

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

REGULAR SESSION
THURSDAY, FEBRUARY 4, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, February 4, 2016, with ten members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. Walters, Commissioner Seventh District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Melissa Mundt, and Gordon Criswell, Assistant County Administrators; Maureen Mahoney, Asst. to Mayor/Chief of Staff, Lew Levin, Chief Financial Officer, Debbie Jonscher, Deputy Finance Director; Mike Grimm, Research Manager; Jason Banks, Asst. to the Mayor/Manager; Emerick Cross, Commission Liaison; Mike Tobin, Interim Public Works Director; Trenton Foglesong, Public Works Director; and Misty Brown, Legal; and Major Henry Horn, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Sister Therese Bangert, Our Lady & St. Rose Catholic Church.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk,** said there were none.

CONSENT AGENDA

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve the Consent Agenda.** Roll call was taken and there were

nine “Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 1 – 152...REPORT: 2015 BOARD OF COMMISSION/MAYOR TRAVEL AND COMMUNITY EVENT EXPENDITURES

Synopsis: 2015 Report on Board of Commission/Mayor Travel and Community Event Expenditures, submitted by Thomas Wiss, Legislative Auditor.

Action: For information only.

ITEM NO. 2 – 16365...APPOINTMENT: BOARDS AND COMMISSIONS

Synopsis: Appointment of Jimmie Banks to the Housing Authority Board, 2/4/16 – 4/30/19, submitted by Commissioner Johnson.

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 28, 2016.

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

PUBLIC HEARING AGENDA

No items of business.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 16355...RESOLUTION: SALE OF GENERAL OBLIGATION BONDS, SERIES 2016-B, AND TAXABLE GENERAL OBLIGATION BONDS, SERIES 2016-C (REFUNDING SERIES 2008-ABCD)

Synopsis: A resolution authorizing the offering for sale of General Obligation Refunding Bonds, Series 2016-B, and Taxable General Obligation Refunding Bonds, Series 2016-C, submitted by Debbie Jonscher, Deputy Finance Director. This action will result in future debt savings of approximately \$2.7M. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, on February 1, 2016. It was requested, and approved by the Mayor, to fast track this item to the February 4, 2016 full commission meeting.

Debbie Jonscher, Deputy Finance Director, said this resolution is for the sale of general obligation refunding bonds. This is a refunding of our 2008 Series Bonds. It is in accordance with our approved debt policy. We believe we have the opportunity to achieve a more favorable interest rate. Refunding it now would estimate a savings of about \$2.7M over the remaining term of the bonds.

Mayor Holland said the standing committee voted on this and approved it unanimously. Is that correct? **Commissioner McKiernan** said that is correct. **Mayor Holland** said it is not on Consent because it was fast tracked. **Commissioner McKiernan** said because of timing; correct.

Action: **Resolution No. R-3-16,** “A resolution authorizing the offering for sale of General Obligation Refunding Bonds, Series 2016-B, and Taxable General Obligation Refunding Bonds, Series 2016-C, of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

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ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 16368...RESOLUTION: AUTHORIZING LEASE DOCUMENTS FOR THE PUBLIC BUILDING COMMISSION REFINANCING OF THE BOARD OF PUBLIC UTILITIES OFFICE BUILDING

Synopsis: A resolution authorizing the Unified Government of Wyandotte County/Kansas City, KS, to transfer title to certain real property at 540 Minnesota Ave. to the PBC of the UG, enter into a lease whereby the UG will lease from the PBC said real property, enter into a sublease whereby the BPU will sublease from the UG said real property for the continued use as an office building for the BPU, submitted by Lew Levin, Chief Financial Officer. Also, approving the execution of certain related documents for the purposes of refinancing the existing office building for the BPU. On December 10, 2015, the commission unanimously adopted Resolution No. R-105-15 requesting the PBC to issue bonds to acquire the office building at 540 Minnesota Avenue for use by the BPU.

Lew Levin, Chief Financial Officer, said the first item before you is a required lease document for us to move forward with a sale by the Public Building Commission. We actually conducted the bond sale today and it will be presented to the Public Building Commission later today.

The lease agreement accomplishes sort of an objective. There's a transfer from the Unified Government, the title of the property, to the Public Building Commission and that is the BPU office building. The UG then will enter into a lease with the Public Building Commission, and the BPU finally has a sublease with the Unified Government. That structure allows for bonds to be issued. The BPU will be responsible for the debt payments. It's a five-year financing.

I'll just briefly state the results of the sale that occurred today. We achieved an interest rate of 1.17%. The current remaining interest rate for the five-year period was 5%, so a significant reduction; \$392,000 savings to the Board of Public Utilities through 2021. The action before you is just to approve the lease agreement between these parties.

Commissioner Murguia said, Mayor, these items with Accounting and Finance, the refinancing, the bonding issues, Items 1, 2, 3, 4, not that we don't enjoy hearing from our CFO Lew Levin and Debbie Jonscher, do they require a public hearing. They were unanimously approved. I think the only reason they're in front of us on Non-Consent is, as you said, because they were fast tracked. **Mr. Levin** said not quite. It's somewhat correct. The reason why we

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have them before you today is you actually have to approve the results of the bond sale; not for these first two items, but the latter three. The sale occurred today and the specifics of those sales need to be approved.

Doug Bach, County Administrator, said, Commissioner, what you're hearing though, these are all items we've been working for some time so you're catching different versions of them. They are just different steps in the process that we had to go through to use it between the tools you're familiar with, between the BPU, between the health clinic, different steps in the process to use the Public Building Commission and do it for the financing. You've approved these projects many times over. **Commissioner Murguia** said multiple times. **Mr. Bach** said it's just this stage that comes into it. **Commissioner Murguia** said I appreciate the explanation. Just like you said, when we've heard the project over and over again, not that we don't want to hear from all of you, I just assume we could move...**Mayor Holland** said yes, so it's your pleasure.

Action: **Resolution No. R-4-16**, "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, KS, to 1) Transfer title to certain real property located at 540 Minnesota Avenue to the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, KS, 2) Enter into a lease whereby the Unified Government will lease from the Public Building Commission said real property, and 3) Enter into a sublease whereby the Board of Public Utilities of the Unified Government will sublease from the Unified Government said real property for continued use as an office building for the Board; approving the form of said lease and sublease; and authorizing the execution thereof and certain related documents, all for the purposes of refinancing the existing office building for the Board of Public Utilities." **Commissioner Walker made a motion, seconded by Commissioner Murguia, to adopt the resolution.**

Commissioner McKiernan said the only thing I'd ask is the same thing I ask when we're in standing committee, Lew, and that is if you are satisfied with the results of the bond sale and if there's anything that we should know that's negatively related to any of these projects—hearing that you're satisfied with the outcome of the bond sale, as this first one was and not hearing any negatives, I would just move right on through since we have previously approved the projects.

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Mr. Levin said I'm very positive about the bond sales that occurred today. I am going to ask after the final votes on these items for Dave MacGillivray of Springsted to have a brief discussion of how he views where we are in the marketplace and how the credit agencies perceive these sales today.

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

ITEM NO. 2 – 16369...RESOLUTION: AUTHORIZING LEASE DOCUMENTS FOR THE PUBLIC BUILDING COMMISSION FINANCING OF THE UNIFIED GOVERNMENT MEDICAL CLINIC

Synopsis: A resolution authorizing the UG to enter into a base lease with the PBC of the UG whereby the UG will lease certain property at 800 & 810 Ann Avenue to the PBC; and enter into a lease whereby the UG will lease from the PBC certain public facilities and buildings for establishing a medical clinic for UG employees, submitted by Lew Levin, Chief Financial Officer. On December 10, 2015, the commission unanimously adopted Resolution No. R-107-15 authorizing the acquisition of real property located at 810 Ann Avenue, in conjunction with the acquisition of property at 800 Ann Avenue, for the purpose of establishing a medical clinic to serve UG employees.

Action: **Resolution No. R-5-16**, "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, KS, to enter into a base lease with the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, KS, whereby the Unified Government will lease certain property located at 800 and 810 Ann Avenue to the Public Building Commission and enter into a lease whereby the Unified Government will lease from the Public Building Commission certain public facilities and buildings for use by the Unified Government; approving the form of said base lease and lease; and authorizing the execution thereof and certain related documents, all for the purposes of establishing a medical clinic for Unified Government employees." **Commissioner Murguia made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were nine

“Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 3 – 16370...ORDINANCE/RESOLUTION: SALE OF GENERAL OBLIGATION BONDS, SERIES 2016-A

Synopsis: Requesting approval of the following, submitted by Debbie Jonscher, Deputy Finance Director.

- An ordinance authorizing and providing for the issuance of GOB, Series 2016-A
- A resolution authorizing and directing the sale and delivery of GOB, Series 2016-A, estimated amount \$27.9M

On December 17, 2015, the commission unanimously adopted Resolution No. R-111-15, offering for sale Municipal Temporary Notes, Series 2016-I and 2016-II, and General Obligation Bonds, Series 2016-I.

Mayor Holland asked do we need separate motions for the ordinance and the resolution or can we do it with one. **Ken Moore, Chief Counsel**, said, Mayor, my understanding is the second is contingent upon the first. Bond Counsel recommends separate votes for these.

Action: **Ordinance No. O-9-16**, “An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2016-A, of the Unified Government of Wyandotte County/Kansas City, KS; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.” **Commissioner Murguia made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

Resolution No. R-6-16, “A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2016-A, of the Unified Government of Wyandotte County/Kansas City, KS, previously authorized by Ordinance No. O-9-16 of the **February 4, 2016**

issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions in connection therewith.” **Commissioner Murguia made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

ITEM NO. 4 – 16371...RESOLUTIONS: SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2016-I AND 2016-II

Synopsis: Request approval of the following resolutions authorizing the sale and delivery of Municipal Temporary Notes, submitted by Debbie Jonscher, Deputy Finance Director.

- Series 2016-I, estimated amount \$60.6M
- Series 2016-II, estimated amount of \$5.3M

On December 17, 2015, the commission unanimously adopted Resolution No. R-111-15 offering for sale Municipal Temporary Notes and General Obligation Bonds, Series 2016.

Mayor Holland asked can we do those in one. One motion for both items.

Action: **Resolution No. R-7-16**, “A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2016-I, of the Unified Government of Wyandotte County/Kansas City, KS; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.” **Commissioner Murguia made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Markley, Philbrook, Bynum, Walker, Townsend, McKiernan, Murguia, Johnson, Kane.

Resolution No. R-8-16, “A resolution authorizing and directing the issuance, sale and delivery of Taxable Municipal Temporary Notes, Series 2016-II, of the Unified Government of Wyandotte County/Kansas City, KS; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the
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principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.”

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

Mayor Holland said, Ms. Jonscher, can you give us the interest rates and have Mr. MacGillivray come forward as well. **Ms. Jonscher** said the interest rates on the bond sale were we had a 20-year financing at 2.7%. The amount was \$26.8M. The temp notes, there were two issues; tax-exempt was \$60.4M, an interest rate of 0.61%; the taxable was \$5.4M, with an interest rate of 1.10%. **Mayor Holland** said that’s fantastic. Excellent work.

Dave MacGillivray, Chairman, Springsted, said I’m your financial advisor. Lew has asked me to cover two areas. I’ll try to be brief. First is the market. I know I’ve been saying this for a number of years, but the market is very low. Why it’s a little bit lower than before is all these sort of interest rate markets are pegged off US Treasuries. With the world in chaos, it used to be that if you got below 3% on the 10-year maturity, you were doing well. Well, now it’s below 2% at 1.87. That’s helping everything.

The other thing particular to this sale is in this part, January and February, the municipal market is always very low because there’s not a lot of bonds out there and because investors who did a lot of tax selling before December 31st come back in high demand, low supply forces the municipal rates down. Excellent time to sale bonds. The rates you got today were among the lowest you’ve ever received.

The second item is the credit ratings. Lew provided a summary of them. I’ll just recap them. In terms of background, remember the highest possible you can get is AAA and then there’s AA. Your Standard & Poor’s rating is A and you’re at an A-1. The Moody’s rating is an A-1. A-1 is the higher end of the A category, BAA and then junk bonds below that. You’re in the top tier particularly with the S&P.

I’m just going to go through their summary items very briefly. Lew’s covered them in his memo. Among the categories they have, they have strong budget flexibility. What this

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means is the fact that you've been able to grow your fund balance over the last few years. It gives you flexibility because you've made the tough decisions to increase your fund balance in there. That's a key item in looking at the review.

Two, strong, very strong liquidity. That's a measure of sort of cash throughout the entire system as compared to your expenditures. You've been able in a lot of areas to build up some cash and that certainly helps having certainly with any credit rating that's beneficial.

I think one of the big ones is very strong management. When they say management, it means both the professional staff what they do. It also means your decisions, making the tough decisions, like I said, to increase fund balance and other things in the budget, so it's decision-making, it's policies, it's adhering to policies, it's planning efforts, those sorts of things they look at and they all contribute to the management profile. You are listed as a very strong management.

Under the things you can control in your credit rating, you can control management issues, you can control some of the fund balance and budgetary things and control some debt levels. Very high marks. Very good credit ratings. Here again, the credit rating is a key determinant in driving down those interest rates leading to lower property taxes, lower user fees, etc.

Commissioner McKiernan said this kind of is a direct follow along. It's kind of like yeah, I think this is right, but is it the case that if a little is good, more is better as it relates to our fund balance and our ratings that if we are successful in intentionally growing our fund balance even beyond the rate at which we've been growing it, we could expect some sort of similar movement in our rating. **Mr. MacGillivray** said more fund balance—fund balance is the key item they look at. More fund balance is positive. You can't—because they look at these things—you can say if I do this thing, it will raise the rating. It's a combination of all the factors. I can say if the fund balance goes way up, your rating will go up. It's a key driver. They have weighing's now and fund balance area, structural budget balance or surpluses are big in those weighings.

I would note, and the Mayor was on the phone, during the Moody's rating report that was they have the lower rating—we thought we had the analyst almost there. He was making sounds like there's improved jobs, there's improved fund balance, good cash position, maybe that would lead to something, but it didn't link to a change this time.

Commissioner McKiernan asked could I follow that up then. Would it also make sense that if we were able to spend cash for more, which means we bond less, which means we take on

less additional debt in the future and management to shrink the amount of debt that we are carrying going forward, that would have a similarly positive effect on our credit rating? **Mr. MacGillivray** said correct. One of the concerns is the debt area. The extent that goes down, it's a positive in terms of rating.

Commissioner Johnson said the interest rate increase we saw a couple of months ago through the feds, what impact has that really had on rates and borrowings, particularly as you talk about the fact that our rates are so low at this particular time. **Mr. MacGillivray** said for your bond transactions in generally, not much; probably nothing in terms of your bonds. The Federal Reserve changes short-term interest rates in a couple of months; you're going out years. The fact that it went up so small was really a non-event. I mean it was more newspaper ink and material in terms of interest rates. Is that too bold of a statement? I'm sorry.

Mayor Holland said one of the things I want to complement our financial team on, Mr. Bach on, and our financial advice that we get from our bond counsel, we have a very active debt management program here. When we have notes to call at higher interest rates, there's an active process of refunding those bonds and changing the financing for more favorable terms. You can see in your book estimated savings that we're seeing because of these actions. That kind of active debt management goes on behind the scenes. It saves us millions of dollars. We make a big deal when we get a \$50,000 grant. We're excited about it. Our finance team, because of their active debt management and our good bond counsel and how we manage that going forward, is very professional and saves the taxpayers literally millions of dollars and makes our job a lot easier. Thanks to you and thanks to our team working on that; Mr. Bach, for you overseeing that.

Mr. MacGillivray said I did have one comment on the refunding. We're not selling the refundings tonight. We're seeing them on February 25. The reason we didn't do that is you had five different pieces of debt in the market today and the refundings would have created even more. You want to eliminate confusion by the people who are bidding on these. We'll be back in a couple of weeks, but that's the reason we're not doing them tonight because take care of your new money/new construction needs first.

ITEM NO. 5 – 16402....SURVEY: COMMUNITY SURVEY

Synopsis: Community survey, presented by Mike Grimm, Research Manager.

Doug Bach, County Administrator, said this is a follow-up to where we were a few weeks ago when we presented, in special session, the survey and the status of where we were. Mr. Grimm has taken this information, gone back and we've worked through it. He has compiled it in a manner which we believe is in accordance with what commission is thinking. We certainly want to take any input if you've had a chance to look through it this week of how the survey is listed out and let us know if this is the direction you want to go or if we need to make additional changes.

Mike Grimm, Research Manager, said before I get started, I just want to say we have Nick Jones with ETC here. He's representing them. If we have any questions for him, he's available. Just a quick summary, during the January 7 special session, we reviewed a seven-page survey and associated costs. The discussion that evening focused quite a bit on the level of analysis so we want to look at the results of the survey at the commission district level or the neighborhood level. The direction we had was to shorten the survey and the savings that we realized from doing that, we could shift that to getting more completed responses and getting that level of analysis at the neighborhood level.

I will mention—I think that survey was in your agenda packet. You've seen that. I will mention one specific item you asked us to do was to gather all the city services and county services. I showed that to Chris Tatham at ETC and it was his advice to split those two out. I think you saw that. We're not calling it city services; its neighborhood community services and then county services. The reason being, it just allows for a little bit more analysis. If you were to look at that, after each of those, the neighborhood and county services, it asks the respondent to emphasis the top four. I just wanted to explain that's why those are broken out that way.

Beyond that, you saw the survey in your agenda packet and a cost table. I'm going to just see where the commission wants to go—if we want to throw up a copy of the survey, go through questions or just shift to the cost.

Mr. Bach asked, Mike, do you want to talk about how you did consolidate some of the community level questions into some of these you're presenting. **Mr. Grimm** asked community as far as the services. **Mr. Bach** said yes, like you put the grocery store question. **Mr. Grimm**

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said I think 15 and 16—we can talk about 15. There was a change I think you saw. There were two questions that the commission—there's a discussion you can have that one page of unique questions. We took a couple of those questions from one of the commissioners or two of the commissioners, one page of unique questions and put them in here. I think that was viewed as kind of bringing that it, those questions into this survey. We did strike on question 15, the question was worded about please rate how important each of the following types of businesses are to be present in your community. We changed that wording a little bit to say the following types of businesses are needed in your community. You saw that change if you're agreeable to that.

Commissioner Walker said in reviewing this, it triggered an interest of mine that I don't feel is addressed. I certainly didn't help address it when I first reviewed the possibility. Maybe it goes under public safety, maybe it goes someplace else. You have the question of quality of animal control in your neighborhood. I would like—I guess it was 2013; we had an ordinance before us on breed differentiation. Probably no vote has followed me in terms of reading about breed differentiation. I would like, if it were my choice, my vote might be different now. One of the things that might change my vote is how the public feels in particular about specific ordinances that differentiate a breed. Right now we're talking about Pit Bulls. I don't know how the question would be properly framed without creating a bias. Maybe you just say, should Pit Bulls be banned or are you happy with the Pit Bull ban and your level of satisfaction, whatever the formatting would be.

I'm on the horns of a dilemma here. The Pit Bull, rather rightly or wrongly, has a certain reputation, a sashay if you will, and you either love them or you give them a wide berth whenever you see them. There is a need on the part of the people that give a wide berth to feel protected. Then there are those who want Pit Bulls that they love them. They think they're the greatest dog on the planet and it's bad owners, not bad dogs. If the commission were inclined, I would add a question that would give me some information about the public's temperature on lifting that particular ban or perhaps getting a sense of whether we ought to be banning more kinds of dogs than we already do.

Mayor Holland said I might add to that, Commissioner, it might be worth—and we've condensed it quite a bit and I like the condensing so I'm not wanting to lengthen it a lot. It might be worth doing an animal section that would include the quality of animal control in your neighborhood. It could include breed specific ban information. It could also include chickens

and large animals and how we—because it would be helpful to get the temperature of the community. Typically what happens is if you have a hearing on chickens, only the chicken people show up and not their neighbors. If you have a meeting on Pit Bulls, the Pit Bull people from all over the metro area and the region and the world fly in for it and not neighbors. This would be a good opportunity to get information on some animal pieces if we can keep it concise. I don't want to add a page on animals, right, but I think maybe we could add—Commissioner, I think you're on to something in terms of there might be an opportunity to get some feedback that would be helpful moving forward.

Commissioner McKiernan said, Commissioner Walker, thank you for coming over to the survey side. Mike, I have not had a chance to really look at this in any depth, but I will say that at first glance, the four pages of condensed questions look very good. With the exception of a couple of exceptions, they look like they cover all the points that we want to cover.

I jumped to the cost page. If I'm reading this right, at our highest level of penetration within each district, the four-page condensed survey with one page of district level or district specific questions would be a total of \$100,800. Am I reading the table correctly? **Mr. Grimm** said that's correct, sir. **Commissioner McKiernan** said which is up from our current \$62,400. It is an additional expenditure, but I'll go back on record as I did in our special session in terms of saying, I do believe the value we'll get from those data would warrant that expense, and that ultimately we will be glad if we do expend the money for the additional penetration into each district so that we can be a little bit more targeted in some of our responses.

Commissioner McKiernan asked what is our deadline for actually getting back any final, final comments or questions. **Mr. Grimm** said that's up to you. ETC will need eight weeks, so two months. We're trying to target in early April, a presentation for budget purposes. **Mayor Holland** said tomorrow would be great.

Mr. Grimm said I do want to add a comment on the costs. I talked to Chris about that and I'll back up. To get an analysis at the neighborhood level, we'd have to start at the 300 per district or the 2,400. That's a cost of \$82,800. As you recall, if you look in that, there's a line up there, that bound of error, and that's—we're 95% sure, plus or minus the 5.7 that the D's on the survey represent the whole community, but for that extra cost, we go to the 5% so that's a .7% gain. Chris, I talked to him and he said actually he had a recommendation. He has a good feeling I

think for what all you want and it would be that 2,400 so the \$82,800. You still get your neighborhood level analysis starting there, but from going to the... **Commissioner McKiernan** asked for the 5.7, the plus or minus 5.7, is that the bound of error on the neighborhood level. **Mr. Grimm** said yes.

Commissioner McKiernan said, again, this goes back to where—did we come to any conclusion on how we specify neighborhood boundaries because that was an unanswered question last time we got together. **Mr. Grimm** said Chris did say essentially the block level. I think we talked neighborhood level. I think Commissioner Murguia had a neighborhood little map. He did say block level. Whether that's aggregate a little bit more, I'm not 100% sure but it's definitely going to be a set of maps... **Commissioner McKiernan** said if it's just an aggregation of a couple, of a few blocks that might even be a subset of what we would call a neighborhood, plus/minus 5.7 as opposed to last time we had plus/minus 8—no, did we even have the 150 per district in our last round? **Mr. Grimm** said it was. **Commissioner McKiernan** said it was. He's suggesting that the additional .7 in terms of what it gives us in confidence and in what it gives us in granularity may not—we might want to consider whether or not it's worth the money we'd spend on it. Is that correct?

Nick Jones, ETC, said I think he's basically saying you kind of get your most bang for your buck if you do the 300 per district, not to talk us out of money. For going up 100 surveys per district, that's 800 additional surveys so it does add quite a bit of costs. At 300, you're still getting really good district level data while having fantastic overall data.

Commissioner Murguia said, Chris has seen—you did my original survey. This is what I'm concerned about. I am all for spending less money, but I just want to be assured about something. When you look at the geographic area of urban districts, it is much more densely populated so the areas are much smaller.

What I heard Chris saying at our last meeting is we have to get back—he said at that time, 30 surveys in a particular area to get the data to be statistically significant. I just want to make sure Chris is keeping in his mind that for people like myself, Commissioner McKiernan, and others that have small districts, as far as geography goes, that we're still going to get that same block by block data.

My suspicion is what Commissioner Townsend brought up at the last meeting is that it could be in more impoverished areas to the return of the survey would be lower. I know that research suggest that. Now I didn't have that problem in my district, but since I've done this before, I'm taking responsibility and sort of helping newer commissioners that haven't done it. My concern is that if Commissioner Townsend doesn't get people to respond to that survey, her data may not be as accurate as she needs it to be by the block level. Do you see what I'm saying? **Mr. Jones** said yes. **Commissioner Murguia** said as long as she's taking—from what I've heard her say, she's relying on that. I know Commissioner McKiernan, in my conversations with him, is relying on that and I absolutely am relying on that. As long as he says we're going to get that, then I'm all for spending less money.

Mr. Grimm said he did your survey quite a few years back. He knows what you want and I'd be surprised if he wasn't going to give you the level of analysis that you want at that block or neighborhood level. **Commissioner Murguia** said Commissioner Townsend was worried about the response rate. She was encouraging people that night to make sure to fill out their survey. If you're good, I'm good. I just wanted to make sure she...

Mayor Holland said say something about what this means in terms of minimum numbers that you get. You may get more from one district, but the 300 is what this company guarantees; you'll have at least 300 from each district. Is that correct? **Mr. Jones** said right, that's correct. **Mayor Holland** said and you'll just keep trying until you get them. **Mr. Jones** said yes.

Commissioner Kane said I think Commissioner Walker's got it right on the head. I would like to know what people think about Pit Bulls, chickens because when the folks from the Pit Bull came in here, they were not people that lived here; a boatload of them. We're growing chickens by the dozens. It would be extremely nice to know what folks are thinking about some of the yard animals that we have. I'm extremely fond of Pit Bulls and I would love to see us bring them back. **Mayor Holland** said if you had Pit Bulls, I would not recommend having chickens in the same yard. **Commissioner Philbrook** said yes, there'd be a lot of feathers all over the place, that's for sure. You could have your own pillow company.

Commissioner Philbrook said mentioning the animals in this, that's great. I think though, do we have enough time to create accurate type questions to encompass what we really want to know? Do you like chickens? That ain't going to make it. Yes, I like to eat chickens. Chickens

are okay. Is it okay to have 20 chickens next to me? Is it okay to have 5 chickens next to me? You see what I'm saying on this? We have to get really specific in our questioning with this so we get accurate answers back for those of us that are working hard on that committee to try to create codes that work for the city and for the people that live in it. We need specific information.

Mayor Holland asked do you have examples in other communities that have asked animal type questions so we don't have to reinvent the wheel here. **Mr. Jones** said I would imagine just on the sheer number of surveys—I haven't seen a whole lot of animal related questions, but there are always ordinance questions that come up and they're specific. I'm sure Chris has run into more than I have so he could probably draft some basic questions and then we can see.

Commissioner Philbrook said I would ask, Mayor, that we include two of the lawyers that have been working with us on our animal stuff to take a look at that with us and see if that helps give us the information we need to go for. **Mayor Holland** said okay. That sounds good.

Commissioner Markley said I'm just trying to get to the point of where we're going here. Last time I thought when we left, we had kind of gotten to a point where we said if we could get all or most of the questions from our individual district surveys into one survey, we'd rather pay more to get more questions. I'm just saying that's where we left it. Now it sounds like since we're adding to our four page survey, and it looks like it's pretty tight, we may be getting to the size page point just by adding our animal questions. I guess my question is, that fifth page, its either got to be district specific or it's got to be the animal stuff to fit into our little budget chart we have here.

Mayor Holland asked can it be a combination. Could it be a combination? **Mr. Jones** asked of adding some additional, I guess, animal related questions and then having half a page or so? Yes, sure.

Commissioner Murguia said, Commissioner Markley, I hear where you're going. So this is the deal. From what I saw, Mike, because I think you shared with everybody the other questions, I don't see any one commissioner that's going to add one full page of questions. Do you see what I'm saying? I think we're going to be fine to add it to every district even if it is part of that one page. Do you see what I'm saying because some commissioners didn't even submit questions. I know I'm the most, well; I have appeared to be the most interested in gathering this data so I

would tell you I don't have a full page of questions. If people want to add on half of my personal district page the animal questions, I'm good with that.

Commissioner Markley asked do you see what she's saying. Can the district questions be half a page and the animal questions be half a page and still fit in this budget chart? **Mr. Jones** said yes. **Commissioner Markley** said good; lovely.

Mayor Holland said alright. We didn't want any feathers to fly over that.

Commissioner Johnson said I think you all may have covered this in our initial meeting. I know we have a guaranteed amount that we're going to receive. I'm just curious, how many surveys does it generally take in order to reach these particular numbers particularly if we're looking at say 300 or 400? How many does it take to be sent out in order to receive this particular number? Is it the percentage or is there a flat number? **Mr. Jones** said it does vary just by the kind of typically the demographic makeup of the area you're sending it to can impact it a lot. We've actually seen higher response rates lately which is kind of interesting. It's good; it's great. A great response rate would be 30%, but anywhere from probably 15-30%.

Mr. Grimm said two years ago there were 3,600 mailed out. I would assume that if we go to 300 it might be, I'm guessing, doubled that, roughly 7,200 mailed out. **Commissioner Johnson** said in order to receive. So 15 to 30%, depending on the time of year and other variables. **Mr. Jones** said it depends on a lot of things.

Commissioner Walker said I'm just going to repeat what I think somebody else may have said in their message. I did not favor this. I was opposed. I lost that fight and that's how it is. I guess having lost it, my attitude is, if we're in for a penny, we need to be in for a pound. We need to get the maximum utility and information that we can get from this. If that means we have to spend a little more to make this more meaningful, then that's fine. I'll probably vote the same way the next time this survey question comes up, but having loss that, it's why I think we should maximize the information that we get out of it.

Mayor Holland said I would ask, also, one request I have on page 3 at the bottom, question #14 which goes to the listening tour questions, I would ask that you add a #12 which is "other." Is there any way to get an "other" category for something that is not listed? That's a question that's been very important at the listening tours. Is there a way to do it? Is it too hard to quantify with

an open ended “other?” A write-in or just a category where if it’s not one of those 11, then what?

Commissioner Murguia said, Mayor, if you just ask for “other,” then the only data you’re going to get back is, I’m going to grossly exaggerate this, that 90% of the people want “other.” What you’re looking for is, what do you want. **Mayor Holland** said right; no, that’s right. Do you see what I’m talking about? The bottom of page 3, No. 14, under street resurfacing No. 12, “other” or something that’s not listed. Can you do that? **Mr. Grimm** said I would think you maybe would want a separate question like a 14a. Because what that 14 does is ask you to select the top 3 so if you were to put an “other,” then you’re asking somebody to— that’s going to be one of their top 3 and I don’t know if you want to. **Mayor Holland** said that’s good; so 14a. **Mr. Jones** said it could even be just a follow-up and are there any other...**Mayor Holland** said I’ll trust your judgment in how to best ask that question. **Mr. Jones** said yes, that would essentially be lines.

Mr. Bach said I just want to make sure we’re all on the same page as we leave here and then from a timing perspective. We’re going to go develop four or five questions to come together from an animal related questionnaire section. Commissioners, we still have some district level questions so, Mike, do you have those questions that you know that commissioners want to ask. **Mr. Grimm** said there were three commissioners that had provided questions. Now it was my understanding, all of those are over—two of them were over one page. Now it was my understanding that when we brought on questions 15 and 16, that would kind of satisfy that. If we need to go back and revisit what questions are going to go on after...**Mr. Bach** said that’s what I was afraid of because I think Mike feels like he wove in your questions into what he’s asking, but if you’re still feeling like you want those questions singled out, separate...**Commissioner Murguia** said no...**Mr. Bach** said then he needs those.

Commissioner Murguia said so you’re talking of really about me. **Mr. Bach** said there are a couple of you. **Commissioner Murguia** said I would just tell you, I think you did what we asked you to do which was, as Administrator Bach said, you’ve taken our questions and you’ve asked them for the county. I think that’s fantastic. I’d love to know that for the whole county. There were a couple of questions that Commissioner Walters, I know, and myself that were specific to our district, I was willing to give those up, but I think at the meeting we talked about a way to add those. I think that’s what you’re proposing still. If you wouldn’t mind sending me any questions that didn’t fit into a countywide question, do you see what I’m saying, just so I can

verify it. I think there are probably only two or three questions. That's why I said it's half a page really for commission questions. **Mr. Grimm** said right. **Commissioner Murguia** said send them out as soon as possible that way...

Commissioner Markley said the one that I can think about off the top of my head is I had asked a question about Turner Rec specifically because I have a separate recreation commission that serves my district so obviously that didn't get incorporated into the countywide, so if you could just look and see. I can't think of the other ones off the top of my head, but see if there were any that weren't incorporated. **Mr. Grimm** said the stormwater question.

Mayor Holland said the question I have is they're going to go back and do this. I want to make sure it's what the commission wants. How soon can this be brought back to the commission or can it be done by email to make sure that it stays moving? I don't want to wait until the next commission meeting necessarily because we're on a time crunch in terms of getting it. I also don't want it to get out and a commissioner say, my questions weren't on there. We have to balance that to make sure it's right.

Mr. Bach, do you have a recommendation on how we finalize this and get the group working on collecting the survey data? **Mr. Bach** said I think we can turnaround documents and get those back before the commission in the next week so you would all have that and be able to comment back on it. If that reaches your satisfaction—I guess I would operate it this way, Mayor. If we feel like—and you're leaving a little bit here and we'll try to get it, if we feel like we're getting everybody's answers back in and we're good for the few commissioners where we're at, then we would go forward; otherwise, we would need to come back on the 25th and do a similar session. That's going to push us back almost a month on the survey date and that starts the crunches a little bit more than I think you're wanting to from the date of coming back in. If we can work within the next week to two weeks to get this out, we'll be in a better place. If I could have your confidence that we can do that, if we feel like we've got that information, we would do that without coming back.

Mayor Holland said we could call a special session. I feel like if we get an email signoff by the commissioners who were submitting questions, then we're going to count that as being good.

Mr. Grimm asked are there other commissioners that might want questions. If so...**Mayor Holland** said talk to Mr. Grimm and get them in there and let's get them done. Thank you for working on this. It's not as easy as it sounds doing a survey.

Commissioner Philbrook asked so is it happening that we're going to go with the \$82,000 version. **Mayor Holland** said the consensus I heard was the \$82,800. Is that right? **Mr. Grimm** said I was thinking about that. Maybe just for a little less heartburn for everybody, just to make sure, get something in writing from Chris to say maybe get in the contract addendum just saying we're 100% sure of what we're going to get for all commission districts. **Commissioner Murguia** said that's a great idea. **Mr. Grimm** said I'd rather have that. **Commissioner Murguia** said I think you can use this survey that I showed the commission that they did in 2008. **Mr. Grimm** said okay. **Mr. Bach** asked so should I take it that if we don't get the satisfaction back from Chris that we're getting it more into that...**Mayor Holland** said 100...**Mr. Bach** said the block area that makes us of that confidence, then you're directing me to take it to the higher level to get that done. Okay. **Mayor Holland** said if we're in for a penny, we're in for a pound. We prefer the 50 cent piece. I think we're way past the penny.

ITEM NO. 6 – 16386...DISCUSSION: WATER POLLUTION CONTROL RATE STRUCTURE

Synopsis: Discussion regarding the water pollution control rate structure, submitted by Trenton Foglesong, Water Pollution Control Director. This item was originally scheduled for the January 28, 2016 special session. Due to time constraints, the item was deferred to the full commission meeting on February 4, 2016.

Doug Bach, County Administrator, said this, again, is another follow-up to a standing committee we had in December. In that meeting we came in and were talking about how we were moving forward with different projects in the community, how we would be working toward the pending consent decree. During that meeting there were specific questions asked about the rate structure, how we build our rates, and how we pay for different things within that. So this presentation is built in a little bit different direction. It's come to answer those questions. It's really not directed toward what we're doing toward all our big future projects, but really answering the questions about our rates.

Water Pollution Control
Division



Sewer System Fund and Stormwater Utility Fund Overview

Board of Commissioners Special Session
February 4, 2016

▶
Trenton Foglesong, Water Pollution Control Director, said as Doug just mentioned, I'm going to do a quick overview of both the Sanitary Sewer Fund, the Stormwater Utility Fund, and then the rate structure.

Sewer System Fund Overview

▶ **Enterprise Fund -**

▶ *A governmental accounting fund in which services provided are financed and operated similar to those of a private business - where the intent is that the costs (expenses, including depreciation) of providing goods and services be financed or recovered through user fees.*

▶ **Background**

▶ *Primary resource for expenditures of Water Pollution Control. All revenues generated are used to fund the debt service, maintenance, and operations of the primary and secondary sewage treatment operations.*

▶ *Water Protection for Health and Environment*

The Sewer System overview. The Sewer System Fund is an enterprise fund, basically that means we run it like a business. All of our costs associated with it we try to recoup in our user fees so those are set as rates to cover what our operating costs are.

The background of the Sewer Fund is that it covers all the costs associated with our collection system, collecting the wastewater, conveying it to the treatment plants, and treating it. I'm going to try to move quickly for you all.

February 4, 2016

Sewer System Fund Overview (Continued)

► Revenue Overview (Pg 78 from 2016 Approved Budget)

	2013 ACTUAL	2014 ACTUAL	2015 BUDGET	2015 AMENDED	2016 BUDGET
REVENUE					
Tax Revenue	21,924	19,029	25,000	20,200	20,200
Permits and Licenses	226,770	279,494	338,000	293,500	293,500
Intergovernmental Revenues	0	0	0	0	0
Charges for Services	27,108,513	29,378,831	29,744,100	30,871,100	33,160,100
Fines, Forfeits, Fees	0	0	0	0	0
Interest Income	119,569	96,690	100,000	100,000	100,000
Miscellaneous Revenues	4,340	80,650	5,500	5,500	5,500
Reimbursements	361,326	452,809	32,000	32,000	32,000
Other Financing Sources	0	0	0	250,000	250,000
Total Revenues	\$27,842,442	\$30,307,503	\$30,244,600	\$31,572,300	\$33,861,300

► Water Protection for Health and Environment

Here's a revenue overview. This is just taken right out of the budget documents that's been approved for 2016. I wasn't going to really spend a lot of time on it. It's just in here to look at. You can see that our charge for service, the \$33M. Out of a \$33M budget, basically that's where 98% of our funding comes from is the user charges.

Sewer System Fund Overview (Continued)

► Water Pollution Abatement Fee

- Basis of Bill – Billing associated with BPU water accounts with sewer connections, similar to many utilities, the billing includes an *access charge* (same for all accounts) and a *volumetric charge* (user charge) per the following:

Residential – Winter monthly average (December 1 - March 31) once established. Prior to establishment, 5 ccf used (typical account).

Commercial – Actual (metered by BPU) water usage used to calculate each month.

FOG generators - Actual (metered by BPU) water usage used to calculate each month and volumetric charge approximately 25% higher than non FOG generators.

Industrial (non-permitted) – Same as Commercial.

Industrial (Permitted) – Same as Commercial with additional loading surcharges based upon testing.

► Water Protection for Health and Environment

The user charges are also referred to as the water pollution abatement fee in the ordinance. The basis of that bill has two components. It's got a base fee, which is like a connection access charge, and then it's also got a variable charge, a volumetric charge that's based on each user's volume of water usage. That volumetric charge is determined during the winter months. For us, we use December, January, February and March, so four months, winter month average. That rate is used throughout the year until a future winter use would be determined.

Mayor Holland asked can you explain why that is. **Mr. Foglesong** said yes. The reason for that would be that we would not be charging people for water usage such as irrigation, car

washing, and swimming pools, things where the water ultimately does not get back into the sewer system and come to the plants for treatment. That's a pretty standard structure that utilities in the area use and nationwide to calculate a fair rate for wastewater.

Mayor Holland asked is that true both for commercial and residential. **Mr. Foglesong** said no. This is just for residential. Actually, I've got a summary down below there. The residential is based on the winter average as I just described. The commercial is based on actual water usage per month. The rates are the same, the access fee and the volumetric charges are the same. It's \$3.66 per hundred cubic feet each month.

FOG generators, which are like restaurants and certain industries that are being coded where they generate fats, oils and grease, those have increased maintenance costs on our system. The volumetric charge for those is about 25% higher per each CCF.

Industrial non-permitted users are set up the same as a commercial. It's just the monthly actual water usage plus the access fee. We do have permitted industrial users. It would be the same as a commercial plus there are loading surcharges that get applied based on sampling that we do or they do. Each month that varies based on what the actual loading conditions are.

Mayor Holland asked can you give an example. **Mr. Foglesong** asked on the industrial. **Mayor Holland** said yes. **Mr. Foglesong** said like BOD, biological oxygen demand. For us to take that out of the stream, it takes more effort for us. We have to pump more oxygen into the wastewater to pull that out so there's an increased treatment cost for those. **Mayor Holland** asked what kind of industrial use would use that. **Mr. Foglesong** said all kinds of processing, any kind of like a food processor would be putting some of the byproducts into the waste stream. **Mayor Holland** said it would take extra effort to purify. **Mr. Foglesong** said yes.

Sewer System Fund Overview (Continued)

▶ Water Pollution Abatement Fee

- ▶ Basis of Bill – Billing associated with BPU water accounts with sewer connections, similar to many utilities, the billing includes an access charge (same for all accounts) and a volumetric charge (user charge) per the following:

Residential – Winter monthly average (December 1 - March 31) once established. Prior to establishment, 5 ccf used (typical account).

Commercial – Actual (metered by BPU) water usage used to calculate each month.

FOG generators - Actual (metered by BPU) water usage used to calculate each month and volumetric charge approximately 25% higher than non FOG generators.

Industrial (non-permitted) – Same as Commercial

Industrial (Permitted) – Same as Commercial with additional loading surcharges based upon testing.

WPA Residential Rate = \$16.23 + \$3.66 per 1 ccf

(ccf = 100 cubic feet of winter month avg water use)

▶ Water Protection for Health and Environment

So I just put at the bottom here a sample; it's just a summary kind of an equation of how that's calculated. Our base fee is \$16.23, so everyone pays \$16.23 plus \$3.66 per CCF. **Mayor Holland** said just for information for the public, if you never turn on your waterspout, you never take a drink of water out of your faucet, you still pay \$16 to be hooked up to a live utility. **Mr. Foglesong** said yes. With the winter average, that kind of complicates it, but yes. In theory, it's calculated off the winter usage and then we carry that through the whole year. **Mayor Holland** said we get that question a lot from landlords who say, I haven't had anybody in there. Why am I paying \$16? There's a \$16 hookup fee just to have the live utility service. **Mr. Foglesong** said that's correct. That's not uncommon. It's basically the same type of a structure for water and electric as well on their bill.

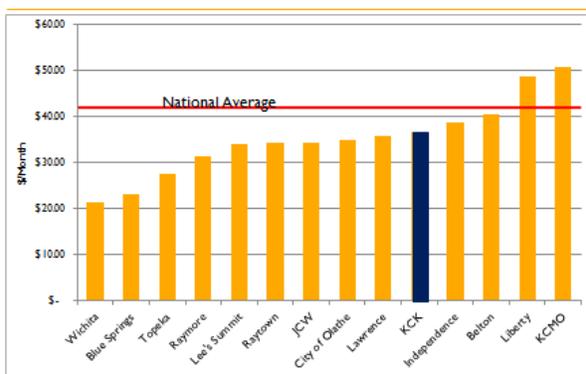
Sewer System Fund Overview (Continued)

- ▶ *Utility Base Charges for typical Residential account*
 - ▶ WPA - \$16.23
 - ▶ BPU Electric - \$16.00 (Electric Customer Access Charge)
 - ▶ BPU Water - \$19.35 (Water Customer Access Charge)

▶ *Water Protection for Health and Environment*

Our base fee is \$16.23. The BPU electric, they call it the electric customer access charge is \$16 and the BPU water is \$19.35. That's just to be connected with no use. So that's for everybody's active account. When that question came up, when is the sewer fee collected, it's anytime it's an active water account is when the wastewater charge would be collected.

Typical Monthly Residential Wastewater Bill (2015-16)



February 4, 2016

I presented this last time too just so you can see, again, just kind of where we fit in the region. The national average, upper \$30's, about \$37 per month. **Mayor Holland** said is an average sewer bill. **Mr. Foglesong** said that's just the sewer bill, yes.

Sewer System Fund Overview (Continued)

► *Expenditures Overview (Pg 78 from 2016 Approved Budget)*

	2013 ACTUAL	2014 ACTUAL	2015 BUDGET	2015 AMENDED	2016 BUDGET
EXPENSES					
Personnel	8,146,165	8,330,864	8,000,000	8,200,000	8,350,000
Services	1,840,020	1,706,851	2,280,337	3,080,190	3,274,541
Supplies	2,985,078	2,952,579	3,488,980	3,470,643	3,603,525
Grants, Claims	4,286,866	4,567,788	4,859,015	4,854,015	5,141,981
Transfers, Other	3,108,985	6,239,570	3,654,779	3,754,840	4,008,101
Capital Outlay	7,204,461	4,671,470	6,410,800	6,610,800	8,488,600
Debt Service	1,779,149	1,802,912	2,429,000	2,429,000	3,077,600
Reserves	0	0	200,000	200,000	200,000
Total Expenses	\$29,350,724	\$30,272,034	\$31,302,911	\$32,599,488	\$36,144,348

► *Water Protection for Health and Environment*

Just a breakdown of our expenditures in the Sewer Fund. Again, this is out of the approved budget document. Personnel is about a fourth of our expenditures. Capital outlay is about a fourth of it.

Commissioner Philbrook said I just had someone who contacted me recently and would like to understand why since they don't have a sewer that they're on septic that they have to pay this sewer charge. **Mr. Foglesong** said they shouldn't. If we get an inquiry like that, we investigate that. It does happen. We do find people who either are on the sewer system and haven't been paying it and we rectify that, or we find people when they notify us where we will... **Commissioner Philbrook** said I will turn this on over to you.

Mayor Holland said if they're not on sewer, you only pay the sewer fee if your wastewater goes into the sanitary sewer. If it... **Commissioner Murguia** said I do to. So, Mayor, I'll just tell you I asked that question years ago when I first got on the commission. **Mayor Holland** said stay tuned because there's also a Stormwater Utility Fund that is different from sewer. There's sewer and stormwater. They're two different funds and they're billed differently so stay tuned. The Sewer System Fund is only for people whose drains go into our sewer system that we have to clean. The Stormwater Fund is for everybody because all the city streets collect stormwater, so there are two different funds. There are many people who do not pay the Sewer Fund but do pay the Stormwater Fund, though I don't think there are many in the inverse who would pay the stormwater but—who would pay the sewer, anyway, everybody pays

stormwater period. **Commissioner Murguia** said but not everybody is paying sewer. **Mayor Holland** said sewer, that's correct.

Commissioner Murguia said I will tell you, unlike Commissioner Markley, I have a number of people—I have people that at the advice of former employees in Public Works, I directed them; they were required to pay that. If I could get something in small and in writing that I could post on my political Facebook page to let people know that think they're paying that, who to contact so they can be removed from that, that would be helpful. **Mayor Holland** said so it can be investigated because I will say I know a lot of people who don't know where their toilet flushes so they might be confused. The biggest confusion is through stormwater. But, yes, if you're on a septic system, you should not be paying a Sewer System Fund. Correct? **Mr. Foglesong** said that's correct. What we would do when we investigate those, we would look at a map and look at that address in our system. The ordinance does require if they're within 200' of it that they would have to connect to the sewer system and then they would start paying. **Commissioner Murguia** asked it requires them to connect if they're on septic and within 200'. So there's lots of exception to this rule. You just said if you're on septic, you don't have to pay the storm sewer. Now you're saying if you're not on it but you're within 200', you not only have to pay it but you've got to connect to it.

Mr. Bach said if you're in violation of our ordinance for sanitarily disposing of your sewer or your waste in our community then we're going to make you connect. **Mr. Foglesong** said there are some exceptions to that, but that's the general rule. That's in the ordinance that if there are structures within 200' of the public sewer system, then they would be required to connect. Once they're connected, then they would pay the user fee.

Mike Tobin, Interim Public Works Director, said it's better to do this on a case-by-case basis. If you send it in, we'll investigate it and we'll check it out. One of the reasons people are required to come off of septic and attach to the sewers was 1) for public health reasons, but 2) the clay in this county is not really what you want for septic systems and they tend to—historically they've always been problems. Even now, and you can verify this with Rob, to have a septic system, you have to have over an acre lot or at least an acre lot.

Commissioner Markley said I was just going to make a recommendation on how to handle that notification of the public. If there's a way on their bill that they can tell what's the stormwater and what's the sewer, I would post a picture of the bill on your website, highlight it, and say this

is your sewer fee, this is wastewater fee, everybody pays this one; but if this one is showing up and if you're not on the sewer, you should call us because otherwise I think everybody is going to call thinking that stormwater fee is the sewer fee.

Presentation of Water Pollution Abatement and Stormwater Fees on Monthly BPU Bill

The image shows two pages of a BPU bill. The left page, labeled '(Front)', is a detailed bill with a header for 'BPU' and 'Beverly Hills Unified School District'. It includes a table of charges and a total amount. The right page, labeled '(Back)', contains contact information for the 'Beverly Hills Unified School District' and a return address for the 'Beverly Hills Unified School District'.

Water Protection for Health and Environment

Mr. Tobin said there it is right there. **Mr. Foglesong** said I just skipped ahead a little bit. So here's the front of the BPU bill on the left and the back of the BPU bill on the right. The front of the BPU bill is on the far left here so you can kind of see what part of it I blew up. This is an actual bill. This is how it's broken down and how it's presented. The electric and the water is up top. Those are shown as BPU charges. The way they present it, the UG charges, they're together, so the first one is the stormwater management fee. I haven't talked about that but basically that's a flat fee, \$4.50, for all developed properties. That gets billed in association with the electric part. That's how they determine basically that it's an improved property. This has got electricity. That's how when the Mayor was talking about people paying the storm fee and not the wastewater, this would pick up people who are on septic systems.

Commissioner Markley said this is exactly what I'm looking for only I would go even further because I'm not sure that people necessarily are going to know what the water pollution abatement means. I would say put this up on your website so people can see it so they'll understand you're going to pay stormwater no matter what; but if you're seeing this other charge and you're not on sewer, call us otherwise everybody's just going to call. Like Commissioner Murguia said, they're going to call hoping that they're paying something they shouldn't have to be. This way you can kind of clarify that and let them know, you're going to pay this no matter what, but if this one is showing up and you're not on sewer, that's when you should call in and hopefully kind of cut down on some of your workload there.

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Mayor Holland said the other common call we get from people, particularly landlords, is the trash removal service. They'll say hey, wait; I don't have anybody in my apartment or in my house. There's no trash coming; there's no trash being produced. If you have utilities turned on, we automatically charge a trash service. Is that correct, Mr. Tobin? **Mr. Tobin** said yes, it is, Mr. Mayor. We have always tracked the trash fees and collection of that user fee through the BPU electric rates. If you're an active electric customer, you pay that charge. **Mayor Holland** asked even if you're paying the flat monthly fee, you're still paying for trash pickup. **Mr. Tobin** said that's right. It's been that way since day one of the contract in '93. **Mayor Holland** said that's right.

Mayor Holland said this is why we need this presentation because if we're confused, I guarantee that the people watching back in TV land are confused. **Commissioner Philbrook** said yes, no kidding. I know we're really down in the weeds, but that's where most of our phone calls come from is water, weeds, and sewers and all those kinds of things. I'm wondering if there's somehow you could put together maybe about a 15-minute here, here is the way it is with these charges, why they are, and some of these reasons why they might have to be on sewer or not, and what some of those caveats are. That way when we get those phone calls, we can just go ahead and say hey, this is the way this is setup but I can set you up with an appointment to speak to the gentleman if you want to that way we're not getting all those calls. As the rest of the commissioners say, you're not going to get twenty million calls, but we will get calls. I don't like to have to turn everything over all the time.

Mayor Holland said having this presentation on our website and being able to point to people who call us to the website for a better explanation, I think this is going to be a big help already. **Commissioner Philbrook** said well, you're going to hear from it because I'll probably come down and talk to you about this stuff so I know it myself.

Commissioner Johnson said this may be a Lew question. I'm just looking at the total revenues versus the total expenditures in terms of how we budget it. We're budgeting a loss. I didn't catch this in the budgetary session because there are so many numbers. I'm not always sure where to point my arrow at. I just noticed when we have a loss, are we—in the physiology of the budget, are we looking to other areas to cover that in the overall budget? **Mr. Foglesong** said in this cycle, when you look at it, it is maybe upside-down if you want to use that word—overall, if

there are years where we are borrowing more money, a lot of our funding is debt financed. Overall, we're targeting and trying to carry the 10% reserve but there are cycles where we're maybe adding more to the reserve or taking more out of the reserve. In this case, we're taking more out.

Mr. Bach said you'll note that this year in particular, we added about \$2.5M extra in capital outlay...**Commissioner Johnson** said yes, I see that...**Mr. Bach** said and cash funded it a little bit more in 2016 so we would use money that we had in reserve in that respective. I'll also note, as we have for years, this is an area where we are—we have rate increases where we continue to go—rate increases that we've had to continue to deal with, continue to cover the amazing amount of infrastructure that we are required to build in this department across our community.

Commissioner Johnson said I guess that's what I was kind of getting toward is are we kind of chasing, I suppose, the expenditures as they come with the fees or are we able to tell—are we able to project what we think they're going to be or are we just kind of have to look at a history of the tracking of how they've gone, I suppose. **Mr. Bach** said we're able to project it. I think that kind of covers a little bit over to the other side of the discussion, Commissioner, not as much as what we'll get into tonight. As we continue to move through this pending consent decree, that is part of the meetings we'll be having with you, part of the discussion that we're having with the EPA about what we will have to and what we will have to agree to pay and then we will have pretty good projections for what our 20 year costs are going to be and then dividing that back over the years and how we're going to do it and then what we're going to need to do with our rates in order to meet that per what the EPA is going to require us to do.

Stormwater and Surface Water Utility Fund Overview

- ▶ **Enterprise Fund -**
- ▶ **Background**
 - ▶ *Established 2008*
 - ▶ *Revenue from this fund are received from the stormwater utility fee and are used to fund the operations, maintenance, capital improvements and debt service of the Unified Government's Municipal Separate Storm Sewer System (MS4).*
- ▶ **Stormwater Management Fee**
 - ▶ *Basis of Bill – Billing associated with BPU Electric accounts for improved properties, flat fee of \$4.50 for all accounts.*

Mr. Foglesong said I'll skip back a little bit. On the stormwater, the Utility Fund, again, it's an enterprise fund as well. It was only established seven years ago. It funds not only the stormwater infrastructure, but also there's kind of a newer compliance piece that goes with the stormwater. Everyone kind of loosely calls it MS4 which is just an acronym for Municipal Separate Storm Sewer System. That kind of parallels the combined sewer system in the eastern part. In the western part of the county, we have an MS4 system. We are doing increased efforts for compliance as part of our Stormwater Management Plan as well as address the stormwater infrastructure needs.

I mentioned it earlier already, but the stormwater management fee is a flat fee, \$4.50, currently charged on all improved properties. That's billed in conjunction with the electric accounts through BPU.

Mayor Holland said I want to say something about that too because I was here in '08 when we instituted this. Other communities factor this in based on impervious surface on property. If you have a large roof area or a large parking lot, you'd be charged more than a residential customer. A residential customer has a much smaller footprint. A Walmart or a Target has a much larger footprint. We made a decision to stick with a flat fee of \$4.50 at this time and not to go into a calculated assessment of parking lot and rooftop surfaces. Is that right? **Mr. Foglesong** said that's correct. **Mayor Holland** said so we could make this harder is my point.

Stormwater and Surface Water Utility Fund Overview (Continued)

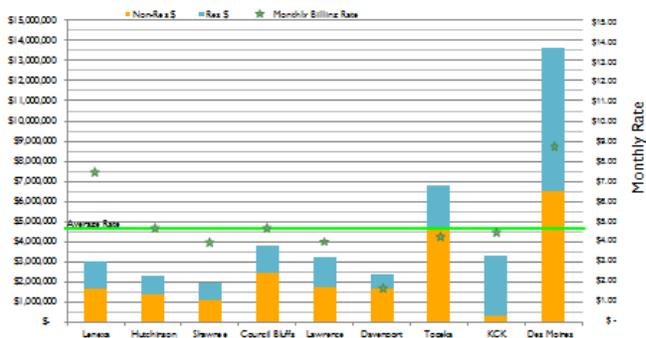
► *Revenue Overview (Pg 80 from 2016 Approved Budget)*

	2013 ACTUAL	2014 ACTUAL	2015 BUDGET	2015 AMENDED	2016 BUDGET
REVENUE					
Tax Revenue	0	0	0	0	0
Permits and Licenses	0	0	0	0	0
Intergovernmental Revenues	0	0	0	0	0
Charges for Services	3,329,932	3,351,441	3,300,000	3,300,000	3,300,000
Fines, Forfeits, Fees	0	0	0	0	0
Interest Income	19,227	14,795	13,700	13,700	13,700
Miscellaneous Revenues	0	30,365	0	0	0
Reimbursements	108,658	231	0	0	0
Other Financing Sources	0	0	0	0	0
Total Revenues	\$3,457,817	\$3,396,852	\$3,313,700	\$3,313,700	\$3,313,700

► *Water Protection for Health and Environment*

Mr. Foglesong said so here's the revenue overview. It's real simple on this one. Almost everything is—the \$4.50 charge for service. Expenditures are pretty straight forward.

Annual Stormwater Revenue



Here’s how we compare to surrounding communities. The axis on the left, the vertical axis on the left is total revenue. That would be a function of the rate and the number of customers in our system. The axis on the right is the monthly fee. If you look at the star, if you find the star for each community and follow it to the right, you can kind of see what the fees are. You can see \$4.50 is right on the average rate there. The bars, the blue represents the revenue generated from the residential component; yellow represents the component generated from the commercial component. You can kind of see in the other communities, there’s a little bit more of a balance overall, commercial/residential. Ours is more heavily weighed on the residential part.

Presentation of WPA and Stormwater Fees on Monthly BPU Bill (Continued)

Date	BPU Charges	Amount
01/05/16	Electric Charges	\$98.87
01/05/16	Water Charges	\$46.58
	Total	\$145.45
Date	UG Charges	Amount
01/05/16	Storm Water Management A	\$4.50
01/05/16	Trash Removal Service B	\$15.40
01/05/16	PILOT C	\$17.31
01/05/16	Water Pollution Abatement @ AVG 7 D	\$41.85
	Total	\$79.06
Date	Taxes	Amount
01/05/16	Kansas Water Plan Tax	\$0.17
01/05/16	Sales Tax	\$2.91
	Total	\$3.08

- A** - Stormwater Management (Includes PILOT, flat fee of \$4.50)
- B** - Solid Waste
- C** - Pilot Fee (11.9% of electric and water charges above)
- D** - WPA Fee (includes PILOT, $\$16.23 + 7 \times \$3.66 = \$41.85$)

Water Protection for Health and Environment

I don’t think we need to cover the bill again although I’m willing to if anybody wants to.

Presentation of WPA and Stormwater Fees on Monthly BPU Bill (Continued)



Water Protection for Health and Environment

I just included some of the definitions on the back of the bill kind of for future reference, like the CCF, the winter average. BPU does provide that on the back of everybody's bill.

Minimizing Disruptions / Costs

- ▶ **Coordination with other UG Departments and Utilities**
 - ▶ Best end result for citizens / users
 - ▶ Early project discussions allow best utility coordination
 - ▶ Successfully utilized program as part of NSRP
- ▶ **Early detection of Defects**
 - ▶ Avoids emergencies (inconvenient and expensive)
 - ▶ Address issue before it spreads
 - ▶ Protect other assets from damage
 - ▶ May allow use of "trenchless" technologies which are less disruptive and less expensive than full replacement

Water Protection for Health and Environment

When we met last, one of the things that came up was from Commissioner McKiernan talking about disruptions in the neighborhoods and everything. I think we've already talked about it. It won't really be—I think your concern was maybe toward a certain utility that's out there now doing a lot of disruptive work. We spend a lot of effort trying to minimize those disruptions for several reasons. First we end up with the best end results. When we get done and pave over, we're left with a good paved surface that isn't going to get disrupted for several years down the road. We try to coordinate that as early as we can. It's really been a successful program through the NSRP where the BPU water/electric, they talk to the gas, the sewer utilities; we all come in and look at the areas a couple of years ahead of time. We go out and we do all of our inspections and try to identify what the needs are, address them at this time before it gets paved. Then when

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they come in and do the paving, we end up with a better end product and a paved surface that won't be disrupted for many years to come.

I also mentioned the last time that we try to detect these defects—we call them defects in our system—as early as we can for several reasons. One, we avoid emergencies. Basically, if you let it run until it fails, pipe collapses, we get backups, potentially someone's basement, out of a manhole, we're out there overnight fixing it either paying our crews overtime continuous, our contractors premium rates to come in and do those repairs. We also have environmental instances there where we're having to release sewage to a creek or to someone's house. That's obviously something we try to avoid. Also by catching early, sometimes we can catch it when it's just maybe a small point defect; kind of nip it in the bud. Over time that defect will grow, more soil will fall in the hole, kind of go away, and it will cause undermining of rest of the pipe under the road. It becomes a much bigger issue to fix to protect the other assets of the roads.

Also, the other opportunity we have is using something they call trenchless technology so we can basically access our sewer pipes from manholes and pull a new pipe in place, cure it in place, and basically have a renewed asset without digging up the street. Obviously it's a lot less expensive. It's a lot less disruptive. That requires we find defects before they fail. Sometimes we'll go in and we'll find a pipe that might have a few defects, we have to dig up a small area, repairs those, line it, and move on. Lineal footage to do the trenchless versus digging it up, it's probably not quite an order of magnitude but nearly an order of magnitude in savings.

Commissioner McKiernan said I just had a couple of questions. I appreciate because I certainly am, being here in the east end, I'm very concerned that we could theoretically trench up every street, every alley. Although if you want to dig up the alleys and then put them back nice, you could go ahead and do that. I just want to make sure that we minimize the disruption. At first glance, when I think about it, it has the potential of being enormously disruptive of every single structure in my district. I want to make sure that we avoid that. I think, as I talk to Mr. Tobin and now as I talk to you, that I'm getting a better appreciation that it won't be on the scale that I had imagined and that's good; and that you will work to try to minimize it and coordinate it and that will be great as well.

Commissioner McKiernan said just a curious question, though. As we talk about people who are currently on septic needing to hook up to a sewer if it's within x distance away, I have no idea. What would be the average cost of somebody hooking up to the sewer? What would a

homeowner spend if they were to hookup, on average? **Mr. Foglesong** said I don't know that I have a great number. It would be thousands of dollars. **Commissioner McKiernan** said \$4,000, \$5,000. **Mr. Foglesong** said probably more \$5,000 to \$10,000, I'm guessing. It might be less. It's so dependent upon the surface area and the surface restoration. That's really where you get into the money is the surface restoration. **Commissioner McKiernan** said right.

Mayor Holland asked do you know—I think Mr. Roddy used to quote us the number of miles of sewers that we take care of. Do you have that number, approximation? **Mr. Foglesong** said yes, total, it's about 1,200 miles. **Mayor Holland** said about 1,200 miles of sewer which would take us from here to the east coast, I think. Pretty close. It's a long way. **Mr. Foglesong** said in our presentation, we show one where you can go from Sporting Park to Chicago and back to Sporting Park. **Mayor Holland** said roundtrip to Chicago. Can we just send our sewage one way and have them pay for treatment? That seems to be cheaper.

Questions?



Water Protection for Health and Environment

Commissioner Walker said I assume we've reached the end of your presentation. I was contacted by a business owner and property owner who is in the audience who wanted to present to the commission tonight on this subject, present meaning there are some inequities in this formula, at least he feels there are. I would think it would behoove us before we enter into any further discussion on this that we hear what those inequities are and perhaps Mike and them can address—perhaps they're not inequities, perhaps we could move on. He's here to speak on this item as a member of the public anyway. He's allocated a certain amount of time anyway. **Mayor Holland** said only when we have a public hearing or open it. If there is a motion and a second by this commission to allow the man three minutes to speak, then we could grant that.

Action: **Commissioner Walker made a motion, seconded by Commissioner Johnson, to allow the gentleman three minutes to speak.** Motion carried unanimously.

Commissioner Walker said for those who are interested, he's from the Rosedale area.

Rick Probst appeared stating I have a retired small business of 25 years in Wyandotte County. I have a rental house that's been vacant for three months and my BPU bills for three months for the electric and the water total was \$14.59. My bills totaled \$316.95. Of that \$316, one-third of it was for the water pollution abatement.

Here's how it works, a new customer like a renter, homeowner, or landlord must pay an estimated sewer fee for a minimum of four months before March 31. The last four months usage is averaged to establish the winter average. If you were to move into and occupy a rental property in March, you'd have to pay this fee for one year. The customer for this first year must pay an estimated sewer fee which is based on 5 CCFs of water usage each month for 12 months. One CCF of water is 750 gallons times 5 is 3,750 gallons of water, which is 125 gallons of water per day. In a one bedroom house with a square footage of 700', one or two people living there, it's impossible to use that much water.

This fee is charged across the board regardless of how much water you use and regardless of how much water you conserve, regardless of the size of the house, the number of bedrooms, the number of people, the yard size, and without considering the history of the water usage.

My suggestion, I'm skipping over a bunch of stuff—I can go back if you want me to. **Commissioner Walker** said continue. **Mr. Probst** said my suggestion is to pay as you go. New customers, why pay an estimated bill? We have the technology to pay for the water as we use it and the sewer fees as a usual fee. Then March 31, when March 31 comes, average the last four months bill for an exact winter average and you have a customer who's got every drop of water they had paid for and sewer fees paid in full with every penny due and no unfair estimates. I think we need an investigation of all charges and fees on the entire BOP bill and find out why these unfair charges are created. Also, prorate fairly the amount due on bills when leases begin or end causing partial billing periods.

My house that I have is 700 square feet. It has low flow faucets, low flow shower, low flow toilet, no sprinklers, no hot tub, and no pool and has winter average of 1 CCF since 2007. That house has averaged less than 1 CCF of water usage per month. I'm being charged—they are charging for 5 CCFs of water per month, every month, all year.

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Mayor Holland said, sir, we appreciate you bringing that to us today. I think I would ask Commissioner Walker to talk to you and work out what you think would be a possibility, and then we would have to talk about a policy discussion about what the financial impact would be to the system and what would be a fair rate. It would be a policy discussion so I think if you can make sure you could give copies of that information that you've given to Mr. Walker. Do you have that, Mr. Walker. **Commissioner Walker** said I have his handwritten presentation. **Mayor Holland** said perfect. Then we just need to evaluate that and see if the commission has an appetite for a policy change.

Commissioner Walker said I think what he gets across is that while for most of us measuring it in the winter average, results in the best rate. It is not uniformly equal to everyone's situation. Water conservation is kind of out the window in the sense that it doesn't seem to be of any benefit for you to conserve water. You have a number of houses that he has described in this community that are not a lot different, I mean size wise, limited facilities. They may use more water. It's hard to tell. It is a policy question that we have to decide.

I've talked with Mr. Probst and had issues with him when I was chief counsel over the years. He's been somewhat of an activist in his community. He had a business. I won't say he was always wrong or right, but he was very articulate in his point. When he explained to me this situation, I couldn't answer it. I still can't answer why somebody using 1 CCF of water is charged for 5 on the sewer charge. I can't answer that. While that may work out for everybody else, it doesn't work out for him and it probably doesn't work out for, I hope, a small percentage of people. I don't know what—I'd be happy to work with Rick, but I don't think it's me and Rick that have to work together.

Mayor Holland said, no. I think we need Mr. Tobin and Trenton involved here to get this evaluated. This is the question I would have. His question isn't with the winter average. His question is with the 5 CCF on a typical account that's used prior.

Mr. Tobin said we'll be happy to work with you both ways on this with Hal and the citizen. Again, it will come back to a policy issue. We, as administrative staff, apply the policy equitably and across the board.

Commissioner Walker said there's no question about—the question is, do we need to look at the policy and adjust or have a process where an individual such as him can appeal to, I don't know, Water Pollution, I guess; and given certain facts, that rate be adjusted upward or further downward; presumably downward. **Mayor Holland** said adjusted downward or left

alone. **Commissioner Walker** said and if so, is it more trouble than—is it going to cost us a lot more than it's going to be a benefit. How much money—what's the budget impact on you guys? I can't answer those in a vacuum. **Mayor Holland** said we'll need you all to do that analysis. Do the analysis on the budget impact and what a policy would look like, then we'd have to decide if the commission has an appetite to take it up.

Commissioner Townsend said I just want to say one thing. I know that Mr. Probst is not alone because at least one or more of my constituents has outlined a similar case. This issue was new to me. I just want to make sure that we're talking about possibly—this would be a change that would be beneficial to all of our constituents. Right? I guess the question is, the constituents that called me with a similar situation, do we want to hear from them or have them send in their particular circumstance, or how are we going to address that? **Mayor Holland** said I think we just need to have the data ran and see what the policy looks like. There's going to be a dollar figure attached to it and we need to see—we don't even know what the scale of this is.

Mr. Probst said, sir, my situation is only for a new customer. It wouldn't be applied to anybody that has...**Mayor Holland** said I understand that. It's only for a new customer. Because you rent, you have new customers more often than regular houses.

Mr. Tobin said, Commissioner Townsend, if you'll refer that address to us, we'd be happy to look into that for you also. **Commissioner Townsend** said thank you because this gentleman has rental property as well.

ITEM NO. 7 – 16387...SURVEY: SIGNS

Synopsis: Sign survey, presented by Rob Richardson, Director of Planning. This item was originally scheduled for the January 28, 2016 Planning and Zoning meeting. Due to time constraints, the item was deferred to the full commission meeting on February 4, 2016.

Rob Richardson, Director of Planning, said as you know, we are in the process of rewriting our sign code. It's a part of our zoning ordinance and it deals with how, when and where people can place signs in the community. One of the key reasons for regulating signs is the aesthetics. I believe one of the things our consultants wanted us to do was to do some surveying around the community about what signs people like and what signs people don't like.

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If you're at home and you want to do this, if you go to wycokck.org/planning, at the bottom, middle of the page there's a sign survey score sheet. You can print that off and fill it out; mail it or email it. I'll put this information back up at the end, but go to the Planning page on the county website. If you need to navigate to it, it's just the regular website and then go to Departments, and then Urban Planning and Land Use.

The purpose of this is to gage your response tonight to these signs. You all have a score sheet that I've handed out to you. Our Chief Counsel has informed me that you need to put your name on that. The Clerk will collect those and keep those for record for posterity. We want to see how you all feel about the different types of signs. This will give us direction as we move forward. We're going to do this with the Planning Commission Saturday morning in their special session to get an update on all of our planning projects. It will help us to consider different ways that potentially we can regulate signage that might be better than the way we're doing it now.

When we get into these signs, each slide is going to have a variety of signs on it. If you really like it, rate it a 5 on the yellow side. If you really hate it, rate it a negative 5 on the red side. Make all the notes that you can on here because this will help us. You might want to say something like, this will be okay in an industrial area but I don't want it in my neighborhood. So as many notes as you can make would be great. We can do this in probably 20 minutes if we look at the slides and make notes.

Mayor Holland said we can make this a 20-minute process or we can make this a 2-hour process. It's really up to the will of the commission. My recommendation is going to be if you have a particular question about a sign, circle it and then we'll come back to it at the end. If you want to have a long conversation with Mr. Richardson about that particular type of sign, we can do that at another time. Let's cruise through this and get the information.

Mr. Richardson said I believe we have A – N in slides with signs on them so you'll know how to prepare yourself for this.



1



2



3



4

Group A

1	5	4	3	2	1	0	-1	-2	-3	-4	-5
2											
3											
4											

Notes:

Our first slide is what we would typically refer to as pole signs. There are four of them there. We'll give you a minute or so to make your evaluations and write your scores down. When I see you all kind of looking back up here, I'll change the slide. **Commissioner Walker** asked you just mark an x in the box. **Mr. Richardson** said yes, just mark an x in the box.



1



2



3



4



5



6

Group B

1	5	4	3	2	1	0	-1	-2	-3	-4	-5
2											
3											
4											
5											
6											

Notes:

These are different types of monument or pole signs. We have some like these in our community in different places. The more distinction you give in your scoring, the more it will help us to kind of rate this as we move through and see what different places we should—parts of the community might want something like this, some may not.

Group C

	5					4	3	2	1	0	-1					-2	-3	-4	-5
1																			
2																			
3																			
4																			
5																			
6																			
7																			

Notes:

I particularly like the mushroom. If you all have neighborhood groups that you think might like to do this, we'd be happy to go out and talk to neighborhood groups about any of these planning processes or run through this with them. The more people that participate, the better off we'll be. So far, people haven't been real excited in the sign code process.

Commissioner Murguia asked why are they all so old. Most of these are old signs. **Mr. Richardson** said some of these are still legal within our code to do signs like this. Some of them—people want to do something that's unique or different. You can regulate signage so tightly that everything kind of looks alike. I think that's part of the reason for the variety and the type that—how much variety do you want to—we'll kind of gage how much variety you would like to see in the code. I'm imagining a big Cheez-Its down in Fairfax. **Mayor Holland** said half of all Cheez-Its in America are made right here in Kansas City, KS. Eat more Cheez-Its, please, in a healthy community way.

Group D

	5					4	3	2	1	0	-1					-2	-3	-4	-5
1																			
2																			
3																			
4																			
5																			
6																			

Notes:

We moved into more of the strictly monument signs. Some of them have changeable messages on them. **Mayor Holland** said can you believe that gas is \$1.49. **Mr. Richardson** said that's almost accurate. That picture is probably eight or nine years old, but it's back to being correct again.

Group E

	5	4	3	2	1	0	-1	-2	-3	-4	-5
1											
2											
3											
4											
5											
6											

Notes:

Mayor Holland said oh, those are horrible. **Commissioner Philbrook** said horrible. **Mr. Richardson** said these are back into more of our shopping center type signs and advertising for multiple tenants within a shopping center or strip center. **Mayor Holland** said that No. 5 looks great. **Mr. Richardson** said hey, quit trying to influence the vote. **Mayor Holland** said the Legends Shopping Center right here in KCK. **Mr. Richardson** said one thing, when you look at this one in particular; think about how difficult or easy it is to read these. I think that's one where the Legends has done a good job. You can tell what the—the use of logos and things make that a lot easier to see.

Group F

	5	4	3	2	1	0	-1	-2	-3	-4	-5
1											
2											
3											
4											
5											
6											

Notes:

Now we have some electronic signs. Nos. 1, 2, 3, 6 are all what I would call changeable. Some of them are video related, and then you have the gas stations that can just automatically change the price of gas. There's a \$3.29 for you, Mayor. **Mayor Holland** said that's more common. **Mr. Richardson** said \$3.79. I like the other one better.

Group G											
	5	4	3	2	1	0	-1	-2	-3	-4	-5
1											
2											
3											
4											
5											
6											

Notes:

These signs are—some of them are vertical. They're a little bit higher; different ways to do a vertical sign. I think 1 and 5, this is a sign type that Lee's Summit has created. It gets a little higher so that people can see it a little farther away. It's kind of unique.

Commissioner Murguia said all of that little writing. **Mr. Richardson** said it's kind of an archway. It's more of an industrial application. That might be one where you say, that'll be fine in Fairfax or maybe you like it somewhere else too. That's one that we had people want to make notes on in previous presentations. We don't necessarily dislike it, but it wouldn't be appropriate everywhere.

Group H											
	5	4	3	2	1	0	-1	-2	-3	-4	-5
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2											
3											
4											
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Notes:

Mayor Holland said No. 1; let's get that one done. **Commissioner Johnson** asked the mobile sign. **Commissioner Philbrook** said the mobile sign. **Mr. Richardson** said No. 1 is interesting because you have some businesses that, that truck would be used almost every day and you have some of them that it's sitting in the parking lot with flat tires. **Commissioner Murguia** asked the one with the sign. **Mr. Richardson** said yes, it can be. We had a mattress company have a trailer that was not big enough to have a mattress put in it with signs on in parked in their parking lot before. **Mayor Holland** said I just put these are horrible. This is the worse page.

The banner issue is going to be an issue, No. 3. **Mr. Richardson** said and so is—a sign like No. 4, as I've said before, was a subject of Reed v. Town of Gilbert, AZ case. It was about that big of a sign that caused the Supreme Court action.

Group I

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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5											
6											

Notes:

Now we're kind of awnings and awning signs and different types of ways to do signage on storefronts. **Mayor Holland** said Group I. How do I call these? **Commissioner Murguia** said as long as they're not dirty and torn and 100 years old. **Mr. Richardson** said make that note, make that note. **Mayor Holland** said if kept up. Right? **Commissioner Murguia** said right. **Mr. Richardson** said the companies have gotten a little bit better with that. Some of them they make those out of metal now so that they don't—it looks the same from a distance but it doesn't—it wears better.

Group J

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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Notes:

The first one is like a sidewalk sign. There's just a little placard out there that's got legs on it to keep it up right there. You can't see the legs on it very well. On some of these you might say okay, but not every day, a couple of weeks, a year, or maybe if the sidewalk is wide enough it's okay; comments like that.

Mayor Holland asked is there a limit to how long you can have a grand opening. Can you be in your third year of business and still be a grand opening? **Commissioner Markley** said (inaudible) for like 10 years. **Mr. Richardson** said although you can have been in business for 10 years and been going out of business for 7 of those. **Mayor Holland** said I've seen it.

Group K

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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Mr. Richardson said now we have some painted signs, different wall signs. No. 4 is from here in KCK.

Group L

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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6											

Notes:

Mayor Holland asked is it art or is it advertisement. What's (inaudible) and what's art. Right?

Group M

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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6											
7											

Notes:

Mr. Richardson said No. 5, notice the scale of that sign. That's pretty big. There are some cars parked in front of it. It isn't depicted very well here, but think about maintenance on these as well. Like the sign in No. 2 when it was first painted, it was much, much brighter. It kind of fades like the sunset.

Commissioner Murguia asked what is that a picture-are you asking us to look at the for sale sign in No. 3 or what appears to be fish. Mr. Richardson said I think it's the fish. Mayor Holland said I think the fish are for sell. Down on Johnson Drive, there's a pet store down there that has—they've got a big mural on the whole side of the wall. Mayor Holland said how to regulate murals. That's hard. Mr. Richardson said we're getting another one, Fonzie is on a building downtown now. Mayor Holland said they can be great art.

Group N

	5	4	3	2	1	0	-1	-2	-3	-4	-5
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7											

Notes:

Here’s Group N. This is the last. No. 5 is interesting. Our code currently doesn’t allow for neon. I don’t know why that was taken out or when. A lot of zoning codes took neon out a long time ago and I don’t know—maybe because it was so hard to maintain and people couldn’t maintain it adequately. Maybe there’s not people to maintain it anymore. I don’t know.

Mr. Richardson said while we’re discussing signs, I’ll do a more formal presentations to this on the standing committee when I get the final results. I believe this week, the last urban sign related to the digital billboards came down. They were waiting for—they had a powerline very close to it that had to be powered down for them to get in there and remove the sign structure. The last one is going to come down as soon as the winds quit going. That issue is nearly resolved. I’ll do a formal presentation.

Commissioner McKiernan said I just have one request. I really appreciate all the time that the group is putting into this; very thoughtful. I have a request. When we finally come up with an ordinance, please make it something that we are able to and willing to enforce. Let’s not create anymore ordinances and regulations that either we cannot or will not enforce. We don’t need them. That’s my only request.

Mayor Holland said the other piece that was not on here were digital signs like churches have. Obviously there’s one—there were a couple, but I think we need to specifically get feedback about what people think about because a lot of churches are asking. All of these are very different from what a typical church puts out. They’re usually much smaller, lower to the ground. **Commissioner Walker** asked that’s what’s running across the bottom. **Mayor**

Holland said well, they just look better than this. They look better than these I guarantee it. I think if we could get feedback from the commissioners because that's a common request. I think when mine was approved, Commissioner Markley, you get a lot of requests for that. I think we need to specifically see some church signs and give some feedback for digitizing church signs because it's a big request that we get.

Commissioner Walker said well, we get it for other public buildings too like the library in Argentine. We need a monument sign that gives information down there. **Mayor Holland** said right. **Mr. Richardson** said you're going to see one. I don't know if it's coming to you or the Board of Zoning Appeals. We have a request from the Community College for the Tec Center. Where there's a changeable sign in there now, they want to replace that with a digital face. **Mayor Holland** said okay, but I think that's information that we've had a request on that I didn't see those kinds of monument signs in the slideshow. **Mr. Richardson** said okay.

COMMISSIONERS' AGENDA

No items of business.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

No items of business.

MAYOR HOLLAND ADJOURNED

THE MEETING AT 9:05 P.M.

February 4, 2016

Bridgette D. Cobbins
Unified Government Clerk

cg

February 4, 2016