more people involved. It’s confusing. My two cents on that specific piece is that it goes in with the money we receive from the casino.

August 4, 2014
BPU Board Member Alvey said just in general, this follows the same format as the original STAR Bond project area of the Legends and then a Vacation Village. There’s really no different, different in structure. Mr. Brajkovic said I’m not sure I understand. It is different. The original Vacation Village District was separate of Village West. This is an amended version of that, just the Vacation Village District. Some of the things that were originally called for in that project plan and in that development agreement did not materialize, although I probably should have started and prefaced this with, the developer has made significant improvements. I’m looking at the budgets that they have submitted. They’ve spent in excess of $220M to acquire this property and get the waterpark up and going. We realize that the recession and the economy all played a big part in that original plan not materializing. We’ve taken a position with them where we’re trying to negotiate a fair deal for them but still get a lot of the community components that were originally called for them and ensure that those are met as well.

BPU Board Member Alvey said I’m sorry. I should have been more specific. In terms of the financial structure, it’s pretty much similar. You’re just trying to accommodate the fact that they’ve not been able to progress on Schlitterbahn the way they envisioned before the recession and trying to keep the development moving. But now we have some other opportunities and they are great opportunities. Mr. Petersen said I think that’s right. Structurally, Mr. Alvey, it is the same vehicle with STAR Bonds, the way we use them before. I think what you said is well stated and George points out this developer has put over $220M into the project. We’ve never issued bonds for this project. It was all private money. This is really, for the first time, an opportunity to issue STAR Bonds and for them to begin the public part of the public/private partnership and these are the opportunities that would result from that.

Chairman McKiernan said and as it relates to our current STAR Bonds, because I know this is an item that has some people confused, the current STAR Bonds that will retire in a couple of years, I want to make sure that we are clear that the increment that we’ve captured up to this point, the rise in sales tax that has been paying off those bonds will now come to the UG and will continue to the UG without decrementing or going back down that this will all be on top of, above and beyond, that level. I don’t want anyone to think oh, they are not going to retire those
STAR Bonds after all because, in fact, those original ones will be retired and we will realize that revenue. Is that correct? Mr. Levin said yes. That was well stated. Chairman McKiernan said that vehicle was a good vehicle for the development on the west side of 435. Now we’re going to just use that vehicle for additional development on the east side of 435.

Commissioner Murguia said just because I’m curious. What’s a C-Store? Mr. Brajkovic said like a convenient store or gas station. Commissioner Murguia asked in the STAR Bond District? Mr. Brajkovic said yes. It’s one of the pads that the developer has proposed. Mr. Petersen said, Commissioner Murguia, I can’t help it; with the look on your face maybe a little extra explanation on that. Your signals given—a high quality C-Store in this location both from, we’ll let the soccer folks speak for themselves perhaps what their patrons may or may not want in staying in the hotel across the street and things like that, but from our perspective, it’s just something that with the auto plaza, both with the dealers on the north side and with the entire auto plaza here, as long as it’s high quality, we felt like it was pre-hand and glove. Commissioner Murguia asked do you know what it is. Is it a QuikTrip or you can’t tell me or just calling it a generic—Mr. Petersen said we’ve had a lot of discussions but because we don’t have a deal with a particular user yet, we’re not in a position yet to announce but we hope so soon. Commissioner Murguia said I understand that. I was just curious if you knew and—Mr. Petersen said hopefully soon.

BPU Board Member Alvey asked could you speak—are there any proposals on hand for areas east of 94th St. in that purple area. Mr. Brajkovic said the purple area represents the US Soccer component. BPU Board Member said no, no on the east side of 94th. That’s also soccer? Mr. Brajkovic said yes, it serves as a soccer component. This represents about a 40-acre tract of ground that the Schlitterbahn Development will enter into a lease agreement with US Soccer. This is their outdoor fields and the indoor stadium associated with that. This would represent additional outdoor fields, possibly tournament fields, a component of the soccer piece. BPU Board Member Alvey said I was out of town when you made the announcement. You timed it well. Mr. Brajkovic said it is, it’s a big piece of property and introduces another 125 acres approximately into the district. There are plans for that.
The US Soccer team is here as well. I don’t know if you have any questions for them or if the material we covered here tonight is that sufficient? Chairman McKiernan said it looks like we have all of our questions and discussion taken care of.

Action: For information only.

Outcomes

Item No. 4 – 140259...COMMUNICATION: LOW INCOME HOUSING TAX CREDIT POLICY (LIHTC)

Synopsis: Per ED&F Standing Committee direction, staff is returning with additional recommendations and discussion of the Low-Income Housing Tax Credit (LIHTC) policy, submitted by Charles Brockman, Economic Development.

Chairman McKiernan said what was Item No. 3 is Item No. 4 and this is just a continuation of a discussion that we’ve been having off and on throughout the year as we look to refine our internal process for approving or recommending projects that use Low-Income Housing Tax Credits as a part of their funding stream. Does this just duplicate what was in our packets? It’s new. The last time we discussed this which was last month or the month before, I don’t remember, we asked Mr. Brockman and Mr. Brajkovic to take back some of our discussion, take back some of our comments and see if they could suggest ways to rework our criteria and our process so that we have an improved process for approving projects that use low-income housing tax credits as part of their funding.

Charles Brockman, Economic Development, said you’re correct, we’re looking at the policy and we did incorporate some new matrix points to increase it to 80. Tonight, what we want to do is introduce you to a proposed list of six criteria points to be considered for the scoring proposals. We have six of those we want to talk about as well as the matrix. I incorporated the LIHTC review criteria on how we got to those points for discussion. We have the maps showing the LIHTC per districts, LIHTC and Housing Authority developments, as well as district median area incomes.
We can start with the Low-Income Housing Tax Credits. These are projects that are on the KHRC 2014 listing and what we did is put the area median income per district as well as how many projects are in that district. **Chairman McKiernan** said, Mr. Brockman, I’m going to interrupt you for just a second and just verify. We’re getting some of this at the last moment and Commissioner Townsend is with us by phone. Commissioner Townsend, are you in a position where you can see the television and see the chart that he’s referring to that is being presented on the screen here in our room? **Commissioner Townsend** said yes. I have been watching everything visually. The chart has not come up on the screen yet. It’s running a little behind as all of them have but eventually I have been seeing everything that’s been put on the screen but it’s not up there yet. **Chairman McKiernan** said fantastic, we’ll do our best to get that up as quickly as possible. Thanks, Mr. Brockman. Go ahead.

**Mr. Brockman** said as we look at that map, it’s showing us that there are actually 28 LIHTC projects within all the districts. There are a couple of items—**Chairman McKiernan** asked within what timeframe? Within what timeframe were those projects? Within how many years were those projects executed? **Mr. Brockman** said, sir, I would have to go back and get the actual listing of when they were actually developed.

**Commissioner Murguia** asked these are not pending applications. **Mr. Brockman** said correct. **Commissioner Murguia** asked these are previous applications. **Mr. Brockman** said these are—they’re completed. They are all on the list. **Commissioner Murguia** said well, I think—
Chairman McKiernan said as I look at them, there’s some history up there. Commissioner Murguia said because I’ll tell you, okay, again, I can only speak for my district but Silver City Apartments, which you have on there, their tax compliant period is almost up. They are at the end. That was issued in, I think the 1980s. I want to say middle or latter ‘80s and it’s a 30-year official compliance but a 15-year tax credit compliance period. That would be over with. It might have been late 80s it was issued. It would be helpful for the other commissioners, I think, to realize the date of these because the nice thing about realizing the date—I swear I wasn’t going to do this. I apologize in advance. I cannot help myself on this. I think what would be helpful for all of us, including some of the commissioners that may not work with this is, to know the date of these properties. Some of them may be in a position to begin being phased out or these developers might be looking very soon to come in front of us to renew and get another 30-year allocation of tax credits. We, as commissioners, on this particular committee, would want to be ahead of that game to kind of know what’s going on specifically in our areas. That would be helpful. This is great so far. Seriously, I mean this took a lot of effort and time and that map is really fantastic.

You are missing a LIHTC development in my district, I’ll tell you. It’s the Simmons Villas Project. Chairman McKiernan said no, it’s there. Mr. Criswell said it’s there. Mr. Brockman said we have Simmons Villas here. Commissioner Murguia asked why is it in blue. What’s the difference between blue and red? Mr. Brockman said those are scattered sites. Those blue are considered scattered site projects. These are single projects. Why we have one in six because north of South 37th, that address where it’s a parking lot is going to be duplexes actually falls in District 6. Commissioner Murguia said it’s a scattered site and also different types of housing that is going to be done. I apologize. I’ll let you do your presentation and stop talking.

Mr. Brockman said I do have the listing of the developments from KHRC. I can go back and get the actual dates for you. That would be no problem. I can send them to you individually. Commissioner Murguia said if you could do this map, the easiest thing would be just to put a date and then tell the commissioners what the tax credit compliance period is, which I believe is 15 years, and then the final compliance period where the property could be used for anything else, which I believe is 30 years. I think if those two dates, that would be very helpful for people

August 4, 2014
within their districts to kind of assess what they may want to do in the future. **Mr. Brockman** said so the start date of the tax credit. **Commissioner Murguia** said it’s the full tax credit compliance period is 30 years and in order to use that property, the dirt it sits on for anything other than low-income housing, 30 year has to pass, but 15 years is when the developer can come back for more tax credits believe it or not. They can overlap each other. These commissioners, I would think, would want to know that within their districts to kind of know where they are at with this property. **Mr. Brockman** said, commissioners, also I wanted to point out in District 1 we have the Highland Park Townhomes. Staff went through there and this is, like I said, the 2014 listing but they actually went bankrupt in 2006 so that is going to be coming off.

![Diagram](image)

On this next slide here we have Housing Authority developments next to LIHTCs which are considered scattered sites as well. **Commissioner Murguia** asked can that be any bigger. I can’t read the small print or do we have a smaller—**Mr. Brockman** said you have a map in your packet. **Mr. Brockman** said one thing I want to point out in District 8, is right there, it says there are two Housing Authority developments but it’s only showing one in that area. That’s because they both have the same address and are right on top of each other. When we did the map we couldn’t really separate them. It overrode it. There are actually two right there in that area. Comparing the Housing Authority to the LIHTC, we have 28 LIHTCs and 22 Housing Authority properties spread out throughout the districts. I wanted to give you this chart because

**August 4, 2014**
you asked for it last time; comparing the LIHTC and the Housing Authority as well as the area median income per the district. **Commissioner Murguia** said right. I know people can all look at this themselves and figure it out but what I think is very interesting is that LIHTC developments, as we heard in our presentation from LISC, was intended to, over time, increase median income; but if you look at the number, I have the largest number of Housing Authority developments throughout the entire county, significantly more development. If you looked at units, I bet you’d even see substantially more low-income housing people from the Housing Authority yet my median income is the highest east of 635.

Again, I’ll go back to what I told Brian in our earlier meeting. I’m no researcher and unable to determine why things are like that but I can tell you that’s where I think LIHTC has failed. Actually, I would not want six Housing Authority units in my district if I could control that but I will tell you it’s had less of a negative impact on my district’s overall median income, in my opinion, because I think it’s a far better run low-income housing provider than the LIHTC program is, far better.

I will say my personal opinion is because we have local control. We have a local governing board, the Housing Authority Board of Directors, and we have local people that live in Wyandotte County running the Housing Authority. Is it perfect? No, but it’s better and I will tell you the Housing Authority doesn’t have near the level of incentives that LIHTC does. It really is a shame because they do an incredibly good job for what they’re dealing with.
**Tax Credit Review - 80 points minimum score**

Applicant: 

1. **Requirements**
   
   a. Pre-application meeting completed: Required
   b. Ownership clear: Required
   c. Feasible market analysis: Required
   d. Financing in place: Required
   e. Zoning and land use compliance: Required
   f. Compliance with the Long-Range Master-Plan: Required
   g. Acceptable Environmental and Site Impacts: Required
   h. Qualified Development and Management Team: Required
   i. Adequate Storm Shelter Requirements: Required

   *Master-plan compliance - Master-plan compliance is required prior to the project start date; however, it is not required to advance the review to Commission.*

   Is the developer in compliance with the Master-plan?  
   Yes  No  
   Comment:

2. **Property Location**
   
   a. NRA area: 3
   b. Conforms w/consolidated plan: 3
   c. Need for housing in area: 1 to 2
   d. Infill site: 1 to 2
   e. Area part of designated development or planned area: 2
   f. Qualified census tract: 1
   g. CDBG low-mod census tract: 1
   h. Neighborhood retail (w/in one mile): 1
   i. Parks/trails (w/in one mile): 1
   j. Transit (w/in 1/2 mile): 1
   k. Medical facilities (w/in 2 miles): 1
   l. Employment centers (w/in 1 to 3 miles): 1 to 2
   m. School impact: 0

   Comment:

3. **Development Provides Affordable Housing for Low Income**
   
   a. 20% of the units below 50%: 4
   b. 40% of the units below 65%: 3

   Comment:

4. **Housing and Resident/Tenant Needs Characteristics**
   
   a. Meets KHRC definition of substantial rehabilitation: 6
   b. Prevents conversion to market rate or preserves units: 2 to 5
   c. Preserves historic structures: 3
   d. Removes blighted structures: 1 to 4
   e. Minimal impact to existing market: 0 to 5
   f. Promotes new construction: 3
### Tax Credit Review - 80 points minimum score

| g. Promotes new scatter site single-family development | 0 to 35 |
| h. Promotes mixed-use development | 0 to 15 |
| i. Promotes alternative use development | 0 to 35 |
| j. Promotes new family-unit complex development | 0 to 35 |
| k. Promotes a senior or assisted-living mixed-income community | 0 to 35 |
| l. Owner-occupied | 3 |
| m. Units for larger families | 1 to 3 |
| n. Minimal adverse impact upon public-assisted housing | 2 to 7 |
| o. Set-aside units for persons w/special needs or transitional housing | 1 to 2 |
| p. Provide residential support services | 1 to 2 |

**Comment:**

| Points |

#### 5. Financing Characteristics

| a. Future maintenance and escrow plan | 3 |
| b. Additional rehabilitation expense | 2 |
| c. Low percentage of soft costs | 2 |
| d. Return part of income stream to community | 1 to 2 |
| e. Strength of applicant | 1 to 2 |
| f. Applicant not fully funded previously | 1 |
| g. Leverages other local or federal funding | 1 |
| h. Applicant is tax exempt | 1 |
| i. Local, Minority and Women involvement |
| 1) LBE/MBE/WBE Subcontractors or Suppliers |
| Tier 1 | 1 |
| 2) LBE/MBE/WBE Subcontractors or Suppliers |
| Tier 2 | 2 |

**Comment:**

| Points |

#### 6. Planning and Development Standards

<table>
<thead>
<tr>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Design standards</td>
<td></td>
</tr>
<tr>
<td>a1. Brick/stone construction (50% to 100%)</td>
<td>1 to 2</td>
</tr>
<tr>
<td>a2. Landscaping exceeded by 35%</td>
<td>1</td>
</tr>
<tr>
<td>a3. Balconies/patios in units</td>
<td>1</td>
</tr>
<tr>
<td>a4. Carports or garages</td>
<td>1 to 3</td>
</tr>
<tr>
<td>a5. Neo-traditional design</td>
<td>1</td>
</tr>
<tr>
<td>a6. Building articulation</td>
<td>1</td>
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</tbody>
</table>

**Comment:**

| Max Pts. | Application |

#### b. Development Amenities (Family)

<table>
<thead>
<tr>
<th>Max Pts.</th>
<th>Application</th>
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<tbody>
<tr>
<td>b1. Swimming pool</td>
<td>1</td>
</tr>
<tr>
<td>b2. Clubhouse/meeting rm./workout area &amp; kitchen</td>
<td>1</td>
</tr>
<tr>
<td>b3. Sports court</td>
<td>1</td>
</tr>
<tr>
<td>b4. Trails (30/unit) or connect to system</td>
<td>1</td>
</tr>
<tr>
<td>b5. Play structure w/specific features</td>
<td>1</td>
</tr>
</tbody>
</table>
### Tax Credit Review - 80 points minimum score

<table>
<thead>
<tr>
<th>Item</th>
<th>Points</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>b6. Other amenities - Sand vball, grills and shelters, fishing basin, in-unit washer/dryer, hot tub per 100 units, in-unit fireplace, large patio w/seating area</td>
<td>1 to 6</td>
<td>______ points</td>
</tr>
<tr>
<td>c. Development Amenities (Senior or Assisted living)</td>
<td></td>
<td>Max Pts. Application</td>
</tr>
<tr>
<td>c1. Other amenities - beauty shop, rose garden, community garden, card tables</td>
<td>1 to 2</td>
<td>______ points</td>
</tr>
<tr>
<td>c2. On-site nursing</td>
<td>2 to 4</td>
<td>______ points</td>
</tr>
<tr>
<td>c3. Alzheimer's ward</td>
<td>1</td>
<td>______ points</td>
</tr>
<tr>
<td>c4. Rehab. services</td>
<td>1</td>
<td>______ points</td>
</tr>
<tr>
<td>d. Neighborhood Organization Support</td>
<td>2 to 5</td>
<td>______ points</td>
</tr>
<tr>
<td>e. Attached or Detached Single-Family Development</td>
<td>1 to 3</td>
<td>______ points</td>
</tr>
<tr>
<td><strong>7. Ownership</strong></td>
<td></td>
<td>TOTAL POINTS</td>
</tr>
<tr>
<td>a. Wyandotte County local ownership</td>
<td>5</td>
<td>______ points</td>
</tr>
</tbody>
</table>

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**August 4, 2014**
Mr. Brockman said that’s the first half of what we wanted to talk about. The second half was the matrix and how we incorporated increasing it to 80 points. We have taken in all of the discussions and compiled it into a new matrix with a new local review. One, it will take into accountability and two past projects, their track record. If you want, we can move through the matrix and you have a copy and off to the right in your copy it says new over here or it says previous. It’s always been there but we updated it a little bit and I can discuss that with you. If we start right off at the top of the matrix here we’re looking at; we increased it by 80 points. That’s on page 2. It starts off at one with prerequisites. Previously and currently the developer has to have all of these. The applicant has to show this. If they don’t have all of these then it does not get forwarded to be reviewed for 50 points. What we have done is increased the 80 points and then on h. we worked on the Qualified Development and Management Team.
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

INTRODUCTION

The Commission of the Unified Government of Wyandotte County/Kansas City, Kansas (UG) believes that one of the community's most attractive and positive characteristics is its cultural and racial diversity in which no one group constitutes a majority. It is the policy of the Unified Government to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent or occupy housing or other real estate and to provide all persons full and equal access to housing regardless of race, sex, color, religion, ancestry, national origin, veteran status, sexual orientation, age, marital status, familial status or disability. Unlawful racial steering, discrimination and other forces promoting segregated housing must be eliminated. It is the intent of the Commission in the implementation of this Housing Tax Credit Policy to encourage racial and cultural integration as well as economic diversity.

CRITERIA

The Unified Government is committed to the construction and maintenance of quality affordable housing in Wyandotte County. The construction of new affordable housing units together with the renovation of existing housing units can significantly improve the livability of neighborhoods and provide decent living conditions. The Unified Government recognizes that the Housing Tax Credit Program, established in the Tax Reform Act of 1986, Section 42 (m), is an important tool to achieve these objectives. The Kansas Housing Resources Corporation's (KHRC) state allocation plan requires a local review process prior to its consideration of housing tax credit proposals. The KHRC will not consider an application for housing tax credits "without a resolution from the local governing body stating that it is aware of and approves the housing development". In addition, the KHRC evaluates proposals based on specific selection criteria, in accordance with Section 42 (m) requirements. To complement the State review process, the Unified Government has established selection criteria which are appropriate to local conditions and priorities.

To ensure a fair and accurate review, the following will take place:

- Prior to submitting the UG Section 42 City Tax Credit Application and Binders, a pre-application meeting will be held with the developer and the UG staff for all proposals for housing tax credits applications.

- The UG tax credit application and three (3) binders can be submitted anytime throughout the year for a Resolution of Support or a Bond Inducement Resolution after the pre-application meeting. The Local Review Committee will meet within three (3) weeks after receiving the application and binders to review and score the application. However, it is the UG's Commissioners intention to consider all applications no later than forty-five (45) days prior to the State acceptance of applications. Prior to the forty-five (45) days the Local Review must have taken place thirty (30) days prior. If an application is submitted past the UG's set time line, that application will be considered for the next State deadline date.

- All three (3) binders must include the Application and the Local Review Criteria for Review of Housing Tax Credit Proposals. After each criteria point insert your answer and/or after each criteria point you must direct the reviewer to the part of the binder.
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

containing the appropriate information (page number, tabbed section, etc.). If no
information pertains to a particular criteria point it may be left blank

- Each application will be evaluated on the basis of a point ranking system; determines if
the proposal merits local support

- Each applicant must meet a minimum of 80 points in order to forward the application
onto the Economic Development & Finance Standing Committee

1. Pre-Requisite Requirements

- Preapplication meeting - Developers must meet with the Economic
  Development and Planning & Zoning staff prior to turning the application in for
  review.

- Ownership is Clear- The developer must provide evidence of recorded title of the
  real estate to be developed or a contract indicating that the property will be
  acquired pending the approval of the tax credit application.

- Feasible Market Analysis - Submission of a feasibility study that supports the
  ability of the development to attract market rate tenants for any market rate units;
  and low income tenants for the tax credit units. (This analysis is not required for
  developments of 12 units or less.)

- Financing in Place- Evidence of permanent financing and permanent loan closing
  documents (15-year minimum for properties of 10 units or more), as required by
  the KHRC.

- Compliance with Land Use and Zoning Requirements. The Director of the
  Department of Urban Planning and Land Use must certify that the proposed site
  is in compliance with the designated zoning and land use of the site. The Unified
  Government Board of Commissioners will not take action on a tax credit
  application until zoning is in place or approved subject to stipulations.

- Compliance with Long-Range Master Plan - The Planning Commission must
  certify that the proposed site is in compliance with the approved Long Range
  Master Plan for this area. Master-plan compliance is required prior to the project
  start date; however, it is not required to advance the review to Commission.
  The Unified Government Board of Commissioners may take action noting the
  applicant may receive approval but contingent on the conformance with the
  Master-plan.

- Acceptable Environmental and Site Impacts - The Directors of Public Works and
  or the Department of Urban Planning and Land Use must certify that the
  proposed development will not have any significant adverse environmental or site
  impacts or that appropriate mitigation will occur. Considerations include: areas
  subject to flooding; close proximity to pollution generators; and sites with steep
  slopes or unsuitable for development.

August 4, 2014
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

- Qualified Development and Management Team-

  1. Submit a formal property and tenant management plan, which at a
     minimum includes:
     a. Enforcement and control measures
     b. A future maintenance and reserve plan, as part of its
        operating plan
     c. Indicate how the ability and experience necessary to
        complete and operate the proposed project will be attained
     d. Management team and their qualifications managing
        similar projects

  2. Submit a complete list of all previous and successfully developed
     and operated similar market-rate development and tax credit
     development within and outside the Kansas City metro area, and
     include the following:
     a. A list of all enforcement violations against each property
        and how the violations were corrected
     b. Contact information

- Adequate Storm Shelter Requirements- In addition to complying with local
  building codes, the plans for the development of new units must include a storm
  shelter or a protected area in the event of a severe storm. The Director of
  Emergency Management and/or the Director of Planning and Urban
  Development of the Unified Government will review proposed plans to ensure this
  protection is provided.

2. Property Location

a. Neighborhood Revitalization Area (3 Points)

   A proposed project located in the Unified Government’s recognized
   Neighborhood Revitalization Area (NRA) will receive three points. The points will
   also be awarded to any property located within the NRA boundaries, but situated
   in a Tax Increment Financing District. (The NRA is recognized as a targeted
   development area within the community; however, it should be noted that tax
   credit developments are not eligible for the tax abatement incentives received for
   development in an NRA unless noted within the approved NRA Plan. Figure C-1
   indicates the boundaries of the existing NRA and TIF and locations.)

   [Intentionally Left Blank]
b. Conformance with Consolidated Plan Objectives (3 Points)
   The current Unified Government Consolidated Plan mentions low income
   housing tax credits, as an option for constructing or rehabbing affordable rental
   housing. This document must be signed by the Director of Community
   Development and is available in the Economic Development department.

c. Need for Affordable Housing in Area (2 Points)
   The recent Housing Tax Credit Policy Review (September 2004), conducted by
   the Unified Government Research Division, indicated that two areas of the city
   have fewer affordable units available than other areas of the city. If the
   development is located in either Turner/Muncie (area #4) or Piper/435 (area #5)
   two points are awarded. (Figure C-2 below indicates the boundaries of these
   areas.)

[Intentionally Left Blank]
d. Infill Site (1 - 2 Points)

Infill sites east of I-635 receive two points. An infill site located in areas 3 and 4 (Figure C-2) will receive one point. An infill site in areas 3 and 4 will receive an additional point, if the Economic Development staff determines that the property has not been used for agricultural purposes in the most recent 24 month period. Fallow ground is considered to be agriculture.

e. Area Part of a Revitalization Plan or Designated Redevelopment Area (2 Points)

The Unified Government Economic Development staff will verify with the Community Development Director and the Director of the Land Use and Planning Department to determine if the proposed site is situated in one of these areas. If so, two points are awarded. These areas may include: special planning areas, Tax Increment Financing Districts (TIF) areas, CDBG targeted neighborhood or development areas, or other designated area.

f. Qualified Census Tract (1 Point)

A proposed development located in a qualified census tract, in accordance to HUD regulations receives one point. A qualified census tract has either a poverty rate greater than 25% or over 50% of the households have incomes below 60% of the KC area median household income. (Figure C-3 displays qualified census tracts.)
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

31

August 4, 2014

h. Availability of Nearby Services (Up to 6 Points)

1. Neighborhood Retail (1 Point)

One point is received if “neighborhood retail” services are currently available within one mile of the development. Neighborhood retail includes centers or shopping areas that offer convenience goods such as food/groceries, drugs, and personal services.

2. Park/Trails (1 Point)

One point is given if the proposed site is within one mile of an existing neighborhood or community park, recreational facility, or trail system.

Page 6
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

3. Transit (1 Point)
   One point is awarded if the proposed site is within a ½ mile of an existing
   transit line.

4. Medical Facilities/Offices (1 Point)
   One point is received if the proposed development is located within two
   miles of an existing medical office, clinic, or hospital facility. The medical
   facility should offer primary medical care service, as opposed to specialty
   care.

5. Employment Centers (1 - 2 Points)
   Two points are given, if the proposed site is within one mile of a
   significant employment center, while one point is received if the
   development site is located within three miles of such a center. An
   employment center may include a commercial business or retail district;
   or an industrial or warehouse/distribution district. Examples of such
   districts include: the Fairfax, Armourdale, and Santa Fe Industrial districts;
   the 78th Street business corridor; downtown; Village West; and the KU
   Medical Center area.

6. School District Impact (No points)
   The impacted school district may be notified for comment.

3. Development Provides Affordable Housing for Low Income
   a. Any proposal for tax credits is required to meet one of these two conditions
      (3 -4 Points)
      1. Developments with 20% of units reserved for households, with income below
         50% of area median, receive four points.
      2. Developments with 40% of units reserved for households, with income below
         80% of area median, receive three points.

4. Housing and Resident/Tenant Needs Characteristics
   a. Rehabilitation of Existing Affordable Housing (6 Points)
      Six points are awarded if the proposed development meets Kansas requirement
      of rehabilitation. Kansas requires a minimum of $10,000 per unit.

   b. Prevents Conversion to Market-Rate or Preserves Affordable Units (2- 5 Points)
      i. The acquisition of a property that may be subject to foreclosure or default or
         faced with an expiring rental assistance program would receive two points.

Page 7

August 4, 2014
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

In this instance, affordable units are retained. Rehabilitation is not required to
earn these points.

- If the acquisition of a Land Bank property with an improvement is rehabbed
  into an affordable unit it will receive three points. 

  [Comment [BC6]: NEW]

c. Preserves Historically Significant Structures (3 Points)

Historically significant structures include those buildings placed on the National
Historic Registrar or eligible for designation as determined by the Kansas City,
Kansas Landmarks Commission. Three points are given for this designation.

d. Removes Blighted Structures or Funds a Unified Government Demolition or
Rehabilitation Program (4 Points)

A development plan that removes blighted structures by means of rehabilitation,
it will receive four points. Blighted structures may include vacant or abandoned
structures, or buildings that have been cited for code violations. The Economic
Development staff and the Neighborhood Resource Center Director will make
this determination.

If an applicant does not have blighted buildings at its proposed development site,
the applicant may fund a Unified Government program dedicated for demolition
or rehabilitation of housing structures to receive from one to four points. The
table below indicates the required level of funding for various development costs.

<table>
<thead>
<tr>
<th>Amount of Investment</th>
<th>Funding Per Point</th>
<th>4 Point Funding Cost</th>
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</thead>
<tbody>
<tr>
<td>Less than $4,000,000</td>
<td>$15,000</td>
<td>$60,000</td>
</tr>
<tr>
<td>$4,000,000 to $7,999,999</td>
<td>$20,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>$8,000,000 to $11,999,999</td>
<td>$25,000</td>
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</tr>
<tr>
<td>More than $12,000,000</td>
<td>$30,000</td>
<td>$120,000</td>
</tr>
</tbody>
</table>

e. Minimal Impact to Existing Rental Market (0 - 5 points)

This category awards points if the existing rental market, in an area, is less
impacted by the proposed development. Two areas of the City have significantly
fewer rental units and therefore are less impacted by a new rental development.

- If the development is located in either the Turner or Morris neighborhoods
  of area #4 or Piper/4-35 (area #5) three points are awarded.

- If the development is located in the Muncie-Stony Pt neighborhood of
  area #4, two points is given.
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

- If the proposed development is located in any of the other areas of the City, areas 1, 2, or 3 no additional points are given. (Refer to Figure C-2.)

f. Promotes New Construction (3 Points)

g. Promotes new construction of Scatter Site Single-family Development (0 - 35 Points)
   - If the proposal is for the scatter site single-family unit development it will receive fifteen points.
   - If it includes demolition of structures or infill it will receive an additional five points.
   - If the infill or demolition is Land Bank property an additional five points will be awarded.
   - All proposals must have a minimum of 25% market-rate units
   - If 33% of the units are market-rate an additional ten points are awarded.

h. Promotes new construction of Mixed-Use Development (0 - 15 Points)
   - If the proposal is for mixed-use development it will receive an additional ten points.
   - If the mixed-use project is on a transportation corridor it will receive an additional five points.
   - All proposals must have a minimum of 25% market-rate units

i. Promotes Alternative Use Development (0 - 35 Points)
   - If the proposal is for a conversion of a building development that had been previously used for non-residential purposes receives fifteen points. An example of conversion might be constructing residential lofts or a mixed-use in a building that had been previously used for non-residential purposes.
   - If Land bank properties are used, improvement or an improvement to be demolished, it will receive an additional ten points.
   - All proposals must have a minimum of 25% market-rate units.
   - If 33% of the units are market-rate an additional ten points are awarded.

j. Promotes new construction of Family-Unit Complex Development (0 - 35 Points)
   - If the proposal is for a family-unit complex development it will receive fifteen points.
   - If it includes demolition of structures or infill it will receive an additional five points.
   - If the infill or demolition includes Land Bank property an additional five points will be awarded.
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

- All proposals must have a minimum of 25% market-rate
  - If 35% of the units are market-rate an additional ten points are awarded.

k. Promotes a Senior or Assisted-Living Mixed Income Community [0 - 35 points]
   - If the proposal is for either a senior or assisted-living development it does not have a minimum requirement for market-rate units, and will receive at minimum of fifteen points, and has the ability to receive additional points (see chart below).
   - If the proposal includes Land Bank property an additional ten points will be awarded.

Points in this category are awarded as follows, for Senior or Assisted-living developments.

<table>
<thead>
<tr>
<th>Market Rate Units Percentage</th>
<th>Points Received</th>
<th>Market Rate Units Percentage</th>
<th>Points Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-29%</td>
<td>2</td>
<td>50-54%</td>
<td>7</td>
</tr>
<tr>
<td>30-34%</td>
<td>3</td>
<td>55-59%</td>
<td>8</td>
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<tr>
<td>35-39%</td>
<td>4</td>
<td>60-64%</td>
<td>9</td>
</tr>
<tr>
<td>40-44%</td>
<td>5</td>
<td>65% or More</td>
<td>10</td>
</tr>
<tr>
<td>45-49%</td>
<td>6</td>
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</tr>
</tbody>
</table>

l. Owner-Occupied Component (3 Points)
   - Three points are awarded if development proposal includes a viable option for the tenant to purchase the unit at the conclusion of the 15-year compliance period.

m. Units for Larger Families (1 - 3 Points)
   - Proposals that include 3 bedroom units will receive one point in this category.
   - If Land Bank property is used an additional one point is awarded
   - All proposals must have a minimum of 25% market-rate units

n. Minimal Adverse Impact Upon Public-Assisted Housing (2 - 7 Points)
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

The Local Review Committee members will make this determination. The location in the community of other tax credit developments, public housing sites, and HUD listed section 8 properties will be considered in evaluating the impact of the proposed development:

- Two points are awarded if the proposed development is expected to have only minimal impact upon existing properties.
- If the development is located near existing developments (1-2 miles) and is expected to be in direct competition for rental units, then no points are awarded.
- If the proposal is not located within 3 miles of another existing rental project an additional five points are awarded.

o. Set-Aside Units for Persons w/Special Needs or Transitional Housing (1-2 Points)

This category is for proposals that include units with special features. Examples include: supportive housing for disabled; transitional housing for homeless; and assisted living housing. Proposals that include a minimum of 5% special-need tax-credit units in their proposal receive one point. Two points are awarded if 10% of the tax credit units in the proposal meet this condition.

p. Provide Residential Support Services (1-2 Points)

Residential support services may include: transportation van services; assisted-living; information and referral; and a resident association. One point is given for each support service provided, up to two points.

5. Financing Characteristics

a. Future Maintenance and Reserve Escrow Plan (3 Points)

A proposal clearly indicating a future maintenance and reserve plan, as part of its operating plan will be given three points for this category. At minimum, 5% of operating revenues should be set-aside as a future reserve to receive these points.

b. Additional Rehabilitation Expense (2 Points)

Two additional points will be received, if average rehabilitation expense exceed $15,000 per unit.

c. Low Percentage of Soft Costs (2 Points)

Two points will be awarded for this category, if the combined developer and consultant fees are less than 10% of the total development cost.

d. Returns of Part of Income Stream to Community (1 - 2 Points)

A proposal that returns a percentage of income to either a non-profit housing organization or a Unified Government housing rehabilitation program is eligible.

August 4, 2014
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

for these points. One point is awarded for each percent of income, derived from
the tax credit units, that is allocated to one of the organizations referred to above.
Two is the maximum number of points that can be received for this category.

e. Strength of Applicant (1 - 2 Points)

If the applicant has extensive development experience for similar proposals, two
points will be awarded. Market-rate and tax-credit apartment development
and/or management will be considered as relevant experience. If the applicant’s
experience is limited (1-2 similar developments), then one point will be given.

f. Applicant Not Fully-Funded in Prior Submission (1 Point)

One point is received, if the applicant received only partial tax credits in a
previous submission for this proposal.

g. Leverages other Local or Federal Funding (1 Point)

A proposal that also leverages Federal funding, such as CDBG, HOME, or HOPE
funds at the federal level or local government funding, through possibly a TIF or
benefit district, the proposal will receive one point for this category.

h. Applicant is a Tax-Exempt Organization (1 Point)

A tax-exempt applicant conforming to the guidelines of 501 (c) (3) or (c) (4) of the
Internal Revenue Service Code, and participating as the owner, developer, or
manager will receive this one point.

i. Local, Minority and Women Involvement (1 – 2 Points)

The use of LBE/MBE/WBE Subcontractors or Supplier during the construction
portion of the development will receive points. Either each of the individual
percentages must be met or the combined goal must be achieved. The two
credit tiers can be found below.

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
</tr>
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<tbody>
<tr>
<td>L = 15%</td>
<td>L = 20%</td>
</tr>
<tr>
<td>M=10%</td>
<td>M=15%</td>
</tr>
<tr>
<td>W=5%</td>
<td>W=10%</td>
</tr>
</tbody>
</table>

6. Planning and Development Standards

a. Design Standards and Architecture and Construction Quality, (6 Points)

Six points maximum can be earned in this category. Points will be given for each
of the standards provided below.

1. Two points for 100% brick/stone construction or one point for 50% brick/stone construction;
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

2. One point for exceeding the landscaping ordinance by 35%.
3. One point if all units have balconies/patios.
4. Three points if 60% of the units have garages or two points if 30% of the units have garages; or one point if no garages and 60% of the units have carports.
5. One point for neo-traditional design;
6. One point if plans for buildings include significant building articulation. Roof lines should be articulated at the unit level and include gables and dormers. The facade articulation should be at the unit level for major articulation (greater than 24 inches) and at the room level for minor articulation (6-23 inches). Unit entry points should be covered and accented as a major architectural feature of the building.

b. Development Amenities, Family-Unit Complex (1 - 6 Points)
Six points maximum can be earned in this category. Points will be given for each of the amenities provided below.

1. One point for swimming pool;
2. One point for clubhouse with a meeting room, workout room and small kitchen;
3. One point for a sports court (excluding sand volleyball);
4. One point for at least 30 feet of trails per unit or a connection to a recognized city or regional trail network (excluding parking lot and unit access);
5. One point for a play structure having at least one feature for every ten housing units, including: pair of swings, climbing wall, slide, slide pole, swing bridge, and monkey bars (if over 150 units in development, the play area should be divided into two areas for older and younger children, with replication of amenities discouraged);
6. One point for each two of the following provided (or two points if four of the following provided):
   i. Sand volleyball pit;
   ii. Barbecue grills and shelter (minimum size 10 by 15 feet);
   iii. Wet basin with fish (1/2 acre surface minimum);
   iv. In unit washer/dryer;
   v. Hot tub/sauna (one large hot tub per 100 units);
   vi. In unit fireplace;
   vii. Large patio with seating area (ten sq. feet per unit – one seat for every four units).

c. Development Amenities, Senior or Assisted-Living Complex (6 Points)
Six points maximum can be earned in this category. Points will be given for each of the amenities provided in 8(b) above, plus:

1. One point for each two of the following provided (or two points if four of the following provided):
   i. Beauty shop;
   ii. Rose garden;

Page 13
BPU Board Member Alvey said under h 2., submit a complete list of all previous and successfully developed and operated similar market-rate development, tax credit development in
and outside the Kansas City metro area. Would that, and if they are not able to submit, if they are brand new to LIHTC, would they simply not be able to compete for that. **Mr. Brockman** said no sir. **Commissioner Murguia** asked, David, where are you. I’m sorry **Commissioner Murguia** asked and your question again. I’m sorry. **BPU Board Member Alvey** said the question was if the requirement is to submit a complete list of all previously and successfully developed and operated similar market redevelopment in tax credit development, would this ace them out of competing for a LIHTC recommendation. In other words, they have no previous experience. They are brand new to a LIHTC project and they have nothing to submit. **Mr. Brockman** said if we turn to page 12 and go to e. it describes the strength of the applicant. **Commissioner Murguia** asked what page again. **Mr. Brajkovic** said I think, Commissioner, maybe to answer the question it’s more to ensure if they did have existing projects that are well kept. **BPU Board Member Alvey** said you could review it. **Mr. Brajkovic** said correct. I think it’s meant to weed out those that have not done a project before. **BPU Board Member Alvey** said you would gain points if upon review of what they submit of their previous development you saw that there were few enforcement violations and the few they did, they handled well and they saw improvements, that would improve their score. **Mr. Brockman** said yes, sir. On the strength of the applicant you can get up to two points. If they’ve had extensive development experience on similar proposals they would receive two points. If they’ve only had one or two then they would only receive one.

One of the important factors is we’ve really increased the qualifications for the development and management team. Where they didn’t have to submit any of this before, now we would like them to submit a formal property intent of management plan that we can review. We can send that in electronically when we do our RFA for your review prior to the standing committee if you have questions. Some of the things that are in that at a minimum would include enforcement and control measures, future maintenance reserve plan, which you will get points for that as well within the plan for review.

**BPU Board Member Alvey** said let’s say on page 3, h 2. again, that you had 2 a., a list of law enforcement violations against each property and how the violations were corrected. How would you quantify that if you were to disallow an application and not let it move forward because the report came back that they were not good caretakers, right? Would that be enough to veto an
application or just they don’t earn the points, for that? Commissioner Murguia said they don’t earn the points right. BPU Board Member Alvey asked if we quantify that, do we have to quantify that and if we don’t quantify that, could we put some kind of objective measure then. Do we open up ourselves again to a lawsuit? How could it be objectively evaluated? Commissioner Murguia said I’d make a comment on that. It is what it is. I guess that some of the faults or some of the responsibility would have to lie on the residents of Wyandotte County. For example, what they could report is a list of violations that code enforcement had an issue. That’s a legitimate way to say you have a track record—we use that all the time just so you know on the commission when we want to look at things. Have they ever failed to pay their taxes? That’s usually not an issue but if they had been late or not paid, that would be another potential violation.

Then just in general, a formal community complaint to our 311 service or whatever; there would have to be some, I agree, some formalization. It can’t just be the community has been talking about it but nobody’s ever called it in. A police report should also be considered in that. How many times have the police been called to that particular complex and for what reasons? What’s going on there? I think all of that is legitimate. It just is what it is. I don’t know how a government could be sued for reporting the facts like that.

BPU Board Member Alvey said I’m suggesting that they would be—the collecting information is one thing, evaluating what that means in comparison to other applicants who are seeking the same funds is another matter I assume. I don’t know. I’m asking legal a question. Jody Boeding, Chief Counsel, said I believe one of my attorneys has worked on that and he is heading to the microphone. Ken Moore, Deputy Chief Counsel, said if the question is whether we don’t have very strict objective criteria to give rise to a lawsuit or I guess more ammunition if you will for a lawsuit, to some extent, yes, it can. I mean the threshold task is whether our practice and policies have the effect of prohibiting these types of developments essentially discrimination. By being objective, you can show why you’re doing it and why it’s not for discriminatory intent. If you don’t have those then you have to still show why it’s not for any discriminatory intent. BPU Board Member Alvey said I see. So the legal task would be if someone tried to make a case, they would have to prove that the Unified Government was using this to discriminate against this particular proposal. Mr. Moore said correct.

August 4, 2014
Chairman McKiernan said really, this is for me; just follows my concern of last month which was that somebody gets blanket enhancement of their application for having been a previous developer if, in fact, that development was poorly managed, poorly operated and ended up creating more problems than it solved in the neighborhood. I’m glad to see that we’ve come up with a system because I don’t want to get blanket approval if they’ve done it poorly in the past.

BPU Board Member Alvey said that’s an important point. I appreciate the input on that.

Commissioner Murguia said, Mr. Alvey, you asked what I think was a good question. I asked it several years ago about would they not be considered if they had not done one. My experience though a little more than the committee’s, still fairly limited is that the state of Kansas is not going to issue LIHTC credits to somebody that’s never done a deal. They have to have some sort of housing development experience to draw on. I know you asked that and as someone that’s gone through the application process at the state level, not just at the local level, I just wanted you to know that we had to partner with a seasoned developer to make that happen.

I would just—I love this. It’s great, a grammatical change, I guess, or a wording change. You write submit a complete list of all previously and successfully developed—I don’t really think the end successfully is necessary. They just need to list all previous developments and then below it addresses what the issues have been with those developments. Otherwise, I think staff is going to be reviewing because they are going to try to highlight their successes and minimize and it will get confusing. They just need to list their previous developments and list the problems. I don’t really need a marketing story around how great they did in a particular area. I don’t think you really want that either.

Mr. Brockman said if we jump to Housing & Resident, Tenant Needs 4 a. on page 7 at the bottom, I wanted to bring this up. Recently I was talking with KHRC and now instead of $4,000 as the federal requirement for rehab, the minimum for Kansas is $10,000. I wanted to bring that to your attention because we have not discussed that and see if you would agree for that change.

BPU Board Member Alvey said I’m not sure what it means. Mr. Brockman said basically, if you do rehab, there was a minimum requirement previously that you have to have $4,000 put in
per unit to be qualified. The state of Kansas has a minimum requirement of $10,000 so I think we should mirror that. **Commissioner Murguia** said I think that’s fantastic.

**Mr. Brockman** said if we go to the next page, this is where we’re incorporating what I heard in the discussions is Land Bank properties. I want to bring this in and discuss it with you. Chris Slaughter is doing an excellent job in Land Bank and working with the committee to get rid of properties and new ideas on the properties. We wanted to incorporate LIHTC as well. I know Commissioner McKiernan has mentioned a little bit on this. Throughout, we’re trying to incorporate if you use LIHTC and Land Bank you would get additional points. If the acquisition of the Land Bank here in this case for the improvement for rehab, you would receive an extra three points on this just for using Land Bank property.

If we go down to page 8 at the bottom, minimal impact to existing rental market. It’s a current policy but we also can increase the points a little bit. **BPU Board Member Alvey** said so under bullet point 1 under e. The development is located either in the Turner/Morris neighborhoods of Area 4. Does that include the rental units in Highland Crest? Is it only apartments and duplexes? **Mr. Brockman** said it is specifically any rental units. **BPU Board Member Alvey** said of those 3,000 homes in that development, I believe at least a third if not two-thirds are rentals. **Mr. Brockman** said we’re not and what I mean by not, they’re rental like a rental housing project. **BPU Board Member Alvey** said but the way it’s written it says if an existing rental market, which I would assume would include even single-family detached, is less impacted by the proposed development. But rental units, does that refer again to just housing developments or does it include existing neighborhoods that were originally family owned?

**Commissioner Murguia** said you see I didn’t interpret it that way at all. I interpreted it across the board when you’re doing this LIHTC deal, I’m assuming you’re renting anywhere in Turner that a LIHTC development deal would take place would receive more points simply because there as you’ve seen on our map, there’s nothing there now in the way of formalized, affordable housing. **BPU Board Member Alvey** said it doesn’t specify LIHTC affordable LIHTC. It just says rental units. I think that’s a general term, right. **Mr. Brockman** said yes. **BPU Board Member Alvey** said what does include any even single-family detached that is under rental. **Mr. Brockman** said what we’ve always looked at when we’ve gone through the review, we’ve

**August 4, 2014**
looked at it like Commissioner Murguia has. These are developments that are in the area; say x over here. If we bring in this development, will it bring people from that development over to this development? You don’t want that. **BPU Board Member Alvey** said okay. You’re really talking about low-income rental units. I would just say specify that. **Mr. Brajkovic** said I agree.

**Commissioner Murguia** said okay, give me—make something up with this, what you’ve written here. Make up a scenario for me because I need to make sure we are on the same page with that. **Mr. Brockman** said if there’s a rental unit in Turner—**Chairman McKiernan** asked single-family or multifamily or does it matter? **Mr. Brockman** said if it’s multifamily and a LIHTC project comes in five blocks away, what’s the impact of the rental units on the existing rental development. Will it draw them away? That’s how we look at it. **Commissioner Murguia** said but what if—I’m still with you. I think it’s good. I can only use an example from my district. There’s an apartment complex not for long to be rented at the rate it’s rented as called University Villas in Rosedale. We’ll pretend it’s in Turner. Their rental rates are already at the LIHTC rate and the developer just wants to improve the rental property. They want to come in and buy it for the LIHTC credits so they can use the development dollars to improve the units, $10,000 a unit. There are 100 units, you know. You can just do the math. It’s a $100,000 improvement to this facility. It’s already renting. That’s the rate they’re already renting at. The people that live there are eligible. Do they get the extra points or no?

The same with Highland Crest like Mr. Alvey said—let’s say he goes in and he decides he’s going to buy 50 houses in Highland Crest because it’s had such significant issues. Whether they are rental or single-family that he acquired that were not rental prior, can he make them a scattered site LIHTC deal and get the extra points for that? **Mr. Brockman** said yes. **Commissioner Murguia** said I’m good with that.

**BPU Board Member Alvey** said I would just say that the language state more clearly what is and what is not understood as a rental unit there. **Commissioner Murguia** said don’t you really mean affordable housing unit instead of specifically rental. **Mr. Brockman** said if we go to page 10 n at the bottom, it says minimal adverse impact upon public assisted housing and then it continues onto page 11 which we added the third bullet. **Commissioner Murguia** asked where do you see that at. **Mr. Brockman** said page 10, n. and moved over to page 11. **BPU Board**

**August 4, 2014**
Member Alvey asked is that a redundancy. Are you simply stating it in a different way what is implied or included under e? Mr. Brockman said when we review, we look at it under e. Is it going to have an impact on that rental unit that is going to take it away? Then we look at specifically Housing Authority properties. In these Housing Authority properties, two points are given or one point and now we’ve added because of the concern about a lot of we don’t want—BPU Board Member Alvey said I see but yes, that’s not a redundancy because you could have a project in District 6 that is in within three miles of—which would be three miles of Silver City Apartments and, therefore, it would not qualify and would not get those points. Mr. Brockman said now that three miles commissioners—if you look above that bullet it says near existing one to two miles. We can change the miles if you want 2.5, 3 or 3.5. What would be considered reasonable?

Commissioner Murguia said I’m not really worried about the distance in this case scenario as much as I’m worried about why do we care if we beat out the Housing Authority. Why would we care if we provide better housing stock for our low-income people than the Housing Authority does? Why are we concerned about that? I’m not trying to pick on you. You did a great job on this. I just want to—

Chairman McKiernan asked could this be—we had some concerns that we had articulated about the potential to cluster, to concentrate. Is this intended to kind of mitigate concentrating or clustering? Mr. Brockman said correct. Chairman McKiernan said your point is very well taken if you can effect an improvement in the housing stock that’s already there.

Commissioner Murguia said so I guess this is the rule I care about. That helped me immensely. If there are two low-income apartment complexes, one is the LIHTC and one is the Housing Authority, they are within a mile of each other already, they are existing properties and somebody wants to come in and do a LIHTC deal to redevelop, improve or rehab that one LIHTC facility, will they lose those points because in that case I don’t think they should lose those points; I think they should gain them. You’re not adding. The only time I think you should lose those points is if you’re building an additional low-income facility but if you’re
already low-income and you’re rehabbing it, do you see what I’m saying? **Mr. Brockman** said yes.

**Commissioner Murguia** said, Charles, it would just be better if—they should earn those points if they are coming in and rehabilitating but I think your concept, you’re on the right track. That’s very good. I would just say I want them to earn points if they’re improving existing—I don’t want clustering of new. That’s just my opinion unless someone disagrees.

**BPU Board Member Alvey** said I guess the other thing I’d comment along with that is under e. that it would seem to me that let’s suppose there would be over the next 10 to 15 years more affordable housing developments in Turner/Morris or Piper such that there would then be a balance between commission districts. Would this be a permanent statement? In other words, if this is trying to equalize in some way the concentration of low-income housing; at some point that may not be necessary? **Mr. Brockman** said yes, sir. In the memo in your packet it speaks about coming back bi-annually and reviewing it for any changes that may occur. Right now it might be temporary if you wanted to change it.

**Commissioner Murguia** said, Mr. Alvey, I just want to comment about something you said. One of the things that I’m looking at and having regular conversations with the Housing Authority about is that the Housing Authority property here in Wyandotte County is becoming very old. Most of it is east of 635, bulk of it in my district and the majority of it built in the ‘60s and early ‘70s. That’s 50+ years old now. One of the things Tom Scott is doing, who is the Executive Director over there, is looking at maybe being able to sell some of that property for redevelopment opportunities. This is just me speaking, not him. I’d like to see our Housing Authority get creative with scattered site LIHTC development in partnership with our Housing Authority so they could actually reap some benefit of some revenue from the development fees off of a LIHTC development. They could make some money, sell off some old property and increase the quality of living for our low-income people in Wyandotte County and more evenly distribute the low-income throughout the entire county so it has very little impact in one particular area. Whether that happens or not is another story but I’m trying to work in that direction with him.

August 4, 2014
Lew Levin, Chief Financial Officer, said I was going to add maybe a historical perspective to that e. I happen to have assisted with the original policy in the point criteria. I think the intention at the time, and this was probably developed about 10 years ago, was to give a little balance to the—I’ll say in this instance the Piper/Turner areas of the community. If you go prior to e., you’ll see some points awarded if it’s in a CDBG eligible census tract or low-income census tract, and those areas did not necessarily meet those criteria. I think when we were looking at rental units, we were looking more at apartment complexes at the time. I think probably since then, the magnitude that you referred to on the single-family development that’s been, you’ve seen more of a conversion to rental units. That wasn’t a consideration at the time. I think to your last point, if you review the policy overtime, you might say does this specific additional point, is it relevant a year from now as it was previously.

BPU Board Member Alvey said I would anticipate that if let’s say the Housing Authority were to get involved in doing a scattered site development in Highland Crest, it would be an improvement because they would have some control and oversight. Commissioner Murguia said that’s right.

Mr. Brockman said thank you, Lew. That puts us to 4 g. What we did, once again want to promote new construction, scattered sites, mixed use and alternative use development as well as family unit complexes. We came out with 0 to 35 points to get to that 80. I’m looking under g. If the proposal is for scattered sites, single-family unit, it will receive 15 points. If it’s an infill for structure, it will receive points. If it’s Land Bank, once again, it will receive points.

Here’s something that I wanted to discuss. It says all proposals must have a minimum 25% market rate units. We try to keep that in all the developments now. That was my take away from the meetings from ED&F for the past several months. There is no minimum requirement for senior assisted living. That’s one that will not have 25% unless you want to change that. Commissioner Murguia said again, Charles, I think that’s fabulous. I think that’s absolutely brilliant to require that. Some people may not know LIHTC developers love to come in front of us and say its 60/40 split. 40% of the people have to be low-income. They don’t have to be low-income. It’s a recommendation. What Charles is doing by putting it in writing is it is a requirement. It’s no longer a recommendation.
If you look at like we talked about before, a lot of our neighborhoods that are currently renting—I’ll just tell you on behalf of my district. A lot of the apartment rates and the rental rates for single-family housing are already at the low-income housing rental rate. What they are just missing is they don’t have the LIHTC incentive on that property but it’s already at the right rate. By doing this LIHTC development, they can provide, like I said, higher quality living for the same amount of money. A lot of times it’s easiest to just go recruit very low-income people and move them in because there is a large number. It’s harder to get people of means to mix with that population. By making it a requirement, to get more points it does make it harder but it also increases the potential for your application to go through.

Mr. Brockman said once again, promotes construction of new scattered sites is new. The promotes alternatives used development is a previous policy that we added the 25% market rate and we’ve included if you add 33% market rate, you’ll get extra points. That’s one more thing for this incentive to increase for more points.

We added under the mixed-use, we added a transportation corridor that we discussed. If it’s in a transportation corridor and it’s a mixed-use then you would receive additional points too.

Commissioner Murguia said the only thing I would—this doesn’t have to do anything with the policy change but the one thing I would like to see, George, you link this with an Economic Development incentive package. You can have these great criteria but unless there’s money involved in it, there’s not much incentive to meet the compliance especially since there is so much criteria. If somebody opted not to have 33% of the units at fair-market rate, they could opt out and still their application could pass. What we want to try to do is get people to comply. This is sort of the details of the housing vision. This is a great example of what we could work from. That’s why I’m saying if you link it with some sort of Economic Development incentive in addition to LIHTC, that would be fantastic.

Mr. Brockman said on page 10, we’ve added the 25% market rate there as well. That was never there. We discussed the minimal impact upon public assisted housing. This is back to the discussion, and I’m looking at 5 b., it was originally because they had $4,000. The current policy we had is you can earn additional points if it was over $10,000. If we bumped it from 4 to

August 4, 2014
10, let’s bump it from 10 to 15. If they are above 15 then they would receive additional points. **Commissioner Murguia** asked where’s that at. **BPU Board Member Alvey** said page 11 5b. **Mr. Brockman** said previously, if it was above $10,000, you would get extra points. Since we bumped it to 10, I raised it by 5 and said okay, if you go over 15 then you get additional. That’s something, if you’re agreement, we’ll go.

**BPU Board Member Alvey** said this is a general question and I may not understand this correctly. 5 b. Additional Rehabilitation Expense, if the average rehabilitation expense exceeds $15,000 per unit and then compare that with, again, I guess that’s 4 g., page 9 is the matrix written offering more points for new construction as opposed to rehabilitation? Let’s talk, again, a place like Highland Crest. Does the matrix encourage much more new construction or—**Mr. Brockman** said excuse me, Commissioner, on f. right about it New Construction, you get three points and if it’s rehabilitation previously to that—**BPU Board Member Alvey** said maybe I’m not understanding under g. **Mr. Brockman** said you get six points if it’s rehabilitation and three points if it’s new construction. **Commissioner Murguia** asked where’s the Rehabilitation section. **Mr. Brockman** said it is on page 7 4a. **Commissioner Murguia** asked how many is it for now. **Mr. Brockman** said three but then we’ve increased the points 0 to 35 to balance it out.

**Mr. Brockman** asked did I answer your question, sir. **BPU Board Member Alvey** said I’m misreading how this works. When I see under g., again, promotes new construction of scattered sites single-family development 0-35 points. Is that 0-35 out of 80 potential points? **Mr. Brockman** said no, and this if I’m understanding, g. that category, you can earn up to 35 points of the 80. **BPU Board Member Alvey** said that’s right. Correct. **Mr. Brockman** said now if what you did that, promotes scattered sites, family development or let’s take the example if what you’re doing promotes alternative use development, you can get up to 35 points of the 80 but then if you turnaround and you use mixed-use development, you’d get an additional up to 15 points.

**Mr. Brajkovic** said to answer your question, would you like to see rehab projects addressed in a similar fashion as all of these broad different categories of new construction so that it’s the same spectrum of points available. **BPU Board Member Alvey** said I’m just asking the question.
That’s really—honestly as a BPU Board Member I think that’s really—I’m just asking the question. I think it’s really the commission—I’m just trying to clarify for myself whether the way this is written encourages single-family new construction more than it would single-family rehab. I do think there’s a great need for single-family rehab, especially I think in a place like Highland Crest.

**Commissioner Murguia** said I completely agree with Mr. Alvey. For clarity, it would just be easier that the way this was written it’s encouraging new construction versus rehabilitation. I don’t think we’re really encouraging one over the other. We’re trying to determine the best use of property whether it be vacant land or rehabilitation for whatever area it’s in. I don’t think one should supersede the other. It’s the criteria that’s so important. Just like you said, Charles, about if you’re going to rehabilitate you might need more money per unit than if you’re going to do new construction. Sometimes when you’re rehabilitating you don’t know what you’re going to run into, especially older housing stock. I will say that I have an opinion on that. It would be nice to see it laid out like new construction with a point system that moves them in the right direction. **Mr. Brockman** said we’ll do that. That’ll be done.

**BPU Board Member Alvey** said if I’m a developer who’s looking to do a LIHTC and I look at the incentives or point system, am I going to do single-family because I get more points than if I go into another existing neighborhood and rehab. Probably that decision is never—you’re either going to rehab or you’re starting new and that’s my assumption I’d bet. **Commissioner Murguia** said that’s right.

**Mr. Brockman** said we talked about n. That would get us to the end of page 14, No. 7 under ownership—**Commissioner Murguia** asked do you want to make that 100 points. **Mr. Brockman** said it was discussed in ED&F that it would be nice to have local ownership. With local ownership there’s also more control of what the managing and so on that can take place. We thought we could put in five points if they are local. **BPU Board Member Alvey** asked how many points can we give them if they build at 75th & Mission, probably not many. **Commissioner Murguia** said I do think that’s great. Just again for clarity for people watching and listening, it’s just extra points. It doesn’t mean that somebody in another city, state, county
can’t develop LIHTC in Wyandotte County; it just means that they are not going to get as many points as if someone in Wyandotte County was to develop it.

Mr. Brockman said just to sum it up, I’m going to go through this matrix and the local review. Should we extend the moratorium for another month, two months? We have not received any applications yet. Typically, they all come at once at the end of the year. There is a 45-day period prior to January that we cannot receive any of those applications.

BPU Board Member Alvey said well, if Commissioner Townsend is on, then we have a quorum. Acting Chairman Murguia said yes. We still have a quorum. Commissioner McKiernan had to leave early so I’m going to finish the meeting for him. Commissioner Townsend, are you still on the line? Commissioner Townsend said yes, I am. Acting Chairman Murguia said okay, thank you. Commissioner McKiernan had to leave so please don’t hang up on us. We need you for a quorum, okay. Commissioner Townsend said oh, no. I’m here to the end.

Action: BPU Board Member Alvey made a motion, seconded by Commissioner Walters, to extend the moratorium.

Acting Chairman Murguia asked for how much longer. BPU Board Member Alvey said I don’t know. Mr. Brockman said I would say 60 days. Commissioner Walters seconded the motion.

Commissioner Townsend said I’ve been listening to the discussion. I do not have the matrix. I was waiting for that to appear. I was encouraged that the points in the packet that I did have seem to address all of the issues that were raised in our last meeting. That was the focus and I’ll just look later at the details. If I have any other follow-up questions, I’ll just follow them up with Mr. Brockman. I thank him for supplying me with the properties that were identified as LIHTC in District 1 in our last meeting and my request for that information. Mr. Brockman said I’ll deliver a packet upstairs for you tomorrow that the other commissioners received today. Commissioner Townsend asked is it available online tonight. Mr. Brockman said I can scan
and send it to you if you want. **Commissioner Townsend** said you don’t have to do that. I was just asking was it already online. If not, I can get it tomorrow.

Roll call was taken and there were four “Ayes,” Alvey, Walters, Murguia, Townsend.

Adjourn

**Acting Chairman Murguia** adjourned the meeting at 7:08 p.m.

tp
Staff Request for Commission Action

Tracking No. 140320

```plaintext
☑ Revised
☑ On Going
```

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

**Date of Standing Committee Action:** 9/29/2014  
(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 11/6/2014  
**Confirmed Date:** 10/16/2014

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

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<td>9/16/2014</td>
<td>Mike Tobin</td>
<td>573-5400</td>
<td><a href="mailto:mtobin@wycokck.org">mtobin@wycokck.org</a></td>
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**Item Description:**

At the September 8th Economic Development Standing Committee Meeting, staff gave a report on the status of a proposed new South Patrol Police station to be included in the redevelopment project of the old Structural Steel site in Argentine. This project will be a part of a TIF District anchored by a new neighborhood Wal-Mart store. The proposed station was to be a joint public safety facility, housing a State Corrections Office as a tenant. The State notified us in late July that they needed to withdraw Corrections as a tenant in this project, therefore, staff needed to re-evaluate and determine a new funding formula. Also, at the previous Public Works and Public Safety Standing Committee Meeting, the Committee requested that the tactical unit be included in the move.

Please see attached memorandum for additional project

**Budget Impact:** No General Fund money is required in the 2015 Budget. The Commission would need to amend capital plan for the project to be included so that staff can begin expending money as needed. As indicated in the attachment, the first debt payment on this project would be in 2016 at earliest. The project total of $1,850,000 (which is $2,250,000, minus $400,000 State Grant) will be funded from GO bonds.

**Action Requested:**

Approval of the project so that it is included in the CMIP with general obligation debt funding in 2015. Please note that the request is for the new South Patrol facility and does not include the Tactical Unit at this time.

**Publication Required**

**Budget Impact: (if applicable)**

- **Amount:** $
- **Source:**
  - ☐ Included In Budget
  - ☐ Other (explain) See Item Description - This represents a modification to the recently approved CMIP. However, first debt expenditure would not occur until 2016 at earliest.
MEMORANDUM

TO:         Economic Development Standing Committee
FROM:      Robert D. Roddy, Director, Public Works Department
DATE:        September 3, 2014

SUBJECT:   RFA South Patrol Police Station / Tactical Unit Facility

At the Standing Committee meeting, it was agreed that staff would present an updated report to the Economic Development Standing Committee on September 8th to evaluate a potential funding formula that would allow the project to proceed. Additionally, the Public Safety Committee requested that funding be included to move the Tactical Unit from its current location in addition to South Patrol.

Please note the following information:

South patrol Police Station

- Site 24th & Metropolitan
- Size 10,000 sq. ft.
- Estimated Cost $2.25 Million or $225 sq. ft.

Tactical Unit Facility

- Site TBD
- Size 3,300 sq. ft.
- Land TBD
- Estimated Cost $743,000 or $225 sq. ft.

The attached analysis provides two scenarios. The first contemplates a new south patrol station within the TIF district. The second provides funding for a new Tactical Facility at a location to be determined. You should note that the tactical unit is not recommended to be part of the new shopping district as this environment is not conducive for this type of operation.
## Tactical Unit

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**Tactical Unit Project Cost**

743,000

**Common Area Maintenance (CAM) Charges Estimate:**

- Cost Per Sq. Ft.: $2
- Building Size (sq. ft.): 3,300
- Annual CAM Cost Estimate: $6,600

**Total Unified Govt. Estimated Project Cost (Financing and CAM) 2015 - 2035:**

$1,204,091
# South Patrol TIF Analysis (revised 9-3-14)

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Dept. of Commerce one-time contribution 400,000
Project Cost 2,250,000
Adj. Project Cost (Project Cost - Dept. Comm. contribution) 1,850,000

Common Area Maintenance (CAM) Charges Estimate:
  Cost Per Sq. Ft.: $2
  Building Size (sq. ft.): 10,000
  Annual CAM Cost Estimate: $20,000

**Total Unified Govt. Estimated Project Cost (Financing and CAM) 2015 - 2035:** $1,081,359
**Staff Request for Commission Action**

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

**Date of Standing Committee Action:** 9/29/2014  
(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 10/16/2014  
**Confirmed Date:** 10/16/2014

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

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<th>Contact Phone</th>
<th>Contact Email</th>
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<tr>
<td>9/17/2014</td>
<td>Lew Levin</td>
<td>x-5186</td>
<td><a href="mailto:llevin@wycokck.org">llevin@wycokck.org</a></td>
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**Item Description:**  
Ordinance authorizing the Unified Government of Wyandotte County/Kansas City, KS to issue sales tax special obligation revenue refunding bonds (KISC Project), series 2014 in an aggregate principal amount not to exceed $13,000,000.

This is a refunding of the 1999 Kansas Speedway current interest STAR bonds. The preliminary projected net present value savings, associated with this refinancing, is $2.1 million. These are special obligation bonds, backed initially by project revenues with an annual appropriation backstop. Project revenues have been sufficient to-date.

### Action Requested:

Approve ordinance subject to specific parameters:

1. Principal amount - not to exceed $13 million;
2. True interest cost not to exceed 3.25%;
3. Net present value saving of at 7% of the principal amount being refunded.

### Publication Required

- [ ] Publication Required

### Budget Impact: (if applicable)

- [ ] Included In Budget  
- [x] Other (explain) Annual debt service reduction of approximately $180,000.
ORDINANCE NO. O-__-14

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE ITS SALES TAX SPECIAL OBLIGATION REVENUE REFUNDING BONDS (KANSAS INTERNATIONAL SPEEDWAY CORPORATION PROJECT), SERIES 2014 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $13,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN PRIOR BONDS, THE PROCEEDS OF WHICH WERE USED TO FINANCE CERTAIN COSTS RELATING TO THE PRAIRIE-DELAWARE REDEVELOPMENT PROJECT AREA A TAX INCREMENT FINANCING REDEVELOPMENT PLAN; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

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

WHEREAS, the Issuer is authorized under K.S.A. 12-12-17,160 et seq., as amended (the “Act”) to issue special obligation revenue bonds for the purpose of financing an “auto race track facility” in a “major tourism area” (as such terms are defined in the Act); and

WHEREAS, the Issuer created the Prairie-Delaware Redevelopment District pursuant to K.S.A. 12-1770 et seq.(the “Prior Act”) and Ordinance No. 0-11-98 adopted by the governing body of the Issuer on March 19, 1998; and

WHEREAS, the Issuer adopted the Prairie-Delaware Redevelopment Project Area A Tax Increment Financing Redevelopment Plan (the “Redevelopment Plan”) pursuant to the Prior Act and Ordinance No. 0-48-98 adopted by the governing body of the Issuer on June 25, 1998; and

WHEREAS, pursuant to the Prior Act, the Issuer issued $24,300,413.05 aggregate principal amount of Sales Tax Special Obligation Revenue Bonds (Kansas International Speedway Corporation Project), Series 1999 (the “Series 1999 Bonds”) under a Bond Trust Indenture dated as of January 15, 1999 (the “Original Indenture”) between the Issuer and Security Bank of Kansas City, as trustee (the “Trustee”) for the purpose of providing funds under the Financing Agreement dated as of January 15, 1999 (the “Original Financing Agreement”) between the Issuer and Kansas Speedway Corporation f/k/a/ Kansas International Speedway Corporation, a Kansas corporation (the “Corporation”), to (a) finance a portion of the Costs of the Discrete Facilities (as defined in the Original Indenture), (b) fund a deposit to the Debt Service Reserve Fund (as defined in the Original Indenture), and (c) pay certain costs related to the issuance of Series 1999 Bonds; and
WHEREAS, the Issuer and the Trustee entered into an Amendatory Supplemental Bond Trust
Indenture dated as of October 1, 2002 (the “Amendatory Supplemental Indenture”) containing certain
amendments to the Original Indenture in connection with the issuance of certain Taxable Subordinate
Sales Tax Special Obligation Revenue Bonds (Kansas Speedway Corporation Project), Series 2002 issued
pursuant to a separate Subordinate Bond Trust Indenture; and

WHEREAS, pursuant to the Act, the Issuer has determined to issue a maximum $13,000,000
aggregate principal amount of Sales Tax Special Obligation Revenue Refunding Bonds (Kansas
International Speedway Corporation Project), Series 2014 (the “Series 2014 Bonds,” as more fully
described herein), under the Original Indenture, as amended by the Amendatory Supplemental Indenture
and as further amended and supplemented by the hereinafter described Supplemental Indenture
(collectively, the “Indenture”), for the purpose of providing funds to (a) refund a portion of the Series
1999 Bonds, (b) fund a deposit to the Debt Service Reserve Fund, and (c) pay certain costs related to the
issuance of the Series 2014 Bonds; and

WHEREAS, the Series 2014 Bonds will be secured under the Indenture on a parity with the
Series 1999 Bonds and will constitute Additional Bonds (as defined in the Original Indenture).

WHEREAS, the governing body of the Issuer hereby finds and determines that the issuance of the
Series 2014 Bonds to provide funds for the purposes described herein in the manner provided in the Act
and pursuant to the provisions of the Indenture and the Financing Agreement hereinafter described, will
serve one or more of the public purposes set forth in the Act and will promote, stimulate and develop the
general and economic welfare of the Issuer; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and
desirable in connection with the issuance of the Series 2014 Bonds that the Issuer enter into certain
agreements, and that the Issuer take certain other actions and approve the execution of certain other
documents as herein provided.

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

Section 1. Authorization of the Series 2014 Bonds. The Issuer is hereby
authorized to issue and sell the Series 2014 Bonds in the original aggregate principal amount of not to
exceed $13,000,000, the proceeds of which will be used to (a) refund a portion of the Series 1999 Bonds,
(b) fund an initial deposit to the Debt Service Reserve Fund for the Series 2014 Bonds, and (c) pay certain
costs related to the Series 2014 Bonds. The Series 2014 Bonds shall be issued and secured pursuant to
the Indenture and shall bear such dates, shall be in such denominations, shall be in such forms, shall
mature on the dates and in the principal amounts and maturity amounts, shall bear interest at various
interest rates not to exceed a true interest cost of 3.25% per annum, and shall be subject to redemption on
the dates and in the principal amounts as provided in the below authorized Bond Purchase Agreement,
and shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in
such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the
Indenture. The Series 2014 Bonds shall provide net present value debt service savings of at least 7% of
the principal amount of the Series 1999 Bonds being refunded.

The Series 2014 Bonds, together with interest and premium, if any, thereon are not general
obligations of the Issuer but are limited obligations payable solely from the trust estate pledged to the
payment thereof under the Indenture and shall be a valid claim of the respective holders thereof only
against the trust estate and other moneys held by the Trustee and the revenues so pledged as aforesaid.
no event shall the Series 2014 Bonds be payable out of any funds or properties other than those pledged or acquired under the Indenture, and the Series 2014 Bonds shall not be deemed to constitute a debt or liability of the State of Kansas, the Issuer or of any political subdivision thereof and the issuance of the Series 2014 Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Series 2014 Bonds, the Indenture, the proceedings of the Issuer authorizing the Series 2014 Bonds or the Act shall be construed to be a debt or loan of credit of the Issuer, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

Section 2. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer at this meeting (copies of which documents shall be filed in the records of the Issuer), and the Issuer is hereby authorized to execute and deliver each of such documents to which the Issuer is a party (the “Issuer Documents”) with such changes therein as shall be approved by the officer or officers of the Issuer executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof:

(a) SupPLEMENTAL BOND TRUST INDENTURE NO. 1 DATED AS OF THE DATE STATED THEREIN (THE “SUPPLEMENTAL INDENTURE”), BETWEEN THE ISSUER AND SECURITY BANK OF KANSAS CITY, KANSAS, AS TRUSTEE (THE “TRUSTEE”);


(c) BOND PURCHASE AGREEMENT DATED AS OF THE DATE OF DELIVERY THEREOF (THE “BOND PURCHASE AGREEMENT”), BETWEEN THE ISSUER AND CITIGROUP GLOBAL MARKETS, INC. (THE “UNDERWRITER”);

(d) TAX COMPLIANCE AGREEMENT DATED AS OF THE DATE SET FORTH BETWEEN THE ISSUER AND THE TRUSTEE, RELATING TO THE SERIES 2014 BONDS; AND

(e) SECOND AMENDMENT TO REDEVELOPMENT DISTRICT TAX DISTRIBUTION AGREEMENT, AMONG THE ISSUER, THE TRUSTEE AND THE TREASURER OF THE STATE OF KANSAS.

Section 3. Approval of Use of Official Statement. The Issuer hereby approves the use of the Preliminary Official Statement, from which a final Official Statement shall be drafted (collectively, the “Official Statement”), in connection with the sale of the Series 2014 Bonds, in substantially the form presented to the Issuer, with such changes therein as shall be necessary to provide for the execution of such document by the Mayor/CEO of the Issuer, such officer's signature thereon being conclusive evidence of his approval and the Issuer's approval thereof.

The Official Statement and the use and distribution thereof by the Underwriter are hereby approved for use in connection with the sale of the Series 2014 Bonds. For the purpose of enabling the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the “Rule”), the Mayor/CEO of the Issuer is hereby authorized and directed to deem the Official Statement to be “final” as of its date, except for the omission of such information as is permitted by the Rule, and if requested, to provide the Underwriter a letter or certification to such effect and to take such other actions or execute such other documents as the Mayor/CEO in his reasonable judgment deems necessary to enable the Underwriter to comply with the requirements of the Rule.
Section 4. Execution of Bonds and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Series 2014 Bonds and to deliver the Series 2014 Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, with such changes as the Mayor/CEO deems necessary or appropriate, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Series 2014 Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 5. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, including without limitation any redemption and defeasance notices, any other documents necessary to effect the refunding and defeasance of the prior bonds, documents relating to the qualifications of the Series 2014 Bonds under the “blue sky” laws of the various states of the United States of America, documents necessary to obtain approvals of the Kansas Secretary of Commerce and the Kansas Secretary of Revenue as required by law, and any agreements with respect to the investment of funds held under the Indenture, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Series 2014 Bonds and the Issuer Documents.

Section 6. Effective Date. This Ordinance shall take effect and be in full force after its adoption by the Issuer and publication once in the official newspaper of the Issuer.

PASSED by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas this 16th day of October, 2014.

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

(Seal)

ATTEST:

_______________________________
Unified Government Clerk

Approved as to form:

_______________________________
Chief Counsel
Type: Standard  
Committee: Economic Development and Finance Committee  

Date of Standing Committee Action: 9/29/2014  
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 11/21/2013  
Confirmed Date: 11/21/2013

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

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<tr>
<td>9/17/2014</td>
<td>Charles Brockman</td>
<td>5735733</td>
<td><a href="mailto:cbrockman@wycokck.org">cbrockman@wycokck.org</a></td>
<td></td>
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Item Description:
Per the ED&F, staff is to come back to the September 29, 2014 ED&F with additional recommendations and discussion of the Low Income Housing Tax Credit ("LIHTC") policy.

Action Requested:
Discussion only

Publication Required

Budget Impact: (if applicable)

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

TO: Economic Development & Finance Standing Committee Commissioners

THROUGH: George Brajkovic
          Economic Development Director

FROM: Charles A. Brockman, Analyst
       Economic Development

DATE: September 15, 2014

RE: Low Income Housing Tax Credit (LIHTC) Scoring Matrix and Compliance Periods

Per the ED&F, staff is to come back on September 29, 2014 with additional recommendations and discussion of the Low Income Housing Tax Credit (“LIHTC”) policy.

Current changes to the Local Review Criteria for LIHTC focuses on discussions and recommendations of ED&F to be considered for tax credit projects.

Additionally, staff completed a commission district map that lists the LIHTC housing projects and the compliance periods for review.
Current Low Income Housing Tax Credit (LIHTC) Projects

Comm. District 1
- Dev. Name: DelaVan Townhome Redev.
  - Year: 2003
- Dev. Name: Fairfax Bluff
  - Year: 2009
- Dev. Name: Highland Park Townhomes
  - Year: 1990
- Dev. Name: House to Home Escalade
  - Year: 2013
- Dev. Name: Northeast Junior High
  - Year: 2009
- Dev. Name: Stonehedge Townhomes
  - Year: 2004

Comm. District 2
- Dev. Name: Historic City Hall Lofts
  - Year: 2004
- Dev. Name: House to Home Bethany
  - Year: 2010
- Dev. Name: House to Home Riverview
  - Year: 2013
- Dev. Name: St. Margaret’s Senior Housing
  - Year: 2012

Comm. District 3
- Dev. Name: Rosedale Ridge
  - Year: 1995
- Dev. Name: Silver City Apts
  - Year: 1995
- Dev. Name: Simmons Senior Housing*
  - Year: 2013

Comm. District 4
- Dev. Name: Chelsea Plaza Homes
  - Year: 2003
- Dev. Name: Gateway Plaza Home West
  - Year: 1996
- Dev. Name: Mt. Carmel Senior Housing
  - Year: 2002
- Dev. Name: Turtle Hill Townhomes
  - Year: 2003
- Dev. Name: Zion Park
  - Year: 1999

Comm. District 5
- Dev. Name: Forest Glen Apartment
  - Year: 2003
- Dev. Name: Royal Gardens Apartments
  - Year: 1998
- Dev. Name: Village Woods Estate I
  - Year: 1996
- Dev. Name: Village Woods Estate II & III
  - Year: 1996
- Dev. Name: Villas at Ridgepoint
  - Year: 2006
- Dev. Name: Villas at Ridgepoint II
  - Year: 2010
- Dev. Name: Washington Heights Senior
  - Year: 2000
- Dev. Name: Westgate Apartment
  - Year: 2005
- Dev. Name: Buchanan’s Crossing Subdivision
  - Year: 2014

Comm. District 6
- Dev. Name: Parkway Point Senior Residence
  - Year: 2006
- Dev. Name: Pemberton Senior Living
  - Year: 2010

Comm. District 7
- Dev. Name: Delaware Highland
  - Year: 2007

Comm. District 8
- Dev. Name: Simmons Senior Housing*
  - Year: 2013

Source:
- KHRC 2014 LIHTC Housing list.
- KHRC Allocation listing.

Prepared by Unified Government of Wyandotte County/Kansas City, KS - Research Division; Published 9/12/2014.

* Simmons Senior Housing in Com. District 3 & 6.
INTRODUCTION

The Commission of the Unified Government of Wyandotte County/Kansas City, Kansas (UG) believes that one of the community’s most attractive and positive characteristics is its cultural and racial diversity in which no one group constitutes a majority. It is the policy of the Unified Government to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent or occupy housing or other real estate and to provide all persons full and equal access to housing regardless of race, sex, color, religion, ancestry, national origin, veteran status, sexual orientation, age, marital status, familial status or disability. Unlawful racial steering, discrimination and other forces promoting segregated housing must be eliminated. It is the intent of the Commission in the implementation of this Housing Tax Credit Policy to encourage racial and cultural integration as well as economic diversity.

CRITERIA

The Unified Government is committed to the construction and maintenance of quality affordable housing in Wyandotte County. The construction of new affordable housing units together with the renovation of existing housing units can significantly improve the livability of neighborhoods and provide decent living conditions. The Unified Government recognizes that the Housing Tax Credit Program, established in the Tax Reform Act of 1986, Section 42 (m), is an important tool to achieve these objectives. The Kansas Housing Resources Corporation’s (KHRC) state allocation plan requires a local review process prior to its consideration of housing tax credit proposals. The KHRC will not consider an application for housing tax credits “without a resolution from the local governing body stating that it is aware of and approves the housing development”. In addition, the KHRC evaluates proposals based on specific selection criteria, in accordance with Section 42 (m) requirements. To complement the State review process, the Unified Government has established selection criteria which are appropriate to local conditions and priorities.

To ensure a fair and accurate review, the following will take place:

- Prior to submitting the UG Section 42 City Tax Credit Application and Binders, a pre-application meeting will be held with the developer and the UG staff for all proposals for housing tax credits applications

- The UG tax credit application and three (3) binders can be submitted anytime throughout the year for a Resolution of Support or a Bond Inducement Resolution after the pre-application meeting. The Local Review Committee will meet within three (3) weeks after receiving the application and binders to review and score the application. However, it is the UG’s Commissioners intention to consider all applications no later than forty-five (45) days prior to the State acceptance of applications. Prior to the forty-five (45) days the Local Review must have taken place thirty (30) days prior. If an application is submitted past the UG’s set time line, that application will be considered for the next State deadline date.

- All three (3) binders must include the Application and the Local Review Criteria for Review of Housing Tax Credit Proposals. After each criteria point insert your answer and/or after each criteria point you must direct the reviewer to the part of the binder
containing the appropriate information (page number, tabbed section, etc.). If no information pertains to a particular criteria point it may be left blank

- Each application will be evaluated on the basis of a point ranking system; determines if the proposal merits local support

- Each applicant must meet a minimum of 80 points in order to forward the application onto the Economic Development & Finance Standing Committee

1. Pre-Requisite Requirements

   a. Pre application meeting – Developers must meet with the Economic Development and Planning & Zoning staff prior to turning the application in for review.

   b. Ownership is Clear- The developer must provide evidence of recorded title of the real estate to be developed or a contract indicating that the property will be acquired pending the approval of the tax credit application.

   c. Feasible Market Analysis- Submission of a feasibility study that supports the ability of the development to attract market rate tenants for any market rate units; and low income tenants for the tax credit units. (This analysis is not required for developments of 12 units or less.)

   d. Financing in Place- Evidence of permanent financing and permanent loan closing documents (15 year minimum for properties of 10 units or more), as required by the KHRC.

   e. Compliance with Land Use and Zoning Requirements. The Director of the Department of Urban Planning and Land Use must certify that the proposed site is in compliance with the designated zoning and land use of the site. The Unified Government Board of Commissioners will not take action on a tax credit application until zoning is in place or approved subject to stipulations.

   f. Compliance with Long-Range Master Plan - The Planning Commission must certify that the proposed site is in compliance with the approved Long Range Master Plan for this area. Master-plan compliance is required prior to the project start date; however, it is not required to advance the review to Commission.

   The Unified Government Board of Commissioners may take action noting the applicant may receive approval but contingent on the conformance with the Master-plan.

   g. Acceptable Environmental and Site Impacts- The Directors of Public Works and or the Department of Urban Planning and Land Use must certify that that the proposed development will not have any significant adverse environmental or site impacts or that appropriate mitigation will occur. Considerations include: areas subject to flooding; close proximity to pollution generators; and sites with steep slopes or unsuitable for development.
h. Qualified Development and Management Team-

1. Submit a formal property and tenant management plan, which at a minimum includes:
   a. Enforcement and control measures
   b. A future maintenance and reserve plan, as part of its operating plan
   c. Indicate how the ability and experience necessary to complete and operate the proposed project will be attained
   d. Management team and their qualifications managing similar projects

2. Submit a complete list of all previous developed and operated similar market-rate development or tax credit development within and outside the Kansas City metro area, and include the following:
   a. A list of codes and police enforcement violations against each property and how the violations were corrected

Submission of documentation is a pre-requisite requirement and is for information purposes only to review how an applicant takes care of complaints. The submission of documentation does not disqualify any application from moving forward in the process.

i. Adequate Storm Shelter Requirements- In addition to complying with local building codes, the plans for the development of new units must include a storm shelter or a protected area in the event of a severe storm. The Director of Emergency Management and or the Director of Planning and Urban Development of the Unified Government will review proposed plans to insure this protection is provided.

2. Property Location

a. Neighborhood Revitalization Area (3 Points)

A proposed project located in the Unified Government’s recognized Neighborhood Revitalization Area (NRA) will receive three points. The points will also be awarded to any property located within the NRA boundaries, but situated in a Tax Increment Financing District. (The NRA is recognized as a targeted development area within the community; however it should be noted that tax credit developments are not eligible for the tax abatement incentives received for development in an NRA unless noted within the approved NRA Plan. Figure C-1 indicates the boundaries of the existing NRA and TIF and locations.)

NOTE: The NRA plan is updated every three years.

[Intentionally Left Blank]
b. Conformance with Consolidated Plan Objectives (3 Points)
   The current Unified Government Consolidated Plan mentions low income housing tax credits, as an option for constructing or rehabbing affordable rental housing. This document must be signed by the Director of Community Development and is available in the Economic Development department.

c. Need for Affordable Housing in Area (2 Points)

   The recent Housing Tax Credit Policy Review (September 2004), conducted by the Unified Government Research Division, indicated that two areas of the city have fewer affordable units available than other areas of the city. If the development is located in either Turner/Muncie (area #4) or Piper/I-435 (area #5) two points are awarded. (Figure C-2 below indicates the boundaries of these areas.)
d. Infill Site (1 - 2 Points)

Infill sites east of I-635 receive two points. An infill site located in areas 3 and 4 (Figure C-2) will receive one point. An infill site in areas 3 and 4 will receive an additional point, if the Economic Development staff determines that the property has not been used for agricultural purposes in the most recent 24 month period. Fallow ground is considered to be agriculture.

e. Area Part of a Revitalization Plan or Designated Redevelopment Area (2 Points)

The Unified Government Economic Development staff will verify with the Community Development Director and the Director of the Land Use and Planning Department to determine if the proposed site is situated in one of these areas. If so, two points are awarded. These areas may include: special planning areas, Tax Increment Financing Districts (TIF) areas, CDBG targeted neighborhood or development areas, or other designated area.

f. Qualified Census Tract (1 Point)

A proposed development located in a qualified census tract, in accordance to HUD regulations receives one point. A qualified census tract has either a poverty rate greater than 25% or over 50% of the households have incomes below 60% of the KC area median household income. (Figure C-3 displays qualified census tracts.)
g. CDBG Low-Mod Census Tract (1 Point)

A proposed development located in a “low-mod census tract”, in accordance to HUD regulations receives one point. The low-mod census tracts include the “qualified census tracts” and other census tracts with over 50% of the households having a median household income below 80% of the KC area median household income. (Figure C-3 displays the low-mod and qualified census tracts.)

h. Availability of Nearby Services (Up to 6 Points)

1. Neighborhood Retail (1 Point)

One point is received if “neighborhood retail” services are currently available within one mile of the development. Neighborhood retail includes centers or shopping areas that offer convenience goods such as food/groceries, drugs, and personal services.

2. Park/Trails (1 Point)

One point is given if the proposed site is within one mile of an existing neighborhood or community park, recreational facility, or trail system.
3. Transit (1 Point)

One point is awarded if the proposed site is within a ½ mile of an existing transit line.

4. Medical Facilities/Offices (1 Point)

One point is received if the proposed development is located within two miles of an existing medical office, clinic, or hospital facility. The medical facility should offer primary medical care service, as opposed to specialty care.

5. Employment Centers (1 - 2 Points)

Two points are given, if the proposed site is within one mile of a significant employment center, while one point is received if the development site is located within three miles of such a center. An employment center may include: a commercial business or retail district; or an industrial or warehouse/distribution district. Example of such districts include: the Fairfax, Armourdale, and Santa Fe industrial districts; the 78th Street business corridor; downtown; Village West; and the KU Medical Center area.

6. School District Impact (No points)

The impacted school district may be notified for comment.

3. Development Provides Affordable Housing for Low Income

a. Any proposal for tax credits is required to meet one of these two conditions (3 - 4 Points)

   1. Developments with 20% of units reserved for households, with income below 50% of area median, receive four points.
   2. Developments with 40% of units reserved for households, with income below 60% of area median, receive three points.

4. Housing and Resident/Tenant Needs Characteristics

a. Prevents Conversion to Market-Rate or Preserves Affordable Units (5 Points)

   The acquisition of a property that may be subject to foreclosure or default or faced with an expiring rental assistance program would receive five points. In this instance, affordable units are retained. Rehabilitation is not required to earn these points.

b. Preserves Historically Significant Structures (3 Points)

   Historically significant structures include those buildings placed on the National
Historic Registrar or eligible for designation as determined by the Kansas City, Kansas Landmarks Commission. Three points are given for this designation.

c. Funds a Unified Government Demolition or Rehabilitation Program (1-4 Points)

If an applicant does not have blighted buildings at its proposed development site, the applicant may fund a Unified Government program dedicated for demolition or rehabilitation of housing structures to receive from one to four points. The table below indicates the required level of funding for various development costs.

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d. Minimal Impact to Existing Rental Market (2 - 5 points)

This category awards points if the existing rental market (Apartments), in an area, is less impacted by the proposed development. Two areas of the City have significantly fewer rental units and therefore are less impacted by a new LIHTC rental development.
- If the development is located in either the Turner or Morris neighborhoods area #4 or Piper/I-435 (area #5) five points are awarded
- If the development is located in the Muncie-Stony Pt neighborhood of area #4, two points are awarded

e. Rehabilitation of Existing Structures (5 Points)

- A development plan for the rehabilitation of an existing structures includes: 1) single-family, 2) duplexes, 3) townhomes, 4) apartments, 5) multi-family, 6) all non-residential buildings, 7) Land Bank property with a structure, 8) LIHTC development properties, or 9) previous assisted housing units or complex will be awarded five points
- All proposals must have a minimum of 25% market-rate units

f. Rehabilitation of Blighted Structures (5 Points)

- A development plan that removes blighted structures by means of rehabilitation will be awarded an additional five points. Blighted structures may include vacant or abandoned existing housing or building structures that have been cited for code violations.
- All proposals must have a minimum of 25% market-rate units
g. Promotes Rehabilitation of Existing Scatter Site Single-Family Development (0 - 35 Points)
   - If the proposal is for the rehabilitation of existing or blighted structures and is scatter site single-family, fifteen points will be awarded.
   - If the proposed development meets Kansas requirement of rehabilitation; Kansas requires a minimum of $10,000 per unit, five points will be awarded.
   - If the average rehabilitation expense exceeds $15,000 per unit, an additional five points will be awarded.
   - All proposals must have a minimum of 25% market-rate units.
   - If 33% of the units are market-rate an additional ten points are awarded.

h. Promotes Rehabilitation of Family-Unit Complex Development (0 – 35 Points)
   - If the proposal is for the rehabilitation of existing or blighted structures and is a family-unit complex development fifteen points will be awarded.
   - If the proposed development meets Kansas requirement of rehabilitation; Kansas requires a minimum of $10,000 per unit, five points will be awarded.
   - If the average rehabilitation expense exceeds $15,000 per unit, an additional five points will be awarded.
   - All proposals must have a minimum of 25% market-rate units.
   - If 33% of the units are market-rate an additional ten points are awarded.

i. Promotes Rehabilitation of Alternative-Use Development (0 - 35 Points)
   - If the proposal is for the rehabilitation of building that went through a conversion development that had been previously used for non-residential, fifteen points will be awarded. An example of conversion/rehabilitation might be residential lofts or a mixed-use in a building that had been previously used for non-residential purposes.
   - If the proposed development meets Kansas requirement of rehabilitation; Kansas requires a minimum of $10,000 per unit, five points will be awarded.
   - If the average rehabilitation expense exceeds $15,000 per unit, an additional five points will be awarded.
   - All proposals must have a minimum of 25% market-rate units.
   - If 33% of the units are market-rate an additional ten points are awarded.

j. Promotes Rehabilitation of Mixed-Use Development (0 - 35 Points)
   - If the proposal is for the rehabilitation of a mixed-use development fifteen points will be awarded.
   - If the proposed development meets Kansas requirement of rehabilitation; Kansas requires a minimum of $10,000 per unit, five points will be awarded.
If the average rehabilitation expense exceeds $15,000 per unit, an additional five points will be awarded.

- All proposals must have a minimum of 25% market-rate units
- If 33% of the units are market-rate an additional ten points are awarded

k. Promotes Rehabilitation of Structures for Senior or Assisted-living Mixed-income Community (0 - 35 points)

- If the proposal is for the rehabilitation of a single structure or scattered site for either a senior or assisted-living developments it does not have a minimum requirement for market-rate units, and will receive at minimum of twenty-five points, but has the ability to receive additional points (see chart below)

Points in this category are awarded as follows, for Senior or Assisted-living developments.

<table>
<thead>
<tr>
<th>Market Rate Units Percentage</th>
<th>Points Received</th>
<th>Market Rate Units Percentage</th>
<th>Points Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-29%</td>
<td>2</td>
<td>50-54%</td>
<td>7</td>
</tr>
<tr>
<td>30-34%</td>
<td>3</td>
<td>55-59%</td>
<td>8</td>
</tr>
<tr>
<td>35-39%</td>
<td>4</td>
<td>60-64%</td>
<td>9</td>
</tr>
<tr>
<td>40-44%</td>
<td>5</td>
<td>65% or More</td>
<td>10</td>
</tr>
<tr>
<td>45-49%</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

l. Promotes New Construction (5 Points)

- All proposals must have a minimum of 25% market-rate units

m. Promotes the Removal of Blighted Structures (5 Points)

- A development plan that removes blighted structures by means of new construction will be awarded an additional five points. Blighted structures may include vacant or abandoned existing housing or building structures that have been cited for code violations.
- All proposals must have a minimum of 25% market-rate units

n. Promotes New Construction of Scatter Site Single-family Development (0 - 35 Points)

- If the proposal is for the scatter site single-family unit development it will receive fifteen points.
If it includes demolition of structures or infill it will receive an additional five points.
- If the infill or demolition is Land Bank property an additional five points will be awarded.
- **All proposals must have a minimum of 25% market-rate units**
- If 33% of the units are market-rate an additional ten points are awarded.

**o. Promotes New Construction of Mixed-Use Development (0 - 15 Points)**
- If the proposal is for mixed-use development it will receive an additional ten points.
- If the mixed-use project is on a transportation corridor it will receive an additional five points.
- **All proposals must have a minimum of 25% market-rate units**

\(^1\)A transportation corridor is North, South, East, and West in which at least one main bus line travels

**p. Promotes New Alternative-Use Development (0 -35 Points )**
- If the proposal is for a new alternative-use development it will receive fifteen points. An example of conversion might be residential lofts or a mixed-use in a building that had been previously used for non-residential purposes.
- If it includes infill or the use of Land Bank property it will receive an additional ten points.
- **All proposals must have a minimum of 25% market-rate units**
- If 33% of the units are market-rate an additional ten points are awarded.

**q. Promotes New Construction of Family-Unit Complex Development (0 - 35 Points)**
- If the proposal is for a family-unit complex development it will receive fifteen points.
- If it includes demolition of structures or infill it will receive an additional five points.
- If the infill or demolition includes Land Bank property an additional five points will be awarded.
- **All proposals must have a minimum of 25% market-rate units**
- If 33% of the units are market-rate an additional ten points are awarded.

**r. Promotes New Construction of a Senior or Assisted-living Mixed-income Community (0 - 35 points)**
- If the proposal is for either a senior or assisted-living developments it does not have a minimum requirement for market-rate units, and will receive at minimum of fifteen points, but has the ability to receive additional points (see chart below).
If the proposal includes Land Bank property an additional ten points will be awarded.

Points in this category are awarded as follows, for Senior or Assisted-living developments.

<table>
<thead>
<tr>
<th>Market Rate Units Percentage</th>
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<td>10</td>
</tr>
<tr>
<td>45-49%</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

s. Owner-Occupied Component (3 Points)

Three points are awarded if development proposal includes a viable option for the tenant to purchase the unit at the conclusion of the 15-year compliance period.

t. Units for Larger Families (1 - 3 Points)

Proposals that include 3 bedroom units will receive one point in this category.
- If Land Bank property is used an additional one point is awarded
- If 33% of the units are market-rate an additional one point is awarded
- **All proposals must have a minimum of 25% market-rate units**

u. Minimal Adverse Impact Upon Public-Assisted Housing (5 Points)

The Local Review Committee members will make this determination. The location in the community of other tax credit developments, public housing sites, and HUD listed section 8 properties will be considered in evaluating the impact of the proposed development:
- **Five points are given if the proposed development is expected to have only minimal impact upon existing properties.**
- If the development is located near existing developments (1-2 miles) and is expected to be in direct competition for rental units, then no points are awarded.

v. Set-Aside Units for Persons w/Special Needs or Transitional Housing (1 - 2 Points)

This category is for proposals that include units with special features. Examples include: supportive housing for disabled; transitional housing for homeless; and assisted living housing. Proposals that include a minimum of 5% special-need
tax-credit units in their proposal receive one point. Two points are awarded if 10% of the tax credit units in the proposal meet this condition.

w. Provide Residential Support Services (1 - 2 Points)

Residential support services may include: transportation van services; assisted-living; information and referral; and a resident association. One point is given for each support service provided, up to two points.

5. Financing Characteristics

a. Future Maintenance and Reserve Escrow Plan (3 Points)

A proposal clearly indicating a future maintenance and reserve plan, as part of its operating plan will be given three points for this category. At minimum, 5% of operating revenues should be set-aside as a future reserve to receive these points (this section is also a part of the pre-requisites for (h)(1)(b)).

b. Low Percentage of Soft Costs (2 Points)

Two points will be awarded for this category, if the combined developer and consultant fees are less than 10% of the total development cost.

c. Returns of Part of Income Stream to Community (1 - 2 Points)

A proposal that returns a percentage of income to either a non-profit housing organization or a Unified Government housing rehabilitation program is eligible for these points. One point is awarded for each percent of income, derived from the tax credit units, that is allocated to one of the organizations referred to above. Two is the maximum number of points that can be received for this category (a not-for-profit applicant cannot give back to its self).

d. Strength of Applicant (1 - 2 Points)

If the applicant has extensive development experience for similar proposals, two points will be awarded. Market-rate and tax-credit apartment development and/or management will be considered as relevant experience. If the applicant's experience is limited (1-2 similar developments), then one point will be given.

e. Applicant Not Fully-Funded in Prior Submission (1 Point)

One point is received, if the applicant received only partial tax credits in a previous submission for this proposal.

f. Leverages other Local or Federal Funding (1 Point)

A proposal that also leverages Federal funding, such as CDBG, HOME, or HOPE funds at the federal level or local government funding, through possibly a TIF or benefit district, the proposal will receive one point for this category.

g. Applicant is a Tax-Exempt Organization (1 Point)
A tax-exempt applicant conforming to the guidelines of 501 (c) (3) or (c) (4) of the Internal Revenue Service Code, and participating as the owner, developer, or manager will receive this one point.

h. Local, Minority and Women Involvement (1 – 2 Points)

The use of LBE/MBE/WBE Subcontractors or Supplier during the construction portion of the development will receive points. Either each of the individual percentages must be met or the combined goal must be achieved. The two credit tiers can be found below.

Tier 1 - (1 point) combined 25% Tier 2 - (2 points) combined 35%

<table>
<thead>
<tr>
<th></th>
<th>Tier 1</th>
<th>Tier 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>L = 15%</td>
<td>25%</td>
<td>20%</td>
</tr>
<tr>
<td>M = 10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W = 5%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Planning and Development Standards

a. Design Standards and Architecture and Construction Quality, (6 Points)

Six points maximum can be earned in this category. Points will be given for each of the standards provided below.

1. Two points for 100% brick/stone construction or one point for 50% brick/stone construction;
2. One point for exceeding the landscaping ordinance by 35%;
3. One point if all units have balconies/patios;
4. Three points if 60% of the units have garages or two points if 30% of the units have garages; or one point if no garages and 60% of the units have carports;
5. One point for neo-traditional design;
6. One point if plans for buildings include significant building articulation. Roof lines should be articulated at the unit level and include gables and dormers. The facade articulation should be at the unit level for major articulation (greater than 24 inches) and at the room level for minor articulation (8-23 inches). Unit entry points should be covered and accented as a major architectural feature of the building.

b. New or Rehabbed Development Amenities for Family-Unit Complex, Scattered-Site Single-Family, Mixed-Use, or Alternative-Use (1 - 6 Points)

NOTE: All new or rehabbed development plans must be approved by the Director of Planning & Zoning to be awarded points in this category. Additional Planning & Zoning requirements may be needed.

Six points maximum can be earned in this category. Points will be given for each of the amenities provided below.
1. One point for swimming pool;
2. One point for clubhouse with a meeting room, workout room and small kitchen;
3. One point for a sports court (excluding sand volleyball);
4. One point for at least 30 feet of trails per unit or a connection to a recognized city or regional trail network (excluding parking lot and unit access);
5. One point for a play structure having at least one feature for every ten housing units, including: pair of swings, climbing wall, slide, slide pole, swing bridge, and monkey bars (If over 150 units in development, the play area should be divided into two areas for older and younger children, with replication of amenities discouraged.);
6. One point for each two of the following provided (or two points if four of the following provided etc.);
   i. Sand volleyball pit;
   ii. Barbecue grills and shelter (minimum size 10 by 15 feet);
   iii. Wet basin with fish (1/2 acre surface minimum);
   iv. In unit washer/dryer;
   v. Hot tub/sauna (one large hot tub per 100 units);
   vi. In unit fireplace;
   vii. Large patio with seating area (ten sq. feet per unit – one seat for every four units).

c. Development Amenities, Senior or Assisted-Living Complex (6 Points)

Six points maximum can be earned in this category. Points will be given for each of the amenities provided in 6(b) above, plus:

1. One point for each two of the following provided (or two points if four of the following provided);
   i. Beauty shop;
   ii. Rose garden;
   iii. Community garden;
   iv. Permanent card tables (one seat for every two units);
2. Four points for 24-hour nursing or two points for 8-12 hour nursing;
3. One point for an Alzheimer’s ward;
4. One point for rehabilitation services, with either a physical therapist on staff or a room dedicated to physical therapy with suitable therapy equipment.

d. Neighborhood Organization Support (2 - 5 Points)

It is required that the developer outline contacts with neighborhood and business associations scheduled for each phase of the development. If the developer receives support of both nearby neighborhood organizations and business associations, five points will be awarded for this category. The “support” may be in the form of written statement or public testimony at a Unified Government planning or standing committee meeting. Two to three points may be awarded if the proposal receives a mixed level of support from various local organizations.
LOCAL REVIEW CRITERIA FOR REVIEW OF HOUSING TAX CREDIT PROPOSALS  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

    e. Attached or Detached Single-Family Development (1 - 3 Points)

A single-family development with either attached or detached units, with on-site property management, is viewed positively. Three points are received, if the proposal is entirely this type of development with on-site management. Two points are given, if 50% of the units are single-family attached or detached with on-site management. One point is awarded if 50% or more of the units are single-family attached or detached, but on-site management is not part of the development plan.

7. Ownership

    a. Local Ownership (5 Points)

If the proposal has local ownership (Wyandotte County) it will receive five points.
## Tax Credit Review - 80 points minimum score

### Applicant -

1. **Requirements**

   a. Pre-application meeting completed  
      - Required ✓

   b. Ownership clear  
      - Required ✓

   c. Feasible market analysis  
      - Required ✓

   d. Financing in place  
      - Required ✓

   e. Zoning and land use compliance  
      - Required ✓

   f. Compliance with the Long-Range Master-Plan  
      - Required ✓

   g. Acceptable Environmental and Site Impacts  
      - Required ✓

   h. Qualified Development and Management Team  
      - Required ✓

   i. Adequate Storm Shelter Requirements  
      - Required ✓

   *Master-plan compliance - Master-plan compliance is required prior to the project start date; however, it is not required to advance the review to Commission.*

   **Is the developer in compliance with the Master-plan?**

   - Yes ✓  
   - No

   **Comment:**

2. **Property Location**

   **Max Pts.**  
   **Application**

   a. NRA area  
      - 3

   b. Conforms w/consolidated plan  
      - 3

   c. Need for housing in area  
      - 2

   d. Infill site  
      - 1 to 2

   e. Area part of designated development or planned area  
      - 2

   f. Qualified census tract  
      - 1

   g. CDBG low-mod census tract  
      - 1

   h1. Neighborhood retail (w/in one mile)  
      - 1

   h2. Parks/trails (w/in one mile)  
      - 1

   h3. Transit (w/in 1/2 mile)  
      - 1

   h4. Medical facilities (w/in 2 miles)  
      - 1

   h5. Employment centers (w/in 1 to 3 miles)  
      - 1 to 2

   h6. School impact  
      - 0

   **Comment:**

3. **Development Provides Affordable Housing for Low Income**

   **Max Pts.**  
   **Application**

   a. 20% of the units below 50%  
      - 4

   b. 40% of the units below 60%  
      - 3

   **Comment:**

4. **Housing and Resident/Tenant Needs Characteristics**

   **Max Pts.**  
   **Application**

   a. Prevents conversion to market rate or preserves units  
      - 5

   b. Preserves historic structures  
      - 3

   c. Funds of Demolition or Rehabilitation Program  
      - 1 to 4

   d. Minimal Impact to existing market  
      - 2 to 5

   e. Rehab of existing structures  
      - 5

   f. Rehab of blighted structures  
      - 5

   g. Promotes rehab of scatter site single-family  
      - 0 to 35

   h. Promotes rehab of family-unit complex  
      - 0 to 35
<table>
<thead>
<tr>
<th>Tax Credit Review - 80 points minimum score</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Promotes rehab of alternative-use development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>j. Promotes rehab of mixed-use development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>k. Promotes rehab of senior or assisted-living development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>l. Promotes new construction</td>
<td>5</td>
</tr>
<tr>
<td>m. Promotes the removal of blighted structures</td>
<td>5</td>
</tr>
<tr>
<td>n. Promotes new scatter site single-family development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>o. Promotes new mixed-use development</td>
<td>0 to 15</td>
</tr>
<tr>
<td>p. Promotes new alternative-use development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>q. Promotes new family-unit complex development</td>
<td>0 to 35</td>
</tr>
<tr>
<td>r. Promotes a senior or assisted-living mixed-income community</td>
<td>0 to 35</td>
</tr>
<tr>
<td>s. Owner-occupied</td>
<td>3</td>
</tr>
<tr>
<td>t. Units for larger families</td>
<td>1 to 3</td>
</tr>
<tr>
<td>u. Minimal adverse impact upon public-assisted housing</td>
<td>5</td>
</tr>
<tr>
<td>v. Set-aside units for persons w/special needs or transitional housing</td>
<td>1 to 2</td>
</tr>
<tr>
<td>w. Provide residential support services</td>
<td>1 to 2</td>
</tr>
</tbody>
</table>

**Comment:** ______ points

5. Financing Characteristics

<table>
<thead>
<tr>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Future maintenance and escrow plan</td>
<td>3</td>
</tr>
<tr>
<td>b. Low percentage of soft costs</td>
<td>2</td>
</tr>
<tr>
<td>c. Return part of income stream to community</td>
<td>1 to 2</td>
</tr>
<tr>
<td>d. Strength of applicant</td>
<td>1 to 2</td>
</tr>
<tr>
<td>e. Applicant not fully funded previously</td>
<td>1</td>
</tr>
<tr>
<td>f. Leverages other local or federal funding</td>
<td>1</td>
</tr>
<tr>
<td>g. Applicant is tax exempt</td>
<td>1</td>
</tr>
<tr>
<td>h. Local, Minority and Women involvement</td>
<td></td>
</tr>
<tr>
<td>1) LBE/MBE/WBE Subcontractors or Suppliers</td>
<td></td>
</tr>
<tr>
<td>Tier 1</td>
<td>1</td>
</tr>
<tr>
<td>2) LBE/MBE/WBE Subcontractors or Suppliers</td>
<td></td>
</tr>
<tr>
<td>Tier 2</td>
<td>2</td>
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</tbody>
</table>

**Comment:** ______ points

6. Planning and Development Standards

<table>
<thead>
<tr>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Design standards</td>
<td></td>
</tr>
<tr>
<td>a1. Brick/stone construction (50% to 100%)</td>
<td>1 to 2</td>
</tr>
<tr>
<td>a2. Landscaping exceeded by 35%</td>
<td>1</td>
</tr>
<tr>
<td>a3. Balconies/patios in units</td>
<td>1</td>
</tr>
<tr>
<td>a4. Carports or garages</td>
<td>1 to 3</td>
</tr>
<tr>
<td>a5. Neo-traditional design</td>
<td>1</td>
</tr>
<tr>
<td>a6. Building articulation</td>
<td>1</td>
</tr>
</tbody>
</table>

**Comment:** ______ points

b. New or Rehabed Development Amenities for family-unit complex, scattered-site single-family, mixed-use, or alternative-use

<table>
<thead>
<tr>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>b1. Swimming pool</td>
<td>1</td>
</tr>
</tbody>
</table>
### Tax Credit Review - 80 points minimum score

| b2. Clubhouse/meeting rm./workout area & kitchen | 1 |
| b3. Sports court | 1 |
| b4. Trails (30'/unit) or connect to system | 1 |
| b5. Play structure w/specific features | 1 |
| b6. Other amenities - Sand vball, grills and shelters, fishing basin, in unit washer/dryer, hot tub per 100 units, in-unit fireplace, large patio w/seating area | 1 to 6 |

**Comment:**

<table>
<thead>
<tr>
<th>c. Development Amenities (Senior or Assisted living)</th>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>c1. Other amenities - beauty shop, rose garden, community garden, card tables</td>
<td>1 to 2</td>
<td></td>
</tr>
<tr>
<td>c2. On-site nursing</td>
<td>2 to 4</td>
<td></td>
</tr>
<tr>
<td>c3. Alzheimmer's ward</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>c4. Rehab. services</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

<table>
<thead>
<tr>
<th>d. Neighborhood Organization Support</th>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 to 5</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

<table>
<thead>
<tr>
<th>e. Attached or Detached Single-Family Development</th>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 to 3</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

<table>
<thead>
<tr>
<th>7. Ownership</th>
<th>Max Pts.</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Wyandotte County local ownership</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

**TOTAL POINTS**

___
Application for Low Income Housing Tax Credits Development

The application must be fully completed and have the required documentation to be accepted

Date: __________, 20___

APPLICANT INFORMATION

Applicant ________________________________ Phone No (___) ______________
Applicant Address __________________________ E-mail _______________________
City __________________ State ________ Zip Code ____________________
Name of Project ________________________________________________
Proposed Project Address __________________________ Kansas City, KS. ______

1 Parcel Number_________________
Developer ________________________________ Phone No (___) ______________

CURRENT OWNER OF THE PROPOSED DEVELOPMENT PROPERTY

Name __________________________ Address __________________________
City __________________ State ________ Zip Code ______________________
Phone No: (___) ________________ Email _________________________

DEVELOPMENT DESCRIPTION

New Construction_____ Rehabilitation _____ Total No. of Units______
L/M/W Business Enterprise - Yes ____ No____ Subcontractor ____ Supplier_____
Is the development within a TIF Redevelopment District? Yes ____ No ____
Name of TIF Redevelopment District ________________________________
20% of the units below 50%_______ or 40% of the units below 60%_______

2 Proposed market rate unit number _____ what is the percentage ____%
Proposed tax credit unit number _____ what is the percentage ____%

1 An aerial of the project area showing the outline of the parcel(s) must be submitted. If more than
one parcel, attach a list of parcel number within the project area.
2 The Unified Government requires all development proposals to have a minimum of 25% market rate
units.
Area Medium Income (AMI) for the development area $__________

Family-unit complex_____ Scatter-site single family_____ Senior-Assisted_____ or
Independent_____ Mixed-use_____ Alternative-use_____

Existing project or structures – Yes _____ No _____ Type ________________________

If an existing project, indicate the existing tenant mix

________________________________________________________________________

Tenant displacement - Yes ___ No ___

If yes, how many tenants ______ do you have a ^1displacement plan? Yes ___ No ___

^1Attach a separate sheet and summarize the displacement plan

**PROJECTED RENT RANGES**

$______.__ (1 Bedroom) $______.__ (2 Bedroom)

$______.__ (3 Bedroom) $______.__ (4 Bedroom)

**DEVELOPMENT BUDGET** (Short Budget)

Property Acquisition Cost $______.__

Rehabilitation Cost $______.__

New Construction Cost $______.__

Exterior Cost $______.__

Cost per Unit $______.__ the percentage of the budget ____ (all units)

Soft Cost $______.__

**TOTAL COST** $______.__

^1Attach a detailed budget in binder(s)

**TYPE OF RESOLUTION**

4% Bond Inducement Resolution ____ or 9% Resolution of Support _____

What is the annual estimated tax credit that could be received $______.__
Show your DETAILED formula below:

For example, a new construction development, with eligible costs of $10 million and 50% low-income units could receive an annual tax credit of $450,000 ($10,000,000 * 9% * 50%).

NEIGHBORHOOD CONTACT

What is your strategy for neighborhood involvement?

1 Names of local business owners, neighborhood group and neighbors you have contacted:

1) _____________________________ Phone No: (___) _____________
2) _____________________________ Phone No: (___) _____________
3) _____________________________ Phone No: (___) _____________
4) _____________________________ Phone No: (___) _____________

1Provide letters as described from the list in the Local Review Criteria in the 3 binders

DEVELOPER’S EXPERIENCE

Submit a formal property and tenant management plan, which at a minimum includes:

- Enforcement and control measures
- A future maintenance and reserve plan, as part of its operating plan
- Indicate how the ability and experience necessary to complete and operate the proposed project will be attained
- Management team and their qualifications managing similar projects

Submit a complete list of all previous developed and operated similar market-rate development or tax credit development within and outside the Kansas City metro area, and includes the following:

- 1 A list of codes and police enforcement violations against each property and how the violations were corrected

1Submission of documentation is a pre-requisite requirement and is for information purposes only to review how an applicant takes care of complaints. The submission of documentation does not disqualify any application from moving forward in the process.
REQUIREMENT

- A pre-application meeting is required prior to the submittal of the application. Call 913.573.5733 for an appointment to set a time and date for a pre-application meeting. A letter will be sent out prior to the meeting describing the documentation needed for the meeting.
- After the pre-application meeting this application and three 1 binders of the Local Review Criteria must be submitted for a review to award 2 points.
- A pre-application meeting, a review of the application and Local Review Criteria, and all Commission meetings must take place 3 75 days prior to the State of Kansas application deadline. Typically, the State of Kansas reviews applications at the beginning of February of each year.
- A summary of the project addressed to the Director of Community Development must be submitted with the application.
- No applications will be accepted past the due date.

1 Binders must include the Local Review Criteria for Review of Housing Tax Credit Proposals – Unified Government of Wyandotte County/Kansas City, Kansas document. Each criteria point must direct the reviewer to the part of the document containing the appropriate information (page number, tabbed section, etc.). If no information pertains to a particular criteria point it may be left blank.

2 A minimum of 80 points must be achieved to advance the application.

3 This falls within the holiday season so plan well in advance.

PERFORMANCE

A performance agreement for development and a deposit for assurance that the project will be completed in accordance with the application, Local Review of Criteria and all stipulations and contingencies approved by the Full Commission are required.

The performance agreement and a deposit for assurance are due when tax credits are approved for the project.

(a) For projects under $2 million - (1) Local Not-for-Profits $1000.00, (2) Not-for-Profits other than local $2000.00, (3) Local developers $2000.00 and (4) Non-local developers $3000.00

(b) For projects between $2-5 million - (1) Local Not-for-Profits $2000.00, (2) Not-for-Profits other than local $3000.00, (3) Local developers $3000.00 and (4) Non-local developers $4000.00

(c) For projects over $5 million - (1) Local Not-for-Profits $3000.00, (2) Not-for-Profits other than local $4000.00, (3) Local developers $4000.00 and (4) Non-local developers $5000.00

Local Not-for-Profit means those within Wyandotte County.

Local developers mean those within the immediate metro area.
This Agreement is made and entered into on the _____ of ____________, 20__ by and between __________________________________, a Kansas _____________, hereinafter “the Developer”, and the Unified Government of Wyandotte County, Kansas City, Kansas (UG), hereinafter “the Holder”, and together hereinafter referred to as “the parties”.

WITTNESTH:

Scope of Work. The Developer hereby agrees to perform all development of the Low Income Housing Tax Credits (LIHTC) housing project in accordance with the Developer’s application submitted to the Holder, the Local Review Criteria points awarded by the Local Review Committee and all stipulations and contingencies approved by the Unified Government Full Commission.

For the purpose of this agreement, the ____________________ of _________________ will take place at _________________________________ Kansas City, Kansas _________ herein referred to as “the jobsite”.

Deposit for Assurance. The Developer will deliver a check (deposit for assurance for performance) in the amount of $____________ and made payable to the order of the UG Treasurer for the performance of said development. Developer acknowledges the check will be held by the Holder until all requirements, stipulations and contingencies are satisfied by the UG at the completion of the project. The Developer acknowledges the deposit will be reimbursed unless the Developer fails to comply with the performance of the LIHTC housing development at the jobsite as set forth by the Developer's application, the Local Review Committee and all requirements, stipulations and contingencies approved by the Unified Government Full Commission. The Developer further acknowledges an immediate forfeiture of the assurance deposit for performance if compliance is not maintained throughout and until the completion of the development.

Whole Agreement. This agreement represents the whole agreement between the parties; and no other oral or written agreements not incorporated hereto are valid.

Enforcement. All provision of this agreement shall be governed and enforced under application laws of the State of Kansas.

IN WITNESS WHEREOF the parties hereby execute this document on the date first above written.

Developers/Applicant Company Name  Unified Government of WYCO/KCK
BY: ____________________________  BY: ___________________________
Print Name: _____________________         Doug Bach
Title: ___________________________         County Administrator
STATE OF KANSAS )
COUNTY OF WYANDOTTE ) SS.

BE IT REMEMBERED, that on this ______ day of __________, 20__, before me the undersigned a notary public in and for the County and State aforesaid came Doug Bach, County Administrator of Unified Government of Wyandotte County, City of Kansas City, Kansas, who is personally known to me to be such officer, the within instrument of writing on behalf of said organization, and such person duly acknowledged the execution of the same to be the act and deed of such organization.

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

_______________________
NOTARY PUBLIC

STATE OF __________________ )
COUNTY OF ________________ ) SS.

BE IT REMEMBERED, that on this ______ day of __________, 20__, before me the undersigned a notary public in and for the County and State aforesaid came __________________, of __________________________, who is personally known to me to be such officer, the within instrument of writing on behalf of said organization, and such person duly acknowledged the execution of the same to be the act and deed of such organization.

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

_______________________
NOTARY PUBLIC