

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

PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, JULY 28, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 28, 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; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. Murguia, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Rob Richardson, Planning Director; Bryon Toy, Planner; Zach Flanders, Planner; Jamie Ferris, Planner; Janet Parker, Administrative Assistant; Patrick Waters, Senior Attorney; Emerick Cross, Commission Liaison; Kathleen VonAchen, Chief Financial Officer; and Captain Robert Angell, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Pastor Artrell Harris, Roswell Church of Christ.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, said yes, Mayor, a blue sheet has been distributed. Under Section 13, the Administrator's Agenda, we have additional information for Item No. 2F, Budget Items, a resolution and an ordinance. The first item is submission of the following documents. changes to the Administrator's Amended 2016 and Proposed 2017 Budget for an additional mill rate reduction. That is referred to as the yellow sheet. The resolution and ordinance approving and adopting the 2016 Amended Budget and 2017 Annual Budget of the Unified Government, 2016-2021 Capital Maintenance Improvement Program, and the Amended 2016 and 2017 Capital Budget.

Mayor Holland asked the Clerk to read the statement governing this meeting followed by the items on the Planning and Zoning Consent Agenda. I will just remind the audience that as part of our Planning and Zoning meeting, this is a required statement to be read at each meeting.

Ms. Cobbins read the statement.

Ms. Cobbins asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. **Commissioner McKiernan** disclosed contact with opponents of Special Use Permit #SP-2016-47 and opponents of Vacation Alley Petition #A-2016-7. **Commissioner Bynum** disclosed correspondence with opponents of Change of Zone Petition #3116 and correspondence from proponents of Special Use Permit Petition # SP-2016-51.

A gentleman said I cannot hear her. **Mayor Holland** said if you have any further concerns, sir, we would ask you to pull off to the side and talk to staff and not to interrupt the meeting.

Mayor Holland disclosed contact with Change of Zone #3115, proponents, and Plan Review Petition #PR-2016-16 proponents.

Ms. Cobbins read all items on the Planning and Zoning Consent Agenda.

Mayor Holland said tonight we have two distinct parts of our meeting. The Planning and Zoning portion will be handled first and then followed by our regular Commission meeting. I will now ask the Clerk to read the Planning and Zoning statement which is required by law to be read into the record before every Planning and Zoning meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Holland asked would any commissioner or anyone in attendance tonight like to step forward and remove any item from the Consent Agenda. All items not removed will be voted on by a single vote. **Ryan Dugdale, North Kansas City**, asked to set-aside Change of Zone Application #3102.

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 - 16698...CHANGE OF ZONE PETITION #3102 - STEVE WARGER WITH WARGER ASSOCIATES

SYNOPSIS: Change of Zone from R-1 Single Family District to CP-3 Planned Commercial District for storage units at 7756 Holliday Drive, submitted by Robin H. Richardson, Director of Planning, The applicant wants to build a self-storage facility with 52 storage units on 2.44 acres. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3102, subject to:

Urban Planning and Land Use Comments

1. The site plan depicts two lots. Are you planning on subdividing this lot via plat?
 Applicant Response: The client intends to do a lot split in the future.
 Staff Response: Because the parcel has not been platted, a lot split cannot be filed. The lot needs to be subdivided via preliminary and final plat.
2. With the scale of the project, what is the purpose of having four phases? Each subsequent phase will necessitate its own final plan review, which requires City Planning Commission approval.
 Applicant Response: Acknowledged.
3. The CP-3 Planned Commercial District landscaping requirement is one tree for every 7,000 square feet of site area. The Commercial Design Guidelines requires that landscape exceed the district requirement by at least 75 percent. Based on the site area, 2.44 acres (106,286.4 square feet), 27 (26.57) trees are required based on the guidelines. Please revise the landscape plan to meet this requirement.
 Applicant Response: Acknowledged
 Staff Response: Prior to being placed on the agenda for the final development plan review, the district’s landscape requirements shall be met.
4. Landscaping shall be irrigated.

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Applicant Response: Acknowledged.

5. Staff sees that a fence will run the perimeter of the property. What type of fencing is proposed? A solid fence with masonry pilasters every 32 running feet is required.

Applicant Response: Fencing was anticipated to be chain link for the use proposed. We would request that any fence in the rear north of the project be chain link and we can use wood other than the gate of front with stone pillars. The area to the rear of the project is the railroad.

Staff Response: While the rear of the parcel abuts railroad right-of-way, there is a portion of the parcel in the rear that will not be developed. As a result, the rear of the property could be developed, however small the area may be, it must be screened from public view. Staff stands by its original comment regarding to the fencing.

6. Will this facility house recreation vehicles (RVs), boats, and antique/vintage cars? Will there be 24-hour access to the site? Will access be provided by a key, key code or some other type of unlocking mechanism?

Applicant Response: The storage facility will have a gate with a key card type opener. This will allow for 24-hour access, but it is not anticipated there will be a lot of traffic to the facility.

Staff Response: No outside storage will be permitted.

Revised Staff Stipulation at meeting: Outside storage is allowed provided it does not exceed the 6' height of the fence. If the applicant wishes to amend that stipulation, it can be accomplished through a plan review application.

7. Are you proposing any exterior lighting? Any and all proposed lighting shall have 90 degree cutoff fixtures and not exceed one footcandle at the property line.

Applicant Response: There will be lighting and we acknowledged the requirements.

8. Based on the 4,800 square foot building, the CP-3 Planned Commercial District requires 19 parking spaces. 14 spaces are shown on the site plan adjacent to the building. Please revise to meet code.

Applicant Response: Revised as requested.

9. All parking, loading and maneuvering areas shall be paved and striped.

Applicant Response: Acknowledged.

10. Please provide building elevations of the proposed structures.

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The photographs of the storage buildings do not comply with the Commercial Design Guidelines. Please review and incorporate these requirements into the development.

Applicant Response: We are working on the elevations and will send in a separate email, but we intend to match the type of construction to the west.

Staff Response: When the final plan review is submitted, the storage unit facility shall comply with the Commercial Design Guidelines.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): Proposed sanitary service has not been addressed. Provide proposed layout, etc. required to connect sanitary service line to a public sanitary main. (A new length of public main may be required.)
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Staff Conclusion:

While it may not have been the original intention, this project is creating a commercial subdivision. The piecemeal nature is forcing decisions to be made in a manner that does not meet our codes.

To meet code, the following stipulations are required:

1. Restroom facilities will be required per building code. The site design does not afford any area for a septic system and those systems cannot be shared between users. A sanitary sewer connection will be required. It must extend to within 200 feet of the existing business and the existing business must then connect. This is how a proposed commercial subdivision would normally occur.
2. A driveway shall be installed on the east side of the vacant property and a cross access easement giving access to the vacant property to the east.
3. A cross-access easement shall be filed and recorded between the self-storage business and the vacant property to the east so sanitary sewer service can be connected between the two lots when the sewer is provided to the storage business.

Mayor Holland said what I'm going to do for this is I'm going to start with asking our staff to frame the situation. I may ask the applicant to speak first and then call on people to speak on it.

Rob Richardson, Director of Planning, said the issue that's of concern to the applicant at this point, I believe, is just one issue. There's a stipulation that would require them to extend sewer to this site. They would prefer to use a septic system because of the cost of the sewer extension. At the time the first building went in this area, the landscape business, they went in on a septic system but now this is potentially—it really is creating a commercial development and our code requires that when you create a commercial development you provide all public service to that, which would include the sewer. I can't recall off the top of my head if we've spoken with them about a benefit district that could extend to this side or not, but Mr. Dugdale could probably address that. **Mayor Holland** asked who would you like to address that. **Mr. Richardson** said the applicant is Mr. Dugdale or the applicant's representative.

Mr. Dugdale, 1716 Swift, North Kansas City, Missouri, said I don't believe we've had any discussions about creating a benefit district. The existing sanitary sewer that we would have to tie into is approximately 2,600 feet away. For a project of this size it's just not economically feasible to extend a sanitary sewer main for 2,600 ft. which could be in excess of \$200,000.

There was one other issue. We didn't want to have an opaque fence on the north side of the project which there is, with a lot split proposed, if this rezoning is approved, there would be a portion of the land that will stay with the landscaping property that's directly to the west. In between our property, the landscaping property, there is an existing railroad. We would prefer to only have the opaque fence on the south and the east side to screen the storage from public view.

Mr. Richardson said, Mayor, I believe the Planning Commission did approve the other type of fencing for that north side, but I'm checking. Yes, they did. That's part of the existing recommendation from the Planning Commission. **Mayor Holland** said you said there was no discussion about a possible benefit district for the sewer. **Mr. Richardson** said apparently we have not.

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Mayor Holland said, Mr. Bach, what would be the process if we were going to discuss a possible benefit district for the sewer to look at future development. **Doug Bach, County Administrator**, said what we would do is identify all of the properties along the area that would go from where the current sewer exists up into where his property is. I guess to frame the issue, you would kind of look at it from the perspective that if any of those properties develop in the future, that they would pay into what the costs would be to build, or their share of the cost would be to come into a benefit district and then they could pay over a number of years. There is a few different ways we could go about doing it, but in order to do that, that essentially then means that the government says we're going to take on all the cost of running the sewer line up and down that area and build that into our issuance, do it, and then the applicant would have their percentage of what there would be that they would pay for. Then we may or may not get money back out of other properties going forward based on whether or not they develop. On the flip side, and I haven't done any analysis up and down this property to look at it from a development perspective, but by putting the sewer line in place it could encourage something to come along there, but that's speculative at this point for me to think that could happen.

Mayor Holland said so you're asking for an exemption where you would have septic instead of sewer. **Mr. Dugdale** said correct. **Mayor Holland** said the question is, this is the question I have for staff. Would it be possible that if he did do septic and we decided to do a benefit district, that he could tie in later in terms of the cost of putting in the septic versus retrofitting that back to sewer? Would there be an unnecessary expense by the applicant to put in a septic and then go to sewer afterwards? **Mr. Bach** said well the cost of the septic would all be cost that he wouldn't incur if we were saying we're going to run a sewer line to it. I don't know the capacity for the size of project he has. I would assume it's probably not a real big septic system coming in here so you're probably in the \$10,000 range. **Mr. Dugdale** said yes. It's a 1,000 gallon tank with about 300 sq. ft. of laterals so it's 30 x 10. I was talking to my client before. We would definitely be in favor of installing the septic system and if and at what time sanitary main was extended to our site, whether it was a benefit district or we paid our fees for the cost to our site, we would tie in at a later date.

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Commissioner Markley said I was just going to comment on sort of the nature of this area. It's a bunch of farm fields and it's out in Morris. Everybody out there is on septic. While I appreciate the idea of trying to get sewer to neighborhoods, I don't feel like we should force that upon a business that's willing to locate in that neighborhood where we don't have any businesses just so that we can get sewer to an area where really it should be our obligation to get sewer to those areas. That's just my feeling.

Mayor Holland opened the public hearing.

The following appeared in support:

Kurt Weber, 4767 Quivira Drive, said I'm the one that is trying to develop the property. This is a half mile from this property. I concur with the commissioner. I have had meetings with the public Health Department and the people who issue the permits and it meets all requirements based on their assessment. He couldn't be here tonight because he was in another meeting, but he was willing to come. I appreciate your consideration. I'm a small individual just trying to do a business, economic development, that I believe is going to be very good for the area.

No one else appeared.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Mayor Holland said so what we have before us now is a request by the petitioner to be allowed to do septic with the stipulation that should sewer be run, they would pay their fair share to connect. If through a benefit district, you would pay your percentage of your benefit district as well as the connection fee to the sewer as a stipulation. That's the recommendation. That would take, if I'm not mistaken to do that change, it would take eight votes.

Action: Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve Change of Zone #3102 subject to the stipulations, with the additional stipulation if through a benefit district you would pay a percentage of your benefit district as well as the connection fee to the sewer as an additional stipulation. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 2 – 16699...CHANGE OF ZONE #3113 - JOE JENNINGS

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep existing accessory buildings at 4600 Sortor Drive, submitted by Robin H. Richardson, Director of Planning. The applicant wants to rezone his 7.93 acre property, in order to keep existing accessory buildings. The Planning Commission voted 7 to 0 to recommend denial of Change of Zone Application #3113.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Change of Zone Petition #3113. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 3 – 16700...CHANGE OF ZONE PETITION #3115 – KORB MAXWELL POLSINELLI PC

SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for an 89 unit hotel at 3440 Rainbow Blvd., submitted by Robin H. Richardson, Director of Planning. With the rezoning application, preliminary plans for any proposed changes are required. The proposed changes, associated with the community center, are included with this submittal. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3115, subject to:

Urban Planning and Land Use Comments

1. The striped islands located in the rear of the property along the west property line shall be curbed and landscaped.

2. Sec. 27-466(d)(1)e. Parking and other paved areas: Not less than six feet from any property line and not less than ten feet from any street right-of-way line.

The proposed paving and drive aisles along the Rainbow Extension needs to be setback ten feet from the street right-of-way line as required by the code. The setbacks range from six to thirteen feet.

A variance from the Board of Zoning Appeals is required.

3. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement.

The associated parking with the hotel around the perimeter of the property does not comply with Commercial Design Guidelines. A request in deviation from the City Planning Commission is required to reduce the distance from the property line.

4. All parking lot islands shall have one 2" caliper (minimum) shade tree.
5. The plan must be amended to comply with the Master Plan.

Applicant Response: The applicant will continue to work with UG Legal, Staff and the City Clerk's Office to fully understand the implications, if any, of the 2011 Green Corridor Plan on the proposed development. As of the date of this letter, the applicant understands the UG's position to be that the 2011 Green Corridor Plan is not effective against the subject property.

6. Please indicate how the proposed use will affect adjoining properties in the context of internal connections and traffic circulation.

Applicant Response: As displayed on Sheet C1.1 submitted with the applicant's rezoning application, the trip generation chart indicates approximately one-half of the total current parking counts. Adjacent lots should see little to no impact since the proposed development will maintain all of the existing access points, and the demo and removal of the existing gas station, coupled with the transient nature of the proposed hotel's customer base (i.e. 1-in and 1-out), could result in a net decrease in overall traffic to the area.

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7. Per KDOT, the proposed hotel will require coordination with the local KDOT office to acquire an access permit. The Olathe Office has jurisdiction for this section of US-169. Their phone number is (913) 764-0987. The Access Management Unit will assist as necessary.

Applicant Response: The applicant has been in communications with KDOT regarding the proposed development and KDOT has informed that it does not have any issues with the applicant's proposed right-of-way work. An application for highway access will be submitted.

8. Please provide additional details about any proposed changes to the existing retail restaurant that is planned to be retained.

Applicant Response: The applicant intends to install new exterior finishes to the south façade of the existing restaurant to match its existing finishes.

9. Applicant states that the intent is to rehabilitate a shopping center; however, the application generally is for a rezoning for a proposed 89-unit hotel. Please explain how replacing the majority of the property (with the exception of an existing restaurant) constitutes rehabilitation. If the developer intends to have additional ground floor retail on site or to have additional parts of the existing shopping center to remain, please explain.

Applicant Response: The applicant intends to demo the existing strip center except for the existing restaurant and redevelop the property to include an approximately 89-room hotel and the existing restaurant. Other than the existing restaurant, the applicant does not intend to retain additional parts of the existing shopping center. The retail component, if any, to accompany the proposed hotel (such as a gift shop, for example) is, at this time to be determined.

10. Please indicate if the existing restaurant will remain in operation through the entire proposed redevelopment process.

Applicant Response: The applicant anticipates that the existing restaurant will remain in the operation throughout the proposed redevelopment process, and agrees to update the UG if the applicant and the tenant determine otherwise.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

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- 1) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
- B) Items that are conditions of approval (stipulations): None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Staff Conclusion

The applicant has applied for a variance for a reduction in drive aisle width and paving setbacks which is scheduled to appear before the August 11, 2016 Board of Zoning Appeals meeting. A final plan review is required to be submitted prior to building permitting. This approval will not be final until and if the Board of Zoning Appeals approves the variance.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition #3115, subject to the stipulations. Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker,

ITEM NO. 4 – 16701...CHANGE OF ZONE PETITION #3116 - JENNIFER PAUTZ, PC WITH MDS REALTY INVESTMENT GROUP

SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2 Two Family District for a duplex at 2912 North 47th Terrace, submitted by Robin H. Richardson, Director of Planning, The applicant is seeking a rezoning of the parcel in order to rent the property as a duplex. The Planning Commission voted 6 to 0 to recommend denial of Change of Zone Application #3316 as it is not in conformance with the Master Plan.

Urban Planning and Land Use Comments

1. Please provide documentation about when the conversion from the single family house to a duplex was completed and whether building permits were obtained for this work.
Applicant response: We are new owners of the property and do not have any documentation providing when the dwelling was converted to a duplex. We have been told by the City the prior owner tried to re-zone on a few occasions, but was denied. The City may or may not have any records of permits pulled for work done at the dwelling prior to our ownership.

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Staff Comments Continued: This house is an illegal conversion of a single-family house into a duplex. The house was built in 1952 as a single family house. According to aerial photography, the south addition to the house was constructed between 1964 and 1971. The property was annexed in the City in 1966. Geo-Spatial Services did not find any building permits for the addition in the old county files. This eliminates the possibility that the property is a legal nonconforming use. There are no building permits on file in the City records. BPU bills the property as a single family house with a single water and electric bill. It is unclear whether the house was converted into two units with the addition or whether the conversion occurred later. The applicant believes the previous owner recently converted the house into a duplex. This property was cited twice under previous ownership for not having a rental license and the tenants were evicted following citations both times.

2. Please provide a site plan showing front yard, side yards, and back yard setbacks from the property line. The front yard setback does not appear to meet the 25 foot front yard setback requirement of the R-2 Two-Family District. (Sec. 27-456(c)(2)a.)

Applicant Response: Receiving from engineering. If front yard setback is not in compliance, we would proceed with a variance to reach requirements.

Staff Comments Continued: The house does not meet the front yard setback of the R-2 district. The property will have to obtain a variance for the front yard setback. This will be a stipulation of approval.

3. Please provide plan of the interior of the units showing dimensions to document that units meet the minimum floor area of 750 square feet of habitable floor area per dwelling unit. (Sec. 27-456(c)(3)b.)

Applicant Response: Each unit is approximately 1,120 sq. ft. Current state of dwelling would not change, as prior ownership separated in to two separate dwellings.

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends denial of Petition #3116 subject to all comments and suggestions outlined in this staff report.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Change of Zone Petition #3116. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – SPECIAL USE PERMIT #SP-2016-48 – PARALLEL SENIOR VILLAS INC.

SYNOPSIS: Special Use Permit for a beauty salon at 6246 Parallel Parkway for current residents, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting to allow to allow Lonita Pearl of La’Pearls Relaxation, Wellness & Beauty Box to operate a beauty salon for current residents. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2016-48, subject to:

Urban Planning and Land Use Comments

1. Please provide information regarding the proposed hours of operation, parking, signage, etc. for this operation.

Applicant response: La’Pearls Relaxation Wellness & Beauty Box hours are Monday 8:00 -11:00, Tuesday-Friday 8:00-4:00 Saturday- 8:00-1:00. Signage- Advertising will not appear anywhere outside Parallel Senior Villa residency.

2. Please indicate the projected mix of customers coming to the proposed salon who are not residents of the Senior Villas

Applicant response: Parallel Senior Villa residents and community members along with La’Pearls Relaxation, Wellness, & Beauty Box is an excellent fit of compatibility due to the fact that La’Pearls Relaxation, Wellness, & Beauty Box is a Start-Up business that has never been established until now. La’Pearls Relaxation, Wellness, & Beauty Box has no clients-guests at this time. Therefore, the compatibility between the two will be successful. La’Pearls Relaxation, Wellness, & Beauty Box is willing to limit its services to only Parallel Senior Villa residents and community members. It has been discussed between myself, management and property owner that outside clients are to call directory phone sign in and are personally escorted to the salon by Lonita Pearl and then personally escorted out after sign out by Lonita Pearl. If this were to occur nonresident guest will be

senior citizens (age appropriate) that fits the compatibility of both Parallel Senior Villa and La'Pearls Relaxation, Wellness, & Beauty Box.

Staff/Commission Recommendation: Only residents of the facility are allowed to be customers for this operation.

Applicant Response at Meeting: The applicant agreed to this recommendation.

3. Please provide drawings and plans indicating the location of the proposed salon in the context of the existing Senior Villas. Denote whether the salon will have its own designated parking or its own designated entry or exit into the building.

Applicant Response: La'Pearls Relaxation, Wellness & Beauty Box will be located inside Parallel Senior Villa at 6246 Parallel Parkway, KCK, 66102 located on the third floor with access by using the elevator in the lobby.

4. Please indicate the number of employees the proposed salon will have.

Applicant Response: Parking - Traffic will not be an issue because La'Pearls Relaxation, Wellness, & Beauty Box has only one employee, Lonita Pearl, with an occasional one volunteer youth on board in order to provide free computer for the school year. Once again, traffic will be minimal because La'Pearls Relaxation, Wellness, & Beauty Box have no client-guests.

5. Indicate whether the proposed salon will offer classes as alluded to in the business plan (CPR classes for example), and provide details regarding expected frequency and enrollment numbers.

Applicant Response: La'Pearls Relaxation, Wellness, & Beauty Box, wellness segment is a sign-up, registration station for CPR Certification (No CPR Classes) will be provided on Parallel Senior Villa premises. CPR classes are administered by Lonita Pearl and Chief Executive Helen Robinson of the American Health Safety Institute given at 515 Klump St., Bonner Springs, Kansas. It has been discussed by Lonita Pearl, Management, and Property Owner, that two free Bystander CPR Awareness sessions will be provided to the Senior Parallel Villa residents and community members a year; in the event to identify a person in need of CPR either in home or on an outing.

6. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-48 subject to the stipulations, for two years. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 2 – SPECIAL USE PERMIT #SP-2016-51 – JAMI S. APPELATE

SYNOPSIS: Special Use Permit for a kennel for five dogs at 2819 North 100th Street, submitted by Robin H. Richardson, Director of Planning. The applicant relocated to Kansas City, Kansas, with four dogs and acquired one additional dog while residing in Kansas City, Kansas. The applicant is seeking a special use permit for a dog kennel in order to retain the five dogs. The applicant does not wish to acquire any additional dogs or replace existing dogs. The applicants have a 10-year old lab mix (Haley) who is rescued and has severe arthritis, 10-year old Sheppard mix Bhodi who has had a case of paralysis in the past and it could happen again at any time, a Beagle (Sasha) who is 8 and came to them very abused and neglected, 8-year old (Jager) who is blind and is epileptic and they just rescued a 1-year old Yorkie (Sky). The three larger dogs are outside and the two smaller dogs stay inside. They got the Yorkie to stay inside with Jager as a companion since he does not go outside. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit #SP-2016-51, subject to:

1. Kennel the dogs if there is no one on the property to take care of them.
2. No new dogs or breeding.
3. Neighbors in opposition can contact him with preferable hours when the dogs can be taken off their bark collars.
4. The dogs must be registered.
5. Approval for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2016-51 subject to the stipulations, for two years. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 16706...PLAN REVIEW PETITION #PR-2016-16 – JUSTIN HUNTING WITH CROSSLAND CONSTRUCTION

SYNOPSIS: Preliminary plan review for a new building for the KCK Police Department South Patrol Division at 2100R Metropolitan Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to build a 6,280 square foot municipal building for KCKPD South Patrol on nine acres. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2016-16, subject to:

Urban Planning and Land Use Comments

1. Any development must comply with EPA development standards related to the existing cap.
Applicant Response: Acknowledged.
2. Sec. 27-576(e)(4) All building facades shall be at least 50 percent masonry. The proposed stucco meets this requirement. EIFS is not permitted at the ground level or comprising more than 15 percent of any façade. Please reference Sec. 27-576(e) for allowable building materials.
Applicant Response: Acknowledged.
3. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.
 Applicant Response: Acknowledged.
4. As part of the Community Commercial designation in the City-Wide Master Plan there is required infrastructure:
 - a. Minimum 8-foot sidewalk/trail along the arterial road.
 - b. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.

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Applicant Response:

- 1) An 8 walk was added along Metropolitan Ave. with the Walmart improvements.
 - 2) A 4 walk is provided.
5. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
- a. The district requirement is one tree per 10,000 square feet of site area. The property is 9 acres, so 69 trees are required per code.
 - b. All deciduous trees shall be at least 2” caliper when planted. All evergreens must be at least 6 in height when planted. All shrubs must be planted at a minimum of 5 gallons.
- Applicant Response: The landscape plan has been modified to include the additional trees as required.
6. All landscaping shall be irrigated.
- Applicant Response: Additional notes have been added to the landscape plan.
7. No wild flowers in the native grasses.
- Applicant Response: Acknowledged.
8. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.
- The Code states that rooftop mechanical units must be screened by a parapet. If that cannot be accomplished by a parapet, the combination of a parapet and architectural screen shall be used to enclose the units and screen them from public view.
- Applicant Response: Additional screening has been added to the landscape plan and an enclosure has been added around mechanical equipment and dumpster for security.
9. Sec. 27-575(g)(2) - Service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives as possible.
- Applicant Response: Acknowledged.
10. Sec. 27-575(g)(3) - All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Enclosure has been added with additional landscape screening as well.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None.
- B) Items that are conditions of approval (stipulations):
 - 1) Final development plans and final design memorandums/studies will have to be approved before going to Planning Commission with approval to obtain permits. This will include complete drawings with construction notes and details.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition #PR-2016-16 subject to the stipulations. Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

Mayor Holland said I did have an oversight earlier. We did have another elected official who was here who left after the Consent, but, Judge Kate Lynch, was in attendance and I had intended to recognize here before she left.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL PERMIT APPLICATION

ITEM NO. 1 – SPECIAL USE PERMIT PETITION #SP-2016-47 – ZACHARY RUBIO FOR LOS CUATES AUTO SALES

SYNOPSIS: Special use permit for a used car lot at 402 Osage Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to utilize this facility for the sale of used automobiles and auto detailing services. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2016-47, subject to:

Urban Planning and Land Use Comments

1. Please submit both an explanation of and site photographs showing where and how many parking spots will be available for employees, customers and for the cars that will be sold.
Applicant Response: See submittal
2. Do you have access to one of the garage doors that are in the building? If not, will all of your work on the cars (cleaning, etc.) take place outside?
Applicant Response: Yes I do.
3. How many employees will you have?
Applicant Response: As of now just myself.
4. What will be your hours of operation?
Applicant Response: 0900-1730
5. How will you advertise your business?
Applicant Response: Business cards and signs
6. How many cars do you plan on having in your inventory at any given time?
Applicant Response: Max of 6
7. Where will you acquire the used cars you are going to be selling?
Applicant Response: The auction.
8. Do you have any other used car operations in the Kansas City, Kansas, area or are you new to this type of business?
Applicant Response: No I don't. I am new to business.
9. Provide scaled drawings showing the layout and total square footage you will be operating out of.
10. Applicant must comply with Section 27-593(b)(19) to include, but not limited to:
 - a. Conducting any necessary repair of the façade
 - b. Adding new doors or windows if existing fixtures are in disrepair
 - c. Painting and any other cosmetic work that needs to be done
11. All parking spaces will need to be repainted. At least one will need to be accessible for individuals with disabilities according to ADA standards.
12. To comply with Commercial Design Guidelines: Fresh paint, as well as a wainscot around the applicant's portion of the building.
13. Applicant is responsible for planting at least one tree per Commercial Design Guideline standards.

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- a. The concrete pavement will need to be saw cut out in order to plant tree(s).
- 14. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.
- 15. Five off street parking spots must be provided at all times for employees, visitors, customers and others per M-3 district regulations.
 - a. Based on the above, the inventory of cars for sale must be stored inside of the building.

Public Works Comments

None

Rob Richardson, Director of Planning, said the applicant is desiring to have a used car dealer at 402 Osage. It's recommended to you by the Planning Commission with the stipulation that all of the cars for sale be inside because the only parking onsite is required parking for the square footage of the industrial facility there.

Mayor Holland opened the public hearing.

No one appeared in support of.

No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit #SP-2016-47 subject to the stipulations, for two years.** Roll call was taken and there were eight "Ayes," Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum; and one "no," Walker.

VACATION APPLICATION

ITEM NO. 1 – 16705...VACATION APPLICATION #A-2016-7 – REZEK MUSLET WITH MUSLET LLC

SYNOPSIS: Vacation of an alley between 609 and 631 Central Avenue, submitted by Robin H. Richardson, AICP, Director of Planning. The applicant, Wil Anderson for BHC Rhodes on behalf of the owner, Rezek Muslet, wants to vacate the alley between 631 Central Avenue, 601 Central Avenue and 10 South Tremont Street in order to connect adjoining properties that is under the same ownership. The Planning Commission voted 5 to 1 to recommend denial of Vacation Petition #A-2016-7.

Rob Richardson, Director of Planning, said the application before you is recommended for denial. The vacation is not necessary to allow the current proposed development to move forward. There is currently a lawsuit between the applicant and a neighboring property owner over property line dispute and damage to the neighbor's property that was done by the construction crews. If this were to be denied, they could apply again in a year.

Mayor Holland said help me understand. This is currently in litigation. **Mr. Richardson** said not this particular action, but there is litigation between the applicant and his neighbor over the property lines and damage that was done across the property line to the adjacent neighbor.

Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, KS, said as Rob said, this is in front of the courts at the moment. It's sort of hindering any further movement on this development. If it was held over for 12 months, I would prefer that it was held over until the court case is sorted out and then allow us to bring it forward again. If it's recommended for denial, the vote carries until the 12 months, we will live with that.

Mayor Holland said you are the applicant or on behalf of the applicant. **Mr. Anderson** said applicant. **Mayor Holland** said you don't have a preference because it's going to take a year regardless. **Mr. Anderson** said the court case has been going on for six months now. **Mayor Holland** said do they want to withdraw the application. **Mr. Anderson** said they will eventually want to vacate the alley to that land, it doesn't abut the property—somebody would have to describe the word abut. To me abut means the boundaries are common, the boundaries are not

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common. The vacation that we are applying for is not a common boundary. There is a space between the two boundaries.

Mayor Holland said your request, help me understand your request, is vote either way, you don't care. **Mr. Anderson** said I do care. **Mayor Holland** said okay. I didn't understand. I thought you said it doesn't matter one way or the other. **Mr. Anderson** said I don't think the court case will be resolved quickly. If it's going to be denied, and I have to wait 12 months for this, so be it. If I could get it held over for another two months, then that would serve our purpose better. **Mayor Holland** said your preference is to hold it over for two months. **Mr. Anderson** said correct.

Mayor Holland opened the public hearing.

No one appeared in support of.

The following appeared in opposition:

Chris Kuzila, 601, 603, 605 Central Avenue and 10 S. Tremont, Kansas City, KS, said it's my property that they have damaged in their construction situation. I pray that the Commission makes a motion to deny removing the alley from city property. There's no reason to. It's all ready. The alley is already included in Mr. Muslet's decision to put property and development. The alley has already been given to Mr. Muslet in his development. There's no reason to abandon the alley whatsoever. It's already his. We own the bulk of the property in the square delineated by the alley on the south of Central Avenue, Central Avenue, Tremont, and said alley. We would enjoy public property around the bulk of our property on Central Avenue. I wish to deny this application.

No one else appeared.

Mayor Holland closed the public hearing.

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Commissioner McKiernan said this property has had a storied history over the past year or so. Mr. Richardson, let me just make sure that I've got my facts correct on this. On this property dirt was moved before hauling permits were issued. **Mr. Richardson** said correct. **Commissioner McKiernan** said on this property no silt fence was installed on the property from which the dirt was being removed nor where it was being transported. **Mr. Richardson** said correct. **Commissioner McKiernan** said an excavation might have started on this property before a permit was pulled for excavation. **Mr. Richardson** said I'm not certain about that, but I believe so. **Commissioner McKiernan** said that there was a plan change made that wasn't approved, but was then executed by the developer. **Mr. Richardson** said correct. They built a retaining wall. **Commissioner McKiernan** said and in the process of building that retaining wall, they damaged Mr. Kuzila's property and then put the retaining wall actually outside the boundaries of their original plan. **Mr. Richardson** said correct. **Commissioner McKiernan** said and that crossed the property line. **Mr. Richardson** said the retaining wall itself didn't cross the property line. While they were constructing it, they went across the property line and caused a retaining wall on the adjoining property to fall. **Commissioner McKiernan** said okay. In my opinion, since the applicant can continue to work on this project once the current litigation is resolved and since the applicant can reapply in a year, if they continue to desire a vacation; I would move that we uphold the Planning Commission's denial of the vacation as presented.

Action: **Commissioner McKiernan, seconded by Commissioner Kane, to deny Vacation Application #A-2016-7.**

Mayor Holland said I will just remind us we don't do this very often. If you vote yes, you agree with the Planning Commission and deny this application. If you vote no, you disagree with the Planning Commission and you want to allow this petition to move forward.

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

Mayor Holland said that concludes our Planning and Zoning Agenda and brings us to our regular agenda.

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REGULAR SESSION

MAYOR'S AGENDA

No item of business

NON-PLANNING CONSENT AGENDA

Mayor Holland asked if there were any set-asides on the Non-Planning Consent Agenda. There were no set-asides.

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

ITEM NO. 1 – 16679...ORDINANCE: AMENDMENTS TO VARIOUS CONSTRUCTION CODE SECTIONS

SYNOPSIS: Proposed updates and amendments to the Unified Government’s Electrical Code, Building Code, Fire Code, Plumbing Code, Property Maintenance Code, Mechanical Code, and Residential Code for One- and Two-Family Dwellings, submitted by Ryan Haga, Attorney. On July 11, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-42-16,** “An ordinance relating to the updating of regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city by adopting and enforcing the 2011 National Electrical Code, amending Section 8-125 and 8-126.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-43-16, “An ordinance relating to the updating of regulations, provisions, conditions, terms, and specifications for the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city by adopting and enforcing the 2012 International Building Code; amending Section 8-22 through 8-26.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-44-16, “An ordinance relating to updating of regulations for buildings and structures within the city though the enforcement of 2012 International Mechanical Code; amending 8-279 through 8-283.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-45-16, “An ordinance relating to updating of regulations for buildings and structures within the city though the enforcement of 2012 Uniform Plumbing Code; amending 8-348 through 8-352.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-46-16, “An ordinance relating to updating of regulations for property, buildings and structures within the city though the enforcement of 2012 International Property Maintenance Code; amending 8-431 through 8-549.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-47-16, “An ordinance relating to the protection of the public health, safety and general welfare of the public by the city’s adoption of the 2012 International Fire Code; Sections 15-52 and 15-54 amended.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ORDINANCE NO. O-48-16, “An ordinance relating to the protection of the public health, safety and general welfare of the public by the city’s adoption of the 2012 International Residential Code for One- and Two-Family Dwellings; Sections 8-411 through 8-413 amended. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 2 – 16683...ORDINANCE: EXPANDING UG’S ABILITY TO PLACE A LIEN FOR DAMAGE TO A STRUCTURE

SYNOPSIS: Proposed amendments to expand the ability of the UG to place a lien on the proceeds of any covered claims for damage to a structure in excess of 75% of the face value of the insurance policy, submitted by Ryan Haga, Attorney. On July 11, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-49-16**, “An ordinance concerning payment of insurance proceeds and amending ordinance 2-297 and 2-298.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 3 – 16690...ORDINANCE: CENTRAL AVENUE & 18TH ST. INTERSECTION, CMIP #1223

SYNOPSIS: An ordinance authorizing the Chief Counsel to institute proceedings to acquire land for the Central Avenue and 18th Street Intersection Improvement Project, CMIP 1223, No. 105-N-0649-01, submitted by Lideana Laboy, Engineering. On December 4, 2014, the Commission unanimously adopted Resolution No. R-105-14, authorizing said improvement.

Action: **ORDINANCE NO. O-50-16**, “An ordinance condemning land for the 18th Street and Central Avenue (CMIP 1223) Improvement Project (KDOT Project No. 105-N-0649-01), and acquiring easements for such purposes, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 4 – 16684...ORDINANCE: LEGACY APARTMENT PARKING PROJECT

SYNOPSIS: An ordinance authorizing the issuance of \$14M of Community Improvement District (CID) Sales Tax Revenue Bonds (Legacy Apartments Parking Project), Series 2016, submitted by Kathleen VonAchen, Chief Financial Officer. On July 11, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-51-16**, “An ordinance authorizing the issuance of Community Improvement District Sales Tax Revenue Bonds (Legacy Apartments Parking Project), Series 2016 in the maximum principal amount of \$14,000,000 of the Unified Government of Wyandotte County/Kansas City, Kansas, for the purpose funding costs of certain improvements; and making certain covenants with respect thereto.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

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ITEM NO. 5 – 16708...RESOLUTION: RAINBOW VILLAGE PROJECT IRBs

SYNOPSIS: A resolution of intent to issue \$12M in industrial revenue bonds (IRBs) for Rainbow Legacy Investors, LLC, for the Rainbow Village Project, consisting of an 89-room hotel, submitted by Marlon Goff, Urban Redevelopment Manager. The TIF Project Plan and development agreement was approved on June 9, 2016. On July 11, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-59-16,** ‘A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Industrial Revenue Bonds in the aggregate amount not to exceed \$12,000,000 to finance the costs of acquiring, constructing and equipping a commercial project for the benefit of Rainbow Legacy Investors, LLC or its successors and assigns (Rainbow Village Project)’ **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 6 – 16709...RESOLUTION: EPA BROWNSFIELD AREA-WIDE PLANNING GRANT APPLICATION

SYNOPSIS: A resolution authorizing the Unified Government to request a Brownsfields Area-Wide Planning Grant from the Environmental Protection Agency (EPA), submitted by Angela Harshbarger, Economic Development. The deadline to submit the application is August 10, 2016. On July 11, 2016, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-60-16**, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to submit an application to the Environmental Protection Agency for a Brownfields Area-Wide Planning Grant.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 7 – 16712...NOMINATIONS BOARDS AND COMMISSIONS

SYNOPSIS: Nominations for Boards and Commissions:

Susan Maier, Demolition Appeals Board, 7/28/16 to 3/31/20, submitted by Commissioner Bynum

David H. Spero, Wyandotte Leavenworth Advisory Council on Aging, 7/28/16 to 3/31/18, submitted by Commissioner Walker

Dwight Depriest, Demolition Appeals Board, 7/28/16 to 3/31/18, submitted by Commissioner Walker

Carolyn Wyatt, UG Board of Park Commission, 7/28/16 to 3/31/18, submitted by Commissioner Townsend

Carole Newton, Demolition Appeals Board, 7/28/16 to 3/31/18, submitted by Commissioner Townsend

Paul Soptic, Demolition Appeals Board, 7/28/16 to 3/31/20, submitted by Commissioner McKiernan

Erin Stryka, Demolition Appeals Board, 7/28/16 to 3/31/20, submitted by Commissioner Murguia

Bob Laubsch, Demolition Appeals Board, 7/28/16 to 3/31/20, submitted by Commissioner Johnson

Jim Grohusky, Demolition Appeals Board, 7/28/16 to 3/31/18, submitted by Commissioner Kane

Don Jolley, Demolition Appeals Board, 7/28/16 to 3/31/20, submitted by Commissioner Markley

Don Bozich, Demolition Appeals Board, 7/28/16 to 3/31/18, submitted by Commissioner Walters

Lou Braswell, Demolition Appeals Board, 7/28/16 to 3/31/18, submitted by Commissioner Philbrook

Revised: Paul Soptic, Law Enforcement Advisory Board, 6/30/16 to 3/31/20, submitted by Commissioner Johnson

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

ITEM NO. 8 - MINUTES

SYNOPSIS: Minutes from special sessions of June 30 and July 7, 2016.

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

ITEM NO. 9 - WEEKLY BUSINESS MATERIAL

SYNOPSIS: Weekly business material dated June 30, July 7, 14, and 21, 2016.

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

PUBLIC HEARING AGENDA

No business items

STANDING COMMITTEES' AGENDA

No business items

ADMINISTRATOR'S AGENDA**ITEM NO. 1 – 16623...ORDINANCE: ESTABLISHING A DOWNTOWN SSMID**

SYNOPSIS: An ordinance establishing a Downtown Self-Supported Municipal Improvement District (SSMID), submitted by Patrick Waters, Attorney. On June 30, 2016, the Commission unanimously voted to approve establishment of a Downtown SSMID; however, amendments made to the boundaries was approved by an 8/2 vote.

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Patrick Waters, Legal, said as you may recall, the SMIDD District was approved last month with revised boundaries as shown here. This ordinance, for your consideration, simply adds the revised boundary and the legal description.

Action: **ORDINANCE NO. O-52-16**, “An ordinance authorizing and providing for the establishment of the Downtown Kansas City, Kansas Self-Supported Municipal Improvement District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

ITEM NO. 2 – 16710...BUDGET ITEMS: 2016 AMENDED BUDGET, 2017 BUDGET, AND ANNUAL ACTON PLAN AND CITIZEN PARTICIPATION PLAN

SYNOPSIS: Adoption of the following resolutions and ordinances regarding the 2016 Amended Budget, the 2017 Proposed Budget, and the 2016-2017 Annual Action Plan and the Citizen Participation Plan.

Mayor Holland said that brings us now to the budget adoption process. This is a process that we have been actively engaged in since last October and a process that we will take up again this October. We will start with a Commission retreat to look at priorities and then we begin immediately Capital Improvement discussion in the fall and then a public hearing in February. The year-round budget process that we have adopted, I will say another thank you to our staff for their hard work on this and to the Commission for really the diligent work that we’ve done over the course of the last year. I will recognize Commissioner Kane.

Commissioner Kane said I have some more information that should help ease some questions about what I’ve been asking for which is a fire station. In 1990, there were 53,065 people that lived west of 92nd Street north of Parallel. In 2014, there were 13,719. Put that in perspective of households, in 1990, there were 1,328 households. In 2014, you got to remember were a year and a half in, there was 3,790. That is not counting the Delaware Ridge apartments, the Village West apartments which is 306 units and a Phase II which is 312 units.

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The thing that is important when you think about that, if you take the 3,790 properties, average them by 4,000 they are paying an annual tax of \$15,160,000. If you add north of State Avenue, it's \$19,272,000. Now, I realize that's a lot of money, but if you look at what's going on, we often talk about the pole barn at 123rd & Leavenworth Road, but the closest ambulance to that area is at 94th & State.

I realize when you build a fire station it cost between \$275,000 and \$300,000 note to carry that through. I know there are a bunch of moving parts in this, but at \$15,000,000 of that area phase out there, I don't think \$300,000 to get something started out there, and I know we have some moving parts on the inside of the city, it's just like when General Motors built. I don't know if you know or not, but for 17 years I worked on the car that was coming in at the plant and then they expand the plant, then they put the metal in, they put the outside in, they put the roof on, then they bring the equipment in, and then they bring the operators. We can worry about manning this place once it gets going with the other moving parts on the east and south side of town.

The thing is folks, at \$15,000,000 we deserve a fire station out west and we deserve it not in two or three years, we deserve it now. Like I said, there are multiple moving parts, but we have to start somewhere. This is where I'm starting. I'd like to have Doug find \$300,000 so we can get it going. Think about this, \$15,000,000 and the closest ambulance to us is at 94th & State. I want to make that in a motion.

Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, to find \$300,000 in the budget to get a new fire station started.

Commissioner McKiernan said you know, Commissioner Kane, I certainly agree with that. One of the things that I'm still confused about, Doug, is that when I look at our CMIP schedule, debt schedule, consolidated, that we went over earlier this year dated May 4, I find line 8079, under Public Building Commission, tagged fire station with \$4M allocated for 2017. I have to confess that I thought that money was dedicated toward just what Commissioner Kane had said, toward getting the process started that we just maybe hadn't figured the location yet and that was still up for debate. I've been operating under the assumption that we had set-aside money to get this process started in 2017 to cut the lag time down. As he said, we'll figure out how to staff it, but I guess I was confused. I'd like to know if it's for not getting the process started, what is this

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line under Public Building Commission? **Doug Bach, County Administrator**, said the line was put there to allow us to get the process started. However, as we discussed in some of the workshops, it's in the budget, but the anticipated source of the funding is to come from somewhere else within either the operating budget of Fire Department or within our overall budget. It's not an addition, it's to say we could put \$4M towards this, but it's not part of my debt fund. That's why I put it in the Public Building Commission to note that when it's in the Public Building Commission I have to identify a source of funding that is going to be used to cover that expense.

To date, we haven't identified what that source of funding could be. What is contemplated is that we will develop that savings within the \$50M budget within the Fire Department and be able to designate \$300,000 to \$400,000 a year, during this time period, to pay for that fire station.

As we've gone through the Strategic Plan in our labor management relations over the past several months, we're in a path that puts us in the place where, I believe, we'll be able to get there; but we're not there yet, to come up with solutions to be able to say when we hit 2017 we'll know we'll be able to save that money, direct it from that source that is already built into our budget and say that will go toward the debt service on that. Then we'll bring that back to the Commission when we do our debt obligations and go out for \$4M, or whatever the amount is, to contemplate for the fire station that we're going to build and say we're going to build that, that's where the funding will come from and allow us to move forward in 2017.

Commissioner Kane said here's the problem. I'm sorry, Hal, go ahead.

Mayor Holland said Commissioner Walker

Commissioner Walker said I agree with Commissioner Kane. I think that there is no question there's one needed out there. I want to add a little historical data to this or information actually. In the period before unification the City Council applied to the County Commission and was given the opportunity to annex the area of Piper which had been unincorporated. Fire Service was their responsibility and what they did was they had the pole barn, but at that time the number of people living out there was severely, well, compared to today it was vastly reduced.

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A number of commitments in annexation were made. Among those was fire service and police service. I don't believe that the people in Piper, and I certainly know, I think I was the Chief Counsel then, I didn't understand that to be that we would just put our firemen in the pole barn in lieu of the volunteers that had been working before. I've made this point before, as a Commissioner, as a citizen, and taxpayer, I'm troubled by the Unified Government making commitments, maybe not any of you were here when all these commitments had been made; BPU PILOT, fire station, or services in general being provided. It troubles me that we don't take them with some level of seriousness, at least more seriously than we do.

I would hope that if we make commitments to people, as Commissioners, that are off in the future somewhere that our successors in office, those that follow us, will have enough integrity and decency to honor those. I realize we can't bind future governments and those governments maybe they can't bind us, but I am very troubled by what we do not do or do not fulfill because it's easier to put it off to some future date. I don't know what the right answer is here. I don't think we should wait on the planning process for this Fire Department and based entirely upon the contingency of what the outcome of operational savings might be in the Fire Department.

I know when I bought my house, one of the reason I bought my house, even though I was young, and I didn't realize it was an inferior firehouse, there was a firehouse five minutes from my in Highland Crest. It wasn't the make or break of the deal, no, but I wouldn't want to live where I had to depend on guys to get to the firehouse and then come to my house. I think if we want to see growth in that area and continue to have growth that is responsible, we have got to start the process. Now, maybe fund it down the road out of those operational savings, but we don't start now, I just—you know if I were going to be building out there, I'd want to know there was a firehouse on the way. There's a lot of places to build that have firehouses already.

Commissioner Kane said you know we're still going to collect \$15,130,000 out there. It's a tremendous amount of money. The place has grown 185% and we're supported by a pole barn and no ambulance. If you have a stroke and, hopefully, the ambulance is at 94th & State and you've got to go all the way to Piper High School, let's say your grandparent was there. Then they get in there and they say well it takes 10 to 15 minutes to get there and 10 to 15 minutes to work on them. You don't take a stroke victim to Providence, you take them to Shawnee Mission or Bethany and you have that one hour window. KU, I'm sorry. You have that one hour

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window and in that one hour window your family is at-risk and if you can get them fast enough, you'll be able to talk to your family again.

I've been working on this for 11 years. When I found out that we pay \$15,160,000 and we can't spend \$30,000 to start a new building, to start the new process, and I know that like Brian said, same thing General Motors said, you worry about manning it later. We need a place to put the folks along with the other things that are going to be happening here on this side of town. If we wait until we try to get money, then how many more years is that going to happen out there and at the rate at 185% and these numbers are 2014, not 2015, not 2016. It's a simple request. I realize it's a lot of money, but if we don't do something now, and a lot of us live out there and if something happens to our family, how are we going to feel.

Commissioner Bynum said I think I heard Mr. Bach in response to Commissioner McKiernan's question basically say, the money is budgeted in the CMIP. Is that correct? **Mr. Bach** said no, I said the money could ultimately be budgeted within the Fire Department today. **Commissioner Bynum** said through the Public Building Commission? **Mr. Bach** said we have a \$50M budget for fire operations. If we identify where the savings can be within that departments operations, then we could dedicate a stream of \$300,000 or \$400,000 of that to go towards issuance of debt in the Public Building Commission or we may come back with a different solution, but I put it in Public Building Commission because I wanted to be clear we don't have it funded like we would any other debt project.

Commissioner Bynum said it just sounds to me like we're very close to being on the same page. I'd like to ask us to make the commitment for this one station, for the process to get started, to go ahead, and make the commitment to start the process and follow through with the plan that's on the table, the plan that's in place, and see if we can't get to the \$300,000 that we need, but make the commitment for it. That's what I would like to see happen.

Mayor Holland said I think I'd like to weigh in at this point. There is a plan, we have money in the budget now for site acquisition and design, is that right? **Mr. Bach** said yes, Mayor. **Mayor Holland** said we are actively working on site selection, site acquisition, and design for the new firehouse. That's already in the budget, that money is in the budget now for us to do that work. The commitment is clear that we need to implement our study and the study calls for a new

firehouse out west. We do not have to implement the whole study before we build that first firehouse. The hold up right now and really we're going forward with site acquisition and design right now. We're not waiting for everything to line up. We have to do that process.

Right now, we have completed our contract negotiations with 12 of our 13 bargaining units. The only one we have not reached a conclusion with is the Fire Department. There are some components in the fire contract that have to be changed in order for us to implement the study in order to recognize the savings and the size of the department that the study calls for reductions that allow us to fund it. I believe that there's enough money in that savings to fund the building of a new fire stations, fire stations plural. My understanding is we're going to finish that contract sometime this fall. We'll have that contract sealed up and then we'll be able to implement the full study and as soon as that happens we will be able to build this fire station and we could potentially build it, you can build it with temporary notes. If we make the decision, we don't need new budget authority in 2017. We have the budget authority and the ability through temp notes that as soon as this Commission says go build that station, we can build it and then we won't need to worry about the budgeting items until 2018.

I don't believe there is a need in the 2017 budget to allocate money for that because even if we're going to build it in 2017, we wouldn't have a payment yet. We would have temp notes that we would just bond it. The key then is a commitment by this Commission, and I've heard the commitment resoundingly, because we adopted the recommendation as a Commission from the fire study. We're in the implementation phase that we're going to build a station out west, there's no question about that. We probably need to build eight stations because we have a major need for realignment of our stations and for new stations. Many of them are in deplorable condition, because frankly, Commissioner, we don't need one out west, we need two because that pole barn has got to be replaced. We have multiple needs. I want to honor the spirit of this which is to, we're committed to building a station out west, no question. We have the tools in-hand already to do that between the site acquisition money and the design money and the temporary notes for 2017 that we could go forward as soon as we say go and so that's already at our disposal. I don't think we need to put—the motion was to put \$300,000 into the 2017 budget. I don't think that's necessary to build that fire station. I think what I hear is, we just want to make sure we hear the commitment. **Commissioner Kane** said I want \$300,000 to get it going.

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Commissioner Bynum said I don't know about the money, but I really want to hear this Commission make the commitment tonight that this site acquisition, this planning, and this station will take shape in 2017 whether we need to add \$300,000 or find \$300,000 or move \$300,000. I don't know that I really care, but I'd like to hear the Commission commit to a fire station in Piper. I said that during the budget workshop. It sounds like you're telling me that the money is budgeted. **Mayor Holland** said the money for the design and site acquisition is budgeted. If we say build it, Mr. Bach, what's the process? If we say build that thing in 2017, what do you do?

Mr. Bach said well our first steps are going to be to go through and identify the exact location or close to it that we want to be so we'll go through site acquisition. Once we acquire the site, then we'll start doing design work to determine how it'll look on that site, how it'll fit, how many bays we're going to use within that fire station. Once we get that done, then we'll start submitting through our Planning and Zoning process to advance it.

Mayor Holland asked and what would you need in terms of budgetary authority in 2017 to make that happen. **Mr. Bach** said obviously, the site acquisition and the design is money we have in place in order for me to go out for bid and bring a contractor in. Then I would need to have the commitment for the entire fire station. **Mayor Holland** said say we gave you the commitment for the entire fire station say, it's \$3M to \$4M, whatever it cost to build that fire station; would you need budget in the 2017 budget in order to pay for that or would it come into the 2018 budget? Can we not put it in a bond issue with temporary notes and build it. **Mr. Bach** said if I were going to start the fire station in 2017, then I would need budget authority to build the entire project. **Mayor Holland** said you'd need \$4M? **Mr. Bach** said we, I, need authority to spend \$4M because ultimately I will issue a contract for \$4M. We'll go out and we will issue a temp note, a bond, whatever the most efficient tool is as we go through it, we'll issue that and then we would need to start payments on that probably in 2018 or 2019 to make that happen.

Mayor Holland said that's my point. We can build it in 2017 without \$300,000 of additional money in the budget. We would just need to give the authority to do that. **Mr. Bach** said I would say that would be correct. Kathleen, do you have any thoughts on that?

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Kathleen VonAchen, Chief Financial Officer, said if we were going to issue these revenue bonds for the \$4M Capital Project for a fire station, then the annual debt service would likely begin next calendar year, fiscal 18. The issue has to do with trying to carve out \$300,000 from the existing fire station budget. We currently have the funds within the fire station budget to make the debt service payment; it would just be a matter of doing a budget adjustment. We would reduce some lines in the Fire Department budget and add that budget to another debt service payment line. Theoretically, we do have the budget. The problem is that we would have to make sure that we have sufficient monies to operate the facility once it's constructed.

Mayor Holland said that's what I wanted to know. I think there are two issues here. I want to hear from the rest of the Commissioners, but then I want to try to sort out the issues as best as possible so thank you.

Commissioner McKiernan said so, Doug, that \$4M that's in the CMIP, you would need authority to borrow the \$4M even though were not going to begin to paying it back for one, maybe two years, and if I do my rough math on \$4M at our current borrowing rate, we'd be locking ourselves into about \$250,000 a year, \$260,000 a year for 20 years. We would need to find \$260,000 a year starting next year. Even if we decided that we could put that in there this year, put a hard \$260,000 in there, and when we get the operation savings back, it pays back our hard \$260,000 and we're effectively neutral for the year because I think you expect to find some operational savings. We put in a hard \$260,000, whatever it might be in the budget, we get those savings that pays that back, we end up neutral for the year in terms of that piece of the puzzle. Am I off on that?

Mr. Bach said I think it is a little bit more than that, but I don't know that that's the question right now. It's the commitment going forward. Financially, I wouldn't probably take money from the General Fund at all in 2017. You said it correctly in a sense that I would need a hard commitment to say, we're going to go out and issue that much debt for the station in 2017. We would know then, going forward, we're going to have that commitment to fund it and just go from the aspect that we will identify savings in future years or however you want to play it, to fund that Debt Service.

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From this standpoint, I would move it from Public Building Commission into Debt Service and make it as committed debt and then when we do our debt package in March of 2017, we would add to it the amount of money required in order to build this station, and then future years after that, we would have it. It would just be a commitment to it. You're either just going to do it from General Fund and fund the Debt Service or from the Debt Service fund, which we know we would need to add money to, or we identify savings somewhere and then commit that over to it. I guess from that standpoint you commit that you're going to find the savings for it somewhere in the plan as we go through it and say here's our commitment and we're going forward.

Commissioner Markley said I think what Brian was saying and what I'm trying to say are along the same line. I think Commissioner Kane's concern, and you can correct me if I'm wrong, we've always made a lot of commitments, but a commitment is only as good as the dollars behind it. What we're hearing, is the money is on a page in the budget, but the money only exists if we find the savings through the other operational strategies. Mike is saying, what happens if we don't find those savings, does that mean I'm not going to get a fire station out west when this whole Commission has said that's a priority of ours. I guess my question, and I think we're kind of thinking the same thing, why not just put \$300,000 cash in there and if we find the savings, we don't spend that \$300,000 because we use the stuff we saved. If we don't find the savings, Commissioner Kane has assurances that there's money out there that we could use to fill any gaps that we didn't find. Let's say we only find \$200,000 in savings, we might have to use \$100,000 of our cash, but at least we're not in a position where we're saying, well, we didn't find the savings so we can't do anything this year and we're another year behind in this priority that we set. That's what I'm thinking.

Commissioner Walker said I think Commissioner Markley said it. We budget a lot of things and it's all based on anticipated revenues. When those revenues fall short, we don't have the actual cash dollars and we then adjust or cut budgets, Operating Budget, General Fund. I'm hearing this conversation like we're already out there looking for a piece of ground and we've got somebody on the ground trying to buy a piece of property and we got a design firm that is trying to design this fire station and I don't believe that. Who is this? Who's doing this? **Mayor Holland** said let's be clear, I said we have the money in the budget for those things.

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Commissioner Walker said we have money, but there is no guarantee that the money will ever come.

The whole plan seems to be based on some hope that we're going to save money in fire operations when the matters that are outstanding are finally concluded. If that doesn't happen, there's no money for a fire station. I guess what you're hearing from the rest of us is, we don't care about that issue. What we care about is that we have an obligation to provide a reasonable amount of fire service and emergency services, ambulances to the Piper area, to western Wyandotte County. I don't care where it's located in western Wyandotte County. I have no expertise in picking the strategic spot, but our obligation is not contingent upon us finding savings in some way. Our obligation is there whether we save a dime when it comes to fire operations. I hope we are correct and that we are able to generate substantial savings through initiatives outlined in the plan.

I think we got the horse and the cart backwards. In this particular case, the fire station is essential regardless of whether we ever save a dime in operations. That's how I'm standing on this. We start this fire station. We give instructions to Mr. Bach that you start this, you start spending money, you get this land, you design it, if we can go vertical next year, so much the better; that's where I'm standing on this thing. Not because I don't want to do the plan or I don't want to do as much savings.

I've already said we can't sustain \$1.7M in overtime in the Fire Department and I agree that it needs to be cut. I don't see why we got to put that first and then if we're able to do that, then the Piper people get a fire station. All I'm hearing is, we've got it in the budget doesn't mean a damn thing if there's no money that comes in to do it. What I'm saying is I want the money dedicated for that purpose out of the existing budget that we know we're going to get.

Mr. Bach said I just want to clarify. No, we're not out there doing the work. We're under a labor management agreement now with our fire union that we will work with them to go through and site priorities to which station as a management labor team we feel would be the most appropriate one. I haven't taken and moved out in front of that and say this Piper one. I realize you, as the Commission, can make the decision to say we're going to build this station, but the money that was built into the budget for the planning purpose and the design of it is one that's intended that would be the first station identified by the joint committee. It may very well be that the joint committee comes up and identifies that the Piper station is first, but so far that committee as not come forward with that recommendation. As I was directed to be with that

from labor management, I haven't made that assumption that we would just get out in front of it and start doing it.

Commissioner Townsend said a couple of questions, statement first. I'll speak for myself, that's all I can speak for. I have no doubt that there is a fire station needed out west and in my district there is going to have to be a discussion about consolidation, possibly of two. My question though deals with this money that the Commissioner wants to have, I guess, specifically identified, is that right Commissioner Kane? **Commissioner Kane** said yes. **Commissioner Townsend** said the question is for me, let's get down to where do we take this money from. These are the type of things we usually hash out at the workshops. So, where would this money come from? Would it come from the budget already allocated for the Fire Department? I thought I understood that if we wanted to build, there could be a bond that was \$3M or \$4M that Ms. VonAchen was discussing. I need that just clarified for me because eventually we are going to make a commitment that's backed with dollars, which is what I hear Commissioner Kane wanting. The bottom line issue where does that come from in the current budget?

Mr. Bach said if you give us direction to do this, I'd probably need a few minutes to work through and just verify everything with my staff before we would adopt the budget. My assumption would be I would not build, I would not need any active dollars over what we have in the 2017 Budget in order to make this happen. What I would be doing is moving the money from the fire station where it's in the Public Building Commission over into Debt. That would mean that you are committing, as a governing body, that you're going to pay for that \$4M going forward and that's where we'd put it and we would establish it to the General Fund obligation coming to it. We would issue a temporary note for construction on it, most likely next year. Then we'd put the money over into the bank and we would start the project, bid it. Then I would enter a hard contract with whatever company for however much money it takes to do it, and then we would start to make temporary note payments on it effective in 2018. I wouldn't have, I don't believe, like I said, I would want to spend a couple of minutes with my staff before I give you the formal recommendation, but I don't think I would do anything to change the 2017 dollars, but I do need to change the CMIP Budget to reflect that and make sure that change is kind of the category of what's being approved.

Mayor Holland said so you're recommendation, Mr. Bach, you wouldn't be adding \$300,000, you'd be adding \$4M. **Mr. Bach** said to the CMIP. **Mayor Holland** said to the CMIP

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and you'd add the whole value of that fire station to the CMIP Budget. **Mr. Bach** said I don't go out for a contract for \$300,000; I go out for a contract for \$3M or \$4M. Cash basis law requires that I have all of the money allocated to go into that project before I can enter that contract. **Mayor Holland** said so that's how you would do it and it would not require reworking up the budget numbers. It would simply be adding \$4M in debt. **Mr. Bach** said I don't think I would have to rework anything for '17, though like I said, I would want a couple of minutes just to go back through that for what we would be approving in this year's budget before we adopt it tonight.

Commissioner Kane said are you going to do that now, Doug? **Mayor Holland** said let's get through the list and then—if you want to give him direction to do that, he can talk to his staff. **Commissioner Kane** said I want to give direction to do that, but they're not going to build the hotel out there at the casino so I would think the first \$300,000 could come from there. We know they're not going to build that. We know we've got money coming in so we don't have to do anything. How much money comes from that if they don't build it? **Mr. Bach** said \$1.4M penalty this year. **Commissioner Kane** said okay. We take \$300,000 of that money and move it over here and then we only get \$1.1M and then we worry about the rest of the stuff later. I really want to do this. I think that is very, very important. Doug, please work it out.

Commissioner McKiernan so, Mr. Bach, as I understand; I don't understand quite where the setoff or the offset is for the \$4M that's in CMIP now. That certainly looks like a hard number and it looks like it contributes to the CMIP totals under Debt Financed Projects. Let's say we were to go ahead and commit that, it is possible that we could realize the debt payment, the annual debt payment from operational savings yet to be realized. It's possible that money could be recovered and allocated in future years and we're actually pretty confident that there is some money that can be recovered and put toward that future Debt Service Payment. Is that correct? **Mr. Bach** said I would expect it. **Commissioner McKiernan** said committing here does not solve at all the issue of staffing which is an issue that has to be resolved separate from any building and it's going to be a problem, but I would assume would be resolved cooperatively through a labor management process. **Mr. Bach** said, yes, I would assume so, Commissioner. I don't think we would want to, and I'm not trying to be flippant, I'm certain you're not wanting to build a fire station and not move people in it. The ongoing staffing issue goes way over what the

cost would be. **Commissioner McKiernan** said that is an ongoing issue that is still to be actively worked and could ultimately play on this. What I keep coming back to is even if there were no operational efficiencies for us to recover, the change of our population is such that it suggests that this station would become a reality anyway for us. We just happen to be in a situation where, I believe, we're going to recover what is going to be needed to make that annual debt payment.

Now, one thing you just brought up though is, are you suggesting that you're team task force, the group that you're working with, that would ultimately suggest the first place to build a new fire station could theoretically come back and say that this is the area of town, we do not believe this area of town should have the first fire station that we build new. Is that possible? **Mr. Bach** said it could. **Commissioner McKiernan** said but ultimately that group is going to come back with a recommendation for priorities. **Mr. Bach** said for priorities of fire station locations. Yes, that's the intent we hope to come out from the facilities built on that. Mr. Connor, if I'm saying anything wrong there, let me know because I think you work on the facility side. **Commissioner McKiernan** said I guess my question here would be, if the Commission were to say it's Piper and that group were to say no, that's the top priority so we would be open to making a change.

Commissioner Kane said that group, they're not talking about one, they're talking about two, I'm just starting with one. The thing is it shows that we pay \$15,160,000 and we have no ambulance out there. There are paramedics, but no ambulance. **Commissioner McKiernan** said so we could commit this as part of the 2017, commit that money that's on the CMIP debt schedule and feel at least somewhat, if not reasonably confident, that the annual debt payment can be recovered through our ongoing process. **Mr. Bach** said I think so.

Commissioner Markley said as often is the case Commissioner McKiernan has read my mind and already covered the topic. I was just going to ask about how the debt payments would then work with our recovered operational cost.

Mayor Holland said so what I'm going to ask is, just for clarity, I'm going to ask for a 15 minute recess. I'm going to ask for Mr. Bach to talk with his financial team, come back to us based on the motion that's on the table and come back to us with his recommendation on how to make this work best based on this discussion.

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I'll just reflect what I've heard. I've heard that the Commission is willing to make a commitment that the first station we'd like to see, and I think that message needs to be taken back to that team, the first station we'd like to see built is a new station in Piper to provide adequate coverage out there which is exactly what our study calls for. I think that's an excellent idea. Mr. Bach is going to work out the financial piece in terms of how that is going to be paid for.

Let's take a 15 minute recess and I think there is a consensus to do that. Mr. Bach, if you would meet with your team and come back with a recommendation, then we can vote on it at that time.

Mr. Bach said you could recess, go ahead and take your Land Bank action while you're in recess and then we can start working on this.

Mayor Holland said we're going to take a recess. We're in recess until 8:30 p.m.

Mayor Holland reconvened the meeting at 8:30 p.m. **Mayor Holland** said Mr. Bach is not back with his team yet. We do have some Land Bank items in front of us that, I believe, we can take care of in the interim.

Mayor Holland reconvened the meeting as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 16682...COMMUNICATION: LAND BANK APPLICATIONS

SYNOPSIS: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On July 11, 2016, the Neighborhood and Community Development Standing Committee, chaired by Commissioner Walker, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Side-lots

36 S. Hallock St. – Distant Vista Properties, LLC
 38 S. Hallock St. – Distant Vista Properties, LLC
 3014 N. 17th St. – Maria Fernandez
 1716 N. 25th St. – Claude Johnson

Rehab

3023 S. 23rd Cir. - Residential Revival, LLC

Transfer from Land Bank

4714 Vista Dr. – Argentine Betterment Corporation (ABC)
 (ABC will be building a single-family home using CDBG funds)

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Land Bank Board of Trustees Consent Agenda.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

Mayor Holland reconvened from the Land Bank Board of Trustees back to the Unified Government Commission.

Mayor Holland said we can do a lot of these. We’re going to start down the list. As I look at the ordinances we need, we’ve established the Downtown SMIDD. We’ve come to the budget items. Items A, B, C, D, E are all eligible. The only one that we’re holding on is F. I will entertain motions for the remaining items that are before us.

a. RESOLUTION: LIBRARY BOARD TAX RATE

A resolution expressing the property taxation policy of the Unified Government with respect to financing of the 2017 Annual Budget for the Wyandotte County Library; approving and adopting the 2017 Budget of the Wyandotte County Library; levying a tax for the Library to fund the budget set by the Wyandotte County Library Board within the Wyandotte County Library District (Piper, Edwardsville, and Turner); and appropriating the funds on the behalf of the Wyandotte County Library.

Action: **RESOLUTION NO. R-61-16**, “A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2017 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2017.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

b. **ORDINANCE: DOWNTOWN SSMID**

An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2017 Annual Budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year, beginning January 1, 2017.

Action: **ORDINANCE NO. O-53-16**, “An ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing the 2017 Annual Budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2017. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

c. ORDINANCE: SEWER SERVICE RATE

An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2017.

Action: **ORDINANCE NO. O-54-16**, “An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2017, as authorized by section 30-96 of the code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

d. RESOLUTION: BPU Pilot Rate

A resolution setting the percentage of gross revenues to be set over to the Board of Public Utilities to the Unified Government for 2017. (the PILOT)

Action: **RESOLUTION NO. R-62-16**, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2017.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.**

Commissioner Walker said my annual statement. I am opposed to this simply on the basis that we have not made any progress in reducing the PILOT fee. That was a commitment we made. I am going to vote against this until we start getting serious about reducing the PILOT.

Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum; and one “no,” Walker.

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e. RESOLUTION: 2016-2017 ANNUAL ACTION PLAN AND AMENDED CITIZEN PARTICIPATION PLAN

A resolution approving and authorizing submission of the 2016-2017 Annual Action Plan and Amended Citizen Participation Plan to the U.S. Department of Housing and Urban Development.

Action: **RESOLUTION NO. R-63-16**, “A resolution approving and authorizing the execution of the 2016-2017 Annual Action Plan and Amended Citizen Participation Plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Walker.

Mayor Holland said we are now at our final item for the evening. We have a revised yellow sheet in route. We are going to recess until it is here. I would invite us not to leave the room because it could be here shortly. As soon as it arrives, then we’ll want to take action.

Mayor Holland recessed the meeting.

Mayor Holland reconvened the meeting.

Mayor Holland said, Mr. Bach, would you like to walk us through the changes on the yellow sheet. In fact, we have approved everything except the ordinance for the Amended Budget and Annual Budget, including the Land Bank so this is our final item. We would ask you to walk us through the yellow sheet in its entirety. **Mr. Bach** asked do you want me to go through every item on here or just what I’ve added to it. **Mayor Holland** just what you’ve added because the rest of it is in keeping with what we did in the budget workshops ending on Monday night.

Mr. Bach said what we have on the last two lines and what we've done is identified where we have in the budget now, CMIP, for fire station and that is under the category of Public Building Commission for \$4M. We've deducted that from the PBC, which is an uncommitted funding source to that, and moved it over into the CMIP for the Piper fire station because I think you want expressly want where it's at and moved that into City Debt and added \$4M.

The financial encumbrance for 2017 does not change what your obligating from the General Fund, what it does say, is when we go out and do our bond issue we will add \$4M to city debt. Then you will be obligated to fund that debt every year there after going forward. That's where you'll see the change when we bring that back. In previous years saying, here's the money that goes ahead and pays for that debt. I think this denotes it so when you approve this last item on the agenda, F, the resolution and ordinances attached to that specifically designate that you are authorizing us to go forward and issue all the debt funded projects built into this budget book and this will be one of them.

Mayor Holland said I want to specify on our CMIP we usually have five years. Is this \$4M in the 2017 CMIP? **Mr. Bach** said yes. It's under the category of 2017 so that would come out that way. **Mayor Holland** said, Commissioner Kane, the request you have made is now incorporated in different form from your request. Are you comfortable with the way the Administrator has put this in here. **Commissioner Kane** said that's dedicated \$4M? **Mayor Holland** said yes sir. That's what it says. It's dedicated, in 2017 Debt Finance Projects. **Commissioner Kane** said I am good with that. **Mayor Holland** asked would you like to withdraw your motion and move a motion for the adoption of the Amended Budget. **Commissioner Philbrook** said I withdraw my second. **Commissioner Kane** said I withdraw my motion and with the modifications that the Administrator made with the \$4M committed to building a Piper fire station.

f. RESOLUTION AND ORDINANCE: 2016 AMENDED BUDGET AND 2017 ANNUAL BUDGET

A resolution and an ordinance approving, adopting, and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the Amended

July 28, 2016

2016 Budget and the 2017 Budget for the year beginning January 1, 2017, as submitted by the County Administrator and amended by Attachment A.

Action: **RESOLUTION NO. R-64-16 AND ORDINANCE NO. O-55-16** “A resolution and ordinance approving, adopting and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas for the Amended 2016 Budget and the 2017 Budget for the year beginning January 1, 2017, as submitted and amended by attachment A.”

Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution and approve the ordinance.

Mr. Bach said just to clarify, this is an amended yellow sheet that has been incorporated.

Mayor Holland said thank you. Please note for the record, that it is the amended yellow sheet.

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

Commissioner Kane said I would like to thank the Commission for this huge modification in the budget. It’s much needed and I really appreciate what we did tonight. Thank you.

Mayor Holland said I would also like to add a thank you to the Commission for the hard work over this last year especially the last few weeks. I think we owe our tremendous staff for their work. Mr. Bach, job well done. Commission we have a budget.

COMMISSIONERS’ AGENDA

No business item

PUBLIC ANNOUNCEMENTS

No business item

July 28, 2016

**MAYOR HOLLAND ADJOURNED
THE MEETING AT 8:45 P.M.
July 28, 2016**

Bridgette D. Cobbins
Unified Government Clerk

tk

July 28, 2016