

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, JUNE 30, 2016**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 30, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; 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; Byron Toy, Planner; Kathleen VonAchen, Chief Financial Officer; Patrick Waters, Senior Attorney; Emerick Cross, Commission Liaison; Janet Parker, Administrative Assistant, Urban Planning; Renee Ramirez, Director, Human Resources; Chris Slaughter, Land Bank Manager; and Captain Victor Webb, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

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

INVOCATION was given by Reverend Ken Nettling, Faith Lutheran Church.

Mayor Holland asked if there were any revisions to the agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions.

Mayor Holland said tonight we have two distinct parts of our meeting. The first is Planning and Zoning will be handled first, followed by our regular Commission meeting. I'll ask the Clerk to read our Planning and Zoning statement that is required by law followed by the items on the Planning and Zoning Consent Agenda.

Ms. Cobbins read the statement.

Ms. Cobbins, UG Clerk, asked if any members of the Commission wished to disclose contact with proponents or opponents on any item on the agenda. **Commissioner Markley** disclosed contact with opponents of Special Use Permit #SP-2016-33. **Commissioner McKiernan** disclosed contact with proponents and opponents of Special Use Permit #SP-2016-15.

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

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.

Commissioner Murguia said I'd like to remove Miscellaneous Ordinance #3101, 1403 Metropolitan Avenue ordinance. Then further down, Ordinance #R/W-2016-1, it's also 1403 Metropolitan Avenue. **Mayor Holland** said those two items, that's E.2 And E.4, have been removed.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the remaining items on the Planning and Zoning Consent Agenda.** Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 16660...CHANGE OF ZONE APPLICATION #3112 – LAURA CHRISTENSEN AND KATHERINE KELLY

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for farming with one barn and two greenhouses at 2931 S. 78th Street, submitted by Robin H. Richardson, Director of Planning. Applicants want to develop the 19.75 acre property into a vegetable farm, fruit orchards with two greenhouses (4,500 sq. ft.) for transplant and food crop production, construct a barn (1,200 sq. ft.) for storage of equipment, and build a home (1,500 sq.

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ft.) in four – five years. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3112, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 ordinance publication fee must be submitted in order to publish the rezoning ordinance following the Unified Government Board of Commissioners' meeting.
2. According to the applicant, the property will be developed in three phases:
 - a. Phase 1: Utilities, driveway, barn for equipment storage and workshop, specific fields planted to vegetable crops (2016-2017).
 - b. Phase 2: Installation of two high tunnels (temporary, mobile structures, 2,000 square feet each), one greenhouse (permanent structure, 3,000 square feet) (2017-2018).
 - c. Phase 3: Single-family home construction (2020), second greenhouse (permanent structure, 3,000 square feet) (2022).
3. Sec. 27-608(3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
4. Sec. 27-608(4) Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Farmers' markets that take place outside of the following districts require a special use permit.

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): Construct driveway to meet requirements of Standard Drawing UG 4100-L (Long Driveway on Residential Lots) in the UG Technical Provisions & Standard Drawings.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3112, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 16662...SPECIAL USE PERMIT #SP-2014-71 – BOARD OF PUBLIC UTILITIES

Synopsis: Special Use Permit for a substation and dirt removal at 1130 Ray Avenue, submitted by Robin H. Richardson, Director of Planning. Applicant wants to remove dirt from this site in order to construct a new electrical substation on 1.7 acres. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2014-71, subject to:

Urban Planning and Land Use Comments:

1. When does BPU plan on constructing the electrical substation?
Applicant Response: BPU plans to start construction as soon as possible. It is my desire to start by June 2015.

2. Since there are no construction plans, this special use permit is mainly for the dirt removal. In order to obtain the special use permit, staff needs the plan detail of the substation.
Applicant Response: The site plan has been included. The substation is really simple and the majority of the work is the erection of the structural steel, wiring and earthwork.

3. Please provide a landscape plan for the project, specifically, how the east side of the property is going to be screened from the apartments.
Applicant Response: We will install an eight-foot concrete fence similar to the fence that was erected around the Fiberglass substation in 2012. However, due to cost, we would only like to install the fence along the east side of the property. We also included a profile view to show conceptually how we plan to build the fence along the road.
Staff Response: The applicant has indicated that they intend to apply for a variance to the fencing standard.

4. The substation in Fairfax has a ten-foot stamped concrete wall, providing screening and security. Why is that not happening at this substation? There are more residents in the area that will have a plain view of this substation.
Applicant Response: The stamped concrete wall at Fiberglass was extremely expensive. To reduce the burden to the public ratepayers, we would like to only place a similar wall along the east side of the substation and use landscaping along the north side of the substation. If there are more affordable alternatives that are acceptable to the Unified Government, please let me know. We looked at adding trees along the east side; however, there are overhead electrical lines in this area so we cannot install trees. There is the advantage of the grade change of the substation itself. It is at a lower elevation, especially at the northeast corner (up to 15'), and this too will provide additional screening. Lastly, the most visible structures are the existing transmission poles.
Staff Response: A ten-foot solid metal panel wall/fence shall be constructed around the perimeter of the property to screen the substation and provide security for BPU and adjacent residences.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2014-71, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 16664...SPECIAL USE PERMIT #SP-2016-45 – JEFFREY ZIMMERMAN

Synopsis: Special Use Permit for an auto repair shop with used car sales at 6863 State Avenue, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2016-45, for two years, subject to:

Urban Planning and Land Use Comments:

1. The provided site plan is insufficient for a Planned District application. No revised elevations were provided. Provide a complete architectural site plan, landscape plan and elevations that complies with the following:
 - Sec 27-593 19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
 - a. *Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.*
 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. *Signage.*
 1. Following all permanent sign requirements under section 27-727.
 2. Following all special event display requirements under section 27-734.
 3. No display on sidewalks.
 - c. *Façade, landscaping, and screening.*
 1. For new buildings:

- i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
- 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - C. New doors or windows if existing fixtures are in disrepair.
 - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
 - b. Condition of automobiles/trucks.
 - 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
 - c. Parking.
 - 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470.
 - 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - 3. Each automobile shall be in a striped, designated parking space.
 - d. Install/repair sidewalks per code.

Applicant Response:

- 1. Applicant concurs with item 1 of Staff Comments, specifically:
 - a. 1. Parking will be upgraded if deemed necessary by staff;
 - b. 2. Landscaping, screening, and fa axe improvements will meet commercial design guidelines;
 - c. Sign requirements, special event display requirements will be met and there will be no sidewalk displays
 - d. 1. The requirements of c 1 will be complied with
 - 2. The requirements of c 2 will be complied with
- b. No automobiles/trucks available for sale, rent or lease will be inoperable, ruined, dismantled or wrecked.
- c. Parking
 - 1. No display areas will be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470.
 - 2. Parking will be upgraded to current standards and regulations including medians, landscaping and screening.
 - 3. Each automobile will be in a striped, designated parking space except for automobiles displayed in the interior of the building.

Staff Response:

1. Landscaping buffer is needed between parking areas and the street on both State Avenue and 69th Street. "Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements." Additionally, a pedestrian pathway is needed between the south parking area and the entrance to the business: "Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision." Meeting required landscape buffers and pedestrian walkways are stipulations to issuing the special use permit.
2. What are your hours of operation?
Applicant Response: Hours of operation shall be 9 am to 5 pm Monday through Saturday.
3. How are you advertising your business? Are you planning on displaying "for sale" signs?
Applicant Response: The business will be advertised through media and not with for sale signs
4. How many vehicles do you plan on having on the property at any one time? Where will they be stored and displayed?
Applicant Response: No more than 10-15 cars will be on the property at any one time. Eight to nine cars will be parked and displayed inside the building and five to six outside the building.
5. How will noise from the operation be limited?
Applicant Response: There will be no outside speakers, intercoms or other amplifying devices. Applicant does not anticipate any activities that would cause a noise problem.
6. Please provide the code required parking for the site in addition to any display area. Indicate these areas on the revised site plan.
Applicant Response: Provided.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Cross access agreement for the benefit of both properties until such time that an alternative redevelopment plan is approved by the Planning Commission.
 - b. Describe type and extent of repair work that will be completed at this location.
 - c. Will wrecked/damaged/non-functional vehicles be towed to this location?
 - d. Will these vehicles be parked/stored in lower lot until they are repaired? If so, then are the vehicles re-towed up and around to the north side of the building for repairs?
 - e. Where will used vehicles for sale be shown/displayed? (Show on Site Plan.)
 - f. Where will auto sales staff park? Where will auto sales customers park?

Applicant Response:

1. There is common ownership between this site and the adjacent property.
2. Repair work will be mainly service and maintenance work such as oil change, tune-up and minor repairs. No engine or transmission rebuilding or major engine repair.
3. No wrecked/damaged or non-functional vehicles will be towed to this location.

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4. See the three above N/A.
5. Used vehicles will be displayed inside of building (eight to nine) with exterior display of five to six cars.
6. Items that are conditions of approval (stipulations): A cross access agreement must be filed with the Register of Deeds (see above).
7. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Business License Comments:

Should the SUP be approved, they will need to file and maintain the Occupation Tax application with our office.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-45 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 16665...SPECIAL USE PERMIT #SP-2016-46 – CHRISTOPHER MCCALL

Synopsis: Special Use Permit for continuation of a rooming house at 616 South 10th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting a special use permit in order to operate a rooming house with eight rooms at 616 South 10th Street. This property has had a KCK rental license since 1994 and a nonconforming use permit was approved for ten years in 2007. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2016-46 for one year, subject to:

Urban Planning and Land Use Comments:

1. Staff still has some concerns over parking on the site as well as neighborhood opposition. It is important that residents of boarding houses and other such housing have options for safe, quality, affordable residences. If renovated in a high-quality manner, this boarding house could meet that need for a number of local residents. Any approval should be subject to:
 - a. The permit would be for one year, provisionally.
 - b. The commitments to the neighbors in the letter and any commitments made by the applicant before the Planning Commission.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-46 for one year, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 4 – 16666...SPECIAL USE PERMIT #SP-2016-49 – RACHEL POLLOCK WITH KCK FARMERS MARKET

Synopsis: Special Use Permit for a farmer's market at 2220 Central Avenue, submitted by Robin H. Richardson, Director of Planning. Applicant is requesting a special use permit to operate a farmers' market at the Catholic Charities' property. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2016-49 for one year, subject to:

Urban Planning and Land Use Comments:

1. Please provide the following:
 - a. Dates and times at which the market will be operating
 - b. Site plan with parking shown
 - c. Number of vendors to be present at the market

Applicant Response: The market will be held on Tuesday mornings from 7:30-1 pm, just during the growing season, likely June through October. Parking will happen in the lot at our building. There will be between five to ten vendors present.

Staff Response: Staff finds that the presence of farmers' markets in the city is important in improving access to fresh, healthy foods for our city's residents. The Board of Commissioners approved an ordinance amendment that allows the operation of farmers' markets without a special use permit on any property that is zoned for commercial use. Staff suggests that the applicants find such appropriately zoned locations at which to locate the markets for the 2017 market season.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-49 for one year, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 5 – 16667...SPECIAL USE PERMIT #SP-2016-50 – RACHEL POLLOCK WITH KCK FARMERS MARKET

Synopsis: Special Use Permit for a farmers' market at 7240 State Avenue, submitted by Robin H. Richardson, Director of Planning. Applicant is requesting a special use permit in order to operate a farmers' market at the Kansas City Kansas Community College on State Avenue. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit #SP-2016-50 for one year, subject to:

Urban Planning and Land Use Comments:

1. Please provide the following:
1. Please provide the following:
 - a. Dates and times at which the market will be operating
 - b. Site plan with parking shown
 - c. Number of vendors to be present at the market

Applicant Response: The market will be held on Thursday mornings from 7:30-1pm, just during the growing season, likely June through October. Parking will happen in the lot that surrounds the market. There will be between five to ten vendors present.

Staff Response: Staff finds that the presence of farmers' markets in the city is important in improving access to fresh, healthy foods for our city's residents. The Board of Commissioners approved an ordinance amendment that allows the operation of farmers' markets without a special use permit on any property that is zoned for commercial use. Staff suggests that the applicants find such appropriately zoned locations at which to locate the markets for the 2017 market season.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Show the approximate area of the lot where the proposed market will be located on a campus map.
2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2016-50 for one year, subject to the stipulations. Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 16668...PLAN REVIEW APPLICATION #PR-2016-11 – MARK CURFMAN WITH URBAN ARCHITECTURE STUDIO

Synopsis: Preliminary Plan Review for renovation of the existing building for a church at 1315 North 139th Street, submitted by Robin H. Richardson, Director of Planning. The applicant, on behalf of the Laotian Buddhist Congregation, wants to renovate a 7,540 square foot building for services. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2016-11, subject to:

Urban Planning and Land Use Comments

1. What is being done with the trailer that appears to be on the property at this time?
Applicant Response: The existing mobile office trailer on site will be removed as a part of the construction. This is noted on Sheet A1.2.
2. The landscaping requirement is one tree for every 7,000 square feet of site area. The property is 4.59 acres; therefore, the requirement is 29 trees.
Applicant Response: Additional trees have been added around the parking lot. There are currently 40 new trees shown on the site. See revised Sheet A1.2.
3. Based on Section 27-577 (e): Parking lot islands shall be curbed and landscaped. There must be one island separating each 20 spaces. The island must include at least one tree capable of providing shade. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping.
Applicant Response: Half-islands have been added at the north end of the parking lot. This gives the parking lot 14 parking spaces between 1-1/2 islands.
4. The southern property line must be screened by wall, fence, compact shrubbery, compact trees or densely planted hedge not less than five feet or more than eight feet in height.
Applicant Response: Landscaping and fencing have been added to the south property line. We request that we be allowed to stipulate that the landscaping along this property line be put in when the property to the south is developed. The images attached show this property line and show that the property to the south on our site (13840 State Avenue) is completely

overgrown with invasive cedars and other plant material. At this point, any landscape screening along this property line would be pointless and an unwarranted expense for the church.

Staff Response: The screening is required by the commercial design guidelines.

5. At least 75 percent of the length of the building foundations must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials and groundcovers.
Applicant Response: Agree. The building perimeter is 371-ft. The landscaping will front 310-ft. (83.6%) of the perimeter. The landscaping around the building perimeter is shown on attached Sheet A1.2.
6. All landscaping must be irrigated.
Applicant Response: Agree. See note added to Sheet A1.2.
7. Parking lot must be paved and striped.
Applicant Response: Parking lot will be paved with either asphaltic concrete or concrete paving. See Legend 2/A1.2.
8. Any necessary infrastructure improvements shall be made to bring the structure up to code i.e. waste management.
Applicant Response: Refer to Public Works Comments A. 1) and a dumpster enclosure is being added to the site at the southeast corner of the building. See Sheet A1.2.
9. 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.
Applicant Response: HVAC units will be ground mounted and screened by landscaping. There will be no rooftop equipment. See sheet A1.2.
10. All lighting fixtures shall have 90 degree cutoffs. a. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare from floodlights or commercial operations shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
Applicant Response: The lighting fixtures shown on sheet A1.3 are full cut-off fixtures. See the attached fixture cut-sheet.
11. Downspouts and scuppers shall be painted to match the building.
Applicant Response: Downspouts and scuppers will be painted to match the building. See note on Sheet A2.1. In keeping with the traditions of a Laotian Temple, the ornamentation applied to the building shell will have color. This will be detailed in the final construction plans.
12. Exterior doors and exhaust vents shall be painted to match the building.
Applicant Response: Exterior doors and vents will be painted to match the building. See note on Sheet A2.1.

13. All future structures on this site must conform to the Commercial Design Guidelines as outlined in Subdivision IV of Chapter 27 of the Code of Ordinances for the Unified Government.

Applicant Response: Agree that all future structures will conform to the Commercial Design Guidelines in Subdivision IV. – Commercial Development Guidelines Overlay District.

14. For the Final Plan Review, elevations must be revised to include at least 50% masonry in order to comply with commercial design standards.

Applicant Response: The configuration of this pre-engineered metal building (PMB) and the nature of a free-standing metal building preclude the adding of masonry to the existing building. The steel frame of the building extends to and the siding overhangs the edge of the slab/foundation. There is nowhere in the foundation system to take the load of a masonry exterior cladding. Unless a PMB is specifically designed to have a masonry cladding, the typical metal building frame has too much allowable movement in it to be compatible with an unmoving masonry wall. We propose to replace all of the steel wall panels with a stucco finish which can be applied over sheathing and attached with light-gauge metal framing that is compatible with the PMB system. The elevations shown on Sheet A2.1 have been revised to show this.

Public Works Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Provide written documentation from the Health Department stating they will allow existing sanitary lagoon to be used for this proposed use. Provide list/statement of modifications to existing lagoon required by the Health Department for their approval.
Applicant Response: The following are the requirements for restoring the existing lagoon at 1315 N. 139th, Kansas City, KS 66109. (1.) All vegetation must be removed. (2.) Trees must be removed and stumps treated with stump kill. (3.) Lagoon must be water tight (may need to use bentonite clay or native clay). (4.) Reshape lagoon as needed. (5.) Install depth gauge. (6.) Suggest routing church downspouts to lagoon to help maintain proper water level. (7.) Lagoon will have to be fenced as per Bulletin 4-2 (a copy may be obtained at the Wy. Co. H.D.) (8.) Permit must be purchased for the restoration of the lagoon from the Wy. Co. H.D. (9.) The Health Department will inspect all phases of the restoration . It should be noted that this is not a new lagoon construction, but rather a restoration of an existing lagoon.
2. Items that are conditions of approval (stipulations): Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
Applicant Response: Agreed.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. Erosion control plans are required for this project and shall meet UG requirements.
 - b. If greater than 1 acre of land is disturbed, "Storm Water Quality BMPs" shall be required per the requirements of the MARC Manual (2009 Edition).
 - c. Explain/clarify the purpose and use of the driveway openings with rip-rap (two places) along north side of proposed parking lot.
 - d. Show details of proposed piping improvements for existing sanitary line to the lagoon.

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e. Proposed driveway entrance shall be paved with concrete to the ROW line. (Asphalt paving may be used within site.)

Applicant Response: 1-5 Agreed.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2016-11, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 16657...ORDINANCE: AMENDMENTS TO SIGN REGULATIONS

Synopsis: An ordinance replacing and amending the Sign Regulations of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-35-16**, “An ordinance replacing and amending the Sign Regulations of the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”); amending Sections 27-720 to 27-738 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 16548...ORDINANCE: REZONE 1403 METROPOLITAN AVENUE

Synopsis: An ordinance rezoning property (#3101) located at 1403 Metropolitan Avenue and

ITEM NO. 4 – 16569...ORDINANCE: VACATING PROPERTY AT 1403 METROPOLITAN AVENUE

Synopsis: An ordinance vacating property (#R/W-2016-1) at 1403 Metropolitan Avenue, submitted by Robin H. Richardson, Director of Planning.

Commissioner Murguia said I understand that we've already, as a Commission, approved these items in a previous meeting. Since that meeting, I've obtained some additional information that I thought I should bring to the Commission's attention.

The building located at 1403 Metropolitan came in front of us, I think, approximately a month and a half or so ago requesting permission to get zoning so they could operate as a community center. I did not interpret that as involving a food pantry, which they have proceeded to run out of that building, I believe, at least for the last couple of months.

Probably a couple of weeks ago, I received a flood of phone calls from residents who were unable to get into their own driveway in front of their own house because Metropolitan Avenue from 14th Street to 18th Street Expressway backed up onto the Expressway. There was a line of cars waiting to receive their free bag of groceries at the Franklin Center. Apparently, the truck that delivers the food to be distributed was late. As a result, there was a long, long line of traffic. I contacted Police. Police went out. Cones had to be put up and traffic had to be managed by our Police Department. I would have expressed concerns about a food pantry in that location had that been brought to my attention at the time.

Then, two days later, I discovered an enormous amount of trash at Emerson Park less than, I don't know, eight blocks away, definitely within a mile, where another organization is offering free food to people in the middle of our park, unbeknownst to me or any kind of special use permit or Park and Recreation process that I've been aware of.

Then, less than twenty feet away, I discovered that the Argentine Recreation Center is offering free food to people every day, Monday through Friday. Then I contacted Commissioner Markley who informed me that Harmon High School, again, less than a mile away, is giving away free food. Then, on my bike ride home off of Steele, less than a mile away, I discovered that the distribution center run by Catholic Charities now has a sign out front advertising free food.

Mayor Holland asked are you talking about a lunch program, a feeding program. **Commissioner Murguia** said I think they're all distributions of free food. **Mayor Holland** asked when you say free food, are we talking about groceries or are we talking about a meal. **Commissioner Murguia** said I'm talking about both. I don't know the details of all of these programs. These free programs attract a number of people and not always people that are from the neighborhood.

My concern is that I'm unaware of them. My other concern is that the amount of trash and debris left in Emerson Park after one of the events was so much so that it took four volunteers and two fifty gallon trash bags filled with trash and took a couple of hours to clean up after this group.

Though I am all in support of helping people eat and have access to healthy food, what I'm not in support of is destroying a neighborhood to do it. Additional trash, traffic that doesn't allow people to get in and out of their house, people meandering around a neighborhood that they don't live in, I just think causes problems. It increases crime. We have trash issues. We have traffic issues.

We've already approved this. I wanted to say all of that on the public record that I don't know what our zoning laws are. I just remember when there was a food pantry issue in District 1, it was a big discussion and that food pantry was not allowed. I'm very interested in knowing how there are five food pantries in Argentine. There may be more, those are just the five I know about as of today, within less than a mile of each other. At some point, and it may not be tonight's meeting, but at some point I'd like to have some discussion about that and how we get that under control.

One last thing, the other concerning part is feeding people is one thing, but the trash that we picked up was food that was wasted. Ketchup packets that kids had put down on the ground, stomped on, and splattered all over playground equipment and the gazebo area. Round containers of marinara sauce smeared on the side of the gazebo. Bread laying on the ground. These were not people that were hungry because the food was not being eaten; it was being thrown around the park.

I do think we need to get a handle on that. People live in Argentine. It's not a trash yard. It's not a dump yard. I understand that there are a lot of weekend warriors that want to come to Wyandotte County and do feel good work and then go back to their other counties or other suburbs and feel good about what they did. I feel very strongly that you should not destroy a neighborhood to do that.

I hope that we can have maybe a special session even in regard to this. I just want to know from Planning staff for tonight's purposes, and so we can move on, if voting for this this evening is an endorsement of another food pantry in the Argentine neighborhood. I need to know that before I vote because I would be voting against that. If there's another way to handle

this and Planning staff has a recommendation, then I'm fine with moving forward. I need to hear from staff though.

Byron Toy, Planner, said with regard to the change of zone that was before you, I think, a month and a half ago, there was no mention of a food pantry when the Franklin Center came through for their zoning change. Actually, CPO, Planned Non-Retail Business District, does not permit that type of use in the district itself, if we're talking about strictly a food pantry for distribution. If someone's giving free food away, I don't know where that line is, but for distribution, it's not permitted in the district.

Mayor Holland said I want to say, too, there's a federal summer feeding program for kids that many of our schools participate in. District 500 participates in it. District 500 is 90% free and reduced lunch. If those kids didn't get breakfast and lunch at school, they might not eat all day.

During the summer, the federal government makes provisions to open up many of the schools, high schools and elementary schools, and other community centers around the community as a feeding program for hungry kids. Thank God they do it and kids are getting fed, because if the kids weren't getting fed through these programs, we'd have kids in our program going the whole summer looking for food.

There's a widespread feeding program that's been going on forever that's during the summer that has a ton of outlets. I'm not surprised. I have kids who would stomp on a ketchup packet. I think the concern is the supervision to make sure that that happens. I think a kid can eat a lot of food without eating their ketchup, but I think there needs to be some clean up. I do think there needs to be responsibility taken by the people leading those feeding sites.

Those feeding sites in the summer are critical to our kids. I'm glad we have them. We have them all over the city. They're not just in Argentine and Rosedale, they're all over the community. I think they're very important. I think we need to do whatever we can to support those feeding programs and not make negative comments about kids who don't have food and bringing the wrong kind of people. Those are our kids that are going to those feeding programs and thank God we have them. I think we need to defend those and protect those.

That's my statement on those feeding programs. I'm unhappy to hear any disparaging remarks about families and kids who are depending on that food for their livelihood.

Commissioner Markley said, Mayor, I would just say, I don't think that those are the programs that Commissioner Murguia is referring to. When she referred to Harmon High School, she's not referring to the daytime lunch program. They have a mobile food bank that runs there on Saturdays.

The difference is at Harmon there's a lot of parking lot and the people pull into the parking lot so there's no backup onto the main road. That was part of the issue with the Franklin Center was not that we don't want people to drive up and get food, but it has to be in a location where that can happen without disrupting the flow of traffic and disrupting the flow of the neighborhood.

I think she's referring to different kinds of pantry programs than the feeding programs you're referring.

Mayor Holland said I understand the difference at the Franklin Center because there have been a number of times when food pantries have caused traffic backup that we've worked to move them to another site that's more conducive to traffic flow. We've had that on a number of sites, not just here. So if there is a problem with this food pantry, the food pantry can't back up the street. I agree with that.

Commissioner Murguia said Mayor, this is not intended to be some debate with you or you always attacking whatever my position is. No one is attacking, especially me, a food program that feeds poor people. No one is attacking that.

No neighborhood needs five food pantries within a mile of each other. Just like we passed an ordinance, which you spearheaded, not to have Dollar Stores more than one within a mile of each other. We don't need that many food pantries. One can suffice. Two could suffice, whatever the situation is. We don't need five concentrated in one area and I'm talking about the operations of them as well.

Not one disparaging word was said about people that are poor that need help in finding food to eat. Not one thing was said about that. I live on 25th & Strong. I walk the walk. I live in a low-income neighborhood. I raise my family.....**Mayor Holland** said if I misheard you, I apologize. **Commissioner Murguia** said I have the floor, Mayor. Mayor, I have the floor. **Mayor Holland** said if I misheard you, I apologize. **Commissioner Murguia** said I have the floor, Mayor, so please just let me finish. Every time I say anything remotely in defense of my neighborhood, you attack me, publicly and everywhere else.

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Nobody in this room can ever think five food pantries within a mile of each other, five of anything within a mile of each other, is unnecessary. It's overkill. It is burdening the people that are living there and raising their families there. I simply asked for a discussion about it. I didn't mean to cause any controversy. I am representing my neighborhood to the best of my ability, all of the people that live there, not just some of them.

The majority of these people coming to these food pantries don't live there. I'm fine with that also. They need to be run better and there are too many of them. Making me out to be some sort of poor person hater isn't going to work when I raise my family on 25th & Strong in one of the poorest neighborhoods in Kansas City, Kansas. That's my comment.

I just want to know if I vote for this today, I appreciate your information. It's obviously not an endorsement of a food pantry. I'm assuming that I can work with staff to address the overabundance of them and our Codes Department to make sure those that are eligible to be food pantries, that they will abide by our rules in keeping things picked up and looking nice and orderly and be respectful of the full community, correct. **Mr. Toy** said correct. **Commissioner Murguia** said thank you.

Mayor Holland said we have a public hearing on Items E.2 and E.4. We could do that public hearing together. They are on the same property.

Mayor Holland opened the public hearing and asked would anyone in attendance tonight like to come forward and speak in favor of Ordinance #3101 and Ordinance #R/W-2016-1. Let the record show no one is coming forward.

Mayor Holland asked would anyone like to speak in opposition to these two items. Let the record show no one is coming forward.

Mayor Holland closed the public hearing

Action: **ORDINANCE NO. O-36-16**, "An ordinance rezoning property located at 1403 Metropolitan Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business District." **Commissioner Kane made a motion, seconded by**

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Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

Action: **ORDINANCE NO. O-38-16**, “An ordinance vacating property at 1403 Metropolitan Avenue, in Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 16600...ORDINANCE: VACATING PROPERTY AT FRANCE FAMILY DRIVE AND 98TH STREET

Synopsis: An ordinance vacating property (#R/W-2016-8) at approximately France Family Drive and 98th Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-37-16**, “An ordinance vacating property at approximately France Family Drive and 98th Street in Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 4 – 16569...ORDINANCE: VACATING PROPERTY AT 1403 METROPOLITAN AVENUE

Synopsis: An ordinance vacating property (#R/W-2016-1) at 1403 Metropolitan Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: This item was previously heard with **Miscellaneous – Ordinances Item No. 2 – 16548...Ordinance: Rezone 1403 Metropolitan Avenue.**

ITEM NO. 5 – 16601...ORDINANCE: VACATING AN ALLEY AT 334 SOUTH MILL STREET

Synopsis: An ordinance vacating an alley (#A-2016-9) at 334 South Mill Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-39-16**, “An ordinance vacating an alley at 334 South Mill Street, in Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

Mayor Holland said that brings us to this item. I do want to recognize before we go any further, though. We do have former Commissioner Joe Vaught in attendance tonight. Mr. Vaught we appreciate your being here.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 16661...CHANGE OF ZONE APPLICATION #3114 – POWELL MINNIS WITH DAVIDSON ARCHITECTURE/ENGINEERING

Synopsis: Change of Zone from R-M Mobile Home Park District to MP-2 Planned General Business District for a warehouse with small office and fenced gravel product storage lot at 350 South 59th Lane, submitted by Robin H. Richardson. The applicant plans to build a 10,000 square foot building and outside storage yard for Fortline Waterworks, an underground utility distributor. The Planning Commission voted 8 to 1 to recommend approval of Change of Zone Application #3114, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 ordinance publication fee shall be submitted following the Unified Government Board of Commissioners meeting to publish the rezoning ordinance.
2. The four-foot split-face CMU block wainscot shall be continued around the perimeter of the building. Four-sided architecture shall be incorporated in the building.
Applicant Response: Agreed. See revised sheet A3.1.

3. The 35' ingress/egress utility easement must be revised on the preliminary plat. A cross-access easement shall be drawn on the plat to give access between Lots 1 and 2 and 416 South 59th Lane.

Applicant Response: We believe this comment requires clarification/correction concerning address listed. 416 South 59th Lane abuts, but has no association or shared access to 350 South 59th Lane. We believe the address should be 400 South 59th Lane where an existing garage access is to be maintained. We have added a cross access easement to the plat to access Lot 2 as well as maintaining access to the garage located on property at 400 South 59th Lane. See revised plat.

4. Sec. 27-552(b)(1)b. *Non-residential construction.* New construction, substantial improvement or substantial damage of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or, together with attendant utility and sanitary facilities in accordance with Section 27-552, be dry flood proofed to a minimum of 18 inches above the base flood elevation. A registered professional engineer and/or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Subsections 27-551(c)(7)—(9). Substantial improvement or substantial damage is applied when the combined total of improvements or repairs made to the structure in the calendar year exceeds 50 percent of the structure's market value. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

The parcel is within the Zone AE of the regulatory floodplain. The finished floor elevation is lower than the base flood elevation. The building shall be raised 18" above the BFE.

Applicant Response: The area of parcel within Zone AE, the 100 year floodplain runs along the right-of-way at the street, 59th Lane. See revised plans. That is the extent of Zone AE on Lots 1 and 2. The rest of the parcel is within Zone X. The proposed building on Lot 1 is not located within Zone AE, it is in Zone X per the FEMA map which is a 500 year (0.2% floodplain). City ordinance on the floodplain, including Section 27, regulates buildings within Zones A, AE, etc. but makes no reference to Zone X. Base flood elevation for Zone AE is between 761' and 762'. Additional 18" would require the floor elevation to be approx. 763.5', which is approximately 6 feet above the existing grades. This would require retaining walls and much added fill to raise the building elevation. It will also make very difficult the cross access easement elevations to maintain accessibility to 400 S. 59th Lane garage and Lot 2. We do not want to move the building any further west and want to keep the building within 250' from the sanitary sewer main on the east side of 59th Lane so the connection will not require a public sanitary sewer extension. Building within the 500 year floodplain Zone X does not impose an adverse effect of public health, safety or welfare of the area. We request the city to allow the proposed building with floor elevation of approximately 758' to be constructed within the 500 year floodplain as allowed, without requiring the floor elevation to be raised. The developer/owner have confirmed there are no additional insurance requirements for building this structure within Zone X.

Staff Response: While the building and associated storage lot is within Zone X, the site elevation is below the base flood elevation of 762.0'. There is no barrier to prevent water from crossing South 59th Lane and inundating the property. The building shall be raised 1.5' above the BFE and the engineer must state the materials being stored outside are not subject to flotation.

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicant Response: Comment is acknowledged. The proposed plan does not have now nor will have in the future development, any equipment, material, or vehicles parked, stored, or displayed closer than 25 feet to a street.

6. Sec. 27-469(c)(3) All accessory material and products that have been previously used, such as lumber, steel and other metals and concrete products, shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage vehicles are not permitted in this district.

Applicant Response: Comment is acknowledged. The proposed plan does not have now nor will have in the future any previously used materials stored on site in view.

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): From the FEMA, FIS study dated September 2, 2015, Kansas River cross section X shows a base flood elevation (BFE) of 762.0'. The proposed building shall be raised such that the minimum floor elevation is 1.5' about the BFE.
3. Final storm water study shall address FEMA floodplain information, base flood elevation, storm drainage, downstream storm sewer system, and storm water quality in accordance with UG criteria.
4. Final storm water treatment design shall include soil percolation tests for proposed infiltration trench design, pre-treatment such as 20' width grass or landscape buffer, etc., in accordance with UG criteria and MARC BMP manual.
5. Final development plans will have to be approved before going to the City Planning Commission with approval to obtain building permits. This will include complete drawings with construction notes and details.
6. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Mayor Holland said please note in the paragraph, the typographical error on the second line. It says “a fenced gravel product storage lot.” The gravel is not allowed by ordinance. It’s a typo. It should say asphalt. Please replace gravel with asphalt.

Byron Toy, Planner, said the applicants applied for a change of zone from R-M Mobile Home Park District to M-2 General Industrial District to have a small warehouse, office and storage yard. They’re an underground piping utility company that manufactures fire hydrant pipes and storm water pipes. So that’s what they’re doing.

Mayor Holland opened the public hearing and asked would anyone in attendance tonight like to come forward and speak in favor of Change of Zone #3114. Let the record show no one is coming forward.

Mayor Holland asked would anyone like to speak in opposition to this proposal. Let the record show no one is coming forward.

Mayor Holland closed the public hearing.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3114, subject to the stipulations.**
Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 16663... SPECIAL USE PERMIT #SP-2016-33 – SUSAN PRUCKA

Synopsis: Renewal of a Special Use Permit (#SP-2015-23) for a kennel for six dogs at 2610 South 27th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting renewal of her special use permit to keep six dogs on her .69 acre property. The Planning Commission voted 8 to 1 to recommend approval of Special Use Permit Application #SP-2016-33 for six months, subject to:

1. The applicant’s property, specifically where the dogs are free to roam when outside, is currently fenced. The fence must be properly maintained throughout the extent of the special use permit.

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2. The number of dogs living on the premises shall never exceed six. This permit is for the existing dogs only; they may not be replaced.
3. All dogs must be supervised while in the yard.
4. The yard must be cleaned weekly to avoid odor problems.

Susan Prucka, 2610 S. 27th Street, said I did send back the written response to the concerns, which were dog waste, noise, and I really can't remember the other one. When I responded—security so the dogs didn't get out.

I sent pictures of what is not visible by the street. If you go by my street, my backyard is not visible where there is a humongous dog pound that the dogs are confined in a lot. When they go outside, they just run there. Then there's another fenced in area right by the patio in the backyard. Neither of these is visible to the street. To see all the preventive measures we've installed to keep these dogs safe and out of the streets with people, I think more than takes care of the need to keep them confined in my yard.

Basically, these animals are inside dogs. They don't even like the heat. They don't like the cold. They like my bed. They go out, it's probably more like eight times a day I take them out. Every time I go in the kitchen I take them outside or they'll mess in the house. They don't run outside and just bark. They run outside to go to the restroom and get back in the air conditioning.

If there are any other comments that I can address, I'd be happy to.

Mayor Holland said, ma'am, we're going to go ahead and open the public hearing. You're welcome to sit in the front. If there are comments, you'll have an opportunity to make a summative comment at the end.

Mayor Holland opened the public hearing and asked would anyone in attendance tonight like to come forward and speak in favor of Special Use Permit #SP-2016-33. Let the record show no one is coming forward.

Mayor Holland asked would anyone like to speak in opposition to this proposal. Let the record show no one is coming forward.

Mayor Holland closed the public hearing. Staff, do you have any comment before I turn it over to the Commission? **Mr. Toy** said no further comment.

Commissioner Markley said if I could ask a question. If you'd come back to the microphone. Thank you so much.

You mentioned sort of a dog run, I think, that your dogs are confined to when they're in your yard. Is that on the side that the neighbors are on? **Ms. Prucka** said I really can't hear you well. **Commissioner Markley** said the dog run that you mentioned where the dogs are confined when they're in your yard...**Ms. Prucka** said it's not a dog run. It is part of the yard. It's kind of hard to describe.



Okay, see where the sidewalk is? If you bring, right around that area. No, go this way, up, right there in that area is where the compounds are. There is one that's sealed completely so the dogs can't get out of there. If I open that to let them go into the yard, generally they go back to the

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compound that also has a secure lock on it so they can't just get in and out at will. I usually leave it open so when they're done, they just go back in the air conditioning.

Commissioner Markley said I have received several calls since your last permit approval six months ago regarding noise, the dogs barking. Unfortunately, none of those neighbors are here tonight. They didn't choose to come and speak about that in person, but I know I've received the calls over the course of those six months multiple times from the neighbors nearby. I guess my comment to you would be if there's a way to not have the dogs on that side of the yard, that would probably be something you should look into if you want to have a longer term permit.

Ms. Prucka said well, I own the property next door. I own that house as well. We bought it at, what do you call it when somebody's mortgage—we rebuilt the whole house. I own that house so I don't know how much further I could. The yard is actually two and one-half lots so I own the property on both sides.

As a matter of fact, the lady across the street from me, Sharon Osborn, has two little bitty dogs. The lady that owns Bilski's yelled at her the other day to shut those dogs up because she chains them every morning outside on her patio. They just bark, bark, bark, bark, especially at the mailman. I can't say my dogs stay outside and I don't chain them. So, I think that's kind of subjective to say they're my dogs because these two ladies got into it over that.

Commissioner Markley said, ma'am, bottom line, they're not here tonight, like I said to...**Ms. Prucka** said I'm not trying to argue, ma'am. **Commissioner Markley** said so I'm just saying, I got calls about it and I think your intent over this time has been to get a longer term permit. What I'm saying as the Commissioner for this district is, if you want a two-year permit, we need to not have any complaints. So if your dogs are staying out longer maybe in the nicer months when it's prettier outside and they're barking, please make sure and get them inside. Because as long as we continue to hear from neighbors, we're not going to want to give you that longer permit. I'm fine with moving forward with the six-month permit tonight because there are no neighbors here to protest, but I know in the past I have received those complaints. I'm just giving you my advice that if you want the longer term permit, you got to make sure we're not hearing complaints about your dogs. **Ms. Prucka** said thank you.

Commissioner Philbrook said I have a question for staff. What do we consider supervised? Does that mean that the lady is present with her dogs out in the yard, is that what that means?

Mr. Toy said that's correct, yeah. **Commissioner Philbrook** said now I'm confused. I've been hearing that your dogs can come and go as they please. **Ms. Prucka** said that is not so. **Mayor Holland** said, ma'am, the Commissioner's speaking. **Ms. Prucka** said I'm sorry.

Ms. Prucka said, ma'am, that is just not so. **Commissioner Philbrook** said well, didn't you say they could come in and out of the compound by themselves. **Ms. Prucka** said right, ma'am. There are three fences. When I go out, I watch them. I'm on the patio and I watch them. They usually play in the yard, dig around, then they go down to the other compound. I let them stay out there about ten minutes. I call them all back in. They don't just run loose.

Commissioner Philbrook said I said I was confused. I didn't say I wanted to argue. **Ms. Prucka** said I'm not trying to argue. **Commissioner Philbrook** said I don't appreciate the argumentative attitude you're taking with us. **Ms. Prucka** said oh, ma'am, I'm not. **Commissioner Philbrook** said we're on a fact-finding mission here. **Ms. Prucka** said okay. **Commissioner Philbrook** said and that's all I'm asking you. **Ms. Prucka** said, ma'am, I do watch them. They don't run loose. They do not run loose because I know I'm being watched anyway.

Mayor Holland asked, Commissioner, do you have any other comments. **Commissioner Philbrook** said no, I've got nothing else.

Commissioner Walker said I have a question for staff. Is this one of these that perpetually—I quickly tried to find it in here. Is it dog dies, she gets to get another dog? **Mr. Toy** said no. **Commissioner Walker** said it is a reducing number. **Mr. Toy** said correct. The dogs may not be replaced. **Commissioner Walker** until she reaches the legal limit. **Mr. Toy** said that's correct.

Action: **Commissioner Markley made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2016-33 for six months, subject to the stipulations.** Roll call was taken and there were seven "Ayes," Walker, McKiernan, Murguia, Johnson, Markley, Walters, Bynum; and three "Nos," Townsend, Kane, Philbrook.

ITEM NO. 2 – 16669...SPECIAL USE PERMIT #SP-2016-15 – WILLIE FIELDS, JR.

Synopsis: Revocation of the Special Use Permit for a drinking establishment with live entertainment at 16 North James Street and a Special Use Permit for parking at 2, 4, and 12 North James Street (for the business at 16 North James Street), submitted by Robin H. Richardson, Director of Planning. The applicant, Willie Fields Jr., was granted a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50%) food with live entertainment on February 25, 2016. A significant issue for this permit was security. Less than a month later on the evening of March 19, there was a shooting inside of the club.

Proposal

Detailed Outline of Requested Action: The applicant, Willie Fields Jr., was granted a special use permit at 12 and 16 North James Street for a drinking establishment/restaurant (50%) food with live entertainment on February 25, 2016. A significant issue for this permit was security. Less than a month later on the evening of March 19, there was a shooting inside of the club.

City Ordinance Requirements: Chapter 27-214(i) of the City Code allows for the revocation of Special Use Permits by the Board of Commissioners:

(i) Revocation.

- (1) The unified government board of commissioners may revoke and discontinue a special use permit pursuant to section 27-209 based on the criteria listed in subsection (f)(5) of this section or for any one of the following reasons:
 - a. Failure to maintain the premises in such manner as required by ordinance;
 - b. Failure to comply with the requirements set forth herein or established by the unified government board of commissioners as a condition for approval;
 - c. Failure to construct or maintain the improvements according to the plans presented at the time of approval; or
 - d. Unforeseen incompatibility with surrounding or adjacent uses.
- (2) If the unified government board of commissioners revokes the special use permit, it shall set an effective date of discontinuance, and the office of the chief counsel may take appropriate action to ensure compliance.

Previous Actions

This is a renewal of previous special use permits #SP-2014-81 and #SP-2013-48. SP 2016-15 was granted on February 25, 2016.

The Board of Commissioners heard this case on May 26, 2016 and the matter was held over as one of the Commissioners had further questions he wanted answered. Those responses are attached to this staff report from the applicant and KCKPD.

Factors to be Considered

In this case, the code indicates in 27-214 I that the Special Use Permit can be revoked for failure to comply with stipulations of approval. If the Board of Commissioners determines that the terms of the Special Use Permit were violated, the Special Use Permit may be revoked. Below

are the key issues and stipulations approved by the Board of Commissioners on February 25, 2016.

Key Issues

Urban Planning and Land Use Comments

1. Parking Agreements – the agreements have been reviewed by staff and are available upon request.
2. Term of permit – the facility took nearly the entire previous approval period to comply with the previous stipulations. It seems reasonable to renew that initial trial period of one year at this time.
3. Security Cameras – all cameras must remain operational and video must be retained for 30 days and made available to police within 48 hours of any request.

Stipulations of February 25, 2016

1. Please update staff how on and off-site outdoor clean-up will be addressed.
2. Please describe security, both on and off-site, and how your security plan complies with all relevant City Codes. The description should also describe how large crowds leaving at one time will be addressed both in terms of crowd and traffic control. Are there any changes from previous plans?
3. Five different parking agreements have been provided.
4. All paving previously approved is complete.
5. All previously required property transactions are now complete.
6. Although a renewal, it should be reiterated that this application is for the buildings at 12 and 16 North James Street and includes only the first and second floors of the stated addresses. The third floor (the half story above the second floor) and basement are to remain blocked and unused at all times as there is insufficient parking for the additional floor area. Further, the third floor has not been inspected for use by Fire or Building Inspection.
7. The applicant opened briefly at Christmas 2015 without proper approvals.

For this location to remain open without an additional special use permit for alcohol, the sale of food (only food – cover charges, etc. are not included) must exceed the sale of alcohol. The applicant should be prepared to provide an annual accounting of this to the Planning Commission secretary. This special use permit, if approved, will automatically terminate if this report is not received by the end of the 13th month after approval and if the report does not indicate the sale of food exceeds the sale of alcohol. To be clear, the only two components of the calculation are actual food and alcohol sales. Cover charges, including cover charges that include food, cannot be part of the calculation.

If approved, alcohol may only be served until 2:00 a.m.

This location has been trouble for KCK every time it has opened, however briefly, each time. From murder to a swinger's club on the third floor that was supposed to be sealed off, this location appears to attract a bad crowd. It does not seem prudent to risk having to potentially commit significant extra police at this location at the detriment of security in the remainder of the eastern portion of the City. These concerns are legitimate public health, safety, and welfare concerns.

June 30, 2016

A Special Use Permit may be revoked by the Board of Commissioners if trouble arises or if the stipulations are not met. This permit shall be void if at any time parking falls below the number of spaces required by the code.

Staff Comments and Suggestions

Staff comments from last month:

1. The property owner requested information on other revoked SUP's, SUP holders and other bars where shootings and fights have occurred. Planning Staff assembled the data for the planning cases, but as of the writing of this report had not come in to pay for or receive the information. This is the first SUP revocation hearing in the last 15 years. Staff is not aware of any other site where there have been multiple instances of gun violence and murder at any bar in KCK with or without an SUP. Staff is certain this is the only location holding a SUP with multiple instances of gun violence. The only other shooting at a bar was at Shot Callers at 3308 Strong. That SUP was withdrawn after a second staff recommendation for denial and Planning Commission recommendation for denial of their live entertainment permit. Staff only learned of that shooting during the renewal process. While this is the first instance under the current operation, it is clear this location, which in 13 years has been open for approximately 1 year in total, attracts an undesirable crowd.
2. The applicant's letter describing their security plan is provided below. The applicant must certainly demonstrate compliance with their own security plan. The names and badge numbers of the off-duty police officers should be provided along with the names of the other security personnel. The applicant must also demonstrate that all of the cameras were in place and working at the time of the incident and that they provided the information to the KCKPD in the time frame described.
3. The KCKPD indicates the applicant advertises liquor by the bottle in violation of their ABC permit.
4. The KCKPD indicates the applicant advertises free drinks in violation of their ABC permit.
5. The KCKPD indicates that their advertisement for the happy hour violates ordinance 4-105.
6. It is the recommendation of the KCKPD communicated to the Planning Director by Lieutenant Colonel Garner that the permit be revoked.
7. The shooting is what staff feared in the last two paragraphs of the stipulations. It is clear that there has been trouble at this location that did and continues to jeopardize the public health, safety, and welfare.
8. Revocation of the SUP would require the business to close as they would no longer have an approved SUP for parking or live entertainment. If the BOC desired, they could divide the Special Use Permit and allow the restaurant to remain open.

Staff Recommendation

Staff recommends that the Board of Commissioners find that the applicant did not meet the terms of approval and that the applicant's establishment jeopardizes the public health, safety and welfare, and revoke the Special Use Permit to protect the public health, safety, and welfare.

Byron Toy, Planner, said this application was held over from last month from the Board of Commissioners to seek questions from the applicants and the Kansas City, Kansas Police

Department. It has been brought before you for revocation of the special use permit due to the incident that happened earlier this year and that's where it stands right now.

Commissioner McKiernan said so as I said last month, I applaud Mr. Fields for being a young entrepreneur who wants to make a positive gathering place in our community where people can gather and have a good time and enjoy each other's company. Certainly, Mr. Fields has had a couple of bumps along the road to establishing this business. There was a very unfortunate incident at the club earlier this year.

Since our last meeting, and the Commission has all of this in the agenda packet, I asked a number of additional clarifying questions so I could get some background on what steps have been taken, and are continuing to be taken, to make sure that the club operates safely for everyone who visits and for every neighbor who is around that club. I believe Mr. Fields has provided me with answers that I am satisfied with. He seems to be taking positive and proactive steps toward making his club a place where people can come and enjoy themselves and feel safe doing so.

I asked Assistant Chief Garner and Captain Haulmark to visit with Mr. Fields. They went through the CPTED, the Crime Prevention through Environmental Design review, of his property. They reported that he was very receptive to the suggestions that they made regarding things that he could do, additionally, to ensure the safety of every patron who comes to that establishment. They reported that it was a good experience, that they identified some additional steps that he could take, and that he was open to taking those steps.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to deny the revocation of Special Use Permit Application #SP-2016-15.**

Mayor Holland said we had the public hearing last week so we will not reopen the public hearing. It is properly before the Commission.

One of the items is there are two ways we could do this. The motion that's been made is to not revoke, which means to do nothing. Another way to do it is if there's no motion. You see what I'm saying, because we don't have to take action on this item. It did not come from the Planning and Zoning Committee. It came from our staff, is that right? We'll do it your way.

Commissioner McKiernan said we'll do it whichever way is the best way to do it for the purpose of this proceeding.

Mayor Holland said I'll ask Legal to guide us in terms of the best way to proceed just so we get—I want to make sure we honor the will of the Commission. **Ken Moore, Chief Legal Counsel**, said since the matter's on the agenda, it would probably be best for the record if there was some final action as opposed to just leaving it pending. **Mayor Holland** said okay. **Mr. Moore** said if you vote yes for this, then you are voting to not revoke it and to keep the permit in place.

Mayor Holland said a yes vote keeps the permit in place and it does not revoke it. A no vote is a vote to revoke the permit. Does everyone understand that? So yes for the permit, no against the permit.

Commissioner Townsend said I think the clarification has just been given. I, too, support that Mr. Fields be given the opportunity to go forward with his business. I was impressed with the response I gathered from the information and the responses to Commissioner McKiernan's questions that there was a sense of compliance and the desire to really be a good, thriving business and to do all that he could in the community to have a great business.

I was a bit disturbed last month by some of the things in our packet that seemed to taint his business unnecessarily with things that were in the past and had nothing to do with him and his current business. My question really was what would be if we vote to deny this revocation, what would be the status of his permits? It seems as though there were two permits. Does he have both? Will they be in effect? That's what I'd like to see. **Mr. Toy** said both return in effect until February 25, 2017.

Commissioner Bynum said those were my questions.

Mayor Holland said the item is before us. The motion is to deny the revocation. If you vote yes, you're voting in support of keeping their permit. If you vote no, you're voting to deny the permit.

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

June 30, 2016

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

ITEM NO. 1 – 16633...ORDINANCE: INSPECTION OF RESIDENTIAL RENTAL DWELLINGS

Synopsis: An ordinance amending the UG rental licensing ordinance to reflect new state statutory restrictions on the UG’s ability to periodically inspect residential rental dwellings, submitted by Ryan Haga, Attorney. On June 6, 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-40-16,** “An ordinance relating to the protection of the public health, safety and general welfare of the public in occupied rental dwellings by regulating the rental of dwelling units and amending the City’s rental license ordinance to reflect new state statutory restrictions on the City’s ability to periodically inspect residential rental dwellings; amending Sections 19-225, 19-234, 19-246, and 19-247.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 16654...ORDINANCE: BUILDING #2 AT CENTRAL INDUSTRIAL PARK (FAIRFAX)

Synopsis: An ordinance authorizing issuance of Industrial Revenue Bonds and a PILOT in the amount of \$55M for Building #2 at Central Industrial Park (Fairfax), submitted by George Brajkovic, Economic Development Director. On May 26, 2016, the Commission adopted R-52-16, a Resolution of Intent to issue \$55M in Industrial Revenue Bonds (IRBs) and a PILOT for Building #2 at Central Industrial Park, as developed by NorthPoint. At this time, the developer is requesting that the bonds be issued as they expect to complete the project by year end.

Action: **ORDINANCE NO. O-41-16**, “An ordinance authorizing the issuance by the Unified Government of Wyandotte County/Kansas City, Kansas, of not to exceed \$55,000,000 aggregate principal amount of Industrial Revenue Bonds (Fairfax74 Building I, LLC Project), Series 2016, to provide funds to acquire, construct and equip a project for Fairfax74 Building I, LLC, and authorizing and approving certain documents and actions in connection with the issuance of said bonds.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 16670...PLAT: SCHLITTERBAHN VACATION VILLAGE 2ND PLAT

Synopsis: Plat of Schlitterbahn Vacation Village 2nd Plat located at 98th Street and Parallel Parkway being developed by Schlitterbahn Waterparks & Resorts, submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer.

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

ITEM NO. 4 – 16649...NOMINATIONS: BOARDS AND COMMISSIONS**Synopsis:** Nominations to Boards and Commissions:

Alvin Sykes to the Wyandotte County Library Board, 6/30/2016 – 5/31/2020, submitted by Commissioner Johnson

Beatrice Lee to the UG Park of Board Commissioners, 6/30/2016 - 5/31/2020, submitted by Commissioner Johnson

Paul Soptic to the Wyandotte County Library Board, 6/30/2016 - 5/31/2020, submitted by Commissioner Johnson.

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

ITEM NO. 5 – MINUTES

Synopsis: Minutes from regular session of May 26, 2016, and special session of May 26, 2016.

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

ITEM NO. 6 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 9 and 16, 2016.

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

PUBLIC HEARING AGENDA

No business items

STANDING COMMITTEES’ AGENDA**ITEM NO. 1 – 16652...COMMUNICATION: AMENDING CONCEAL CARRY**

Synopsis: Amendment to the Human Resources Guide to allow employees to conceal carry a firearm while engaged in the duties of employment, outside UG buildings, including while in a vehicle, in accordance with State law, submitted by Jenny Myers, Senior Attorney. This item

was scheduled to appear before the Administration & Human Services Standing Committee, chaired by Commissioner Markley, on June 27, 2016. It was requested, and approved by the Mayor, to fast track this item to the June 30, 2016 full commission meeting.

Mayor Holland said Item #1, it was presented to the Administration & Human Services Standing Committee on Monday and fast tracked. It does take effect by state law tomorrow. We are approving this to bring our ordinances in line with state law around conceal carry.

Action: Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve.

Mayor Holland asked, Commissioner Markley, would you like to make any statement as the Chair of the Committee.

Commissioner Markley said I would. I have a statement and then a question.

There's been a lot of chatter online for those of you who follow the Facebook world about this particular action. I just want to say, from my perspective, state law requires us to allow conceal carry under certain circumstances. We have a sliver of control left, which is our ability to set our own policies as a government in regard to how our employees operate. We're trying to use that sliver of control as best we can to make sure that our employees and our residents feel safe. That's what I feel like this policy does.

My question is, and I sort of noticed this as I was re-reviewing this after Monday's meeting. I think there's language in there that says something to the extent of if you violate this, you could have consequences up to and including termination. Is there any reason we can't just say if you violate this, you will be terminated? What is the reason for giving that out? As far as I'm concerned, if you're going to conceal carry, you better know when you're allowed to do it and when you're not allowed to do it. If you accidentally bring your gun where you shouldn't, you're putting everybody here in jeopardy making everyone feel unsafe. Your job should be over. That's how I feel about it.

Ken Moore, Chief Legal Counsel, said, Commissioner, I think that's a good point, but I think that there are, basically, a laundry list of prohibited things. For example, if you leave a firearm

unattended at your desk, that's much more serious than having it on your hip with your shirt too tight that people could see that you're wearing it. I think that language gives the supervisor of that employee some latitude in making sure that the violation more appropriately fits the offense.

Commissioner Markley asked is there a way to limit the laundry list and say, when you're carrying a gun in a place where you're not supposed to be, you're going to be terminated and skip around all of those less dangerous potential violations. **Doug Bach, County Administrator**, said there is. We could put it forth to be hard and fast and it is termination. I think the way it's written, as Mr. Moore noted, it allows some latitude of discretion in going through and evaluate just the seriousness of what was done for the employee in question and what has happened.

Commissioner Markey said I just think if we're going to make people feel like they're safe, and there are some people that no doubt will feel more safe because they get to carry their gun and that's what they want to do, but there is another group of people that will feel less safe. If we're going to make people feel safe, I think that we need to—our employees need to understand that if people violate these rules, there's going to be very strict consequences.

Now, my follow up question on that is, this obviously goes into effect tomorrow, which is why we're considering this tonight. If we wanted to make some kind of an amendment, presumably we would have to approve it tonight and then have the amendment come subsequently in order to make sure that something is in place tomorrow. **Mayor Holland** said I think that would be the right recommendation.

What we can do is we can go ahead and vote tonight. As the Chair of the Standing Committee, you can request this to be back on the agenda and we can work with Legal for a remedy and run it through your standing committee and then have a proper opportunity to really evaluate the language and make sure it's what you want. Does that seem reasonable? I'll commit to putting it onto your next month's agenda so you can review it. Does that sound all right? **Commissioner Markley** said I apologize. I didn't think over that particular piece of language on Monday.

Commissioner Kane said I agree with you, Commissioner Markley, as far as it's kind of forced upon us. The only way we can change that is to go out and vote. For those that have rammed this stuff down our throat along with this, prevailing wage, and other things that have been

directly affected to Wyandotte County, if we don't go out and vote we can't change it. There's no other way to fix it until we have the opportunity to remove some people from office.

Mayor Holland said one of the things that I would like to do tonight, Human Resources has a brief presentation. I think it would be beneficial for the public when people ask me why did you approve allowing guns in the workplace, which is not anything I would ever want to do, I think it's important that we do let the public see this presentation. It's a tool we can point back to. If someone would like to see the presentation, they can see it online for themselves. I'll ask you to walk through this at this time.



Mr. Moore said this is a summary of the presentation that was made to the standing committee and also which was given to the supervisory staff at the Operations meeting on Wednesday.

HB 2502
K.S.A 75-7C10

- ▶ No public employer shall restrict or otherwise prohibit by personnel policies
 - ▶ any employee
 - ▶ who is legally qualified
 - ▶ from carrying any concealed handgun while engaged in the duties of such employee's employment
 - ▶ outside of such employers' place of business
 - ▶ including while in a means of conveyance.

The law that was passed says that an employer cannot restrict or prohibit personnel by personnel policies any employee who is qualified. Now, qualified is interesting because you're qualified if you're not a felon and if you're not convicted of a domestic violence charge. You don't have to have any testing or any training or any permit. Any employee who is qualified from carrying a concealed handgun while engaged in their work duties.

It's limited to outside the employer's place of business. You can't automatically carry it at your desk. It does say that you can carry it in the UG vehicle.

NO GUNS IN UNIFIED GOVERNMENT BUILDINGS

- ▶ All Unified Government buildings are exempt from the 2013 law
- ▶ No guns, concealed or open, by anyone in all UG buildings
- ▶ Buildings exempt until December 31, 2017.



There are no guns in UG vehicles, but this is a short period deal because we have an exemption that we acquired in 2013 for four years. After that exemption's over, we have to have metal detectors to prohibit employees from carrying guns in Unified Government buildings.

June 30, 2016

“LEGALLY QUALIFIED”

- ▶ No longer a requirement that anyone have a license to conceal carry
- ▶ Legally qualified = Not otherwise prohibited
 - ▶ i.e. convicted felons, misdemeanor crime of domestic violence, etc...



Again, legally qualified is that you are not a felon or you're not convicted of a domestic battery violation.

CONCEALED CARRY OF A HANDGUN

- ▶ “Concealed handgun” means a handgun that is carried on one’s person or under one’s control in such a manner as to not be visible to an ordinary person under normal circumstances.
- ▶ “Printing” should be avoided
 - ▶ Printing is where the outline of a handgun can be discerned beneath the employee’s clothing.



Concealed carry is only a handgun. It has to be concealed on your person. It has to be carried in such a way that people don't know that you have it. A new term I learned, “printing.” The person down there you can see that they're obviously having a handgun under their shirt. That would be a violation of our policy. It should be carried in a manner that no one knows you have it.



It must be completely concealed at all times. It has to be in the immediate control of the employee at all times. You can't set it down at your desk. You can't put it someplace and walk around. It has to be on your person at all times.

You can't leave it unattended and you can't leave it unattended in a UG vehicle. So while you're entitled to keep it in a UG vehicle, you can't put it in a glove compartment and go on to lunch or do whatever. You have to have it on your person at all times. You are allowed to have it on your person while in a UG vehicle.

Of course, you can always have it in your own vehicle. It can be unattended in your own vehicle. For example, an employee can come to work, leave their gun in their car, come to work, work all day, but they can leave it unattended in their vehicle even though the vehicle is on UG property.

PROHIBITED ACTS

- ▶ No physical or verbal reference that an employee is carrying
- ▶ No display of a weapon
 - ▶ Includes any situation in which a handgun is not reasonably concealed and can easily be detected or visible by others
- ▶ Open carry is prohibited
- ▶ Failure of an employee to keep gun in his or her immediate possession and control
 - ▶ Includes leaving a handgun in a UG vehicle
- ▶ Unlawful use of a handgun in the workplace
- ▶ Possession by an employee who is not legally qualified

This is the prohibited acts in the policy. Again, no one should know that you have it. It's not supposed to be displayed. You can't carry it openly. Failure to keep the gun in your immediate possession and control, and that's leaving it, again, in a UG vehicle or on your desk, is a violation. You can't use it illegally, of course, in the workplace. You're not supposed to use it at all. Really nothing, no use, is approved by this policy. Then, of course, as legally qualified.

CARRYING WHILE ON DUTY

- ▶ Employees must abide by all applicable laws regarding concealed carry when going to non-Unified Government locations
- ▶ Cannot carry in UG buildings

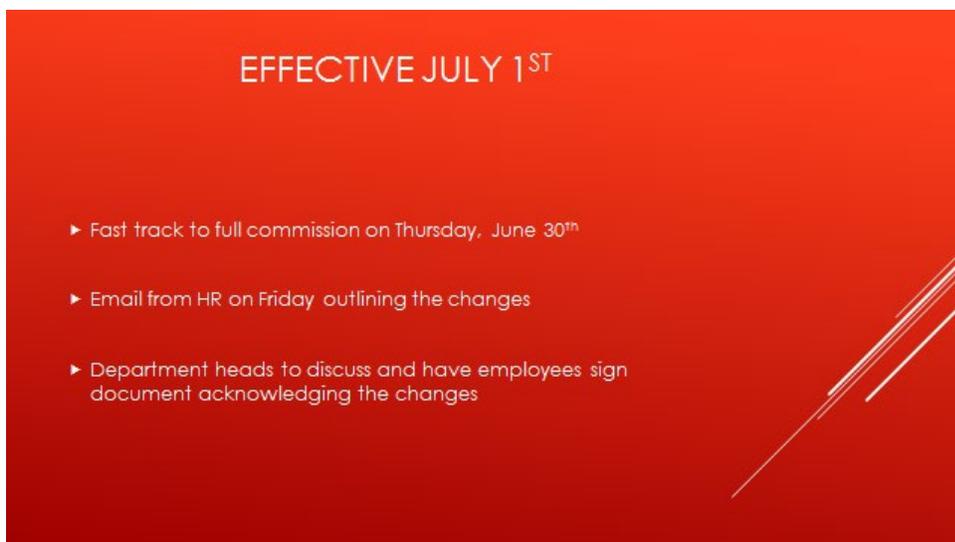


This is an example of, let's say, a code inspector goes out and does an inspection. The property owner does not want them to have that weapon. Well, they have a problem because they can't go back and put it in their UG vehicle and the property owner won't let them come on the

property with a firearm. This says you have to abide by all other laws and regulations relating to firearms.



Unless you are a law enforcement officer where you are certified to carry a weapon, carrying a weapon is not within the scope of your employment. If you shoot yourself in the foot, that's not a work comp claim. If you injure someone or get into some incident with a gun, the UG's not going to say you're in the performance of your duties and automatically defend you for any damages. You're doing that on your individual liability.



This has to go into effect tomorrow.

June 30, 2016

Mayor Holland said thank you for that presentation. I would like to make a statement that the state legislature continues to complain about the politicians in Washington over-reaching their effect and infringing on states' rights. Yet, that same legislature is actively creating more burden for the local communities.

There is a constitutional amendment in the State of Kansas on the books that says that communities have Home Rule. The gun laws of the last two years are the first time since statehood that the cities of Kansas have not had permission to regulate their own gun laws as they see fit. It is not surprising that the cities of Wichita, Kansas City and Topeka have very different concerns than say Pratt, Colby and Concordia, Kansas. Each city is of a different size with a different makeup. Our city is a city of two million that we live in in the metropolitan area. We need to be able to make laws that make sense for our own community.

We have trained nearly 300 police officers and an additional 200 deputies to carry guns; extensive training. They're qualified to carry a gun and they have a sworn oath carrying that gun. I am not happy about the idea that people who have no training and no oath are carting guns around while employed for the Unified Government.

I think that we're not going to solve cancer with cigarettes. We're not going to solve gun violence with guns. This additional burden on the cities is a liability for our community that's unacceptable. It is required by state law and we will commit to abiding by state law.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 16623...ORDINANCE: ESTABLISHING A DOWNTOWN SSMID

Synopsis: An ordinance establishing the Downtown Self-Supported Municipal Improvement District, submitted by Patrick Waters, Attorney. On April 14, 2016, the Commission unanimously adopted Resolution No. R-37-16 setting a public hearing date for May 26, 2016. On May 26, 2016, a public hearing was held to receive public comment.

Mayor Holland said we have been following the policy set out by state law. We have had our public hearing and we are now here for the vote.

Commissioner McKiernan said Mr. Waters has a presentation. **Patrick Waters, Senior Legal Attorney**, said no. Mayor, all I was going to say is that yes, this item is for your consideration tonight. If it's okay with you, the chairman of the SSMID Advisory Board would like to make a few comments responding to the public's comments from last month's meeting before a vote is held. **Mayor Holland** asked if the Commission would allow, is there a motion to that effect?

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to allow comments.** Motion carried unanimously.

Mayor Holland said you may come forward. Since we've closed the public hearing already, I liked to ask the Commission's permission.

Lynn Kuluva, Chairman, SSMID Advisory Board, said we all heard a number of people speak at the public hearing back on May 26. A number spoke in favor of renewing the SSMID and a number spoke in opposition. The SSMID Advisory Board has spent a lot of time taking a look at the complaints and objections that were raised during that hearing to see if there is anything that we might recommend to accommodate those who had complaints.

As we go down the list of complaints, actually the majority of them really did not have to do with the SSMID at all. Most of the speakers who opposed complained about high property taxes. I think we all agree the property taxes in Wyandotte County are higher than any of us would like, but a very small part of that is related to the SSMID. I'll address that shortly.

They complained about high appraisals. They complained about lack of code enforcement and other things that we really have nothing to do with. They complained about overnight crime in which their property and vehicles were broken into overnight. Unfortunate that those things happened, but I'll remind you that our mission is to help see that people feel safe when they're shopping downtown, when they're dining downtown, when they're coming to and from work. Our mission does not involve anything trying to reduce overnight crime.

The point was made that the SSMID is doing good work, but the burden should not be placed on the small business person. We agree with that. The facts will show that the burden is really not placed on the small business person. Most of the revenue for the SSMID comes from

the big businesses, the banks downtown, the Brotherhood of Boilermakers, the BPU, of course the Unified Government.

It so happens that if you remove the 12 largest parcels, most highly appraised parcels within the district, the average cost per year to a parcel is \$182.11. That's like \$15 per month. 89% of the parcels within the district, their assessment is less than \$500 per year, or less than \$41 per month. Almost two-thirds of the parcels, the assessment is less than \$100 per year, costing them less than \$8 per month. I would not consider that a burden on the small business person.

Several had indicated that they rarely see our ambassadors in their part of the district. That's primarily between 10th and 18th Street and south of Barnett. We were concerned if that was the case, we have a problem because those property owners are paying for SSMID services and they should get those services.

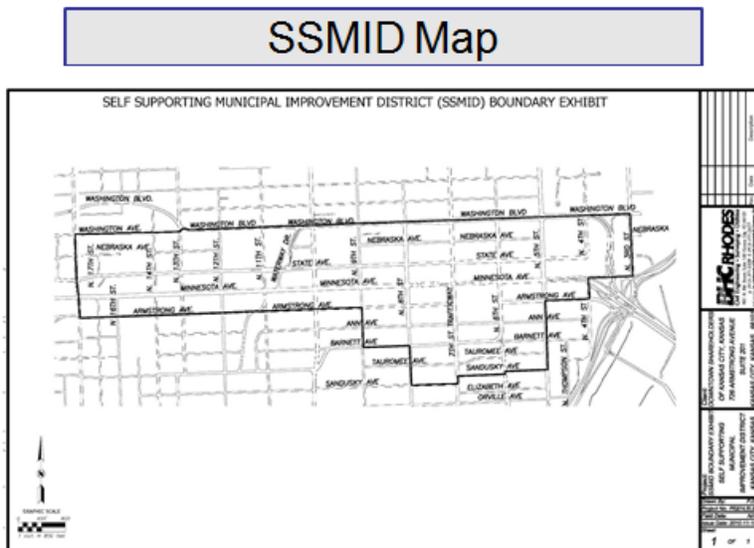
At our meeting last week on the 21st, among other things, we had the owner of Simmons Security, the company which currently has the contract for both the cleaning and safety ambassadors, to present our board with their assignments of their other ambassadors. That presentation was given. The schedule does call for a cleaning and safety ambassador to be in what they call zone 3, which is west of 10th Street, every day. A copy of that report was sent to you by email. The Simmons Security does maintain logs to verify that their ambassadors are, in fact, out there calling on businesses and doing their jobs. It is documented.

It was further confirmed by the survey conducted by our consultant, Dave Reno of VLX Consulting, a consulting project funded by LISC, where he conducted a door-to-door survey throughout the SSMID. Many of the businesses between 10th and 18th Street confirmed that they do see the ambassadors on a regular basis. At our meeting on the 21st, one of the property owners in the 1100 block, Albert DeLeon, spoke and said he does see them on a regular basis. The folks that spoke may not see them, but I assure you that they've been there.

The other thing I will point out is we had a different cleaning contractor last year and the year before. Their performance was not up to par and the ambassadors were not doing their job. That's the reason that we went out for bid and we have a different contractor this year.

There were suggestions made that the ambassadors wasted a lot of time. Actually, that is true, but it was last year and the year before. We had the steerage of two contractors who were not doing the job. We made the mistake that so many do. We went with the low bidder. When you go with the low bidder, you don't get good service. They were paying their ambassadors

minimum wage. They did not have onsite supervision and the ambassadors were not doing their job. That is not the case this year.



One of the subjects that came up, and we discussed it probably an hour and one-half on the 21st, was whether the boundaries that have been proposed in the original resolution were correct. The suggestion was made at the hearing on the 26th that we establish the western boundary at 10th Street and the southern boundary somewhere north of Sandusky. We considered the pros and cons of doing that at some length. I'll report to you that your advisory board recommends to you that we go with the boundaries as originally proposed.

There were two main reasons that we wanted to do that. One is that although many of the property owners out there came to the hearing and objected, there are also many other property owners who have been within the District for now seven and one-half years. They're pleased with it and they want to remain within it.

Probably the bigger reason was that we're looking at a ten-year timeframe now. We all expect hopefully when the Downtown Parkway District/Healthy Campus is a reality, there will be a considerable amount of development between 10th Street and working west. If we were to cut off the boundary at 10th Street, let's say 2020, 2021, 2022, new businesses move in. They see east of 10th Street its nice and clean, no weeds, no trash and they wonder why nobody's picking up their trash and getting rid of their weeds. We didn't think that was the way we wanted things to be.

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Anyway, we are recommending that the boundaries be approved as presented. I should mention that it was suggested at our meeting last week that maybe we can shrink the boundaries now and then add them as this development occurs. Mr. Waters advised us that properties cannot be added during that ten-year period in any practical manner. It really requires the dismantling of this SSMID and going through the whole process to establish a new one. So keep that in mind.

I will mention, also, that I will admit that we have not been able to do as good a job cleaning your downtown, our downtown, as well as we should, as well as we had hoped to. I want to remind you, if you remember back in 2008-2009 when the SSMID was established, we had a budget of around \$400,000 per year. Then came the recession, a number of things happened. One of them, of course, was the Unified Government's decision that it no longer could afford to make payments to the SSMID. I'm not here to debate whether that decision was right or wrong, but it's a fact. That had ramifications.

Our budget went from \$400,000 per year to right at \$300,000 per year. You can't do as much with \$300,000 as you can with \$400,000. For the last several years we've only had three cleaning ambassadors. You can't really keep downtown KCK clean with three cleaning ambassadors.

The good news is, looking forward, we thank the Unified Government for increasing their payment by \$50,000 this year and hopefully going forward. More importantly, a number of parcels that had previously been exempt will not be exempt. We're looking at an additional \$70-80,000 annual revenue from those sources. It looks like we'll be able to get our budget back up to \$400,000, or in that neighborhood, be able to put more ambassadors out on the streets, do a better job of keeping downtown clean and safe.

That's my comments to this point; however, I feel I must also reply to some accusations that you all received in the last couple of weeks in some emails; accusations that our ambassadors were doing things that were really not professional. I don't want to go into the details, but I do ask you if we had that many business owners downtown seeing that many things happen for seven years, why did they not come to our Executive Director, one of our eleven board members, one of you or somebody at City Hall, to tell us that this was going on. We did not hear other than from one property owner who we heard from repeatedly, making those accusations who's the same individual that originated the emails. Anyway, enough said about that.

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Mayor Holland said you need to wrap up. Can you wrap up please? **Mr. Kuluva** said I am.

In conclusion, your advisory board recommends approving the ordinance as presented. We expect to increase our service in the future. As you've heard before, every great city must have a great downtown. Downtown KCK was great not all that long ago and with your help we're going to make it great again. Thank you.

Mayor Holland said I could have done without that last phrase, but I understand your point.

Commissioner McKiernan said I think we heard last time at the public hearing, and I've talked with a number of individuals since then, about the SSMID. I think some of those people that I have talked to may think that I am not in favor of the SSMID. Nothing could be further from the truth. Every great downtown has a Municipal Improvement District of some shape or fashion because it's essential to keeping high traffic areas clean and safe for all the visitors who come to that area.

But I think we did hear from a lot of people, business owners who are at the west end of this SSMID, and certainly a Municipal Improvement District is a cooperative arrangement. If the majority say that they want to be part of a district, then the district is created and all contribute. Conversely, if the majority says they do not want to be part of a district, then one isn't created.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the renewal of the SSMID for ten years with stipulations that the boundaries be changed on the west from 18th Street to 12th Street and on the south where the boundary is currently Sandusky Avenue, that it be moved one block north to Tauromee Avenue.**

Commissioner Walker asked what is the impact of this change in this boundary. **Mayor Holland** said what's the impact was the question. **Commissioner Walker** asked why are we doing this.

Commissioner McKiernan said I would propose that would allow the SSMID and its crew to concentrate on the core of downtown. While this particular district cannot be expanded

of itself without being dissolved and reformed, additional districts can be formed at any time around this core district. Kansas City, Missouri, as I understand, has done this very thing whereas development has rolled into new areas, they have created new districts to take care of the needs of the people in those districts.

Commissioner Walker asked what is the financial impact of your proposal on their anticipated operations. **Commissioner McKiernan** said I don't know. **Mayor Holland** said the question was what is the financial impact. **Mr. Kuluva** said if we eliminate those properties west of 10th Street...**Mayor Holland** said west of 12th Street. **Mr. Kuluva** said I don't have the number for 12th, but I do have the number for west of 10th, so it's going to be close.

If we were to eliminate those west of 10th Street, it would reduce our revenue by \$43,000. Going to 12th Street, it would be something less, so let's say \$40,000. It will reduce the area that we have to patrol, if you will, by about 35%. So a 10-12% reduction in revenue and a 35% reduction in area, that works as far as that goes. Does that answer your question, Commissioner?

Commissioner Walker asked are you saying it works for you. **Mr. Kuluva** said it does. It doesn't do anything for...**Commissioner Walker** asked were you aware of this before you came in here tonight. **Mr. Kuluva** said actually, we had discussed it at some length at our Advisory Board meeting on June 21, and we were not in favor of it at that time. The Advisory Board is still not in favor it, but you asked what the impact would be. We had looked at the impact at that time.

Commissioner Walker said it does not seem likely without a huge boom in economic development to create a SSMID from 12th Street west to 18th Street and have it be self-sustaining without a dramatic change in the landscape of businesses that are there, unless I've missed something on the many times I travelled that route. This isn't downtown Kansas City, Missouri, or New York City, or some large metro where there are multiple, possible additional SSMIDs that could be created. You have to have some commerce. While I'd like to be optimistic, I don't see that in the next ten years for that far west.

Mayor Holland said I'm going to propose, as Chair, to divide this issue, start with the issue, I think, divide the issue of the whole SSMID because you did it in one motion. If you would permit, and you can tell me you don't want to do this, if you would permit, I would propose that we vote on the boundary first, and then on the whole SSMID second so that we don't vote up or down the SSMID based on the boundary recommendation. Does that make

sense? **Commissioner McKiernan** said it does. **Mayor Holland** said I'm going to accept the motion and the second to change the boundaries. After we resolve the boundary issue, we'll vote on the whole SSMID at that point. Does the second accept that as well?

Commissioner Bynum said I think I have seen the impact of the Downtown Improvement District over the last seven or eight years that it's been in place. I work downtown and I do see both the security ambassadors and the cleaning ambassadors out. I see them on a regular basis. I definitely see not only improved physical appearance of downtown as a result of the effort, but I also see an improved outlook, an improved attitude about being downtown. I just wanted to state my support of the Downtown Improvement District.

I agree with Commissioner Walker because I think what he is saying is it would be difficult to form an additional improvement district for those areas west of 12th Street to the extent that it would generate enough revenue to support itself in any measurable fashion. I believe that's what Commissioner Walker was saying. **Commissioner Walker** said that's correct. I don't believe we'll ever have another SSMID.

Commissioner Bynum said I support the improvement district in its current boundaries. I understand and appreciate the comments from the folks that we heard from last month that were not in support of it. I think there are somewhere along the line of 300 and some odd businesses doing business in the current boundaries of the SSMID and along the line of almost 700 parcels in that area. So seven emails that, again, to Mr. Kuluva's point, came to me in the last two days after eight years of operation, is, what is that, 1% of the total property owners in the area. It's not that I'm uncaring about how they feel, but 48 hours prior to our vote is a little late in my opinion to reach out and participate in the conversation.

I'm in favor of the current boundaries. I would, as an option of compromise, not vote against bringing them in, but it wouldn't be what I would desire.

Commissioner Philbrook said creating a district like this is not easy. It's not something you just oh, I decide I want a district. You have to get permission from every owner, practically, in that group to do it, and you have to have the money as has been said before, the amount of money that these companies can produce to make it viable. I just don't see that as a possibility of happening unless we do have some big companies, okay that'd be great, come in that had plenty of money to put into it. I can't see that that would happen.

I think if we cut off the end of the tail on the dog, so to speak, we're going to have a dog without a tail. Then, that tail's going to have to take care of itself. I think that would be very sad to do that. It's almost like saying to the people that are not complaining, you know, you're out there on your own. Now you get to go out there and walk the streets and make sure everything's okeydokey.

That avenue has looked the best than I can remember in years. I enjoy driving down it now, where before I'd go over to State Avenue instead to avoid because of the trash and everything. I'm not in favor of taking it off from 12th west, I'm just not.

Patrick Waters, Senior Attorney, said I just wanted to clarify for the record, it is legally permissible to add on to the SSMID in later years. What I told the SSMID board is it's very difficult. We have to go through this entire process that we've gone through over the last four or five months, the notices, the publications, the hearings. It legally is possible to add on in later years, it's just you have to go through the whole process again. **Mayor Holland** said it's an onerous process.

Commissioner Johnson said as it relates to the boundaries, I'm up and down that area of town quite frequently. One of the, I think I've heard the term used here, optics in the past is that I have not been able to see the presence of the officers to the same extent that I see them downtown, what I call downtown proper. You see those persons very regularly and very consistently.

As you listen to the complaints, it seems to me that it was very clear that those persons that had most of the complaints were west of 10th Street. They simply are saying we don't see the real value in the dollars that we're paying. To me, that's why I support the proposal, the counter-proposal, that's been put forth by Commissioner McKiernan.

When you look at the actual dollars and cents of it, if they're going to lose about \$40,000, but they're also going to quote/unquote reduce the operations in terms of effort, in terms of through put, in terms of persons that are going to be out and about by 35%, then it seems to me that it makes sense in terms of dollars versus the actual equity that's put into it. I support Commissioner McKiernan's recommendation for us.

Commissioner Kane said now I'm all confused. Commissioner McKiernan went out and talked to the owners of the businesses. I admire that and I think that's what we're supposed to do. The owners are asking, hey we're not buying into this. That's why I seconded it because I thought well, and I believe some of those conversations were quite heated. That's why I seconded that. Do I want it beautified?

The truth be told, I walked down there Thursday, Friday, I'm sorry, Friday, Saturday and Sunday and it looked pretty good. But if the businesses don't want it, and folks if you want me to pull my second just say so. I think he did a lot of work trying to do the right thing for the community.

Commissioner Townsend said I think the question I had has been answered by listening to Commissioner Kane. I just wanted to make sure I understood what the purpose of the retrenchment of the boundaries. If those businesses west of 12th Street were not amenable to remaining part of the SSMID, and I know that Commissioner McKiernan, the last time this was before us, and several of the others of us would hope that those business owners' concerns would be addressed. If this is the way to address them, then I think I would support what's been put forward.

Commissioner Philbrook said I just want some clarification on numbers, Commissioner McKiernan. You said you talked to some people, some of the owners west of 10th Street. Is that correct? What kind of numbers are we talking about? You talked to, pro and con, that sort of thing? Just trying to get a feel for it. **Commissioner McKiernan** said between two and three dozen. **Commissioner Philbrook** said so you talked to two or three dozen. What was the pro and con out of that? **Commissioner McKiernan** said there was no pro, it was all con. **Commissioner Philbrook** said okay, well, that's what I wanted to know because you didn't tell us how many people you talked to or anything.

Commissioner McKiernan said certainly the people who approached me were not in favor of it for a variety of reasons that have all been articulated here tonight. **Commissioner Philbrook** said right, just wanted to get some numbers in here.

Mayor Holland said the motion that's before us right now is not on the whole SSMID. The only thing we're voting on now are the boundaries. The motion and second that's on the table is

to retract the boundaries from 18th back to 12th Street, and from Sandusky up to Tauromee. That's the motion. We're going to vote first on that. Once we've resolved the boundaries, we'll come back and vote on the whole SSMID as presented. Are you ready to vote?

Commissioner Murguia said I guess I can. I'll make my comment afterwards. We'll go ahead and vote and then I do have a comment I want to make.

Mayor Holland said if you would accept the contraction of the boundaries, you'll vote "Aye." If you will not, you'll vote "No" and it'll go back to the original boundaries.

Roll call was taken and there were eight "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum; and two "Nos," Walker, Philbrook.

Mayor Holland said now we have before us the SSMID as amended, as presented and as amended. Commissioner Murguia, you wanted to make a comment. **Commissioner Murguia** said go ahead. We can vote on this too and then I'll make my comment. It's not going to be dependent on the vote.

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

Commissioner Murguia said I have more of a legal and process question. Is there any law or rule against, what's the number of commissioners that can get together and have a discussion about an item like this without violating Open Meetings or violating, I think it's called the Sunflower Law? How many commissioners can get together and have a discussion about a topic that could potentially be on the agenda without violating any rules? **Mr. Waters** said I believe it's the majority. **Commissioner Murguia** said so any number five or under could get together.

Ken Moore, Chief Legal Counsel, said that's correct. It's five. You have to be careful because if three of you get together and two of you go talk to two other people, so there's an end result of six people talking, then that would be a violation of the Open Meetings Act. **Commissioner Murguia** said that's good enough.

This is my only point. This has been going on for a lot of years and I just want to say this publicly. I believe each commissioner that was elected was elected because of their leadership in their district. I want to be supportive of all of you. It is very difficult to do that if there is division amongst the at-large and the in-district commissioners. As long as there is no law with you all meeting and discussing these issues that you're most affected by, then I would really appreciate better direction.

It's very awkward for me to be put in a position to have to pick between supporting Commissioner McKiernan and supporting Commissioner Walker. I'd rather not do that. Now I recognize there are times when the two of you are not going to agree, but I think the best solution to moving our entire city forward, and moving the county forward in every district, is that we all try to work together in those areas. As long as there's no law or policy against that, I personally, as a commissioner that's not affected directly by this SSMID, would greatly appreciate the leadership from those leaders in that area and give me some direction.

Mayor Holland said I have a question that just occurred to me, and I wish it had occurred to me before we voted. Can Legal ask me this question? The premise of the SSMID is based on a percentage of businesses agreeing to it within the SSMID district. Does the removal of these folks lower the percentage of businesses that have approved it below the threshold? **Mr. Waters** said no, Mayor. There are two different ways to initiate the SSMID.

The first time around it was a citizen initiative. This time around, it was a commission initiative to start the resolution process. Even if it had been begun by the citizen initiative, the statutes specifically allows for the commission to reduce the size prior to the final vote. You can't add additional properties, but you are able to reduce the size, so it's allowed. **Mayor Holland** said I'm relieved.

Mr. Waters said if I could just add, Mayor. We will need to bring this back one more time next month with a revised legal description of the new boundary. **Mayor Holland** said I would anticipate that would be on the Consent Agenda since it has already been approved by this body. **Mr. Bach** said I would assume that's where we bring it forth, that would be within the intent of the vote that's given. We're just formalizing it so you see it.

ITEM NO. 2 – 16659...RESOLUTION: REIMBURSEMENT TO JUVENILE DETENTION FACILITY AND OTHER JAIL IMPROVEMENTS

Synopsis: Request adoption of a resolution authorizing capital expenditures in connection with the Juvenile Detention Facility and jail improvements; and reimbursing from proceeds of any bonds, temporary notes, or lease agreements issued, not to exceed \$1,000,000, submitted by Kathleen VanAchen, Chief Financial Officer.

Mr. Bach said this is a reimbursement resolution. In keeping with our proposed jail project, in the event that we need to purchase some property and I go forth and make that purchase, this would allow us to take it back and be reimbursed from the Jail Project Debt Fund we've put in place.

Action: **RESOLUTION NO. R-57-16**, "A resolution evidencing intent to reimburse certain expenditures related to a Juvenile Detention Facility and other Jail improvements from the proceeds of future financings." **Commissioner Kane made a motion, seconded by Commissioner Walker, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Walker, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 16673...VOTING DELEGATE FOR NACO CONFERENCE

Synopsis: Designate Emerick Cross as the voting delegate for the UG at the National Association of Counties (NACo) 81st Annual Conference in Los Angeles County, CA, submitted by Emerick Cross, Commission Liaison.

Mayor Holland said I have been assured by Mr. Bach that he looked high and low among our 2,200 employees of who would be the most qualified to be our voting delegate to NACo conference in Los Angeles.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken and there were ten "Ayes," Walker,

Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

COMMISSIONERS' AGENDA

No business items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 16631...COMMUNICATION: LAND BANK BUSINESS

Synopsis: Communication requesting approval of the following Land Bank business, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval.

Applications

2756 N. 22nd St. - Bobby Ewing, Yard extension

1218 Ann Ave. - Jessica Zieg, yard extension

1222 Ann Ave. - Jessica Zieg, property acquisition

(Working to put a community garden on these lots for the Nepali community that live in the Waterway neighborhood.)

Transfers from Land Bank

1955 N. 13th St. - Mt. Carmel Church of God in Christ

(Request to go back to the ownership of the church.)

1944 N. 11th St. - Mt. Carmel Redevelopment Corporation, Inc.

1948 N. 11th St. - Mt. Carmel Redevelopment Corporation, Inc.

(Building a single-family home on each lot with HOME funds in partnership with the Community Development Department.)

Land Bank holds agreement with Mt. Carmel Redevelopment Corporation, Inc.

1934 N. 11TH ST

1129 RICHMOND AVE

1948 H N. 11TH ST

1229 RICHMOND AVE

1940 N. 11TH ST

1933 N. VALLEY ST

1936 N. 11TH ST

1931 N. VALLEY ST

1932 N. 11TH ST

1936 N. VALLEY ST

1959 N. 12TH ST

1934 N. VALLEY ST

1957 H N. 12TH ST

1953 N. VALLEY ST

1909 N. 12TH ST

1951 N. VALLEY ST

1848 N. 12TH ST

1949 N. VALLEY ST

1844 N. 12TH ST

1947 N. VALLEY ST

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1835 N. 12TH ST
 1905 N. 13TH ST
 1901 N. 13TH ST
 1823 N. 13TH ST
 1925 N. 13TH ST
 1932 N. BETHANY ST
 1929 N. BETHANY ST
 1144 H GARFIELD AVE
 1144 GARFIELD AVE
 1118 GARFIELD AVE
 1106 GARFIELD AVE
 1103 GARFIELD AVE
 1115 GARFIELD AVE
 1133 GARFIELD AVE
 1210 GARFIELD AVE
 1238 GARFIELD AVE

1945 N. VALLEY ST
 1937 N. VALLEY ST
 1942 N. VALLEY ST
 1944 N. VALLEY ST
 1948 N. VALLEY ST
 1950 N. VALLEY ST
 1954 N. VALLEY ST
 1224 WOOD AVE
 1238 WOOD AVE

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

PUBLIC ANNOUNCEMENTS

No items of business

MAYOR HOLLAND ADJOURNED

THE MEETING AT 8:30 P.M.

June 30, 2016

Bridgette D. Cobbins
 Unified Government Clerk

mls

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